

Council

Mon 10 Jun
2013
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
Democratic 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**.



Council

Monday, 10th June, 2013

7.00 pm

Council Chamber Town Hall

Agenda

Membership:

Cllrs:	Wanda King (Mayor)	Carole Gandy Adam Griffin
	Pat Witherspoon (Deputy Mayor)	Bill Hartnett Pattie Hill
	Joe Baker	Roger Hill Gay Hopkins
	Roger Bennett	Alan Mason Phil Mould
	Rebecca Blake	Brenda Quinney Mark Shurmer
	Michael Braley	Yvonne Smith Luke Stephens
	Andrew Brazier	Debbie Taylor Derek Taylor
	Juliet Brunner	
	David Bush	
	Michael Chalk	
	Simon Chalk	
	Greg Chance	
	Brandon Clayton	
	John Fisher	
	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 Chief Executive	To confirm as a correct record the minutes of the Annual meeting of the Council held on 20th May 2013. (Minutes circulated in Minute Book 1 - 2013/14)

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<p>5. Announcements</p>	<p>To consider Announcements under Procedure Rule 10:</p> <ul style="list-style-type: none">a) Mayor's Announcementsb) Leader's Announcementsc) Chief Executive's Announcements. <p>(Oral report)</p>
<p>6. Questions on Notice Chief Executive</p>	<p>No questions have been submitted to date under Procedure Rule 9.2.</p>
<p>7. Motions on Notice Chief Executive</p>	<p>No Motions have been submitted under Procedure Rule 11.</p>
<p>8. 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>9th April 2013</u></p> <p>There are no matters requiring the Council's consideration.</p> <p>(Minutes of the meetings on 9th April 2013 circulated in Minute Book 1 – 2013/14)</p>
<p>9. Regulatory Committees Chief Executive</p>	<p>To formally receive the minutes of the following meetings of the Council's Regulatory Committees:</p> <p>Audit & Governance Committee - 18th March 2013</p> <p style="text-align: right;">25th April 2013</p> <p>Licensing Committee - 11th March 2013</p> <p>Planning Committee - 3rd April 2013</p> <p style="text-align: right;">8th May 2013</p> <p>Standards Committee - 8th April 2013</p> <p>(There are no outstanding matters requiring the Council's consideration)</p> <p>(Minutes circulated in Minute Book 1 – 2013/14)</p>

<p>10. Constitution - Annual Review</p>	<p>To confirm the Council's Constitutional arrangements.</p> <p>(Constitution documents available in the Group Rooms for Members and on the Council's website)</p>
<p>11. Appointments to Outside Bodies</p> <p>(Pages 1 - 8)</p> <p>C Felton - Head of Legal, Equalities and Democratic Services</p>	<p>To agree appointments to various outside bodies.</p>
<p>12. Urgent Business - Record of Decisions</p> <p>Chief Executive</p>	<p>To note the following decision taken in accordance with Paragraph 5 of Part 6 of the Constitution since the last ordinary meeting of the Council:</p> <p><u>Matchborough East Community Centre Transfer</u></p> <p>(Chief Executive / Executive Director, Finance and Resources)</p> <p>Consideration was given to a proposed change to the lease arrangement that was originally agreed by the Executive Committee in December 2012. The reason for urgency was that a delay in the revision to the decision would prevent the services being able to move quickly into their new premises.</p> <p>RESOLVED that</p> <ol style="list-style-type: none">1) Property Services be instructed to assist Leisure and Cultural Services to transfer the MECC to Your Ideas on a Full Repairing basis, excluding the roof which will be subject to a non refundable £1,500 per annum sinking fund payment for a period of seven years; and2) Property Services be instructed to work with Redditch Community Boxing Club to explore a lease option for the shop unit vacated as a result of 1), above, on a Full Repairing Lease basis for a minimum period of seven years. <p style="text-align: right;">(Executive Decision)</p>

13. Urgent Business - general (if any)	<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.)</p>
14. Exclusion of the Public	<p>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:</p> <p>“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 rounds that it/they involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs (<i>to be specified</i>) of Part 1 of Schedule 12 (A) of the said Act, as amended.”</p> <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 – <u>the 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 – <u>the prevention, investigation or prosecution of crime</u>; <p>may need to be considered as ‘exempt’.]</p>

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15. -

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

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APPOINTMENT OF OUTSIDE BODIES

Relevant Portfolio Holder	Cllr Bill Hartnett
Portfolio Holder Consulted	Yes
Relevant Head of Service	Claire Felton, Head of Legal, Equalities and Democratic Services
Ward(s) Affected	All
Ward Councillor(s) Consulted	N/A
Key Decision / Non-Key Decision	Non key

1. SUMMARY OF PROPOSALS

- 1.1 This report sets out proposed appointments to various outside bodies. The Council has previously made a number of appointments at its Annual meeting, mainly those appointments to regional and other bodies, made by office.

2. RECOMMENDATIONS

The Council is requested to

- 1) consider a request from the Feckenham Education Endowment (Blue Coat School) to decide whether to appoint to the vacancy on the body, or whether it is content for the Endowment to amend its constitution to enable it to appoint direct;

and to RESOLVE that

- 2) subject to the decision at 1 above, the list of organisations set out in the appendix, to which the Council makes appointments and/or nominations, be agreed;
- 3) that appointments and nominations are made to each body as appropriate.

3. KEY ISSUES

Financial Implications

- 3.1 There are no financial implications arising from this report.

Legal Implications

- 3.2 No specific legislation governs the appointment or nomination of members to outside bodies by the Council. Depending on the nature of the relationship the Council has with the organisation, the legal status of the organisation, its corporate, charity or other status and its constitution, there are differing legal implications for the members sitting on these bodies. Where known, we have

set out the status of each body and any potential implications for Councillors who sit on it.

Service / Operational Implications

- 3.3 Prior to bringing the list to the Council, officers have contacted each of the organisations listed to find out whether nominations or appointments are still required. We have also checked their status, for example, establishing whether or not they are charities.
- 3.4 Where the Council had made an appointment to a body, officers also liaised with the current representative(s).
- 3.5 There are a number of changes to the list of bodies as a result of the review. Council representation is no longer sought by:
- i) Court of the University of Birmingham;
 - ii) The Redditch Trade Justice Network – this has been disbanded;
 - iii) Relate Worcestershire;
 - iv) The Reserve Forces and Cadet Association.
- 3.6 The Council has previously appointed a non-Councillor to the Feckenham Education Endowment (Blue Coat School). The most recent appointee, Mr Price, has indicated he wishes to stand down. The Secretary to the Endowment has asked the Council to consider whether it wishes to continue to appoint to this position – in which case they can make a suggestion for a nominee from among the community - or whether it is content for the Endowment to amend its constitution so that it can appoint direct.

Customer / Equalities and Diversity Implications

- 3.8 There are no specific implications arising from this report.

4. RISK MANAGEMENT

There would be risks arising if the Council failed to make appointments to the Outside Bodies listed in this report; the nature of the risk would vary depending on the type of body in question. The Council needs to participate in certain Outside Bodies to ensure that existing governance arrangements can be complied with. On other bodies the risk would be less severe but non-participation may detract from the Council's ability to shape and influence policies and activities which affect the residents of Redditch.

5. APPENDICES

Appendix 1 - list of outside bodies for appointment.

6. BACKGROUND PAPERS

None

AUTHOR OF REPORT

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**Borough Council Representatives On
Outside Bodies**

The Council has previously decided that, so far as is practical:

- 1) more senior Members should be appointed to represent the Council on significant bodies, such as the Council Leader on Regional bodies, and relevant Portfolio Holders as relevant to their Portfolios;
- 2) other relevant Members should be appointed as befits their position / interests / Ward responsibilities, etc., for example an Astwood Bank and Feckenham Ward Member on bodies with a rural interest.

Body	2012/13 Representative(s)	Notes / Terms	APPOINTEES
Age Concern Redditch and District Board	Cllr Witherspoon *Chief Executive is authorised to appoint Officer representatives.	1 Councillor plus 1 Officer * Term : 1 year Advised that Age Concern is a Limited company and an official representative from the Council cannot be a full Trustee / Director. Representation is therefore that of a co-opted non-voting Board Member.	
Feckenham Education Endowment (Blue Coat School)	Mr A Price (to AGM 2013)	1 Representative Need not be a Councillor Term: 4 years to AGM 2013 No specific information on nature of representation or liabilities but letter confirming limited annual funds available for donation and capital invested with the Charity Commission. Regular financial advice taken and auditing of accounts. The Charity has advised Mr Price does not wish to seek re-election. Charity happy to propose a suitable person from Feckenham Village as RBC representative or, if RBC do not wish to continue with its representation, arrangements can be made to amend terms with the Charity Commission.	

Federation of Burial and Cremation Authorities (FBCA) – Executive Committee	Vacant	<p>1 nomination must be a Councillor</p> <p>Potential appointment for relevant Portfolio Holder but not a requirement</p> <p>Nominations have to be put to their AGM in September for consideration.</p> <p>Term : 3 years</p> <p>No liability issues identified.</p>	
Disability Action Redditch	Cllrs Mason and Quinney	<p>2 Representatives</p> <p>Must be Councillors</p> <p>Term : 1 year</p> <p>Advised advisory and representative only, no decision-making role.</p> <p>No liability issues identified.</p>	
Redditch Arts Council	Cllrs Brazier, Fisher and Stephens	<p>3 Representatives</p> <p>Must be Councillors</p> <p>Term : 1 year</p> <p>No liabilities identified / unlikely to be any liabilities.</p>	
Redditch One World Link Executive Committee	<p>Cllr Quinney and 1 (Councillor) vacancy</p> <p>Mr Stephen Smith and Mr Yasser Mahood</p>	<p>4 Representatives</p> <p>2 Councillors, 1 Council Officer and 2 non-elected representative</p> <p>Nominations should not include the Mayor who is a Member ex-officio*.</p> <p>Term : 1 year</p> <p>Liability appears to be limited, provided there are no breaches of duty or trust.</p>	
Redditch Play Council	Cllr Stephens	<p>6 Representatives (4 elected and 2 non-elected Representatives)</p> <p>Term : 1 year</p> <p>To represent the Borough Council.</p> <p>This is an unincorporated charity and the liability situation needs to be confirmed</p>	

<p>St Stephen's Church, Redditch Project Group</p> <p>(Lead Officer – Lyndsey Berry)</p>	<p>Cllr Hopkins</p>	<p>1 Member Representative (Must be a Councillor)</p> <p>Term: not specified by Group but suggest AGM to AGM</p> <p>Day time meetings.</p> <p>Full nature of role and issues of liability to be determined. Advised in 2010 the Group was seeking legal advice regarding measures to indemnify Project Group members.</p> <p>No update received to date.</p>	
<p>Eadie Mews Trust (Formerly known as the Smallwood Almshouses Trust)</p>	<p>Cllr Fry (to AGM 2013)</p>	<p>1 Nomination (must be a Councillor).</p> <p>Term: 4 years (or to each AGM if preferred)</p> <p>Nature of representation: to represent the Borough Council but note Trustee status.</p> <p>No indemnity referred to. Liabilities of Trustees therefore presumed to be governed by Charities legislation.</p>	
<p>Traffic Penalty Tribunal (Civil Parking Enforcement)</p>	<p>Cllr Fry (Deputy – Cllr Braley)</p>	<p>1 Representative plus 1 Deputy (must be Councillors)</p> <p>Term: AGM to AGM</p> <p>No liabilities identified / unlikely to be any liabilities.</p>	
<p>'Where Next' Association</p>	<p>Cllrs Pattie Hill & W King</p>	<p>2 Representative must be Councillors – 2 <i>places variation previously agreed</i></p> <p>Term : 1 year to Council's AGM</p> <p>Nature of representation: to represent the Borough Council.</p> <p>Liability appears to be limited.</p>	

Worcestershire Racial Equality Council	Messrs Stephen Smith and Yasser Mahood	2 Representatives (need not be Councillors) Term : 1 year. Nomination to be put forward to Annual Meeting of the WREC. Nature of representation: to represent the Borough Council. Liability appears limited to £1.	
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Twinning Bodies:

The Mayor is appointed to the following bodies by office:

Friends of Auxerre (FoA) – President

Friends of Gruchet-le-Valasse (FroG) – President.

Redditch One World Link (ROWL - Mtwara Twinning) – President