



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE CABINET

WEDNESDAY 2ND APRIL 2014 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

To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.
3. To confirm the accuracy of the minutes of the meeting of the Cabinet held on 5th March 2014 (Pages 1 - 4)
4. Minutes of the meeting of the Overview and Scrutiny Board held on 24th February 2014 (Pages 5 - 14)
 - (a) To receive and note the minutes
 - (b) To consider any recommendations contained within the minutes
5. Minutes of the meeting of the Worcestershire Shared Services Joint Committee held on 20th February 2014 (Pages 15 - 26)
 - (a) to receive and note the minutes
 - (b) to consider any recommendations contained within the minutes
6. Bromsgrove Museum (Pages 27 - 32)

7. Homelessness Grant Funding 2014/2015 (to follow)
8. Air Quality Task Group - Further Comments from Overview And Scrutiny Task Group on Cabinet Response (Pages 33 - 48)
9. Capital Bids 2014/2015 - 2016/2017 (Pages 49 - 52)
10. Nomination of Asset of Community Value - Alvechurch Sports and Social Club (Pages 53 - 68)
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

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

25th March 2014

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE CABINET

WEDNESDAY, 5TH MARCH 2014 AT 6.00 P.M.

PRESENT: Councillors R. Hollingworth (Leader), M. A. Bullivant, C. B. Taylor and M. J. A. Webb

Observers: Councillor R. L. Dent

Officers: Ms S. Hanley, Ms S. Morgan, Ms C. Flanagan, Mr M. Dunphy and Ms R. Cole

93/13 APOLOGIES

Apologies for absence were received from Councillors D.W. P. Booth and M. A. Sherrey.

94/13 DECLARATIONS OF INTEREST

There were no declarations of interest.

95/13 MINUTES

The minutes of the meeting held on 26th February 2014 were submitted.

RESOLVED that the minutes be approved as a correct record.

96/13 REPRESENTATIONS ON THE BIRMINGHAM PLAN 2031

The Cabinet considered a report on the proposed response to the proposed submission version of the Birmingham Plan 2031.

The Strategic Planning Manager briefly outlined the background to the proposed response. It was stated that whilst there were comments on a range of policies these had been confined to those areas where there were genuine comments to be submitted rather than going through a "tick box" exercise.

The Strategic Planning Manager highlighted the Birmingham identified housing need of 84,000, the capacity for 51,000 and the shortfall of around 33,000 houses together with the implications of this for Bromsgrove District. Members also discussed the position relating to the Green Belt land within Birmingham and within Bromsgrove.

Members felt that it should be strongly emphasised within the response that Bromsgrove District Council is committed to working closely with both Birmingham City Council under the duty to cooperate and the Greater

Birmingham and Solihull Local Enterprise partnership, to determine the location of any additional development.

Reference was made to the potential impact of retail development at Longbridge and the importance of development at Longbridge remaining in accordance with the adopted Area Action Plan i.e. the regeneration scheme being led by employment and housing.

In relation to TP37 a sustainable Transport Network, Members felt that there should be a stronger reference to the work of the Local Enterprises Partnerships across Worcestershire, Warwickshire and the Black Country.

The Strategic Planning Manager drew attention to the proposed slight rewording within the duty to cooperate statement which was shown within the proposed response. This was to ensure that the position of Redditch Borough Council in relation to Birmingham's duty to cooperate was accurately reflected.

RESOLVED that the proposed response to the Birmingham Plan 2031, as set out in Appendix 1 to the report be noted; and subject to the minor amendments referred to in the preamble above, be submitted as Bromsgrove District Council's formal response to the Plan.

97/13 **CONSERVATION AREA APPRAISALS AND MANAGEMENT PLANS FOR BEOLEY, DODFORD AND HAGLEY CONSERVATION AREAS**

The Cabinet considered a report on draft Conservation Area Appraisals prepared in respect of the Conservation Areas in Beoley, Dodford and Hagley. The associated Management Plans were intended to provide a strategy for the management of the Conservation Areas in order to enhance their character and appearance.

It was noted that the Conservation Area Appraisals undertaken for Beoley and Dodford had identified the need for small boundary changes.

Members noted that if approved, the draft Appraisals would be the subject of a period of public consultation with the comments being reported back to Cabinet.

RESOLVED:

- (a) that the draft Conservation Area Appraisals and Management Plans for Beoley, Dodford and Hagley be approved, including the proposed extensions to the Beoley and Dodford Conservation Areas;
- (a) that a four week consultation process with local residents and other interested parties be undertaken; and
- (c) that the results of the consultation, with any consequent changes required to the Appraisals and Management Plans, be reported back to the Cabinet for consideration in due course.

98/13 **POLICY FOR SECURING REPAYMENT OF DISABLED FACILITIES GRANTS AND LIFETIME LOANS**

Members considered a report which reviewed the current processes for securing Disabled Facilities Grants Home Repair Assistance Lifetime Loans paid to residents for works or adaptations to their home. The review had been undertaken as part of work on Transformation.

It was noted that there was a proposal to change the Council's existing policy of securing repayment of the Grants or loans by way of registering them as a charge against the property at the Land Registry, to securing them by way of a Local Land Charge. This would continue to satisfactorily protect the Council's position should the property be sold.

This would result in a reduction in cost and officer resources required to administer the process and importantly would also be of benefit to the customer as the transaction would be simpler for them to understand and less time consuming.

RESOLVED that repayment of Disabled Facilities Grants and Home Repair Assistance Lifetime Loans be secured by means of registration on the Local Land Charges Register.

99/13 **QUARTER 3 FINANCE MONITORING REPORT - APRIL TO DECEMBER 2013/14**

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

The Financial Services Manager referred to the possibility of improving the management of demand and the financial position of the Council by delegating authority to Heads of Service and Directors to vire salary budgets to other expenditure within their service. This would of course continue to be monitored closely by Financial Services as with other virements.

Members also noted the possibility within the section of the report relating to Sports and Leisure, of utilising Section 106 monies of £34,000 to fund improvements to Sanders Park Tennis Courts. This would entail the increase of the Capital Programme 2013/2014 to include this scheme.

Members considered the finance reports for each department together with the overall summary. It was noted that it was predicted there would be an underspend of £52,000 by the end of the financial year which it was anticipated would be returned to general balances to support future expenditure.

Concern was expressed however that significant expenditure was predicted to take place in the final quarter. Whilst there were some reasons for this, including the current accounting system which meant that capital charges and other recharges were included within the last quarter, it was recognised that it

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was important that Portfolio Holders continued to work closely with Heads of Service to address the issues.

The Financial Services Manager undertook to review the structure of the monitoring report including the way in which recharges are shown in future.

RESOLVED that the current financial position on Revenue and Capital as detailed in the report be noted and that service underspends be used to offset the savings requirements in Corporate Services.

RECOMMENDED:

- (a) that authority be delegated to Heads of Service and Directors to vire funding from salary budgets to other expenditure within their service with a view to providing greater flexibility in managing the demand and financial position of the Council; and
- (b) that the 2013/2014 Capital Programme be increased by £34,000 to include a Section 106 funded scheme at Sanders Park Tennis Courts.

The meeting closed at 7.27 p.m.

Chairman

Agenda Item 4

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE OVERVIEW AND SCRUTINY BOARD

MONDAY, 24TH FEBRUARY 2014 AT 6.00 P.M.

PRESENT: Councillors P. Lammas (Chairman), C. J. Bloore (present from Minute No. 83/13 to Minute No. 90/13), B. T. Cooper, R. L. Dent, J. M. L. A. Griffiths, H. J. Jones, L. C. R. Mallett, S. P. Shannon, C. J. Spencer, C. J. Tidmarsh and L. J. Turner

Officers: Mrs. S. Hanley, Ms. J. Pickering, Mr. R. Osborne, Ms. L. Jones, Ms. J. Bayley and Ms. A. Scarce

83/13 APOLOGIES

Apologies for absence were received on behalf of Councillors R. J. Laight and K. A. Grant-Pearce.

84/13 DECLARATIONS OF INTEREST AND WHIPPING ARRANGEMENTS

Councillors J. M. L. A. Griffiths and C. J. Spencer declared Disclosable Pecuniary Interests as members of Bromsgrove Operating Trust in respect of Item No. 9 on the agenda. As such they withdrew from the meeting during consideration of this item and took no part in its consideration and voting thereon.

85/13 MINUTES

The minutes of the Overview and Scrutiny Board meeting held on 20th January 2014 were submitted.

RESOLVED that the minutes be approved as a correct record.

86/13 MEDIUM TERM FINANCIAL PLAN 2014/15 - 2016/17

The Executive Director for Finance and Corporate Resources presented a report outlining the Medium Term Financial Plan for the Council for the period 2014/15 – 2016/17.

During the presentation of this report the following issues were highlighted for Members' consideration:

- The report contained both details that had been presented for the Cabinet's consideration earlier in the month as well as some additional updates.

- The key considerations for the Council's budget going forward were how to make budget savings by; reducing waste in the system, generating income and redesigning services.
- There was the potential that there would need to be some staff redundancies as a result of redesigning services. In total £250,000 had been set aside in reserves to help fund redundancy costs.
- Budget cuts proposed by Worcestershire County Council (WCC) would potentially lead to an increase in demand for the Council's services, though it was difficult at this stage to identify where this impact would be greatest.
- It was unclear how much the Council might be required to pay out to businesses as a result of appeals relating to business rates levied prior to the introduction of the Business Rates localisation. For this reason there had been no draw down of funding from the Greater Birmingham and Solihull Business Rates Pool that the Council is part of.
- The New Homes Bonus was not a ring fenced allocation of funds. In Bromsgrove a decision had been taken to allocate the New Homes Bonus to the general fund.
- Officers were proposing a Council Tax increase of 1.9%.
- The majority of budget pressures considered unavoidable had been identified in cases where external bodies were due to remove or reduce funding.
- The reduction in funding from WCC for the customer service centre was occurring at the same time as the County Council had started to require residents to apply for services such as blue badges online. This, it had been suggested, would lead to less direct demand from the customer for support from Customer Service Advisors.
- The additional one year accommodation costs of £130,000, which were due to be offset by the savings on the move to Parkside School, would fund the costs associated with the use of Redditch Town Hall to accommodate shared services.
- The Head of Legal, Equalities and Democratic Services had submitted a bid to the government to help pay for the costs associated with the Independent Electoral Registration.
- The borrowing costs detailed in the report would be used to pay for the £3.5 million redevelopment of Parkside and the £11.5 million anticipated to pay for a new leisure centre (subject to the outcomes of a business case). To an extent borrowing costs for Parkside would be partially offset by the sale of the current Council House.
- An additional bid had been received since publication of the report from the North Worcestershire Water Management team for up to £20,000 to fund flooding mitigation works in the district.
- WCC would be contributing £60,000, rather than £120,000 as in previous years, to the Essential Living Fund (ELF). Bromsgrove District Council would contribute the remainder of the funding from reserves to ensure that the total remained £120,000.
- Officers were now anticipating that there would be a shortfall in the budget of £640,000 in 2015/16 and £880,000 in 2016/17.

- It was anticipated that the bid to fund the Town Centre Officer would be offset by income from Worcester City Council which paid this Officer to provide expert advice two and a half days a week.

Following the presentation Members raised a number of additional points for discussion:

- The Council's membership of two Local Enterprise Partnerships (LEPs). Officers confirmed that this did not impact on the requirement for the Council to pay a set proportion of the district's business rates to WCC.
- The benefits of membership of the Greater Birmingham and Solihull LEP, due to the significant amounts of business development within that area from which Bromsgrove district could benefit.
- The Council was working on the assumption that there would be no changes to the New Homes Bonus settlement, even if there was a change of government in the period. Officers confirmed that any change to the New Homes Bonus that led to a reduction of 10 – 15 % or more could potentially place the Council's budget at risk.
- Members requested a breakdown of the borrowing costs for the Council, to be made available in time for the full Council meeting on 26th February.
- The payment of one year accommodation costs for staff. Officers confirmed that this issue had been identified by external auditors. The majority of support staff were based in Redditch Town Hall and these costs reflected this situation. In the long-term, due to capacity at the site, many staff would be required to hot desk at Parkside rather than to work permanently on the site.
- The potential for any shortfall in the funding from Lifeline to be funded from reserves following the possible withdrawal of the contract for Lifeline by WCC.
- The suitability of permitting budget bids in the budget setting process in the following two years. Officers confirmed that Heads of Service were always consulted about the potential need for any budget bids, though it was not anticipated that the same level of bids would be proposed in future years.
- The £1 million projected as the cost of borrowing by 2016/17. Officers confirmed that this figure would cover the net borrowing for Parkside, the new leisure centre (if it was approved) and fleet replacement.
- The business case for the new leisure centre in Bromsgrove district. Officers confirmed that this would consider both the data and evidence available and the requirements of customers. The business case was being prepared by council Officers rather than by external consultants.

Concerns were expressed that the Board had not been provided with sufficient time during the year to scrutinise the Council's budget effectively. It was noted that at other local authorities budgets were pre-scrutinised (prior to a Cabinet decision) and the Council's finances were considered much further in advance of the budget being set. Officers confirmed that the Council's budget setting process had been reassessed at a corporate level as it had been recognised that budgetary matters needed to start to be addressed at an earlier date. In

future years the Council's budget would start to be assessed in the autumn. The Overview and Scrutiny Board would be involved in this process.

A number of Members had additional questions regarding the budget. Due to the time available during the meeting it was agreed that these questions should be forwarded for the attention of the Executive Director of Finance and Corporate Resources and answers provided for the meeting of full Council on 26th February 2014.

RESOLVED that the current position for 2014/15 – 2016/17 be noted.

87/13 **NORTH WORCESTERSHIRE WATER MANAGEMENT PRESENTATION ON PROJECTS IN THE DISTRICT**

The Principle Environmental Health Officer (Water Management Team) delivered a presentation on the subject of flood management and drainage projects in the District.

During the delivery of this presentation the following issues were raised for Members' consideration:

- The North Worcestershire Water Management Team (NWWM) provided support services and advice in Bromsgrove district, Redditch Borough and Wyre Forest district.
- The NWWM had been introduced as a shared service following the 2007 floods. At this time it had been recognised that by sharing services staff could share knowledge and the service would be more resilient.
- The NWWM team worked on a catchment area basis. Bromsgrove district was served by three different catchments.
- The team worked closely with external partners, such as the Environment Agency and WCC's Highways Department, both to resolve flooding issues and to undertake preventative work.
- There had been a number of flooding issues in Bromsgrove district in the previous 18 months, particularly in Alvechurch and Bromsgrove town centre.
- The NWWM provided advice on planning applications. As part of this process the NWWM encouraged Planning Officers to consider the impact of a development both upstream and downstream on existing houses and businesses. Planning Officers were also encouraged to consider whether any actions could be taken as part of the development to improve local circumstances in relation to the risk of flooding.
- Officers were considering both the Council and WCC's assets with a view to identify which water courses were located on Council land and how action could be taken to mitigate the risk of flooding.
- When problems were identified on private land the NWWM would initially approach landowners to advise them on the problem and to request action. In most cases, particularly when the land owner lived locally and felt part of the community, action would be taken by the landowner.
- Formal enforcement action was rarer and tended to occur when the landlord could not be contacted or was unwilling to co-operate.

- Flooding often occurred when there was limited capacity along water courses to accommodate an accumulation of water. For this reason the NWWM regularly reviewed water courses to identify any locations where water could build up.
- There was no fixed solution to alleviate flooding. The causes of flooding and measures that could be taken to prevent flooding in future needed to be assessed on a case by case basis.
- The inclement weather was part of an increasingly common pattern and the NWWM was working on the basis that this would continue for the foreseeable future.
- The work of the NWWM was largely influenced by the Land Drainage Act 1991 and the Flood Water Act 2010.
- WCC would be commissioning the NWWM to undertake Sustainable Drainage Approval work on their behalf. It was likely that the team would start to deliver this work in the autumn, though the timescales remained to be confirmed.
- Local knowledge was key to a forward planning approach to mitigating flood risks. For this reason any information that Members could provide and any opportunities for the NWWM to interact with Councillors and Parish Councillors who would be familiar with local needs, was welcomed.

At the end of the presentation Members discussed some additional matters relating to this subject:

- The NWWM team's powers to access private land.
- Officers confirmed that the Land Drainage Act 1991 permitted the County Council or representatives acting on their behalf to access private land to undertake works as long as adequate notice had been provided. If the landowner refused to undertake any work the NWWM could take action and recharge the landowner.
- The impact of the Environment Agency's wildlife policies on flooding in the district. Officers confirmed that whilst the Environment Agency was cognisant of the potential impact of flood prevention measures on wildlife the body was relatively flexible and the agency's work to address recent flooding problems had been helpful.
- The impact of local farmers' practices on flooding within the district. Members were advised that the majority of farmers were keen to maintain their land to reduce the risk of flooding. However, in cases where farmers had let land on short leases for potato farming there had been some problems with silt levels which had contributed to the risk of flooding and there had been less incentive for the farmers with the short-term leases to take action to alleviate the problem.
- The relationship between the NWWM and regional representatives of the National Farmers' Union which had had a positive impact on Officers' efforts to communicate with local farmers about flood prevention measures.
- The responsibility of Severn Trent Water. The company had a 5 year capital programme which was used to determine where investment should take place. The NWWM had been consulted about the

appropriate content of the next 5 year plan and it was hoped that this would ensure that specific flood prevention measures within the district would take place in the next few years.

- The selection of particular locations as priority areas for water management projects in Bromsgrove. These locations had been selected because Officers had identified that key infrastructure was at risk of being flooded at these locations.
- Flooding problems in Charford which had impacted on South Bromsgrove Community High School and Charford Bowling Club.
- Problems with overflowing sewage on the A38 during recent flooding events. Officers urged Members and residents to report problems with sewage to Severn Trent Water as soon as these were observed to ensure that the company was aware of the need to resolve the problem.
- The potential for other Council services, such as the cleansing team, to assist with clearing blockages to mitigate the risk of flooding.
- The value of the contribution provided by lengthsman in many areas to water management due to their local knowledge.
- Many Members praised the NWWM and reported that the support and advice provided by staff in the team during recent flooding events had been really helpful.

At the end of the discussions a number of Members noted that they had numerous additional questions on the subject. It was agreed that these should be forwarded on to the Officers after the meeting and the responses circulated for the consideration of all Members. Members further agreed that it would be useful to receive an update from officers on the work of the NWWM and progress with implementing the next round of planned works in approximately 12 months' time.

RESOLVED that the report be noted.

88/13 **MAKING EXPERIENCES COUNT QUARTER 3 REPORT**

The Customer Services Manager presented the Making Experiences Count Quarterly Complaints report for the period 1st October – 31st December 2013.

Whilst presenting this report the following issues were highlighted for Members' consideration:

- During this period the Council had received 22 complaints and 13 compliments.
- The number of complaints had decreased from 40 in the previous quarter. This had been accompanied by a reduction in the number of complaints about particular services. For example the number of complaints about waste collection services had fallen from 22 to 3 in the period.
- There had been an increase in the number of complaints that had been received about car parking, though 4 of these complaints related to appeals about car parking fines which were usually handled separately.

- One complaint, regarding a decision that had been made at a Planning Committee meeting, had been referred to the Local Government Ombudsman. The appropriate response to this complaint was in the process of being considered by the Ombudsman.
- There had been a reduction in the number of telephone and face to face enquiries relating to blue badge applications, waste permits and concessionary fares. This had occurred following the decision by WCC to require online applications for these functions.

Members discussed a number of issues relating to this report following delivery of the presentation:

- The reduction in payments using the automated telephone system and the causes of this decrease. Officers explained that there had been some problems with the Council's automated system which had potentially contributed to this decline. However, upgrades were due to be made to the system and it was anticipated that this would increase resilience.
- The complexity of issues registered as complaints when compared to the types of matters that tended to be reported as compliments.
- The need to continue to encourage staff to report both complaints and compliments.
- The value of complaints to identifying problems within services and to improving the quality of those services.

RESOLVED that the contents of the report be noted.

89/13 **OVERVIEW & SCRUTINY TOPIC PROPOSAL REPORT**

Councillor R. L. Dent presented a topic proposal form containing further information about a proposal for the Overview and Scrutiny Board to launch a scrutiny investigation into leisure activities throughout Bromsgrove district.

Councillor Dent explained that she felt that leisure services would be a suitable topic for further scrutiny as the service was in receipt of a significant amount of Council funding. The review could assess whether the Council was receiving value for money for this investment whilst at the same time potentially identifying further opportunities for leisure and cultural activities to be provided in the district.

Members discussed the proposal and the most appropriate way to proceed. The potential number of meetings that would need to take place if a Task Group was to be launched and the methodology that would be appropriate for a review of this nature was considered. The option to postpone any decision being taken about whether to launch a Task Group until the business plan for the proposed new leisure centre had been considered was also debated.

The exact terms of reference for the review were also discussed. Members commented that they could consider the content of the business case as part of a Task Group exercise, though it was noted that this document focused only on the possible replacement facilities for the Dolphin Centre. It was also

suggested that access for people with physical disabilities to leisure activities should be taken into account as part of any review.

RESOLVED

- (a) that the topic be included on the work programme and a Task Group be established to undertake a more in-depth investigation in the new municipal year; and
- (b) that Councillor Spencer be appointed as the Chairman of the Task Group.

90/13 **JOINT WRS SCRUTINY TASK GROUP**

Members were advised that there had been 2 Task Group meetings and a visit to Wyatt House in Worcester since the last meeting of the Overview and Scrutiny Board. At the first of these meetings the Chief Executive and Executive Director for Finance and Corporate Resources at Bromsgrove District Council, as the host authority for Worcestershire Regulatory Services (WRS), had been interviewed. They had both provided detailed responses to the group's questions, which had focused on issues such as the governance structure for WRS and the financial pressures impacting on the shared service.

At the latest meeting of the group on 20th February Members had interviewed a representative of the Council's Legal Department together with the Chairman of the WRS Management Board. The governance structure for WRS had formed the main focus for discussions during this meeting.

The Board was advised that the following meeting of the group was scheduled to take place on 19th March. During this meeting Members were due to reflect on the progress that they had made to date with the review. The group would also start to discuss potential recommendations.

91/13 **ARTRIX OUTREACH PROVISION TASK GROUP**

The Chairman of the Task Group, Councillor S. P. Shannon, outlined the work of the group since the previous meeting of the Overview and Scrutiny Board. He explained that there had been 2 meetings of the group in this period. At the first of these meetings the Head of Leisure and Cultural Services had been interviewed by Members. At the following meeting a number of short films had been viewed which had been provided by the Education and Outreach Co-ordinator at the Artrix. In some cases these films had been made by young people as part of the outreach work and in other cases the films depicted the outreach work in action. The Members who had viewed these films had been impressed by the work that was being carried out.

The Task Group was due to consider a draft copy of their report and recommendations at a meeting on 5th March 2014 with a view to forward this report for the consideration of the Board on 24th March. The Chairman anticipated that, subject to the Board's approval, the report would be forwarded for the consideration of Cabinet on 2nd April.

(During the consideration of this item Councillors Griffiths and Spencer were not present in the room. Following their readmission into the room Councillor Griffiths expressed concern about comments that had been made to her by another Member outside the room. The Deputy Chief Executive confirmed that she would refer this issue for further consideration by the Council's Monitoring Officer).

92/13 **AIR QUALITY TASK GROUP REPORT**

The Chairman of the Task Group, Councillor Shannon, provided an update on the outcomes of the referral of the group's report back to Cabinet.

Councillor Shannon explained that Members had felt it was important to request that the Cabinet reconsider their findings to ensure that the detailed investigations that had been conducted by the group were taken into account. He suggested that this subject was particularly important at a time when internationally action was being taken to address air quality issues and links were increasingly being identified between air pollution and poor health.

The Cabinet had confirmed that a further response on the subject would be submitted for the consideration of the Overview and Scrutiny Board within 2 months.

93/13 **WORCESTERSHIRE HEALTH OVERVIEW & SCRUTINY COMMITTEE**

Councillor B. T. Cooper, the Council's representative on the Health Overview and Scrutiny Committee (HOSC), confirmed that the latest meeting of HOSC had taken place on 22nd January 2014.

During the meeting 2 key topics had been discussed:

- The operation of the Hereford and Worcester Ambulance Service NHS Trust and the assumption of responsibility for the 111 service.
- The outcomes of the Acute Services Review. An independent panel of clinicians had explored two options for the future of acute services in the county. The first option had been to centralise services at Worcestershire Royal Hospital with a view to deliver reduced services at the Alexandra Hospital in Redditch. The second option had been to invite another acute trust to manage the Alexandra Hospital. The panel had opted for the first option.

94/13 **CABINET WORK PROGRAMME MARCH TO JUNE 2014**

The Board considered the Cabinet Work Programme for the period 1st March – 30th June 2014.

Interest was expressed in scrutinising the update that was due to be presented to Cabinet on 5th March concerning the Disposal of Council Owned Assets at Hanover Street Car Park and George House. It was suggested that

this item would be suitable for further scrutiny due to the significance of this matter to the ongoing redevelopment of the town centre. However, it was questioned whether it would be appropriate to scrutinise this item as the update was scheduled to be presented to Cabinet before the next meeting of the Overview and Scrutiny Board. In order to resolve this issue Members requested further clarification regarding the timeframes and purpose of this item.

The Discretionary Rate Relief Policy Review, due to be considered by Cabinet on 4th June 2014, was also discussed. Members agreed that further information about the scope of this review should be provided to enable them to determine whether the topic would be suitable for further scrutiny.

Finally, the presentation of the Work Programme was briefly debated. Members commented that it was currently unclear on the Work Programme whether particular issues were scheduled for consideration as key decisions. Members requested that the content be amended in future to clarify whether key decisions would be made on particular items.

95/13 **OVERVIEW AND SCRUTINY BOARD WORK PROGRAMME**

Members considered the latest version of the Overview and Scrutiny Work Programme.

During consideration of this item the following updates were provided for Members' consideration:

- The Summary of the Results of the Staff Survey would be presented at the meeting of the Board in March 2014. This report had been postponed from the February meeting as it had been recognised that, due to the recent inclement weather, it was likely that the update on flooding prevention work would require sufficient time for detailed scrutiny.
- The report on the revised CCTV Code of Practice would now be presented for the Board's consideration in April 2014.

The meeting closed at 8.30 p.m.

Chairman

WORCESTERSHIRE DISTRICT C O U N C I L S AND COUNTY COUNCIL

WORCESTERSHIRE REGULATORY SERVICES

MEETING OF THE WORCESTERSHIRE SHARED SERVICES JOINT COMMITTEE

THURSDAY, 20TH FEBRUARY 2014 AT 4.35 P.M.

PRESENT: Councillors Mrs. B. Behan, R. Berry, M. A. Bullivant (Vice-Chairman), R. Davis, Mrs. L. Denham, P. Harrison (during Minute No's 37/13 to 41/13), M. Hart, Mrs. L. Hodgson (Chairman), D. Hughes and Mrs. Y. Smith (substituting for J. Fisher)

Observers: Mr. V. Allison, Deputy Managing Director, Wychavon District Council

Invitees: Mr. I. Pumfrey, Worcestershire Regulatory Services Management Board

Officers: Ms. J. Pickering, Mr. S. Jordan, Ms. C. Flanagan, Mr. M. Kay and Mrs. P. Ross

33/13 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Apologies for absence were received from Councillors C. B. Taylor, Bromsgrove District Council, J. Fisher, Redditch Borough Council, B. Clayton, Redditch Borough Council, A. N. Blagg, Worcestershire County Council and K. Jennings, Wychavon District Council.

34/13 DECLARATIONS OF INTEREST

No declarations of interest were received.

35/13 MINUTES

The minutes of the meeting of the Worcestershire Shared Services Joint Committee held on 21st November 2013 were submitted.

RESOLVED that the minutes of the Worcestershire Shared Services Joint Committee be approved as a correct record, subject to the following:

That it be noted in respect of Minute No. 23/13 that Councillor Mrs. L. Denham, Worcester City Council had informed Members that she was a Member of the Worcestershire Hub Shared Service on the advice of the Host Authority's Principal Solicitor that she should do so.

After the meeting Councillor Mrs. L. Denham had sought advice from Julie Slater, Monitoring Officer, Worcester City Council. Councillor Mrs. L. Denham informed Members that she had received written confirmation from the Monitoring Officer, Worcester City Council that the item under discussion, and from which she was excluded, related to the provision and funding of the telephone answering service provided to Worcestershire Regulatory Services by the Worcestershire Hub. The Worcester City Council Monitoring Officer stated that after reviewing the Council's constitution she advised that in her view there was no conflict of interest. A copy of the letter received by Councillor Mrs. L. Denham was provided to the Democratic Services Officer for noting.

At the request of the Chairman, the Host Authority's Principal Solicitor Ms. C. Flanagan responded to Councillor Mrs. L. Denham and in doing so informed Members that she had been in contact with the Monitoring Officer, Worcester City Council with regard to the concerns raised by Councillor Mrs. L. Denham. The Principal Solicitor further informed Members that the role of a Councillor was to be open and transparent about personal interests. The letter received from the Worcestershire Hub Shared Service (WHSS) Management Board was, at the agreement of the Chairman, received as an urgent item at the Worcestershire Shared Services Joint Committee meeting on 26th September 2013. Minute Number 21/13 of that meeting details that Councillor Mrs. L. Denham informed Members that she was a Member of the Worcestershire Hub Shared Service Board and had been present at a meeting of the WHSS where the letter had been discussed. On that basis there may have been a conflict of interest which would need to be identified.

Ms. C. Flanagan explained to Councillor Mrs. L. Denham that it was relevant to minute that she was a Member of the WHSS in the interests of openness and transparency during a public meeting, to avoid any conflict of interest or pre-determination being perceived and that she supported the view that any such interest should be declared and noted. Following any legal advice given it did not exclude her from participating in the agenda item under discussion should she chose to participate.

Councillor Mrs. L. Denham stated she felt she had been given conflicting legal advice. She was here to represent the citizens of Worcester City and had wanted to seek clarification that she was able to speak and participate on the agenda item in question.

36/13 **WORCESTERSHIRE REGULATORY SERVICES BUDGET MONITORING REPORT APRIL - DECEMBER 2013**

Members considered the Worcestershire Regulatory Services (WRS) Budget Monitoring Report for the period April to December 2013.

The Executive Director, Finance and Corporate Resources, Bromsgrove District Council introduced the report and in doing so drew Members' attention to the projected underspend for the year of £87,000, which was due to a significant number of staff vacancies, long term sick (LTS) and maternity leave. There was a projected underspend within salaries of £521,000. This

would be offset by the anticipated overspend on the Agency Staffing Budget of £479,000 to cover employees who had been seconded to the ICT project and staff required in order to meet the demands of the service to ensure the efficiencies could be delivered in future years. There had been difficulty in recruiting to the level required. The projected underspend for 2013/2014 was higher than originally anticipated due to additional vacancies, the impact of approved voluntary redundancies and grant funding secured.

Appendix 3 to the report detailed the redundancy/pension strain for each partner authority. The redundancies which were all voluntary redundancies, had been accepted by the Worcestershire Regulatory Services Management Board and all participating partner authorities.

The Head of Worcestershire Regulatory Services (WRS) responded to Councillor Mrs. L. Denham with regard to the ICT projected costs, as detailed on page 12 of the report. The Head of WRS informed Members that there was a saving from the costs included in the original business case as a cheaper ICT system had been agreed. Members were further informed that WRS were still in negotiation with regard to compensation for the delays experienced. The next stage of the project would be the channel shift.

The Head of WRS highlighted that senior officers were working to reduce long term sick and helping staff to return to work after a period of long term sick. This would help reduce the number of agency staff required. There would be an end to the use of agency staff as from 1st April 2014 as WRS was aware of further future funding restrictions.

RESOLVED that the financial position for the period April to December 2013 as detailed in the Worcestershire Regulatory Services Budget Monitoring Report be noted.

37/13 **WORCESTERSHIRE REGULATORY SERVICES BUDGET 2014/2015 – 2016/2017**

The Committee considered a report which detailed the proposed revenue budget for Worcestershire Regulatory Services for 2014/2015 – 2016/2017.

The Executive Director, Finance and Corporate Resources, Bromsgrove District Council introduced the report and in doing so drew Members' attention to page 22 of the report which highlighted the agreed recommendations from the last meeting of the Joint Committee in November 2013. The report had been a complex piece of work with the savings requested from Worcestershire County Council (WCC), Wyre Forest District Council and Worcester City Council. An officer working group had been set up to look (collectively) at the constraints and savings of all partner authorities. Officers looked at fixed costs, hosting costs and the minimum level of service for WCC, more specifically around Trading Standards.

A review of the costs associated with the services delivered to WCC was undertaken with a restructure of staffing to realise the required savings. As a result of the review £405,000 per annum was identified in relation to WCC

services for 2014/2015, together with £8,000 from the reduction in hosting costs. In relation to the staff savings, due to the time required for consultation and staff termination periods, there was only a part year effect of these changes in 2016/2017. This has resulted in a shortfall of £222,000 in relation to the part year effect to meet the level of reduction required for 2014/2015 for WCC services, WCC had accepted this. However it was accepted that due to the timing of potential restructures that there would be this level of shortfall.

As part of the budget review for Wyre Forest District Council savings of £49,000 had been delivered in 2014/2015, with a further £37,000 being requested during this year. The £37,000 per annum had been identified but again only £28,000 could be realised in 2014/2015 due to staff restructures and the reduction in hosting costs. There was a remaining £9,000 to be delivered in 2014/2015 should the partner request be fully met.

As part of the budget review for Worcester City Council savings of £22,000 had been delivered with a further £34,000 requested for 2014/2015. The £34,000 per annum had been identified but again only £27,000 could be realised in 2014/2015 due to staff restructures and the reduction in the hosting costs. There was a remaining £7,000 to be delivered should the partner request be fully met.

The savings requested from Worcester City Council and Wyre Forest District Council had been realised within 2014/2015 by identifying specific areas of work that could be redesigned to deliver savings solely for these two partners. This pilot could be rolled out to other partner authorities should it prove to be successful in 2014/2015.

The Executive Director, Finance and Corporate Resources, Bromsgrove District Council highlighted that no further savings had been requested from the other partner authorities. Appendix 1 to the report detailed the financial framework for 2015/2016 and 2016/2017. This included the total reductions in budget requested by all partner authorities which were required. Officers were currently working through the levels of fixed costs and partner requirements with the aim to reduce costs to the level requested. Future year's budgets would continue to be reported to Joint Committee Members as more information became available.

The Head of Worcestershire Regulatory Services (WRS) responded to Councillor D. Hughes, Malvern Hills District Council, who asked if he was comfortable that the savings would not hinder his ability to provide the service? In his response he highlighted that during the next financial year there would be significant cuts which would affect the service. As a result of the level of savings identified, Worcestershire County Council, Wyre Forest District Council and Worcester City Council had all received a risk assessment.

Councillor M. Hart, Wyre Forest District Council was content as to where the savings were coming from for the second year and year on year, but not at the expense of WRS statutory duties and residents. He would carefully watch the Worcester City Pilot and wanted to congratulate the Head of WRS for the

savings achieved. The Head of WRS responded that it was a 3 year financial plan and future savings would have to be identified. He would ensure that the team remained extra committed and there was no effect on residents or the service.

RESOLVED:

- (a) that the revenue budget for 2014/2015 of £4.637 million to be allocated as follows, be approved;

	£'000
Bromsgrove	489
Malvern	413
Redditch	579
Worcester City	574
Wychavon	751
Wyre Forest	547
Worcestershire County	1,284
TOTAL	4,637

- (b) that the financial framework for 2015/2016 – 2016/2017 as detailed below be noted;
- 2015/16 £3.879m
 - 2016/17 £3.250m; and
- (c) that officers continue to review the fixed costs and all other charges to ensure the revenue savings currently required could be delivered over the 3 year period.

38/13 WORCESTERSHIRE REGULATORY SERVICES - STRATEGIC PARTNER PROCUREMENT

Following on from the meeting held on 21st November 2013, consideration was given to a report that provided Members with an updated position of the progress made on the Strategic Partner Procurement project and the Scope and Evaluation Criteria to be included within the procurement process. The report highlighted that Worcestershire Regulatory Services was faced with the prospect of managing a dwindling service over the next two to three years as a result of partners continued financial pressures.

The Head of Worcestershire Regulatory Services (WRS) introduced the report and in doing so expressed his thanks to Members and officers who had attended the Joint Management Board and Joint Committee workshop on 20th January 2014. The thoughts and feedback from the workshop had been incorporated into the draft Evaluation Criteria, as detailed on Appendix 3 to the report. The common themes that came out of the workshop, as detailed on page 31 of the report, had also been incorporated into the Evaluation Criteria. Appendix 2 to the report detailed the scope of the Strategic Partnership procurement process, the Official Journal of the European Union (OJEU) would detail other functions that a private company may be able to deliver at a later stage.

The Head of WRS drew Members' attention to the resolved items, as detailed on pages 29 and 30 in the report agreed by the Committee at the meeting held on 21st November 2013. Agreement had been reached to include South Worcestershire Building Control within the scope, it was agreed that this would be built into the Evaluation Criteria.

Further discussion followed with regard to the inclusion of Customer Services within the scope. The Head of WRS informed Members that Customer Services had not been fully encapsulated, but agreed that it could be included within the scope and built into the Evaluation Criteria.

Since the Joint Committee meeting held in November 2013, soft market testing had been undertaken involving three commercial companies. Page 30 of the report detailed the key findings from the soft market testing.

During this part of the meeting, and at the request of the Chairman, the Committee considered whether or not to exclude the public from the meeting to enable the Head of WRS to provide brief information on Agenda Item 6.

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 this part of the item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act, as amended, the relevant paragraph of that part being as set out below, and that it is in the public interest to do so:-

Paragraph
7

The Head of Worcestershire Regulatory Services provided the Committee with brief information of the three commercial companies involved in the soft market testing.

The Chairman announced at the conclusion of the above item, the exclusion of the public be lifted and the meeting continued in open session.

Governance was seen as a key issue that would need to be worked through as part of any on-going discussions, acknowledging that it was important to strike the right balance between a streamlined process that supported growth yet retained partner's ability to influence at a strategic level. Members agreed that the legal framework around statutory functions should be more explicit in the Evaluation Criteria, number 7, as detailed on page 37 of the report. The Head of WRS further informed Members that the competitive dialogue process would highlight the need to include the legal framework and statutory functions as part of the final solution.

Member engagement was seen as critical to ensure that all partner authorities remained on board. A range of activities would be undertaken to ensure that Members and staff remained fully informed and engaged. The Joint Committee and Management Board were seen as critical to the success of this, particularly when it came to decision making.

The next stage of the project was the Project Management role. The Head of WRS reminded Members that during the last meeting of the Joint Committee a proviso was agreed that should the costs of £20,000 be exceeded, Joint Committee Members would be informed. The Head of WRS informed the Committee that an additional £30,000 would be needed to fund the Project Management Costs.

Further discussion followed on the need for Members to be kept fully informed and provided with progress updates.

Councillor M. Hart suggested two further recommendations be added with regard to progress reports and additional funding for the Project Management Costs as detailed in the pre-amble above.

RESOLVED:

- (a) that the outcomes of the soft market testing, as detailed at Appendix 1 to the report, be noted;
- (b) that the scope of the Worcestershire Regulatory Services offer, as detailed at Appendix 2 to the report, be approved;
- (c) that the Evaluation Criteria to be used in the procurement process, as detailed at Appendix 3 to the report, be approved;
- (d) that progress updates be provided to all partner authorities before or at the next meeting of the Joint Committee; and
- (e) that an additional amount up to £50,000 be taken from the £87,000 underspend for the year, to fund the Project Management Costs, be approved.

39/13 **WORCESTERSHIRE REGULATORY SERVICES SERVICE PLAN 2014-2015**

The Committee was asked to consider a report detailing the Worcestershire Regulatory Services Service Plan 2014/2015.

The Head of Worcestershire Regulatory Services (WRS) introduced the report and in doing so highlighted that the financial uncertainty faced by the service had made it difficult to create the WRS Service Plan. Members were informed that the WRS Service Plan followed the pattern of previous years and had an Executive Summary, as detailed on page 44 of the report. The Executive Summary outlined how the service would operate over the next twelve months to deliver on both national and local priorities and what activities the service would carry out to achieve or address those priorities and how success would be measured.

The service would continue to shape its work around the strategic priorities, as detailed on pages 47 and 48 of the report. The implementation of the new ICT system would enable the service to report more accurately on activities. The service had continued to work with Members to demonstrate the service's performance and current core performance indicators; which had been amended following the comments and feedback received from Joint Committee Members who had attended the Joint Management Board and

Joint Committee workshop on 20th January 2014 at Wychavon District Council.

The Head of WRS drew Members' attention to Appendix C to the report which detailed the new 'slimmed down' WRS Management Structure. The Head of WRS responded to Members' questions with regard to staff morale due to the restructuring and redundancies faced within the service. The Head of WRS highlighted that staff were fearful of potential redundancies. A series of workshops for staff and robust communication had been developed to ensure both staff and unions were kept informed.

Following further discussion on the WRS Service Plan, Members agreed that the Head of WRS incorporated the following amendments as suggested during the discussion:

- Page 47 of the report – the paragraph that refers to 'Local Elections in May 2014' be removed;
- Page 74 of the report, section 4.6, Legal Background to include the following statement, 'That Regulatory Services in Worcestershire would endeavour to engage with the elected Police & Crime Commissioner (PCC) in order to ensure there was a stronger link/profile for the service.
- Include the recent 'Good News' stories in respect of Trading Standards, Illegal Money Lending Team.

RESOLVED that, subject to the amendments as referred to in the preamble above, the Worcestershire Regulatory Services Service Plan 2014/2015 be approved.

40/13 **WORCESTER CITY COUNCIL PILOT - UPDATE**

Following on from the meetings held on 22nd November 2012 and 27th June 2013, consideration was given to a report that provided Members with an update on the Worcester City Council Pilot.

As requested at the previous meetings of the Committee, Mr. M. Kay, Business Manager, Worcestershire Regulatory Services (WRS) provided Members with an update on the Worcester City Council pilot. Members were informed that the pilot exercise had arisen from a request by Worcester City Council to examine ways of delivering £40,000 additional in year savings during 2013/2014. The original intention was to agree service reductions/changes that had the potential to achieve the required level of savings and implement them as a pilot from 1st April 2013.

As detailed in the report a 'menu' of fully costed options was prepared and discussed with Worcester City Council for consideration. Following further discussion, it was jointly decided to proceed with a pilot that delivered with respect to planning consultations and some categories of nuisance complaints. After preparing the necessary processes and documentation, which required significant input and officer time from WRS and Worcester City Council, the pilot commenced on 10th June 2013.

The report provided detailed information on the two parts of the pilot, Planning Consultations and Nuisance Complaints. The report highlighted that the intention of the pilot for Planning Consultations was to reduce the number of consultations significantly in order to achieve potential savings of up to £20,000. Initially Worcester City Council submitted approximately 150 applications a year with an estimated cost to WRS of £30,000 to £40,000. The intention of the pilot for Nuisance Complaints was to encourage complainants to help themselves, by initially dealing with the problem and only refer back to WRS if unsuccessful. If the complaint was from multiple sources, and/or a statutory nuisance, or from someone classed as vulnerable, then WRS would deal with the complaint from the outset.

Planning Consultations – The pilot involved WRS producing detailed advice for planning officers and an algorithm that enabled planning officers to make decisions on applications without the need to refer to WRS officers. In addition internal management systems within Worcester City Council were altered so that managers had to approve any referrals to WRS. As a failsafe WRS officers also checked the weekly planning list. For the pilot period 10th June to 17th December 2013 the number of planning applications referred for consultation was compared with the number referred over the same time period during the previous year:

- Consultations in 2012 numbered **74**
- Consultations in 2013 numbered **67**

There was a very small reduction in referrals, but Worcester City Council Development Control department indicated that there had been a 17% increase in the total number of applications received by the planning department over the same period. So, the number of referrals to WRS had remained about the same, at a time when Worcester City Council had experienced a 17% increase in workload. It was accepted that the time period for the pilot had been limited, the longer the pilot continued then the outcome and indications of potential savings would be more accurate.

Nuisance Complaints - Having considered the statutory responsibilities and the professional advice of officers it was decided to include the following three areas of nuisance complaint within the scope of the pilot:

- Air pollution (mainly garden bonfires)
- Rubbish and miscellaneous complaints
- Drainage

To aid with self help, changes were made to the Worcester City Council website with advice and letter templates made available to download. Duty officers were given advice and training on how to deal with complaints at the first point of contact. It was accepted by all involved that effective communication was essential for the pilot to work and for members of the public to understand what the new process involved. Regular update meetings were held to gauge the number of complaints received and to review comments received from Members and the public. It was accepted that initially the messages provided were not as clear as they could have been and

more work was required to identify potentially vulnerable persons. This resulted in changes to the training of WRS Duty Officers to reinforce the correct message and information on the web site was amended as a result of the feedback received. These areas of work were estimated to cost WRS around £25,000 - £40,000 with approximately 150 to 200 complaints per year. The figures for the relevant categories were compared with the same time period for the previous year, 10th June to 30th November 2013:

- Complaints in 2012 numbered **59**
- Complaints in 2013 numbered **64**

Of those 64 complaints, 30 were referred for self help. Of that 30, 15 complainants returned to WRS to deal with their complaint. Of those 15 complainants referred to self help and who did not return to WRS, no feedback was received from local Members or staff to indicate that the complaints had not been satisfactorily resolved without involving WRS. Overall WRS dealt with 49 complaints compared with 59 the previous year, with 23% of this year's complaints successfully diverted to self help. The numbers coming in each year are roughly similar and so the self help route seems to be delivering real benefits. Both WRS and Worcester City Council have reported that, following initial concerns, both the public and Members appeared to be happy with this new approach.

RESOLVED:

- (a) that the Worcester City Pilot report be noted. Members agreed that the pilot had produced a model for real cashable savings in respect of the areas of nuisance covered during the pilot carried out by Worcester City Council and 17% efficiency savings for Worcester City Council in respect of planning application referrals;
- (b) that Worcester City Council be provided with in year 2013/2014, savings of £3,746 to be funded from a top-slice of the projected end of year underspend to reflect the changes in the service provided, and reflecting six months of savings during 2013/14; and
- (c) that preparatory work be undertaken by Worcestershire Regulatory Services in consultation with partners, to consider options for extending the concept of "self-help" into other areas of work.

RECOMMENDATION that all partner authorities consider introducing the Worcester City Council pilot methodology to their own organisations when dealing with planning consultations and introduce the self help element for certain classes of nuisance complaints.

41/13 **PERFORMANCE AND ACTIVITY DATA QUARTER 2 AND QUARTER 3, 2012/2014**

The Committee considered a report which detailed the Worcestershire Regulatory Services (WRS) Activity Data for Quarter 2 and 3, 2013/2014.

Mr. M. Kay, The Business Manager, Worcestershire Regulatory Services (WRS) introduced the report and in doing so informed the Committee that the report was presented in the new format, which was initially introduced to the

Joint Committee Members who had attended the Joint Management Board and Joint Committee workshop on 20th January 2014.

The report showed that Trading Standards complaints from the Citizens Advice Consumer Service (CACS) had remained down so far this year compared with the historical figures from Consumer Direct. WRS officers will raise this with colleagues within the region to see if this was a common trend, suggesting a failing in the promotion of the CACS number. The highest areas of demand remained as home improvements, second hand cars and furniture supply. The report highlighted that a significant proportion of complaints were not linked to a district within Worcestershire. This was partly a data issue, which WRS were looking into, but also a significant proportion of complaints had arisen from people not resident in Worcestershire or the complaints related to goods/services purchased out of the county by Worcestershire residents.

The nuisance data showed the summer spike in complaints quite clearly, with a total of 1475 complaints being recorded between July and September. Complaints peaked at 650 per month in July and August then fell over the autumn period to 208 in December. Previous reports had included maps showing the location of noise issues in each district. Following discussions at the Joint Management Board and Joint Committee workshop on 20th January 2014, the report now detailed a table of wards with the highest levels of complaint. Officers felt that this would enable Joint Committee Members to engage more with other members in their authorities on particular problems.

The report also provided detailed information on the food inspection programme.

The data continued to highlight the large volumes of demand coming into the service for Licensing. Officers had identified some issues with the data transfer, which would need to be rectified before the service could report more fully on licensing activity from the Uniform system. A full update on Licensing would be provided in future reports. The final data pages contained improved end to end time reporting, with a breakdown by various categories of complaint, as detailed on page 99 of the report.

It was noted at the end of the last report that a significant volume of casework had gone through legal process during Quarter 3. Officers had agreed to keep Members informed of these. The four cases were detailed on page 99 of the report.

Members agreed that the area codes used on the graph, as detailed on page 111 of the report, should be shown in full in future reports.

Councillor Mrs. L. Denham expressed her thanks to officers for taking into account the feedback from the Joint Committee Members who had attended the Joint Management Board and Joint Committee workshop on 20th January 2014.

Agenda Item 5

Worcestershire Shared Services Joint Committee
20th February 2014

RESOLVED that the Worcestershire Regulatory Services Activity Data Quarter 2 and 3 report be noted.

The meeting closed at 6.01 p.m.

Chairman

BROMSGROVE DISTRICT COUNCIL

CABINET

2nd APRIL 2014

BROMSGROVE MUSEUM

Relevant Portfolio Holder	Cllr Mike Webb
Relevant Head of Service	Jayne Pickering – Executive Director of Finances and Resources
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 To update members in relation to the Bromsgrove Museum building.
- 1.2 Members are being asked to consider the options available in relation to the potential sale / alternative use of the Museum building

2. RECOMMENDATIONS

- 2.1 **Cabinet is asked to consider the recent updates from officers in relation to the building and to approve one of the following options:**
 - 2.1.1 **The Norton Collection Museum Trust be granted a long lease (25+ years) for the Birmingham Road building on a peppercorn / substantially discounted rent. This will be a full repairing / insuring lease making them responsible for all upkeep;**
 - 2.1.2 **The Trust be permitted to purchase the building for £150,000.00 – half of this to be paid on completion, the other half to be paid over a 25 year period from anticipated income and donations and secured by way of legal charge over the property;**
 - 2.1.3 **Officers explore the opportunities to lease the building to commercial entities that may show interest in light of the forthcoming Sainsburys development;**
 - 2.1.4 **Officers be instructed to dispose of the building to generate the best return for the Council.**
- 2.2 **Having decided which option to pursue, Cabinet is asked to approve that authority be delegated to the Director of Finance and Resources and the Head of Legal Equalities and Democratic Services, in consultation with the Leader, to determine the precise terms for dealing with the museum building going forward in an arrangement for lease or sale.**

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3. Key Issues

- 3.1 As Members are aware a number of reports have been presented in relation to the Birmingham Road site since closure of the museum in 2008. In July 2013 Cabinet approved acceptance of the offer put forward by the Norton Collection Museum Trust (formerly known as the Friends of the Norton Collection Charitable Trust) to purchase the museum building for the sum of £200,000 to include completion of the sale within a 6 month period. This decision followed numerous discussions with the Trust whereby it had become apparent that to enable third parties to properly commit funds to this project a more secure option to purchase would be required.
- 3.2 Officers had also continued to negotiate with the Solicitor acting for the former donor of the Norton Collection and the Norton Collection Museum Trust to reach an agreed position with regards to the status of the artefacts and the historic terms of the trust deed.
- 3.3 Last August officers were advised that the Trust were looking to secure an alternative site for the museum at the old United Reform Church but, due to the uncertainties surrounding this site, it was agreed that the option to purchase the Birmingham Road building would remain open until the original expiry date of 31st January 2014. The Trust were unsuccessful in their negotiations for the United Reform Church.
- 3.4 In January 2013 the Trust advised that they did not intend to proceed with purchase of the Birmingham Road site and had opted to pursue an option in relation to The Steps building in Bromsgrove. The Trust were, once again, unsuccessful in their negotiations having failed to raise sufficient funds to secure The Steps.
- 3.5 The matter has now come full circle and the Trust have now put forward further proposals for them to secure the use of the Birmingham Road site,
- 3.6 The options put forward by the Trust are:
1. The Trust be granted a long lease (25+ years) for the Birmingham Road building on a peppercorn / substantially discounted rent. This would be a full repairing / insuring lease making the Trust responsible for all upkeep. They would provide a Tourist Information service from the building (though would want a small grant payment from the Council towards the cost of this). They have indicated that a lease for this term would allow them to apply for lottery funding to undertake necessary works to the building.

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2. The Trust will purchase the building for £150k – half of this to be paid on completion, the other half to be paid over a 25 year period from anticipated income and donations and secured by way of legal charge over the property.

- 3.7 Officers have considered these 2 options at a recent Asset Management meeting and have agreed that the proposals do not support the delivery of value for money in relation to the management of the Council's assets:
 1. The peppercorn/ discounted lease arrangement would provide no financial benefit to the Council and any improvement to the building would remain reliant on the Trust obtaining external funding. This would be of limited benefit to the community as the building may remain empty for a significant period of time.
 2. The sale at below value would be unacceptable as there is currently limited evidence of wider community benefit arising from the presence of a museum in Bromsgrove. The proposed sale would generate £75k on completion (should the Trust be able to raise this amount) and £75k over 25 years. The Net Present Value of the £150k over this period would £125k (@ 3.5%) In total this represents a loss of capital receipt of £25k.

- 3.8 The Asset Management Group recommended that the building be sold on the open market following confirmation of the position re the artefacts and the covenants in place.

- 3.9 There is one other option available to members. With the improvements to the Town Centre and the upturn in the economy, there may be an opportunity for the building to be let on a commercial basis. There has been some interest shown in recent weeks by commercial organisations seeking a building to use for a restaurant. Although this may not be an option due to planning restrictions, officers could explore this opportunity further should members be minded to consider same. The benefit would be that a commercial revenue stream may be generated together with retaining an asset that may increase in value alongside the new Town Centre developments.

Financial Implications

- 3.10 There are costs of around £x associated with maintaining this property whilst it remains empty these include; business rates, lighting and security.

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In addition there are costs relating to dealing with the obligations imposed under the original trust deed including preservation of the artefacts and any removal of same for disposal or storage purposes.

- 3.11 It is accepted that the original sale at £200k to the Trust was a preferred option for the Council as the costs relating to the management of the artefacts would be reduced. However the change proposed would not provide an acceptable level of funding to the Council in relation to the asset.
- 3.12 If a sale is made to any party vacant possession is likely to be required which would incur costs in terms of stripping the building and removing its contents to storage. It is also likely that any other potential purchaser will require the Council to arrange for existing covenants and planning restrictions to be removed. There is likely to be additional cost involved in this process but this requires further investigation by officers.
- 3.13 If the sale is approved any budgets currently associated with the provision of the museum building will be included as savings within the medium term financial plan following any costs incurred as a result of this report.

Legal Implications

- 3.14 Due to the nature of the original trust deed, and the charitable status of the collection, there are a number of legal issues which have to be properly considered in relation to the Council's position as Trustee. It is likely that arrangements will need to be made to amend the terms of the original trust unless an accommodation can be reached with the Norton Collection Museum Trust.

Customer / Equalities and Diversity Implications

- 3.15 The museum is a facility that would become open to the public and would rely on customer support for its future.

4. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

- 4.1 Members are advised that, due to the history of this matter, there is a risk of court proceedings being instituted in relation to any decision that is taken regarding the future of the collection / building although the risk of any adverse finding against the Council is deemed to be low. Even without such adverse finding there is, however, a risk of the Council incurring costs which are irrecoverable.

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5. **APPENDICES**

None

6. **BACKGROUND PAPERS**

Cabinet report dated 6th April 2011
Cabinet report dated 13th July 2013

7. **AUTHOR OF REPORT**

Name: Jayne Pickering
Email: j.pickering@bromsgroveandredditch.gov.uk
Tel: 01527 881207

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CABINET – 5th February 2014

AIR QUALITY TASK GROUP – FINAL REPORT

Further Comments for Consideration by Cabinet

1. BACKGROUND INFORMATION

The Air Quality Task Group Report was presented by the Chairman of the Overview and Scrutiny Board (in the absence of the Task Group Chairman) at the Cabinet meeting held on 2nd October for its consideration.

A response from Cabinet was considered at the Overview and Scrutiny Board meeting held on 18th November 2013. The Chairman of the Task Group and Members who were present at that meeting expressed disappointment that a number of recommendations had not been approved. Following discussion it was agreed that due to the significance of air quality to public health in particular, that the feedback from Cabinet should be considered in further detail and that the Air Quality Task Group should reconvene, as its Members had the expertise required, to assess the response in detail.

2. RECOMMENDATION

This report is the result of the meeting of the Air Quality Task Group held on 20th December 2013 and the Overview and Scrutiny Board asks Cabinet to consider these responses and

That Cabinet, following consideration of the additional information, agrees the recommendations in conjunction with those comments.

3. COMMENTS

For ease of reference, the responses from Cabinet are highlighted in **green** and the further comments and responses from the Air Quality Task Group are highlighted in **blue**.

Recommendation 1

(Arising from the 2007 report)

It should be noted that these recommendations, from the 2007 Task Group Report, had been agreed by Cabinet at that time, but upon investigation by the current Task Group, appeared to not have been implemented.

Recommendation 1 – Low Emission Zones

Further consideration be given for LEZs to be included within the Air Quality Action Plan.

This was not supported in view of the likely finance implications.

The Task Group request that, should funding be available (for example as part of project bid under recommendation 5 of this report) then Low Emission Zones be considered.

Recommendation 7 – Town Centre Redevelopment

That a representative from Worcestershire Regulatory Services to be included within the membership of the Town Centre Redevelopment Group.

It was reported that the Town Centre Redevelopment Group was no longer in existence.

The Task Group notes that the Town Centre Redevelopment Group is no longer in existence and would request that a representative of WRS be included within the membership of the Town Centre Steering Group, or which ever such group is responsible for the Town Centre development.

Recommendation 8 – High Street and The Strand

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

It was noted that monitoring was on going but it was felt that changes to the traffic lights would be costly at this stage.

It is acknowledged that the changes to the traffic lights in this area would be costly, however the Task Group request that consideration should be given to including this within any changes which take place following the commencement of the highways work in relation to the Sainsbury's project.

Recommendation 17 – Taxi Ranks

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

This was approved.

The Task Group request that following approval of this recommendation, WRS regularly report back to the O&S Board to ensure that this is implemented.

Recommendation 2

- (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

This was not agreed as it was felt that the overall a County Air Quality Action Plan would be sufficient.

The Task Group noted the response and although disappointed, acknowledged that it was unlikely that separate Action Plans would be implemented. However it wished to make the following comments:

1. Would a single Action Plan be sufficient as each area was very different and had its own specific needs?
2. One of the advantages of having individual Action Plans was that it gave residents and Parish Councils more opportunity to be involved and to take “ownership” of the problems within their area together with raising awareness of air quality.

The Task Group therefore request that Cabinet reconsider this recommendation taking into account the comments above.

Recommendation 3

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

It was not agreed that a separate Group was required as it was felt that the single Steering Group would be sufficient.

Although acknowledging that it was unlikely that there would be separate Air Quality Action Plans, the Members wished to recommend that there was a separate Air Quality Action Plan Steering Group for Bromsgrove District as it has the largest number of AQMAs in the County and as previously mentioned each area is very different with its own specific needs. This would allow for more local involvement from both residents and Parish Councils and as detailed at Recommendation 2, raise local awareness and give “ownership” to the local communities.

The Task Group therefore request that Cabinet reconsider this recommendation.

Recommendation 4

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

This is not applicable if the separate Steering Group is not set up. It was suggested as an alternative that the Annual report to DEFRA also be submitted to the Overview and Scrutiny Board at no additional cost.

The Task Group recommend that if the Cabinet reconsider recommendation 3 as detailed above, then the Steering Group for the Bromsgrove District provides the Overview and Scrutiny Board with regular updates.

Recommendation 5

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

It was agreed that WRS should apply for DEFRA funding as appropriate and in accordance with the Air Quality Action Plan.

The Task Group requests that Cabinet reconsider the wording of its response in order to reiterate the importance of WRS applying for any funding which is available, as follows:

“It strongly supports the recommendation that WRS should apply for Defra (and any other available) funding as appropriate and in accordance with the Air Quality Action Plan.”

The Task Group also request that Cabinet note the following:

Whilst the Task Group acknowledges that the Defra funding programme for 2013/14 has closed it would also draw Cabinet’s attention to the attached document, Annex A: Eligibility and Criteria for Assessment of Applications for Defra local Authority air quality grant programme and in particular page 2 point 5. *“Priority will be given to those authorities applying for the grant to support the development or implementation of their air quality Action Plans or on other projects to improve local air quality.”* From the information in Annex A the Task Group strongly believe that Bromsgrove District Council would be eligible should funding be available in future years.

The Task Group suggests that, if the Council's application is successful, this grant funding could be used to implement the actions detailed in recommendations 1 (LEZs) and 9 (monitoring air pollutants).

Recommendation 6

That 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.

Whilst this is a matter for the County Council there is no objection to requesting the County Council to make the application.

The Task Group acknowledges that this is a matter for WCC, however as Cabinet accepted this recommendation it would request that the Portfolio Holder, on behalf of the Council writes to the appropriate WCC Portfolio Holder requesting such an application.

Recommendation 7

That 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 the Bromsgrove district.

Whilst this is a matter for the County Council there is no objection to requesting the County Council to liaise with the relevant bus operators.

The Task Group acknowledges that this is a matter for WCC, however as Cabinet accepted this recommendation would request that the Portfolio Holder, on behalf of the Council writes to the appropriate Portfolio Holder at WCC requesting such a partnership be set up.

Recommendation 8

That the health implications of air pollution, be the focus of a detailed review by the Worcestershire Health Overview and Scrutiny Committee.

It was noted that discussions were on going and that there was no objection to the issue being raised by the District Councillors who were Members of the Worcestershire Health Overview and Scrutiny Committee.

After further consideration the Task Group would like to ask if it would be acceptable to Cabinet if this recommendation included the following:

“That the HOSC on consideration of the information provided within the Air Quality Task Group Report consider requesting the Health and

Wellbeing Board give consideration to investigating and raise awareness of respiratory problems, as although not currently a priority it could be in the future.”

Recommendation 9

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

This was not agreed in view of the significant cost implications.

The Task Group request that Cabinet give this recommendation further consideration in light of the following information, as it believes that such a project could be funded from the Defra Grant as detailed at Recommendation 5.

Page 3 point 9 of Annex A: Eligibility and Criteria for Assessment of Applications for Defra Local Authority air quality grant programme highlights *“proposals which include quantification of the proposed action, either emissions or concentrations, evaluation of the economic and health benefits will be considered favourably.”*

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.

This recommendation was agreed.

The Task Group requests that the Portfolio Holder, on behalf of the Council actions this recommendation.

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.

This recommendation was agreed.

The Task Group requests that the Portfolio Holder, on behalf of the Council actions this recommendation.

4. APPENDICES

Appendix 1 – Annex A: Eligibility and Criteria for Assessment of Applications for Defra Local Authority air quality grant programme

Name: Amanda Scarce – Democratic Services Officer
E Mail: a.scarce@bromsgroveandredditch.gov.uk
Tel: 01527 881443

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Annex A: Eligibility and Criteria for Assessment of Applications for Defra's local authority air quality grant programme 2013/14

Eligibility for application

1. The Air Quality Grant Programme is aimed at supporting eligible capital expenditure by English local authorities on their air quality management duties under Part IV of the Environment Act 1995, with regard to any guidance issued by the Secretary of State for that purpose.
2. The Air Quality Strategy for England, Scotland, Wales and Northern Ireland (July 2007) sets out the UK air quality objectives. The pollutants covered by Local Air Quality Management (LAQM) under Part IV of the Environment Act are set out in the Air Quality (England) Regulations 2000 (SI 2000/928) as amended by the Air Quality (England) (Amendment) Regulations 2002 (SI 2002/3043). For most local authorities, the pollutants of concern in these Regulations are likely to be nitrogen dioxide (NO₂) and particulate matter (PM₁₀).
3. Defra assesses air quality in the UK on an annual basis to determine compliance with European legislation for air quality. The Directive 2008/50/EC on ambient air quality and cleaner air for Europe is relevant for the pollutants NO₂ and PM₁₀ and sets out limit values for these pollutants. This Directive was transposed into English Law in The Air Quality Standards (England) Regulations 2010.
4. Eligibility for Defra's Local Authority Air Quality Grant Programme for 2013/14 is restricted to English authorities that have exceedances of EU limit values for nitrogen dioxide as determined by Defra's national assessment and/or Air Quality Management Areas for nitrogen dioxide. Air Quality Management Areas must have been declared on or before the 31 March 2013. A full list of eligible local authorities for the 2013/14 programme is included in this document at paragraph 16. Applications will only be accepted for assessment from these local authorities. Local authorities may submit an application in partnership with one or more other eligible authorities. When doing so one authority should be indicated as the lead authority for the project.

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Criteria and Priorities to be applied in the Assessment of Applications

5. Applications will be assessed by Defra or Defra's appointed agents to determine the distribution of grant. Not all applications will be successful or receive the level of funding requested. Priority will be given to those authorities applying for the grant to support the development or implementation of their air quality Action Plans or on other projects to improve local air quality. Applications for capital grant will be considered for the following types of projects:

- Projects that contribute to reductions in emissions and/or concentrations of NO_x, NO₂ and PM₁₀, provided that there are exceedances of NO₂ objectives and/or NO₂ EU limit values within the local authority boundary, in accordance with the eligibility criteria set out in paragraph 4.
- Projects that support work to review and collate research and monitoring evidence that can improve our understanding of the effectiveness of air quality measures and share best practice.
- Projects aimed at achieving improved air quality through, for example, influencing behaviour and/or raising awareness to support public health objectives. This includes projects in partnership with local Directors of Public Health.

6. Applicants should show that they have considered other funding resources (such as Sustainable Transport Funding for Authorities outside London and Section 106 agreements) and should demonstrate an understanding of why the LAQM grant fund is the most appropriate. The applicant must be able to demonstrate that the project provides good value for money. Applicants should also detail what additional funding/match funding has been secured or is being pursued to support the project.

7. Applications will be assessed against:

- Quality of the proposed project.
- Proposals to evaluate the effectiveness of the project.
- The plan to disseminate findings more widely.
- The extent to which the project outcomes are more widely applicable/reproducible.
- The extent to which the project provides value for money.
- The suitability of this funding opportunity for the project.
- Whether or not additional or match funding has been identified for the project and the overall proportion of match-funding available

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Projects which involve multiple partners and/or deliver benefits to or across more than one local authority will also be prioritised in the assessment process.

Proposals by Local Authorities for Assessment of Air Quality

8. As stated above the key focus for the 2013/14 grant will be on supporting action plan measures, especially those targeting NO₂ exceedances. However, that does not preclude monitoring or modelling of air quality where such assessment is necessary to support the evidence base for introducing a particular measure covered by the key criteria or to evaluate the effectiveness of an air quality intervention. An example would be assessment to determine the feasibility of a Low Emission Zone.
9. Proposals which include quantification of the proposed action, either emissions or concentrations, evaluation of the economic and health benefits will be considered favourably. Also of benefit will be proposals which include sharing lessons learned from the measures with other local authorities.
10. Local authorities must accept the conditions of the grant award as contained in the Grant Determination (Annex C), and are expected to comply with the terms of the Memorandum of Understanding (Annex D). The following points should be noted:
 - The local authority **must not** submit commercial-in-confidence quotes as part the application or refer to by name any consultants or other organisations proposed to carry out any aspect of the work.
 - The grant application must be sufficiently detailed to demonstrate the purpose of the project, its objectives, success criteria and the means and extent to which it will achieve air quality benefits. All sections of the application form should be completed and the quality of the project proposal will be taken into account in determining the funding level to award.
 - The application should demonstrate value for money for Defra.

Arrangements for London

11. As with last year, Defra has agreed a coordinated approach with the Greater London Authority (GLA) and Transport for London (TfL). To support efficient allocation of grant funding and to reduce duplication the GLA and TfL will work with boroughs to co-ordinate grant applications in London. There will be a focus on supporting the implementation of measures to improve air quality/reduce exposure, promote the integration of air quality with public health and raising awareness.
12. Funding from the Mayor's Air Quality Fund and Local Implementation Plans (LIPs) is eligible match-funding for the purposes of the Defra bid assessment process. Where projects are to be match-funded the project form should describe

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that part of the project which the air quality grant will fund so that the provision of funding can be properly evaluated and assessed against the Air Quality Grant eligibility criteria. Further guidance is available from Elliot Treharne, GLA Air Quality Manager (Elliot.Treharne@london.gov.uk).

Capital/ Non-Capital Expenditure

13. Under section 16 of the Local Government Act 2003 “capital expenditure” is “expenditure of the local authority which falls to be capitalised in accordance with proper practices”.

14. With regard to the proper accounting treatment of a particular item of expenditure on the activities included in an application for support under the air quality grant programme, authorities should seek advice from their finance department or external auditors. It is a matter for the appropriate Finance Officer of the local authority to determine, subject to the scrutiny of the authority’s auditor, if the expenditure on the proposal can properly be attributed to the authority’s capital account (and therefore eligible for the air quality grant).

15. The Chartered Institute of Public Finance and Accountancy (CIPFA) have published general advice to local authorities on the system Prudential Code for Capital Finance in Local Authorities (ISBN 0852999895). The Code defines capital expenditure as “items capitalised under the SORP” (Statement of Recommended Practice). Definitions in the CIPFA Code are intended to be consistent with UK generally accepted accounting practice as applicable to the public services and embodied in the CIPFA/LASAAC Code of Practice on Local Authority Accounting (the SORP). Copies of these (priced) Codes may be obtained from the CIPFA bookshop website:

- www.cipfa.org.uk/shop

16. Eligible Local Authorities for 2013/14

The list below identifies those local authorities eligible to apply for grant funding. If it appears that your local authority should have been included but has not, please get in touch for further clarification.

Department for Environment, Food and Rural Affairs

List of eligible local authorities – 2013/14 air quality grant programme

A – L	M - Z
Adur District Council	Maidstone Borough Council
Ashfield District Council	Manchester City Council
Aylesbury Vale District Council	Medway Council
Babergh District Council	Mid Devon District Council
Barnsley Metropolitan Borough Council	Mid Sussex District Council
Basildon District Council	Middlesbrough Borough Council
Basingstoke and Deane Borough Council	Milton Keynes Borough Council
Bath & North East Somerset Council	New Forest District Council
Bedford Borough Council	Newcastle City Council
Birmingham City Council	Newcastle-under-Lyme Borough Council
Blaby District Council	North Devon District Council
Blackburn with Darwen Borough Council	North East Lincolnshire Council
Blackpool Borough Council	North Lincolnshire Council
Bolsover District Council	North Somerset Council
Bolton Metropolitan Borough Council	North Tyneside Council
Boston Borough Council	North Warwickshire Borough Council
	North West Leicestershire District Council
Bournemouth Borough Council	
Bracknell Forest Borough Council	Northampton Borough Council
Bradford City Council	Norwich City Council
Brentwood Borough Council	Nottingham City Council
	Nuneaton and Bedworth Borough Council
Brighton and Hove Council	
Bristol City Council	Oldham Metropolitan Borough Council
Bromsgrove District Council	Oxford City Council
Broxbourne Borough Council	Pendle Borough Council
Broxtowe Borough Council	Peterborough Council
Burnley Borough Council	Plymouth City Council
Bury Metropolitan Borough Council	Poole Borough Council
Calderdale Metropolitan Borough Council	Portsmouth City Council
Cambridge City Council	Preston Borough Council
Cannock Chase District Council	Purbeck District Council
Canterbury City Council	Reading Borough Council
Carlisle City Council	Redcar and Cleveland Borough Council
Central Bedfordshire Council	Reigate and Banstead Borough Council
Charnwood Borough Council	Ribble Valley Borough Council
Chelmsford Borough Council	Rochdale Metropolitan Borough Council
Cheltenham Borough Council	Rochford District Council
Cherwell District Council	Rossendale Borough Council

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Cheshire East	Rotherham Metropolitan Borough Council
Cheshire West and Chester Council	Rugby Borough Council
Chesterfield Borough Council	Runnymede Borough Council
Chichester District Council	Rushcliffe Borough Council
Chiltern District Council	Rushmoor Borough Council
Chorley Borough Council	Ryedale District Council
Colchester Borough Council	Salford Metropolitan Borough Council
Cornwall Council	Sandwell Metropolitan Borough Council
Corporation of the City of London	Sefton Metropolitan Borough Council
Cotswold District Council	Sevenoaks District Council
Coventry City Council	Sheffield City Council
Crawley Borough Council	Shropshire Council
Dacorum Borough Council	Slough Borough Council
Darlington Borough Council	Solihull Metropolitan Borough Council
Dartford Borough Council	South Bucks District Council
Derby City Council	South Cambridgeshire District Council
Doncaster Metropolitan Borough Council	South Gloucestershire District Council
Dover District Council	South Hams District Council
Dudley Metropolitan Borough Council	South Kesteven District Council
Durham	South Lakeland District Council
East Devon District Council	South Northamptonshire Council
East Dorset District Council	South Oxfordshire District Council
East Hampshire District Council	South Ribble Borough Council
East Hertfordshire District Council	South Somerset District Council
East Riding of Yorkshire	South Staffordshire District Council
East Staffordshire Borough Council	South Tyneside Metropolitan Borough Council
Eastleigh Borough Council	Southampton Council
Elmbridge Borough Council	Southend Borough Council
Epping Forest District Council	Spelthorne Borough Council
Epsom & Ewell Borough Council	St Albans District Council
Erewash Borough Council	St Edmundsbury Borough Council
Exeter City Council	St Helens Metropolitan Borough Council
Fareham Borough Council	Stafford Borough Council
Fenland District Council	Stockport Metropolitan Borough Council
Forest Heath District Council	Stockton-on-Tees Borough Council
Forest of Dean District Council	Stoke-on-Trent City Council
Gateshead Metropolitan Borough Council	Stratford on Avon District Council
Gedling Borough Council	Suffolk Coastal District Council
Gloucester City Council	Sunderland City Council
Gravesham Borough Council	Surrey Health District Council
Guildford Borough Council	Swale Borough Council

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Halton Borough Council	Swindon Borough Council
Harborough District Council	Tameside Metropolitan Borough Council
Harrogate Borough Council	Taunton Deane Borough Council
Hart District Council	Teignbridge District Council
Havant Borough Council	Telford & Wrekin Council
Herefordshire Council	Test Valley Borough Council
Hertsmere Borough Council	Tewkesbury Borough Council
Hinckley and Bosworth Borough Council	Thanet District Council
Horsham District Council	Three Rivers District Council
Huntingdonshire District Council	Thurrock Council
Ipswich Borough Council	Tonbridge and Malling Borough Council
King's Lynn and West Norfolk Borough Council	Torbay Borough Council
Kingston-upon-Hull City Council	Trafford Metropolitan Borough Council
Kirklees Metropolitan Council	Tunbridge Wells Borough Council
Knowsley Metropolitan Borough Council	Uttlesford District Council
Lancaster City Council	Vale of White Horse District Council
Leeds City Council	Wakefield Metropolitan District Council
Leicester City Council	Walsall Metropolitan Borough Council
Lewes District Council	Warrington Borough Council
Lichfield City Council	Warwick District Council
Lincoln City Council	Watford Borough Council
Liverpool City Council	Waverley Borough Council
London Borough of Barking and Dagenham	Welwyn Hatfield District Council
London Borough of Barnet	West Berkshire Council
London Borough of Bexley	West Dorset District Council
London Borough of Brent	West Lancashire District Council
London Borough of Bromley Council	West Oxfordshire District Council
London Borough of Camden	Wigan Metropolitan Borough Council
London Borough of Croydon	Wiltshire Council
London Borough of Ealing	Winchester City Council
London Borough of Enfield	Windsor & Maidenhead, Royal Borough of
London Borough of Greenwich	Wirral Metropolitan Borough Council
London Borough of Hackney	Wokingham District Council
London Borough of Hammersmith & Fulham	Wolverhampton City Council
London Borough of Haringey	Worcester City Council
London Borough of Harrow	Worthing Borough Council
London Borough of Havering	Wychavon District Council
London Borough of Hillingdon	Wycombe District Council
London Borough of Hounslow	Wyre Borough Council

Department for Environment, Food and Rural Affairs

London Borough of Islington	Wyre Forest District Council
London Borough of Kensington & Chelsea	York City Council
London Borough of Kingston upon Thames	
London Borough of Lambeth	
London Borough of Lewisham	
London Borough of Merton	
London Borough of Newham	
London Borough of Redbridge	
London Borough of Richmond	
London Borough of Southwark	
London Borough of Sutton	
London Borough of Tower Hamlets	
London Borough of Waltham Forest	
London Borough of Wandsworth	
London Borough of Westminster	
Luton Borough Council	

CABINET

Date 2nd April 2014

CAPITAL BIDS 2014/15 -2016/17

Relevant Portfolio Holder	Cllr Mike Webb
Portfolio Holder Consulted	
Relevant Head of Service	Jayne Pickering
Key Decision / Non-Key Decision	Non key

1. SUMMARY OF PROPOSALS

- 1.1 To approve the capital bids and reprofiling of capital expenditure for 2014/15, 2015/16 and 2016/17

2. RECOMMENDATIONS

- 2.1 To Recommend new Capital bids totalling £1.02M 2014/15, £78K 2015/16, £1.003M 2016/17 as detailed in Appendix 1.
- 2.2 To Approve the reduction in the Capital bid for the Leisure Centre by £1.5M and reprofile as detailed in Appendix 1.
- 2.3 To Approve the reprofiling of the vehicle replacement program and reduce the 2014/15 budget by £80K and increase the 2015/16 budget by £80K.

3. KEY ISSUES

Financial Implications

- 3.1 This report is to agree the new capital bids for the current financial year and the next two financial years, it is also to agree where there is a reprofiling requirement between financial years for bids which have previously been agreed.
- 3.2 The cost of borrowing and other revenue implications for these bids have already been agreed as part of the Medium Term Financial Plan on 26th February 2014.
- 3.4 The bids for 2014/15 total £1.02M, the funding for these is £378K from S106, £315K grant funded, £26k contribution from the Police and £301K to be funded from borrowing or capital receipts (if available).
- 3.5 All bids for 2015/16 and 2016/17 are to be funded from borrowing or capital receipts.

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Legal Implications

- 3.3 A number of the bids are funded from S106, these need to be spent in accordance with the agreements between the Authority and the developer within a specified period.

Service / Operational Implications

- 3.5 All services have been asked to provide details of any Capital Expenditure requirements they have for the next 3 years. These are the bids that have been identified by the services are their capital requirements.

Customer / Equalities and Diversity Implications

- 3.7 None specific

4. RISK MANAGEMENT

- 4.1 Failure to maintain our assets and make improvements to local facilities where possible in the area. It is essential to improve local facilities and to maintain our fleet and building to allow the Council to continue to run its operations.

5. APPENDICES

Appendix 1 - Detailed Capital Bids

6. BACKGROUND PAPERS

None

AUTHOR OF REPORT

Name: Sam Morgan
email: sam.morgan@bromsgroveandredditch.gov.uk
Tel.: 01527 64252 x3790

NEW CAPITAL BIDS 2014/15-2016/17

APPENDIX 1

			2014/15 £'000	2015/16 £'000	2016/17 £'000	2017/18 £'000
Description	Funding	Department				
Disabled Facilities Grants	Capital Receipts/Borrowing	Community	200	0	0	
Home Repairs Assistance	Capital Receipts/Borrowing	Community	63	63	63	
Disabled Facilities Grants	DFG Grant	Community	315	0	0	
Town Centre Public Realm	Section 106	Planning & Regen	200	0	0	
Town Centre Project Management	Capital Receipts/Borrowing	Planning & Regen	38	0	0	
Lickey End Park fitness equipment	Section 106	Leisure	29	0	0	
The Meadow - Wiggins Memorial play area improvement	Section 106	Leisure	49	0	0	
Callowbrook Park - improved flood attenuation facilities	Section 106	Leisure	20	0	0	
Fleet Replacement additional bid	Capital Receipts/Borrowing	Environmental	0	15	940	
Hagley - teenage provision	Section 106	Leisure	80	0	0	
Sports Field and Woodland adjacent to the new Police and Fire Station	Contribution from the Police	Leisure	26	0	0	
			1020	78	1003	
Amendments to Current Capital Program						
New Leisure Centre - reprofiling/saving	Capital Receipts/Borrowing	Leisure	-1750	-4000	3900	350
Fleet Replacement reprofiling	Capital Receipts/Borrowing	Environmental	-80	80	0	
			-1830	-3920	3900	350

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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	Alvechurch
Key Decision – No	

1. SUMMARY OF PROPOSALS

To consider a request to list the Alvechurch Sports and Social Club and adjoining car park as an Asset of Community Value

2. RECOMMENDATIONS

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

(a) Support the listing of the Alvechurch Sports and Social Club as an Asset of Community Value; or

(b) Not support the listing of the Alvechurch Sports and Social Club 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. It is worth noting that the community group would not have the option to purchase should the asset be for sale as a going concern with the aim to maintain current use.

3.2 Officers have received a nomination (Appendix 1) for the Alvechurch Sports and Social Club and adjoining car park which is owned by the club. The nomination has been made by Alvechurch Parish Council following consideration at their recent meeting. They have requested that the asset be nominated as it provides a valuable community asset in Alvechurch. The owners and ward members have been notified of the nomination.

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- 3.3 Consideration of the nomination has been undertaken. It is recommended that the nomination meets the definition of being registered as an asset of community value in its current form in the following ways:
- The main use of the building furthers the social well being or social interested of the local community and it is realistic to think that this can continue into the near future
 - The building provides cultural, recreational and sporting interests
- 3.4 The Sports and Social Club does not meet any definitions of exclusion from the register. Should the application be approved the asset would remain on the register for a period of 5 years.
- 3.5 Members are reminded that the final decision on registration sits with the Head of Planning and Regeneration. A copy of the flow chart for the process of listing assets of community value is attached for information at Appendix 2.

Financial Implications

- 3.6 There are no financial implications for the Council.

Legal Implications

- 3.7 The Localism Act 2011 made provision for a new system of listing of assets of community value, giving community groups the right to make nominations, and requiring local authorities to maintain local registers. Further more detailed rules around the operation of assets of community value are set out in the Assets of Community Value Regulations 2012.
- 3.8 2009 the Council entered into a legal agreement with the club and the Parish Council to enable local residents to use the club car park as a short stay car park. Those arrangements are not affected by the proposal that the club and the car park be listed.

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.

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Customer / Equalities and Diversity Implications

- 3.10 The approval of the nomination of Alvechurch Sports and Social Club 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.

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.

5. APPENDICES

Appendix 1 – Nomination Form

Appendix 2 – Flow chart for process for nominating ACVs

AUTHOR OF REPORT

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

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<p>BROMSGROVE DISTRICT COUNCIL</p> <p>ASSETS OF COMMUNITY VALUE – THE COMMUNITY RIGHT TO BID</p> <p>NOMINATION FORM</p>
--

Section A: About your organisation

A1 Organisation's name and address

Name of organisation* ALVECHURCH PARISH COUNCIL
Address including postcode 16 The Square Alvechurch Worcestershire B48 7LA

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

A2 Contact details

Name YVONNE GOODE
Position in organisation PARISH CLERK
Address including postcode 16 The Square Alvechurch Worcestershire B48 7LA
Daytime telephone no. 0121 447 8016
Email address clerk@alvechurch.gov.uk
How and when can we contact you?* MONDAY – THURSDAY 10.00 – 13.00. Telephone or email.

**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)

Not applicable

A5 Local connection

Parish Council - activities are wholly concerned with the administrative area of Alvechurch Parish within Bromsgrove District Council

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

Not applicable

A7 More about your organisation

What are the main aims and activities of your organisation?

To exercise the powers and fulfil the responsibilities incorporated in Local Government legislation as they apply to Parish Councils.

Specifically, under the Localism Act 2012, to produce a Neighbourhood Plan acknowledging land and building assets of particular value to the community.

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) LICENSED SOCIAL CLUB
Name of premises (eg. Post office , Community Centre) ALVECHURCH SPORTS & SOCIAL CLUB
Address including postcode (if known) Radford Road Alvechurch B48 7LD

B2 Sketch plan



Agenda Item 10

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	<p>SPORTS & SOCIAL CLUB OFFICIALS</p> <p>STEPHEN HARTLEY (Chairman)</p> <p>KEITH DAWSON (Secretary)</p>	<p>)</p> <p>) c/o Alvechurch Sports and Social Club</p> <p>) Radford Road</p> <p>) Alvechurch</p> <p>) Worcs</p> <p>) B48 7LD</p> <p>)</p>
Names and current or last known addresses of all those owning the freehold of the land (ie. owner, head landlord, head lessor)		
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?

The Sports and Social Club occupies a key village-centre site with 2-storey bar accommodation served by a 56-space car park.

As a private members' club, the Sports and Social Club has provided a key social benefit to the Parish for many years. Acting as a community hub, it has provided subsidised drinks, snooker tables and upstairs meeting room facilities to its membership. It has followed the style and operation of Working Men's or CIU Clubs across the country in this respect. Its policy is of open membership to men and women.

In 2009 daytime use of the Club's car park for the general public, subject to conditions, was agreed for a 15 year period by Club officials and representatives from Bromsgrove District Council and Alvechurch Parish Council. This is now a key facility for Parishioners visiting local shops, offices and surgeries and is well used.

Changing trends towards bars that serve food coupled with the smoking ban in public places and increasing consumption of alcohol at home has reduced its active membership and accordingly its turnover significantly. The Club's financial position is now weak and worsening as it struggles to compete with other licensed premises in Alvechurch..

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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.)

The Sports and Social Club currently occupies a key village-centre site in Alvechurch. There is a risk that because of its financial situation it could soon close and the site be offered on the open market for other use. This is a site which because of its location has a significant part to play in meeting the future interests of the Parish community in ways other than through the construction of general housing for market sale. Future options follow:

The buildings occupied by the Club could be refurbished to provide mixed-use facilities combining a reduced-size Club facility with retail, office or enhanced medical services for the Parish

Alternatively a full redevelopment of the site could see the land used to incorporate the above along with a small number of specialist housing units for older people in close proximity to shops, offices and surgeries.

In both options retention of some car parking spaces for day-time public use will be an important continuing requirement.

A carefully-designed refurbishment or redevelopment, in line with the emerging Neighbourhood Plan for Alvechurch Parish, and meeting locally-identified needs would bring significant social benefits.

**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

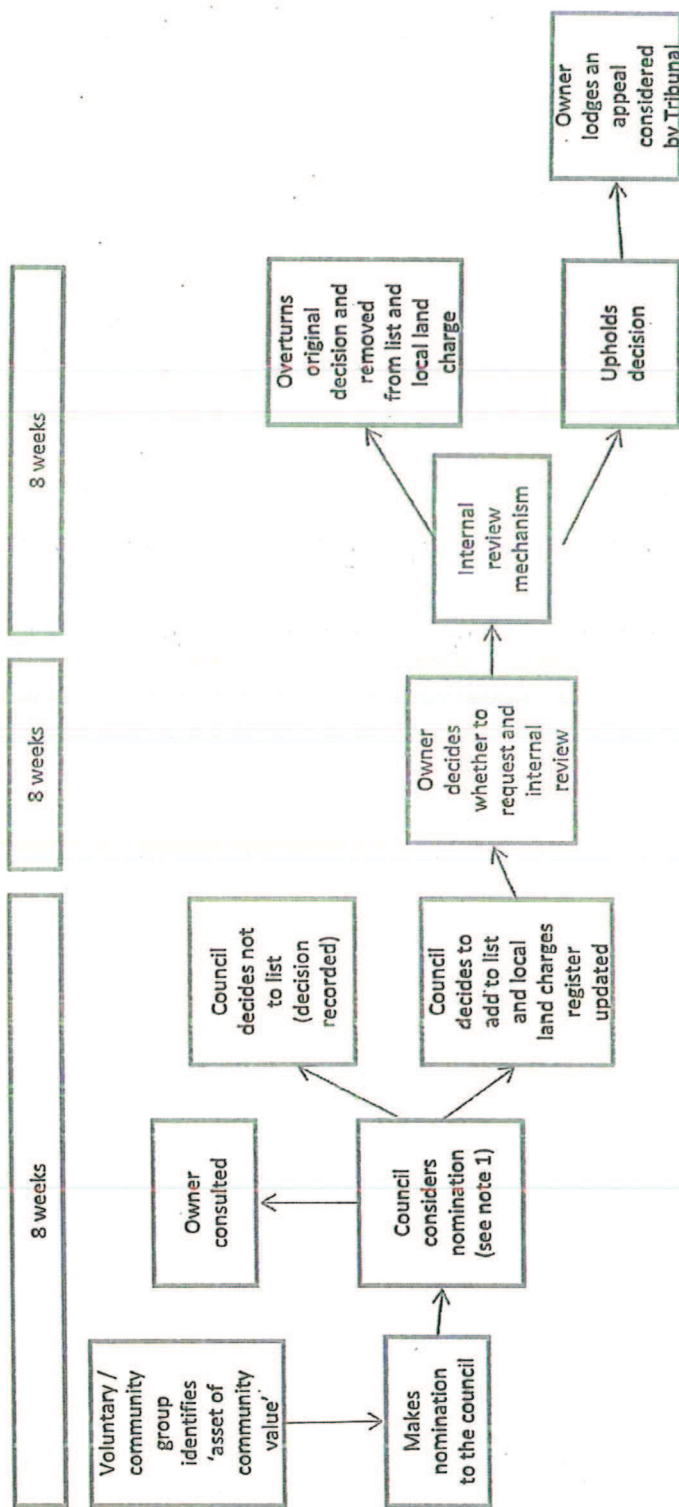
done to the council

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

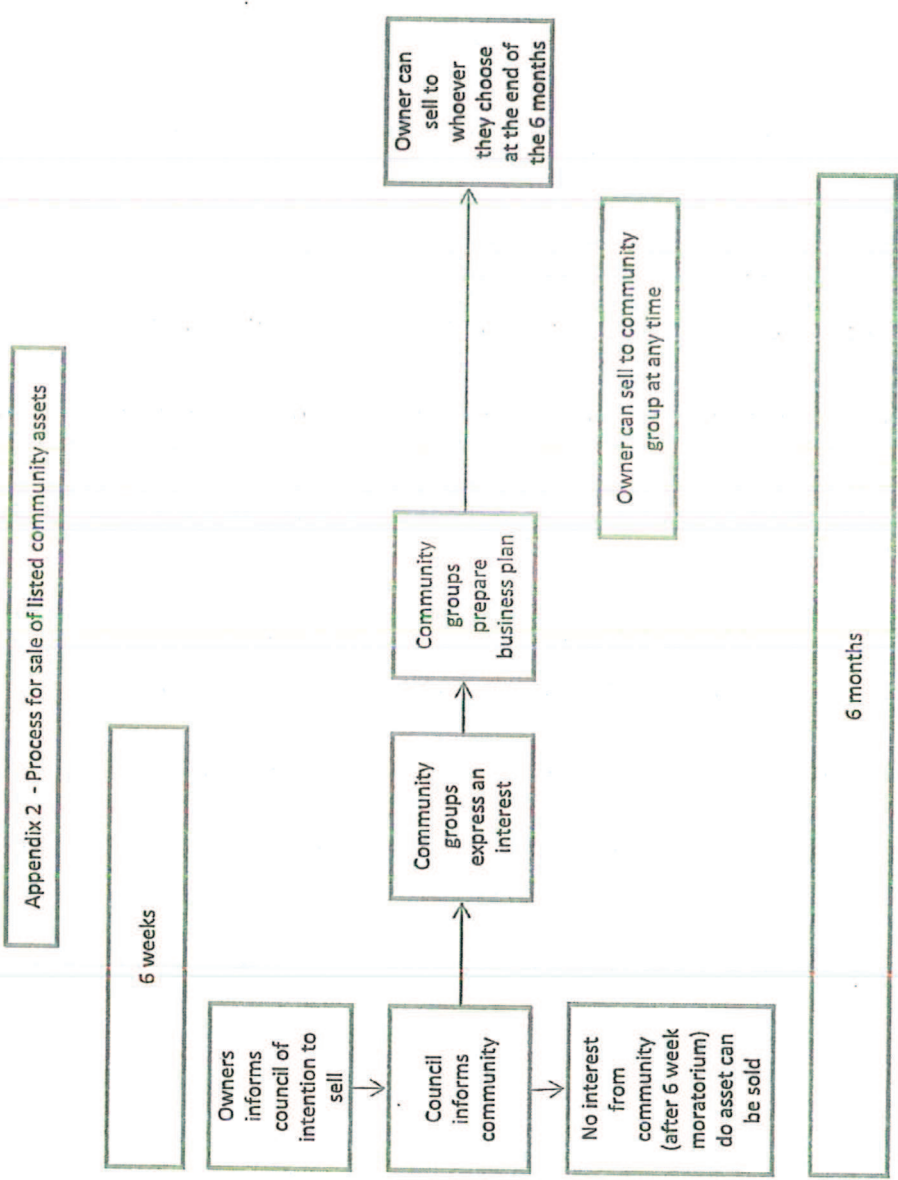
Appendix 1 - Process for listing community assets



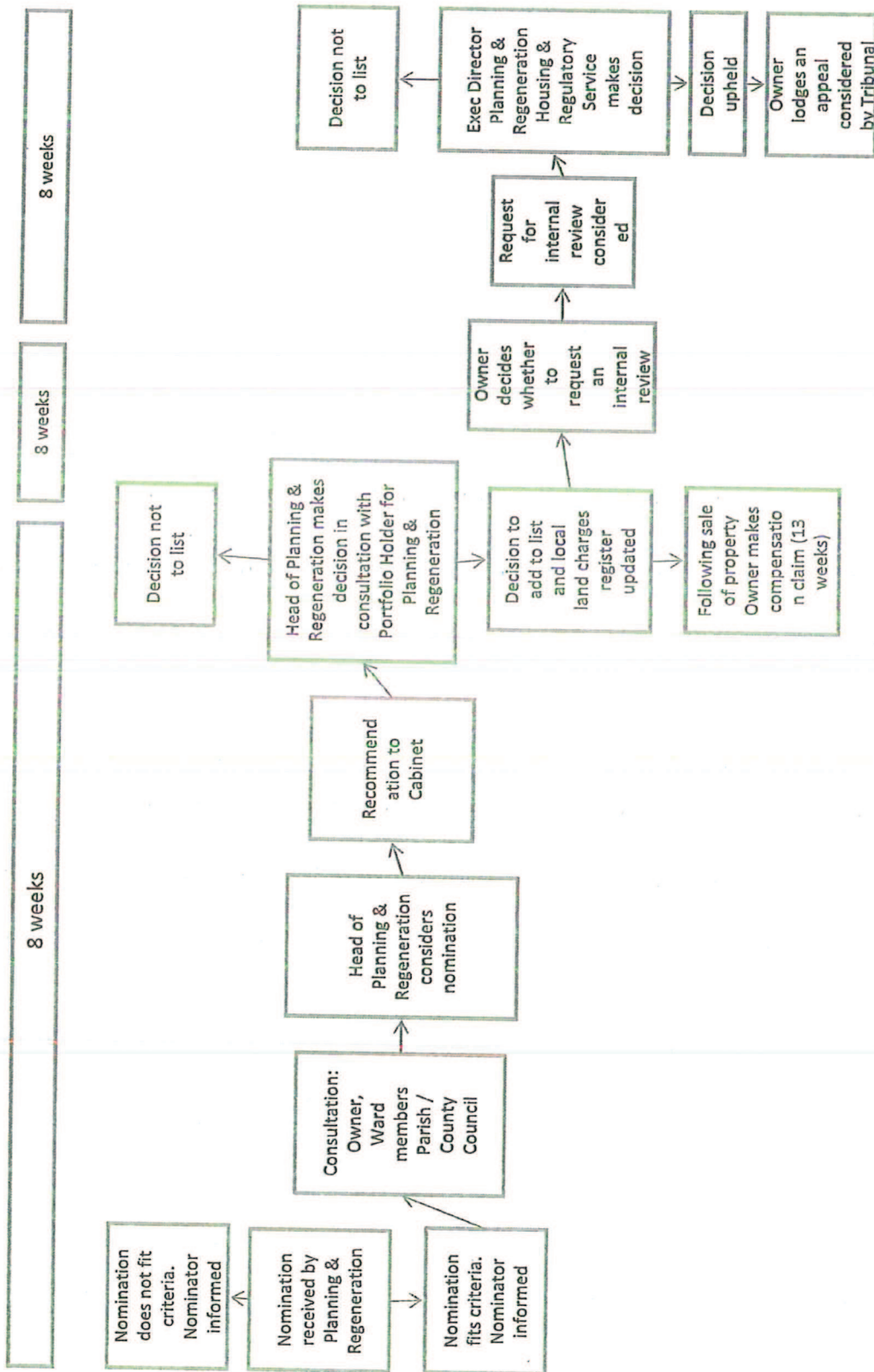
Note 1

A building or other land should be considered an asset of community value if: its actual current use furthers the social wellbeing and interests of the local community, or a use in the recent past has done so; and that the use is not an ancillary one; and for land in current community use it is realistic to think that there will continue to be a use which furthers the social wellbeing and interests, or for land in community use in the recent past it is realistic to think that there will be community use within the next 5 years (in either case, whether or not that use is exactly the same as the present or past); and it does not fall within one of the exemptions e.g. residential premises and land held with them. 'Social interests' includes cultural, recreational and sporting interests.





Appendix 3 – Internal process for listing community asset



(2)

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