



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE CABINET

WEDNESDAY 7TH SEPTEMBER 2011, AT 6.00 P.M.

THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

SUPPLEMENTARY DOCUMENTATION

The attached papers were specified as "to follow" on / are an additional item to be added to the Agenda previously distributed relating to the above mentioned meeting.

4. Minutes of the meeting of the Overview and Scrutiny Board held on 25th August 2011 (Pages 1 - 4)
 - (a) To receive and note the minutes
 - (b) To consider any recommendations contained within the minutes

- 12a. Dedication of Council Car Park Land to Highway (Pages 5 - 10)

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

5th September 2011

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Agenda Item 4

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE OVERVIEW AND SCRUTINY BOARD

THURSDAY, 25TH AUGUST 2011 AT 5.30 P.M.

PRESENT: Councillors P. J. Whittaker (Chairman), P. Lammas (Vice-Chairman),
C. J. Bloore, Dr. B. T. Cooper, R. J. Laight, P. M. McDonald,
S. P. Shannon, Mrs. C. J. Spencer and L. J. Turner

Observers: Councillor Mrs. M. A. Sherrey JP and Councillor M. A.
Bullivant

Officers: Mrs. C. Felton and Ms. A. Scarce

26/11 **APOLOGIES**

Apologies for absence were received from Councillors J. S. Brogan, Mrs. R. L. Dent, K. A. Grant-Pearce and Mrs. J. M. L. A. Griffiths.

27/11 **DECLARATIONS OF INTEREST AND WHIPPING ARRANGEMENTS**

There were no declarations of interest or whipping arrangements.

28/11 **REVIEW OF RECREATION ROAD SOUTH CAR PARK TASK GROUP REPORT (CHAIRMAN: COUNCILLOR SEAN SHANNON)**

The Chairman invited Councillor S. P. Shannon, as Chairman of the Task Group to introduce the report.

The Chairman of the Task Group gave background information on why the Task Group had been set up and the evidence and witnesses that the Task Group had received during its investigation. It was explained that all Members of the Task Group had originally had a very negative perception in respect of the operation of the car parks throughout the district. Particular issues were in respect of the fixed penalty notices and how appeals against these were handled. The Chairman explained that the Task Group had received evidence on the following areas:

- The role of the Civil Enforcement Officers
- Income from parking charges on Recreation Road South Car Park
- Total income from parking compared with excess charge revenue on Recreation Road South Car Park.

From the evidence received the Task Group Members conceded that they had begun the Task Group with a preconceived view of the Recreation Road South Car Park and car parking facilities generally provided by the Council.

However, after hearing and looking at the evidence provided by Officers, Task Group Members had agreed that the negative view was incorrect. This had led to the formulation of the 5 recommendations contained within the report which it was considered would help to dispel the negative views and perception of residents and visitors with regard to the district's car parking operation.

The Board discussed the following areas in more detail:

- The downturn in the use of the car parks and the national trend.
- The pay on foot system.
- Methodology used and evidence provided. Including the availability of comparative financial information.
- The financial implications of the recommendations (the Task Group had questioned these as they felt in some instances they were excessive estimates).

After further discussion it was

RESOLVED:

- (a) that the report and recommendations attached at Appendix 1 be approved; and
- (b) that the report and recommendations be submitted to Cabinet for approval.

29/11

THE REDUCTION IN BUS SERVICES TASK GROUP REPORT
(CHAIRMAN: COUNCILLOR CHRIS BLOORE)

The Chairman invited Councillor C. J. Bloore, as Chairman of the Task Group, to introduce the report.

The Chairman of the Task Group thanked the Committee Services Officer for her support in completing two task group reports in a very short period of time. The Board was provided with background information on why the Task Group had been set up and the concerns that had been raised by residents in respect of the forthcoming changes to bus services. The information provided by Worcestershire County Council (WCC) since completion of the consultation had been limited and this lack of knowledge had added to residents' worries. The following issues were discussed in more detail:

- The responses from residents and coverage in the local newspapers.
- The bus services that were of most concern to residents.
- The response from the Parish Councils, Hansons Coaches and First Midland Buses.
- The distinction between County and District Council issues.
- WCC's Impact Assessment.
- Any official response to the consultation by the Council and the role of the Portfolio Holder and Ward Members.

In respect of Recommendation 1(a) the Head of Legal, Equalities and Democratic Services informed the Board that currently the process for responding to consultations was detailed in the Constitution at page 5, Part 3 (Part D) of the Corporate Delegations. This was a delegation which had been made by full Council to the Chief Executive, the Deputy Chief Executive and Heads of Service in consultation with Members in such manner as the Chief Executive considered to be appropriate for the purpose of responding on behalf of the Council to consultations documents. There was therefore a formal process already in place for managing such consultations.

The Head of Legal, Equalities and Democratic Services explained that consultations were dealt with on an individual basis as Members could, on some occasions, have conflicting views on a consultation. Those Members whom the Chief Executive felt were appropriate for the subject matter of a particular consultation document were consulted and then a collective response was sent on behalf of the Council. However, on this occasion Members had been asked to respond directly. The Head of Legal, Equalities and Democratic Services advised the Board that she had asked the Democratic Services Manager to email all Members advising them that Worcestershire County Council were making proposals to change the bus services and had asked specifically for Members to be consulted. From the wording of the email it was clear that Members were asked to respond individually to the consultation.

It was apparent that, due to a change of Portfolio Holder, the current Portfolio Holder, who had given evidence to the Task Group, had not been briefed on how the Council had responded to this consultation. After further discussion and in the light of this additional information being provided it was

RESOLVED that a further meeting of the Task Group be arranged and a revised report be received by the Overview and Scrutiny Board meeting to be held on 19th September 2011.

30/11 **PROVISION OF YOUTH SERVICES - OVERVIEW AND SCRUTINY TOPIC PROPOSAL REPORT**

The Chairman invited Councillor P. M. McDonald to introduce the item as he had put forward the Overview and Scrutiny Topic Proposal.

Councillor McDonald gave background information as to why he felt Youth Provision should be scrutinised by the Board, the need for these services to be retained and the consequences if the cutbacks were to go ahead. Members were also provided with details of when the consultation from Worcestershire County Council (WCC) was expected to be completed. The Board discussed the following in detail:

- The role of County versus District Council and the proposals by WCC.
- The response from the Council – Officers advised Members that a response had already been sent by the relevant Head of Service. The LSP members would also be responding and the Children and Young

People's Theme Group would also be meeting with the relevant Portfolio Holder at WCC.

- Any further action that should be taken to investigate this matter.
- Members concern over the future provision of these services.

After further discussion it was

RESOLVED that no further action be taken.

31/11 **ANY OTHER BUSINESS**

The Chairman agreed that this matter be raised as an urgent item at the meeting as a decision on this matter could not wait until the next meeting of the Board.

The Head of Legal, Equalities and Democratic Services informed the Board that at the full Council meeting held on 20th July 2011, under the Leader's announcements, he had indicated that he wished the Overview and Scrutiny Board to undertake a scrutiny exercise into the issues that have arisen at the Marlbrook Tip. The Head of Legal, Equalities and Democratic Services provided background information on the and advised the Board that from a Monitoring Officer's point of view, this was a regulatory issue and would not come under the legislation which covered the role of the Overview and Scrutiny Board. However, she indicated that Members might wish to consider whether it would be more appropriate for the Chief Executive to ask the internal audit team to carry out a formal investigation of the matter before making the findings of that enquiry public. The Board discussed the following areas in more detail:

- Areas which the Overview and Scrutiny Board could investigate once an internal investigation had been carried out, on the basis that it would be possible for the Board to consider any matters in relation to planning policy that may emerge as an investigation finding.
- The circumstances surrounding the issues at Marlbrook Tip and the current regulatory status.

RECOMMENDED that the matter be referred back to the Leader requesting that he speak to the Chief Executive to make arrangements for a full investigation into the Marlbrook Tip to be carried out by the appropriate audit/investigation team and that the results of that investigation be made public.

The meeting closed at 6.55 p.m.

Chairman

CABINET

7th September 2011

DEDICATION OF BDC CAR PARK LAND TO HIGHWAY

Relevant Portfolio Holder	Mike Webb / Del Booth
Portfolio Holder Consulted	Yes
Relevant Head of Service	John Staniland
Wards Affected	St John's
Ward Councillor Consulted	No
Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 On 28 June 2010, the planning committee resolved to grant planning permission for the new supermarket. A condition of planning permission will require improvements to the crossroads of Stourbridge Road, Market Street and Birmingham Road.
- 1.2 The improvements to the crossroads are required to cater for the increased traffic that would be generated by the proposed store, so without these highway improvements the store can not be built.
- 1.3 To allow for the junction improvements to take place a strip of land from the Bromsgrove District Council Market Street Car Park adjacent to the junction needs to be incorporated within the Highway. The strip of land is owned by the Council. Sainsbury have requested that the Council dedicates this land as public highway to facilitate the junction improvements.
- 1.4 The works to improve the junction will include levelling of the rest of the Car Park. These works will be funded and executed by Sainsbury and include resurfacing and re-lining to maximise the capacity of the reduced area, with a net loss of 4 car parking spaces.
- 1.5 Bromsgrove District Council appointed the District Valuer to act on its behalf in the valuation of the lost car parking spaces and the subsequent negotiation with Sainsbury.
- 1.6 The result of these negotiations is that in addition to carrying out the Car Park improvement works, Sainsbury will pay Bromsgrove District Council £50,000 in consideration of both the loss of the 4 spaces and any drop in revenue during the works. The Council and Sainsbury are currently negotiating an agreement to set out the above arrangement.
- 1.8 It is proposed that the £50,000 receipt is re-invested into the Town Centre Regeneration Programme to support the overall uplift of the area.
- 1.9 The attached drawing shows the proposed works.

2. RECOMMENDATIONS

- 2.1 Permit the dedication to Highway of part of the Market Street Car Park to allow for improvements to the crossroads of Stourbridge Road, Market Street and Birmingham Road and the Council to enter into an agreement under section 278 of the Highways Act 1990 for the sole purpose of dedicating the said land as public highway.
- 2.2 Permit Sainsbury PLC and their appointed representatives and contractors to carry out the agreed and necessary levelling, re-engineering and reinstatement works to the Market Street Car Park.
- 2.3 Permit Sainsbury PLC and their appointed representatives and contractors such access to the Market Street Car Park for plant and storage that they shall need to execute the Highway Improvements, within defined limits and an agreed timescale.
- 2.4 Accept the offer of £50,000 from Sainsbury PLC in consideration of the net loss of 4 car parking spaces resulting from the dedication.
- 2.5 Allocate the £50,000 to the Town Centre Regeneration Programme Capital Budget.

3. KEY ISSUES

Financial Implications

- 3.1 The valuation by the District Valuer was based on capitalising the net revenue potential of each car park space in the Market Street Car Park.
- 3.2 The net revenue potential included consideration of the average occupancy levels prevailing in the car park and the management and maintenance costs.
- 3.3 The Asset and Management Group has been kept informed throughout regular updates and the proposed £50,000 payment by Sainsbury approved by Jayne Pickering, Financial Director.
- 3.4 The £50,000 payment will be triggered upon notice of commencement of works on the Car Park.
- 3.5 The proposed arrangement will allow for the Sainsbury development to proceed which in turn will trigger the Section 106 contributions towards the Town Centre public realm upgrade, which have already been negotiated and agreed.

Legal Implications

- 3.6 When the agreement is completed, it will allow Sainsbury to serve a notice on the Council. From a date specified in the notice, Sainsbury

will have a right to enter into part of the Market Street Car Park to carry out the junction improvement works and the car park levelling works. On the date of the notice, Sainsbury will also pay the Council £50,000.

- 3.7 From the date of the notice, the Council will be obliged to enter into the section 278 Agreement to dedicate the strip of land as public highway and to use its reasonable endeavours to assist Sainsbury in agreeing the document. Sainsbury will indemnify the Council in respect of any costs or liability arising from the section 278 Agreement. 3.8 Sainsbury will, from the date of the notice, be obliged to carry out the car park levelling works as long as they receive all required consents for the works.

Service / Operational Implications

- 3.8 Bringing the Car Park surface to street level will open up the whole area, giving a line of sight from Market Street across into Stourbridge Road/Strand Area. This will improve the feeling of light and space in the area.
- 3.9 The reinstated car park will be easier to access and to navigate. Other car parks are nearby in the event that the Market Street Car Park is full as a result of losing 4 spaces.
- 3.10 The Town Centre Regeneration Programme will benefit from the addition of £50,000 to its Capital Budget and through the enablement of the Sainsbury development and hence the release of the corresponding Section 106 Public Realm monies.

Customer / Equalities and Diversity Implications

- 3.11 Blue-badge car parking spaces will not be lost during these works, other than for short periods when the whole car park needs to be shut for Health and Safety reasons as a result of construction activities.

4. RISK MANAGEMENT

- 4.1 The legal agreement has been drafted to minimise risks to the Council by ensuring that the works to the Car Park are based on drawings approved by us, we have adequate redress to the quality of the works and that the scope of permitted works is defined and time bound. However the agreement is in draft form only and the provisions may be changed by Sainsbury or the Council before being finally agreed.

5. APPENDICES

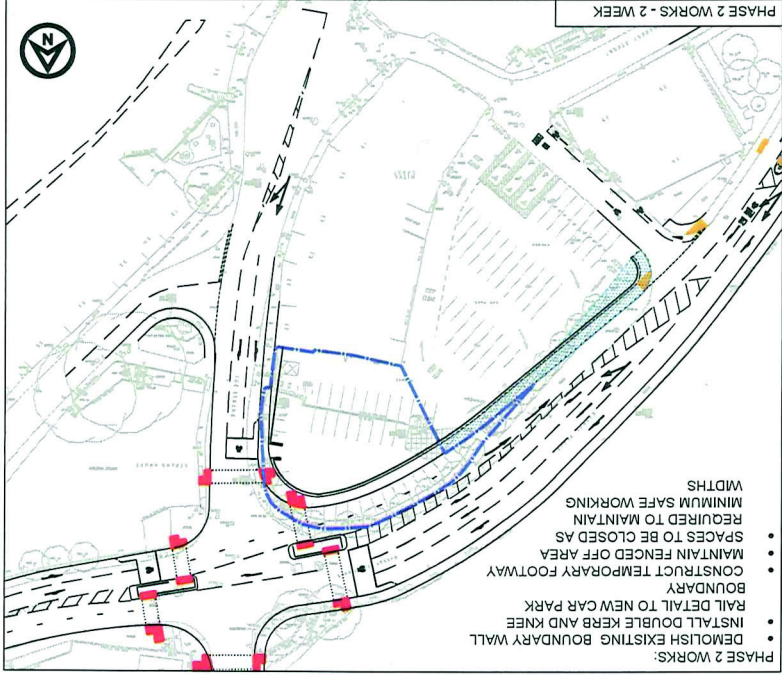
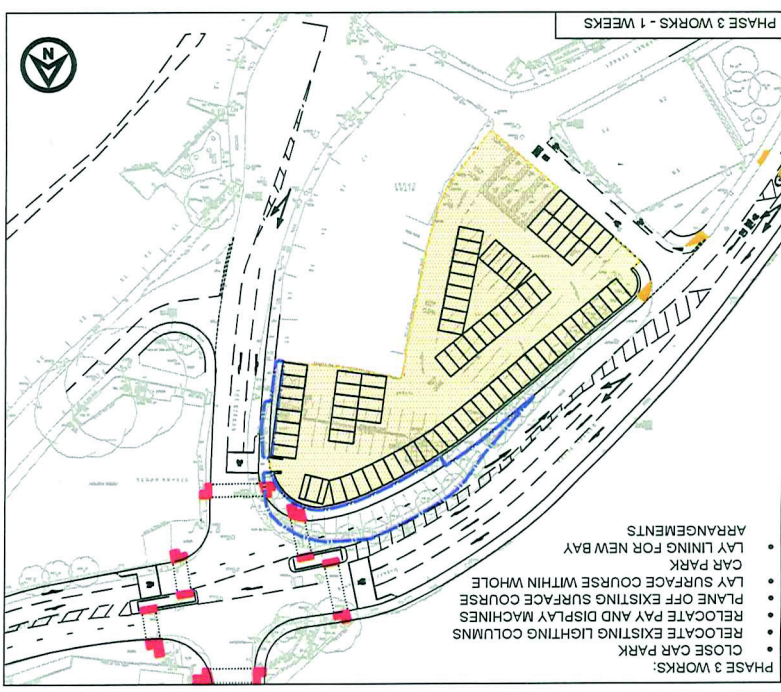
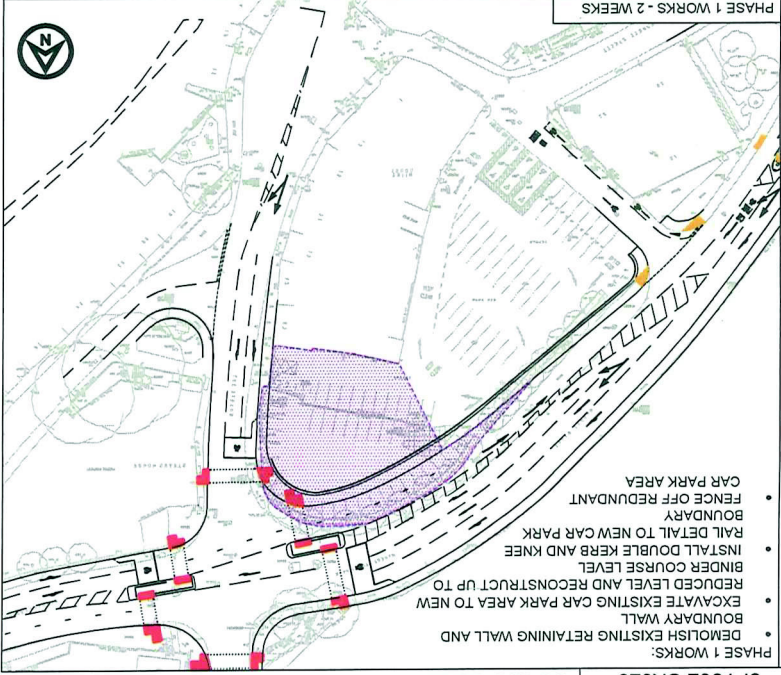
Appendix 1 – Drawing showing the land in question.

6. BACKGROUND PAPERS

Officer's report to committee of 28 June 2010.

AUTHOR OF REPORT

Name: Richard Savory
E Mail: r.savory@bromsgroveandredditch.gov.uk
Tel: 01527 881306



EXISTING:

TOTAL SPACES - 94

DISABLED SPACES - 6

PROPOSED:

TOTAL SPACES - 90

DISABLED SPACES - 7

PHASE 1 WORKS - 2 WEEKS
OPERATIONAL CAR PARK SPACES:
44 STANDARD AND 6 DISABLED

PHASE 2 WORKS - 2 WEEKS
OPERATIONAL CAR PARK SPACES:
43 STANDARD AND 6 DISABLED

PHASE 3 WORKS - 1 WEEK
OPERATIONAL CAR PARK SPACES:
CAR PARK TO BE CLOSED DURING WORKS FOR SAFETY

FENCING TO BE ERECTED AND MAINTAINED
AROUND AREA OF EXISTING CAR PARK

NOTES

- 1) THIS DRAWING IS BASED ON CHERWOOD'S ARCHITECTS DRAWING NO. SK1020.
- 2) ALL HIGHWAY PROPOSALS ARE INDICATIVE AND ARE SUBJECT TO DETAILED DESIGN AND HIGHWAY AUTHORITY APPROVAL.

REVISIONS

REV	DATE	DESCRIPTION	BY	CHK	APP
B	28.08.11	REVISE PHASING	MB	CF	
A	22.08.11	FIRST ISSUE	MB	CF	

CLIENT

Sainsbury's

BROMSGROVE

PHASING OF
EXISTING CAR PARK
IMPROVEMENTS TO

HASKONING UK LTD
DEVELOPMENT AND TRANSPORT

100 Froud, Froud Road
Tel: 0121 717 1111
Fax: 0121 717 1112
Email: info@haskoning.com
www.haskoning.com

ROYAL HASKONING

DRAWN MB

CHECKED CF

APPROVED CF

SCALE 1:1000 @ A3

STATUS FOR COMMENT

DATE 22.08.2011

DATE 22.08.2011

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