



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE CABINET

WEDNESDAY 2ND OCTOBER 2013 AT 6.00 P.M.

THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors R. Hollingworth (Leader), M. A. Sherrey (Deputy Leader), D. W. P. Booth, M. A. Bullivant, C. B. Taylor and M. J. A. Webb

AGENDA

1. To receive apologies for absence
2. Declarations of Interest
3. Discussion/Overview of Policing Plans for Bromsgrove with Superintendent Kevin Purcell of West Mercia Police
4. To confirm the accuracy of the minutes of the meeting of the Cabinet held on 4th September 2013 (Pages 1 - 10)
5. Minutes of the meeting of the Overview and Scrutiny Board held on 16th September 2013 (Pages 11 - 22)
 - (a) To receive and note the minutes
 - (b) To consider any recommendations contained within the minutes
6. County Air Quality Action Plan (Pages 23 - 26)

Please note that the Worcestershire Air Quality Action Plan is available on the Worcestershire Regulatory Services website

<http://www.worcsregservices.gov.uk/pollution/air-quality/air-quality-action-plan.aspx>

7. Air Quality Task Group Report (Pages 27 - 70)
8. Toilets in Bromsgrove Cemetery and Sanders Park (Pages 71 - 80)
9. Membership of Improvement and Efficiency Social Enterprise (Pages 81 - 84)
10. The Dodford Inn - Application for Inclusion on Asset of Community Value Register (Pages 85 - 104)
11. 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
12. To consider, and if considered appropriate , to pass the following resolution to exclude the public from the meeting during the consideration of the following 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(s) of business on the grounds that it/they involve(s) 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</u>	
13	3	"

13. Delegated Authority for Disposal of Council Owned Land at Recreation Road (Pages 105 - 112)

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

24th September 2013

Agenda Item 4

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE CABINET

WEDNESDAY, 4TH SEPTEMBER 2013 AT 6.00 P.M.

PRESENT: Councillors R. Hollingworth (Leader), M. A. Sherrey (Deputy Leader), D. W. P. Booth, M. A. Bullivant, C. B. Taylor and M. J. A. Webb

Observers: Councillors C. J. Bloore, J.M. L. A. Griffiths and L. C. R. Mallett

Officers: Ms J. Pickering, Ms R. Bamford, Mrs C. Felton, Ms A. De Warr, Mrs S. Sellers, Mr M. Dunphy, Mrs A. Rutt and Ms R. Cole

21/13 APOLOGIES FOR ABSENCE

No apologies for absence were received.

22/13 DECLARATIONS OF INTEREST

No declarations of interest were received.

23/13 MINUTES

The minutes of the meeting of the Cabinet held on 3rd July 2013 were submitted.

RESOLVED that the minutes be approved as a correct record.

24/13 OVERVIEW AND SCRUTINY BOARD

The minutes of the meeting of the Overview and Scrutiny Board held on 15th July 2013 were submitted.

RESOLVED that the minutes be noted.

25/13 WORCESTERSHIRE SHARED SERVICES JOINT COMMITTEE

The minutes of the meeting of the Worcestershire Shared Services Joint Committee held on 27th June 2013 were submitted.

RESOLVED that the minutes be noted.

26/13 SHARED SERVICES BOARD

The minutes of the meeting of the Shared Services Board held on 4th July 2013 were submitted.

RESOLVED that the minutes be noted.

27/13 **BROMSGROVE DISTRICT PLAN 2011-2030**

The Cabinet considered a report in relation to the Bromsgrove District Plan 2011-2030. It was noted that the report outlined the work undertaken on the Plan to date, provided a summary of the Plan policies and was seeking approval for the further stages of the Plan production culminating in an Examination in Public during the middle of 2014.

In addition it was noted that the report also included officer responses, which Members were requested to endorse, on the recently completed Housing Growth Consultation. The results of the consultation had been incorporated wherever possible into policy RCBD1 Redditch Cross Boundary Development.

It was reported that an updated Appendix A relating to the Redditch housing growth consultation had been produced and circulated which included further comments provided by Worcestershire County Council Highways. The Strategic Planning Officer outlined the processes which had been followed by officers in both Redditch and Bromsgrove in the evaluation and assessment of sites to accommodate the required levels of cross boundary growth.

The Portfolio Holder for Planning and the Strategic Planning Manager reminded the Cabinet of the various stages through which the Plan had progressed over a number of years. These were detailed in sections 3.10 to 3.21 of the report. The changes required by central government through the introduction and then the abolition of the Regional Spatial Strategy and also the publication of the National Planning Policy Framework had obviously had an impact upon the production of the Plan and associated documents.

Representations would be invited by this Council on the soundness of the Plan and it was important that respondents were aware of how to make any representations and to provide some detail as to why they felt the Plan may be sound or unsound. Guidance notes would be produced and a number of "drop in" sessions would be undertaken in order to make available to respondents information and assistance on the submission of effective representations during the six week representation period.

The Strategic Planning Manager reminded Members that following the representation period the Inspector appointed would be considering whether the plan published at this stage had been produced in accordance with the tests of soundness as set out in section 3.5 of the report.

Attention was also drawn to an amendment required to the plan in relation to policy BDP5B table 3 where the number of houses already with permission should read 283. In addition it was reported there was an outstanding objection to the deletion of policy RUB5 in the current local plan from a Member. It was intended this would be clarified prior to the Council meeting on 25th September 2013.

RECOMMENDED:

- (a) that the officer responses to consultation held on Redditch Housing Growth set out in updated Appendix A be endorsed;
- (b) that the Proposed Submission Bromsgrove District Plan 2011-2030 (Appendix B), Policies Map (Appendix C) and Sustainability Appraisal (Appendix D) be approved for representations to be made by all interested parties during the representation period commencing 30th September 2013 until 11th November 2013, in accordance with regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012;
- (c) that the Head of Service /Director and the Strategic Planning Manager, in consultation with the Portfolio Holder for Planning, be authorised to review the representations made at the close of the representation period and that subject to no significant matters or weaknesses being raised to bring into doubt the soundness of the proposed submission plan, the Bromsgrove District Plan be submitted to the Secretary of State for examination in December 2013 in accordance with regulation 22 of the Town and Country Planning(Local Planning) (England) Regulations 2012;
- (d) that the Head of Service/Director and the Strategic Planning Manager , in consultation with the Portfolio Holder for Planning, be authorised to prepare and submit the necessary documents to support the submission of the Local Plan; and
- (e) that the Head of Service/ Director and the Strategic Planning Manager, in consultation with the Portfolio Holder for Planning, be authorised to undertake such further revisions, technical corrections and editorial changes deemed necessary in preparing the Local Plan for publication and subsequent submission to the Secretary of State and to agree any further changes where appropriate during the examination.

28/13 **CHANGES TO THE SCHEME OF FEES AND CHARGES FOR NON-STATUTORY PLANNING ADVICE**

The Cabinet considered a report in relation to a proposed revision to the Scheme of Fees and Charges made in respect of non-statutory planning advice.

Members noted that the on-going transformation work within the Planning Team had suggested that the changes to the Scheme of Fees and Charges proposed would assist with providing good quality customer services and improving the efficiency and flexibility of the working practices of staff within the office.

It was noted that it was intended to remove charges for permitted development applications and to retain charges for pre application advice only in respect of new residential development or conversion to new residential development. The charges would therefore no longer apply to applications relating to employment or leisure. Whilst this would result in a loss of income of approximately £12,000 it was felt that much of this would be met from savings realised from the costs provision of the service

It was reported that the fees had not been increased in April 2013 in view of the likely changes and it was therefore proposed that that the changes be introduced from 1st October 2013 and that the fees be increased by 5 per cent in April 2014.

RESOLVED:

- (a) that the Fees and Charges Scheme and Schedule as contained in Appendix 1 to come into effect from 1st October 2013 until 31st March 2014 be approved; and
- (b) that the Fees and Charges Schedule as contained in Appendix 2 to come into effect as from 1st April 2014 be approved.

29/13 **REPORT OF THE YOUTH PROVISION TASK GROUP**

The Leader invited the Chairman of the Task Group Councillor J. M. L. A. Griffiths to introduce the report of the Task Group on Youth Provision.

Councillor Griffiths explained the work the Task Group had undertaken in highlighting the provision for young people and thanked the Members of the Task Group and officers for their work.

The Cabinet then considered the recommendations of the Task Group in detail and sought clarification on some issues from Councillor Griffiths.

The Leader thanked Councillor Griffiths and the other Members of the Task Group for their work which had resulted in some good recommendations.

Recommendation 1

That Worcestershire County Council ensures that regular meetings between the commissioner and local providers of Positive Activities (within the Bromsgrove District) take place to ensure there is no overlap of services and to enable best practices to be shared.

Cabinet Response

This was agreed.

Councillor M. J. A. Webb indicated he was happy to attend a future meeting of the Overview and Scrutiny Board when the Cabinet response was discussed by the Board. There was concern that Positive Activities would suffer as a result of County Council budget cuts. The Leader indicated he had been discussing this with the Leader of the County Council in order to understand the extent of potential cuts so that alternative budget provision could be considered by this Council.

Recommendation 2

That Bromsgrove District Council writes to Worcestershire County Council highlighting its concerns in respect of the limited life span and uncertainty over

the provision of a building for the youth services provided by EPIC in the Rubery Ward.

Cabinet Response

This was agreed.

Members were concerned that little progress appeared to have been made by the County Council in identifying alternative accommodation. Whilst there was Youth provision at Longbridge and cross boundary working should help to alleviate the situation it was important there was provision within this District.

Recommendation 3

That Worcestershire County Council ensure that the activities, which should focus on the Town Centre and provided by the £15,000 from Sandwell Leisure Trust, are commissioned through the Positive Activities process to ensure that no further delays occur.

Cabinet Response

This was agreed.

The Cabinet queried however whether the County Council had in fact provided the £15,000 funding rather than Sandwell Leisure Trust and also what the situation would be if the money was not spent within the year i.e. would it be carried over to the following year.

Recommendation 4

That Bromsgrove District Councillors familiarise themselves with all facilities for young people within their Ward and build relationships with local providers where appropriate.

Cabinet Response

This was agreed.

The Cabinet felt however that it was for Group Leaders to deal with this recommendation rather than the Leader.

Recommendation 5

That through the Local Strategic Partnership's Balanced Communities Group a process is found whereby all providers of youth activities throughout Bromsgrove District are given an opportunity to support each other and share ideas and best practice.

Cabinet Response

This was agreed.

Recommendation 6

That the Chairman of the Task Group (supported by Democratic Services Officers) gives a presentation of the Task Group's findings to the County Association of Local Councils in order to encourage Parish Councils to support local Youth Groups.

Cabinet Response

This was agreed

Recommendation 7

That Bromsgrove District Council launches a Twitter campaign to promote activities for young people across the District.

Cabinet Response

This was agreed.

The Cabinet did request however that it be confirmed that there would be no cost implications in respect of this recommendation.

Recommendation 8

That Bromsgrove District Council uses active young people to help with and schedule the Twitter campaign including creating the # tag.

Cabinet Response

This was agreed.

The Cabinet did request however that it be confirmed that there would be no cost implications in respect of this recommendation.

Recommendation 9

That via Twitter, Bromsgrove District Council carries out a consultation on youth activities in the District including which activities young people would like to see more/less of.

Cabinet Response

This was agreed.

The Cabinet did request however that it be confirmed that there would be no cost implications in respect of this recommendation.

Recommendation 10

That the Overview and Scrutiny Board includes within its Work Programme an investigation into the provision of services available to disaffected young people and those not in education, employment or training within the District.

Cabinet Response

The Cabinet supported this proposal.

It was also felt Councillor M. A. Sherrey was the most appropriate Portfolio Holder in respect of this recommendation.

30/13 **REVIEW OF SERVICE PROVISION - BROMSGROVE CUSTOMER SERVICE CENTRE**

The Cabinet considered a report on a review of service provision at the Customer Services Centre.

Members noted that there had been a reduction in demand at the Customer Service Centre over the past few years. Data had been collected throughout 2012/2013 and this had shown that the average number of customers on a Saturday morning was 62 compared to 465 on a week day.

The report outlined the changes in the way customer demand was dealt with including the unavailability of a variety service experts on a Saturday morning, which often meant that customer enquiries could not be dealt with at that time.

It was intended that the staffing resources be realigned to the weekdays when they were most needed and when a higher level of service could be provided. It was also intended to inform customers of the proposed change and to allow sufficient time for this the change would not be introduced until January 2014.

RESOLVED that the opening hours of the Customer Service Centre be amended to Monday to Friday, 9.00am to 5.00pm.

31/13 **ANNUAL LOCAL STRATEGIC PARTNERSHIP REPORT**

The Cabinet considered the Bromsgrove Partnership's Annual Report which provided an overview of the work of the Local Strategic Partnership during 2012/2013.

Members felt the report was clear and comprehensive. It was suggested that in future years the names of the representatives of partner organisations be included at the front of the report.

RESOLVED that the Bromsgrove Partnership's Annual Report 2012/2013 be approved.

32/13 **ANNUAL GOVERNANCE STATEMENT - 2012/2013**

The Cabinet considered the Annual Governance Statement for inclusion in the Statement of Accounts 2012/2013.

RESOLVED that the Annual Governance Statement be included in the Statement of Accounts 2012/2013.

33/13 **CAPITAL PROGRAMME - BROMSGROVE TOWN CENTRE, PUBLIC REALM IMPROVEMENTS**

This item was deferred as additional information was required from Worcestershire County Council.

34/13 **FINANCE MONITORING REPORT - QUARTER 1**

The Cabinet considered a report on the Council's financial position for the period April to June 2013.

Members considered the revenue and capital spending for each department. It was noted that there was a need to maintain savings and that Portfolio Holders would be working closely with Heads of Service to deliver the levels of savings identified during the budget process.

The Executive Director (Finance and Resources) reminded the Cabinet that the details of savings contained in Appendix 2 to the report were indicative of the possible savings which could be made.

The Cabinet also considered the proposed amendments to the Capital Programme 2013/14 to 2015/16.

RESOLVED that the current financial position in respect of revenue and capital as detailed in the report be noted and that officers be requested to consider actions to enable the predicted overspend to be mitigated as far as possible.

RECOMMENDED:

- (a) that the amendments to the Capital Programme as set out in Appendix 3 to the report be approved as follows:

2013/2014 – reduction of £115,000
2014/2015 – increase of £276,000
2015/2016 – increase of £1,000,008

- (b) that £28,000 be utilised from earmarked reserves in respect of Civil Parking Enforcement set up costs.

35/13 **GREATER BIRMINGHAM AND SOLIHULL LOCAL ENTERPRISE PARTNERSHIP - SUPERVISORY BOARD**

The Cabinet considered a report on the current position regarding the Greater Birmingham and Solihull Local Enterprise Partnership (LEP). The report detailed the need to agree a format of governance necessary to ensure the appropriate legal mandate is in place for decisions made by the LEP in relation to the expenditure of any funds devolved to the LEP under a Single Local Growth Fund.

It was noted that in order to satisfy the Government's requirement for LEPs to be able to demonstrate arrangements were in place for delivering their Strategic Economic Plan, work had been undertaken over the past few months to develop proposals for the establishment of a Supervisory Board as a Joint Committee. Each Local Authority within the LEP would need to delegate functions to the Board.

The Head of Legal, Equalities and Democratic Services reported that further discussions at officer level were to take place in respect of detailed arrangements for the Board.

RESOLVED:

- (a) that the creation of a Joint Committee to act as a Supervisory Board for the Greater Birmingham and Solihull LEP in accordance with the Local Government Act 1972 be approved, with voting representatives appointed by each constituent Local Authority and non-voting business representatives and that the Terms of Reference set out in Appendix 1 to the report be approved;
- (b) that functions relating to the bidding for and approval of schemes and expenditure of funds devolved under the Single Local Growth Fund be delegated to the Joint Committee;
- (c) that the Head of Legal, Equalities and Democratic Services be authorised to agree and enter into all necessary legal documents to effect the above decisions and to update the Council Constitution accordingly;

RECOMMENDED:

- (a) that the Leader of the Council be appointed on an Ex Officio basis as the representative of Bromsgrove District Council on the Joint Committee;
- (b) that the Deputy Leader of the Council be appointed as the substitute Bromsgrove District Council Representative on the Joint Committee;
- (c) that the need to create a Joint Scrutiny Committee to review or scrutinise decisions made or other action taken in connection with the discharge of any functions which are the responsibility of the Supervisory Board be noted; and
- (d) that authority be delegated to the Head of Legal, Equalities and Democratic Services in consultation with group leaders to agree the Terms of Reference and the Council's representative for the Scrutiny Committee and to make the necessary consequential changes to the Council Constitution.

36/13 **OPERATING ARRANGEMENTS FOR THE LOCAL TRANSPORT BOARD**

The Cabinet considered a report on the proposed establishment of a Joint Committee to act as the Local Transport Board for the Greater Birmingham and Solihull Local Enterprise Partnership (LEP).

Members noted that the Greater Birmingham and Solihull LEP had proposed the establishment of a Joint Committee to act as the Local Transport Board for the Greater Birmingham and Solihull LEP. This would then be able to receive major scheme funding from the Department for Transport from 2015.

Whilst the proposal to appoint Councillor J. P. Champion of Wyre Forest District Council as the North Worcestershire (Bromsgrove District Council, Redditch Borough Council and Wyre Forest District Council) representative with Councillor P. Mould of Redditch Borough Council as the substitute Member, was noted, it was reported that each individual Council would have the ability to submit Business Cases on its own behalf.

RESOLVED:

- (a) that the creation of a Joint Committee to act as the Local Transport Board for the Greater Birmingham and Solihull LEP in accordance with Section 102 of the Local Government Act be approved;
- (b) that functions relating to the approval of Local Transport Schemes in the area of the Greater Birmingham and Solihull LEP be delegated to the Joint Committee together with the bidding for and the expenditure of funds devolved to the Joint Committee under the Local Major Transport Scheme capital funding;
- (c) that the Terms of Reference of the Local Transport Board as set out in Appendix 3 to the report and the Local Transport Board Assurance Framework as set out in Appendix 4 to the report be approved;
- (d) that authority be delegated to the Head of Legal, Equalities and Democratic Services to agree and enter into all necessary legal documents to effect the above decisions and to update the Council Constitution accordingly.

RECOMMENDED:

- (a) that Councillor J. P. Champion (Wyre Forest DC) be appointed to the Local Transport Board as a representative of Bromsgrove DC, Redditch BC and Wyre Forest DC, with Councillor P. Mould (Redditch BC) as the substitute Member.

37/13 **ASSET OF COMMUNITY VALUE REGISTER - THE DODFORD INN**

Consideration of this item was deferred as further information was awaited from Dodford with Grafton Parish Council.

The meeting closed at 8.15 p.m.

Chairman

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE OVERVIEW AND SCRUTINY BOARD

MONDAY, 16TH SEPTEMBER 2013 AT 6.00 P.M.

PRESENT: Councillors P. Lammas (Chairman), R. J. Light (Vice-Chairman), C. J. Bloore, B. T. Cooper, K. A. Grant-Pearce, J. M. L. A. Griffiths, H. J. Jones, C. R. Scurrrell (Substitute for R. L. Dent), R. J. Shannon (Substitute for L. C. R. Mallett), S. P. Shannon, C. J. Spencer, C. J. Tidmarsh and L. J. Turner

Observers: Councillors D. W. P. Booth, M. A. Bullivant and M. J. A. Webb

Officers: Ms. J. Pickering, Mr. J. Staniland, Ms. A. De Warr, Mr. G. Revans, Mr. R. Savory, Ms. J. Bayley and Ms. A. Scarce

19/13 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R. L. Dent and L. C. R. Mallett.

20/13 DECLARATIONS OF INTEREST AND WHIPPING ARRANGEMENTS

Councillors J. M. L. A. Griffiths and C. J. Spencer both declared a Disclosable Pecuniary Interest as members of the Bromsgrove Arts Centre Trust in respect of Item No. 12. As such Councillors Griffiths and spencer withdrew from the meeting and were not present and took no part in its consideration and voting thereon.

21/13 MINUTES

The Minutes of the Overview and Scrutiny Board meeting held on 15th July 2013 were submitted.

RESOLVED that the minutes be approved as a correct record.

22/13 UPDATE ON THE BROMSGROVE TOWN CENTRE REGENERATION AND PUBLIC REALM IMPROVEMENTS

The Senior Project Manager delivered a presentation on the subject of the Bromsgrove town centre regeneration and public realm improvements (Appendix A).

During the delivery of this presentation the following points were highlighted for Members' consideration:

- The quality of the resurfacing works that had been delivered in areas of the town centre as part of the public realm improvements and remedial work required to correct problems occurring in the initial stages of this process.
- The selection of road surfacing materials, including the colour of those materials, had been influenced by both the outcome of public consultation and practical considerations about resilience to wear and tear.
- Trials had been undertaken by both Worcestershire County Council (WCC) and an external contractor to test load bearing capacity on the High Street. The results from these trials and previous tests would influence the final design plans for the project.
- Public realm upgrade works would take place in September to November 2013, though would be halted over the festive season to minimise the impact on Christmas and New Year sales.
- Restrictions on vehicular access would remain in place on the High Street. Gates were due to be introduced to further deter vehicular access, though enforcement remained necessary to encourage compliance.
- Rear access to businesses located on the High Street had been checked to ensure that deliveries could continue to these premises following the introduction of the gates.
- Specific zones had been introduced on pavements that could be used by businesses to display A-Boards. Tactile markers would be installed around these zones to help notify pedestrians with visual impairments about the location of these obstacles on the pavement.
- The previous Town Centre Manager for Bromsgrove had not been replaced. It was possible that at a later date this situation would be reviewed, though assistance continued to be provided by various Council services to local businesses when required.
- It was anticipated that, as part of the project, the Recreation Ground on Recreation Road would receive funding through the Planning process to help revitalise the area.
- A variety of options would be considered for the development of Windsor Street. This could include a mixed-use development, whereby a mixture of retail, residential and office units might be introduced on the site.
- There had been some initial discussions between representatives of the Council and WCC in respect of future leisure centre options. No decisions had been made on this subject to date.

RESOLVED:

- (a) that a further update on the subject of Bromsgrove town centre regeneration and public realm improvements be provided for the Board's consideration in 6 months time; and
- (b) that the report be noted.

23/13 **OVERVIEW AND SCRUTINY TOPIC PROPOSAL - CAR PARKING CHARGES**

The Chairman explained that an Overview and Scrutiny Topic Proposal had been received from a local resident, Mr Charles Bateman, on behalf of the Bromsgrove Forum for Older People, to review car parking charges in the district.

Members noted that the Board had considered car parking on a number of occasions, most recently in September 2012. This had included scrutinising the results of a review of the Blue Badge scheme in the district and consideration of a briefing paper on the decline in usage. At which time the Board had been advised that a more detailed review of car parking would be undertaken once the shared service arrangements with Wychavon District Council had been finalised.

During consideration of this item the Portfolio Holder for Leisure, Cultural Services, Environmental Services and Emergency Planning, was invited to speak. He explained that the review which the Board had been advised about was now in the process of being undertaken. The review was considering practices at neighbouring local authorities and similar Councils as well as projected future parking provision in new developments and the impact of extended cycle lane provision on demand for parking spaces. The Portfolio Holder had also asked Officers to visit Trafford Council to investigate the changes to car parking which it had implemented in Altrincham. Members were advised that the review was due to be completed in November 2013.

It was acknowledged that there had been a decline in the amount of Council funding generated from car parking charges. This had largely occurred because the Council had adopted a more flexible approach to enforcement and the introduction of the pay on foot scheme. In some circumstances where a fine would previously have been issued staff were instead providing drivers with verbal warnings. However, the Council would not tolerate illegal or inconsiderate parking and charges continued to be levied. The car parks which operated the pay on foot scheme eliminated parking fines in respect of vehicles being "out of time".

RESOLVED that the results of the car parking review, as mentioned in the preamble above, be considered by the Board before deciding whether or not further investigation was required.

24/13 **MAKING EXPERIENCES COUNT QUARTER 1 REPORT**

The Head of Customer Services introduced the report and highlighted the following points:

- There had been an increase in the number of complaints received by the Council during the quarter and common themes linked to these complaints.

- The increase in complaints in respect of Environmental Services had mainly resulted from the recent rollout of the route optimisation programme, However, it was anticipated that this process would settle shortly and that there would be fewer complaints in the following quarter.
- The relatively high number of complaints for the benefits service had occurred largely due to problems with the Council's telephony system. This system had been changed and Officers anticipated that there would be a decline in associated complaints.
- A number of graphs had been included in the report to demonstrate the patterns in customer enquiries by phone and face to face together with trends in payment methods during the period.
- The Customer Services team received a significant number of calls from customers about services that were not delivered by the local authority, demonstrating that customers trusted the Council to act as an accurate source of general information.

Members discussed the number of complaints that had been received relating to the garden waste bin sticker system and the reasons why this might be the source of a complaint. A variety of problems had been identified including misunderstandings about where the stickers should be displayed or the need for residents to display the stickers to receive the garden waste collection service. There had also been some delays between payment for the service and the issuing of stickers which in some cases had meant that customers had not received the service as soon as they should.

The Board noted that a number of the complaints that had been received in respect of Environmental Services were not in fact directly related to the route optimisation programme, but were due to the standard of customer service received. The Head of Customer Service informed Members that the changing rounds for crew members may also have had an impact on this. These problems had been recognised at a corporate level and staff were in the process of receiving customer service skills training.

There was some debate about the need for the Board to consider the Making Experiences Count report on a quarterly basis and concerns were expressed about the resources required to produce the report, particularly in cases where the Board was not proposing actions. It was suggested that it was important for the Board to continue to receive this report to ensure that complaints and compliments were subject to proper scrutiny and serious problems could be addressed in a transparent manner. As Members had concurred at the previous meeting that the Board should continue to receive this report it was agreed that the report should continue to be submitted for Members consideration.

RESOLVED that the report be noted.

25/13 **QUARTER 1 FINANCE MONITORING REPORT**

The Executive Director, Finance and Corporate Resources presented the Finance Monitoring Report for the period April to June 2013. She advised Members that during this period there had been an under spend in the

Council's revenue budget of £70,000 compared to anticipated expenditure for the quarter. There had also been a slight under spend in the capital budget of £27,000.

During consideration of this item the Board discussed the following areas in detail:

- The cemetery toilet works had been delayed, partly because the initial plans had not complied fully with disability access requirements and partly because the costs quoted through the tendering process had been higher than anticipated. A further report on this subject, addressing these issues, was due to be considered by Cabinet in due course.
- There were a number of vacant posts in various service areas. The delays in recruitment helped to meet specific vacancy savings, though many vacant posts were also held vacant during the transformational reviews to ensure that staff at risk were given further employment opportunities.
- Savings had been achieved in spending on climate change, primarily due to the departure of the Council's former Climate Change Manager. The Board welcomed the work of an intern in the department but, due to the importance of measures to tackle climate change, requested a further update on future plans to replace the manager.
- The Council could place short-term investments in building societies that had a AA+ rating, though could also place investments in the local authority's bank.
- As agreed at the last meeting of Council £31,000 had been allocated to the recruitment of apprentices. Apprentices had already been recruited to IT and Depot services and there is a current opportunity within Legal and Democratic Services.
- The Executive Director, Finance and Resources informed Members that although Officers had proposed some initial ideas in respect of financial savings, these proposals were indicative and although the value of savings was required it may be from other areas as it was accepted that some of them would require approval from elected Members before action could be taken.

RESOLVED that the report be noted.

26/13 **QUARTER 4 SICKNESS ABSENCE AND PERFORMANCE HEALTH REPORT**

The Executive Director, Finance and Corporate Resources presented the report and highlighted the following points for Members' consideration.

- The fall in the average number of days claimed due to sickness by each person compared to the previous quarter had been welcomed as an indication that there would be a subsequent decrease in the average number of sick days that would be claimed during the year.
- Sickness absence rates had decreased for both short-term and long-term absences.

- Support was available to staff experiencing long-term absence due to sickness, including occupational health support.
- Absence due to sickness was classified as long-term in cases where it extended beyond a 28 day period.
- Staff absent due to sickness for a long period would be paid during the first 6 months only. Staff absent for longer periods would continue to receive support wherever possible, though in some instances early retirement might be considered a suitable resolution to the situation.
- Whilst levels of long-term absence due to sickness for staff in Worcestershire Regulatory Services (WRS) appeared to be high it had declined when compared to the previous quarter.

The Board discussed the report and noted that the statistics relating to the WRS could be considered as part of the WRS Joint Scrutiny Task Group review. There had been some initial problems with long-term sickness absence in the service and some staff, with the changes to a new service provision. The staff are being supported back to work by the HR and management team at WRS.

The potential for Members to interpret the statistics effectively was debated. Whilst detailed information was provided about both long-term and short-term sickness absence as well as the support available to staff, the numbers of staff affected were not detailed. Furthermore, the numbers of staff employed in each department had not been provided for comparison purposes, which made it difficult to assess the levels of sickness absence in each department effectively. For this reason it was suggested that these figures should be provided in future versions of this report.

RESOLVED:

- (a) that the WRS Joint Scrutiny Task Group be asked to consider sickness absence statistics for staff as part of the review; and
- (b) the report be noted.

27/13 AIR QUALITY TASK GROUP DRAFT FINAL REPORT

The Chairman of the Task Group presented the final report for the consideration of the Board. He explained that the exercise had followed a previous review of the subject that had been completed in 2007. There had been some concerns about progress with the implementation of the actions proposed in 2007 and the recent review had therefore sought to address any outstanding issues as well as to tackle any problems with air pollution that had occurred since the previous review.

The Board was advised that under Part IV of the Environment Act 1995 local authorities had a statutory duty to undertake periodic reviews of ambient air quality within their boundaries. The Council was therefore required to review and assess air quality against national air quality standards and objectives. In cases where it was unlikely that an air quality objective would be met an Air Quality Management Area (AQMA) had to be declared for the relevant pollutant.

In 2007 there had been a single AQMA in the district. By 2013 there were 4 AQMAs, which was the highest number for any district in Worcestershire. To some extent air pollution levels in Bromsgrove district were considered to be high due to the close proximity of the local motorway network. However, the Task Group had concluded that further action could be taken to improve air quality in the district.

The potential for specific infrastructure improvements to address air pollution in the district was discussed in some detail. It was suggested that the Task Group could have identified specific actions that could have been taken to reduce emissions in particular areas. However, it was noted that action was scheduled to take place and additional funding would be made available by bodies such as the Birmingham and Solihull Local Transport Body (LTB) which could be invested in infrastructure enhancements where appropriate.

The following points were also highlighted for Members' consideration:

- A significant source of air pollution, including emissions of pollutants that could be harmful to human health, were HGVs.
- Public awareness of air pollution and the potentially harmful impact on people's health had increased since the previous review of this subject in 2007.
- Responsibility for addressing air pollution in the county was divided between WCC and WRS. Closer working, or clearer responsibility arrangements, was considered necessary by the Task Group to ensure that progress could be made in tackling air pollution in the district.
- The review had been briefly discussed at a recent meeting of the Worcestershire Health Overview and Scrutiny Committee (HOSC) and the Chairman had expressed an interest in viewing a copy of the group's report.

RESOLVED that the Air Quality Task Group's report and recommendations be submitted for Cabinet approval.

28/13 **ARTRIX OUTREACH WORK TASK GROUP REPORT**

Members discussed the proposed terms of reference for the Artrix Outreach Provision Task Group that had been submitted for the Board's consideration. The review would take a maximum of 6 months and was due to start in October 2013.

A total of 10 Members had expressed an interest in participating in the review. This compared to a maximum of 7 Members as recommended in the Overview and Scrutiny Board Inquiry/Task Group Guidelines. The Board noted that each Member of a Task Group would receive an allowance when participating in the review. In order to minimise the financial costs involved in completing this exercise Members agreed that Councillors B. T. Cooper and R. J. Shannon should step down from the review.

RESOLVED:

- (a) that the proposed terms of reference for the Artrix Outreach Work Task Group be approved;
- (b) that the review commence its investigation as soon as possible;
- (c) that the review be completed within 6 months from the date of the first meeting; and
- (d) that subject to the withdrawal of Councillors B.T. Cooper and R. J. Shannon, as detailed in the preamble above, all of the Members who have expressed an interest in the review be appointed to the Task Group.

29/13 WRS JOINT SCRUTINY EXERCISE

Officers confirmed that the first meeting of the WRS Joint Scrutiny Task Group was scheduled to take place on Thursday 26th September 2013 at Bromsgrove Council House and would start at 6.30pm.

30/13 WORCESTERSHIRE HEALTH OVERVIEW AND SCRUTINY BOARD

Councillor B. T. Cooper, the Council's representative on the HOSC, provided an update on the latest work of the Committee.

Members were advised that an update had been scheduled to be provided on the position of the Acute Services Review at the meeting of the Committee in September. However, this item had been withdrawn from the agenda immediately prior to the meeting and no updates had been made available.

The Committee had discussed services available to patients who had suffered a stroke since the inception of the new acute stroke services. Whilst a number of patients had travelled to Worcestershire Royal Hospital for treatment a significant number had also travelled to Birmingham for treatment, particularly residents living in the north of the county. The report had not contained any information about the outcomes of the centralisation of services, though it was anticipated that further information would be made available at a later date.

31/13 CABINET WORK PROGRAMME 1ST OCTOBER TO 31ST JANUARY 2014

The Board considered the latest edition of the Cabinet Work Programme. The following points were raised during the discussions:

- A report on the subject of the Homelessness Grants Schemes, scheduled for consideration by the Cabinet on 4th December 2013, was noted as being of potential interest to the Board following previous scrutiny of the matter.
- The Dodford-Inn application to be included on the Assets of Community Value Register had been resubmitted for consideration of the Cabinet as there had not previously been sufficient information available to enable Members to make a decision.

- WCC had advertised Catshill Library for sale. Catshill and North Marlbrook Parish Council had previously applied for the Library to be registered as an asset of community value. As such the Parish Council was entitled to a specific amount of time to gather funding to purchase the property.
- The Playing Pitch Strategy was considered to be a timely subject to review.

RESOLVED:

- (a) That Officers be invited to present a summary of the Playing Pitch Strategy to the meeting to be held on 14th October 2013; and
- (b) the Cabinet Work Programme be noted.

32/13 **ACTION LIST**

The Board was advised that there were a small number of outstanding actions that remained to be implemented. A number of actions had been requested from the Financial Services team and these were in the process of being addressed through various update reports to the Board. A further request for action relating to the work of the Youth Provision Task Group had not yet been addressed by Democratic Services, though would be shortly.

33/13 **OVERVIEW AND SCRUTINY BOARD WORK PROGRAMME**

The Chairman explained that the Board's Work Programme remained limited, apart from standing items. As the following meeting of the Board in October 2013 had a relatively small agenda it was suggested that Members should use this as an opportunity to "brainstorm" ideas for the Board's Work Programme during the year.

RESOLVED that, subject to the amendment detailed in the preamble above, the Board's Work Programme be noted.

The meeting closed at 8.35 p.m.

Chairman

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Bromsgrove Town Centre Regeneration Programme Update

Overview & Scrutiny Board
16 September 2013

The Bromsgrove Town Centre Regeneration Programme

is run on behalf of a partnership of
BDC / WCC / Fire / Police / PCT
to carry out the physical regeneration
of Bromsgrove Town Centre
in tandem and facilitated by a review
and rationalisation of Bromsgrove's
Public Property Assets

Strategic Framework

The Programme has multiple projects which
contribute to strategic aims agreed by the partnership
and defined by the Area Action Plan:

- **Four key strategic aims**
 - A revitalised and attractive town centre
 - A thriving and diverse economy
 - New multi-agency public service facilities
 - An improved Transport Infrastructure
- **Area Action Plan – Planning Policy Framework**
 - now forming part of the District Plan

A revitalised and attractive town centre

- **Public Realm Upgrade**
- **Current WCC Highways / Works Programme**
 - Utility works complete
 - High Street South / New Road / Strand approaches complete
 - Final stages of WCC technical approval process
 - Load bearing tests 5 – 9 September
 - War memorial / Crown Close improvements complete
 - ASDA public realm works start 16 September
 - Cleggs Entry works start 18 September
 - High Street Lighting start September
 - High Street Drainage follow street lighting
 - Worcester Road resurfacing targeted for October/November
 - High Street resurfacing after Christmas shopping / January Sales

A revitalised and attractive town centre

- **Townscape Heritage Initiative**
 - Applications being received against £1.2million Heritage Lottery Fund award
 - Several Worcester Road and High Street buildings coming forward for Shop front improvements, repairs and conversion of upper floors to residential or office use
 - Successful Community Archaeological Dig
 - Successful Living History Project
- **Other Projects**
 - New Christmas Lights
 - School Drive complete
 - Recreation Ground under negotiation with developers

A thriving and diverse economy

- **Sainsbury**
 - work started on relocation of petrol station to new site on Birmingham Road
- **Recreation Road**
 - developer preparing planning application on continuing care retirement community
- **Windsor Street**
 - awaiting outcome of Parkside planning application
- **Hanover Street Car Park / George House**
 - continuing negotiations with preferred bidder

New multi-agency public service facilities

- New Police Fire & Ambulance Station
 - on schedule to open within 6 months.
- Library, Hub and WCC/BDC Offices
 - planning application submitted for Parkside.
- Leisure Centre
 - detailed technical review of options in progress
- New Health Centre
 - open

An improved Transport Infrastructure

- Bromsgrove 'Minor' Works Package within LTP3
 - Parkside Junction Improvements to be funded by Sainsbury
 - Traffic and Parking Management Study completed
 - Infrastructure Development Plan under development
- New Railway Station
 - scheduled to be open 2015
- Bus Station upgrade
 - complete
- Pavement resurfacing
 - Improved walkways in and around Town Centre
- New and improved cycle routes
 - Audit to be carried out

Bromsgrove Town Centre Regeneration Programme Update

Overview & Scrutiny Board
16 September 2013

BROMSGROVE DISTRICT COUNCIL

CABINET

2nd October 2013

ADOPTION OF WORCESTERSHIRE AIR QUALITY ACTION PLAN

Relevant Portfolio Holder	Councillor Kit Taylor
Portfolio Holder Consulted	23 rd August 2013
Relevant Head of Service	Steve Jorden (WRS)
Wards Affected	All but mainly those with AQMAs
Ward Councillor Consulted	Apr-Jun 2013 and August 2013
Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 Adopt the Countywide Air Quality Action Plan and agree to support and assist progress of the measures identified in the Plan that will provide effective resolution to the poor air quality enabling revocation of the Air Quality Management areas in Bromsgrove District.

2. RECOMMENDATIONS

- 2.1 Under the requirements of the Local Air Quality Management Process as set out in Part IV of the Environment Act 1995, the Air Quality Strategy for England, Scotland, Wales and Northern Ireland 2007 and the relevant Policy and Technical Guidance documents, local authorities have a duty to prepare an Action Plan where an Air Quality Management Area has been declared.
- 2.2 Air Quality Management Areas are declared where the air quality objectives applicable to Local Air Quality Management (LAQM) have been exceeded. The objective of most importance to this Committee is the annual mean NO₂, which should not exceed 40 microgrammes per metre squared. Traffic is the main source of NO₂ in the Bromsgrove District.
- 2.3 There are currently four AQMA's in Bromsgrove District at Kidderminster Road, Hagley; Worcester Road, Bromsgrove; Redditch Road, Stoke Heath; and M42 Junction, Lickey End.
- 2.4 Poor air quality can affect peoples' health, causing problems such as heart disease and breathing problems. Up to 24,000 people per year die prematurely because of its effects (DETR 2000). Nitrogen Dioxide in particular is known to cause respiratory illnesses and possibly increase the risk of lung infections. Young children and asthma sufferers are most sensitive to this pollutant.
- 2.5 The adoption of the Air Quality Action Plan will permit WRS to act on behalf of Bromsgrove District Council in identification and implementation of the most effective measures to reduce nitrogen

dioxide levels in AQMAs so that they no longer exceed the National Objective and may be revoked.

- 2.6 Consultation on the Air Quality Action Plan was undertaken between April and June 2013 with Stakeholders (such as Ward Councillors, Taxi Associations, Bus Companies and the County Council) consulted. Many comments were received and the Plan has been altered to consider these, it is the amended version which is brought to the Committee for adoption.

3. KEY ISSUES

Financial Implications

- 3.1 There are no financial implications with adoption of the Countywide Air Quality Action Plan.

Work on progression of the measures contained in the Air Quality Action Plan is to be facilitated by WRS staff within the existing budget.

Legal Implications

- 3.2 Adoption of an Air Quality Action Plan is a requirement under Part IV of Environment Act 1995 .

Service / Operational Implications

- 3.3 There are no service or operational implications with adoption of the Plan itself.
- 3.4 The progression of the Plan is a large piece of work currently proposed to be completed within existing budgets (subject to future funding alterations).

Customer / Equalities and Diversity Implications

- 3.5 The Committee will ensure it has regard to the desirability of exercising its functions concerning the need to eliminate discrimination and to increase equality of opportunity. All LAQM work and procedures will be delivered in accordance with Bromsgrove District Council's Equal Opportunities Policy.
- 3.6 The LAQM process focuses attention on areas of poor air quality which generally coincide with areas of poor socio-economic quality. The aim of the LAQM process is to target delivery of improvements in air quality where they are most needed which should have a positive impact on

areas of poor socio-economic quality. It is the Action Planning process that targets how the improvements are to be delivered.

4. RISK MANAGEMENT

- 4.1 Worcestershire Regulatory Services (WRS) reports to Defra (on behalf of Bromsgrove District Council) at least annually, on progress with Local Air Quality Management (LAQM) which will include an Annual Action Plan Progress Report in addition to the other reporting requirements. In the event that a Local Authority fails to prepare an Air Quality Action Plan, or mismanages the Action Planning process, Defra may choose to pass on a portion of any fine given to the UK by the European Commission for non-compliance with the EU Directive which is translated into UK legislation by the LAQM process. The Action Plan complies with Government Guidance, reducing financial risk.

5. APPENDICES

- 5.1 Appendix 1 – Worcestershire Air Quality Action Plan 2013

Available on the Worcestershire Regulatory Services website
<http://www.worcsregservices.gov.uk/pollution/air-quality/air-quality-action-plan.aspx>

6. BACKGROUND PAPERS

- 5.1 2012 Updating & Screening Assessment for Bromsgrove District Council; available on the Worcestershire Regulatory Services website
<http://www.worcsregservices.gov.uk/pollution/air-quality.aspx> .

AUTHOR OF REPORT

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CABINET

2nd October 2013

YOUTH PROVISION TASK GROUP

Relevant Portfolio Holder	Councillor Kit Taylor
Portfolio Holder Consulted	Yes
Relevant Head of Service for Overview and Scrutiny	Claire Felton – Head of Legal, Equalities and Democratic Services
Wards Affected	All
Ward Councillor Consulted	All Ward Councillors were invited to join the Task Group.
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 The purpose of this report is to allow Cabinet to consider the findings and recommendations of the attached Overview and Scrutiny Board report.

2. RECOMMENDATIONS

- 2.1 The Cabinet is requested to:
- (a) consider the attached Overview and Scrutiny Board report (Appendix 1) and the recommendations contained within it;
 - (b) to either agree, amend or reject each of the recommendations contained in the report;
 - (c) provide an Executive Response to the Overview and Scrutiny Board report and recommendations, which may include an Action Plan to summarise how and when each of the agreed recommendations will be implemented.
 - (d) request the relevant Portfolio Holder in consultation with appropriate officers to indicate the expected implementation dates, as appropriate.

3. KEY ISSUES

Financial Implications

- 3.1 The estimated Financial and Resource implications of the recommendations are detailed in the Summary of Recommendations of the appended report.

Legal Implications

- 3.2 These are detailed within the attached report.

Service/Operation Implications

- 3.3 Following the submission of an Overview and Scrutiny Topic Proposal form, by Councillor Sean Shannon, at the Overview and Scrutiny Board meeting held on 19th November 2012 it was agreed that a Task Group would be established to review the Air Quality Scrutiny Report completed in December 2007 and the effects of air quality on the District.. Full details of the Task Group's investigations are detailed in the attached report.
- 3.4 The report and recommendations were agreed by the Overview and Scrutiny Board at its meeting on 16th September 2013 and referred to Cabinet for consideration.

Customer / Equalities and Diversity Implications

3.5 N/A

4. RISK MANAGEMENT

4.1 N/A

5. APPENDICES

Appendix 1 – Air Quality Task Group Report

6. BACKGROUND PAPERS

See attached report for details.

7. KEY

None

AUTHOR OF REPORT

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Bromsgrove District Council



Air Quality Task Group Report

September 2013



Bromsgrove
District Council

www.bromsgrove.gov.uk

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MEMBERSHIP OF THE TASK GROUP

Councillor Sean Shannon (Chairman)
Councillor Chris Bloore (withdrew)
Councillor James Brogan
Councillor Margaret Buxton
Councillor Steve Colella
Councillor Brian Cooper
Councillor Keith Grant-Pearce (withdrew)
Councillor Pete Lammas
Councillor Luke Mallet
Councillor Peter McDonald
Councillor Chris Scurrall
Councillor Les Turner

SUPPORTING OFFICER DETAILS

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FOREWORD FROM THE CHAIRMAN

“What is Air Quality?”

Air quality generally refers to levels of pollution contained in the air that we breathe. Air quality falls when chemicals, particulates, or biological matter is present in the air. This contamination can cause harm to humans and other species. A range of illnesses have been linked to poor air quality these include respiratory, cancers, organ failures and brain damage. It is recognised that people who live in areas with poor air quality are prone to deteriorating health and a reduced life expectancy. Poor air quality also damages the natural environment and contributes to the destruction of fragile ecosystems. It has been established that the principle source of pollution to the air in the four **Air Quality Management Areas** (AQMAs) around Bromsgrove district is from road transport emissions and this is exacerbated by congestion and traffic jams.

Production of this report results from a comprehensive examination of evidence and data related to a complex subject matter. It has included interviews with experts from across the fields of science, medicine, planning, and transport infrastructure. Members of the Task Group and the Democratic Service Officers have endeavoured to produce a report that will inform and influence those responsible for implementing measures to improve the air quality across the district.

During the Task Group work timetable, a consensus of concern developed related to recommendations from the original 2007 report and subsequent review in 2009 not being actioned or implemented. It is vitally important that the Overview and Scrutiny Board will be provided with regular progress reports from The Air Quality Steering Group, and that the Air Quality Action Plan be closely monitored on a regular basis.

Finally, thanks go to the Task Group Members for their support, local knowledge and views together with Democratic Services Officers, Amanda Scarce and Jess Bayley for their organisational and research skills and keeping the Task Group on track.

**Councillor Sean Shannon
Chairman of the Air Quality Task Group**

SUMMARY OF RECOMMENDATIONS

Worcestershire Regulatory Services have considered the recommendations and commented on and provided estimates for, financial implications, resource implications and timescales. It should be noted that these are all based on the current proposed financial contribution from the Partner Authorities at this time. This is subject to change depending on budget and resource demand.

CHAPTER 1 – Review of the Air Quality Scrutiny Report December 2007

Recommendation 1	Portfolio Holder	Completion Date
<p>That further consideration be given to the implementation of the following approved recommendations, which remain outstanding, from the original report (full details are provided within the body of the report):</p> <p><u>Recommendation 1 – Low Emission Zones</u> Further consideration be given for LEZs to be included within the Air Quality Action Plan.</p> <p><u>Recommendation 7 – Town Centre Redevelopment</u> A representative from Worcestershire Regulatory Services to be included within the membership of the Town Centre Redevelopment Group.</p> <p><u>Recommendation 8 – High Street and The Strand</u> Although not declared as an AQMA the continued monitoring of the air quality at Davenal House should take place and consideration be given to alterations to the traffic lights.</p> <p><u>Recommendation 17 – Taxi Rank</u> Regular reminders to taxi drivers in respect of leaving their engines running whilst waiting for the next fare at a taxi rank.</p>	<p>Councillor Kit Taylor</p>	<p>[R1] Initial consideration estimated as 6 months. Feasibility Study as 1 year and implementation is unquantifiable at this time. [R7] Unknown [R8] Unknown - Annual review of relevance. [R17] to be clarified by AQTG</p>

Recommendation 1 (continued)		
<p>Financial Implications [R1] Consideration initially is proposed to be covered by existing budgets (estimated as £1000)². A Feasibility Study would require Defra Grant application or Authority funding (estimated as greater than £100,000)¹. [R7] None - Proposed to be covered by existing budgets. [R8] None - Proposed to be covered by existing budgets. [R17] None - Potentially included within existing WRS budgets.</p> <p>Resource Implications [R1] Officer resource (estimated as STO x 24 days and TSO x 12 days and preparation time) [R7] None - Officer resource (proposed to be covered by existing resource) [R8] None - Officer resource (proposed to be covered by existing resource) [R17] None – Officer resource (proposed to be covered by existing resource)</p>		

CHAPTER 2 – Worcestershire Regulatory Services

Recommendation 2	Portfolio Holder	Completion Date
<p>(a) That separate Air Quality Action Plans be produced for the four AQMAs in Bromsgrove district in order to address the particular circumstances in each location.</p> <p>(b) That the Action Plans contain specific targets and detail projected timeframes and all actions should be implemented within those timescales.</p>	<p>Councillor Kit Taylor</p>	<p>(a) 6 months (b) After 2023 – dictated by estimate of timescale of measure that would take the longest to achieve.</p>
<p>Financial Implications</p> <p>(a) WRS staff cost estimated as £900² (cost incurred as Countywide AQAP already produced)</p> <p>(b) Proposed to be covered by existing budgets</p> <p>Resource Implications</p> <p>(a) WRS Officer resource (estimated as STO for 20 days and SP for 5 days and additional costs)</p> <p>(b) WRS Officer resource (to be covered by existing Officer resource)</p>		

Recommendation 3	Portfolio Holder	Completion Date
That a separate Air Quality Steering Group should be established in respect of the four AQMAs in Bromsgrove district.	Councillor Kit Taylor	After 2023 – dictated by estimate of timescale of measure that would take the longest to achieve.
<p>Financial Implications Annual cost of £250² (cost incurred as this would be in addition to Group already proposed)</p> <p>Resource Implications WRS Officer resource (estimated as STO for 3 days per meeting twice a year and preparation costs)</p>		

Recommendation 4	Portfolio Holder	Completion Date
That the Overview and Scrutiny Board be provided with regular progress reports from the Air Quality Steering Group.	Councillor Kit Taylor	Quarterly following the commencement of the Steering Group.
<p>Financial Implications None – Proposed to be covered by existing budgets with current proposals as Countywide Air Quality Action Plan Progress Report to be reported to Defra Annually. (if Bromsgrove specific Air Quality Steering Group) then additional cost of estimated £250².</p> <p>Resource Implications None – if current proposal with WRS Officer time proposed to be covered by existing officer resource (if Bromsgrove specific Air Quality Steering Group then WRS Officer resource estimated as STO at 5 days and SP for 1 day annually and preparation costs.</p>		

Recommendation 5	Portfolio Holder	Completion Date
<p>Worcestershire Regulatory Services (WRS) applies for funding from the DEFRA Air Quality Grant Programme.</p> <p>If the first application is not successful the WRS should persist in submitting further applications in subsequent years.</p>	<p>Councillor Kit Taylor</p>	<p>After 2023 – dictated by estimate of timescale of measure that would take the longest to achieve.</p>
<p>Financial Implications None – proposed to be covered by existing budgets</p> <p>Resource Implications WRS Officer resource (proposed to be covered by existing resource)</p>		

CHAPTER 3 – The Role of Worcestershire County Council

Recommendation 6	Portfolio Holder	Completion Date
<p>Worcestershire County Council applies for funding from the Worcestershire Local Transport Body in order to fund traffic management measures that will tackle air pollution in the Bromsgrove AQMAs.</p>	<p>Councillor Kit Taylor</p>	<p>As soon as possible/within 12 months following completion of the Task Group.</p>
<p>Financial Implications There are no financial implications for Bromsgrove District Council.</p> <p>Resource Implications There are no resource implications for Bromsgrove District Council.</p>		

Recommendation 7	Portfolio Holder	Completion Date
<p>Worcestershire County Council liaises with local bus operators to establish a local bus quality partnership in order to investigate the potential to update the bus fleets operating within Bromsgrove District.</p>	<p>Councillor Kit Taylor</p>	<p>As soon as possible/within 12 months following completion of the Task Group.</p>
<p>Financial Implications There are no financial implications for Bromsgrove District Council.</p> <p>Resource Implications There are no resource implications for Bromsgrove District Council.</p>		

CHAPTER 4 – Health Implications

Recommendation 8	Portfolio Holder	Completion Date
That the health implications of air pollution be the focus of a detailed review by Worcestershire Health Overview and Scrutiny Committee (HOSC).	Councillor Margaret Sherrey	6 months from notification of the request.
<p>Financial Implications There are no financial implications for Bromsgrove District Council.</p> <p>Resource Implications There are no resource implications for Bromsgrove District Council.</p>		

Recommendation 9	Portfolio Holder	Completion Date
That the regular monitoring of particulate air pollutants within the Bromsgrove District's four AQMAs is carried out by Worcestershire Regulatory Services.	Councillors Kit Taylor/ Margaret Sherrey	As soon as practicably possible once funding has been secured.
<p>Financial Implications Estimated £50-75,000 for purchase and installation of Automatic Analyser, estimated £3-8,000 annual service and maintenance costs, estimated data management & QA/QC costs £5-10,000 annually and estimated £2-3,000 annual cost of electricity/phone³. Estimated £5,000² annual WRS staff and mileage costs to calibrate and maintain equipment.</p> <p>Resource Implications Estimated WRS Officer resource (TSO x 3hrs a fortnight to calibrate and 20 miles @45p/mile each occasion).</p>		

CHAPTER 5 - Conclusion

Recommendation 10	Portfolio Holder	Completion Date
That Bromsgrove District Council sends a letter to the relevant Government Minister urging him/her to accelerate efforts to address problems with the higher emission levels from HGVs.	Councillor Kit Taylor	To be sent immediately following approval of the recommendation.
<p>Financial Implications There are no financial implications arising from this recommendation.</p> <p>Resource Implications There are no additional resource implications.</p>		

Recommendation 11	Portfolio Holder	Completion Date
That Bromsgrove District Council sends a letter to DEFRA urging it to review the role of those responsible for Air Quality.	Councillor Kit Taylor	To be sent immediately following approval of the recommendation.
<p>Financial Implications There are no financial implications arising from this recommendation.</p> <p>Resource Implications There are no additional resource implications.</p>		

Recommendation 12	Portfolio Holder	Completion Date
The Overview and Scrutiny Board consider launching a separate review of CO ₂ emissions in the District.	Councillor Mark Bullivant	To be included within the work programme immediately following approval of the recommendation.
<p>Financial Implications There are no financial implications arising from this recommendation.</p> <p>Resource Implications There are no additional resource implications.</p>		

THE TASK GROUP WISH TO HIGHLIGHT THE FOLLOWING:

The Task Group was aware that recommendations in respect of the following would not be appropriate; however, it would like to bring these to officers' attention for further consideration.

- The Task Group had considered recommendations in respect of a continuous slip road on the A38 north at Junction 1 of the M42 gyratory and part-time traffic lights also being introduced at this junction. However, the advice received from WCC and WRS was contradictory in its nature and the Task Group therefore agreed it would not be appropriate for this to be included within its report.

The Task Group would suggest that further consideration is given to this to clarify the position and the feasibility of the changes suggested.

- The Task Group noted that there were other specific actions which, though potentially capable of addressing air quality issues in the district, may not be suitable as a recommendation. This included the suggestion that signs could be installed at junctions in the four AQMAs urging drivers to turn off their engines at junctions and traffic lights in order to reduce air pollution in the vicinity.

The Task Group would suggest that the Air Quality Steering Group give consideration to the feasibility of this suggestion.

- During the course of its enquiries the Task Group were provided with information on the "Make Sundays Special" project which has been set up in Bristol by the current elected Mayor. The vision of this was "to create a greener city that promotes and improves health and wellbeing of all its citizens". This involved a part of the city centre being closed to traffic one Sunday a month, two such events have already taken place and been hailed as a success.

Whilst the Task Group appreciates that such a project would not be appropriate for Bromsgrove District it would suggest that consideration is given to this in other more suitable areas of the county, for example Worcester City.

INTRODUCTION/BACKGROUND INFORMATION

The Overview and Scrutiny Board received a presentation on the work of the Local Strategic Partnership at its meeting held on 22nd October 2012. Following this presentation the Board agreed at its following meeting, in November 2012, to set up a Task Group which would investigate the air quality issues in the District including revisiting the Air Quality Scrutiny Report which was prepared in December 2007.

Under Part IV of the Environment Act 1995 local authorities have a statutory duty to undertake periodic reviews of ambient air quality within their boundaries. The Council therefore has a statutory duty to review and assess air quality against national air quality standards and objectives. If any air quality objective is not likely to be met an Air Quality Management Area (AQMA) must be declared for the relevant pollutant.

At the time of the original report being published there was one AQMA within Bromsgrove District. Since that date a further 3 AQMAs have been declared. It is these 4 AQMAs which the Task Group has focused its work on, together with measures which could be taken to generally improve air quality.

For information the details of the AQMAs are:

Lickey End, Bromsgrove

Date of Detailed Assessment: January 2001
Date of Declaration: 26th July 2001
Date of Further Assessment: September 2002

Redditch Road, Bromsgrove

Date of Detailed Assessment: July 2009
Date of Declaration: 17th February 2010
Date of Further Assessment: March 2012

Kidderminster Road, Hagley

Date of Detailed Assessment: July 2009
Date of Declaration: 17th February 2010
Date of Further Assessment: March 2012

Worcester Road, Bromsgrove

Date of Detailed Assessment: July 2010
Date of Declaration: 24th October 2011
Date of Further Assessment: March 2012

The key objectives of the Task Group were to promote the understanding of air quality issues within the District, highlight progress being made by the Council and others to address the issue of poor air quality within the district and to make recommendations that would assist in making improvements to the environment and lives of residents.

(Full details of the Terms of Reference are available at Appendix 1 of this report.)

The Task Group has held a total of 13 meetings and interviewed numerous internal and external witnesses. The Task Group has also considered written evidence from a number of sources and considered information provided by Parish Councils and residents. The initial meeting of the Task Group took place on 4th December 2012 when Members considered the terms of reference and discussed in detail how it would carry out its investigation. The penultimate meeting of the Task Group took place on 8th August 2013 when Members formulated the recommendations which are now outlined within this report and the final meeting took place on 22nd August 2013 to discuss the draft report before submitting it to the Overview and Scrutiny Board at its September 2013 meeting.

CHAPTER 1 – REVIEW OF THE AIR QUALITY SCRUTINY REPORT DECEMBER 2007

One of the main areas of investigation, detailed in the Task Group's terms of reference, was to revisit the Air Quality Scrutiny Report prepared in 2007 (which had subsequently been reviewed in February 2009). Officers were tasked with providing updates on the implementation of all the recommendations which had originally been agreed by Cabinet on 9th January 2008. There had been 21 recommendations in the report one of which was rejected. At the review in February 2009 it was noted that 6 of the recommendations had been completed and no further work was required in respect of those, but the remaining 14 recommendations were either partially implemented or required ongoing work. The aim of the review was to ascertain whether that ongoing work had continued.

Officers were able to provide the Members with a comprehensive update on those 14 recommendations and following discussions Members requested that further action should be considered in respect of 3 of those recommendations, together with a refresh of a completed recommendation (No 8). The detailed wordings of those recommendations are recorded in Appendix 2. The reasoning behind the Task Group's decision is detailed below:

Recommendation 1 – Low Emission Zones (LEZs)

Initially, the Cabinet resolved that this recommendation be deferred until further information was available regarding the results of the scheme which was shortly to be introduced in London. However, Members of the former Scrutiny Steering Board questioned the decision and Cabinet reconsidered its response and in March 2008 agreed "that the relevant Portfolio Holder, in Conjunction with the Chairman of the Air Quality Task Group take the matter further with the appropriate officers at Worcestershire County Council (WCC)." The February 2009 update stated that the Executive Director, Partnerships and Projects had sent a letter to WCC's Highways Unit in April 2008 asking them to explore designation of roads as Low Emission Zones (LEZs), various reminders had been sent but a response remained outstanding.

When Officers reviewed this recommendation in January 2013 it appeared that this remained outstanding and the following response was received from WCC "*a limited amount of investigation work had been done however to date there are no resources available to fund the required detailed technical work and design work involved. Work will be required to understand what the impact on the wider highway network would be and to understand whether the introduction of a Low Emission Zone would achieve the required outcome.*"

A response was also received from the Senior Practitioner, Pollution at Worcestershire Regulatory Services (WRS), which stated "*WRS were not involved in the previous work on this matter; however LEZs are something that will be included in the Action Plan.*"

Upon receipt of the draft document for consultation, Air Quality Action Plan for Worcestershire, Members found that reference was made to LEZs. Although it is made clear in the Action Plan that LEZs have significant financial implications, reference is made to an LEZ having a higher cost-benefit in large urban areas and where there are a number of AQMAs including Bromsgrove. The Task Group therefore agreed that this should be given further consideration and supports the Air Quality Steering Group undertaking feasibility studies to assess whether LEZs would be a viable option in specific locations, as stated in the Action Plan.

Recommendation 7 – Town Centre Redevelopment

The Town Centre Redevelopment Steering Group (originally an LSP Theme Group) was requested to consider air pollution caused by traffic congestion when looking at redevelopment of the town. In February 2009 it was understood that the recommendation had been implemented and work was continuing, with various proposals submitted for improvements to specific road junctions and proposed changes to filtering arrangements and traffic management.

When Officers requested a further update in January 2013 the following responses were received; WCC *“it has at WCC level and was considered when (the) application was submitted. Subsequently a sum has been agreed between the developer and the local authorities as part of the process of the application.”* WRS responded that *“as WRS are not involved in either group, I can not comment further than saying that WRS are in communication with the policy and development control planners to make sure that air quality issues are high on their agenda.”*

The response received from WRS has led the Task Group to request that this recommendation be revisited and that a representative of WRS be included within the membership of the Town Centre Redevelopment Group.

Recommendation 8 – High Street and The Strand

Air Quality at this location was specifically mentioned as the original Task Group were informed that although it had not been declared as an AQMA, there were air quality issues in the vicinity of Davenal House, Birmingham Road, Bromsgrove. The recommendation made specific reference to reviewing the timing of the traffic signals and the monitoring of air quality.

The February 2009 update referred Members to the response in respect of recommendation 7 (as detailed above). In January 2013 WRS responded *“monitoring has been continuous at Davenal House since 2003. Recent conversations with the Planning Team indicate that alterations to the traffic lights are planned but do not believe this has been undertaken at this time”*.

The Task Group therefore request that the monitoring continues and if alterations to the traffic lights are deemed necessary this matter is finally addressed.

Recommendation 17 – Taxi Rank

The Licensing section was requested to remind taxi drivers not to leave their engines running whilst waiting for the next fare at a taxi rank, the incentive being it would save fuel and that it was an offence to leave a vehicle running when not in the vehicle and any person doing so was at risk of receiving a fixed penalty notice. In February 2009 Members were informed that, as agreed, a newsletter incorporating this information had been sent to all taxi drivers and operators in February 2008.

Officers passed on the following response from WRS to Members in respect of this recommendation as they were keen to ensure that the taxi drivers/operators received regular reminders in respect of this. *“Since the previous update, when a newsletter incorporating the message was sent to all taxi drivers and operators, there are no records that indicate the exercise has been repeated. The feasibility and effect of adoption of the Road Traffic Act to restrict such activity would be considered as part of the Action Plan.”*

The Task Group agreed that a requirement for repeat action on this by Licensing should be incorporated within the Air Quality Action Plan and reference is made within the draft to cars being the biggest source of roadside pollutants within some areas. It should also be stressed to the taxi operators/drivers that such action was an offence and that any person doing so was at risk of receiving a fixed penalty notice.

It was noted that if this was to be included within the Action Plan it would need to be a general air pollution measure rather than specific to the AQMAs within Bromsgrove district as there are no taxi ranks within those AQMAs.

The Task Group therefore recommends the following:

Recommendation 1
<p>That further consideration be given to the implementation of the following approved recommendations, which remain outstanding, from the original report (full details are provided within the body of the report):</p> <p><u>Recommendation 1 – Low Emission Zones</u> Further consideration be given for LEZs to be included within the Air Quality Action Plan.</p> <p><u>Recommendation 7 – Town Centre Redevelopment</u> A representative from Worcestershire Regulatory Services to be included within the membership of the Town Centre Redevelopment Group.</p>

Recommendation 8 – High Street and The Strand

Although not declared as an AQMA the continued monitoring of the air quality at Davenal House should take place and consideration be given to alterations to the traffic lights.

Recommendation 17 – Taxi Rank

Regular reminders to taxi drivers in respect of leaving their engines running whilst waiting for the next fare at a taxi rank.

CHAPTER 2 – THE ROLE OF WORCESTERSHIRE REGULATORY SERVICES

As one of the key outcomes of the Task Group's terms of reference was to promote the understanding of air quality issues within the District Members agreed that it would be useful to ask residents for their views on air quality in general. With this in mind a press release was issued on 12th December 2012 asking residents to get in touch. In total 7 responses were received, predominantly from residents within the Hagley area. An email was also sent to all Parish Clerks asking for help by providing any information they had on the topic or if they were aware of any issues with air quality within their parish. The Task Group received 3 responses to this request.

The Task Group was also made aware of the Hagley Parish Air Quality Group who it was understood had carried out indepth investigations into air quality issues as there was an AQMA within the area and it had also carried out a local survey in respect of health problems residents suffered with air quality being the suspected cause (further details are provided within Chapter 4 of this report). Members of this group were invited to a meeting of the Task Group and provided details of their investigations and spoke at length of their concerns and discussed how they believed improvements to air quality could be made.

As Worcestershire Regulatory Services was responsible for monitoring air quality throughout the District, the Task Group was provided with evidence, both written and verbally, from the Senior Practitioner, Pollution WRS. Updates were provided in respect of those recommendations which had been approved and statistical information was provided in respect of the four AQMAs within the District. The Task Group discussed in detail with the Senior Practitioner, Pollution WRS its concern that there had been very little, if any, improvement in the air quality of those AQMAs and that it appeared that little or no action was being taken to address this. Three of the AQMAs had Action Plans in place which needed to be refreshed. Members were informed that, as required under legislation, WRS was in the process of producing an Air Quality Action Plan which would cover AQMAs within the County of Worcestershire. This was a total of 10 AQMAs (including the 4 within Bromsgrove) – 3 in Worcester City, 2 in Wyre Forest and 1 in Wychavon. The Task Group's initial reaction to the production of an overarching Action Plan was that each of the AQMAs would have very different needs and the document could become too big, impractical and difficult to use. This view was also shared by the Hagley Parish Air Quality Group during their discussions with Members as it was felt that the circumstances varied so much between each AQMA.

A Member of the Task Group informed it that during the previous 12 months he had been approached by WRS with a view to joining a Steering Group which he understood would contribute to the content of the Air Quality Action Plan. It was confirmed by Officers that this was best practice and DEFRA guidelines suggest that *“local authorities may wish to set up a steering group to take forward the development and implementation of an Action Plan.”* It was also suggested that

the steering group could play a key role in formulating the annual Action Plan Progress Report. The Task Group was therefore disappointed to be informed that the Steering Group would not be in place until after the Air Quality Action Plan had been agreed.

The Senior Practitioner, Pollution WRS also provided the Task Group with general information about the role of WRS within the Planning process and the impact of developments of various types (including housing developments) on air quality and the advice that WRS would provide in order to mitigate any problems.

The Air Quality Action Plan went out to consultation in April 2013 and the Task Group took the opportunity to review this in detail and fed back their comments to WRS (a copy of the content of that letter is attached at Appendix 3). The Task Group Members agreed that the Action Plan was “unfocused” and did not have any real targets or timescales and that this was due to it covering 10 AQMAs all of which had very different needs. Many of the actions detailed in the Action Plan were generic and the Task Group questioned how WRS could raise awareness of air quality in order to successfully implement changes as detailed in those generic actions and measure their effectiveness. Members were also concerned that a large number of the actions would require a feasibility study before the cost, impact and effectiveness could be understood, so timescales and close monitoring would be imperative for these actions in order to ensure that those studies were carried out. It was agreed that the Action Plan had very few targets or measures with which to monitor any improvements in air quality. Both quantitative and qualitative targets and deadlines should be included in order to ensure that the Action Plan can be monitored to keep it “on track” or the appropriate officers held to account if this was not the case.

As previously stated in Chapter 1 in respect of Low Emission Zones, the Task Group agreed that although it is made clear in the Action Plan that LEZs have significant financial implications, reference is made to an LEZ having a higher cost-benefit in large urban areas and where there are a number of AQMAs including Bromsgrove. The Task Group supports the Air Quality Steering Group undertaking feasibility studies to assess whether LEZs would be a viable option in specific locations, as stated in the Action Plan and that these studies should be carried out as soon as possible for the Bromsgrove District.

In respect of the forming of a single Steering Group, Members also raised concerns as they believed that this would be unmanageable due to the geographical area and the number of authorities involved. The make up of such a Steering Group was also questioned, as again this could lead to difficulties in not only arranging convenient meetings but also in the number of people involved.

The Task Group agreed that as Bromsgrove District had the largest number of AQMAs not only should it have separate Air Quality Action Plans but also a Steering Group which would be dedicated to implementation of that Action Plan. A Bromsgrove Air Quality Steering Group would be more familiar with local

circumstances and could make good use of local knowledge. Again, this view was shared by the residents consulted by the Task Group during its investigations.

When considering all the points included in this section of the report the Task Group agreed that it was important that the actions within the Plan were monitored and reported back to each authority to ensure that sight was not lost of the importance of the Action Plan and Air Quality generally. In the case of Bromsgrove District Council the Task Group agreed that this could be done through regular updates being provided to the Overview and Scrutiny Board.

The Task Group therefore recommends the following:

Recommendation 2

- | |
|---|
| <ul style="list-style-type: none">(a) That separate Air Quality Action Plans be produced for the four AQMAs in Bromsgrove district in order to address the particular circumstances in each location.(b) That the Action Plans contain specific targets and detail projected timeframes and all actions should be implemented within those timescales. |
|---|

Recommendation 3

That a separate Air Quality Steering Group should be established in respect of the four AQMAs in Bromsgrove District.

Recommendation 4

That the Overview and Scrutiny Board be provided with regular progress reports from the Air Quality Steering Group.

During the course of its investigations the Task Group's attention was brought to various funding opportunities that were available to local authorities in respect of assistance in making improvements to air quality. In particular, Members noted that Bromsgrove District Council was eligible to apply to the DEFRA Air Quality Grant Programme. The aim of this programme was to support eligible capital expenditure by English local authorities on their air quality management duties under Part IV of the Environment Act 1995. Whilst it was noted that applications for the 2013/14 funding had now closed, Members were keen for this opportunity of funding to be explored in future years. The Task Group agreed that the feasibility studies needed in respect of Low Emission Zones and previously mentioned in Chapter 1, could be an ideal project to be carried out with the assistance of such funding.

The Task Group wished to stress the importance of accessing such grants in order to progress the improvement of air quality within the District as quickly and cost effectively as possible.

(For information Worcester City, Wychavon and Wyre Forest Councils were also listed on the Eligibility and Criteria Assessment list provided by DEFRA.)

WRS has confirmed that it proposes to apply for funding for specific measures as they are identified as relevant and appropriate and Defra advice would be sought on ensuring applications were considered as favourably as possible.

The Task Group therefore recommends the following:

Recommendation 5

Worcestershire Regulatory Services (WRS) applies for funding from the DEFRA Air Quality Grant Programme.
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If the first application is not successful the WRS should persist in submitting further applications in subsequent years.

CHAPTER 3 – THE ROLE OF WORCESTERSHIRE COUNTY COUNCIL

As the Task Group's investigations progressed it was apparent to it that many changes which needed to be made to improve air quality, not only in Bromsgrove District, but throughout the county, were reliant upon Worcestershire County Council (WCC). Those changes also came at a financial cost, which the Task Group appreciated would be difficult for WCC to cover in the current economic climate. However, after investigation the Members agreed that there were various options available to WCC which could be investigated in order to receive funding for particular projects. By working in partnership there could also be opportunities to receive grants for example towards updating bus fleets.

The Task Group understood that the Local Transport Boards (LTB) would provide funding for major transport schemes in local areas from April 2015. Membership of the Board in Worcestershire and the local criteria for funding remained to be confirmed at the time of writing this report. However, the confirmed allocated funding for the Worcestershire LTB was announced on 16th July 2013 and for the period 2015/16 to 2018/19 totalled £7.7million. There is no guarantee at this stage that the criteria would encompass a focus on air quality. However, as a number of the actions listed in the Draft Air Quality Action Plan would require significant funding (for example the introduction of Low Emission Zones) funding from the LTB could potentially assist with a number of the actions listed.

Reference throughout the investigations was made to public transport, not only to the service provided but also to the quality of the vehicles which were used. It was acknowledged that the age of a vehicle could have a significant impact on the emissions which it produced, which in turn impacted on the air quality. During an interview with the Transport Planning Officer WCC the Task Group was informed that measures taken by WCC to address air quality issues included promoting sustainable travel; developing the cycle network, improvements to the local bus network and influencing travel behaviour, particularly with a view to encouraging greater use of public transport. This view was also reiterated within the Draft Air Quality Action Plan when reference was made to Voluntary Bus Quality Partnerships, with a view, for example, to encouraging bus companies to improve emission performance of fleets through rolling vehicle replacement programmes and integrating bus services with rail networks and new developments.

Voluntary Bus Quality Partnerships are informal agreements between relevant bus operators and local authorities that are not enshrined in legislation. These partnerships are usually formed between a local authority and bus operator(s) and each party makes a commitment to improvements that will result in the enhancement of services within the area, whether it be through improvement to infrastructure or better vehicles.

The Task Group therefore recommends the following:

Recommendation 6

Worcestershire County Council applies for funding from the Worcestershire Local Transport Body in order to fund traffic management measures that will tackle air pollution in the Bromsgrove AQMAs.

Recommendation 7

Worcestershire County Council liaises with local bus operators to establish a local bus quality partnership in order to investigate the potential to update the bus fleets operating within Bromsgrove District.

CHAPTER 4 – HEALTH IMPLICATIONS

During its investigations the original Task Group had, in December 2007, held the view that poor air quality could have serious effects on people's health as it could trigger and exacerbate respiratory illnesses such as asthma. The Task Group received information from both the World Health Organization (WHO) and Defra where air pollution had been cited as an environmental risk to human health. In particular air pollution had been linked to respiratory illnesses and heart conditions. The current Task Group therefore requested current data from the Public Health Consultant, WCC in order to establish whether this was the case and whether there had been an increase within the district and in the AQMAs in particular.

The Public Health Consultant attended as a witness and provided Members with a report which covered hospital admissions for respiratory illness, broken down into the 4 AQMAs and covering 3 x 3 year periods (2004/05 – 2006/07, 2007/08 – 2009/10 and 2010/11 – 2012/13, together with average comparisons for both Bromsgrove and Worcestershire. This information was also broken down into specific Electoral Ward areas. It was noted that very few of the relevant Electoral Ward areas had higher admission rates than the Worcestershire average, the only exception being St Johns which fell within the Worcester Road AQMA and Charford which had postcodes which fell into both Worcester Road and Redditch Road AQMAs. However, Members were informed that caution needed to be taken as there could be a number of reasons as to why the respiratory disease admission rates were higher for example in areas of deprivation and lifestyle choices.

Although Members accepted that the evidence did not support their concerns they agreed that, as there were 4 AQMAs within Bromsgrove District and 10 throughout Worcestershire, it would be useful for a more in depth study to be carried out by the Health and Wellbeing Board. The Public Health Consultant informed Members that the Health and Wellbeing Board had consulted last year on priorities for the Joint Health and Wellbeing Strategy and air quality was not highlighted as an issue.

A Task Group meeting was also attended by representatives (a GP, a Parish Councillor and a local resident) from the Hagley Parish Air Quality Group and the Hagley Action Group, who had carried out a health survey in response to worries from some residents (around 4,000 homes had received "door stop" visits, the findings of which led to the survey) who were concerned about the effects of the AQMA on themselves and their children. The health survey was a study of 182 respondents based within the Hagley AQMA and the questions ranged from the types of symptoms suffered to how long the resident had lived in the area and whether they were smokers. The Group had carried out a great deal of research and had spoken to a health expert on air pollution at Kings College, London. Members were provided with a copy of that survey and a summary of the responses received. The representatives spoken about their concerns, the

potential worsening of the air quality and measures that they felt could lead to improvements.

Although accepting of the information provided by the Public Health Consultant, the Task Group agreed that the subject continued to be of concern to both Members and residents living in the vicinity of an AQMA. The Council's representative on the Worcestershire Health Overview & Scrutiny Committee (HOSC), also a Member of the Task Group, suggested approaching HOSC requesting that it carry out a detailed review, particularly in light of further information which had been provided. This information was in respect of new evidence, which had recently been in the news and referred to two papers published by the Lancet which made reference to a link between levels of air pollution (particulates, sulphur dioxide, carbon monoxide and nitrogen dioxide) and hospitalization and death in patients with chronic heart failure. The units used for the levels of nitrogen dioxide in the paper were different from those used in Worcestershire so direct comparison with the data that had been provided would need expert interpretation. The second paper showed a significant association between exposure to particulates and the risk for adenocarcinoma of the lung (this is not the type of lung cancer associated with smoking) in European populations. Unfortunately the Task Group believed that the levels of particulates in the Council's AQMAs were not recorded and therefore it was not currently possible to check the levels.

It is appreciated by the Task Group Members that the cost of monitoring particulate air pollutants would be costly; however this could be a specific measure to which WRS could apply for funding as detailed in Recommendation 5 of Chapter 2 to this report.

The Task Group therefore recommends the following:

Recommendation 8

That the health implications of air pollution be the focus of a detailed review by Worcestershire Health Overview and Scrutiny Committee (HOSC).
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Recommendation 9

That the regular monitoring of particulate air pollutants within the Bromsgrove District's four AQMAs is carried out by Worcestershire Regulatory Services.

CHAPTER 5 - CONCLUSION

Upon conclusion of its investigations there were two issues which were apparent to Members, both of which were outside of the Council's control and which could make a significant impact on air quality; these were pollution from HGVs and a clearer steer on responsibility for air quality within the District in order for actions to be taken to make improvements.

Whilst it was acknowledged that Air Quality was a worldwide problem and that although Bromsgrove had four Air Quality Management Areas, the largest number in Worcestershire, the Council was limited in the way it could make improvements. The Task Group agreed that this should not deter the Council from taking whatever actions it could to either make changes and/or raise awareness of the issue and its causes. It was understood that pollution from vehicles was a major contributor, in particular from HGVs, which had an impact on the District due to the road network, any changes to which were unfortunately outside of the Council's control. Whilst significant improvements to motor vehicle engines have been made in recent years and which have led to reduced emission levels, HGV improvements were long overdue. Members considered the best way in which to support and encourage such and it was agreed that the Council should write to the appropriate Government Minister requesting action be taken on this issue.

Throughout its investigations it was also apparent to the Task Group that, although the Council was responsible for air quality and the action plan in respect of Air Quality Management Areas, much of the work to address the problem was outside of the Council's control, thus making it difficult to implement changes, for example in respect of highways issues and improvements. It was clear from the evidence received that there was no "joined up" working on this subject and neither the Council nor Worcestershire County Council was able to take the lead role. Within the Draft Air Quality Action Plan it was in fact stated that *"It is generally recognised that although a Local Authority has the responsibility of managing the air quality in their areas they are unlikely to have direct control or capability to effect real reductions in pollution levels."* During an interview with the Senior Practitioner, Pollution at WRS the Task Group was informed that this was something which Defra would be reviewing and it was anticipated that more defined guidelines would be published. The Senior Practitioner, Pollution was however unable to confirm a timescale for this review.

It should also be noted that whilst under legislation, the Council was responsible for producing an Air Quality Action Plan for each Air Quality Management Area, there was no legal requirement to implement the Action Plan.

The Task Group therefore recommends the following:

Recommendation 10

That Bromsgrove District Council sends a letter to the relevant Government Minister urging him/her to accelerate efforts to address problems with the higher emission levels from HGVs with a copy of the letter also being sent to the local M.P. (See *Appendix 4 for suggested wording*).

Recommendation 11

That Bromsgrove District Council sends a letter to the relevant Government Minister responsible for DEFRA urging him/her to review the role of those responsible for Air Quality with a copy of the letter also being sent to the local M.P. (See *Appendix 4 for suggested wording*).

Finally, at an early stage within the investigation it became apparent to Members that the scope of the Task Group was large and it would be difficult to complete within the timescale allocated. At the meeting held on 9th January 2013 the Climate Change Manager raised concerns that consideration of information about CO₂ Emissions alongside data on the subject of air quality would be distracting and would require Members to dedicate a much longer timescale to complete the review. After discussions it was therefore agreed that the Task Group would concentrate on reviewing Air Quality with a recommendation that an investigation into CO₂ Emissions be included within the Overview & Scrutiny Board's Work Programme. The Task Group's terms of reference were amended and the Board informed at the meeting held on 25th February 2013.

The Task Group therefore recommends the following:

Recommendation 12

The Overview and Scrutiny Board consider launching a separate review of CO₂ emissions in the District.



Bromsgrove
District Council
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OVERVIEW AND SCRUTINY EXERCISE SCOPING CHECKLIST

This form is to assist Members to scope the overview and scrutiny exercise in a focused way and to identify the key issues it wishes to investigate.

- Topic: **Air Quality Task Group**

- Specific subject areas to be investigated:

To revisit the Air Quality Scrutiny report prepared in December 2007. This will include:

- Investigating whether the recommendations have been implemented successfully.
- The effect of poor air quality on residents within the District
- Progress made to date in improving air quality in the District.
- Future plans to improve air quality in the District.

- Possible key outcomes:

(i.e. please state what Members hope to achieve through this investigation):

- Promote the understanding of air quality issues within the district.
- Highlight progress being made by the Council and others to address the issues of poor air quality within the district.
- Make recommendations which would assist in making improvements to the environment and lives of residents within the district.

- Should the relevant Portfolio Holder(s) be invited to give evidence? **YES**

- Which officers should be invited to give evidence?

(Please state name of officer and/or job title)

Head of Regulatory Services, Head of Environmental Services
Environmental Health Team Representative
Climate Change Manager
Relevant Portfolio Holder
Relevant Ward Members
Parish Councillors

- Should any external witnesses be invited to give evidence? **YES**
If so, who and from which organisations?

Representatives from:
Highways Agency, Worcestershire County Council's Transport Team, Worcestershire Acute Health Trust.

- What key documents/data/reports will be required?

Air Quality Scrutiny Report (December 2007)
Air Quality a Strategy for Hereford and Worcestershire (November 2008)
Air Quality Progress Report 2010: Bromsgrove District Council (May 2010)
WCC Transport & Air Quality Policy
Health Profile for Bromsgrove district

- Is it anticipated that any site visits will be required? **YES ***
If so, where should members visit?

Possibly – may become more apparent as the investigation is carried out.

- Should a period of public consultation form part of the exercise? **NO**
If so, on what should the public be consulted?

(Please Note: A separate press release requesting general comments/suggestions from the public will be issued in the normal way at the beginning of the investigation.)

- Have other authorities carried out similar overview and scrutiny exercises?
NO*
If so, which authorities?

Not that we are aware of.

- Will the investigation cross the District boundary? **NO***
If so, should any other authorities be invited to participate? **NO***
If yes, please state which authorities:

- Would it be appropriate to co-opt anyone on to the Task Group/Board whilst the Overview and Scrutiny exercise is being carried out? **NO***
If so, who and from which organisations?

- What do you anticipate the timetable will be for the Overview and Scrutiny exercise?

It is anticipated that this review could be completed in a maximum of five months with a draft report being presented to the Board meeting to be held on 17th June 2013.

FULL WORDING OF RECOMMENDATIONS FROM DECEMBER 2007

AS DETAILED IN RECOMMENDATION 1 OF THIS REPORT

Recommendation 1 – Low Emission Zones

This Council considers applying to Worcestershire County Council for certain roads to be made low emission zone roads therefore limiting access to certain types of vehicles which reduce air quality. Specifically, the Task Group believe the following roads/areas should be low emission due to high NO₂ levels:

- Approximately a 2 mile radius around Bromgrove town centre
- A38 Bypass in Rubery
- All roads in Rubery with a weight restriction
- A456 in Hagley
- A491 in Hagley

Recommendation 7 – Town Centre Redevelopment

The Town Centre Redevelopment Steering Group (LSP Theme Group) be requested to consider air pollution caused by traffic congestion when looking at redeveloping the town. This would include the Group looking at the possibilities of having vehicle access to The Strand from Birmingham Road (by Davenal House) and investigate, in partnership with Worcestershire County Council Highway's, whether or not it might help decrease traffic congestion and therefore lower the air pollution at this location which has high NO₂ levels.

Recommendation 8 – High Street and The Strand

- (a) Request that Worcestershire County Council review the timing of the traffic signals located at the top end of the High Street by The Strand with a view to reducing the build up of standing traffic;
- (b) If (a) is agreed and County Council decide to amend the timing of the traffic signals, request that they monitor the traffic congestion before and after making the alteration to measure whether the action has had a positive impact; and
- (c) If (a) is agreed, request Environmental Health monitor air quality around Davenal House, Birmingham Road before and after the alteration to measure whether it has helped improve air quality (which is known to be poor at this location).

Recommendation 17 – Taxi Rank

The Licensing Section be requested to remind taxi drivers not to leave their engines running whilst waiting for the next fare at a taxi rank. As an incentive to change their behaviour, it should be pointed out that (a) it will save fuel; and (b) it is an offence to leave a vehicle running when not in the vehicle and any person doing so is at risk of receiving a fixed penalty notice. This information could be included in a newsletter for example.

Response from Task Group to WRS Air Quality Action Plan Consultation
27th June 2013

I have been asked to respond to the Air Quality Action Plan consultation on behalf of the Air Quality Task Group which has been set up by the Overview & Scrutiny Board at Bromsgrove District Council. Where an AQMA is in a specific Ward the relevant Councillor will also respond to the consultation individually.

The Task Group has held discussions with Mark Cox – Senior Practitioner, Pollution WRS and Andy Ferguson, Central Operations Team Manager, WRS and has expressed its concern over a number of issues in respect of air quality in Bromsgrove District. Some of the areas that have been discussed are detailed below, together with other areas the Task Group has considered at its meetings:

- Little or no improvement to air quality appears to have been made since the implementation of three of the AQMAs (and Action Plans) in Bromsgrove.
- That although actions were being taken these appeared not to be actually addressing the problem, only mitigating its effects.
- That the Action Plan previously developed for the AQMAs in the District did not result in tangible improvements in those areas and the concern is that this will be the case with the latest action plan.
- That air quality did not appear to be a priority in respect of strategic planning, planning applications and the town centre regeneration programme.
- Improvements to public transport, including its availability and the types of vehicles used.
- Members believe the action plan is “unfocused” and does not have any targets or timescales. This is due to it covering 10 AQMAs all of which have different needs. This should have been broken down into more specific areas and as Bromsgrove has the greatest number then it may have been more appropriate for it to have a separate Action Plan.
- How WRS could raise awareness of air quality and the successful implementation of changes as detailed in the generic actions and the effectiveness of those actions.
- Clarification on whether the Steering Group is a single steering group for all 10 Worcestershire AQMAs? If so, Members believe that this would be unmanageable due to the geographical area and as Bromsgrove has the largest number of AQMAs it would be appropriate for a Steering Group to be set up specifically for the District.
- Why the decision has been made to form a steering group after the Action Plan consultation rather than before and therefore allowing the group to assist with the development of it.

Recommendation 10 - Suggested Wording for Transport Minister Letter

Bromsgrove District Council holds the unfortunate position of being responsible for four Air Quality Management Areas. Following the completion of its investigations, the Overview and Scrutiny Board Air Quality Task Group, which was set up to investigate the effect of poor air quality on residents and actions which the Council could take to improve air quality, has brought to the Council's attention information which shows that HGVs are the largest source of pollution within one of these AQMAs.

Whilst excellent progress has been made in the manufacture and use of cleaner motor vehicles, HGVs are sadly falling behind with this development. The Council therefore urges you to take action in order to ensure that this problem is addressed at a national level. The Council would also urge you to investigate actions that could be taken to enable more large vehicles to be fuelled by alternative fuels such as methane.

In a report commissioned by the Road Transport Association (RTA) it states that operators of national heavy goods vehicle fleets are considering wider use of natural gas powered vehicles to help achieve operational efficiencies and reduce greenhouse gas emissions, in order to provide the necessary confidence in making these investments Government need to support the development of national refueling infrastructure, provide stability in future duty rates for road gas fuel and work with vehicle operators to understand the barriers to wider uptake and work with the operators to remove those barriers. This Council supports the RTA in this request and would ask that the Government not introduce punitive tax measures and encourage RTA members to switch to cleaner fuels.

Recommendation 11 – Suggested Wording for Defra Letter

Bromsgrove District Council holds the unfortunate position of being responsible for four Air Quality Management Areas. Following the completion of its investigations, the Overview and Scrutiny Board Air Quality Task Group, which was set up to investigate the effect of poor air quality on residents and actions which the Council could take to improve air quality, has brought to the Council's attention the need for further clarification to be provided on responsibility for tackling air quality.

Following the findings of this investigation the Council would urge DEFRA to review its guidelines in respect of the lead authority for air quality as it has become apparent to this Council that although it is responsible for air quality the majority of actions which need to be put in place to make improvements to this come under the remit of the County Council, thus limiting the actions that this Council can take to make improvements. A clearer steer on the role of the lead authority, which this Council strongly believes should be the County Council, for air quality would enable work to be carried forward more effectively and ensure that appropriate action is taken where necessary.

DECLARATIONS OF INTEREST

As there was an Air Quality Management Area in the ward of the majority of Members of the Task Group it was agreed that it was not necessary to declare this as an interest at the meetings.

The following interest was also declared during the Task Group's investigation:

Councillor	Interest Declared
Councillor L. Mallett <i>(Pecuniary disclosable interest)</i>	Employed by the British Heart Foundation. (The British Heart Foundation had provided funding for research, the details of which were provided to Members at the meeting held on 18th July and further discussed on 8th August 2013.)
Councillors S. Colella, L. Mallett and S. Shannon	Wished it to be noted that they had already approached WRS with a view to joining the Air Quality Steering Group.

ACKNOWLEDGEMENTS

The Task Group wishes to thank the Democratic Services Officers, Amanda Scarce and Jess Bayley for their support throughout the Task Group's investigations.

Thanks also go to all those Ward Councillors, Parish Councils and residents who took the time to respond to requests for information.

WITNESSES

The Task Group considered evidence from the following sources before making its recommendations:

Internal Witnesses:

Ruth Bamford – Head of Planning and Regeneration
Mike Dunphy – Strategic Planning Manager
Ceridwen John – Climate Change Manager

Worcestershire Regulatory Services:

Mark Cox – Senior Practitioner (Pollution)
Andy Ferguson – Central Operations Team Manager

Councillors:

Councillor Kit Taylor – Portfolio Holder for Planning, Core Strategy & Regulatory Services

External Witnesses:

Liz Altay – Public Health Consultant, Worcestershire County Council
David Balme – Transport Planning Officer, Worcestershire County Council
Steve Harrison – Transport Strategy & Policy Team Leader,
Worcestershire County Council
Sally Everest – Network Control Manager, Worcestershire County Council
Representatives from Hagley Parish Air Quality Group (Dr. Steve Pannell,
Fran Evans, Parish Councillor Paul Johnson)

KEY DOCUMENTS

Air Quality Scrutiny Report December 2007
Overview Board – Air Quality Review February 2009
Worcestershire Regulatory Services Air Quality Action Plan for Worcestershire
(Draft Document for Consultation April 2013)
DEFRA Local Air Quality Management Guidance February 2009

Legal, Equalities and Democratic Services
Bromsgrove District Council, The Council House, Burcot Lane,
Bromsgrove, Worcestershire B60 1AA
Telephone: 901527) 881288
Email: scrutiny@bromsgrove.gov.uk

CABINET

02 October 2013

Toilets in Bromsgrove Cemetery and Sanders Park

Relevant Portfolio Holder	Councillor Webb
Portfolio Holder Consulted	
Relevant Head of Service	Guy Revans
Ward(s) Affected	St Johns Ward
Ward Councillor(s) Consulted	
Key Decision / Non-Key Decision	Non Key Decision

1. SUMMARY OF PROPOSALS

- 1.1 This report seeks Members' approval either to increase the budget allocated in respect of the refurbishment of the toilets in Bromsgrove Cemetery in order to replace the current building, or to demolish the current toilets and not replace them.

2. RECOMMENDATIONS

2.1 Cabinet is asked to recommend either:

- 1 closure and demolition of the toilets or
- 2 the Capital Programme 2013-14 be increased by £12k to replace the toilet block in Bromsgrove Cemetery and that this be funded from balances.

- 2.2 If Cabinet recommends closure and demolition of the toilets at the Cemetery, then it further recommends that the uncommitted balance of the capital budget earmarked for the cemetery toilets (approximately £18k) be transferred to fund an upgrade of the toilets in Sanders Park.

3. KEY ISSUES

Financial Implications

- 3.1 The Cabinet on 18 January 2012 agreed to release £25k from balances to add to the Capital Programme for 2011/12 to fund the cost of new toilets for Bromsgrove Cemetery.
- 3.2 The spend to date has been £2k for architects fees, building regulation approval construction drawings, tender and administering contract with builders.
- 3.3 For reasons discussed further in the report, the original plan, at an estimated cost of £25k, for refurbishment was not suitable. Four quotations were therefore

obtained for demolition and building of a new toilet. Following site inspections it was anticipated that the project would cost £10k plus external works.

The Quotations received were between £23k and £61k

Officers asked the company who had submitted the lowest quote to confirm the sum and, at this point they revised their quote to £29k. Cost saving measures reduced the cost to £26k but officers and the architect could not be confident that the project would be completed within the agreed budget. All other quotes were higher than the specified budget.

More firms were invited to quote for the work and a further five quotations were received. The lowest was for £27k

Following a press release calling for local builders to submit quotations aimed at achieving a lower price, two further firms expressed an interested in quoting for the work. One quote was received at £35k

3.4 In summary there would be an additional capital cost to the Council of £12k to cover the work..

3.5 There would be additional annual revenue costs for lighting, cleaning and servicing of the toilet unit. Using benchmark information for similar cleaning operations, we estimate these would be in the region of £1k. These costs are not currently included in the revenue budget for the cemetery but it is anticipated that this can be met from existing service budgets.

If the Council decided to close the toilets there would be minimal financial savings. However, it would release staff time from cleaning, dealing with drug paraphernalia.

3.6 If the decision was taken to demolish the toilets, an initial quote of £5k has been received for this work.

4 Legal Implications

4.1 Building regulations will apply to any proposed rebuild. Planning permission will not be required for the project based on the size of the proposed structure which is classed as a small ancillary building.

4.2 In accordance with the Equalities Act 2000 and the Building Regulations 1999, the Council is under a legal duty to ensure that the re-built toilets are accessible for disabled users.

4.3 With regard to the alternative option of not replacing the toilets, this would impact both on customers using the site and staff who work there. In relation to staff,

under the Workplace (Health, Safety and Welfare) Regulations 1992/3004 employers have a duty to provide toilet facilities for staff. However, officers are of the view that the Council would be able to comply with the regulations on the basis that staff would have access to alternative toilets located at nearby Sanders Park.

5 Service / Operational Implications

- 5.1 The current toilets are in a very poor condition with no lighting, no hand washing facilities or wheelchair access and are little used; in a survey undertaken on 13 September 2013 only one person used the toilets. There also have been incidents of antisocial behaviour including recent evidence of the toilets being used for drug taking. Staff are required to remove drugs paraphernalia from the site at regular intervals. We are also aware that this kind of item has been thrown over into neighbouring gardens.
- 5.2 Initial plans were to refurbish the existing toilet, but after consultation with Community Safety, the local Disability Advisory Group and Conservation Officer, it was felt that the existing building could not satisfy the legal and safety concerns identified. Additional external works are required to comply with community safety advice and because the site is part of the conservation area.
- 5.3 We have looked at a number of options to reduce costs. The proposed sanitary ware and flooring complies with Community Safety advice as it is resistant to vandalism and damage. Cheaper alternatives have been considered, however, it is felt that replacement of damaged appliances and repairs to flooring will lead to increased repair costs in the future and potential injury if damaged.
- 5.4 Consideration has been given to retaining the existing ramp and access to the toilet. However, following consultation with Building Regulations it was decided that the existing ramp could not be retained as it would not be suitable for all types of disabled access. As this is a conservation area, external fittings need to be to an appropriate standard approved by the Building Conservation Officer.
- 5.5 Officers were approached by Co-op Funeral Services, Bromsgrove and some preliminary discussions took place regarding the options of the Co-Op making a donation of £3k as part of a sponsorship arrangement. Officers have contacted Co-op Funeral Services again but no firm commitment has been received.
- 5.6 In response to feedback from members of the public the Council had previously committed to provide toilets at this important site. However, an alternative would be to remove the toilets altogether as there are public toilets in the Town Centre and in Sanders Park, both with disabled access facilities. The staff's main base would be moved to North Bromsgrove Cemetery. They could use toilets at the above sites whilst working at the old cemetery.

- 5.7 Members will be aware that all new full earth burials were moved to North Bromsgrove Cemetery in 2006 and although we are still doing re-open burials and cremated remains burials, the Old Cemetery will be visited less over the forthcoming years.
- 5.8 The toilets are not sustainable in their current condition and if not replaced, will have to be closed and the building demolished to ensure the safety of the area.
- 5.9 If the decision is taken to demolish the toilet, public toilets will be available in Sanders Park that are less than 400m away and also in the Town centre that are less than 500m away both of these facilities can be reached in approximately 5mins
- 5.10 The toilets in Sanders Park are in need of improvement as the current wall finishes and ancillary provision is dated and in need of improvement. These toilets are heavily used and therefore if Members decide to close and demolish the cemetery toilets, then they could invest the remaining capital money that was allocated to this project minus the cost of demolition to improve some of the issues highlighted.

4. RISK MANAGEMENT

We have a duty of care to staff and visitors. There is a risk that if the toilets remain open in their current state that we expose staff and visitors to unacceptable and potentially dangerous conditions.

However, this could be mitigated by directing visitors to nearby facilities which do comply with regulations. Staff can be relocated to North Bromsgrove Cemetery as their main work base, which has appropriate rest facilities and can use facilities at Sanders Park when working in Bromsgrove Cemetery.

5. APPENDICES

Appendix 1 - Photographs of existing toilets

6. BACKGROUND PAPERS

Architects drawings
Report from Community Safety

7. KEY

AUTHOR OF REPORT

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Tel.: 01527 62174

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CABINET

2nd OCTOBER 2013

IMPROVEMENT AND EFFICIENCY SOCIAL ENTERPRISE (IESE)

Relevant Portfolio Holder	Councillor Roger Hollingworth
Portfolio Holder Consulted	Yes
Relevant Head of Service	Kevin Dicks (Chief Executive)
Wards Affected	All
Ward Councillor Consulted	

1. SUMMARY OF PROPOSALS

- 1.1 To consider and authorise the Council to become a member of Improvement & Efficiency Social Enterprise (iESE) and to approve the nomination of a representative of Bromsgrove District / Redditch Borough Council to act as a Director of the company and/or Voting Delegate at the Annual General Meeting of the company.

2. RECOMMENDATIONS

2.1 It is recommended that Cabinet / Executive Committee:

- 2.1.1 **Agrees the principle of Bromsgrove District / Redditch Borough Council becoming a member of iESE Limited**
- 2.1.2 **Delegates authority to the Chief Executive in consultation with the Leader of the Council to approve and execute any documentation necessary to give effect to Recommendation 2.1.1 above**
- 2.1.3 **Endorses the proposal in relation to the nomination of a Bromsgrove District / Redditch Borough Councillor as Director and/or Voting Delegate**

3. KEY ISSUES

- 3.1 Improvement and Efficiency South East originally operated as one of the Regional Improvement and Efficiency Partnerships (RIEPs). These Partnerships were funded by central government with the objective of identifying, fostering and delivering improvements and efficiencies across the public sector. Indeed the Council has been and continue to be supported by Improvement and Efficiency West Midlands in a number of areas of work.
- 3.2 Improvement and Efficiency South East established a leading profile in this regard however with the funding for RIEPs being stopped as part of the austerity measures they decided to continue their work under the umbrella of an independent company with the same objectives and purposes. The new entity was incorporated as a non profit distributing company limited by guarantee and was retitled Improvement and Efficiency Social Enterprise. There is an opportunity to become a member of the company which it is felt will be of benefit to the Council. A copy of the IESE brochure is attached at Appendix 1 which details

CABINET

2nd OCTOBER 2013

the “whole offer” that they provide – a number of areas may be of benefit to the Council including potential advice on different operating models.

- 3.3 In addition to the company, it is envisaged that additional subsidiary companies will be created over time. These subsidiary companies will deliver services to clients on a not for profit or profit making basis.
- 3.4 Being a member will involve each council/public sector body guaranteeing the company to a limit of £1. They will also have the right to appoint a Director of the company.
- 3.5 The company will be funded by a number of different means, including:
- The transfer of existing Improvement and Efficiency South East assets
 - Grant funding where available
 - Payments from clients receiving services from a group company.
- 3.6 The Council will be required to enter into a Members Agreement governing the relationship between itself and the company. This Members Agreement covers the following aspects of the relationship:
- Management of the company
 - Preparation, execution and monitoring of a Business Plan
 - Provision of Accounts
 - Admission of new members
 - Termination of the relationship
 - Disputes involving the relationship
- 3.7 The members Agreement will also seek to ensure that the local authority/public bodies retain control over the ownership, strategic direction and key decisions of the company.
- 3.8 It is proposed that the Leader of the Council be nominated to act as a Director and/or Voting Delegate of the company on behalf of the Council. This appointment will be noted at Annual Council.

Financial Implications

- 3.9 There are no financial implications for the Council arising from this proposal, other than entering into a guarantee for the sum of £1. This guarantee will only be operational should the company be wound up.
- 3.9 As the company is non profit distributing, any trading surpluses generated within the company or its subsidiaries will be retained for the development of future service provision by the company.

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Legal Implications

- 3.10 There are no legal implications arising from the report other than set out in the background.

Service / Operational Implications

- 3.11 None

Customer / Equalities and Diversity Implications

- 3.12 None

4. RISK MANAGEMENT

- 4.1 There are no major risks associated with this report.

5. APPENDICES

Appendix 1 – IESE Brochure

6. BACKGROUND PAPERS

None

AUTHOR OF REPORT

Name: Kevin Dicks

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CABINET

02 OCTOBER 2013

NOMINATION OF AN ASSET OF COMMUNITY VALUE

Relevant Portfolio Holder	Cllr Roger Hollingworth
Portfolio Holder Consulted	√
Relevant Head of Service	Ruth Bamford – Head of Planning & Regeneration
Wards Affected	Woodvale
Key Decision – N/A	

1. SUMMARY OF PROPOSALS

To consider a request to list the Dodford Inn as an Asset of Community Value

2. RECOMMENDATIONS

That Cabinet consider the contents of the report and decides to either:-

- (a) Support the listing of the Dodford Inn as an Asset of Community Value; or**
- (b) Not support the listing of the Dodford as an Asset of Community Value**

3. KEY ISSUES

3.1 As Members are aware from previous reports the Localism Act included the 'Community Right to Bid' which gave communities a right to identify a building or other land that they believe to be of importance to their community's social well-being so that if it comes up for sale there is a six month period within which they can prepare their bid to buy the asset. The property in question can then be sold on the open market. Community groups have the same rights as any other bidders but there is no preference given to the local community bid.

3.2 Officers have received a nomination for the Dodford Inn of which the freehold is owned by GRS Pubs Ltd and currently tenanted. The nomination has been made by the Dodford with Grafton Parish Council. The Parish has requested that the asset be nominated to give the ability for it to remain as a community asset in the future. The nomination and plan of the land is attached at Appendix 1 and 2.

- 3.3 GRS Pubs Ltd and the Local ward Councillor have been consulted as part of the process. There have been a number of concerns raised by GRS Pubs Ltd in relation to the nomination and the impact of the registration of the asset as one of community value. The responses received are :
- Possible detrimental effect on Market Value should the Dodford Public House and adjoining land be put on the market for sale.
 - Unnecessary and costly delay in allowing the site to be sold, particularly if the site was to be included as part of a package.
 - Proposed nomination appears to include adjoining land to the public house. Possible detrimental effect on market value and unnecessary and costly delay if the adjoining land were to be sold separately from the public house.
- 3.4 The nomination from the Parish Council supports the inclusion of the asset due to the fact that the Dodford Inn is the sole public house in the village and provides a community meeting facility for various local organisations. In addition the adjoining land is used as a venue for local community events and functions.
- 3.5 Members will recall that when the matter was last considered by Cabinet on 03 July 2013 questions were raised as to the mandate of the Parish Council to seek the nomination and whether it would be their intention to purchase the pub if it were sold as a going concern. In response to these matters officers can now advise as follows:-
- 3.5.1 The Parish Council has provided a copy of the minutes of it's meeting when the decision to seek nomination was taken. A copy is attached at Appendix 3.
- 3.5.2 The Chairman of the Parish Council has also provided some comments to further explain the reasons for seeking the nomination. A copy of the document is attached at Appendix 4. Members will note that the main issue of concern for the local community is to be able to prevent a repeat of an incident a few years ago when the pub ceased trading and there were plans for it to be converted for residential use. In those circumstances the Parish Council would want to be able to step in and try to organise a bid for the pub to be purchased and for it to continue to function as a pub for the benefit of local residents.
- 3.5.3 Officers have clarified the position relating to the sale of an on-going concern. It has been confirmed by DCLG that the sale of a business to business transaction is exempt from the moratorium. Legislation states that exempt disposals include:

sale of land on which a business is carried on, together with sale of that business as a going concern (in such circumstances there would normally be payment separately for the business as a going concern, e.g. the value of equipment, stock and goodwill)

- 3.6 In conclusion therefore it would seem that the registration would be valid to allow the Parish Council to proceed with an offer to buy the pub if it had ceased trading. However, the registration would not prevent the pub from being able to change hands if the sale was on the basis of a business to business transaction with the pub being sold as a going concern.
- 3.7 Consideration of the nomination has been undertaken by Head of Planning and Regeneration. Taking into account the new information that has come to light since the last meeting, the Head of Planning and Regeneration remains of the view that approval of the nomination would support the provision of community activities within the District should the property be for sale, other than as a going concern, and a community group were able to purchase the property. The recommendation from the Head of Planning and Regeneration to Cabinet is therefore to support the proposal for the Dodford Inn to be listed. Members are reminded that under the new process for assets of community value introduced in November 2012 the final decision regarding whether to list an asset rests with the Head of Planning and Regeneration in consultation with the Portfolio Holder for Planning and Regeneration.

Financial Implications

- 3.8 Property owners who believe they have incurred costs as a result of complying with these procedures can apply for compensation from the Council. As previously reported to Council, Government recognises this as a potential risk to local authorities and will provide a safety net whereby any verified claims of over £20,000 will be met by Government. The owners also have a right to appeal the decision made by the Council in agreeing that the building be included on the Assets of Community Value.

Legal Implications

- 3.9 There is a legal requirement within the Localism Act 2011 to implement the provisions as defined for Assets of Community Value regulations 2012.

Service/Operational Implications

- 3.9 There are no specific operational implications for the District. The list of nominated assets will be maintained by Land Charges officers and will be available on the Councils Website.

Customer / Equalities and Diversity Implications

- 3.10 The approval of the nomination of Dodford Inn will ensure that should the property be declared for sale any community group would be able to express an interest in purchasing the asset. This would result in up to 6 months of moratorium whereby any sale could only be to a community group. Following this the owner can sell to any purchaser.

4. RISK MANAGEMENT

- 4.1 The register will be maintained to ensure that all assets nominated are included to mitigate any risks associated with assets not being included on the register. Consideration by officers and members will be undertaken at each nomination to ensure a consistent approach is taken.

APPENDICES

Appendix 1 – Nomination Form

Appendix 2 – Plan of site / asset

Appendix 3 – Minutes of Parish Council Meeting held on 28 February 2013

Appendix 4 – Comments in support of the application from the Chairman of the Parish Council

AUTHOR OF REPORT

Name: Ruth Bamford
E Mail: r.bamford@bromsgroveandredditch.gov.uk
Tel: (01527) 881202

BROMSGROVE DISTRICT COUNCIL
**ASSETS OF COMMUNITY VALUE – THE COMMUNITY
RIGHT TO BID**
NOMINATION FORM

Section A: About your organisation

A1 Organisation's name and address

Name of organisation*	DODFORD WITH GRAFTON PARISH COUNCIL.
Address including postcode	40 57 STOUR BRIDGE ROAD FAIRFIELD BROMSGROVE B61 9LY

**full name as written in your constitution or rules (if appropriate)*

A2 Contact details

Name	MR KAY STONE
Position in organisation	CLERK TO COUNCIL
Address including postcode	57 STOUR BRIDGE ROAD FAIRFIELD BROMSGROVE B61 9LY
Daytime telephone no.	07776 180207
Email address	KStone5757@aol.com
How and when can we contact you?*	email any time

**by email or phone, and days of the week and/or times of day you would prefer*

A3 Type of organisation

Description	Put a cross against all those that apply	Registration number of charity and/or company (if applicable)
Neighbourhood forum		
Parish Council	X	
Charity		
Community interest company		
Unincorporated body		
Company limited by guarantee		
Industrial and provident society		

A4 Number of members registered to vote locally (unincorporated bodies only)

In the case of an unincorporated body, at least 21 of its members must be registered to vote in the Bromsgrove District . If relevant, please confirm the number of such members. If they are registered to vote in the area of a neighbouring local authority, rather than in Bromsgrove , please confirm which area that is.

A5 Local connection

Your organisation must have a local connection, which means that its activities are wholly or partly concerned with the administrative area of Bromsgrove District Council or a neighbouring local authority. In some cases this will be obvious, eg. a parish council in Bromsgrove, or an organisation whose activities are confined to the district. If your connection may not be obvious to us please explain what your organisation's local connection is.

A6 Distribution of surplus funds (certain types of organisation only)

If your organisation is an unincorporated body, a company limited by guarantee, or an industrial and provident society, its rules must provide that surplus funds are not distributed to members, but are applied wholly or partly for the benefit of the local area (ie. within the administrative area of Bromsgrove or a neighbouring local authority). If relevant, please confirm that this is the case, and specifically which area this applies to.

A7 More about your organisation

What are the main aims and activities of your organisation?

To exercise the powers and fulfill the responsibilities incorporated in local government legislation as they apply to parish councils.

A8 Your organisation's rules

Please send us a copy of the relevant type of document for your organisation, and put a cross in the next column to indicate which one this is	X
Memorandum and Articles of Association (for a company)	
Trust Deed (for a trust)	
Constitution and/or rules (for other organisations)	

Part B: About the land or building(s) you are nominating

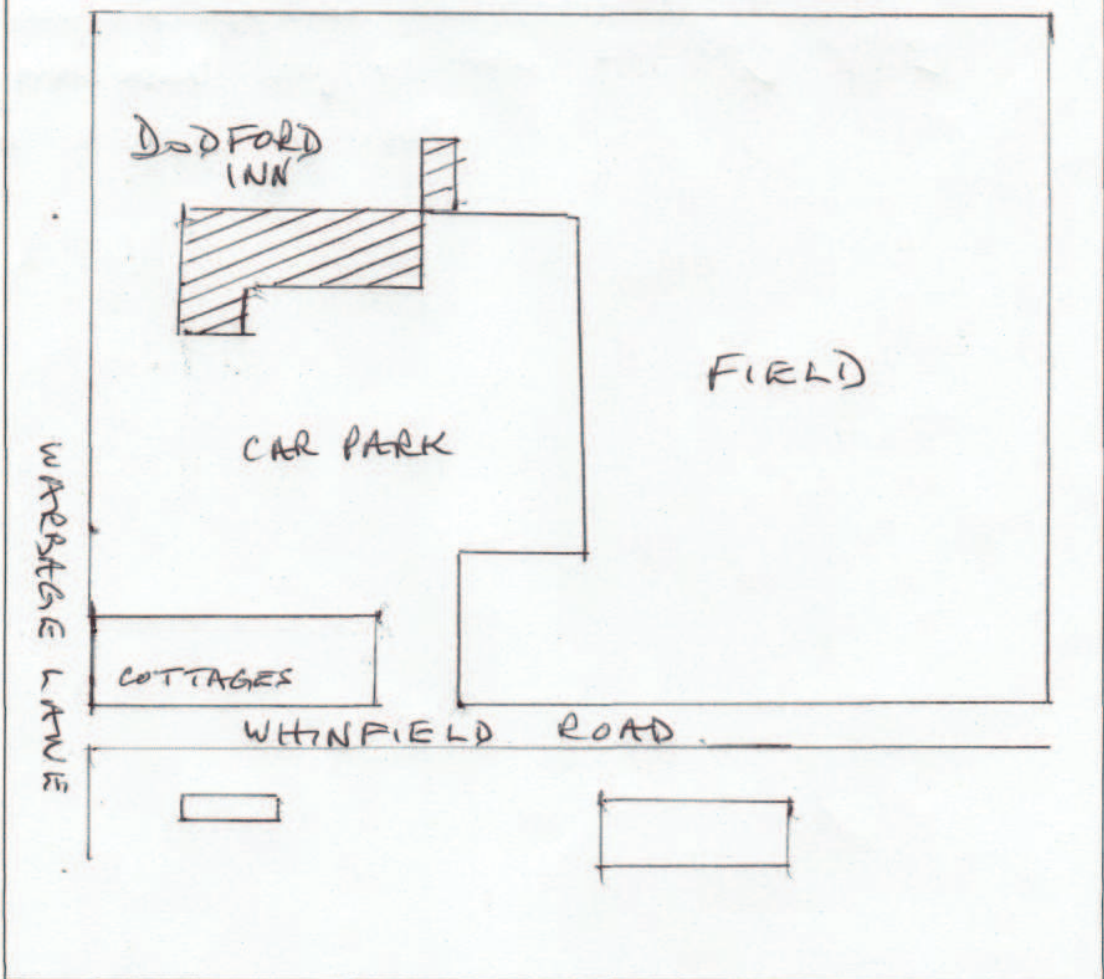
B1 Description and address

What it is (eg. pub, local shop) PUBLIC HOUSE
Name of premises (eg. Post office, Community Centre) THE DODFORD INN
Address including postcode (if known) WHINFIELD ROAD, DODFORD, BROMSGROVE, WORCS. B61 9BG.

B2 Sketch plan

Please include (here or on a separate sheet) a sketch plan of the land. This should show:-

- The boundaries of the land that you are nominating
- The approximate size and position of any building(s) on the land.
- Any roads bordering the site.



B3 Owners and others with an interest in the building or land

You should supply the following information, if possible. If any information is not known to you, please say so.

	Name(s)	Address(es)
Names of all current occupants of the land	LANDLORD (TENANT) DODFORD INN	Same as B1.
Names and current or last known addresses of all those owning the freehold of the land (ie. owner, head landlord, head lessor)	GRS PUB INVESTMENTS LTD.	31 HAVERSCHOTT INDUSTRIAL ESTATE, NEW ROAD, PETERBOROUGH NORFOLK, NR17 1YE.
Names and current or last known addresses of all those having a leasehold interest in the land (ie. tenant, intermediate landlord, intermediate lessor)		

B4 Why you think the building or land is of community value

Note that the following are not able to be assets of community value:-

- A building wholly used as a residence, together with land "connected with" that residence. This means adjoining land in the same ownership. Land is treated as adjoining if it is separated only by a road, railway, river or canal.
- A caravan site.
- Operational land. This is generally land belonging to the former utilities and other statutory operators.

Does it currently further the social wellbeing or social interests* of the local community, or has it done so in the recent past? If so, how?

SOLE PUBLIC HOUSE IN DODFORD VILLAGE.
COMMUNITY MEETING FACILITY FOR VARIOUS
LOCAL ORGANISATIONS.
VENUE FOR LOCAL COMMUNITY EVENTS
AND FUNCTIONS.

Could it in future further the social wellbeing or social interests* of the local community? If so, how? (This could be different from its current or past use.)

POTENTIAL FOR GREATER USE OF
ADJOINING FIELD FOR COMMUNITY EVENTS -
RECREATIONAL ACTIVITIES.

*These could be cultural, recreational and/or sporting interests, so please say which one(s) apply.

Section C: Submitting this nomination

C1 What to include

- The rules of your organisation (question A8).
- Your sketch plan (question B2).

C2 Signature

By signing your name here (if submitting by post) or typing it (if submitting by email) you are confirming that the contents of this form are correct, to the best of your knowledge.

Signature

Andy Rea CHAIRMAN - DODFORD WITH
GRAFTON PARISH COUNCIL.

C3 Where to send this form

You can submit this nomination:-

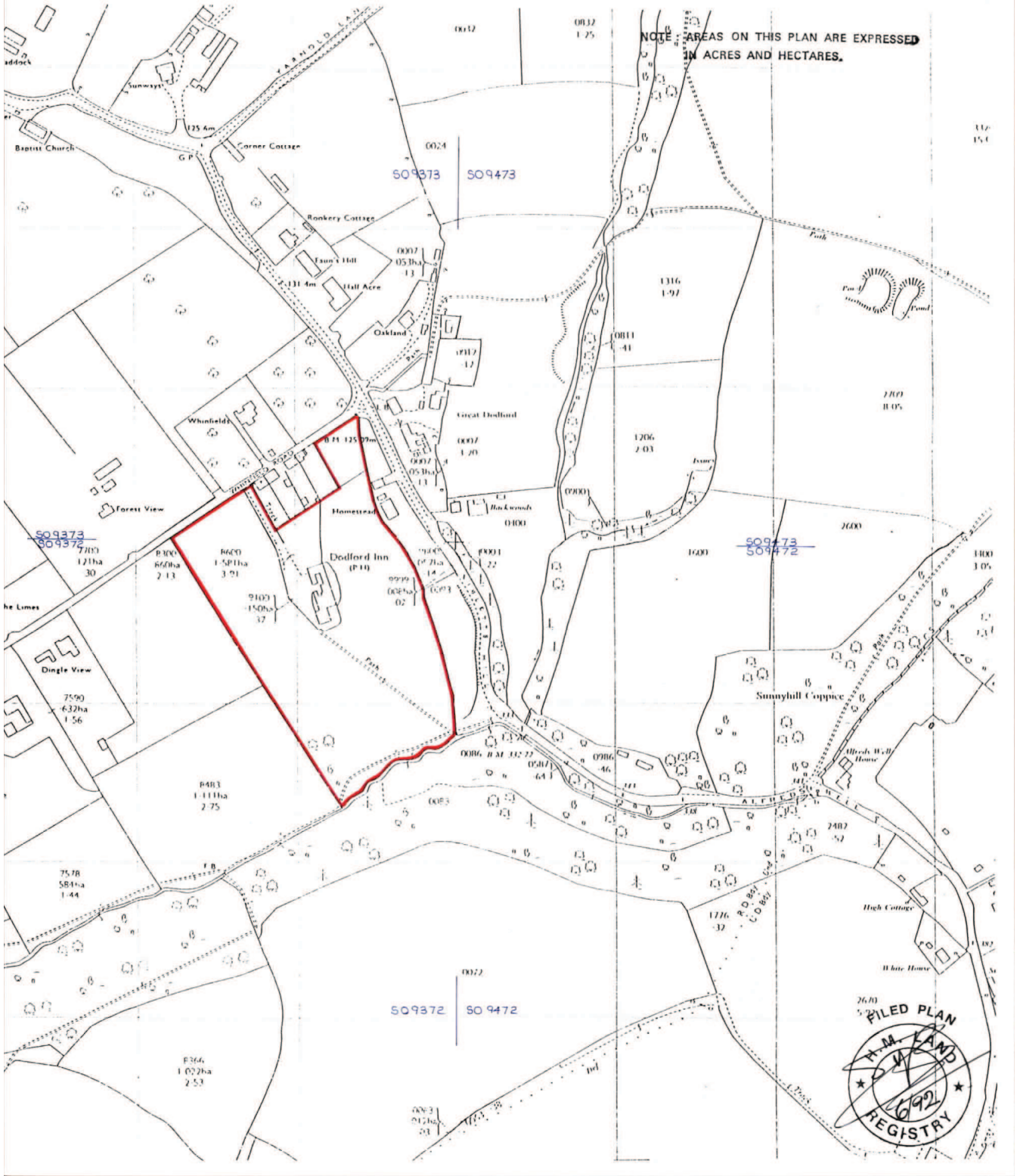
- **By post to:** Jayne Pickering , Executive Director Finance and Resources, Bromsgrove District Council , Council House , Bromsgrove B60 1AA
- **By email to:** j.pickering@bromsgroveandredditch.gov.uk

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ADMINISTRATIVE AREA WORCESTERSHIRE



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DODFORD WITH GRAFTON PARISH COUNCIL

Draft Minutes of the meeting of Dodford with Grafton Parish Council held on Thursday 28 February 2013 in Dodford Village Hall at 7.30pm

Present: Cllrs, Vicky Churchill, Rachel Jennings, Terence Lee, Alwyn Rea (Chairman), Richard Scott, County Councillor Sheila Blagg, District Councillor Brian Lewis, Clerk Kay Stone and four members of the public

1. Apologies

Cllr Vic Dawson gave his apologies, reasons for which were accepted.

2. Declarations of interest

- i. None
- ii. None

The meeting was adjourned for members of the public to raise matters of interest / items for the next agenda

It was brought to the attention of the Council that cars are still being parked on the double yellow lines on Priory Road

The meeting was reconvened as follows:

3. Possible culling of Montjac Deer

Nathan Hadley from West Midlands Deer Management attended the meeting and gave information and advice. After discussion it was decided that Nathan would give the Parish Council approximate costs and that this item will be put on the Annual Parish Meeting Agenda in May as information to pass on to residents.

4. Minutes of the Parish Council meeting on 24 January 2013

Cllr Jennings reported that item 17.iii should have read: "Cllr Jennings reported that some residents had been challenged by the new owner at Greenhill Farm about footpaths in his field." The Minutes will be amended by the Clerk for signing at the March meeting. Approval of the Minutes, after amendment, was proposed by Cllr Scott and seconded by Cllr Lee as being a true record.

5. Reports

- i. The February report received from County Councillor Sheila Blagg had been received and already circulated to Parish Councillors. Copies were available at the meeting for members of the public. Cllr Blagg brought to the Parish Council's attention the new Electoral Review further consultation.
- ii. District Councillor Brian Lewis brought to the Parish Council's attention the application for a new processing plant at Sandy Lane, Fairfield.
- iii. The Clerk reported that she had received acknowledgement from Bromsgrove Train Station Transport on the consultation; Police Crime Commissioner on his plan and budget – finalised plan will be on their web site by 31 March; MP Sajid Javid on requests for dispensation to discuss budget and precept and the problem with co-opting a Councillor due to new legislation. She also reported that she had asked Worcestershire County Council (WCC) for a reason for the traffic counters in Cockshutt Lane.

6. Planning

- i. Minutes of the meeting held on 24 January had already been circulated to Councillors and copies were available at the meeting
- ii. Any other planning issues – for information:
 - a. Bromsgrove District Council (BDC) Enforcement Officer confirmed he had visited one building at Little Yarnold Farm and the Clerk was requested to ask the Enforcement Officer if he knew how the old asbestos roof had been disposed of and also requested that he returns to the site and satisfies himself about the extent of the work.
 - b. 12/0962 – Woodcote Green Farm, Woodcote Lane – Certificate Existing Lawful Use / Dev - Permission granted by BDC

7. Bulk Fuel Procurement

There is someone who already organises this in Dodford and the Clerk was asked to put the resident who enquired about this in touch with them.

8. Assets of Community Value – the Community Right to Bid

After a lengthy discussion it was proposed by Cllr Scott, seconded by Cllr Churchill and agreed that the Parish Council will register the Dodford Inn.

9. Highways and footpaths

- i. Chaddesley Corbett Parish Council voted against the 50mph speed restriction on the A448 and their Clerk has this item on the agenda for their March meeting to re-open the discussion
- ii. The Clerk was asked to obtain a User Evidence Form from WCC regarding Right to Roam
- iii. The Clerk confirmed she had reported the parking on double yellow lines in Priory Road to the local Police who will take a look
- iv. The Clerk reported she had taken photographs of Yarnold Lane and submitted them to WCC
- v. The Parish Council would like to see a sign on Valley Road warning of the bend. Clerk to contact WCC
- vi. The Clerk has reported all the flooding issues and pot holes to WCC. It was brought to the Parish Council's attention that there is a flooding issue in Priory Road opposite Rose Lane which resulted in ice forming and the Clerk was asked to report it
- vii. The Clerk reported she had taken photographs of the two islands and sent them to Severn Trent requesting they are repaired to their original state following the recent water pipe repairs. The Parish Council were advised that a resident in Fockbury Road is in touch with Severn Trent over the condition of the verges. The Clerk was asked to contact the resident for direct contact details within Severn Trent. The Clerk was asked to send a copy of a letter dated 1 April 2003 to WCC in which they state the County Council is responsible for the islands
- viii. Possibility of grit bin in Priory Road on the bend by The Tower House to be put on the September / October agenda

10. Number of Parish Council meetings per annum

After discussion it was proposed by Cllr Jennings, seconded by Cllr Scott and agreed to change the meetings to 10 per annum. No meeting will take place in January and August of each year.

11. Dodford First School

Chairman agreed to talk to some residents about the Governor vacancies at the School and if he could not generate interest he would be prepared to be a Governor but not on a long term basis. Chairman to report back at the March meeting.

12. Neighbourhood Development Plan

Information from NALC about Local Councils to receive share of Community Infrastructure Levy was noted. Chairman to attend next CALC Area meeting and hopes to find out more information on this

13. Finance

- i. It was agreed to renew membership of Community First at bronze level at no cost to the Parish Council
- ii. Approval of the payments due for February set out in a schedule circulated by the Clerk were proposed by Cllr Scott and seconded by Cllr Rea and agreed.

14. Correspondence received – for information

- i. Items of correspondence received since the last meeting were noted
- ii. It was agreed that if the Village Hall Committee produce a one page flyer it could be inserted in the Annual Report mailing. Clerk to notify the Village Hall Committee
- iii. Clerk was asked to get costs for a stamp and ink pad for the Annual Report envelope to distinguish it from junk mail

15. Councillor co-option

The Clerk reported she has sent an application form to a resident

16. Councillors items

- i. The condition of the edges of the road in Timberhonger Lane have been repaired
- ii. The gate from the footpath on to Priory Road opposite Rose Lane has still not been repaired by WCC
- iii. Pot holes in the A448 are getting dangerously deep with motorists avoiding them. The Clerk was asked to contact WCC urgently to avoid accidents

The meeting closed at 10.24pm

Signed.....Chairman

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Comments of Parish Council Chairman in support of application for listing

Members of the community have successfully fought off attempts by the owners to close the pub. On the first occasion the owners simply closed it down boarded up the premises and subsequently sought planning approval for a change of use to a residential unit with a view to selling it.

- A 'Save the Dodford' Campaign was launched and members of the community raised their own private funds to retain specialist consultants to prepare objections to the application. The owners were claiming that the pub did not constitute a viable business and that this was borne out by the absence of interest from prospective purchasers. Both of these claims were successfully refuted in the campaign organisers' objections submitted to the Bromsgrove District Council (BDC) planning committee who unanimously turned it down. A subsequent appeal was lodged, was opposed by both BDC and the local community, and was withdrawn shortly before the Inspector was due to pronounce on it.
- Prior to the change of use application being considered the Parish Council were made aware of local interest in purchasing the pub as a going concern and a valuation was given by a specialist licensed premises valuer. The owners however turned down the subsequent offer, apparently showed no interest in negotiating and proceeded with the change of use application.
- The Parish Council, reflecting the strong community interest in retaining the pub as a valuable local amenity, have submitted the application for it to be listed as a community asset to avoid a repetition of the previous unsatisfactory sequence of events. Such listing will ensure that the community is given early notice of any impending intention to place the pub on the market affording the opportunity for local interested parties to organise their bid. We fully respect the owners' right to dispose of the property at any time should they be so minded. However there is sufficient local desire to retain it as 'our pub' to justify the listing application. The Parish Council's involvement in any future sale of the premises would be for them to determine as and when the situation arises but they are seeking the assurance that listing will give ie that the local community will be guaranteed the opportunity to bid for its retention.

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