



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE CABINET

WEDNESDAY 3RD JUNE 2015 AT 6.00 P.M.

THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors M. A. Sherrey (Leader), C. B. Taylor (Deputy Leader), G. N. Denaro, R. L. Dent, R. J. Laight and P. J. Whittaker

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 1st April 2015 (Pages 1 - 4)
4. Minutes of the meeting of the Audit Board held on 19th March 2015 (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 Overview and Scrutiny Board held on 13th April 2015 (Pages 15 - 20)
 - (a) To receive and note the minutes
 - (b) To consider any recommendations contained within the minutes
6. Appointment to Outside Bodies - By Office (Executive Appointments) (Pages 21 - 26)

7. Disposal of Council Assets at Hanover Street Car Park and George House (Public Report) (Pages 27 - 36)
8. 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
9. To consider, and if considered appropriate, to pass the following resolution to exclude the public from the meeting during the consideration of item(s) of business containing exempt information:-

"RESOLVED: that under Section 100 I of the Local Government Act 1972, as amended, the public be excluded from the meeting during the consideration of the following item(s) of business on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act, as amended, the relevant paragraph of that part, in each case, being as set out below, and that it is in the public interest to do so:-

<u>Item No.</u>	<u>Paragraph</u>	
10	3	

10. Disposal of Council Held Assets at Hanover Street Car Park and George House (Confidential Report) (Pages 37 - 60)

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

26th May 2015

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE CABINET

1ST APRIL 2015 AT 6.00 P.M.

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

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

96/14 **APOLOGIES**

There were no apologies for absence.

97/14 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

98/14 **MINUTES**

The minutes of the meetings of the Cabinet held on 25th February 2015 and 4th March 2015 were submitted.

RESOLVED that the minutes of the meetings of the Cabinet held on 25th February 2015 and 4th March 2015 be approved as a correct record.

99/14 **OVERVIEW AND SCRUTINY BOARD**

The minutes of the Overview and Scrutiny Board held on 16th February 2015 and 16th March 2015 were submitted.

In relation to Minute No. 130/14 it was suggested it may be more appropriate for the Overview and Scrutiny Board to meet at an earlier time rather than for Cabinet to meet at a later time.

RESOLVED that the minutes of the meetings of the Overview and Scrutiny Board held on 16th February 2015 and 16th March 2016 be noted.

100/14 **WORCESTERSHIRE SHARED SERVICES JOINT COMMITTEE**

The minutes of the meeting of the Worcestershire Shared Services Joint Committee held on 19th March 2015 were submitted.

RESOLVED that the minutes of the meeting of the Worcestershire Shared Services Joint Committee held on 19th March 2015 be noted.

101/14 **RECOMMENDATION FROM LICENSING COMMITTEE**

It was reported that at its meeting on 23rd March 2015 the Council's Licensing Committee had approved a Street Amenity Policy in relation to street cafes within the High Street, Bromsgrove.

In addition the Licensing Committee had made a recommendation to the Cabinet in respect of the fees to be adopted for the Street Amenity Consents. The Cabinet approved the recommendation and it was therefore

RESOLVED that the following fees be adopted and added to the Fees and Charges Schedule:

- Street Amenity Policy (First Application) - £200
- Street Amenity Policy (Annual Renewal) - £55

102/14 **BROMSGROVE OUTDOOR MARKET**

The Cabinet considered a report on the possibility of exploring options for the future operation and management of Bromsgrove Market which was currently managed and operated by the North Worcestershire Economic Development and Regeneration Service.

Members noted it was proposed to invite informal expressions of interest from market operators to inform any future decisions on the future management of the market. Market operators would be invited to outline any proposed options for operating the market against the criteria set out in section 3.9 of the report. There would be a report back to a future Cabinet on the outcome of such expressions of interest received.

The Cabinet were in support of the approach to undertake some soft market testing and to take "soundings" from existing market operators. Members also requested that existing market stall holders be kept informed of the situation and of the initial steps to be taken.

Following discussion it was

RESOLVED:

- (a) that North Worcestershire Economic Development and Regeneration Service be requested to invite informal expressions of interest from market operators for the future management of Bromsgrove Market; and
- (b) that a report on the outcome of the process be submitted to the Cabinet in due course.

103/14

APPLICATION FOR INCLUSION ON REGISTER OF ASSET OF COMMUNITY VALUE - HAGLEY LIBRARY

The Cabinet considered a report requesting consideration of an application from Hagley Parish Council that Hagley Library, Worcester Road, Hagley be listed as an Asset of Community Value.

The Cabinet noted that the application complied with the test for listing an Asset of Community Value as contained in Section 88 (1) of the Localism Act 2011, which was set out in section 3.9 of the report.

Members requested that when similar applications are considered in future, the accompanying report be as comprehensive as possible in respect of the background information available for each application.

Following discussion it was

RESOLVED that the listing of Hagley Library, Worcester Road, Hagley as an Asset of Community Value be supported.

104/14

GAMBLING ACT FEES AND CHARGES REPORT

The Cabinet considered a report requesting agreement to an amendment to the Council's approved fees and charges in respect of the Gambling Act 2005.

It was reported that when the Cabinet considered the fees and charges schedule for 2015/16, due to an error in the report the charges agreed under the Gambling Act exceeded the maximum amount prescribed by statute.

In order to rectify this Members were requested to approve a set of amended charges. It was reported that no Applicant had been charged the incorrect fee.

RESOLVED that for 2015/16 the fees and charges under the Gambling Act 2005 be amended as follows:

- (a) Notification of Change - £50
- (b) Copy of a Licence - £25
- (c) Copy of a Temporary Use Notice - £25

The meeting closed at 6.20 p.m.

Chairman

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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE AUDIT BOARD

THURSDAY, 19TH MARCH 2015 AT 6.05 P.M.

PRESENT: Councillors H. J. Jones (Chairman), M. T. Buxton (Vice-Chairman), B. T. Cooper, S. J. Dudley, R. J. Laight and R. J. Shannon (substituting for P. M. McDonald)

Invitees: Mr. P. Jones, Ms. Z. Thomas and Ms. M. Wren, Grant Thornton

Officers: Mr. A. Bromage, Ms. S. Morgan and Mr. D. Riley and Mr. P. Stephenson

40/14 **APOLOGIES**

Apologies for absence were received from Councillors S. J. Baxter, P. A. Harrison and P. M. McDonald.

41/14 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

42/14 **MINUTES**

The minutes of the meeting of the Audit Board held on 19th March 2015 were submitted.

RESOLVED that the minutes be approved as a correct record.

43/14 **GRANT THORNTON CERTIFICATION WORK REPORT 2013/2014**

The Chairman welcomed Mr. P. Jones (Engagement Lead), Ms. Z. Thomas (Manager) and Ms. M. Wren, Grant Thornton to the meeting.

The Board was asked to consider and note the Grant Thornton Grant Certification Letter for 2013/2014. Members were informed that as detailed in the certification letter the indicative scale fee set by the Audit Commission for the Council for 2013/2014 was £3,872. Grant Thornton considered that there was an error in the indicative fee stated by the Audit Commission as it was out of line with the fees set by the Audit Commission in both 2012/2013 and 2014/2015, as detailed in Appendix B to the report. Grant Thornton had highlighted this with the Audit Commission.

The key messages from the Audits were:

- Benefit subsidy was a relatively complex area and the amount of testing that Grant Thornton was required to undertake was extensive.
- A number of errors were identified and training plans had been put in place.
- Supporting working papers required further improvement.
- The claim was amended by £9,580 and therefore qualified.

RESOLVED that the Grant Thornton Grant certification letter 2013/2014 be noted.

44/14

GRANT THORNTON - INFORMING THE AUDIT RISK ASSESSMENT 2014/2015

The Board was asked to consider a report from Grant Thornton which detailed the Audit Risk Assessment for 2014/2015 and the management responses in relation to the controls that were in place within Bromsgrove District Council.

Members were informed that no specific concerns had been highlighted by Grant Thornton. The purpose of the report was to contribute towards the effective two-way communication between, the Council's external auditors, Grant Thornton and the Council's Audit Board. This two-way communication assisted both the auditor and the Audit Board in understanding matters relating to the audit and develop a constructive working relationship.

As part of their risk assessment procedures they are required to obtain an understanding of management processes of the following areas:-

- Fraud
- Laws and regulations
- Going concern
- Related Parties
- Accounting estimates

A series of questions on each of the above areas and the management responses were detailed in the report. As detailed in the report, the Council's Section 151 officer had agreed that a report would be provided with regard to Bromsgrove District Council being a 'Going Concern'. Further discussion followed on the management responses.

RESOLVED that the Grant Thornton, Informing the Audit Risk Assessment 2014/2015 report be noted.

45/14

GRANT THORNTON AUDIT PLAN 2014/2015

The Board were asked to consider a report that provided details of the Grant Thornton Audit Plan 2014/2015. The Audit Plan sets out the work that Grant Thornton proposed to undertake in relation to the Audit of financial accounts for 2014/2015.

Members were informed that a number of recommendations had been proposed by Grant Thornton and that the recommendations and management responses would be presented to a future meeting of the Board.

Members discussed and raised questions on risks identified with regard to the valuation of the Council House and the payroll manager, as the report highlighted that currently there was no payroll manager in post. Grant Thornton had undertaken an initial assessment to identify areas of risk to their Value for Money (VFM) conclusion. These would be considered further as part of their detailed risk assessment with the findings being report in the Audit Findings Report in September 2015. As detailed on page 54 in the report, the assessment work had identified VFM risks which would be investigated further with a review of the Medium Term Financial Plan (MTFP), discussion with officers and a review of relevant documentation.

Interim audit work was started in January 2015. Grant Thornton planned to complete that interim visit in April 2015. The findings of their first interim audit work, and the impact of their findings on the accounts audit approach were summarised on pages 56 to 58 in the report.

Councillor M. T. Buxton questioned if the staff survey results would be shared with Grant Thornton, as Audit Board Members had expressed some concerns with regard to some of the results in the staff survey.

RESOLVED:

- (a) that the Grant Thornton Audit Plan 2014/2015 be noted;
- (b) that the Audit Opinion Plan 2014/2015 be agreed.

46/14

GRANT THORNTON PROGRESS UPDATE REPORT - MARCH 2015

The Board was asked to note the Grant Thornton Progress Report Update to March 2015.

The report outlined that as of March 2015 the 2014/2015 Accounts Audit Plan would be completed in line with the agreed timetable. The report also included a summary of emerging national issues and developments that may be relevant and a number of challenge questions in respect of these emerging issues that Members may want to consider:-

- Independent Commission into Local Government Finance
- Inspection into the Governance of Rotherham Council Department for Communities and Local Governments (DCLG) Build to rent scheme
- Local Government Governance Review 2015
- Stronger futures: developing of the Local Government Pension Scheme (LGPS)

Members were informed that with regard to the emerging issues, officers would ensure Parish Councils were made aware of the new arrangements due to be in place in 2017.

The report highlighted other activity undertaken by Grant Thornton which included providing Council officers with technical training in conjunction with

Chartered Institute of Public Finance and Accountancy (CIPFA), Finance Advisory Network (FAN) and adhoc technical support to the Council's finance team.

Further discussion followed with regard to the Local Government Review 2015, Governance in working with others, in respect of Worcestershire Regulatory Services (WRS). Councillor R. J. Laight requested that the Board had sight of the accounts for WRS for transparency purposes. Several questions were raised with Members debating if the WRS accounts should be presented to the Overview and Scrutiny Board, as highlighted in Grant Thornton's report; there was an urgent need for scrutiny to exercise good governance over the complex array of partnerships in which local authorities were now involved. Scrutiny committees could bring a new level of transparency and accountability to areas of contracted out activities and joint operations or ventures.

RESOLVED that the Grant Thornton Progress Report Update to March 2015, be noted.

47/14

PRESENTATION FROM THE INVESTIGATION OFFICER

Following on from the meeting held on 11th December 2014 and in response several questions from Members with regards to benefit fraud, the Head of Customer Access and Financial Support had suggested that the Benefits Fraud Manager be invited to a future meeting of the Board. The Benefits Fraud Manager would be able to provide Members with more detailed information in order to help Members gain an understanding of the processes behind prosecution, cautions and administrative penalties and the parameters applied in relation to the timescales allocated to repay overpayments.

The Chairman welcomed Mr. P. Stephenson, Benefits Fraud Manager, to the meeting.

The Benefit Fraud Sanctions presentation was to provide clarity for Members with regard to benefit fraud sanctions and covered:-

- Sanction Cases
- Evidence Test
- Public Interest Test
- Formal Caution
- Administrative Penalty
- Prosecution
- No Sanction

Further discussion followed with Members seeking further clarification on information detailed in the presentation slides. The Board confirmed that the presentation had provided them with the clarification they had required.

The Chairman thanked Mr. Stephenson for his presentation.

48/14 **BENEFITS FRAUD - QUARTER 3 UPDATE**

The Board considered a report on performance information in respect of the Benefits Fraud Investigation Service for the period 1st October 2014 to 31st December 2014, Quarter 3.

The Revenue Services Manager introduced the report and in doing informed Members that during the three month period, total overpayments of £162,315 in Housing Benefit had been identified; and that overpayments on fraud investigations closed during the same period totalled £58,250 in Housing Benefit, £7,870 in Council Tax Benefit and £2,531 in Council Tax Support.

During quarter 3, sixty fraud referrals were received and considered for investigation by the team. This was more than double the number received in quarter 2, and was due largely to a new process that was in place for data matching with HMRC records. Ten investigations were closed during the period with fraud or error established. Four customers were prosecuted. The offences related to undeclared work in two cases, an undeclared private pension in one case and both work and undeclared private pension in the other.

RESOLVED that the Benefits Services Fraud Investigations update for the period 1st October 2014 to 31st December 2014, Quarter 2 be noted.

49/14 **IMPLEMENTATION OF A NEW FINANCIAL MANAGEMENT SYSTEM - UPDATE REPORT**

The Board were asked to note a report that provided Members with an update regarding the implementation of a New Financial Management System for Bromsgrove District Council (BDC).

The Finance Services Manager introduced the report and informed the Board that during August 2014 BDC had agreed to change its current supplier for a Financial Management System and upgrade to a version of software called Efinancials supplied by Advanced Computer Software.

As the project was a joint project with Redditch Borough Council this had enabled savings to be made for both authorities in software costs and staff requirements. The project was split into several sections with the main ledger. The Accounts Payable and Debtors ledger were now live were successfully migrated to the new software and balanced back to the Agresso system.

The next phase of the project had commenced and had involved a stakeholder group of managers designing a budget monitoring system to assist with the financial planning of the authority. This was due to go live at the end of April 2015.

Discussion followed with questions from Members about the potential savings to be realised with regard to staff time and software. The Finance Services Manager confirmed that this was part of the current restructure but savings would not be realised until 2016/2017.

RESOLVED that the update on the current position on the New Financial Management System for Bromsgrove District Council be noted.

50/14

TREASURY MANAGEMENT STRATEGY STATEMENT AND INVESTMENT STRATEGY 2014/2015 TO 2016/2017

The Board was asked to consider a report which detailed the Treasury Management Strategy Statement and Investment Strategy 2014/2015 to 2016/2017 in order to comply with the Local Government Act 2003.

The Finance Services Manager introduced the report and in doing informed Members that the Chartered Institute of Public Finance and Accountancy's Code of Practice for Treasury Management in Public services (CIPFA TM Code) and the Prudential Code required local authorities to set the Treasury Management Strategy Statement (TMSS) and Prudential Indicators each financial year.

Discussion followed on borrowing and where sourced. The Finance Services Manager agreed to provide Audit Board Members with more detailed information on borrowing and where sourced.

RESOLVED:

- (a) that the Strategy and Prudential Indicators shown at Appendix 1 to the report;
- (b) that the Authorised Limit for borrowing at £12 million if required;
- (c) that the maximum level of investment to be held within each organisation (i.e. bank or building society) as detailed at £3 million, subject to market conditions;
- (d) that an unlimited level of investment in Debt Management Account Deposit Facility (DMADF); and
- (e) that the updated Treasury Management Policy, as detailed at Appendix 2 to the report, be approved.

51/14

QUARTER 3 - FINANCIAL MONITORING REPORT (APRIL - DECEMBER 2014)

The Board were asked to note a report which detailed the monitoring of projected savings for 2014 / 2015. The report included the delivery of savings and additional income for the period April 2014 to December 2014.

The Finance Services Manager introduced the report and informed the Board that as recommended by the Council's External Auditors, Grant Thornton, the delivery of the savings were being monitored more closely to ensure the Council was meeting savings in the way that was expected when the budget had been set.

Appendix 1 to the report showed that for the period April to December 2014 there were no concerns in the delivery of the savings to budget. A number of the projections were based on reductions in cost following service reviews and due to the timing of the restructures a number of savings had been realised

from vacant posts and other service savings to ensure the level of cost reduction was still achieved.

Members sought clarification on the savings identified for the Town Centre Manager. The Finance Services Manager agreed to provide further detailed information to the next meeting of the Board.

RESOLVED:

- (a) that the Finance Services Manager provides Audit Board Members with further information, as detailed in the preamble above, in respect of the Town Centre Manager; and
- (b) that the current financial position for projected savings for 2014/2015, as presented in the Finance Monitoring Report for April to December 2014, be noted.

52/14

RISK MANAGEMENT MONITORING GROUP - VERBAL UPDATE

The Finance Services Manager provided the Board with a brief verbal update with regards to the Risk Management Monitoring Group. Members were informed that the Risk Management Monitoring Group meeting scheduled for January 2015 had been postposed pending the issue of an Internal Audit report on some routine audit work that had been carried out in respect of risk management. A draft copy of the report was received at the end of January 2015 and the Risk Management Monitoring Group were now considering the report in order to form an action plan.

53/14

INTERNAL AUDIT MONITORING REPORT

The Board was asked to consider the monitoring report of internal audit work and performance for 2014 / 2015.

Mr. A. Bromage, Service Manager, Worcestershire Internal Audit Shared Service introduced the report which provided commentary on Internal Audit's performance for the period 1st April 2014 to 28th February 2015 against the performance indicators agreed for the service.

The report detailed audit reports issued / completed since the last internal audit report. There had been seven delivered audits as detailed on page 122 in the report. Members were asked to consider the 'High' and 'Medium' Priority Recommendations, as detailed on pages 131 to 138 in the report and the follow up audits as reported.

The Chairman suggested that a breakdown of the service areas reported to have 'high' priority recommendations be provided to the next meeting of the Board.

Councillor M.T. Buxton commented on the revised content of the report and expressed her thanks to Mr. Bromage.

RESOLVED that the monitoring report of internal audit work and performance for 2014 / 2015, be noted.

54/14 **INTERNAL AUDIT PLAN 2015/2016**

The Board considered a report which detailed the Internal Audit Operational Plan for 2015/2016 and the key performance indicators for the Worcestershire Internal Audit Shared Service 2015/2016.

Mr. A. Bromage, Service Manager, Worcestershire Internal Audit Shared Service introduced the report and in doing reminded Members that a provisional plan of work was presented to the Board in December 2014. The provisional plan had provided Members with the opportunity to have a positive input to the audit work programme for 2015/2016.

Mr. Bromage highlighted that with the resource allocation of 250 chargeable days for 2015/2016, as agreed with the Council's s151 officer; he was confident that he could provide management, external audit and those charged with governance with the assurances and coverage that they required over the system of internal control, annual governance statement and statement of accounts.

The 250 day allocation was based on transactional type system audits and had been reduced from the 300 days delivered during 2014/2015, providing a saving of 50 days. Due to the changing internal environment, on-going transformation and more linked up and shared service working between Bromsgrove District Council and Redditch Borough Council the plan was organised in a smarter way in order to exploit the efficiencies that this type of working provided.

RESOLVED:

- (a) that the Internal Audit Operational Plan 2015/2016; and
- (b) that the Key Performance indicators for the Worcestershire Internal Audit Shared Service 2015/2016 be noted.

55/14 **AUDIT BOARD - END OF YEAR REPORT 2014/2015 (FOR MEMBER DISCUSSION)**

Audit Board Members were asked to consider if they wanted to follow on from the success of the last municipal year and produce an Audit Board End of Year Report for 2014/2015.

RESOLVED that the Chairman and Vice-Chairman work with the Democratic Services Officer to produce a draft Audit Board End of Year Report 2014/2015, to be presented to the next meeting of the Audit Board.

56/14 **AUDIT BOARD WORK PROGRAMME**

The Board considered the Work Programme for 2014/2015.

Councillor B. T. Cooper raised the point that he felt with such a heavy agenda and the size of the reports it was difficult to devote the time to some of the important issues. He acknowledged that all the papers were important but

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Audit Board
19th March 2015

requested that feedback as sought with regard to achieving fewer items on the agenda.

In response the Chairman agreed that she would raise his concerns with the Council's Section 151 officer and the Democratic Services officer.

RESOLVED:

- (a) that the Audit Board Work Programme for 2014/2015 be noted; and
- (b) that as detailed in the preamble above the Chairman liaises with officers to review the Audit Board Work Programme.

The meeting closed at 7.40 p.m.

Chairman

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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE OVERVIEW AND SCRUTINY BOARD

13TH APRIL 2015 AT 6.00 P.M.

PRESENT: Councillors L. C. R. Mallett (Chairman), R. J. Laight (Vice-Chairman), C. J. Bloore, R. A. Clarke, B. T. Cooper, P. Lammas, C. R. Scurrall, R. J. Shannon, S. P. Shannon and C. J. Spencer

Invitees: Councillor M. Bullivant

Officers: Ms. J. Pickering, Ms L. Jones, Ms. A. Scarce and Ms. J. Bayley

131/14 APOLOGIES FOR ABSENCE

Prior to receiving any apologies for absence Members observed a minute's silence in memory of former Councillor C. J. Tidmarsh, a long-term member of the Board, who had sadly passed away since the previous meeting.

Apologies for absence were received on behalf of Councillors J. S. Brogan and S. R Colella.

132/14 DECLARATIONS OF INTEREST AND WHIPPING ARRANGEMENTS

There were no declarations of interest or whipping arrangements.

133/14 MINUTES

The minutes of the meeting of the Overview and Scrutiny Board held on Monday 16th March 2015 were submitted.

RESOLVED that the minutes of the meeting of the Overview and Scrutiny Board held on 16th March 2015 be approved as a correct record.

134/14 CAR PARKING SHORT SHARP REVIEW - CABINET RESPONSE

The Portfolio Holder for Environmental and Leisure Services, Councillor M. Bullivant, presented the Cabinet's response to the recommendations that had been made by the Car Parking Short, Sharp Review. He thanked Members for their work, however, he explained that the Cabinet had rejected the group's proposals due to a number of considerations. In particular the Cabinet had been concerned about changes in demand for parking and parking habits that could potentially occur following the completion of the development works in Bromsgrove town centre. Members had concluded that it would be best to

wait until these works were completed and to subsequently review parking arrangements.

Following presentation of the report Members discussed a number of points in detail:

- The extent to which businesses had already been consulted regarding demand for parking in the town centre and the impact of parking on demand for business.
- The potential number of retailers that would open their shops on Sundays if free parking was provided on that day.
- The response that had been received from Cabinet to both this short sharp review and the previous Recreation Road South Car Park Task Group and the extent to which this demonstrated that scrutiny proposals were taken seriously by local decision makers.
- The benefits of undertaking a further scrutiny review of car parking in the town once the development works in the town centre had been completed.
- The value of the research that had been undertaken by the Car Parking Short, Sharp Review as the basis for any future scrutiny work into the subject.
- The method that would be used to monitor the impact of evening parking arrangements on the night time economy.
- The length of time required by customers when parking in the town.
- Peak demand for parking in the town.

Following subsequent discussions it was

RESOLVED that the Overview and Scrutiny Board in 2015/16 be asked to consider the following:

- (a) how the impact of evening parking measures will be monitored;
- (b) to identify any gaps in research into parking within the town centre; and
- (c) to launch a further short, sharp scrutiny review into car parking in approximately 18 months' time.

135/14 **MAKING EXPERIENCES COUNT - QUARTERS 2 & 3 REPORT**

The Customer Services Manager presented the Making Experiences Count report covering the period 1st July to 31st December 2014. Officers also tabled copies of the data highlights for quarters 1 and 4 which Officers were intending to provide to Members alongside the Members' newsletter in future years. During the presentation of this report she highlighted the following points for Members' consideration:

- 35 complaints had been received during the period.
- 26 compliments had also been received.
- 92 per cent of the complaints had been answered within 15 days or less.
- A number of actions had been taken to address key issues identified through customer complaints including customer care refresher training for

frontline staff and placing two areas of the district on a regular cleansing schedule.

- There had been a reduction in demand through telephone calls when compared to the same time the previous year.
- An upgrade to the Council's payment system had been completed in February 2015.
- There had been a 45 per cent increase in automated telephone payments, when compared to the same time the previous year.

Once the report had been presented the following points were discussed by Members in further detail:

- The extent to which 15 days was an appropriate time within which to aim to respond to a complaint.
- The Council's changing approach to responding to complaints, whereby relevant managers were encouraged to make an initial phone call to the customer rather than to rely on written correspondence only.
- The preference of many customers to pay for services by cash. Officers confirmed that there would continue to be a cash desk following the Council's move to Parkside.
- The small number of services for which payment by direct debit was not yet possible. Members were advised that short delays could occur in setting up direct debit payments for new services due to the need for time to be spent arranging the new payment process on the Council's finance system.
- The potential for the garden waste service to be paid for by cheque and the length of time that cheques took to clear through banking systems.
- The ways in which complaints and compliments reported by Councillors on behalf of local residents were recorded on the system. Members requested that in future editions of the report Officers clearly stipulated whether a case had been reported by a Councillor or a customer.
- The nature of the complaint relating to the Hunnington hole and the nature of the hole referred to in the report.
- The process for responding to complaints and the role of the Local Government Ombudsman in this process.

RESOLVED that the report be noted.

136/14

ACTION LIST

Members' considered the latest version of the Board's Action List. Officers explained that a number of actions proposed at the previous meeting of the Board, particularly with regard to scrutiny of the local Crime and Disorder Reduction Partnership, remained to be resolved. A further response would be requested for the following meeting of the Board. The Board was also advised that the application forms and guidance notes for the New Homes Bonus scheme had been circulated since the previous meeting.

137/14 **QUARTERLY RECOMMENDATION TRACKER**

Members considered the following updates in relation to the Overview and Scrutiny Quarterly Recommendation Tracker:

(a) Artrix Outreach Provision Task Group

Officers explained that a lot of action had already been taken by the Artrix to implement many of the group's proposals. A detailed update on progress with this work would be provided in the following municipal year.

(b) Air Quality Task Group

A written response had been provided by Worcestershire Regulatory Services (WRS) Officers regarding the information that was issued to taxi drivers about leaving their engines running whilst in the taxi rank.

Members commented that whilst the Taxi Forum met regularly the Taxi Drivers Association met rarely. For this reason Officers were urged to concentrate on communicating this message to taxi drivers through the Taxi Forum.

(c) Joint WRS Scrutiny Task Group

The Board was informed that the Worcestershire Shared Services Joint Committee, the decision making body for WRS, had recently considered new proposals regarding the governance of the partnership. These proposals had incorporated many of the points raised by the Joint Task Group in the recommendations that had previously been rejected. The changes to the governance arrangements were currently out to consultation with partners, with a final decision due to be made in June 2015.

Members were advised that report had been submitted for consideration as part of the Centre for Public Scrutiny's (CfPS) national good scrutiny awards process, which took place on an annual basis. Officers explained that Members would be notified if the report was shortlisted in these awards.

138/14 **WORCESTERSHIRE HEALTH OVERVIEW AND SCRUTINY COMMITTEE - SUMMARY OF WORK**

The Council's representative on the Worcestershire Health Overview and Scrutiny Committee (HOSC), Councillor B. T. Cooper, presented a written update on the work of the Committee during the municipal year. Members were advised that the Committee had been due to consider access to GP services at their following meeting. However, this subject had been judged to be too political during purdah and a decision had been made to postpone consideration of this subject until after the local elections had taken place. Instead, Members would be considering quality accounts during the following meeting.

The Chairman thanked Councillor Cooper for his hard work representing the Council on the Committee and for the various updates he had provided for the Board's consideration during the year.

139/14 **OVERVIEW AND SCRUTINY BOARD ANNUAL REPORT 2014/15**

The Chairman presented the Overview and Scrutiny Annual Report 2014 – 2015. He apologised for the short notice in providing his foreword for the report and explained that he had produced this after the agenda had been published. Members noted that the report would be presented for the consideration of Council in June 2015.

Members were advised that the Chairman intended to amend his foreword to recognise the service of Councillor Tidmarsh and to express the Board's condolences. Councillor Laight also explained he intended to establish a memorial dedicated to Councillor Tidmarsh and requested Members' support in this endeavour.

Members were asked to note that the following represented key achievements during the year:

- Successfully chairing and facilitating the Joint WRS Scrutiny Task Group on behalf of partners.
- Developments in the town centre had been pre-scrutinised.
- A constructive contribution had been made to the debate about the new leisure centre.
- The planning process and development control, including developments in relation to Marlbrook tip, had been held to account.
- Members had completed a thorough review of car parking requirements in the town centre.

Members discussed the appropriate wording in relation to the Cabinet's response to the Car Parking Short, Sharp Review. Concerns were expressed that the wording could be interpreted as politically motivated and it was therefore agreed that the report should be amended to recognise the cross party nature of the review.

The Chairman thanked Members for their hard work and support during the year. He also thanked Amanda Scarce and Jess Bayley, Democratic Services Officers, for their support as well as the Executive Director for Finance and Corporate resources for consistently providing corporate support.

RESOLVED that, subject to the amendment detailed in the preamble above, the content of the Overview and Scrutiny Board's Annual Report be approved for the consideration of Council.

140/14 **OVERVIEW AND SCRUTINY - FUTURE TRAINING NEEDS**

Officers explained that in the following municipal year a new approach would be adopted to delivering Overview and Scrutiny training to elected Members.

Agenda Item 5

Overview and Scrutiny Board
13th April 2015

In previous years a short briefing had been delivered in the hour before the first meeting of the Board had taken place, however, Officers felt that a more effective approach would be to provide a separate, bespoke training session. In the new approach to training Officers were proposing to deliver a mixture of presentations and interactive workshop sessions that would provide Members with an opportunity to start to consider potential scrutiny exercises linked to community concerns and the Council's strategic priorities. As in previous years an introduction pack would also be provided. Officers explained that further suggestions from Members, including after the meeting had taken place, would be welcomed.

The Board was also informed that Officers were aiming to provide more detailed information in financial monitoring reports in future years. Officers intended to consult with the Board about the most appropriate format to use to present this information in the new municipal year.

Members commented that the proposed approach to delivering Overview and Scrutiny training appeared likely to be constructive. It was suggested that Members would find an example of a completed scrutiny proposal form useful in their introduction packs. A brief guide to the terminology used in local government finance was also requested to enable Members to scrutinise the Council's budget effectively in future years.

141/14 **OVERVIEW AND SCRUTINY BOARD WORK PROGRAMME**

Members considered the content of the Overview and Scrutiny Board's Work Programme. Officers explained that the content of the report, together with items proposed for inclusion on the Work Programme during the meeting, would roll over for the consideration of the Board in the new municipal year.

The meeting closed at 7.02 p.m.

Chairman

APPOINTMENTS TO OUTSIDE BODIES

Relevant Portfolio Holder	Cllr Sherrey
Portfolio Holder Consulted	Yes
Relevant Head of Service	Claire Felton, Head of Legal, Equalities and Democratic Services
Ward(s) Affected	All
Ward Councillor(s) Consulted	N/A
Key Decision / Non-Key Decision	Non-key

1. SUMMARY OF PROPOSALS

- 1.1 The Council makes appointments and nominations to a number of Outside Bodies each year; some of these are for executive functions and these are made by the cabinet. This report sets out the details of the relevant appointments.

2. RECOMMENDATIONS

It is recommended that appointments are made to the bodies listed in the appendix to the report.

3. KEY ISSUES

Financial Implications

- 3.1 There are no financial implications arising directly from this report.

Legal Implications

- 3.2 No specific legislation governs the appointment or nomination of members to outside bodies. Depending on the nature of the relationship the Council has with the organisation, the legal status of the organisation, its corporate, charity or other status and its constitution, there are differing legal implications for the members sitting on these bodies.
- 3.3 The Local Authorities (Indemnities for Members and Officers) Order 2004 governs the Council's ability to indemnify members sitting on outside bodies.

Service / Operational Implications

- 3.4 A number of bodies ask the authority to make appointments to them for terms of office which vary from one year upwards.
- 3.5 The Council has previously agreed that a number of such appointments, usually to national or regional bodies and carrying out an executive function, should be made by office. In most cases the portfolio holder for the function carried out by the outside body is the most appropriate appointment.

Customer / Equalities and Diversity Implications

3.6 There are no specific customer or equalities implications arising from this report.

4. RISK MANAGEMENT

4.1 There would be risks arising if the Council failed to make appointments to the Outside Bodies listed in this report; the nature of the risk would vary depending on the type of body in question. The Council needs to participate in certain Outside Bodies to ensure that existing governance arrangements can be complied with. On other bodies the risk would be less severe but non-participation would detract from the Councils ability to shape and influence policies and activities which affect the residents of Bromsgrove.

5. APPENDICES

Appendix 1 - list of appointments to outside bodies - cabinet

6. BACKGROUND PAPERS

Terms of reference and governing documents of organisations are held by Democratic services

7. KEY

AUTHOR OF REPORT

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email: sheena.jones@bromsgroveandredditch.gov.uk

Tel.: 01527 548240

Outside Bodies By Office (Executive appointments)

Organisation	Number of representatives and length of term	Appointed representatives 2014-15	Representation 2015-16
Age Concern UK	Portfolio holder with responsibility for older people	Councillor Margaret Sherrey	Councillor Sherrey
Greater Birmingham and Solihull Local Enterprise Partnership (LEP)	One Leader and one Substitute nominated from 3 North Worcestershire Councils	Councillor J-P Campion, Wyre Forest DC Substitute Councillor B Hartnett, Redditch BC	Cllr J-P Campion, Wyre Forest DC Sub: Cllr B Hartnett, Redditch BC
Local Transport Board for Greater Birmingham and Solihull Local Enterprise Partnership	One Councillor to represent Bromsgrove, Redditch and Wyre Forest Councils <i>Must be Leader or nominated substitute</i>	Councillor J-P Campion, Wyre Forest DC Substitute Councillor P Mould, Redditch BC	Cllr J-P Campion, Wyre Forest DC Sub: Cllr R Laight, Bromsgrove DC
Greater Birmingham and Solihull LEP Supervisory Board	Leader by office Substitute – Deputy Leader Check each year	Councillor Sherrey Substitute Councillor Taylor	Councillor Sherrey Substitute Councillor Taylor
Greater Birmingham and Solihull LEP Area EU Structural and Investment Fund (ESIF) Committee	One representative and one substitute to represent the 3 North Worcestershire Districts	Councillor M Webb Councillor J Fisher, RBC - substitute	Cllr J Fisher, Redditch BC Sub: Dean Piper, North Worcs Economic Devt
Bromsgrove Partnership (Local Strategic Partnership)	Leader (Portfolio holder) Substitute – Deputy Leader Check each year	Councillor Sherrey Councillor Taylor	Councillor Sherrey Councillor Taylor

Agenda Item 6

Organisation	Number of representatives and length of term	Appointed representatives 2014-15	Representation 2015-16
District Councils Network	Leader Substitute – Deputy Leader	Councillor Sherrey Councillor Taylor	Councillor Sherrey Councillor Taylor
Improvement and Efficiency Social Enterprise New – Council 20.11.13	Leader	Councillor Sherrey	Councillor Sherrey
Local Government Association General Assembly	Leader Substitute – Deputy Leader	Councillor Sherrey Councillor Taylor	Councillor Sherrey Councillor Taylor
North Worcestershire Community Safety Partnership	Cabinet member	Councillor Sherrey	Councillor Sherrey
PATROL	Portfolio Holder for Leisure, Cultural Services and Environmental Services Substitute	Councillor Bullivant M Webb	Councillor Whittaker
West Midlands Employers (previously West Midlands Councils)	Portfolio Holder for Human Resources	Councillor D Booth Sub: Cllr Bullivant	Councillor Denaro Sub: TBC
Shared Services Members Board (by office and 2 further representatives appointed at Council)	Leader Deputy Leader	Councillor Sherrey Councillor Taylor	Councillor Sherrey Councillor Taylor

Agenda Item 6

Organisation	Number of representatives and length of term	Appointed representatives 2014-15	Representation 2015-16
Worcestershire Health and Wellbeing Board	1 rep for North Worcestershire and 1 substitute	Cllr A Hingley (Wyre Forest DC) Sub: Cllr M Sherrey	Cllr M Sherrey Sub: Cllr P Witherspoon, Redditch BC
Worcestershire Intermediate Body to Deliver European Structural Investment Funds (ESIF)	One representative and one substitute to represent the 3 North Worcestershire Districts	Councillor M Webb Councillor J Fisher, RBC - substitute	Cllr J Fisher (Redditch BC) Sub: Dean Piper, (NWEDR)
Worcestershire Local Enterprise Partnership	One representative on behalf of the 3 North Worcestershire Councils – required by LEP constitution	Councillor M Sherrey	Cllr M Sherrey Sub: Leader from Wyre Forest or Redditch
Worcestershire Local Strategic Partnership	Leader Nominated substitute of the Deputy Leader	Councillor Sherrey Councillor M Taylor	Councillor Sherrey Councillor Taylor
Worcestershire Local Transport Body	One representative and one substitute from the North Worcestershire authorities	Councillor P Mould, RBC Councillor J-P Champion, substitute	Cllr R Laight Sub: Cllr G Chance, Redditch BC

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BROMSGROVE DISTRICT COUNCIL

CABINET

03 June 2015

DISPOSAL OF COUNCIL ASSETS AT HANOVER STREET CAR PARK AND GEORGE HOUSE – PUBLIC REPORT

Relevant Portfolio Holder	Cllr Rita Dent
Portfolio Holder Consulted	Yes
Relevant Head of Service	Kevin Dicks
Wards Affected	Sanders Park
Ward Councillor Consulted	

1. SUMMARY OF PROPOSALS

1.1 The purpose of this report is to:

1.1.1 update members on the outcome of the recent marketing exercise in relation to the Council owned land and buildings at Hanover Street Car Park and George House as shown edged red on the plan attached at Appendix 1 (the “Site”);

1.1.2 to advise members of the identity of the preferred bidder;

1.1.3 to explain to members the details of the scheme that is being proposed by the preferred bidder;

1.1.4 to seek members approval for the disposal of the Site to the preferred bidder and for authority to be delegated to the Executive Director for Finance & Resources to agree the terms of the proposed disposal; and

1.1.5 for authority to be delegated to the Head of Legal Equalities and Democratic Services to enter into the legal documentation required for the disposal in accordance with terms agreed pursuant to 1.1.4 above.

1.2 This report sets out the information which can be made available publically. Financial details and information that is commercially sensitive to the Council/developer cannot be reported on publically and that information will be available to Members separately in an exempt report.

2. RECOMMENDATIONS

2.1 That Members note the contents of this report.

3. KEY ISSUES

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Financial Implications

- 3.1 The Council will receive a capital sum upon completion of the disposal.
- 3.2 The Hanover Street car park with 121 spaces, in the financial year 2013/2014 generated income of just under £119,000. The Council would lose this income when the Site is disposed to the preferred developer, although an increase in visitor numbers to the Site may increase revenue from neighbouring car parks. The current and future parking income potential has been taken into account as part of the valuation of the Site. Members are asked to note that the District Valuer has advised that the Council would not be able to achieve a land value in the region of that offered by the preferred developer without the inclusion of the Hanover Street car park in the proposed disposal.
- 3.3 Based on the proposed timescale the impact of the loss of income would affect the revenue generated from April 2016. This will therefore be addressed as part of the budget proposals for 2016/17. Should the development be commenced earlier than anticipated a further report will be brought to Members for consideration of funding to meet any shortfalls in income.
- 3.4 The District Valuer has undertaken a valuation figure of the Site.
- 3.5 The Council is under an obligation to dispose of its assets at best value (under section 123 of the Local Government Act 1972). The offer received from the preferred developer is in excess of the District Valuer's valuation and accordingly satisfies this requirement and represents best value. Higher offers were received for the Site, but after further scrutiny by the District Valuer and independent specialist costs consultants Turner and Townsend it was considered that the higher offers were predicated on unrealistic build costs and/or rental yields resulting in an inflated gross development value. The consequence of this being that it was unlikely that the disposal at the higher offer would proceed at all or at the higher price offered.
- 3.6 The District Valuer has validated the financial appraisals of the preferred developer.
- 3.7 In relation to George House the Council will be relieved from its current liabilities of maintaining the building which equates to £18,000 per annum.

Legal Implications

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- 3.8 Bromsgrove District Council owns the freehold interest in the Site.
- 3.9 Bromsgrove District Council's freehold interest in the Site will be transferred to the preferred developer.
- 3.10 The disposal of the Site will be subject to planning permission being granted for the proposed development.
- 3.11 The disposal and/or terms of the disposal will be negotiated and/or structured to mitigate any risks to the Council. There will be no contingent liability to the Council beyond completion.
- 3.12 A strip of land owned by the Council adjacent to the highway along Hanover Street from the existing exit from the car park to the junction with Worcester Road may be needed to be dedicated as highway land to facilitate improvements and increase the capacity of the road network that will service the new development.

Service / Operational Implications

- 3.13 The Site is situated on the junction of Hanover Street and Birmingham Road and covers approximately 1.78 acres.
- 3.14 The Site currently includes a pay and display car park and a vacant building known as George House.
- 3.15 The District Plan has identified this Site for retail led mixed use development.
- 3.16 In December, Cabinet agreed to re-market the Site. Re-marketing was undertaken by commercial property consultant, John Dillon of GJS Dillon Property Consultants.
- 3.17 As a result of the marketing exercise, 16 expressions of interest were received.
- 3.18 7 developers were shortlisted and invited to attend on 4 and 5 February to present their offer for the Site and proposed development plans for the Site to an assessment panel.
- 3.19 Each proposal was scored by the assessment panel using the scoring matrix shown at Appendix 3.
- 3.20 The assessment panel consisted of:

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03 June 2015

- Cllr Margaret Sherrey, Leader of the Council
 - Cllr Rita Dent, Portfolio Holder
 - Cllr Kit Taylor
 - John Dillon, GJS Dillon Property Consultants
 - Mike Dunphy, Strategic Planning Manager
- 3.21 The two highest scoring proposals were both invited to answer further questions in respect of their proposals and to give their best and final offer for the Site. This round of questions was led by the Council's professional advisers, consisting of John Dillon of GJS Dillon Commercial Property Consultants, the District Valuer and James Walsh, Associate Director of Turner and Townsend Cost Management Limited. The two developers were also asked to submit written answers to specific questions raised to assess the planning merits of their proposals (the 'Planning Assessment').
- 3.22 The assessment panel reconvened on 5 March, and in light of expert advice and information in the Planning Assessment the two highest scoring developers were scored again using the scoring matrix shown as Appendix 3.
- 3.23 The highest scoring proposal was submitted by the preferred developer with a proposal for a retail led development. The preferred developer has named potential tenants as part of their bid and there was evidence of interest from major high street retailers, but the final tenant mix will be a matter for the preferred developer. It is envisaged that the car park will be let to a car parking operator.
- 3.24 Arrangements will need to be made for season ticket holders for the Hanover Street car park to be allocated season tickets for other Council car parks.
- 3.25 The Bromsgrove District Plan is currently undergoing formal examination in the public stage and whilst it is not yet an adopted document, the policies which guide the redevelopment of the town centre have gone largely unchallenged. It is against the National Planning Policy Framework and these emerging policies that the proposals will be judged when planning permission is considered for this Site. The proposed development accords with the emerging policies and the design will provide a street frontage visible from the town centre and the roads surrounding the Site will be designed in line with the requirements of the planning.
- 3.26 The proposal would also provide jobs both in relation to the construction of the Site and once the development of the Site is completed and is operational.

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03 June 2015

- 3.27 The proposed development may also provide a catalyst for development of the adjacent sites which are in private ownership.

Customer / Equalities and Diversity Implications

- 3.28 The regeneration of Bromsgrove town centre has been a priority raised by the community for a number of years. This Site is a gateway to the town and as such is regarded as a catalyst for the development of surrounding sites, an increase in footfall and the general improvement of the local area.

4. RISK MANAGEMENT

- 4.1 As learnt from the previous abortive disposal of this Site, there is a risk that the proposed disposal of the Site to the preferred developer may not go ahead. This risk has been mitigated by a robust selection process.
- 4.2 There is a risk that the preferred developer may fail to develop the Site or develops the Site in a different way to that outlined in its proposals. This risk has been mitigated by the selection of a developer which has confirmed that it has finance available for the proposed development and named tenants for the main retail units. Any alternative proposal would be likely to affect the preferred developer's assessment of the gross development value of the Site and its proposed offer. In addition any alternative proposal would need to obtain the relevant planning approval.
- 4.3 The preferred developer would require the proposed disposal to be conditional upon obtaining a satisfactory planning permission for the proposed development. The risk of the proposed development not achieving planning permission has been mitigated as far as possible by involving planners in proposal selection and initial design discussions with the developers to ensure that there is a proposed development which appears to conform in principle to the planning policies / guidelines for the Site.

5. APPENDICES

Appendix 1 – Site Plan

Appendix 2 – District Valuer's Report – Exempt and not available

Appendix 3 – Scoring Matrix

Appendix 4 – Summary of scores for 7 presenters – Exempt and not available

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Appendix 5 – Summary of scores for 2 highest scoring developers –
Exempt and not available

6. BACKGROUND PAPERS

December Cabinet Paper – 'Update Report re Disposal of Council Held Assets at Hanover Street Car Park and George House.'

7. KEY

AUTHOR OF REPORT

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Notes:

06/05/2015	E	Minor repositioning of south east boundary line, at four locations, to accord with imported scans
27/04/2015	D	Boundary line further repositioned on south west side of George Street
14/04/2015	C	Boundary line repositioned on south west side of George Street
19/03/2015	B	Further update of ownership details prior to submission to LR
16/03/2015	A	Update of ownership details prior to submission to LR
Date	Rev	Details

Project:
Market Hall Site, St John Street Bromsgrove

Drawing:
Site Boundary Details

Drawn: PTL Scale: 1/500
 Surveyed: OS Date: Jan 2013

Drawing No: **P2193/12E**

Engineering and Design Services
 Town Hall
 Walter Stranz Square
 Redditch
 Worcs B98 8AH



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 Ordnance Survey 100024252

Agenda Item 7

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FORMER MARKET HALL SITE, BROMSGROVE - SCORING MATRIX

NAME:				
		Considerations	%	
			Weighting	Score
BEST VALUE	ACHIEVABLE PRICE (scored by John Dillon/DV in conjunction with reports prepared by Turner & Townsend)	Price	50	
		Proposal		
		Development Appraisal/ Building costs		
		Conditions		
	DELIVERABILITY (John Dillon)	Financial Standing/Ability to Finance	20	
		Professional team/advisers		
		Track Record		
		Timescales		
	PLANNING (Dale Birch & Mike Dunphy)	Compliance with the local plan	20	
		Design Proposal		
BENEFITS FOR BROMSGROVE (Members)	Naturalisation of the Brook	10		
	Links with the High Street			
	Proposal makes Bromsgrove more attractive for visitors			
	Benefit to community			
TOTAL			100	

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