



**BROMSGROVE DISTRICT COUNCIL**

**CABINET**

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

**COMMITTEE ROOM, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE**

**AGENDA**

MEMBERS: 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, M. J. A. Webb and P. J. Whittaker

1. To receive apologies for absence
2. Declarations of Interest
3. To confirm the accuracy of the minutes of the meeting of the Cabinet held on 28th April 2010 (Pages 1 - 6)
4. Minutes of the meeting of the Scrutiny Board held on 22nd April 2010 (Pages 7 - 12)
  - (a) To receive and note the minutes
  - (b) To consider any recommendations contained within the minutes
5. Minutes of the meeting of the Overview Board held on 27th April 2010 (Pages 13 - 18)
  - (a) To receive and note the minutes
  - (b) To consider any recommendations contained within the minutes
6. Minutes of the meeting of the Performance Management Board held on 17th May 2010 (Pages 19 - 22)
  - (a) To receive and note the minutes
  - (b) To consider any recommendations contained within the minutes

7. To receive verbal updates from the Leader and/or other Cabinet Members on any recent meetings attended in an ex-officio capacity
8. Earmarked Reserves 2009/2010 (to follow)
9. Multi Use Games Area (MUGA) at Swanslength Open Space (to follow - the matter is subject to further public consultation on 27th May 2010)
10. Access Policy for Trans-People (Sports and Leisure Services and Facilities) (Pages 23 - 30)
11. Proposed Bromsgrove Memorial/Tribute (Pages 31 - 36)
12. Worcestershire Partnership Terms of Engagement (Pages 37 - 40)
13. Performance Report (April 2010) (Pages 41 - 46)
14. Artrix - Incorporation of Operating Trust (Pages 47 - 52)
  - Appendices For Agenda Item 10 - Access Policy For Trans-People (Sports And Leisure Services And Facilities) (Pages 53 - 74)
  - Appendix For Agenda Item 12 - Worcestershire Partnership Terms Of Engagement (Pages 75 - 76)
  - Appendices For Agenda Item 13 - Performance Report (April 2010) (Pages 77 - 90)
15. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman, by reason of special circumstances, considers to be of so urgent a nature that it cannot wait until the next meeting
16. To consider, and if considered appropriate, to pass the following resolution to exclude the public from the meeting during the consideration of item of business containing exempt information:-

**"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, in each case, being as set out below, and that it is in the public interest to do so:-

<u>Item No.</u>	<u>Paragraph(s)</u>	"
17	3	

17. Victoria Ground Lease (Pages 91 - 142)

The Council House  
Burcot Lane  
BROMSGROVE  
Worcestershire  
B60 1AA

24th May 2010

K. DICKS  
Chief Executive

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# Agenda Item 3

## BROMSGROVE DISTRICT COUNCIL

### MEETING OF THE CABINET

WEDNESDAY, 28TH APRIL 2010, AT 6.00 P.M.

PRESENT: Councillors R. Hollingworth (Chairman), G. N. Denaro (Vice-Chairman),  
Dr. D. W. P. Booth JP, J. T. Duddy, Mrs. J. Dyer M.B.E.,  
Mrs. M. A. Sherrey JP and R. D. Smith

Observers: Councillors S. R. Colella, D. L. Pardoe and C. B. Taylor

Officers: Mr. K. Dicks, Ms. S. Hanley and Ms. R. Cole.

193/09 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors M. J. A. Webb and P. J. Whittaker.

194/09 **DECLARATIONS OF INTEREST**

Councillors Mrs. M. A. Sherrey JP and R. D. Smith declared a personal and prejudicial interest in the matter raised under agenda item 16 as a matter of urgency (the Artrix) as members of the Bromsgrove Arts Centre Operating Trust and left the meeting during consideration of this item.

195/09 **MINUTES**

The minutes of the meeting of the Cabinet held on 7th April 2010 were submitted.

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

196/09 **OVERVIEW BOARD**

The minutes of the meeting of the Overview Board held on 30th March 2010 were submitted. The Chairman of the Board, Councillor S. R. Colella also gave a brief verbal update on items discussed at the meeting of the Board held on 27th April 2010.

**RESOLVED** that the minutes be noted.

197/09 **LOCAL DEVELOPMENT FRAMEWORK WORKING PARTY**

The minutes of the meeting of the Local Development Framework Working Party held on 15th April 2010 were submitted.

**RESOLVED:**

- (a) that the minutes be noted;
- (b) that the recommendation contained at Minute No 28/09 relating to the Revised Local Development Scheme be approved; and
- (c) that the recommendation contained at Minute No 31/09 relating to Managing Housing Supply SPG10 be approved.

198/09 **PERFORMANCE MANAGEMENT BOARD**

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

**RESOLVED:**

- (a) that the minutes be noted.
- (b) that the recommendation contained at Minute No 95/09 relating to the Lean Management Process be approved.

199/09 **BROMSGROVE LOCAL STRATEGIC PARTNERSHIP**

The minutes of the meeting of the Bromsgrove Local Strategic Partnership held on 23rd March 2010 were submitted.

**RESOLVED** that the minutes be noted.

200/09 **SHARED SERVICES BOARD**

The minutes of the meeting of the Shared Services Board held on 20th April 2010 were submitted.

**RESOLVED** that the minutes be noted.

**RECOMMENDED:**

**Overarching Strategic Alliance /Framework Agreement**

- (a) that the overarching Strategic Alliance/Shared Services Framework Agreement , as amended, be approved; and
- (b) that the Leader of the Council be authorised to sign the agreement on behalf of the Authority.

**North Worcestershire Economic Regeneration and Development**

- (a) that the four principal recommendations from the “Inspira” report “Review of Economic Regeneration and Development – Strategy and Arrangements” as amended be approved; and
- (b) that the delivery of a North Worcestershire Economic and Regeneration service by a single team hosted by Wyre Forest District Council be approved.

**Implementation Plan**

- (a) that an Implementation Plan be agreed between Bromsgrove District Council, Redditch Borough Council and Wyre Forest District Council

with effect from 1st October 2010 or such other date as may be agreed by the three Councils, such Implementation Plan to deal with those matters set out in paragraph 4.27 of the report submitted to the Shared Services Board dated 20th April 2010.

201/09 **VERBAL UPDATES FROM THE LEADER AND/OR OTHER CABINET MEMBERS ON ANY RECENT MEETINGS ATTENDED IN AN EX-OFFICIO CAPACITY**

The Leader reported on a meeting of the West Midlands Leaders Board which he had recently attended and a forthcoming meeting of the City Region Board. In addition reference was made to the Birmingham to Worcester Investment Vehicle (formerly Central Technology Belt).

The Deputy Leader referred to a recent meeting of the Worcestershire Partnership which he had attended with the Chief Executive.

202/09 **WORCESTERSHIRE ENHANCED TWO TIER - APPOINTMENT TO JOINT COMMITTEE AND DELEGATION OF REGULATORY SERVICES FUNCTIONS**

The Cabinet considered a report relating to the Worcestershire Enhanced Two Tier (WETT) programme and in particular the arrangements for the Worcestershire Shared Services Joint Committee.

It was reported that whilst the Joint Committee would be overseeing shared services provided under the WETT programme, each Council would still be deciding its own policy on the services provided.

**RESOLVED:**

- (a) that the Council's nomination of Councillor Mrs. M. Bunker and Councillor P. J. Whittaker as this Council's representatives on the Worcestershire Shared Services Joint Committee be approved and that their term of office continue until the Annual Council Meeting in 2011;
- (b) that the Regulatory Services functions currently delegated to Cabinet be delegated to the Worcestershire Shared Services Joint Committee.

203/09 **CHANGES TO GOVERNANCE ARRANGEMENTS**

The Cabinet considered a report on the requirement of the Local Government and Public Involvement in Health Act 2007 that every Authority operating a Leader and Cabinet model change its executive arrangements in accordance with a statutory timetable. Following discussion it was

**RECOMMENDED:**

- (a) that the Leader and Cabinet Executive (England) Model known as the "Strong Leader" model be the model on which public consultation is based; and
- (b) that the public consultation be undertaken on a modest basis and that views be sought by way of methods such as "Together Bromsgrove" and the Council's website.

204/09 **ECONOMIC DEVELOPMENT STRATEGY**

Consideration was given to a report on Economic Development Priorities for the District.

It was noted that the report largely focused on the achievements so far and contained a schedule of items to be progressed in the future.

It was recognised that the development of the North Worcestershire Strategy, through working in partnership with Redditch Borough Council and Wyre Forest District Council, was the way forward and that priorities and activities in relation to the Bromsgrove District would be included within the Joint Strategy.

**RESOLVED:**

- (a) that the contents of the report be noted and officers be requested to continue to address the actions and priorities set out in the report ;and
- (b) that the North Worcestershire Economic Development Strategy be progressed as soon as possible including priorities and actions focussing upon the needs and aspirations of the Bromsgrove District.

205/09 **HOT FOOD TAKEAWAYS - SUPPLEMENTARY PLANNING DOCUMENT**

The Cabinet considered a report giving an update on the position relating to the draft Hot Food Takeaways Supplementary Planning Document (SPD).

The report set out in detail the background work which had been undertaken by the Council's Strategic Planning Team in preparing a draft SPD.

It had become apparent that the Government Office West Midlands were unwilling to allow Authorities to use SPDs to introduce new policies rather than supplementing existing policy. This had already been demonstrated in relation to the attempt to introduce an Affordable Housing SPD. Officers were of the opinion that the Hot Food Takeaways SPD did not expand on existing policies within the Bromsgrove District Local Plan but introduced new policy.

In addition, in relation to Hot Food Takeaways, it had proved impossible to gather the necessary justifying evidence in relation to either health or public order issues to support the production of an SPD.

The Cabinet recognised the work which had been undertaken previously on this issue by Members through the Scrutiny process and by officers and expressed disappointment that the production of an SPD at this time would appear to be extremely unlikely to succeed. It was felt that it would be important to communicate to the public the reasons for not proceeding at this time.

**RESOLVED** that in view of the lack of a supporting policy in the adopted Bromsgrove District Local Plan, together with the insubstantial local evidence that Hot Food Takeaways are directly impacting on the sense of community and well being and the environment, no further action be taken in respect of



the production of a Hot Food Takeaway SPD at this time but that the position be kept under review.

206/09 **IMPROVEMENT PLAN EXCEPTION REPORT (MARCH 2010)**

Consideration was given to the Improvement Plan Exception report for March 2010 together with the corrective action being taken.

**RESOLVED:**

- (a) that the revisions to the Improvement Plan Exception Report together with the corrective action being taken be approved; and
- (b) that it be noted that for the 85 actions highlighted for March within the plan 67.1 percent were on target (green), 4.7 percent were one month behind (amber) and 3.5 percent were over one month behind (red). In addition it was noted that 24.7 percent of actions had been reprogrammed or suspended with approval.

207/09 **PERFORMANCE MONITORING REPORT (MARCH 2010)**

The Cabinet considered a report on the Council's performance as at 31st March 2010 (period 12).

The Cabinet noted the good level of performance but raised the general issue of whether targets were now sufficiently challenging.

In addition concern was expressed regarding the rise in the number of violent crimes. The Executive Director (Leisure, Culture, Environment and Community Services) reported that the Community Safety Partnership was addressing this and violent crime was priority for 2010/2011. An action plan was being developed by the Partnership and the Tasking Groups would be "drilling down" in detail to individual cases.

**RESOLVED:**

- (a) that it be noted that 49 percent of Performance Indicators were stable or improving;
- (b) that it be noted that 69 percent of Performance Indicators that had a target had met or were projected to meet their target as at the year end;
- (c) that the performance figures for March 2010 as set out in the report be noted;
- (d) that the particular areas of improvement as set out in section 4.2 of the report be noted;
- (e) that the areas of concern as set out in section 4.3 of the report be noted;
- (f) that the Performance Management Board be requested to consider whether the targets set are now sufficiently challenging and whether the indicators contained within the Council Plan are the most appropriate for measuring the Council's own priorities.

208/09 **THE ARTRIX**

(The Leader agreed to the consideration of this item as a matter of urgency as a decision was required prior to the next meeting of the Cabinet).

The Leader reported on the requirement for the potential Blue Light Campus to gain access over part of the land leased by the Artrix Operating Trust. Negotiations were ongoing with the appropriate parties regarding the arrangements for the drawing up of the necessary legal documentation although information was awaited from the Police. Following discussion it was

**RESOLVED:** that officers be requested to progress the necessary legal requirements to allow the Blue Light Centre to gain access over land leased by the Artrix Operating Trust as soon as possible.

The meeting closed at 7.55 p.m.

Chairman

## BROMSGROVE DISTRICT COUNCIL

### MEETING OF THE SCRUTINY BOARD

THURSDAY, 22ND APRIL 2010 AT 6.00 P.M.

PRESENT: Councillors D. L. Pardoe (Chairman), C. B. Taylor (Vice-Chairman),  
S. R. Peters, C. R. Scurrall and C. J. Tidmarsh

Officers: Mrs. S. Hanley, Mr. J. Godwin, Ms. R. Dunne, Mr. M. Carr and  
Ms. A. Scarce

81/09 **APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor R. J. Deeming.

82/09 **DECLARATIONS OF INTEREST AND WHIPPING ARRANGEMENTS**

No declarations of interest or whipping arrangements were received.

83/09 **MINUTES**

The minutes of the meeting of the Scrutiny board held on 23rd March 2010 were submitted.

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

84/09 **VERBAL UPDATE ON PROGRESS OF THE IMPROVING RESIDENTS' SATISFACTION TASK GROUP (TASK GROUP CHAIRMAN: COUNCILLORS. R. COLELLA)**

In the absence of the Chairman of the Improving Residents' Satisfaction Task Group, the Committee Services Officer reported that the draft recommendations had been discussed at a Task Group meeting on 13th April 2010. The meeting had been attended by the Portfolio Holders for Finance and Resources and One Community, who had contributed to the amendment of the draft recommendations. Members were informed that it was anticipated that the final report of the Task Group would be brought to the Scrutiny Board meeting on 15th June 2010.

85/09 **VERBAL UPDATE ON CHAIRMAN'S QUARTERLY MEETING WITH THE LEADER**

The Chairman advised that the following issues had been discussed at the Chairman's quarterly meeting with the Leader:

- The attendance of portfolio holders at task group and Board meetings.

- Pressure on officer time, particularly in respect of attendance at task group meetings. The Scrutiny Officer confirmed that this should be addressed as part of the planning of the new Work Programme.
- The Sports Development Programme as a possible scrutiny exercise. The Head of Leisure and Cultural Services agreed that this would be an interesting exercise for the Board to undertake and gave some background detail as to the funding the Council received and the level of flexibility, which may be less than Members would expect. The Head of Leisure and Cultural Services advised that it would be most appropriate for the Board to consider this investigation in September/October 2010, after the summer activity schemes had been completed. Members could then consider at that time whether it was appropriate to investigate the Sports Development Programme in more detail.
- Working with our partners and in particular the Local Strategic Partnership (LSP). The Scrutiny Officer advised Members that a report on Overview and Scrutiny would be presented to the LSP at its next meeting. This would provide the LSP with background information on the role of Overview and Scrutiny and assist in informing the Boards on key issues and the development of a relationship with the LSP. Members agreed that, as this relationship developed it may be appropriate for the Chairman of the Scrutiny Board to attend a future meeting should any relevant recommendation be presented. It would also provide tangible issues for the Board to consider scrutinising in the future.

## 86/09 **PRESENTATION - ENGAGING WITH YOUNG PEOPLE IN BROMSGROVE**

The Board received a presentation on Children and Young People including the Every Child Matters agenda, from the Senior Corporate Policy and Performance Officer. The presentation covered the following areas:

- Recent activities organised by the Council including U Decide
- Worcestershire Children & Young People's Plan
- Every Child Matters Agenda
- Every Child Matters Outcomes Framework, which included Stay Safe, Make a Positive Contribution, Be Healthy, Enjoy and Achieve and Achieve Economic Wellbeing
- Upcoming projects and events
- Working in partnership; particularly with the LSP

In response to the presentation, the Board discussed the following in detail:

- The future funding available for the U Decide project
- Diversionary sessions carried out on behalf of the Crime and Disorder Reduction Partnership (CDRP)
- Issues relating to CDRP and which may be more appropriately covered by the Joint Overview and Scrutiny Board
- The work carried out by the TRUNK
- Drug and alcohol related issues and teenage pregnancies
- National indicators relating to the Every Child Matters Outcomes Framework

- Corporate priorities

The Board discussed the inclusion of Children and Young People and Every Child Matters in the Scrutiny Board's Work Programme and the Scrutiny Officer suggested that the draft terms of reference could be "to review the work of the Worcestershire Children and Young People's Plan against the requirements of the Every Child Matters Agenda to identify areas where we are delivering well and areas which need further action".

Members were impressed with the services that the Council already provided for children and young people and suggested that this should receive greater promotion, through an article within Together Bromsgrove. It was also noted that many Members may not be aware of the wide range of services available. The Senior Corporate Policy and Performance Officer confirmed that she was investigating the use of a regular Member/staff briefing or newsletter which would provide information on forthcoming events and also look back at what had been achieved. The Senior Corporate Policy and Performance Officer agreed with Members that the Council should promote its achievements more in the future. Following this discussion it was

**RESOLVED** that Children and Young People be referred as a possible item for the Scrutiny Board's 2010/11 Work Programme.

87/09 **VERBAL UPDATE ON COUNTYWIDE FLOODING SCRUTINY TASK GROUP REVIEW**

The Chairman confirmed that he had been unable to meeting with the Head of Environmental Services and therefore had sent his apologies to the Countywide Flooding Scrutiny Task Group Review meeting, which had taken place on 22nd April 2010.

Members were concerned that this matter had been allowed to slip and it was confirmed that the Chairman had arranged to meet the Head of Environmental Services on 20th May 2010 and would update Members at the Scrutiny Board meeting to be held on 25th May 2010.

88/09 **CALL-IN PROCEDURE REVIEW**

The Board considered a report on the Annual Review of the Call In Procedure and discussed the Call In that the Scrutiny Board had considered in January 2010. The Constitution required the Scrutiny Board to review the Call in procedure annually. Members' attention was drawn to several inconsistencies within the procedure, the details of which are set out below:

17.1 stated that a Call In should only be used when Members of the Scrutiny Board have evidence that the Cabinet had not made the decision in accordance with article 13. However, it is not the Scrutiny Board that decides to call matters in, the Board considers matters that have been called in. A Call In could be made by any five Members of the Council or the Chairman of the Scrutiny Board and the Monitoring Officer considers whether the Call In is valid in the first instance (17.4).

17.1 detailed the criteria for a valid Call In. These were listed in article 13. Later on at 17.10 it stated that the Board could refer matters to full Council if it found that the decision was in conflict with the Council's Policy and Budgetary framework or was on a matter outside of the Cabinet's legal/constitutional remit. These criteria were not listed at 17.1 so Members would not be able to call it in on these grounds in the first instance. These seemed to be good grounds to call a decision in, and were usually part of a Council's call in criteria. An alternative wording for 17.1 could be:

"Decisions can be called in if they:

- Are not in line with Council policy
- Are not in accordance with the Council's budget
- Are not in accordance with the principles of decision-making set out in Article 13 of the Constitution"

17.7 stated that the Scrutiny Board can consider a Call In in such a manner as it considered appropriate. However, it is usually asked to consider it against the criteria given at 17.1.

At 17.9b and 17.4 it suggested that the Board can refer the decision back to Cabinet in a report which gives its reasons. It was not clear how, in practice, such a report would be prepared and agreed by the Board in time to go to Cabinet and would the "report" need to come from the Board. In practice, officers could prepare a report on behalf of the Monitoring Officer/Head of Service and/or the Cabinet could consider the minutes of the Board.

17.9c stated the decision should only be referred to Council when the Board recommends a change to the policy and budgetary framework. Otherwise Council could only refer the matter back to Cabinet. The Board should refer the decision back to Cabinet – i.e. to ask it to re-consider its decision.

At 17.10 these points should be included at 17.1 for consistency.

After lengthy discussion it was

**RESOLVED** that the Scrutiny Officer in consultation with Legal Services make the relevant amendments, in track changes, to the Call In procedure for further consideration by the Scrutiny Board at a future meeting.

## 89/09 **SCRUTINY RECOMMENDATION TRACKER**

The Board considered the latest Recommendation Tracker. The Scrutiny Officer advised that the aim of the new format was to provide Members with updates on outcomes to the recommendations in order to clarify which agreed recommendations had been implemented and what had been achieved.

Members were disappointed to note the response in respect of the Hot Food Takeaways Supplementary Planning Document. Officers confirmed that this would be reported to the Cabinet meeting on 28th April 2010 and after discussion Members agreed to await the outcome from that meeting before taking any further action, if appropriate.

The Board discussed, in detail, the Refuse and Recycling Value for Money recommendations and were disappointed that several of these appeared to be outstanding and felt that this was unacceptable. Officers reminded Members that this Task Group report was due to be reviewed in July 2010 and that this would give Members an opportunity to investigate matters in more detail. The Executive Director for Leisure, Environment and Community Services advised Members that she would contact the relevant Head of Service to provide an update on the issues raised.

90/09 **WORK PROGRAMME**

The Board noted the Work Programme and that the item in respect of the Rights of Residents Living in Almshouses had been deferred, whilst awaiting further clarification of the Council's role from Legal Services.

**RESOLVED** that the Work Programme be noted.

The meeting closed at 7.45 p.m.

Chairman

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## BROMSGROVE DISTRICT COUNCIL

### MEETING OF THE OVERVIEW BOARD

TUESDAY, 27TH APRIL 2010 AT 6.00 P.M.

PRESENT: Councillors S. R. Colella (Chairman), Mrs. M. Bunker (Vice-Chairman), Mrs. R. L. Dent, Mrs. J. M. L. A. Griffiths, D. L. Pardoe, Mrs. C. J. Spencer and L. J. Turner

Observers: Councillor Mrs. J. Dyer M.B.E.

Officers: Mr. J. Staniland, Mrs. C. Felton, Mr. M. Carr and Ms. A. Scarce

68/09 **APOLOGIES FOR ABSENCE**

No apologies for absence were received.

69/09 **DECLARATIONS OF INTEREST AND WHIPPING ARRANGEMENTS**

No declarations of interest or whipping arrangements were received.

70/09 **MINUTES**

The minutes of the Overview Board held on 30th March 2010 were submitted.

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

71/09 **OVERVIEW & SCRUTINY PROPOSAL - RAILWAY STATION DEVELOPMENT UPDATE**

The Chairman thanked the Executive Director for Planning and Regeneration, Regulation and Housing Services (PRRH) and the Portfolio Holder for Planning and Regeneration for attending the meeting and gave a brief outline of the original Overview and Scrutiny proposal which had been brought before the Overview Board at its meeting on 30th March 2010. The Board was informed that the representatives from Worcestershire County Council (WCC) and Network Rail had declined to attend the Overview Board meeting as they felt it not appropriate at this time.

The Executive Director for PRRH explained that this was a new project to him and he had only attended one meeting which had taken place at Network Rail headquarters. The Executive Director for PRRH advised that he was unable to comment on why the representatives from WCC and Network Rail had chosen not to attend the Overview Board meeting. The Executive Director for PRRH confirmed that the proposal was to move the Bromsgrove Railway Station to the former oil terminal and goods yard and this site was currently

leased by Network Rail to a company called D B Shenkner and Network Rail were working with them with a view to buying out the lease.

The works had currently been costed out at £12.5million. It was possible that those costs could be reduced by the time a detailed scheme had been produced. However, the only funds currently available were £5million from WCC via the regional funding allocation and £2million from London Midland. There was a shortfall therefore of £5.5m. Network Rail were currently investigating the possibility of getting Bromsgrove Railway Station re-prioritised, which would assist with this gap, and at the potential of phasing the associated car park, or alternative commercial funding arrangements for the operation of the car park. The Executive Director of PRRH confirmed that WCC and Network Rail were working towards narrowing the funding gap.

Members then discussed with the Executive Director for PRRH the following issues:

- Electrification of the track and the need for these to be done.
- Lengthening of the platform, the size of the ticket office and car parking facilities.
- The adverse affect of a phased car parking scheme, on the surrounding area.
- The negative effect of the uncertainty of this project on the local community's views of the Council, although the decisions made were outside of the Council's control.
- The long term effect on the regeneration of the Town Centre – the Executive Director PRRH confirmed that this point had been stressed at the relevant meetings.
- The limited information available to the Council.
- The need for planning permission by Network Rail.

The Portfolio Holder added further background information and confirmed that five weeks ago she had attended the Integrated Transport Forum at WCC at which time was told that the funding was available and that by December 2010 work would be starting, only to be informed two weeks later that £5million had been withdrawn from the funding. It was not clear who had withdrawn this funding.

The Railway Station project had been ongoing since 2000 and was no further forward, which was a great concern. The view was expressed that the residents of Bromsgrove should be aware that the Council was very concerned about the situation and it was being proactive. Resident parking within the area would potentially cause a huge problem and it was confirmed that this would be looked at if the Railway Station goes ahead, Members felt that car parking was already an issue and that this should be addressed immediately. The Executive Director for PRRH said that he would take Members concerns back to the relevant Head of Service.

The Board requested that a number of questions be put to the representatives from WCC and Network Rail, together with a further request for their attendance at a future Overview Board meeting.

Suggested questions:

1. What is the outline budget for the railway station development?
2. What options are being considered for resolving the funding gap to finance the railway station development?
3. What other options are being considered if it is not possible to finance the current plans for development?
4. What are the plans for consultation on the development, who is to be consulted and what are the timescales for consultation?
5. What consideration has been given to the increased need for car parking in the local neighbourhood? Would extra capacity meet the increased need for car parking?

The Executive Director for PHHR confirmed that he would contact the representatives from WCC and Network Rail. The Head of Legal, Equalities and Democratic Services asked that it be stressed to them that this was a very important issue for Bromsgrove residents and was causing some concern and Members were very keen to be able to communicate with residents as to what the situation was.

Members discussed a “hopper bus” scheme which had been previously raised and asked whether this was to be taken up, as it could be useful to ease the street parking issue. The Portfolio Holder for Planning and Regeneration advised that she would take this up with the Integrated Transport Forum at the next meeting and report back to the Overview Board.

**RESOLVED** that the Scrutiny Officer provide the Executive Director PRRH with the formal questions to put to the WCC and Network Rail representatives and any response be passed to Members of the Board as soon as it is received.

72/09

**COMMUNITY INVOLVEMENT IN LOCAL DEMOCRACY TASK GROUP**  
**(TASK GROUP CHAIRMAN: COUNCILLOR L. J. TURNER)**

The Chairman of the Community Involvement in Local Democracy Task Group advised the Board that the draft recommendations for the Task Group had now been agreed and the final report would be brought to the Overview Board meeting on 1st June 2010. It would then be presented to the Cabinet meeting to be held on 30th June 2010. The Chairman of the Task Group would be on annual leave on 30th June 2010 and asked the Chairman of the Overview Board to present the report on his behalf, together with the Head of Legal, Equalities and Democratic Services.

The Chairman of the Task Group advised that the draft recommendations had been presented to both the Equality and Diversity Forum and Corporate Management Team (CMT) meeting. CMT had discussed both the feasibility of the recommendations and the financial implications of them.

The areas covered by the recommendations were then discussed in detail by the Board. The Scrutiny Officer confirmed that they had tried to choose recommendations that were both strategic and flexible, but specific enough to

produce tangible outcomes, which would help to improve the community engagement in the democratic process and have a positive affect on some of the National Indicators within the Place Survey. The Head of Legal, Equalities and Democratic Services advised that already, requests for information on the Task Group had been received from other authorities and it would be possible to identify from these some capacity for working in partnership with these districts or at County level.

The Board complimented the Chairman of the Task Group on the wide ranging areas that had been covered by the Task Group.

73/09 **VERBAL UPDATE ON THE CHAIRMAN'S QUARTERLY MEETING WITH THE LEADER**

The Chairman advised that the reason for the Chairman's quarterly meeting with the Leader was to maintain a regular update between the Boards and the Cabinet in order to make the Overview and Scrutiny process more effective. The following issues had been discussed:

- The attendance of portfolio holders at task group and Board meetings. It was confirmed that since this meeting had taken place, portfolio holders had attended meetings.
- A better definition and understanding of the respective roles of both the Overview and Scrutiny Boards.
- Pressure on officer time, particularly in respect of attendance at task group meetings. The Scrutiny Officer confirmed that this should be addressed as part of the planning of the new Work Programme. The Corporate Management Team had already been approached in respect of topics and suitable dates for investigation, for inclusion in the Work Programmes and planning.
- The need to build upon a strategic approach to work planning and plan over a longer period, to consider fewer items, and to focus on "high value" investigations with a clearer purpose. The inclusion of terms of reference for each topic would be essential in focusing the Boards.
- The Overview and Scrutiny Annual Report

The Chairman reminded Members that if there was any particular item they wished to be raised at future meetings with the Leader, the Scrutiny Officer should be contact in the first instance to ensure that these were passed on.

74/09 **FORWARD PLAN OF KEY DECISIONS**

The Board considered the Forward Plan of Key Decisions 28th April to 31st August 2010. Members gave consideration to the following items:

- Item 3 Economic Development Strategy – the Head of Legal, Equalities and Democratic Services confirmed that this would be brought before Cabinet on 28th April 2010.
- Item 8 Garden Waste Service (Future Development) – Members were concerned about further changes to the Garden Waste Service and

agreed that it would be appropriate for them to receive a report on the future developments at the next Board meeting.

- Item 16 Victoria Ground (Expressions of interest) – the Head of Legal, Equalities and Democratic Services provided Members with background information on complications which had arisen on this issue in respect of restrictions under the covenant.
- Item 19 Benefit Take-Up Strategy – the Head of Legal, Equalities and Democratic Services assured Members that although the Benefit Take-Up Strategy had been delayed, it would not affect the actual take-up or payment of benefits.
- Item 23 Arts and Events Strategy 2010/11 to 2013/14 – Members were advised that the draft Arts and Events Strategy had been brought to the Scrutiny Board meeting on 23rd March 2010.

**RSOLVED** that Officers ask the Head of Environmental Services and the relevant Portfolio Holder to provide a report and attend the Overview Board meeting on 1st June 2010, on the Garden Waste Service Future Development.

75/09 **WORK PROGRAMME**

The Work Programme was considered by the Board and the Scrutiny Officer confirmed that the following items would be included in the agenda for the Board meeting on 1st June 2010:

- Civil Parking Enforcement – Members felt in view of the issues discussed earlier in the meeting in respect of the Railway Station, it was important that a report on Civil Parking Enforcement was brought to the Board meeting on 1st June 2010. Members also requested that the Head of Service and the relevant officer from Worcestershire County Council (WCC) be invited to attend.
- The Worcestershire Older Peoples' Strategy – Members were informed that the Director for Policy, Performance and Partnerships, together with a representative from Worcestershire County Council, would attend the Board meeting on 1st June 2010 to present this item. The Scrutiny Officer asked Members to give consideration to relevant questions they would like to be considered.
- Bromsgrove Planning and Licensing Policies – the Scrutiny Officer confirmed that he would contact the relevant Head of Services in order to ascertain a date when it would be appropriate to consider these items.
- Procurement – this item would be carried over for consideration on the 2010/11 Work Programme.

The Board was advised that the Joint Overview & Scrutiny Meeting held on 15th June 2010 would be used as a Work Programme planning exercise for the Joint Board and the Overview and Scrutiny Boards in order to plan more effectively for the forthcoming municipal year. If Members had any items

which they wished to put forward for the Work Programmes then these should be sent to the Scrutiny Officer as soon as possible. Members were also reminded that prior to this meeting a short training session would take place.

**RESOLVED** that the Work Programme be amended with the changes outlined above.

The meeting closed at 7.40 p.m.

Chairman

# Agenda Item 6

## BROMSGROVE DISTRICT COUNCIL

### MEETING OF THE PERFORMANCE MANAGEMENT BOARD

MONDAY, 17TH MAY 2010 AT 6.00 P.M.

PRESENT: Councillors Mrs. M. Bunker, S. R. Colella, Mrs. A. E. Doyle,  
Mrs. J. M. L. A. Griffiths, Ms. H. J. Jones (during Minute No's 1/10 to 8/10)  
and C. B. Taylor

Observers: Councillor L. J. Turner

Officers: Mr. H. Bennett and Ms. A. Scarce

1/10 **ELECTION OF CHAIRMAN**

**RESOLVED** that Councillor C. B. Taylor be elected Chairman of the Board for the ensuing municipal year.

2/10 **ELECTION OF VICE-CHAIRMAN**

**RESOLVED** that Councillor Mrs. M. Bunker be elected Vice-Chairman of the Board for the ensuing municipal year.

3/10 **APOLOGIES FOR ABSENCE**

There were no apologies for absence. It was noted that a nomination to the Board had not yet been received from the Labour Group.

4/10 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

5/10 **MINUTES**

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

Members were advised by the Director of Policy, Performance and Partnerships (PPP) that officers would be made aware of the Lean Systems process (as noted in Minute No. 95/09) at the Management Forum, which would be held shortly.

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

6/10 **PERFORMANCE REPORT (MARCH 2010)**

The Board considered the Performance Report for March 2010. Members noted that there was a 9% decrease in the percentage of performance indicators that had met their target at the year end. After discussion it was agreed that the Director of PPP would investigate this and include his findings in the Performance Report for the Board meeting on 14th June 2010.

The Board gave particular consideration to the Dolphin Centre usage which had been highlighted as an area of potential concern in the report. The Director of PPP confirmed that the management of the Dolphin Centre had been transferred to the Leisure Trust with effect from 1st April 2010 and Members agreed that it would be useful to receive further information on performance indicators, pre and post handover. After further discussion it was agreed that the Head of Leisure and Cultural Services, together with the Portfolio Holder for Community Services be invited to a future meeting of the Board, to provide a report and feedback on this item.

Members shared their concern over the total value of Housing Benefit overpayments outstanding at the start of the quarter. After discussion it was agreed that the Director of PPP would provide a more detailed explanation of this item together with a comparative figure for the previous year, in the Performance Report for the Board meeting on 14th June 2010.

The Board discussed item SC4, Sports Development Usage and were advised that a review of Sports Development had been included in the Scrutiny Board Work Programme and the Scrutiny Board would receive an initial report from the Head of Leisure and Cultural Services in the autumn.

The Director of PPP confirmed that the Head of Environmental Services and the Portfolio Holder for Community Services would be asked to provide a Lessons Learnt Report in respect of the implementation of the new recycling arrangements for presentation to the Board meeting to be held on 14th June 2010.

**RESOLVED:**

- (a) that it be noted that 49% of performance indicators are stable or improving;
- (b) that it be noted that 69% of performance indicators that have a target have met their target at the year end (compared to 78% in 2008/09);
- (c) that the performance figures for March 2010 as set out in Appendix 2 are noted;
- (d) that the particular areas of improvement as summarised in section 4.2 are noted; and
- (e) that the performance indicators of particular concern as set out in section 4.3 are noted.



7/10 **IMPROVEMENT PLAN EXCEPTION REPORT (MARCH 2010)**

The Board considered the Improvement Plan Exception Report for March 2010 and discussed the following items in more detail:

- Progress made in the Council's move from a "fair" to an "excellent" Council.
- The Budget Jury which would be reinstated this year.
- Bromsgrove Way training – which had been suspended due to a revised approach being put forward.
- Employee health and wellbeing programme
- Planning and in particular Ref. 13.2.3 Receive and respond to RSS2 Proposed Changes and the delay that had taken place in publishing the changes.

The Board also discussed Ref. 1.5 the Railway Station and were informed that representatives from both Worcestershire County Council (WCC) and Network Rail had been invited to attend a recent Overview Board meeting, but had declined. The Overview Board was making further investigations into this issue and Members of the Performance Management Board agreed that if the relevant representatives were to attend a future Overview Board meeting, they would welcome an invitation to attend that meeting.

**RESOLVED:**

- (a) that the revisions to the Improvement Plan Exception Report together with the corrective action being taken are noted; and
- (b) that it be noted that for the 85 actions highlighted for March within the plan 67.1% of the Improvement Plan was on target (green), 4.7% was one month behind (amber) and 3.5% was over one month behind (red). 24.7% of actions have been reprogrammed or suspended with approval.

8/10 **SHARED SERVICES HIGHLIGHT REPORT**

The Board considered the Shared Services Highlight Report and was advised by the Director of PPP that the Burcot Room would be used to host Regulatory Services for efficiency purposes rather than from an income earning perspective.

With regard to the Financial Implications section of the report and the delivery of savings, the Director of PPP confirmed that the Selby approach to reporting income and savings targets had been adopted and the Board would receive the appropriate report for Quarter 1 at a future meeting.

The Board also discussed the transfer of staff into the direct employment of both Redditch and Bromsgrove Councils and the change of contract implications which arose from these transfers.

**RESOLVED** that the Shared Services Highlight Report be noted.

9/10 **WORK PROGRAMME**

Members considered the Work Programme and agreed that the following items should be included within the Work Programme:

- An evaluation of the pilot Mosaic scheme
- Budget management - Quarter 1 Outturn Report
- Staff Survey results

**RESOLVED** that the Work Programme be noted, subject to the inclusion of the items mentioned above.

The meeting closed at 7.20 p.m.

Chairman

## BROMSGROVE DISTRICT COUNCIL

### **CABINET**

2<sup>nd</sup> June 2010

#### **SPORTS AND LEISURE - SERVICES AND FACILITIES** **ACCESS FOR TRANS PEOPLE**

Relevant Portfolio Holder	Councillor Mike Webb
Relevant Head of Service	John Godwin
Key Decision	

#### **1. SUMMARY OF PROPOSALS**

- 1.1 This report recommends adoption of the proposed Sports and Leisure Services and Facilities – Access for Trans People policy. This policy sets out guidelines for staff and for members of the public to apply and abide by in the eventuality of dealing with a person or meeting a person who is intending to go through a gender transition process, or, is going through a gender transition process, or has completed a gender transition process ( otherwise referred to throughout this report as “a transitioning person”. The policy aim is to assist staff when dealing with a situation where it may not be clear what the appropriate service response should be when dealing with a transitioning person and to, whenever possible, enabling that person ( or persons ) to have access to the sports and leisure services and facilities of their choice.

#### **2. RECOMMENDATIONS**

- 2.1 The Cabinet/ Executive is asked to approve the **Sports and Leisure Services and Facilities - Access for Trans People** policy attached at Appendix 1.

#### **3. BACKGROUND**

- 3.1 In December 2006 the Council published its first Gender Equality Scheme within the Inclusive Equalities Scheme. This was four months ahead of the new Gender Equality Duty coming into force in April 2007 for which the legal duties were not finalised until January 2007.
- 3.2 Therefore, the original Gender Equality Scheme as published in December 2006 referred to the draft legal duties rather than the correct final legal duties. A small working group was convened comprising of community members, community partners and an elected Member (Councillor Mrs C Spencer) to review and rewrite the Gender Equality Scheme to bring it in line with the correct legal duties. This was completed in late 2007 and the Scheme was republished in March 2009.
- 3.3 The revised Draft Gender Equality Scheme included an action plan which committed the Council to a programme of action to raise awareness of the Revised Scheme and awareness of the issues of gender re-assignment

- with managers, front line staff and service users in order to work towards a situation where transitioning individuals would be able to access services and facilities.
- 3.4 The legal status of transitioning individuals is that they are protected from unlawful discrimination in Employment and Vocational Training. From 1<sup>st</sup> April 2008 they were protected against unlawful discrimination in The Provision of Goods, Facilities and Services. From April 2011 the Equality Act of 2010 requires that all public authorities abide by a Public Duty to eliminate discrimination and harassment against trans people. This will include sports and leisure services and facilities such as those provided by the council, or on behalf of the Council through a third party organisation.
- 3.5 The gender transition process is a difficult one for individuals who may be unaware of their legal rights and the extent to which they can rely on them. Experience has shown that in rare examples this has led to unrealistic expectations by some individuals in relation to accessing facilities, in particular, changing rooms and toilets thus creating difficulties for staff and other service users.

**4. KEY ISSUES**

- 4.1 Key issues are that adoption of this policy will demonstrate
- That the Council is abiding by legislative requirements
  - That the Council is fulfilling the commitments made in the Revised Draft Gender Equality Scheme published in March 2007
  - That the Council is raising awareness with management, staff and service users of gender transition issues and needs of transitioning individuals
  - That the Council is working towards and supporting greater social acceptance of transitioning individuals and wider understanding of their needs.

**5. FINANCIAL IMPLICATIONS**

- 5.1 Cost of implementation of the Access Policy is negligible as specialist training, consultancy and advice has already been provided and was funded through the Worcestershire Being Different Together project. Most staff who will be involved in the day to day operation of the policy have been briefed directly or indirectly through the Gender Equality Awareness Campaign carried out between November 2009 and March 2010. In addition, staff will have ad hoc access to specialist advice to assist them if the need arises, such as, dealing with an individual ( or individuals ) who does not wish to comply with the principles set out in the policy.

**6. LEGAL IMPLICATIONS**

- 6.1 Currently the Sex Discrimination Act Amendment Regulations 1999 set out the right of non discrimination for transitioning individuals when accessing employment and vocational training. From 1st April 2008 The Sex Discrimination Act (Amendment of Legislation) Regulations 2008 provided that transitioning individuals were protected from discrimination in The Provision of Goods, Facilities and Services. From April 2011 the Equality Act of 2010 requires that all public authorities abide by a Public Duty to eliminate discrimination and harassment against trans people. This will include sports and leisure services and facilities such as those provided by the council, or on behalf of the Council through a third party organisation.

**7. POLICY IMPLICATIONS**

- 7.1 This is a new operational policy which complements the Council's Inclusive Equalities Scheme.

**8. COUNCIL OBJECTIVES**

- 8.1 This policy supports Council Objective Three, One Community in working towards greater acceptance of and integration for gender transitioning individuals by improving their access to Council services and encouraging more participation in public life.

**9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS**

- 9.1 Risks include the potential for a failure to abide by the publicly stated policy resulting in legal action and negative effect on the Council's reputation. There is also a risk that despite a long and detailed public consultation that members of the public may not be fully accepting of, or comfortable with the policy of allowing access to facilities and services by transitioning individuals.
- 9.2 These risks are being managed as follows:

The policy was widely consulted on over a five month period and whilst the majority of comments were positive or very positive there were some sceptical comments from members of the general public. The management of this risk will be by managers of the service areas within the scope of this policy who can access training and advice from professional sources who can help with individual enquiries and issues as they arise.

- 9.3 There is a small risk of potential loss of income. Other members of the public may not be accepting of transitioning individuals. However it is intended that staff will support the transitioning individual and explain the issues to other members of the public to help them understand why we have this policy of allowing access to facilities and services.

**10. CUSTOMER IMPLICATIONS**

- 10.1 If the Council fully adopts the policy this will be published on the Council website and announced in the local press. Copies of the final version of the policy will be on public display at all customer contact points. Staff will be informed through Connect bulletins and can contact the Equality Officer for ad hoc advice as and when required.

**11. EQUALITIES AND DIVERSITY IMPLICATIONS**

11.1 A full Equality Impact Assessment has been completed and is attached at Appendix 2. This policy fully supports the commitments made in the Inclusive Equalities Scheme published in December 2006 and the revised Gender Equality Scheme published in March 2009.

The results of the community consultation are included at the end of the Equality Impact Assessment.

**12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT**

12.1 There is no anticipated impact as a result of the adoption of this policy.

**13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY**

13.1 There is no anticipated impact as a result of the adoption of this policy.

**14. HUMAN RESOURCES IMPLICATIONS**

14.1 There is small risk that individual members of staff may not be willing to fully support the application of the policy if they have personal or religious beliefs where those beliefs conflict with the ideals of this policy. This would require managers to support the staff concerned appropriately whilst seeking to gain support and compliance with the policy.

**15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS**

15.1 The day to day management and implementation of this policy will reside with the Leisure and Cultural Services Department and will be supported by service specific operational policies.

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

16.1 There is a joint Hate Crime partnership for Bromsgrove and Redditch supported by Bromsgrove District Council. The partnership has received a number of reports of hate crimes based on "transphobia" and nationally research has shown that trans men and women experience a high level of hate crime and hate incidents and can be reluctant to report incidents due to fear of transphobic responses from public authorities.

**17. HEALTH INEQUALITIES IMPLICATIONS**

17.1 Access to sports and leisure activities is intended for all and transitioning individuals aspire to participate as fully in public life as anyone else. Nationally it can be shown through research that transitioning individuals experience poor health outcomes although many of the relevant services involved are beyond the remit of the District Council and any third party providers of services.

**18. LESSONS LEARNT**

18.1 Previous issues have arisen in relation to the access of facilities, specifically changing rooms when individuals in the transitioning process have had unrealistic expectations which had the potential to negatively affect other members of the public. Staff had no policy to rely on and had to make the best decision possible in an immediate situation which carries the risk of incorrect decisions legally and consequent action. This policy has been drawn up using benchmarking standards provided by expert support organisations in this field such as The Gender Trust and Press for Change.

**19. COMMUNITY AND STAKEHOLDER ENGAGEMENT**

19.1 A five month consultation period was undertaken from November 2009 to the end of March 2010 which included

- A widely circulated questionnaire with the draft policy at all customer contact points
- Circulation of policy and questionnaire to all partners and community forums
- Training workshops for each Council service department focusing on the Equality Impact Assessment process and Gender Equality include Gender Transition
- Similar workshops were provided to elected Members
- Information about this proposed policy was available on the Council website with an email address for comments
- Six drop in sessions for the general public were held at the Customer Service Centre which were advertised in the local newspapers as well as on the Council's website



**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	Yes
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 in the District of Bromsgrove**

**22. APPENDICES**

Appendix 1     **Sports and Leisure - Services and Facilities Access for Trans People** as amended following consultation

Appendix 2     **Full Equality Impact Assessment including the summary of the consultation responses**

**23. BACKGROUND PAPERS**

**The Revised Draft Gender Equality Scheme – March 2009 to June 2011**

**24. KEY**

**“Transitioning individuals”** refers to any individual who is considering gender transition, is in the process of gender transition or has completed gender transition.

**AUTHOR OF REPORT**

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## BROMSGROVE DISTRICT COUNCIL

### CABINET

2nd JUNE 2010

#### PROPOSED BROMSGROVE MEMORIAL/TRIBUTE

Responsible Portfolio Holder	Geoff Denaro
Responsible Head of Service	Jayne Pickering
Non-Key Decision	

#### **1. SUMMARY**

- 1.1 This report seeks Cabinet approval to grant a license on the Amphlett Hall, site in Crown Close, to the THANKSS Charity (To Honour and Acknowledge those Killed and Still Serving). This license would be for the erection of a memorial/tribute and appropriate rights of way for services and remembrance. The licence would be subject to the usual probity and audit checks and conditions related to the charity.

#### **2. RECOMMENDATION**

2.1 Cabinet is asked to -

- 2.1.1 agree in principle to developing a memorial/tribute in the Town Centre, on the Amphlett Hall site to honour all the armed services;
- 2.1.2 agree to the grant of a licence at land at Amphlett Hall, to the THANKSS charity, subject to the charity being registered and producing a business case to demonstrate the viability of the project;
- 2.1.3 agree that the portfolio holder for community and the section 151 officer be delegated to approve the detailed business case and design, together with monitoring the delivery of the project.

#### **3. BACKGROUND**

- 3.1 Currently, there is no dedicated memorial, in a public open space, to all the armed services. While there are 33 memorials around the town they are often on private sites or inside buildings. There is no acknowledged central memorial.
- 3.2 To address this position a working group has been set up by the Chairman of the Council to look at options to erect a central memorial/tribute. The Council has now been approached by the fledgling charity THANKSS to help in the development of a memorial/tribute.

- 3.3 The development of a memorial/tribute will take two to three years but critical to success is a site. Specifically an agreed site will help raise funding for the project.
- 3.4 THANKSS has been set up as the charity to deliver the project. It will be registered as a charity in the spring of 2010. The mission of the charity is to set up a three phase project to raise funds for the memorial/tribute, build it, and then put in place arrangements for the ongoing maintenance of the memorial/tribute.
- 3.5 The Council's support for the project is critical to demonstrate to prospective funders the civic commitment to the project.
- 3.6 The prospective land that has been identified is in the town centre on the Amphlett Hall site beside the old council house building as shown on appendix one.
- 3.7 This project is still in its infancy and there are a number of checks that would need to be in place to safeguard the Council's position, specifically
- THANKSS achieving its charity status
  - The production of a business plan to deliver the three stages of the project
  - The monitoring of the project by the Council's Section 151 Officer to ensure probity
  - Consent of the Church Commissioners for the project to proceed
- 3.8 On planning considerations the proposed memorial/tribute will be sited on an area of Open Space within the Town Centre Conservation Area. Although planning permission will be required, the memorial/tribute will add an element of visual focus and would not appear out of character with the area given that the Burma Star Association war memorial already sits with the same area. However the design and specific siting will be the subject of negotiation with the THANKSS Charity.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 There are no direct financial costs associated with the project but it will need to have a detailed business case and progress will need to be measured to ensure it achieves the agreed outcomes.
- 4.2 It is proposed that future maintenance costs be funded from existing budgets relating to grass cutting and street cleansing. This will be assessed as part of the design review to ensure minimal ongoing maintenance costs are required. In addition insurance will be addressed as part of the liability insurance once the design has been agreed.

- 4.3 The intended site for the memorial/tribute is on Open Space Land and as such cannot be developed commercially.

## **5. LEGAL IMPLICATIONS**

- 5.1 This land was purchased in 1899 from the Ecclesiastical Commissioners for England and the 1899 Conveyance imposed a covenant that the land would be used as “an open space and public recreation ground and for no other purpose whatever except with the previous consent in writing of the Ecclesiastical Commissioners”.
- 5.2 There is nothing to prevent the Council from disposing of part of the land but the restriction on use would continue to affect the land disposed of and any subsequent owner would need to satisfy themselves that their use of the land did not breach the use restrictions or alternatively obtain the consent of the Church Commissioners for that use.
- 5.3 As previously stated there is of course already a war memorial on the site. The Burma Star Memorial which was erected around 1982 authorising the Trustees of the Burma Star Association to erect the memorial on Council land. The Licence was for a period of 21 years to continue thereafter on a yearly basis until terminated but it was actually surrendered in 1987 when the Council agreed to maintain the memorial at its own expense.
- 5.4 To ensure full disclosure on the proposed project the Church Commissioners have been contacted to seek their views. We are still awaiting their response.

## **6. COUNCIL OBJECTIVES**

- 6.1 This report links to the Council priority on community leadership

## **7. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS**

- 7.1 The main risks associated with the details included in this report are:

- THANKSS fails to get registered as a charity
- THANKSS is unable to deliver a viable business case
- Consultation with the Church Commissioners for their support

- 7.2 These risks are being managed as follows:

- Delegating the detailed management and monitoring of the project to the Section 151 Officer to confirm THANKSS charity registration and to validate and monitor the delivery of the business case

## **8. CUSTOMER IMPLICATIONS**

8.1 The erection of a dedicated memorial to the armed services will give a focus point for the community to acknowledge the dedication of the services and give a site to reflect and worship.

**9. EQUALITIES AND DIVERSITY IMPLICATIONS**

9.1 There are no specific equalities issues arising from this report.

**10. VALUE FOR MONEY IMPLICATIONS**

10.1 There are no specific value for money implications arising from this report.

**11. CLIMATE CHANGE AND CARBON IMPLICATIONS**

11.1 There are no climate change issues affecting this report

**12. OTHER IMPLICATIONS**

Procurement Issues - None
Personnel - None
Governance/Performance Management - None
Community Safety including Section 17 of Crime and Disorder Act 1998 - None
Policy - None
Biodiversity - None

**13. OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	Yes
Joint Chief Executive	Yes
Executive Director - Partnerships and Projects	Yes
Executive Director - Services	Yes
Assistant Chief Executive	Yes

Head of Financial Services	Yes
Head of Legal, Equalities & Democratic Services	Yes
Head of Street Scene	Yes
Corporate Procurement Team	Yes

**14. WARDS AFFECTED**

All wards.  
Memorial/tribute will be sited in St Johns Ward

**15. APPENDICES**

None

**16. BACKGROUND PAPERS**

None

**CONTACT OFFICER**

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## BROMSGROVE DISTRICT COUNCIL

### **CABINET**

**2<sup>nd</sup> June 2010**

#### **WORCESTERSHIRE PARTNERSHIP – TERMS OF ENGAGEMENT**

Relevant Portfolio Holder	Councillor Roger Hollingworth
Relevant Head of Service	Kevin Dicks
Non-Key Decision	

#### **1. SUMMARY OF PROPOSALS**

- 1.1 To consider a protocol that has been agreed by all members of the Worcestershire Partnership with regard to future budget decisions.

#### **2. RECOMMENDATIONS**

- 2.1 **It is recommended that the Cabinet endorse the protocol.**

#### **3. BACKGROUND**

- 3.1 Worcestershire Partnership is the Countywide Local Strategic Partnership comprising partners from across the statutory (public sector) and voluntary sector.
- 3.2 Over the last few months the Partnership have been endeavouring to improve how they work together which has resulted in the attached protocol.

#### **4. KEY ISSUES**

- 4.1 It is widely accepted that there will be significant reductions in public sector funding over the next few years and the Partnership have developed a protocol (attached at Appendix 1) which seeks to ensure that all Partners take a more joined up approach in the future to budget decisions and their potential impact on communities. In particular this will seek to address that there is not a significant cumulative detrimental affect on our community by decisions made individually by partners.
- 4.2 The Cabinet is asked to endorse the attached protocol and to have due consideration to this when considering budgets in the future. The Cabinet, if they wished, could consider embracing this protocol within the Financial Regulations in order to make this more formal. This would require a recommendation to full council.

#### **5. FINANCIAL IMPLICATIONS**

- 5.1 None directly from this report.

**6. LEGAL IMPLICATIONS**

6.1 None directly from this report.

**7. POLICY IMPLICATIONS**

7.1 None directly from this report.

**8. COUNCIL OBJECTIVES**

8.1 This protocol will underpin all of the Council's objectives.

**9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS**

9.1 None directly from this report.

**10. CUSTOMER IMPLICATIONS**

10.1 None directly from this report.

**11. EQUALITIES AND DIVERSITY IMPLICATIONS**

11.1 Agreeing to this protocol will help ensure that any Equalities and Diversity implications of budget decisions are considered across the Partnership.

**12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT**

12.1 None directly from this report.

**13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY**

13.1 None directly from this report.

**14. HUMAN RESOURCES IMPLICATIONS**

14.1 None directly from this report.

**15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS**

15.1 None directly from this report.

**BROMSGROVE DISTRICT COUNCIL**

**CABINET**

**2<sup>nd</sup> June 2010**

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

16.1 None directly from this report.

**17. HEALTH INEQUALITIES IMPLICATIONS**

17.1 None directly from this report.

**18. LESSONS LEARNT**

18.1 None directly from this report.

**19. COMMUNITY AND STAKEHOLDER ENGAGEMENT**

19.1 None directly from this report.

**20. OTHERS CONSULTED ON THE REPORT**

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

**21. WARDS AFFECTED**

All

**22. APPENDICES**

Appendix 1 – Worcestershire Partnership Statutory Partners: Terms of Engagement

**23. BACKGROUND PAPERS**

Worcestershire Partnership

**24. KEY**

**AUTHOR OF REPORT**

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## BROMSGROVE DISTRICT COUNCIL

### **CABINET**

**2 JUNE 2010**

#### **APRIL (PERIOD 1) PERFORMANCE REPORTING**

Relevant Portfolio Holder	Cllr Roger Hollingworth
Relevant Head of Service	Hugh Bennett, Assistant Chief Executive
Non-Key Decision	

#### **1. SUMMARY OF PROPOSALS**

- 1.1 To report to Cabinet on the Council's performance at 30 April 2010 (period 1).

#### **2. RECOMMENDATIONS**

- 2.1 That Cabinet notes the changes to the corporately reported PI set and the changes to the structure of the report as described in section 3.3.
- 2.2 That Cabinet notes that 56% of PI's where information is available have met or their monthly target in April.
- 2.3 That Cabinet notes the performance figures for March 2010 as set out in Appendix 2.
- 2.4 That Cabinet notes the particular areas of improvement as summarised in section 4.2.
- 2.5 That Cabinet notes the PI's of particular concern as set out in section 4.3.

#### **3. BACKGROUND**

- 3.1 The full list of performance indicators due to be reported monthly is set out in **Appendix 2** where:-

<b>On Target</b>	<b>I Performance is Improving</b>
<b>Less than 10% from target</b>	<b>S Performance is Stable</b>
<b>More than 10% from target</b>	<b>W Performance is Worsening</b>
<b>No target set</b>	<b>N/a No target set</b>

- 3.2 Comparisons of overall performance improvements this month to last month are shown on Appendix 1. As this is the first month of the new financial year summary figures for this month only are shown in this Appendix this time.

**3.3** The set of corporately reported PI's has been revised to ensure they reflect current priorities and also to take account of the revised assessment methodology that the Council will be judged on under CAA. The revised set of PI's was proposed in the Council Plan. The format of the report remains the same but the order in which performance indicators are reported has changed. Indicators are grouped under the new Shared Services departments that are responsible for each PI. As this is the first report of the new financial year and because of the changes to the PI set then for this month the usual reporting as to whether performance is Improving, Stable or Worsening (the I,S,W analysis) is not reported. This will resume in the May performance report when it will be possible to compare performance in May to that in April.

**4. KEY ISSUES**

4.1 The proportion of PI's that have met their monthly target is low, at 56%, 26% of indicators have missed their monthly target by more than 10%.

4.2 There is no performance worthy of particular mention this month.

4.3 As this is the first month of the year it is too early to raise concerns about whether specific indicators might not meet their annual target. However, in general terms, the proportion of PI's that have not met their April target (44%) is not a good start to the new financial year. Whether this is a temporary 'blip' or is cause for concern will begin to become clearer when figures for May are available.

**5. FINANCIAL IMPLICATIONS**

5.1 None

**6. LEGAL IMPLICATIONS**

6.1 None

**7. POLICY IMPLICATIONS**

7.1 None

**8. COUNCIL OBJECTIVES**

8.1 Performance reporting & management links to the Improvement objective

**9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS**

9.1 The main risks associated with the details included in this report are:

- Data quality problems
- Poor performance

9.2 These risks are being managed as follows:

- Implementation of the Data Quality Strategy
- Robust follow up on performance issues, including performance clinics

9.3 There are no Health & Safety considerations

**10. CUSTOMER IMPLICATIONS**

10.1 Performance Improvement is a Council Objective

**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 None

**15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS**

15.1 Sound performance management and data quality are key to achieving improved scores in the Use of resources judgement. This performance report supports that aim.

**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

**19. COMMUNITY AND STAKEHOLDER ENGAGEMENT**

19.1 None

**20. OTHERS CONSULTED ON THE REPORT**

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



**21. WARDS AFFECTED**

All

**22. APPENDICES**

Appendix 1 Performance Summary for the period

Appendix 2 Detail Performance report for the period

Appendix 3 Detailed figures to support the performance report

**23. BACKGROUND PAPERS**

None

**24. KEY**

PI - Performance Indicator

NI - National Indicator ( a PI defined by government and used by all Councils)

LPI - Local Performance Indicator – (a PI defined by Bromsgrove, District Council to measure performance on local priorities)

CAA - Corporate Area Assessment – the methodology used by the Audit Commission to judge the performance of Councils and partners

**AUTHOR OF REPORT**

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## BROMSGROVE DISTRICT COUNCIL

### CABINET

2 JUNE 2010

#### ARTRIX - INCORPORATION OF OPERATING TRUST

Responsible Portfolio Holder	Councillor Mike Webb
Responsible Head of Service	John Godwin
Non-Key Decision	

#### **1. SUMMARY**

- 1.1 This report informs Members about the proposal of the Bromsgrove Arts Centre Trust (the Operating Trust) to become a charitable company limited by guarantee. The Incorporation of the Operating Trust will require some consequential amendments to the lease and the various agreements relating to the Artrix and Members' approval to this is sought.

#### **2. RECOMMENDATION**

- 2.1 That Members note the proposed incorporation of the Operating Trust;
- 2.2 That Members approve, and that the Head of Legal, Equalities & Democratic Services be authorised to sign, the Licence to Assign and Deed of Variation in respect of the lease;
- 2.3 That Members approve, and the Head of Legal, Equalities & Democratic Services be authorised to sign, the Deed of Novation of the Overarching Agreement and the Deed of Novation of the Dual User Agreement;
- 2.4 that the Head of Leisure & Cultural Services be authorised to revise the Service Level Agreement to reflect the transfer from the Operating Trust to the new company.

#### **3. BACKGROUND**

- 3.1 In 2003 the Council entered into an Agreement ("the Overarching Agreement") with the Trustees of New College, the Trustees of the newly-formed Operating Trust and the Trustees of the newly-formed Bromsgrove Arts Development Trust ("the Holding Trust"). In essence, the Overarching Agreement provides that:
- the Council would be responsible for the construction of the Artrix;
  - the freehold of the land would be owned by the Holding Trust (with the Council to hold the land as nominee for the Holding Trust);
  - the Holding Trust would lease the land to the Operating Trust;

- the Holding Trust, the Operating Trust and the College would enter into a Dual User Agreement which determined how the facilities at the Artrix would be used to further the objects of the Operating Trust and the aims of the College for the benefit of the local community.
- 3.2 The Operating Trust was constituted to have 15 trustees, 5 to be appointed by the Council, 5 by the College and 5 co-opted trustees from the community. To date the Operating Trust has been an unincorporated association acting by its trustees which until recently was the only viable legal vehicle by which it could operate. Following recent changes to charity legislation, the Operating Trust has decided to take advantage of a new option of operating by way of a company limited by guarantee. This will enable the Operating Trust to organise its business in a more efficient manner and, importantly, will remove the personal liability which currently sits with the 15 trustees.
- 3.3 The new company has been formed under the name of Bromsgrove Arts Centre Trust under company number 05455644 and charity number 1124900 and the Council understands that the Operating Trust intends to transfer its the assets and business to the new company as soon as possible. Officers have given careful consideration to the Memorandum and Articles of the new company, which will have 15 directors, 5 appointed by the Council, 5 by the College and 5 co-opted trustees, and have negotiated at length to ensure that the Council's representation cannot be eroded and to ensure that the Council's interests are preserved.
- 3.4 Once the transfer takes place the current Operating Trust will be dissolved. Before the transfer to the new company takes place, the trustees of the Operating Trust are personally responsible for any liabilities incurred by the Artrix (ie the Operating Trust) up to the date of transfer (except in respect of the lease – see below). After incorporation, it is the company which will be responsible for any liabilities incurred by the Artrix (ie the new company) after the date of the transfer.
- 3.5 In order to effectively substitute the new company for the Operating Trust in the lease and various current contractual arrangements it is necessary for the Council to enter into a number of agreements with the parties and authority is sought from Cabinet to do so. The consent of the Holding Trust is also required; a meeting of the Holding Trust has been convened and its outcome will be reported at the Cabinet meeting.

#### **Variation and Assignment of the Lease**

- 3.6 The parties to the Lease are the Council, the Operating Trust and the Holding Trust. It is proposed that the new company takes the place of the Operating Trust; there are a number of mechanisms by which this can be done, but it is now proposed that it should be by way of assignment of the Lease from the Operating Trust to the new company as this has no Stamp Duty Land Tax or VAT implications for the Council. The Lease does not prohibit assignment but it does provide that the Lease can be forfeited if the

Operating Trust is dissolved, so a Deed of Variation would need to be entered into to enable the lease to be assigned to the new company, the Operating Trust to be dissolved but for the lease to continue.

- 3.7 The effect of the proposed Licence to Assign is that the trustees of the Operating Trust will be absolved of liability for any subsisting non-compliance with the requirements of the lease but instead the new company will become liable not only for any breaches of the lease subsisting at the date of transfer but also for compliance with the obligations of the lease after the date of transfer. Officers and solicitors representing the Artrix have spent some considerable time negotiating and by the date of this meeting it is anticipated that a draft Licence to Assign and a draft Deed of Variation will have been agreed, subject to the approval of Cabinet and the Holding Trust. Approval is sought from Cabinet to authorise the Head of Legal, Equalities & Democratic Services to execute these documents.

#### **Overarching Agreement and Dual User Agreement**

- 3.8 The parties to the Overarching Agreement were the Council, the College, the Operating Trust and the Holding Trust. In order that the new company can effectively take the place of the Operating Trust, a draft Deed of Novation has been agreed subject to the approval of Cabinet and the Holding Trust. The effect of this is that the position of the Council and the College remains unaffected, but any liabilities arising from the date of transfer will attach to the new company. Officers do not think that there are any rights or liabilities arising under this agreement which are continuing and that therefore this novation is not strictly necessary but the other parties are keen to include it for the sake of completeness.
- 3.9 The parties to the Dual User Agreement were the Operating Trust, the Holding Trust and the College. Again it is proposed that a Deed of Novation should be signed effectively to substitute the new company for the current Operating Trust. A draft Deed of Novation has been agreed subject to the approval of Cabinet and the Holding Trust.

#### **Service Level Agreement**

- 3.10 Assuming the transfer proceeds, the Service Level Agreement will need to reflect that the business of the Operating Trust has been transferred to the new company. For the sake of clarity, authority is sought from Cabinet to enable officers to effect the appropriate documentation.

#### **Council Appointments**

- 3.11 The Council has not formally appointed directors to the new company. The Council appointees to the Operating Trust have been treated as the Council appointments to the new company for the time being; Council will be requested to make formal appointments in the new municipal year.

**4. FINANCIAL IMPLICATIONS**

4.1 There are no financial implications for the Council. Those members who sit as trustees will no longer be personally liable for the debts of the Operating Trust.

**5. LEGAL IMPLICATIONS**

5.1 The legal implications are set out in the report.

**6. COUNCIL OBJECTIVES**

6.1 CO3 – Sense of Community and Well-Being, Priority – Community Events

**7. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS**

There are no risks associated with this report.

**8. CUSTOMER IMPLICATIONS**

8.1 The recommendations will only impact upon the Operating Trust and its trustees.

**9. EQUALITIES AND DIVERSITY IMPLICATIONS**

9.1 None

**10. VALUE FOR MONEY IMPLICATIONS**

10.1 None

**11. CLIMATE CHANGE AND CARBON IMPLICATIONS**

11.1 None

**12. OTHER IMPLICATIONS**

Procurement Issues	None
Personnel	None
Governance/Performance Management	None
Community Safety including Section 17 of Crime and Disorder Act 1998	None
Policy	None

Biodiversity	None
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**13. OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	Yes
Chief Executive	No
Executive Director - Partnerships and Projects	
Executive Director - Services	
Assistant Chief Executive	
Head of Service	Yes
Head of Financial Services	Yes
Head of Legal, Equalities & Democratic Services	Yes
Head of Organisational Development & HR	No
Corporate Procurement Team	No

**14. WARDS AFFECTED**

All wards

**15. APPENDICES**

None

**16. BACKGROUND PAPERS**

None

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## Appendix One



**Bromsgrove**  
District Council  
[www.bromsgrove.gov.uk](http://www.bromsgrove.gov.uk)

### **Bromsgrove District Council – Final Policy Sports and Leisure – Services and Facilities Access for Trans People**

#### **1. Sports and leisure services and facilities**

Bromsgrove District Council believes that everyone deserves to have access to the very best sports opportunities. Sport has an important role to play in meeting national health targets and in improving quality of life for all.

In support of this commitment, a range of sports and leisure services and facilities are provided for everyone in the community. However we recognise that for some groups in the community there may be barriers to full participation and for this reason we have developed this policy to address the needs of people who are, who have, or who are intending to transition from one gender to the other gender. This group is referred to throughout this policy as “trans-people”.

Trans people already participate in a wide variety of sports and leisure activities and contribute in the capacity of officials, coaches, trainers and administrators.

Bromsgrove District Council believes that it is just as much a duty of leisure service providers to protect trans people, who wish to take part in activities, from harassment and other unfounded discrimination in the same way we would protect other groups such as women, minority ethnic groups, disabled people, gay men and lesbians.

This policy is designed to help everyone, employees of the Council, third party organisations delivering services on behalf of the Council and members of the public, understand the needs of trans people and to provide practical ways of helping trans people to continue to have a healthy lifestyle which includes exercise and social activities.

## 2. Use of facilities by transsexual people

### The Legal Change of Gender

- We will consider a trans person to have changed gender for the purposes of access to facilities at the time of official change of name as far as this is reasonably practicable during the period known as “the real life experience”. This means that they will usually be able to have access to the facilities of the new gender.
- The point at which a trans person has **changed gender for all legal purposes** will normally be around two years after their date of name change, when they have applied for and received a **gender recognition certificate**.
- A gender recognition certificate is a legal document, issued by the Government and means that trans person is of their **Acquired Gender for all purposes**. At this point they must be regarded as of their acquired gender in all aspects of life.

Access to services and facilities by trans people should will not be limited because of other people’s misunderstanding and stereotypes.

We recognise that there will be issues for service delivery and the use of facilities prior to and during gender reassignment where the individual may present an ambiguous appearance. It is unlikely that trans people will use public facilities at this time for fear of embarrassment or ridicule. If they do, most are likely use facilities where private cubicles are provided for changing or showering needs.

Most, but not all use the gender appropriate toilet facilities during the gender reassignment process.

### **3. What can Bromsgrove District Council do to ensure that we are not discriminating when we provide services and facilities, particularly for sports and leisure?**

We will ensure that our staff are informed of the issues around transsexualism.

If a trans person enquires about the facilities and services we have to offer, we are committed to responding in the following way :-

- The Dolphin centre provides a mixture of changing and showering facilities including private cubicles which offer privacy and ensure people feel safe
- Staff will be courteous at all times when providing a service and making facilities available
- The Council's Gender Equality Scheme makes a commitment that we will not discriminate against trans people in the provision of Council services whether those services are delivered by the Council or through a third party organisation.
- Staff and managers have been trained to be aware of and sensitive to trans gender issues
- If the trans person states that they are legally recognised in their acquired gender ( under the Gender Recognition Act 2004 ), we will believe them and accept that they are entitled to use the appropriate gender facilities unless it is impractical to do so
- We provide changing and showering facilities with clearly labelled cubicles which offer privacy and feel safe for all

When the Council ( including a third party organisation delivering services on behalf of the Council ) provides sports and leisure activities at other venues or sites and there are no cubicles affording privacy, staff may discuss with a trans person where they might be most comfortable changing.

If managers or staff are approached by other users of changing facilities with concerns but the trans person has not approached staff this will be treated sensitively.

We will

- Explain to the trans person that concerns have been raised
- Make it clear that we are not insisting that the trans person use separate facilities but will need to make the trans person aware of the needs of other service users
- Emphasise that our primary purpose is to facilitate the continued safe enjoyment of the facilities and services for all
- If there are still concerns from other service users we will offer the trans person alternative changing areas if available
- If the trans person would rather not use alternative facilities then it would be reasonable to discuss this with them
- We will emphasise that we are not enquiring into their private medical details and do not require those details, rather that we are attempting to maximise everyone's comfort in using the facilities
- If the trans person refuses alternative facilities explain that we might have to/ refer the matter to a senior officer/ seek advice as to their continued access to the facilities
- If the trans person who has been legally recognised in their new gender would rather not change in an alternative area, we will explain the problem to them and ask their permission to explain to other service users that the trans person has been recognised in their acquired gender for all legal purposes
- However, the trans person has a right to privacy and may prefer that we do not do this
- Staff will always try to show respect and be helpful and will try to approach a trans person using the facilities with a view to encouraging them to participate in activities
- Once established in their new gender many trans people will use facilities in the usual way.

See Appendix One for further details of procedure to be undertaken.

#### **4. Participation in Competition**

The UK **Gender Recognition Act** (S.19) states that when a person has obtained a gender recognition certificate, sports bodies can only prohibit trans people on an individual basis from competition if the sport is a gender affected one and the prohibition is on the grounds of fair competition or safety of competitors. Each case must be evaluated on its own facts and where a Gender Recognition Certificate is not available ( there are a number of genuine reasons why a trans person would not acquire one ) further relevant evidence submitted by the person could be considered.

It should be noted by all that competition rules are those established by the National Governing Bodies (NGB) of each sport and their rules for competition and that Bromsgrove District Council, and its leisure service providers will apply these on an individual basis in all situations.

#### **5. The Law**

Trans people are protected from discrimination in the workplace and the provision of vocational training by the Sex Discrimination Act from the time when they intend to undergo gender re-assignment. From 1<sup>st</sup> April 2008 the protection against discrimination for trans individuals extended to The Access to Goods Facilities and Services.

Currently, the Gender Recognition Act provides recognition of a person's acquired gender **for all legal purposes**. This includes access to sports and leisure services and facilities.

## **6. Transsexual People**

Transsexual (trans) people have the deep conviction that their gender identity does not match their appearance or anatomy. That conviction will lead them to present to the world in the opposite gender to which they were registered at birth. Often trans people will undergo hormonal or surgical treatment to bring their physical identity into line with their gender identity.

Transsexualism is not the same as cross-dressing for psychological comfort, sexual purposes or compulsion. Nor is it a sexual orientation towards people of the same sex. Rather, trans people make every effort to live permanently in their acquired gender. Most trans people wish to keep their condition private and this will be respected. Others may be willing to discuss their transsexualism confidentially or in the open. After commencing living in their new gender role, trans people should be treated as members of the gender they consider themselves to be.

## **7. The Real Life Experience**

The Real Life Experience is a period of at least 12 months in which a person presents in their new gender for all purposes. It is a required precursor to any referral for irreversible treatment. During this time, the person must work or be a full time student, change all their documentation apart from their birth certificate and take part in ordinary social life.

A trans person will not be able to have any gender reassignment surgical procedures until they have satisfied at least two psychiatrists that they have adjusted well during this time.

Many trans people will clearly be visible as trans, particularly during the Real Life Experience and some will be for the remainder of their life.

However, just as with other people who have medical issues and conditions, or appear different in some way, it is essential that trans people are given respect and afforded dignity so as to enable their equal participation in society.

Once a person starts gender reassignment, he or she lives the rest of their life as a member of the acquired gender. It is not something that someone

decides overnight or something someone would do in order to play a women's or men's sport.

## **8. Reporting Hate Crime Incidents**

In Bromsgrove, there is a procedure for reporting any incident that is motivated by hatred of a person's actual or perceived

- Race, colour, ethnic or national origin or nationality
- Religion
- Sexual orientation
- Gender or gender identity
- Disability
- Age

Anyone who wishes to report an incident can pick up a report form at many locations in Bromsgrove such as the Council House, the Customer Service Centre, The Dolphin Centre and Bromsgrove District Housing Trust.

For further information about this policy contact

Fiona Scott, Equality Officer on 01527 881719

Or email your comments to [equalities@bromsgrove.gov.uk](mailto:equalities@bromsgrove.gov.uk)

## **9. Acknowledgements**

This Draft Policy for consultation has been based on detailed advice provided by **the Gender Trust**. We are very grateful for their assistance and support.

## **10. Glossary**

### **Gender**

Gender is expressed in terms of masculinity and femininity. It is largely culturally determined and is assigned at birth based on the sex of the individual. It affects how people perceive themselves and how they expect others to behave.

### **Gender, Acquired**

The gender role that a trans person achieves through the process of transition. It is the legal term in relation to the issuing of a Gender Recognition Certificate which gives a trans person full legal rights in this gender.

### **Gender, Attributed**

The gender and sex that one is taken to be by others. This is usually an immediate, unconscious categorisation of a person as being a man or a woman, irrespective of their mode of dress.

### **Gender Identity**

The gender to which one feels one belongs.

### **Gender Dysphoria**

An anxiety, uncertainty or persistently uncomfortable feelings experienced by an individual about their assigned gender which is in conflict with their internal gender identity.

### **Physical Sex**

To what sex do the organs of the body match, i.e. male or female. Birth with ambiguous genitalia occurs in roughly 1:2000 live births ( see Intersex Person ).

### **Transition**



The medical, surgical, social, psychological, emotional and economic process that a trans person undergoes to move from their assigned gender into their chosen or acquired gender. The time this takes is variable and depends on the individual's ability to embrace significant change in their life. If requiring genital surgery the individual will have to undergo a so called Real Life Experience i.e. living in their acquired gender role for a minimum of 1 year.

### **Transsexual Person**

A person who feels consistent and overwhelming desire to transition and fulfil their life as a member of the opposite gender. Most transsexual people actively desire and complete gender reassignment surgery. The ratio of Female to Male ( FTM ) and Male to Female ( MTF ) transsexual people is in the region of 1:3 – 1:4

### **Transgender**

An umbrella term used to include transsexual, transvestites and cross dressers, as in the “transgender community”.

### **Transgender Person**

A person who, like a transsexual person, transitions – sometimes with the help of hormone therapy and/ or cosmetic surgery – to live in the gender role of choice, but has not undergone, and generally does not intend to undergo genital surgery.

### **Trans man/ woman**

A term that is used by some trans people (transsexual and trans gender people) who are open about their status and do not fear the consequences of their pasts being revealed or who believe that transition does not mean they become men or women. A generic term that the trans community wishes to see used in documents, policies, statutory instruments etc.

## **Transvestite**

A person who dresses in the clothing of the opposite sex as defined by socially accepted norms. Consequently in contemporary society, the majority of transvestites are cross dressing men. Social transvestites cross dress merely to feel more comfortable. The erotic transvestite cross dresses to achieve sexual gratification alone or with a partner. Transvestites normally cross dress only occasionally and do not seek hormones or surgery.

## **Intersex Person**

An individual who is born with ambiguous genitalia and may or may not be accompanied by various degrees of gender dysphoria. The condition may arise due to certain congenital disorders or hormone imbalances in the foetus or placenta. True Hermaphrodites ( having both types of gonads and ambiguous genitalia ) are extremely rare.

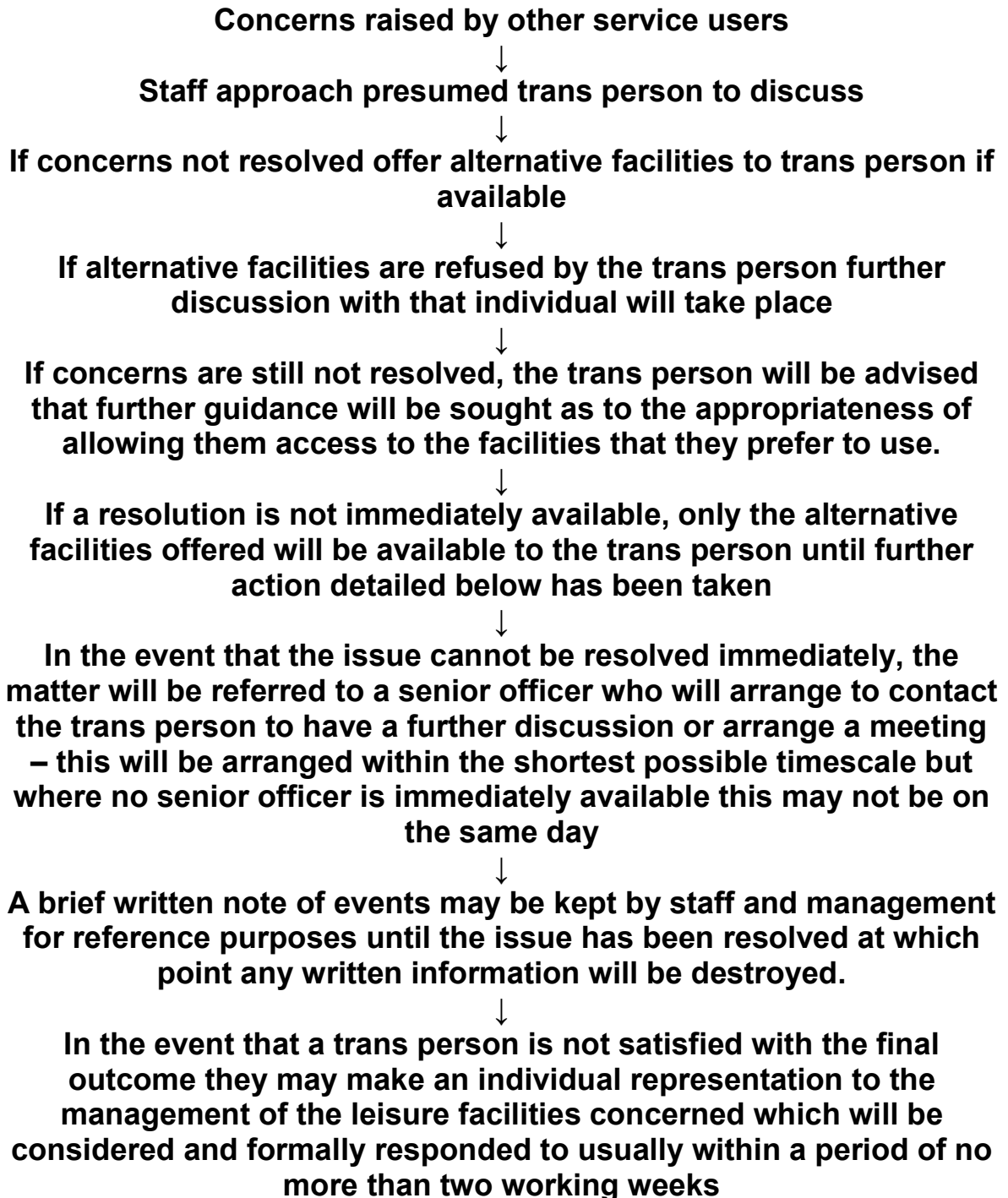
## **Sexuality**

The direction in which an individual wants to direct their sexual desires, forces or libido. Trans people display the normal spread of sexualities – heterosexual, gay, lesbian, bisexual, asexual etc. The sexuality of a trans person may remain the same or change through the process of transition.



## **Appendix One**

In the event of managers or staff being approached by other users of changing facilities the following procedure should be undertaken.



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# Equality Impact Assessment Completion Form

**1. What is the name of the service, policy, procedure or project to be assessed?**

Sports and Leisure - Services and Facilities  
Access by Trans People

**2. Briefly describe the aim of the service, policy, procedure or project. What needs or duties is it designed to meet?**

**When completing an assessment, keep a document file with notes when a policy is being replaced or reviewed.**

This policy seeks to address the issues that may arise when an individual who is in the transitioning stages of Gender Re-Assignment ( or who has completed re-assignment ) wishes to access sports and leisure services and facilities.

The policy aims to set some standard of behaviour and acceptance which will apply to all members of the public including transitioning individuals using sports and leisure services and facilities provided by the District Council including where this is provided under contract by other service providers.

**3. List your customers/ stakeholders**

All members of the public including transitioning individuals before, during and after transition has been completed.

Staff and service providers involved in the delivery of sports and leisure services.

All service departments of the Council where there is public access to toilets and changing room facilities.

**4. How do you know who they are?**

Sports and leisure services are already provided by the Council, or by a third party organisation under contract to the Council, and the service departments responsible have been identified.

Toilet and changing rooms facilities which are open to the public have been identified in all council premises and the relevant service departments and managers of those facilities have been identified in discussions and through the consultation on this new policy.

**5. Do any of your customers/ stakeholders come from the following Equality Groups?**

<b>Equality Group</b>	<b>Yes</b>	<b>No</b>	<b>Further Evidence Needed</b>
Race / Minority Ethnic Groups	√		
Disability	√		
Gender ( Male/ Female )	√		
Transgender ( Gender Dysphoria )	√		
Marital Status			√
Sexual Orientation			√
Religion/ Belief	√		
Age	√		
Income group	√		
Rural/Urban mix	√		
None of these	<b>N/A</b>		

**6. What activities have you undertaken to establish the information to answer questions 4 and 5?**

**Who have you consulted and what methods have you used?**

**(Examples might be consultation exercise, research activities, feedback from surveys etc.)**

A five month consultation period was undertaken to raise awareness of the new proposed policy and provide the opportunity to make comments and suggestions to improve the policy. The consultation included training for staff, managers and elected Members of Bromsgrove District Council, consultation with the District Council's Trade Union Liaison Group, posting the draft policy on the Council's website, circulating the draft policy widely to existing interested individuals and groups, placing the draft policy and questionnaire in various places where the general public would see a copy, Parish Councils and all current District Council partners under the umbrella of the Equality and Diversity Forum.

There were 26 formal replies and numerous verbal responses in meetings which indicated broad support for this proposed policy.

**7. Is there evidence that any groups are being treated unfairly, directly or indirectly?**

<b>Equality Group</b>	<b>Yes</b>	<b>No</b>	<b>Further Evidence Needed</b>
Race / Minority Ethnic Groups			It is possible that for some ethnic groups there may be some cultural difficulties in the understanding and acceptance of the needs of trans gender individuals.
Disability			√
Gender ( Male/ Female )			√
Transgender ( Gender Dysphoria )			The objective of this policy is to try to eliminate any unfairness, direct or indirect in access to sports and leisure services and facilities for transgender individuals
Marital Status			√
Sexual Orientation			√
Religion/ Belief			It is possible that some individuals because of their faith may have some difficulty accepting the needs of trans gender individuals.
Age			√
Income group			√
Rural/Urban mix			√
None of these	<b>N/A</b>		

**8. Please detail the information you have gathered to support the answers to question 7.**

<b>Equality Group</b>	<b>Evidence gathered</b>
Race / Minority Ethnic Groups	During the consultation period a range of groups in the community were consulted and a range of responses were received mostly positive or very positive. As the policy has not yet been introduced it is not possible to say whether there will be any unfair treatment arising from the application of this policy although it is possible that for some ethnic groups there may be some cultural difficulties in the understanding and acceptance of the needs of trans gender individuals.
Disability	As above
Gender ( Male/ Female )	As above
Transgender ( Gender Dysphoria )	The objective of this policy is to try to eliminate any unfairness, direct or indirect in access to sports and leisure services and facilities for transgender individuals and to date no specific examples of unfairness of treatment on this ground have been brought to the attention of the Council
Marital Status	As above
Sexual Orientation	As above
Religion/ Belief	It is possible that some individuals because of their faith may have some difficulty accepting the needs of trans gender individuals although there have been no examples of complaints in the past and members of various religious and ethnic groups in the District of Bromsgrove participated fully in the consultation process.
Age	As above
Income group	As above
Rural/Urban mix	As above
None of these	N/A

**9. Is there any justification for any unfairness identified in question 7 - for example, disproportionate cost? Describe the supporting evidence.**

No unfairness has been identified at this stage before the policy has been formally adopted and implemented.

**10. If you have identified any area of unfairness that cannot be justified, how will you eliminate or minimize this?**

This can only be considered when we have had the opportunity to test the policy in practice and deal with any issues if and when they arise. Then it will be possible to look at any unfairness and consider ways of eliminating or minimizing it.



**11. The results of your research and any justifications must be easily available to the public. When, where and how will you publish this information?**

The results of the consultation will be published on Bromsgrove District Council's website and reported back to the Council's Equality and Diversity Forum which will also oversee and monitor any issues arising from the implementation of the policy.

**12. In support of the Inclusive Equalities Scheme, you are required to regularly monitor all policies and services for fairness. What plans do you have to monitor this particular service, policy, procedure or project?**

This policy was developed and is to be launched as a result of actions that were agreed in the Draft Revised Gender Equality Scheme published in March 2009 and was part of the awareness campaign about the Scheme which is the one of the action points in the action plan.

The Gender Equality Scheme will be reviewed and revised in accordance with the requirements of the Equality Bill when it becomes the Equality Act 2010 and will be incorporated into the Single Equalities Scheme that the Council will be publishing and implementing in June 2011.

The introduction and implementation of the policy will be monitored for comments, complaints and issues arising but as these are expected to be very few the monitoring will be reactive until such time as it becomes appropriate to review, revise and re-launch this policy.

**13. Your findings now need to be managed through your Departmental 3 Year Rolling Equality Action Plan. Please complete the final section of this form.**

Action Required	By Whom	By When	Signed when completed	Priority	How has this Promoted Equality?
Prepare and present formal report for CMT and Executive Cabinet to go forward for approval in June 2010	Fiona Scott/ John Godwin	April 2010		H	Formal adoption by CMT/ Executive Cabinet will ensure adoption of the policy by District Councils and Wychavon Community Leisure Trust
Liaise with Wychavon Community Leisure Trust now managing the Dolphin Centre to ensure adoption	Fiona Scott/ John Godwin	End of August 2010		H	Successful implementation of this policy depends on front line staff being fully aware of what is expected of them and of the public

Action Required	By Whom	By When	Signed when completed	Priority	How has this Promoted Equality?
Liaise with Wychavon Community Leisure Association who are managing the Dolphin Centre, Bromsgrove to ensure that issues arising from the adoption of the policy are brought to the attention of the appropriate person(s) in the District Council	Fiona Scott/ John Godwin	End of August 2010		H	As above

**Equality Impact Assessment undertaken by ..... ( Signed )**

**Full name (in capitals please)    Fiona Scott**

**Position in the council                    Equality Office –Bromsgrove District Council**

**Date April 2010**

**When you have completed this form, please retain a copy and give a copy to your Equalities Champion, so that they can report to the Head of Service and the Equality Officer in Legal, Equalities and Democratic Services.**



**Equality Impact Assessment –  
Scrutiny by the Equality and Diversity Forum Working Group**

**This Assessment**

**Was created by**

**On**

**Was scrutinised by the Equality and Diversity Forum Equality Impact Assessment  
Working Group**

**On**

**Comments**

# Consultation on Draft Policy – 9<sup>th</sup> November 2009 to 31<sup>st</sup> March 2010 Use of Sports and Leisure Facilities by Trans-people

## Questionnaire

**There were 25 written replies (Some people just made comments or suggested amendments to wording) and numerous verbal comments made in meetings and training workshops for staff and Elected Members plus several phone calls, nearly all supportive or very supportive of the proposed policy.**

**1. Do you understand the Draft Policy? Yes/No**

No 1  
Yes 18

**2. Do you understand that everyone, employees and members of the public are required to abide by this policy?**

**Yes/No**

No 1  
Yes 18

**3. Do you have any comments on the Draft Policy? If, so please detail them here.**

- As Catshill and North Marlbrook Parish Council do not have responsibility for any sport and leisure facilities, it is unlikely that we would be affected by this policy and if we were, then we would adopt our own policy if that were necessary. We do have a minor interest in the meadows Playing Field where there are changing facilities and it may be prudent to bring this draft policy to the attention of the trustees in case they wish to take any action.

As we are only being consulted on the District council's policy then comments relate only to that. Looking through the document then it appears to be a guide to prevention of discrimination rather than a handbook of what council staff should do in various situations, such as a transgender person asks for advice. Given that difficult situations in relation to this policy are likely to be infrequent, then the policy appears to be both adequate and comprehensive.

- What on earth is going on here?
- Clear and easy to understand policy

- There appears to be conflicting sentiments in this policy, the obvious upholding of rights for an individual transsexual person, combined with the stated response if someone raises a concern about a transsexual person use changing facilities seems to be at odds.

Further to that there is no clear guidance on what the further advice might be, what method of appeal there may be for the individual, who may issue that advice (other than the contact near the end) and there is no guidance on time scales. Essentially, the point I am making is that someone could complain, a member of your staff could raise this with the individual, who in turn may refuse to accept the legitimacy of the complaint. At this point your member of staff does not have clear guidance, yes it says that further advice may be needed, but it does not tell the member of staff what to do with the individual in the mean time, do they let the individual continue to use the chosen changing facilities, in which case what do they do if there is a further complaint? Or do they ask the individual not to attend until the guidance has been received. If they ask the individual not to attend how long will the advice take? And if the individual does not agree with the advice, how do they appeal?

Also there seems to be a lack of clarity, as I read it, regarding the position of transgender people.

We will consider a trans person to have changed gender for the purposes of access to facilities at the time of official change of name as far as this is reasonably practicable.

I read that to mean that at the point a person changes their name they would have access to the changing facilities of the new sex. Is that how it is supposed to be applied? Plus, because the term has been reduced to 'trans' throughout the policy I am unclear if this guidance applies to a person who is a post op transsexual, transgender in 'the real life experience' or a transgender person who does not wish to go for full gender realignment.

I hope that is ok, I am not trying to be critical, but I just found it a bit vague in places.

- The policy reads as informative and sensitive, although it is always difficult to cover all eventualities
- The only comment I have is that it is important that all BDC employees, particularly front line staff, are fully aware of the Policy and understand what is expected of them. It's pointless having a good policy if HoS do not ensure it is understood by all staff. Councillors should also be made aware of the policy, particularly the relevant portfolio holder.
- Seems fine to us
- Covers everything I could think of.
- This is not a document that comes within our remit. The only comment we might make is that there may be issues over sharing changing rooms, toilets etc.
- I think its commendable that BDC have put so much thought into looking after all members of public and employees by outlining their policies on gender which promote equality for all. However as a black person in Bromsgrove can't say I've ever looked at a racial equality draft policy or indeed a policy. I assume that we have one?

- The policy is very good. Perhaps it also needs to cover training for key staff (when delivering induction) and as refresher training for more long term staff. It is our experience that no matter how good the policy is, if training and support is missing, understanding will be somewhat lost.
- Only that on occasion it may be difficult for a heterosexual person to cope with the consequences of the law as is acknowledged at item 3. this can only be met on a case to case basis and hopefully with sensitivity, tolerance and understanding by all parties.
- Psychological inhibitions on the part of the affected persons need sympathetic considerations
- An understanding way of dealing with a sensitive issue. Well thought out plan
- I agree with the report unfortunately it is very sad we have to have legislation for people to be kind to people
- I feel a disproportionate amount of time and study have been used here bearing in mind the small (very small) percentage of people who fall into this specific category. Surely every person should be dealt with according to need, and by definition this group would not wish to be the subject of inverse discrimination. So long as staff are aware of all possibilities everyone should be entitled to be treated the same.
- The policy looks good, but the key point, I suspect will be ensuring that all staff are fully on board.
- I think it looks very good, my only concern will be how we turn this into reality at the sites etc but I think we should be able to sort this with an awareness and training campaign.
- Very interesting. Never had thought about the issue! But obviously very important.
- I feel the document is quite explicit and clear. It is not a problem with the item in general. However it could present a problem to someone who is going through the process of change as the men's side has no cubicle in the gym. (This might be referring to a Redditch facility )
- Two very minor proof reading points:
  - (1) Item 5 line 2: "...from the point where..." –  
Replace this by "...from the point when..."  
or probably better: "...from the time when..."
  - (2) Item 8 line 10 remove the single bracket ( which appears : "...the Council House..."



## **Worcestershire Partnership Statutory Partners: Terms of Engagement**

The public sector agencies in Worcestershire recognise that over the next 4-5 years, we will all face major budget pressures, requiring changes and sometimes reductions in services.

Our commitment is to:-

1. Talk to each other before we make major budget decisions
2. Protect critical services to the public and businesses as far as possible, by redesigning services across organisational boundaries and achieve savings by sharing strategies, resources and budgets
3. Put the needs of local people and places ahead of bureaucratic needs
4. Prevent the cumulative effect of decisions affecting some communities or groups in society disproportionately
5. Minimise adverse consequences for the local economy
6. Engage with businesses and the third sector where appropriate, and jointly consult stakeholders before major decisions are made.

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# Appendix

SUMMARY - Period 1 (April) 20010/11					
Monthly (April) performance					
	No.	%age <sup>3</sup>		No.	%age <sup>3</sup>
Improving or stable.	n/a		On target	19	56%
Declining	n/a		Missing target by less than 10%	6	18%
No data	n/a		Missing target by more than 10%	9	26%
			No data <sup>2</sup>	6	
<b>Total Number of Indicators reported this period<sup>1</sup></b>	0		<b>Total Number of Indicators reported this period<sup>1</sup></b>	40	

## Notes

- 1 - This figure shows the total number of indicators reported in Appendix 2 for this period. This will vary some quarterly, some annually (but in different periods - depending on when they become available)
- 2 - Some of the indicators do not have all the performance elements, for instance some do not have targets are activity measures (e.g. monthly call volume). These indicators will be included in the 'no data' category
- 3 - The percentage figure shown is the percentage of the number of indicators for which relevant data is available the total number of indicators reported this period.

**APPENDIX 1**

<b>Estimated Outturn</b>		
	<b>No.</b>	<b>%age<sup>3</sup></b>
<b>On target</b>	31	89%
<b>Missing target by less than 10%</b>	4	11%
<b>Missing target by more than 10%</b>	0	0%
<b>No data<sup>2</sup></b>	5	
<b>Total Number of Indicators reported this period<sup>1</sup></b>	40	

y as some indicators are reported monthly,

!).

targets because they are new indicators this year, others

ount where comparisons cannot be made.

is available this period, not

Performance Indicators Period 01 (April 2010)

Ref	Description	Freq. of reporting	Cum or Snap?	2009/10 outturn	2010/11			Comments
					April Target	April Actual	Target & Trend	
<b>Environment Department</b>								
NI 191	Residual Household waste per household (KG)	M	C	581.13	47.55	52.89		Trade waste figures not yet received. Only glass recycling bank figures received due to early call date for data. Likely to reduce to 50.3 bringing this in better than previous month
NI 192	Percentage of household waste re-used, recycled and composted	M	C	37.4	44.09	40.27		Trade waste figures not yet received. Only glass recycling bank figures received due to early call date for data. Likely to increase to 41% therefore improving figure even more
	Number of missed waste collections	M	C	1107	125	167		86 missed recycling collections, 50 missed household collections, 31 missed garden waste
	Town Centre Car Park Usage (av per month)	M	S	126,928 (ave)	126,875	125,929		slightly below target

Community Services

	Total Crime	M	C	5187	433	485		Total Crime is slightly off target. High Volume crime type is currently Violent Crime which we are currently developing strategies to tackle. Please see commentary below for Violent Crime. We are currently coordinating work to deal with disorder during the World Cup and ongoing work to reduce vehicle crime at beauty spots.
	The number of domestic burglaries	M	C	321	30	25		Domestic Burglary within Bromsgrove is on target - however work will continue to monitor known offenders with domestic burglary habits.

Ref	Description	Freq. of reporting	Cum or Snap?	2009/10 outturn	2010/11			Comments	
					April Target	April Actual	Target & Trend		
	The number of violent crimes	M	C	1046	88	107	1,038	1,057	Violent Crime continues to be off target and is connected to domestic related incidents and ABH connected to the Night Time Economy - a number of actions have been delivered which we hope to see the benefit of such as the approval of the planning application to build a smoking area to the rear of the Love to Love nightclub and the introduction of taxi ranks. A Domestic Violence profile has just been completed and we will be working with stakeholders including the County Domestic Violence Coordinator to develop a local project to tackle this issue.
	The number of robberies	M	C	44	4	6	54	56	Slightly off target but of low quantity by the Community Safety Partnership. However each robbery offence is dealt with as priority offence by West Mercia Police and dealt with accordingly.
	The number of vehicle crimes	M	C	672	55	47	664	656	Vehicle Crime is on target and during April is predominantly because of the success of Operation Everest - which involved high visibility presence at beauty spot car parks and raising awareness to secure vehicles and remove valuables. As a result of this operation there were no offences during the Easter weekend which is a notoriously bad weekend for offences. Work is underway to extend this operation throughout the summer months.
	The number of Criminal Damage Incidents	M	C	908	74	64	890	880	Criminal Damage is also on target due to high visibility presence in key wards. Historically criminal damage offences have been to public property, fences and graffiti. There is ongoing work within the Community Safety Partnership to tackle these issues through the delivery of an Environmental Crime Action Plan.
	Monthly Shopmobility Centre Usage	M	S	144 (ave)	160	141	160	160	

Ref	Description	Freq. of reporting	Cum or Snap?	2009/10 outturn	2010/11			Est. Outturn Target & Trend	Comments
					April Target	April Actual	Est. Outturn		
	Community transport usages	M	C	n/a	n/a	n/a	1680	1680	Information not yet available
	Private dispersed Lifeline customer numbers - new customers	M	S		20		215	215	Most referrals this month have been through word of mouth.
	Private dispersed Lifeline customer numbers - Leavers	M	S		9		137	137	5 Service Users passed away, 2 went into nursing homes and 2 have prolonged hospital stays.
	Private dispersed Lifeline customer numbers - net gain	M	S		11		78	78	A net gain of 11 customers without significant marketing activity is a good start to the year.
	Private dispersed Lifeline customer numbers - total private dispersals	M	S		11		78	78	A net gain of 11 customers without significant marketing activity is a good start to the year.
	Number of lifeline calls received	M	S		612		679	679	This is based on the information above.
	% of lifeline calls answered within 1 minute	M	S		99.94%		98.50	98.50	The target of 98.5% is a nationally recognised acceptable standard set by the Telecare Industry Authority
	Number of CCTV incidents (activity measure)	M	C		315		n/a	n/a	Activity Measure
	% of CCTV incidents which are proactive monitoring	M	C		60		n/a	n/a	Baseline
	Number of CCTV evidential seizures	M	C		33		n/a	n/a	Baseline

**Leisure & Cultural Services**

	Number of locally delivered diversionary sessions	M	C	163	16	30	185	185	Target exceeded due to delivery of Holiday Community Coaching Sessions and Weekly Community Football Session.
	Numbers of users attending diversionary activities.	M	C	617	56	64	720	720	Target exceeded due to delivery of Holiday Community Coaching Sessions and Weekly Community Football Session.
	Number of attendances at arts events	M	C	23,728	91	100	25,750	25,750	We have exceeded April target. Additional Shindig figures are missing due to staff sickness, but will be added at a later date. Therefore actual figure will increase. Good weather at St Georges Day Event contributed to successful turn out.

Ref	Description	2009/10 outturn	Cum or Snap?	Freq. of reporting	2010/11			Comments
					April Target	April Actual	Est. Outturn Target & Trend	
	Dolphin Centre Usage	415,407	C	M	34,056	34,301	413,000	Dolphin Centre usage figure has exceeded target for the month of April.
	Sports development usages	30,095	C	M	1,966	2,060	30,600	Target exceeded due to continued delivery of regular programmes including PSP, Mobility, Community Sessions and also due to the success of Holiday Activities at the Easter period.

#### Finance & Resources Department

Ref	Description	2009/10 outturn	Cum or Snap?	Freq. of reporting	April Target	April Actual	Target & Trend	Est. Outturn Target & Trend	Comments
NI181	Time taken to process HB/CT benefit new claims or change events (days)	9.12	C	M	12.00	19.61		12.00	There was a number of staff on leave during April due to Easter and school holidays. In addition to this there is more incoming post than usual during the months of Feb, March and April meaning the workload has increased. We currently have a slight backlog that shall be address by offering staff overtime in May and June.
	Percentage of invoices paid within 10 days of receipt	83.00	C	M	90.00	86.69		90.00	Invoices paid within 10 days is slightly below the target because of delays with authorising due to the bank holiday
FP001	Percentage of invoices paid within 30 days of receipt	98.00	C	M	98.00	99.61		98.00	On Target
LPI (formerly BV12)	The average number of working days lost due to sickness.	9.12	C	M	0.71	0.78		9.40	There has been no change in the level of sickness absence from the previous month, therefore the year starts as <b>AMBER</b>

#### Customer Services

Ref	Description	2009/10 outturn	Cum or Snap?	Freq. of reporting	April Target	April Actual	Target & Trend	Est. Outturn Target & Trend	Comments
	Monthly Call Volumes Customer Contact Centre (activity measure)		S	M	n/a	9,914	n/a	n/a	Calls to the contact centre have fallen by 10% compared to last month. Call volumes remain high but overall call volume handled by customer services has reduced by 10.5% compared to last month, this is expected following council tax billing and matches previous trends. Calls to the contact centre and the council switchboard both follow this reduction trend equally
	Monthly Call Volume Council Switchboard (activity measure)		S	M	n/a	4,799	n/a	n/a	Call volume to the Council switchboard has fallen by 11% compared to last month

Ref	Description	Freq. of reporting	Cum or Snap?	2009/10 outturn	2010/11			Comments
					April Target	April Actual	Target & Trend	
	Resolution at First Point of Contact all services (percentage)	M	S	95.00	85.00	97	85.00	Performance remains above target and is consistent with the monthly performance to date
	% of Calls Answered	M	S	85.00	85.00	86.00	20.00	Performance is under target this month and is being driven by sustained high call volumes and in particular the peaks of calls on three separate days this month call volume exceeded 900 calls per day. This is far in excess of the contact centres capacity to handle within the performance standards
	Average Speed of Answer (seconds)	M	S	20 (ave)	20.00	34.00	20.00	Performance remains under target this month and is being driven by sustained high call volumes and in particular the peaks of calls on three separate days this month call volume exceeded 900 calls per day. This is far in excess of the contact centres capacity to handle within the performance standards
	Number of complaints received (Council wide)	M	C	200		34	decreasing	A delay in the manufacturing of the brown bins has caused an increase in the number of complaints received as the knock on effect was customers did not receive them in time for the start of the green waste collections. Complaints received were - : 3 about parking machines not giving change, 1 about fly tipping not collected, 1 lack of info re changes to recycling service, 2 about bins not being placed back properly, 2 about missed collections, 19 about brown bins not being delivered in time for garden waste collection, 3 objections about planning applications, 1 about procedure at planning committee and 2 about Benefits claims.

Ref	Description	Freq. of reporting	Cum or Snap?	2009/10 outturn	2010/11			Comments
					April Target	April Actual	Target & Trend	
	Number of compliments received	M	C	60	9		increasing	Compliments received were - 1 about Gymnastics Course organised by Sports Development, 1 about the Street Cleansing Team, 1 about excellent service from Waste and Recycling Teams and 6 about service provided by the Customer Service Centre Team

**Legal, Equalities and Democratic Services**

There are no Corporately reported PIs for this department

**Planning & Regeneration**

NI 157	The percentage of major planning applications determined within 13 weeks	M	C	83.00	66.60		85.00	85.00	April saw 6 decisions on Major applications which is significant considering that the last Quarter of 2009/10 only saw 3 major applications being determined. The two applications that went out of time related to; Alvechurch School site where the S106 agreement was received 1 Day late and the Aldi Foodstore. In this instance there was a shift in the policy considerations during the processing of the application as a result of the publication of PPS4 and this required the submission of additional information.
NI 157	The percentage of minor planning applications determined within 8 weeks	M	C	87.80	88.30		85.00	85.00	In the last Quarter of 2009/10 minor applications returned to a more healthy number of 15 – 17 and April reflects this. Of the two out of time proposals one related to Oakland International which was called to Committee as was Berry Lane wind turbine proposal, which was subsequently refused.



Ref	Description	Freq. of reporting	Cum or Snap?	2009/10 outturn	2010/11			Est. Outturn Target & Trend	Comments
					April Target	April Actual	Est. Outturn		
NI 157	The percentage of other planning applications determined within 8 weeks	M	C	91.00	90.00	94.30	90.00	April (52) saw a reduction in other applications from the relatively high figure of March(62). Out of time applications were limited to the householder category, of these 3 one was called to committee (1 Pound Lane Frankley 09/0920) whilst 25 Stourbridge Road Hagley was due to late neighbour notification (10/0066) and 2 Church Lane was due to the need for a conservation area setting advert (09/0712)	

**Housing Department**

Corporately reported PIs for this department are only reported quarterly

**Regulatory Services**

There are no Corporately reported PIs for this department

**Policy, Performance and Partnerships**

Corporately reported PIs for this department are only reported quarterly

**Business Transformation**

There are no Corporately reported PIs for this department

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**2010/11 Monthly Performance figures**

Ref	Description	Freq	Cum or Snap	Apr.	May.	Jun.	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.		
NI 191	Residual Household waste per household (kg)	M	Target	47.55	47.84	47.60	48.38	47.12	47.68	47.09	48.57	53.04	46.98	44.23	48.21		
			Actual	52.89													
		numerator		2,058.94													
		denominator		38,929													
NI 192	Percentage of household waste re-used, recycled and composted	M	Target	44.09	47.89	46.56	45.93	44.70	45.33	42.77	38.61	26.03	32.34	29.03	36.41		
			Actual	40.27													
		numerator		1,388,040													
		denominator		3,447,120													
	Number of missed waste collections	M	Target	125	125	125	125	125	125	125	125	125	125	125	125		
		Actual	167														
	Town Centre Car Park Usage	M	Target	126,875	126,875	126,875	126,875	126,875	126,875	126,875	126,875	126,875	126,875	126,875	126,875		
		Actual	125,929														

**Environment Department**

**Community Services**

	Total crimes	M	Target	433	447	433	447	447	433	447	433	447	447	404	447
		Actual	485												
	The number of domestic burglaries	M	Target	30	31	30	31	31	30	30	31	31	31	28	31
		Actual	25												
	The number of violent crimes	M	Target	88	91	92	96	97	90	87	78	78	80	74	87
		Actual	107												
	The number of robberies	M	Target	4	5	4	5	5	4	5	4	5	5	4	5
		Actual	6												
	The number of vehicle crimes	M	Target	55	56	55	56	56	55	56	55	56	56	51	56
		Actual	47												
	The number of criminal damage incidents	M	Target	74	77	59	93	74	81	74	76	59	63	70	90
		Actual	64												
	Shannonhilly Centre Ilseane	M	Target	160											
		Actual													



Performance Measure	Unit	Actual	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Sports development usages	M	Actual	34,301	2,514	2,849	2,686	2,351	1,941	3,064	3,540	1,171	1,983	2754	3,781	
	C	Target	1,966	2,514	2,849	2,686	2,351	1,941	3,064	3,540	1,171	1,983	2754	3,781	
	C	Actual	2,060												

**Finance & Resources Department**

Performance Measure	Unit	Actual	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	
																Target
Time taken to process HB/CT benefit new claims or change events	M	Target	12.00													
	C	Actual	19.61													
Percentage of invoices paid within 10 days of receipt	M	numerator	21,202													
		denominator	1,081													
Percentage of invoices paid within 30 days of receipt	M	Target	90.00													
		Actual	86.69													
The average number of working days lost due to sickness.	M	Target	98.00													
		Actual	99.61													
	C	Target	0.71	0.71	0.71	0.71	0.71	0.71	0.71	0.71	0.71	0.71	0.71	0.79	0.78	
	C	Actual	0.78													

**Customer Services**

Performance Measure	Unit	Actual	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	
																Target
Monthly Call Volumes Customer Contact Centre (activity measure)	M	Target														
		Actual	9,914													
Monthly Call Volume Council Switchboard (activity measure)	M	Target														
		Actual	4,799													
Resolution at First Point of Contact all services (percentage)	M	Target	85.00													
		Actual	97.00													
% of Calls Answered	M	Target	85.00													
		Actual	86.00													
Average Speed of Answer (seconds)	M	Target	20													
		Actual	34													
Number of complaints received (Council wide)	M	Target														
		Actual	34													
Number of compliments received (Council wide)	M	Target														
		Actual	9													

**Planning & Regeneration**

Performance Measure	Unit	Actual	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	
																Target
The percentage of major planning applications determined within 13 weeks	M	Target	85.00													
		Actual	66.60													
	C	numerator	4													
	C	denominator	6													
	M	Target	85.00													



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