

Council

Monday, 18th February
2013

7.10pm (or following the
ending of the Executive
Committee meeting,
should this be later)

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
Democratic Services**

**Town Hall, Walter Stranz Square, Redditch, B98 8AH
Tel: (01527) 64252 (Extn. 3269) Fax: (01527) 65216
e.mail: ivor.westmore@bromgroveandredditch.gov.uk**

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**.



Council

18th February 2013

7.10 pm (or following the ending of the Executive Committee meeting, should this be later)

Council Chamber Town Hall

Agenda

Membership:

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

1. Welcome	The Mayor will open the meeting and welcome all present.
2. Apologies	To receive any apologies for absence on behalf of Council members.
3. Declarations of Interest	To invite Councillors to declare any interests they may have in items on the agenda.
4. Minutes (Pages 1 - 6) Chief Executive	To confirm as a correct record the minutes of the meeting of the Council held on 15 th January 2013. (Minutes attached)
5. Announcements	To consider any exceptional announcements under Procedure Rule 10: a) Mayor's Announcements b) Leader's Announcements c) Chief Executive's Announcements. (Oral report)

<p>6. Executive Committee Chief Executive</p>	<p>To receive the minutes and consider the recommendations and/or referrals from the following meetings of the Executive Committee:</p> <p><u>12th February 2013</u></p> <p>Matters requiring the Council's consideration may include:</p> <ul style="list-style-type: none">• Redditch Growth Consultation;• Draft Borough of Redditch Local Plan No.4;• Housing Revenue Account – Initial Estimate 2013/14;• Fees and Charges 2013/14; and• Independent remuneration Panel for Worcestershire District Councils – Annual report and Recommendations for 2013/14. <p><u>18th February 2013</u></p> <p>Matters requiring the Council's consideration will include:</p> <ul style="list-style-type: none">• Medium Term Financial Plan 2013/14 – 2015/16 and Council Tax Setting 2013/14. <p>(Minutes to follow – reports for 12th February 2013 previously circulated with the agenda for that meeting; report for 18th February 2013 to be included with the agenda papers for that Executive Committee meeting)</p>
<p>7. Joint Chief Executive (Pages 7 - 10) Head of Legal, Equalities and Democratic Services</p>	<p>To seek approval to include the post of Chief Executive in the Joint Management Team arrangements between Redditch Borough Council and Bromsgrove District Council.</p> <p>(Report attached)</p> <p>(No Direct Ward Relevance);</p>
<p>8. Urgent Business - general (if any)</p>	<p>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.</p> <p>(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.)</p>

9. 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 matter(s) on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs (*to be specified*) of Part 1 of Schedule 12 (A) of the said Act, as amended.”

[Subject to the “public interest” test, information relating to:

- **Para 1 – any individual;**
- **Para 2 – the identity of any individual;**
- **Para 3 – financial or business affairs;**
- **Para 4 – labour relations matters;**
- **Para 5 – legal professional privilege;**
- **Para 6 – a notice, order or direction;**
- **Para 7 – the prevention, investigation or prosecution of crime;**

may need to be considered as ‘exempt’.]

(Note: Anyone requiring copies of any previously circulated reports, or supplementary papers, should please contact Committee Services Officers in advance of the meeting.)



Council

15th January 2013

MINUTES

Present:

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

Officers:

A Darroch, K Dicks, C Felton, S Hanley, S Jones and J Pickering

Committee Services Officer:

I Westmore

83. WELCOME

The Mayor opened the meeting and welcomed all present.

84. APOLOGIES

Apologies for absence were received on behalf of Councillors David Bush, although these were not reported to the meeting, and Derek Taylor.

85. DECLARATIONS OF INTEREST

There were no declarations of interest.

86. MINUTES

RESOLVED that

the minutes of the meeting of the Council held on 26th November 2012 be confirmed as a correct record and signed by the Chair.

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Chair

87. ANNOUNCEMENTSa) Mayor

The Mayor's communications and announcements were as follows:

i) Former Mayor of the Borough, Joan Tyers

It was with great sadness that the Mayor advised the Council of the death shortly before Christmas of former Councillor and Mayor of the Borough Joan Tyers.

The Mayor paid tribute to former Councillor Tyers and Members of the Council were invited to offer up words they might wish to offer in memory of her and of her services to the Borough.

The Leader of the Council commenced the tributes to former Councillor Tyers, commenting that she had been a very dear friend and would be sadly missed by all who knew her. The Leader of the Minority Group then led other Members in expressing their thoughts on the character and achievements of former Councillor Tyers.

Members observed a minute's silence as a mark of respect and it was subsequently

RESOLVED that

the Council formally place on record its gratitude to former Councillor and Mayor of the Borough, Joan Tyers for her service to the Council and to the community.

ii) Mrs Denise Sunman

The Mayor also formally advised the Council of the sudden and unexpected death earlier in December of Denise Sunman, Democratic Services Officer. The Mayor reported that condolences had been sent to Mrs Sunman's family.

iii) Mayor's Announcements

The Mayor advised that, since the last meeting of the Council, he had attended a number of engagements including a performance of Handel's Messiah by the Redditch Choral Society; Bowood Mews Care Home Christmas lights switch-on; the Home Support Service 'Christmas Knees Up'; the Churches Together Carols in the Town; the Arrow Valley Brass Band and Walkwood Middle School concert; a coffee morning for Cavell Nurses' Trust; and a visit to the Alexandra Hospital on Christmas morning.

iii) Forthcoming Engagements

The Mayor advised that forthcoming engagements included the 'Jack and the Beanstalk' Pantomime with Droitwich Spa Town Council; a Special Olympics Awards Evening at the Town Hall; a music evening at Bromsgrove District Council; the Holocaust Memorial Day event; a gathering at The Old Palace in Worcester to meet the Bishop of Worcester and a Charity Black Country Night Out with Bewdley Town Council.

b) Leader's Announcementsi) Joint Service Review

The Leader expressed his disappointment at the failure of the Joint Service Review Team to publish the options for the Joint Services Review on 18th December 2012 as intended.

ii) Visit by Health Minister

The Leader reminded Members of the intended visit to the Alexandra Hospital by the Health Minister, Dr Dan Poulter which was due to take place at some point in January. The Leader advised that he was unaware when this visit might take place and Officers were requested to enquire of the Minister the date and nature of the visit to be made to Redditch.

iii) Staff Awards

The Leader reported that he had attended the Staff awards the previous evening and took the opportunity to thank several Officers who had provided entertainment, particularly Peter Hill, Karl Stokes and Jason Simon.

88. QUESTIONS ON NOTICE

The Leader responded to a question submitted in accordance with Procedure Rule 9.2 from Councillor Luke Stephens. Councillor Stephen's question related to the "London Midland Cross City Line" and the problems that had been experienced on that service by people travelling to and from Redditch.

The Leader responded that he and other local Members were well aware of the problems experienced by passengers on the line from Redditch to Lichfield Trent Valley as a result of complaints received and through first hand experience. There were frequent delays and the stranding of passengers at Barnt Green and Bournville with little or no alternative provision laid on to complete the journey to Redditch was a not uncommon occurrence. At the same time, passengers were being asked to meet above average price rises in the coming financial year. The Leader undertook to write to London

Midland and the Department of Transport outlining the concerns that had been expressed to Members.

89. MOTIONS ON NOTICE

A Notice of Motion had been submitted by Councillor Brandon Clayton in respect of the Living Wage. This was seconded by Councillor Michael Braley.

In proposing this Motion, Councillor Clayton suggested that the Council recognise the case for paying all those employed by the authority according to such a policy and requested that the matter be referred to the Overview and Scrutiny Committee for investigation of the proposals.

In responding to the Motion, the Leader noted that variations on this Motion had previously been considered at a number of other authorities within Worcestershire. It was noted that few Redditch employees were paid below the living wage and it was expected that implementation of Job Evaluation would bring these employees wages up to the required level. Wages paid by contractors working on behalf of the Council could not be controlled to the same extent for legal reasons but the Leader was keen to encourage all Redditch employees to recognise the case for paying the living wage.

There was considerable discussion as to whether the Motion as printed should be amended prior to Members agreeing that the Motion be approved in the following, abbreviated terms as proposed by Councillor Bill Hartnett and seconded by Councillor Carole Gandy.

RESOLVED that

the Motion be agreed in the following terms:

“This Council recognises the case for all employees to be paid the living wage of £7.45 per hour as a minimum.

We ask that this be referred to the Overview and Scrutiny Committee to investigate proposals with a view to bring back a report to the Executive Committee on the full implication for staffing and financial costs.”

90. EXECUTIVE COMMITTEE

Members received the minutes of the meetings of the Executive Committee held on 18th December 2012 and earlier the same evening, 15th January 2013.

RESOLVED that

- 1) **the minutes of the meeting of the Executive Committee held on 18th December 2012 be received and all recommendations adopted; and**
- 2) **the minutes of the meeting of the Executive Committee held on 15th January 2013 be received and all recommendations adopted.**

91. REGULATORY COMMITTEES

Members received the minutes of the most recent meetings of the Council's Regulatory Committees.

RESOLVED that

- 1) **the minutes of the meeting of the Audit and Governance Committee held on 27th November 2012 be received and adopted;**
- 2) **the minutes of the meeting of the Licensing Committee held on 17th December 2012 be received and adopted; and**
- 3) **the minutes of the meeting of the Planning Committee held on 28th November 2012 be received and adopted.**

92. STREET TRADING AND PEDLARY LAWS - CONSULTATION BY DEPARTMENT FOR BUSINESS INNOVATION AND SKILLS

The Council considered a report which alerted it to a Government consultation on draft regulations to repeal the Pedlars Act 1871 and make changes to street trading legislation. It was reported that the Government was proposing to make changes to this legislation in order to bring the United Kingdom into line with European legislation.

Members were informed that the Local Government Association and street traders themselves opposed this legislative change and a number of local authorities were seeking to oppose this vigorously. There was general concern that any such change could lead to problems which had previously been experienced with a number of rogue traders recurring. Members were encouraged to forward any comments on the consultation to Regulatory Services and the Head of Regulatory Services was requested to apologise to Councillor Pattie Hill for non-attendance at a meeting to discuss the matter.

RESOLVED that

Councillors pass their feedback to the Head of Regulatory Services to be included in his response on behalf of the Council.

93. URGENT BUSINESS - RECORD OF DECISIONS

There were no urgent business decisions under the Council's urgency procedures for consideration at this meeting.

94. URGENT BUSINESS - GENERAL

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

The Meeting commenced at 8.37 pm
and closed at 9.55 pm

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Chair

COUNCIL

18th February 2013

APPOINTMENT OF JOINT CHIEF EXECUTIVE

Relevant Portfolio Holder	Councillor Bill Hartnett, Leader of the Council
Portfolio Holder Consulted	Yes
Relevant Head of Service	Kevin Dicks, Chief Executive
Ward(s) Affected	All
Ward Councillor(s) Consulted	N/A
Key Decision / Non-Key Decision	Non-key

1. SUMMARY OF PROPOSALS

To seek approval to include the post of Chief Executive in the Joint Management Team arrangements between Redditch Borough Council and Bromsgrove District Council.

2. RECOMMENDATIONS

The Council is requested to RESOLVE that

- 1) the current position with regard to the Joint Chief Executive arrangements between Redditch Borough and Bromsgrove District Council be noted;**
- 2) Members agree whether or not to proceed to implementation of a shared Joint Chief Executive in line with the wider Shared Management Team arrangements;**
- 3) should the Council agree to proceed to the implementation of a shared Joint Chief Executive, it confirms that the annual salary for the post is £122,500 - £127,500; and**
- 4) authority be delegated to the Head of Legal, Equalities and Democratic Services, in consultation with the Leaders, to finalise the employment arrangements.**

3. BACKGROUND

- 3.1 Redditch Borough Council and Bromsgrove District Council have now been operating with a shared Chief Executive since 2008 (formally since 2009) and in 2010 both Councils also agreed to the introduction of a Shared Management Team.
- 3.2 The shared Chief Executive post has delivered £55k of savings each year and the shared Management Team over £250k savings per year for the Council. These savings have supported the Council's achievement of required savings without impacting on service delivery.

- 3.3 Members will recall that the Chief Executive is an employee of Bromsgrove District Council and that Redditch Borough Council has benefited through the shared arrangements by way of a secondment.
- 3.4 The secondment agreement required that the arrangement be reviewed in March 2013 with the view to determining whether or not it should continue.
- 3.5 As Members will appreciate, the arrangements have been formally monitored by the Leaders of both Authorities at regular intervals throughout the period of the secondment to ensure that the joint arrangements continue to meet the needs of both organisations and to ensure that the priorities for each Council are being achieved. This arrangement will continue.
- 3.6 Members are being asked to consider making the secondment permanent in line with the wider management team arrangements.
- 3.7 As Members are aware, the employee successfully undertook a formal assessment process to secure the secondment position and has fulfilled formal Annual Performance Development Reviews and regular reviews with the Leaders at both Authorities. In accordance with the service agreement, both Authorities have regularly assessed the extent to which the arrangements meet their organisational needs.
- 3.8 The Chief Executive post salary grading has been assessed by officers of the West Midlands Councils advice service using the HAY Job Evaluation Scheme which has been widely utilised for senior management posts in Local Government for a number of years. There is a consistent approach to assess know-how, problem-solving and accountability to reflect the roles and responsibilities for each post. The salary attached to the Joint Chief Executive post is also used as the basis to determine the salaries of the remainder of the management team.
- 3.9 It is therefore proposed, based on the ongoing assessment of the employee's suitability for the role, that the employee be redeployed and formally appointed to the position of permanent Shared Chief Executive and Head of Paid Services for both Councils.
- 3.10 Bromsgrove District Council would continue to be the employing authority and existing target setting and appraisal mechanisms will be further developed to ensure the postholder meets the needs of each Council within the context of the joint management arrangements.

4. KEY ISSUES**Financial Implications**

- 4.1 Over the last 4 years, since the shared Chief Executive arrangements were introduced the Council has realised over £200k in savings from this post. This has supported the Councils financial position over the last 4 years in light of the significant financial constraints and pressures that have been seen by Local Government. Members are aware that the funding available will not improve in future years.
- 4.3 Should the current employee not be appointed there would be a risk of significant financial cost associated with a claim for unfair/constructive dismissal. In addition, if Redditch Borough Council chose to appoint a separate Chief Executive there would be an estimated annual cost of £55k per annum which would have to be met from savings within services provided.

Legal Implications

- 4.4 The creation of a permanent Shared Chief Executive post would result in the deletion of the Chief Executives' posts at Redditch Borough Council and Bromsgrove District Council.
- 4.5 The Council is bound by the Local Authorities (Standing Orders) Regulations 1993 and the Local Authority (Standing orders) (England) Regulations 2001 when making an appointment to the post of Chief Executive
- 4.6 The substantive post as Chief Executive for Bromsgrove District Council would, by definition, be redundant. The Employment Rights Act 1996 (ERA) states that the employer must provide suitable alternative employment to employees at risk of redundancy.
- 4.7 The permanent Shared Chief Executive post would be identified as suitable alternative employment for the currently seconded Bromsgrove Chief Executive. There are no implications for any other employees.
- 4.8 Should the employee not be appointed there would be a significant risk of challenge of unfair/constructive dismissal against the employing Authority if the employer was unable to demonstrate that it had carefully considered the opportunity for suitable alternative employment and identified reasonable justifiable ground why redeployment should not apply. The existing agreement provides that both Councils share any such liabilities on an equal basis.

Service / Operational Implications

- 4.10 The proposals will enable the Council to continue to make ongoing revenue savings whilst maintaining the current level of management support and direction.

Customer / Equalities and Diversity Implications

4.11 Under its recruitment policies the Council would usually advertise the permanent position and carry out a recruitment exercise. As explained at paragraph 4.6 above, the Council is being advised to pursue a different route on this occasion for sound employment reasons.

5. RISK MANAGEMENT

If the Council decides to make the position permanent, the process and risks involved are as set out in paragraphs 4.5 – 4.7 above.

6. APPENDICES

None.

7. BACKGROUND PAPERS

Reports to Council 30th June 2008 (minute no. 22/08) and 29th July 2009 (minute no. 28/09).

AUTHOR OF REPORT

Name: Jayne Pickering

email: j.pickering@bromsgroveandredditch.gov.uk

Tel.: 01527-881400