

**MINUTES OF THE COUNCIL**

**AT THE MEETING OF THE COUNCIL OF THE  
BOROUGH OF LUTON HELD AT THE TOWN HALL, LUTON**

**ON**

**TUESDAY 21<sup>ST</sup> APRIL 2009 AT 6.00 P.M.**

**PRESENT:**

**THE MAYOR -**

**THE DEPUTY MAYOR -**

**COUNCILLORS -**

Councillor Singh

Councillor Malik

Akbar, Ayub, Bailey, Benard,

Burnett, Campbell, Chapman,

J. Davies, R. Davies, R. J.

Davis, Dolling, Farooq, Foord,

Franks, Garrett, Hinkley, M.

Hussain, Q. Hussain, Khan,

Mead, Neale, Pantling,

Patterson, Pedersen, Raquib,

Riaz, Roden, Rutstein,

Saleem, Shaw, Siederer,

Simmons, Simons,

Skepelhorn, Smith, Stewart,

Strange, Taylor, Timoney,

Titmuss and Worlding.

**41 MINUTES (REF: 1)**

**Resolved:** That the Minutes of the meetings of the Council held on 18<sup>th</sup> February and 16<sup>th</sup> March 2009, be taken as read, approved as correct records and signed by the Chair.

In relation to the meeting held on 18<sup>th</sup> February 2009, Councillor Garrett sought clarification on the creation of a Council 'Bank' or Credit Union. There appeared to be some confusion as to whether or not this had been progressed.

Councillor Simmons agreed to arrange for a written update to be provided to Councillor Garrett.

In relation to the meeting held on 16<sup>th</sup> March 2009, Councillor Q Hussain indicated that he had not received a written reply in relation to Question 13/09.

Councillor Simmons advised that the reply had been sent on 2<sup>nd</sup> April 2009 and would arrange for a further copy to be sent by recorded delivery.

It was suggested that in future all written replies should be sent by recorded delivery so that there was a record of delivery and receipt.

#### **42 APOLOGIES FOR ABSENCE**

Apologies for absence were received on behalf of Councillors Ashraf, Bullock, Ireland and Kiansumba.

#### **43 MEMBERS' CONDUCT (REF: 2.1)**

The Mayor reminded Members of the need to observe proper conduct, to show respect for each other and to observe his rulings at meetings of the Council.

#### **44 LOCAL GOVERNMENT FINANCE ACT 1992**

The Chief Executive's representative reminded the Council that a list of items before the Council which were within the ambit of Section 106 of the Local Government Finance Act 1992 had been circulated to all Members and that any Member to whom that Section applied should disclose the fact and refrain from voting on any question relating to those items.

**(Note: No disclosures by Members were made.)**

#### **45 DISCLOSURES OF INTEREST**

Councillors Foord, M. Hussain and Mead disclosed a personal (but not prejudicial) interest in Agenda Item 12 – Notice of Motion in relation to Securing a Stable Future for Sports and Leisure Facilities, in their capacity as Members of the Active Luton Board.

Richard Stevens, Head of Legal Services, disclosed a prejudicial interest under Standing Order 97.3 in relation to Agenda Item 11.3 – Bedfordshire Police Authority Joint Selection Committee, in that his wife was an employee of one of the authorities affected by the proposal.

#### **46 QUESTIONS UNDER STANDING ORDER 7.1 (REF: 4)**

Councillor Titmuss asked and Councillor Simmons responded to a question (Ref: Q/21/09) of which written notice had been given under Standing Order 7.1.

Councillor Rutstein asked a question (Ref: Q/22/09) of Councillor Simmons of which written notice had been given under Standing Order 7.1. Councillor Simmons indicated that she would provide a written reply to Councillor Rutstein.

Councillor Franks asked and Councillor Worliding responded to a question (Ref: Q/23/09) of which written notice had been given under Standing Order 7.1. In responding to the question, Councillor Worliding indicated that he would send a written response in relation to the supplementary questions:

- (a) When were Regulation Committee's powers in relation to pollution and contamination last used? and
- (b) When was a report expected to be submitted to Regulation Committee on the BP site contamination issue?

Councillor Q. Hussain asked and Councillor Simmons responded to a question (Ref: Q/24/09) of which written notice had been given under Standing Order 7.1.

Councillor Simons asked a question (Ref: Q/25/09) of Councillor Simmons of which written notice had been given under Standing Order 7.1. Councillor Simmons indicated that she would provide a written reply to Councillor Simons.

Councillor Rutstein asked and Councillor Farooq responded to a question (Ref: Q/26/09) of which written notice had been given under Standing Order 7.1. In responding to the question, Councillor Farooq indicated that he would send a written response in relation to the supplementary question:

How often should the Council's Executive consider financial and risk management matters and should it be reviewed?

Councillor Franks asked and Councillor M. Hussain responded to a question (Ref: Q/27/09) of which written notice had been given under Standing Order 7.1.

Councillor Q. Hussain asked and Councillor Saleem responded to a question (Ref: Q/28/09) of which written notice had been given under Standing Order 7.1.

Councillor Simons asked and Councillor Taylor responded to a question (Ref: Q/29/09) of which written notice had been given under Standing Order 7.1.

Councillor Q. Hussain asked and Councillor Worliding responded to a question (Ref: Q/30/09) of which written notice had been given under Standing Order 7.1.

Councillor Q. Hussain asked and Councillor Worliding responded to a question (Ref: Q/31/09) of which written notice had been given under Standing Order 7.1. In responding to the question, Councillor Worliding indicated that he would send a written response in relation to the supplementary question:

Why were the increases above the rate of inflation?

Councillor Q. Hussain asked and Councillor Worthing responded to a question (Ref: Q/32/09) of which written notice had been given under Standing Order 7.1.

**47 REPORT OF THE BEDFORDSHIRE POLICE AUTHORITY (REF: 5)**

Councillor Farooq, the Council's representative on the Bedfordshire Police Authority, presented a report on the proceedings of the meetings of the Authority held on 13<sup>th</sup> February 2009.

In response to a question, Councillor Farooq advised that he would provide Councillor Strange in writing with more detail about the new services being provided in relation to (a) collaborative work on dogs, professional standards and scientific services and (b) the establishment of a joint firearms unit, as referred to at Paragraph 4 of the report.

**Resolved:** (i) That the report be noted.

(ii) That Councillor Farooq provide Councillor Strange in writing with more detail about the new services being provided in relation to (a) collaborative work on dogs, professional standards and scientific services and (b) the establishment of a joint firearms unit.

**48 BEDFORDSHIRE POLICE AUTHORITY: QUESTIONS (REF: 6)**

The Mayor advised that no written notice had been given by Councillors under Standing Order 15.1 of their intention to ask a question of the Bedfordshire Police Authority.

**49 REPORT OF THE BEDFORDSHIRE AND LUTON COMBINED FIRE AUTHORITY (REF: 7)**

Councillor Timoney, the Council's representative on the Bedfordshire and Luton Combined Fire Authority, presented a report on the proceedings of the meeting of the Authority held on 6<sup>th</sup> February 2009.

**Resolved:** That the report be noted.

**50 BEDFORDSHIRE AND LUTON COMBINED FIRE AUTHORITY: QUESTIONS (REF: 8)**

The Mayor advised that no written notice had been given by Councillors under Standing Order 15.1 of their intention to ask a question of the Bedfordshire and Luton Combined Fire Authority.

**51 QUARTERLY REPORT OF THE EXECUTIVE LEADER (REF: 9)**

In accordance with Standing Order 42, the Executive Leader reported on decisions taken by the Executive under the special urgency provisions of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000. It was proposed by Councillor Simmons, seconded by Councillor Davis and:

**Resolved:** That the report (Ref: 9) be noted.

**52 TREASURY MANAGEMENT STRATEGY STATEMENT & ANNUAL INVESTMENT STRATEGY 2009/10 (REF: 10.1)**

Upon consideration of the report of the Executive (30<sup>th</sup> March 2009) on the Treasury Management Strategy Statement & Annual Investment Strategy 2009/10 (Ref: 10.1) it was proposed by Councillor Simmons, seconded by Councillor Davis and:

**Resolved:** That the Treasury Management Strategy Statement and the Annual Investment Strategy 2009/10 as set out at Appendix A to the report (Ref: 10.1) be approved subject to the inclusion of Appendix B as an appendix to the Annual Investment Strategy document.

**53 CORPORATE PLAN (REF: 11.1)**

Upon consideration of the report of the Chief Executive on the Corporate Plan (Ref: 11.1), it was proposed by Councillor Simmons, seconded by Councillor Davis:

That the Council:

- (i) Adopt the draft Corporate Plan attached at Appendix A to the report as the Council's Corporate Plan; and
- (ii) Authorise the Chief Executive, following consultation with the Executive Leader, to make minor amendments to the Plan, prior to publication

but upon being put to the meeting, the motion was lost.

The Council was advised that, as it had objections to the draft Corporate Plan submitted by the Executive, in accordance with Standing Order 96, it would be necessary for the matter to be referred back to the Executive for re-consideration. The Executive would then have to decide whether it wished to submit an amended draft or to re-submit the draft previously submitted with reasons for disagreeing with the Council's objections to the previously submitted draft.

In reply to a question from a Member as to whether the matter was precluded from coming back to the Council meeting within a period of six

months under Standing Order 19, the Head of Legal Services advised that Standing Order 96 was a statutory Standing Order which must prevail over Standing Order 19.

It was therefore, following further advice from the Head of Legal Services:

**Resolved:** That, in accordance with Standing Order 96, the Executive Leader be informed that the Council objects to the draft Corporate Plan submitted by the Executive for approval and instructed to require the Executive to reconsider the draft Corporate Plan in the light of the Council's objections to it at a meeting to be held between 27<sup>th</sup> April and 2<sup>nd</sup> June 2009, within which period the Executive may:

- (a) decide to submit a revised draft Corporate Plan (with reasons for any revisions) to the Council for approval; or
- (b) inform the Council of any disagreements (with reasons) that the Executive has with the Council's objections to the draft Corporate Plan previously submitted,

any report of the Executive to be considered by the Council after the expiry of the period specified above.

#### **54 DRAFT CALENDAR OF MEETINGS 2009/10 (REF: 11.2)**

Upon consideration of the report of the Chief Executive on the Draft Calendar of Meetings 2009/10 (Ref: 11.2) it was proposed by Councillor Simmons, seconded by Councillor Davis and:

**Resolved:** That the draft calendar of meetings for 2009/10 (except meetings of the Executive) attached at Appendix A to the report (Ref: 11.2) be commended to the Annual Meeting of the Council to be held on 19<sup>th</sup> May 2009.

#### **55 BEDFORDSHIRE POLICE AUTHORITY JOINT SELECTION COMMITTEE (REF: 11.3)**

Upon consideration of the report of the Chief Executive on the Bedfordshire Police Authority Joint Selection Committee (Ref: 11.3) it was proposed by Councillor Simmons, seconded by Councillor Farooq and:

**Resolved:** (i) That the change in composition, following re-organisation in Bedfordshire, of the Bedfordshire Police Authority Joint Selection Committee on the basis of the membership proposed by the Home Office Minister be noted.

(ii) That it be noted that the recommendation of the Chief Executive that the composition and membership of the Joint Selection Committee should be reviewed every two years to reflect any changes in population had been agreed by Central Bedfordshire and Bedford Borough Councils.

(iii) That it be noted that an early meeting of the Bedfordshire Police Authority Joint Selection Committee was required to facilitate early appointments by Central Bedfordshire and Bedford Borough Unitary Councils to the Police Authority following re-organisation in Bedfordshire effective from 1<sup>st</sup> April 2009.

(iv) That it be noted that there will be a requirement to review the political balance and its impact on the allocation of places between the political parties after the June 2009 elections for the new Unitary Authorities and, if necessary, to adjust the relative levels of political representation accordingly for the period to 2011.

**(Note: Richard Stevens, Head of Legal Services, disclosed a prejudicial interest in the above matter under Standing Order 97.3 in that his wife was an employee of one of the authorities affected by the proposal. Mr. Stevens was invited by the Council to remain in the meeting during consideration of the matter.)**

## **56 NOTICE OF MOTION (REF: 12)**

(a) It was proposed by Councillor Pantling, seconded by Councillor Mead:

“That this Council notes with great regret:

- the decision of the Labour administration to remove £170,000 of investment funding for Active Luton as part of their 2009/10 Budget.
- the fact this decision was recommended and taken without any prior consultation with Active Luton.
- that the Council allowed Active Luton to invest in 2 centres - £50,000 on a new floor at Putteridge Recreation Centre, and £72,000 in preparation for major improvements at Stopsley Regional Sports Centre – in the full knowledge Labour planned to close both centres.

Council further notes that:

- one of the main reasons for setting up the Trust was that they would be able to invest in sustainable improvements to Sports and Leisure facilities across Luton.
- financial stability is vital to Active Luton if they are to be able to operate independently as a Trust, and secure borrowing to invest.
- Active Luton now have serious doubts about the ability to achieve LBC's sports and leisure objectives, given the removal of funding.

Council therefore asks the Executive to:

- reverse the £170,000 a year cut in investment funding
- publish a strategy for future investment outlining how the Council will provide the Trust with some financial stability in the medium term, and setting out the minimum levels of consultation that Active Luton should be able to expect from the Council.”

(b) Upon being put to the meeting it was:

**Resolved:** That this Council notes with great regret:

- the decision of the Labour administration to remove £170,000 of investment funding for Active Luton as part of their 2009/10 Budget.
- the fact this decision was recommended and taken without any prior consultation with Active Luton.
- that the Council allowed Active Luton to invest in 2 centres - £50,000 on a new floor at Putteridge Recreation Centre, and £72,000 in preparation for major improvements at Stopsley Regional Sports Centre – in the full knowledge Labour planned to close both centres.

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- financial stability is vital to Active Luton if they are to be able to operate independently as a Trust, and secure borrowing to invest.
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Council therefore asks the Executive to:

- reverse the £170,000 a year cut in investment funding
- publish a strategy for future investment outlining how the Council will provide the Trust with some financial stability in the medium term, and setting out the minimum levels of consultation that Active Luton should be able to expect from the Council.



**(Note: (i) Councillors Foord, M. Hussain and Mead disclosed a personal (but not prejudicial) interest in the above item in their capacity as Members of the Active Luton Board;**

**(ii) The meeting ended at 8.15 pm.)**