

**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE CABINET**

**WEDNESDAY, 2ND JUNE 2010 AT 6.00 P.M.**

PRESENT: Councillors R. Hollingworth (Chairman), G. N. Denaro (Vice-Chairman), Dr. D. W. P. Booth JP, Mrs. J. Dyer M.B.E., Mrs. M. A. Sherrey JP, R. D. Smith and P. J. Whittaker (during part of Minute No. 4/10 to Minute No. 16/10)

Observers: Councillors S. R. Colella, E. J. Murray, D. L. Pardoe, C. R. Scurrall and C. B. Taylor

Officers: Mr. K. Dicks, Mr. J. Godwin, Ms. A. Heighway, Ms. T. Kristunas, Mrs. S. Sellers and Ms. R. Cole.

1/10 **APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor M.J. A. Webb.

2/10 **DECLARATIONS OF INTEREST**

Councillors Mrs. M. A. Sherrey JP and R. D. Smith declared a personal and prejudicial interest in agenda item 14 (Artrix – Incorporation of Operating Trust) as Members of the Bromsgrove Arts Centre Operating Trust and left the meeting during the consideration of this item.

3/10 **MINUTES**

The minutes of the meeting of the Cabinet held on 28th April 2010 were submitted.

**RESOLVED** that the minutes be approved as a correct record.

4/10 **MULTI-USE GAMES AREA AT SWANS LENGTH OPEN SPACE**

The Cabinet considered a report on issues relating to the Multi-Use Games Area (MUGA) at Swans Length Open Space, Alvechurch.

Complaints had been received from residents in relation to anti social behaviour centred around the MUGA. Public consultation and engagement through a residents' focus group had indicated whilst those living closest to the MUGA supported its removal, other residents felt the facility was important for young people in the area and wished to see it retained.

It was also reported that two petitions had been received one requesting the removal of the MUGA from Swans Length and another (in two parts)

supporting the retention of the facility in its current location. The Council's policy on petitions required that the petitions be referred to the Council's Joint Overview and Scrutiny Board for consideration.

There was discussion on the work undertaken to date by officers to address the problems experienced together with possible further actions which could be taken in conjunction with the local Police and other partners. The Leader referred to discussions which had taken place with the Local Policing Team.

**RESOLVED:**

- (a) that in accordance with the Council's existing policy, the petitions received in favour and against the retention of the MUGA at Swans Length, Alvechurch be referred to the next meeting of the Joint Overview and Scrutiny Board for further consideration;
- (c) that the Board be requested to investigate the issue and to make recommendations to the Cabinet within six months; and
- (b) that in the meantime, officers be requested to further consider the position and to work with the local Police, partners and residents to identify ways of alleviating the difficulties at the site .

5/10 **SCRUTINY BOARD**

The minutes of the meeting of the Scrutiny Board held on 22nd April 2010 were submitted.

**RESOLVED** that the minutes be noted.

6/10 **OVERVIEW BOARD**

The minutes of the meeting of the Overview Board held on 27th April 2010 were submitted.

**RESOLVED** that the minutes be noted.

7/10 **PERFORMANCE MANAGEMENT BOARD**

The minutes of the meeting of the Performance Management Board held on 17th May 2010 were submitted.

**RESOLVED** that the minutes be noted.

8/10 **VERBAL UPDATES FROM THE LEADER AND/OR OTHER CABINET MEMBERS ON ANY RECENT MEETINGS ATTENDED IN AN EX-OFFICIO CAPACITY**

There were no updates on this occasion.

9/10 **EARMARKED RESERVES 2009/2010**

The Cabinet considered a report on the earmarked reserves for 2009/2010 together with a proposal to create new reserves where required in order to support the future plans of the Council.

**RESOLVED:**

- (a) that the establishment of new reserves of £235,000 as set out in section 4.3 of the report be approved;
- (b) that the release of reserves of £599,000 as set out in the appendix to the report, which reflected the approval required for January to March 2010, be approved; and
- (c) that the addition of £366,000 to existing reserves as detailed in the appendix to the report, which reflected the approval required for January to March 2010, be approved.

10/10 **ACCESS POLICY FOR TRANS-PEOPLE (SPORTS AND LEISURE SERVICES AND FACILITIES)**

The Cabinet considered a report on the proposed adoption of a policy in relation to Access for Transitioning People to Sports and Leisure Services and Facilities.

It was reported that the policy established clear guidelines for staff and members of the public when dealing with or meeting a transitioning person in order that access to the sports and leisure services and facilities of their choice could be maintained.

During the discussion of this item Members acknowledged that the policy was another stage in the work undertaken as part of the Council's Equality and Diversity agenda.

**RESOLVED** that the Access Policy for Transitioning People - Sports and Leisure Services and Facilities, attached as an appendix to the report, be approved.

11/10 **PROPOSED BROMSGROVE MEMORIAL/TRIBUTE**

Consideration was given to a report on a proposal received from the THANKSS charity (To Honour and Acknowledge those Killed and Still Serving) to erect a suitable memorial/tribute to the armed services within the Bromsgrove town area.

It was reported that the charity was seeking the grant of a licence in respect of the Council owned land at Amphlett Hall, Crown Close, Bromsgrove and that the erection of the memorial/tribute would be subject to the grant of planning permission.

**RESOLVED:**

- (a) that the development of a memorial/tribute on land at Amphlett Hall, Crown Close, Bromsgrove to honour all of the armed services be approved in principle;
- (b) that, subject to the charity being registered and producing a business plan to demonstrate the viability of the project, a licence be granted to the THANKSS charity to enable the erection of the memorial/tribute on the land;
- (c) that the Section 151 Officer in consultation with the Portfolio Holder for Community Cohesion and Engagement be authorised to approve the detailed business case and design of the memorial/tribute, and to monitor the delivery of the project.

12/10 **WORCESTERSHIRE PARTNERSHIP TERMS OF ENGAGEMENT**

The Cabinet considered a report on a proposed protocol to be observed by all members of the Worcestershire Partnership when considering future budgets.

**RESOLVED** that the Worcestershire Partnership – Terms of Engagement be endorsed.

13/10 **PERFORMANCE REPORT (APRIL 2010)**

The Cabinet considered a report on the Council's performance as at 30th April 2010 (period 1).

Members raised a number of issues on particular indicators, including missed waste collections, processing of new benefit claims, speed of answer of calls at the Customer Service Centre and sickness absence. Some of the reasons for targets not being met were discussed however, as this was the first month of the year it was recognised it was too early at this stage to assume there was particular cause for concern.

**RESOLVED:**

- (a) that the changes to the Performance Indicator set reported corporately and the changes to the structure of the report as set out in section 3.3 of the report be noted;
- (b) that it be noted that 56% of Performance Indicators for which information was available had met their monthly target in April;
- (c) that the performance figures for March 2010 as set out in appendix 2 be noted; and
- (d) that the areas of concern as set out in section 4.3 of the report be noted.

14/10 **ARTRIX - INCORPORATION OF OPERATING TRUST**

The Cabinet considered a report on the proposal of the Bromsgrove Arts Centre Trust (the Operating Trust) to become a charitable company limited by guarantee. It was noted that the incorporation of the Operating Trust would require some consequential amendments to the lease and various agreements relating to the Artrix.

**RESOLVED:**

- (a) that the proposed incorporation of the Operating Trust be noted;
- (b) that the Licence to Assign and Deed of Variation in respect of the lease be approved and the Head of Legal, Equalities and Democratic Services be authorised to sign these documents;
- (c) that the Deed of Novation of the Overarching Agreement and the Deed of Novation of the Dual User Agreement be approved and the Head of Legal, Equalities and Democratic Services be authorised to sign these documents; and
- (d) that the Head of Leisure and Cultural Services be authorised to revise the Service Level Agreement in order to reflect the transfer from the Operating Trust to the new company.

15/10 **LOCAL GOVERNMENT ACT 1972**

**RESOLVED** that under Section 100 I of the Local Government Act 1972, as amended, the public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of "Exempt Information" as defined in part I of schedule 12A to the Act, as amended, the relevant paragraph of that part being as set out below, and that it is in the public interest to do so.

Minute No.  
16/10

Paragraph  
3

16/10 **VICTORIA GROUND LEASE**

The Cabinet considered a report on the submissions received in relation to the lease of the Victoria Ground, Bromsgrove. Following discussion it was

**RESOLVED:**

- (a) that the contents of the submissions received and the outcome of the scoring matrix exercise be noted;
- (b) that in view of (a) above the lease be offered to Bromsgrove Sporting Limited, subject to the final negotiations as set out in 4.1 of the report; and
- (c) that the Executive Director of Finance and Corporate Resources, the Head of Legal, Equalities and Democratic Services and the Head of Leisure and Cultural Services be authorised to complete the lease arrangements/agreement.

The meeting closed at 7.48 p.m.

Chairman