

COUNCIL

27th March 2012

Present: **The Mayor (Councillor Dr. D. Tibbutt) in the Chair;**

Councillors Agar, Amos, Mrs. S. Askin, Bayliss, Berry, Burton, Carpenter, Cronin, Denham, Ditta, Geraghty, Gregson, Hodges, Mrs. L. Hodgson, S. Hodgson, Jones, Knight, Lankester, M.J. Layland, M.R. Layland, Mitchell, Prodger, Riaz, Roberts, Rowden, Mrs L. Smith, G. Squires, J. Squires, Tarbuck, Udall, David Wilkinson, Douglas Wilkinson and Williams

Apologies: **Councillor Lamb**

The Mayor's Chaplain, the Rev. Canon Ken Boyce offered prayers prior to the opening of the Council Meeting

80 Declarations of Interest

None.

81 Minutes

RESOLVED: That the minutes of the meeting held on 21st February 2012 be approved as a correct record and signed by the Mayor.

82 Mayor's Communications

Philip Hytch, former Mayor of Worcester and City Councillor

The Mayor gave tribute to Philip Hytch, former Mayor of Worcester and City Councillor, who had recently died.

Captain Rupert Bowers

The Mayor gave tribute to Captain Rupert Bowers of 2nd Battalion The Mercian Regiment, who had been recently killed in Afghanistan.

The Mayor then requested that the Council stand for a minute's silence in the memory of Philip Hytch and Captain Rupert Bowers.

83 Public Participation

None.

84 QuestionsQuestion by Councillor Mrs. L. Smith to the Cabinet Member for Safer and Stronger Communities, Councillor Francis LankesterQuestion:

Could the Portfolio Holder confirm that I have been correctly told that, as the public are not to be asked to nominate for the Queen Elizabeth II Playing Fields Challenge, he indicated at the Cabinet meeting on 20 March that, as an alternative, residents can apply to have such playing fields made into a Town Green?

Answer:

Answered by the Cabinet Member for Cleaner and Greener City, Councillor Roger Knight.

It was my colleague actually who made these comments. I think he was trying to be helpful. I'm happy to talk to any members informally, even perhaps after this meeting in the Mayor's Parlour, with any ideas or thoughts they may have on this particular subject.

But in all honesty I don't see the Town Green as a viable alternative to QEII. It's different, it's notoriously difficult to gain and I just would not see it as being a viable option. I think we should be talking to each other about the potential sites. As I said, I'm very happy to speak to anybody who would like a particular site looked at or reviewed with a view to Queen Elizabeth II status.

Supplementary Question:

I'm a little confused as to Cabinet responsibility for this role now, but I'm pleased to hear that the Portfolio Holder is willing to consider information or ideas coming in from a number of sources. But the comment was made at Cabinet. I think that the position should be made clear and I wondered whether the Portfolio Holder was aware that when the residents of Northwick applied to make one of their local playing fields into a Town Green this Council as landowner maintained a five year objection at some cost to the Council against that application, and that objection was instrumental in persuading the order making authority, which is the County Council, to turn it down and thwart the wishes of local people?

I wondered whether it would be helpful if the Council could come up with a criteria which people would need to meet if this Council were in fact to support an application for a Town Green on their land?

Answer:

I think I detected a question towards the very end. This is really about celebrating the Jubilee. It's about identifying particularly important pieces of land to the residents of Worcester. To apply this it's almost an award. Town Green status is something completely different.

It isn't something that I'm prepared to talk about tonight because I don't have the details of the case that the Councillor mentions. What I don't want to do with the Fields in Trust Queen Elizabeth II nominations is to raise expectations to levels that we can't deliver. Across the country there are going to be 2,012 sites selected. We could probably select 2,000 of those in Worcester, but it would be ridiculous to do so. So therefore I think we have to be responsible and realistic about the sites we put forward. Now, that is not to say that we won't listen to submissions by any Member, or indeed any member of the public, or by any organisation in Worcester. But let's base it on reality, let's base it on a sound footing and let's do it for the right reasons.

Question by Councillor Paul Denham to the Cabinet Member for Cleaner and Greener City, Councillor Roger Knight

What plans does the Portfolio Holder have for the estimated £80,000 savings his Carbon Reduction Management plan will achieve?

Answer:

It's a very interesting question and I've given it a great deal of thought. I don't really have any plans to spend it, but thinking about it a world cruise would be good for my wife and I because it would give us a broader view of local government and I think that would help Worcester, so that's a possible way of spending the money.

But in reality and seriously, I know it's a serious question Paul, so I'll give you a serious answer. This money is already included not only in the budget, but the Medium Term Financial Plan, and it is supporting other examples of good financial management that we have demonstrated allowing us to freeze the Council Tax for the second year running, allowing us to make no increases in car parking charges for the third year running, and to be very positive and proud of the stable financial position this Council is pleased to report.

Supplementary Question:

Whilst the Labour Group does of course welcome the Council's proposed Carbon Reduction Management Plan, we are disappointed that the Council has only managed to reduce the carbon emissions by less than 1% over the last two years and that many of the proposed projects are not in fact new. Would the portfolio holder agree with me that, if action had been taken much earlier, some of the proposed savings might have been realised well before 2015? By excluding renewable energy from the Plan hasn't he missed an opportunity to generate income for the Council and be a true community leader in energy saving and environmental impact?

Answer:

Well, it's interesting to hear because I thought the party opposite voted against the budget with all these measures in, so obviously we've done something they don't approve of. Had we done it earlier they'd probably have disapproved of it then as well.

With regard to renewable energy, as I said in Council - I think at the last Council meeting - the Carbon Trust have clearly said that generation of energy is what you call "bling" in the world of carbon reduction, and what we should be looking to do is to use less and conserve that that we do use. And that's exactly what this plan sets out to do. I think it's an extremely robust plan, it's a good plan, it's very timely, it's disappointing that the party opposite couldn't support it.

85 Notice of Motion

The following Notice of Motion submitted in accordance with Council procedure Rule 8 was proposed by Councillor M. J. Layland and seconded by Councillor Mrs L. Hodgson:

That this Council, in pursuance of the statutory powers derived from the Courts Act 1971 and the Local Government Act 1972, do hereby resolve that His Honour Judge Robert William Somerville Jukes QC is hereby appointed Honorary Recorder of the City of Worcester.

Signed: Councillors Mrs S. Askin, Carpenter, Geraghty, Gregson, M. J. Layland, Mrs L. Hodgson and Tibbutt.

On being put to the vote, the motion was unanimously agreed and

RESLOVED: That this Council in pursuance of the statutory powers derived from the Courts Act 1971 and the Local Government Act 1972, do hereby resolve that His Honour Judge Robert Jukes be and is hereby appointed Honorary Recorder of the City of Worcester.

86 Report from the Leader of the Council on Matters which are Referred to Council for Decision

Review of the Constitution

The Leader of the Council presented the proposals for a review of the Constitution. The Council was informed that the Council's Constitution had been drafted in 2000 and was based on the model code provided by the Government. Although the Constitution had been amended from time to time, it had never been thoroughly reviewed. The Leader also informed the Council that in 2011 workshops involving Members and Officers had been facilitated by a consultant to look at the Constitution and consider whether it still reflected the way the Council wished to conduct its business. The consultant had subsequently drafted revisions to Parts 2 to 4 of the Constitution which had been circulated to all Members. A Constitution Working Group had been informally set up to give feedback on the changes recommended by the consultant.

The Leader of the Council gave tribute to those Members and Officers responsible for the work that had been carried out and further explained the purpose of the debate was to gain a broad consensus on the way forward. The Leader also stated that it would be beneficial for the Legal and Democratic Services Manager to outline to the Council the procedure and purpose of the debate to enable Members to fully debate the matter.

It was proposed by Councillor Geraghty and Seconded by Councillor Williams, and on being put to the vote was unanimously agreed and

RESOLVED: That the Council resolve itself into Committee.

The Legal and Democratic Services Manager clarified the suggested procedure and purpose of the debate, which was agreed by Members. The Legal and Democratic Services Manager advised the Council that to gain a broad consensus on the way forward agreement of the following was sought:

1. amendments proposed to the constitution;
2. amendments where it was necessary to refer back to the Working Group with agreed amended wording by the Council for the Working Group to resubmit to the Council at a later date;
3. the formalisation of the Constitution Working Group; and
4. the recommended wording regarding "Delegations" and "Shared Services".

It was then proposed by Councillor Bayliss and seconded by Councillor Geraghty, and on being put to the vote was unanimously agreed and

RESOLVED: That Committee revert to Council.

Constitution Working Group

Members debated the role and formalisation of the Constitution Working Group.

It was proposed by Councillor Geraghty and seconded by Councillor Williams and on being put to the vote was unanimously agreed and

RESOLVED: That the Council agree a Constitution Working Group be formed based on the existing working group and this working group to report back to Council as needed and disband at the end of 2012.

Accounts Panel

Members debated the deletion of the Accounts Panel. Officer advice had been to delete the Accounts Panel as invoices over £500 were now published on the website.

It was proposed by Councillor Geraghty and seconded by Councillor Tarbuck to retain the Accounts Panel, and on being put to the vote it was agreed and

RESOLVED: That the Council agree to retain the Accounts Panel and all reference in the original wording in the Constitution regarding the Accounts Panel be retained.

Policy on Social Media

Members debated the use of social media by Members during meetings. The consultant had included a provision in the draft Constitution prohibiting the use of social media during formal meetings. Another option debated was to delegate the decision as to whether or not the use of social media should be permitted to the relevant Chairman of each individual meeting. Members also debated the necessity not to use social media during meetings where quasi judicial matters were dealt with.

It was proposed by Councillor Geraghty and seconded by Councillor Mrs. L. Hodgson, and on being put to the vote was agreed and

RESOLVED: That the Council agree that the Constitution Working Group should be asked to draft a policy on social media and that the matter be referred back to the Council with the recommendation from the Council that social media is not used during meetings when quasi judicial matters are discussed.

Member Champions

Members debated the role and appointment process of Member Champions. Members also considered the information that had been provided regarding the definition and remit of the role of Member Champions. It was noted that Member Champions had been appointed by the Cabinet, but it was felt that the roles and process of appointment need to be clarified.

It was proposed by Councillor Gregson and seconded by Councillor Askin, and on being put to the vote it was agreed and

RESOLVED: That the Council:-

- 1. agree to have Member Champions; and**
- 2. agree the role and appointment process of Member Champions are referred back to the Constitution Working Group.**

Role of Audit Committee

Members debated the role of the Audit Committee.

It was proposed by Councillor Gregson and seconded by Councillor Geraghty, and on being put to the vote it was unanimously agreed and

RESOLVED: That the Council agree the role of Audit Committee remains unchanged at the present time and is reviewed as part of a wider Scrutiny Review and referred back to Council at a later date.

Cabinet Members

Some Members commented the names of the Cabinet Members did not need to be included in the Constitution, as these would change from time to time.

Delegations

Members debated three recommended new delegations to be made.

It was proposed by Councillor Geraghty and Seconded by Councillor Denham, and on being put to the vote it was unanimously agreed and

RESOLVED: That the Council:-

- 1. agree to amend the Scheme of Delegation to Officers to provide for the following matters to be delegated to the Head of Worcestershire Regulatory Services:-**

- **responsibility for issuing and ensuring compliance with licences other than those relating to another service area except where such matters are specifically currently reserved to the Licensing Committee;**
 - **in consultation with the Chairman of the Licensing Committee or his or her deputy to immediately suspend a Hackney Carriage and/or Private Hire Driver's Licence in the interests of public safety such suspension to be in effect until the matter is considered by a Licensing Sub-Committee (to be scheduled within 14 days from the initial date of the suspension);**
2. **agree that the Managing Director in consultation with the Mayor/Leader or in his absence with the Deputy Mayor/Deputy Leader to act in a case of urgency in respect of any matter affecting the Council/Cabinet respectively, subject to a report on the circumstances being made to the next Council/Cabinet meeting; and**
 3. **agree to delegate to appropriate Group Leader authority to nominate a substitute to attend a meeting where substitutes are allowed and there is a vacancy which needs to be filled by a member of a particular Party.**

Shared Services

Members debated the recommended inclusion in the Constitution details of matters that were currently delegated to Shared Services.

It was proposed by Councillor Geraghty and Seconded by Councillor Denham, and on being put to the vote it was unanimously agreed and

RESOLVED: That the Council authorise the Monitoring Officer to include in the Constitution at Section 8 details of matters currently delegated to Shared Services.

Referral Report from Licensing Committee Meeting of 28th February 2012 – Scheme of Delegation to Officers

The Council received a referral report from the Licensing Committee of 28th February 2012 which related to an amendment being made to the Scheme of Delegation to Officers. The Council was informed that the amendment related to the granting or refusal of applications for hackney carriage and private hire vehicle licences where the vehicle does not comply with the Council's policy due to exceeding the age criteria.

It was proposed by Councillor Geraghty and seconded by Councillor Riaz, and on being put to the vote it was unanimously agreed and

RESOLVED: That the Council:-

1. **agree to amend the current scheme of delegation, to delegate to the Head of Worcestershire Regulatory Services and his nominated representatives authority to grant or refuse applications for hackney carriage and private hire vehicle licences where the vehicle does not comply with the Council's policy due to exceeding the age criteria; and**
2. **agree to amend the Constitution accordingly.**

87 Report from the Leader of the Council on Decisions Taken by Cabinet

The Cabinet received the report from the Leader of the Council on decisions taken by the Cabinet at its meeting on 20th March 2012. Cabinet Members answered questions from Members on the decisions taken. The Leader of the Council agreed to give a written response to a question raised regarding the number of apprenticeships that has been taken up following the decision to introduce apprenticeship schemes in the Council.

88 Report from the Leader of the Council on any matters which he is of the opinion require urgent consideration by the Council

None.

89 Report of Chairman of Standards Committee

The Council received a verbal report from the Chairman of the Standards Committee. The Council was provided with an update on the implementation of the Localism Act in respect of the Code of Conduct and procedure for handling complaints. Members thanked the Chairman of the Standards Committee for her hard work and dedication.

90 Report of Standards Committee

The Council received a report from the Standards Committee requesting that the Council agreed to an extension of the term of office of the three Independent Members of the Standards Committee. The Council was informed that it was anticipated the Localism Act provisions relating to standards were expected to come into force on 1st July 2012; however the term of office of the three Independent Members expired on 15th May 2012. The Council were made aware that to enable the Council to continue to comply with current legislation the Standards Committee would need to continue with the current arrangements for handling complaints.

It was proposed by Councillor Burton and seconded by Councillor Geraghty, and on being put to the vote it was unanimously agreed and

RESOLVED: That the Council agree to extend the term of office of the three Independent Members of the Standards Committee, Mrs. Christine Davenport, Mr. Raymond Needham and Canon David Stanton, until the date on which the standards provisions of the Localism Act become operative, which it is anticipated at present will be on 1st July 2012.

91 Reports from Overview and Scrutiny CommitteesScrutiny Committee

The Chairman of the Scrutiny Committee provided the Council with a summary of the items that had been discussed at the meeting of the Scrutiny Committee on 13th March 2012. The Committee had discussed the Economic Prosperity Strategy Summary and Business Engagement Strategy, Worcester City Tenancy Strategy, Residents' Parking and the future Work Programme.

Performance Management and Budget Scrutiny Committee

The Chairman of the Performance Management and Budget Scrutiny Committee informed the Council that the Committee had not met since the previous Council Meeting.

Audit Committee

The Chairman of the Audit Committee provided the Council with a summary of the items that had been discussed at the meetings of the Audit Committee on 21st March 2012. The Committee had discussed the External Audit Plan, Internal Audit Progress, Annual Audit Plan Report 2012-13 and Section 106 Planning Obligations.

92 Any Exempt Issues

None

Duration of the meeting: 7.00 pm to 9.00 pm

Chairman at the meeting on
15th May 2012