

Council

Mon 5 Sep
2011
7.00 pm

Council Chamber
Town Hall
Redditch



www.redditchbc.gov.uk

Access to Information - Your Rights

The Local Government (Access to Information) Act 1985 widened the rights of press and public to attend Local Authority meetings and to see certain documents. Recently the Freedom of Information Act 2000, has further broadened these rights, and limited exemptions under the 1985 Act.

Your main rights are set out below:-

- Automatic right to attend all Council and Committee meetings unless the business would disclose confidential or “exempt” information.
- Automatic right to inspect agenda and public reports at least five days before the date of the meeting.
- Automatic right to inspect minutes of the Council and its Committees (or summaries of business undertaken in private) for up to six years following a meeting.
- Automatic right to inspect lists of background papers used in the preparation of public reports.
- Access, upon request, to the background papers on which reports are based for a period of up to four years from the date of the meeting.
- Access to a public register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees etc.
- A reasonable number of copies of agenda and reports relating to items to be considered in public must be made available to the public attending meetings of the Council and its Committees etc.
- Access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned.
- Access to a summary of the rights of the public to attend meetings of the Council and its Committees etc. and to inspect and copy documents.
- In addition, the public now has a right to be present when the Council determines “Key Decisions” unless the business would disclose confidential or “exempt” information.
- Unless otherwise stated, all items of business before the Executive Committee are Key Decisions.
- (Copies of Agenda Lists are published in advance of the meetings on the Council’s Website:
www.redditchbc.gov.uk

**If you have any queries on this Agenda or any of the decisions taken or wish to exercise any of the above rights of access to information, please contact
Ivor Westmore
Committee Support Services**

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Welcome to today's meeting.

Guidance for the Public

Agenda Papers

The **Agenda List** at the front of the Agenda summarises the issues to be discussed and is followed by the Officers' full supporting **Reports**.

Chair

The Chair is responsible for the proper conduct of the meeting. Generally to one side of the Chair is the Committee Support Officer who gives advice on the proper conduct of the meeting and ensures that the debate and the decisions are properly recorded. On the Chair's other side are the relevant Council Officers. The Councillors ("Members") of the Committee occupy the remaining seats around the table.

Running Order

Items will normally be taken in the order printed but, in particular circumstances, the Chair may agree to vary the order.

Refreshments : tea, coffee and water are normally available at meetings - please serve yourself.

Decisions

Decisions at the meeting will be taken by the **Councillors** who are the democratically elected representatives. They are advised by **Officers** who are paid professionals and do not have a vote.

Members of the Public

Members of the public may, by prior arrangement, speak at meetings of the Council or its Committees. Specific procedures exist for Appeals Hearings or for meetings involving Licence or Planning Applications. For further information on this point, please speak to the Committee Support Officer.

Special Arrangements

If you have any particular needs, please contact the Committee Support Officer.

Infra-red devices for the hearing impaired are available on request at the meeting. Other facilities may require prior arrangement.

Further Information

If you require any further information, please contact the Committee Support Officer (see foot of page opposite).

Fire/ Emergency instructions

If the alarm is sounded, please leave the building by the nearest available exit – these are clearly indicated within all the Committee Rooms.

If you discover a fire, inform a member of staff or operate the nearest alarm call point (wall mounted red rectangular box). In the event of the fire alarm sounding, leave the building immediately following the fire exit signs. Officers have been appointed with responsibility to ensure that all visitors are escorted from the building.

Do Not stop to collect personal belongings.

Do Not use lifts.

Do Not re-enter the building until told to do so.

The emergency Assembly Area is on Walter Stranz Square.

Declaration of Interests: Guidance for Councillors

DO I HAVE A "PERSONAL INTEREST" ?

- Where the item relates or is likely to affect your **registered interests** (what you have declared on the formal Register of Interests)

OR

- Where a decision in relation to the item might reasonably be regarded as affecting **your own** well-being or financial position, or that of your **family**, or your **close associates** more than most other people affected by the issue,

you have a personal interest.

WHAT MUST I DO? **Declare the existence, and nature, of your interest and stay**

- The declaration must relate to specific business being decided - a general scattergun approach is not needed
- **Exception** - where interest arises only because of your membership of another **public body**, there is no need to declare unless you **speak** on the matter.
- You **can vote** on the matter.

IS IT A "PREJUDICIAL INTEREST" ?

In general only if:-

- It is a personal interest **and**
- The item affects your **financial position** (or conveys other benefits), or the position of your **family, close associates** or bodies through which you have a **registered interest** (or relates to the exercise of **regulatory functions** in relation to these groups)

and

- A member of public, with knowledge of the relevant facts, would reasonably believe the interest was likely to **prejudice** your judgement of the public interest.

WHAT MUST I DO? **Declare and Withdraw**

BUT you may make representations to the meeting before withdrawing, **if** the public have similar rights (such as the right to speak at Planning Committee).



Council

5th September
7.00 pm

Council Chamber Town Hall

Agenda

Membership:

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

1. Welcome	<p>The Mayor will open the meeting and welcome all present.</p> <p>The Mayor's Celebrant, Ms June Saville, will lead the Council in a moment's reflection.</p>
2. Apologies	<p>To receive any apologies for absence on behalf of Council members.</p>
3. Declarations of Interest	<p>To invite Councillors to declare any interests they may have in items on the agenda.</p>
4. Minutes Chief Executive	<p>To confirm as a correct record the minutes of the meeting of the Council held on 25th July 2011.</p> <p>(Minutes circulated in Minute Book 3 - 2011/12)</p>

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<p>5. Communications and Mayor's Announcements</p>	<p>To receive a report from the Mayor on civic matters which have arisen since the last meeting or events which may be occurring in the near future.</p> <p>To give notice of any variation to the items listed in the Forward Plan and/or items accepted as "Urgent Business".</p> <p>(No separate report / oral update)</p>
<p>6. Leader's Announcements</p>	<p>To receive a report from the Leader on matters considered to be of significance to the Council.</p> <p>(No separate report / oral update)</p>
<p>7. Deputation - Save Brockhill Green Belt (Pages 1 - 2)</p>	<p>To receive a deputation and consider a petition submitted by residents of Brockhill on the subject of saving the Brockhill Green Belt.</p> <p>(Report attached)</p>
<p>8. Questions on Notice Chief Executive</p>	<p>No questions had been submitted to the Mayor, a member of the Executive Committee or the Chair of any committee or sub-committee in accordance with Procedure Rule 9.2 at the time of publication of the agenda.</p>
<p>9. Motions on Notice Chief Executive</p>	<p>There are no Motions on Notice in accordance with Procedure Rule 11.</p>
<p>10. Executive Committee (Pages 3 - 156) Chief Executive</p>	<p>To receive the minutes and consider the recommendations and/or referrals from the meetings of the Executive Committee:</p> <p><u>2nd August 2011</u></p> <p>Matters requiring the Council's consideration include:</p> <ul style="list-style-type: none">• Employment Policies – Review; and• Information Shelters – Request to Disconnect Electricity / Demolish Sites.

23rd August 2011

Matters requiring the Council's consideration include:

- Budget Preparation Guidelines;
- Joint Environmental Enforcement Strategy;
- Solar Panel Scheme – Options for Introducing Solar Panels at Housing Sites in Redditch;
- Roxboro House – Future Use;
- Winyates Estate – Insulation and Heating Improvements;
- Discretionary Housing Payment – Revised Policy;
- Revised Employment Policies;
- Shared Services Business Case – Land Drainage Service;
- Shared Service Business Case – Single Business Case;
- Shared Service Business Case – Car Parking; and
- Shared Service Business Case – North Worcestershire Emergency Planning.

(Reports, Decisions from the 2nd August meeting and Minutes of the Shared Services Board attached – Decisions from the 23rd August meeting to follow and reports for Shared Services Board circulated previously under separate cover)

(Minutes circulated in Minute Book 3)

11. Regulatory Committees

(Pages 157 - 166)

Chief Executive

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

Licensing Committee - 14th July 2011

11th August 2011

Planning Committee - 13th July 2011

10th August 2011

(Minutes circulated in Minute Book 3 – 2011/12)

12. Urgent Business - Record of Decisions
Chief Executive

To note the following decisions taken in accordance with the Council urgency procedures since the last meeting of the Council:

River Revetment Works – Old Forge Drive (Ref. 493)

An additional £36,000 was required to complete essential works at Old Forge Drive due to the following: -

- 1) Additional works at Site 1A
- 2) Additional erosion damage at Site 2

Any remaining shortfall for the river revetment works was to be found from existing budgets. The additional funding now required would have a seriously detrimental effect upon a wide range of services.

It has subsequently come to light, that Severn Trent Water Limited has now claimed title to the Callow Hill Balancing Area, which was subject to an improvement scheme within the 2011/12 Capital Programme. Officers believed this matter would not now be quickly resolved and in so doing, STW Ltd effectively had inherited liability. It was therefore proposed that a virement of funds from this Capital Scheme to fund the remaining shortfall at Old Forge Drive be undertaken, the remainder being returned as savings. Additionally, as a result of the Site 1A works at Old Forge Drive, an annual revenue expenditure for aeration at Old Forge Pool of £2,000 per annum will no longer be necessary with immediate effect, ensuring savings for many years hence. Due to the lateness of detailed costs being provided, and in the absence of full funding, a potential situation of Breach of Contract may have arisen with consequent additional costs.

It was therefore RESOLVED that

- 1) **£36,000 of the previous capital allocated to the Callow Hill Balancing Area scheme (for which a sum of up to £50,000 was allocated and which will now be deleted from the 2011/12 Capital programme) be transferred to fund the River Revetment Works – Old Forge Drive for the reasons set out, above;**
- 2) **the remaining sum of £14,000 be transferred to Capital Balances/Reserves**

(Council decision)

- 3) authority be given for the savings and expenditure as detailed in 1) and 2), above, for the purposes detailed in the report.**

(Executive decision)

(No separate report)

Transfer of Waste Heat between the Crematorium and the Abbey Stadium (Ref. 494)

Due to design enhancements and recognition of underspends within the total capital budget for the overall Crematorium project, it is requested that £58,000 be vired to enhance the waste heat element of the project (within overall budgets). This would ensure continuity of the Abbey Stadium work programme and enable the completion of the heat re-use system.

RESOLVED that

- 1) £10,000 identified as unspent on the current capital budget allocated to the crematorium project, together with £48,000 from the crematorium improvements allocation be vired to enhance the waste heat element of the project (within overall budgets); and**

(Council decision)

- 2) authority be given for the expenditure as detailed in 1) above for the purposes detailed in the report.**

(Executive decision)

(No separate report)

Appointment of Miss Jesbir Uppal as A Court Officer of the Council and to Delegate to her the Conduct of Legal Proceedings on Behalf of the Council
(Ref. 495)

The Legal Services Team has secured the services of a locum lawyer, Miss Jesbir Uppal, who needs to be appointed as an authorised officer to represent the Council in civil and criminal proceedings and to appear in Courts and Tribunals on its behalf.

RESOLVED that

Miss Jesbir Uppal be appointed as an authorised officer to represent the Council in civil and criminal proceedings and to appear in Courts and Tribunals on its behalf.

(Council decision)

(No separate report)

**13. Urgent Business -
general (if any)**

To consider any additional items exceptionally agreed by the Mayor as Urgent Business in accordance with the powers vested in her by virtue of Section 100(B)(4)(b) of the Local Government Act 1972.

(This power should be exercised only in cases where there are genuinely special circumstances which require consideration of an item which has not previously been published on the Order of Business for the meeting and/or on the Leader's Forward Plan.)

14. Exclusion of the Public

Should it be necessary, in the opinion of the Chief Executive, to consider excluding the public from the meeting in relation to any items of business on the grounds that exempt information is likely to be divulged it may be necessary to move the following resolution:

“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 matters on the grounds that they involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12 (A) of the said Act, as amended.”

	<p>[Subject to the “public interest” test, information relating to:</p> <ul style="list-style-type: none">• Para 1 – <u>any individual</u>;• Para 2 – the <u>identity of any individual</u>;• Para 3 – <u>financial or business affairs</u>;• Para 4 – <u>labour relations matters</u>;• Para 5 – <u>legal professional privilege</u>;• Para 6 – <u>a notice, order or direction</u>;• Para 7 – the <u>prevention, investigation or prosecution of crime</u>; <p style="text-align: right;">may need to be considered as ‘exempt’.]</p>
15. -	<p>(Note: Anyone requiring copies of any previously circulated reports, or supplementary papers, should please contact Committee Services Officers in advance of the meeting.)</p>