

**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE CABINET**

**WEDNESDAY, 1ST JUNE 2011 AT 6.00 P.M.**

PRESENT: Councillors R. Hollingworth (Chairman), Mrs. M. A. Sherrey JP (Vice-Chairman), Dr. D. W. P. Booth JP, M. A. Bullivant, C. B. Taylor and M. J. A. Webb

Officers: Mr. K. Dicks, Ms. S. Hanley, Mr. J. Staniland, Mrs. D. Randall, Mrs S. Sellers, Mr. M. Cox, Ms. A. Wardell-Hill, Ms. L. Williams, Ms. J. Carstairs and Ms. R. Cole.

1/11 **APOLOGIES FOR ABSENCE**

No apologies for absence were received.

2/11 **WELCOME**

The Leader welcomed Councillors M. A. Bullivant and C. B. Taylor to their first meeting of the Cabinet. All those present introduced themselves.

3/11 **DECLARATIONS OF INTEREST**

No declarations of interest were received at this stage.

4/11 **MINUTES**

The minutes of the meeting held on 6th April 2011 were submitted.

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

5/11 **OVERVIEW AND SCRUTINY BOARD**

The minutes of the meeting of the Overview and Scrutiny Board held on 5th April 2011 were submitted.

**RESOLVED** that the minutes be noted.

6/11 **AUDIT BOARD**

The minutes of the meeting of the Audit Board held on 11th April 2011 were submitted.

**RESOLVED:**

(a) that the minutes be noted;

- (b) that the recommendation contained at 52/10 relating to the provision of updates to the Audit Board on any “priority one” and “priority two” findings be approved.

7/11 **VERBAL UPDATES FROM THE LEADER AND/OR OTHER CABINET MEMBERS ON ANY RECENT MEETINGS ATTENDED IN AN EX-OFFICIO CAPACITY**

Councillor M. J. A. Webb reported on a very positive meeting which he had attended with Bromsgrove Sporting.

8/11 **ENFORCEMENT AND FIXED PENALTY NOTICES FOR ENVIRONMENTAL SERVICES**

The Cabinet considered a report on the improvement of environmental enforcement within the District.

Reference was made to a previous report on this issue which had been considered by Cabinet on 2nd February 2011. At that time the proposals had been agreed in principle and this report was setting out in more detail the steps necessary to enable nominated officers to deal with a range of environmental enforcement issues more effectively.

It was intended that a publicity and education campaign would be undertaken to ensure the public were aware of the new range of regulatory powers. It would be made clear that the issuing of Fixed Penalty Notices and any subsequent Court Proceedings would in most instances be a last resort and that there would be a staged process in place including advice and verbal and written warnings.

It was noted there was a typographical error in section 10 of Appendix B in relation to the Fixed Penalty Notice for offences under Dog Control Orders. It was intended the Fixed Penalty Notice level would be set at £75 reducing to £50 if paid within 10 days.

**RESOLVED** that in accordance with the decision made in principle by the Cabinet on 2nd February 2011, the savings previously identified within the Environmental Services budget be vired to fund the post of Environmental Services Officer.

**RECOMMENDED:**

- (a) that the Environmental Strategy set out in Appendix A to the report be approved in accordance with the powers for adoption as set out in Appendix A (i) to the report together with the statutory powers to enable Fixed Penalty Notices to be issued as set out in Appendix B to the report.
- (b) that the delegations to officers set out in Appendix C to the report be approved and that delegated authority be granted to the Head of Legal, Equalities and Democratic Services to make any consequential amendments to the Constitution;

- (c) that the recommended levels for Fixed Penalty Notices as set out in Appendix B to the report be approved on the basis that these amounts form part of the Council's fees and charges and will therefore be subject to future amendment by the Cabinet as part of the annual review of fees and charges.

9/11

**AIR QUALITY MANAGEMENT AREA DECLARATION - WORCESTER ROAD, BROMSGROVE**

The Cabinet considered a report on a proposal to designate Worcester Road, Bromsgrove as an Air Quality Management Area (AQMA).

It was noted that Authorities were required under the Environment Act 1995 to review and assess the current and likely future air quality within their areas against the objectives in the National Air Quality Strategy. The proposal was as a result of monitoring and assessment undertaken at the site which had concluded that the national air quality objective for nitrogen dioxide was being exceeded.

As part of the discussion on this item reference was made to three other areas within the District which had previously been designated as an AQMA. Members felt it would be helpful for the Portfolio Holder, Councillor C. B. Taylor to meet with officers in order to follow up the progress made in addressing the issue of air quality in those areas, including ascertaining whether there was any additional assistance which this Authority could provide, for example further discussions with the County Council or the Highways Agency.

It was noted that the proposed Action Plan in respect of the Worcester Road AQMA would set out the measures to ensure that the air quality objectives within the area covered by the AQMA were not exceeded. There was some concern however regarding the timescale envisaged of up to 18 months for the completion of the provisional Air Quality Action Plan. Officers confirmed that during this period work to address the issue would be on-going but also undertook to produce in advance of the formal Action Plan, an outline of actions in the form of a timeline.

**RECOMMENDED:**

- (a) that the area at Worcester Road, Bromsgrove shown in red on the plan attached as Appendix 1 to the report be formally designated as an Air Quality Management Area by the making of an Order under section 83(1) of the Environment Act 1995;
- (b) that authority be delegated to the Head of Regulatory Services and the Head of Legal, Equalities and Democratic Services to prepare and sign the Air Quality Management Area Order for Worcester Road, Bromsgrove;
- (c) that it be noted that in accordance with the relevant provisions of the Environment Act 1995, a provisional Air Quality Action Plan will be completed within 18 months of the making of the Order and that prior to the production of this Action Plan a timeline will be produced setting out in outline the actions to be taken.

10/11 **BROMSGROVE TOWN CONSERVATION AREA (AMENDMENT TO AREA BOUNDARY) AND DESIGNATION OF ST. JOHN'S CONSERVATION AREA**

Members considered a report on proposed amendments to the Bromsgrove Town Conservation Area together with the designation of a new St. John's Conservation Area.

During the discussion on this item Members paid tribute to the work undertaken by officers in securing funding from the Heritage Lottery Fund which would facilitate the accessing of further funds from the Townscape Heritage Initiative.

**RESOLVED:**

- (a) that the amendments to the boundary of the Bromsgrove Town Centre Conservation Area as described in the notice and schedule of properties attached as Appendix A to the report be approved;
- (b) that the designation of a new St. John's Conservation Area under the Planning (Listed Buildings and Conservation Areas) Act as described in the notice and schedule of properties attached as Appendix B to the report be approved.

11/11 **PERFORMANCE MONITORING QUARTER 4 2010/2011**

The Cabinet considered a report on the Council's performance at the year ending 31st March 2011.

It was reported that Performance Indicators would largely be replaced by measures which better reflected the concerns and needs of the customer. As part of the Transformation Programme work was on-going to develop these measures and it was intended that Members would also be involved in the process.

**RESOLVED:**

- (a) that it be noted that 55% of Performance Indicators were stable or improving ;
- (b) that it be noted that 59% of Performance Indicators met their target at the year end;
- (c) that the performance figures for March 2011 as set out in Appendix 2 and Appendix 3 to the report be noted;
- (d) that the comparisons to previous years as set out in section 4.1 of the report be noted;
- (e) that the proposed revised reporting format for 2011/2012 as set out in sections 4.2 and 4.3 of the report be approved.

12/11 **ARTRIX RIGHT OF WAY - UPDATE**

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

Councillors R. Hollingworth and Dr. D. W. P. Booth JP declared personal interests in this item as Members of the Bromsgrove Arts Centre Holding Trust.

Councillor Mrs M. A. Sherrey JP declared a personal interest in this item as a Member of the Bromsgrove Arts Centre Operating Trust.

Councillor C. B. Taylor declared a personal interest in this item as a Member of the Fire Authority.

A report was circulated updating Members in relation to the proposed development by the Police of land owned by NEW College at Slideslow Drive, Bromsgrove for the purposes of a new combined Police and Fire Station.

At its meeting on 8th September 2010 the Cabinet had agreed in their capacity as Bare Trustees to the request of the Bromsgrove Arts Development Trust (the Holding Trust) to grant an easement over land owned by the Holding Trust to enable the emergency services to have an additional egress route which it was proposed would pass over land forming part of the car park of the Artrix.

Since that meeting there had been changes to the proposals including the alteration of the proposed route of the egress way and the receipt of an offer from the Police to purchase the land required from the Holding Trust. The Holding Trust had considered the latest proposals and the Cabinet were now requested to consider and implement the recommendations made by the Holding Trust.

In their capacity as Bare Trustees (in respect of (a) and (b) below) in order to implement the request from the Holding Trust it was

**RESOLVED:**

(a) that the land shown red on the plan attached as Appendix 2 to the report be sold to West Mercia Police for the sum of £8250 subject to the following conditions:

1. The receipt of written confirmation from the Bromsgrove Arts Centre Operating Trust that its agreement to the revised egress;
2. That the egress is only used for emergency vehicles;
3. That emergency vehicles may exit onto School Drive for the egress but may not use the egress to re-enter the Police/Fire Station;
4. That signs be erected by the Police to warn members of the public and pedestrians of the egress;
5. That sirens are not to be used by emergency vehicles when exiting from the Police/Fire Station on the egress road;
6. That the matters referred to above be secured either as part of the legal documents for the transfer or by way of a separate legal agreement between the Holding Trust and West Mercia Police;

7. That West Mercia police agree to undertake to pay all the costs reasonably incurred in connection with the preparation, negotiation and completion of all legal documentation.
- (b) that NEW College and their successors in title be released from the covenant in the 2003 Transfer Deed under which the College is currently required to provide 20 overspill parking place.
- (c) that authority be delegated to the Head of Legal, Equalities and Democratic Services in consultation with the Portfolio Holder and the Executive Director (Finance and Corporate Resources) to:
1. Agree the terms of the sale of the land to the West Mercia Police incorporating the conditional elements detailed above;
  2. Approve and implement any associated legal documents relating to the sale of the land and variation of the lease between Bromsgrove District Council, the Holding Trust and the Operating Trust;
  3. Approve and implement any associated legal documents relating to the release of the covenant in the 2003 Transfer Deed in relation to overspill parking places

The meeting closed at 7.25 p.m.

Chairman