

Council

Monday 8 December
2008
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**

Town Hall, Walter Stranz Square, Redditch, B98 8AH

Tel: (01527) 64252 (x3269) Fax: (01527) 65216

e.mail: committee@redditchbc.gov.uk

Minicom: 595528

آپ انگریزی میں مدد چاہتے ہیں – نسلیاتی رسائی [Ethnic Access] سے رابطہ کریں ٹیلیفون: 01905 25121

ইংরেজি ভাষার বিষয়ে সাহায্য চান – এথনিক অ্যাকসেস [Ethnic Access] এর সঙ্গে যোগাযোগ করুন,
টেলিফোনঃ 01905 25121

‘Potrzebujesz pomocy z Angielskim – skontaktuj się z Ethnic Access Tel: 01905 25121’

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 the Ringway Car Park.

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).



Monday, 8th December, 2008

7.00 pm

Council

Council Chamber Town Hall

Agenda

Membership:

Cllrs:	J Field (Mayor)	W Hartnett
	P Anderson	N Hicks
	K Banks	D Hunt
	K Boyd-Carpenter	R King
	M Braley	W King
	J Brunner	C MacMillan
	M Chalk	P Mould
	A Clayton	W Norton
	B Clayton	J Pearce
	J Cookson	B Quinney
	D Enderby	M Shurmer
	R J Farooqui	D Smith
	A Fry	D Taylor
	C Gandy	D Thomas
	M Hall (Deputy Mayor)	

1. Welcome	<p>The Mayor will open the meeting and welcome all present.</p> <p>The Mayor's Chaplain, the Reverend Mike Herbert, will lead the Council in prayer.</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 27 October 2008.</p> <p>(Minutes circulated in Minute Book 5 - 2008/09 – TO FOLLOW)</p>

Council

Monday, 8th December, 2008

<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. Leaders' Questions (Pages 1 - 2) Chief Executive</p>	<p>To consider the following Question for the Leader, which was submitted too late to meet the requirements of Standing Order 8A, but has been accepted by the Mayor for consideration at this meeting in view of its potential public interest.</p> <p><u>Redditch United Football Club</u> (Councillor P Mould)</p> <p>(Question attached)</p> <p>(No Specific Ward Relevance)</p>
<p>7. Notices of Motion (Pages 3 - 4) Chief Executive</p>	<p>To consider a Notice of Motion submitted by Councillor K Banks, concerning the formation of Foundation Trusts.</p> <p>(Report attached)</p> <p>All Wards</p>
<p>8. Executive Committee Chief Executive</p>	<p>A. To receive the minutes and consider the recommendations and/or referrals from the meetings of the Executive Committee held on 8 and 22 October 2008.</p> <p>(All decisions here have previously been fully resolved. There are no outstanding recommendations or referrals which require the Council's consideration.)</p> <p>(Minutes circulated in Minute Book 5 – 2008/09 – TO FOLLOW)</p> <p>B. To receive the Decision Notice and consider the recommendations and/or referrals from the following meetings of the Executive Committee:</p> <p><u>29 October 2008</u></p> <p>Matters requiring the Council's consideration are:</p> <ul style="list-style-type: none">• Civil Parking Enforcement update;

- The Worcestershire Hub – Options for the Future; and
- Value for Money Strategy.

19 November 2008

Matters requiring the Council's consideration are:

- Hackney Carriage – Fare Tariff Rates;
- Registered Social Landlords – Preferred Partners Review;
- Property Accreditation Scheme;
- Climate Change – Key Issues for the Council;
- Redditch Street Market – Stall Discounts; and
- Redditch Borough Council Corporate Plan – Phase 1.

(Decision Notices previously circulated, but attached to the agenda for Members' convenience)

3 December 2008

Matters requiring the Council's consideration may include:

- West Midlands Regional Spatial Strategy – Partial Review Phase Two;
- Charging for Non-Statutory Planning Services; and
- Scheme of Delegation to Officers – Planning Services Amendments.

(Decision Notice TO FOLLOW)

(Any matters arising, not covered elsewhere in the agenda, will be considered under this heading).

Confidential matters may be taken after the Exclusion of the Public, subject to notification at this point in the meeting.

9. Regulatory Committees

Chief Executive

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

Audit Committee - 3 November 2008.

(Minutes circulated in Minute Book 5 – 2008/09 – TO FOLLOW)

<p>10. Acting Joint Chief Executive - Secondment Agreement</p> <p>(Pages 5 - 8)</p> <p>Head of Legal, Democratic and Property Services</p>	<p>To consider delegating authority, as appropriate, to permit conclusion of the secondment agreement between Redditch and Bromsgrove Councils in respect of the Acting Joint Chief Executive arrangements.</p> <p>(Report attached)</p> <p>(No Specific Ward Relevance)</p>
<p>11. Urgent Business - Record of Decisions</p> <p>Chief Executive</p>	<p>To note any decisions taken in accordance with Standing Order 36 and/or the Overview and Scrutiny Procedure Rules (Constitution), as specified.</p> <p>(None to date).</p>
<p>12. 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 him 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>
<p>13. Exclusion of the Public</p>	<p>It may be necessary, in the opinion of the Chief Executive, to consider excluding the public from the meeting in relation to the following items of business on the grounds that exempt information is likely to be divulged. It may be necessary, therefore, 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 (to be specified) of Part 1 of Schedule 12 (A) of the said Act, as amended.”</p>
	<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>

No Specific Ward Relevance

Council

8 December 2008

LEADER'S QUESTIONS

The following question for the Leader was submitted too late to meet the requirements of Standing Order 8A, but has been accepted by the Mayor for consideration at this meeting in view of its potential public interest.:-

1. Question submitted by Councillor P Mould:

Redditch United Football Club

Would the Leader join me in condemning any proposed merger between Redditch United Football Club and Bromsgrove Rovers Football Club, which would result in a club based in Bromsgrove and using the Bromsgrove Rovers' name, dismissing any link between the town's premier football club and the Borough it, at present, represents?'



All Wards

8 December 2008

Council

NOTICE OF MOTION – SUPPORT FOR THE FORMATION OF FOUNDATION TRUSTS

The following Notice of Motion has been received in accordance with Standing Order 6, from Councillors K Banks and B Quinney:

“Acute Hospitals, Mental Health Services in Worcestershire and the Ambulance Service are applying to become Foundation Trusts. This will enable these services to manage their own budgets and increase their finances by providing services for patients who live out of the County.

Applications for membership are still required by the Acute Services and the Mental Health Service and will be required in the future by the Ambulance Service. Each speciality is trying to obtain at least five thousand voting members. At the last count, Acute Services had twelve hundred and Mental Health, who have only recently started their consultation, are in the lower hundreds.

We call upon our fellow Councillors to offer their help and support and ask that each Councillor distribute and promote these Foundation Trust Membership Applications.

With Councillors’ help, we do not envisage any costs for Redditch Borough Council.

We therefore RECOMMEND that

this Council renew its support to the Acute and Mental Health Services by pledging to get at least another four thousand signatures to ensure the PCT and the Secretary of State for Health is aware the citizens of Redditch care about their local health service.”

Proposed by Councillor Kath Banks

Seconded by Councillor Brenda Quinney

Dated 21 November 2008.

No Specific Ward relevance

Council

8 December 2008

ACTING JOINT CHIEF EXECUTIVE – APPOINTMENTS, ETC.

(Report of the Head of Legal, Democratic & Property Services)

1. **Purpose of Report**

To seek authority to enter into a secondment agreement for an Acting Joint Chief Executive.

2. **Recommendations**

The Committee is asked to RESOLVE that authority be delegated to the Head of Legal, Democratic & Property Services, in consultation with the Leader of the Council, to agree the terms of and enter into a secondment agreement with Bromsgrove District Council for the secondment of Kevin Dicks to Redditch Borough Council to enable him to perform the role of Acting Joint Chief Executive.

3. **Financial, Legal, Policy and Risk Implications**

Financial

- 3.1 At its meeting on the 30th of June 2008, the Council resolved to share the full costs of the post of Joint Chief Executive. A draft Secondment Agreement has been prepared that reflects this arrangement.

Legal

- 3.2 Under Section 113 of the Local Government Act 1972, a local authority may enter into an agreement with another local authority for the secondment of officers to the latter. Any such seconded officer is treated for the purposes of the discharge of local authorities' functions as an officer of that other local authority.
- 3.3 Under Section 4 of the Local Government and Housing Act 1989, the Council is under a duty to designate one of its Officers as the Head of its Paid Service. The formal secondment agreement needs to be in place to enable Kevin Dicks to be appointed to perform the functions of the Head of Paid Service.

Policy

- 3.4 There are no direct policy implications arising out of this report.

Risk

- 3.5 If the terms of the formal secondment agreement are not agreed and the secondment agreement entered into by the Council, the Council will not be able to appoint Kevin Dicks to be its Head of Paid Service.
- 3.6 If the formal agreement is not entered into, there is also a risk that, if a dispute were to arise between Redditch Borough Council and Bromsgrove District Council about the terms of the secondment agreement, there would be no clarity between the parties of the detailed terms of the secondment agreement.

Report

4. Background

- 4.1 At the Council meeting on the 30th of June 2008, the Council resolved to appoint an Acting Joint Chief Executive for the Redditch Borough and Bromsgrove District Councils for a period of 12 months.

5. Key Issues

- 5.1 At its meeting on the 30th of June 2008, the Council resolved to appoint Kevin Dicks to be the Acting Joint Chief Executive for Redditch Borough and Bromsgrove District Councils. In order for the role to be performed, there is a need to enter into a formal secondment arrangement with Bromsgrove District Council as the relevant employer.
- 5.2 At the Council meeting of 15 September 2008, authority was delegated to the Head of Legal, Democratic & Property Services, in consultation with the Leaders of all groups on the Council, to agree the terms of and enter into the required secondment agreement. It has not been possible to obtain the agreement of all Group Leaders to the proposed terms of the secondment agreement and Council is therefore asked to delegate the authority to conclude the agreement to the Head of Legal, Democratic & Property Services, in consultation with the Leader only.

6. Other Implications

- Asset Management - None identified.
- Community Safety - None identified.
- Human Resources - Kevin Dicks will continue to be employed by Bromsgrove District Council but will be seconded to Redditch Borough Council to the extent necessary to enable him to perform the Acting Joint Chief Executive role.
- Social Exclusion - None identified.
- Sustainability - None identified.

7. Conclusion

- 7.1 A formal secondment agreement is required for the appointment of an Acting Joint Chief Executive to enable the Council to comply with its statutory obligations

8. Background Papers

Confidential Council reports and confidential internal files.

9. Consultation

There has been no consultation other than with relevant Borough Council Officers.

10. Author of Report

The author of this report is Sue Mullins (Head of Legal, Democratic & Property Services & Monitoring Officer), who can be contacted on extension 3210 (email: sue.mullins@redditchbc.gov.uk) for more information.

11. Appendices

None.

