

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE CABINET

WEDNESDAY, 1ST OCTOBER 2008, AT 6.00 P.M.

PRESENT: Councillors R. Hollingworth (Leader), Mrs. J. M. L. A. Griffiths (Deputy Leader), Dr. D. W. P. Booth JP, G. N. Denaro, Mrs. J. Dyer M.B.E., Mrs. M. A. Sherrey JP, R. D. Smith, M. J. A. Webb and P. J. Whittaker

Observers: Councillor D. L. Pardoe

Officers: Mr. T. Beirne, Mr. P. Street, Mr. H. Bennett, Mr. M. Bell, Mrs. C. Felton, Mr. J. Godwin, Mr. D. Hammond, Ms. J. Pickering, Ms. D. Poole, Mrs. D. Warren, Mr. M. Dunphy and Ms. R. Cole.

60/08 **APOLOGIES**

No apologies for absence were received.

61/08 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

62/08 **MINUTES**

The minutes of the meeting of the Cabinet held on 3rd September 2008 were submitted.

RESOLVED that the minutes be approved as a correct record.

63/08 **SCRUTINY STEERING BOARD**

The minutes of the meeting of the Scrutiny Steering Board held on 2nd September 2008 were submitted.

RESOLVED that the minutes be noted.

64/08 **AUDIT BOARD**

The minutes of the meeting of the Audit Board held on 15th September 2008 were submitted.

RESOLVED:

- (a) that the minutes be noted; and
- (b) that the recommendations contained at Minute No. 20/08 (Local Neighbourhood Partnerships) be approved.

65/08 **PERFORMANCE MANAGEMENT BOARD**

The minutes of the meeting of the Performance Management Board held on 16th September 2008 were submitted.

RESOLVED:

- (a) that the minutes be noted;
- (b) that the recommendation contained at Minute No. 46/08 (Town Centre Update) to give consideration to these matters as part of the Town Centre redevelopment be approved; and
- (c) that the recommendation contained at Minute No. 47/08 (Spatial Project Monitoring Report) be approved.

66/08 **LOCAL DEVELOPMENT FRAMEWORK WORKING GROUP**

The minutes of the Local Development Framework Working Party held on 17th September 2008 were submitted.

RESOLVED that the minutes be noted.

67/08 **LOCAL STRATEGIC PARTNERSHIP BOARD**

The minutes of the meeting of the Local Strategic Partnership Board held on 7th August 2008 were submitted.

RESOLVED that the minutes be noted.

68/08 **EQUALITY AND DIVERSITY FORUM**

The minutes of the Equality and Diversity Forum held on 14th August 2008 were submitted.

RESOLVED that the minutes be noted.

69/08 **REFERRAL FROM SCRUTINY STEERING BOARD - CAR PARKING FOR BLUE BADGE HOLDERS**

The Cabinet considered a report on the referral from the Scrutiny Steering Board of a request received from a member of the public for re-evaluation of car parking issues in respect of those holding a Blue Badge.

It was noted that further information in relation to this issue would be available prior to 2009/2010 budget discussions in December 2008 and the issue would be considered fully as part of those discussions.

RESOLVED that further consideration be given to the issues relating to car parking for Blue Badge holders as part of the discussions on the 2009/2010 budget.

70/08 **LONGBRIDGE PROTOCOL**

Consideration was given to a report on the progress achieved to date, together with further steps which would be required, in the establishment of appropriate and effective working arrangements to assist with the delivery of the Longbridge Area Action Plan (AAP). The report also gave details of the progress made in determining a memorandum of understanding between this Council, Birmingham City Council and Worcestershire County Council.

RESOLVED:

- (a) that the work undertaken so far in relation to the delivery of the Longbridge AAP be noted and that the proposal as set out in the report to establish a working group and a higher level steering group to consist of appropriate officers from the three Councils involved be approved; and
- (b) that the progress made so far in determining a memorandum of understanding between the three Councils involved be noted and that authority to finalise this document be delegated to the Head of Legal, Equalities and Democratic Services.

71/08 **LOCAL GOVERNMENT ACT 1972**

RESOLVED that under Section 100 1 of the Local Government Act 1972, as amended, the public be excluded from the meeting during the consideration of the following 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:-

<u>Minute No.</u> 72/08 (part)	<u>Paragraph</u> 5
-----------------------------------	-----------------------

72/08 **THE FUTURE OF BROMSGROVE MUSEUM**

Consideration was given to a report on options for addressing the future of the Norton Collection and the Bromsgrove Museum including the proposal submitted by the Consortium "The Friends of the Museum". Cabinet Members were reminded of their separate roles as Members of the District Council and as Trustees of the Collection.

Detailed consideration was given to the financial aspects of the current situation and the likely future budget implications.

The Cabinet were conscious of the need to consider the issues in the light of the agreed priorities of the Council, the need to achieve value for money and to ensure the best use of the assets of the Council. This had to be balanced against the benefit to the public of the museum, including the historical and educational value of the collection and its role in preserving the heritage of the District.

During part of the discussion the public were excluded from the meeting as referred to in Minute No. 71/08 above. In response to a query from a Member, the Head of Legal, Equalities and Democratic Services advised on the possible legal implications which had to be taken into consideration as part of the decision making process.

Following consideration of the options set out in the report, option 5 was favoured and it was therefore

RECOMMENDED:

- (a) that the Museum be closed permanently;
- (b) that authority be delegated to the Executive Director – Partnerships and Projects to set up a suitable advisory group to investigate the costs and implications of option 5 (including taking specialist legal advice, specialist advice on removal and storage of the Collection and future management of the Collection) and to report back to Council to request the release of appropriate funding from balances to effect option 5;
- (c) that authority be delegated to the Head of Legal, Equalities and Democratic Services, in consultation with the Executive Director – Partnerships and Projects and the relevant Portfolio Holder to amend the Trust Deed in such a manner as is considered appropriate;
- (d) that the artefacts within the Collection be catalogued;
- (e) that the artefacts within the Collection be professionally moved and stored.

(For the avoidance of doubt please note that (a), (b) and (c) above are recommended to the Council in its capacity as Local Authority and (d) and (e) above are recommended to the Council in its capacity as Trustee.)

RESOLVED:

- (a) that the business tenancy be terminated;
- (b) that the Premises be sold or utilised for the best price achievable and that authority be delegated to the Corporate Property Officer to effect this; and
- (c) that authority be delegated to the Corporate Property Officer to identify a suitable location for the storage of reserve artefacts from the Collection free of charge.

73/08 **FIXED PENALTY NOTICES**

Consideration was given to a report on the possible introduction of a system to address the issue of environmental crime such as dog fouling, litter, graffiti and fly tipping within the District. This would include the issuing of fixed penalty notices and the introduction of an interagency enforcement policy. It was reported that an officer working group had been established to begin to look at the issues involved in managing and enforcing environmental issues within the proposed framework. It was noted that a more detailed report would be submitted at a later date.

RESOLVED:

- (a) that the initial work undertaken be noted; and
- (b) that the introduction of a fixed penalty notice system together with a process for the establishment of an interagency enforcement policy to address environmental crime within the District be approved in principle and that a detailed report be considered in due course.

74/08 **ASSETS MANAGEMENT PLAN**

Consideration was given to a report relating to the framework for local authority asset management, including a revised Assets Management Plan, together with proposals for management and delivery of the Council's assets management functions.

RESOLVED:

- (a) that the revised Assets Management Plan together with the associated Assets Management Action Plan set out in Appendix 1 to the report be approved;
- (b) that a review of the Council's investment property be undertaken in accordance with the overarching Assets Management Plan and the guidance of the Council's external auditor on the basis that the review includes the potential disposal of property; and
- (c) that authority to dispose of assets which do not meet the retention criteria be delegated to the Corporate Property Officer and the Executive Director – Services in consultation with the relevant Portfolio Holder.

75/08 **IMPROVEMENT PLAN EXCEPTIONS REPORT (JULY 2008)**

Consideration was given to the Improvement Plan Exception Report for July 2008. The Portfolio Holder referred to a small discrepancy between the figures and the text of the report relating to red and re scheduled actions. This did not materially affect the overall report and it was noted that the figures contained in appendix 1 were correct.

RESOLVED: that the revisions to the Improvement Plan Exception Report and the corrective action being taken be noted.

76/08 **INTEGRATED FINANCIAL AND PERFORMANCE TIMETABLE**

The Cabinet considered a report on a detailed integrated financial and performance timetable in respect of the forthcoming budget process. It was noted that the Special Cabinet meeting included for 18th February 2009 would not now be required as the setting of the Council Tax level would be going directly to Council.

RESOLVED that subject to the deletion of the Special Cabinet meeting on 18th February 2009, the Integrated Financial and Performance Timetable be noted.

77/08 **FOOD STANDARDS AGENCY AUDIT OF FOOD LAW ENFORCEMENT SERVICE**

The Cabinet considered a report on the outcome of an audit of the Council's food law enforcement service undertaken in July 2008 by the Food Standards Agency (FSA). The report also included an action plan to address the recommendations made by the FSA. It was noted that the introduction of revised policies and procedures together with the proposed transition to a new food premises database would resolve many of the issues raised. The action plan would be completed by 30th June 2009.

RESOLVED:

- (a) that the findings of the FSA following their audit of the Council's food law enforcement service be noted;
- (b) that the action plan to address the recommendations made by the FSA attached as appendix 1 to the report be approved.

The meeting closed at 7.35 p.m.

Chairman