

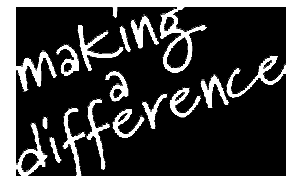
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Council

Monday 9th December
2013
7.00 pm

Council Chamber
Town Hall
Redditch



www.redditchbc.gov.uk

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Executive Committee

15th October 2013

MINUTES

Present:

Councillor Bill Hartnett (Chair), and Councillors Juliet Brunner, Brandon Clayton, John Fisher, Phil Mould, Mark Shurmer and Debbie Taylor

Also Present:

Councillor Michael Braley

Officers:

D Allen, M Bough, M Cox, C Flanagan, D Hancox, S Hanley and S Morgan

Committee Services Officer:

I Westmore

59. APOLOGIES

Apologies for absence were received on behalf of Councillors Rebecca Blake and Greg Chance.

60. DECLARATIONS OF INTEREST

There were no declarations of interest.

61. LEADER'S ANNOUNCEMENTS

The Leader advised that Item 6 on the agenda, 'Delivering New Affordable Housing', was being considered without the required notice being given on the Executive Work Programme due to the urgency of the decision around potential syndication onto a Mortgage Rescue Scheme and that the Chair of the Overview and Scrutiny Committee had been advised thus.

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Chair

62. MINUTES**RESOLVED that**

the minutes of the meeting of the Executive Committee held on 17th September 2013 be confirmed as a correct record and signed by the Chair.

63. COUNTY AIR QUALITY ACTION PLAN

The Committee received the County Air Quality Action Plan which was being submitted to all Worcestershire local authorities for approval. It was reported that, as there were no Air Quality Management Areas in Redditch, there was not a requirement that the Council sign up to the Plan but Officers advised that adoption by Redditch would ensure consistency across the County and would allow the Council to benefit from involvement in discussions over air quality going forward.

RESOLVED that

the Countywide Air Quality Action Plan be adopted and agreement be given to supporting and assisting progress of the measures identified in the Plan that will provide effective resolution to areas of poor air quality and assist in preventing the requirement to declare any Air Quality Management Areas in Redditch.

64. DELIVERING NEW AFFORDABLE HOUSING

A report was received which outlined proposals for the Council to develop homes and other options to increase the amount of affordable housing in the Borough to meet affordable housing demand. Officers had investigated the possibility of building Council homes on land owned by the authority but had also considered a number of other options to increase the stock of affordable housing.

The background to the proposals put forward was a cap on the Housing Revenue Account (HRA) of £122M which was the present level of the total HRA debt and an existing HRA Capital reserve of £9.4M which could be used to support capital or revenue expenditure.

Officers presented Members with a predicted average cost for building properties which was considerably greater than the current average cost of buy-back on Right to Buy properties and for this and similar reasons it was not considered viable or efficient to push ahead with house-building by the authority at the present time.

It was reported that there was an opportunity for the Council to become a syndicated partner in a Mortgage Rescue Scheme with the possibility in the 2013/14 financial year of achieving significant grant funding from Central Government in the process. Given that this would lead to the Council's housing stock being enhanced at an average cost of approximately £63K per property and would remove the risk of eviction for a number of households this was proposed as an option to pursue. The grant funding was only available until 31st March 2014 and it was therefore suggested that urgency procedures might be required following the meeting to expedite this course of action.

A number of Members spoke in favour of the Mortgage Rescue Scheme. The suggestion that the Council did not build its own houses was discussed in depth. Some Members felt that it was appropriate in the present circumstances for the Council to take a calculated risk and use the HRA Capital Reserve to build new properties with anticipated rent helping to bridge the shortfall in currently available capital. It was pointed out that the New Homes Bonus, as well as forming a part of the General Fund, could not be relied upon as a source of funding as there was consultation around elements transferring to the Local Enterprise Partnerships (LEPs) in 2015. Aside from questioning the prudence of diverting the HRA Capital Reserve to house-building, Officers also noted that there were other pressures such as the need to maintain the Decent Homes standards and the potential for the introduction of Universal Credit to impact upon rental income in the short term. A separate residential housing fund within the General Fund was also raised as a possibility but it was noted that this would not offer up affordable housing. The Leader undertook to seek to provide an example to Councillor Brandon Clayton of a Registered Social Landlord's (RSL) rents that were comparable to Council rents following the meeting.

RESOLVED that

- 1) the Executive Committee notes the report and the current financial position of the HRA;**
- 2) due to the various risks and unknowns in the HRA business plan the Council does not build new homes in the short term;**
- 3) Members note the options within the report at 3.12 and task Officers to provide a further report on the options for further consideration of the Executive Committee;**
- 4) authority be delegated to the Head of Housing Services and Head of Legal, Equalities and Democratic Services to enter into a Service Level Agreement with WM**

Housing to become a syndicated partner for the Government Mortgage Rescue Scheme;

- 5) **authority be delegated to the Head of Housing Services to agree each individual case for purchase through the Government Mortgage Rescue Scheme;**
- 6) **Officers undertake a review of the Government Mortgage Rescue Scheme to determine if further funding needs to be invested and report back to the Executive Committee before 31 March 2014;**
- 7) **the Committee notes the intention to use urgency procedures to consider the recommendation to Council at 8), below, prior to the next available meeting of the Council in view of the timescales involved in establishing a Mortgage Rescue Scheme; and**

RECOMMENDED that

- 8) **authority be delegated to the Executive Director of Finance & Resources and Head of Housing Services to use up to £400,000 from Housing Revenue Account reserves for the Government Mortgage Rescue Scheme and support.**

65. VOLUNTARY AND COMMUNITY SECTOR GRANTS PROGRAMME 2014/15

A report had been submitted which set up proposed funding splits for the various parts of the Voluntary and Community Sector Grants Programme for 2014/15.

Officers confirmed that the overall budget for the Grants Programme was the same as in the preceding year and also a number of years prior to that, the amount available not having been altered for some considerable time. In response to the contention that this represented a real terms decrease in funding over time it was noted that the level of grant-funding to the authority from Central Government had been falling far more significantly over the same period.

RECOMMENDED that

the following themes and percentages of funding be allocated for the 2014/15 voluntary and community sector grants process: (see report for details on themes: these themes link into the Strategic Purposes for Redditch Borough Council – See chart - Appendix 1 to the report)

- **Independent Communities** = £130,000 – see 3.3.1
- **Community Development** = £ 55,000 – see 3.3.2
- **Thriving Communities** = £ 20,000 – see 3.3.3
- **Community Welfare** = £ 20,000 – see 3.3.4
- **Stronger Communities Grant Programme** = £ 15,000 – see 3.3.5
- £1,000 be allocated from the Grants budget for the use by the Grants Team to deliver:
 - a) **networking and promotional events;**
 - b) **advertising and communication support;**
 - c) **newsletters.**

66. MONITORING REPORT - WRITE OFF OF DEBTS - APRIL - AUGUST 2013

Members considered a report which detailed the action taken by Officers with respect to the write-off of debts during the first four months of 2013/14 and set out the profile and / or level of the outstanding debt.

RESOLVED that

the contents of the report be noted.

67. OVERVIEW AND SCRUTINY COMMITTEE

The Committee received and considered the minutes of the meeting of the Overview and Scrutiny Committee held on 10th September 2013.

RECOMMENDED that

Scrutiny Task Group Recommendations Monitoring Process

- 1) **the reference that “the Overview and Scrutiny Committee will review implementation of recommendations made in any report not sooner than twelve months after consideration of its report by the Executive Committee” be removed from the Council’s Constitution; and**

RESOLVED that

- 2) **the minutes of the meeting of the Overview and Scrutiny Committee held on 10th September 2013 be received and noted.**

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

There were no minutes or referrals under this item.

69. ADVISORY PANELS - UPDATE REPORT

The latest update on the activity of the Council's Advisory Panels and similar bodies was considered by the Committee.

RESOLVED that

the report be noted.

70. ACTION MONITORING

The latest version of the Committee's Action Monitoring report was received by the Committee.

RESOLVED that

the Action Monitoring report be noted.

The Meeting commenced at 7.00 pm
and closed at 8.01 pm

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Chair



Executive Committee

12th November 2013

MINUTES

Present:

Councillor Bill Hartnett (Chair), Councillor Greg Chance (Vice-Chair) and Councillors Juliet Brunner, Brandon Clayton, John Fisher, Phil Mould, Mark Shurmer and Debbie Taylor

Officers:

E Baker, C Flanagan, S Hanley, Lynn Jones, D Riley and A de Warr

Committee Services Officer:

I Westmore

71. APOLOGIES

There were no apologies for absence.

72. DECLARATIONS OF INTEREST

There were no declarations of interest.

73. LEADER'S ANNOUNCEMENTS

The Leader advised that an additional meeting of the Executive Committee was to be convened on the evening of Tuesday, 26th November 2013 at 7.00pm for the purpose of discussing the future of the Town's Football Club.

74. MINUTES

RESOLVED that

the minutes of the meeting of the Executive Committee held on 15th October 2013 be confirmed as a correct record and signed by the Chair.

75. COUNCIL TAX SUPPORT SCHEME

The Committee considered a report which presented proposals for an amendment to the Council's existing Council Tax Support

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Chair

Scheme as there was a requirement upon the Council to review the Scheme on an annual basis. The report contained the responses to an initial period of consultation and Members were asked to agree proposals for a further period of public consultation. Additional information was circulated to Members at the meeting detailing the impact on individuals within the Borough of the various options under consideration.

It was noted that there was variation across the county in what was being proposed with Councils consulting on entitlement to Council Tax support being capped at 80%, 90% and 100% of Council Tax liability. Discussions had taken place with the County Council over the proposals and there was an expectation that it would provide a hardship fund should the Borough Council make provision to meet the projected shortfall in full. The impact on the County Council and other public authorities, most particularly the Police and Fire and Rescue Services, was highlighted as a reason for taking the difficult decision to reduce entitlement to Council Tax Support. Members were also reminded that a further report on Council Tax Exemptions would be presented to the next meeting of the Executive Committee.

RESOLVED that

- 1) the outcome of the initial statutory consultation on options for changes to the Local Council Tax Scheme be noted;**
- 2) for the purposes of the further statutory consultation that is required, the current Scheme be amended, namely that entitlement to Council Tax support should be capped at 80% of Council Tax liability so that all working age claimants will pay a minimum of 20% towards their Council Tax Liability, and that the amended version shall become the proposed draft Scheme 2014/15;**
- 3) the Executive Director of Finance and Resources be authorised to consult on this draft Scheme;**
- 4) a report on the outcome of the further consultation be brought back to the Committee in due course for a decision on its recommendation to Council on the Scheme to be adopted from April 2014; and**
- 5) Officers be instructed to explore and report back options for a hardship fund, as well as further technical changes to Council Tax Exemptions.**

76. NOMINATION OF AN ASSET OF COMMUNITY VALUE

Members considered a request to list the REDI Centre as an Asset of Community Value. The nomination had been received from Redditch Youth and Community Enterprise (RYCE) who had made the request to allow for it to remain as a community asset in the future. The Committee was reminded that it was for the Head of Planning and Regeneration, following consultation with the relevant Portfolio Holder, to make the final decision to list the building as an Asset of Community Value. Officers also confirmed the timescales involved in the process, with there being a six-week period within which community groups might confirm expressions of interest, to be followed by a four and a half month period to prepare a bid.

Members were happy to support the nomination presenting, as it did, the opportunity to provide a community asset in this part of the Borough and to bring a disused building back to use with the added benefit of the costs associated with retaining an empty building being removed. It was also suggested that Officers explore opportunities for use of the building in the meantime of any potential asset sale moratorium as a result of the nomination.

RESOLVED that

the listing of the REDI Centre as an Asset of Community Value be supported.

77. IMPROVEMENT AND EFFICIENCY SOCIAL ENTERPRISE

Members received a report which sought their approval to the Council becoming a public body member of the Improvement and Efficiency Social Enterprise (iESE) and associated measures. iESE had originally operated as one of the Regional Improvement and Efficiency Partnerships until removal of central government funding caused it to continue its work under the umbrella of an independent company with the same aims and objectives. It was made clear that the only financial implication for the Council was entering into a guarantee for the sum of £1.

RESOLVED that

- 1) the principle of Redditch Borough Council becoming a member of iESE Limited be agreed;**
- 2) authority be delegated to the Chief Executive following consultation with the Leader of the Council to approve and execute any documentation necessary to give effect to Recommendation 1) above; and**

- 3) **the proposal in relation to the nomination of a Redditch Borough Councillor as Voting Delegate be endorsed.**

78. REDDITCH BOROUGH COUNCIL RESPONSE TO THE GREATER BIRMINGHAM AND SOLIHULL LOCAL ENTERPRISE PARTNERSHIP SPATIAL PLAN FOR RECOVERY AND GROWTH CONSULTATION DRAFT (SEPTEMBER 2013)

A report was considered which set out a proposed response from the Council to the Greater Birmingham and Solihull Local Enterprise Partnership (LEP) Spatial Plan for Recovery and Growth Consultation Draft. The opportunity had been taken to respond to this high level plan under the duty to co-operate and in the light of the Council operating within this LEP.

It was noted that the Spatial Plan had been considered by the Planning Advisory Panel prior to it being submitted to the Executive Committee. There was cross-party support for a cautiously positive response given that the scale of growth required for Birmingham was still not known in full at the present time.

RECOMMENDED that

the Redditch Borough Council response to the GBSLEP Spatial Plan for Recovery and Growth Consultation Draft (September 2013) (Appendix 1 to the report) be approved.

79. MAKING EXPERIENCES COUNT - CUSTOMER SERVICES 2ND QUARTER MONITORING REPORT

A report which provided details of customer feedback data for the second quarter of 2013/14, along with transactional data relating to the Customer Service Centre was received by the Committee.

It was reported that numbers of complaints for this quarter had been almost double those recorded for the first quarter and this was attributed to the teams undertaking transformation work being much better at capturing customer contact than had previously been the case. The Committee was also informed that data for face to face demand at the Customer Service Centre prior to January 2013 were not considered to be as robust as might be wished.

RESOLVED that

the contents of the report be noted.

80. OVERVIEW AND SCRUTINY COMMITTEE

The Committee received the minutes of the meeting of the Overview and Scrutiny Committee held on 8th October 2013.

RESOLVED that

the minutes of the meeting of the Overview and Scrutiny Committee held on 8th October 2013 be received and noted.

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

There were no minutes or referrals under this item.

82. ADVISORY PANELS - UPDATE REPORT

The update on the activity of the Council's Advisory Panels and similar bodies was considered by the Committee. The Chair of the Economic Advisory Panel highlighted that a Group was being drawn together to investigate the means by which economic development might be levered into North Worcestershire.

RESOLVED that

the report be noted.

83. ACTION MONITORING

The Committee's Action Monitoring report was considered by Members. It was noted that both actions had been completed and, furthermore, it was reported that urgency procedures had been used to gain Council approval for the Voluntary and Community Sector Grants Programme in order to adhere to the timeline for the disbursement of grants.

RESOLVED that

the Action Monitoring report be noted.

The Meeting commenced at 7.00 pm
and closed at 7.45 pm

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Chair



Executive Committee

26th November 2013

MINUTES

Present:

Councillor Bill Hartnett (Chair), Councillor Greg Chance (Vice-Chair) and Councillors Rebecca Blake, Juliet Brunner, Brandon Clayton, John Fisher, Phil Mould and Debbie Taylor

Also Present:

Councillors David Bush, Pattie Hill, Gay Hopkins, Yvonne Smith and Pat Witherspoon.

Officers:

K Dicks, C Felton, J Godwin, S Hanley, S Jones, J Pickering and P McLaughlin

Democratic Services Officer:

I Westmore

84. WELCOME AND INTRODUCTION

The Leader welcomed the many members of the public to the meeting and explained the arrangements and procedure for the meeting. It had been agreed with representatives of Redditch United Football Club that 15 minutes be allocated at the start of that item for the Club to present its petition and to ask questions and make a statement or presentation to members of the Executive Committee.

85. APOLOGIES

Apologies for absence were received on behalf of Councillor Mark Shurmer.

86. DECLARATIONS OF INTEREST

There were no declarations of interest.

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Chair

87. MINUTES

RESOLVED that

the minutes of the meeting of the Executive Committee held on 12th November 2013 be confirmed as a correct record and signed by the Chair.

88. REDDITCH UNITED FOOTBALL CLUB - GROUND RELOCATION

The Leader of the Council accepted a petition containing over 2,000 signatures from representatives of Redditch United Football Club, Mr Pat Bray, Mr Tim Bray and Mr Jim Mutton, in the following terms:

“We, the undersigned, are concerned citizens who urge Councillors to act now on the relocation of Redditch United Football Club.”

There followed a number of questions posed by representatives of the Football Club to Officers and the Committee and statements, as detailed below:

(Question from Mr Lee Daykin, Coach, Under 8s)

Mr Godwin, you have disclosed a letter from Ms Hanley to the Club on Council Letterhead and signed in her capacity as Deputy Chief Executive – it says that Members and Officers have considered the proposal for relocation, discussed it at great length and given ten main reasons why the Council will not be going ahead.

What Members have been involved in this decision?

Isn't tonight's meeting a sham as the proposals and decision not to proceed has already been taken by the Council?

Will the overwhelming support from this petition make the Council properly engage with the club with all its elected Members to provide a solution to the problems the club faces with its facilities not being fit for purpose for the community?

(Question from Mr Tim Le Roux, Coach, Girls)

I see Mr Godwin you major on club finances, I would like to suggest you have missed the main point. You have limited hiring options for a junior pitch anywhere in Redditch on a Sunday morning due to the adult football leagues. Surely this move is about providing adequate facilities for juniors of all abilities and gender who want to play football and be proud to wear the Redditch United shirt?

(Question from Mr Martin Bassett, Manager, Under 9s)

Mr Godwin, you talk about the District Valuation being seriously at odds with what a developer is prepared to pay for the Valley Stadium site. Basic common sense says that a price someone is prepared to pay is defined at a price which is set between a willing buyer and a willing seller.

Who are the three developers and have you met them to hear them explain their valuation?

(Question from Mr Mick Pearce, Coach, Under 14s Girls & Under 6s Boys)

Ms Hanley, in 3.14 of Mr Godwin's report you talk about expending considerable sums in a facility that would be of limited functionality.

What other sporting facilities would you like to see at the new stadium?

In the same paragraph you talk about the Council managing a facility that is underused, costly to maintain and potentially difficult to dispose of.

I would like to put to you there will be no risk as there will be at least 1,000 local youngsters using the facility and I ask you the question why would you consider disposing of a club with over one hundred years of history?

(Question from Miss Ella Rowberry, Junior Player)

I love playing for Redditch United. Why won't you help and support the club?

I want to join the big team when I am older.

(Statement from Miss Charlotte Smith, Junior Player)

With the growing interest in women's football we feel the changing facilities need to be updated if we are to attract more young ladies into sport.

We hope to keep children healthy, active and taking part in outdoor activities, but feel the lack of female changing facilities could prevent this from happening.

(Statement from Mr Darren Veness, Manager, Disabled Team, Coach, Under 13's, School Liaison Officer, Holiday Camp Co-ordinator)

After partnering with Redditch United to provide local children and adults with a disability the opportunity to play football, we have formed a seven-a-side football development programme that now has 28 affiliated adult players and over 100 participants attending coaching sessions each week within schools and the community. We play in the Birmingham Ability Counts League and are currently the Premiership and FA Cup Champions.

However, the players, due to the nature of their disabilities, need to have a facility that provides a safe and friendly environment where they do not constantly have to find another venue due to cost or safety. I strongly believe that the disabled people of Redditch deserve a venue where they can play, watch and socialise through football, which Chris Swan's vision will provide us – Let's get behind it!

The Chair undertook to answer these questions during the course of the meeting, where possible. Members of the Committee took the opportunity to ask several questions of clarification of representatives of the Club. The Committee was informed that the present clubhouse was not compliant with current disabilities legislation resulting in the Disabled Team training at Trinity High School and playing at a variety of locations. In response to a question as to why the Club had not made a presentation to the Committee it was noted that as much information had been made public as possible in view of the fact that the Club did not feel able to place their detailed business proposals in the public domain at the present time.

Mr Chris Swan, in response to a request from a Member, made a short submission to the Committee, highlighting that he had worked tirelessly to come up with a real solution to the problems faced by the Club. He wanted to create a sustainable club which served the needs of its junior members in particular. Mr Swan believed his proposal would provide the scope to serve 72 teams and concluded by contending that he was not after charity but wished to see an example of localism in action from the Council.

Following the comments and questions from the Club, an amended set of recommendations was circulated by the Leader.

Officers provided additional information on the course of events and the nature of the papers which were before Members at the meeting. Members were informed that a number of discussions had been held with the Football Club, culminating in a meeting of key

Members of the Controlling Group at which the Club's Business Case had been presented. It was noted that initial proposals for relocation had first been forthcoming from the Club in 2012 and subsequent meetings had sought to work up the proposals into a form that might be suitable for consideration by Members. Following consideration of the scheme, a response had been sent to the Club from Officers stating that the Members concerned could not support the proposal as it stood. The key issues identified by the Council were around the valuation of the Valley Stadium site, the legal and planning implications and the potential risk to the Council.

It was made clear that Officers would have liked to have been able to provide the full business case to Members for consideration at the present meeting but the Club had not consented to this. The Council's over-riding duties and responsibilities were highlighted and it was stressed that Members should operate within those guidelines. In response to some of the specific questions which had been asked earlier in the meeting by representatives of the Club, it was stated that the position set out in the written response from the Council was not a formal decision. As for the meeting being a sham, it was noted that the meeting had come about in order that the Council might formally consider and respond to the Club's business case. In respect of the weight of public support, the Council saw the benefits of relocation but also saw the risks and it was considered these outweighed the benefits at present.

It was contended by a Member that proceedings might not look open as much of the information available to Members was exempt and it seemed that a decision had already been reached. Given that Mr Swan had previously been invited to address the Overview and Scrutiny Committee to discuss the proposals it was suggested that the present meeting was a waste of Council resources. Councillor Brunner requested information on the cost of the present meeting. A motion to defer any decision on these proposals pending consideration by the Overview and Scrutiny Committee was lost.

The majority of Members did not consider it appropriate to delay a decision on the future of the Club any further. The Council wished to see the Football Club thrive and there was a role foreseen for the Overview and Scrutiny Committee in exploring alternatives to the current proposals. The overall context for the Council with very significant cuts in grant funding from central Government was touched upon. The meeting was also reminded that Councillors needed to represent the views and interests of everyone across the Borough.

Certain specific points were raised. The restrictive covenants on the land within the Arrow Valley Park were considered in the light of various other developments taking place over the years, such as

the Countryside Centre and the Fitness Gym. Officers were not able to provide a definitive legal opinion on each development but restated the broader position that development ancillary to the public space use of the Park was permissible. The valuation of the Valley Stadium site was clearly a key point and Officers provided additional clarification on the conflicting figures presented by the Club and Council. The Club had initially furnished the Council with details of an offer for the land which had not accounted for affordable housing, Section 106 planning obligations and Highways issues which could limit the extent of house-building without significant improvements to access to the site. Officers considered the District Valuer's valuation as a more realistic assessment of the value of the land. It was also noted that Property Services Officers had not been made aware of the other two offers which the Club reported they had received. The scope for working around existing facilities was briefly discussed. Officers pointed out that the Arrow Valley Stadium was a land-locked site other than for areas of open space which were either in private hands or which had further restrictive covenants upon them.

The point was made that the recommendation before the Committee was for continuation of an on-going process to support the Club but that further work was needed to ensure that the right solution was reached.

The Leader thanked the speakers and petitioners for their questions and statements and confirmed with them that the questions they had asked had been answered insofar as Members and Officers had been able during the course of the meeting. The Leader also thanked the members of the public for attending the meeting and for listening so attentively to the debate.

RESOLVED that

- 1) the Council's assets should not be deployed to support the implementation of the business plan of the Redditch United Football Club;**

and that

- 2) for the Executive Committee to properly assess the community needs in relation to footballing provision within the Borough and the extent to which the Council can continue to work with the Club and other providers to deliver this, that the Executive Committee requests that the Overview and Scrutiny Committee engage in an exercise with Officers that will seek to establish the demand for future provision within the Borough and that the Portfolio Holder and Officers hold a public**

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consultation event to engage with residents and clubs to help to inform this exercise;

and RECOMMENDED that

- 3) in the meantime, in order to ensure the continued community benefits currently being afforded to the Borough, that the Executive Committee acknowledges the justification for there to be no increase of rent applied in the current rent review of the Valley Stadium site and the rent of £2,000 per annum be maintained until the expiry of the Lease in 2017.**

The Meeting commenced at 7.09 pm
and closed at 9.08 pm

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Chair



Audit & Governance

Committee

26th September 2013

MINUTES

Present:

Councillor Derek Taylor (Chair), Councillor Roger Hill (Vice-Chair) and Councillors Roger Bennett, John Fisher, Yvonne Smith and Pat Witherspoon

Also Present:

Phil Jones and Zoe Thomas (Grant Thornton – External Auditors)

Officers:

A Bromage, T Kristunas and S Morgan

Committee Services Officer:

D Parker-Jones

13. APOLOGIES

An apology for absence was received on behalf of Councillor Mark Shurmer.

14. DECLARATIONS OF INTEREST

There were no declarations of interest.

15. MINUTES

RESOLVED that

the minutes of the Committee held on 27th June 2013 be confirmed as a correct record and signed by the Chair.

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Chair

Audit & Governance Committee

26th September 2013

16. AUDIT & GOVERNANCE COMMITTEE - ACTION LIST AND WORK PROGRAMME

Action List

(i) Ref 1 – National Fraud Initiative

Officers confirmed that whilst a feasibility study had not been undertaken data matching work was continuing and was being managed. This would be reported on to Members at a later stage as part of the normal reporting arrangements. Work on this was also being carried out nationally, as part of the National Fraud Initiative, which would involve working with the Audit Commission.

Action: It was agreed that this item be removed from the Action List.

(ii) Ref 2 – Training dates for lead risk and fraud monitoring Members on the Committee

One of the lead Members responsible for fraud monitoring on behalf of the Committee advised that he and the second lead Member for fraud monitoring were, subject to both Members' availability, due to meet with Officers on 4th October for relevant training.

Regarding the lead Members responsible for risk monitoring on behalf of the Committee, a date which had been planned for one of the Members to meet with Officers was in the process of being rearranged. Officers agreed to contact the second lead Member for risk monitoring to make suitable arrangements for them to meet with Officers.

Action: It was agreed that this item be removed from the Action List.

(iii) Ref 3 – Delays in raising Council invoices for community meeting rooms and refreshments

The Chair stated that he had spoken with Officers on this matter and had requested that the issue of invoices being raised and payments having to be made at the point of booking be investigated.

Officers reported that they had raised this issue with the relevant Head of Service who had confirmed that this was

Audit & Governance

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being looked at as part of transformation and that the situation had improved.

It was noted that whilst the individual amounts of monies involved were often relatively small, when added together these could be more significant, with all monies constituting revenue for the Council.

When asked for their views on this issue, the external auditors commented that one of the key questions to consider was the amount of money involved and whether, based on the figures in question, it was worth reviewing the current processes.

Members requested therefore that Officers bring back to the next meeting details of the figures concerned, following which the Committee would determine whether any further action was required.

Action: Officers to report back at the 16th January 2014 meeting on the figures involved.

(iv) Ref 4 – Audit management software system

The written update in relation to the audit management software system included in the Action List was noted.

Action: It was agreed that this item be removed from the Action List.

(v) Ref 5 – Paolazzi murals

The external auditors stated that they had raised the issue of the ownership and trust arrangements of the murals as part of their audit as these had been designed by a well-known artist. It was therefore appropriate for these to be valued and the arrangements determined.

Officers advised that the authority's legal department had ascertained that the Council did not own the murals and that it had an option for the authority to own these in 2024.

Action: It was agreed that this item be removed from the Action List.

Audit & Governance Committee

26th September 2013

(vi) Refs 6 to 9

It was noted that Officers were due to provide updates on these items at the 16th January 2014 meeting.

(vii) Ref 10 – Effectiveness of controls for monies collection and use for stated purposes

Officers queried the origin of this item and what information Members wished to receive in this regard.

It was agreed that a written report would be brought to the next meeting of the Committee on the recovery of debts.

Action: Officers to bring a written report on debt recovery to the 16th January 2014 meeting of the Committee.

(vii) Ref 11 – Future monitoring of use of balances to support expenditure

It was noted that Officers would be providing periodic updates to the Committee on information referred to the Executive Committee as part of the quarterly budget monitoring reports.

Action: to remain on Action List as an ongoing item.

Work Programme

In addition to the report noted at (vii) above, Officers advised of two further reports which would be referred to the 16th January 2014 meeting, namely:

- Financial Resilience Report; and
- Annual Governance Statement 2013/14 – Progress/Update Report.

The Chair advised that the Annual Governance Statement Progress/Update Report would appear as a regular item on all future meetings in order that the Committee could monitor and have input into the development of this.

RESOLVED that

subject to the comments detailed in the preamble above, the Committee Action List and Work Programme be noted and the amendments and updates in relation to these be agreed.

Audit & Governance

Committee

26th September 2013

17. RISK MONITORING & REPORTING

The Committee received a presentation from the Head of Finance & Resources on the Operational Risks identified within her service area, which covered:

- Finance & Resources;
- Benefits Services;
- Financial Services;
- Human Resources & Organisational Development;
- Property Services; and
- Revenue Services.

Officers responded to questions from Members on various aspects of the presentation.

The key factors noted during the course of the discussion were:

- the shortage of trained benefits staff nationally and the length of time it took to train staff to an appropriate level, bearing in mind that the cost of any financial losses as a result of staff errors in dealing with benefit claims had to be met by the authority;
- the need for a single ledger system and managing the change for this; and
- the requirement for the introduction of a Council Tax Discount Scheme by January 2014.

RESOLVED that

the presentation be noted.

18. FRAUD MONITORING & REPORTING

The Committee received a report which advised on the performance of the Benefits Services Fraud Investigation Service from 1st April 2013 to 31st August 2013.

Members were pleased to note that the overall amount of overpaid Housing Benefit and excess payments of Council Tax Benefit was a small percentage of the overall entitlement for such benefits.

RESOLVED that

the report be noted.

Audit & Governance Committee

26th September 2013

19. APPOINTMENT OF AN INDEPENDENT MEMBER

Further to Minute No. 6 of the 27th June 2013 meeting (Co-option of Independent (non-elected) Members on the Committee), Members received a report on a proposed process for the recruitment and selection of an independent member on the Committee.

Officers advised that, if agreeing to the suggested process, there would be an additional recommendation that authority be delegated to the interview panel to finalise recruitment following interviews.

Members considered the suggested criteria for appointment and debated whether the requirement for the independent member not to be a member of a political party should remain, or whether this might place too great a restriction on any interested candidates. The Committee determined that this requirement should remain to ensure the independence of the independent member.

Membership of the interview panel was discussed and it was agreed that the panel would comprise Councillors Bennett, Fisher, Hill and Witherspoon. It was further agreed that the interview panel would undertake the shortlisting process for candidates for interview.

Officers confirmed their understanding that the post would likely be advertised both on the Council's website and in the local press, at no financial cost to the authority. Officers added that they would make the necessary arrangements to proceed with the appointments process and would liaise with the interview panel, in consultation with the Chair of the Committee, to progress this.

RESOLVED that

- 1) the format of the recruitment and selection process and interview panel, as detailed in the report and in the preamble above, be approved;**
- 2) the interview panel comprise Councillors Bennett, Fisher, Hill and Witherspoon; and**
- 3) authority be delegated to the interview panel to finalise recruitment following the interview process.**

Audit & Governance

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20. GRANT THORNTON - PROGRESS REPORT

The external auditors advised that, in view of the following item on the agenda (Grant Thornton – Audit Findings Report), no separate progress report was necessary on this occasion.

RESOLVED that

the position be noted.

21. GRANT THORNTON - AUDIT FINDINGS REPORT

Members were asked to consider Grant Thornton's Audit Findings report for the Council for the year ended 31st March 2013.

An updated Audit Findings report was tabled by the external auditors at the meeting. This provided a full and up to date picture of the findings as the audit had not been finalised at the time the original report was issued. Officers further advised that paragraph 3.4 of the covering report contained in the agenda papers was not applicable and should be deleted, and that the figure quoted at paragraph 3.5 should read 3 and not 2 recommendations proposed by Grant Thornton.

The external auditors confirmed that they would be issuing unqualified opinions on the financial statements and value for money (VFM) by the statutory deadline of 30th September 2013.

A £1.3m adjustment had been made to the accounts as a result of double counting of the revaluation loss on the Housing Revenue Account. This was a human accounting error which had had no effect on the final reported financial position. The external auditors commented that this was a fairly common accounting error which related to a complex area.

Members noted the audit findings against significant risks and the external auditors stated that no particular issues had arisen around these. No new risks had been identified during the year.

Regarding internal controls relevant to the preparation of the financial statements, some minor IT audit deficiencies were noted which Officers had given assurances had been addressed.

In relation to VFM, the external auditor's key findings highlighted that whilst the Council currently had adequate levels of balances, these would not be sufficient should the Council be unsuccessful in plugging the gap in financial plans from 2014/15 onwards. It was

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therefore suggested that, as part of the 2014/15 budget setting process, the Council should review whether its minimum level of balances was sufficient. Whilst the Council was taking significant steps to achieve recurring savings the savings required to achieve financial balance were challenging. The external auditors had therefore assessed the Council as having significant risk in relation to its medium term financial plans. Officers stated that the Council's current minimum level of balances was set at £750,000 and that this level was due to be reviewed.

The external auditors felt that improvements to the Council's forecasting and a more robust review of achievement of savings plans would help the Council to manage its financial position. A further £1.4m of savings were required in 2014/15, meaning significant savings had to be delivered. There should be no last minute surprises regarding savings and the external auditors recommended that savings be continually monitored, with transparent reports clearly evidencing how savings were being made.

A Member queried whether regular budget monitoring reports in relation to identified savings and how identified savings were progressing should be referred to the Committee. Officers advised that the Executive Committee received quarterly budget monitoring reports and that Heads of Service continually monitored their budgets with finance Officers to see whether identified savings were being achieved.

The Portfolio Holder for Corporate Management stated that he had agreed with Officers that he would be going through the Executive reports in detail and that there was a balance to be had with such monitoring. It was agreed that the Portfolio Holder would provide an oral update on 'Financial Budget Monitoring', based on the quarterly reports referred to the Executive Committee, to each meeting of the Committee. On this point, it was noted that all members of the Council had access to the Executive Committee papers and that these would not therefore be reproduced for the Audit & Governance Committee, with members of the Committee being responsible for reading any such papers independently in advance of the Portfolio Holder's quarterly updates to the Committee. The Portfolio Holder added that if members had any questions on the quarterly monitoring reports they could address these to him.

Audit & Governance

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RESOLVED that

- 4) the Audit Findings Report 2012/13 from Grant Thornton be approved; and**
- 5) in accordance with the terms detailed in the preamble above, the Portfolio Holder for Corporate Management provide an oral update to each meeting of the Committee on Financial Budget Monitoring.**

22. STATEMENT OF ACCOUNTS 2012/13

The Committee received the Council's Statement of Accounts 2012/13 for approval, which it was noted had to be approved by the statutory deadline of 30th September 2013.

Members commented on certain aspects of the Statement. In relation to the estimated savings quoted on page 6 (Explanatory Foreword – Shared Services) of in excess of £300k savings for shared services for the year, it was queried whether the savings related to Redditch or Bromsgrove. Officers advised that this sentence had been removed from the final Statement as it was difficult to substantiate this and to show whether the savings were as a consequence of staff changes/vacancies or other factors. It was noted that the further wording at the top of page 7 (Explanatory Foreword – Economic Outlook) stating that sharing services with Bromsgrove District Council had generated over £1m during the last 4 years had also been moved from the final version of the Statement for the same reason.

Members felt that it was necessary to have a clear picture of any savings made through shared services and that figures which had been quoted in the draft Statement should not simply be removed. Officers responded that this issue had been raised fairly late in the audit process and that given the limited time available to substantiate the figures it had been agreed with the external auditors that the figures be removed. The Chair commented that the agreed future quarterly Portfolio Holder Financial Budget Monitoring oral updates for the Committee, as referred to in the previous agenda item, would assist in showing the reality of any savings.

Members debated the appropriateness of the wording relating to current balances at the top of page 7 of the Statement (Explanatory Foreword – Economic Outlook), which stated: "The current balances position of £1.0m is in excess of the prudent level

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recommended and if required could be utilised to fund the current projected shortfalls in budget to 2014/15.”

Officers confirmed that the current recommended prudent level for minimum balances stood at £750k, and that as the authority had £1.0m of balances a review of the Council’s minimum level for balances was merited. Any such review of balance levels might see the minimum figure either remain the same or increase, but would not see this fall. Discussions in this regard would therefore take place between Officers and the external auditors.

Whilst it was noted that the wording in relation to the current balances position was factually correct as at March, concern was expressed by some Members as to the appropriateness of the wording in relation to the projected shortfalls in the budget to 2014/15. Given the need to review the Council’s balance levels in the future, and in view of some of the major issues facing the Council as detailed in the Operational Risks presentation given by the Head of Finance & Resources earlier in the meeting, Members felt that the wording suggested the Council could fund the projected budget shortfall with balances. This was felt to be inaccurate and somewhat misleading given that in order to remain at a prudent level for balances only a maximum of £250k of current reserves could be utilised towards any budget shortfall.

It was therefore agreed, and after telephone consultation with the S151 Officer, that the latter part of the wording be removed and that the statement be amended to read: “The current balances position of £1.0m is in excess of the prudent level recommended.”

RESOLVED that

- 1) as detailed in the preamble above, the wording of the third paragraph of the Economic Outlook section of the Explanatory Foreword of the Statement of Accounts be amended to read: “The current balances position of £1.0m is in excess of the prudent level recommended”;**
- 2) subject to the amendment detailed at 1) above, the 2012/13 Statement of Accounts be approved; and**
- 3) a copy of the amended Statement of Accounts be signed at the meeting by the Chair.**

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Committee

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23. INTERNAL AUDIT - MONITORING REPORT

Members considered the Internal Audit Monitoring Report as at 31st August 2013.

Officers highlighted the fact that the Limited Assurance Level given for Regulatory Services – Licensing Income was for Members' information only as the service was hosted by another authority.

Officers added that, in the usual manner, any exceptions arising from audit reviews and/or any follow-up monitoring work would be reported to the Committee.

In relation to the weaknesses identified as part of the control environment for the One Stop Shop and Cash Collection review, which were increasing the financial and reputational risk to the Council, the Chair commented that he hoped planned improvements would ultimately lead to a Significant Assurance Level.

RESOLVED that

the report be noted.

The Meeting commenced at 7.00 pm
and closed at 9.05 pm

.....
Chair



Licensing Committee

Monday, 11 November 2013

MINUTES

Present:

Councillor Phil Mould (Chair), Councillors Joe Baker, Michael Braley, Andrew Fry, Gay Hopkins, Wanda King and Brenda Quinney

Officers:

K Barnett and D Etheridge

Committee Services Officer:

P Ross

25. APOLOGIES

Apologies for absence were received on behalf of Councillors Alan Mason, Roger Bennett, Michael Chalk and Pattie Hill.

26. DECLARATIONS OF INTEREST

There were no declarations of interest.

27. MINUTES

RESOLVED that

the minutes of the meeting of the Licensing Committee held on 1st July 2013 be confirmed as a correct record and signed by the Chair.

28. HACKNEY CARRIAGE AND PRIVATE HIRE - DISABILITY AWARENESS TRAINING

The Committee considered a report detailing the proposal to introduce mandatory disability awareness training for those drivers licenced by the Borough to drive Hackney Carriage and Private Hire Vehicles. Members were asked to consider amending the Council's current policy and to adopt the new draft policy, as detailed at Appendix 1 to the report, to incorporate the mandatory requirement for disability awareness training.

.....
Chair

The Senior Licensing Practitioner introduced the report and in doing so drew Members' attention to the Licensing Committee meeting held on 17th December 2012, where Members received a detailed referral report in relation to the finding of the "Access for Disabled People Task Group"; and the recommendation that Redditch Hackney Carriage and Private Hire Vehicle Drivers be offered suitable disability awareness training to assist them in carrying out their role. At the Licensing Committee meeting held on 11th March 2013, Members resolved that officers undertook a 12 week consultation with the Redditch taxi trade on the proposal to make disability awareness training a mandatory requirement for Hackney Carriage and Private Hire vehicle drivers in the Borough.

At the Licensing Committee meeting held on 1st July 2013, Members considered the responses received during the 12 week consultation period and resolved to proceed with the proposal to make disability awareness training a mandatory requirement for Hackney Carriage and Private Hire vehicle drivers in the Borough; with the exception of those drivers who could demonstrate to the Council's satisfaction that they had undertaken equivalent disability awareness training.

The Senior Licensing Practitioner explained that new applicants would be required to undertake the required mandatory training before they were granted a licence to drive Hackney Carriage and/or Private Hire Vehicles. Licences for existing licensed drivers would not be renewed after 1st July 2014 unless the licence holder had undertaken the required mandatory disability awareness training. This would enable those driver's whose license expired shortly after 1st July 2014 a reasonable opportunity to undertake the required mandatory training in plenty of time before they had to renew their licences.

Members were further informed that the training, from the proposed training provider Worcestershire County Council, was designed to provide Redditch taxi drivers with the knowledge and skills required to transport customers who may have a disability both safely and confidently. The training sessions would accommodate approximately 15 delegates at a cost of £20.00 per delegate. The training sessions would be held every three weeks at the Town Hall. It was anticipated that three sessions would be offered per day as follows:

- 10.00am – 12.30pm
- 1.00pm – 3.30pm
- 4.00pm – 6.30pm

Councillor Braley highlighted the need to ensure that there was the capacity to deal with the number of drivers who would require training so that none of the drivers experienced any delays in receiving the training; and that officers should have a contingency plan in place should the proposed trainer be unable to carry out the training.

In response the Senior Licensing Practitioner agreed to look into a contingency plan. He informed Members that he was confident that the six month period from 1st January 2014 to 1st July 2014 was sufficient time for all required drivers to receive the mandatory training.

Councillor Fry stated that he fully supported the training initiative and, as detailed in the report, the recommendation for disability awareness training had come from a referral report in relation to the finding of the "Access for Disabled People Task Group". Councillor Fry expressed his thanks to the Chair of the Task Group, Councillor Mason, for chairing the Task Group.

Councillor Baker agreed and felt that the Council was setting a good precedent and that it was important for residents to feel safe and secure and that the training added to the professionalism of the taxi trade.

RESOLVED that

the Hackney Carriage and Private Hire Vehicle Driver Licensing Policies, as detailed at Appendix 1 to the report, be adopted with effect from 1st January 2014.

29. LICENSED VEHICLE MILEAGE INFORMATION

The Committee were asked to note information as requested at the Licensing Committee meeting held on 1st July 2013 with regard to the recorded mileage of licensed vehicles in the Borough that were registered with the Driver and Vehicle Licensing Agency (DVLA) as of 1st March 2010.

The Senior Licensing Practitioner explained that the mileage information had been provided as a result of concerns raised by a Member of the Licensing Committee, at the meeting as detailed in the preamble above. His concerns suggested that the twice yearly testing of vehicles within three years of their first registration was a somewhat onerous burden on drivers and operators. Officers had carried out a search of the records kept on licensed vehicles and had been able to provide information on the mileage recorded on the Ministry of Transport (MOT) test certificates received in respect of licensed vehicles that had been registered by the DVLA since 1st

March 2010. The information was detailed at Appendix 1 to the report.

Following further discussion Members highlighted that the information provided was somewhat confusing and questioned the small number of vehicles identified.

The Senior Licensing Practitioner responded to Members' questions with regard to the average yearly mileage of a taxi. He explained that the average mileage for a taxi was 30,000 to 50,000 miles per year. The DVLA information provided the initial registration details it did not detail when the vehicle first became a taxi.

Members agreed that taking into account the average mileage of a taxi the Council's policy was correct in stating that vehicles would undergo two vehicle inspection tests per year. Members questioned if 'spot checks' on taxis were still carried out. The Senior Licensing Practitioner informed Members that 'spot checks' were still carried out with officers working in partnership with the Police and the Vehicle and Operator Services Agency (VOSA).

Members agreed that officers provide further detailed information on mileage data for vehicles tested within three years of their first registration to be submitted to a future meeting of the Committee.

RESOLVED that

- 1) the contents of the report and Appendix 1 to the report be noted, and**
- 2) Officers provide further detailed information on mileage data for vehicles tested within three years of their first registration to a future meeting of the Committee.**

30. HACKNEY CARRIAGE VEHICLE POLICY - MULTI SEATED WHEELCHAIR ACCESSIBLE VEHICLES

The Committee considered a report detailing the responses received to a consultation with the taxi trade on the draft Hackney Carriage Vehicle Licensing Policy to bring it in line with the Council's Private Hire Vehicle Licensing Policy, with regard to age extensions for adapted vehicles, which was adopted by the Council on 1st August 2013.

The Senior Licensing Practitioner introduced the report and in doing so referred to the Licensing Committee meeting held on 1st July 2013 where Members had resolved to adopt a new Private Hire Vehicle Licensing Policy. The new Policy provided a higher age criteria for vehicles constructed or adapted to load and convey

wheelchair bound passengers to be licensed up to 12 years old (143 months) from the date of first registration as new by the Driver and Vehicle Licensing Agency (DVLA).

Members were informed that only one response to the consultation had been received, as detailed in section 3.12 in the report.

The Senior Licensing Practitioner responded to Councillor Baker with regard to item 10 of the Draft Hackney Carriage Licensing Policy, the 'transfer' of an existing hackney carriage vehicle licence to a vehicle of similar type.

RESOLVED that

the draft Hackney Carriage Vehicle Licensing Policy, as detailed at Appendix 1 to the report, be approved to come into effect from 1st December 2013.

31. LICENSING COMMITTEE WORK PROGRAMME 2013/2014

Members noted the Licensing Committee Work Programme for the remainder of the current municipal year.

RESOLVED that

the Licensing Committee Work Programme 2013/2014 be noted.

The Meeting commenced at 7.00 pm
and closed at 7.36 pm



Planning Committee

23rd October 2013

MINUTES

Present:

Councillor Andrew Fry (Chair), Councillor Alan Mason (Vice-Chair) and Councillors Joe Baker, Roger Bennett, Michael Chalk, Roger Hill, Brenda Quinney, 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

49. APOLOGIES

An apology for absence was received on behalf of Councillor Wanda King.

50. DECLARATIONS OF INTEREST

Councillor Alan Mason declared an Other Disclosable Interest in Item 4 - Planning Application 2013/143/COU (272 Evesham Road, Headless Cross), as detailed in Minute 52 below.

Mr Amar Hussain (Legal Services advisor to the Committee) reported on a matter relating to Item 7 (Planning Application 2013/195/FUL – 34 Hither Green Lane, Redditch), as detailed in Minute 55 below.

51. CONFIRMATION OF MINUTES

RESOLVED that

the minutes of the meeting of the Planning Committee held on 25th September 2013 be confirmed as a correct record and signed by the Chair.

.....
Chair

- 52. PLANNING APPLICATION 2013/143/COU - 272 EVESHAM ROAD, REDDITCH**
Change of use to provide additional surgery space at first floor and ancillary office / storage space.

Applicant: Kingfisher Dental Practice

The following people addressed the Committee under the Council's public speaking rules:

Mr S. Vick – objector
Mr B Gandy – objector
Mrs E Mitchell – Applicant's Agent.

RESOLVED that

having regard to the Development Plan and to all other material considerations, Planning Permission be REFUSED for the following reason:

“The proposed increase in the number of surgeries/treatment rooms from 3 to 5 would result in a consequential requirement for additional car parking to be provided at the site. The failure to achieve an adequate level and standard of car parking to serve the proposed development would result in the displacement of vehicle parking within the adjoining public highway which would be detrimental to highway safety and nearby residential amenities being contrary to Policies B(BE).13 and C(T).12 of the adopted Borough of Redditch Local Plan No. 3 and the provisions of the National Planning Policy Framework (NPPF) “

(Having considered the report, speaker representations and Update report relating to further public representations received and a proposed additional condition, provided for Members and the public gallery prior to the meeting commencing, Members expressed concerns in regard to the proposal not meeting the Council's required parking standards and further considered that the increase would be detrimental to the amenity of local residents and traffic flows along a very busy road.

In view of these issues, the Committee refused the Application for the reason stated in the resolution above.)

(Prior to consideration of this Item, Councillor Alan Mason declared an other disclosable interest in view of the fact that he was a registered patient of the Kingfisher Dental Practice, the Applicant. Councillor Mason withdrew from the meeting and took no part in its consideration or voting thereon.)

**53. PLANNING APPLICATION 2013/170/FUL –
6 MOUNT PLEASANT, REDDITCH,
WORCESTERSHIRE B97 4JB**

Change of Use of ground floor from
Class A1 Retail to A5 Hot Food Takeaway

Applicant: Mr S Khan

Ms H Gibbs, objector and Mr Farooqui, 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.

**54. PLANNING APPLICATION 2013/173/FUL –
UNIT 12 WINYATES SHOPPING CENTRE,
REDDITCH, WORCESTERSHIRE B98 ONR**

Change of use from shop unit (A1) to a community facility
to provide training / workshops with ancillary office.

Applicant: Ms Liz Williams

RESOLVED that

having regard to the Development Plan and to all other material considerations, Planning Permission be GRANTED, subject to the conditions and informative summarised in the main report.

(The Committee noted an Update Report which detailed various additional Consultee responses received subsequent to the agenda being published.)

(During the course of the discussion, the Committee was informed that the unit appeared to have been fitted out and was already being used for the proposed purpose without the benefit of planning permission. Officers were requested to liaise with other relevant services of the Council and advise them of the procedures for Planning Applications.)

**55. PLANNING APPLICATION 2013/195/FUL –
34 HITHER GREEN LANE, REDDITCH,
WORCESTERSHIRE B98 9BW**

Proposed balcony, proposed conversion of garage into
bedroom and amendment to Planning Permission 2010/121

Applicant: Dr Ananthram

RESOLVED that

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

(Prior to consideration of this matter, and for the purpose of clarity only, Mr Amar Hussain (Legal Services advisor to the Committee), notified Members that he was a patient of Dr Ananthram, the Applicant.)

**56. PLANNING APPLICATION 2013/242/S73 –
UNIT 9 MATCHBOROUGH CENTRE,
MATCHBOROUGH WAY, REDDITCH**

Section 73 Application: removal of Condition 2 of
Planning Approval 2010/244/COU to allow
wholly A5 (hot food takeaway) consent and to allow
all types of hot food to be sold on the site for
consumption off the premises

Applicant: Mr F Dadash

Mr T Ellinas, objector and Mr W Vincent, Agent for 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, authority be delegated to the Head of Planning and Regeneration Services to REFUSE Planning Permission, following the expiry of the consultation period on 31st October 2013 for the reason stated in the main report.

(The Committee noted an Update on the matter, provided for Members and the public gallery prior to the meeting, in regard to

Planning Committee

23rd October 2013

further additional public representations received and Officer responses.)

The Meeting commenced at 7.00 pm
and closed at 8.27 pm

.....
CHAIR



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STANDARDS

Committee

24th October 2013

MINUTES

Present:

Councillor Pat Witherspoon (Chair), and Councillors Michael Braley (Vice-Chair), Joe Baker, Michael Chalk, Andrew Fry, Brenda Quinney and Roger Hill (substituting for Derek Taylor)

Also Present:

Fiona Hawker (Feckenham Parish Council Representative – non-voting co-opted)
Megan Harrison (Independent Person – observing)
Councillor Juliet Brunner (observing)

Officers:

C Felton and C Flanagan

Committee Officer:

D Parker-Jones

8. APOLOGIES AND NAMED SUBSTITUTES

Apologies for absence were received on behalf of Councillors Phil Mould and Derek Taylor.

Councillor Roger Hill was confirmed as a substitute for Councillor Taylor.

An apology for absence was also received on behalf of Mr Michael Collins, Independent Observer.

9. DECLARATIONS OF INTEREST

There were no declarations of interest.

10. MINUTES

The minutes of the meeting of the Standards Committee held on 25th July 2013 were submitted.

.....
Chair

STANDARDS

Committee

24th October 2013

A Member queried whether the user-friendly explanatory note detailing the complaint Arrangements referred to in the final paragraph of Minute No. 6 (Localism Act 2011 – Updated Arrangements for Handling Standards Complaints against Members) had yet been drafted. Officers advised that full Council had on 9th September 2013 agreed the Standards Committee's recommendation on the proposed changes to the Arrangements, and that the explanatory note would therefore be drafted and published on the Council's website as soon as practicably possible.

RESOLVED that

the minutes of the meeting of the Standards Committee held on 25th July 2013 be confirmed as a correct record and signed by the Chair.

11. 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 Committee received the findings of the external Investigating Officer (IO), Mr Kevin Douglas, into the complaint which had been made by Borough Councillor Chance against Borough Councillors Brunner and Hopkins.

Mr Douglas concluded that whilst licence had been taken in the way Councillor Chance's (as Portfolio Holder) responses in the matter at question were reported, that was part of the political interaction in which councillors were engaged in order to gain political advantage. Mr Douglas concluded that in the absence of guidance or rules to Members about press releases and media contact generally, leaving the area unregulated, there was no breach of the Code of Conduct. He had however recommended that the Council should give consideration to agreeing a protocol for contact with the press and media by Members, in particular by senior Members of the Council. Officers had already started researching media protocols and the MO asked the Committee to agree this course of action and for this task to be included on the Committee's Work Programme.

Secondly, regarding the decision on the complaint, the MO had considered the IO's Report in consultation with the Independent Person (IP), as required by the Council's Arrangements for Managing Standards Complaints. The MO and the IP had agreed with the Report's findings and reasoning for this. The MO had written to the complaint parties to advise them of this and to confirm that she was satisfied that no further action was required and that

STANDARDS

Committee

24th October 2013

the complaint was concluded. In this regard, the IP had raised the issue of the length of time it had taken from when the complaint was made until it was concluded, some 9 months later. The information detailed in the MO's report in relation to the time delays was noted and the MO tabled for Members' information a full chronology of the complaint process.

In relation to the time delay in resolving the complaint, the MO had suggested in her report to the Committee that where a complaint had been made by a Member against another Member, the Committee consider whether the Arrangements for managing complaints should be amended so that in the first instance an inter-Member complaint should be referred to the Group Leaders to resolve before any referral to the MO. This would strengthen the role of Group Leaders in inter-Member complaints, enable them to be more proactive in dealing with such complaints in the first instance and encourage their Member/s engagement in the process. It was suggested that this approach could be taken where both the subject Member and complainant were members of a political group and neither was a Group Leader. Any complaints involving non-grouped Members, Group Leaders or where the complaint had been made by a member of the public would continue to be dealt with by the MO in the normal manner.

The MO expressed a degree of caution in relation to the introduction of any prescribed timescales for dealing with complaints as this was a fluid process, with each complaint having an individual set of circumstances. It was her view that there should not be a set time limit for resolving complaints as there could be a number of reasons why it might take longer than normally desired to conclude a complaint. She hoped, therefore, that complaints would not be gauged by timescales alone.

The MO outlined the difficulties she faced in attempting to resolve complaints locally. The new standards regime had little by way of sanctions that could be imposed on a Member were a complaint upheld and the Member found to have failed to follow the Code of Conduct. It was questionable as to how much ability the MO had to resolve complaints if the parties concerned were either unable or unwilling to agree a way forward, and she was unsure as to whether she was assisting in the process in such circumstances. The referral of inter-Member complaints to the Group Leaders in the first instance might assist as if the Group Leaders were unable to resolve such complaints then it was unlikely that the MO would be in a position to resolve them. The MO was however happy to continue dealing with complaints as at present should Members deem this to be the most appropriate course of action.

STANDARDS

Committee

24th October 2013

One of the key issues to be determined was where the bar of 'acceptable' Member behaviour stood. The MO stated that it was not an issue of what sanctions were in place but that there were ground rules which Members should adhere to when dealing with each other.

Members supported the suggestion that inter-Member complaints (excluding complaints involving any non-grouped Members or Group Leaders) be referred to the Group Leaders for resolution in the first instance. It was felt that if inter-Member complaints could be resolved without the MO's involvement then that would be preferable for all parties concerned. The Committee felt that there should be high standards of conduct amongst Members with appropriate sanctions in place if Members were to breach the Code of Conduct. Members also agreed that there was a need for greater knowledge of the new standards regime, including the declaration of interests, amongst Members generally.

Members and the MO agreed that complaints should be resolved as speedily as possible, with all parties needing to support the process and to have the desire to seek an early resolution where practicably possible. It would always be the MO's aim to resolve a complaint as quickly as possible. However, if there was any unwillingness on the side of either the complainant or subject Member to do so then there was little the MO could do. The MO stated therefore that the Group Leaders might be in a position to move matters along more quickly than herself.

The Feckenham Parish Council Representative suggested that an aspirational time limit for concluding complaints might be considered, with a 3-month period being mentioned. Members agreed that this might be a useful addition in order to hopefully move complaints along. The MO stated that she was happy for there to be a notional time limit for concluding complaints, whilst highlighting that she unfortunately had no control over time limits generally or the time period involved in the specific complaint detailed in her report.

The MO stated that she would speak with the Group Leaders on the inter-Member complaints issue and report back to the Committee on this at the next meeting.

The Committee did not support the idea of introducing a press and media protocol for Members, or for there to be of any form of regulation in this regard. The MO advised that the idea was for there to be general guidance in place for Members in this regard and that no protocol would be introduced until Members were happy with this, with it being envisaged that Members would assist in the

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drafting of any protocol. A view was expressed by one Member that during election periods in particular any protocol could be open to abuse as this might either help or hinder Members in what they said to the press.

Regarding Member training, the Committee agreed that it was important for Members to attend training sessions. A Member queried how many Members had attended the safeguarding and vulnerable adults training sessions which had been conducted over the previous 6 months, as it was his understanding that some Members had still not attended this.

The MO stated that statistics on training attendances were given to the Member Support Steering Group as part of their role for overseeing Member training. She added that the only current mandatory training elements of the Councillor Training Programme related to the regulatory committees (Planning and Licensing), and that it was a matter for Group Leaders to encourage their Members to attend training sessions generally. Repeat training sessions were often required as Members had different working lives, meaning it was not always possible for Members to attend at certain times. Members had the option of deciding whether or not they attended non-mandatory training sessions. It was a Member decision as to which training sessions were deemed mandatory and if Members wanted to make certain sessions mandatory then they could do so. The Committee agreed that it was inappropriate to name and shame Members who failed to attend training sessions and that it was the role of the Group Leaders and Party Whips to encourage their Members to undertake any relevant training.

RESOLVED that

- 1) the report of the Monitoring Officer be noted;**
- 2) the Committee reject the Investigating Officer's suggestion that a protocol for contact with the press and media by Members, in particular by senior Members of the Council, be developed;**
- 3) the Committee support the Monitoring Officer's suggestion that inter-Member complaints (excluding complaints where either the subject Member or complainant is not a member of a political group or is a Group Leader) be referred to the Group Leaders in the first instance to attempt resolution of these, and that the Monitoring Officer discuss this matter with the Group Leaders and report back to the Committee on any discussions at the next meeting; and**

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- 4) **Officers be thanked for their work in managing the Member complaints process.**

12. PARISH COUNCIL REPORT

Ms Hawker, Feckenham Parish Council Representative, advised that Mr Wreide Poole had resigned as a parish councillor and was therefore no longer the Deputy Parish Council Representative on the Standards Committee.

Ms Hawker added that the Parish Council would be seeking a replacement deputy representative and would advise the Committee on any developments in this regard in due course.

RESOLVED that

the position be noted.

13. LOCALISM ACT 2011 - STANDARDS REGIME - BUDGET SETTING DISPENSATION

Members received a report which sought the granting of a general dispensation under s33 of the Localism Act 2011 to enable Members with a Disclosable Pecuniary Interest (DPI) to participate and vote in the Council's budget setting process.

The Monitoring Officer advised that a general dispensation was being sought to ensure that Members were protected should any question arise as to whether or not they could participate and vote in the budget setting process.

The request followed a similar report to Members in December 2012 at which point the Committee granted general dispensations in relation to the setting of the Council Tax, Council Rents, Members' Allowances and Members' speaking rights, where Members may otherwise have a DPI which would preclude them from participating and voting in these matters. The general dispensations granted were subject to Members lodging a formal written request for dispensation as and when they were considering any relevant business at meetings.

The caveat detailed in the report in relation to the budget setting dispensation under section 106 of the Local Government Finance Act 1992, that any Member who was 2 months (or more) in arrears with their Council Tax payments could not participate in any Council meeting concerning the budget, was noted. In the event that any Members were affected by the provisions of section 106, the

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statutory rule that they be barred from taking part in the budget decisions would prevail and any general dispensation granted by the Standards Committee would not apply.

The legislative requirement for Members to make a request in writing for dispensation at the time of considering any budget setting business at meetings remained.

RESOLVED that

- 1) subject to the caveat detailed in paragraph 3.11 of the report (and as noted in the preamble above) in relation to Members who are 2 months or more in arrears with their Council Tax payments, a dispensation under Section 33 (2) of the Localism Act 2011 to allow all Members to participate in and vote at Council and committee meetings when considering setting the budget be granted;**
- 2) the dispensation referred to at 1) above take effect 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; and**
- 3) the dispensation referred to at 1) above be valid until the first Standards Committee meeting after the Borough Council elections in 2014.**

14. WORK PROGRAMME

Members considered the future Work Programme of the Committee.

As detailed under Minute No. 11 (Monitoring Officer's Report), the Monitoring Officer would be bringing back to the January meeting details of any discussions with the Group Leaders on the referral of inter-Member complaints to the Group Leaders in the first instance.

It was anticipated that a further dispensations report for Members on certain outside bodies would also be referred to the January meeting as some Members might need to apply for such dispensations. A Member queried whether his being on the Tardebigge Trust would necessitate a dispensation, which the Monitoring Officer advised he should discuss with the Deputy Monitoring Officer.

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RESOLVED that

**subject to the comments detailed in the preamble above, the
Work Programme be noted.**

The Meeting commenced at 7.00 pm
and closed at 8.22 pm

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Chair