

minute book 4



Council

Mon 7 Dec
2015
7.00 pm

Council Chamber
Town Hall
Redditch



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EXECUTIVE

Committee

13th October 2015

MINUTES

Present:

Councillor Bill Hartnett (Chair), Councillor Greg Chance (Vice-Chair) and Councillors Juliet Brunner, Brandon Clayton, John Fisher (during Minute No.'s 42 to 49), Mark Shurmer, Debbie Taylor and Pat Witherspoon

Officers:

Derek Allen, Clare Flanagan, Sue Hanley, Kath Manning, Jayne Pickering and Judith Willis

Committee Officers:

Debbie Parker-Jones

40. APOLOGIES

An apology for absence was received from Councillor Yvonne Smith.

41. DECLARATIONS OF INTEREST

There were no declarations of interest.

42. LEADER'S ANNOUNCEMENTS

Work Programme

It was noted that the following reports, which had originally been listed on the Work Programme for consideration at the meeting that evening, had been deferred to either the 15th December 2015 or a later meeting:

- Housing Business Case;
- Fees and Charges;
- Provision of Disabled Car Parking Spaces within Council-Owned Housing Area;
- Reorganisation and Change Policy;
- Update on Medium Term Financial Plan;
- Health and Safety Policy – Contractor Security;
- Contractor Safety Policy; and
- Lone Working Policy.

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Chair

EXECUTIVE

Committee

13th October 2015

Report Updates – Energy Efficiency Fund

Officers tabled some updates to this report, for consideration at Agenda Item 6.

43. MINUTES**RESOLVED that**

the minutes of the meeting of the Executive Committee held on 8th September 2015 be agreed as a correct record and signed by the Chair.

44. OVERVIEW AND SCRUTINY COMMITTEE

The Committee received the minutes of the meeting of the Overview and Scrutiny Committee held on 1st September 2015.

It was noted that there were no recommendations to consider.

RESOLVED that

the minutes of the meeting of the Overview and Scrutiny Committee held on 1st September 2015 be received and noted.

45. CREATION OF A NEW ENERGY EFFICIENCY FUND FOR HOMEOWNERS IN REDDITCH

The Committee received a report which summarised proposals to use existing resources to launch a new Energy Efficiency Fund to help homeowners in Redditch improve the energy efficiency of their properties, helping them to heat their homes more affordably and reliably and also producing carbon savings.

Officers tabled the following report amendments, all of which were agreed by Members:

- an amendment to recommendation 3 for the scheme to be reviewed six months after its launch;
- addition of a paragraph at 3.8 of the report to read: "The scheme is for homeowners in Redditch. Council tenants should seek help with energy efficiency by contacting staff at their Locality Housing Office.";
- deletion of the references to assisting with energy efficient light fittings and bulbs contained in the first section of the list of measures at Appendix 1 and in paragraph 3.9 of the report; and

EXECUTIVE

Committee

13th October 2015

- an addition to the first section of the list of measures in Appendix 1, with reference to the financial support available, that a household financial criterion of £250 would apply towards the costs of works for those households in receipt of qualifying benefits. Those households earning below the average Redditch household income would automatically be making their own financial contribution.

Introducing a financial contribution requirement to the scheme would ensure that the Council's scheme mirrored the approach undertaken within the current Affordable Warmth element of the Energy Company Obligation (ECO), where a minimum £250 contribution was required for broken boilers. Where Redditch residents could benefit from existing ECO funding streams, Act on Energy would help them access such assistance. The Council's energy efficiency scheme would provide support for those households which did not qualify for such funding streams, to prevent them from falling into further difficulty.

Introducing a financial contribution for all households benefitting from the Energy Efficiency Fund to resolve broken boilers should enable the Council to focus on those households which did not qualify for assistance from other schemes. This approach would also maximise the effectiveness of the scheme in terms of the number of households which could be supported.

Officers stressed that the Council was not trying to replace the current energy efficiency options which existed outside of the Council, and that the Fund would only be used where there were no other available options or where people were in crisis. The Head of Community Services would have discretion to consider applications which fell outside of the normal criteria where 'exceptional circumstances' applied. Officers felt that they would learn from the first six months of implementation of the scheme and that a review of the scheme after that stage would therefore be pertinent.

RESOLVED that

- 1) an Energy Efficiency Fund for homeowners in Redditch be launched and delivered between November 2015 and November 2018;**
- 2) authority be delegated to the Head of Community Services to finalise the inclusion of the Energy Efficiency Fund within the existing Service Level Agreement (SLA) with Act on Energy; and**

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Committee

13th October 2015

- 3) authority be delegated to the Head of Community Services to finalise details of the approved scheme and, in consultation with the Portfolio Holders for Housing and the Local Environment, to make minor amendments to the scheme and review the scheme six months after it is launched.

RECOMMENDED that

the remaining £17k Warmer Worcestershire capital grant funds be transferred to fund the revenue schemes detailed in the report.

46. CHILD SEXUAL EXPLOITATION STRATEGY

Members were asked to endorse the county-wide Child Sexual Exploitation (CSE) Strategy 2015-17, and to consider how the Council could contribute to its achievement. It was noted that the Executive Committee could resolve on this matter, which was not apparent from the report recommendation.

Officers highlighted the key elements of the Strategy and explained that the CSE Pathway was unique as it allowed for the reporting of non-child specific concerns, for example where there were concerns in relation to particular premises rather than individuals.

Members noted the work being undertaken by the Council as detailed at paragraph 3.12 of the report, and the roles that the Redditch Partnership and North Worcestershire Community Safety Partnership and Tasking Group would play in this.

Given the importance of the subject matter and the national issues which had emerged in recent times, Members felt that all councillors should be strongly encouraged to attend safeguarding training as part of their annual training programme. It was noted that a copy of the Strategy had also been placed in the political group rooms for Members' information.

RESOLVED that

the Worcestershire Child Sexual Exploitation Strategy 2015-2017 and the Council's contribution as outlined in paragraph 3.12 of the report, be endorsed.

EXECUTIVE

Committee

13th October 2015

47. MEDIUM TERM FINANCIAL PLAN 2016/17 - 2018/19 - BUDGET ASSUMPTIONS

The Committee considered a report, for recommendation to full Council, which set out the budget assumptions to be used in preparing the detailed 2016/17 budget and provisional budgets for 2017/18 and 2018/19. A typographical error in the report recommendation was noted, which should have referred to the assumptions detailed in paragraph 3.7 and not 3.5 of the report.

Officers highlighted the key aspects of the report and advised that a number of recommendations from the Council's External Auditors, Grant Thornton, would be addressed by ensuring that robust assumptions and a transparent planned approach was undertaken when setting the budget.

Members had previously agreed that the following principles would be the focus of the Medium Term Financial Plan:

- reduce enabling costs;
- identifying waste and removing this from the system and its associated costs; and
- design new systems for delivery to meet customer demand.

Officers clarified that enabling costs covered anybody who did not deliver a front line service to the public, from supervisor level upwards.

Members noted that the budget forecast had been based on a number of assumptions, known levels of expenditure and anticipated levels of resources. Final confirmation of the assumptions would not be known until December, when the Council would receive details of the Provisional Funding Settlement from central government. Officers explained the most significant risks to the budget projections and stated that whilst it was known that the Council would lose £1.5m of government funding over the next 3 years, it was not yet known whether the cuts would be front-loaded.

RECOMMENDED that

the revenue assumptions detailed in paragraph 3.7 of the report be incorporated into the budget setting process.

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

There were no additional referrals for the Committee to consider.

EXECUTIVE

Committee

13th October 2015

49. ADVISORY PANELS - UPDATE REPORT

It was noted that a Planning Advisory Panel meeting had taken place earlier that evening and that the next meeting was planned for December.

RESOLVED that

the report be noted.

The Meeting commenced at 7.00 pm
and closed at 7.48 pm

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Chair



Planning Committee

9th September 2015

MINUTES

Present:

Councillor Andrew Fry (Chair), Councillor Yvonne Smith (Vice-Chair) and Councillors Joe Baker, Roger Bennett, Michael Chalk, Matthew Dormer, Wanda King and Nina Wood-Ford

Officers:

Nina Chana, Steve Edden, Clare Flanagan, Julie Male and Ailith Rutt

Democratic Services Officer:

Jan Smyth

27. APOLOGIES

There were no apologies for absence.

28. DECLARATIONS OF INTEREST

Councillor Matthew Dormer declared an Other Disclosable Interest in Item 8 (Application 2015/213/FUL – St Bedes Catholic School, Holloway Lane, Lodge Park, Redditch) as detailed in Minute 38 below.

29. CONFIRMATION OF MINUTES

RESOLVED that

the minutes of the meeting of the Planning committee held on 12th August 2015 be confirmed as a correct record and signed by the Chair.

30. UPDATE REPORTS

The published Update Reports relating to the various Planning Applications were noted.

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Chair

Planning Committee

9th September 2015

31. APPLICATION 2015/043/FUL - AREA NIGHT CLUB, CHURCH ROAD, TOWN CENTRE, REDDITCH, WORCESTERSHIRE

Demolition of the existing former nightclub building and the erection of a new four storey building containing 27 no. apartments with associated car parking, bin and bike storage areas.

Applicant: Mr Mark Mifflin

Mr Miles Layland, the Applicant's Agent / Architect, addressed the Committee under the Council's public speaking rules.

RESOLVED that

having regard to the Development Plan and to all other material considerations, the proposal to grant Planning Permission be defeated.

(On the basis that no alternative motion to refuse the Application was put forward by Members and voted upon, no positive decision on the matter has been made. For this reason, the matter will be taken to the next meeting of the Planning Committee for a decision.)

32. APPLICATION 2015/137/OUT - LAND REAR OF 123 TO 127 THE MEADWAY, HEADLESS CROSS, REDDITCH, WORCESTERSHIRE

Outline Application for the erection of four detached houses and formation of the access road.

Applicant: Ms J Newby

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

Mr John Martin – objector
Mr David Shufflebotham – objector
Mr Richard Rutter – objector

Mr Troy Kidsley – Applicant's Agent
Mr Jeff Marlow – Applicant's Arboricultural Consultant

RESOLVED that

having regard to the Development Plan and to all other material considerations, OUTLINE Planning Permission be GRANTED,

Planning Committee

9th September 2015

subject to the Conditions and Informatives detailed on pages 19 to 22 of the main agenda report.

33. APPLICATION 2015/198/FUL - 19 THORNBURY LANE, CHURCH HILL, REDDITCH, WORCESTERSHIRE B98 8SE

First floor front extension and single storey rear extension

Applicant: Mr Krys Stanton

Mr Mark Salmon, objector and Mrs Michelle Stanton, 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 Informative detailed on pages 25 to 26 of the main Agenda report.

34. APPLICATION 2015/213/FUL - ST BEDES CATHOLIC SCHOOL, HOLLOWAY LANE, LODGE PARK, REDDITCH, WORCESTERSHIRE B98 7HA

Construction of new 3 – court sports hall on site of existing hard court, including changing rooms, toilets and accessible changing rooms.

Applicant: Mrs Diane McGovern

Mr Paul Cooper, the Applicant's Agent, 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 detailed on page 30 of the main Agenda report.

(The Committee noted an Update report on this matter in regard to comments received from the County Council's Highways Network Control in regard to traffic generation and two public consultation responses that had been omitted in error from the main agenda papers, as published on the Council's Website, copies of which were provided to Committee Members and the public gallery prior to commencement of the meeting.)

Planning Committee

9th September 2015

(Prior to consideration of this matter, Councillor Matthew Dormer declared an Other Disclosable Interest in that his daughter was a pupil at the School, the subject of the Application site. Councillor Dormer withdrew from the meeting and took no part in its discussion nor voted on the matter.)

The Meeting commenced at 7.00 pm
and closed at 8.35 pm

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CHAIR



Planning Committee

14th October 2015

MINUTES

Present:

Councillor Andrew Fry (Chair), Councillor Yvonne Smith (Vice-Chair) and Councillors Tom Baker-Price (substituting for Councillor Roger Bennett), Wanda King, David Thain, Pat Witherspoon (substituting for Councillor Joe Baker) and Nina Wood-Ford

Officers:

Steve Edden, Amar Hussain and Ailith Rutt

Democratic Services Officer:

Jan Smyth

35. APOLOGIES

Apologies for absence were received on behalf of Councillors Joe Baker, Roger Bennett and Matthew Dormer.

36. DECLARATIONS OF INTEREST

No declarations of interest were made.

37. CONFIRMATION OF MINUTES

RESOLVED that

the minutes of the meeting of the Planning Committee held on 9th September 2015 be confirmed as a correct record and signed by the Chair.

38. UPDATE REPORTS

The Update Report relating to the Planning Application to be considered was noted.

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Chair

Planning Committee

14th October 2015

**39. APPLICATION 2015/043/FUL –
AREA NIGHT CLUB, CHURCH ROAD, TOWN CENTRE,
REDDITCH, WORCESTERSHIRE B97 4AB**

Demolition of the existing former Nightclub building and the erection of a new four storey building containing 27 no. apartments with associated car parking, bin and bike storage areas.

Applicant: Mr Mark Mifflin

Mr Miles Layland, the Applicant's Agent / Architect, 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 & Regeneration to GRANT planning permission subject to:

1) the satisfactory completion of a Section 106 Planning Obligation ensuring that

“2 no. one bedroom flats are provided as affordable dwellings in perpetuity”; and

2) the following Conditions and Informatives:

Conditions

1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.

Reason: In accordance with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2) Prior to their first installation, details of the form, colour and finish of the materials to be used externally on the walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area and in accordance with Policy B(BE).13 of the Borough of Redditch Local Plan No. 3.

- 3) The development hereby approved shall be implemented in accordance with the following plans :

Appropriate references to be added here.

Reason: To accurately define the permission for the avoidance of doubt and to ensure that the development is satisfactory in appearance in order to safeguard the visual amenities of the area, in accordance with Policy B(BE).13 of the Borough of Redditch Local Plan No. 3.

- 4) The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority, and these areas shall thereafter be retained and kept available for those uses at all times.

Reason: In the interests of highway safety, to ensure the free flow of traffic using the adjoining highway and in accordance with the National Planning Policy Framework.

Informatives

- 1) The Local Planning Authority has worked with the Applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with this planning application, through pre-application advice and discussion.
- 2) The Applicant is directed to the following document for best practice during demolition and construction:
- <http://www.worcsregservices.gov.uk/pdf/WRS%20contractor%20guidance%20July%202011%20V.1.2.pdf>
- 3) This permission does not authorise the laying of private apparatus within the confines of the public highway. The Applicant should apply to Worcestershire County Council for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority.
- 4) This Planning Permission does not authorise the Applicant to carry out works within the publicly

Planning Committee

14th October 2015

maintained highway since such works can only be carried out by the County Council's Approved Contractor, following the issue of a licence under Section 184 and 278 of the Highway Act 1980.

The Applicant should contact Worcestershire County Council's Highway Network Control Manager, County Hall, Spetchley Road, Worcester WR5 2NP (telephone 0845 607 2005), regarding the issue of the necessary license authorising the access works to be carried out by the County Council's Approved Contractor at the Applicant's expense.

- 5) Whilst the full remit of the Secured by Design Scheme covers more than Land Use, Planning and Development Control, Redditch Borough Council actively encourage developers to take full account of Crime Prevention and Community Safety issues throughout the design and construction of any development as an integral part of achieving good design. Applicants are advised that further details of Secured by Design and relevant construction specifications can be found at www.securedbydesign.com or by contacting the West Mercia Constabulary Crime Risk Manager on 01527 586181.**
- 6) The Applicant is advised that development should not begin until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development have been submitted to and approved in writing by Severn Trent Water Ltd.**

(The Committee was advised on a proposed change in the Officer recommendation following an offer by the Applicant to provide the two proposed ground floor (1 bedroom) flats, as affordable dwellings controlled by a Section 106 Agreement, as detailed in the published Update Report, copies of which were provided to Committee Members and the public gallery prior to commencement of the meeting.

Having considered the Officer's report and Update and the Applicant's representations, Members were minded to grant Planning Permission as detailed in the Resolution above.)

The Meeting commenced at 7.00 pm
and closed at 7.23 pm

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CHAIR



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Planning Committee

11th November 2015

MINUTES

Present:

Councillor Andrew Fry (Chair), Councillor Yvonne Smith (Vice-Chair) and Councillors Tom Baker-Price (substituting for Councillor David Thain), Roger Bennett, Natalie Brookes (substituting for Wanda King), Michael Chalk, Matthew Dormer, Bill Hartnett (substituting for Councillor Joe Baker) and Nina Wood-Ford

Officers:

Nina Chana, Amar Hussain, Emma Newfield and Ailith Rutt

Committee Officers:

Debbie Parker-Jones

40. APOLOGIES

Apologies for absence were received on behalf of Councillors Joe Baker, Wanda King and David Thain.

Councillor Chalk expressed his apologies for not having been present at the October meeting and for not having tendered his apologies for this.

41. DECLARATIONS OF INTEREST

No declarations of interest were made.

42. CONFIRMATION OF MINUTES

RESOLVED that

the minutes of the meeting of the Planning Committee held on 14th October 2015 be confirmed as a correct record and signed by the Chair.

43. UPDATE REPORTS

It was noted that no Update Report had been published for the meeting.

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Chair

PLANNING

Committee

11th November 2015

44. APPLICATION 2015/244/FUL - ASTWOOD BANK FIRST SCHOOL, CHURCH ROAD, ASTWOOD BANK, REDDITCH B96 6EH

Demolition of existing two classroom educational building and erection of a new two storey six classroom building

Applicant: Astwood Bank First School

Ms Debbie Yarnold, Head Teacher of Astwood Bank First School, 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:

- 1) Conditions 1 and 2 as detailed on page 9 of the main Agenda report;**
- 2) Condition 3 in the main report being amended to read as follows:**

Within six months of the date of the decision notice, the applicant shall have submitted in writing a travel plan that promotes sustainable forms of access to the site with the Local Planning Authority. This plan thereafter will be implemented and updated in agreement with Worcestershire County Councils Travel plan co-ordinator prior to the occupation of the new building.

Reason: To reduce vehicle movements and promote sustainable access.

- 3) the following additional Condition:**

No demolition, site clearance or development shall take place until all trees and hedges to be retained on the site and around the boundaries of the site have been protected in accordance with the specification set out in British Standard BS: 5837 2012: Guide for Trees in relation to Construction, and such protection measures shall remain in situ for the duration of the development and in accordance with Policies B(NE)1a and B(NE)3 of the Borough of Redditch Local Plan No.3.

PLANNING

Committee

11th November 2015

Reason: To ensure the protection of trees and hedgerows in the interests of visual amenity.

(Officers confirmed orally to Members that the Conservation Officer had not raised any objections in relation to the impact of the proposal on the adjacent school building.

Having considered all of the information provided by Officers and the public speaker, Members wished to ensure that the travel plan promoting sustainable forms of access to the site had been agreed and was in place prior to the occupation of the new building, and therefore requested that the wording of Condition 3 in the main report be amended to reflect this.

Members also agreed an additional Condition to ensure the protection of the trees and hedges on the boundary of the site, as detailed in the additional Resolution 3 above.)

45. APPLICATION 2015/256/FUL - 25A DAGTAIL LANE, ASTWOOD BANK, REDDITCH, WORCESTERSHIRE B97 5QT

Resubmission of application 2015/176 for a proposed new dwelling

Applicant: Mr Ian Ray

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

Councillor Jane Potter – Ward Councillor
Mr Ian Ray – Applicant

RESOLVED that

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

- 1) The site is identified within the Development Plan for the area as falling within the Green Belt where there is a presumption against inappropriate development. In such an area, development is limited to that which is not inappropriate to a Green Belt and which would preserve its openness. The proposal does not meet any of the policy criteria in Paragraph 89 of the National Planning Policy Framework and as such the proposal would amount to inappropriate development, which by definition, is harmful to the Green Belt. The development would reduce the openness of the Green Belt and no**

PLANNING

Committee

11th November 2015

very special circumstances exist or have been put forward to overcome the harm to the Green Belt. As such, the proposal is considered to be contrary to Policy B(RA).1 of the Borough of Redditch Local Plan No.3 and the provisions of the National Planning Policy Framework.

(It was noted that all Members of the Committee had received details of additional photographs and information provided by the applicant in advance of the meeting, and that these details had also been included in the Officer presentation.)

The Meeting commenced at 7.00 pm
and closed at 7.43 pm

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Chair



Audit, Governance & Standards Committee

Thursday, 24 September
2015

MINUTES

Present:

Councillor David Thain (Chair), Councillor Jane Potter (Vice-Chair) and Councillors Natalie Brookes, Michael Chalk, John Fisher, Andrew Fry, Gareth Prosser, Rachael Smith and Pat Witherspoon

Dave Smith – Independent Member (non-voting co-opted member of the Committee)

Parish Councillors Alan Smith and Slade Arthur - Feckenham Parish Council

Also Present:

Zoe Thomas and Phil Jones (Grant Thornton External Auditors)

Officers:

Claire Felton, Sam Morgan and Andy Bromage

Democratic Services Officer:

Amanda Scarce

17. APOLOGIES AND NAMED SUBSTITUTES

Prior to commencement of the meeting the Chair took the opportunity to welcome the Members of Feckenham Parish Council to the meeting and requested it be recorded that best wishes were sent to the Executive Director, Finance and Resources, who was currently unwell.

Apologies for absence were received on behalf of Ms. Megan Harrison.

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Chair

Audit, Governance & Standards Committee

Thursday, 24 September 2015

18. DECLARATIONS OF INTEREST

There were no declarations of interest.

19. MINUTES

The minutes of the meeting of the Audit, Governance and Standards Committee held on 2nd July 2015 were submitted.

RESOLVED that

the minutes of the meeting of the Audit, Governance and Standards Committee held on 2nd July 2015 be confirmed as a correct record and signed by the Chair.

20. MONITORING OFFICER'S REPORT - STANDARDS REGIME

The Monitoring Officer presented the report and in so doing highlighted the following:

- There had been no complaints received since the last meeting and the issue raised in the July report had been closed.
- A number of Member training sessions had taken place including chairing skills (which had been hosted at Bromsgrove) and Equalities and Safeguarding – positive feedback had been received for both sessions and Members were keen for a “mop up” session to be carried out.
- Pre-application training had also been arranged for those Councillors wishing to participate in this process.
- Briefings in respect of combined authorities had also been arranged in preparation for the full Council meeting due to be held on 8th October 2015.

The Monitoring Officer also welcomed the Parish Council representatives and explained the duty the Council had to support the Parish Council and the role of the representatives at the Audit, Governance and Standards Committee.

RESOLVED that the report of the Monitoring Officer be noted.

21. FECKENHAM PARISH COUNCIL REPRESENTATIVE'S REPORT - STANDARDS REGIME

Parish Councillor Alan Smith, Feckenham Parish Council Representative, thanked the Committee for the opportunity to attend the meeting and provided background information in respect

Audit, Governance & Standards Committee

Thursday, 24 September 2015

of Feckenham Parish Council. He also took the opportunity to thank Council Officers for their support

Members commented that Feckenham Parish Council was an important part of the Borough and they were happy to build on the relationship now formed.

22. GRANT THORNTON - AUDIT FINDINGS REPORT 2014/15

Mr. Phil Jones, Engagement Lead, Grant Thornton, presented the Audit Findings report. Mr. Jones highlighted that the Audit was not as advanced as it would have been in previous years and there were a number of areas where work needed to be finalised, as detailed within the report. The Executive Summary of the report also highlighted the key messages arising from the audit; missing the statutory deadline, material changes within the accounts and the audit being protracted due to difficulties in obtaining working papers. It was acknowledged that it had been an exceptional year and that there were a number of factors which had contributed to the problems; this included the introduction of a new system and staffing issues.

The problems which had occurred had impacted on the audit findings and necessitated changes being made to the Audit Plan. Those changes included additional testing undertaken around operating expenses, more detailed analytical review work and changes to the risk assessment around welfare benefits. Those changes had meant that some procedures had to be repeated and the audit had therefore taken significantly longer than originally planned.

Members were most concerned about the problems which had arisen and the effect it had on the reputation of the Council and the current financial position. Mr. Phil Jones assured them that the Council was in fact in a better financial position than the previous year as it had added to its general fund balances and it had been pleasing to see that a three year financial plan had been put in place. However, those increases in the general fund were not planned when the budget had originally been set and therefore budget setting was something which needed to be addressed in the future.

Mr. Phil Jones informed Members that a recommendation had been made under section 11(3) of the Audit Commission Act 1998, which set out a number of recommendations which the Council need to put in place and covering a number of areas including:

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- Robust arrangements to ensure the production of the 2015/16 financial statements.
- The development of a comprehensive project plan for preparation of the accounts.
- Arrangements in place to ensure budget preparation processes were based on sound assumptions.
- Timely budget monitoring processes
- In addition to the formal recommendation there were a number of more detailed recommendations set out in an Action Plan.

Following presentation of the report, the Portfolio Holder for Corporate Management responded and acknowledged that, for a variety of reasons, there had been problems in Grant Thornton being able to audit the accounts. He took the opportunity to thank Officers for the work they had done in assisting Grant Thornton with the audit. The Portfolio Holder explained that he had already met with Officers to discuss what had happened and to ensure that a lesson learned exercise was carried out and discuss the draft action plan which was already being formulated by the Executive Director, Finance and Resources to ensure improvements were made to make the processes more robust. The Portfolio Holder explained to Members that he had regular meetings with the Executive Director, Finance and Resources and her team, together with Heads of Service when necessary. There were a number of financial challenges facing the Council and it was important that savings were made quickly and efficiently. Heads of Service continued to make good progress through the transformation process, but it was acknowledged that the budgetary process was an area which needed to be improved.

Officers and the Portfolio Holder responded to questions from Members in respect of the following areas:

- Whether Members had any statutory responsibility to ensure the controls and policies were robust and properly managed.
- The implications of a Section 11 Recommendation – Mr. Phil Jones explained that the aim of this was to set a timescale for the work within the Section 11 recommendation to be completed and to show that the Council was committed to making the necessary changes.
- There were a number of references to Bromsgrove within the report and Ms. Zoe Thomas, Manager, Grant Thornton, apologised for the error and assured Members that these would be rectified.
- The key performance indicators and how these were monitored and maintained.

Audit, Governance & Standards Committee

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- Whether there were two separate systems being used in respect of Redditch Borough and Bromsgrove District Councils - Officers provided details of the problems which had occurred with the ledger system upgrade and the transfer of data, in order to bring the two systems together.
- The number of high priority items within the action plan and the number of unfinished areas with the Value for Money section of the report.
- The cost to the Council in respect of the additional work which had been carried out by Grant Thornton.
- The impact of the vacancies within the Finance team and the additional support that had been provided.

RESOLVED that

- 1) the Action Plan be placed on the Audit, Governance and Standards Committee's Work Programme; and**
- 2) the Audit Findings Report 2014/15 be noted.**

23. STATEMENT OF ACCOUNTS 2014/15

The Financial Services Manager presented the Statement of Accounts 2014/15 and drew Members' attention to the revised recommendations which had been tabled at the meeting, as a consequence of the issues discussed at Minute No 22.

Officers responded to the following points raised by Members in respect of this report:

- Drop in cashflow – Officers confirmed that this was not an issue as often there was a reduction in payments received for the final two months of the year.
- Inventories – this referred largely to the Crossgates depot and it was highlighted that the cost of fuel could fluctuate and the amount of stock being held in respect of repairs and maintenance could also impact on these figures.
- Compensation payments – it was confirmed that this was in respect of areas where the Council self-insured.
- NNDR Appeals – it was explained that following a recent successful appeal, which set a precedent, provisions had been made for potential claims in respect of NNDR Appeals from GP surgeries. This was something which affected all local authorities and could potentially be back dated to 2010.
- The lack of investments as at 31st March 2015 and short term borrowing.

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RESOLVED that

- 1) the Accounting policies as detailed in note 1 of the Statement of Accounts for 2014/15 be approved;**
- 2) the Statement of Accounts for 2014/15 be approved; and**
- 3) that in order to enable formal sign off of the Statement of Accounts by the Auditors, Grant Thornton by 30th September 2015, authority be delegated to the Section 151 Officer following consultation with the Chairman of the Audit, Governance and Standards Committee and the Portfolio Holder for Corporate Management, and having taken into consideration any changes to the Audit Findings Report, to make any changes required and to approve the final version of the Statement of Accounts for 2014/15. This is to include the Letter of Representation from the Authority to the Auditors to confirm that the Council has complied with Statutory Accounting Principles and Legislation.**

24. INTERNAL AUDIT PROGRESS REPORT

Members considered the report presented by the Service Manager, Worcestershire Internal Audit Shared Service (WIASS). The report provided commentary on Internal Audit's performance for the period 1st April to 31st July 2015 against performance indicators agreed for the service and further information on aspects of service delivery, including identifying audits for the current year and a number of audits which had progressed to the draft report stage.

At the Committee's previous meeting information had been requested in respect of the Anti-fraud and Corruption Survey and Governance Statement Assurance Checklist Statements and this had been provided in the report. This incorporated information that needed to be included within the Statement together with details of areas that had been considered.

The Service Manager WIASS highlighted that the delivery dates against the Internal Audit Plan would be revised in order to take account of the Action Plan which would be put in place following the findings in the Grant Thornton Statement of Accounts, as previously discussed. However, the Revenue and Benefits audit would continue, with the remainder being deferred in order for implementation of elements of the Action Plan to be put in place. It was anticipated that these would now be included within the Quarter 4 Report.

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The report also included details of planned “follow ups” in respect of Audit reports which had been logged and which covered areas needing to be followed up. Full details of audits recently completed were also included within this report. It was highlighted that whilst high priority had been given to the Worcestershire Regulatory Services audit, this had already been addressed with a robust action plan being put in place to address the issues, supported by all S151 Officers from the relevant authorities to ensure the necessary actions were implemented over the next few months.

Following presentation of the report Members discussed a number of areas in more detail:

- Concerns were raised in respect of a number of recommendation’s which remained outstanding from audits carried out in the previous financial year. Members were assured that these recommendations would continue to be monitored and satisfactory explanations had been provided as to the reasons for the delays.
- Appointments to Outside Bodies – Members acknowledged that there should be a format in place to ensure that the attendance of those Members appointed to Outside Bodies was monitored and that they were carrying out their duties and providing appropriate updates to Council. Officers confirmed that this was an issue which was being addressed with a view to a formal process being put in place.
- ICT change control – Members questioned the lack of a formal process and it was confirmed that full details would be brought before the Committee at its next meeting, but assured Members that they would expect a clear action plan to be put in place before “signing off” audit and the follow up process would also ensure that any concerns were addressed.
- Confirmation of the implementation dates for follow up of items and any formal actions taken, should those dates not be met. Particular reference was made to the VAT returns item and it was confirmed that training of a new technician was underway in order for this to be implemented as soon as possible.
- Reconciliations – Members questioned whether it would be useful for them to have sight of the plan which was prepared to enable staff to complete the reconciliations within the relevant timescale. Officers confirmed that the schedule was still being prepared.

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RESOLVED that

the Internal Audit Progress report of the Service Manager of the Worcestershire Internal Audit Shared Service be approved.

25. INDEPENDENT MEMBER PERFORMANCE REPORT

Mr. Dave Jones, Independent Member for Audit and Governance (non-voting co-opted member of the Committee) left the room during consideration of this item.

The Financial Services Manager presented the report to Members and in so doing highlighted how the role had evolved and provided an overview of the key responsibilities and role of the Independent Member. Mr. Jones played an active part within the Committee and the Financial Services Manager informed Members that she had met with Mr. Jones prior to the meeting and discussed the Statement of Accounts in detail. It was confirmed the appointment was for a four year period, with a limit of serving a maximum of two consecutive terms.

It was agreed that it was not necessary to change the current role and Members requested that it be minuted that Mr. Jones was a valuable addition to the Committee and approached his role with both common sense and an impartial view.

RESOLVED that

the Independent Member Performance Report be noted.

26. CORPORATE GOVERNANCE INCLUDING RISK

The Chair informed Members that due to the absence of the Executive Director, Finance and Resources he had agreed to defer consideration of this item for a future meeting of the Committee.

27. PORTFOLIO HOLDER UPDATE - QUARTERLY BUDGET MONITORING

The Portfolio Holder for Corporate Management informed Members that the quarterly budget was aligned to the Council's strategic purposes as opposed to departments. The first quarter report showed revenue costs and it was anticipated that the second quarter would include a section in respect of capital expenditure. Currently there was an overall £25k over spend against £3.9m expected, which it was anticipated would be realised later in the year.

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28. COMMITTEE ACTION LIST AND WORK PROGRAMME

Action List

Officers drew Members' attention to item 2 of the action list and the Chair's confirmation that he was happy to continue as Lead Fraud Member. It was also noted that a second lead fraud and risk Member would not be appointed. It was therefore agreed that this item be removed from the Action List.

In respect of item 3 and data protection it was confirmed that all staff received the relevant training and it was not necessary for it to be included within departmental risk registers. Members were therefore happy for this item to be removed from the Action List.

Work Programme

As discussed earlier in the meeting, Members agreed that the Committee should be given the opportunity to consider progress in respect of the Action Plan currently being formulated by the Executive Director, Finance and Resources following the Grant Thornton report. As such Members agreed this should be added as a standard item to future meetings of the Committee.

RESOLVED that

subject to the comments detailed in the preamble above, the Committee's Action List and Work Programme be noted with the necessary updates being made to those documents.

The Meeting commenced at 7.00 pm
and closed at 8.48 pm



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Licensing Committee

2nd November 2015

MINUTES

Present:

Councillor Pat Witherspoon (Chair), Councillor Andrew Fry (Vice-Chair) and Councillors Tom Baker-Price, Roger Bennett, Natalie Brookes, Anita Clayton (during Minute No's 31 to 36), Gay Hopkins, Antonia Pulsford, Rachael Smith and Jennifer Wheeler

Officers:

Kevin Barnett, Sheena Jones and Dave Etheridge

Committee Officers:

Pauline Ross

29. APOLOGIES

No apologies for absence were received.

30. DECLARATIONS OF INTEREST

There were no declarations of interest.

31. MINUTES

Licensing Annual Report – paragraph 8.

In response to a question from Councillor R. Bennett, the Senior Licensing Practitioner, Worcestershire Regulatory Services (WRS), informed the Committee that he had contacted Gloucester City Council licensing authority with regard to scrap metal mobile collectors licences being displayed. They had informed him that they used a similar sized disc as issued by WRS on behalf of Redditch Borough Council. The use of a larger plate, at the rear of the vehicle, was not seen as practical, as some scrap metal mobile collectors were licensed by a number of different authorities. The Senior Licensing Practitioner further informed the Committee that he had a meeting scheduled with West Mercia Police and he would raise this with them. He was happy to take any suggestions from Licensing Committee Members to that meeting.

.....
Chair

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RESOLVED that

the minutes of the meeting of the Licensing Committee held on 20th July 2015 be confirmed as a correct record and signed by the Chair.

32. COMPOSITION OF LICENSING SUB-COMMITTEES

The Committee received a report detailing a review carried out on the composition and terms of reference of the Licensing Sub-Committees.

The Democratic Services Manager introduced the report and in doing so highlighted that there had been some confusion as to the confirmed appointments to the Licensing Sub-Committees this municipal year, which had now been clarified.

The Democratic Services Manager expressed her thanks to the Licensing Committee Members who had given her feedback and was in agreement that paragraph 3.4 of the report should read 'trained' members and not 'experienced' members.

The report highlighted that by currently restricting the membership of Licensing Sub-Committees there was a restricted pool of trained members from whom to select. There could be occasions where members may not be able to sit on a Sub-Committee, if it was their ward area or if they were known to an applicant. Currently seeking availability of five members for a Sub-Committee was difficult as meetings were held during the day, due to the service being customer led.

For the vast majority of functions the requirement was to have a minimum of three members of a Sub-Committee, but for Licensing Act 2003 matters, it was specifically 'three members'. There was no requirement for these members to be drawn from a separate sub-group of the Licensing Committee. If all members of the Licensing Committee have received appropriate training there was no reason why the pool of members drawn from should be limited to a separate, smaller group within that Committee.

Further discussion followed, whereby the Council's Legal Advisor responded to Members' questions with regard to the terms of reference as detailed on the appendices to the report. The Council's Legal Advisor highlighted that there was no statutory requirement in respect of the special provisions as to the Chair of Licensing Sub-Committee B, it was seen as good practice and tradition for the Chair of the parent committee to Chair these Hearings.

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Members expressed their concerns that the Chair for Licensing Sub-Committee A, for premises hearings, was not elected until the day of the Hearing. Members would be more comfortable if they were notified prior to the Hearing of the possibility that they may be elected to Chair the Hearing.

It was agreed that the Democratic Services Officer would advise members of the requirement to Chair any future meetings when canvassing members for their availability; and confirm with those members if they would be comfortable if elected to Chair the Hearing.

Members were in agreement that it was important to review processes to make them simpler and to ensure that a good service was offered to the customer and all those involved.

RECOMMENDED that

(a) the composition and terms of reference of the Licensing Sub-Committees as set out at Appendix 1A and 1B to the report be approved; and

(b) the Head of Legal, Equalities and Democratic Services be authorised to make any consequential changes to the Constitution.

33. REVIEW OF STATEMENT OF GAMBLING PRINCIPLES - CONSULTATION RESULTS

Following on from the Licensing Committee meeting held on 20th July 2015 where Members approved, for the purpose of consultation, the draft Statement of Principles. Members were asked to consider the responses received to the consultation and the changes incorporated into the draft Statement of Principles as a result of those responses.

The Senior Licensing Practitioner, Worcestershire Regulatory Services (WRS), presented the report and in doing so drew Members' attention to the responses received from the Gambling Commission, Hereford and Worcester Fire and Rescue Service and Coral Racing Limited, as detailed at Appendices 1, 2 and 3 to the report.

Several productive meetings had taken place with WRS and the Gambling Commission. The Gambling Commission were more than happy with their input and their suggested changes being incorporated into the draft Statement of Principles.

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Members were further informed that the suggestions made by the Gambling Commission had been incorporated into the draft Statement of Principles, as detailed at Appendix 4 to the report. These included:-

- A new section that set out the Council's intention to develop a 'Local Area Profile', as detailed in section 3.0 of the draft Statement of Principles.
- Guidance for operators on the matters that the Council believed they should consider when compiling their own local risk assessments. This will be a requirement from 6th April 2016, as detailed in section 9.0 of the draft Statement of Principles.
- Further detail in relation to the way the Council would approach its enforcement and compliance role under the Gambling Act 2005, as detailed in sections 19.6 and 19.7 of the draft Statement of Principles

In response to the Chair, the Senior Licensing Practitioner, WRS, informed the Committee that, with regard to the development of a 'Local Area Profile', WRS would work with other authorities within Worcestershire, the West Midlands conurbation and nationally to see what other partners were doing and to share ideas in order to develop a 'Local Area Profile'.

Section 9.2 of the draft Statement of Principles highlighted the areas that the Council would expect operators to consider in their local risk assessments.

In order to ensure compliance with the law the Council would prepare a risk based Inspection Programme and would carry out regular 'routine' day time programmed inspections, as detailed in sections 19.6 and 19.7 of the draft Statement of Principles.

The Senior Licensing Practitioner, WRS, responded to Members' questions and informed the Committee that all relevant trade organisations had been consulted with and that only Coral Racing Limited had responded.

The Senior Licensing Practitioner, WRS, noted Members comments and suggestions with regard to:-

- Proof reading the draft Statement of Principles, as there were some inconsistencies.
- Remove the word 'villages' in the introduction section.
- Check the map, as detailed at Appendix A to the report, which showed Oakenshaw North and Oakenshaw South, as the ward area was Oakenshaw.

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Councillor A Fry stated that WRS officers had done a really good job with the report presented and the work carried out on the draft Statement of Principles.

RECOMMENDED that

the amendments as detailed in the preamble above be incorporated into the draft Statement of Principles and that Council approve and publish the amended Statement of Principles by 31st January 2016.

34. DEREGULATION ACT 2015 - POLICY ON DURATION OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCES AND PRIVATE HIRE OPERATOR LICENCES

Following on from previous meetings, where Members were provided with update reports on the implications of the Deregulation Act 2015, the Committee considered a report which detailed the changes, as from 1st October 2015, to the standard duration of hackney carriage and private hire driver licences and private hire operator licences; as a result of section 10 of the Deregulation Act 2015.

The Senior Licensing Practitioner, Worcestershire Regulatory Services (WRS), introduced the report and in doing so informed the Committee that, with effect from 1st October 2015 and as a result of section 10 of the Deregulation Act 2015; the standard duration of hackney carriage and private hire driver licenses and private hire operator licenses was now three years and five years respectively. In particular circumstances the Council could, if thought appropriate, grant a licence for a lesser period of time.

The fees charged by the Council for hackney carriage and private hire driver licenses and for private hire operator licenses had been reviewed in light of the changes. The fees charged for three year driver licences and five year operator licenses were inevitably higher than the cost of a one year licence, as the Council's enforcement and compliance costs, for the three year and five year periods would have to be covered within the licence fee.

Members were further informed that there could be many reasons why an applicant wanted to remain on a one year licence. Inevitably the cost of applying for a three or five year licence would be higher; therefore applicants may prefer to avoid having to pay a more substantial licence fee and prefer to continue to pay a lower fee each year. Applicants could also be unsure if they intended to remain in the taxi trade for a further three year period. This could

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apply to older applicants considering retirement within the three year period.

The Senior Licensing Practitioner, WRS, responded to the concerns raised by Members with regard to safeguarding, with the licence period being extended to three years for hackney carriage and private hire driver licences, in relation to what checks would be in place to ensure that WRS were notified if a driver committed a criminal or motoring offence.

Members were informed that all licensed hackney carriage and private hire drivers had an obligation to inform WRS within seven days of any conviction or caution imposed. Also hackney carriage and private hire drivers were still regarded as a 'Notifiable Occupation' although this particular concept had been recently overhauled. Under the new Home Office Guidance, Common Law Police Disclosure (CLPD), which had replaced the Notifiable Occupations Scheme; a system existed to ensure that, where there was a potential risk to the public, the police would pass information to the licensing authority to allow them to act swiftly to put in measures to mitigate any danger. The new CLPD scheme provided robust safeguarding arrangements. With regard to motoring offences, WRS were currently able to carry out on-line driver checks with the Driver and Vehicle Licensing Agency (DVLA) and would continue to check driver licences on the anniversary of their application.

At the suggestion of the Chair and in agreement with Licensing Committee Members, the Senior Licensing Practitioner was tasked to organise a meeting in January 2016 with the taxi trade; to fully inform them of the implications of the Deregulation Act 2015 and for their feedback on a review of the Private Hire Vehicle Licensing Policy (Age Limits for Vehicles with Hydraulic Tail Lifts).

RESOLVED that

the policy on the duration of hackney carriage and private hire driver licences and private hire operator licences, as detailed at Appendix 1 to the report, be approved with immediate effect.

35. UBER INFORMATION REPORT

As requested at the previous meeting of the Committee, Members had requested an update from the Senior Licensing Practitioner, Worcestershire Regulatory Services, (WRS), on the company that trades as Uber.

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The Senior Licensing Practitioner, Worcestershire Regulatory Services, (WRS), provided information to the Committee and informed Members that Uber was growing rapidly and now operated in Birmingham, under a private hire operator's licence granted by the City Council.

Uber Technologies Inc. was an American international transportation network company, with its headquarters in San Francisco, California. The company developed, marketed and operated the Uber mobile application (app), which allowed consumers with smartphones to submit a trip request which was then routed to Uber drivers. Essentially it was an online booking service for private hire vehicles.

Members were further informed that Uber was not the only smartphone app developed to help connect passengers and taxi / private hire service providers. There were other operations in the United Kingdom (UK) which included Hailo, Addison Lee, Bounce, Kabbee and Gett.

The activities of Uber had provoked controversy in some countries. Questions were raised about the legalities of their operating model. However, it should be stressed that in the UK, Uber appeared to be operating entirely lawfully within the private hire licensing regimes provided for in London by the Private Hire Vehicles (London) Act 1988 and in the rest of England and Wales under the Local Government (Miscellaneous Provisions) Act 1976.

The controversy surrounding Uber's operation in London related to the way that fares were calculated and charged to passengers who used the Uber app; and the fact that the fares were generally cheaper than those charged by London's world famous 'Black Cabs'. The fares charged by Uber were calculated via a Global Positioning System (GPS) and in London it had been argued that this was basically the same as using a taximeter. In London only licensed hackney carriages could use taximeters, under section 11 of the Private Hire Vehicles (London) Act 1988. Recently the transport regulator Transport for London (TfL) had brought a case to the high court following pressure from the city's black-cab and minicab drivers. But the high court ruled that Uber's app was legal in London.

Members were asked to note that the legal challenges to the way Uber operated in London were not replicated in the rest of England and Wales, as private hire vehicles were allowed to utilise taximeters outside of London as there was no equivalent provision to section 11 of the Private Hire Vehicles (London) Act 1998 in the Local Government (Miscellaneous Provisions) Act 1976.

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The Senior Licensing Practitioner, WRS, responded to Members' questions and explained that fares were calculated via GPS and that passengers were notified prior to the journey as to the fare payable. Fares were cheaper due to the number of taxis available. The journey was tracked and passengers were given a booking reference. Passengers were also asked to rate their journey. This rating system had encouraged a higher level of driver standards. Uber was very streamlined. There was no need for an operator to take the bookings. The Uber app calculated the nearest available driver and allocated the job to that driver. Drivers paid a rental fee to Uber.

As with all licensed private hire operators, Uber could dispatch vehicles and drivers to carry out work anywhere in the country; provided that the vehicle and driver allocated the booking were licensed with the local authority that had issued the relevant private hire operator licence. Due to the relaxation on sub-contracting rules for private hire vehicles, which came into effect on 1st October 2015, Uber could also sub-contract bookings to other licensed private hire operators in other local authority areas so that, that operator could then dispatch an appropriately licensed vehicle and driver.

The Chair thanked the Senior Licensing Practitioner, WRS, for his comprehensive update report on Uber.

RESOLVED that

the Uber update report be noted.

36. LICENSING COMMITTEE WORK PROGRAMME 2015/2016

The Committee considered the Licensing Committee Work Programme for the remainder of the 2015/16 Municipal Year.

RESOLVED that

the Licensing Committee Work Programme 2015/16 be updated to include the items discussed and agreed during the course of the meeting.