

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE OVERVIEW AND SCRUTINY BOARD

27TH NOVEMBER 2017, AT 6.00 P.M.

PRESENT: Councillors L. C. R. Mallett (Chairman), S. A. Webb (Vice-Chairman),
C. Allen-Jones, C. J. Bloore, M. Glass, C.A. Hotham, R. J. Laight,
C. J. Spencer, M. Thompson and K. J. Van Der Plank

Observers: Councillor P. J. Whittaker

Officers: Ms. J. Pickering, Mr. M. Dunphy and Ms. A. Scarce

63/17 **APOLOGIES FOR ABSENCE AND NAMED SUBSTITUTES**

An apology for absence was received from Councillor S. R. Colella and it was confirmed that Councillor K. Van der Plank was in attendance as substitute.

64/17 **DECLARATIONS OF INTEREST AND WHIPPING ARRANGEMENTS**

There were no declarations of interest nor of any party whip.

65/17 **MINUTES**

The minutes of the meeting of the Overview and Scrutiny Board held on 30th October 2017 were submitted.

RESOLVED that the minutes of the meeting of the Overview and Scrutiny Board held on 30th October 2017 be approved as a correct record.

66/17 **FOOTBRIDGE ACROSS A38 - VERBAL UPDATE**

For those members who had not been at the last meeting of the Board, Councillor C. J. Bloore provided a summary of the discussion which had taken place and the concerns which had been raised in respect of the proposed footbridge over the A38, which had been recently highlighted in the local press. This had been following announcement of funding which had been made available.

Councillor Bloore confirmed that he had spoken to both the relevant officer and Portfolio Holder at Worcestershire County Council and the Overview and Scrutiny Performance Board had been assured that there were no firm agreement as to where the footbridge would be located and that as had been suggested at this Board's meeting on 30th October, that

consideration would be given to the option of improvements to the area which affected Charford First School and Bromsgrove South High School.

Councillor Bloore gave his thanks to Councillor R. Dent, the County Councillor for this area, who had offered her support in ensuring any works which were carried out were in the appropriate place and met the needs of the residents.

67/17

PARKING ENFORCEMENT IN THE VICINITY OF SCHOOLS TASK GROUP - MEMBERSHIP

Officers confirmed that following the previous meeting all Members (who were not Members of the Cabinet) were invited to join the Parking Enforcement in the Vicinity of Schools Task Group. Notices of interest were received from a number of Members and the Board were asked to agree the Membership as detailed in the report. It was also confirmed that the investigation would commence in late January/early February 2018.

RESOLVED that the following Councillors be appointed to the Parking Enforcement in the Vicinity of Schools Task Group; Councillors C. Bloore (Chairman), R. Dent, S. Colella, S. Shannon and C. Spencer.

68/17

CABINET RESPONSE TO THE SOCIAL MEDIA TASK GROUP

Officers confirmed that all recommendations from the Social Media Task Group had been agreed by Cabinet and discussions had been held with relevant officers in respect of implementation.

It was highlighted that a trial of live streaming of items of the January full Council meeting was being considered and those to be included would be discussed with the Group Leaders prior to that meeting.

69/17

FINANCE AND BUDGET WORKING GROUP - UPDATE

The Chairman of the Finance and Budget Working Group confirmed that there had been one meeting since the previous report. This had concentrated on looking at the budget assumptions, the fixed asset register, which included equipment, plant and land which was owned by the Council. The Working Group had also taken the opportunity to catch up on a number of outstanding actions from previous meetings.

A meeting of the Working Group would take place following this Board meeting.

70/17

MEASURES DASHBOARD WORKING GROUP - UPDATE

Councillor S. Webb, as Chairman of the Measures Dashboard Working Group, confirmed that after a slow start work was progressing nicely. Access to the Dashboard was now available on the iPads although

Members of the Working Group had chosen to look at this together, via the IT equipment in the Training Room. A further meeting was planned for January when the Chairman of the Redditch Performance Scrutiny Board would be joining them to discuss the potential for joint working.

71/17

TASK GROUP UPDATES

Officers advised Members that following the previous meeting of the Board, when funding from the Police and Crime Commissioner was discussed, the CCTV Short Sharp Review had received an update from the relevant officers and had arranged a meeting for 5th December, when this would be discussed in more detail.

72/17

WORCESTERSHIRE HEALTH OVERVIEW AND SCRUTINY COMMITTEE - UPDATE

Councillor C. Hotham, as the Council's representative on the Worcestershire Health Overview and Scrutiny Committee (HOSC) confirmed he had attended its most recent meeting, which had been held jointly with the Adult Care and Well Being Overview and Scrutiny Panel when the budget had been discussed in some detail.

73/17

CABINET WORK PROGRAMME

Officers provided a number of updates in respect of the Cabinet Leader's Work Programme, highlighting that a number of items would now be considered at the meeting of Cabinet on 10th January 2018. It was also noted that the Bromsgrove Sports and Physical Activity Strategy had been put back to April 2018. It was noted that the Industrial units Investment Business Case was already included on the Board's Work Programme and that there was a possibility that this will slip back further.

Members discussed the possibility of pre-scrutinising the Anti-Social Behaviour, Crime and Policing Act 2014 (Implementation of Provisions) report. In this regard concerns were raised in respect of the Portfolio Holder and her connection to the Police and Crime Commissioner, which had been raised at the full Council meeting, held on 22nd November. Officers were asked to pass on the Board's concerns outside of the meeting.

The Executive Director, Finance and Resources advised that the Fees and Charges Report and the Monitoring and Efficiency Plan Update Report would be considered by the Finance and Budget Working Group.

The Risk Management Strategy item was also discussed and the Executive Director, Finance and Resources explained that this was a strategy which set out how the Council dealt with risk and did not provide details of particular risks. That item was considered by the Audit, Standards and Governance Committee, with a Risk Champion

being appointed to look at particular areas and report back to the Committee.

Following further discussion it was

RESOLVED that the Anti-Social Behaviour, Crime and Policing Act 2014 (Implementation of Provisions, Risk Management Strategy and Sports and Physical Activity Strategy be added to the Overview and Scrutiny Board's Work Programme.

74/17

OVERVIEW AND SCRUTINY BOARD WORK PROGRAMME

The Chairman explained that there were a number of items which the Board would need to consider in detail as to whether it wished these to be added to its Work Programme.

Sports Hall

Councillor Bloore raised the matter of the Sports Hall, which had recently been reported in the local press. Specific reference was made to the options which had been suggested in that article and that this Board had considered a number of reports on the new Leisure Centre and the need for a Sports Hall, together with updates on the displaced groups which used the Sports Hall and the contract arrangements with BAM. This highlighted a number of questions in respect of the information the Board had received, recommendations which this Board had made through the Leisure Provision Task Group and which had been amended by the Cabinet in specific reference to this facility. A number of further points were highlighted:

- Whether the demolition of the old Dolphin Centre had been delayed (and any financial impact to the Council leading from this).
- It was understood that long standing bookings for the next 4-6 weeks had been confirmed.
- Members had previously been assured that an agreement with BAM was imminent.
- If a sports hall was now to be built or the old sports hall refurbished where the funds for this would be coming from.
- The perception of the changes to residents in light of the concerns that had been raised by them at various meetings.

Councillor Whittaker, as the Portfolio Holder for Leisure responded to the questions raised and confirmed that the school had a new Head Teacher who had informed the Council that the hall and gym would not be available during a 12 week exam period, due to changes to the GCSEs being based on yearly exams and as such she felt that it would be too much inconvenience for the school to have to remove and replace the chairs and tables for these exams every day. The Portfolio Holder confirmed that whilst the draft agreement had been reached, contracts had not been signed by BAM. In light of this the Council was now

looking at a number of options, including the potential to build a sports hall or to refurbish the current hall. An option appraisal would be brought to Cabinet and then on to Council, it was hoped in January when all available options would be considered in detail.

The Executive Director, Finance and Resources advised Members that this change was advised by the School and BAM to officers on 2nd November via an email, when it was explained that the daily removal and then set up of the desks for the exams was not acceptable for the environment that the students need for their exams. The Executive Director, Finance and Resources had looked at a number of options and offered the School support in this matter in order to mitigate the loss of use to the Council, however after much discussion and meetings with all parties it became obvious that there was no room for negotiation on the 12 week period being written into the agreement, although the Executive Director, Finance and Resources assured Members that the Council was still keen to come to some agreement with BAM.

The Executive Director, Finance and Resources informed Members that she had today, 27th November, met with Engineers, to look at what could be done with the current sports hall, in the interim and confirmed that all options would be considered. Reference was made to prudential borrowing which it was confirmed did not allow the Council to borrow further for this project at this time, but that all avenues would be considered and included within the options appraisal and a robust business case would be produced for Members consideration, this would include options for alternative funding and the use of reserves. She had spoken to Sports England who were on board with the options appraisal and agreed that the loss of 12 weeks use of the facilities at BAM was not ideal.

Following the comments from the Portfolio Holder and Executive Director, Finance and Resources Members discussed a number of further points:

- The changes to the Portfolio Holder over recent years and that Councillor Whittaker had not been involved in the initial negotiations and the decision not to include a sports hall.
- Why the Executive Director, Finance and Resources had been leading on this matter for the past 4 weeks, rather than the Head of Service.
- The recommendations from the Leisure Provision Task Group and the changes made to the recommendation in respect of a sports hall by the Cabinet – this included if an agreement with BAM was not agreed then consideration be given to having a sports hall.
- Not having the sports hall for 12 out of 52 weeks was not acceptable.
- Why the contract with BAM had not been signed as had been indicated previously.

- The reason behind the change of view from BAM and that they would have been aware of the situation in respect of exams when they went into negotiations with the Council some time ago. It was explained that the school had reconsidered their needs and had proposed the change.
- There was a clear timeline in respect of the options appraisal being considered by Council in order to move this matter forward. It was confirmed that this would be considered in January in time for any financial implications to be built into the budget.
- Any penalties which would impact on the cost following the changes to the demolition of the old Dolphin Centre.
- What has changed in order for the Council to now be considering building a sports hall or refurbishing the old one.
- Whether the Board wished to look at that report for pre-scrutiny prior to its consideration at Council. It was highlighted that it was important for the Board to have input into this process.
- The use of the school sports hall in the interim and any breakout clause that would need to be written in to an agreement with them.
- Members had been invited to attend a visit to the new Sports Centre and Councillor Hotham made particular reference to this, saying that he had visited and had been very impressed with the new Centre and congratulated those involved in its design.
- The need to re-visit the Sports England initial report which had advised that there was no need for the sports hall as there was sufficient provision in the district and whether this report needed to be updated.
- The real terms cost to the Council of now including a sports hall to the project. This should include the potential loss of income from the sale of the land etc.
- Concerns around rushing into investing more money into the project before looking back at what has happened and learning from those previous experiences.
- It was confirmed that there was a small financial benefit to BAM from making the sports hall available, but not for the School.
- Whether if there was some benefit to the School this would change the Head Teacher's view on making it available. The Executive Director, Finance and Resources confirmed that there was no negotiation on the availability.
- Any pre-scrutiny work would not impact on any negotiations which were underway with contractors or BAM.
- Whether the involvement of BAM was now being looked at as being a temporary fix or whether this would be a permanent solution.
- The need for residents to be confident that this matter is being dealt with and kept up to date of progress.
- The Board being supportive of the Executive Director, Finance and Resources during the process, however there would still be a need to speak to the relevant Head of Service during the Board's investigation.

- What the Board considers as part of this investigation and how this is dealt with – investigation as a whole Board would be most appropriate and looking at the options appraisal and lessons learnt would be an important part of it.
- Costs associated with the demolition of the old Dolphin Centre, it was confirmed that whilst work was due to commence, this was in respect of the removal of asbestos from the old pool area in the first instance, so whilst there had been delays currently these were not as significant as could have been.
- Everyone Active had agreed in principle to use the old sports hall and an agreement would be drawn up in this respect and any cost implications.
- The need for open honest discussions to take place and for Members to be kept informed of any future developments.

The timing of the investigation was considered as it was noted that the Board meeting in January was following the Cabinet, however it was agreed that any findings of the Board could be considered alongside the Cabinet report at full Council. As there were a number of items due for consideration at the Board's January meeting it may be that an additional meeting would be called if deemed necessary. The Executive Director, Finance and Resources advised that the timing would be dependent on the feasibility study being undertaken.

Transport Planning Report

The Chairman referred Members to the previous Council meeting and the ongoing discussions in respect of the Transport Planning Report, which had originally been planned for submission to Council. A paper had been tabled at this meeting (attached at appendix 1) which highlighted the areas which would be covered by that report and which would now be considered, in the first instance by this Board. The Chairman was concerned that the report, which was scheduled to come to the Board's 11th December meeting, would not address all the issues which had been raised over a number of months, with a view to the Board making recommendations to the Cabinet meeting due to be held on 10th January. The aim of discussion this item this evening, was to ensure that all areas that Members wanted to be included would be covered and to suggest that, as this was such an important matter which impacted on all Members that they be invited to attend that meeting.

The Chairman invited the Strategic Planning and Conservation Manager the opportunity to discuss this with the Board and highlight the areas which the report would cover. Reference was made to the work which had been carried out by Mott McDonald and the analysis of traffic counts and the Barham model together with a response to Worcestershire County Council on the points which had been tabled at the previous Council meeting. During the following discussion Members gave their views and discussed a number of points in detail:

- The data that had been gathered over the previous months' counts and the option for data in the wider spectrum rather than as a snapshot.
- Relevant officers being present at the 11th December, including those from Worcestershire County Council (WCC) as they would be in a better position to respond to questions.
- Not simply looking at what the data is currently but also what it would look like in 2030 due to the impact of the future developments and projections.
- The need to have confidence in the figures and the implications of the growth in the full report.
- Full data sets being requested from WCC under a Freedom of Information applications and this being refused – it would be helpful to understand why this was the case and whether they were now willing to release that information.
- Provide a report which both Members and residents can understand and have confidence in the information being correct within it.
- An explanation as to why the previous WCC/model assumptions were possibly inaccurate, including the information contained in the TA for the Hanover Street development.
- Consideration should be given to the future needs of Bromsgrove, including the potential for a western distributor road and details of the A38 major scheme proposals.
- The Strategic Planning and Conservation Manager explained that it was broader than just the traffic counts or the data from WCC and those future developers are required to draw up plans to mitigate any outcomes from their developments by drawing up transport plans.
- This predicated the information based on TEMPro from the Department of Transport using their models and data.
- All the information gathered together would impact on the future site selection and therefore the Council must be confident that it has used the right information and understands the impact.
- Officers at WCC had already commented that Bromsgrove was “full up” and was close to breaking point.
- Members understood from Planners the focus of the May/June data.
- The concern was how the Council got houses built which were already planned and whether the delay would cause problems for the Planning Department and the potential for this to lead to the Council to be placed in designation status once more.
- Site of the letter which was sent to WCC in respect of LTP4 as detailed in the Council minutes dated 26th April and whether a response had been received to this.
- Audit trails on previous transport mitigation measures for example once scheme have been implemented whether they have done what WCC/Developers hoped they would do. It appeared that there was no monitoring of what happened next.

- Members raised concerns about air quality levels in the district, which were already high and requested that the future protection and any mitigation strategy for air quality as a result of future developments be provided. Input from Worcestershire Regulatory Services (WRS) was essential to get a full picture of the impact of developments on the District.
- Reference was made to Redditch Road air quality in particular which WRS were aware of and which appeared to be getting worse.
- Members were keen to ensure that this report was treated separately from the planning application process and that this report does not prevent work being done on the planning applications or Planning Committee decision making process.
- The impact on the Council's review of the Local Plan.
- The need for all the relevant information and officers to be available to Members in order that they can make the right decision and the developments are in the right places.

Following lengthy discussion the Chairman summed up and confirmed that what he understood was currently in the report, was not sufficient and did not respond to all the questions raised by Members. It was therefore suggested that this should be included within the Board's Work Programme for a meeting in January 2018 (to be determined at a later date, as it was accepted that it may be that an additional meeting needed to be held to consider this matter on its own) with all relevant stake holders present to respond to further questions where necessary.

RESOLVED that the items as detailed in the pre-amble above be included within the Board's Work Programme.

The meeting closed at 8.15 p.m.

Chairman

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Transport Report

The Purpose of this report is to:

- Update members on the general position in relation to the work of the consultants providing transport planning advice in Bromsgrove District.
- To report back on the resolutions made at the Council meetings of the 26th April and the 21st June 2017
- To report back on member concerns expressed at the Council meeting of the 20th September 2017.
- To highlight the way forward to ensure current planning applications can be considered by the planning committee, and
- To highlight the ongoing strategic work which requires further resourcing.

Council Minute Extracts

26th April

RESOLVED:

- (a) that in respect of LTP4 a letter be sent to WCC on behalf of all the Group Leaders expressing the Council's great concern and requesting that the LTP4 process should not proceed until all outstanding issues have been adequately resolved;
- (b) that the Head of Planning and Regeneration clarifies to Members the current framework for processing planning applications in relation to their transport implications and for this framework to be circulated to Members;
- (c) that developers be required to provide full information on their traffic proposals in their planning applications;
- (d) that Mott MacDonald be requested to advise individually on major planning applications and to include consideration of the wider transport implications relating to any other developments whose applications are before the Council;
- (e) that Mott MacDonald or other similar organisation, undertake appropriate traffic counts as necessary in respect of these developments ;
- (f) that the Head of Legal, Equalities and Democratic Services be instructed to make all efforts to recover the Council's costs associated with (d) and (e) above, including instituting legal proceedings against WCC if necessary.

21st June

RESOLVED that

- (a) In light of these ongoing concerns this Council considers that any data produced by the current survey work being carried out, may be flawed due to the extent of the road works taking place in the town;
- (b) Because of these concerns Council recognises in the context of its Statutory Duty to determine planning applications that in order for it to be in a position to make robust and evidence based determinations it will be necessary to ensure that all traffic data is subject to scrutiny by Mott MacDonald or a similar organisation on behalf of the Council;

- (c) That Mott MacDonald or similar organisation undertake independent traffic data monitoring in September to ensure that the data gathered can be robustly verified;
- (d) that subject to amendment as detailed in the pre-amble above the minutes of 26th April 2017 be approved; and
- (e) the minutes of the meeting held on 17th May 2017 be approved as a correct record.

20th September

Members considered the following notice of motion submitted by Councillor L. C. R. Mallett:

“Council notes that even Worcestershire County Council's (WCC) potentially flawed highways survey data from 2017 shows large uplifts in traffic volume over the past few years over historic levels.

Council further notes that on some roads especially on the west of town the actual observed growth is much higher than the previous projections from Worcestershire highways' now discredited models.

Council resolves to commission an urgent independent review of all WCC input into current development strategy and any local highways strategy, including the analysis and report around the need for a Western distributor road for Bromsgrove.”