

# Executive Committee

15th November 2011

## MINUTES

### Present:

Councillor Carole Gandy (Chair), Councillor Michael Braley (Vice-Chair) and Councillors Juliet Brunner, Greg Chance, Brandon Clayton, Malcolm Hall, Debbie Taylor and Derek Taylor

### Also Present:

Councillors Peter Anderson, Andrew Brazier and Phil Mould

### Officers:

K Dicks, C Flanagan, S Hanley, A Heighway, S Horrobin, C John, J Pickering, G Revans and J Willis

### Committee Services Officer:

I Westmore

### 103. APOLOGIES

An apology for absence was received on behalf of Councillor Jinny Pearce.

### 104. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 105. LEADER'S ANNOUNCEMENTS

The Chair advised the Committee that the following item of business, scheduled on the Forward Plan to be dealt with at this meeting, had been rescheduled to a later meeting of the Committee:

- Housing Revenue Account – Outcome of Review

The Chair also advised that she had accepted the following matters as Urgent Business:

- Solar Panels – Government Consultation Response

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Chair

(Not on the Forward Plan and not meeting the publication deadline)

- Referrals from meetings of the Overview and Scrutiny Committee, Shared Services Board and Constitutional Review Working Party

(Not meeting the publication deadline)

## 106. MINUTES

### **RESOLVED that**

**the minutes of the meeting of the Executive Committee held on 4th October 2011 be confirmed as a correct record and signed by the Chair.**

## 107. MEDIUM TERM FINANCIAL PLAN 2012/13 - 2014/15

The Committee received an oral report setting out a broad overview of the financial environment within which the Council's budget for 2012/13 was to be developed.

A number of the more significant national challenges were identified, including the significant erosion of the earlier proposals to localise business rates and the proposal for localisation of Council Tax benefit. It was anticipated that measures contained within the Localism Bill could have some financial impact on the authority and there was concern that the introduction of Universal Credit might have an adverse effect on service delivery during the transitional period.

Locally, shared services, transformation and efficiencies were providing substantial savings and it was expected that continuation of these measures would help to offset the further reduction in grant funding from central Government.

A number of assumptions were set out, including the projected inflation figures going forward and the expected increase in costs for utilities and, as a result, an anticipated shortfall of around £500,000 was reported. It was recommended that the balances currently held in reserve be retained as far as was possible to provide a financial cushion for the authority.

## **108. GRITTING AND SNOW CLEARANCE - REDDITCH BOROUGH COUNCIL APPROACH**

The Committee considered a report setting out the Council's proposed approach to gritting and snow clearance during bad weather events.

Officers made it clear that the County Council was the authority with responsibility to carry out the majority of gritting and snow clearance within the Borough and the matters under consideration focussed upon measures to be undertaken on Council land and only in other areas of the Borough where the necessary resources were available.

The Leader of the Council expressed her concern that some of the original Overview and Scrutiny recommendations had not been addressed. Following the passing of correspondence received by the Leader from the County Council on to the relevant Redditch Borough Council Task and Finish Group there had been no further comment received by the Leader and an assumption made that matters were in hand. This misunderstanding aside, the Leader provided further feedback on the discussions that she and Officers had had with Members and Officers of the County. It was clear that the County would not entertain delegation of responsibility during adverse weather to the Borough Council. It was also noted that the County was investigating the use of snow-plough attachments which would allow for the removal of a greater depth of snow and ice. Significantly, there had been an acknowledgement that they had not performed as well as they would have hoped in clearing and gritting roads in Redditch last winter.

Members commented that there was some understanding locally that the Borough Council had performed well during the adverse weather and that shortcomings had generally been the result of County Council failings. There had clearly been a lack of recognition at the outset at the scale of the problems facing Redditch, with resources possibly being allocated on the basis of anticipated problems from previous episodes of severe weather.

The measures being considered for adoption locally by the Council were considered in some detail. Members were encouraged to let Officers know which roads they considered to be priority routes for gritting should the Council have the resources available in future winters to carry out gritting over and above that provided by the County Council. A list of priority sites was still being worked up by Officers and this additional information would assist in the process. Discussion ensued around the gritting of the Council's sheltered housing schemes, with Officers highlighting the Council's priority as being to enable access to the properties by Home Support workers.

The provision of up to date information to local residents by the Council on where gritting had taken place and the state of the roads and pavements was suggested as a measure that could be undertaken using the Council's website.

**RECOMMENDED that**

- 1) **the following policy be adopted with regard to gritting and snow clearance:**

**Redditch Borough Council will strive to keep the following areas clear of snow and ice and safe to use:**

- a) **crematorium and cemeteries to allow funerals to continue;**
- b) **Redditch Borough Council staff car parks to ensure that there are suitable parking areas for Council staff who are getting into work to provide essential services;**
- c) **key Council sites like the Town Hall and district centres to assist local shops and businesses and enable residents to access services;**
- d) **gritting/snow clearance at other areas including Council sheltered accommodation will only be carried out subject to available resources; gritting/snow clearance at Council owned sheltered accommodation will be to allow the home Support Service Access to residents;**

**and RESOLVED that**

- 2) **the Council will not provide grit bins on any highway land but may provide grit bins on its own land to enable gritting to take place – e.g. at leisure sites;**
- 3) **further publicity is undertaken to ensure that residents are aware of how the Council will deal with gritting/snow clearance and what to do when bad weather affects their waste collection service;**
- 4) **Officers purchase appropriate snow clearance and gritting equipment from within existing budgets; and**
- 5) **relevant Officers from Redditch Borough Council arrange a meeting with relevant Officers from Worcestershire County Council in advance of winter**

**2011/12 to discuss additional issues raised in the Gritting Short, Sharp Review Group's final report and arrangements for gritting and snow clearance in Redditch for the winter.**

**109. NORTH WORCESTERSHIRE COMMUNITY SAFETY PARTNERSHIP - PROPOSED MERGER**

A report was considered which set out proposals for the creation of a North Worcestershire Community Safety Partnership. Officers explained the rationale for bringing this measure forward at this stage. The Home Office grant each year to fund community safety activity had been reduced in recent years and was facing further reductions in 2012/13. Local Responsible Authorities had capacity issues and were finding it increasingly difficult to bring forward suitable representatives for the meetings of the relevant Partnerships across the County. Furthermore, it was unclear as to how the introduction of Police and Crime Commissioners would impact on the activities of the Partnerships.

The other Responsible Authorities within Worcestershire had had the opportunity to consider and comment upon a move to either a single county-based Partnership or to two Partnerships, in the north and south of the County. There had been agreement that the status quo was unsustainable and that a move to two Partnerships be supported.

It was noted that the Overview and Scrutiny Committee had discussed the proposed merger of the Partnerships in the north of the County and had recommended that the status quo be maintained in order that a local Redditch focus be retained and in order that scrutiny might more adequately be carried out. In order to allay some concerns it was noted that the delivery arm for community safety would be unaffected and the tasking group structure would remain the same. In addition, the relevant Portfolio Holder undertook to discuss with relevant representatives from the south of the County any issues that had arisen with the scrutiny of the Joint Partnership operating across those three Districts.

**RECOMMENDED that**

- 1) Redditch Borough Council approve the merger of Redditch Community Safety Partnership with Bromsgrove Community Safety Partnership and Wyre Forest Community Safety Partnership resulting in the creation of a North Worcestershire Community Safety Partnership; and**

- 2) **subject to endorsement by each of the Responsible Authorities of the merger, authority be delegated to Officers to take the necessary steps to implement the merger, including the establishment of governance arrangements and entering into any agreements, also subject to endorsement by the relevant Community Safety Partnerships;**

**and RESOLVED that**

- 3) **Members note the continuation of locality-based operational and responsive partnership working through the operational Tasking Group and its theme groups; and**
- 4) **Members note the intention to review the County-wide partnership arrangements by 2014.**

**110. SAFEGUARDING CHILDREN AND VULNERABLE ADULTS POLICY**

The Committee considered the adoption of a Safeguarding Children, Young People and Vulnerable Adults Policy and Procedure.

The Committee was happy to endorse the Policy, concluding that it was extremely comprehensive. Clarification was sought on the question of Criminal Record Bureau checks for elected Members. Officers confirmed that specific guidance was available for Members but that, generally, Borough Councillors would not fulfil the criteria for requiring such a check to be carried out.

**RECOMMENDED that**

**the Safeguarding Children, Young People and Vulnerable Adults Policy and Procedure attached at Appendix 1 of the report be approved.**

**111. COMMISSIONING OF CHILDREN'S CENTRE SERVICES**

Members were informed that the contracts for the management of the Children's Centres within the Borough, which at the present time was carried out by the Borough Council and a partner organisation, Redditch YMCA, were due to expire at the end of March 2012. It was proposed that the two organisations submit tenders to continue to deliver Children's Centres Services from that date.

The Committee noted that there were definite indications that the provision of support through the Children's Centres was having a positive impact on the skills and abilities of very young children as they entered full-time education. There was less evidence available at present as to how this carried through to achievement at GCSE level and above. It was also noted that socialisation of young children and parents was an important role for the Children's Centres alongside an improvement in educational attainment.

Officers undertook to provide members of the Committee with further information on the impacts and outcomes from the activities carried out by the Children's Centres following the meeting.

**RESOLVED that**

- 1) **option 2 as outlined in Appendix 1 of the report be approved in relation to the submission of a tender to deliver Children's Centre services in Redditch subject to the Council being the 'lead' organisation if this is required in respect of a partnership bid; and**
- 2) **subject to any tender being successful, a Contract be entered into with Worcestershire County Council.**

**112. SOLAR PANELS - GOVERNMENT CONSULTATION**

The Committee was provided with an update on an ongoing Government consultation on fast-tracking changes to the current solar photo voltaic (PV) feed-in tariff scheme. The main impact of such a change was that the payback time for the Council's schemes would be doubled.

The Committee was generally disappointed that the feed-in tariff scheme was potentially to be changed to the detriment of the Council. The potential effects on the solar energy industry were also noted, although there was some recognition that such a change was not unexpected. It was also noted that, due to the prompt action of Officers in pushing through such schemes at an early stage, the Council would be less adversely affected than a considerable number of other authorities. Members were keen that the Council retain its commitment to the installation of solar panels.

**RESOLVED that**

- 1) **authority be delegated to the Climate Change Manager, in consultation with the Portfolio Holder for Health and Housing, to respond to the consultation based on the Committee's comments; and,**

taking into account the revised financial projections as detailed in Appendices 1- 3 to the report,

- 2) the Council proceed in accordance with existing approvals for the installation of solar panels at the three main sites identified (Town Hall, Palace Theatre and Crematorium);
- 3) the Council proceed in accordance with the existing approvals for social housing projects, although acknowledging that further delay may result in fewer sites being completed by 31st March 2012; and
- 4) Officers be instructed to continue to prioritise installation of solar panels at the four main sheltered schemes.

(The report had been accepted as a matter of Urgent Business –not on the Forward Plan and not having met the publication deadline – and was considered at the meeting as such, with the approval of the Chair, in accordance with the Council’s constitutional rules and the powers vested in the Chair by virtue of Section 100 (B) (4) (b) of the Local Government Act 1972 to agree to matters of urgency being discussed by reason of special circumstances.

In this case the exceptional circumstances were the need to agree a response to the consultation because of the proposed reference date for changes of 12th December 2011 and the action to be taken by the Council if the proposals were to be implemented.)

## **113. OVERVIEW AND SCRUTINY COMMITTEE**

The Committee received the minutes of the meetings of the Overview and Scrutiny Committee held on 27th September and 18th October and considered the recommendations contained therein.

### **27th September 2011**

#### **External Refurbishment of Housing Stock Short, Sharp Review – Update Report**

**RESOLVED that**

- 1) based on the costs involved, no further action be taken regarding repainting the pebble dashed facades of properties located on Ombersley Close and Rushock Close;



- 2) no further consultation work be undertaken in respect of the repainting of pebble dashed facades;

18th October 2011

Petition – War Memorial

**RESOLVED that**

- 3) that planters be installed around the war memorial to deter people from sitting on the war memorial;
- 4) a campaign of education about the war memorial be launched to increase awareness of the purpose of the war memorial;
- 5) Officers be asked to investigate the possibility of introducing improved signage for the war memorial;
- 6) Officers be asked to investigate the possibility of introducing seating in the area;
- 7) Officers be asked to investigate the possibility of installing an extra litter bin in the area; and

Meeting of the Chair with the Leader of the Council – Feedback

**RECOMMENDED that**

- 8) the quarterly meetings between the Chair of the Overview and Scrutiny Committee and the Leader of the Council be removed as a requirement from the Council's Constitution.

**114. WORCESTERSHIRE SHARED SERVICE JOINT COMMITTEE**

The Committee considered endorsement of a single Enforcement Policy to be used across the County in relation to all enforcement activities. The Policy had been recommended for adoption at the preceding meeting of the Worcestershire Shared Services Joint Committee.

**RECOMMENDED that**

**the Council adopt the Worcestershire Regulatory Services Enforcement Policy.**

## 115. **MINUTES / REFERRALS - OVERVIEW AND SCRUTINY COMMITTEE, EXECUTIVE PANELS ETC.**

The Committee considered a number of urgent referrals from the Shared Services Board and the Constitutional Review Working Party.

### **Shared Services Board – 10th November 2011**

The current management arrangements of the Council were considered and reviewed.

(In view of the fact that information would be revealed relating to individual employees and their personal / financial details, together with employee relations matters, disclosure of which is not considered to be in the public's best interest, this matter was considered following the exclusion of the public and the press.)

### **Constitutional Review Working Party – 10th November 2011**

Members considered recommendations from the Constitutional Review Working Party, including a number relating to the Council's current policies for handling statutory Housing and statutory Employee Grievance appeals. It was noted that in both cases there was currently a non-statutory step involving a hearing before a panel of elected Members.

The Housing Appeal policy was currently at risk of challenge by a Judicial Review to seek a declaration from the High Court that the policy was invalid because the non-statutory hearing was included. There was some concern amongst Members that what had been initiated as an assistance to appellants was now the subject of such a challenge. Officers confirmed that the individual concerned had adopted a contrary view and the Council would be advised to defend its position and remove the cause of offence in the light of recent case law.

#### **(a) Meeting Cycles – Executive Committee / O&S**

##### **RECOMMENDED that**

- 1) meetings of the Executive Committee and Overview and Scrutiny Committee be scheduled on a 4-weekly cycle, rather than the current 3-weekly cycle in future calendars of meetings;**

(b) **Housing Appeals**

**RESOLVED that**

- 2) for the reasons detailed within the report, the amended Housing Appeals Procedure attached at Appendix 1 to the attached report be approved and adopted with immediate effect; but**
- 3) Officers seek further legal advice as to possible alternative means for a Member-level involvement in appeals against Officer decisions (with regard to Homelessness and Housing Allocation cases); and**
- 4) Employment Appeal Processes be similarly reviewed in due course, subject to any necessary further consultation, negotiation and report.**

(These urgent referrals had been accepted as matters of Urgent Business –not having met the publication deadline – and were considered at the meeting as such, with the approval of the Chair, in accordance with the Council’s constitutional rules and the powers vested in the Chair by virtue of Section 100 (B) (4) (b) of the Local Government Act 1972 to agree to matters of urgency being discussed by reason of special circumstances.

In this case the exceptional circumstances were that these specific referrals required attention sooner than the next available meeting of the Committee, to which the full minutes would be reported. “Recommended” items required consideration at the full Council meeting on 5th December 2011.)

**116. ADVISORY PANELS - UPDATE REPORT**

The Committee considered the latest Advisory Panels update report.

**RESOLVED that**

**the report be noted.**

**117. ACTION MONITORING**

The Committee’s Action Monitoring report was considered. It was noted that there was no reference within the report to any update on the play area at Hewell Road following the agreement to demolish the swimming pool. Officers agreed to include this matter on future reports until such a time as the matter had been resolved.

**RESOLVED that**

the report be noted.

**118. EXCLUSION OF THE PUBLIC**

**RESOLVED 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 matters on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1, 3 and 4 of Part 1 of Schedule 12 (A) of the said Act, as amended.”**

- **Referral from the Shared Services Board – Management Arrangements (Minute 115); and**
- **Sandycroft – Future of the Site (Minute 119)**

**119. SANDYCROFT - FUTURE OF SITE**

The Committee discussed the future of the site known as Sandycroft and took decisions regarding the freehold interest and leasing of the site.

(In view of the fact that information would be revealed relating to individual third party organisations, their financial affairs and terms under negotiation, disclosure of which is not considered to be in the public’s best interest, this matter was considered following the exclusion of the public and the press.)

The Meeting commenced at 7.00 pm  
and closed at 9.05 pm

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Chair