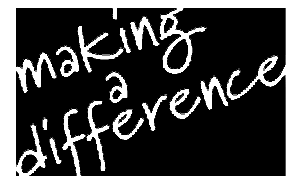


minute book 2

Council

Mon 9 Aug
2010
7.00 pm

Council Chamber
Town Hall
Redditch



www.redditchbc.gov.uk

INDEX

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

SECTION

Council	28th June 2010	1 - 8
---------	----------------	-------

SECTION

Executive Committee	16th June 2010	9 - 19
---------------------	----------------	--------

SECTION III

Audit & Governance Committee	15th June 2010	21 – 25
	29th June 2010	27 – 28
Licensing Committee	19th July 2010	29 - 36
Planning Committee	22nd June 2010	37 - 40
	20th July 2010	41 – 43
Standards Committee	30th June 2010	45 - 59



Council

28th June 2010

MINUTES

Present:

Councillor Kath Banks (Mayor), Councillor Anita Clayton (Deputy Mayor) and Councillors Peter Anderson, Michael Braley, Andrew Brazier, Juliet Brunner, Michael Chalk, Simon Chalk, Greg Chance, Brandon Clayton, Jack Cookson, Andrew Fry, Carole Gandy, Adam Griffin, Malcolm Hall, Bill Hartnett, Nigel Hicks, Roger Hill, Gay Hopkins, Robin King, Wanda King, William Norton, Jinny Pearce, Brenda Quinney, Mark Shurmer, Derek Taylor, Diane Thomas and Graham Vickery

Also Present:

Deborah Andrews (Chair, Standards Committee), Michael Collins (Vice-Chair, Standards Committee)

Officers:

K Dicks, C Felton, S Hanley, A Marklew, S Skinner and J Staniland

Committee Services Officer:

I Westmore

8. WELCOME

The Mayor opened the meeting and welcomed all present. The Mayor's chaplain, the Reverend Jo Musson, led the Council in prayer.

9. APOLOGIES

Apologies for absence were received on behalf of Councillor Debbie Taylor.

10. DECLARATIONS OF INTEREST

Councillor Mark Shurmer declared a personal and prejudicial interest in Item 8 (Executive Committee – Notice of Decisions of the meeting of 16th June 2010) as detailed separately below.

.....
MAYOR, in the Chair

11. MINUTES

RESOLVED that

the minutes of the meetings of the Council held on 24th May and 14th June 2010 be confirmed as correct records and signed by the Chair.

12. COMMUNICATIONS AND MAYOR'S ANNOUNCEMENTS

The Mayor's communications and announcements were considered under the following headings:

a) Mayor's Announcements

The Mayor advised that, since the Annual Meeting of the Council, she had attended various functions, including: the official opening of a new Day Care Centre for adults with learning difficulties, a twinning visit to Gruchet le Valasse, Bewdley Town Council's Annual Meeting, the Worcestershire Army Cadet League lunch, the flying of Chinese kites, the University of Worcester Summer Garden Party, the Primrose Choir's Summertime Concert, a Carers Careline Event, a Garden party at Terryspring Court, Civic Services at Kidderminster, Worcester & Wychavon, the North Worcestershire & Redditch Schools Sport Partnership Games 2010 and a Bel Canto Singers concert.

The Mayor thanked Councillor Anita Clayton for stepping in to take on engagements she had been unable to attend.

b) Forthcoming events

The Mayor advised that forthcoming events included the opening of the new Boomerang (second hand) shop on Unicorn Hill, an Oakhill First School assembly, Harry Taylor First School's open air classroom, the annual Alexandra Hospital Fete and Astwood Bank Carnival.

c) Armed Forces Week

The Mayor advised that she had been involved with the Deputy Mayor and Consort in the raising and then lowering of a commemorative flag for Armed Forces Week.

The Mayor advised that she had had the pleasure of presenting the flag that morning to a Redditch veteran, Mr Sid Reynolds, a former Able Seaman who saw active service on Torpedo Boats during World War Two.

d) Mercian Regiment

The Mayor informed the Council that she had been most saddened to learn of recent deaths of members of the Mercian Regiment including, it was believed, a very recent one involving a Redditch soldier. The Council was awaiting confirmation of the details and the Mayor advised that she would bring this back to the next meeting to enable the Council to pay tribute, if regrettably it turned out to be correct.

e) Urgent Business

The Mayor advised that she had accepted two additional items of "Urgent Business":

Item 13 – Urgent Business – Notice of Motion – Cancer Services within the County; and

Item 13a – Urgent Business – Withdrawal of Department of Culture, Media and Sport Funding for Free Swimming.

The Mayor had also accepted one late report:

Item 8 – Executive Committee Decision Notice, 16th June 2010

13. LEADER'S ANNOUNCEMENTS

The Leader's Announcements were considered under the following headings:

a) Abbey Stadium

Members were advised that planning permission had been granted for the Abbey Stadium the previous week and that building work was due to commence in the autumn.

b) National Seven-a-side Football Success

Members were advised that a local football team had claimed victory in the recent national Seven-a-Side COPA MK Tournament in Bletchley, Milton Keynes. The Leader suggested that the Mayor receive the successful team at the Town Hall.

14. LEADERS' QUESTIONS

No questions had been submitted to the Leader.

15. EXECUTIVE COMMITTEE

Members received the minutes of the meeting of the Executive Committee held on 26th May 2010 and the decision notice of the meeting held on 14th June 2010.

RESOLVED that

- 1) **the minutes of the meeting of the Executive Committee held on 26th May 2010 be received and all recommendations approved, subject to:**

in respect of Minute 15 (Shared Services Board - Recommendations) it being recorded, in accordance with Standing Order 16, that Labour Group Members voted against printed recommendations 1 and 2 during the voting on these matters; and

- 2) **the decision notice of the meeting of the Executive held on 16th June 2010 be received and all recommendations approved, subject to:**

in respect of Minute 28 (Petition Scheme) it being further **RESOLVED that**

- 1) **the draft Petition Scheme in respect of non-executive functions be approved, as reported to the meeting, subject to an amendment to reduce the number of signatures required for debate at full Council to 400.**

(Officers undertook to report the views of Members on the content of the Worcestershire Supporting People Strategy document to Worcestershire County Council. Officers also undertook to give greater consideration to their reporting of policy and other implications within reports to the Council and its Committees)

(Prior to consideration of this item, and in accordance with the requirements of Section 81 of the Local Government Act 2000, Councillor Shurmer declared a personal and prejudicial interest in view of the fact that his place of work was one of the Council's Business Centres and took no part in the voting on the relevant recommendation (Minute 31 – Business Centres Review)).

16. REGULATORY COMMITTEES

The Council received the minutes of recent meetings of the Audit and Governance, Licensing and Planning Committees.

RESOLVED that

- 1) **the minutes of the meeting of the Audit and Governance Committee held on 20th April 2010 be received and adopted;**
- 2) **the minutes of the meetings of the Licensing Committee held on 17th May and 3rd June 2010 be received and adopted; and**
- 3) **the minutes of the meetings of the Planning Committee held on 27th April and 25th May 2010 be received and adopted.**

17. INDEPENDENT REMUNERATION PANEL FOR WORCESTERSHIRE DISTRICT COUNCILS

The Council considered a proposal to establish a joint Independent Remuneration Panel to serve the six District Councils within Worcestershire. It was anticipated that the new arrangement might reduce the administrative burden on officers and create a more consistent approach across the County whilst respecting local structures and differences.

A Joint Committee comprising one Member from each of the relevant authorities was to be established to review and agree the Terms of Reference for the County-wide Panel.

RESOLVED that

- 1) **the current Independent Remuneration Panel for Malvern Hills District, Worcester City and Wychavon District Councils be appointed as the Joint Independent Remuneration Panel for Bromsgrove District, Malvern Hills District, Redditch Borough, Worcester City, Wychavon District and Wyre Forest District Councils;**
- 2) **Councillor Michael Braley be appointed to a Joint Committee to review and agree the terms of reference of the Panel, the operating arrangements and other relevant details; and**
- 3) **the Joint Committee be RECOMMENDED to consider the expansion of the Joint Independent Remuneration Panel from five to six Members.**

18. ADMINISTRATIVE MATTERS

The Council concluded several matters left unresolved at the Annual Meeting in May.

RESOLVED that

the following appointments be noted:

- 1) **two named substitutes for the Joint Committee for the WETT Regulatory Service – Councillors Juliet Brunner and Bill Hartnett;**
- 2) **eligible Members for the Standards Committee – Councillors Malcolm Hall (as indicated at the Annual Meeting), Brenda Quinney (to replace Councillor Jinny Pearce) and Mark Shurmer (to replace Councillor Greg Chance); and**
- 3) **named substitute for the Shared Services Board – Councillor Jinny Pearce.**

19. URGENT BUSINESS - RECORD OF DECISIONS

There were no Urgent Business decisions under Standing Order 36 for consideration at this meeting.

20. URGENT BUSINESS - NOTICE OF MOTION - CANCER SERVICES IN WORCESTERSHIRE

An urgent Notice of Motion had been submitted by Councillor Juliet Brunner too late to meet Standing Order deadlines but had been accepted by the Mayor for consideration at the meeting on the basis of its broad public interest and in view of a requirement for consultation responses to be returned to NHS Worcestershire by 6th August 2010, prior to the next ordinary meeting of the Council. The Motion was in respect of the provision of cancer services within the County. This was seconded by Councillor Brandon Clayton.

The Council was advised that this represented a once in a generation opportunity to locate these services within the county and remove the need for local residents to travel considerable distances to the nearest specialist cancer centres. Members were keen to support the proposal that these services be sited within Worcestershire should the quality of the care provided at the new facility be of an equivalent standard to that currently available. There was general support for the motion and it was duly

RESOLVED that

the Motion be approved in the following terms:

***“Redditch Borough Council supports Worcestershire NHS Trust’s proposal to site all its cancer services within the County.*”**

Furthermore this Council believes that these services should be hosted at the Alexandra Hospital site.

The Leader of the Council and the Chief Executive Officer are requested to write to Worcestershire NHS Trust to inform them of this Council's view."

21. URGENT BUSINESS - FREE SWIMMING - REMOVAL OF DCMS FUNDING

The Council received an urgent report in respect of the premature withdrawal by the Department of Culture, Media and Sport (DCMS) of the funding for the Free Swimming Initiative which had commenced in April 2009 and was due to be withdrawn in March 2011.

The DCMS had agreed to honour grant funding until 31st July. It was proposed that the free swimming programme in Redditch for the over sixties be ended with effect from the beginning of August and the programme for 16 year olds and under be continued until the end of August to allow this group free access over the busy summer holiday period. It was hoped that those new swimmers who had made use of the programme might be encouraged to make use of the Council's Reddicard scheme, thereby allowing them to access the Council's facilities at a competitive rate.

RESOLVED that

- 1) the removal of the grant funding from the Department for Culture Media and Sport, which equates to £46, 747 for the period August 1st 2010 to March 31st 2010 be noted;**
- 2) the free swimming programme for over sixties be removed with effect from 1st August 2010 and a media and promotional campaign be prepared to inform residents of this decision and the circumstances in which it was made;**
- 3) the free swimming provision for 16 year olds and under be extended at the Council's expense until 27th August 2010 (in line with the summer holiday programme), due to the high volume of under 16's swimmers and families' expectations during this period;**
- 4) the provision of free swimming admissions during public swimming sessions on a pay and play basis be limited to Redditch residents only;**
- 5) the release of revenue balances to a maximum of £6,000 to fund the loss of income at the centres be approved; this to meet the costs associated with the Council**

continuing the scheme to 27th August following the removal of grant funding;

- 6) as part of the re-introduction of the charging scheme for these groups, it be confirmed that a non-Reddicard, Reddicard or Concessionary Reddicard rate will apply dependant upon customers' personal circumstances (the proposed charging rates to be as detailed in Section 5 of this report); and
- 7) the staffing implications outlined in Sections 5 and 14 of the report be noted and the funding of the associated redundancy costs of £3,000 from revenue balances be agreed, should a redeployment opportunity not be secured.

The Meeting commenced at 7.00pm
and closed at 9.45pm

.....
MAYOR, in the Chair



Executive Committee

16th June 2010

MINUTES

Present:

Councillor Carole Gandy (Chair), Councillor Michael Braley (Vice-Chair) and Councillors Peter Anderson, Greg Chance, Brandon Clayton, Malcolm Hall and Debbie Taylor

Also Present:

Councillors Brenda Quilley and Roger Hill
Michael Collins (Vice-Chair, Standards Committee)

Officers:

R Bamford, H Bennett, K Cook, K Dicks, C Felton, J Godwin, H Halls, S Hanley, G Lavery, J Pickering, G Revans, D Taylor, L Williams and M Williams

Committee Services Officer:

D Sunman

20. APOLOGIES

There were no apologies for absence.

21. DECLARATIONS OF INTEREST

There were no declarations of interest.

22. LEADER'S ANNOUNCEMENTS

The Chair advised that the following item of business, scheduled on the Forward Plan to be dealt with at this meeting, had been rescheduled to a later meeting of the Committee:

- Shopmobility – Business Case Review

The Chair also advised that the following items of business, scheduled on the Forward Plan to be dealt with at this meeting, had been removed from the Forward Plan:

- Redditch Borough Council Logo

.....
Chair

- Core Strategy

The Chair also advised that she had accepted the following matter as urgent business:

Item 19 – REDI Centre – Options

23. MINUTES

RESOLVED that

the minutes of the meeting of the Committee held on 26th May 2010 be confirmed as a correct record and signed by the Chair.

24. QUARTERLY PERFORMANCE MONITORING - QUARTER 4 - JANUARY TO MARCH 2010

The Committee received a report on the Council's performance for quarter 4 of the 2009/10 financial year.

Officers reported that data had been provided for 59 indicators for the quarter. Of these, 35 had improved in performance and 15 had declined. In addition 9 indicators had remained static but 6 of these were already at optimum performance and, therefore, no improvement was possible.

Members were informed that data from external sources had not been received for a further 12 indicators and that the time lag for receipt of such data could be up to 12 months. The performance indicator set for 2010/11 had been revised to exclude these long term indicators. However, they would be included in the Sustainable Community Strategy for future reporting.

Members noted the improvements in performance for the quarter.

Officers undertook to provide Councillor Chance with additional information on the percentage of Council Tax collected by the Authority in the year (BV009) and One Stop Shop: customer satisfaction (WMO 003) and all members of the Executive Committee with information relating to adult participation in sport and active recreation (NI008) both countywide and nationally.

RESOLVED that

the update on key performance indicators for the period ending March 2010 be noted.

25. QUARTERLY BUDGET MONITORING - QUARTER 4 - JANUARY TO MARCH 2010

The Committee considered a report which showed the Council's financial outturn for the 2009/10 financial year.

Members were informed that the report showed the actual income and expenditure for the 2009/10 financial year compared to the budgets for General Fund Services and the Housing Revenue Account.

Officers undertook to provide Councillor Chance with additional information regarding Item 8 Debit; and all members of the Executive Committee a breakdown of amounts held in specific reserves from public donations.

RESOLVED that

the report be noted.

26. QUARTERLY MONITORING OF THE BENEFITS SERVICE IMPROVEMENT PLAN - QUARTER 4 - JANUARY TO MARCH 2010

The Committee considered a report on the performance of the Benefits Service during quarter 4 of the 2009/10 financial year together with an update on progress against the Benefits Service Improvement Plan.

Officers reported that work was ongoing to progress the aims of the Improvement Plan in partnership with the Performance Development Team (PDT) from the Department of Work and Pensions. In particular the main areas to be improved were the management and collection of overpaid Housing Benefit, adopting a Take-Up Strategy, accessibility of the service and setting challenging service standards and performance targets.

Members were informed that the overpayment recovery process had been mapped and an Overpayments Officer appointed. Officers reported that overpayments amounting to £116,139 had been recovered during the quarter.

A Take-Up Strategy had been created that would help local people maximise their income. Consultation had taken place with stakeholders including Job Centre Plus, Age UK and the Citizens Advice Bureau and the strategy would be promoted through a variety of scheduled events and activities. Services users had been asked for their views on all aspects of service provision and closer

working relationships were being sought with voluntary and community organisations.

RESOLVED that

the report be noted.

27. QUARTERLY MONITORING OF FORMAL COMPLAINTS AND COMPLIMENTS - QUARTER 4 - JANUARY TO MARCH 2010

Members considered a report which provided them with an overview of the Council's Formal Complaints Procedure for quarter 4 of the 2009/10 financial year including the number of complaints at each stage of the procedure.

Officers reported on the number of compliments recorded during the period and also gave details of Ombudsman Enquiry response times and outcomes.

RESOLVED that

the report on complaints and compliments for the period January to March 2010 be noted.

28. PETITION SCHEME

The Committee received a report regarding the adoption of a Petition Scheme as required under the Local Democracy, Economic Development and Construction Act 2009.

Members were informed that the rationale behind the reduction in the number of signatures on a petition to trigger a debate at full Council was to enable residents of the Parish of Feckenham to petition the Council.

RECOMMENDED that

- 1) the draft Petition Scheme in respect of non-executive functions be approved, as reported to the meeting, subject to an amendment to reduce the number of signatures required for a debate at full Council to 650; and that the number of signatures required to call a Senior Officer to account at a meeting of the Overview and Scrutiny Committee be amended to 200;**
- 2) the Head of Legal, Equalities and Democratic Services be designated as the Petitions Officer and instructed to report annually to Council on the operation of the Scheme;**

- 3) **the Monitoring Officer be instructed to incorporate the Petition Scheme in the Council's Constitution and make consequential amendments; and**

RESOLVE that

- 4) **the draft Petition Scheme in respect of executive functions be approved; and**
- 5) **a further report be submitted to the Committee in due course in respect of on-line petitions.**

29. WORCESTERSHIRE PARTNERSHIP - TERMS OF ENGAGEMENT

Members considered a protocol that had been agreed by all members of the Worcestershire Partnership with regard to future budget decisions.

The Chief Executive reported that significant reductions in public sector funding were anticipated in the future.

Members were informed that a protocol had been developed which sought to ensure that all Partners take a more joined up approach to budget decisions and their potential impact on communities.

RECOMMENDED that

the protocol be endorsed, as reported, subject to an amendment to paragraph 6 as follows:

'Engage with businesses and the third sector where appropriate and jointly consult stakeholders, including the public, before major decisions are made.'

30. CHURCH HILL - REDEVELOPMENT PROJECT

[During consideration of this item Members discussed matters that necessitated the disclosure of exempt information. It was therefore agreed to exclude the press and public prior to any debate on the grounds that information would be revealed relating to the financial or business affairs of any particular person (including the authority holding that information).]

31. BUSINESS CENTRE REVIEW

The Committee received a report on the performance of the business centres administered by the Council, which also clarified their role and purpose.

Members were informed that the report circulated to this Committee had included all amendments suggested following pre scrutiny by the Overview and Scrutiny Committee on 2nd June 2010 and outlined in the referral from that Committee.

RESOLVED that

- 1) the Borough Council continue to own / lease and manage all three business centres;**
- 2) the aim of the business centres be to provide accommodation and support to as many businesses as possible, having a mixture of maturities, that realises the Borough Council's wider objectives to boost enterprise and employment across the Borough as a whole (the business centres should be viewed as an economic development asset, contributing to the process of creating and supporting a prosperous community);**
- 3) in the first instance, Officers be instructed to improve occupancy and business support, with regard to helping start, grow, retain and attract businesses (Appendix 5 to the report outlines the matters which Officers shall consider in this respect);**
- 4) Officers be instructed to investigate how the business centres' expenditure can be reduced and income better maximised (Appendix 5 outlines the matters which Officers shall consider in this respect);**
- 5) the recommendations be reviewed in three years, as key factors may have changed in that time – or earlier if urgent matters arise which need examining or changing;**

RECOMMENDED that

- 6) further authority be delegated to the Head of Planning & Regeneration, Business Centres Manager, or Economic Development Manager, in consultation with the relevant Portfolio Holder, so that occupancy and performance can be improved, as detailed in Appendix 6 to the report.**

32. OVERVIEW AND SCRUTINY COMMITTEE

RESOLVED that

the minutes of the meeting of the Overview and Scrutiny Committee held on 28th April 2010 be noted.

33. MINUTES / REFERRALS - OVERVIEW AND SCRUTINY COMMITTEE, EXECUTIVE PANELS, NEIGHBOURHOOD GROUPS ETC.

There were no minutes or referrals under this item.

34. ADVISORY PANELS - UPDATE REPORT

In relation to the Independent Remuneration Panel, the Chair informed Members that a report on a proposal for a joint Worcestershire Panel was being prepared for submission to the next full Council meeting.

RESOLVED that

the report be noted.

35. ACTION MONITORING

RESOLVED that

the report be noted.

36. EXCLUSION OF THE PUBLIC

RESOLVED that

under S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following matter(s) on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs 3 of Part 1 of Schedule 12 (A) of the said Act, as amended.

Church Hill District Centre – Redevelopment Report (as detailed at Minute 30 below); and

**37. REDI Centre – Options update (as detailed at Minute 38 below)
CONFIDENTIAL MINUTES / REFERRALS (IF ANY)**

There were no confidential minutes of referrals.

Executive Committee

16th June 2010

38. REDI CENTRE - OPTIONS

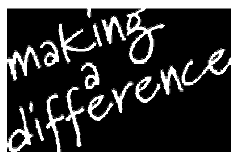
[During consideration of this item Members discussed matters that necessitated the disclosure of exempt information. Councillor Chance queried the reason that the item had been designated as confidential and was advised that it contained information relating to the financial or business affairs of particular persons / organisations, disclosure of which was not in the public's or the Council's best interest. It was therefore agreed to exclude the press and public prior to any debate.]

The Meeting commenced at 7.00 pm
and closed at 9.05 pm

.....
Chair

By virtue of paragraph(s) 3, 4 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted



Audit & Governance

Committee

15th June 2010

MINUTES

Present:

Councillor Bill Hartnett (Chair), Councillor Robin King (Vice-Chair) and Councillors Michael Braley, Malcolm Hall, Gay Hopkins and William Norton

Also Present:

Brian Warwick – Standard Committee
David Evans - Audit Commission

Officers:

T Kristunas, J Pickering and B Haycock

Committee Services Officer:

D Sunman

1. APOLOGIES

Apologies for absence were received Councillor Andrew Brazier.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES

RESOLVED that

the minutes of the meeting of the Committee held on 20th April 2010 be confirmed as a correct record and signed by the Chair.

4. EXTERNAL AUDIT - PROGRESS REPORT

David Evans, Audit Commission presented a Progress Report that provided information on the 2009/10 audit.

He reported that the pre-statement work on the Opinion Audit had been completed and was used to produce the Opinion Audit Plan

.....

Chair

Audit & Governance

Committee

15th June 2010

which was presented to this Committee at their last meeting in April 2010.

Members were informed that central government had recently announced the cessation of all Comprehensive Area Assessment and Use of Resources work effective immediately. This meant that, although the fieldwork was almost complete, no further work could be carried out including scoring of the Use of Resources for 2009/10.

A review of the approach is being carried out for the value for money conclusion from 2010/11.

RESOLVED that

the report be noted.

5. EXTERNAL AUDIT - CERTIFICATION OF GRANTS

David Evans, Audit Commission presented a report on the Certification of Claims and Returns for grants received from central government during 2008/09, which had amounted to more than £25 million. He explained that the role of the auditors was to ensure that the Council could demonstrate that all conditions attached to various grants had been met otherwise the funding could be put at risk.

In 2008/09 the Commission's audit team had certified six claims as follows:

Claims and returns above £500,000

Claim	Value £	Adequate control environment	Amended	Qualification letter issued
Housing and council tax benefit	23,257,619	Yes	No	Yes
Pooling of housing receipts	511,748	Yes	No	No

Audit & Governance

Committee

15th June 2010

Claim	Value £	Adequate control environment	Amended	Qualification letter issued
HRA subsidy	5,834,619	Yes	No	No
HRA base data return	-	Yes	No	Yes
NNDR return	33,298,937	Yes	No	No

Claims between £100,000 and £500,000

Claim	Value £	Amended
Disabled facilities	240,000	No

Members were informed that the fees charged for grant certification work in 2008/09 amounted to £61,046.

RESOLVED that

the report be noted.

6. INTERNAL AUDIT - ANNUAL REPORT 2009/10

The Committee considered the Internal Audit Annual Report for 2009/10, which presented Members with the Internal Audit Manager's opinion on the overall adequacy of the Council's internal control environment.

RESOLVED that

- 1) the report be noted; and
- 2) Members support the bid for additional temporary audit staff.

Audit & Governance

Committee

15th June 2010

7. ANNUAL GOVERNANCE STATEMENT 2009/10

The Committee's approval was sought for the Annual Governance Statement 2009/10 (AGS) for inclusion in the Council's Statement of Accounts 2009/10.

Members were informed that the purpose of the Annual Governance Statement was not only to show 'compliance' but also to provide an accurate representation of the arrangements in place during the year and to highlight areas where improvement would be required.

RESOLVED that

the Annual Governance Statement 2009/10 be recommended for inclusion in the Statement of Accounts.

8. RISK MANAGEMENT GROUP - ANNUAL REPORT

The Committee received a report on the work of the Risk Management Monitoring Group during 2009/10.

The Head of Finance and Resources reported that the first role of the group had been to agree Terms of Reference, which were subsequently approved by the Corporate Management Team (CMT).

Members were informed that it would be necessary to invite new Officers to attend in 2010/11 to reflect the new roles in the Shared Management Team.

RESOLVED that

the report be noted.

9. INTERNAL AUDIT - MEMBER SUGGESTIONS FOR FUTURE AUDIT ACTIVITY

Members were asked to consider whether there were any suggestions that Internal Audit might consider for inclusion in the next Audit Work Programme.

Members suggested the following areas for inclusion in the Programme:

- 1) Town Hall Radio Studio – use and rental; and
- 2) Grant Funding – how it is spent.

Audit & Governance

Committee

15th June 2010

10. COMMITTEE WORK PROGRAMME 2009 - 2011

Members received a verbal report on the Committee Work Programme 2009/11.

RESOLVED that

The Head of Finance and Resources review the dates of meetings for 2010/11 to fit with reporting requirements.

The Meeting commenced at 7.00 pm
and closed at 8.25 pm



Audit & Governance Committee

29th June 2010

MINUTES

Present:

Councillor Bill Hartnett (Chair), Councillor Robin King (Vice-Chair) and Councillors Michael Braley, Malcolm Hall, Gay Hopkins, William Norton and Michael Chalk (substitute for Councillor Andrew Brazier)

Also Present:

Brian Warwick – Standards Committee

Officers:

T Kristunas, S Morgan and J Pickering

Committee Services Officer:

D Sunman

11. APOLOGIES

Apologies were received on behalf of Councillor Andrew Brazier.

12. DECLARATIONS OF INTEREST

There were no declarations of interest.

13. MINUTES

RESOLVED that

the minutes of the meeting of the Committee held on 15th June 2010 be confirmed as a correct record and signed by the Chair.

.....
Chair

Audit & Governance

Committee

29th June 2010

14. STATEMENT OF ACCOUNTS 2009/10

The Committee received the Statement of Accounts for 2009/10 for formal approval.

RESOLVED that

- 1) the 2009/10 Statement of Accounts be approved; and**
- 2) a copy of the Statement of Accounts be signed, at the meeting, by the Chair.**

The Meeting commenced at 7.00 pm
and closed at 7.50 pm

.....
Chair



www.redditchbc.gov.uk

Licensing Committee

19th July 2010

MINUTES

Present:

Councillor Michael Braley (Chair), Councillor Anita Clayton (Vice-Chair) and Councillors Kath Banks, Michael Chalk, Simon Chalk, Jack Cookson, Adam Griffin, Bill Hartnett, Wanda King, Jinny Pearce and Brenda Quinney

Also Present:

Insp Ian Joseph (West Mercia Police) and Simon Wilkes (WETT Regulatory Services)

Officers:

A Heighway, S Garratt and C Flanagan

Committee Officers:

D Sunman

9. APOLOGIES

Apologies for absence were received on behalf of Councillors Carole Gandy, Robin King and Juliet Brunner (Portfolio Holder for Community Safety).

10. DECLARATIONS OF INTEREST

There were no declarations of interest.

11. MINUTES

RESOLVED that

the minutes of the meeting of the Committee held on 3rd June 2010 be confirmed as a correct record and signed by the Chair.

.....
Chair

Licensing

Committee

19th July 2010

12. LICENSING ACT 2003 - LICENSING MANAGER'S HALF YEARLY REPORT

The Licensing Manager tabled a copy of information extracted from the Licensing Public Register as follows:

Number of licences at July 2010

Personal Licences	473
Premises Licences	202
Club Premises Certificates	24

Number of licence applications received for the year 2010

Personal Licences	20
New Applications for Premises Licences	3
Applications to vary Premises Licences	3
Applications to vary the Designated Premises Supervisor	10
Application to Transfer Premises Licences	2
Temporary Event Notices	37

Number of licences which have required hearings / review / appeals 2010

Hearings	0
Reviews	1
Appeals to Magistrates Courts	0

Number of licences that have ceased to trade / lapsed licences

Ceased to trade / lapsed licences (last 3 years)	0
--	---

Number of complaints made against licensed premises

Complaints Total	25
------------------	----

The Licensing Manager reported that the majority of complaints received had been about noise or smoking and had been dealt with by Officers.

Members sought clarification regarding whether the complaints had been received for one premise or a number of premises and requested a breakdown of the figures in future reports. It was also thought to be helpful if the data could be compared with the same period of the previous year.

Members were informed that the countywide Statement of Licensing Policy was subject to consultation and a report would be made to the next meeting of this Committee.

RESOLVED that

- 1) **the report be noted; and**
- 2) **the information suggested by Members be included in future reports to the Committee.**

13. LICENSING ACT 2003 - WEST MERCIA POLICE - HALF YEARLY REPORT

Insp Ian Joseph, West Mercia Police, presented a report on the previous six months from the Police perspective.

He referred to the fear that cuts in police budgets would result in a reduction of operational policing numbers that might have a potential impact on the reduction in crime. He reported that the Chief Constable would do all he could to avoid any reduction in the delivery of front line services.

He confirmed that the three tier approach to policing, which operates in Redditch, Bromsgrove and Kidderminster, had proved to be effective in terms of crime reduction and detection as well as public reassurance. A recent review of the partnership approach to community safety had identified several excellent ideas for future working.

He reported that the removal of all previous performance measures, including the measure of public confidence and satisfaction, together with the suspension of the Policing Pledge meant that there could be no clear performance base at present. However, the continued reduction in crime and anti social behaviour coupled with the effective detection of offences would remain at the forefront of effort.

Members were informed that it was too early to comment on the Government's proposed changes to policing.

In the Town Centre, the closure of one licensed premise had made a marked impact on offending across the night time economy. He reported that larger gatherings and dangers of substantial disorder in and around Unicorn Hill at closing time had largely stopped, possibly as a consequence of the new planters and improved street lighting that had been installed, or possibly because there were fewer customers as a consequence of the current financial climate.

Members were informed that of ten offences involving violence over the previous weekend only one had taken place in the Town Centre. The remainder were mainly cases of domestic violence in other parts of the town with alcohol proving to be an aggravating factor.

Insp Joseph reported that high profile policing during the World Cup had been successful with few, if any, incidents being directly attributable to the event.

He has witnessed the positive approach of many Designated Premise Supervisors, (DPS) particularly during matches involving the England team.

He reported that the Licensing Committee had conducted one premise review during the period, which had resulted in new conditions being imposed on the licence.

Members were informed that partnership working across agencies continued to produce excellent results. Links to the Drug and Alcohol Action Team (DAAT) had been established to assist in providing support for people with alcohol additions.

Insp Joseph outlined the effectiveness of Operation Staysafe, a multi agency initiative which had taken place on the evening of 25th June. The initiative had aimed to identify and manage children at risk through alcohol, drugs or their environment and had identified four young people who were taken, under police protection, to the Town Hall as a place of safety. Members were informed that two of these young people had been involved in anti social behaviour and two were under the influence of alcohol. The young people and their parents were interviewed by family support professionals who identified further interventions to address their risks and make them less like likely to offend or become a future victim of crime. Further similar operations would be carried out throughout the coming year. He reported that the Alexandra Hospital Accident and Emergency Department in partnership with the DAAT and Youth Services had recently started a Straight Line project to make an impact on the longer term care of young people involved in excessive drinking.

Members were informed that a Drink Banning Order had been used to assist in managing a chaotic and alcohol effected offender. Insp Joseph reported that it was too early to assess whether the order would have any real impact on the offender's behaviour.

Designated Public Place Orders were in place in the Town Centre and the Woodrow Centre and remained an effective tool in the reduction of offending and improvement of the environment for others.

RESOLVED that

the report be noted.

**14. LICENSING ACT 2003 - WORCESTERSHIRE COUNTY COUNCIL
- HALF YEARLY REPORT**

The Committee received a report from Simon Wilkes, WETT Regulatory Services.

Mr Wilkes reported that Trading Standards functions for Redditch had been transferred to a countywide shared Regulatory Service from 1st June 2010. The Investigations Team had received training on the wider requirements of the Licensing Act 2003 to enable them to carry out functions relating to weights and measures, food standards, fair trading and also be able supplement the activities of existing licensing teams.

Members were informed that following re-testing of premises that had sold alcohol to under age customers during 2009, one premise had made a further sale. This had led to the Licensing Committee carrying out a review of the licence for the premise and resulted in the removal of the existing DPS and the addition of a wide range of conditions to the licence. The premise will be monitored to ensure that it complies with these conditions.

He reported that plans for test purchasing had been made for both public houses and off-licences in Redditch for the coming year. The premises where issues had been identified by Trading Standards and / or partner agencies would be targeted. Complaints regarding under age sales for Redditch had reduced but remain at a relatively low level.

The Committee was informed that the Coalition Government were looking to limit local authorities' use of surveillance activity to serious crime with each operation authorised by local magistrates. He reported that this might affect the way Trading Standards operate unless the sale alcohol to minors was included in any future legislation.

RESOLVED that

the report be noted.

15. PREMISES LICENSING - UPDATE ON IMPLEMENTATION OF RECOMMENDATIONS ARISING FROM VISIT TO CARDIFF, 2007

The Committee received an update report the recommendations made by Redditch Community Safety Partnership following a visit to Cardiff in 2007.

Members were informed that the recommendations had been designed to prevent and reduce violent crime and disorder associated with licensed premises and the wider night time economy.

The Head of Community Services reported that the majority of the recommendations had been successfully adopted by the relevant bodies and that there was evidence that this had started to impact on the ability and willingness of premises in Redditch to promote the licensing objectives and, in particular, the reduction of crime and disorder.

Members were informed that significant changes at both local and national level were expected following the Coalition Government's signalled intention to undertake a review of the Licensing Act 2003 and associated legislation.

The Committee was asked to consider receipt of a further report on the Licensed Premises Risk Assessment when the update had been completed. This would provide statistical information on the amount of violent crime and disorder associated with licensed premises in the Borough compared with elsewhere in the County.

RESOLVED that

- 1) the report be noted; and**
- 2) Members receive further updates on the Licensed Premises Risk Assessments.**

16. TAXI RANK, EVESHAM ROAD - UPDATE REPORT

The Committee received a further report on the proposals for an additional and an alternative taxi rank on Evesham Road, Headless Cross, which would increase the number of spaces available by 6 or 7.

The Licensing Manager reported that the Committee had received reports on this issue at their meetings on 25th January and 3rd June 2010. As a result Members of the Committee had carried out a late night site visit on 25th June 2010. She referred members to

advice given by the Traffic Management Officer, West Mercia Police attached at Appendix 2 of the report.

RESOLVED that

- 1) **the report be noted;**
- 2) **West Mercia Police and Worcestershire County Council be consulted on an alternative suggestion for taxi ranks as follows:**
 - a) **removal of existing rank on pavement outside the White Hart Inn;**
 - b) **an additional rank be provided from the letter box (marked LB) to the junction of Highfield Avenue.**
 - c) **an extension of the proposed rank outside Steps to increase available space toward the junction of Highfield Avenue. (as shown on the map attached at Appendix 1 of the report);**
 - d) **removal of the proposed taxi rank at the bus shelter outside 100 and 100a Evesham Road. (as shown on the map attached at Appendix 1 of the report); and**
- 3) **that once an agreement has been reached on the siting of new taxi ranks, enforcement action be carried out at appropriate times.**

17. LICENSING - REGULATION OF SEXUAL ENCOUNTERS VENUES

The Committee received a report on the new powers given to Local Authorities to regulate lap dancing clubs as Sex Establishments under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. Members were informed that lap dancing clubs had been reclassified as Sexual Encounter Venues by the Policing and Crime Act 2009.

The Licensing Manager reported that the measures were effective from 6th April 2010 and once adopted by the Council would give local people a greater say over where, and how many, lap dancing clubs open and operate in their neighbourhoods.

Licensing Committee

19th July 2010

RECOMMENDED that

- 1) the adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, and adopt Section 27 paragraph 2(2) of Schedule 3 to the Policing and Crime Act 2009 with effect from (no more than 1 month after the day on which the resolution was passed) be re-affirmed.
- 2) a fee for a Sex Shop and / or a Sexual Encounter Venue Licence and include that fee within the Council's Fees and Charges register be set as follows:-
 - a) Grant £920.00
 - b) Renewal £890.00
 - c) Transfer £135.00
- 3) the Head of Worcestershire Regulatory Services be delegated all powers under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, and section 27 paragraph 2(2) of Schedule 3 to the Policing and Crime Act 2009.

18. COMMITTEE WORK PROGRAMME 2009/10

Members considered the Committee's Work Programme for 2009/11.

RESOLVED that

- 1) the report be noted.
- 2) the programme be amended to become a rolling programme items for discussion at future meetings.

The Meeting commenced at 7.00 pm
and closed at 8.30 pm



Planning Committee

22nd June 2010

MINUTES

Present:

Councillor Michael Chalk (Chair), and Councillors P Anderson, K Banks, B Clayton (during Minute Nos. 9 to 12 inclusive), M Hall (substituting for Councillor Hicks), B Hartnett, R King and M Shurmer (substituting for Councillor W King)

Officers:

S Edden, A Hussain, S Skinner and J Staniland.

Committee Services Officer:

A C Stephens.

9. APOLOGIES AND NAMED SUBSTITUTES

Apologies for absence were received on behalf of Councillors Hicks, Hill and W King.

10. DECLARATIONS OF INTEREST

Councillor Anderson did not participate in consideration of Planning Application 2010/030, as detailed at Minute 12 below; and

Councillor Chalk declared a personal but not prejudicial interest in Planning Application 2010/081, as detailed at Minute 13 below.

11. CONFIRMATION OF MINUTES

RESOLVED that

the minutes of the meeting of the Committee held on 25th May 2010 be confirmed as a correct record and signed by the Chair.

.....
Chair

**12. PLANNING APPLICATION 2010/030/FUL –
ABBEY STADIUM, BIRMINGHAM ROAD, REDDITCH**

Development of a new pool hall building
with associated parking, new access roads,
independent sub-station building and landscaping.
Applicant: Redditch Borough Council

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

Mr M Barnard - Supporter, representing the Applicant
Councillor P Anderson - Supporter, and Portfolio Holder for Leisure and Tourism

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 main report, and the following additional conditions and informatives:

Conditions:

- 15. Details of noise mitigation during construction to be agreed and then implemented as agreed.**
- 16. Access, turning and parking.**
- 17. Action plan relating to a travel plan.**

Informatives:

- 7. Private apparatus within the highway.**
- 8. Alteration of highway to provide crossover."**

(Councillor Anderson did not participate in consideration of Planning Application 2010/030, in view of his position as relevant Council Portfolio Holder, and in order to speak in favour of the proposal in that capacity during Public Speaking.)

**13. PLANNING APPLICATION 2010/081/FUL –
14 TREDINGTON CLOSE, WOODROW SOUTH, REDDITCH**

First floor extension over existing
flat roofed garage to side of dwelling,
demolition of existing conservatory to rear,
new conservatory and ground floor utility
Applicant: Mr P Harris

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 main report.

(Prior to consideration of this item, and in accordance with the requirements of Section 81 of the Local Government Act 2000, Councillor Chalk declared a personal but not prejudicial interest in view of him being related to the applicant through marriage.)

**14. PLANNING APPLICATION 2010/086/COU –
15-17 EVESHAM WALK, TOWN CENTRE, REDDITCH**

Retrospective application for Change of Use
from retail (A1 use) to coffee shop / café (A3 use)
Applicant: Nero Holdings Ltd.

RESOLVED that

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

**15. PLANNING APPLICATION 2010/103/COU –
REAR OF 23 - 28 ETTINGLEY CLOSE AND
1, 2, 11 AND 12 FERNWOOD CLOSE, WIREHILL**

Change of Use of vacant land to residential
gardens (part-retrospective)
Applicant: Mrs J Randall

This matter had been WITHDRAWN from the Agenda at the request of Officers and was not discussed.

16. **PLANNING APPLICATION 2010/108/FUL –
LAND TO THE REAR OF 11/13 NEW ROAD,
ASTWOOD BANK**

Erection of one dwelling
Applicant: Mr D Ellis

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.

17. **PLANNING APPLICATION 2010/111/RC3 –
EATHORPE CLOSE, MATCHBOROUGH**

Environmental enhancements - demolition of
existing garages and provision of parking spaces
Applicant: Redditch Borough Council

RESOLVED that

having regard to the Development Plan and to all other material considerations, and subject to the expiry of the consultation period on the 25th June 2010 with no new material considerations being raised, authority be delegated to the Head of Planning and Regeneration Services to GRANT Planning Permission, subject to the conditions summarised in the main report, together with the following informative:

- '1. Consultations to be held with users of the parking spaces to determine layout requirements.'**

The Meeting commenced at 7.00 pm
and closed at 7.46 pm

.....
CHAIR



Planning Committee

20th July 2010

MINUTES

Present:

Councillor Michael Chalk (Chair) and Councillor Nigel Hicks (Vice-Chair), and Councillors B Clayton, A Griffin (substituting for Councillor Banks), W Hartnett and R King

Also Present:

M Collins (Vice-Chair – Standards Committee)

Officers:

A Hussain, A Rutt and S Skinner

Committee Services Officer:

A C Stephens

18. APOLOGIES

Apologies for absence were received on behalf of Councillors Banks, Hill and W King.

19. DECLARATIONS OF INTEREST

No declarations of interest were received.

20. CONFIRMATION OF MINUTES

RESOLVED that

the minutes of the meeting of the Committee held on 22nd June 2010 be confirmed as a correct record and signed by the Chair.

.....
Chair

**21. PLANNING APPLICATION 2010/103/COU –
REAR OF 23 TO 28 ETTINGLEY CLOSE AND 1, 2, 11 AND
12 FERNWOOD CLOSE, WIREHILL**

Change of Use of vacant land to
residential gardens (part retrospective)
Applicant: Mrs J Randall

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

- Mrs V Kendrick - Objector, representing the Campaign to Protect Rural England
Mrs G Rowe - Objector, representing the Warwickshire Wildlife Trust
Mr J A Irving - Objector, representing Natural England
Mr S Vick - Applicant's Agent

RESOLVED that

- 1) **having regard to the Development Plan and to all other material considerations, Planning Permission be REFUSED for the following reasons:**
 - a. **the encroachment of the residential use and the enclosure of the land proposed would be contrary to the criteria set out in Policy R1 of the Borough of Redditch Local Plan No. 3 in that it would detract from the visual openness of the designated Primarily Open Space and as such would be harmful to the visual amenities of the area.**
 - b. **the change of use of the land proposed would be likely to have a negative impact on the nearby Site of Special Scientific Interest (SSSI) and the woodland edge habitat and as such would be likely to be harmful to the biodiversity of the site and its surroundings, contrary to PPS9 and Policies CS2, R1 and B(NE)10a of the Borough of Redditch Local Plan No.3; and**
- 2) **in respect of the retrospective nature of the application, legal proceedings be commenced in the Magistrates' Court in the event of any failure to comply with any Notice served and expired without compliance.**

(This decision was taken contrary to Officer recommendation for the reasons stated above.)

**22. PLANNING APPLICATION 2010/135/COU –
1207 EVESHAM ROAD, ASTWOOD BANK**

Retrospective application to Change the Use of
the front section of the bungalow from residential
to incorporate bar and reception area
Applicant: Mr A Miah

The applicant, Mr A Miah, addressed the Committee under the Council's public speaking rules:

RESOLVED that

- 1) **having regard to the Development Plan and to all other material considerations, Planning Permission be REFUSED for the following reasons:**
 - a) **the loss of the residential unit to the front of the building would have a harmful effect on the character and appearance of the street-scene in this residential location by creating a non-residential use and appearance, and as such, would be contrary to Policy B(BE)13 of the Borough of Redditch Local Plan No. 3;**
 - b) **the use of the whole building for Class A3 purposes would be likely to result in additional harmful impacts such as noise and disturbance on the adjacent residential properties which would be unacceptable and therefore the proposal is considered to be contrary to PPS24 and Policy B(BE)13 of the Borough of Redditch Local Plan No.3; and**
- 2) **in respect of the retrospective nature of the application, legal proceedings be commenced in the Magistrates' Court in the event of any failure to comply with any Notice served and expired without compliance.**

(This decision was taken contrary to Officer recommendation for the reasons stated above.)

The Meeting commenced at 7.00 pm
and closed at 8.26 pm

.....
CHAIR



www.redditchbc.gov.uk

Standards

Committee

30th June 2010

MINUTES

Present:

Independent Members:

Deborah Andrews (Chair)
Michael Collins (Vice-Chair)
Brian Warwick

Redditch Borough Councillors:

Andrew Fry
Malcolm Hall
Derek Taylor
Brenda Quinney

Feckenham Parish Councillor:

Antonia Pulsford

Also Present:

D Parker-Jones (Ethical Standards Officer, Bromsgrove District Council)

Officer:

C Felton

Committee Officer:

I Westmore

1. APOLOGIES

Apologies for absence were received on behalf of Borough Councillor William Norton and Parish Councillor Louisa Venables.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

.....
Chair

Standards

Committee

30th June 2010

3. MINUTES

RESOLVED that

the minutes of the meeting of the Standards Committee held on 8th December 2010 be agreed as a correct record and signed by the Chair.

4. MONITORING OFFICER'S REPORT

The Monitoring Officer presented a report on matters of relevance to the Committee for the consideration of the Members.

The training of Members was discussed. It was confirmed that new Members had, as far as was possible, received induction training soon after election in issues including the Members' Code of Conduct. It was anticipated that the Standards Committee and Monitoring Officer would have an opportunity to address the perceived training needs of Members in respect of standards and the Code of Conduct through the Member Development Steering Group.

The Committee took the view that training in the broadest sense should be play a key role in the life of all Members and should be an ongoing process throughout their time on the Council. Officers proposed that Members should be offered a rounded package which provides a choice of content and learning styles.

In respect of training directed at Standards Committee members, it was agreed that this was best delivered in bite-sized chunks, particularly in the light of the prospective changes coming through at the present time regarding the future of Standards for England (SfE) regime.

It was noted that Members might benefit from further training in their proper role in the adoption of the Statement of Accounts. Officers agreed to refer this suggestion to the Director of Finance and Resources.

The Monitoring Officer provided an update on the investigation into an ongoing complaint against a Member (reference 01/2010). It was noted that the final report was nearing completion. Officers undertook to keep Members abreast of the developments in ongoing investigations as the process largely took place behind the scenes and the impression could be formed that matters were not progressing. Members commented that an enhanced minimum provision of IT equipment would assist in realising this aspiration. It

Standards

Committee

30th June 2010

was stated that this would be on the agenda for the next meeting of the Modernising Democracy Steering Group.

RESOLVED that

- 1) the first report of the Monitoring Officer be noted;
- 2) a Monitoring Officer's report be submitted to each subsequent meeting of the Committee; and
- 3) the approach to Standards Committee Members' training, as outlined above, be agreed;

5. MEMBERS' PLANNING CODE OF GOOD PRACTICE

The Committee received the Members' Planning Code of Good Practice on a second occasion following deliberation of the document by the Planning Committee.

The changes that had been proposed were welcomed, although one further amendment was proposed in respect of speaking rights of Ward / Local Members.

RECOMMENDED that

the draft Members' Planning Code of Good Conduct, as amended (attached), be adopted, subject to the following further amendment:

Paragraph 3, Bullet Point 3 – if Ward Members wish to exercise their speaking rights as Ward Councillors on any item they should remove themselves from the decision-making process for the duration of that item.

6. CHAIR'S / MEMBERS' REPORTS

Members provided a brief resume of the Council's meetings at which they had acted as observers on behalf of the Standards Committee.

RESOLVED that

the report be noted.

7. PARISH COUNCIL REPORT (IF ANY)

The Parish Council representative informed the Committee that the Parish Council was at present carrying two vacancies.

Standards

Committee

30th June 2010

RESOLVED that

the report be noted.

8. PUBLICATIONS

There were no recent publications to which the Monitoring Officer wished to draw Members' attention.

9. WORK PROGRAMME

Members considered the Committee Work Programme for future meetings. It was noted at the outset that a number of the matters included may be held over pending any changes made nationally to the Standards regime during the autumn of 2010.

The inclusion of Criminal Records Bureau (CRB) checks for Councillors was discussed, with some uncertainty being apparent as to the nature of the Committee's interest in this matter. Officers undertook to obtain information on the prevalence of mandatory CRB checks undertaken by other Council's within the region.

Given that there were now two ongoing complaints, it was proposed that guidance from the Ethical Standards Officer of Bromsgrove District Council would be a useful addition to Members' training. It was agreed that this might be provided prior to pre-hearing and hearing, if required, for complaint reference 01/2010.

RESOLVED that

the work programme for the Committee be noted, subject to the comments, above.

The Meeting commenced at 7.02 pm
and closed at 8.20 pm

.....
Chair

Members' Planning Code of Good Practice



Appendix 1

Background

The Planning Code of Good Practice has been prepared in response to the Local Government Association's Guidance Note on the preparation of Local Codes of Good Practice on Planning Matters in the light of the introduction of the new ethical framework and replaces the Council's former local code of conduct on planning matters.

This Code is as per the model adopted by the Association of Council Secretaries and Solicitors (ACSeS) and launched on the 14th February 2003. The drafting of the model code was subject to consultation and comment from a number of other local authorities through the machinery of the Association of Council Secretaries and Solicitors (ACSeS), the Standards Board for England, the Local Government Ombudsman, Audit Commission and from firms of solicitors or counsel acting on their behalf.

~~Planning is not an exact science. Rather, it relies on informed judgement within a firm policy context. It is also contentious because its decisions affect the daily lives of everyone and the private interests of individuals, landowners and developers and land values. All this is heightened by the openness of the system and the legal nature of development plans and decision notices.~~

~~Consequently, with any application which has been refused or approved in the face of opposition, the decision may well be reviewed in any of the following ways. Any question of a procedural defect, impropriety or misconduct, whether warranted or not, may lead to an application for judicial review or a complaint of maladministration to the Local Government Ombudsman. Even if not taking such action, the aggrieved party may attempt to convince others that the decision was flawed. Of necessity, the planning process must not only be fair, it must be seen to be fair.~~

Introduction

The aim of this code of good practice: to ensure that, in the planning process, there are no grounds for suggesting that a decision **made at Planning Committee** has been biased, partial or not well founded in any way.

The key purpose of Planning: to control development in the public interest.

Your role as a Member of the Planning Authority: to make planning decisions openly, impartially, with sound judgement and for justifiable reasons.

When the Code of Good Practice applies: this code applies to Members of **Planning Committee** at all times when involving themselves in the planning process. (This includes when taking part in Planning Committee meetings or when involved on less formal occasions, such as meetings with Officers or the public and consultative meetings and pre-application discussions). It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.

The successful operation of the planning system: relies on mutual trust and understanding of Member and Officer roles. It also relies on Members and Officers ensuring that they act in a way which is not only fair and impartial, but is clearly seen to be so.

If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer, Deputy Monitoring Officer or Democratic Services Officers, and preferably, well before any meeting takes place.

1. Relationship to the Members' Code of Conduct

- **Do** apply the rules in the Members' Code of Conduct first, as there must always be compliance with these.
- **Do** then apply the rules in this Planning Code of Good Practice, which seek to explain and supplement the Members' Code of Conduct for the purposes of planning control. If you do not abide by this Code of Good Practice, you may put:
 - the Council at risk of proceedings on the legality or maladministration of the related decision; and
 - yourself at risk of either being named in a report made to the Standards Committee or Council or, a complaint being made to the Council's Standards Committee or, in case of serious breaches, a complaint being made to Standards for England (formerly the Standards Board for England).

2. Development Proposals and Interests under the Members' Code

- **Do** disclose the existence and nature of your interest at any relevant meeting, including informal meetings or discussions with Officers and other Members. Preferably, disclose your interest at the beginning of the meeting and not just at the commencement of discussion on that particular matter. (*Use the disclosure form provided for disclosing interests.*)

Where your interest is personal and prejudicial:-

- **Do** then act accordingly.
 - **Don't** participate, or give the appearance of trying to participate, in the making of any decision on the matter by the Council as the Planning Authority.
 - **Don't** try to represent Ward views, get another Ward Member to do so instead.
 - **Don't** get involved in the processing of the application. **[NOTE not even under Protocol for Pre-Application Discussions where interest is personal AND prejudicial]**
 - **Don't** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a Councillor. This would include, where you have a personal and prejudicial interest in a proposal, using your position to discuss that proposal with Officers or Members when other members of the public would not have the same opportunity to do so.
 - **Do** be aware that, whilst you are not prevented from seeking to explain and justify a proposal in which you have a personal and prejudicial interest, to an appropriate Officer, in person or in writing, the **Members'** Code places limitations on you in representing the that proposal, that would not apply to a normal member of the public.
 - You may address the Planning Committee but only to make a presentation in the same manner that would apply to any normal member of the public. ~~after which~~ You must leave the room **at the conclusion of your presentation and before the meeting considers the proposal.** ~~whilst the meeting considers it.~~
 - You may not remain to observe the meeting's considerations ~~on it~~ from the public gallery, **which the other speakers may do.**
 - In order to be able to address the Planning Committee on a proposal in which you have a personal and prejudicial interest, you must notify Planning Services of your wish to address the Committee in accordance with the Council's public speaking rules.
 - **Do employ an agent to act on your behalf on the proposal in dealing with Officers and any public speaking at Planning Committee.** ~~notify the Monitoring Officer in writing and note that:~~
 - ~~— you should send the notification no later than submission of the application in which you have a personal and prejudicial interest, where you can;~~
 - ~~— the proposal will always be reported to the Committee as a main item and not dealt with by Officers under delegated powers; and~~
 - ~~— it is advisable that you employ an agent to act on your behalf on the proposal in dealing with Officers and any public speaking at Planning~~

~~Committee.~~

- **Do** seek advice from the Monitoring Officer or Democratic Services Officers if you are unsure about whether or not you have an interest which needs to be declared, preferably in advance of the meeting at which the interest is likely to arise.

3. Fettering Discretion in the Planning Process.

- **Don't** fetter your discretion and therefore your ability to participate in planning decision making at this Council by making up your mind, or clearly appearing to have made up your mind (particularly in relation to an external interest or lobby group), on how you will vote on any planning matter prior to formal consideration of the matter at the meeting of the planning authority and of your hearing the Officer's presentation and evidence and arguments on both sides.

Fettering your discretion in this way and then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.

- **Do** be aware that you are likely to have fettered your discretion where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as having acted as, ~~being~~, a chief advocate for the proposal.

(This is more than a matter of membership of both the proposing and planning determination committees, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.)

- **Do** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a member of the Parish Council, for example, or both a Borough and County Councillor), provided:
 - the proposal does not substantially effect the well being or financial standing of the consultee body;
 - you make it clear to the consultee body that:
 - your views are expressed on the limited information before you only;
 - you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Committee and you hear all of the relevant information; and
 - you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee; and
 - you disclose the personal interest regarding your membership or role when the Committee comes to considers the proposal.

Where you have Fettered your Discretion:-

- **Don't** speak and vote on a proposal where you have fettered your discretion (for example, where you have committed yourself to a particular view on a planning issue prior to its consideration at Planning Committee). You do not ~~also~~ have to withdraw, but you may prefer to do so for the sake of appearances.
- **Do** explain that you do not intend to speak and vote because you have or you could reasonably be perceived as having judged (or reserve the right to judge) the matter elsewhere, so that your intention not to speak and vote and the reason why this may be recorded in the minutes. *(Use the Council's disclosure form for disclosing interests.)*
- **You may Do If you** take the opportunity to exercise your separate speaking rights as a Ward/Local Member (this is granted by the authority's standing orders or by the consent of the Chairman and Committee) **even** where you have represented your views or those of local electors and fettered your discretion, but do not have a personal and prejudicial interest ~~Where you have fettered your discretion but wish to exercise your right to speak as a Ward/Local Member,~~
- **DO:**
 - advise the proper Officer or Chairman that you wish to speak in this capacity before commencement of the item;
 - remove yourself from the member seating area for the duration of that item **and do not participate in the making of any decision on the matter;** and
 - ensure that your actions are recorded.

4. Contact with Applicants, Developers and Objectors

- **Do** refer those who approach you for planning, procedural or technical advice to Officers.
- **Don't** agree to any ~~formal~~ meeting with applicants, developers or groups of objectors where you can avoid it. Where you feel that a ~~formal~~ meeting would be useful in clarifying the issues, you should never seek to arrange that meeting yourself but should request the Development Control Manager to organise a formal meeting. ~~it.~~

The Officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.

- **Do** otherwise:
 - follow the rules on lobbying;
 - ~~consider whether or not~~ It would be prudent in the circumstances to make notes when contacted; and
 - report to the Development Control Manager any significant contact with the

applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.

- **Do** comply with the Council's Protocol on Pre-Application Discussions.

In addition in respect of presentations by applicants/developers:

- **Don't** attend a planning presentation unless an Officer is present and/or it has been organised by Officers.
- **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.
- **Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application, this will be carried out by the appropriate Committee of the planning authority.
- **Do** be aware that a presentation is a form of lobbying and you must not express any strong view or state how you or other Members might vote.
- **Don't** approach applicants, developers or agents with a view to securing changes to an application or achieving planning gain. Any such contact would normally be conducted by and through Officers and should always be reported to Planning Committee.

5. Lobbying of Councillors

"Lobbying", which can be defined as an approach to a Councillor by an applicant, developer, objector or other third party, is considered an important part of the democratic process. The Nolan Report recognised the two roles that Councillors perform in the planning process, namely, the representation of public opinion and the determination of applications.

However, lobbying can, unless care and common sense are exercised by all parties, lead to the impartiality of a Councillor being called into question and the need for an interest to be declared. When being lobbied, all Councillors should take care about expressing an opinion which may be taken as indicating that they have already made up their mind on the application ("*predetermination*") before they have considered all representations and the planning content. Councillors should not lobby other Councillors to act for them, or act as an agent for other Councillors, or put pressure on Officers for a particular recommendation.

- **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it prejudices your impartiality and therefore your ability to participate in the Committee's decision making to express an intention to vote one way or another or such a firm point of view that it amounts to the same thing (predetermination).

- **Do** give procedural advice, such as recommending that those who are lobbying you should write to the Development Control Manager so that their views can be included in the Officer's report to Planning Committee.
- **Do** remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.
- **Don't** accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible and remember to register of interests where its value is over £25 (in accordance with the Council's rules on gifts and hospitality).
- **Do** copy or pass on any lobbying correspondence you receive to the Development Control Manager at the earliest opportunity.
- **Do advise the sender** ~~note the contents of the correspondence and advise that it has been passed to Officers.~~
- **Do** promptly refer to the Development Control Manager any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.
- **Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate Officers to follow the matter up.
- **Do** note that, unless you have a personal and prejudicial interest, you will not have fettered your discretion or breached this Planning Code of Good Practice through having:
 - Listened ~~ing~~ to or received ~~ing~~ viewpoints from residents or other interested parties;
 - Made ~~ing~~ comments to residents, interested parties, other Members or appropriate Officers, provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind;
 - Sought ~~seeking~~ information through appropriate channels; or
 - Been ~~ing~~ a vehicle for the expression of opinion or speaking at the meeting as a Ward Member, provided you explain your actions at the start of the **Planning Committee** meeting or item and make it clear that, having expressed the opinion of ward/local view, you have not committed yourself to vote in accordance with those views and will make up your own mind having heard all the facts and listened to the debate.

6. Lobbying by Councillors

- **Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If you do, you will have fettered your discretion and are likely to have a personal and prejudicial interest.

- **Do** join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, such as the Victorian Society, CPRE, Ramblers Association or a local civic society, but disclose a personal interest where that organisation has made representations on a particular proposal and make it clear to that organisation and the Committee that you have reserved judgement and the independence to make up your own mind on each separate proposal.
- **Don't** excessively lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.
- **Don't** decide or discuss how to vote on any application at any sort of political group meeting **or at all, nor** lobby any other Member to do so.
- Political Group Meetings should never dictate how Members should vote on a planning issue.

7. Site Visits

A formal site visit will often be helpful if the impact of the proposed development is difficult to visualise from plans and supporting information including photographs, or there is good reason why the comments of the applicant and objectors cannot be adequately expressed in writing.

- **Do** try to attend site visits organised by the Council where possible.
- **Don't** request a site visit unless you feel it is strictly necessary because:
 - particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or
 - there are significant policy or precedent implications and specific site factors need to be carefully addressed.
- ~~**Do** ensure that any information which you gained from the site visit is reported back to the Committee, so that all Members have the same information~~
- **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.
- **Do** ask the Officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- **Don't** hear representations from any other party, with the exception of the Ward Member(s) whose address must focus only on site factors and site issues. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the Development Control Manager and direct them to or inform the Officer present.
- **Don't** express opinions or views to anyone.
- **Do generally, view a site from the public perspective only.**
- **Don't** enter a site which is subject to a proposal other than as part of an official

site visit, even in response to an invitation, as this may give the impression of bias. ~~unless:~~

- ~~— you feel it is essential for you to visit the site other than through attending the official site visit,~~
- ~~— you have first spoken to the Development Control Manager about your intention to do so and why (which will be recorded on the file) and~~
- ~~— you can ensure you will comply with these good practice rules on site visits.~~

8. Public Speaking at Meetings

- **Don't** allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking, as this may give the appearance of bias.
- **Do** ensure that you comply with the Council's procedures in respect of public speaking.

9. Officers

~~Councillors and Officers have different, but complementary roles. Both serve the public but Councillors are responsible to the electorate, while Officers are responsible to the Council as a whole. As a general rule, instructions will usually be given to Officers through a Council or Committee decision.~~

~~Staff must always act impartially. In order to ensure that senior Officers do so, the Local Government and Housing Act 1989 imposes restrictions on their outside activities. The Council will identify which of their Officers are subject to these restrictions. This list will be reviewed regularly. Staff paid on salary grade SO1 and above must also seek permission from their Manager to carry out any private work.~~

- **Don't** put pressure on Officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the Development Control Manager, which may be incorporated into any committee report).
- **Do** recognise that Officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with a Head of Service or those Officers who are authorised by their Head of Service to deal with the proposal at a Member level.
- **Do** recognise and respect that Officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning Officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

10. Decision Making

- **Do read Reports fully in preparation for Planning Committee Meetings.**

- **Do** ensure that, if you request a proposal to go before the Committee rather than be determined through Officers' delegated powers, that your reasons are recorded and repeated in the report to the Committee.
- **Do** come to meetings with an open mind and demonstrate that you are open-minded.
- **Do** comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.
- **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, defer or refuse. ~~but do make sure that you keep an open mind until all relevant information is to hand to avoid fettering your discretion.~~
- **Don't** vote or take part in the meeting's discussion on a proposal unless you have been present from the outset of the item ~~to hear the entire debate, including the Officers' introduction. to the matter.~~
- **Do** have recorded the reasons for Committee's decision to defer any proposal.
- **Do** make sure that if you are proposing, seconding or supporting a decision contrary to Officer recommendations or the development plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.
- **Do** treat proposals for development of Council-owned land in the same way as those submitted by other persons.

11. Training

- **Don't** participate in decision making at meetings dealing with planning matters if you have not attended the mandatory planning training prescribed by the Council.
- **Do** endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.
- ~~**Do** participate in the annual review of a sample of planning decisions to ensure that Members' judgements have been based on proper planning considerations.~~

MEMBER'S DISCLOSURE OF INTEREST

A Member with a personal interest in a matter who attends a meeting of the authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

MEMBER'S NAME:	
MEETING OF:	
DATE OF MEETING:	

❖ I disclose for the information of the meeting that I have a personal interest in _____

(1)

which will be the subject of consideration by the meeting.

THE NATURE OF THAT INTEREST IS _____ (2)

AND (3) [Delete if not applicable] (4)

❖ The personal interest is a prejudicial interest and I shall withdraw from the chamber during deliberation of the item.

OR (4) [Delete if not applicable]

❖ The interest is disclosed on grounds of planning good practice, as I have or have appeared to judge [or reserve the right to judge] the planning matter elsewhere, including whilst serving on another body, and I will not take part in the debate or vote. I [will] [will not] [Delete as applicable] be also withdrawing from the chamber.

SIGNED:

Dated

❖ To be read out by the Member when invited to by the agenda or at the commencement of consideration of that item. PLEASE COMPLETE THIS FORM AND PASS IT TO THE COMMITTEE OFFICER DURING THE MEETING.

- (1) State details of the item (agenda item, planning application number, etc.)
- (2) State what the general nature of the personal interest in the matter is. (You do not need to supply specific details unless you wish to).
- (3) State only if this is a prejudicial as well as a personal interest

A Member with a prejudicial interest in any matter must also:

- withdraw from the room or chamber where a meeting is being held whenever it becomes apparent that the matter is being considered at that meeting (or immediately after giving statements or evidence to where the Code and the Council's public participation rules permit it) unless s/he has obtained a dispensation from the Standards Committee;
- not exercise executive functions in relation to that matter; and
- not seek improperly to influence a decision about that matter.

(4) State where you have an interest which flows from fettering one's discretion as described in the Members' Planning Code of Good Practice.

What matters are being discussed at the meeting?

Does the business relate to or is it likely to affect to any of your registered interests?

These will include

- persons who employ you, appointed you or paid your election expenses;
- your business, company ownership, contracts or land; or
- gifts or hospitality received (in the previous three years of this Code)

