

Council

Mon 13 Aug
2007
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
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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

Monday, 13th August, 2007

7.00 pm

Council Chamber Town Hall

Agenda

Membership:

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

1. Mayor's Welcome	<p>The Mayor will open the meeting and welcome all present.</p> <p>The Mayor's Chaplain, Deacon Tony Martin, 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 (Pages 1 - 12) Borough Director	<p>To confirm as a correct record the minutes of the meeting of the Council held on the 25th of June 2007.</p> <p>(Minutes circulated in Minute Book 2)</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. Rt. Hon Jacqui Smith MP</p>	<p>To formally note the appointment of the Right Honourable Jacqui Smith MP to the position of Home Secretary.</p> <p>(No Separate report)</p>
<p>7. Leaders' Questions (Pages 13 - 14)</p>	<p>To consider the following Question for the Leader which has been submitted in accordance with Standing Order 8A:</p> <ol style="list-style-type: none">1. <u>Management of Council Business</u> (Mr C T Wareing) <p>(Question attached)</p> <p>(No direct Ward Relevance)</p>

8. Executive Committee

Borough Director

A. To formally receive the minutes of the meeting of the Executive Committee held on the 13th of June 2007.

(All decisions here have previously been fully resolved. There are no Recommendations or Referrals which require the Council's consideration.)

(Circulated in Minute Book 2)

B. To receive the minutes and consider the recommendations and/or referrals from the following meetings of the Executive Committee :

18th July 2007

Matters of potential interest to the Council are:

- Prosecution Policy
- Voluntary Groups – Core Funding
- Medium Term Financial Strategy & Plan
- Budget Bids – General Fund
- Job Evaluation Scheme (Confidential item)
- Capital Programme
- Irrecoverable Debts
- Leisure Contracts Advisory Panel
– Abbey Stadium Options (Confidential item)

(Circulated in Minute Book 2)

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.

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9. Regulatory Committees

Borough Director

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

Audit Committee	- 19th June 2007
Planning Committee	- 19th June 2007 - 17th July 2007
Standards Committee	- 23rd July 2007

(Circulated in Minute Book 2)

(Various Wards)

10. Scheme of Delegation to Officers - Licensing

(Pages 15 - 18)

Borough Director

To consider further delegations of authority in relation to Officer administrative requirements of the Licensing Act 2003.

(Proposed revised delegations attached)

(No Direct Ward Relevance)

11. Planning Advisory Panel

(Pages 19 - 20)

Borough Director

To confirm the appointment of a Planning Advisory Panel, to comprise in 2007/08 Councillor Chance (Portfolio Holder, as Chair) and Councillors Chalk, Cookson, Field, Hall and Hartnett), and the terms of its operation.

(Draft Terms of Reference documents attached)

(No Direct Ward Relevance)

12. Urgent Business - Record of Decisions

Borough Director

To note the following decisions taken in accordance with SO36 and/or the Overview & Scrutiny Procedure Rules (Constitution), as specified :

- 1) Gas Service Contract – Extension
(Director of Housing & Asset Management)
(Decision Reference 467 – 28th June 2007)

The case for urgency was that the contract was due to expire on Saturday the 30th of June, and that failure to have a contract in place would have risked the Health and Safety of tenants.

RESOLVED that

the contract be extended for a further three months.

- 2) Abbey Cemetery – Relining of Cremators
(Director of Environment & Planning)
(Decision Reference 468 – 9th July 2007)

The case for urgency was that during recent servicing of the cremators, additional works were identified. It was not until the end of week commencing the 11th of June that the lead time for booking a slot with the service company became clear, by which time it was too late to get the matter to Council.

RESOLVED that

- 1) **the sum of up to £75,000 be allocated within the Capital Programme for the purpose indicated; and the Programme adjusted accordingly (full Council decision);**
- 2) **an order for the reline of the Cremators be placed as soon as possible (Executive Committee decision);**
- 3) **expenditure of up to the sum indicated be approved in accordance with Standing Order 41 (Executive Committee decision).**

- 3) Arrow Valley Lake – Additional Revetment Works
(Director of Environment & Planning)
(Decision 468 – 9th July 2007)

The case for urgency was that the need for the works had only been determined once contractors arrived on site; and it was most cost-effective to undertake the additional works while they were already on site.

RESOLVED that

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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 him by virtue of Section 100(B)(4)(b) of the Local Government Act 1972.</p> <p>(This power can 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>
14. Exclusion of the Public	<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>
15. Confidential Minutes / Referrals (if any)	<p>To consider confidential matters not dealt with earlier in the evening and not separately listed below (if any).</p>
16. -	<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>



Council

Monday, 25 June 2007

MINUTES

Present:

Councillor David Hunt (Mayor), Councillor Jack Field (Deputy Mayor) and Councillors P Anderson, K Banks, I Beech, K Boyd-Carpenter, M Braley, J Brunner, M Chalk, G Chance, B Clayton, J Cookson, D Dudley, D Enderby, A Fry, C Gandy, M Hall, W Hartnett, N Hicks, P Hill, R King, W King, C MacMillan, P Mould, B Passingham, M Shurmer, D Smith, D Taylor and D Thomas

Officers:

H Halls, S Hanley, S Mullins, S Skinner, C Smith, and J Smith

Also Present:

Deacon Tony Martin, the Mayor's Chaplain

Committee Services Officer:

I Westmore

24. MAYOR'S WELCOME

The Mayor opened the meeting, welcomed all present and invited his Chaplain, the Deacon Tony Martin to lead the Council in Prayer.

25. APOLOGIES

There were no apologies for absence.

26. DECLARATIONS OF INTEREST

There were no declarations of interest.

.....
Chair

27. MINUTES

RESOLVED that

the minutes of the Annual Meeting of the Council held on the 21st of May 2007 be confirmed as a correct record and signed by the Mayor.

28. COMMUNICATIONS AND MAYOR'S ANNOUNCEMENTS

The Mayor's communications and announcements were considered under the following headings:

a) Bob Wilson

The Mayor advised Members of the very sad death of Bob Wilson, husband of former Mayor and Councillor Pat Wilson and father of former Councillor Sarah Sulley. Condolences had been sent to the family.

b) Mayoral Engagements

The Mayor advised that, since the previous meeting of the Council, he had attended various functions, including: a very successful and enjoyable Twinning Visit to Auxerre; the Green Fair at St. Stephen's Church; The Fire Station Open Day; the Licensing of a new Team Vicar; the Festival of Live Arts; the Cancer Research "Relay for Life", the re-launch of the Salvation Army's Charity Shop; the official opening of Poole Place underpass; the State of the Borough Conference; and the Wheels Presentation Event.

c) Forthcoming engagements

The Mayor advised that forthcoming engagements included the opening of Redditch's Travelodge Hotel; a concert by the Bel Canto singers; the opening of the Rainbow Club; the Local Heroes Award Ceremony at the Palace Theatre; and the Annual League of Friends of the Alex Summer Fete.

d) Urgent Business

The Mayor advised that he had accepted one item of Urgent Business: the additional late question in relation to Dingleside School from Mr T Wareing.

The Mayor had also agreed to accept the following late documents:

- i) the Decision Notice from the Executive Committee's 13th of June 2007 meeting, which included recommendations that required decisions in order to meet deadlines;
- ii) Additional Papers 1 and 2; and
- iii) a number of Constitutional documents.

29. MATTERS ARISING - COUNCIL APPOINTMENTS / NOMINATIONS ETC.

The agenda had included reference to a number of matters arising from the appointments and nominations made at the Council's Annual Meeting.

RESOLVED that

- 1) the Council's representatives on the Worcestershire Race Equality Council be amended and now confirmed as Councillors Shurmer and R King;**
- 2) the legal advice that had been received stating that the nomination of Mr D Cartwright to the REDI Trust was acceptable be noted; and**
- 3) the following appointments to the Grants Assessment Panel be noted:**

Councillors Hall (Chair), Anderson, Braley, Chance and Hill.

30. LEADERS' QUESTIONS

The Leader responded to a number of questions which had been submitted in accordance with Standing Order 8A, namely:

- a) Planning and Development
(Mr C T Wareing)

Mr Wareing's question related to a number of possible developments within the Borough and the need to provide an adequate associated infrastructure.

The Leader responded that a significant expansion of housing within the Borough which, he pointed out, had not been proposed by the Council, would certainly be a mistake without the necessary development of associated infrastructure.

The Council had offered to construct the Bordesley By-Pass in connection with the Abbey Stadium Development, demonstrating the Council's responsible attitude to the provision of such infrastructure.

Sadly, it appeared that the Abbey Stadium development that had been proposed by Atlantic Beacon would not be coming to fruition and that, consequently, the Council's fall-back scheme would be adopted.

b) Budget Overspends
(Councillor J Brunner)

Councillor Brunner's question related to a contention that the Council had overspent on its 2006/07 budget and that this had been alleviated by a change in the treatment of Capital Charges.

The Leader replied that the Council did not overspend on its General Fund Budget for 2006/07. In fact the report of the Head of Financial Services to the Executive Committee on the 13th of June had clearly stated that the budget had been underspent by £487,000 of which only £1,000 had been from Capital Charges. The Leader believed this was a good result for the Council.

The same report had also highlighted that all four Directorates had made savings against their approved budget, albeit that, at a Cost Centre or Service level, there had been some variances. All of the variances had again been highlighted within the report.

In response to questions regarding the adequacy of the financial reporting and compliance with the Constitution, the Leader indicated that Councillors had already raised this issue with Officers and the Borough Director had been asked to expedite this review to ensure improvements were made where possible and to ensure that, whatever reporting arrangements were ultimately agreed, compliance with the Constitution was assured. Alternatively, where issues could not be addressed, proposals to amend the Constitution would be brought forward as a matter of urgency.

c) Council Funding
(Councillor C MacMillan)

Councillor MacMillan's question related to the provision of a breakdown of the proportion of the Council's funding spent on front line services and that spent on overheads and administration.

In response, the Leader indicated that the answer to this question clearly depended upon the interpretation of "overheads and administration". For the purposes of his answer the Leader had assumed that it meant Central Support Costs such as Finance, Legal, and Human Resources costs, etc.

The Leader advised that , of the £48,500,000 Gross Expenditure referred to in the 2006/07 Statement of Accounts presented to Council that evening, the overhead and administration costs amounted to £4,300,000. This meant that the cost of the Direct Services amounted to £44,200,000 and therefore the overhead costs equated to approximately 10%.

The Council's Council Tax revenue for 2006/07 had been £4,800,000. This clearly only supported 10% of the gross expenditure. Of this, 10% went to support Administration and Overhead costs. The Council did not allocate funding to individual services but funded any service deficits in the summary accounts.

Unfortunately comparisons with previous years were problematic because of changes to accounting practices / presentation. Officers were to be asked to provide the additional information in due course.

d) Our Education System
(Mr C T Wareing)

Mr Wareing's question related to a proposal by the County Council that Dingleside Middle School be closed.

The Leader concurred that a decision to close Dingleside Middle School would have an adverse impact on the Woodrow area and that, sadly, it appeared that the decision to close had already been made in principle.

The Leader was to work alongside his County Council colleague for the Arrow Valley West Division to ensure that the parents of children who were being educated at

Dingleside were not “trampled underfoot” by the County Council. All steps would be taken to ensure that parents were given the necessary assistance to transport their children to alternative schools, that the best possible time was chosen for such a closure to take place and that staff were given the necessary support to prevent a collapse in their morale.

As an indication of the action that was being taken in this respect, the Leader advised that he was to meet representatives of the County Council Education Department the following day.

31. NOTICE OF MOTION - REDDITCH STUDENT COUNCIL

Notice of Motion had been submitted by Councillor J Brunner in relation to the lack of representation on the Student Council of students attending Special Schools in the town. The matter had been drawn to the attention of the Councillor by the Head Teachers of the two schools concerned.

Members agreed unanimously with the Motion and it was proposed that the Student Council be requested to consider a change to its Constitution to enable representation on that body by students of the two Special Schools within the town. It was further proposed that the necessary measures be put in place prior to the next elections to the Student Council in January 2008, should the Student Council be amenable to the request from Council.

RESOLVED that

the Motion be approved in the following terms:

"At the present time, Redditch Student Council does not have any representation from Students attending Special Schools in the Town.

Redditch Borough Council seeks to address this and would offer the opportunity for young people from our Special Schools to be included as a matter of urgency.

Redditch Borough Council actively encourages inclusion and will task Officers to work with Redditch Student Council enabling students from all schools to be represented."

32. NOTICE OF MOTION - EXTENSION OF CLOSED CIRCUIT TELEVISION SCHEME

Notice of Motion had been submitted by Councillor J Field in relation to the level of Anti Social Behaviour in Crabbs Cross and the desire of local Members for the installation of CCTV as a matter of urgency to combat this. It was noted that a number of Section 30 Dispersal Orders had been in place in Crabbs Cross in recent months and a fourth Order was due to commence in July.

The Portfolio Holder for Community Safety acknowledged that problems were being experienced in Crabbs Cross, particularly at the weekends, and it was suggested that a positive and constructive approach should be adopted.

A partnership approach was proposed, referring the matter to the Crime and Disorder Reduction Partnership Tasking Group, through which the appropriate agencies could co-ordinate a plan of action. Secondly, the Portfolio Holder proposed contacting the local Beat Officer and Police Community Support Officer. Finally it was suggested that the matter should be referred to the Community Safety Executive Panel. It was noted that this body might determine that one solution could be through the deployment of Mobile CCTV.

This overall approach received Members' support.

RESOLVED that

the Motion be approved in the following terms:

“Redditch Borough Council has extended CCTV across the town.

However Crabbs Cross does not currently benefit from this provision.

We believe that, with the level of Anti Social Behaviour in Crabbs Cross, CCTV should be installed as a matter of urgency to combat this.

We call on the Leader of the Council to bring forward the schedule for the extension of the CCTV programme so that this can be dealt with as soon as possible.”

33. DEPUTATION - REDDITCH ALLIANCE OF GREENS

In accordance with Standing Order 51, the Council received a deputation from the Redditch Alliance of Greens, an association of representatives from Redditch Trade Justice Network, Redditch Vegetarians and Vegans and Redditch Friends of the Earth.

Speaking for the Deputation, the Reverend Noel Sharp stated that the ostensible purpose of the Deputation was to invite Members to the screening of a film, "An Inconvenient Truth" at the Room Upstairs at the Palace Theatre on Thursday 6th September 2007.

Ms Diane Harrison, Mr Kevin White and Mr Alistair Waugh proceeded to expand on a number of aspects of the "Green agenda" which could be influenced by the Local Authority, making explicit reference to the Nottingham Declaration on Climate Change that had been formally signed by the Council in 2006.

The Mayor thanked the Deputation for their attendance.

34. EXECUTIVE COMMITTEE

RESOLVED that

- 1) the Minutes of the meeting of the Executive Committee of the 23rd of May 2007 be received and all recommendations approved; and**
- 2) the Executive Committee Decision Notice of the 13th of June 2007 be received and all recommendations approved, including, in respect of**

the agreement of revised fees and charges for Local Land Charges Services, as tabled on the update sheet circulated at the meeting and as detailed below:

BASIC (LLC1 + CON 29)	FULL SEARCH	£124	£80
LLC1 (= Land Charges Register only)	ONLY	6.00	11.00
CON 29 (= Supplementary Enquiries only) (including Worcestershire County Council fees of £12.00)	ONLY	118.00	69.00
PART II OPTIONAL ENQUIRIES EACH [+ £6.00 if WCC Qu.]		10.00	5.00 [*11.00]
ADDITIONAL ENQUIRIES EACH [+ £6.00 if WCC Qu.]		14.00	5.00 [*11.00]
EACH ADDITIONAL PARCEL OF LAND		14.00	11.00
PERSONAL SEARCH		11.00	11.00
EXPEDITED SEARCH (24HR)		165.00	91.00
REFRESH SEARCH		N/A	15.00
COPY OF AGREEMENT		37.60	37.60

35. MINUTES OF REGULATORY COMMITTEES

The Council received the Minutes of the most recent meeting of the Planning Committee.

In respect of the general operation of the Committee, Officers were requested to provide a response to Members outlining the measures that could be taken by the Council to enforce the incorporation of environmentally friendly measures in applications that come before the Planning Committee for determination.

RESOLVED that

the minutes of the meeting of the Planning Committee held on the 22nd of May 2007 be received and adopted.

36. THE CORPORATE PLAN AND PERFORMANCE PLAN

The Council considered a report which detailed the Council's Corporate and Performance Plans for the period 2007 to 2010.

The Corporate and Performance Plan was agreed in principle but a number of Members expressed concern that insufficient opportunity had been provided to consider the report in detail. In consequence, it was agreed that the Plan be forwarded on to another body of the Council following the meeting for further consideration. Subject to these comments, it was

RESOLVED that

- 1) **the Corporate and Performance Plan be approved; and**
- 2) **Group Leaders, in consultation with the Chair of the Overview and Scrutiny Committee, consider which body of the Council should review in detail the Corporate and Performance Plan in due course.**

37. STATEMENT OF ACCOUNTS

The Council considered the Statement of Accounts for 2006/07.

Members raised similar concerns in relation to this report as they had for the previous item.

RESOLVED that

- 1) **the 2006/07 Statement of Accounts be approved;**
- 2) **a copy of the Statement be signed by the Mayor; and**
- 3) **Group Leaders, in consultation with the Chair of the Overview and Scrutiny Committee, consider which body of the Council should review in detail the Statement of Accounts in due course.**

38. AUTHORISATION OF OFFICERS

RESOLVED that

John Wilcox, Revenues Officer, be authorised to take Council Tax and Business Rate cases to the Magistrates' Court on behalf of the Council.

39. CONSTITUTION

RESOLVED that

the Council's current Constitution and associated documents (Standing Orders, Financial Regulations, Scheme of Delegation to Officers, Scheme of Members' Allowances, Codes and Protocols etc.) as now issued be endorsed.

40. URGENT BUSINESS - RECORD OF DECISIONS

Members noted two Urgent Business decision, which had been determined in accordance with Standing Order 36, namely:

EDMS (Electronic Document Management Service) – Anite (UB Reference 464) and

Purchase of Refuse Vehicles (UB Reference 465).

RESOLVED that

the matters be noted.

41. URGENT BUSINESS - GENERAL (IF ANY)

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

No direct Ward Relevance

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7. LEADER'S QUESTIONS

The following questions for the Leader have been received in accordance with Standing Order 8A:-

1. Question submitted by Mr C T Wareing:
Management of Council Business

"The secret of management is delegation. Officers at all levels need Job Satisfaction. The art of Leadership is to 'take people with you'.

Redditch Borough Council appears to be grossly over-structured, its committee / sub-committee / working groups organisation, simply begging belief!

The Leader of the Council has a Duty of Care, to Councillors as well as to employees; both groups having families, employment, constituency responsibilities – casework, requiring time.

What is the Leader of the Council prepared to effect, in order to avoid future health, safety and welfare issues? "

No direct Ward Relevance

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10. SCHEME OF DELEGATIONS TO OFFICERS
- PROPOSED REVISIONS - LICENSING

The following amendments to the Scheme of Delegation to Officers are proposed in respect of Licensing (to conform with the requirements of the Licensing Act 2003):-

*(Note: Proposed additions are shown in **bold italic text**
Proposed deletions are ~~lined through~~
Further amendments to Post Titles will be required following recent revisions to Management Structures.)*

“A. Environmental Health – Licensing

General Licensing – Premises / Personal, etc.

The day-to-day management of the General Licensing Service. (HE/ML)

Licensing Act 2003 (“The Act”), Hearings Regulations 2005 and Permitted Temporary Activities (Notices) Regulations 2005

To process and issue, Premises and Personal Licences, and Temporary Event Notices (TEN’s), in accordance with relevant statutory provisions of the Licensing Act 2003, and relevant Guidance. (HE/ML)

To serve counter notices where permitted limits for Temporary Event Notices are exceeded. (HE/ML)

To issue licences under the Licensing Act 2003, when preconditions required by the relevant authorities have been met. (HE/ML)

To determine what constitutes “compelling circumstances” and “relevant, vexatious, frivolous or repetitious representations” in relation to .

- ***Applications in respect of Premises Licences, or***
- ***reviews of Premises Licences, or***
- ***Provisional Statements, or***
- ***applications in respect of Club Premises Certificates.***

(HE/ML, or HLDP, in consultation with the Chair of the Licensing Committee or, if he/she is precluded from considering the matter owing to either Ward and/or other prejudicial interests, the Vice-Chair of the Licensing Committee, or an appointed Chair of the Licensing Sub-Committee)
(C – 13.03.06 / **13.08.07**)”

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To determine whether or not a club is established “in good faith” and/or whether a club no longer satisfies the conditions to be a qualifying club.

(HE/ML, or HLDP, in consultation with the Chair of the Licensing Committee or, if he/she is precluded from considering the matter owing to either Ward and/or other prejudicial interests, the Vice-Chair of the Licensing Committee, or an appointed Chair of the Licensing Sub-Committee)
(C – 13.08.07)

To reject applications for Personal Licences when applications are under 18, etc. (Section 120(3) Licensing Act 2003) (HE/ML)

To refer applications for Personal Licence to the Police, where the applicant has been convicted of a relevant offence / notify the Police of the commission of relevant offences during the application period.
(HE/ML)

To serve notice requiring the holder of a Personal Licence to produce it for updating. (HE/ML)

To authorise prosecutions for offences under the Licensing Act 2003.
(HLDP)

To determine in relation to Hearings, on behalf of the Licensing Authority, whether there are any points on which to seek clarification from any party. (HE/ML)

To determine that a hearing is not necessary, where all parties have agreed it is unnecessary. (HE/ML)

Gambling Act 2005

~~To make initial preparations for the Gambling Act (HEHL)~~

To administer the provisions of the Gambling Act 2005, in accordance with the requirements of that Act.
(HE/ML)

Miscellaneous

To issue licences or permits under the House to House Collections Act 1939, Police Factors etc. (Miscellaneous Provisions) Act 1916 (as amended) (Street Collection), Betting and Gaming and Lotteries Acts and Lotteries and Amusements Acts 1976 (relating to amusement with prizes and small lotteries), Cinematograph Acts, Theatre Act 1968, Game Act 1831 Game Licences Act 1860. (HE/ML).”

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“B. Democratic Services - General

Licensing Act 2003

***To extend time limits for a Hearing
(Regulation 9 of the (Hearings Regulations 2005))
(MDS, in consultation with HE/ML and HLDP)***

***To arrange for a meeting to be held on a specified date, or adjourned
to a specified date, if all parties are in agreement.
(MDS, in consultation with HE/ML and HLDP) “***

Abbreviations:

HE – Head of Environmental Services

HLDP – Head of Legal, Democratic & Property Services

MDS – Manager – Democratic Services

ML – Manager – Licensing.

Author of Report

The author of this report, written on behalf of the Monitoring Officer, is Steve Skinner (Democratic Services Manager), who can be contacted on extension 3256 (e.mail: steve.skinner@redditchbc.gov.uk) for more information.

No direct Ward relevance

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11. PLANNING ADVISORY PANEL

Planning Advisory Panel
Terms of Reference, etc.**CONSTITUTION**

The Advisory Panel shall comprise 6 elected Members (3+2+1, if to be proportionate) of the Council, to be appointed initially by the Council. Membership may be amended during the municipal year by the Executive Committee.

The Chair shall be appointed initially by the Council, and subsequently by the Executive Committee, if necessary within the remainder of the current municipal year, and shall be a member of the Executive Committee.

Membership may comprise Members of both the Executive and Overview & Scrutiny wings of the Council.

Advisory Panels are established by the Council to work up set proposals, to remits fixed by the Council and/or Executive Committee, and are not therefore established under the more open remit of the Overview & Scrutiny wing.

RULES OF OPERATION

The Panel has power to discuss, but no power to make decisions on, matters listed in the Terms of Reference below.

It shall meet as often as necessary, in the judgement of the Chair, in accordance with the requirements of its business.

Meetings shall normally take place at 7.00pm..

For the purpose of accountability, adequate notes shall be taken of business transacted, which shall be available for inspection by other Members of the Council, subject to proper control, in accordance with the Code of Conduct, of information deemed by the Proper Officer to be exempt.

The Panel shall advise and make recommendations to the Executive Committee and/or to the full Council, as appropriate (but recommendations to the Council shall normally be submitted via the Executive Committee, as Parent Committee).

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In urgent cases agreed by the Executive Chair / Leader of the Council, and subject to his approval of the recommendations, matters the business of the full Council may exceptionally be referred there direct rather than via the Executive.

Further constitutional Urgent Business provisions (including Standing Order 36) provide for decision-making outside of the normal expected reporting lines mentioned above.

TERMS OF REFERENCE

The Advisory Panel will carry out the following functions to ensure a full and transparent approach:

subject to any necessary formal approvals of the Executive (or Council) -

- 1) Monitor progression of the Regional Spatial Strategy Review and consider material to be provided to the Regional Assembly.
- 2) Consider all matters associated with the preparation of Development Plan documents or other documents in the local Development Framework

No amendment shall be made to the above Terms of Reference etc., without decision of the Executive Committee which may, by resolution, vary this list of functions.