

Council

Mon 1st Feb
2010
7.00 pm

Council Chamber
Town Hall
Redditch

REDDITCH BOROUGH COUNCIL

*making
a
difference*

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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e.mail: ivor.westmore@redditchbc.gov.uk Minicom: 595528**

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).



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Council Chamber Town Hall

Agenda

Membership:

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

1. Welcome	<p>The Mayor will open the meeting and welcome all present.</p> <p>The Mayor's Chaplain, Canon David Rogers, 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 11th January 2010.</p> <p>(Minutes circulated in Minute Book 7 - 2009/10 – To follow)</p>
5. Communications and Mayor's Announcements	<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>

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<p>6. Leaders' Questions/ Notices of Motion Chief Executive</p>	<p>No questions for the Leader/Notices of Motion have been submitted according to the requirements of Standing Order 8A.</p>
<p>7. Executive Committee Chief Executive</p>	<p>To receive the decision notice and consider the recommendations and/or referrals from the following meeting of the Executive Committee:</p> <p><u>27th January 2010</u></p> <p>Matters requiring the Council's consideration may include:</p> <ul style="list-style-type: none">• Single Equalities Scheme 2009/12;• Energy Strategy;• Worcestershire Enhanced Two Tier Programme;• Capital Strategy 2010/13;• Housing Revenue Account Initial Estimate 2010/11;• Overview and Scrutiny Committee (16th December 2009); and• Documentary Film Proposal. <p>(Decision notice to follow)</p>
<p>8. Regulatory Committees Chief Executive</p>	<p>To formally receive the minutes of the following meeting of the Council's Regulatory Committees:</p> <p>Licensing Committee - 14th December 2009</p> <p>(Minutes circulated in Minute Book 7 – 2009/10 – To follow)</p>
<p>9. Urgent Business - Record of Decisions Chief Executive</p>	<p>To note the following decisions taken in accordance with SO36 since the dispatch of the agenda for the last meeting of the Council:</p> <p>1. <u>Interest Free Energy Efficiency Loans</u> (Head of Environment)(Decision Reference 481)</p> <p>The case for urgency was that applications for loans had to be to Salix by 31st December 2009 and there was not an Executive Committee or Council meeting before that date (Decisions required were full Council decisions).</p> <p>It was therefore RESOLVED that</p> <p>1) authority be delegated to the Head of Environment to apply for an interest free loan from Salix to fund energy efficiency measures within Council buildings, in the terms detailed in the report; and</p>

- 2) **if the loan is granted by Salix, the Council set aside a budget for repayment of the loan, based on savings made on energy bills as a result of the installation of energy efficiency measures.**

(Energy Strategy (Item 7) on Executive Committee agenda for 27th January 2010 contains essentially the same information as the report upon which this decision was taken)

2. British Cycling Award – BMX Track adjacent to Redditch Skate Park

(Chief Executive / Deputy Chief Executive)(Decision Reference 482)

In order to secure the Award, the Council needs to complete the project by no later than 31st March 2010.. The Council is not in a position to employ contractors until the Award has been accepted. Works are due to start on site on 11th January 2010, hence the requirement for a decision before the next available meetings of the Executive Committee and full Council (final authority here would normally rest with the full Council).

It was therefore RESOLVED that

authority be delegated to the Chief Executive or Acting Deputy Chief Executive to accept the British Cycling Award of £230,000 for the BMX Track on the terms and conditions set out by British Cycling, as detailed below.

1. One of the Award conditions requires the Management Agreement with Redditch Premiers/Wheels referred to in the report (to Executive Committee of 10th October 2007) to be for a minimum period of 21 years. The terms of the Management Agreement were to be reported to the next Leisure Contracts Advisory Panel meeting in January 2010 (subsequently cancelled because of inclement weather).
2. Another condition of the Award requires the Council to accept either a restriction, charge or caution over its land as security for the payment from British Cycling; this will be by way of a "Deed of Dedication".
3. The conditions attached to the Award specify that the Agreement will last for a period of 10 years and that the Award may be clawed back during this period if the Council fails to comply with the Award Agreement. The amount of the Award has increased from £100,000 in the original report (of 10th October 2007) to £230,000. This is due to other projects supported by British Cycling not proceeding.

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10. 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 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>
11. 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 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.”</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>