



BROMSGROVE DISTRICT COUNCIL

YOU ARE HEREBY SUMMONED to attend a MEETING of BROMSGROVE DISTRICT COUNCIL to be held in the Council Chamber at The Council House, Burcot Lane, Bromsgrove at 6.00 p.m. on Wednesday 15th September 2010, when the business referred to below will be brought under consideration:-

The meeting will be opened with a prayer.

- 1. To receive apologies for absence**
- 2. To confirm the accuracy of the minutes of the meeting of the Council held on 21st July 2010 (Pages 1 - 6)**

- 3. Declarations of Interest**

(Members are reminded that they need to keep their register of interest forms up to date)

- 4. To receive any announcements from the Chairman and/or Head of Paid Service**

- 5. To receive any announcements from the Leader**

- 6. Recommendations from the Cabinet**

To consider any recommendations from the meeting of the Cabinet held on 8th September 2010 *(to follow)*.

- 7. To receive the minutes of the meeting of the Cabinet held on 4th August 2010 (Pages 7 - 10)**

8. **Recommendations from the Licensing Committee** (Pages 11 - 12)

To consider the recommendations from the meeting of the Licensing Committee held on 26th July 2010 on the following item (*the full report is enclosed for background information at the back of the Council agenda book*):

- Regulation of Sexual Encounter Venues

9. **Questions on Notice**

To deal with any questions on notice from Members of the Council, in the order in which they have been received.

10. **Motion - HUB Parking**

To consider the following motion submitted by Councillor E. J. Murray which stands deferred from the last meeting of the Council:-

“The HUB was set up to improve customer relations and improve services in general for the residents of Bromsgrove. To ensure customer relations were not undermined residents having to visit the HUB were not penalised by being charged for parking their cars. Therefore, we call upon the Council to remove the charges immediately.”

11. **Motion - CO2 Emissions**

To consider the following motion submitted by Councillor S. P. Shannon which stands deferred from the last meeting of the Council:-

“I call on this Council to reduce the CO2 emissions of the authority as a matter of urgency. This Council must honour its pledge to the 10:10 campaign signed earlier this year to reduce the carbon emissions of the Council by 10% during 2010.”

12. **Motion - Hanging Baskets, Rubery**

To consider the following motion submitted by Councillor C. J. K. Wilson which stands deferred from the last meeting of the Council:-

“Rubery has a vibrant high street which attracts many visitors and shoppers contributing to the local economy. The removal of hanging baskets devalues it as an attractive shopping area and gives the impression that it has been downgraded.

Therefore, we call upon the Council to reinstate hanging baskets and treat Rubery as it should, as the gateway to the Lickey’s and the Waseley Hills and not as a forgotten outpost.”

13. **Motion - Car Park Charges**

To consider the following motion submitted by Councillor Mrs. C. M. McDonald :-

“That this Council alters its parking charging regime on the ASDA car park so that you are only charged for time used.”

14. **Motion - Portfolio Holders**

To consider the following motion submitted by Councillor P. M. McDonald:-

“That the Leader reduces the number of Portfolio Holders by at least one so reflecting the cutbacks in services and financial restraints.”

15. **Performance Management Board (Pages 13 - 18)**

To consider the report of the Head of Legal, Equalities and Democratic Services

16. **Outside Bodies - LGA Rural Commission (Pages 19 - 26)**

17. **Statement of Accounts 2009/2010 (to follow)**

- **Background information report on recommendations from the Licensing Committee - Regulation of Sexual Encounter Venues (Pages 27 - 38)**

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

TO ALL MEMBERS OF THE BROMSGROVE DISTRICT COUNCIL

Agenda Item 2

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE COUNCIL

WEDNESDAY, 21ST JULY 2010 AT 6.00 P.M.

PRESENT: Councillors Mrs. J. M. L. A. Griffiths (Chairman), Mrs. J. M. Boswell, A. N. Blagg, S. R. Colella, R. J. Deeming, G. N. Denaro, Mrs. R. L. Dent, Mrs. A. E. Doyle, J. T. Duddy, Mrs. J. Dyer M.B.E., D. Hancox, R. Hollingworth, B. Lewis F.CMI, Dr. G. H. Lord, Mrs. J. D. Luck, Ms. J. A. Marshall, Mrs. C. M. McDonald, P. M. McDonald, D. McGrath, E. J. Murray, D. L. Pardoe, S. R. Peters, C. R. Scurrall, S. P. Shannon, R. D. Smith, Mrs. C. J. Spencer, C. B. Taylor, E. C. Tibby, C. J. Tidmarsh, L. J. Turner, M. J. A. Webb, P. J. Whittaker and C. J. K. Wilson

36/10 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Dr. D. W. P. Booth JP, Mrs. M. Bunker, Miss D. H. Campbell JP, Ms. H. J. Jones, W. R. Newnes and Mrs. M. A. Sherrey JP.

37/10 PRAYER

At the request of the Chairman, the Reverend Andy Lyons opened the meeting with a prayer.

38/10 MINUTES

The minutes of the meeting of the Council held on 23rd June 2010 and the extraordinary meeting of the Council held on 30th June 2010 were submitted.

RESOLVED that the minutes be approved as a correct record.

39/10 DECLARATIONS OF INTEREST

No declarations of interest were received.

40/10 ANNOUNCEMENTS FROM THE CHAIRMAN

The Chairman referred to the following events:

- (a) Barn Dance on 23rd July 2010 at Councillor P. J. Whittaker's farm;
- (b) Summer Garden Evening on 28th August 2010;
- (c) She had become a great grandmother on 14th July 2010.

41/10 ANNOUNCEMENTS FROM THE LEADER

The Leader congratulated Planning Officers on the commendation awarded by the Royal Town Planning Institute with regard to the regeneration of the Longbridge site.

42/10 **MINUTES OF THE MEETING OF THE CABINET HELD ON 30TH JUNE 2010**

The minutes of the meeting of the Cabinet held on 30th June 2010 were received for information.

43/10 **QUESTIONS ON NOTICE**

One question on notice was taken.

Question submitted by Councillor S. P. Shannon to the Leader

“With news of new lease for the Victoria Ground being allocated by this Council to Bromsgrove Sporting FC. Can the Leader inform the Council if a new condition has been introduced into the lease that would forbid the obnoxious practice of wheel clamping / vehicle seizure being used to control unauthorized parking at the Victoria Ground?”

The Leader referred this to Councillor M. J. A. Webb as the relevant Portfolio Holder.

Councillor Webb replied that whilst he agreed with the sentiments of the question and that there was a need to ensure the situation was managed effectively, it was not as straightforward as the question suggested. The terms of the lease could include reasonable enforcement provisions for car parking and officers would work to achieve this. Members would recall the problem also related to off-street parking and whilst these were not able to be managed through the lease, he could assure Members that these would be managed through the decriminalisation policy.

Councillor Shannon asked a supplementary question that could the Council insert a condition into the lease at the Victoria ground which forbids the use of clamping/vehicle seizure as a method of parking control on land in and around the stadium leased to Bromsgrove Sporting by the Council?

Councillor Webb replied that the matter could be looked into further but he wished to reiterate the point he made earlier that the terms of the lease could include reasonable enforcement provisions so that was being looked at. If it was being requested that the Council look into this further, he would be happy to progress that.

44/10 **MOTION - BUS SHELTERS**

The Chairman referred to the following motion which had been moved by Councillor Mrs. C. M. McDonald and seconded by Councillor S. P. Shannon at the meeting of the Council held on 23rd June 2010. The motion had been deferred clarification of responsibility for bus shelters.

“This Council states one of its main objectives is the Sense of Community and Well Being; this is certainly not being met or practiced with the removal of many bus shelters and the appalling state many are now in. Therefore, we call

upon the Council to treat bus passengers with dignity and well being in providing bus shelters that are fit for purpose.”

The Leader responded that, having looked into the matter, no council had a statutory responsibility for providing bus shelters. Whilst in the past the Council had not said ‘no’ to requests, five years ago the Council had taken the decision not to provide bus shelters as part of re-focusing expenditure on priorities as required to do so by the last government. Whilst ‘sense of community and wellbeing’ was an objective, bus shelters were not a priority. He suggested that if Councillor Mrs. McDonald wished to provide bus shelters, she should form a parish council, raise a precept and use that precept to fund bus shelters as other parish councils had done. If bus shelters were dilapidated, as had been suggested, he would ask officers to remove them.

Having consulted with the mover of the motion who confirmed that she wished the motion to be discussed, the Chairman then invited Members to debate the motion.

On a requisition under Council Procedure Rule 17.5, the following details of voting were recorded.

For the motion: Councillors Mrs. A. E. Doyle, Ms. J. A. Marshall, Mrs. C. M. McDonald, P. M. McDonald, D. McGrath, E. J. Murray, D. L. Pardoe, S. P. Shannon and C. J. K. Wilson (9);

Against the motion: Councillors A. N. Blagg, Mrs. J. M. Boswell, S. R. Colella, R. J. Deeming, G. N. Denaro, Mrs. R. L. Dent, J. T. Duddy, Mrs. J. Dyer M.B.E., D. Hancox, R. Hollingworth, B. Lewis, Dr. G. H. Lord, Mrs. J. D. Luck, S. R. Peters, C. R. Scurrall, R. D. Smith, Mrs. C. J. Spencer, C. B. Taylor, E. C. Tibby, C. J. Tidmarsh, L. J. Turner, M. J. A. Webb and P. J. Whittaker (23).

Accordingly, the Chairman declared the motion to be LOST.

45/10 **MOTION - CHARFORD**

Members considered the following motion submitted by Councillor Mrs. C. M. McDonald:-

“It is an absolute disgrace that agencies such as this District Council, County Council and Bromsgrove District Housing Trust can all blame the other for the terrible state some parts of Charford are left in. Therefore, we call upon this Council to facilitate the getting together of all the agencies to resolve the situation and agree upon their obligations to the residents of Charford.”

The motion was moved by Councillor Mrs. C. M. McDonald and seconded by Councillor S. P. Shannon.

On a requisition under Council Procedure Rule 17.5, the following details of voting were recorded.

For the motion: Councillors Ms. J. A. Marshall, Mrs. C. M. McDonald, P. M. McDonald, E. J. Murray, S. P. Shannon and C. J. K. Wilson (6);

Against the motion: Councillors A. N. Blagg, Mrs. J. M. Boswell, S. R. Colella, R. J. Deeming, G. N. Denaro, Mrs. R. L. Dent, J. T. Duddy, Mrs. J. Dyer M.B.E., D. Hancox, R. Hollingworth, B. Lewis, Dr. G. H. Lord, Mrs. J. D. Luck, D. L. Pardoe, C. R. Scurrall, R. D. Smith, Mrs. C. J. Spencer, C. B. Taylor, E. C. Tibby, C. J. Tidmarsh, M. J. A. Webb and P. J. Whittaker (22);

Abstentions: Councillors Mrs. A. E. Doyle, D. McGrath, S. R. Peters and L. J. Turner (4).

Accordingly, the Chairman declared the motion to be LOST.

46/10 **MOTION - 'TOGETHER BROMSGROVE'**

Members considered the following motion submitted by Councillor P. M. McDonald:-

“The ‘Together Bromsgrove’ magazine is seen by many as nothing more than a propaganda machine used to promote the controlling group’s politics and thus does not give a true picture of Bromsgrove District Council.

Therefore, we call upon the Council to cease publication and look at more cost effective and balanced ways of communicating with the public.”

The motion was moved by Councillor P. M. McDonald and seconded by Councillor E. J. Murray.

On a requisition under Council Procedure Rule 17.5, the following details of voting were recorded.

For the motion: Councillors Ms. J. A. Marshall, Mrs. C. M. McDonald, P. M. McDonald, E. J. Murray, S. P. Shannon and C. J. K. Wilson (6);

Against the motion: Councillors A. N. Blagg, Mrs. J. M. Boswell, S. R. Colella, R. J. Deeming, G. N. Denaro, Mrs. R. L. Dent, Mrs. A. E. Doyle, J. T. Duddy, Mrs. J. Dyer M.B.E., D. Hancox, R. Hollingworth, B. Lewis, Dr. G. H. Lord, Mrs. J. D. Luck, D. McGrath, D. L. Pardoe, C. R. Scurrall, R. D. Smith, Mrs. C. J. Spencer, C. B. Taylor, E. C. Tibby, C. J. Tidmarsh, L. J. Turner, M. J. A. Webb and P. J. Whittaker (25);

Abstentions: Councillor S. R. Peters (1).

Accordingly, the Chairman declared the motion to be LOST.

At this stage, with three Notices of Motion outstanding, the Chairman announced that the one hour time limit for the consideration of such motions had expired. Under the Constitution, the consent of the Council was required for this time limit to be extended. Having been put to the vote as to whether to continue, the Chairman declared the motion to be LOST.

47/10 **MOTION - HUB PARKING**

This motion stood deferred to the next ordinary meeting of the Council.

48/10 **MOTION - CO2 EMISSIONS**

This motion stood deferred to the next ordinary meeting of the Council.

49/10 **MOTION - HANGING BASKETS, RUBERY**

This motion stood deferred to the next ordinary meeting of the Council.

50/10 **PURCHASE OF GEORGE HOUSE, 2 WORCESTER ROAD, BROMSGROVE**

Members considered a report of the Executive Director – Planning and Regeneration, Regulatory and Housing Services on urgent action which had been taken to purchase property known as George House, 2 Worcester Road, Bromsgrove.

Having been moved by Councillor Mrs. J. Dyer M.B.E. and seconded by Councillor G. N. Denaro, it was

RESOLVED:

- (a) that the urgent decision to purchase 2 Worcester Road, Bromsgrove be noted;
- (b) that the consequential effect on the Capital Programme be noted and that it be increased by £550,000 for the period 2010/11, this being the purchase price (including all other associated costs) of the above-mentioned property.

51/10 **GIFT FROM GRONAU**

The Chairman drew Members' attention to a plaque received as a gift from Gronau at the recent twinning visit. She would arrange for this to be displayed at the Council House.

The meeting closed at 7.40 p.m.

Chairman

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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE CABINET

WEDNESDAY, 4TH AUGUST 2010 AT 6.00 P.M.

PRESENT: Councillors G. N. Denaro (Vice-Chairman in the Chair),
Dr. D. W. P. Booth JP, Mrs. M. A. Sherrey JP, R. D. Smith, M. J. A. Webb
and P. J. Whittaker

Officers: Mr. K. Dicks, Mr. J. Staniland, Ms. T. Kristunas, Mrs. S. Sellers,
Ms. J. Carstairs and Ms. R. Cole

35/10 **TO RECEIVE APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mrs. J. Dyer M. B. E.
and R. Hollingworth.

36/10 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

37/10 **TO CONFIRM THE ACCURACY OF THE MINUTES OF THE MEETING OF
THE CABINET HELD ON 30TH JUNE 2010**

The minutes of the meeting of the Cabinet held on 30th June 2010 were
submitted.

RESOLVED that the minutes be approved as a correct record.

38/10 **MINUTES OF THE MEETING OF THE AUDIT BOARD HELD ON 28TH
JUNE 2010**

The minutes of the meeting of the Audit Board held on 28th June 2010 were
submitted.

RESOLVED that the minutes be noted.

39/10 **MINUTES OF THE MEETING OF THE SCRUTINY BOARD HELD ON 13TH
JULY 2010**

The minutes of the meeting of the Scrutiny Board held on 13th July 2010 were
submitted.

RESOLVED that the minutes be noted.

40/10 **MINUTES OF THE MEETING OF THE PERFORMANCE MANAGEMENT BOARD HELD ON 19TH JULY 2010**

The minutes of the meeting of the Performance Management Board held on 19th July 2010 were submitted.

RESOLVED:

- (a) that the minutes be noted;
- (b) that the recommendation contained at Minute No 14/10 relating to publicity for the Recycling and Garden Waste Service be approved.

41/10 **TO RECEIVE VERBAL UPDATES FROM THE LEADER AND/OR OTHER CABINET MEMBERS ON ANY RECENT MEETINGS ATTENDED IN AN EX-OFFICIO CAPACITY**

Councillor G. N. Denaro reported that he had attended an event addressed by the Prime Minister during his recent visit to the West Midlands.

42/10 **FINANCE AND PERFORMANCE MONITORING REPORT - QUARTER 1 2010/2011**

The Cabinet considered a report on the Council's performance and financial position as at 30th June 2010. It was reported that in relation to Revenue, the summary indicated a variance of only £39,000. Members noted that efficiency savings of £140,000 had been achieved to date. Following discussion it was

RESOLVED:

- (a) that it be noted that 60% of Performance Indicators were stable or improving;
- (b) that it be noted that 45% of Performance Indicators which had a target were meeting their target as at the month end and 80% were projected to meet their target at the year end;
- (c) that the performance figures for June 2010 as set out in Appendix 2 to the report be noted;
- (d) that the achievements and issues set out in section 4.1.1 of the report (Council Summary) be noted;
- (e) that the current position on both the revenue and capital budgets as detailed in the report be noted;
- (f) that the release of previously approved earmarked reserves of £68,000 as set out in Appendix 5 to the report be noted;
- (g) that the budget virements listed in Appendix 6 to the report be approved;
- (h) that the details of complaints received as set out in Appendix 7 to the report be noted; and
- (i) that the performance of the Council's Treasury Management function as set out in Appendix 8 to the report be noted.

43/10 **PLANNING SERVICES - PEER REVIEW**

Consideration of this item was deferred.

44/10 **TOWN CENTRE FRONTAGE IMPROVEMENT SCHEME**

The Cabinet considered a report on the Town Centre Frontage Improvement Scheme which requested an increase in the budget allocated to the scheme.

It was reported that the current budget of £20,000 was being targeted to numbers 61 to 97 High Street (odd numbers only) and would allow for financial assistance to be given in respect of 5 retail properties. Additional funding would allow for a more noticeable impact on this part of the Conservation Area.

Members requested that publicity be given to ensure that the support provided by the Council to enable the improvements to be undertaken was recognised.

RESOLVED that in order to support the existing Town Centre Frontage Improvement Scheme, a virement of £50,000 be approved to enable funding to be allocated to the scheme and that the income already received from VAT refunds during 2010/2011 be utilised to meet the costs associated with the scheme.

45/10 **MINUTES OF THE MEETING OF THE SHARED SERVICES BOARD HELD ON 24TH JUNE 2010**

(Note: Although the Cabinet agenda had indicated that the public may be excluded during the consideration of this item, in the event it was considered in public).

The minutes of the meeting of the Shared Services Board held on 24th June 2010 were submitted.

RESOLVED:

- (a) that the minutes be noted;
- (b) that the use of the West Midlands Improvement and Efficiency Partnership Systems Thinking change methodology for the transformation of service areas be approved;
- (c) that the proposed programme of service areas to be considered for Shared Services/Transformation between the two Councils, as detailed in the report be approved; and
- (d) that the proposal to pursue procurement as a shared service be approved in principle at this stage.

The meeting closed at 6.45 p.m.

Chairman

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LICENSING COMMITTEE – 26TH JULY 2010

RECOMMENDATION TO THE COUNCIL

REGULATION OF SEXUAL ENCOUNTER VENUES

The Licensing Committee has considered a report which advised that the Policing and Crime Act 2009 had reclassified lap dancing clubs as Sexual Encounter Venues and gave local authorities in England and Wales the power to regulate them as Sex Establishments under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

It is intended that these new measures, once adopted, will give local people a greater say over where, and how many, lap dancing clubs open and operate in their neighbourhoods.

The Licensing Committee endorsed a Sexual Encounter Venue Policy Statement and Guidelines, subject to an amendment and agreed to make recommendations on matters which were not within the delegated authority of that Committee, including the fees for a sex shop and / or Sexual Encounter Venue Licence and the necessary delegation of powers to the relevant Head of Service.

It is therefore RECOMMENDED:

- (a) that the Council re-affirm the adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and adopt Section 27, paragraph 2(2) of Schedule 3 to the Policing and Crime Act 2009 with effect from 16th September 2010;
- (b) that the Council set a fee for a sex shop and / or Sexual Encounter Venue Licence and include that fee within the Council's Fees and Charges register as follows:-

▪ Grant	£920.00
▪ Renewal	£890.00
▪ Transfer	£135.00
- (c) that the Council delegates to the Head of Regulatory Services all powers under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and Section 27, paragraph 2(2) to the Policing and Crime Act 2009.

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BROMSGROVE DISTRICT COUNCIL

COUNCIL

15th September 2010

PERFORMANCE MANAGEMENT BOARD

Relevant Portfolio Holder	Councillor G N Denaro
Relevant Head of Service	Claire Felton
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 The Performance Management Board (PMB) was established as a local response to the Council being recognised a very poorly performing Council. The prevailing circumstances are now very different with the Council rated as Fair. In this context, it is considered that it is now timely to discontinue the PMB. It is proposed that certain functions carried out PMB be re-allocated to the Overview Board and the Scrutiny Board, as appropriate.

2. RECOMMENDATIONS

- 2.1 **That the Performance Management Board be discontinued with immediate effect.**
- 2.2 **That, as a consequence of 2.1 above:**
- (a) the terms of reference of the Scrutiny Board be varied to include having overall responsibility for monitoring performance improvement, identifying unsatisfactory progress or performance and making recommendations on remedial action to the Cabinet;**
 - (b) the terms of reference of the Overview Board be varied to include having overall responsibility for monitoring the Council Plan and the Sustainable Community Strategy and making recommendations to the Cabinet.**
- 2.3 **That the Head of Legal, Equalities and Democratic Services be given delegated authority to make the consequential amendments to the Council's Constitution.**

3. BACKGROUND

- 3.1 The Council established the PMB in autumn 2005. The purpose of the Board was to "have overall responsibility for monitoring and driving performance improvement of the Council". At that time, over 70% of the Council's performance indicators were worse than average, making the Council one of the worst, if not the worst performing Council in England. In addition, the Council's governance, budget management and ability to

deliver projects for the benefit of our residents was very poor. This situation was reflected in the Council accepting a Poor Comprehensive Performance Assessment (CPA) rating, without actually going through a CPA site visit.

- 3.2 PMB started receiving two key reports in early 2006: the corporate performance indicators and the Improvement Plan. In addition, PMB received a range of supplementary documentation relating to performance e.g. Council Plan, Annual Report, Data Quality Strategy, Performance Management Strategy, Community Strategy etc. Given the then state of the Council's performance management and performance delivery, the Board had a key role in working with Cabinet on turning around the performance of the Council.
- 3.3 The situation is now very different. The Council is Fair rated and the corporate performance indicator set is stable. The process of corporate prioritisation is embedded (3 out of 4 in the CPA report), project management is "on the way to be being embedded" and performance management of the corporate indicators has dramatically improved, with over 50% of the performance indicators now being above the All England average. The Council probably would have scored a 3 out of 4 on Performance Management in the last CPA, had it not been for the need to further improve the Council's overview and scrutiny arrangements.
- 3.4 Since the last CPA report, much work has been undertaken on Overview and Scrutiny, in particular, the creation of a separate Overview Board and a Scrutiny Board. In addition, a Joint Overview and Scrutiny Board also meets. Overview and Scrutiny is now considered effective, with some excellent work being undertaken in task and finish groups on: Older People, Improving Satisfaction and Democratic Involvement.
- 3.5 The visit to Selby District Council earlier this year (Weak to Excellent in four years), identified that the move from Fair to Excellent will not be about the performance indicators, which are now stable, but about delivering longer term visible outcomes e.g. town centre regeneration; improved customer services e.g. Customer Service Excellence accreditation; and improved communications and engagement. This change in emphasis is actually being reflected in the work of the task and finish groups (see previous paragraph).

4. KEY ISSUES

- 4.1 Based on the success of PMB on improving performance indicators, the changing strategic emphasis within the Council, the improved overview and

scrutiny function and the capacity of both Members and officers to support PMB, plus a full range of task and finish groups, it is recommended that PMB is now closed down.

- 4.2 It is acknowledged that non-executive Members still need to be able to hold the Executive to account for the strategic direction of the Council and its performance, so a range of documents that have been considered by PMB, will still need to be examined by Members. It is proposed that the Overview Board focus on strategic direction and the Scrutiny Board focus on performance management to include consideration of the documents indicated below:

Overview Board

- Council Plan
- Council Annual Report
- Sustainable Community Strategy
- Sustainable Community Strategy Annual Report

Scrutiny Board

- Improvement Plan (full document once a year)
- Performance Management Strategy/Data Quality Strategy
- Quarterly Finance & Performance Monitoring report

5. FINANCIAL IMPLICATIONS

- 5.1 The Chairman of PMB is entitled to an annual Special Responsibility Allowance under the Council's Members' Allowances Scheme (£3,197 in 2010/11). The demise of PMB would therefore generate a revenue saving.

6. LEGAL IMPLICATIONS

- 6.1 There is no legal requirement for an authority to have a Board or Committee specifically to deal with Performance Management.

7. POLICY IMPLICATIONS

- 7.1 There are no policy implications arising from this report. Decisions with regard to the establishment and terms of reference of Boards are matters for the full Council to consider.

8. COUNCIL OBJECTIVES

- 8.1 This report is linked to the Council's Improvement objective

9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

9.1 There are no significant risks associated with this item.

10. CUSTOMER IMPLICATIONS

10.1 None

11. EQUALITIES AND DIVERSITY IMPLICATIONS

11.1 None

12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

12.1 The demise of PMB would save officer time in supporting and administering the Board. From a Committee Services perspective it would increase the capacity of the team to support Overview and Scrutiny.

13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

13.1 None

14. HUMAN RESOURCES IMPLICATIONS

14.1 None

15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

15.1 As referred to in the body of the report.

16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998

16.1 None

17. HEALTH INEQUALITIES IMPLICATIONS

17.1 None

BROMSGROVE DISTRICT COUNCIL

COUNCIL

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18. LESSONS LEARNT

18.1 N/A

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

19.1 None

20. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	Yes
Executive Director (S151 Officer)	Yes
Executive Director – Leisure, Cultural, Environmental and Community Services	No
Executive Director – Planning & Regeneration, Regulatory and Housing Services	No
Director of Policy, Performance and Partnerships	Yes
Head of Service	Yes
Head of Resources	No
Head of Legal, Equalities & Democratic Services	Yes
Corporate Procurement Team	No

21. WARDS AFFECTED

All Wards

22. APPENDICES

None

BROMSGROVE DISTRICT COUNCIL

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23. BACKGROUND PAPERS

None

AUTHOR OF REPORT

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BROMSGROVE DISTRICT COUNCIL

COUNCIL

15th September 2010

OUTSIDE BODIES – LGA RURAL COMMISSION

Relevant Portfolio Holder	Geoff Denaro
Relevant Head of Service	Claire Felton

1. SUMMARY OF PROPOSALS

- 1.1 On 23 June 2010 Council made appointments to the list of non ex-officio outside bodies which included the LGA Rural Commission to which two representatives were appointed. As set out below Members are being asked to remove the LGA Rural Commission from the list of non ex-officio bodies to which representatives are appointed.

2. RECOMMENDATIONS

- 2.1 That the Council remove the LGA Rural Commission from the list of non ex-officio bodies to which representatives are appointed at Annual Council.
- 2.2 That the outside body appointments made to the LGA Rural Commission on 23 June 2010 be rescinded.

3. BACKGROUND

- 3.1 A number of local and regional community organisations request the Council to appoint a representative to sit on its governing body. Some of these appointments are for a term of one year and some are for longer. Each year the Council appoints representatives accordingly.
- 3.2 Members will recall that in 2009 the Council carried out a review of its outside body appointments. Council took the decision that it should no longer provide formally appointed representatives to a number of bodies which were not essential partner organisations for delivery of the Councils objectives. Council also agreed to revise the arrangements for appointments and set up a list of organisations to which appointments would be made on an ex officio basis. For members' information the current non ex officio appointments are set out in Appendix 1 and the ex officio appointments are set out in Appendix 2.

4. KEY ISSUES

BROMSGROVE DISTRICT COUNCIL

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15th September 2010

- 4.1 At the meeting of Council when this was last considered on 23 June 2010 Councillors Scurrall and Whittaker were appointed as the Council representatives on the LGA Rural Commission for a term of one year until May 2011.
- 4.2 Since 23 June further consideration has been given to the role performed by the LGA Rural Commission and the extent to which this currently links to the Council's objectives and priorities. Leading on from this, whether the LGA Rural Commission should remain subject to official appointments or whether it would be more appropriate for any Council involvement to be on a less formal basis. Members will recall that the ending of formal involvement with a number of bodies was one of the outcomes of the review in 2009. The situation having been reviewed It is considered that the Rural Commission may more properly fall under this category as opposed to continuing to be included on the list at Appendix A to which formal appointments are made.
- 4.3 As with outside bodies which were removed from the official list requiring appointment in 2009, there would be nothing to prevent any interested members continuing to be involved. However, this would no longer be on the grounds of an official appointment but as an informal arrangement.

5. FINANCIAL IMPLICATIONS

- 5.1 None.

6. LEGAL IMPLICATIONS

- 6.1 No specific legislation governs the appointment or nomination of members to outside bodies by the Council. Depending on the nature of the relationship the Council has with the organisation, the legal status of the organisation, its corporate, charity or other status and its constitution, there are differing legal implications for the members sitting on these bodies which will be considered by Council at a future date.
- 6.2 The Local Authorities (Indemnities for Members and Officers) Order 2004 governs the Council's ability to indemnify of members sitting on outside bodies. The insurance implications of the Council's relationship with the bodies with which members decide to retain a link will be considered by Council at a future date.

7. POLICY IMPLICATIONS

BROMSGROVE DISTRICT COUNCIL

COUNCIL

15th September 2010

7.1 None.

8. COUNCIL OBJECTIVES

8.1 CO3 – Sense of Community and Well-Being

9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

9.1 There are no risks associated with this report.

10. CUSTOMER IMPLICATIONS

10.1 The LGA Rural Commission will be notified if the decision is taken to no longer make official member appointments to it.

11. EQUALITIES AND DIVERSITY IMPLICATIONS

11.1 N/a

12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

12.1 N/a

13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

13.1 None

14. HUMAN RESOURCES IMPLICATIONS

14.1 None

15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

15.1 None

16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998

16.1 None

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17. HEALTH INEQUALITIES IMPLICATIONS

17.1 None

18. LESSONS LEARNT

18.1 N/a

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

19.1 None

20. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	No
Executive Director (S151 Officer)	No
Executive Director – Leisure, Cultural, Environmental and Community Services	No
Executive Director – Planning & Regeneration, Regulatory and Housing Services	No
Director of Policy, Performance and Partnerships	No
Head of Service	Yes
Head of Resources	No
Head of Legal, Equalities & Democratic Services	Yes
Corporate Procurement Team	No

21. WARDS AFFECTED

All wards

BROMSGROVE DISTRICT COUNCIL

COUNCIL

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22. APPENDICES

Appendix 1 – list of positions requiring appointment
Appendix 2 – ex officio appointments

23. BACKGROUND PAPERS

None

24. KEY

AUTHOR OF REPORT

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BROMSGROVE DISTRICT COUNCIL

COUNCIL

15th September 2010

Appendix 1

Organisation	Number of representative(s)
Amphlett Hall Management Committee	4
Bromsgrove Arts Centre Trust - charitable company no. 05455644	5
Bromsgrove Arts Development Trust ("the Artrix Holding Trust")	6
Bromsgrove Citizens' Advice Bureau	2
Bromsgrove Community Engagement Group	4
Bromsgrove District Housing Trust	2
Leaders' Board Strategy Advisory Panel (non ex officio nominee)	1
LGA Rural Commission	2
Shared Services Board	2 (One non ex officio controlling group and one non-controlling group nominee)
WCC Overview & Scrutiny Committee	1
WCC Corporate Parenting Steering Group	1
WCC Highways Partnership (Bromsgrove) Forum	2

BROMSGROVE DISTRICT COUNCIL

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Appendix 2

Age Concern	Portfolio Holder with responsibility for Older People
Bromsgrove Youth Homelessness Forum	Portfolio Holder with responsibility for Young People
Leaders' Board	Leader
Leaders' Board Strategy Advisory Panel	Deputy Leader
Midlands Joint Advisory Council for Environmental Protection	Member Champions for the Environment and for Climate Change
Shared Services Members Board	Leader Deputy Leader
LGA General Assembly	Leader (with nominated substitute of the Deputy Leader)
West Midlands Regional Assembly	Leader (with nominated substitute of the Deputy Leader)
Worcestershire Hub Board	Leader and Portfolio Holder with responsibility for Customer Service
Worcestershire Partnership	Leader (with nominated substitute of the Deputy Leader)

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BROMSGROVE DISTRICT COUNCIL

LICENSING COMMITTEE

Date 26TH JULY 2010

LICENSING - REGULATION OF SEXUAL ENCOUNTER VENUES UNDER SCHEDULE 3 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

Relevant Portfolio Holder	Councillor. P. Whittaker
Relevant Head of Service	Steve Jordan – Head of Worcestershire Regulatory Services.

1. SUMMARY OF PROPOSALS

1.1 The Policing and Crime Act 2009 reclassifies lap dancing clubs as Sexual Encounter Venues and gives Local Authorities in England and Wales the power to regulate them as Sex Establishments under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

1.2 These new measures took effect on the 6th April 2010 in England and when adopted by the Council will give local people a greater say over where, and how many, lap dancing clubs open and operate in their neighbourhoods.

2. RECOMMENDATIONS

2.1 The Committee is asked to recommend that Council

- a) **Re-affirm the adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, and adopt Section 27 paragraph 2(2) of Schedule 3 to the Policing and Crime Act 2009 with effect from (no more than 1 month after the day on which the resolution was passed).**
- b) **To set a fee for a Sex Shop and/or a Sexual Encounter Venue Licence and include that fee within the Council's Fees and Charges register:-**
- | | |
|------------|---------|
| • Grant | £920.00 |
| • Renewal | £890.00 |
| • Transfer | £135.00 |
- c) **To delegate to the Head of Worcestershire Regulatory Services all powers under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, and section 27 paragraph 2(2) of Schedule 3 to the Policing and Crime Act 2009.**

LICENSING COMMITTEE

Date 26TH JULY 2010

3. BACKGROUND

3.1 The Council has adopted the Local Government (Miscellaneous) Act 1982 and, under Schedule 3 can regulate the licensing of Sex Shops.

3.2 The Policing and Crime Act 2009 came into force on 6th April 2010 and introduced a new category of sex establishment called a "Sexual Encounter Venue" which will allow Local Authorities to regulate lap dancing clubs and similar venues as an amendment to Schedule 3 of the Local Government (Miscellaneous Provisions) 1982.

3.3 Such venues offer entertainment commonly described as:

- Lap dancing
- Pole dancing
- Table dancing
- Strip Shows
- Peep shows
- Live sex show

3.4 A full definition of Relevant Entertainment is attached at Appendix 1.

3.5 Premises that are not sexual encounter venues include:

- Sex shops and sex cinemas (which are separately defined in Schedule 3 to the 1982 Act).
- Premises which provide 'Relevant Entertainment on an infrequent basis.

3.6 It also includes premises where:

- No 'Relevant Entertainment' has been provided on more than 11 occasions within a 12 month period.
- No such occasion has begun within a period of one month beginning with the end of the previous occasion; and
- No such occasion has lasted longer than 24 hours
- Other premises or types of performances or displays exempted by the Secretary of State.

3.7 These premises will continue to be regulated under the Licensing Act 2003.

LICENSING COMMITTEE

Date 26TH JULY 2010

4. KEY ISSUES

- 4.1 Local Authorities are not required to publish a licensing policy relating to Sex Establishments but can produce a different policy or criteria for different types of sex establishments. This might be appropriate to reflect distinctions between the operating requirements of different Sex Establishments or the fact that the location deemed appropriate for a Sex Shop may be different to that of a Sexual Encounter Venue. A draft Policy statement is attached at Appendix 2.

5. FINANCIAL IMPLICATIONS

- 5.1 Schedule 3 to the 1982 Act states that an application for the grant, renewal or transfer of a sex establishment licence shall pay a reasonable fee determined by the appropriate authorities, but does not expand on what would be considered to be reasonable.

- 5.2 The suggested fee for a Sexual Encounter Venue is as follows:

• Grant	£920.00
• Renewal	£890.00
• Transfer	£135.00

6. LEGAL IMPLICATIONS

- 6.1 Licenses for Sexual Encounter Venues can be granted for up to one year and most Sexual Encounter Venues will also require a 2003 Act Licence.

- 6.2 The Council is able to impose conditions and restrictions on a Licence, in the form of Conditions and may address such matters as:

- The hours of opening and closing
- Displays and advertisements on or in sex establishments
- The visibility of the interior of a sex establishment to passers-by
- Any change of use from one kind of sex establishment to another.

- 6.3 When considering an application for grant, renewal or transfer of a licence, the appropriate authority should have regard to any observations submitted to it by the Chief Officer of Police and any objections that they have received from anyone else within 28 days of the application.

- 6.4 Objections should not be based on moral grounds or values.

LICENSING COMMITTEE

Date 26TH JULY 2010

- 6.5 Objectors must give notice of their objection in writing, stating the terms of the objection.
- 6.6 In the event that the appropriate authority refuses an application for the grant, renewal or transfer of a Sexual Encounter Venue, the applicant may appeal the decision in a Magistrates' Court.
- 6.7 Authorities may refuse an application on grounds related to an assessment of the 'relevant locality'
- 6.8 Where adopted, these provisions will allow Local Authorities to refuse an application on potentially wider grounds that is permitted under the 2003 Act and will give local people a greater say over the regulation of lap dancing clubs and similar venues in their area.
- 6.9 A licence can be refused if either at the time, the application is determined the number of sex establishments, or sex establishments of a particular kind, in the relevant locality is equal to or exceeds the number that the authority considers appropriate for that locality; or that a sex establishment would be inappropriate having regard to the character of the relevant locality, the use to which any premises in the vicinity are put, or the layout, character or condition of the premises.
- 6.10 Nil may be the appropriate number.

7. POLICY IMPLICATIONS

- 7.1 Please refer to 4.1 and Legal implications.

8. COUNCIL OBJECTIVES

- 8.1 This proposal contributes to the Council's objective "One Community"

9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

- 9.1 The main risk associated with the detail included in this report is:
- Entertainment as described in 3.3 being conducted without the necessary licence or safeguards in place.
- 9.2 This risk is being managed as follows:

Risk register: Planning and Environment Services

LICENSING COMMITTEE

Date 26TH JULY 2010

Key Objective Ref No. 7

Key Objective: Effective, efficient and legally compliant Licensing Service

10. CUSTOMER IMPLICATIONS

10.1 None

11. EQUALITIES AND DIVERSITY IMPLICATIONS

11.1 None

12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

12.1 None

13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

13.1 None

14. HUMAN RESOURCES IMPLICATIONS

14.1 These changes will be incorporated within the current licensing workforce.

15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

15.1 None

16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998

16.1 None

17. HEALTH INEQUALITIES IMPLICATIONS

17.1 None

18. LESSONS LEARNT

18.1 None

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

BROMSGROVE DISTRICT COUNCIL

LICENSING COMMITTEE

Date 26TH JULY 2010

19.1 Consultation with Local People; while there is not statutory duty to do so, prior to deciding whether to pass a resolution, Local Authorities may, as a matter of good practice, seek the views of local people and businesses.

19.2 Each application for a Sex Encounter Venue will be consulted upon within its location and in line with local policy.

20. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	No
Executive Director (S151 Officer)	No
Executive Director – Leisure, Cultural, Environmental and Community Services	No
Executive Director – Planning & Regeneration, Regulatory and Housing Services	Yes
Director of Policy, Performance and Partnerships	No
Head of Service	Yes
Head of Resources	No
Head of Legal, Equalities & Democratic Services	Yes
Corporate Procurement Team	No

21. WARDS AFFECTED

All Wards are affected by this report

22. APPENDICES

- Appendix 1 - Definition of relevant entertainment
- Appendix 2 - Draft Policy Statement

BROMSGROVE DISTRICT COUNCIL

LICENSING COMMITTEE

Date 26TH JULY 2010

23. BACKGROUND PAPERS

Local Government (Miscellaneous Provisions) Act 1982
Policing and Crime Act 2009 (Web based)
Home Office Guidance for England and Wales (Web based)

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Appendix 1

Definitions (S.27 Policing and Crime Act 2009)

MEANING OF “SEXUAL ENCOUNTERS VENUE”

2A

- (1) In this Schedule “sexual encounter Venue” means any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.
- (2) In this paragraph “relevant entertainment” means -
 - (a) any live performance; or
 - (b) any live display of nudity;Which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).
- (3) The following are not sexual encounter venues for the purposes of this Schedule -
 - (a) sex cinemas and sex shops;
 - (b) premises at which the provision of relevant entertainment as mention in sub-paragraph (1) is such that, at the time in question and including any relevant entertainment which is being so provided at that time –
 - (i) there have not been more than eleven occasions on which relevant entertainment has been so provided which fall (wholly or partly) within the period of 12 months ending with that time;
 - (ii) no such occasion has lasted for more than 24 hours; and
 - (iii) no such occasion has begun within the period of one month beginning with the end of any previous occasion on which relevant entertainment has been so provided (whether or not that previous occasion falls within the 12 month period mentioned in sub-paragraph (i));

NOTES

‘audience’ includes an audience of one

‘display of nudity’ means –

- (a) in the case of a woman, exposure of her nipples, pubic area, genitals or anus; and
- (b) in the case of a man, exposure of his pubic area, genitals or anus;

‘the organiser’ in relation to the provision of relevant entertainment at premises, means any person who is responsible for the organisation or management of –

- (a) the relevant entertainment; or
- (b) the premises;

‘premises’ includes any vessel, vehicle or stall but does not include any private dwelling to which the public is not admitted.

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Appendix 2

SEXUAL ENCOUNTER VENUE POLICY STATEMENT AND GUIDELINES

POLICY STATEMENT

The Bromsgrove District Council will treat each case on its own merits but is unlikely to approve applications for a Sexual Encounter Venue in areas that are predominantly residential or close to 'sensitive premises' such as schools, places of religious worship etc., or where they consider such an application is inappropriate to the character of the relevant locality or the use or layout, character or condition of the premises, vessel or vehicle.

GUIDELINES

The Policing and Crime Act 2009 (Section 27) introduced from 6th April 2010 a new category of sex establishment called "Sexual Encounter Venue" which will allow local authorities to regulate lap dancing clubs and similar venues under Schedule 3 Local Government (Miscellaneous Provisions) Act 1982

Meaning of 'Sexual Encounter Venue'

'Any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer'

Relevant Entertainment is

'Any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or others means)'

An audience can consist of just one person (e.g. where the entertainment takes place in private booths).

The Local Authority will judge each case on its merits but would expect that the definition of relevant entertainment would apply to the following forms of entertainment as they are commonly understood:

- Lap dancing
- Pole dancing
- Table dancing
- Strip shows
- Peep shows
- Live Sex Shows

For the purpose of these provisions a premises includes any vessel, vehicle or stall, but does not include a private dwelling to which the public are not admitted.

A licence must not be granted

- (a) to a person under the age of 18 years
- (b) to a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the authority within the last 12 months
- (c) to a person, other than a body corporate, who is not resident in an EEA State or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- (d) to a body corporate which is not incorporated in an EEA State; or
- (e) to a person who has within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel, or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

A Licence may be refused where:

- (a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- (b) if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal, or transfer of such a licence if he made the application himself; or
- (c) the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time of the application is determined is equal to or exceeds the number of which the authority consider it appropriate for that locality; Nil may be an appropriate number.
- (d) That the grant or renewal of the licence would be inappropriate having regard:-
 - (i) to the character of the relevant locality
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

A decision to refuse a licence must be relevant to one or more of the above grounds.