



BROMSGROVE DISTRICT COUNCIL

CABINET

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

COMMITTEE ROOM, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

AGENDA

MEMBERS: 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

1. To receive apologies for absence
2. Declarations of Interest
3. To confirm the accuracy of the minutes of the meeting of the Cabinet held on 3rd September 2008 (Pages 1 - 6)
4. Minutes of the meeting of the Scrutiny Steering Board held on 2nd September 2008 (Pages 7 - 10)
 - (a) To receive and note the minutes
 - (b) To consider any recommendations contained within the minutes
5. Minutes of the meeting of the Audit Board held on 15th September 2008 (Pages 11 - 14)
 - (a) To receive and note the minutes
 - (b) To consider any recommendations contained within the minutes
6. Minutes of the meeting of the Performance Management Board held on 16th September 2008 (Pages 15 - 18)
 - (a) To receive and note the minutes
 - (b) To consider any recommendations contained within the minutes

7. Minutes of the meeting of the Local Development Framework Working Group held on 17th September 2008 (Pages 19 - 22)
 - (a) To receive and note the minutes
 - (b) To consider any recommendations contained within the minutes
8. Minutes of the meeting of the Local Strategic Partnership Board held on 7th August 2008 (Pages 23 - 30)
9. Minutes of the meeting of the Equality and Diversity Forum held on 14th August 2008 (Pages 31 - 40)
10. Referral from Scrutiny Steering Board - Car Parking for Blue Badge Holders (Pages 41 - 134)
11. Longbridge Protocol (Pages 135 - 140)
12. Bromsgrove Museum (Pages 141 - 168)
13. Fixed Penalty Notices (Pages 169 - 176)
14. Assets Management Plan (Pages 177 - 218)
15. Improvement Plan Exceptions Report (July 2008) (Pages 219 - 232)
16. Integrated Financial and Performance Timetable (Pages 233 - 240)
17. Food Standards Agency Inspection of Food Safety Enforcement Report (Pages 241 - 270)
18. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman, by reason of special circumstances, considers to be of so urgent a nature that it cannot wait until the next meeting

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

22nd September 2008

Agenda Item 3

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE CABINET

WEDNESDAY, 3RD SEPTEMBER 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 and P. J. Whittaker (during Minute No.'s 47/08 to 59/08)

Officers: Mr. K. Dicks, Mr. T. Beirne, Mr. P. Street, Mr. M. Bell, Mrs. C. Felton, Mr. J. Godwin, Mr. D. Hammond, Ms. J. Pickering, Ms. J. Pitman, Ms. D. Poole, Mr. A. Coel and Ms. D. Parker-Jones

45/08 APOLOGIES

An apology for absence was received from Councillor M. J. A. Webb.

46/08 DECLARATIONS OF INTEREST

No declarations of interest were received.

47/08 MINUTES

The minutes of the meeting of the Cabinet held on 30th July 2008 were submitted.

RESOLVED that the minutes be approved as a correct record.

48/08 SCRUTINY STEERING BOARD

The minutes of the meeting of the Scrutiny Steering Board held on 29th July 2008 were submitted.

RESOLVED that the minutes be noted.

49/08 PERFORMANCE MANAGEMENT BOARD

The minutes of the meeting of the Performance Management Board held on 19th August 2008 were submitted.

RESOLVED:

- (a) that the minutes be noted; and
- (b) that the recommendations contained at Minute No. 33/08 (Minutes - Disabled Facilities Grants) be approved.

50/08 **INTEGRATED FINANCE AND PERFORMANCE REPORT (QUARTER 1)**

The Cabinet considered a report on the Council's performance and financial position as at 30th June 2008 (period 3, quarter 1). It was noted that the £100,000 underspend mentioned in the strategic planning finance report did, in fact, relate to the underspend in relation to the Local Development Framework - Examination in Public, and that the funding for the Framework could be released back to balances as there was now sufficient budget available to fund the project.

RESOLVED:

- (a) that it be noted that 67% of Performance Indicators for which data was available were Improving or Stable;
- (b) that it be noted that 86% of Performance Indicators for which data was available were achieving their Year to Date target;
- (c) that it be noted that 96% of Performance Indicators for which data was available were predicted to meet their target at year end;
- (d) that the £268,000 predicted outturn revenue spend variance and other financial information be noted; and
- (e) that the corrective actions being taken on both the Council's performance and finances be noted; and

RECOMMENDED that the Council approve a reduction in revenue budget and corresponding return to revenue balances of £100,000 in relation to the funding requirement for the Local Development Framework - Examination in Public.

51/08 **REVIEW OF THE CAPITAL PROGRAMME**

Consideration was given to a report which updated Members on the review of the Capital Programme, to ensure the funds were utilised to deliver projects as approved during the Medium Term Financial Plan.

RESOLVED that officers review the Capital Programme with the aim of assessing the requirements of project delivery as part of the review of the Medium Term Financial Plan; and

RECOMMENDED:

- (a) that the Council approve the carry forward requests from 2007/08, as detailed in Appendix 1 to the report; and
- (b) that the Council approve a reduction to the Capital Programme 2008/09 of £3.935m, as detailed in Appendix 2 to the report, to reflect both the savings achieved through procurement efficiencies and the projects which due to the factors detailed in the report would not be delivered during 2008/09.

52/08 **COMPREHENSIVE PERFORMANCE ASSESSMENT - SELF ASSESSMENT**

The Cabinet considered the latest version of the Council's Comprehensive Performance Assessment (CPA) Self Assessment, which it was noted was in

draft form and still had some elements to be completed. An updated draft of this would be referred to the next meeting of the Council.

Members specifically wished to place on record their thanks to officers for all of their hard work, which meant that the Council was now in a much better position than when it had previously been assessed.

RECOMMENDED:

- (a) that the work in progress draft Comprehensive Performance Assessment (CPA) Self Assessment be noted;
- (b) that it be noted that an updated draft would go forward to the next meeting of the Council for consideration;
- (c) that it be noted that the deadline for submission to the Audit Commission of the final Self Assessment was 26th September 2008; and
- (d) that authority be delegated to the Assistant Chief Executive, in consultation with the Leader of the Council, to make any necessary changes to the final document prior to its submission to the Audit Commission.

53/08 **IMPROVEMENT PLAN EXCEPTION REPORT (JUNE 2008)**

Consideration was given to the final updated Improvement Plan Exception Report for June 2008. As this was the final exception report of 2007-08 many of the actions scheduled throughout the preceding year had already been completed; hence the relatively low number of outturns for June. As such, the proportions of actions which were behind target or rescheduled were proportionally higher than might otherwise be expected. A change in the format of the report, to show the month's performance alongside that of the year to date, which had been requested by the Portfolio Holder for Customer Care and Service, was also noted.

RESOLVED:

- (a) that the revisions to the Improvement Plan Exception Report and the corrective action being taken be noted;
- (b) that it be noted that this was the final exception report of the 2007-08 Improvement Plan; and
- (c) that it be noted that for the 96 actions highlighted for June within the Plan, 77.0 percent of the Plan was on target [green], 4.2 percent was one month behind [amber] and 6.3 percent was over one month behind [red]. 12.5 percent of actions had been rescheduled or suspended with approval.

54/08 **IMPLEMENTATION OF MODEL STANDARDS FOR MOBILE HOME SITE LICENSING**

The Cabinet considered a report on the adoption of the new revision to the model standards for mobile home sites that had been recommended by the Government. The report also sought Member support for officers to take appropriate enforcement action against site owners where non conformity against existing standards existed, and for officers to raise awareness with

owners on the new standards and to allow a reasonable period of notice to conform with the newly introduced changes.

In relation to the recommendation that site owners be given 12 months within which to confirm to the new elements of the Model Standards prior to enforcement action, it was felt that such discretion could not be afforded in the case of Fire Risk Assessments and that this element should be complied with immediately.

RESOLVED:

- (a) that the newly revised Model Standards for Permanent Residential Homes Sites, as summarised at Section 4 of the report and detailed at Appendix 1 to the report, be approved for adoption;
- (b) that officers be permitted to take action in accordance with the Council's Enforcement Policy against site owners who continue to be in breach of existing model standards upon expiry of the originally set 5 year period of notice, subject to an additional 6 months period of grace;
- (c) that officers be permitted to phase in new model conditions (following consultation) where the current site licence conditions are inadequate in serving its purpose and where legislation has been superseded; and
- (d) that site owners be given a period of 12 months to conform to the newly introduced elements of the Model Standards before appropriate enforcement action is implemented, with the exception of the Regulatory Reform (Fire Safety) Order 2005 which must be completed with immediate effect.

55/08 **REFUSE COLLECTION AND RECYCLING OPERATION REVIEW**

Consideration was given to a report which sought approval to change the type of refuse collection vehicle fleet to a standard type of refuse collection vehicle.

RECOMMENDED:

- (a) that a migration away from the current side arm refuse collection fleet to a standard type of refuse collection vehicle similar to those operated by all other Local Authorities in this country be commenced;
- (b) that this be done on a phased basis commencing with 2 vehicles that will be part funded by the vehicle manufacturer in compensation for losses of bins that have occurred since commencement of the existing operation;
- (c) that it be noted that the negotiations for compensation have progressed and that agreement has now been reached;
- (d) that there be a virement of £63,500 from the capital budget relating to containers which will no longer be required for this purpose, which will be utilised in conjunction with the compensation arrangements to enable the Council to acquire two new vehicles; and
- (e) that approval be given to the wider vehicle replacement programme in accordance with the funding provision agreed within the capital programme, with a further report to be provided on how the capital programme is to be funded.

56/08 **COUNCIL PLAN 2009-2012 PART 1**

The Cabinet considered a report on the Council Plan 2009-2012 Part 1 which asked Members to re-confirm the Council's Vision and Council Objections and reduce the number of priorities from five to four.

RECOMMENDED:

- (a) that the Council's Vision and Council Objectives, as detailed at points 6.1 and 6.3 of Appendix 1 to the report, be reconfirmed;
- (b) that the analysis of the Council's national, regional and local context, as detailed at Appendix 1 to the report, be noted;
- (c) that based on the context referred to at Recommendation (b) above, the definitions of the Council Objectives detailed at Addendum A to Appendix 1 of the report be agreed; and
- (d) that based on the context referred to at Recommendation (b) above, a reduction in the number of priorities, as detailed at point 3.5 of the report, be approved.

57/08 **WORCESTERSHIRE SUSTAINABLE COMMUNITY STRATEGY 2008-2013**

Consideration was given to the refreshed Worcestershire Community Strategy 2008-2013.

RECOMMENDED:

- (a) that the progress to refresh the Worcestershire Sustainable Community Strategy be noted;
- (b) that formal approval be given to the refreshed Worcestershire Sustainable Strategy;
- (c) that it be noted that Worcestershire County Council's Cabinet formally endorsed the Bromsgrove Partnership's Sustainable Community Strategy at its meeting on 17th July 2008;
- (d) that the action being taken by the District Council to ensure both the District Local Strategic Partnership and Council strategies are aligned to the countywide Sustainable Community Strategy and Local Area Agreement be noted; and
- (e) that it be noted that this alignment is crucial to the Council achieving a good rating under the new Comprehensive Area Assessment (CAA) inspection framework which starts in April 2009.

58/08 **CUSTOMER PANEL SURVEY (3) - SATISFACTION**

The Cabinet considered a report on the key findings of the third Customer Panel Survey which took place in May-June 2008.

RESOLVED that the report and its accompanying appendices, including the results for those questions which had been repeated from the previous year's Survey and which tracked the Council's progress since June 2007, be noted.

59/08 **FREE SWIMMING SCHEME/GRANT - 2009/10 AND 2010/11**

(The Chairman agreed to the consideration of this item as a matter of urgency as a recommendation on this was required prior to the next meeting of the Council. It was further noted that the recommendations of the Cabinet would be forwarded to the Department of Culture, Media & Sport by the required deadline of 15th September 2008, and that these would be subject to ratification by the Council at its meeting on 17th September 2008.)

Consideration was given to a report which outlined the Government's Free Swimming Scheme proposals for 2009/10 and 2010/11 and the Council's proposed response to this offer. The various funding implications of the proposals were noted and it was agreed that Members would review the position based on the Council's priorities after 2011.

RECOMMENDED:

- (a) that officers be requested to implement the Government's Free Swimming Scheme including coaching/instruction sessions for over 60's for the financial years 2009/10 and 2010/11;
- (b) that the availability of free swimming places for over 60's be restricted to Bromsgrove District Council residents only;
- (c) that agreement be given to limit the availability of free swimming places and based on the definition contained within 3.11 of the report;
- (d) that officers be requested to decline the offer of free swimming for under 16's for the reasons contained within the report and not express an interest to the Government;
- (e) that officers be requested to not put forward a bid for capital funding due to the limited life expectancy of its swimming pool stock; and
- (f) that the implementation and management of the scheme be delegated to the Head of Service for Finance and the Deputy Head of Street Scene & Community to ensure that the scheme is established in order to minimise risk and the Medium Term Financial Plan.

The meeting closed at 7.47 p.m.

Chairman

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE SCRUTINY STEERING BOARD

TUESDAY, 2ND SEPTEMBER 2008, AT 6.00 P.M.

PRESENT: Councillors D. L. Pardoe (Chairman), Dr. G. H. Lord (Vice-Chairman),
A. N. Blagg, S. R. Colella and C. B. Taylor

Observers: Councillors G. N. Denaro, S. R. Peters and
Mrs. M. A. Sherrey JP

Officers: Mr. P. Street, Mr. T. Beirne, Mr. M. Bell, Mrs. C. Felton,
Mrs. S. Sellers, Mr. S. Martin and Mr. A. C. Stephens

29/08 **APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor Mrs. M. Bunker.

30/08 **DECLARATIONS OF INTEREST AND WHIPPING ARRANGEMENTS**

No declarations of interest or whipping arrangements were received.

31/08 **MINUTES**

The minutes of the meeting of the Scrutiny Steering Board held on 29th July 2008 were submitted.

RESOLVED that the minutes be approved as a correct record.

32/08 **COMPREHENSIVE PERFORMANCE ASSESSMENT**

Consideration was given to the latest draft of the Comprehensive Performance Assessment (CPA) self-assessment to be submitted to the Audit Commission by 26th September 2008.

The Executive Director - Services explained that the Audit Commission would use the final version of the self-assessment report to identify the key areas to be investigated during the CPA inspection.

RESOLVED:

- (a) that the 'work-in-progress' draft CPA self-assessment document be noted; and
- (b) that it be noted that the final version of the CPA self-assessment document would be considered by Council, before being forwarded to the Audit Commission.

33/08 **SCRUTINY REQUEST - CAR PARKING FOR BLUE BADGE HOLDERS**

Consideration was given to a report which detailed a request from a member of the public in respect of the charges for car parking for 'Blue Badge' holders. The Board received additional information about the Council's Shopmobility scheme from Mr. S. Martin, Transport and Engineering Manager, who also answered several questions from Members.

Mr. Martin explained that the cost of operating the Shopmobility scheme was covered by the income from charging 'Blue Badge' holders for car parking. He stated that there were 314 registered users of the scheme and added that Shopmobility was being well used on a daily basis. It was reported that the funding for the Shopmobility scheme had been provided by the removal of the concession to allow free parking for 'Blue Badge' holders.

RESOLVED:

- (a) that the Board convey its thanks to Mr. L. Irving for bringing the issue to the Council's attention and highlighting the problems some members of the public may face as a result of the removal of the parking concession, and that he be sent a formal written response to explain the Board's decision; and
- (b) that, under paragraph 9.4 of the Cabinet Procedure Rules, the Chief Executive be requested to place an item for consideration on the next available Cabinet meeting agenda to re-evaluate the parking issues raised, especially in terms of the removal of the parking concession for 'Blue Badge' holders, the funding of the Shopmobility scheme, alternative methods of payment for car parking and the proposals for the regeneration of Bromsgrove Town Centre as a whole.

34/08 **VERBAL UPDATE ON JOINT COUNTYWIDE SCRUTINY ON FLOODING BY COUNCILLOR D. L. PARDOE**

The Chairman addressed the meeting and informed the Board that he had recently attended a meeting in respect of the Joint Countywide Scrutiny on Flooding. He explained that the final draft report had been published and would be circulated to all districts within the County in due course. He added that the Chairman of the Countywide Scrutiny on Flooding would be willing to attend a future meeting of the Board to formally present and explain the final report and respond to any questions from Members.

It was reported that the flooding which affected the Bromsgrove District in July 2007 was not quite as severe as in other parts of the County, and that most of the damage caused to property and land in the district was as a result of sudden 'flash flooding'. These "at risk" areas were now identifiable by post codes should a similar event occur again in the future.

The Chairman stated that the report did not seek to apportion blame on particular agencies or organisations, but merely to draw the attention of those bodies to possible areas at risk of flooding and to make them aware of the problems that may be caused.

Members of the Board asked a number of questions to which the Chairman or the officers present at the meeting responded.

RESOLVED:

- (a) that a copy of the Report of the Countywide Scrutiny on Flooding be distributed to Members with the agenda for the next meeting of the Board; and
- (b) that arrangements be made for the Chairman of the Countywide Scrutiny on Flooding to attend the next, or subsequent, meeting of the Board to formally present the report, explain its findings and respond to any questions from Members.

35/08 **SCRUTINY RECOMMENDATION TRACKER**

The Board considered the recommendation tracker report which listed all Cabinet approved Scrutiny recommendations and the actions taken to implement them.

RESOLVED that the recommendation tracker be noted.

36/08 **FORWARD PLAN OF KEY DECISIONS**

Consideration was given to the Forward Plan which included key and non-key decisions due to be taken by the Cabinet over the forthcoming months.

The Board discussed each key decision in turn and questions raised were answered by the officers present.

In respect of the implementation of Single Status, it was reported that this had been delayed due to a recent legal ruling which had national implications.

RESOLVED that the Forward Plan be noted.

37/08 **WORK PROGRAMME**

The Board considered all the items included within its Work Programme.

RESOLVED that the Scrutiny Steering Board's Work Programme be noted and be updated accordingly.

The meeting closed at 7.25 p.m.

Chairman

This page is intentionally left blank

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE AUDIT BOARD

MONDAY, 15TH SEPTEMBER 2008 AT 6.00 P.M.

PRESENT: Councillors S. R. Peters (Chairman), C. R. Scurrall (Vice-Chairman), Miss D. H. Campbell JP, Mrs. H. J. Jones, Mrs. C. J. Spencer and E. C. Tibby

Also in attendance: Councillors Mrs. J. D. Luck and D. L. Pardoe

Officers: Mr. H. Bennett, Ms. J. Pickering, Ms. D. Parker-Jones and Mrs. P. Ross

15/08 APOLOGIES FOR ABSENCE

No apologies for absence were received from members of the Board. However, an apology for absence was received from Councillor G. N. Denaro, Portfolio Holder for Finance.

16/08 DECLARATIONS OF INTEREST

Councillor S. R. Peters declared a personal interest in agenda item 6 (Local Neighbourhood Partnerships), as a member of Wythall Parish Council.

Councillor C. R. Scurrall declared a personal interest in agenda item 6 (Local Neighbourhood Partnerships), as a member of Belbroughton Parish Council.

Councillor Mrs. C. J. Spencer declared a personal interest in agenda item 6 (Local Neighbourhood Partnerships), as a member of Finstall Parish Council.

17/08 MINUTES

The minutes of the meetings of the Audit Board held on 9th June and 25th June 2008 were submitted.

RESOLVED that the minutes be approved as correct records.

18/08 AUDIT COMMISSION'S INTERNATIONAL STANDARD ON AUDITING (ISA 260)

The Chairman advised that there had been a delay with the issue of the Audit Commission's International Standard on Auditing (ISA 260) report, and that an additional meeting would be required before the end of September to consider this.

RESOLVED:

- (a) that the position in relation to the Audit Commission's International Standard on Auditing (ISA 260) report be noted; and
- (b) that an additional meeting of the Audit Board take place at 6pm on 29th September 2008 to consider this.

19/08 **CIVIC BONFIRE AND FIREWORKS EVENT - FEEDBACK**

Further to the meeting of the Audit Board held on 17th March 2008, Members considered a feedback report on issues raised in relation to the 2007 civic bonfire and fireworks event. Councillors Mrs. Luck and Pardoe were present for this item and spoke on the issues in question.

The proposed changes for 2008 were noted, which included advance ticket sales, colour coded tickets according to ticket type, (i.e. family, adult and children) and a box office at Sanders Park on the night of the event. Such measures would allow for easier management of incoming monies and recording of visitor numbers, and would also ensure easier access through entry points. There would be a press release in early October to inform the public as to how the Council would be looking to improve the accessibility to, and secure income received from, the 2008 event.

RESOLVED that the position be noted.

20/08 **LOCAL NEIGHBOURHOOD PARTNERSHIPS**

Further to the referral from the Performance Management Board at its meeting held on 20th May 2008, consideration was given to a report on Local Neighbourhood Partnerships (LNPs - formerly known as Neighbourhood Area Committees), in particular, the terms of reference for LNPs. A consultation exercise was currently being undertaken on LNPs, the deadline for which was 3rd October 2008 and which Members were asked to respond to. Two stakeholder events were also planned for November and December 2008.

Some concerns were expressed in relation to the establishment of LNPs in areas which already had three tiers of local government in place, and it was felt that there might be some merit in having LNPs in non-parished areas only. Key areas of concern for officers included LNP boundaries and the additional financial and officer resource implications associated with increased numbers of LNPs. As such, the Assistant Chief Executive advised that he would be producing a business case in relation to LNPs for consideration by Members.

RECOMMENDED:

- (a) that the current position in relation to Local Neighbourhood Partnerships (LNPs) be noted;
- (b) that officers proceed with drawing up a business case for LNPs as soon as possible; and
- (c) that both the results of the consultation exercise and the business plan referred to at Recommendation (b) above be considered prior to any final decisions being made on LNPs.

21/08 **INTERNAL AUDIT PERFORMANCE AND WORKLOAD**

Consideration was given to a report which provided a summary of the current performance and workload of the Internal Audit Section.

The Head of Financial Services reported that, due to vacancies and changes within the Audit Team, a number of 2007/08 audits had been completed in the first quarter of 2008/09. This had been necessary in order to ensure that adequate controls were in place as part of the Use of Resources judgement for 2007/08. As a consequence, the 2008/09 Audit Plan had been reviewed and appropriate adjustments made in order for this to meet statutory requirements. Whilst there remained a shortfall of approximately 30-40 auditing days for 2008/09, assistance was being sought from other neighbouring authorities and it was anticipated that the Quarter 3 report would demonstrate the revised Audit Plan to be on track. The Board noted the position and wished to ensure that there be no further slippage with the Plan.

RESOLVED:

- (a) that the current status and work completed on the 2008/09 Audit Plan be noted and approved;
- (b) that the work completed by the Internal Audit Section between June and August 2008 be noted;
- (c) that it be noted that Internal Audit had not been involved in any allegations or investigations during the first period of 2008/09;
- (d) that the current Internal Audit Performance Indicator statistics be noted; and
- (e) that it be noted that there were no new or updated Internal Audit documents to report.

22/08 **RECOMMENDATION TRACKER**

Members considered a report which provided a summary of progress against previously selected audit report "priority one" recommendations.

The Head of Financial Services provided updates on the individual recommendations detailed. Members expressed concern in relation to there currently being only one Planning Enforcement Officer and the Head of Financial Services agreed to check the new target date in relation to Recommendation No. 6 - Planning Enforcement Policy.

RESOLVED:

- (a) that the "priority one" recommendations detailed in Appendix A to the report be noted; and
- (b) that these be brought back to the Audit Board following referral to the Corporate Management Team.

23/08 **RISK MANAGEMENT TRACKER**

Consideration was given to a report which presented an overview of Actions/Improvements as detailed in service area Risk Registers for the period 1st April 2008 to 30th June 2008. The Head of Financial Services reported

that service areas were starting to use the Red (behind target) current position ratings constructively to identify Actions/Improvements that, in the future, might not be completed by the target date, meaning Risk Registers were being used to ensure that risk was being pro-actively managed.

RESOLVED that the progress to date against all business area risk register Actions/Improvements for Quarter 1 2008/09 (April - June) be noted.

The meeting closed at 7.03 p.m.

Chairman

Agenda Item 6

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PERFORMANCE MANAGEMENT BOARD

TUESDAY, 16TH SEPTEMBER 2008, AT 6.00 P.M.

PRESENT: Councillors J. T. Duddy (Chairman), C. B. Taylor (Vice-Chairman) (during Minutes Nos. 48/08 to 53/08), Mrs. M. Bunker, Miss D. H. Campbell JP and Mrs. A. E. Doyle

Officers: Mr. P. Street, Mr. H. Bennett, Mr. A. Coel, and Ms. R. Cole.

43/08 **APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor S. R. Colella.

44/08 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

45/08 **MINUTES**

The minutes of the meeting of the Performance Management Board held on 19th August 2008 were submitted.

RESOLVED that the minutes be approved as a correct record.

46/08 **TOWN CENTRE UPDATE FROM EXECUTIVE DIRECTOR - PARTNERSHIPS AND PROJECTS**

The Executive Director Partnerships and Projects, Mr. P. Street gave a general update on the current situation with regard to the regeneration of the Town Centre and responded to Members' questions.

It was reported that the consultation period for the Issues and Options document would end on 18th September and that the consultation and accompanying questionnaire had been widely available through "Together Bromsgrove", on the Council's website and had been distributed at the Street Theatre events. The results of the consultations would be analysed and a preferred option would be identified for further consideration. This process was required to be undertaken in order to produce an Area Action Plan for inclusion in the Councils Core Strategy.

The Executive Director for Partnerships and Projects also reported on the current position regarding the potential redevelopment of the Market Hall site and the consequences for the current stall holders. It was intended to hold

markets in the High Street together with the successful Farmer's Market and other "themed" market events which had proved to be very popular.

It was reported that work was progressing on the total refurbishment of the public toilets. The building itself was structurally sound but would be totally refurbished and would include a 24 hour unisex facility together with a High Dependency Unit.

Members were briefly updated on the possible development of the former Parkside School and Birmingham Road sites and plans to improve the surface of the High Street and its general appearance through rationalisation of the street furniture and improvements to the lighting.

RECOMMENDED:

- (a) that consideration be given to the grant of Licences of a minimum of six months duration to Market Hall Traders with a view to providing some certainty during the Christmas period; and
- (b) that in view of the intention to fully refurbish the existing toilet block building rather than to completely rebuild it, consideration be given to ring fencing the budget savings for use on other projects to improve the Town Centre and that as part of the refurbishment consideration be given to improving the external appearance of the building.

47/08 **SPATIAL PROJECT MONITORING REPORT**

The Board gave consideration to a report which detailed the progress made in respect of the implementation of the Spatial Project during the last month.

RECOMMENDED that the Portfolio Holder be requested to meet with the Head of Service to mitigate any difficulties with regard to the Uniform element of the project in respect of Street Scene and Community.

RESOLVED that the remainder of the report be noted and a further update be given at the next meeting of the Board.

48/08 **HOUSING STRATEGY ACTION PLAN UPDATE**

The Board considered a report on progress made against the action plan produced in relation to the Housing Strategy 2006-2011. In particular reference was made to section 5.1 of the report which summarised the progress made towards meeting the key performance indicators for Strategic Housing.

The Strategic Housing Manager undertook to provide Members with information clarifying how disabled persons are prioritised under the Choice Based Lettings Scheme.

RESOLVED that the progress report be noted.

49/08 **IMPROVEMENT PLAN EXCEPTIONS REPORT (JULY 2008)**

The Board considered the Improvement Plan Exception report for July 2008, together with the corrective action being taken as set out in appendix 1 to the report.

RESOLVED:

- (a) that revisions to the Improvement Plan Exception report together with the corrective action being taken be approved; and
- (b) that it be noted that for the 128 actions highlighted for July 2008 within the plan, 89.1% of the Improvement Plan was on target (green), 2.3% was one month behind (amber) and 8.6% was over one month behind (red).

50/08 **PERFORMANCE REPORT (JULY 2008)**

The Board considered a report on the Council's performance as at July 2008. The Assistant Chief Executive referred to the increase in sickness absence and reported that it was likely that a performance clinic would be arranged to consider this issue in more detail.

RESOLVED:

- (a) that it be noted that 52% of performance indicators were stable or improving;
- (b) that it be noted that 70% of performance indicators which had a target were achieving their Year to Date target ;
- (c) that it be noted that 84% of performance indicators which had a target were predicted to achieve their target at year end;
- (d) that the performance figures for July 2008 as set out in appendix 2 be noted;
- (e) that the particular areas of improvement as summarised in section 3.5 of the report be noted;
- (f) that a detailed breakdown of the sickness absence figures be provided at the next meeting of the Board.

51/08 **CPA SELF ASSESSMENT**

The Board considered the latest version of the Comprehensive Performance Assessment (CPA) self assessment document which was to be considered by Council and then forwarded to the Audit Commission by 26th September 2008. It was felt that this was a far stronger document than that produced for the previous CPA inspection. Following discussion it was

RESOLVED that the CPA self assessment document be noted.

52/08 **COUNCIL PLAN 2009 - 2012 PART 1**

Consideration was given to a report on the Council Plan 2009 - 2012 Part 1 which reconfirmed the Council's Vision and Council Objectives and reduced the number of priorities from five to four. The Plan also contained the outline

key deliverables for achieving the required improvement on these priorities to meet the expectations of residents. It was noted that the Plan would be submitted to Council for approval. Following discussion it was

RESOLVED that the report be noted and the priorities contained within the Council Plan be supported.

53/08 **WORK PROGRAMME 2008/2009**

Consideration was given to a report on the Board's updated work programme for 2008/2009.

RESOLVED that subject to the consideration of the Annual Bromsgrove District Housing Trust Performance Report and the Quarterly Recommendation Tracker being considered in November 2008, the remainder of the report be noted

The meeting closed at 7.30 p.m.

Chairman

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LOCAL DEVELOPMENT FRAMEWORK WORKING PARTY

WEDNESDAY, 17TH SEPTEMBER 2008, AT 4.00 P.M.

PRESENT: Councillors Mrs. J. Dyer M.B.E. (Chairman), Mrs. M. Bunker, S. R. Colella, Mrs. R. L. Dent, R. Hollingworth (during part of Minute 21/08), Mrs. J. D. Luck, E. J. Murray, S. R. Peters (during Minute Nos.18/08 to 20/08 and part of 21/08) and E. C. Tibby

Officers: Mr. D. Hammond, Mr. M. Dunphy, Mrs. R. Williams, Mr. A. Fulford, Ms. S. Lai, Mr. A. Harvey and Ms. R. Cole.

18/08 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors G. N. Denaro and C.J. K. Wilson.

19/08 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

20/08 **MINUTES**

The minutes of the meeting of the Local Development Framework Working Part held on 3rd July 2008 were submitted.

RESOLVED that the minutes be approved as a correct record.

21/08 **CORE STRATEGY**

The Working Party considered a report on progress made towards the preparation of the Preferred Options Core Strategy and the proposed timetable for the remainder of the process.

The Chairman reminded the Working Party that the Core Strategy was a strategic level document which was required to be in line with national planning policy and in conformity in general with the West Midlands Regional Spatial Strategy (RSS). There was a danger if fundamental alterations were made at this stage that the Strategy would be rejected by the Government as had occurred in other Authorities such as Lichfield District Council and Stafford Borough Council and which had resulted in delay and significant cost implications for those Authorities.

The Head of Planning and Environment confirmed that the Core Strategy was a very strategic document and it appeared to be a priority for the Government to compel Local Authorities to drive forward the production of Core Strategies which were in accordance with the RSS. The Strategy had to be flexible in

order to meet the emerging phased revisions of the RSS in relation to housing figures and this clearly added to the complexity of the process. Once the approved Core Strategy was in place it would then be possible to introduce Supplementary Planning Documents (SPD) which could relate to the issues which Members wished to see addressed.

Members of the Working Party expressed concern that the projected date for the adoption of the Core Strategy was July 2010 and that therefore no SPD could be put in place until after that date. There was concern that within the constraints of the amended planning system there was a lack of opportunity to take into account the specific needs of the District, particularly in view of an ageing population profile and the Green Belt situation.

Reference was made to the progress made on the various studies which had been commissioned or were being completed in house to form the evidence base of the Core Strategy and inform the Core Policies within the Strategy. A number of the studies were still awaited although they were due to be received shortly and the draft Strategy would be subject to further amendment to take account of the outcome of these. It was anticipated that a further meeting of the Working Party would take place in October 2008 to consider the final version of the Core Strategy prior to the Preferred Option consultation.

There was then detailed consideration of the Core Policies within the Core Strategy and it was

RESOLVED that the progress made on the production of the Core Strategy be noted together with the timetable and that the Core Strategy be revised and amended to take full account of the following comments:

CP2 Distribution of Housing

Policy options to be re-assessed to see if an allowance can be made for more development to take place in the more rural locations in the District.

CP3 Rural Regeneration

Amendments to be made to reflect the comments for CP2 and to encourage local employment .

CP7 Distribution of New Employment Development

Amendments to be made to reflect the comments for CP2 and to encourage employment needs to be met within villages.

CP9 Sustainable Transport

A recognition to be included of the need to develop sustainable transport on an east/west axis as well as north/south. Cycling to be encouraged in a safe environment.

CP12 Type, Size and Tenure of Housing

Amendments to be made to reflect the final results of the Housing Market Assessment and to reflect the deep concern of Members that the housing supplied should meet the range of needs of older people including Extra Care facilities.

CP14 The Scale of New Housing

The Authority's response to this issue would be fully addressed at a later stage but there should be a recognition included within this document of the opposition to the current RSS proposals.

The meeting closed at 5.40 p.m.

Chairman

This page is intentionally left blank



Bromsgrove Partnership Board

7TH AUGUST 2008

MINUTES

Present:

| | | |
|---------------|-------------------------|--|
| Sue | Baxter | Parish Councils Representative |
| Hugh | Bennett | Bromsgrove District Council |
| Louise | Berry | Bromsgrove District Council |
| Mike | Brown | Bromsgrove District Housing Trust |
| Kevin | Dicks | Bromsgrove District Council |
| Mike | Dunphy | Bromsgrove District Council |
| Cllr Mrs June | Griffiths | Bromsgrove District Council |
| Rachel | Jones | Worcs. Energy Efficiency Advice Centre |
| Mike | McCarthy | NEW College |
| Cllr Ed | Moore | Worcestershire County Council |
| Elaine | Mortimore | Bromsgrove Youth Homelessness Forum |
| Ann | Sowton | Bromsgrove & Redditch Network |
| Phil | Street | Bromsgrove District Council |
| Mark | Weaver | Independent (Chair) |
| Glyn | West | Worcestershire Partnership |
| Item 1 | <u>APOLOGIES</u> | |
| Liz | Altay | Worcestershire PCT |
| Maggie | Bryan | Worcestershire County Council |
| Cllr Roger | Hollingworth | Bromsgrove District Council |
| Tony | Love | West Mercia Police |

ACTION

Item 2 **WELCOME & INTRODUCTIONS**
 MW welcomed all and introductions were made.

Item 3 **MINUTES OF MEETING 5TH JUNE 2008 & MATTERS ARISING**
 The minutes were approved as a true record.

Matters Arising
Climate Change:

- Climate change will be one of BDC’s new priorities and the Council will be looking to put some funding into this area. MB to discuss with HB/PS re possibility of BDHT allocating funds.
- Climate Change Co-ordinator – KD had emailed Glyn West about the possibility of funding a post(s). GW indicated that this would be picked up via the Management Group.

Mike Brown

Labour Market Survey - As stated at the meeting, there are

issues for those who live and work in the district. A meeting had been held with Marie Green from BDHT re worklessness/ economic regeneration and Super Output Area information was being sought. A further meeting had been arranged for early September in order to move this forward.

Community Improvement Plan: Better Environment – 2.6.4d
Habitat Inventory: LB to check timescales of BDC's spatial project.

Louise Berry

Item 4

PRESENTATION: COMPACT STEERING GROUP

PS presented on the work of the group. The district was amongst the first to develop its own Compact on the back of the county Compact. The Steering Group meets regularly and is working on the following areas:

- Networking & Engagement – vital due to the strong community engagement history of the VCS.
- Signposting – via the Customer Service Centre. There is also a designated area within the CSC for VCS organisations to have allocated time slots.
- Training – Event planned for BDC Heads of Service and VCS organisations in October to exchange information.
- Volunteering – BDC staff had attended placements within VCS organisations during National Volunteers' Week in June, with excellent feedback being received from those staff and also from the organisations that they went into.

Resources are a big issue but some real progress has been made.

AS informed the meeting that a successful bid for £5,500 had been made and she will be working with BDHT to provide taster training days linked to worklessness.

HB stated that BDC has no formal grants policy, and this will be in his business plan for 2009/10. The WCC approach will be taken into account when developing a policy.

Item 5

WORCESTERSHIRE SUSTAINABLE COMMUNITY STRATEGY

The draft Strategy was presented to the Board in January 2008 and a detailed response was prepared by BDC. The final Strategy, which is in effect the business plan for the Worcestershire Partnership, was approved by WCC Cabinet on 17th July 2008. HB will write to the Worcestershire Partnership to reiterate that more could have been mentioned about Bromsgrove, particularly around the town centre, but that BDC appreciates the support coming from the county.

Hugh Bennett

The new LAA has also been approved by government.

A discussion was held and the following comments made:

- Crime is more about perception in the new LAA. More powers will be given to CSOs, who will be able to issue fixed penalty notices.
- Environment – the targets will be difficult to attain re CO₂ emissions and it is proposed that a climate change officer be employed in order to ‘own’ the process. This is being discussed at county level, but budget is an issue.
- Economic development – worklessness - BDC/LSP is starting to focus on this area. A review of the situation in North Worcestershire may need to be commissioned.
- Health – Bromsgrove is a fairly healthy district, but there are issues around obesity and teenage pregnancy.
- Children and young people – working on engagement. Many of the targets are statutory targets.
- Stronger communities – Affordable housing is still high on the agenda.

MB discussed the need to encourage partners to understand the bigger picture and suggested looking at a case study to map the obstacles in attaining targets in order to understand why things take so long to achieve. HB to discuss with Brian Nicholls.

Hugh Bennett

KD suggested that the annual report could have a lessons learned section.

GW informed the meeting that the Worcestershire Partnership has indicated that many problems relate to middle managers, and that work needs to be done with that group to work on inflexibility.

Item 6

GOVERNANCE & MANAGEMENT OF LOCAL AREA AGREEMENTS IN TWO-TIER AREAS

GW discussed work done by IDeA and noted that the evaluation of LAA 1 had found that unitary authorities tended to deliver better, but the overall conclusion was that no one size fits all and LAAs in 2 tier areas are actually more realistic and better achieved. However, it was agreed that there is a lot of confusion and the parish councils should not be ignored.

Districts are better at planning and dealing with environmental issues because they are closer to their communities. Members also appear to be better engaged, but the evaluation did not take into consideration ‘twin hatted’ members.

It was felt that the story of place in the new SCS is robust and reflects local issues. The Management Group wants to think about critical success factors and the lessons learned, particularly around performance management, reducing duplication of effort and a better shared commitment.

The following points were discussed:

- Districts all want their share and there is a perception that WCC controls district spend. GW noted that the Management Group needs to look at its governance to ensure that it is fit for purpose, as more funds will be streamed through the LAA in future.
- WCC is part of a national evaluation and is the only 2-tier authority in the process. The authority is seen as being ahead of the game.
- RIEP capacity building money (Learning to Deliver) is available to address working together in better ways. Some training had been provided in Bromsgrove from L2D to engage members.
- HB asked GW about his thoughts on Members sitting on theme groups and should there be closer links to scrutiny.
 - At county level, there are 2 places allocated on each theme group for Members, with 1 district councillor representing all districts, and it is difficult to fulfil this role. Feedback suggests that hardly any councillor is aware of who the representatives are.
 - The role of the elected Member needs to be challenged – are they a critical friend or there to challenge? The scrutiny process is not strategic enough and the issue needs to be addressed systematically.
 - The Partnership Board has elected Members, but the Management Group does not.
 - SB noted that engaging with parishes is even harder. There is a place for parish councils on the Partnership Board, which will draw on district LSPs for connection, therefore parish plans need to be considered at district level.
- It was agreed that theme groups are a good way of getting results and delivering the LAA targets, but it was noted that the targets were signed before the credit crunch really took hold and that some of the targets are now going to be harder to achieve.

Item 7

COMMUNITY IMPROVEMENT PLAN 2008/09

The CIP had been drafted and circulated. There are still some gaps, particularly around the Health & Well Being theme. HB/LB will follow the same process as for the High Level Action Plan to ensure that the document is robust.

Hugh Bennett/
Louise Berry

Item 8

LOCAL NEIGHBOURHOOD PARTNERSHIPS

HB discussed that the issue is out to consultation until 3.10.08. There are issues around boundaries that need to be addressed. Two events are planned in late autumn: one for the proposed Hagley & Rural LNP and the second as a wider event for all interested parties.

It was noted that if LNPs are rolled out across the district, it will be a big financial commitment for BDC in terms of funding and officer support, but at a practical level, there are many benefits of devolving funding to a local level as results can be seen by the community quickly.

There are issues around the model; it may be appropriate for some areas but not for others. Consideration needs to be given to:

- potentially adding in another layer of governance in parished areas;
- the parish planning process;
- parished/unparished areas

therefore the consultation is important.

MB felt that the proposed Hagley & Rural area wouldn't fit well with BDHT and voiced concern about the amount of meetings that BDHT staff may need to attend. HB stated that BDC has split the PACT areas between heads of service, but reiterated that administering the LNPs (currently carried out by BDC officers) is an issue that needs to be clarified. A positive outcome of attending the meetings is that the attending officer gets to know the patch well.

JG noted that she sits on BDC, her local parish council and the LNP. The Alvechurch LNP is having some success with its youth group, and the LNP funding will be used along with parish funding to support this work. She noted that the LNP has proved useful in Alvechurch but careful management is required.

Item 9 LSP ANNUAL REPORT 2007/08 – DRAFT

The draft report had been circulated for information. Comments on content to LB by the end of August. More work is required to ensure a thread through the report and an executive summary will be produced. The report will ultimately be presented to Full Council in the autumn.

Item 10 IMPROVING MEMBER AWARENESS OF LSP'S

HB discussed the issue of front line members awareness of the LSP, as the LSPs sit outside the Council and papers are not currently circulated to district councillors (this point has also been made by Cabinet Members).

A discussion raised the following points:

- Should LSP Board meetings be open meetings?
- Should members sit on the theme groups?
- Should the Board papers be published?

It was agreed that LSP Board minutes should be taken through the BDC democratic process and reported to Cabinet and

Performance Management Board and that minutes will be published on the Council's website. LSP performance is currently reported to Performance Management Board once (for the annual report); HB stated that performance updates will be reported twice in future.

Item 11 **WORCESTERSHIRE PARTNERSHIP UPDATE**

KD reported back on the outcome of the last Management Group meeting:

- The LAA had been launched the Sustainable Community Strategy published.
- Migrant workers and Polish community –it had been agreed to fund a “Welcome to Worcestershire” website to signpost migrant workers. Herefordshire has developed a model that can be adapted and therefore the cost to districts will be minimal.
- Olympics Co-ordinator – Peter Turvey had been doing a lot of work behind the scenes and more work will come on stream once the Olympics are ‘given’ to the UK. KD to give an update at the next meeting.

Kevin Dicks

Item 12 **EXTENDING LSP BOARD MEMBERSHIP**

It was agreed to defer the item until the next meeting due to Councillor Hollingworth not attending the meeting. LB to put on agenda for 2/10/08 meeting.

Louise Berry

Item 13 **COMMUNICATIONS UPDATE**

Learning to Deliver- A risk analysis of the LAA indicators had been carried out to ensure the selected project focuses on area of need. The project had not been agreed upon but it is likely to be around NI 186: CO₂ emissions and NI 187: fuel poverty. An improvement support plan will be produced. LB to feedback when more information is available.

Community Transport Consultation – 45 responses had been received; most of them were in favour of development of a scheme for the district. Two organisations had been requested to complete pre-contract questionnaires, and a business case will be produced by the end of August.

Health Improvement Fund – The PCT has allocated £1million for 3 years for the county for identified hotspots, to address the 7 LAA outcomes relating to health and well being. The district's hotspots are Charford and Sidemoor. A meeting will be held later in the month to discuss potential projects for the district. Emma Barton, the new Health Improvement Practitioner, will have a leading role. MB noted that many tenants are cutting their own gas supplies due to affordability and that there are education issues. AS informed the meeting that an older people's conference will be held in Redditch in September which will

discuss such issues.

Town Centre Consultation – Circulated for information. MD noted the importance of linking to the LSP. MD to present to the next meeting about the development of the Core Strategy.

Mike Dunphy

Together Bromsgrove – Circulated for information. Articles had been submitted by the Better Environment and Feel Safe Theme Groups, plus an article about the support during National Volunteers' Week and around the work of the Youth Homelessness Project.

Item 14 **ANY OTHER BUSINESS**

AS had been invited to apply for BASIS funding for North Worcestershire, for which a letter of support is required from individual LSPs.

Item 15 **DATE OF NEXT MEETING**

2.00pm, 2nd October, NEW College

This page is intentionally left blank



Bromsgrove
District Council

www.bromsgrove.gov.uk

The Equality and Diversity Forum

Thursday 14th August 2008

| | |
|----------------------------------|---|
| In attendance | |
| Sat Aggarwal | Bromsgrove Indian Community Forum |
| Hugh Bennett | Assistant Chief Executive, Bromsgrove District Council |
| Mary Collett | Worcestershire Association of Service Users |
| Kevin Dicks | Chief Executive Bromsgrove District Council, Acting Chief Executive Redditch Borough Council |
| Claire Felton | Head of Legal, Equalities and Democratic Serviced, Bromsgrove District Council |
| Jeff Edwards | Bromsgrove Older People's Forum |
| Joanne Floyd | Bromsgrove District Housing Trust |
| Patricia Hackett | Mencap |
| Tracey Hodges | Day Services Manager, Padstone Day Centre |
| Joan King | The Gender Trust |
| Wayne Knighton | Bromsgrove Resident |
| Marcia Notice | Bromsgrove District Housing Trust |
| Sue Mould | Electoral Services Manager, Bromsgrove District Council |
| Eileen Mulhall | Worcestershire Association of Service Users |
| Councillor Stephen Peters | Diversity Champion, Bromsgrove District Council |
| Trevor Rigg | Bromsgrove Black History Society and Forum Chair |
| Fiona Scott | Equality Officer, Bromsgrove District Council |
| Joe Scott | Bromsgrove Resident and Forum Vice-Chair |
| Rauf Shah | Oakley Road Residents Association |
| Jim D Smith | North Worcestershire Disability Information and Advice Line |
| Phil Street | Executive Director, Projects and Partnerships |
| John Tempest | Worcestershire Mental Health Network |
| Iain Trethewy | North Worcestershire Disability Information and Advice Line |

| | |
|----------------------|--|
| Julie Wright | Bromsgrove Police Station |
| Nicola Wright | Human Resources and Organisational Development, Bromsgrove District Council |

| | |
|--------------------------|--|
| Apologies | |
| Mr B K Chaudhari | Bromsgrove Indian Community Forum |
| Nuala Dalton | Worcestershire Lifestyles |
| Sonia Hambidge | Bromsgrove Citizens Advice Bureau |
| Nigel Godwin | Bromsgrove Resident |
| Sally Langley | Bromsgrove and Redditch Advocacy Group |
| Tony Lowry | Bromsgrove District Housing Trust |
| Logan Mailvaganam | Worcestershire Mental Health Partnership |
| Elaine Mortimore | Bromsgrove Youth Homelessness Forum |
| Sharon Murphy | Benefits Welfare Officer, Bromsgrove District Council |
| Peter Oteng | Worcestershire Racial Equality Council |
| Keith Sherman | Chief Office, Bromsgrove and District Age Concern |
| Ann Sowton | Bromsgrove and Redditch Network |
| Jo Wright | Bromsgrove Resident |

1. Introductions and apologies

Item 7 on the Agenda (Local Housing Allowance) would be deferred until the next meeting as Sharon Murphy was not able to attend tonight's meeting.

2. Minutes of the meeting – 12th June 2008

A revised version of the minutes was sent out this week because the name of Nigel Godwin had been left off the attendance for the meeting held on 12th June.

The minutes of the meeting held on 12th June 2008 were agreed as a true and accurate record.

3. Matters arising(i)

From meeting held on 14th February 2008

3. 3(a) Electronic Reference Panel – Fiona reported that due to lack of easy access to the current Equalities website a different kind of software is being considered along the lines of “bloggers” websites.

This will be much easier to use and anyone accessing the site can put on their own comments and view others. However only people who are registered as users will be able to do this. All comments will go through **Fiona** for moderation in order to prevent offensive or inappropriate comments appearing on the website. This is likely to be ready for October or November.

Trevor asked that an IT person be provided to demonstrate this.

3. 3(b) Consultation Conference – the report has now been published.

Trevor asked for people to read the report to put forward their comments at the next meeting of the Forum. **Fiona** explained that there were a few amendments that would be made when the report is reprinted.

At the end of the report, there is no detail of the Open Forum because no-one was available to take notes. This will be rectified at the next conference which hopefully will be recorded possibly on tape.

Jim Smith asked if the report could be made available through the Council's website. **Fiona** will arrange this as soon as possible. **Jim** also commented that it was very well written.

Trevor stated that a lot of hard work had been put into the report and thanked everyone for their work.

3. 4(b) Taxi driver training – **Fiona** to confirm for the next meeting how many people have registered for the training.

Matters arising (ii)

From meeting held on 12th June 2008

These will be dealt with under items on the main agenda.

4. Items from the Forum Chairman

(i) Terms of Reference – Review

There was some additional wording at the end of the Terms of Reference to refer to the election of a Chairman and Vice Chairman.

It was agreed that the new additional wording would read "**The Forum will be chaired by a Community member and an election will take place on an annual basis. The Forum will also elect a Vice Chair.**"

Rauf Shah commented that the Forum is developing nicely and that that everyone seems happy with things.

(ii) Vote of thanks

The Forum agreed that a vote of thanks should be conveyed to **Rosemary Cole** who had attended all the meetings of the Forum since 2006 and had written the minutes of these meetings.

5. Items from the Chief Executive – Kevin Dicks

(i) Items from the floor

Joe Scott asked if there had been any difficulties for Kevin with the arrangement for him to act as Chief Executive for Redditch Borough Council as well as being in post for Bromsgrove District Council.

Kevin replied that there hadn't been any difficulties so far and he seems to have more time for the role when he is at Redditch. He is trying to focus two days a week at each council – Monday and Tuesday for Bromsgrove and Wednesday and Thursday at Redditch. Friday he will be wherever he is needed.

Kevin re-iterated that this is being supervised by the Government Monitoring Board. Bromsgrove still needs to improve but we are doing well.

Eileen Mulhall asked whether things were very different at Redditch? **Kevin** said that it wasn't particularly so, but he hadn't met any of the community leaders yet.

Trevor enquired whether Bromsgrove will suffer any detriment while Kevin is at Redditch.

Kevin said that he has faith that the staff in Bromsgrove can cope in his absence.

Kevin then went on to explain that Bromsgrove has started to review its Vision, Values and Objectives. We have carried out consultation with the community and with Councillors. Subject to Full Council approval, Customer Service will be dropped as a priority, but retained as one of the Council's four Values as this should be embedded into the day to day running of services and should not be seen as an extra item.

As a result of feedback from the community and from staff, there has been a debate over whether housing should be a priority, because the Council has a limited ability to influence the housing market; however, Cabinet and senior managers felt that it is important to send a message to our partners and regional government that housing remains a key priority, as the future housing allocations for the District will effectively determine the nature of the District over the next 25 years.

Hugh Bennett added the clean streets and recycling priority had also been changed, to clean streets and environment, to include recycling, but also flood mitigation and reducing carbon emissions.

Wayne Knighton asked if **Kevin** had noticed any differences with car parking issues in Redditch compared to Bromsgrove.

Wayne also asked about Shopmobility in Redditch which, he believed is funded by Scottish Widows. **Kevin** will try to find out more details.

6. Items from Assistant Chief Executive – Hugh Bennett

(i) Community Transport

The consultation is now finished. There have been 50 responses, the vast majority in favour. The regular Customer Panel was included in this consultation exercise and they also supported the proposal for a community transport service.

Hugh has written to both the WRVS and Dial a Ride and asked them to provide outline business cases for what they could provide for various prices. Hugh will now work with Louise Berry, WRVS and Dial a Ride on developing a business case and budget bid, which will be submitted to the Council's Corporate Management Team for consideration on the 30th September. Assuming funding for the scheme is agreed by Full Council in January 2009, Hugh is expecting a scheme to be up and running by April 2009. The details are still to be worked out by **Hugh** and his team, but there is sufficient time for these details to be worked out..

Jim Smith stated that the County Council are involved in the provision of Community Transport and **Hugh** agreed that it was a "tangled web", but that County had been supportive and an officer from the County Council sits on his project team.

(ii) Community budget bids

The bidding form has been sent to all Forum members.

Last year money was allocated for Black History Month, the Diwali event and the Padstone drama event. **Hugh** said that it was a good scheme, a comment which was supported by the Chairman, as it enabled the community to develop their ideas for equality and a sense of community with financial support from the Council. The Forum has a special meeting 18th September to consider all the submitted bids.

All bids are to be sent to **Hugh** who will present the bids with the Council's views as to which bids are likely to be accepted. **Hugh** hopes that this year's bidding round will be as successful as last year. Hugh reminded the Forum, that it is the decision of the Forum (and not his), as to which bids it would like to go forward to be considered by Councillors.

(iii) Health Improvement Manager

Jeff Edwards said that at the last meeting we were trying to get someone from the Primary Care Trust to attend. **Emma Barton** has taken up post as the Health Improvement Practitioner and she is based at Bromsgrove District Council working with people and making activity referrals.

Emma's contact details are

Emma Barton Telephone 01527 881311

Jim Smith said that in the Wyre Forest District, changes have been made under the new Primary Care Trust and a public health consultant has been specially allocated.

Hugh stated that Bromsgrove District Council is seeking to do the same thing.

Wayne Knighton asked how anyone would contact the Primary Care Trust if they wanted to? Would it be through Emma?

Trevor suggested that Emma be invited to a future meeting of the Forum to introduce herself – agreed. **Fiona** to arrange.

Trevor stated that he will continue to emphasize the lack of involvement of the Primary Care Trust until this is resolved.

Joe Scott asked for clarification on “activity referral? **Hugh** explained that this would be a GP referral.

7. Local Housing Allowance – deferred to next meeting

8. Electoral Services and Local Democracy

Sue Mould introduced herself – she is the Electoral Services Manager for Bromsgrove. Sue came from Redditch Borough Council and when arriving at Bromsgrove she joined a service that had not had a manager for two years. She is trying to promote Electoral services throughout Bromsgrove District using various contact networks such as the Forum. She went to the meeting of the Disabled Users Group last week and is visiting residential homes. She is going to visit Padstone Day centre and give a talk to the day service users.

Sue set up a display of materials that are available from the Electoral Commission. Materials are available in Large Print and Braille. If anyone needs assistance they can be assisted to vote. The criteria are that they have to be able to understand what they are voting for.

The Annual Canvass is currently underway. Every elector is written to in order to confirm that details held are correct. Replies can be phoned through, sent by text message or via the internet or, people just sign the form and send it back. Personal canvassers go back a maximum of 5 times if the form has not been returned and if this is not successful the person’s details will be removed from the electoral roll as it will be assumed that they have moved

The County Council elections take place every 4 years and European elections every 5 years. They are both due in 2009 and may be combined to take place in June 2009.

There are three ways to vote.

- in person
- by postal vote which is open to anyone
- appoint a proxy to vote on your behalf

Our polling stations had a review last year and they have to be reviewed every five years but Sue has decided to an annual review. Polling stations have to be within a specific electoral area and **Sue** is open to suggestions for better facilities than those currently in use. In those areas where nothing is available we have to set up a portable building.

Eileen Mulhall stated that some people don’t understand what people are voting for – **Sue** said that there are people at the Polling Stations who can help anyone if they need anything explaining to them.

9. Additional Item

Phil Street highlighted the Bromsgrove Town Centre regeneration project and the current consultation questionnaire. We are inviting the views of the public and encouraging people to submit their ideas. The questionnaire is available in Large Print and Braille and they are available from all council contacts points for anyone who wants to take part. The deadline for replies is the **18th September**.

Trevor asked that the information received through the consultation to be reported on at the next meeting of this Forum.

10. Equality Officer Report - Fiona Scott

(i) Conference Report - 12th April 2008

Fiona has distributed Conference Report with a few exceptions – it still has to go out to the schools in the Bromsgrove District and the Local Strategic Partnership.

(ii) The Disabled Users Group

The Group met on Friday 8th August. Their agenda included

- The Bromsgrove District Housing Trust review of Aids and Adaptations
- Disabled Facilities Grants
- Local Housing Allowance
- Sports Development for Disabled People
- Electoral Services

The Bromsgrove District Housing Trust item also covered the current changes to the Sheltered Housing schemes in Bromsgrove and this will be a further full item at the next meeting with a speaker from the County Council.

The discussion on Aids and Adaptations and Disabled Facilities Grants was welcomed and there was a consensus that the work is of a high quality and very helpful to people who need them. The down side is the length of time it takes to provide additional facilities to people but this is to be improved by the recruitment of a further Occupational Therapist. Future agenda items for the Disabled Users Group include

- The development of Bromsgrove Railway Station
- The review of the Blue Badge Scheme
- Bromsgrove District Housing Trust and changes to sheltered housing
- Access to sports and leisure services

Jeff Edwards asked if the information to be put forward to the Disabled User's Group will be available to the rest of the Equality and Diversity Forum. It was agreed that the minutes of the Disabled Users Group will from now onwards be circulated to the Equality and Diversity Forum.

Wayne commented that, for him, the process is good as he gets all the information regardless of duplication. Those receiving the minutes of meetings by email have the choice to read or delete.

Jim Smith raised a question as to the exclusiveness of the Disabled Users Group as they have agreed not to recruit any more new members for the time being. Some issues, for example, the move away from sheltered housing are of interest to a much wider range of people.

Fiona explained that Bromsgrove District Council has adopted a more informal approach than the legally based guidance suggests and as a result have already got quite a large

Disabled Users Group. There could be much larger numbers of people who would like to join but if the group became any larger it would be difficult to manage.

A national organisation, **Acas** recently advertised for six disabled people who would between them, represent most types of impairment whereas the Bromsgrove Group has 20-25 members at the moment.

(iii) Bromsgrove Black History Society

This year's plans include

Blue Sky puppet theatre for school children
Music events at the Artrix

The London Community Gospel Choir
Ruby Turner
Geno Washington
Jeffrey Daniels

Bromsgrove District Housing Trust are organising a Black History day and are hoping to engage a Dub Poet, Yasus Afari.
West Mercia police are organising a Black History quiz for schools.

Bromsgrove District Council are organising a dress down day for staff in conjunction with a display and exhibition about the Gambian Exchange project with talks from the organisers of the Exchange.

Bromsgrove library are hosting a family event with Calypso singing and they will be providing a "rummage bin" with relevant books and other materials.

The next meeting is on 8th Sept where the Society will finalise this year's publicity materials, leaflets, posters and press advertising. The Society is also producing a general recruitment leaflet for use all year round.

(iv) Diwali

There is a small working group of Bromsgrove District Council officers and members of the Bromsgrove Indian Community Forum who have now met several times to plan the Diwali activity. There will be an event to celebrate Diwali on the 26th October 2008.

The event will take place in the Spadesbourne Suite starting in the afternoon with lantern making workshops for older school age children. The lanterns will then be used in the Christmas lights street parade later this year.

Those attending the afternoon workshop will get an automatic invitation to the evening event which will consist of a brief ceremony and explanation of the meaning of Diwali followed by a celebration with authentic Indian food and music. Children attending will receive a small gift of chocolates and sweets and if the weather is suitable there will be a small display of fireworks outside.

All members of the Equality and Diversity Forum will receive an invitation.

Sat Aggarwal explained the meaning of Diwali. Diwali is the Hindu festival of lights and is the most popular of all the festivals from South Asia. The event is celebrated across religious and cultural groups in India and is more cultural than religious. The festival celebrates the victory of good over evil, light over darkness and knowledge over ignorance although the actual legends that go with the festival are different in different parts of India.

In Britain, as in India, the festival is a time for thorough spring cleaning the home and for wearing new clothes and most importantly, decorating buildings with fancy lights. The British City of Leicester is noted for its Diwali celebrations.

11. Future Agenda Items

Local Housing Allowance – Sharon Murphy, Benefits Welfare Officer

Emma Barton – Health Improvement Manager

Being Different Together, Community Mapping Report – there will be a written summary of findings.

Review of the Inclusive Equalities Scheme – there will be a report of what we have achieved and what is still to be done.

Trevor asked Tony Love to address an item on “How safe is Bromsgrove?” at a future meeting.

Meeting closed at 8.10 pm.

Time, date and place of next meeting

Thursday 18th September 2008 – to hear Community Bids

Refreshments from 5.30 onwards in the Conference Room

Forum meeting 6.30 to 7.30 in the Committee Room

Following meeting

Thursday 16th October 2008

Refreshments from 5.30 onwards in the Council Chamber

Forum meeting 6.30 to 8.00 in the Committee Room



**Bromsgrove District Council
Equality and Diversity Forum**

Terms of Reference

To be a critical friend to Bromsgrove District Council to work towards equality and diversity in this District

- **working in partnership to identify and address issues of inequality in the District**
- **be a stable, long term working group involved in the review, revision and implementation of the Inclusive Equalities Scheme**
- **establish working groups to support all six strands of diversity and the activities in relation to these strands**
 - **race**
 - **disability**
 - **gender including trans-gender**
 - **sexual orientation**
 - **religion and belief**
 - **age**
- **establish and maintain systems for monitoring responses to the recommendations of the Equality and Diversity Forum in the delivery of all services by the Council and its partners**

The Forum will be chaired by a Community member and an election will take place on an annual basis.

The Forum will also elect a Vice Chair.

BROMSGROVE DISTRICT COUNCIL

CABINET

1ST OCTOBER 2008

CAR PARKING FOR BLUE BADGE HOLDERS

| | |
|------------------------------|--|
| Responsible Portfolio Holder | Portfolio Holder for Street Scene and Community Safety |
| Responsible Head of Service | Head of Street Scene and Community |
| Non-Key Decision | |

1. SUMMARY

- 1.1 This report relates to a scrutiny request received from a member of the public regarding car parking for Blue Badge holders which was recently considered by the Scrutiny Steering Board.

2. RECOMMENDATION

- 2.1 The Scrutiny Steering Board have requested that Cabinet considers re-evaluating the parking issues raised, especially in terms of:
- the removal of the parking concession for Blue Badge holders;
 - the funding of the Shopmobility scheme;
 - alternative methods of payment for car parking; and
 - the proposals for the regeneration of Bromsgrove Town Centre as a whole.

3. BACKGROUND

- 3.1 An email from Mr. Leslie Irving (Vice-Chairman of the Older People's Forum) was received on Monday 14th July 2008. It requested the Performance Management Board to consider free parking for Blue Badge holders and the exact wording was as follows:

“To Performance Management Board I would like the subject of free parking for Blue Badge holders to be put on the Performance Management Board agenda for consideration. Attached is my letter to the local paper about my difficulties which also affect may others. Leslie Irving.”

- 3.2 Mr. Irving's letter to the local paper referred to above is attached as Appendix 1.

3.3 As there is no mechanism in place for members of the public to refer items to the Performance Management Board, Mr. Irving was advised of his options which included contacting his Ward Councillor and/or requesting the Scrutiny Steering Board to consider this matter.

3.4 Mr. Irving then requested that the Scrutiny Steering Board considered this item and an extract from his second email is below:

“...Would you please put my request to the Scrutiny Steering Board for them to consider free parking on their car parks in Bromsgrove. I have not found one council similar to Bromsgrove that charges for Blue Badge Holders for parking and nationally the trend is the same. It would appear that Bromsgrove is the exception rather than the rule.... Leslie Irving.”

3.5 On the 29th July 2008, the Scrutiny Steering Board considered the scrutiny request and several questions were raised, particularly relating to the car parking scrutiny investigation which had been undertaken in 2007, the funding and use of shopmobility and consultation with disabled users.

3.6 With regard to the fairly recent scrutiny exercise, the Board was informed that as part of its work, the Car Parking Scrutiny Task Group had considered issues facing Blue Badge holders and there had been consultation with many representatives including the disabled and elderly. The scrutiny investigation was completed in March 2007 and there were two recommendations specifically relating to Blue Badge holders. In April 2007, the Cabinet decided not to approve the first recommendation and agreed to take no action with regard to removing car parking charges for the disabled. However, Cabinet did approve the second option put forward by Scrutiny which was to allow Blue Badge holders an additional hour of parking over and above the time for which they had paid. This was implemented in April 2008. Members of the Task Group reconvened for a Review Meeting with the Transport and Engineering Manager earlier this year in March 2008. The Task Group Chairman was Councillor G. N. Denaro who later became a Member of the Cabinet. (Please note: The scrutiny report can be found on the Council’s website www.bromsgrove.gov.uk/scrutiny on the “Scrutiny Investigations” page.)

3.11 Following a discussion on this matter at the Scrutiny Steering Board meeting in July, the Board decided that it required further information to enable it to agree the best way forward. Therefore, it was agreed that Councillor G. N. Denaro (as Portfolio Holder for Finance and as the Member who led the car parking scrutiny investigation in 2007), Councillor Mrs. J. M. L. A. Griffiths (as the Portfolio Holder for Street Scene and Community Safety) and the Transport Engineering Officer would be invited to attend the next Board Meeting held on 2nd September 2008. (However, due to Councillor Mrs. J. M. L. A. Griffiths having a prior Council engagement, the Scrutiny Steering Board Chairman agreed that Councillor Mrs. M. A.

Sherrey would be invited to attend in her place as Councillor Mrs. M. A. Sherrey was the relevant Portfolio Holder up until May 2008.)

3.12 To further assist the Board in making a decision, the Transport and Engineering Manager, Mr. S. Martin, compiled relevant background information which is attached as Appendices 2 to 6. Mr. S. Martin and Mr. M. Bell (as the relevant Head of Service) attended the Scrutiny Steering Board Meeting on 2nd September 2008.

3.13 The Scrutiny Steering Board considered the appendices and asked Mr. Martin several questions. During that meeting, it was explained that the cost of operating the Shopmobility scheme was covered by the income from charging Blue Badge holders for car parking. Mr. Martin stated that there were 314 registered users of the scheme and added that Shopmobility was used on a daily basis. It was also reported at that meeting that the funding for the Shopmobility scheme had been provided by the removal of the concession to allow free parking for Blue Badge holders.

3.14 Following consideration of the scrutiny request from Mr. Irving and information provided by Mr. Martin, the Scrutiny Steering Board agreed that, under paragraph 9.4 of the Cabinet Procedure Rules, the Chief Executive be requested to place an item for consideration on the next available Cabinet meeting agenda to re-evaluate the parking issues raised, hence this report.

4. FINANCIAL IMPLICATIONS

4.1 There are no financial implications directly relating to this report.

5. LEGAL IMPLICATIONS

5.1 There are no legal implications directly relating to this report.

6. COUNCIL OBJECTIVES

6.1 This report does not directly link to Council Objectives.

7. RISK MANAGEMENT

7.1 There is no risk, either negative or positive, directly associated with this report.

8. CUSTOMER IMPLICATIONS

8.1 There are no customer implications directly relating to this report. However, it should be pointed out that this issue has been raised by a local resident and customer of the Council and therefore Members should give careful consideration to this item.

9. EQUALITIES AND DIVERSITY IMPLICATIONS

9.1 There are no implications directly relating to this report for the Council's Equalities and Diversity Policies. However, if this issue was considered further, Members would need to consider such implications.

10. VALUE FOR MONEY IMPLICATIONS

10.1 There are no Value for Money implications directly relating to this report.

11. OTHER IMPLICATIONS

| |
|---|
| Procurement Issues – None |
| Personnel Implications – None |
| Governance/Performance Management – None |
| Community Safety including Section 17 of Crime and Disorder Act 1998 – None |
| Policy – None |
| Environmental – None |

12. OTHERS CONSULTED ON THE REPORT

| | |
|---|-----|
| Portfolio Holder | Yes |
| Chief Executive | Yes |
| Executive Director - Partnerships and Projects | Yes |
| Executive Director - Services | Yes |
| Assistant Chief Executive | No |
| Head of Service | Yes |
| Head of Financial Services | No |
| Head of Legal, Equalities & Democratic Services | Yes |
| Head of Organisational Development & HR | No |
| Corporate Procurement Team | No |

13. WARDS AFFECTED

All Wards.

14. APPENDICES

Appendix 1 – Letter to the local paper from Mr. Leslie Irving

Appendix 2 – Statement from Mr. S. Martin, Transport and Engineering Manager

Appendix 3 – Cabinet Report dated 12th May 2008 relating to the Shopmobility Facility

Appendix 4 – Bromsgrove District Council's Parking Policy

Appendix 5 – Civil Enforcement Officer Training Schedule

Appendix 6 – Parking Permit Application Form

15. BACKGROUND PAPERS

None.

CONTACT OFFICER

Name: Della McCarthy, Scrutiny Officer

E Mail: d.mccarthy@bromsgrove.gov.uk

Tel: (01527) 881407

This page is intentionally left blank

6th July 2008

To whom it may concern

The lack of care in the community is the hall mark of B.D.C. It is the only council within Worcestershire that charges Blue Badge holders to park on their car parks. All Wychavon pay and display car parks are free for Blue Badge holders. This covers Droitwich Broadway and Pershore. Even Worcester City Council where car parking is at a premium there is free car parking for two hours on short stay car parks and free all day on Long Stay car parks. Before my wife died she was wheel chair bound. I as her carer needed all the help I could get when parking the car and shopping. One extra burden in having to pay on site to park was a step too far. People in authority who have never been a carer must make it a point to find out the difficulties and stress the carers are under. This will make them better prepared when considering methods of parking fees. I contacted many other counties throughout the U.K. and with very few exceptions they were all free car parking to Blue Badge holders. The exceptions were usually seaside resorts with limited parking.

Leslie Irving (Vice-chairman. Older Peoples Forum)

This page is intentionally left blank

Scrutiny – Blue Badges

1. My name is Steve Martin. I am employed by the Council as a Transport and Engineering Officer and have worked for the Council since March 2001. My responsibilities are currently management of the Council's concessionary fares policy, parking, and Shopmobility.
2. During my time in this post the Council has applied for and been accepted for membership of the British Parking Association. The Council has also held the chair of the Midland Parking Managers Group for over twelve months, and has currently held the post of secretary for over two years. The Shopmobility scheme has also been accepted as a member of the National Federation of Shopmobility UK since it opened.

Shopmobility

3. I was the officer responsible for researching the requirements for the Shopmobility in Bromsgrove, which I then passed to a colleague to carry out the construction and management. When this colleague was made redundant, I then became responsible for the construction and operation of the facility.
4. Shopmobility allows the Council to loan equipment at no charge to any member of the public who has an impairment to their mobility. A common misconception is that all users of this service are blue badge holders, are old, and are severely disabled. This is untrue. Users can be of any age, have any type of impairment, and do not have to be blue badge holders. An example is the young boy with a broken leg who needs help getting around.
5. When I was briefed on the report which was required for Shopmobility, it was made clear to me that the preferred method of funding the Shopmobility was to introduce a charge for blue badge holders across all the pay and display car parks. I understand that this decision was taken on the basis that blue badge holders are assessed on their mobility and not their ability to pay. (A copy of the original Cabinet report is attached for information as appendix A.)
6. This was considered at the steering group meetings prior to the final report being drawn up. Although there was concern at the proposed introduction of charges in this manner, no alternative was put forward for funding the scheme. I recall that the feeling was that it would be better to have a Shopmobility and charges for blue badge holders than no Shopmobility and free parking for blue badge holders.
7. The Shopmobility was opened in November 2005. There was no budget for a member of staff to operate the scheme so the five staff of the parking section carried out this function. At this point charging for blue badge holders had not been introduced, and this was not carried out until May 2006. The original proposal was that the removal of the concession for blue badge holders would generate at least an additional £40k which would cover the running costs of the Shopmobility.

8. The impact on the customers of the scheme has been fantastic. Many customers have made it clear that this scheme has changed their life. The customers of Shopmobility tend to be the most severely disabled blue badge holders.
9. The knowledge gained by staff has also been very worthwhile. There is a common misconception that blue badge holders are somehow undeserving of this concession, particularly if at first sight they appear to be able to walk unaided. A number of customers of the Shopmobility have heart or lung problems which can slow them down, particularly after walking for short periods.
10. The charge for blue badge holders initially caused an outcry. But a budget request was made to improve notification of the change and an additional £20k was made available.
11. The £20k allowed us to provide spaces marked out to minimum standards, provide a sign at eye level indicating that blue badge holders were required to pay for each space for the disabled, and increase the number of spaces to the minimum requirement for all thirteen car parks.
12. The budget for operating Shopmobility is £16k per year. This means that parking budgets continue to make up the shortfall and have done so since it was opened.
13. Charging blue badge holders brings in an unknown amount of income. However as 6% of spaces are set aside for blue badge holders, it is reasonable to use this figure in estimations.
14. The cost of operating the Shopmobility is covered by income from charging blue badge holders.
15. In addition, there are a number of benefits to withdrawing the concession for blue badge holders.
16. The Local Government Agency believes that around 50% of blue badge use is "improper". This figure seems a bit on the high side to officers. The last large scale investigation officers can recall into blue badge abuse showed that around 35% of use was improper, and officers believe that this is a more accurate figure. Because Bromsgrove charges, abuse of this type is now mostly restricted to on-street use.
17. The removal of the concession also allows the Council to introduce different parking management systems. For example, pay on foot would allow the Council to meet the requirements of a number of traders and visitors to the town by employing a system which does not punish people for overstaying, and does not allow people to park without payment. The first step for Local Authorities in introducing this type of system is normally to remove the concession allowing free parking for blue badge holders.
18. It is often overlooked that Redditch does not have any Local Authority run car parks, but that the car parks which serve the town predominantly charge blue badge holders.

Therefore there are two Local Authority areas where blue badge holders are required to pay and not one as is normally quoted. The one exception is the car park serving the Shopmobility in Redditch where parking is free for blue badge holders.

19. It is important that this is considered because the campaign to reintroduce a concession for blue badge holders has stated that Bromsgrove is the only District where this charge applies. It isn't.
20. It is also widely reported that all blue badge holders are against paying for parking. Despite a number of complaints when the concession was first withdrawn from blue badge holders, a number of drivers commented that they were perfectly happy to pay for parking as long as the facilities were improved. The section did improve the facilities with the £20k that it was given, and we enforce against offenders who park in spaces for the disabled without apparent entitlement on a regular basis.
21. No-one reports a happy motorist or parker. The news stories about parking should be viewed in the context of the number of drivers who park without problems or issue.
22. Options for funding Shopmobility are limited. The options are;
 - Do nothing
 - Outsource the Shopmobility, possibly to a charity
 - Close the facility
23. The possibility of introducing a registration fee is not viable simply because of the scale of operation. This would mean that drivers would have to pay £135 per year for the service. Charging per visit would also be prohibitively expensive for customers.
24. Options for adjusting or removing the charges for blue badge holders are also limited. The options are;
 - Increase the parking fee for other drivers to compensate for the lost revenue
 - Introduce pay on foot and allow free parking only for users of the Shopmobility (ie those who have the biggest impairment to their mobility) as currently happens in Redditch
25. Any options for changing the current system should be carried out in full consultation of all car park users and not just separate groups. A recent limited survey of car park users found that three quarters of drivers would be happy to pay more to allow free parking for the disabled. In comparison, two thirds were against paying more to subsidise the elderly.
26. I believe it would benefit Members if they were able to visit the Shopmobility and gain first hand experience of the operation before making any recommendations.

Enforcement

27. The question asked is whether Civil Enforcement Officers use their discretion. The short answer is no they do not. Guidance from the Department for Transport (DfT) is clear that

discretion should be applied when considering appeals, but not at the point of issuing parking fines.

28. However, the training and ongoing management of the enforcement operation tries to install a level of common sense. For example, if a vehicle is parked with its wheels outside of a bay, but the area it is parked on would either not be causing an obstruction or it is not evident to other customers that a breach of the regulations is taking place, then I would not necessarily expect a parking fine to be issued. Similarly, if a vehicle is making a delivery to a premises which is accessed through the car park, and there is no other alternative for that vehicle to access these premises, and the driver is clearly active in unloading the vehicle, then again I would not necessarily expect an excess charge to be issued.
29. In the incident outlined in the question, the offender had parked displaying a blue badge but had not purchased a ticket. The responsibility for checking whether a concession applies to blue badge holders lies with the blue badge holder and not the Council. The Council has discharged its duty in ensuring that the regulations are clearly signposted. The wording used in the information given to blue badge holders is explicitly clear *"The Scheme does not apply in off-street car parks. However, some may provide spaces for disabled people. You should check the signs to see what concessions are available, and whether Blue Badge holders have to pay."*
30. It is difficult to imagine what level of "discretion" would be applied if an officer came across a vehicle displaying a blue badge but no ticket. Common sense would suggest that after applying the five minutes observation time, an officer should check whether anyone was still at the machines paying before issuing.
31. Another widely reported incident in the press was a blue badge holder who had received an excess charge after displaying an out of date blue badge. This was reported in the press as a vulnerable member of society who had a waiver for his out of date blue badge. The driver had been spoken to by the issuing officer who apparently had refused to accept his version of events and had booked him immediately anyway.
32. The truth of the matter is that the blue badge holder had refused to show the officer the waiver in question, repeatedly shouted at the officer, and stormed off shouting "well book me then." The officer in question applied common sense and rang the Customer Service Centre to see if we had issued any waivers. The answer came back that no, we hadn't. The officer was concerned that the blue badge holder had point blank refused to show him the waiver, and that there was no evidence to support his claims. He suspected that the blue badge was being use improperly and issued the excess charge.
33. It later transpires that the waiver only applied in Birmingham, and that the driver knew he was required to park in a standard bay when parking in Bromsgrove. Furthermore, it appears that he was a regular customer of the parking section and that this may not have been the first event of this type.

34. The occasions when officers have avoided the inappropriate issue of an excess charge notice are unlikely to come to the attention of the public and Members. An example is the 30 minute bays for the disabled on the School Drive car park. There have been a number of occasions where officers have noticed a car without a blue badge in these bays. On further investigation the driver has been present in the Customer Service Centre renewing their blue badge (which is still valid) and the officer has applied common sense and avoided issuing an excess charge. Good news stories about parking are not reported and situations like this are not widely known.
35. I believe it would benefit Members if they were able to patrol with an enforcement officer and gain first hand experience of the enforcement operation before making any recommendations.
36. The draft enforcement and appeals policy which the section currently adheres to is attached as appendix B. Also included is the training manual used to train Civil Enforcement Officers as appendix C.

Consultation

37. Disabled users are regularly consulted on their views at various meetings regarding parking by various officers within the Council There is a Disability Awareness Group which is regularly consulted on such matters.

Permits

38. Blue badge holders are able to buy permits as any other customer of the parking service is able to. A copy of the application form is included as appendix D to this briefing note.

County Council Policy Notes

39. It has been reported to me that the County Council have issued two draft parking policies, one of which states that parking for blue badge holders should be free across the County. I queried this with my colleagues from County as it is not for them to dictate to the District whether or not they charge blue badge holders. It transpires that the wrong document was sent out and the policy does not contain any such statement.
40. The decision on whether to charge blue badge holders is the right of the operator. No other body or agency has any right to impose conditions on operators who they can charge and when.

The Appeals Process

41. The appeals process is covered in great detail in appendix B. The current process is that the Transport and Engineering officer deals with all appeals within the guidelines detailed, and that subsequent appeals are dealt with by Kevin Hirons as General Manager Street Scene and Community , and then Mike Bell as Head of Service using the same guidelines.
42. In the preceding years the following numbers of appeals have been considered and accepted;

| | No of Appeals Recd | No. of Appeals Accepted | Percentage |
|-------------|--------------------|-------------------------|------------|
| 2007 / 2008 | 955 | 400 | 42% |
| 2006 / 2007 | 943 | 403 | 43% |
| 2005 / 2006 | 865 | 421 | 49% |
| 2004 / 2005 | 1076 | 538 | 50% |

43. It has also been suggested that an elected Member or panel of elected Members should consider appeals. This is not commonly carried out in the industry and would require training to be organised for Members, additional support from other areas of the Council, and also for a fixed meeting of at least 4 hours every week to be convened. There is currently no budget to support such work.

44. The following table details the reasons given for each appeal received in the year 2007/2008 and whether the appeal was accepted or rejected;

| Reason Given For Appeal | Total | Rejected | Accepted | Reason for cancellation |
|----------------------------------|-------|----------|----------|---|
| Special Circumstances | 155 | 55 | 100 | Extreme cases accepted (ie appellant had medical condition etc) |
| Unaware It Was Pay And Display | 116 | 115 | 1 | Not generally considered a valid reason for appeal |
| No Reason | 95 | 93 | 2 | Appellant failed to specify a reason, but had a permit / badge / ticket etc |
| Unable To Return In Time | 77 | 74 | 3 | Not generally a valid reason for appeal except in medical emergencies |
| Ticket Fell Off Dashboard | 74 | 2 | 72 | Valid ticket produced, first offence |
| Pay and Display Equipment Faulty | 63 | 54 | 9 | Details checked and verified / discounted |
| Buying Ticket At Time | 61 | 51 | 10 | Valid ticket produced within reasonable amount of time, first offence |
| Ticket Was Displayed | 58 | 10 | 48 | Valid ticket produced which was displayed, first offence |
| Forgot To Display Blue Badge | 52 | 7 | 45 | Valid blue badge produced, first offence |
| Blue Badge Fell Off Dashboard | 36 | 9 | 27 | Produced a valid blue badge, first offence |
| Parking Attendant Error | 33 | 3 | 30 | Details checked and verified / discounted |
| Forgot To Display Ticket | 26 | 6 | 20 | Produced a valid ticket, first offence |
| Medical Emergency | 16 | 14 | 2 | Details checked and verified / discounted, first offence |
| Forgot To Renew Blue Badge | 16 | 14 | 2 | Exceptional circumstances only accepted, first offence |
| Forgot To Renew Permit | 15 | 15 | 0 | Exceptional circumstances only accepted, first offence |
| Valid Ticket | 15 | 0 | 15 | Details checked and verified / discounted, first offence |
| Not Causing An Obstruction | 14 | 14 | 0 | Generally not a valid reason for appeal |
| Blue Badge Was Displayed | 6 | 3 | 3 | Details checked and verified / discounted, first offence |
| Forgot To Display Permit | 9 | 0 | 9 | Valid permit produced, first offence |
| Unaware a fine was Issued | 4 | 4 | 0 | Photographic evidence proves a fine was issued. |
| Signage Was Inadequate/Incorrect | 3 | 3 | 0 | Not generally a valid reason for appeal |
| Council Administration Error | 3 | 2 | 1 | Details checked and verified / discounted |
| Vehicle Broken Down | 3 | 3 | 0 | Independent documentary evidence requested |
| Unaware Prices Had Increased | 2 | 2 | 0 | Discretion applied after price increases, first offence |

| | | | | |
|----------------------|---|---|---|---|
| Permit Was Displayed | 2 | 2 | 0 | Valid permit produced and appeal supported by photographic evidence |
| VDA | 1 | 0 | 1 | Driver left before ECN was correctly issued |

45. Should the Council decide to adopt Civil Parking Enforcement it would be necessary to employ a member of staff to consider appeals. In Bromsgrove's case this would entail a transfer of duties from an existing post to meet this requirement. This officer would then deal with informal appeals and representations and would prepare cases for the consideration of the Traffic Penalty Tribunal which is an independent agency set up to consider parking appeals. This would allow the Council to consider appeals and provide an independent advisory service.
46. Although the current process could be open to question, the simple fact is that the figures given prove that there is a reasonable appeal process which allows drivers to debate excess charges. Although it can be difficult to remain objective when considering appeals, the parking section is duty bound to operate with integrity and honesty. It is worth noting that a number of appeals are received each year which are plainly dishonest. Indeed, some in the industry are of the opinion that it is seen as fair game to get away with parking fees and fines. The pay and display system, and the appeals process which is set up to deal with disagreements, encourages this attitude. Systems are available that reduce this problem such as pay on foot or pay on exit.
47. An example of such abuse of the system is described as follows: The appellant stated that they had recently arrived back in the country from a holiday and had no English change. The purpose of their visit was to take their son to see the doctor as he was ill, and this was the reason the driver had parked without payment. Obviously I was very concerned that this was a serious issue for the driver and felt inclined to cancel the excess charge.
48. On reading the attendants notes, it was apparent that the driver had racially abused the attendant, had made to run him over when leaving the car park, and had then picked his partner up from the local job centre. It was unclear if a child was present during the incident.
49. Whilst this is not a routine case and does not regularly happen, it has ensured that every case is considered wholly on its own merits and after consideration of all the available evidence from all parties concerned.

Summary

50. The basis for charging blue badge holders has always been that a blue badge is issued on the basis of reduced mobility, and is in no way connected to the ability of the badge holder to pay.
51. The options for reversing the removal of the concession is limited by the revenue that blue badge holders contribute, and cannot be done without increasing prices for other drivers. This will probably put more drivers off visiting the town due to cost and reduce footfall.

52. The Shopmobility facility, which is funded by these charges, is a success story. Shopmobility is used by those drivers and residents who are likely to feel the effects of their mobility problems most keenly. I believe that the Council should be applauded for showing initiative in getting this scheme in place.

AGENDA ITEM NO 7**BROMSGROVE DISTRICT COUNCIL****EXECUTIVE CABINET****12 MAY 2004****PROPOSED SHOPMOBILITY FACILITY**

| | |
|------------------------------|--|
| Responsible Portfolio Holder | Councillor C B Lanham |
| Responsible Head of Service | John J Moody, Head of Community Safety & Engineering |

1. SUMMARY

This report considers the possible methods of operation and funding of a proposed shopmobility facility in Bromsgrove town.

2. RECOMMENDATIONS

1. That the method of operation adopted for any shopmobility facility is as that laid out in section 6.2 by officers under the proposed methods of operation.
2. That the construction of any shopmobility facility is delayed until the building of a more accessible crossing over Market Street and the Spadesbourne Brook has been completed.
3. That officers investigate the possibility of a future partnership approach with other interested parties.
4. That the method of funding adopted for the operation of the shopmobility facility is as laid out in section 8.1, and the application of this method of funding is delayed until the shopmobility facility becomes operational.

3. BACKGROUND

A shopmobility facility would provide wheelchairs, powered wheelchairs, powered scooters, walking sticks, and zimmer frames for the mobility impaired. Anyone wishing to use the equipment would be required to register first, and to demonstrate that they are able to use the equipment safely. It is generally perceived that only the elderly or disabled make use of shopmobility – this is not necessarily the case as shopmobility units regularly loan equipment to short-term mobility impaired people, for example, people who have broken legs. The primary people using the proposed facility can be identified as the mobility-impaired. This can consist of the following subgroups; the elderly, the disabled, and the temporary mobility-impaired.

Provision of such a facility would have two main benefits. It would allow the mobility impaired access shops and services in Bromsgrove, and would also have a positive impact on the local economy. Research has shown that each shopmobility user spends on average between £30 and £50 per visit. Because of the lack of any historical data, it is not possible for any prediction to be made regarding usage, or possible levels of income to be generated. The Council is not currently in any competition to provide this service.

Officers have visited four shopmobility facilities in areas surrounding Bromsgrove District, and have drawn up detailed information regarding the operation and structure of each different facility. The following page details this information.

MERRY HILL SHOPMOBILITY

Hours of opening: 1000 – 2000 Monday to Wednesday
1000 – 2100 Thursday and Friday
0900 – 1900 Saturday
1100 – 1700 Sunday

Funded by: Commercial (Centre Management Company)

Number of members: 2500+

| | | | |
|-----------------------|----|--------------------------------|-----|
| Number of managers: | 1 | Number of Scooters: | 16 |
| Number of staff: | 23 | Number of Wheelchairs: | 109 |
| Number of volunteers: | 0 | Number of Powered Wheelchairs: | 2 |

Notes: The operation is part of the information centre and travel shop.
Tri-walkers are also provided for customers.

REDDITCH SHOPMOBILITY

Hours of opening: 0900 - 1700 Monday to Saturday

Funded by: Commercial (Kingfisher Centre Management Company), and also Local Authority (Redditch Borough Council)

Number of members: 3500+

| | | | |
|-----------------------|---|--------------------------------|----|
| Number of managers: | 1 | Number of Scooters: | 40 |
| Number of staff: | 5 | Number of Wheelchairs: | 60 |
| Number of volunteers: | 0 | Number of Powered Wheelchairs: | 18 |

Notes: Walking sticks are also provided for customers.

STRATFORD SHOPMOBILITY

Hours of opening: 1000 – 1400 Monday
1000 – 1600 Tuesday to Friday
1000 – 1400 Saturday

Funded by: Local Authority (Stratford-on-Avon District Council) and charitable trust.

Number of members: 1254

| | | | |
|-----------------------|---|--------------------------------|----|
| Number of managers: | 1 | Number of Scooters: | 8 |
| Number of staff: | 1 | Number of Wheelchairs: | 12 |
| Number of volunteers: | 0 | Number of Powered Wheelchairs: | 2 |

Notes: Tri-walkers, zimmer frames, and walking sticks are also provided for customers.

SOLIHULL SHOPMOBILITY

Hours of opening: 0930 – 1630 Monday to Saturday

Funded by: Charitable trust.

Number of members: 3000+

| | | | |
|-----------------------|----|--------------------------------|----|
| Number of managers: | 1 | Number of Scooters: | 40 |
| Number of staff: | 3 | Number of Wheelchairs: | 32 |
| Number of volunteers: | 30 | Number of Powered Wheelchairs: | 9 |

Notes: There are two separate facilities, one in the town centre and one in the Touchwood centre.

There are three separate organisations that have been contacted asking for their views on such a proposal; these are Age Concern, Bromsgrove and District Action Group for Older People, and Bromsgrove and District Access Group. All three have responded positively, but there have been no direct offers of operational support in terms of staffing.

4. Financial Implications

4.1 Capital budget provision of £75 000 already exists for the construction of the facility, and there is a revenue budget provision for the start up of the service of £15 000. Financial options for the long term sustainability are considered in section 6 below.

5. Legal Implications

5.1 In the event that the Council were to operate the facility, then it would be necessary to take reasonable steps to ensure that those people wishing to use the facility were able to do so safely, and had demonstrated this ability satisfactorily before using the equipment.

6. Staffing Options

- 6.1 There are four potential methods of staffing the facility, which are;
- 6.2 The Council funds the staff costs. This would provide certainty of cover and ensures a certain standard of service, but comes at a yearly cost to the Council.
- 6.3 The Council funds part of the staffing cover required, and the remainder of the staffing operation is funded and / or provided by a partnership organisation. This would ensure certainty of cover for part of the hours of operation, and reduces the costs to the Council. Other operators have expressed concerns about relying solely on volunteers, and this offers a compromise solution.
- 6.4 The operation is staffed solely by volunteers from a charitable organisation. This means that the responsibility for providing the operation lies with the charity, and also any cost implications. However, this may prove difficult and complicated to set up in the initial stages of operation.
- 6.5 The operation is staffed by shopmobility equipment providers who would be contracted to provide a minimum number of scooters for use by customers, but also use the facility as a retail outlet. Other shopmobility operators have expressed disquiet at this choice of operation as the retailer may try to pressure customers into buying equipment.
- 6.6 The option of running a commercial operation does not apply, as the Town Centre is not run by a commercial company.

7. Proposed Method Of Operation

- 7.1 Your officers believe that of the four models set out, the Stratford model is the most favourable method of operation for the following reasons;
- It would guarantee the operation of the facility for the first year, and avoid any potential for embarrassing periods of closure.
 - It could act as a pump-prime for any charitable investment or involvement, and perhaps lead to different method of funding as detailed above.
 - It would allow the Council to gauge usage figures, the amount donated by users, and whether the operation could be adequately funded by other means.

Disadvantages to the Council would be;

- The call on revenue costs would fall on the Council (although this could be off-set, this is dealt with in the funding section of this report).

Hours of operation would be 0900 -1700 Monday to Saturday, with one member of staff working five days per week, and one part time member of staff working one day per week and then covering any time off, such as staff holidays or absence.

An adequate mix of mobility aids has already been recommended as follows; 8 scooters, 2 power wheelchairs, and 12 manual wheelchairs. Scooters come in various sizes to support various weights of user, and the range supplied should include 6 average weight scooters, and 2 heavy weight scooters.

People wishing to use all forms of mobility aid are required to register first by filling in a simple questionnaire and providing proof of identity. People wishing to use scooters have to receive training prior to use, and also have to undergo a safety assessment as well. Forms for use by applicants are attached to the end of this report.

In order to guarantee that people wishing to use the facility can park nearby, separate parking provision solely for the use of shopmobility members must be made.

8. Funding

- 8.1 The cost of staffing the operation for one year would be around the £35 000 figure. The cost to the Council of permitting disabled badge holders to park for free is around £40 000 per year. This can be calculated by multiplying the current average revenue per space of £631 by the number of spaces for the disabled (53) plus the number who use other spaces for free (10), therefore this gives a figure of $£631 \times (53 + 10) = £39 753$. This proves that the cost of staffing the facility could in theory be offset directly by charging disabled persons to park. Many other Local Authorities do not offer free parking for disabled persons, such as Bournemouth, and Shrewsbury and Atcham Borough Council. The principle here is accessibility, and not the ability to pay.

The equipment can reasonably expected to last for five years, but there are maintenance costs involved which should be met by any donations made. The replacement of equipment should be prepared for in good time however, and the setting up of a registered charity (in conjunction with the consultation already proposed) that can apply for funding from diverse areas such as the national lottery should be seen as a matter of urgency.

Several companies have been contacted with a view to determining prices for providing the mobility equipment. Prices quoted for supply are generally far lower than those given out for members of the public. None of the companies were prepared to enter into a sponsorship arrangement where the equipment could be sponsored, although one company was prepared to operate the facility on our behalf.

Background Papers

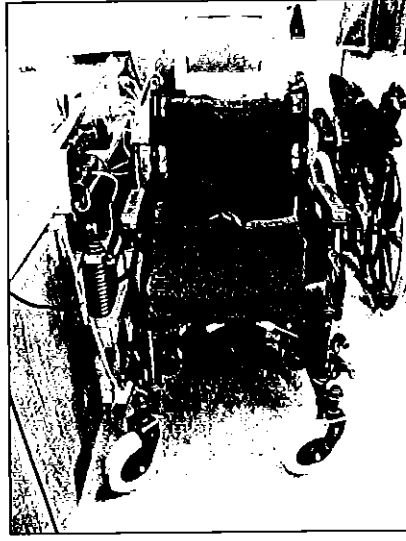
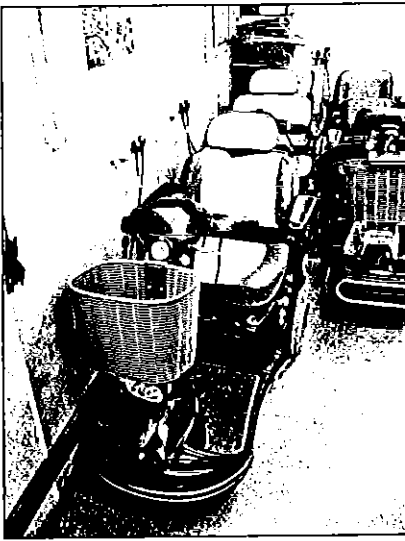
Contact officer

Name: Steve Martin
E Mail: steve.martin@bromsgrove.gov.uk
Tel: (01527) 881457

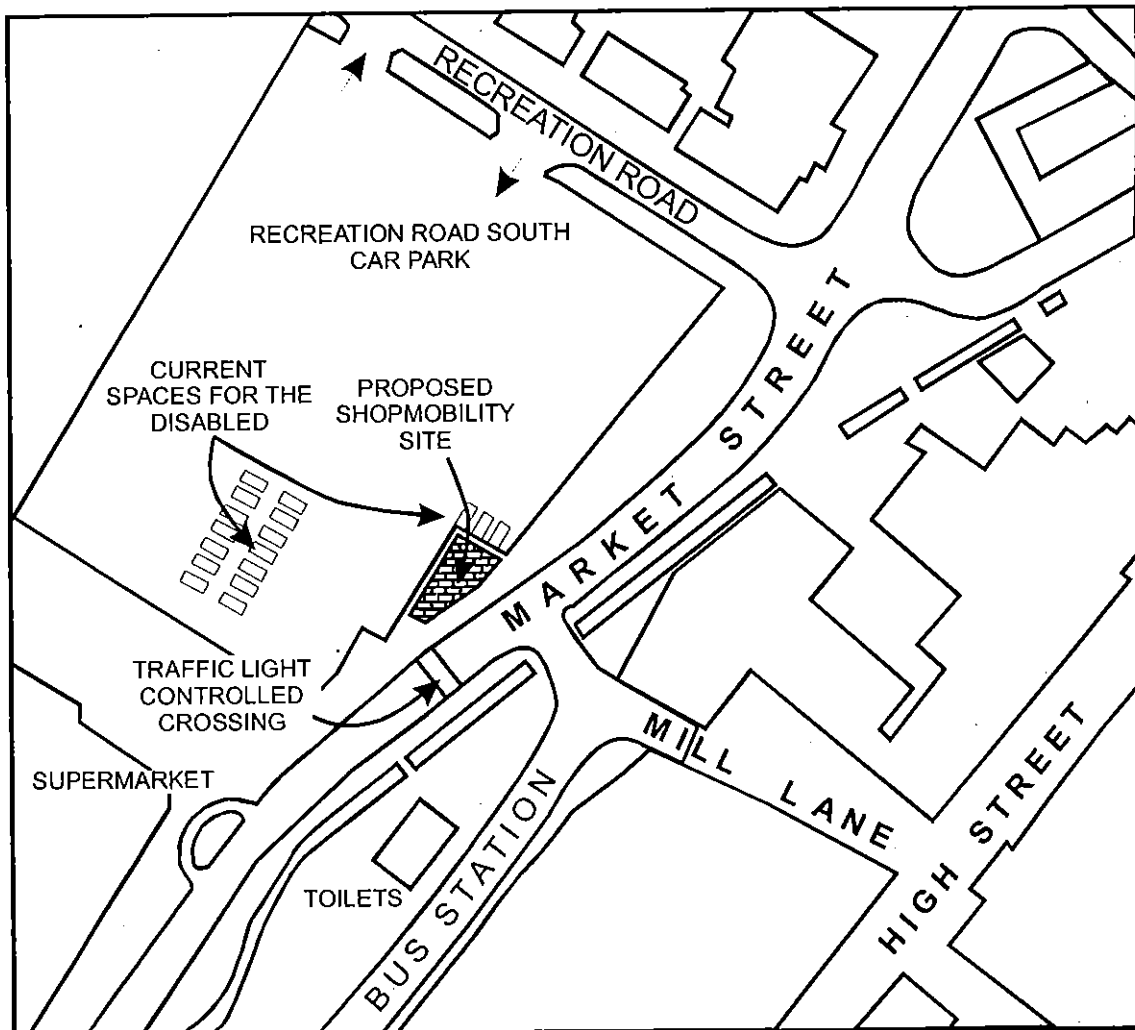
Powered Scooter

Powered Wheelchair

Folding Wheelchair



Proposed Location Of Facility



Bromsgrove District Council

Parking Enforcement

Customer Charter and Procedures



Bromsgrove
District Council
www.bromsgrove.gov.uk



Contents

1. Introduction
2. Customer Charter
3. Civil Enforcement Officers (formerly Parking Attendants)
4. Appeals
5. Grounds For Making Representations
6. Payment of Parking Fines
7. Staff Conduct
8. Exemptions and Waivers
9. Enforcement
10. Suspected & Abandoned Vehicles
11. Clamping & Removal of Vehicles

1 Introduction

Message from the Chair of the Bromsgrove Parking Steering Group

“Parking is important. It provides us with access to local services and businesses, leisure activities and shopping. It is also a popular topic for discussion, and many people will have strong views on the subject.

The parking provided by the Council in the District is of a high standard. We have CCTV on all our pay and display car parks. Our standards of parking for drivers with a disability are possibly the best in the local area. The car parks are regularly swept and cleaned, are illuminated to a high standard, and are patrolled frequently by uniformed staff.

These standards come at a cost. The charges we make for using these car parks support the maintenance, upkeep, and cleanliness of the car parks. The charges also support other Council initiatives such as CCTV and Shopmobility scheme. These two services in particular have made a huge impact on the District, and without charging for parking the Council would have struggled to introduce or maintain either.

Most of our customers play fair and pay for their parking, or use the car parks in line with the terms and conditions of use. Those who do not are often subject to enforcement activity.

This document sets out the standards we require our officers to adopt. Our officers will always work by the standards of honesty, integrity, and transparency. This document provides our customers access to those standards, and is also used by the section for training purposes.

I am pleased to introduce the customer charter and procedures.”

Councillor Sherrey - Chair of the Bromsgrove Parking Steering Group

The purpose of this document is to provide parking customers and staff clear and transparent information regarding the operation of the parking service. It will be used as a training document for all staff. It is also aimed at being a useful tool for customers of the service who wish to research the way that the parking service operates.

This document also sets out the standard of service that Bromsgrove Council expects to deliver to our customers.

It is intended that this document will be regularly maintained, and also that it will be jargon free.

2 Customer Charter

We strive to;

- Provide an efficient and courteous service
- Provide safe and user friendly parking areas complying with current parking regulations
- Make your safety and security a key factor
- Provide 24 hour CCTV coverage on all our car parks
- Provide uniformed staff patrolling during open hours
- Provide designated spaces for disabled drivers set out to current regulations
- Ensure that our parking areas are well lit, cleaned, and maintained
- Clearly display information about charges and where to pay
- Repair any equipment as soon as possible, keeping disruption to a minimum
- Remove graffiti within 5 working days of reporting
- Seek and listen to your views and ideas on how we may improve the service
- To monitor and compare ourselves to others

3 The Role of the Civil Enforcement Officer

The Civil Enforcement Officers employed by Bromsgrove District Council will cover the off-street car parking operated by the Council throughout the District. These officers will receive training which will enable them to respond to customer needs sensitively and also to carry out enforcement fairly and consistently.

Civil Enforcement Officers will often be the first or only point of contact for many customers of the service. Much of the time spent by Civil Enforcement Officers will be engaged in queries from members of the public, but most of their time will be spent in enforcement activity. They will also report back items for action not normally covered by Enforcement Officers, such as fly-tipping, abandoned vehicles, graffiti, and damage to street furniture.

The Enforcement Officers will also carry out the following routine duties;

- Checking signage, bins, lines and general cleanliness
- Ensuring pay and display machines are operational
- Ensuring pay and display machines are set to the correct time
- Ensuring that drivers have paid for, or are entitled to, their parking
- Ensuring that vehicles are parked within a designated parking bay and are not causing an obstruction.
- Ensuring that there are no obstructions or hazards to health and safety on any of the parking areas.

Excess Charge Notices – Issuing Criteria

Before an Excess Charge Notice is issued, the following must be considered by the Enforcement Officer;

- Checking that all signs, markings, and plates in the immediate area are visible.
- Checking that pay and display machines in the vicinity are operational
- Checking that the vehicle has not broken down
- Checking that the vehicle is not displaying a permit.
- Checking that the vehicle is not displaying anything (ie a blue badge) that would give dispensation in that instance
- Checking that the driver is not in the process of purchasing a ticket.

Issue and Serving of Notices


An excess charge notice may be issued at the time that the Civil Enforcement Officer believes that the motorist is committing an excess charge offence. The notice will either be affixed to the vehicle in an envelope or handed directly to the driver.

The excess charge notice will contain the following information;

- Registration number of the vehicle;
- Location of the vehicle;
- Date and time of the alleged contravention;
- The Civil Enforcement Officer issuing the excess charge notice
- Details of alleged contravention;

- Details of penalty payable;
- Instructions on how and where to pay;
- Instructions on how and when an appeal against the issue of the penalty may be made.

An example of the type of excess charge notice is included below:

| | | | | |
|--|---|------------------------------------|--------------------------|-----------------------|
| Copy to Driver | | BROMSGROVE DISTRICT COUNCIL | | Excess Charge Number: |
|  | | <u>EXCESS CHARGE NOTICE</u> | | ECN |
| ROAD TRAFFIC REGULATION ACT 1984 DISTRICT COUNCIL OF BROMSGROVE (OFF-STREET PARKING PLACES) (VARIATION) ORDER 2008 | | | | |
| To the driver of the vehicle, the registration number of which is: _____ | | | | |
| the above vehicle was observed in the _____ parking place | | | | |
| at (time) _____ on (date) _____ 20 ____ by Civil Enforcement Officer No. ____ The vehicle (tick as applicable); | | | | |
| <input type="checkbox"/> Did not have a valid ticket or permit displayed. | <input type="checkbox"/> Was not parked wholly in a designated bay. | | | |
| <input type="checkbox"/> Had a ticket which had expired at _____. | <input type="checkbox"/> Had a permit which had expired on _____. | | | |
| <input type="checkbox"/> Exceeded the maximum time allowed of _____. | <input type="checkbox"/> Was using a space for a purpose other than indicated. | | | |
| <input type="checkbox"/> Was parked in a space for the disabled without displaying a valid blue badge. | <input type="checkbox"/> Was being used for the sale of foodstuffs or other goods to persons in or near the car park. | | | |
| <input type="checkbox"/> Exceeded the maximum weight permitted. | Issued at (time): _____ | VDA? | <input type="checkbox"/> | |
| <p>IF YOU DO NOT PAY A REDUCED CHARGE OF £35 WITHIN 14 DAYS OF THE DATE OF ISSUE OF THIS NOTICE, THE CHARGE DUE WILL BE £70. FAILURE TO PAY MAY LEAD TO PROSECUTION. DO NOT PAY THE ATTENDANT. SEE THE REVERSE FOR DETAILS OF HOW TO PAY.</p> <p>IT IS AN OFFENCE UNDER SECTION 35A(1) OF THE ROAD TRAFFIC REGULATION ACT 1984 FOR THE DRIVER WHO HAS LEFT THE VEHICLE IN THIS PARKING PLACE TO FAIL TO PAY THE EXCESS CHARGE.</p> | | | | |

Wherever possible a pre-addressed envelope will be supplied with the excess charge notice. In cases where the excess charge notice is handed to the driver, this may not always be possible.

Any excess charge offence may require the civil enforcement officer to take photographic evidence (either in the form of stills or video footage) of the offence. This will allow the Council to;

- Provide evidence to support the issue of the excess charge notice in cases of dispute
- Provide evidence that the civil enforcement officer has acted correctly and within the current guidelines

Photographic evidence will solely be used for the considering of appeals and the recovery of any debts incurred.

4 Appeals

We aim to ensure that each letter of appeal is carefully and fully considered, and that the decision reached in relation to the appeal is clearly communicated. The reasons behind our decision will also be made clear.

All appeals must be received in writing which may be by email, letter, or on an official appeal form. This is as much for the benefit of the appellant as the Council, and is a clear record of the reasons for appeal.

Drivers are encouraged to appeal before the 14 working day limit for reduced payment has been breached. If an appeal is received after this time the full amount of the excess charge notice will be due.

We will endeavour to respond fully to any appeal within 10 working days.

The Council will contact the Driver and Vehicle Licensing Agency (DVLA) in order to ascertain who the registered keeper at the time of the excess charge notice was. If the driver fails to respond to the excess charge notice, then a letter will be sent to the registered keeper of the vehicle. This letter is known as a Notice to Owner (or NTO). The registered keeper will then have the opportunity to dispute the excess charge notice or make payment in full.

After 21 days the debt is formally recorded with the Council's accounting system. An invoice will be raised and sent to the debtor.

If no appeal is received, the debt is passed to our legal team for prosecution, and the cost of the excess charge notice may increase with administration fees being added to the cost, and additional charges may also apply if court appointed bailiffs are used.

Drivers may appeal on whatever grounds they wish, and all appeals will be considered on their own merits. However, officers dealing with appeals are required to observe the guidelines laid out in section 5.

A list of possible reasons that appeals may be accepted and also mitigating circumstances are included in section 5.

All appeals will be considered by the Notice Processing Office and the motorist informed of their decision within 10 working days on receipt of the appeal. Appeals must be received by the Notice Processing Office, and if possible should be on the appropriate form which is available online at www.bromsgrove.gov.uk.

In addition, a paper copy of the appeal form can be collected from;

Bromsgrove District Customer Service Centre
School Drive
Bromsgrove

If you do not have access to the internet and cannot visit the Service Centre, a simple statement in letter form will be adequate.

Completed appeal forms and letters of appeal can be returned to;

The Parking Office
Bromsgrove District Council
The Council House
Burcot Lane
BROMSGROVE
B60 1AA

Email appeals can be sent to appeals@bromsgrove.gov.uk – these will then be automatically forwarded to the relevant officers. Copies of any evidence pertaining to the appeal should be attached to the email. For example, if you wish to appeal on the basis that you own a blue badge, scan both sides of the blue badge and attach it to your email.

Regrettably the motorist does **not** currently have the right on an appeal being refused by the Notice Processing Office to take their appeal to the National Parking Adjudication Service. This is because the Council operates under the Road Traffic Regulation Act 1984.

Drivers who are dissatisfied with the decision taken can refer the matter to the parking section again where the case will be reviewed by a senior officer. However, drivers should be aware that officers use the same criteria for considering appeals and these are included in section 5.

Registered Keepers Liability

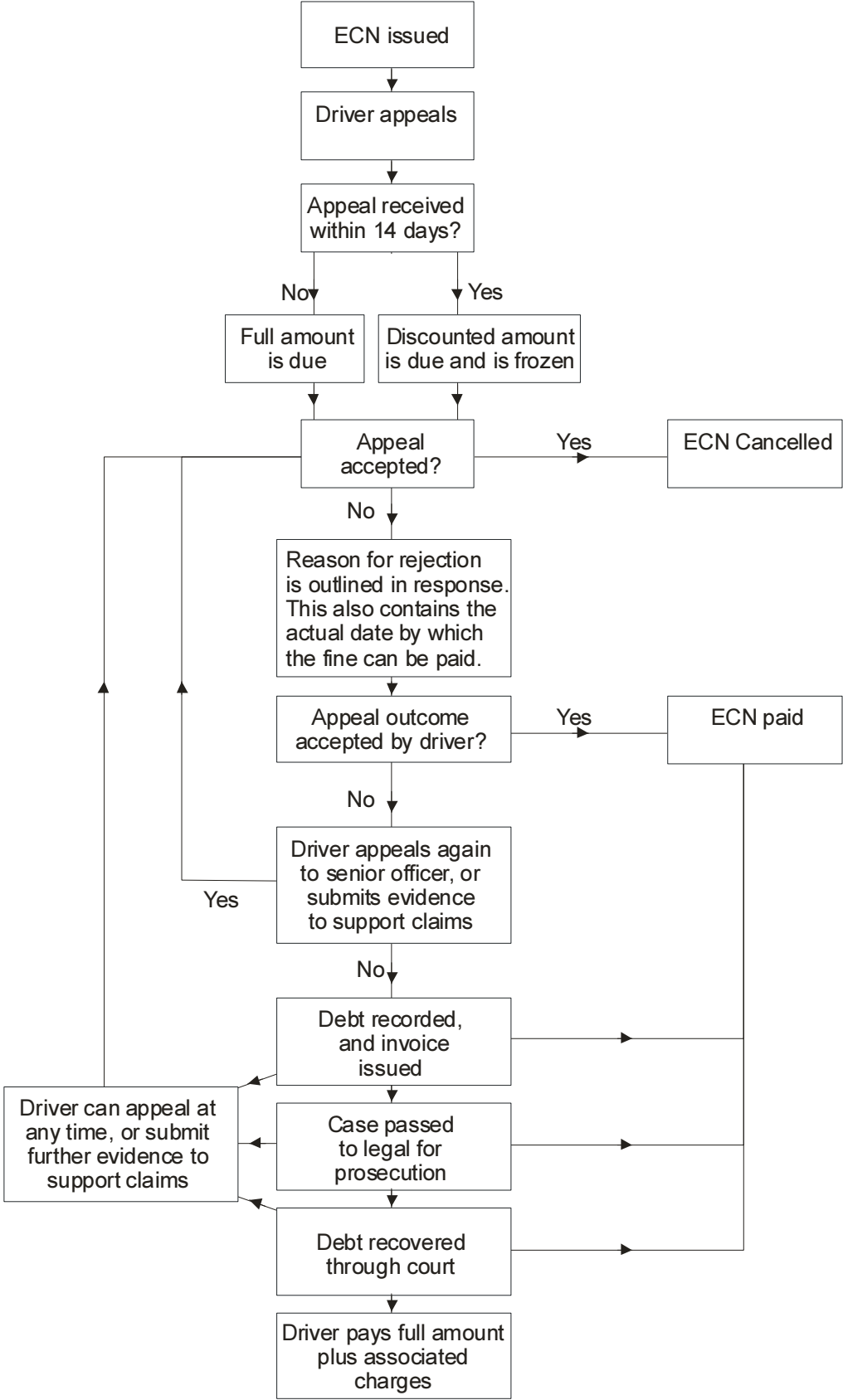
A number of appeals may be received on the grounds that the registered keeper was not in possession of the vehicle at the time of the offence. Although this may be the case, the registered keeper still has a responsibility to ensure that the vehicle is parked correctly and responsibly.

The registered keeper will still be liable for all excess charge notices issued.

All changes in keeper details must be forwarded to the DVLA by completing the relevant sections on the vehicle registration document. Where an excess charge notice is issued and a registered keeper is claiming to no longer own the vehicle and did not own the vehicle at the time of the alleged contravention, clear written evidence will need to be provided showing the precise date the vehicle was sold and the person to whom it was sold.

Hire vehicles are different in that although the hire company are the registered keepers of the vehicle, the paperwork signed by the hirer clearly transfers responsibility of such penalties to the driver.

Figure 3 – The Appeals Process



5 Grounds for Making Representations

There are no statutory grounds for appealing against excess charge notices. The following list details how the Council will approach appeals.

| MAY ACCEPT REPRESENTATIONS | MAY REJECT REPRESENTATIONS |
|--|--|
| S1 The contravention did not occur: | |
| S1.2 where the motorist claims that a parking pay & display machine was faulty | |
| <p>If service records confirm a fault or that the machine had been taken out of service at the time of the contravention.</p> <p>If there is reasonable doubt because evidence not available to confirm that a machine was working at the time (test ticket) and there was not another ticket machine nearby which was operating correctly</p> | <p>If there was another ticket machine nearby that was working correctly at the time.</p> <p>If there is no record of the machine being faulty or taken out of service.</p> <p>If there is reasonable doubt because evidence confirms that other visitors had been able to purchase tickets during the relevant period</p> |

| MAY ACCEPT REPRESENTATIONS | MAY REJECT REPRESENTATIONS |
|---|--|
| S1.3 where motorist claims that the restriction is not clearly signed or marked | |
| <p>If signs and/or markings are missing or unclear.</p> <p>If signs and markings are inconsistent with each other and/or Traffic Regulation Order or Car Parking Order.</p> | <p>If site visit records or photographs establish that signs and/or markings are correct and consistent with each other and the Traffic Regulation Order or Car Parking Order legislation.</p> |

| MAY ACCEPT REPRESENTATIONS | MAY REJECT REPRESENTATIONS |
|--|-----------------------------------|
| S1.4 where motorist was carrying out building works | |
| | In all other circumstances |

| MAY ACCEPT REPRESENTATIONS | MAY REJECT REPRESENTATIONS |
|--|--|
| S1.5 where motorist claims that excess charge notice was not served (i.e. excess charge notice not found attached to the vehicle or handed to driver) | |
| If the Civil Enforcement Officer's pocket book and/or computer notes confirm that the vehicle drove away before an excess charge notice could be served, i.e. excess charge notice not handed to the driver or fixed to the vehicle. | If the Civil Enforcement Officer's notes or photographs confirm that an excess charge notice was correctly served, i.e. handed to the motorist or fixed to their vehicle |

| MAY ACCEPT REPRESENTATIONS | MAY REJECT REPRESENTATIONS |
|---|--|
| S1.6 where the motorist claims that their vehicle was not parked in the location at the time and on the date alleged on the excess charge notice which was issued | |
| If the photographic, video, or any other evidence does not prove beyond any reasonable doubt that the vehicle was parked at the date, time and place of the contravention. | If the photographic, video, or any other evidence proves beyond any reasonable doubt that the vehicle was parked at the date, time and place of the contravention. |

| MAY ACCEPT REPRESENTATIONS | MAY REJECT REPRESENTATIONS |
|---|--|
| S1.7 where motorist claims that a valid authorisation to park, had been issued | |
| If records show that the motorist holds a valid authorisation to park. | If the motorist cannot provide a copy of the valid authorisation to park or if there is no record of any issue of the authorisation. If the motorist did not park in accordance with the authorisation. |

| MAY ACCEPT REPRESENTATIONS | MAY REJECT REPRESENTATIONS |
|--|---|
| S1.8 where the motorist claims that a pay & display ticket was purchased and displayed | |
| <p>If the motorist produces a Pay & Display parking ticket that was valid at the time the excess charge notice was issued <i>and</i> the vehicle registration number matches that entered on the ticket <i>and</i> it is the first contravention of this kind.</p> | <p>If the motorist is unable to produce a valid pay & display ticket, Or The motorist has made a similar representation before and had a previous excess charge notice cancelled, after giving them the benefit of the doubt Or The Civil Enforcement Officer noted that the motorist obtained their ticket from another motorist in the car park Or Where digits have been entered on the face of the ticket and do not match those of the motorist's vehicle registration, subject to some latitude being allowed for errors.</p> |

| MAY ACCEPT REPRESENTATIONS | MAY REJECT REPRESENTATIONS |
|---|--|
| S2 The penalty exceeded the relevant amount | |
| If the excess charge notice and/or notice to owner letter showed the incorrect amount of penalty charge, i.e. the wrong penalty charge band | If the excess charge notice or notice to owner showed the correct amount of penalty charge |

| MAY ACCEPT REPRESENTATIONS | MAY REJECT REPRESENTATIONS |
|--|--|
| S3 The Parking / Traffic Order was invalid | |
| If the Traffic Regulation Order or Car Parking Order which prescribes the restrictions that the vehicle was parked in contravention of was either not constructed correctly, i.e. is ultra vires, or was not made correctly, i.e. not consulted on properly. | The Traffic Regulation Order or Car Parking Order which prescribes the restrictions that the vehicle was parked in contravention of was constructed and made correctly. If the motorist merely considers the restrictions to be unfair. |

| MAY ACCEPT REPRESENTATIONS | MAY REJECT REPRESENTATIONS |
|---|--|
| S4 The motorist was not the owner/keeper of the vehicle at the time of the contravention: | |
| S4.1 where the current registered keeper claims that the vehicle was disposed of before the contravention occurred | |
| <p>If the current registered keeper is able to provide proof that the vehicle was disposed of before the contravention, i.e. a bill of sale, registration documents, insurance documents or a letter from the DVLA; and/or</p> <p>If the current registered keeper is able to provide the full name and address of the person to whom they disposed of the vehicle.</p> | <p>If the current registered keeper is unable to prove that they disposed of the vehicle before the contravention or provide the full name and address of the person to whom they disposed of the vehicle.</p> <p>If the person named by the current registered keeper as the person to whom they disposed of the vehicle, either does not exist, cannot be traced or is for some other reason not considered to be bona fide the person named by the current registered keeper.</p> |

| MAY ACCEPT REPRESENTATIONS | MAY REJECT REPRESENTATIONS |
|--|---|
| S4.2 where the current registered keeper claims that the vehicle was purchased after the contravention occurred | |
| <p>If the current registered keeper is able to provide proof that the vehicle was purchased after the contravention, i.e. an invoice, registration documents, insurance documents or a letter from the DVLA; and/or</p> <p>If the current registered keeper is able to provide the full name and address of the person from whom they purchased the vehicle.</p> | <p>If the current registered keeper is unable to prove that they purchased the vehicle after the contravention or provide the name and address of the person from whom they bought the vehicle.</p> <p>If the person named by the current registered keeper as the person to whom they disposed of the vehicle, either does not exist, cannot be traced or is for some other reason not considered to be bona fide.</p> |

| MAY ACCEPT REPRESENTATIONS | MAY REJECT REPRESENTATIONS |
|---|--|
| S4.3 where the current registered keeper claims that a contracted third party was responsible for the vehicle at the time of the contravention | |
| Only when a hire agreement exists (see S6, below). | In all other circumstances because the registered keeper is always liable, including where the vehicle was left in the care of a garage. |

| MAY ACCEPT REPRESENTATIONS | MAY REJECT REPRESENTATIONS |
|---|--|
| S4.4 where the motorist claims that they never owned the vehicle | |
| If the DVLA confirm that the motorist was not the registered keeper at the time of the contravention. | <p>If the DVLA confirms that the motorist was the registered keeper of the vehicle at the time of the contravention.</p> <p>If the previous registered keeper provides proof that the motorist bought the vehicle before the contravention, or the subsequent registered keeper provides proof that the motorist sold the vehicle after the contravention.</p> <p>If the motorist is proven to have hired the vehicle for the day on which the contravention occurred and signed an agreement to take responsibility for excess charge notices incurred, subject to the time of hire (see policy S6, below).</p> |

| MAY ACCEPT REPRESENTATIONS | MAY REJECT REPRESENTATIONS |
|---|--|
| S5 the vehicle had been taken without owner's consent S5.1 where the current registered keeper claims that the vehicle had been stolen | |
| If the registered keeper provides a valid police crime report reference number. | If the current registered keeper is unable to provide any proof of theft. If the police crime report reference number provided by the current registered keeper does not exist or it does not match the theft or date of the theft alleged. |

| MAY ACCEPT REPRESENTATIONS | MAY REJECT REPRESENTATIONS |
|--|--|
| S5.2 where the current registered keeper claims that the vehicle was driven by a third party (i.e. a friend, relative or estranged partner) | |
| In no circumstance | In all circumstances because the registered keeper is always liable, save for when a hire agreement exists (see policy S6, which follows). |

| MAY ACCEPT REPRESENTATIONS | MAY REJECT REPRESENTATIONS |
|---|--|
| S6 the owner is a hire company and have supplied the name of the hirer | |
| <p>If the hire company are able to provide proof that the vehicle was hired at the time of the contravention, i.e. a signed agreement.</p> <p>If the hire company are able to provide the full name and address of the person to whom they hired the vehicle.</p> | <p>If the hire company are unable to prove that they hired out the vehicle on the date of the contravention or provide the name and address of the person to whom they hired the vehicle.</p> <p>If the person named by the hire company, without proof, either does not exist, cannot be traced or denies responsibility for the contravention.</p> <p>If the vehicle was being used as a courtesy car without an agreement signed to accept responsibility for excess charge notices issued.</p> |

| MAY ACCEPT REPRESENTATIONS | MAY REJECT REPRESENTATIONS |
|---|--|
| S7 Any other information that the motorist / vehicle owner want the Council to take into consideration | |
| | The decision whether or not an excess charge notice should be cancelled will only be taken following very careful consideration taking into account all of the evidence available. |

6 Payment of Parking Fines

We will accept payment in a number of ways to make paying an excess charge notice easy. We will take action to recover any unpaid excess charge notices as they are regarded as a debt to the Council.

Payment Facilities

It is the wish of the Council that all motorists are given a number of methods through which to pay the excess charge notice. The following payment methods will be allowed and administered by the Notice Processing Office:

- Cheque;
- Credit Cards;
- Debit Cards; and
- Cash.

Payments can be made by post (cheques only) by sending the payment to;

Bromsgrove District Council
PO Box 7760
BROMSGROVE
B60 1BR

Cheques should be made payable to “Bromsgrove District Council”.

Payment by cash, cheque, or credit or debit card can be made in person at:

Bromsgrove District Customer Service Centre
School Drive
Bromsgrove

It is intended that in the future payment by credit or debit card can be made by phoning 01527 881474 and listening to and following the messages. This facility will be available at most times throughout the day everyday.

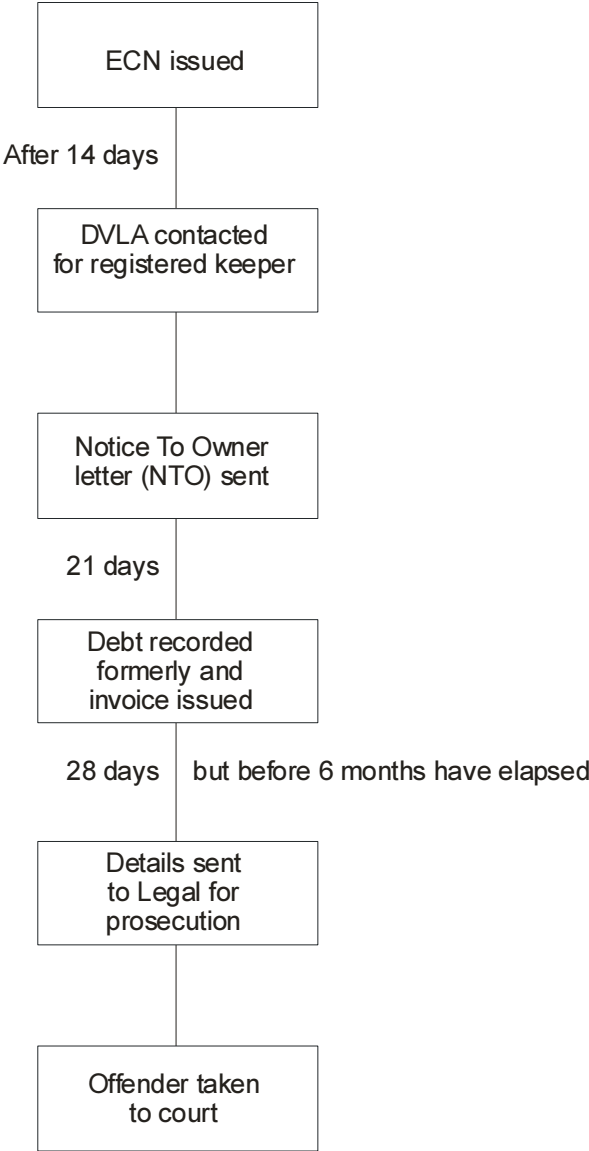
Payment by credit or debit card can be made by logging on to www.bromsgrove.gov.uk and selecting the pay for it section. This facility is available at most times throughout the day everyday.

The Issue of Excess Charge Notices

Once an excess charge notice has been issued, the registered keeper is offered a reduction for early payment of the charge. Once the prompt payment discount period, which is currently fourteen days, has passed, the debt owed doubles.

If the debt remains unpaid until after the case has been referred to County Court, the Council may add any additional costs incurred to the debt. Drivers should also be aware that the Court may appoint bailiffs to recover the debt.

The procedure detailed on the following page will be applied to excess charge notices.



7 Staff Conduct

Our staff will be highly trained to do their job well.

Bromsgrove District Council Civil Enforcement Officers will be easy to recognise in their green uniform.

All Bromsgrove District Council Civil Enforcement staff will treat customers with respect and expect to be treated in the same way.

Customer Care

Bromsgrove District Council places a great emphasis upon customer care and operates principles aimed at maximising public relations. These principles will be embodied in operational procedures.

For example:

- A high standard for replying to correspondence has been set and will be maintained in line with customer care promises,
- Warning notices may be issued for certain contraventions; for example, a motorist holding a recently expired permit,
- All staff will work towards achieving a nationally recognised standard of competency and
- The use of corporate complaints procedures for the enforcements service embodying all the Council's standards.

Quality

As part of the high standard that Bromsgrove District Council wishes to adopt, training will play a key role.

Along with the rigorous selection process in filling all Civil Enforcement Officers vacancies, an ongoing training and development programme will assist in the quality of service provided. Training of staff will also instil job satisfaction into our staff and encourage them to undertake their daily duties to the best of their abilities knowing they are fully supported by the Council.

Bromsgrove District Council will carry out training to high standards for Civil Enforcement Officers.

All new Civil Enforcement Officers will be required to work towards a nationally recognised assessment and certification.

Civil Enforcement Officer Uniforms

Civil Enforcement Officer uniforms will be worn in accordance with national guidance. The design will incorporate the words "Civil Enforcement Officer" and "Parking Section" and will be easily distinguishable from police officers, etc. They will also have the name of the Council clearly displayed. The Attendants will carry a personal photo identity card. Personal radios and mobile phones will also be carried for the purpose of maintaining contact with the CCTV control room in order to request assistance and to alert the Police to incidents or issues requiring their attention.

Complaints against Civil Enforcement Officers

In striving towards continual improvement in the service provided by Bromsgrove District Council's Parking Section, the Council complaints procedure will be adopted enabling members of the public, both motorist and non-motorists, to register a complaint against any Civil Enforcement Officer or member of staff connected to the Parking Section.

Complaints can be made in person at The Bromsgrove District Customer Service Centre. Alternatively, you can ring and request a form on 01527 881288, or download a form from www.bromsgrove.gov.uk .

The Council aims to investigate the complaints and respond within 10 working days of receiving the official complaints form.

8 Exemptions and Waivers

The following vehicles are exempt from parking restrictions on Bromsgrove District Council parking areas;

- Police vehicles, Fire Brigade vehicles and Ambulances whilst attending emergency situations;
- Local authority vehicles being used to carry out their duties (such as: refuse collection, street cleansing, highway maintenance).
- Recovery vehicles attempting to recover vehicles which have broken down, providing they are acting in accordance with the instructions issued by Civil Enforcement Officers.

9 Enforcement

We will observe vehicles for the periods stated for different contraventions before issuing an excess charge notice.

We will endeavour to take photographic or video evidence to show the excess charge notice was correctly issued.

We will consider mitigating circumstances for all representations.

Observation Period Prior to Issue of Excess Charge Notice

What is important about these procedures is that they represent a foundation upon which fairness and discretion can be applied. The importance of flexibility in these matters has been recognised by the courts and, as a consequence, decisions made by Bromsgrove District Council staff must not be fettered by being unduly formulaic.

The procedures address the following:

- Observation times for enforcement staff
- The statutory grounds upon which representations may be made
- Mitigating circumstances
- The acceptance or rejection of representations

It is important to recognise that each case will be considered on its own merits, matters of proportionality, objectivity, fairness and reasonableness should be paramount. These procedures will be subject to ongoing review.

Civil Enforcement Officers may allow a period to undertake and record observations for genuine attempts to park before they may issue an excess charge notice. The table on the next page shows the duration of some of the observation periods and the standard contravention code which applies to the excess charge notice. These codes are nationally used.

| Code | Observation Time | Contravention |
|------|------------------|--|
| 63 | 0 min | Parked with engine running where prohibited |
| 80 | 0 min | Parked for longer than the maximum period permitted |
| 81 | 0 min | Parked in a restricted area in a car park |
| 82 | 10 min | Parked after the expiry of time paid for in a pay & display* car park |
| 83 | 5 min | Parked in a pay & display** car park without clearly displaying a valid pay & display ticket |
| 84 | 0 min | Parked with additional payment made to extend the stay beyond time first purchased |
| 86 | 0 min | Parked beyond the bay markings |
| 87 | 0 min | Parked in a disabled person's parking space without clearly displaying a valid disabled person's badge |
| 91 | 0 min | Parked in an area not designated for that class of vehicle |
| 92 | 0 min | Parked causing an obstruction |
| 94 | 0 min | Parked in a pay & display car park without clearly displaying two valid pay and display tickets when required. |
| 95 | 0 min | Parked in a parking place for a purpose other than the designated purpose for the parking place |

An 'instant' excess charge notice may always be issued in circumstances where the Civil Enforcement Officer concerned has evidence, other than a period of observation, which supports the action of issuing the excess charge notice without observing the vehicle for the minimum periods indicated.

* The ten minutes relates to the period which has elapsed from the time of expiry.

** Visitors are not permitted time to obtain change away from the immediate area of the Pay & Display machine or car park. Civil Enforcement Officers should observe queues at ticket machines and/or pedestrians who may be seeking change or returning to the vehicle in question, before issuing an excess charge notice.

**There is no free parking. The five minutes time period is solely for the observation of vehicles believed to be committing parking offences. All drivers entering the car park are required to park in a bay and purchase a ticket.

To ensure this observation period is followed by all Civil Enforcement Officers, the vehicle details can be noted when first seen. The officer does not need to stay with the vehicle during this observation period. All excess charge notices issued will contain the details of this observation period for the motorist to see.

10 Suspected Abandoned & Vandalised Vehicles

Instances will arise where a vehicle remains parked in a restricted area for a period of time accumulating a number of excess charge notices. There may be a number of reasons for this; one of which may be that the vehicle has been abandoned. If a Civil Enforcement Officer suspects the vehicle may have been abandoned, this should be reported.

It is often difficult to judge if a vehicle is in fact abandoned; especially with older vehicles. A Civil Enforcement Officer coming across a vehicle that has several excess charge notices and finds the vehicle is untaxed or the tax has expired, or that the vehicle is generally of poor condition, then there is a good chance the vehicle has been abandoned and should be reported accordingly.

Once a vehicle has been reported by the parking attendant as potentially being abandoned, no further excess charge notices will be issued. The excess charge notices already issued though will be enforced against the registered keeper in the usual manner.

Vandalised Vehicles

All excess charge notices issued will be cancelled when a vehicle has been vandalised to such a degree that it prevents its safe removal. Written evidence will be required before such excess charge notices are cancelled.

Written evidence could include police crime reference details or motoring organisation/garages who have recovered the vehicle. The details contained within the Officer's pocket book will also be considered in assessing extent of any damage to the vehicle in question.

Excess charge notices will not be cancelled without the provision of such supporting evidence.

12 Clamping & Removal of Vehicles

Clamping

Bromsgrove District Council does not intend to introduce the use of clamping.

Removal

Bromsgrove District Council does remove vehicles if that vehicle has incurred a number of excess charge notices *and* it is believed that these excess charges remain unpaid *and* the vehicle is committing another excess charge offence. The Council intends to attempt to contact drivers prior to removing vehicles wherever possible. However, this may not always be possible.

The Council will be sensitive to public needs, and responsive to the requirements of those whose vehicles have been removed. The Council will release removed vehicle only when the excess charge notices and associated charges have been paid. It does not intend to remove vehicles as a matter of routine.

Document Control

This is version 1.0, written 18/01/2008.

Bromsgrove District Council
Civil Enforcement Officer Training and Development Manual

I am a Civil Enforcement Officer.

I am an Ambassador for the Council, my colleagues, and the team. This is reflected in my standards of dress and behaviour.

I endeavour to ensure that our service is available to our customers at all times.

I will endeavour to ensure that our customers are able to use the service free from any preventable risks or hazards.

I will ensure fairness and equality for all customers by taking enforcement action, in line with my training and guidelines, against offending drivers.

I will support my colleagues during times of confrontation.

I act with politeness, respect, and authority.

(Please do not sign until training is complete)

Signed..... Civil Enforcement Officer

Signed..... Transport and Engineering Officer



Off-Street Parking in Bromsgrove District

There are thirteen car parks operated by Bromsgrove District Council accounting for approximately 1470 spaces. Eleven of these are pay and display car parks whilst those in Alvechurch and Catshill are free.

The pay and display car parks are located in the town of Bromsgrove. Ten of these are within the town centre itself, whilst the Station car park is located at the end of New Road.

The Council does not currently enforce on-street restrictions. This is carried out by the police.

Each car park has a number of spaces marked out to the same standard. These normally measure 2.4 by 4.8 metres. Contrary to many drivers' beliefs, the size of these bays is constant across all the car parks.

Each car park has generally the same type of information in it. For example, at each entrance there is a notice board with information for the motorist. Additionally, there will be at least one tariff board adjacent to a pay and display machine. Spaces for drivers with a blue badge are designated with a hatched area around the bay highlighted in yellow with a blue background and an appropriate symbol on the ground. There are also signs at eye level indicating that the space is solely for blue badge holders.

Some car parks contain parent and child spaces. There is currently no provision for enforcing against drivers abusing these spaces, although this is likely to be amended in due course.

The Station car park incorporates spaces which are prohibited except for drivers waiting for 20 minutes or less. These are located directly next to the platform for drivers picking up or dropping off, and around the top of the road for visitors to local businesses.

School Drive car park also incorporates spaces where drivers are able to drop off at the Dolphin Centre, or wait for up to 30 minutes if using the Customer Service Centre.

In addition, there are three spaces on Churchfields Multi Storey car park which are solely for the use of Shopmobility customers when open.

The system currently used for paying for parking is pay and display. Drivers are required to enter the last three digits of their registration numbers, input their

Bromsgrove District Council
Civil Enforcement Officer Training and Development Manual

money, and then press the green ticket issue button. A ticket is then produced which is displayed face up on the dashboard.

Some drivers aged 60 or over may be in possession of concessionary parking permits. These permits allow drivers to park on any car park. Additionally, there are other permits available which allow parking on specific car parks, or only on long stay car parks.

Emergency vehicles attending an emergency are exempt from purchasing tickets, as are local authority vehicles carrying out their duties. All other drivers who have entered the car park are expected to buy a ticket or display a permit.

The cost of maintaining these car parks is huge. The parking section carries out monthly health and safety inspections which then in turn generate orders for work for either Council staff or contractors to carry out. Each car park is well illuminated to beyond a minimum specification and each pay and display car park is covered by CCTV.

The revenue generated by parking also supports initiatives such as CCTV in the District. Prior to the introduction of CCTV, there were up to six criminal acts per week on one car park alone. After CCTV was provided, this number has dropped to less than six criminal acts per year.

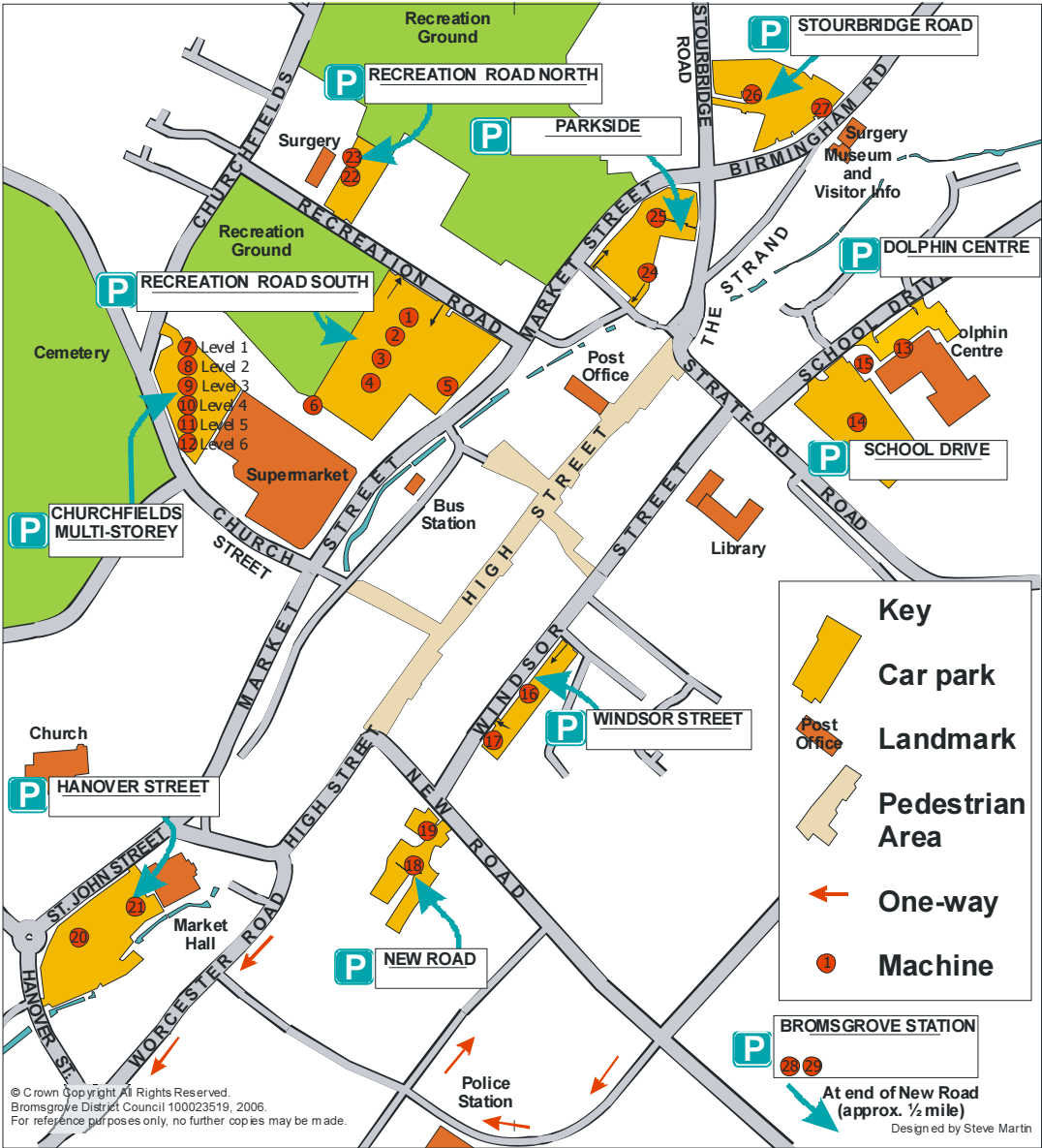
The concession allowing free parking for blue badge holders was removed in May 2006. This was done so that the additional revenue created would allow the building and operation of a Shopmobility facility in the town.

The Council generates around £1.3 million from car parking per year, and the majority of this revenue is spent on maintenance and supporting the CCTV and Shopmobility facilities.

The primary responsibility for the parking section is to ensure that customers are able to pay for their parking, and to take enforcement action against drivers committing excess charge offences.

Bromsgrove District Council
Civil Enforcement Officer Training and Development Manual

The following map shows the locations of the main town centre car parks along with the machine numbers.



Standards - Uniform

Civil Enforcement Officers are required to wear a uniform as part of their duties. This will consist of;

- Trousers
- Shirts
- Sweater
- Fleece jacket
- Raincoat
- Over trousers
- Clip on tie or cravat
- Epaulettes
- Boots or shoes
- Hat

The uniform must be clean and ironed with shoes clean and polished. Additional items of uniform, such as gloves, scarves, and bags for storing items will also be available although if requested. There is currently no mandatory requirement to wear the hats provided, although you may not wear any other sort.

Epaulettes and ties must be worn at all times unless otherwise indicated by your line manager. In addition to the above uniform, you will be supplied with an ID badge which will carry your CEO number but not your name. You are required to carry this badge at all times when on duty and present it if challenged.

You will also be issued with and asked to sign for other items of equipment such as watches, torches, cameras, bags, pouches, keys, batteries and memory cards. You are required to keep these in good order, although reasonable wear and tear is to be expected.

Standards – Code of Conduct

You should always be courteous and helpful when dealing with members of the public. Deal with complaints as quickly as possible in accordance with set procedures and in a courteous and sympathetic way.

You must by law take reasonable care of the health and safety of yourself and other people, including your colleagues, who may be affected by anything you do at work.

You will receive basic health and safety training as part of your induction.

Your consumption of alcohol, if any, must not at any time impair the level or quality of your work or cause a hazard to the health and safety of yourself, members of the public or colleagues. You should not consume alcohol in public whilst wearing your uniform.

Full details of the staff code of conduct are available on the Council intranet.

Bromsgrove District Council
Civil Enforcement Officer Training and Development Manual

Standards – Sickness and Other Absence

If you are reporting sick you must do so personally by telephone with your line manager. You will be given Steve's personal mobile number to ring if you need to call in sick, and you can ring him at any time if he is not off sick or on annual leave. This is a private number – do not give it to anyone else.

If Steve is off, please ring Kevin, and if Kevin is unavailable please ring Mike.

| | Mobile | Private |
|---------------------|--------------------|------------------|
| Steve Martin | 07850918996 | XXXXXXXXX |
| Kevin Hiron | 07771611921 | |
| Mike Bell | 07770223427 | |

Record these numbers in your mobile phone(s) now.

You should always call in person and speak directly to the relevant person, and should **not** leave a message or attempt to communicate any absence by text or email.

A condensed version of the sickness absence reporting policy is provided with this folder, and the full policy is available on the intranet.

If you are going to be late for a shift, or are absent from work when on duty for any reason, you are required to ring your line manager as soon as possible and let them know. It is extremely important that you do not compromise yourself by being absent from work when you are supposed to be on duty.

Rotas are drawn up well in advance of the actual hours being worked. If you wish to change a shift, please consult with your colleagues to see if shifts can be swapped before consulting your line manager. The shift times entered on the rota should be adhered to at all times, although there may be a few minutes flexibility to allow for finishing off certain tasks or activities.

Standards – Other Items

Mileage and Overtime Claims

These should be submitted to your line manager at the end of every calendar month. Both types of claim form are available from your line manager.

In general terms, Civil Enforcement Officers should carry out their duties on foot. Visits to remote car parks such as Bromsgrove Station, Catshill, and Alvechurch will require the use of a vehicle as walking to these car parks may take some time and wear out shoe leather. Bromsgrove Station should be visited everyday, but Catshill and Alvechurch car parks should only ever be visited if explicitly requested by your line manager.

Overtime claims showing each Civil Enforcement Officer's hours should be submitted to your line manager. Officers are entitled to time and a half after 1900, whilst Sunday and Bank holiday working attracts double time.

Bank holidays and weekends are considered normal working days in every other respect. Floating days and Bank Holidays are added to your annual leave entitlement at the start of the year.

Access to Council Email and Council Internet

Officers may access their email accounts and the Council intranet provided use is limited to 10 minutes at either the start of or end of a daily shift. Additional sparing use can be made outside of your published shift patterns.

There is to be no use of the internet-enabled computer by parking attendants while Shopmobility is open for business unless that officer is specifically covering Shopmobility.

This is a local enhancement to the corporate policy. A copy of the full policy is available on the Council intranet.

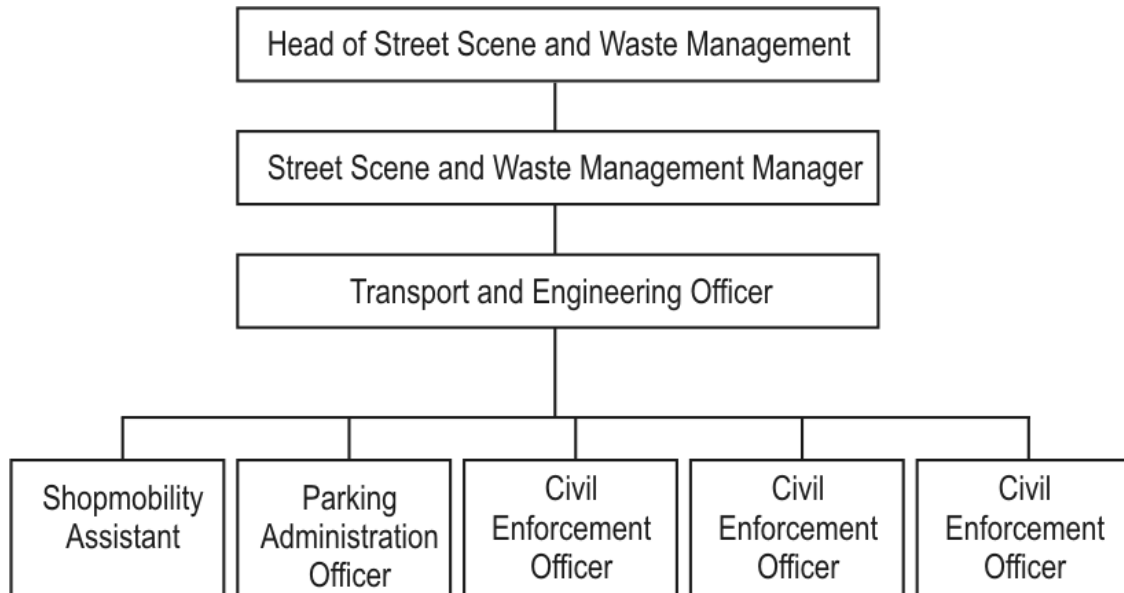
Shopmobility

Officers from the parking section are guests of the Shopmobility office. Please take care to keep the place neat and tidy by clearing up after yourself, cleaning mugs, emptying bins etc.

Bromsgrove District Council
Civil Enforcement Officer Training and Development Manual

Line Management

The line management structure follows;



If you have any queries regarding any aspect of the parking section, or the way the Council operates, please refer them to your line manager. If your line manager is unavailable through absence and the issue is important, please refer to the next line manager.

As well as being employed to manage the section and service, your line management is also there to offer support and guidance. If you are ever unsure of what action to take, or need guidance on a particular matter, then please ring your line manager.

Probationary Period

Your first six months of employment are on a probationary basis. This gives the Council an opportunity to assess your suitability for the post, and conversely gives you the opportunity to establish whether the post is suitable for you. All Civil Enforcement Officers are required to fill in weekly summary sheets as part of their duties. Your performance will be monitored at all times, and during your probationary period you will be given regular feedback, support, and further training at regular meetings.

Training and Retraining

Training is an ongoing process. You will be required to take a short test following your induction, and then at regular intervals. You will also be given brief refresher training every six months.

Parking

You will be issued a parking permit for use in the course of your duties. As you will see from the terms and conditions issued with the permit, this is solely for use when at work. If you are using the car parks in your own time, you are required to purchase a ticket.

Additionally, you should always park properly when using Council car parks.

We set the standard for our customers to follow.

I have received training in the standards section of the Civil Enforcement Officers handbook.

(Please do not sign until training is complete)

Signed..... Civil Enforcement Officer

Signed..... Transport and Engineering Officer

Dated.....

Pay and Display Machinery

The Council sells over 1.4 million tickets per year. The busiest car park will sell over 10000 tickets per week at peak times, whilst the quietest long stay car park will sell less than 200 tickets per week.

There are 29 Metric pay and display machines on the pay and display car parks, these machines are known as Metric Accents. The machine below has two inserts which give details on how to use the machines, the tariff charged, what to do if the machine isn't working etc.



Drivers wishing to use the machine have to carry out the following procedure;

1. Enter the last three digits of their registration number.
2. Enter coins to the required value.
3. Check the coins have registered on the display.
4. Press the ticket issue button.
5. Take the ticket and display it on the dashboard of the car.

The reason the facility to enter the registration details of the car was introduced was to combat ticket swapping, which was rife.

If the driver is unable to use the machine, they are instructed to use another. Drivers who lose money, or are unable to buy a ticket at all, are instructed to contact the Council on 01527 881457. It is important that drivers use this procedure and no other – failure to do so may result in their request for a refund or appeal against an excess charge notice being rejected.

When trying to fix these machines, please treat them with respect. You should not have to force anything if trying to fix it, and try and avoid getting the interior wet.

Checking Machines

Every time an officer enters a car park, they are required to produce a test ticket from all machines and check that the coin mechanism is not blocked. In addition, the first officer on duty is required to check that the number of tickets in that machine is enough for the whole day, and that the time on the machine is correct.

Again, one of the primary functions of the role is to ensure that machines are available for our customers. Therefore we need to ensure that they are working for the maximum amount of time. If a machine runs out of tickets, it stops functioning. If a machine becomes blocked with change, it stops functioning. The purpose of these checks is to find faults as quickly as possible, and then to address them as quickly as possible.

The procedure for checking the machine is;

1. Check the coin slot is free from any obstruction.
2. Open the machine, and type "A581" on the internal keypad.
3. Pocket the test ticket which is produced and hand it in later.
4. Type in three digits on the external keypad.
5. Drop a coin or token in the coin slot and make sure it registers.
6. Reject the coin or token and pick it up.
7. If the coin validator is jammed, follow the procedure listed later in this document.
8. Recheck with the coin or token.

The first officer on duty should also check these;

9. Check the number of tickets is adequate for the whole day.
10. Check the time is correct.
11. If the time is incorrect, type in "A101" and adjust the time as required.
12. Close the machine.

The three LEDs next to the display on the machine show its current state. Observe the machine with its door shut. A flashing green light indicates that everything is okay. A flashing green and yellow light indicates that there is a problem somewhere that requires investigation, but it is not terminal. A flashing red light and a message "not in use" indicate that the machine has a major fault and needs immediate attention.

To find out the current state of the machine, type in A540 on the internal keypad. This will list the current problems or faults on the display.

When leaving a machine it should display a flashing green light.

Bromsgrove District Council
Civil Enforcement Officer Training and Development Manual

Downloading

The machines record a great deal of information regarding which tickets are sold at what times and days (although they do not record the registration number of the vehicle) and this information is stored on a chip. This chip has a relatively small capacity, and therefore the information on the chip has to be removed by the use of a Psion hand held device on a regular basis. This is currently done on a Monday, Wednesday, and Friday.

The process for downloading is as follows;

1. Open the pay and display machine.
2. Switch on the Psion handheld.
3. Plug the handheld in to the socket.
4. Type in "A020" on the interior keypad.
5. Type "B" and then enter to disable the protocol.
6. Type "5" followed by "1" and then "1" on the Psion handheld.
7. Wait until the information has been downloaded.
8. Switch off the Psion.
9. Type in "A020" on the interior keypad.
10. Type "B" and then enter to enable the protocol.
11. Shut the machine.

On returning the unit to Shopmobility, the information needs to be transferred to the computer.

The process to follow is;

1. Switch on the PC and ensure that the Metric stats icon with the green triangle is running in the system tray.
2. Plug in the Psion.
3. Switch on the Psion.
4. Type in "5", "1" and "2".
5. If you get a message warning that the information has already been sent, press "Y".
6. Wait until the information has been sent.
7. Switch off the handheld and replace it in the cradle.
8. Switch off the PC.

If you have any problems downloading please contact your line manager immediately. If the information from the machines is not downloaded, the memory fills up until it is full. At this point the machines fail!

It is also important that the protocol is reset after downloading. The protocol referred disables the power saving functions for the machine. Failing to restart it causes more power to be used.

Bromsgrove District Council
Civil Enforcement Officer Training and Development Manual

The Psion needs to be docked at all times on the recharging cradle in Shopmobility.

Changing Tickets

Every time a magazine of tickets is loaded into the machine, it is necessary to reprogramme the machine with the correct number of tickets. A magazine of single issue tickets contains 5000, whilst a magazine of double issue tickets contains 3000.

The pay and display machines on School Drive and Dolphin Centre car parks are the only ones currently using double issue tickets.

The procedure for changing tickets is;

1. Open the printer by pulling the latch nut towards you.
2. Ensure that all the old tickets are used or removed from the mechanism.
3. Take a box of tickets and hold up the first strip of tickets.
4. Hold the box so that the blank strip is facing away from you.
5. Insert the tickets into the mechanism until they stop.
6. Turn the dial on the side of the mechanism until the tickets engage.
7. Align the tickets with the cutting mechanism and place the box in the machine.
8. Type "A302" on the internal keypad and set the number of tickets to 5000 (single issue) or 3000 (double issue).
9. Take the test ticket and keep with the others for handing in at the end of your shift.
10. Close the door and ensure the machine is working (i.e. either observe a customer buying a ticket or check as per your procedures).

Cleaning the Printer

Cleaning is normally required every six months or so, but busier machines may require cleaning prior to this. When checking machines, look for faded tickets or inconsistent burn (patchy printing). These are indications that cleaning is required.

1. Switch the machine off.
2. Open the printer.
3. Remove the ticket stock from the printer.
4. Using a small brush carefully clean all dust from the printer mechanism.
5. Using a suitable cleaning fluid, carefully clean the thermal head and the ticket drive roller. This is done by gently rubbing a small quantity of the liquid over both areas, and then gently rubbing the cleaned area with a dry part of the cloth.
6. Re-install the tickets.
7. Close the printer.
8. Issue a test ticket.

Common Faults - No ticket is produced

Are tickets loaded?

If not, load a fresh magazine.

Are the tickets loaded correctly?

If not, ensure the hole is to the left, and the blank thermal side facing up.

Are the tickets jammed?

If so;

1. Open the printer
2. Remove the ticket stock
3. Check for and carefully remove any debris
4. Check and if necessary clean the thermal print head and roller.
5. Reload the ticket stock ensuring the first ticket is undamaged.
6. Close the printer.
7. Obtain a test ticket.

Do you get a “synch fail” message after typing “A540” on the internal keypad?

If so;

1. Ensure that the machine is switched on and the ticket stock is loaded.
2. Press and hold the switch to the right of the ribbon cable on the PCB – this will turn on a green LED.
3. Release the switch.
4. A string of blank tickets will be cut, followed by a string of printed tickets. The printer will continue issuing up to 100 individual test tickets if not stopped. After approximately 10 tickets have been produced, terminate the process by repressing the switch.
5. Switch the machine off and then on.
6. Reconfirm the burn time and adjust if necessary (type “A311” on the internal keypad).

In all other cases, report the fault to Metric as detailed in the fault reporting section.

Common Faults – Ticket Print Not Legible

Clean the printer as previously described in this manual, and then change the burn time by typing “A311” on the internal keypad.

If this does not work, report the fault to Metric as detailed in the fault reporting section.

Common Faults – “Not in Use” Displayed

Type in “A540” on the internal keypad for an indication of the fault.

If the fault says “Coin box full” ring Steve Martin immediately.

If the fault does not appear to be any of the other faults listed in this manual, report the fault to Metric.

Common Faults - No Money is accepted

Are all the connections to the money system secure?

Is there debris in the coin slot?

If yes;

1. Switch the machine off.
2. Slide the money system forwards.
3. Remove the validator.
4. Push the solenoid plunger to the rear until latched.
5. Using a suitable tool carefully endeavour to release the blockage by pushing the tool into the coin entry.
6. If this fails to release the obstruction, release the solenoid plunger. Using a suitable tool, carefully try and dislodge the obstruction from the rear gate.
7. Replace the validator.
8. Switch the machine on.
9. Insert a coin or token to ensure that the coin path is clear.

Is there money lodged in the upper part of the system?

1. Switch the machine off.
2. Slide the money system forward.
3. Open the validator.
4. Carefully remove the jammed coins.
5. Close the validator.
6. Slide the money system back into place.
7. Switch the machine back on.

Is there money lodged in the lower part of the system?

1. Switch the machine off.
2. Slide the money system forwards.
3. Remove the validator by carefully unplugging the three connectors.

Bromsgrove District Council
Civil Enforcement Officer Training and Development Manual

4. Disengage the money system from the side rails by lifting the front of the unit upwards and forwards. Please note that the unit is now free to drop, so keep hold of it.
5. Release the validator securing catch, positioned above the internal keypad, and whilst holding the catch open push the validator towards the top. When the validator is angled at approximately 45 degrees lift it upwards clear of the housing.
6. Open the validator by turning the screw so that the slot is horizontal. Ensure the screw is loose before attempting to open the door.
7. Invert the validator whilst holding the door open and carefully tap the unit on the palm of your hand. This should release coins trapped in the lower part of the unit.
8. Reassembly is the reverse of the process listed above.

In all other cases, report the fault to Metric as detailed in the fault reporting section.

Fault Reporting

In the event that a machine is broken down and cannot be fixed by a member of the team, Metric will be called to fix the machine. In this instance a small self adhesive not must be pressed over the coin slot so that customers cannot use the machine. We do not use, or permit to be used by a third party, any other method of indicating that the machine is out of order.

The procedure for fault reporting is;

1. Try to fix the machine, but find that you cannot.
2. Affix a "this machine is out of order sign" across the coin slot of the machine.
3. Whilst you are still stood at the machine, ring Metric on 01793 647873 and report the machine as faulty giving as much detail as possible.
4. Record the help desk number in your notebook along with the machine number, time, and nature of the fault.
5. Record the fault on the white board in Shopmobility along with the time and date of the fault.

It is important that all officers follow this procedure exactly as laid out here. There have been occasions where officers have forgotten to report machines as faulty for over four days. As one of the primary functions of the role is to ensure that machines are available for our customers, we need to report them as quickly as is possible.

Bromsgrove District Council
Civil Enforcement Officer Training and Development Manual

Function Codes

- A020 Disable and enable protocol
- A100 Set the date
- A101 Set the time
- A102 Set date to advance clock by one hour
- A103 Set date to retard clock by one hour
- A300 Set tickets low level alert
- A302 Set number of tickets loaded in machine
- A311 Set burn time for printer
- A540 Display machine status
- A543 Print status event history
- A581 Print test ticket

I have received training in the Pay and Display Machinery section of the Civil Enforcement Officers handbook.

(Please do not sign until training is complete)

Signed..... Civil Enforcement Officer

Signed..... Transport and Engineering Officer

Dated.....

Health and Safety Reporting

As part of your normal day to day duties, you are required to ensure that our customers are able to use the car parks free from any preventable hazards. This may range from a piece of timber lying on the ground which requires to removal to a damaged height barrier hanging down and flapping in the breeze.

Officers should not touch anything that they have not had Council training to deal with such as hypodermic needles, broken glass, etc etc.

The following list details the items which officers should be checking during a Health and Safety survey, and gives an indication of the type of problems which indicate a hazard. This list is not exhaustive! If you see something which you believe constitutes a hazard and which you feel you cannot deal with, ring your line manager straight away.

Health and Safety surveys should be conducted during quiet periods when there is little or no traffic about. This allows officers to view more of the car park and any potential hazards. The item of concern should be noted with a number on the plan, and the item detailed in the space below the plan. This survey is the used to prepare works orders to clear the problems.

The survey should be completed by a trained member of staff every month. The Council is obliged to do this for insurance purposes. If something still needs to be listed even if it has been previously mentioned, then record it again.

Surface

The surface of the car park should be free from obvious trip hazards. Trip hazards are defined as being 25mm or more in size. Trip hazards can occur naturally in tarmac surfaces, but are far more likely to form around joins with other surfaces or materials. For example, manhole covers or drains often have areas of surface failure around them.

General wear and tear of the surface of less than 25mm which is significant should also be recorded on the survey.

A build up of foliage, moss, deposits, or mud should also be reported as this can cause a slip hazard.

Additionally, the top surfaces of the multi storage car parks should be checked during cold conditions (i.e. October through March inclusive) to see if ice has

Bromsgrove District Council
Civil Enforcement Officer Training and Development Manual

formed. If it has, use surveyor tape to cordon the top two levels off and prevent use.

Curb stones should also be checked to see that they are correctly laid and are firmly fixed to the surface.

Signs

All signs in the car park should be checked.

Check that the signs are securely fixed and will not move or give.

Check that signs are free from damage.

Check that the signs are clean and free from graffiti. If the sign is within reach, graffiti should be removed on the same day.

Check that signs are not liable to cause a cutting hazard. The signs for blue badge holders are encompassed in a steel tube to prevent this. However, some smaller signs (such as at the entrance or exit) should be placed above 2.3 metres to prevent injury.

Check that signs are the correct way round. For example, a sign saying "Have you paid and displayed?" should face into the car park.

Barriers

Check that the barrier is secured into its locked position.

Check that any chain or cable is also secured and not able to move about freely.

Check the padlock functions adequately.

Check that the height barrier has a clear sign depicting the height displayed.

Check that the barrier is free from rust that would cause or start to cause any failure through corrosion.

Pay and Display Machines

Check the machine is free from graffiti or obvious damage. Graffiti should be removed as soon as it is found.

Check that the machine is securely fastened to the ground. Rocking back and forth is an indication that the machine is properly set.

Check the vault door and surrounding casement for any obvious signs of drilling or cutting.

Check that the area around the coin slot is free from any build up of adhesive. Again, this should be removed as soon as it is discovered.

Lamp Post Protectors and Lamp Posts

Bromsgrove District Council
Civil Enforcement Officer Training and Development Manual

Check both items to see if they are securely fixed.
Check both items for obvious signs of impact damage.
Check both items are free from rust that would cause or start to cause any failure through corrosion.

Foliage

Check that foliage does not overhang the area of the car park. This can cause scratches to vehicles.
Check that foliage is not growing where the surface and curb or wall meet. This can eventually cause damage to the surface.

Surface Lining

Lining should be visible. If it is faded so that it is not immediately apparent, report it.

Lifts

At the start of each shift, ensure that the lifts are both working.

The procedure for lowering the lifts in the event that someone has become trapped:

Graffiti

Graffiti which can be reached should be removed using the graffiti stored in Shopmobility. This should be done as soon as possible on the day of discovery. If the graffiti is too stubborn or cannot be safely reached, report it straight away to your line manager.

We have made a commitment to removing graffiti within five working days of discovery, so it is important that it is removed as soon as possible.

Bromsgrove District Council
Civil Enforcement Officer Training and Development Manual

I have received training in the Pay Health and Safety Reporting section of the Civil Enforcement Officers handbook.

(Please do not sign until training is complete)

Signed..... Civil Enforcement Officer

Signed..... Transport and Engineering Officer

Dated.....

Bromsgrove District Council
Civil Enforcement Officer Training and Development Manual

Enforcement

Why do we have enforcement?

In the first instance consider the drivers who fail to buy tickets. The parking section brought in £1 050 000 from pay and display ticket sales alone in 2007/2008. According to our latest research, this figure is based on 85% compliance, i.e. 85% of people using the car parks paid for their parking.

Without any form of enforcement, the 85% figure would be far lower. According to colleagues who worked here when pay and display was first introduced, a compliance rating of 15% was given. A similar rate of compliance now would result in an income of £185 000.

In the second instance consider the drivers who fail to return in a reasonable amount of time after the ticket has expired. There is no information to back this up this, but a similar problem to the above would occur if drivers were aware they could “get away with it.”

In the instance of parking outside of a designated bay, the car parks are laid out in a specific manner so that traffic can move freely. Therefore, parking anywhere other than in a designated bay will cause an obstruction, and enforcement will discourage drivers from committing an offence.

For drivers parking and slightly obstructing an adjacent bay, this is one of the biggest causes of complaint from our customers. In some circumstances, it will also depress revenue.

Where drivers who are not blue badge holders use spaces for the disabled, this is unacceptable. Blue badges are issued to persons with limited mobility, and this entitles them to park in spaces for the disabled. Anyone who does not have a blue badge is simply not entitled to park in these spaces. This offence is the one that we as officers receive the most complaints about. We have a duty to enforce effectively against this problem.

A commercial vehicle which exceeds 1.5 tonnes unladen weight is also committing an offence. The car parks are designed for the use of cars! Use by vehicles heavier than cars causes damage. The three manhole covers in front of the Asda store on Recreation Road South were damaged by Asda delivery vehicles repeatedly using this car park (this explains why the height barriers are there). This damage cost thousands of pounds to repair.

Drivers who ignore time limits are also enforced against. The bays allowing up to twenty minutes parking at the top of the Station car park are specifically provided

Bromsgrove District Council
Civil Enforcement Officer Training and Development Manual

for drivers wishing to visit the local shops and businesses. They are not there for drivers wishing to park all day. Similarly, the spaces outside the Customer Service Centre on School Drive are provided for drivers wishing to park for up to 30 minutes without payment. After the thirty minutes are up, they are required to leave these bays.

Without enforcement of the preceding two cases there would be abuse of these bays.

If the offender is present when the excess charge is issued, it is Council policy to give them the opportunity to comply with the car parking order. For example, if you come across someone parked outside a parking bay, you should ask them to park correctly and then purchase a ticket. In the event that they do not comply, you should issue an excess charge notice. The only times that you are may not approach an offender is if they are abusing the spaces in School Drive which are for customers visiting the Dolphin Centre or the Customer Service Centre.

Similarly, if someone is parked up in a bay and they are not displaying a ticket, then they should be asked to purchase a ticket. If they fail to comply then you should issue an excess charge. There are no circumstances where anyone who is parked without payment, and who does not comply with requests to pay or leave, should not be given an excess charge.

If in doubt, or you feel to issue an excess charge would be dangerous, withdraw a safe distance from the offender and telephone your line manager **immediately**.

Our standards of enforcement are detailed in the following pages. We also work to our charter and procedures, a copy of which is provided in this folder.

Bromsgrove District Council
Civil Enforcement Officer Training and Development Manual

Use of Cameras

Cameras are provided to record the offence being committed. Photographs are taken of every offence. Not only does this provide evidence at a later date, it also shows why an excess charge has been issued. These photographs can only be used by the parking section for enforcement.

The following sequence of photographs shows the pictures taken of a car driver who has failed to buy a ticket. This sequence is ideal showing one of the vehicle in place, two of either side of the dashboard, and one of the excess charge notice stuck to the vehicle.

The following sequence shows a driver who has left their vehicle overhanging the twenty minute bays at Bromsgrove Station. The first shot proves the offence was committed, the second allows us to confirm the time of arrival from the ticket purchased, and the third shows the excess charge notice in place with the registration number of the vehicle clearly shown.

The first photograph shows how not to do it. The shadow of the person taking the photo obscures the view. The following two photos show the correct method for taking these types of photo.

Bromsgrove District Council
Civil Enforcement Officer Training and Development Manual

Use of Notebooks

Notebooks are used to record when, where, and what.

Ideally the first entry of the shift should be the date and time, and if you are using your car, the mileage.

When you enter a car park and observe a vehicle with no ticket, you should note the time, the registration number, and the fact that no ticket is displayed.

If you speak to a driver, you should also make notes of your conversation. In particular, you should do this when confrontation has occurred, and your notes should be as detailed as possible.

You should also record faults with pay and display machines, and any call reference numbers that are given to you.

An example of a real notebook entry is given below;

05/02/2008 07:45 5000

XXXXXX at 08:32 Aston Road

Asked not to park on footpath – driver complied.

Machine 24 reject button u/s at 13:20 – machine righted itself after restarting.

13:23 Spoke to driver of XXXXXX on Hanover Street. Requested to move vehicle and to park in a bay and buy a ticket. Passenger returned and vehicle left car park.


13:25 Spoke to driver of XXXXXX parked outside Bromsgrove Parking and Bedding Warehouse – asked driver to move which he did.

Notebooks are used in assessing appeals, to gather intelligence, and to provide evidence in times of dispute. They are invaluable.

Bromsgrove District Council
Civil Enforcement Officer Training and Development Manual

Excess Charge Notices

Excess charge notice booklets are controlled stationary. You are required to sign for them, and to look after them. Do not lose any of your excess charge notices!

| | | |
|---|---|-----------------------|
| Copy to Driver | BROMSGROVE DISTRICT COUNCIL | Excess Charge Number: |
|  | <u>EXCESS CHARGE NOTICE</u> | ECN |
| ROAD TRAFFIC REGULATION ACT 1984 DISTRICT COUNCIL OF BROMSGROVE (OFF-STREET PARKING PLACES) (VARIATION) ORDER 2008 | | |
| To the driver of the vehicle, the registration number of which is: _____ | | |
| the above vehicle was observed in the _____ parking place | | |
| at (time) _____ on (date) _____ 20 ____ by Civil Enforcement Officer No. ____ The vehicle (tick as applicable); | | |
| <input type="checkbox"/> Did not have a valid ticket or permit displayed. | <input type="checkbox"/> Was not parked wholly in a designated bay. | |
| <input type="checkbox"/> Had a ticket which had expired at _____. | <input type="checkbox"/> Had a permit which had expired on _____. | |
| <input type="checkbox"/> Exceeded the maximum time allowed of _____. | <input type="checkbox"/> Was using a space for a purpose other than indicated. | |
| <input type="checkbox"/> Was parked in a space for the disabled without displaying a valid blue badge. | <input type="checkbox"/> Was being used for the sale of foodstuffs or other goods to persons in or near the car park. | |
| <input type="checkbox"/> Exceeded the maximum weight permitted. | Issued at (time): _____ VDA? <input type="checkbox"/> | |
| IF YOU DO NOT PAY A REDUCED CHARGE OF £35 WITHIN 14 DAYS OF THE DATE OF ISSUE OF THIS NOTICE, THE CHARGE DUE WILL BE £70. FAILURE TO PAY MAY LEAD TO PROSECUTION. DO NOT PAY THE ATTENDANT. SEE THE REVERSE FOR DETAILS OF HOW TO PAY. | | |
| IT IS AN OFFENCE UNDER SECTION 35A(1) OF THE ROAD TRAFFIC REGULATION ACT 1984 FOR THE DRIVER WHO HAS LEFT THE VEHICLE IN THIS PARKING PLACE TO FAIL TO PAY THE EXCESS CHARGE. | | |

If you make a mistake when issuing an excess charge notice, then put two lines across the excess charge and write “cancel – PA error” on the excess charge. The excess charge should be handed in with your other excess charges. The number of excess charges cancelled by PA error is monitored by your line manager and the audit section. PA errors should be recorded on your weekly summary sheet.

Once you have started issuing an excess charge, you should complete it.

You should not encourage drivers to go and purchase a ticket to attempt to avoid payment of the excess charge.

If the excess charge has been issued and affixed to the vehicle, you are not permitted to remove or cancel it. In this instance, the driver should be encouraged to appeal.

Bromsgrove District Council
Civil Enforcement Officer Training and Development Manual

Drivers who happen to be employed by the Council should not be treated any differently from other members of the public when using the car parks, and staff displaying a staff badge in lieu on any means of payment or permit should be issued an excess charge notice. All members of staff have been notified that it is a disciplinary matter if they use their ID cards in this way.

Civil Enforcement Officers should always have one spare booklet of excess charge notices in reserve. Completed excess charge notices should be placed in the relevant box in Shopmobility along with your test tickets. The last shift of the week should also include your summary sheet. A summary sheet details what you have achieved in the preceding week, and allows you to record the number of PA errors committed. You will also record any non-enforcement activity (such as training, meetings, etc) on this sheet.

Bromsgrove District Council
Civil Enforcement Officer Training and Development Manual

Did Not Have a Valid Ticket or Permit Displayed

Check the dashboard for a ticket / permit

Check the corners of the dashboard and any areas that may be obscured by supports or tax discs.

Check the dashboard from the opposite side of the car to ensure that any blind spots have not been missed.

Check the foot wells and seats to ensure a ticket has not been displaced.

Check the entire windscreen from both sides to ensure that no permit is displayed.

Check the side windows to ensure that the driver has not put the ticket in the wrong place.

If a permit is displayed, ensure that the number plate matches the one on the permit.

If a ticket is displayed, ensure that the number plate matches the one on the ticket.

Record the initial time of observation of the vehicle in your notebook.

Allow five minutes to elapse.

Issue an excess charge.

Take a photograph which clearly shows the registration number of the vehicle.

Take a photograph showing one side of the dashboard.

Take another showing the other side of the dashboard.

Issue the excess charge, place it in the excess charge holder, and affix it to the windscreen underneath a wiper (this prevents it being blown off).

Take a picture that shows the excess charge affixed to the vehicle along with the number plate.

Notes;

- When making notes when the driver is present, it is necessary to withdraw to a safe distance before making notes in your notebook.
- The offender may be seated in the vehicle and claim that someone has gone for change. If the person returns and the vehicle then leaves the car park issue an ECN and mark it VDA.
- The observation period is there to avoid any misunderstanding. Consistency of enforcement is essential.

Bromsgrove District Council
Civil Enforcement Officer Training and Development Manual

Had a Ticket Which Had Expired at**Had a Permit Which Had Expired on**

Check the rest of the dashboard to ensure that a valid ticket / permit is definitely not being displayed.

This also includes permits where the registration number does not match the vehicle it is being displayed upon.

Ensure that ten minutes have elapsed since the ticket expired. Expired permits do not have any additional time allowed.

Take a photograph of the vehicle from the front (or rear) clearly showing the number plate.

Take a photograph of the expired ticket / permit.

Take a photograph of the dashboard from each side of the vehicle ensuring that you cover every possible area.

When issuing the excess charge, record the serial number of the expired ticket / permit on the bottom copy of the ECN.

Issue the excess charge, place it in the excess charge holder, and affix it to the windscreen underneath a wiper (this prevents it being blown off).

Take a photograph showing that the excess charge is in place.

Notes;

- The ten minutes observation time is there to try and avoid problems when issuing to expired ticket holders. Consistency of enforcement is essential.

Was Not Parked Wholly Within a Designated Bay

No observation time is to be given – issue immediately.

Issue the excess charge, place it in the excess charge holder, and affix it to the windscreen underneath a wiper (this prevents it being blown off).

Take a photograph which shows the number plate, that the vehicle is not parked in a prescribed position, and that an excess charge has been issued.

If it is possible to combine all three in one photograph, then please do so.

Notes;

- Vehicles hanging over another bay are also covered by this offence.
- Normally you should not issue unless there is clear tarmac between the white line and the inside of the wheel. However, if you receive complaints or the vehicle overhangs you may still issue.

Vehicles Parked in a Space for the Disabled with No Blue Badge Displayed

Check the dashboard for a valid badge.

Check the dashboard from the opposite side of the car to ensure that any blind spots have not been missed.

Check the foot wells and seats to ensure that a badge has not been displaced.

Check the sun visors.

Take a photograph of the vehicle from the front (or rear) showing the number plate.

Take a photograph of the dashboard from each side of the vehicle ensuring that you cover every possible area.

Issue the excess charge, place it in the excess charge holder, and affix it to the windscreen underneath a wiper (this prevents it being blown off).

Take a photograph of the excess charge notice in place with the number plate in picture, and also evidence that the car is parked in a space for the disabled.

Notes;

- No drivers other than blue badge holders may use these bays – do not allow anybody else to do so. Contractors should be encouraged to park elsewhere.
- Tax discs which display the word “disabled” are not used by us in enforcement and should be ignored.

Being Used for the Sale of Goods or Services

Issue the excess charge, place it in the excess charge holder, and affix it to the windscreen underneath a wiper (this prevents it being blown off).

Take a photograph which shows the number plate, that the vehicle is being used for the sale of goods or services, and that an excess charge has been issued. If it is possible to combine all three in one photograph, then please do so.

Notes;

- It is normally rare to issue these. The driver is normally present and will therefore be asked to leave.

Exceeded the Maximum Time Allowed of

Note the first time of observation. This may be direct observation, or the time of purchase of a ticket, or a notification from another member of staff.

Note the second time of observation. If this exceeds the maximum time permitted, issue an excess charge.

Issue the excess charge, place it in the excess charge holder, and affix it to the windscreen underneath a wiper (this prevents it being blown off).

Take a photograph which shows the number plate, the location of the vehicle, and that an excess charge has been issued.

Notes;

- There are three car parks which have a five hour limit, these are Recreation Road South, Parkside, and New Road.
- Windsor Street car park has a two hour limit.
- There are spaces on School Drive which are limited to 30 minutes or less parking.
- There are spaces on the Station car park which are limited to 20 minutes or less waiting.
- These spaces are provided for specific purposes. Consistency of enforcement is essential.

Was Using a Space for a Purpose Other Than Indicated

Observe the driver using the space for a purpose other than indicated.
Issue the excess charge, place it in the excess charge holder, and affix it to the windscreen underneath a wiper (this prevents it being blown off).
Take a photograph which shows the number plate, the location of the vehicle, and that an excess charge has been issued.

Notes;

- In this circumstance, officers do not have to approach the offender and attempt to resolve the situation.

Exceeded the Maximum Weight Permitted

Observe the vehicle.

If the vehicle is not being used for loading and unloading, or there are alternative arrangements for unloading which the driver has ignored, issue an excess charge.

Issue the excess charge, place it in the excess charge holder, and affix it to the windscreen underneath a wiper (this prevents it being blown off).

Take a photograph which shows the number plate, the location of the vehicle, and that an excess charge has been issued.

Notes;

- In this circumstance it is likely that the driver may have settled down for the night.

Persistent Evaders and Offenders

Drivers who consistently behave in such a way so that they avoid payment are known as persistent evaders. An example of this may be a driver who parks and drops someone off to collect some shopping without buying a ticket. If the person is known to you as a persistent evader, you may act accordingly. For example, you may not apply any observation time. You may be aware that the driver is already aware of the terms and conditions of use of the car parks.

Persistent offenders are drivers who have committed three or more excess charge offences. Again, if the person is known to you as a persistent offender, you may act accordingly.

It is important that you record why you have acted differently in your notebook.

You may also be given additional intelligence regarding vehicles or persons driving vehicles. Please note this down and follow any instructions that you are given. For example, it may necessary to remove a particular car. This will involve you calling the contractor to come and remove the vehicle.

Bromsgrove District Council does not currently clamp vehicles.

Bromsgrove District Council
Civil Enforcement Officer Training and Development Manual

Confrontation

An unfortunate aspect of the role is the level of abuse directed to officers discharging their duties. When writing out excess charge notices, remain aware of the likely direction of threat and position yourself so that you keep your eyes in that direction. Stand in an area which is protected and where you are not vulnerable. Remember that vehicles can and are used as weapons. Do not stand in front of a vehicle that is moving or is likely to start moving, particularly if the driver has just been issued with an excess charge notice.

When approaching offenders, keep a suitable barrier between yourself and the driver – i.e. approach from the passenger side. Do not allow yourself to drift out of code yellow! Be aware of potential threats and their likely direction. The way that we behave and act as officers has a direct impact on our vulnerability.

Officers should be aware that their safety is of paramount importance to the Council, and should not place themselves in danger. In the event of physical violence or verbal abuse being offered, officers should immediately attempt to notify CCTV and instruct them to call the police. Such circumstances are rare, but attendants need to be prepared for them. In the event that you are in immediate need of back up, press the orange button on your radio.

Officers should also be aware that their own behaviour has a direct impact on the behaviour of the person that they are talking to. In general terms, if you become angry and shout, then the person you are talking to will respond in the same manner.

There are warning signs that an individual will almost certainly display when they are unhappy, and on recognising these attempts can then be made to diffuse the problem.

The warning signs are;

Foot or finger tapping

Prolonged eye contact

Large movements

Standing tall with head back

One step on from warning signs are danger signs - these are indicators that a person is beginning to lose control. If you miss them there is a chance that you will be injured, so it is extremely important that you do not miss them.

The danger signs are;

Fist clenching

Lips tightening over teeth

Hands raised above the waist

Lowering of the body

Bromsgrove District Council
Civil Enforcement Officer Training and Development Manual

To avoid this situation, use de-escalation skills to calm the person down. Use soft relaxed tones, actively listen to what is being said, and listen to everything that they have to say, show empathy with their problem. You can also use assertiveness to indicate the offensive or unacceptable nature of their behaviour, and then give them the options which are available to them.

Always remember where your escape routes are, and take measures to protect them.

If the choice is between being hit, hitting your attacker, or withdrawing, then you should withdraw.

Lost Money

There is currently no system for the refund of money lost in pay and display machines. The current system is to attempt to attend and see what has caused the problem. This is because a number of requests for refunds are caused by operator error.

For example, some drivers may forget to press the ticket issue button. This means that the money is held in the money system and is released after a couple of minutes, normally when the driver has left the machine. The next driver therefore profits from the previous drivers mistake, and the Council doesn't physically have the money to give back.

Appeals

Drivers who have been issued with an excess charge have the right to appeal. Appeals are covered in great detail in our charter and procedures, a copy of which is provided in this folder. Discussions with drivers regarding appeals should not extend past the advice that a driver has the right to appeal. Business cards with your line manager's details are available for you to hand out.

Radios

Radios are your panic buttons. You must carry a radio with you at all times when on duty. Remember anyone standing next to a radio can hear you speak, so remain professional when using them.

This page is intentionally left blank

Annual and Quarterly Parking Permit Application Form



If you have any enquiries relating to this application, please call the Bromsgrove District Customer Service Centre on 01527 881288.

bromsgrove council

www.bromsgrove.gov.uk

Please complete this form in block capital letters;

| | | | | | |
|--------------------------|---------------------------------------|--------------------------|----------------------|--------------------------|----------------------|
| Title | <input type="text"/> | First Name | <input type="text"/> | | |
| Surname | <input type="text"/> | | | | |
| Address | <input type="text"/> | | | | |
| Address | <input type="text"/> | | | Post Code | <input type="text"/> |
| Telephone No. | <input type="text"/> | | | | |
| | Vehicle registration details | <input type="text"/> | | | |
| | Make and model of the vehicle | <input type="text"/> | | | |
| Type of permit required? | Valid in all long stay car parks only | <input type="checkbox"/> | Annual (£300) | <input type="checkbox"/> | Quarterly (£75) |
| | Valid in Stourbridge Road Only | <input type="checkbox"/> | Annual (£200) | <input type="checkbox"/> | Quarterly (£50) |
| | Valid in Churchfields Only | <input type="checkbox"/> | Annual (£200) | <input type="checkbox"/> | Quarterly (£50) |

The following must be enclosed with this application:

Any payment required. Cheques should be made payable to 'Bromsgrove District Council' and should be crossed 'Account Payee Only'. If you wish to receive a pro forma invoice please state so when applying.

Please note that long stay annual and quarterly permits are only valid on long stay car parks, which are defined as those where an all day ticket can be purchased.

How To Apply

To apply by post, send this form and any associated documents to:

Bromsgrove District Council
The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

To apply in person, please bring this form and any associated documents to:

Bromsgrove District Service Centre
School Drive
BROMSGROVE
Worcestershire

Declaration

I declare that all information I have entered onto this form is correct. I certify that I have read and understood the terms and conditions of use.

Signed

Dated

This page is intentionally left blank

BROMSGROVE DISTRICT COUNCIL

CABINET

1st OCTOBER 2008

Longbridge Protocol

| | | |
|---------------------|-----------|-------------|
| Responsible Holder | Portfolio | Mrs J. Dyer |
| Responsible Service | Head of | D. Hammond |
| Non-Key Decision | | |

1. SUMMARY

- 1.1 This report sets out the work done to date with regard to the setting up of a Steering Group, Working Group and Memorandum of Understanding with regard to the delivery of the Longbridge Area Action Plan

2. RECOMMENDATION

- 2.1. It is recommended that:

- 2.1.1. Members note the work done by the working group to date in relation to the delivery of the Longbridge Area Action Plan and the need for a working group and a steering group to be established as detailed in this report; and that
- 2.1.2. Members note the progress made in determining a memorandum of understanding between Birmingham City Council, Bromsgrove District Council and Worcestershire County Council and that the appropriate power be delegated to the Head of Legal Equalities and Democratic Services to finalise the this document.

3. BACKGROUND

- 3.1 The Longbridge Area Action Plan ("AAP") is a tripartite policy document prepared between Birmingham City Council ("BCC"), Bromsgrove District Council ("BDC") and Worcestershire County Council. It is the first in the country to involve such cross boundary working.
- 3.2. The AAP has already been agreed by all three Council's and it will deal with the biggest regeneration scheme in the West Midlands and will play a major role in supporting and restructuring the West Midlands Economy.
- 3.3. The AAP has reached an advanced stage in the process of adoption. The Examination in Public (EIP) will be held in mid October for about two weeks.

A pre-examination has already been held in August where initial issues have been discussed.

- 3.4. At this pre-examination meeting, the appointed inspector made it clear that she would like to see evidence of a working relationship between the three authorities to provide confidence in terms of delivery. In response, a draft working Memorandum of Understanding ("MOU") has been drawn up and circulated.
- 3.5. The Inspector has already listed a number of issues with regard to the AAP and these have been submitted to Birmingham City Council in advance of the October deadline for response. It is clear she is looking for evidence that all three authorities have a clear understanding of the roles that they play as Council's in the process and that there is an agreement to work together to achieve the higher level outcomes that have been identified as priorities within the AAP.
- 3.6. The point with this scheme is that the three authorities have agreed through the AAP to regenerate Longbridge. The authorities have agreed to work in key priority areas such as housing, employment as well as the wider context of arts development, youth provision, community activities, and so on and all of these are cross cutting in terms of Local Authority involvement be it Unitary as in the case of Birmingham, or District County as in our case.
- 3.7. Officers of the three authorities have agreed that in order to manage these projects and priorities that a working group needs to be established with equal representation from each Council. This group will assess planning applications in accordance with the AAP and form part of the overall planning process as a consultee.
- 3.8. A higher level group needs to be established to look at the priorities within the AAP and monitor whether they are meeting the performance targets set in relation to prioritising the priorities and to provide checks and balances in each Council's funding requirements.
- 3.9. The Memorandum of Understanding needs to be produced before October to set out how we intend to work together to achieve this.
- 3.10 It is proposed that these cross organisational groups be established and that the Executive Director (Partnerships and Projects) represent the authority on the higher level steering group and that Strategic Planning Manager represent the Council on the working group.
- 3.11 It is proposed that these officers report to the Cabinet on a regular basis providing members with up to date reports on the progress made towards the priorities within the AAP

3.12 Memorandum of Understanding

This document will set out the general framework of co-operation and understanding, and will be finalised before the close of the Examination in Public. It will need to incorporate a number of strategic functions for all three councils;

- Specific Contact details of key personnel
- Infrastructure Planning
- Setting up of Task Groups (e.g. Housing, Education, Highways, Health Social Care, Leisure and Tourism, Economy and Business, Community Safety)
- Mechanisms of operation and communications process
- Financial management/arrangements Section 106/278 contributions - who will be the custodian of these contributions until called upon (e.g. any one of the local authorities can hold the monies in a separately created Bank Account, or create a SPV for this purpose).

3.13 Progress has been made on drafting this joint document and further discussions and meetings are taking place to finalise an agreed protocol. It is proposed that the appropriate power be delegated to the Head of Legal Equalities and Democratic Services to complete this document.

3.14 Longbridge AAP Working Group ("Working Group")

3.15 A meeting took place between key representatives of the three local authorities on 8th September 2008 to work out how to progress matters. It was tentatively agreed that a Longbridge AAP Working Group would be established consisting of Key Personnel from each Council. This is the non decision making group that makes recommendations to planning committees as a consultee in the planning process.

3.17 The role of the working group is crucial to ensure that the appropriate part of the AAP is applied along with any section 106 benefits across the 3 council boundaries.

3.18 Longbridge AAP Steering Group ("Steering Group")

3.19 At the meeting on the 8th September it was agreed that there would be a need to create a high level strategic group that would manage the financial arrangements of the AAP together with fulfilling the role of managing the priorities and projects that occurred as a consequence of the AAP and contributions made by developers.

3.20 This group should consist of senior officers from all three organisations and would represent the interests of their organisation in relation the priorities that have been set within the AAP.

4. FINANCIAL IMPLICATIONS

- 4.1 It has been estimated that the Longbridge Area Action Plan will generate £35 million in community contributions although this figure may change pending the Examination In Public.

5. LEGAL IMPLICATIONS

- 5.1 The Memorandum of Understanding will form a legally binding agreement between the three authorities and detail the mechanism by which the organisations will manage the Area Action Plan.

6. COUNCIL OBJECTIVES

- 6.1. This development links through to the Councils Objective of Regeneration and Housing Priority

7. RISK MANAGEMENT

- 7.1 The main risks associated with the details included in this report are:

- Loss of Community infrastructure contributions

- 7.2 These risks are being managed as follows:

- Loss of income:

Risk Register: *Planning and Environment Services*

Key Objective Ref No: 6

Key Objective: *Effective, efficient and legally compliant Strategic Planning Service*

8. CUSTOMER IMPLICATIONS

- 8.1 The Area Action Plan regenerates a significantly large site and brings community benefits

9. EQUALITIES AND DIVERSITY IMPLICATIONS

- 9.1 None

10. VALUE FOR MONEY IMPLICATIONS

- 10.1 Joint working to maximise community benefits

11. **OTHER IMPLICATIONS**

| |
|---|
| Procurement Issues - None |
| Personnel Implications - None |
| Governance/Performance Management - None |
| Community Safety including Section 17 of Crime and Disorder Act 1998 - None |
| Policy - None |
| Environmental - None |

12. **OTHERS CONSULTED ON THE REPORT**

| | |
|---|------------|
| Portfolio Holder | Yes |
| Chief Executive | Yes |
| Executive Director - Partnerships and Projects | Yes |
| Executive Director - Services | No |
| Assistant Chief Executive | No |
| Head of Service | N/A |
| Head of Financial Services | Yes |
| Head of Legal, Equalities & Democratic Services | Yes |
| Head of Organisational Development & HR | No |
| Corporate Procurement Team | No |

13. **WARDS AFFECTED**

Waseley, Hillside, Beacon

14. APPENDICES

None

15. BACKGROUND PAPERS

None

CONTACT OFFICER

Name: Claire Felton
E Mail: c.felton@bromsgrove.gov.uk
Tel: (01527) 881429

BROMSGROVE DISTRICT COUNCIL

CABINET

1 OCTOBER 2008

THE FUTURE OF THE MUSEUM

| | |
|------------------------------|--|
| Responsible Portfolio Holder | Councillor Roger Hollingworth |
| Responsible Head of Service | Phil Street – Director Projects & Partnerships |
| Key Decision | |

1. SUMMARY

- 1.1 To consider options for addressing the future of the Norton Collection and the Bromsgrove Museum.

2. RECOMMENDATION

- 2.1 That Members:

- 2.1.1 decide whether to accept the proposal made by the Consortium; and if not,
- 2.1.2 consider the options contained in this report and decide what action to take.

3. BACKGROUND

- 3.1 The Norton Collection Trust (“the Trust”) is a registered charity established in 1992 and governed by a trust deed dated 14 September 1992 (“the Deed”). The Council is the sole trustee of the Trust.
- 3.2 The Trust was established to provide for the collection of artefacts accumulated by a member of the public to be available to the people of Bromsgrove. The Deed sets out a number of requirements, some of which are fairly onerous, in relation to the maintenance and display of the Collection. No endowment accompanied the Collection and so the Council as trustee has been funding the entire cost of the display and management of the Collection.
- 3.3 At about the same time that the Trust was established the Council purchased the freehold premises on Birmingham Road in which the Bromsgrove Museum was sited (“the Premises”). The Premises therefore fall within the Council’s property portfolio. For some years the Premises have been occupied by the Council’s Tourist Information Centre (“TIC”), the Museum and a business tenant. A restrictive covenant applies to the land requiring the land to be used as either a museum or private residential

dwelling. However, that covenant was imposed by the Council when it disposed of the Premises in 1977 and is a covenant of the type which can be released by the Council on a subsequent disposal of the land.

Roles of the Council

- 3.4 Members need to be aware whilst considering this matter that the Council fulfils two separate, distinct roles, namely as trustee and as the local authority. It is important for members to understand which role they are performing when taking decisions about the future of the Collection or the Premises.

The Council as Local Authority

- 3.5 The Council as local authority is responsible for the management of the Council's resources in accordance with its priorities and objectives and in accordance with public law. The Council is committed to delivering value for money for the benefit of the local community.
- 3.6 The Council is the owner of the Premises which form an asset within the council's asset portfolio. As such the Council may retain and use those Premises or may dispose of them in accordance with its Asset Management policy.

The Council as Trustee

- 3.7 The duties of the Council as trustee of the Collection are set out in the Legal Implications to this report in paragraph 5.8. The key issue is that the Council as trustee must act only to further the objects of the Trust, which may not necessarily correspond with the aims and objectives of the Council as the local authority.
- 3.8 Charity law does not require a trustee to personally fund a charitable trust; if the trust is without funds the trustee is not obliged in law or indeed expected to finance its operations.
- 3.9 Members should also note that it is the Council as a corporate entity which is the trustee, not the individual members. Individual members do not therefore generally have any personal liability or responsibility to the Trust.

Current Circumstances

- 3.10 In view of declining visitor numbers and the need to deliver value for money in terms of the use of the Council's assets and resources the Premises have been closed to the public since January 2008. It was acknowledged that small museums, such as Bromsgrove's, do not attract substantial numbers of visitors, but the Bromsgrove Museum was poorly attended even by comparison. Consequently, the Council agreed as part of its medium term financial plan that it should be closed.
- 3.11 Opposition to closure has been limited and there does not appear to be a groundswell of dissatisfaction at the Council's decision. The Council has received representations from some members of the community and a

petition has been presented the names on which have been collected by the donor of the Collection.

3.12 The artifacts within the Collection are stored either at the Depot or in the Premises.

3.13 The Council as local authority has effectively withdrawn the permission which up until January this year has allowed the Trust to display the Collection at the Premises free of charge. The Trust therefore finds itself without premises or funds and the Council as trustee needs to consider whether it can continue to further the objects of the trust and if so how.

3.14 The Council needs to decide on the future of the Collection and the Premises.

The Way Forward

3.15 The Council is now asked to consider the future of the Collection and the Premises. A number of options present themselves and the Council must consider these both as trustee and as the local authority. These are summarized below.

3.16 Members need to recognize that maintaining the current situation is not tenable. The Council in its capacity as trustee has an obligation to the charity to further the objects of the Trust or, if they cannot be furthered, to wind up the Trust in accordance with the law. Failure to fulfill that obligation places the Council at risk of challenge by the Charity Commission who might act in response to requests from community members, associations or other heritage organizations in the area, or from the Attorney General acting on behalf of an interested party or parties. Disposing of the artefacts in any manner other than in accordance with the legal framework also exposes the Council to possible challenge.

3.17 Officers have given careful consideration to possible options in the light of the legal framework governing charities and are able to propose a number of options.

Option 1 – the Council transfers the Collection to a third party, or alternatively the Council resigns as trustee and a third party takes over the role of trustee;

Option 2 – transfer to a local trust;

Option 3 – transfer to Avoncroft Museum;

Option 4 – join a County Museum Trust;

Option 5 – the Council continues to act as trustee but varies the provisions of the Deed to make the requirements to manage and display the Collection more flexible; or

Option 6 – the Council winds up the Trust

Option 1 – transfer to a third party

- 3.18 A proposal has been received from a consortium of local residents (“the Consortium”) a copy of which is attached as Appendix 1. By way of summary the proposal is:
- A new charitable trust is formed (or alternatively the Consortium could simply replace the Council as trustee);
 - The Council leases the Premises to the new trust for a minimum of 20 years at a peppercorn rent with an option to purchase in the future;
 - The Council provides annual funding of a minimum of £20,000 per year for 5 years and thereafter £15,000 for 5 years
 - The Collection would be managed by one part time employee and a team of volunteers.
- 3.19 The proposal does not address the Council’s objectives nor how the proposed funding to be provided by the Council will further those objectives but does emphasise the educational potential of the proposed museum.
- 3.20 The proposal does not address the issue of storage of the “reserve collection” i.e., those artefacts not on display; it is not clear whether it is proposed that this should remain at the Council’s depot or whether other arrangements are proposed, but certainly the supporting financial statement does not provide for storage costs. It is therefore likely that the proposal also includes the provision by the Council of storage facilities at no charge to the Consortium and presumably access to the reserve collection would be required by the Consortium; no consideration has been given to possible access arrangements.
- 3.21 The closure of the museum was precipitated by declining visitor numbers which made running the museum financially unviable. The proposal does not demonstrate a marketing strategy to significantly increase visitor numbers. The business case does not demonstrate that the Consortium has the relevant experience or skills to ensure a sound future for the Collection.
- 3.22 This proposal involves the disposal of an asset at an undervalue. The Council must give careful consideration as to whether or not this is appropriate and in the interests of the local tax payer. If members are minded to grant a lease on the terms proposed consideration must be given to applying to the Secretary of State for consent as on the face of the proposal as currently drafted it does not appear to fall within the objects of the General Disposal Consent set out in paragraph 5.9 below which sets out the legal implications relating to disposal at an undervalue.
- 3.23 The proposal is not fully worked up and members need to consider whether the proposal has the potential to provide a satisfactory solution.

3.24 This proposal would require the relocation of the TIC (estimated cost £20,000) and the termination of the business tenancy.

3.25 Costs would need to be incurred in winding up the charity or revising the Deed.

3.26 Members are requested to decide whether to accept this proposal.

Option 2 – establishment of a local trust

3.27 The Council could initiate the establishment of a local trust to which it could explore transferring the management of the Collection. This approach already exists in various parts of the country including instances in Worcestershire and the County Museum Service has indicated that it could provide the Council with a model trust deed and provide advice and guidance on setting up a local trust for a museum. It would require a variation of the Deed which would incur legal costs.

3.28 This may also provide the opportunity to dispose of the Premises and allow for a re-branding and modernising of the museum. It may be possible to acquire or rent a property on the High Street and re-configure the museum in a more accessible and up dated format. The museum could then become a lifelong learning centre, be more hands on, have a community classroom area for adult education and school use while the potential for making a charge for admission could be explored.

3.29 Any such scheme would probably involve the following costs:

Either:

- | | |
|---|---------|
| • Make payment to Trust | £30,000 |
| • Suitable storage of reserve Collection | unknown |
| • Possibly relocate TIC | £20,000 |
| • Maintain museum building as landlord | £5,000 |
| • Refit museum so it meet modern expectations | £50,000 |
| • Specialist removal | £10,000 |

OR

- | | |
|--|---------|
| • Make payment to Trust | £30,000 |
| • Suitable storage of reserve Collection | unknown |
| • Relocate TIC | £20,000 |
| • Maintain museum building as landlord | £5,000 |
| • Rent building in High Street | £30,000 |
| • Refit new museum premises | £50,000 |
| • Specialist removal | £10,000 |

3.30 However, officers' discussions with the relevant parties has revealed that there is no current support from those parties for this option and it is not therefore a viable option for members to consider at present.

Option 3 – transfer to Avoncroft

3.31 Officers have discussed this option with Avoncroft Museum. This option would also require a variation to the Deed as it currently requires the collection to be displayed within a certain radius of the town centre which would incur legal costs. This option would also involve:

- Payment for building to display collection £100,000
- Annual payment for maintenance and display of collection £25,000
- Specialist removal of the Collection £10,000
- Suitable storage of reserve Collection unknown
- Relocate TIC £20,000

In view of the significant financial implications for the Council this option is not recommended.

Option 4 – County Museum Trust

3.32 The fourth option is to work more closely with three other museums in the county to form a county museum trust. The County Museum Service has engaged a consultant to explore the feasibility of a county museum trust. The museums currently displaying an interest in developing a County Museum Trust are the County Museum at Hartlebury, Worcester City Museum and Redditch Museum. This option would also require amendment of the Deed and incur legal costs in so doing.

3.33 The curator of the County Museum Service has invited the Council to include its museum for consideration although no proposals have yet been formulated. However, the Council's inclusion in these discussions does not preclude the Council from pursuing other options in the meantime.

Option 5 – remain as trustee retain responsibility for management and display under varied terms

3.34 A further option is for the Council to remain as trustee and for the Deed to be varied so as to add some flexibility to the management and display of the Collection.

3.35 Currently the Deed requires the Collection to be displayed within a defined area of the town centre for not less than 195 hours per month from 1 March to 31 October each year and for a minimum of 143 hours per month from 1 November to 28 February each year. The Deed also requires the Collection to be displayed within and as part of the Bromsgrove Museum.

3.36 However, the Council as trustee may vary the terms of the Deed to relax or even remove these requirements. Legal costs would be incurred in doing so. More details are set out in the Legal Implications below.

3.37 If these requirements were relaxed it would enable the Collection to be displayed in other locations around the town or even the County. For example, displays could be located within the public areas of the Council

House, the Customer Service Centre, within schools or libraries within the district, and in the longer term, within a specially designated area of a new civic centre. Boxes of artefacts which are relevant to specific topics within the national curriculum could be prepared and loaned to schools and other organisations as and when required.

- 3.38 This option would require the completion of the task of cataloguing the entire Collection. Following completion of that exercise, some streamlining of the Collection might be required to ensure that only those artefacts which genuinely further the objects of the Trust are retained.
- 3.39 The Premises would be available for disposal by sale to realise their value and the income generated from the sale proceeds could be applied to the future storage and management of the Collection (see below). The TIC would need to be relocated and the business tenancy terminated before a sale could proceed.
- 3.40 However, members need to be aware of the financial implications attached to this option. Resources need to be applied to complete the cataloguing of the Collection, and a member of staff would be required on an ongoing basis to maintain the displays, manage the “education boxes”, ensure the reserve artefacts are adequately stored and ensure the Council’s reporting responsibilities as trustee are met. In addition, the artefacts would require specialist removal and long-term storage and specialist advice on these issues would be required. New display cases may need to be purchased. Some or all of these costs together with the cost of legal advice would most likely be incurred prior to the sale of the Premises and therefore the Council would need to make financial provision; none currently exists within the medium term financial plan.
- 3.41 This option provides the most flexible future for the Collection in that it would preserve the key parts of the Collection for the benefit of the local community, enable the Council to continue to pursue negotiations with its partners along the lines of Options 2 and 4 above, and would enable the Collection to be displayed as part of a new civic centre at some point in the future. It also enables the Premises to be sold and the value realised.
- 3.42 In its capacity as trustee the Council may consider this the least worst option for securing the objects of the charity; it will ensure that the Collection is displayed, managed and available for display and for educational purposes.
- 3.43 If members are minded to pursue this option it is recommended that an officer working group is established to manage the process of cataloguing, to take specialist advice on and undertake removal and storage of the Collection, liaison with local schools, streamlining of the Collection and disposal of surplus artefacts.

3.44 Members need to be aware that pursuing this option will commit the Council as local authority to providing support, both financial and in kind, to the Trust for the foreseeable future.

3.45 If members are minded to pursue this option the following decisions need to be taken:

Cabinet recommends to Council in its capacity as local authority that:

- a. The Museum be closed permanently; and
- b. authority is delegated to the Executive Director – Partnerships & Projects to set up a suitable advisory group to investigate the costs and implications of this option (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 that appropriate funding is made available from balances to effect this option.

Cabinet recommends to Council in its capacity as trustee that:

- c. the Council delegates authority to the Head of Legal, Equalities & Democratic Services in consultation with the Executive Director – Partnerships & Projects and the portfolio holder to amend the Deed in such manner as she considers appropriate;
- d. the artefacts within the Collection are catalogued;
- e. the artefacts within the Collection are professionally moved and stored.

Cabinet is requested to resolve that:

- f. the business tenancy be terminated;
- g. the Premises be sold for the best price achievable and authority is delegated to the Corporate Property Officer to effect this;
- h. authority is delegated to the Corporate Property officer to identify a suitable location for storage of the reserve artefacts in the Collection free of charge.

Option 6 – winding up of the Trust

3.46 A final option is the complete winding-up of the Trust. The Council as trustee finds itself in the position of the Trust having no capital, no income, no premises in which to display the Collection and therefore unable to further the objects of the Trust. The Council as trustee is entitled to apply to the Charity Commission for the formal winding-up of the Trust. There is a formal process to be followed including allowing the public to make

representations to the Charity Commission on the proposed winding-up. There is no guarantee that the Charity Commission would agree to the request, but advice received by officers suggests that there is a good chance of success provided the Council as trustee is able to evidence that it has taken reasonable steps, bearing in mind the Trust's lack of income or capital, to pursue other options before winding-up.

3.47 The result of winding-up may be that the Collection is broken up and effectively lost.

3.48 The Premises would be available for disposal or re-use.

3.49 This option is not without financial implications; specialist legal advice and support would be required and officer time and resources would be required. Completion of the cataloguing of the collection would be required and the Collection would require specialist removal and suitable storage pending completion of the winding-up.

3.50 If members wish to pursue this option the following decisions need to be taken;

Cabinet recommends to Council in its capacity as local authority that:

- a. The Museum be closed permanently; and
- b. authority is delegated to the Executive Director – Partnerships & Projects to set up a suitable advisory group to investigate the costs and implications of this option (including taking specialist legal advice, specialist advice on removal and storage of the Collection) and to report back to Council to request that appropriate funding is made available from balances to effect this option

Cabinet recommends to Council in its capacity as trustee that:

- c. the Council delegates authority to the Head of Legal, Equalities & Democratic Services in consultation with the Executive Director – Partnerships & Projects and the portfolio holder to undertake the winding-up process;
- d. the artefacts within the Collection are catalogued;
- e. the artefacts within the Collection are professionally moved and stored pending completion of the winding-up.

Cabinet is requested to resolve that:

- f. the business tenancy be terminated;

- g. the Premises be sold for the best price achievable and authority is delegated to the Corporate Property Officer to effect this;
- h. authority is delegated to the Corporate Property officer to identify a suitable location for the temporary storage of the Collection free of charge pending completion of the winding-up.

4. FINANCIAL IMPLICATIONS

- 4.1 Financial implications are set out under each option. At present these figures are best estimates.

5. LEGAL IMPLICATIONS

Variation of the Deed

- 5.1 Any of the Options 1-4 set out above will require the Deed to be amended as the current conditions placed upon the Trust prohibit the transfer of the Collection to a third party and specifically state the Council as the sole trustee. In addition the conditions set out in the Deed are onerous and would be a significant deterrent to any individual or organisation approached to take on responsibility for the Collection. Similarly, for the Council to proceed with Option 5 the Deed would need to be amended to remove the onerous conditions of the Deed.
- 5.2 The Deed does not contain a power for the Council as trustee to amend the terms of the Trust. However, under the Charities Act 1993 (the "Act") there is a statutory power for trustees of unincorporated charities to amend either their powers and procedures or, in more limited circumstances, their charitable objectives. The power to amend powers and procedures is available to all unincorporated charities whereas the statutory power to amend charitable objects is only available to unincorporated charities with an income of less than £10,000. There are procedures associated with each power with more extensive requirements attached to the power to alter the objects. As the charity's income is below £10,000 both options would be available.
- 5.3 The charitable objects of the Trust – "*promoting the education of the citizens of Bromsgrove and the public generally*" – are not unduly restrictive and it is not proposed that these need to be amended to pursue any of Option 1-5. Rather it is the conditions attached to the trust that need to be amended. Standard wording in relation to powers of the trustees should also be added.
- 5.4 Whilst it is not proposed that the objects are amended, it is proposed that the procedure for amending the objects is followed. This is because it is possible that the Charity Commission ("Commission") or other interested parties may argue that the conditions listed in the Trust Deed are in fact part of the objects as the objects clause states that it is subject to the conditions. This is an argument that often arises in these situations and by following the

requirements associated with amending the objects clause the risk of another party successfully challenging the process will be reduced.

5.5 The requirements for altering the objects are:

5.5.1 the Council as trustee agrees that it is expedient in the interests of the charity for the purposes in question to be replaced;

5.5.2 the Council as trustee agrees that so far as is reasonably practicable, the new purposes consist of or include purposes that are similar in character to those that are to be replaced;

5.5.3 the passed resolution together with a statement of reasons for amending the objects must be filed with the Commission. The Commission may:

(a) direct the Council to publicise the resolution and take into account any representations made; and /or

(b) request the Council to provide further information as to why the changes were made.

5.6 Subject to these steps being completed the resolution will be effective 60 days after the date it is received by the Commission.

5.7 It is recommend that the onerous obligations are removed from the Deed on the basis that they are unduly restrictive and are a prohibitive factor in the trust furthering its objective of advancing education. The conditions should be replaced with standard clauses from the Commission's model trust deed dealing with issues such as the powers of trustees and the right to appoint new trustees. This will provide for a flexible and workable format for anyone wishing to take on the trusteeship. The spirit of the Trust – i.e. the public display of the Collection in Bromsgrove – can be left within the Trust Deed to ensure that the requirement stated at 5.5.2 is met.

Role of a Trustee

5.8 The Council as trustee is required to comply with the obligations placed on all trustees under charity and trust law. These are summarised in Charity Commission guidance for trustees as follows:

(1) Trustees have and must accept ultimate responsibility for directing the affairs of a charity, and ensuring that it is solvent, well-run, and delivering the charitable outcomes for the benefit of the public for which it has been set up.

(2) Ensure that the charity complies with charity law, and with the requirements of the Charity Commission as regulator; in particular ensure that the charity prepares reports on what it has achieved and Annual Returns and accounts as required by law.

(3) Ensure that the charity does not breach any of the requirements or rules set out in its governing document and that it remains true to the charitable purpose and objects set out there.

(4) Comply with the requirements of other legislation and other regulators (if any) which govern the activities of the charity.

(5) Act with integrity, and avoid any personal conflicts of interest or misuse of charity funds or assets.

(6) Ensure that the charity is and will remain solvent.

(7) Use charitable funds and assets reasonably, and only in furtherance of the charity's objects.

(8) Avoid undertaking activities that might place the charity's endowment, funds, assets or reputation at undue risk.

(9) Take special care when investing the funds of the charity, or borrowing funds for the charity to use.

(10) Use reasonable care and skill in their work as trustees, using their personal skills and experience as needed to ensure that the charity is well-run and efficient.

(11) Consider getting external professional advice on all matters where there may be material risk to the charity, or where the trustees may be in breach of their duties.

Disposal of Land at an Undervalue

5.9 The Local Government Act 1972 section 123(2) states that a Council shall not dispose of land, otherwise than by way of a short tenancy, for less than best market value except with the consent of the Secretary of State. The consent of the Secretary of State is deemed to be given in circumstances set out in the General Disposal Consent (England) 2003 which essentially provides that a Council may dispose of land at an undervalue if the purpose for which the land is to be disposed is likely to contribute to the achievement of any one or more of the following objects:

- The promotion of economic well-being
- The promotion or improvement of social well-being
- The promotion or improvement of environmental well-being

and that the undervalue does not exceed £2,000,000.

6. COUNCIL OBJECTIVES

- 6.1 The museum does not feature in the Council's priorities and the level of attendance at the museum reflected low levels of resident interest and commitment to the museum.

7. RISK MANAGEMENT

- 7.1 The main risks associated in this report are:

- Legal action
It is possible that the charity commission could take action against the Council for breach of the Deed.
- Affect reputation
It is possible that the Council's reputation may be adversely affected by the closure of the museum. Although the number of visitors has been extremely limited the closure of an institution or organisation can sometimes be met with disproportionate opposition.
- Deprive community of its historical records
The museum does contain some valuable and important artefacts associated with Bromsgrove's history.

- 7.2 These risks are being managed as follows:

- Legal action
This risk would be reduced very significantly once the Council resolves to and then actively pursues one of the options contained in this report; any risk of action arises from the current situation whereby the trustees are not positively acting in the interests of the Trust.
- Affect reputation
To mitigate this it may be necessary to demonstrate that action to address the current situation is being taken and have a clear communications plan as to inform the public as to why the decision has had to be taken.
- Deprive community of its historical records
It is possible to make the case that the approach taken to the management of the museum has meant that the most has not been made of the collection and the current trust deed imposes unreasonable constraints on the development of the museum. In adopting a more proactive approach and through varying the trust deed it could be that the items in the museum could be used to better affect and promote understanding regarding the history of Bromsgrove.

These risks will be added to the Street Scene and Community Services risk register.

- 7.3 Currently the risks identified above in 7.1 is not addressed by any risk register and will be added to the Street Scene and Community Services risk register.

8. CUSTOMER IMPLICATIONS

- 8.1 The closure of the museum will have a negative impact on the customers who could potentially have visited it however this is felt to be negligible given the low visitor numbers.

9. EQUALITIES AND DIVERSITY IMPLICATIONS

- 9.1 The museum is currently inaccessible to those with mobility difficulties and those who use a wheel chair.

10. VALUE FOR MONEY IMPLICATIONS

- 10.1 By continuing to operate the museum as it was previously the Council would not be demonstrating value for money – visitor numbers were low and as a result the cost per visitor were high. The Museum does not directly contribute towards the achievement of the Council’s objectives and priorities and as such doesn’t represent value for money. Given this it is felt that Options 5 or 6 operate the best value for money to the Council.

11. OTHER IMPLICATIONS

| | |
|--|------|
| Procurement Issues | None |
| Personnel Implications | None |
| Governance/Performance Management | None |
| Community Safety including Section 17 of Crime and Disorder Act 1998 | None |
| Policy | None |
| Environmental | None |

12. OTHERS CONSULTED ON THE REPORT

| | |
|------------------|-----|
| Portfolio Holder | Yes |
| Chief Executive | Yes |

| | |
|---|------------|
| | |
| Executive Director - Partnerships and Projects | Yes |
| Executive Director - Services | No |
| Assistant Chief Executive | No |
| Head of Service | Yes |
| Head of Financial Services | Yes |
| Head of Legal, Equalities & Democratic Services | Yes |
| Head of Organisational Development & HR | No |
| Corporate Procurement Team | No |

13. WARDS AFFECTED

All wards

14. APPENDICES

Appendix 1 Proposal from the Consortium

15. BACKGROUND PAPERS

None

CONTACT OFFICER

Name: Phil Street
E Mail: p.street@bromsgrove.gov.uk
Tel: (01527) 881495

This page is intentionally left blank

Bromsgrove Museum
Business Plan
September 2008



Index

| | Page |
|---|------|
| A brief history of the Museum..... | 1 |
| A vision for the Bromsgrove Museum..... | 2 |
| Educational report..... | 4 |
| Financial Statement..... | 6 |
| Museum sketch..... | 7 |
| Museum Scenes..... | 8 |

The Business Plan is presented on behalf of 'The Friends of the Museum'.

A Brief History of the Museum

Dennis Norton first became interested in collecting in 1949 when he was fifteen years old; his first artefact was a 1905 Carbide Cycle Lamp. He continued to collect but in 1970 the collection had outgrown his home so he bought the village school at Upton Warren and opened the first 'Norton Collection Museum'.

The collection continued to grow and in 1977 he bought Davenal House in Bromsgrove. The house was in a bad state of repair and he started a programme of restoration and in 1979 he was able to open the Bromsgrove Town Centre Museum.

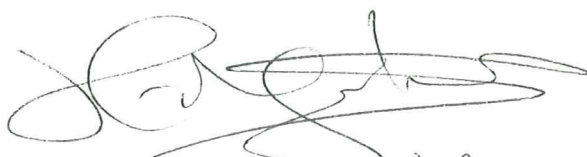
Over the next fifteen years with the help of 'The Friends' the museum became successful; it had 10,000 visitors p.a. and won three awards including one for the Best Small Museum. There were three or four exhibitions a year, fund raising functions, school visits, evening events and it opened at weekends.

To help support the museum financially four small craft workshops were built which, when let, brought in an income of £30 per unit per week.

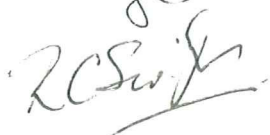
Dennis Norton offered the museum to the Council in the hope that its future would be secure.

In 1993 he set up a Trust and handed the Museum over to Bromsgrove Council for education and the benefit of the people of Bromsgrove in the expectation that the requirement stated in the Deed of Trust would ensure its future development.

The Museum closed, January 1st 2008. The reason given was the falling visitor numbers and running costs said to be £70,000 p.a. but it is unclear if these costs include the Information Centre which occupies the same building and has been kept open.


J. EDGINTON

B. Savage



1



A vision for the Bromsgrove Museum

The Museum Association definition of a museum is; 'Museums enable people to explore collections for inspiration, learning and enjoyment. They are institutions that collect, safeguard and make accessible artefacts and specimens, which they hold in trust for society'. The Trust will embrace this definition in its mission statement and seeks to provide a welcoming, inclusive and vibrant community space to house this remarkable collection of artefacts and displays in order to educate, enthuse and entertain visitors of all ages about the social history and ongoing life of the small market town of Bromsgrove.

Management by Trust

It is proposed that the Friends of Bromsgrove Museum will set up a charitable trust comprising of 3 to 5 local people from the community and this body would meet 3 or 4 times a year. A smaller management group would meet more frequently to take responsibility for the day-to-day running of the museum.

A part-time administrator would be appointed to co-ordinate volunteers.

To date thirty people have volunteered to be 'Friends of the Museum' and will be responsible for the day to day running of the Museum such as manning the reception area, acting as guides, providing refreshments and general maintenance. The volunteers have a range of skills to offer for work at the front of house as well as curatorial work behind the scenes.

Collection

The museum houses a wide-ranging collection of artefacts relating to the social history of the town. Some further work will be carried out on storage and packaging as part of the conservation programme.

The current position regarding the cataloguing and the list of accessions and donations since the Museum was handed over is unknown but the Trust would plan to adopt a documentation system in line with the requirements of the Accreditation scheme (that has now replaced the Registration scheme).

The reserve collection is stored at the Depot and will require reorganisation and rationalisation. Some of these artefacts will be used to refresh some of the displays and for temporary exhibitions to generate repeat visits to the museum.

The Trust will appoint a curatorial advisor to guide the Trust's efforts to achieve Accreditation status as a medium term priority following discussions with relevant professionals.

The existing displays relate to the various Bromsgrove trades and High Street shops and would be expanded with upgraded labelling. The provision of an audio guide is envisaged in the future.

Education

See report from Ms J Edginton.

Marketing

The Trust will improve signage to the front of the Museum. Alterations to the entrance would be proposed if a sponsor can be found for this project– see attached sketch. Enhancements to the Brown Sign scheme will be pursued with the appropriate department in the County Council.

The Trust will seek to increase awareness of the museum and the services it offers. Taking opportunities to promote the museum will be an important task for the Trust.

How do we see the Museum in the future?

Our priority aim is for the Museum to achieve Accreditation status. There is considerable work required but the Trust is determined to ensure the Museum functions in a professional manner. The Trust plans to provide an education area and to improve access for visitors with disabilities; grants will be sought for both these initiatives.

The aim is for the Museum to be a vibrant centre for Bromsgrove's heritage and focal point for the community and visitors to Bromsgrove.

Financial Management

See attached forecast income and expenditure account. Certain information concerning the detailed running costs is still awaited from Bromsgrove District Council but these figures have been compiled using best estimates.

The Trust will seek grants from a wide variety of sources including Heritage Lottery Fund, trustand foundations, businesses and individual supporters to develop the museum and its works; the particular sources will be determined by the nature of the project.

Conclusion

In conclusion, the Trust considers the best way forward in retaining this valuable resource for Bromsgrove is for Bromsgrove District Council to grant this Trust a minimum 20 year lease at a peppercorn rent for the building, with the option to buy the building in the future, and a minimum sum of £20,000 p.a. for five years and £15,000 p.a. for the following five years to provide a robust financial base for running and developing the Museum. This represents a considerable saving based on the Bromsgrove District Council suggested historical running costs and would ensure that the collection is retained and administered for the benefit of the community.

Since this Business Plan had to be prepared at short notice and without information on the current running costs, the Trust reserves the right to submit updated financial information when this additional information becomes available.

The Friends of Bromsgrove Museum

Bromsgrove Museum Educational Potential

For some years schools have used this charming and highly informative museum. It is central to the town and, as it is within walking distance for several schools, can be used across a wide age range. Over recent years outside educational visits have become fewer due to perceived risks, costs and also because the huge educational potential of this museum has been almost ignored.

The National Curriculum which schools follow has been seen as subject based (i.e. Science, English, History etc. studied in isolation) and a museum visit has been a 'one-off' experience in each key stage. This is now changing and schools are increasingly working in a cross-curricular way, studying topics which cross subject boundaries and being actively encouraged to widen the scope of school-based experiences.

This collection also crosses boundaries. A group of 8 year olds looking at a collection of toys and household equipment are unlikely to appreciate that they are studying history, science and design technology (all of which are required) or that they are developing their language, literacy, art and other skills in discussing and recording what they see, but the benefits to them are immense. For example:

The National Curriculum requires schools to teach the topic of 'Forces' in Key Stage 2 before the SATS tests for children aged 11. In isolation this is difficult for children to understand but the display about motorbikes, bicycles etc. provides an excellent starting point. This same case can be used when 6 and 7 year olds study 'Materials and their Uses'. Work on 'Sound' is revisited at different ages and the superb collection of phonographs, radios and gramophones can provide stimulus and excitement for children across a wide age range and for subjects as diverse as science, art, history and technology.

A one-off visit to 'the museum', although enjoyable, is not the best way to use this amazing resource. The visit is important as a whole experience but even more in its details to enable adults and children to be enthused to find out more about particular areas of study. Rather than an overall experience where much is seen superficially there is a need for seeing the museum as a seed bed of information to further develop learning. Use of the button collection, researching the life of Benjamin Sanders and considering changes in occupations in the town can be part of a history topic helped by the library and local people whether by very young children or by A level students.

This little museum is ideally suited to helping schools to develop their teaching and learning experiences. Whilst the main museum provides a good general experience the beauty is in the reserve collections and limited access to these and the help of a facilitator in a suitable space (possibly one of the craft units) is essential. There is the potential to hold courses for teachers and become a wide ranging resource centre for both National curriculum studies and for developing amongst local people a love for, and awareness of, the history and needs of their town. This is the opportunity for Bromsgrove Museum to become a small- scale centre of excellence for innovative use of artefacts in education.

Children are our future. If we show them quality we will elicit a quality response and so secure the future. The quality of this museum is something that can help quality learning and add to the future of Bromsgrove.

J. Edginton

25/08/08

Relevant background

Headteacher of a primary school - Last inspection report graded 'Outstanding'

Previously LEA Advisory teacher – Schools Museum.

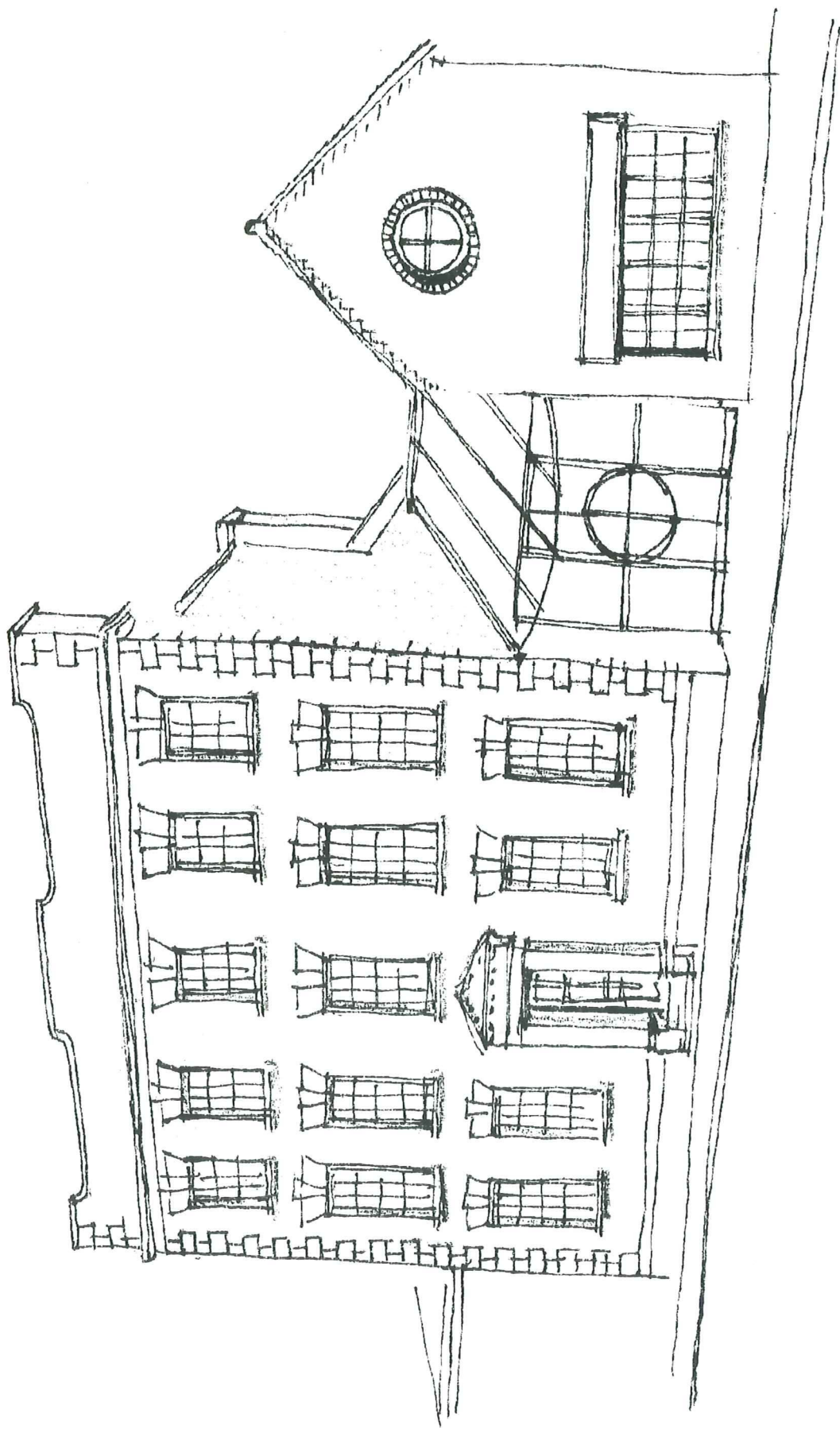
Member of Partnership Grants Committee – The Royal Society – develops and funds links between schools and outside bodies.

**BROMSGROVE MUSEUM
FORECAST INCOME AND EXPENDITURE ACCOUNT
YEAR 1**

| | £ | £ |
|-----------------------------|-------|-----------------|
| Income | | |
| BDC Grant | | 20,000 |
| Admissions | | 2,250 |
| Donations | | 500 |
| | | <hr/> 22,750 |
| Expenditure | | |
| Wages | 5,000 | |
| General and water rates | 6,000 | |
| Insurance | 1,000 | |
| Light and heat | 2,250 | |
| Advertising and marketing | 3,000 | |
| Printing and stationery | 800 | |
| Telephone and internet | 600 | |
| Repairs and maintenance | 2,500 | |
| Cleaning | 500 | |
| Subscriptions | 100 | |
| Sundries | 500 | |
| | <hr/> | 22,250 |
| Surplus for the year | | <hr/> 500 <hr/> |

Assumptions

1. Admission income is based on a charge of £2 for an adult and £1 for a child. Additional concessions would be available for OAP's and groups.
2. The 80% rates reduction for charities has not been applied as further information concerning the charge is awaited from BDC.
3. Advertising and marketing would be carried out largely using inhouse and voluntary resources.





Bromsgrove Room Artefacts

Nailmaking

Fairfield Glass

Lead Casting

Benjamin Sanders Button Making

John Corbett Saltworks

Bromsgrove Guild

Lemon Stainglass

Bromsgrove Photographs & Documents

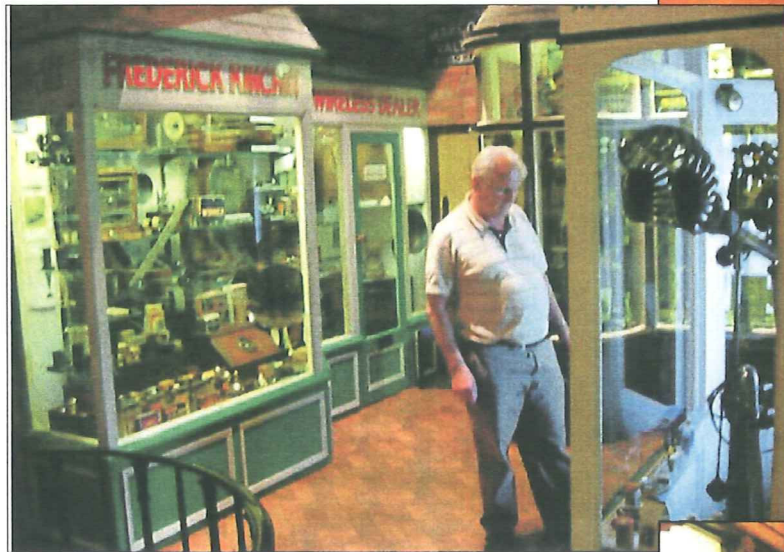
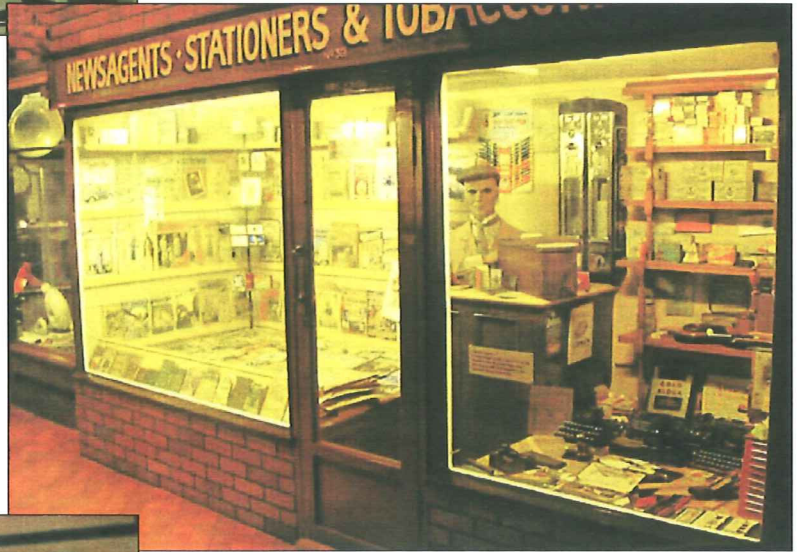


Fairfield Glass
Page 166



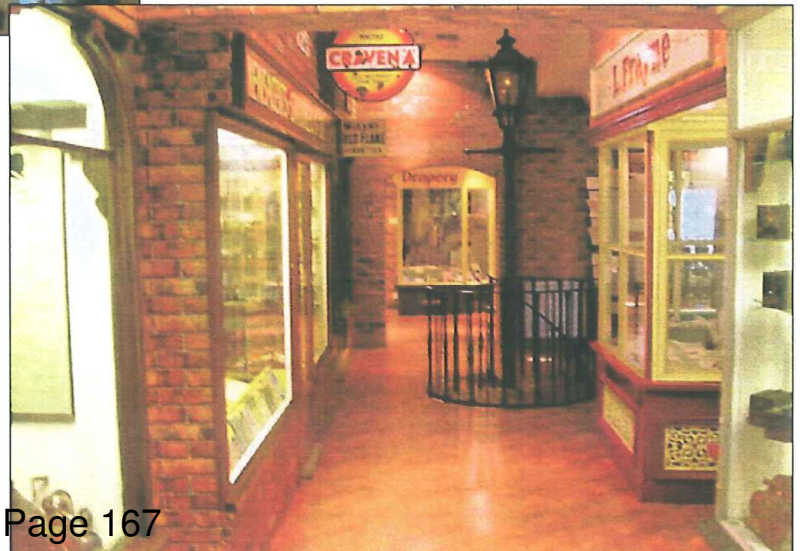
Bromsgrove Shops
in Street Scene

Bromsgrove Street Scene



Bromsgrove Street Scene

Bromsgrove Street Scene





Bromsgrove Street Scene

Bromsgrove Street Scene



Bromsgrove Guild

Sanders Button Making



BROMSGROVE DISTRICT COUNCIL

CABINET

1ST OCTOBER 2008

FIXED PENALTY NOTICES

| | |
|------------------------------|-------------------------------------|
| Responsible Portfolio Holder | Cllr June Griffiths |
| Responsible Head of Service | John Godwin, Deputy Head of Service |
| Key Decision | |

1. SUMMARY

- 1.1 This report summarises the legal framework within which Local Authorities have the power to issue fixed penalty notices and determines a process by which Bromsgrove District Council can introduce a policy for managing and enforcing environmental issues within this framework.

2. RECOMMENDATIONS

- 2.1 Members are asked to note the research undertaken to date in respect of fixed penalty notices and to approve in principle the process for introducing an interagency enforcement policy for tackling environmental crime within the District of Bromsgrove.

3. BACKGROUND

- 3.1 Members will be aware that there is a perception within our District, and indeed nationally that environmental offences go unchallenged. The issues of dog fouling, litter, graffiti and fly-tipping are matters that are raised frequently at PACT meetings throughout the District and through the Council's Focus Groups that couch public opinion with regard to Council services.
- 3.2 The Clean Neighbourhoods and Environment Act 2005 introduced a number of new provisions and enforcement powers for Local Council's and by amending several pieces of existing legislation, including the Environmental Protection Act 1990, The Act provides local Councils with new powers to clamp down on nationally-recognised issues of environmental crime.
- 3.3 Whilst Fixed Penalty Notices can provide Local Authorities with an effective and visible way of responding to low-level environmental crimes they should be a part of a wider enforcement policy which needs to be adopted by the Council to ensure that resources are focussed on the priority areas and that an appropriate balance is struck between resources devoted to fixed penalties and those spent on prosecutions.

- 3.4 It is therefore necessary for all agencies with the powers to undertake this method of enforcement to determine a policy that standardises fixed penalty notice procedures and provides clear guidance on the circumstances in which a fixed penalty notice will be issued. It will be necessary for the Council to consult the public on the contents of this policy, particularly as that Council has not exercised any fixed penalty notice powers historically.
- 3.5 It is essential that the Council develop strong interagency agreements with any other agency that deals with enforcement in Bromsgrove and that working protocols are established to enable the Council to deal with fixed penalty notices issued on their behalf by Police Community Support Officers and persons accredited under the Community Safety Accreditation Schemes, both under the Police Reform Act 2002.
- 3.6 Officers have had initial discussions with the Police Force in Bromsgrove and they have indicated their support to the introduction of such an interagency agreement in respect of dog fouling and litter.
- 3.7 The availability and level of fixed penalties for environmental crimes reflect the severity of the offence and it is important that the correct fixed penalty is used for the offence. In particular litter fixed penalties should not normally be used to deal with illegal waste or fly tipping offences; due to the severity and impact on the environment those responsible for these sorts of offences should normally be prosecuted through and upon conviction punished, through the courts.
- 3.8 Fixed penalty notices may be issued when an enforcing officer believes that an offence has been committed, the point being that the putative offender is given an opportunity to avoid a prosecution by the payment of the penalty.
- 3.9 It is therefore vital that the fixed penalty notice is only issued when there is adequate evidence to support a prosecution if the notice is not paid, and that unpaid notice is followed up. It is not deemed to be acceptable in the guidance that supports the process for administering fixed penalty notices for an authority to decide that it does not have the resources to prosecute if the notice is unpaid and is why it is necessary for the Council to determine the process in a well publicised policy detailing exactly what it will do and why.
- 3.10 Guidance advises that authorities who are considering issuing fixed penalty notices for the first time allow a well – publicised lead in period before notices are issued. This should help to ensure public support for fixed penalties. During this time, when an offence is committed, enforcement officers should not issue any fixed penalties; if the offence is serious (as indicated above) they should report the offender with the view to prosecution; in other cases they should issue a warning that in future similar offences may lead to a fixed penalty notice being issued and the

consequence of this. This helps to raise awareness within the community and should help to manage the public's perception.

- 3.11 The Council will need to develop a strategy for communicating this to the public. This will need to be designed to raise awareness and also to keep public expectation realistic. Such a strategy will need to make use of the local media and the Council's website and will need to clearly publish the legislative framework and the powers that the Council intend to use and explain why. It is important to do this not only to ensure that the community know what the Council are doing and support it, but also to ensure that the expectation in the community is a realistic one and that they are not expecting the Council to achieve things that are simply not achievable. It is important to note that in other parts of the County where fixed penalty notices have been introduced that the Council's have received very negative publicity because the community expected environmental crime to cease as a result and it did not.
- 3.12 Members are being asked to consider the introduction of fixed penalty notices to the extent that officers will be tasked with the responsibility of developing an interagency enforcement agreement and associated working protocol that would enable Bromsgrove District Council and the Bromsgrove Police force to work together to enforce against environmental crime within the District recognising that at this stage the commitment would be in respect of dog fouling and litter with the intention to revisit this after a trial period.
- 3.13 Officers are requesting members to approve the principle of introducing a fixed penalty notice policy at Bromsgrove District Council and to task officers with undertaking the necessary preparatory work with the Police and partners to achieve this. The policy will need to be extensive covering staff training, issuing fixed penalty notices, appeals, non payment, failure to provide a name and address, repeat offenders and juveniles.
- 3.14 Once written the fixed penalty notice policy and procedures, together with the associated cost implications would be brought to members for final determination.
- 3.15 The process of issuing and enforcing fixed penalty notices will involve co-ordinated working between officers from various different teams within the Council, and between those officers and the police. It is envisaged that the actual issuing of the notices would be carried out on behalf of the Council by officers who already have a visible presence to the public such as civil enforcement officers (car park attendants) or parks officers and on behalf of the police by Community Support Officers. Staff based at the Council House in the Community Safety team will take on the process of chasing payment of notices issued and administering an appeal system. Officers from the legal team will be responsible for advising on evidence and representing the Council on any prosecutions which result from non payment. To fully develop the fixed penalty notice policy and associated

procedures, officers intend to set up a working group to include representatives from the car parking team, the parks team, the legal team and Community Safety. The group will be tasked with the following two functions:-

- to develop the draft fixed penalty notice policy and procedures
- to engage in consultation with the police in order to agree a working protocol setting out how the police and the Council will work together.

It is anticipated that this will be a highly detailed piece of work the timescale for which is likely to be six months. The group is to be lead by the Community Safety Team.

3.16 At all stages throughout the process referred to above officers will work with Redditch Borough Council and other organisations within the District to benefit from shared learning and identify potential opportunities for shared service and joint working.

4. FINANCIAL IMPLICATIONS

4.1 There are none arising directly out of this report however any costs associated will need to be factored into the Medium Term Financial Plan.

5. LEGAL IMPLICATIONS

- 5.1 The power to issue fixed penalty notices derives from the Environmental Protection Act 1990, the Anti-social Behaviour Act 2003 and a number of enactments, as amended and extended by the Clean Neighbourhoods and Environment Act 2005;
- 5.2 Detailed implementing provisions are contained in the Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) Regulations 2006 and the Environmental Offences (Use of Fixed Penalty Receipts) Regulations 2006.
- 5.3 Defra has published detailed guidance on the use of Fixed Penalty Notices in publications entitled:
- Guidance on the Fixed Penalty Notice Provisions of the Environmental Protection Act 1990, the Clean Neighbourhoods and Environment Act 2005 and other legislation; and
 - Local environmental enforcement – Guidance on the use of fixed penalty notices.

6. COUNCIL OBJECTIVES

6.1 The adoption of a Fixed Penalty Notice Scheme supports Bromsgrove District Councils Objectives and Values of:
Leadership:

Demonstrating the authority is prepared to take the initiative and commit funding and officer resource for the introduction of a Fixed Penalty Scheme to tackle the issues covered by the Penalties

By setting such an example the Authority will build trust within the community that it is determined to tackle the issues the affect residents in their day-to-day lives

Partnership:

The introduction of a fixed penalty notice scheme will be a policy that is administered by the Council and the Police in conjunction with the Community Safety Team and the CDRP.

Customer First:

Residents have requested that Bromsgrove District Council should take the lead on enforcement and the introduction of fixed penalty notices. It is important that this process is managed within a clear interagency agreement and it is important that the Council is seen to be responding to the needs of the community.

Sense of Community and Wellbeing

The issuing of fixed penalty notices would be a clear demonstration to residents that Bromsgrove District Council were taking the appropriate measures to ensure that environmental crime within the District of Bromsgrove was managed within a clear and robust policy and that offenders punished.

Environment

Fixed penalty notices would support the Council's desire to improve and maintain the environment and tackling the environmental issues by the use of fixed penalty notices would be a positive step in making the District a cleaner place to live in.

7. RISK MANAGEMENT

7.1 The main risks associated in this report are:

- Lone Working
- Non-Adoption of FPN Scheme
- Non-collection of Fines

7.2 These risks are being managed as follows:

Lone Working

| | |
|----------------|--|
| Risk Register: | Culture & Community |
| Key Objective | 12 |
| Key Objective | Efficient and Effective Fixed Penalty Enforcement Scheme |

Controls

Effective lone worker system in place
Appropriate Training for all Officers involved in FPNs

Non Adoption of FPN Scheme

Risk Register: Culture & Community
Key Objective 12
Key Objective Efficient and Effective Fixed Penalty Enforcement Scheme

Controls

A fully realised Business Case developed for members to approve.
GANNT Chart to monitor key dates/actions to ensure successful delivery of project

Non- collection of Fines

Risk Register: Culture & Community
Key Objective 12
Key Objective Efficient and Effective Fixed Penalty Enforcement Scheme

Controls

Development of robust collection & monitoring system to ensure all non payments are tracked and appropriate warning letters issued

Officers receive appropriate training to ensure all perpetrator details are correctly taken and procedures followed should case go to court

Legal Dept have agreed processes in place should perpetrator be taken to court.

8. CUSTOMER IMPLICATIONS

- 8.1 The Fixed Penalty Notice Scheme will need to be have a high visibility, plain English roll out within the media for residents, members, officers and partners. Payment timetables and methods need to be clearly understood.

Fixed Penalty Notices are a direct response to the feedback of views of residents via PACT and other public meetings and requests from Partners.

9. EQUALITIES AND DIVERSITY IMPLICATIONS

- 9.1 None

10. VALUE FOR MONEY IMPLICATIONS

- 10.1 None contained within the report except those identified within the Corporate Objectives section of this report. They revolve around the

improved customer perception of the Council and the potential improvement in satisfaction levels which is a key part of Value for Money

11. OTHER IMPLICATIONS

| |
|--|
| Procurement Issues: |
| Personnel Implications: |
| Governance/Performance Management: See 3.18 |
| Community Safety including Section 17 of Crime and Disorder Act 1998: |
| Policy: |
| Environmental: |

12. OTHERS CONSULTED ON THE REPORT

| | |
|---|------------|
| Portfolio Holder | Yes |
| Chief Executive | No |
| Corporate Director (Services) | No |
| Assistant Chief Executive | Yes |
| Head of Service | Yes |
| Head of Financial Services | Yes |
| Head of Legal, Equalities & Democratic Services | Yes |
| Head of Organisational Development & HR | Yes |
| Corporate Procurement Team | No |

13. WARDS AFFECTED

13.1 All Wards

CONTACT OFFICERS

Name: Graham Rocke, Community Safety Manager
E Mail: g.rocke@bromsgrove.gov.uk
Tel: (01527) 881486

Name John Godwin, Deputy Head of Service, Street Scene &
Community
E Mail j.godwin@bromsgrove.gov.uk
Tel: (01527) 881730

BROMSGROVE DISTRICT COUNCIL

CABINET

1ST OCTOBER 2008

REVIEW OF THE ASSETS MANAGEMENT PLAN

| | |
|------------------------------|-----------------------------------|
| Responsible Portfolio Holder | Councillor Roger Smith |
| Responsible Head of Service | Claire Felton, Monitoring Officer |
| Non-Key Decision | |

1. SUMMARY

- 1.1 This report summarises the framework for Local Authority Asset Management and how Bromsgrove District Council will manage and deliver its assets management functions.

2. RECOMMENDATION

- 2.1 Cabinet is requested to read and approve the Council's revised Assets Management Plan at appendix 1 to this report.
- 2.2 Cabinet is requested to note and approve the Assets Management Action Plan which can be found within the body of the Assets Management Plan at appendix 1 of this report.
- 2.3 Cabinet is requested to note and approve a recommendation to Cabinet for the review and potential disposal of investment property in accordance with the overarching assets management plan and the guidance from the Council's external auditor.
- 2.4 Cabinet approve a that power be delegated to the Corporate Property Officer in consultation with the corresponding portfolio holder to dispose of assets that do not meet the retention criteria.

3. BACKGROUND

- 3.1 Since 2002 local authorities in England have been required to prepare annual asset management plans. In accordance with this requirement the Bromsgrove District Council Assets Management Plan has been reviewed and updated to reflect the Council's current strategy for managing its assts portfolio.
- 3.2 Cabinet is aware of the importance of good strategic asset management. The 2006 Local Government White Paper sets out the Governments ambition to create strong, safe and prosperous communities with a greater

- emphasis on planning and managing what local people want and need when administering local services.
- 3.3 Bromsgrove District Council has fixed assets worth £35.489 million which makes them the second most costly resource, after staff, for us to manage. Bromsgrove District Council's assets base also plays a major role in delivering services to our residents and as such not only create an important impression of the Council as an organisation, but also contribute to the delivery of the Council's vision and priorities.
 - 3.4 Assets Management has a strong role to play in supporting the delivery of the vision set out for the local area in the Sustainable Community Strategy, the Local Area Agreement and the Local Development Framework, and the context of the 2007 Local Government and Public Involvement in Health Act and the promotion of devolution to the lowest possible level.
 - 3.5 The Council is committed to make the best use of all its resources. A key element of this will be a more strategic approach to the identification of service needs and priorities and to associated resource deployment.
 - 3.6 A formal programme of asset reviews is currently being undertaken and whilst this will enable the Council to determine efficiencies and energy performance within its existing portfolio it will influence the requirements of the new site within the wider Town Centre Partnership Project.
 - 3.7 Key elements of this approach are a suitability assessment, the condition of the asset, the amount spent on maintenance and running costs and the expenditure needed to bring the asset up to standard, or to enable a proposed change in service delivery.
 - 3.8 There are a number of assets that aren't considered to be suitable for service delivery however these views are mostly subjective and should not be used as the basis for making a decision. This highlights the need to undertake asset reviews as soon as possible. The most significant asset that the Council owns is the Council House in Bromsgrove, the council's main administrative headquarters. The Council House isn't really fit for purpose as modern office accommodation and is in need of review. Added to this and given the Council's priority of delivering affordable housing, the planning moratorium the use of the Council House needs to be reviewed as soon as possible.
 - 3.9 In 2005/06 the Council's external auditors KPMG raised their concerns in relation to the investment properties owned by Bromsgrove District Council. It was the advice of KPMG that a review be undertaken in respect of the investment portfolio in particular the need to retain these assets. The recommendation further indicated that a review should focus on the maintenance costs of the buildings, the Council's wider priorities and the delivery of value for money.

- 3.10 In line with this recommendation and the wider assets management agenda, that requires local council's to view their assets portfolio alongside their capital programme when delivering services to the community, it is proposed that the review is undertaken in the context of the town centre partnership, the Council's priorities and objectives over the next 3 years and the need for us to assess our services within the value for money context.
- 3.11 Officers are being asked to approve the adoption of the revised asset management plan, the programme of review and where appropriate disposal of assets.
- 3.12 Members will note that within the existing Asset Management Plan there are aspects of the action plan that remain outstanding and that have as a consequence been rolled over into the action plan within the proposed Asset Management Plan.
- 3.13 Members will appreciate that over the last 12 months the officer responsible for the delivery of the Asset Management agenda has changed and that the restructuring within the department has led to the negotiation of a service level agreement with Worcestershire County Council to deliver this agenda.
- 3.14 In addition the asset management module which sits within the wider Spatial Project did not become operational within the original timescales.
- 3.15 Members are advised that the service level agreement with the County Council is working well and that the assets are now being entered into the assets management system.

4. FINANCIAL IMPLICATIONS

- 4.1 The Asset Management Plan is a key element of the Council's Use of Resources judgement and the delivery of an effective plan will ensure assets are maintained within a planned and funded programme.

The current Capital Programme as included in the Medium Term Financial Plan requires funding from borrowing from 2010/11 of £211K. The recommendation as detailed in 2.3 will enable the Council, where appropriate, to release funds tied up in investment property to enable resources to be redirected to key priorities and this may defer the impact from borrowing. If approved the review and disposal of these assets will be included in the Medium Term Financial Plan 2009/10 – 2011/12 to fund future year's capital projects together with increasing the funds available to invest and generate interest to offset the cost to the revenue account.

5. LEGAL IMPLICATIONS

- 5.1 There are no direct Legal Implications arising out of this report although the disposal of any asset will need to be managed in accordance with the legal process associated with this.

6. COUNCIL OBJECTIVES

- 6.1 This report will have indirect links with all of the Council's objectives. The way in which our assets are administered will impact on the way in which our services are delivered and our customers will gain an impression of us as an organisation from the buildings that we own and the image that we present.

The Council is committed to a programme of Improvement and as a result will need to demonstrate that the assets management process is at the heart of the capital programme and use of resources assessment.

In order to regenerate the district the Council is committed to the wider Town Centre Partnership Programme which will combine all public assets in the town centre to ensure appropriate and cost effective assets management throughout the town centre across all public authorities.

The process for delivering purpose built accommodation will ensure that environmental issues are factored into the build of all premises which deliver public services. The Council is committed to working with the County Council to ensure that every environmental opportunity is maximised.

In addition all existing sites will be considered for regeneration purposes.

7. RISK MANAGEMENT

- 7.1 The main risk associated with the details included in this report is:

- *Risk of challenge by external auditors on the Council's use of resources*

- 7.2 This risk is being managed as follows:

Risk Register: Legal, Equalities and Democratic Services

Key Objective Ref No: 4

Key Objective: Effective asset management

8. CUSTOMER IMPLICATIONS

The principle impact on external customers will be as a result of the town centre partnership and the rationalisation of publicly owned buildings within the town centre.

Bromsgrove District Council is working closely with the Disabled Users Group, the Equality and Diversity Forum and through the issues and options consultation process. The intelligence gained from this process will be fed into the work that we are doing with the Worcestershire County Council and other public sector partners.

9. EQUALITIES AND DIVERSITY IMPLICATIONS

Bromsgrove District Council is working closely with the Disabled Users Group, the Equality and Diversity Forum and through the issues and options consultation process.

10. VALUE FOR MONEY IMPLICATIONS

As stated above the Council's assets are valued at £35.489 million and is the second most expensive resource (following staff) for the Council and as such ensuring that these assets are effectively managed and are fit for purpose (in terms of supporting service delivery) is crucial to achieving value for money.

11. OTHER IMPLICATIONS

| | |
|--|---|
| Procurement Issues | None |
| Personnel Implications | None |
| Governance/Performance Management | Improved and effective ethical governance |
| Community Safety including Section 17 of Crime and Disorder Act 1998 | None |
| Policy | None |
| Environmental | None |

12. OTHERS CONSULTED ON THE REPORT

| | |
|--|------------|
| Portfolio Holder | Yes |
| Chief Executive | Yes |
| Executive Director (Partnerships and Projects) | Yes |
| Executive Director (Services) | Yes |
| Assistant Chief Executive | Yes |

| | |
|---|------------------|
| Head of Service | N/a |
| Head of Financial Services | Yes |
| Head of Legal, Equalities & Democratic Services | N/a |
| Head of Organisational Development & HR | Yes |
| Corporate Procurement Team | <u>No</u> |

13. WARDS AFFECTED

All Wards

14. APPENDICES

Appendix 1 Asset Management Plan

15. BACKGROUND PAPERS

None

CONTACT OFFICER

Name: Claire Felton
E Mail: c.felton@bromsgrove.gov.uk
Tel: (01527) 881429



Asset Management Plan

2009/10 to 2011/12



Bromsgrove
District Council
Page 183
www.bromsgrove.gov.uk



Contents



| | |
|--|----------------|
| 1. Introduction | page 2 |
| 2. Context | page 3 |
| 3. Strategic Objectives | page 5 |
| 4. Organisational and Financial Arrangements | page 7 |
| 5. The Current Portfolio | page 11 |
| 6. Service delivery and accommodation needs | page 12 |
| 7. Non operational and Investment Property | page 14 |
| 8. Government policy and Statutory Responsibilities | page 15 |
| 9. Performance Management, Monitoring and Information | page 16 |
| 10. Appendix 1 - Asset Management Action Plan | page 21 |
| Appendix 2 - Fixed Assets | page 23 |
| Appendix 3 - Asset Review Methodology | page 24 |
| Appendix 4 - Property Review | page 28 |
| Appendix 5 - Suitability Survey | page 31 |

1 Introduction



- 1.1** Bromsgrove District Council is a significant property owner within the District and this Asset Management Plan (AMP) is prepared in order to provide a framework that will optimise the use of property assets in terms of service benefits and financial return in order to support the Council's priorities and corporate objectives.
- 1.2** The principal function of the Plan is to ensure that land and property assets are used to support the business of the Council and the services that it provides. It is important for Bromsgrove District Council to manage these assets in a way that is effective and efficient in order to ensure that it delivers value for money.
- 1.3** This principal applies primarily to property assets but this plan details how this principal will be extended to include infrastructure, vehicles, plant, and major equipment. The Council's Head of Legal Equalities & Democratic Services is the designated Corporate Property Officer, and the Portfolio Holder for Legal, Equalities and Democratic Services is Member "Champion" for asset management.
- 1.4** Where the Council holds land and buildings for investment purposes this plan will ensure that the resource provides a maximum financial return and that where appropriate properties are disposed of.
- 1.5** This plan details:
 - ▶ The organisational arrangements for Corporate Assets Management.
 - ▶ How the management of its assets support the delivery of its Vision, values, objectives and priorities.
 - ▶ The programme and plan development information that ensures that the assets are suitable and sufficient for the services provided and how this is monitored.
 - ▶ A performance management system which relates to the Council's corporate objectives.

2 Context



2.1 Good assets management that uses property as a resource supports the delivery of the Council's objectives and enables the Council to:

- ▶ Deliver excellent services for the community which are aligned to the agreed priorities and local need.
- ▶ Meeting the needs of the local community through providing parks and open spaces and leisure facilities.
- ▶ Provide efficiency gains, capital receipts or an income stream.
- ▶ Assisting economic development through provision of small industrial units.
- ▶ Providing the opportunity to work in partnership with the local community.
- ▶ Ensure that once built assets are correctly maintained.
- ▶ Reduce carbon emissions and improve environmental sustainability.
- ▶ Improve the accessibility of services and ensure compliance with the Disability Discrimination Act (DDA) 2005.
- ▶ Empower communities and consult.
- ▶ Introduce new working practices that trigger cultural organization changes.
- ▶ Improve partnership working and sharing of knowledge.

2.2 The Council's Vision as set out in the Council Plan 2009/10 to 2011/12 is:

“Working together to build a District where people are proud to live and work, through community leadership and excellent services.”

2.3 The Council's objectives are:

- ▶ Regeneration.
- ▶ Environment.
- ▶ Sense of Community and Well Being.
- ▶ Improvement.

2 Context



2.4 The Council's priorities (under each objective) are:

Regeneration

- ▶ Town Centre.
- ▶ Housing.

Environment

- ▶ Clean streets and environment.

Sense of Community and Well Being

- ▶ Sense of Community.

Improvement

2.5 The Council will achieve its Vision, Objectives and Priorities through:

- ▶ Leadership.
- ▶ Partnerships.
- ▶ Customer First.
- ▶ Equality.

These are the Council's Values.

2.6 The Council has also set out the key measures of success to be taken over the next three years to deliver the Vision, Objectives and Priorities. These can be found in the Council Plan.

2.7 The Asset Management Plan is not only informed by the Council's Vision, Objectives and Priorities, it also has essential links to other plans and strategies, these include;

- ▶ the Medium Term Financial Plan.
- ▶ the Sustainable Community Strategy.
- ▶ the Procurement Strategy.
- ▶ the Capital Strategy.
- ▶ the customer first strategy.
- ▶ the Housing Strategy.
- ▶ service Business Plans.

2.8 Assets Management has a strong role to play in supporting the delivery of the vision set out for the local area in the Sustainable Community Strategy, the Local Area Agreement and the Local Development Framework and Core Strategy. It is also pivotal in the context of the 2007 Local Government and Public Involvement in Health Act and the promotion of devolution to the lowest possible level.

2.9 One particular driver for change is the new duty to involve which will become a statutory requirement from 1st April 2009. This will require Bromsgrove District Council to inform, consult and involve local people in their functions and activities.

2.10 The 2007 Comprehensive Spending Review and the related Local Government Finance Settlement are underpinned by a focus on value for money. This will require improved outcomes to be delivered in a tight financial climate and 3% annual cashable efficiency gains have been set for the council in line with the public sector. Effective asset management is pivotal in achieving these gains.

3 Strategic Objectives



3.1 To support the Council’s Vision, Objectives and Priorities it has set the following as its strategic objectives for asset management:

- ▶ To ensure that the Council’s asset portfolio support the delivery of its services and objectives.
- ▶ To meet the challenge of working in an environment of change.
- ▶ To ensure that all assets are demonstrably managed in the most economic, efficient and effective manner.

3.2 From these strategic objectives the asset management plan must ensure procedures are implemented and performance measures adopted such that all operational assets must be:

- ▶ In the right location to allow customers to access the service and staff to deliver it.
- ▶ In good condition to the extent that services can be provided from them in a comfortable environment for both staff and customers without interruption.
- ▶ Suitable and sufficient for the purpose for which they are being used in terms of size, type and layout of accommodation – including being accessible to people with disabilities.
- ▶ Flexible to the extent that they can be adapted economically to adjust to changing services needs, including sharing with partners in service delivery.
- ▶ Able to demonstrate “value for money” in terms of balance between efficiency in operation, running costs and long term sustainability.
- ▶ Able to convey a positive image of the Council and for the service being provided.
- ▶ Able to contribute something positive to the immediate environment, particularly where there is a need for physical regeneration of the locality.
- ▶ Good examples of sustainable development if new or extensively refurbished.
- ▶ Maintained in such a way so as to minimise reactive maintenance by improving planned maintenance arrangements.
- ▶ Managed to mitigate their impact on and effect of climate change.

3.3 All non operational assets must be:

- ▶ Able to make the maximum contribution to service revenue budgets in terms of rental income; and/or
- ▶ Able to make a positive contribution to the social wellbeing of the community either through its presence as a heritage asset or through use by others such as voluntary groups, charitable organisations or small businesses.
- ▶ Retained reasons of strategic importance, such as to influence the physical and economic regeneration of the District.

3 Strategic Objectives



3.4 When assets are considered for acquisition it should be for the following reasons:

- ▶ They are able to contribute towards the provision of the Council's services.
- ▶ A strategic acquisition for redevelopment or tactical purposes.
- ▶ To facilitate economic development.
- ▶ To generate revenue income.

3.5 A cost benefit analysis and risk assessment will be prepared as part of the decision making process in connection with the acquisition of assets.

3.6 The arrangements, processes and performance measures to achieve these objectives are set out in the following sections.

3.7 In line with the priorities of the Council and the methodology set out in this plan the Council will assess all investment properties and dispose of where appropriate.

3.8 All service delivery buildings will be assessed for suitability in accordance with Council priorities and the methodology set out within this plan.

4 Organisational and Financial Arrangements



The Council has a Leader and Executive model of political management. The Member with responsibility for Asset Management is the Portfolio Holder for Legal Equalities and Democratic Services. The Portfolio Holder's vision for 2009/10 to 2011/12 includes the key outcome of reviewing all assets through Asset Management Planning

4.1 All property ultimately falls under the control of the designated Corporate Property Officer, who is the Head of Legal Equalities & Democratic Services who is a member of the Corporate Management Team (CMT). She reports to CMT and Executive Cabinet as necessary and is within the Services Directorate.

4.2 The Corporate Property Officer is responsible for:

- ▶ Ensuring stakeholder consultation and review takes place regarding assets and that findings are fed into the decision making process.
- ▶ Developing the Asset Management Plan for consideration and approval by the Council and its subsequent implementation.
- ▶ Ensuring that this plan adheres to Corporate Objectives.
- ▶ Ensuring that the Asset Management Plan is coordinated with the Medium Term Financial Plan and considering key actions relating to asset management contained within other relevant strategies.
- ▶ Ensuring all asset management issues are properly considered by Corporate Management Team and Executive Cabinet as necessary.
- ▶ Reporting twice a year to Corporate Management Team and Executive Cabinet on the performance of the property portfolio as measured against a suite of property performance indicators.
- ▶ Chairing the Asset Management Group.
- ▶ Champion the current and future approach to matching asset usage with business needs at strategic management level.
- ▶ Provide the key link ensuring Member involvement in asset management planning and implementation
- ▶ Consider the effect of corporate drivers on asset management.

4.3 The Corporate Property Officer is supported by and Chairs the Asset Management Group whose membership is:

- ▶ Corporate Property Officer (Chairman).
- ▶ Facilities Manager.
- ▶ Representative from Financial Services.
- ▶ Representative from Street Scene and Community Services.
- ▶ Representative from e-Government and Customer Services.
- ▶ Executive Director – Services.
- ▶ Procurement Manager.

Officers with responsibility for major services are invited to attend as appropriate.

4 Organisational and Financial Arrangements



4.4 The Group is responsible for:

- ▶ The strategic management of the Council's assets.
- ▶ Ensuring that the Council's use and management of its corporate property assets is efficient and effective.
- ▶ Reviewing the Council Plan, Council Results, Community Strategy and other associated plans and strategies including service business plans with a view to identifying property implications including future service property requirements and aspirations.
- ▶ Considering the recommendations of service reviews and internal or external audits.
- ▶ Considering the responses of suitability surveys undertaken by the Property and Facilities Manager.
- ▶ Considering responses to the consultations of stakeholders regarding the Asset Management Plan.
- ▶ Reviewing data gathered for property performance indicators and from benchmarking exercises and implementing actions required in order to improve performance as necessary.
- ▶ Monitoring the amount of surplus and unoccupied properties, unlet investment property and instigating any necessary action.
- ▶ Considering asset related projects for inclusion in the capital programme.
- ▶ The quarterly review of the capital programme and associated financial management.
- ▶ Seeking and considering examples of best practice in asset management in the public and private sectors.
- ▶ Ensuring that the requirements of service departments are met including strategic housing, recreational, planning, or corporate needs, and in support of the delivery of those needs taking into account value for money principles and corporate priorities.
- ▶ Meeting the corporate objectives of the Council insofar as the same are influenced by Asset Management.
- ▶ Reviewing land and property holdings to determine ways and means of achieving the Council's objectives through the sale, acquisition, or letting of land, as appropriate.
- ▶ To assess the Council's accommodation requirements, based on strategic aims, statutory service provision, Council objectives, and service delivery priorities.
- ▶ To assess the extent, type, condition, accessibility, and performance of the existing asset portfolio to ensure that it is sufficient, suitable, and fit for purpose.
- ▶ To ensure continual improvement in asset management, with the establishment of priorities for future investment.
- ▶ Considering alternative uses for land and property holdings, as appropriate.
- ▶ The maximisation of income from asset holdings.
- ▶ The application of robust procedures to the proposed acquisition of assets.
- ▶ The maximisation of returns from disposal of surplus assets.
- ▶ Updating annually the Asset Management Plan for submission to Corporate Management Team and Cabinet.

For the avoidance of doubt this includes all assets of the Council including vehicles and IT equipment.

4 Organisational and Financial Arrangements



4.5 Day to day responsibility for property and property matters lie with the Facilities Manager, within Legal, Equalities and Democratic Services. The Facilities Manager is supported by specialist advice and support from Worcestershire County Council's Corporate Property Team through the provision of a Service Level Agreement. Whilst the overall strategic management of property and service delivery is determined corporately through this group service specific responsibilities lie with individual Heads of Service/Service Managers of particular departments as follows:

Head of Street Scene & Community Services

- ▶ Council's Depot.
- ▶ Public Conveniences.
- ▶ Car parks.
- ▶ Parks & Open Spaces.
- ▶ Cemeteries.
- ▶ Museum & Tourist Information Centre.

Economic Development Officer

- ▶ Market Hall.
- ▶ Other Town Centre issues.

Facilities Manager

- ▶ Industrial Units located on Sherwood Road Industrial Estate.
- ▶ Amphlett Hall.
- ▶ Spadesbourne Suite.
- ▶ Council House.

4.6 The following are pivotal in the day-to-day management of the Council's property assets:-

- ▶ Setting and monitoring repairs and maintenance budgets.
- ▶ Responding to repair requests and organising maintenance works, on both planned and incident-responsive bases.
- ▶ Implementing improvement and reinstatement programmes.
- ▶ Energy Management (i.e., monitoring all fuel usage in operational and non-operational premises and the production of energy certificates).
- ▶ Monitoring income (from investment assets).
- ▶ Disposal and acquisitions (both freehold and leasehold).
- ▶ Valuations.
- ▶ Rent Reviews, Lease renewals, assignments.
- ▶ General property-related queries.
- ▶ Appointing and monitoring the performance of external property consultants or contractors (where appropriate).

4 Organisational and Financial Arrangements



- 4.7** Recognising the challenges that face a small District Council when delivering these requirements the Council has entered into a Service Level Agreement with the Worcestershire County Council to enable the delivery of the action plan at Appendix 1.
- 4.8** The Council has adopted a medium term financial plan to include the Capital Programme over the period 2008/09-2010/11 £12.875m. A summary of the programme, and its funding is set out below. Schemes with implications for asset management are highlighted. The Asset Management Group will review the Capital Programme on an annual basis in accordance with the Medium Term Financial Plan review timetable.

| Capital Expenditure | 2008/9 £'000 | 2009/10 £'000 | 2010/11 £'000 |
|------------------------------------|-------------------------|--------------------------|--------------------------|
| Vehicles | 412 | 575 | 93 |
| IT upgrades | 35 | 0 | 0 |
| Spatial project | 5,793 | 0 | 0 |
| DDA Improvements | 150 | 0 | 0 |
| Remedial work to Council Buildings | 286 | 207 | 284 |
| Recreation Grounds/play areas | 200 | 0 | 0 |
| Sports pitches/equipment | 360 | 0 | 0 |
| Toilets | 174 | 0 | 0 |
| Town Centre | 100 | 100 | 100 |
| CCTV | 164 | 290 | 79 |
| Disabled Facilities Grants | 663 | 680 | 692 |
| Housing schemes | 699 | 168 | 173 |
| Support Service Recharges | 130 | 133 | 136 |
| Total | 9,166 | 2,153 | 1,557 |

In January 2009 the Council will agree a revised Medium Term Financial Plan which will cover the period 2009/10 to 2011/12.

- 4.9** In addition to capital expenditure the council incurs revenue expenditure on properties totaling £118k (2008/9).

5 The Current Portfolio



- 5.1** The total value of the Council's properties as at 31st March 2008 (excluding fixtures and fittings, plant and machinery) was £35.185m.
- 5.2** The Council's property can generally be divided into two categories, operational and non-operational and within these categories a number of further breakdowns can be effected. These and their values are summarised in Appendix 2. For valuation purposes local authority property is divided into three categories:
- ▶ Non-operational property (i.e., investment, surplus, and development property) which is valued on the basis of market value, otherwise known as open-market value.
 - ▶ Operational, non-specialised property which is valued on the basis of existing use value.
 - ▶ Operational, specialised property which is valued on the basis of depreciated replacement cost (DRC).
- 5.3** It should be noted that "market value" and "depreciated replacement cost" do not provide an estimated realisation price. When appraising the options for future use of an asset, it is the estimated realisation price that should be considered. To that end, it is proposed that key tasks within the service level agreement with Worcestershire County Council will include a valuation of the property portfolio on such a basis.
- 5.4** The Council's current property portfolio has been acquired over a number of years. Over the last 12 months the Council has embarked on a Large Scale Voluntary Registration Programme and over 50% of the Council's land holding is registered. It is intended that the whole of the Council's land and property holding will be registered by March 2009.
- 5.5** A Large Scale Voluntary Transfer of the Council's Housing stock to a newly formed Housing Trust (Bromsgrove District Housing Trust) took place in March 2004. There is a residue of a small number of residential properties which are held in the general fund.
- 5.6** Best practice in Asset Management requires a regular condition survey to be undertaken of all its assets. The Council's entire assets portfolio has been through a stock condition survey with works identified, costed and built into the Council's Capital Programme. The Council has developed a rolling programme for re-survey and this is included in the schedule of works undertaken by Worcestershire County Council under the service level agreement. In addition a number of buildings currently used for service delivery are currently being reviewed and revisited in respect of whether they are fit for purpose. Expert advice is being sought through the County Council Service Level Agreement to determine the urgency of work required to remedy identified defects compared against the life span of the building.
- 5.7** The Council has procured and installed an assets management system as part of its wider, transformational "Spatial" project which provides a number of different software solutions, "cleansing" all geographic data and integration of systems.
- 5.8** The system enables the Council to undertake the assets management functions electronically, ensuring that rent reviews, lease and licence renewals, planned and cyclical maintenance, plant and equipment servicing and renewals will be carried out in time and without detriment to the asset management programme.
- 5.9** This will also help us to plan our maintenance budget and reduces the risks associated with unscheduled maintenance work.
- 5.10** In accordance with the Audit Commission guidance in relation to Assets and the Use of Resources the Council are currently reviewing the assets that are retained for investment purposes with the view to a staged disposal programme in accordance with operation needs and the Council's priorities.

6 Service Delivery and Accommodation Needs



- 6.1** The Council is committed to make the best use of all its resources. A key element of this will be a more strategic approach to the identification of service needs and priorities and to associated resource deployment.
- 6.2** In accordance with the Department of Communities and Local Government (DLCG) publication 'Building on Strong Foundations – a Framework for Local Authority Asset Management' the Council recognises the need to modernise service delivery and get the most from its resources. By prioritising asset management, removing silos within the authority, working with partners to align assets to priorities, the Council will be more able to deliver value for money and excellent services to its customers. In order to enable this to be achieved the Council requires the following criteria to be met before capital schemes are included in the capital programme;
- ▶ Maintain existing assets to standards suitable for service delivery;
 - ▶ Improve and acquire assets to meet service and customer needs;
 - ▶ Improve the stewardship of assets; spend to save (innovative schemes that will secure the Council a better rate of return than the investment interest earned); to reduce longer-term problems and liabilities;
 - ▶ Satisfy legal obligations of the Council (e.g. health and safety requirements, and compliance with the disability discrimination legislation);
 - ▶ Develop community assets in areas of need;
 - ▶ Maximise the use of other funds to encourage investment in specific areas such as energy efficiency, economic development and infrastructure developments (using funds derived from Section 106 agreements with developers), and;
 - ▶ Maximise the benefits of partnership working.
- 6.3** The Council has a robust service business planning process and throughout the lifetime of this plan service departments will be challenged with the allocation of space and accommodation standards within buildings in connection with the delivery of services. Therefore a key action during the period of the Asset Management Plan will be to undertake a programme of asset reviews and then seek to embed a review of the suitability of assets within the service business planning process for 2009/10. In future it is felt that the service business planning process should include:
- ▶ A schedule of the land and buildings occupied in connection with the delivery of the service.
 - ▶ Justification for the need to continue to occupy these premises.
 - ▶ A statement as to their suitability for the delivery of the services.
 - ▶ A note of any significant shortcomings and an outline of what action is planned or needed to rectify those shortcomings.
- 6.4** A formal programme of asset reviews is currently being undertaken and whilst this will enable the Council to determine efficiencies and energy performance within its existing portfolio it will influence the requirements of the new site within the wider Town Centre Partnership Project. The Asset Review Methodology is attached at Appendix 3 together with a review proforma at Appendix 4.
- 6.5** Key elements of this approach are a suitability assessment, the condition of the asset, the amount spent on maintenance and running costs and the expenditure needed to bring the asset up to standard, or to enable a proposed change in service delivery.

6 Service Delivery and Accommodation Needs



- 6.6** The suitability assessment, limited detail on the condition, the expenditure needed to bring the asset up to standard or to enable a proposed change in service delivery will be based or gleaned from a detailed questionnaire, an example of which is included in Appendix 5. More detailed information on condition, cost of maintenance and other running costs will be obtained from the maintenance budgets, capital programme, utilities bills etc.
- 6.7** These results can then be mapped out on a graph of high/low investment against high/low suitability. Property having low suitability and high investment could be considered for disposal. Property having high suitability and high investment could be targeted for investment to bring it up to a suitable condition, or to establish a programme of energy saving and or running cost reduction measures. Property with high suitability and low investment would be a lower priority for immediate action. Property with low suitability and low investment could be considered for re-use for another service or disposal if the Council could not fully utilise it.
- 6.8** Such a graphical approach should not provide the final decision but it can be used to highlight the key issues to enable decisions to be made.
- 6.9** The suitability must also take into account views of the public as a stakeholder in the asset management process. Heads of Service will therefore be required to carry out consultations as to the suitability of the property. Consultation could take place at the following levels:
- ▶ Localised consultation, involving the Customer Panel, surveys of various types, open days/exhibitions/road shows, questionnaires, and opinion polls, with the results all being evaluated to influence the continuous improvement of property to ensure it is fit for purpose and to appraise the performance of property generally.
 - ▶ A questionnaire may be used to explore use of assets where there is a direct point of contact with the public. Such assets include – swimming pools, leisure centres, recreational centres, the civic offices, cemeteries, etc. The questionnaire could include the following questions:
 - How many customers visit the building each week?
 - Is the location of the building satisfactory?
 - Does the physical condition of the building prevent its proper use?
 - Is adequate space available?
 - How does the building fare under Equality and Diversity?
 - How will the building cope with possible future changes in service delivery?
 - Does the building restrict the Council's ability to move forward as a service?
- 6.10** There are a number of assets that aren't considered to be suitable for service delivery however these views are mostly subjective and should not be used as the basis for making a decision. This highlights the need to undertake asset reviews as soon as possible. The most significant asset that the Council owns is the Council House in Bromsgrove, the council's main administrative headquarters. The Council House isn't really fit for purpose as modern office accommodation and is in need of review. Added to this and given the Council's priority of delivering affordable housing, the planning moratorium the use of the Council House needs to be reviewed as soon as possible.

6 Service Delivery and Accommodation Needs



- 6.11** As the Council completes the “Spatial” project, other e-Government related projects and more modern working practices are implemented more widely across the Council (including home or mobile working) it is expected that less accommodation will be required. In the longer term, but still within the life of the Asset Management Plan, as areas such as electronic payment, electronic communications and form filling become more prevalent and are accepted by the users of Council services, it could give greater opportunity for the amalgamation of services into smaller properties. These changing requirements will be kept under review through the service business planning process and through the programme of asset reviews. The Spatial project will also provide the Council with an asset register system which will be used to further improve the Council’s approach to asset management.
- 6.12** Where surplus capacity in property or surplus property is identified, the opportunity to share with partner organisations will be explored as part of the options appraisal process.
- 6.13** Where property is proposed for disposal, consideration will be given to the consequences of the piece of land or property not being subject to the Council’s control in terms of standard of care, maintenance etc., by the inclusion, where appropriate, of covenants in the contract to maintain the required standards of care.
- 6.14** It is important when considering capital investment proposals or options appraisals resulting from asset reviews that whole life appraisals are used. These are the systematic consideration of all relevant costs, revenues and performance associated with the acquisition and ownership of an asset over its physical/economic/functional/service/design life. This process minimises total expenditure through proper appraisal of costs that will be incurred through the life of the facility.
- 6.15** The strategic approach to asset management planning will assist in the development of a more comprehensive and coordinated medium to long term capital budget strategy and is an important aspect in the planning of the Council’s resources in delivering its ambitions and priorities.

7 Non Operational and Investment Property



- 7.1** Income in the region of £2.244m per annum (2008/9) is achieved from the Council’s property portfolio. It is a very important source of funding for both capital and revenue. In recent years a number of investments have been sold to help fund the capital programme. The need to maintain a flow of capital receipts has reduced following the transfer of the Housing Stock, other recent sales and the introduction of Prudential Borrowing (even though the Council is debt free).
- 7.2** However, it is important to keep the property under review in order to optimise the income either through disposal or restructuring of leases etc. Opportunities to purchase land should also be considered where there is a proven benefit. The Assets Management Group will review the investment portfolio, using external expert advice where appropriate, to ensure that the resources applied to such assets and the income from them, reflect the objectives of the Council as a whole and represent Best Value to the community.

8 Government Policy and Statutory Responsibilities



8.1 Government policy and statutory responsibilities form an integral part of asset management. Those which have specific reference to the asset portfolio are set out below.

- ▶ The 2006 Local Government White Paper and the 2007 Local Government and Public Involvement in Health Act.
- ▶ The Quirk review of public assets.
- ▶ The duty to develop Local Area Agreements, and the potential in relation to Multi Area Agreements and the wider context for partnership working and resource sharing. Asset Management has a strong role to play in supporting the delivery of the vision set out for the local area in the Sustainable Community Strategy, the Local Area Agreement, the Local Development Framework and the context of the 2007 Local Government and Public Involvement in Health Act, in particular the promotion of devolution to the lowest possible level.
- ▶ The 2007 Comprehensive Spending Review and the related Local Government Finance Settlement are underpinned by a focus on value for money. Improved outcomes will need to be delivered in a tight financial climate and 3% annual efficiency gains have been set for the public sector.
- ▶ The Disability Discrimination Act of 1995 requires service providers to make “reasonable adjustments” to the way we provide services and to the physical features of our premises to overcome access barriers. SCOPE carried out an audit, on behalf of the Council, in August 2006 of all premises and this has been used to inform the Councils capital programme for 2009/10 to 2011/12. The Council will continue to monitor changes in legislation, and through the equality impact assessment process, will ascertain where barriers to access exist and consider what adjustments are required.
- ▶ The Environmental Protection Act 1990, under which the Council has a duty to inspect its area for contaminated land. The Council revised its Contaminated Land Strategy in November 2004.
- ▶ The Facilities Manager is represented on the Health and Safety Committee to ensure that issues affecting the Council’s assets are considered and implemented.

9 Performance Management, Monitoring and Information



Key issues/Problem Areas

There are two national indicators relating to property and asset management, and one local indicator that impact on the Council's management of property.

| Ref | Key Performance Indicator | 2006/2007 Actual | 2007/2008 Est. Out turn | 2008/2009 Provisional Target | Measure Frequency |
|--------|--|------------------|-------------------------|------------------------------|-------------------|
| LI156 | Buildings Accessible to People with a Disability | 87.5% | 85.7% | 85.7% | Quarterly |
| NI 185 | CO2 reduction from Local Authority operations | N/A | N/A | Establish baseline target | Annual |
| NI 194 | Level of air quality – reduction in NOx and primary PM10 emissions through local authority's estate and operations | N/A | N/A | Establish baseline data | Annual |

- 9.1** LI 156 applies to buildings from which the authority provides a service, of which at least a part is usually open to members of the public, where the service cannot be provided by alternative means and where the inability to access the service in person would be discriminatory. It excludes public conveniences which are not integral to such buildings, or schools and educational establishments.
- 9.2** NI 185 and 194 are calculations in relation to the energy efficiency of Council owned buildings.

9 Performance Management, Monitoring and Information



9.3 In addition to the national indicator and the one local indicator the following are the possible Property Indicators that the Council could use.

| Indicator | Nature | Subject |
|-----------|------------------|---|
| PPI 1a | Service return | Condition of assets - % of gross internal floor space in condition categories A-D |
| PPI 1b | Service return | Maintenance backlog - % backlog of maintenance by cost expressed as (i) total value and (ii) % in priority levels 1-3 |
| PPI 2a | Financial return | Management cost per square metre per annum of operational property |
| PPI 2b | Financial return | Management cost per square metre per annum of non-operational property |
| PPI 2c | Financial return | Management cost per square metre per annum of other property |
| PPI 3a | Financial return | Repair and Maintenance costs per square metre per annum |
| PPI 3b | Financial return | Energy costs per square metre per annum |
| PPI 3c | Financial return | Water costs per square metre per annum |
| PPI 4a | Value for money | Capital projects finished on time |
| PPI 4b | Value for money | Capital projects finished on budget |

9.3.1 PPI 1 – Condition of Assets and maintenance backlog.

The Council would seek to measure the condition of assets for their current use, and to show the severity and extent to which maintenance problems affect the portfolio. The Council must show year-on-year changes in maintenance backlog, and provide information on the overall condition of the Council's estate holding.

There are four categories of property condition:-

- A** – Good, performing as intended and operating efficiently.
- B** – Satisfactory, performing as intended but showing minor deterioration.
- C** – Showing major defects and/or not operating as intended.
- D** – life expired and/or serious risk of imminent failure.

9 Performance Management, Monitoring and Information



9.3.2 PPI 2 – To measure the cost and efficiency of property services provision.

It is necessary to establish and report the management cost liability to the Council of each of its operational and non-operational property assets.

It is necessary for the Council to adopt a system of collecting and collating necessary information to ensure that figures are accurate and available for ready analysis, in relation to any future disposal decisions.

9.3.3 PPI 3 – To encourage the efficient use of assets over time and year-on-year improvements in energy efficiency.

It is necessary to identify and record the cost in terms of repairs and maintenance, energy, water, and CO2 emissions, for each property. Results must then be collated and reported as the four categories set out above.

The Council recognises the importance of achieving value for money in respect of all aspects of its work and its formal procurement procedures reflect this. The Procurement Strategy was introduced with this in mind and is aimed at modernising procurement processes emphasising value for money and quality as primary considerations. In addition the emerging Value For Money strategy will be key to this.

9.3.4 PPI 4 – Improvement in the delivery of new capital projects against given time and budget parameters.

The Council would seek to measure and monitor the performance of the whole authority in the delivery of capital projects in terms of cost and time predictability; to impact on the prioritising process for projects and the associated local performance measures and monitoring systems put in place.

The Council has for some time operated a system for monitoring the delivery of new capital projects against set budgets (which might be termed cost predictability) and time (which might be termed time predictability) targets.

The Council often deals with capital projects relating to existing operational assets from which service delivery must continue to be provided throughout the duration of the project. e.g. Alterations to the Council House itself, the Dolphin Centre, the Depot, etc. A number of such contracts are currently in progress and each required extensive planning at the outset, which has clearly reaped benefits.

9.4 Taking Performance Forward

9.4.1 All performance indicators will be adopted within the Legal Equalities and Democratic Service Business Plan for 2009/10. Prior to the adoption of Performance Indicators, a methodology will be determined for the collection of information. Resources must be allocated to this process since failure to do so will lead to poor collation of information, inadequate target-setting, or failure to address areas of required improvement.

9 Performance Management, Monitoring and Information



- 9.4.2 It is necessary to recognise that the improvement of performance in property issues is not the province of the Corporate Property Officer alone, or of the Facilities Manager, or anyone else. It is a corporate responsibility to be shared by all, through the medium of the Asset Management Group. All managers of property (operational or non-operational) have a role to play in the monitoring of the above Indicators, and in ensuring that information reports are fed back to an appropriate central point for collation and reporting. A key part of the operation of the Asset Management Group will be a data capture exercise to look at expenditure on running costs of the differing premises, to identify areas of potential saving by effective centralised procurement, together with a secondary function of ensuring that a corporate approach is maintained to such issues as access, design, colour schemes, information postings, etc.
- 9.4.3 In the course of doing so, whatever PIs are adopted must be monitored in a regular and robust manner. Each Head of Service will therefore report to the Facilities Manager on a quarterly basis with the information pertaining to property or assets in their own area. Where Heads of Service have no discrete operational or non-operational property of their own, but are merely part-occupiers of premises held corporately, the Facilities Manager will take the necessary action. This will apply, for instance, to support services whose only property holding is the offices they occupy at the Council House.
- 9.4.4 It is therefore proposed that a performance management system be implemented that has the strategic objectives of:
- ▶ Ensuring that the Council's asset portfolio support the delivery of its service and objectives.
 - ▶ Ensuring that all assets demonstrably deliver value for money.
 - ▶ Ensuring that all assets are demonstrably managed in the most economic, efficient and effective manner.
- 9.4.5 This can be achieved by developing the following matrix:

| Strategic Objective | Success Factor | Performance Indicator |
|---|-----------------------|--|
| To ensure that the Council's asset portfolio support the delivery of its service and objectives | Customer satisfaction | %age of customers served who are engaged in customer satisfaction surveys Achievement of target of customer satisfaction |
| | Suitability | %age of properties considered suitable for required use %age of properties considered to require improvement for required use |
| | Sufficiency | Property (sq. metres) identified as surplus Property (sq. metres) identified as a shortfall |
| | Condition | Condition of assets - % of gross internal floor space in condition categories A-D Maintenance backlog - % backlog of maintenance by cost expressed as (i) total value and (ii) % in priority levels 1-3 |
| | Accessibility | %age DDA Compliant |

9 Performance Management, Monitoring and Information



| Strategic Objective | Success Factor | Performance Indicator |
|---|--|---|
| To ensure that all assets deliver value for money | Optimal Utilisation | Average Gross Internal Area (GIA) allocation per person |
| | Value for Money (running costs) | Revenue running costs per square metre |
| | Maximise return on Investment (Non-operational assets) | Internal rate of return Management costs per square metre Arrears as a %age of total rent |
| | Capital projects | %age finished on time %age finished on budget |
| To ensure that all assets are demonstrably managed in the most economic, efficient and effective manner | Effective management of maintenance | %age of total annual expenditure on maintenance allocated to planned maintenance |
| | Environmental sustainability | NI 185 – CO2 reduction from Local Authority operations NI 194 – Level of air quality – reduction in NOx and primary PM10 emissions through local authority's estate and operations |

9.5 Monitoring of the Asset Management Plan

- 9.5.1 It is essential that the asset management procedures are adhered to, and as such these will be monitored on a regular basis by the CPO and will form an Agenda item at the Asset Management Group meetings, as well as being reported to CMT.
- 9.5.2 Whilst a 'corporate' level involvement will continue to be maintained at all times, it may be expedient for the Asset Management Group to submit a formal 'Progress Report' to the CMT at an appropriate point in time. The report will provide an update on the achievements and provide a firm basis for further progress. It will also highlight any weaknesses and issues which need to be addressed.
- 9.5.3 It is suggested that an exercise be undertaken to compare the performance and competitiveness of Property with similar organisations and providers. This may include neighbouring authorities. It will be necessary to develop a process for comparison, so that it is transparent and simple to understand. Similarly consultation may be required with stakeholders and users, to procure ongoing improvements.

Appendix 1 Asset Management Action Plan



KEY ACTION 1 Maintain a comprehensive asset register

| Action | Target Completion Date | Milestone | Lead Officer | Resources | Monitoring Arrangements |
|---|------------------------|---|------------------------------------|---|---|
| Identify all land and property assets and load them onto the Council's Corporate Assets Management System | March 2009 | All data loaded | Corporate Property Officer | Corporate Property Officer Financial Services Street Scene and Community E-Government and Customer Service | Regular updates at AMG |
| Gather and load data for all assets: | | | | | |
| Land and property – complete land registry and additional property data loading onto assets management system | 31/3/09 | Voluntary Land Registration completed | Legal | Additional resources required to expedite process | AMG updates |
| Vehicles and plant | 31/3/09 | All data gathered in accordance with template | Corporate Property Officer | Street Scene and Community Services | AMG updates |
| Plant and equipment | 31/3/09 | All data gathered in accordance with template | Corporate Property Officer | Street Scene and Community Services | AMG updates |
| IT | 31/3/09 | All data gathered in accordance with template | e-Government and Customer Services | e-Government and Customer Services | AMG updates |
| Implement a corporate asset register system as part of the spatial project. | 31/03/09 | System up and running | Corporate Property Officer | MDA / AMG | Regular updates at both AMG and Spatial Board |
| Report to Cabinet with regard to updated Assets Management Plan and programme for assets disposal | 31/10/09 | Updated policy and agreement on assets disposal | Corporate Property Officer | | Action plan 6 monthly reports to Cabinet Monthly meetings with portfolio holder |

Appendix 1 Asset Management Action Plan



KEY ACTION 2 Develop effective asset management

| Action | Target Completion Date | Milestone | Lead Officer | Resources | Monitoring Arrangements |
|---|---|--|----------------------------|--|--|
| Undertake regular programme of condition surveys for all assets | All initial surveys complete and programme for review in service level agreement with Worcestershire County Council | All condition surveys completed Review timetable adhered to | Corporate Property Officer | Service Level Agreement with Worcestershire County Council | AMG Quarterly meetings with Worcestershire County Council |
| Establish measured maintenance programme arising from condition surveys for inclusion within revenue and capital budgets given the wider service relocation plans within the wider Town Centre Partnership Arrangements | 30/12/08 | Reactive maintenance programme developed | Corporate Property Officer | Assets and Facilities Management Capital programme and revenue budget | AMG |
| Develop schedule for asset valuations | Completed. Review dates set within service level agreement with Worcestershire County Council | Schedule in place | Corporate Property Officer | Service Level Agreement with Worcestershire County Council | AMG |
| Undertake valuations | Annual | Annual revaluation programme complete | Corporate Property Officer | Service Level Agreement with Worcestershire County Council | AMG |
| Establish asset review process in accordance with Use of Resources guidelines | 31/03/09 | Asset review process established | AMG | AMG | AMG |
| Quarterly review of assets – Draft assets management plan to Cabinet with action plan in October 08 with quarterly update reports thereafter | Sept 08 | First quarterly review takes place | Corporate Property Officer | AMG | AMG Cabinet and Portfolio holder |
| Review and monitor performance indicators | Quarterly | Efficient property performance management | Corporate Property Officer | AMG | AMG Cabinet and Portfolio holder |

Appendix 2 Fixed Assets



Fixed assets as at 31st March 2008

| 2006/07 £000 | | £000 | 2007/08 | £000 |
|---------------|---------------------------|------|---------------|---------------|
| 373 | Intangible Assets | | | 468 |
| | Fixed Assets: | | | |
| | Operational Assets - | | | |
| 28,219 | Other Land and Buildings | | 27,627 | |
| 4,542 | Vehicles and Plant | | 4,553 | |
| 458 | Infrastructure | | 425 | |
| 1,145 | Community Assets | | 1,570 | |
| | Non Operational Assets - | | | |
| 6,464 | Investment Properties | | 6,292 | |
| 153 | Assets under Construction | | 71 | |
| 40,981 | Total Fixed Assets | | | 40,358 |

Appendix 3 Asset Review Methodology



Principles

The Asset Review is supported by a set of principles drawn up by the Corporate Property Officer and agreed by the Assets Management Group.

1. In carrying out the review of all assets the Assets Management Group shall have:
 - ▶ A plan of the asset
 - ▶ Details of all rental income
 - ▶ Details of usage
 - ▶ Details of running cost (including Gas, Electricity, Water, Rates)
 - ▶ Details of the management costs
 - ▶ Details of the asset's status in regard to condition surveys and maintenance backlogs
 - ▶ Details of any income from users (e.g. Car Park charges)
 - ▶ Details of the performance indicators for each asset, actual performance against those indicators to enable comparison against indicators for the same property type.
2. The Group shall assess the asset using the Decision Tree (please see below), evaluation framework, performance indicator and information and performance criteria checklist.
3. The main findings and conclusions of the review will be reported to Cabinet with recommendations for improved performance or other action required

Data

To satisfy these principles it is necessary to extract relevant data for the property under review.

In the past information has been held in various sources in electronic or paper format. This data will be incorporated into the Asset Register as part of the spatial project.

The mechanism of the review process is to extract the relevant information from the data, both for the individual property under review and for the class of property into which it falls so that comparisons can be made (benchmarking).

A template has been established for bringing together this data for each property as it is reviewed.

Appendix 3 Asset Review Methodology



| Property Review Template | |
|--|--|
| USER | Description of user i.e. Tenant (with type, e.g. SME)/Council operational occupier. |
| REASON HELD | Why the council owns the asset and how it meets the Council objectives. |
| ASSET NUMBER | Each asset is held in the asset register and has an identification number. |
| DDA COMPLIANT | The Disability Discrimination Act requires all services to be accessible to the disabled. This entry indicates whether the asset provides the requisite accessibility. |
| MAINTENANCE BACKLOG | An assessment of the cost of bringing the asset up to a reasonable standard by tackling outstanding maintenance issues. |
| RENTAL INCOME | Total amount invoiced to tenants in the previous financial year |
| MANAGEMENT COSTS | The cost of 'administering' that asset; includes such costs as utilities, rates, staff time, building repairs, vandalism repairs (all taken from the council's accounts. Please see "Template Notes" below. |
| DEPRECIATION & CAPITAL CHARGE | The accountancy straight line depreciation and the capital charge (currently 4.5% of capital value) to reflect the actual usage (equivalent of rent) of the asset. |
| NET 'PROFIT' /SQ M GIA | (Rental income minus management costs) divided by the GIA measure of floor area |
| GIA | Gross Internal Area – basically the measure of the building from the inside face of each outside wall but not discounting the space occupied by any internal walls (Royal Institute of Chartered Surveyors booklet gives more information) |
| GROSS RETURN | Gross rental income divided by capital value |
| NET RETURN | (Gross rent minus management costs) divided by capital value |
| CLASS AVERAGE | The average figure for this class of the Council's property. |
| DECISION TREE VERDICT | Assessment of property need by Council using the 'Decision Tree' |
| EXISTING USE VALUE | As assessed in ongoing revaluations (date of valuation in brackets). This is the existing use value (ie ignoring any potential change of use and value which that may generate) as needed for the Council's accounts. Please see "Template Notes" below. |
| CURRENT SALE VALUE | Current assessment of the open market value having regard to likely planning consents but without the benefit of actual consents. Please see "Template Notes" below. |
| COMMENTARY | Brief description of property and its advantages / disadvantages. Including a review of suitability. |
| CONCLUSION | Anticipated future for property in view of above. |
| IMPLICATIONS | Affect (if any) of that future on the operation of Council. |
| RECOMMENDATION | Recommendation of asset management group to Executive Committee on what to do with the asset. |

Appendix 3 Asset Review Methodology



The Decision Tree

The review also includes a 'Decision Tree' mechanism for establishing whether there is benefit to the Council in retaining or selling a property. The decision tree provides a route map to deciding the future of the asset. The conclusion is used to inform the Property Review. It is re-presented here.

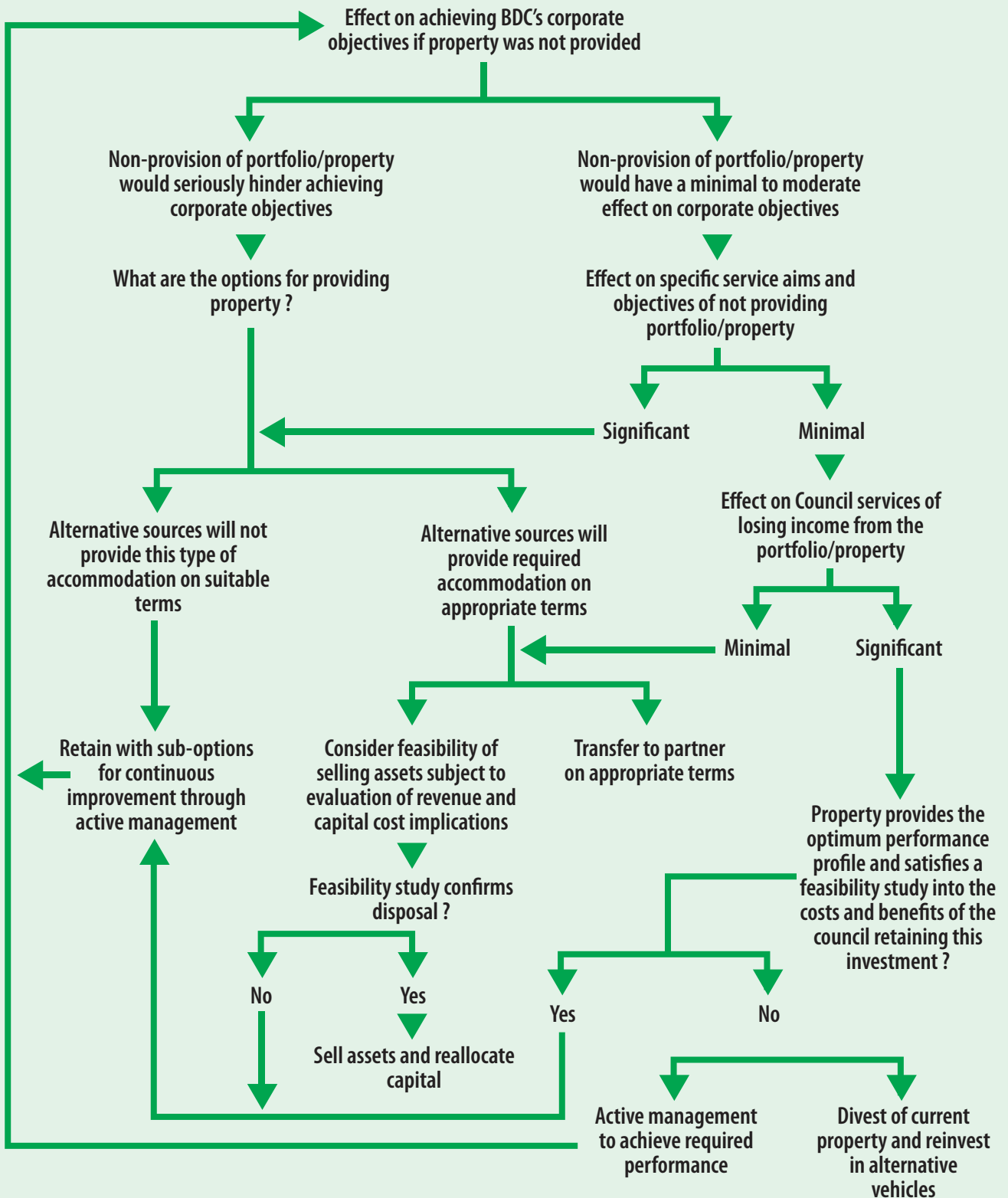
Methodology – Summary

1. Extract data needed using 'Principles For Property Review'
2. Transfer to template
3. Assess property in accordance with decision tree as applicable and include conclusion in the template
4. Complete textual elements of template
5. Present completed template to AMG for recommendation to CMT
6. CPO to present AMG recommendations in summary form to CMT
7. CMT to agree recommendations for the future of the asset
8. CPO to discuss CMT agreed recommendations to Member with Portfolio and establish political viewpoint.
9. CPO and Member with Portfolio to present summary report of the Property Review and agreed recommendations from CMT to Executive Cabinet. Decisions to dispose or acquire property are further reported to Council as required by Executive Cabinet.
10. Following Executive Cabinet the Scrutiny Steering Board may "call in" the decision. At this point both CPO and the Member with Portfolio are required to address Scrutiny Steering Board to explain the process and provide evidence as to the robustness of the decision.

Appendix 3 Asset Review Methodology



Investment Property Portfolio: Decision Tree for Review and Challenge



Appendix 4 Property Review



| Council House | |
|-------------------------------|--|
| USER | |
| REASON HELD | |
| ASSET NUMBER | |
| DDA COMPLIANT | |
| MAINTENANCE BACKLOG | |
| RENTAL INCOME | |
| MANAGEMENT COSTS | |
| DEPRECIATION & CAPITAL CHARGE | |
| NET 'PROFIT' /SQ M GIA | |
| GIA | |
| GROSS RETURN | |
| NET RETURN | |
| CLASS AVERAGE | |
| DECISION TREE VERDICT | |
| EXISTING USE VALUE | |
| CURRENT SALE VALUE | |

Appendix 4 Property Review



Commentary (Suitability)

Conclusion

Implications

Recommendation

Appendix 4 Property Review



Notes

A large, empty rectangular box with a thin green border, intended for entering notes related to the property review.

Appendix 5 Suitability Survey



Bromsgrove District Council Suitability Survey Form

| | | | |
|--------------------|-----------------|-----------|---------------|
| Service: | | | |
| Property Name: | | UPRN: | |
| Location address: | | Ward: | |
| | | Postcode: | |
| Current use: | | | |
| Floor areas: | Gross Internal: | | Net Internal: |
| No. of occupants | Full time: | | Part time: |
| Form completed by: | | | |
| Position: | | | |
| Contact details: | | | |

Notes:

Please provide a rating for each factor by ticking the appropriate box

Categories:

| Suitability Gradings | Health and Safety Gradings |
|--|--|
| A Suitable | H Problems which present an immediate high risk or constant H&S risk to occupants or the public |
| B Not completely suitable- can be improved | M Problems which present a medium risk to the occupants or the public and require constant management to ensure H&S |
| C Not completely suitable- cannot be improved | L Problems which present a low risk to the occupants or the public and require some management to ensure H&S |
| D Unsuitable | O No Health and Safety issues |

** Where it has been decided that Category "D" (unsuitable) is relevant, please give details:

| Section 1 – Location | A | B | C | D | H | M | L | O |
|--|---|---|---|---|---|---|---|---|
| How well is the property located to serve its customer/stakeholders? | | | | | | | | |
| Is the property conveniently located to a good public transport network? | | | | | | | | |
| Is the public on-site parking adequate? (H&S issues) | | | | | | | | |
| Is the staff on-site parking adequate? (H&S issues) | | | | | | | | |
| If unsuitable, please give details as to why and whether there is a remedy? | | | | | | | | |
| If problems present a High Risk to H&S of occupants/serious breach of legislation please give details. | | | | | | | | |

Appendix 5 Suitability Survey



Bromsgrove District Council **Suitability Survey Form** *continued*

| Section 2A – Accessibility | yes | | no | | | | | |
|---|------------|----------|-----------|----------|----------|----------|----------|----------|
| Have building managers and staff been fully trained in access issues relating to the property? | | | | | | | | |
| Please provide details of the training events (i.e., who delivered the event and date undertaken) | | | | | | | | |
| Section 2B – Accessibility | A | B | C | D | H | M | L | O |
| Is the property easily accessible for people with special needs? <i>(Consider ramp access, automatic doors, designated disabled persons parking, those using prams / buggies, H&S issues)</i> | | | | | | | | |
| Does the internal layout of the property permit ease of movement? <i>(Consider the width of doorways & corridors, changes in internal levels and lift provision, H&S issues)</i> | | | | | | | | |
| Is the external signage to the property adequate? <i>(Consider their position, quality, clarity & whether they are up to date)</i> | | | | | | | | |
| Is the internal signage to the property adequate? <i>(Consider their position, quality, clarity, format (e.g., for disabled/community language users) & whether they are up to date)</i> | | | | | | | | |
| If unsuitable, please give details as to why and whether there is a remedy? | | | | | | | | |
| If problems present a High Risk to H&S of occupants/serious breach of legislation please give details. | | | | | | | | |
| Section 3 – Environment | A | B | C | D | H | M | L | O |
| Does the heating system for the property enable you to consistently maintain a suitable temperature? <i>(H&S issues)</i> | | | | | | | | |
| Does the heating system meet your requirement? <i>(Consider ability to heat different rooms for different time-spans to different temperatures)</i> | | | | | | | | |
| Is the level of ventilation currently achieved acceptable? <i>(H&S issues)</i> | | | | | | | | |
| Does the current method of ventilation generate other problems which interfere with service being delivered? <i>(Consider external noise, fumes etc. H&S issues)</i> | | | | | | | | |
| Does the means of lighting achieve satisfactory levels? <i>(H&S issues)</i> | | | | | | | | |
| Are the means of controlling the lighting arrangements satisfactory? <i>(Consider whether the type of lighting is appropriate, the ability to zone the lighting is suitable)</i> | | | | | | | | |
| Are working areas suitably protected from excessive sunlight? <i>(H&S issues)</i> | | | | | | | | |
| Are the acoustics within the property suitable? <i>(Consider the noise levels between rooms, height and finish/type of ceilings, H&S issues)</i> | | | | | | | | |
| Is the internal decoration to a suitable level for the current use? | | | | | | | | |
| Do the floor finishes meet the requirement for the current use? <i>(Are there any H&S issues relating to the danger from a slippery floor)</i> | | | | | | | | |
| If unsuitable, please give details as to why and whether there is a remedy? | | | | | | | | |
| If problems present a High Risk to H&S of occupants/serious breach of legislation please give details. | | | | | | | | |

Appendix 5 Suitability Survey



Bromsgrove District Council **Suitability Survey Form** *continued*

| Section 4 – Safety and Security | A | B | C | D | H | M | L | O |
|--|----------|----------|----------|----------|----------|----------|----------|----------|
| Does the property provide a safe and secure environment for its occupants? <i>(Consider whether the property has a current Fire Certificate, H&S issues)</i> | | | | | | | | |
| Is the property equipped with suitable means of reducing the impact of crime / vandalism? <i>(the need for and type of such systems should be set against the historic incidence rate)</i> | | | | | | | | |
| Are there suitable means within the property for dealing with the initial outbreak of a fire? <i>(Consider the type and number of fire extinguishers, sprinkler systems, hose reel, H&S issues)</i> | | | | | | | | |
| Are emergency procedures in place for building evacuation in case of fire, bomb threat etc? <i>(H&S issues)</i> | | | | | | | | |
| Have risk assessments been carried out and measures taken to minimize risks to the occupants? <i>(H&S issues)</i> | | | | | | | | |
| If problems present a High Risk to H&S of occupants/serious breach of legislation please give details. | | | | | | | | |
| | | | | | | | | |
| Section 5 – Space | A | B | C | D | H | M | L | O |
| Is the layout of the space suitable for the purpose of service delivery? <i>(Consider how the different parts of the property relate to each other and whether facilities are located in the right place, H&S issues)</i> | | | | | | | | |
| Is the property the right size? <i>(Consider whether service delivery is being affected by it being too small or too big)</i> | | | | | | | | |
| Is the property the right shape? <i>(Consider whether its shape inhibits service delivery e.g. open plan/cellular offices)</i> | | | | | | | | |
| Is the storage space adequate? <i>(Consider the type of material being stored, the environment required to store it e.g., dry atmosphere, the period to be stored – long / short term, potential H&S issues relating to racking, lifting & fire)</i> | | | | | | | | |
| Are there adequate welfare facilities for staff? <i>(Consider the need and extent for kitchen/canteen facilities, a medical room, changing facilities, H&S issues)</i> | | | | | | | | |
| Are the toilet facilities suitable? <i>(Consider the provision for both able and disabled persons; is there a need for toilets for the public, H&S issues)</i> | | | | | | | | |
| Are the reception facilities suitable for the purpose? <i>(Consider the extent to which they balance openness and ease of access with staff security, height and width of reception, obstructions, glass screens around, H&S issues)</i> | | | | | | | | |
| Are the interview facilities suitable for the purpose? <i>(Consider noise transfer, panic button, ambience, ventilation, H&S issues)</i> | | | | | | | | |
| If unsuitable, please give details as to why and whether there is a remedy? | | | | | | | | |
| | | | | | | | | |
| If problems present a High Risk to H&S of occupants/serious breach of legislation please give details. | | | | | | | | |
| | | | | | | | | |

Appendix 5 Suitability Survey



Bromsgrove District Council **Suitability Survey Form** continued

| Section 6 – Fixtures and Fittings | A | B | C | D | H | M | L | O |
|--|----------|----------|----------|----------|----------|----------|----------|----------|
| Is the IT infrastructure adequate? <i>(Consider whether there is sufficient cabling, whether systems are networked, whether there is access to a main intranet)</i> | | | | | | | | |
| Is there an adequate supply and distribution of power points? <i>(Consider whether single power points serve more than one appliance; the location requires excessive cable runs across active working areas, potential H&S issues)</i> | | | | | | | | |
| Has adequate provision been made for services? <i>(Consider gas, electricity, water and telecommunications)</i> | | | | | | | | |
| Is the property suitable for persons with special needs? <i>(Consider the need for good visual and sensory aids; an induction loop)</i> | | | | | | | | |
| If unsuitable, please give details as to why and whether there is a remedy? | | | | | | | | |
| If problems present a High Risk to H&S of occupants / serious breach of legislation please give details. | | | | | | | | |
| Section 7 – Image | A | B | C | D | H | M | L | O |
| Is the age of the building appropriate? <i>(Consider whether the service is better delivered from an older low profile property as distinct from a new high profile one)</i> | | | | | | | | |
| Is the type of construction appropriate? <i>(Consider perception issues arising from temporary type of structures, "heavy" architecture, relative to the nature of the service being delivered)</i> | | | | | | | | |
| Does the accessibility to the property convey the necessary degree of openness? <i>(Consider main entrance doors off an alley / side road; a forbidding type of doorway, H&S issues)</i> | | | | | | | | |
| Does the property look "shabby"? <i>(Consider whether the external decoration appears reasonable; the presence of graffiti, leaking gutters / downpipes causing mould growth or staining walls; damage to boundary walls and plating etc.)</i> | | | | | | | | |
| Is the external planting suitable? <i>(Consider the extent to which it is needed relative to the location; the extent to which it "softens" the structure of the property; offers hiding places for "undesirables", restricts access to the generality of the property thereby reducing the risk of vandalism)</i> | | | | | | | | |
| Are the external and internal planting areas adequate? | | | | | | | | |
| Is the property suitable for persons with special needs? <i>(Consider the need for good visual and sensory aids; an induction loop)</i> | | | | | | | | |
| Are public reception areas comfortable and inviting? <i>(Consider whether the reception point is clearly visible, that the furniture is suitable, the extent to which the area is used as a "store" for redundant equipment, stationery; the posters that are displayed and their appearance)</i> | | | | | | | | |
| Is the cleaning regime suitable for the purpose? | | | | | | | | |
| If unsuitable, please give details as to why and whether there is a remedy? | | | | | | | | |
| If problems present a High Risk to H&S of occupants / serious breach of legislation please give details. | | | | | | | | |
| General | | | | | | | | |
| 1. The development of a suitability assessment covering the entire Operational Portfolio of the Council is a requirement under the Corporate Asset Management Plan. | | | | | | | | |
| 2. The purpose of the questionnaire is to provide Services with a structured format enabling them to undertake this very subjective assessment. | | | | | | | | |
| 3. The exercise should have positive benefits for Services by highlighting issues (insofar as they were not already known) and enabling either a programme of works to be developed to bring existing property up to a reasonable operating standard or identifying the need for replacement. | | | | | | | | |



This document can be provided in large print, braille, CD, audio tape and computer disc.

Need help with English? Ethnic Access Link Tel: 01905 25121

'Potrzebujesz pomocy z Angielskim - skontaktuj się z Ethnic Access Tel: 01905 25121'

Potrebujeťe pomôct's angličtinou? Kontaktujte etnickú prístupovú linku na telefónom čísle 01905 25121

„Aveți nevoie de ajutor cu engleza? Contactați Ethnic Access la numărul de telefon: 01905 25121.”

क्या अंग्रेजी में सहायता चाहिए? ऐथनिक ऐक्सेस लिंक [Ethnic Access Link] से फोन: 01905 25121 पर संपर्क करें

آپ انگریزی میں مدد چاہتے ہیں— نسلیاتی رسائی [Ethnic Access] سے رابطہ کریں ٹیلیفون: 01905 25121



Bromsgrove
District Council

www.bromsgrove.gov.uk



Legal, Equalities and Democratic Services

Bromsgrove District Council, The Council House, Burcot Lane, Bromsgrove, Worcestershire B60 1AA.

Telephone: (01527) 881288, Fax: (01527) 881414, DX: 17279 Bromsgrove

e-mail: c.felton@bromsgrove.gov.uk

BROMSGROVE DISTRICT COUNCIL

1ST OCTOBER 2008

CABINET

IMPROVEMENT PLAN EXCEPTION REPORT [JULY 2008]

| | |
|------------------------------|--|
| Responsible Portfolio Holder | Councillor Mike Webb Portfolio Holder for Customer Care and Service |
| Responsible Officer | Hugh Bennett Assistant Chief Executive |

1. SUMMARY

- 1.1 To ask Cabinet to consider the Improvement Plan Exception Report for July 2008 (Appendix 1).

2. RECOMMENDATION

- 2.1 That Cabinet considers and approves the revisions to the Improvement Plan Exception Report attached as Appendix 1, and the corrective action being taken.
- 2.2 That Cabinet notes that for the 128 actions highlighted for July within the plan 89.1 percent of the Improvement Plan is on target [green], 2.3 percent is one month behind [amber] and 8.6 percent is over one month behind [red]. 0 percent of actions have been rescheduled [or suspended] with approval. This month's performance is shown on the first page of Appendix 1.

3 BACKGROUND

- 3.1 July 2008 Cabinet approved the Improvement Plan 2008/09. The Improvement Plan is directly linked to the five corporate priorities and thirteen enablers identified in the Council Plan 2008/2011.
- 3.2 The Improvement Plan is designed to push the Council through to a rating of Fair during 2008.

4. FINANCIAL IMPLICATIONS

- 4.1 No financial implications.

5. LEGAL IMPLICATIONS

- 5.1 No Legal Implications.

6. COUNCIL OBJECTIVES

6.1 The Improvement Plan relates to all of the Council's four objectives and five priorities as per the 2008/2011 Council Plan.

7. RISK MANAGEMENT

7.1.1 The risks associated with the Improvement Plan are covered in the CCPP departmental risk register. Specific corporate risks are related to the Improvement Plan in the following ways:

| Corporate Risk Title | Improvement Plan Reference |
|--|--|
| KO1: Effective Financial Management and Internal Control | FP2 – Financial Management FP3 – Financial Strategy |
| KO2: Effective corporate leadership | FP1 – Value for Money FP2 – Financial Management FP3 – Financial Strategy FP4 – Financial and Performance Reporting PR2 –Improved Governance |
| KO3: Effective Member / Officer relations | PR2 –Improved Governance HROD1 – Learning and Development |
| KO4: Effective Member / Member relations | PR2 –Improved Governance HROD1 – Learning and Development |
| KO5*: Full compliance with the Civil Contingencies Act and effective Business Continuity | PR1 – Customer Process |
| KO6: Maximising the benefits of investment in ICT equipment and training | PR3 – Spatial Business Project |
| KO7: Effective partnership working | PR4 – Improved Partnership Working |
| KO8: Effective communications (internal and external) | PR1 – Customer Process FP4 – Financial and Performance Reporting HROD 4– Performance Culture |
| KO9: Equalities and diversity agenda embedded across the Authority | CP3 – Customer Service CP4 – Sense of Community |
| KO10: Appropriate investment in employee development and training | HROD1 – Learning and Development HROD2 – Modernisation HROD4 – Performance Culture |
| KO11: Effective employee recruitment and retention | HROD2 – Modernisation |
| KO12: Full compliance with all Health and Safety legislation | FP3 – Financial Strategy PR1 – Customer Process HROD2 – Modernisation |
| KO13: Effective two tier working and Community Engagement | CP4 – Sense of Community PR4 – Improved Partnership Working |

| | |
|--|--|
| KO14: Successful implementation of Job Evaluation | HROD2 - Modernisation |
| KO15: All Council data is accurate and of high quality | FP2 – Financial Management FP4 – Financial and Performance Reporting PR3 – Spatial Business Project HROD4 – Performance culture |
| KO16: The Council no longer in recovery | FP1 – Value for Money FP4 – Financial and Performance Reporting |
| KO17: Effective Projects Management | FP1 – Value for Money PR3 – Spatial Business Project |
| KO19: Effective Business and Performance Management | FP4 – Financial and Performance Reporting |
| KO20: Effective Customer Focused Authority | CP3 – Customer Service CP4 – Sense of Community PR1 – Customer Process |

* KO5 and KO18 have been merged

8. **CUSTOMER IMPLICATIONS**

8.1 The Improvement Plan is concerned with the strategic and operational issues that will affect the customer.

9. **EQUALITIES AND DIVERSITY IMPLICATIONS**

9.1 Please see sections CP3 and CP4 of the Improvement Plan

10. **VALUE FOR MONEY IMPLICATIONS**

10.1 See section FP1 of the Improvement Plan

11. **OTHER IMPLICATIONS**

| |
|---|
| Procurement Issues: See Section FP1 of the Improvement Plan. |
| Personnel Implications: See Sections HROD1-HROD4 of the Improvement Plan. |
| Governance/Performance Management: See Sections FP4 and PR2 of the Improvement Plan. |
| Community Safety including Section 17 of Crime and Disorder Act 1998: See section CP4 of the Improvement Plan |
| Policy: All sections of the Improvement Plan relate to this. |
| Environmental: See sections CP1 and PR5 of the Improvement Plan. |

12. **OTHERS CONSULTED ON THE REPORT**

| | |
|------------------|------------|
| Portfolio Holder | No |
| Chief Executive | Yes |

| | |
|--|------------|
| Executive Director (Partnerships and Projects) | Yes |
| Executive Director (Services) | Yes |
| Assistant Chief Executive | Yes |
| Head of Service | Yes |
| Head of Financial Services | Yes |
| Head of Legal & Democratic Services | Yes |
| Head of Organisational Development & HR | Yes |
| Corporate Procurement Team | No |

13. WARDS AFFECTED

13.1 All wards

14. APPENDICES

14.1 Appendix 1 Improvement Plan Exception Report July 2008

15. BACKGROUND PAPERS:

15.1 The full Improvement Plan for July can be found at www.bromsgrove.gov.uk under Meetings, Minutes and Agendas. A hard copy is also left in the Members' Room each month.

CONTACT OFFICER

Name: Jenny McNicol
E Mail: j.mcnicol@bromsgrove.gov.uk
Tel: (01527) 881631

Exception Report for July 2008 Improvement Plan

Appendix 1

PROGRESS IN JULY 2008

Overall performance as at the end of July 2008 is as follows. This includes comparison with performance in 2007-08: -

| July 2007 | | | August 2007 | | | September 2007 | | | October 2007 | | | November 2007 | | | December 2007 | | |
|-----------|-----|-------|-------------|-----|-------|----------------|-----|-------|--------------|-----|-------|---------------|-----|-------|---------------|-----|-------|
| RED | 1 | 0.6% | RED | 1 | 0.7% | RED | 4 | 2.4% | RED | 3 | 1.8% | RED | 5 | 3.1% | RED | 3 | 2.0% |
| AMBER | 5 | 3.2% | AMBER | 13 | 9.2% | AMBER | 11 | 6.6% | AMBER | 16 | 9.6% | AMBER | 11 | 7.0% | AMBER | 17 | 11.6% |
| GREEN | 152 | 95.6% | GREEN | 126 | 88.7% | GREEN | 149 | 89.2% | GREEN | 142 | 85.0% | GREEN | 138 | 86.9% | GREEN | 121 | 82.3% |
| REPRO | 1 | 0.6% | REPRO | 2 | 1.4% | REPRO | 3 | 1.8% | REPRO | 6 | 3.6% | REPRO | 5 | 3.1% | REPRO | 6 | 4.1% |

| January 2008 | | | February 2008 | | | March 2008 | | | April 2008 | | | May 2008 | | | June 2008 | | |
|--------------|-----|-------|---------------|-----|-------|------------|-----|-------|------------|----|-------|----------|----|-------|-----------|----|-------|
| RED | 2 | 1.4% | RED | 2 | 1.4% | RED | 2 | 1.5% | RED | 3 | 2.7% | RED | 8 | 7.55% | RED | 6 | 6.3% |
| AMBER | 16 | 11.4% | AMBER | 10 | 7.3% | AMBER | 10 | 7.4% | AMBER | 11 | 9.9% | AMBER | 4 | 3.8% | AMBER | 4 | 4.2% |
| GREEN | 118 | 84.3% | GREEN | 122 | 88.4% | GREEN | 117 | 86.7% | GREEN | 92 | 82.9% | GREEN | 86 | 81.1% | GREEN | 74 | 77.0% |
| REPRO | 4 | 2.9% | REPRO | 4 | 2.9% | REPRO | 6 | 4.4% | REPRO | 5 | 4.5% | REPRO | 8 | 7.55% | REPRO | 12 | 12.5% |

Page 223

| July 2008 | | | August 2008 | | | September 2008 | | | October 2008 | | | November 2008 | | | December 2008 | | |
|-----------|-----|-------|-------------|--|--|----------------|--|--|--------------|--|--|---------------|--|--|---------------|--|--|
| RED | 11 | 8.6% | RED | | | RED | | | RED | | | RED | | | RED | | |
| AMBER | 3 | 2.3% | AMBER | | | AMBER | | | AMBER | | | AMBER | | | AMBER | | |
| GREEN | 114 | 89.1% | GREEN | | | GREEN | | | GREEN | | | GREEN | | | GREEN | | |
| REPRO | 0 | 0% | REPRO | | | REPRO | | | REPRO | | | REPRO | | | REPRO | | |

| January 2009 | | | February 2009 | | | March 2009 | | | April 2009 | | | May 2009 | | | June 2009 | | |
|--------------|--|--|---------------|--|--|------------|--|--|------------|--|--|----------|--|--|-----------|--|--|
| RED | | | RED | | | RED | | | RED | | | RED | | | RED | | |
| AMBER | | | AMBER | | | AMBER | | | AMBER | | | AMBER | | | AMBER | | |
| GREEN | | | GREEN | | | GREEN | | | GREEN | | | GREEN | | | GREEN | | |
| REPRO | | | REPRO | | | REPRO | | | REPRO | | | REPRO | | | REPRO | | |

Where: -

| | | | | | | | | | |
|--|------------------------|--|-----------------------------------|--|------------------------------|--|---------------------------------|--|---------------------|
| | On Target or completed | | Less than one month behind target | | Over one month behind target | | Original date of planned action | | Re-programmed date. |
|--|------------------------|--|-----------------------------------|--|------------------------------|--|---------------------------------|--|---------------------|

Exception Report for July 2008 Improvement Plan

Appendix 1

Out of the total of 128 actions for July 2008, 11 actions have been extended with approval. This amounts to 8.6 percent of the original actions scheduled for this month. These actions are: Work commenced (1.2); Reach agreement on redevelopment of market hall site x 2 (1.4); Agree funding and planning permission for train station redevelopment, with transport links to town centre (1.7); Popularity of events programme (4.3); Alternative methods of service delivery (6.2); Agreed plans for Longbridge (14.1); Bromsgrove town centre area action plan (14.4); Workforce planning x 2 (16.1); Single Status (16.2).

An Exception Report detailing corrective actions is detailed below:

| CP1: Town Centre | | | | | | | | | | | | | | | | | |
|-------------------------|---------------------------------|------|--------|------|---|------|------|------|------|------|------|------|-----|------|-------------------|--|--------------|
| Ref | July 2008 Action | | Colour | | Corrective Action | | | | | | | | | | Who | Original Date | Revised Date |
| 1.2.2 | Identify commercial support | | | | Issues and options consultation ends in September. Seeking advice on OJEU process before seeking commercial advice. Extended to September | | | | | | | | | | PS | Jul-08 | Sept-08 |
| Ref. | Action | Lead | July | Aug. | Sep. | Oct. | Nov. | Dec. | Jan. | Feb. | Mar. | Apr. | May | June | Corrective Action | | |
| 1.2. | Work Commenced (see 1.4) | | | | | | | | | | | | | | | | |
| 1.2.2 | Identify commercial support | PS | | | | | | | | | | | | | | Issues and options consultation commenced on 8 th July and closes in September. Commercial pressures and economic climate are likely to impact on current project timescales. | |

Page 224

Exception Report for July 2008 Improvement Plan

Appendix 1

| CP1: Town Centre | | | | | | | | | | | | | | | | | |
|------------------|--|------|--------|--------|---|------|------|------|------|------|------|------|------|------|-----|-----------------|-------------------|
| Ref | July 2008 Action | | Colour | | Corrective Action | | | | | | | | | | Who | Original Date | Revised Date |
| 1.4.2 | Seek commercial advice | | [Red] | | Currently seeking advice on OJEU process before seeking commercial advice. Extended to September. | | | | | | | | | | PS | Jul-08 | Sept-08 |
| Ref. | Action | Lead | | | July | Aug. | Sep. | Oct. | Nov. | Dec. | Jan. | Feb. | Mar. | Apr. | May | June | Corrective Action |
| 1.4 | Reach agreement on redevelopment of the market hall site | | | | | | | | | | | | | | | | |
| 1.4.2 | Seek commercial advice | PS | [Red] | [Grey] | [Hatched] | | | | | | | | | | | See 1.2.2 above | |

Page 225

| CP1: Town Centre | | | | | | | | | | | | | | | | | |
|------------------|--|------|--------|-----------|---|------|------|------|------|------|------|------|------|------|-----|--|-------------------|
| Ref | July 2008 Action | | Colour | | Corrective Action | | | | | | | | | | Who | Original Date | Revised Date |
| 1.4.3 | Meet with retailers | | [Red] | | A number of attempts to meet with retailers have been made but retailers have not yet responded. Issues and options consultation ends in September. Commercial pressures and economic climate are likely to impact on current project timescales. Extended to September | | | | | | | | | | PS | Jul-08 | Sept-08 |
| Ref. | Action | Lead | | | July | Aug. | Sep. | Oct. | Nov. | Dec. | Jan. | Feb. | Mar. | Apr. | May | June | Corrective Action |
| 1.4 | Reach agreement on redevelopment of the market hall site | | | | | | | | | | | | | | | | |
| 1.4.3 | Meet with retailers | PS | [Red] | [Hatched] | [Hatched] | | | | | | | | | | | Issues and options consultation commenced on 8 th July and closes in September. | |

| CP1: Town Centre | | | | | | | | | | | | | | | | | |
|-------------------------|---|------|--------|-----------|---|------|------|------|------|------|------|------|------|------|-----|--|-------------------|
| Ref | July 2008 Action | | Colour | | Corrective Action | | | | | | | | | | Who | Original Date | Revised Date |
| 1.7.1 | Network Rail to agree business case and funding for station. | | [Red] | | Network Rail still working on business case and multiple funding of station project. There is not much the District Council can do here, but wait for the funding package to be agreed. Nominally extended to September but timescales may be extended further. | | | | | | | | | | HB | Jul-08 | Sept-08 |
| Ref. | Action | Lead | | | July | Aug. | Sep. | Oct. | Nov. | Dec. | Jan. | Feb. | Mar. | Apr. | May | June | Corrective Action |
| 1.7 | Agree funding and planning permission for train station redevelopment, with transport links to town centre | | | | | | | | | | | | | | | | |
| 1.7.1 | Network Rail to agree business case and funding for station. | HB | [Red] | [Hatched] | [Hatched] | | | | | | | | | | | Network Rail still working on business case and multiple funding of station project. | |

Page 226

| CP1: Town Centre | | | | | | | | | | | | | | | | | |
|-------------------------|---|------|--------|--------|--|------|------|------|------|------|------|------|------|------|-----|--|-------------------|
| Ref | July 2008 Action | | Colour | | Corrective Action | | | | | | | | | | Who | Original Date | Revised Date |
| 1.7.2 | Agree historic dimension to new build. | | [Red] | | There has been discussions with Network Rail and BRUG, but until the station funding package is agreed this cannot be finalised. Timescales may be extended further. | | | | | | | | | | HB | Jul-08 | Sept-08 |
| Ref. | Action | Lead | | | July | Aug. | Sep. | Oct. | Nov. | Dec. | Jan. | Feb. | Mar. | Apr. | May | June | Corrective Action |
| 1.7 | Agree funding and planning permission for train station redevelopment, with transport links to town centre | | | | | | | | | | | | | | | | |
| 1.7.2 | Agree historic dimension to new build. | HB | [Red] | [Grey] | [Grey] | | | | | | | | | | | Network Rail still working on business case and multiple funding of station project. | |

| CP1: Town Centre | | | | | | | | | | | | | | | | | | |
|-------------------------|---|------|--------|---|------|------|------|------|------|------|------|------|-----|------|--|-----|---------------|--------------|
| Ref | July 2008 Action | | Colour | Corrective Action | | | | | | | | | | | | Who | Original Date | Revised Date |
| 1.7.3 | Obtain planning permission. | | | The planning application process cannot commence until funding is approved. Timescales may be extended further. | | | | | | | | | | | | HB | Jul-08 | Sept-08 |
| Ref. | Action | Lead | July | Aug. | Sep. | Oct. | Nov. | Dec. | Jan. | Feb. | Mar. | Apr. | May | June | Corrective Action | | | |
| 1.7 | Agree funding and planning permission for train station redevelopment, with transport links to town centre | | | | | | | | | | | | | | | | | |
| 1.7.3 | Obtain planning permission. | HB | | | | | | | | | | | | | Network Rail still working on business case and multiple funding of station project. | | | |

Exception Report for July 2008 Improvement Plan

Appendix 1

| CP2: Housing | | | | | | | | | | | | | | | | | |
|---------------------|---|------|--------|--------|---|------|------|------|------|------|------|------|------|------|-----|--|-------------------|
| Ref | July 2008 Action | | Colour | | Corrective Action | | | | | | | | | | Who | Original Date | Revised Date |
| 2.1.3 | Prepared affordable Housing Supplementary Planning Document (SPD) | | [Red] | | A draft SPD has been prepared and it was hoped that we could link it directly to the Regional Spatial Strategy, as the consultation draft of a revised Planning Policy Statement 12 (PPS12) was indicating this would be possible. The published PPS12 did not include this provision and therefore, A meeting has been arranged with GOWM to discuss ways to bring policy forward. | | | | | | | | | | MD | Jul-08 | Sept-08 |
| Ref. | Action | Lead | | | July | Aug. | Sep. | Oct. | Nov. | Dec. | Jan. | Feb. | Mar. | Apr. | May | June | Corrective Action |
| 2.1. | Delivery of affordable housing target (Housing Strategy) | | | | | | | | | | | | | | | | |
| 2.1.3 | Prepared affordable Housing Supplementary Planning Document (SPD) | MD | [Red] | [Grey] | [Grey] | | | | | | | | | | | Draft prepared. Awaiting further discussion. | |

Page 228

| CP3: Customer Service | | | | | | | | | | | | | | | | | |
|------------------------------|---|------|--------|--------|--|------|------|------|------|------|------|------|------|------|-----|------------------------------------|-------------------|
| Ref | July 2008 Action | | Colour | | Corrective Action | | | | | | | | | | Who | Original Date | Revised Date |
| 3.1.2 | Monthly reporting to CMT | | [Red] | | Delay in reporting. However, reporting has started in September, and will be quarterly, rather than monthly. | | | | | | | | | | HB | Jul-08 | Sept-08 |
| Ref. | Action | Lead | | | July | Aug. | Sep. | Oct. | Nov. | Dec. | Jan. | Feb. | Mar. | Apr. | May | June | Corrective Action |
| 3.1. | Overall customer satisfaction with Council | | | | | | | | | | | | | | | | |
| 3.1.2 | Monthly reporting to CMT | HB | [Red] | [Grey] | [Grey] | | | | | | | | | | | Reporting has started in September | |

Exception Report for July 2008 Improvement Plan

Appendix 1

| CP3: Customer Service | | | | | | | | | | | | | | | | | |
|------------------------------|---|------|--------|------|--|------|------|------|------|------|------|------|-----|------|-------------------|--------------------------------|--------------|
| Ref | July 2008 Action | | Colour | | Corrective Action | | | | | | | | | | Who | Original Date | Revised Date |
| 3.1.6 | CMT PACT meetings | | | | We missed our corporate target for reporting in the first quarter due to the Police not informing us of change of dates. | | | | | | | | | | HB | Jul-08 | Sept-08 |
| Ref. | Action | Lead | July | Aug. | Sep. | Oct. | Nov. | Dec. | Jan. | Feb. | Mar. | Apr. | May | June | Corrective Action | | |
| 3.1. | Overall customer satisfaction with Council | | | | | | | | | | | | | | | | |
| 3.1.6 | CMT PACT meetings | HB | | | | | | | | | | | | | | Resolved in the second quarter | |

Page 229

| CP4: Sense of Community | | | | | | | | | | | | | | | | | |
|--------------------------------|---|------|--------|------|---|------|------|------|------|------|------|------|-----|------|-------------------|--------------------------|--------------|
| Ref | July 2008 Action | | Colour | | Corrective Action | | | | | | | | | | Who | Original Date | Revised Date |
| 4.1.6 | Develop action plans and submit to LSP and Cabinet (if Budget Bids) | | | | Will need to re-consider this approach or suspend, given feedback received on link to LSP. Currently out to consultation with two stakeholder groups. | | | | | | | | | | HB | Jul-08 | Sept-08 |
| Ref. | Action | Lead | July | Aug. | Sep. | Oct. | Nov. | Dec. | Jan. | Feb. | Mar. | Apr. | May | June | Corrective Action | | |
| 4.1 | Neighbourhood management | | | | | | | | | | | | | | | | |
| 4.1.6 | Develop action plans and submit to LSP and Cabinet (if Budget Bids) | HB | | | | | | | | | | | | | | Decision yet to be made. | |

| CP4: Sense of Community | | | | | | | | | | | | | | | | | |
|--------------------------------|---|--------|--|------|------|------|------|------|------|------|------|------|-----|------|-------------------|--------------------------|--------------|
| Ref | July 2008 Action | Colour | Corrective Action | | | | | | | | | | | | Who | Original Date | Revised Date |
| 4.1.6 | Develop action plans and submit to LSP and Cabinet (if Budget Bids) | | Will need to re-consider this approach or suspend, given feedback received on link to LSP. | | | | | | | | | | | | HB | Jul-08 | Sept-08 |
| Ref. | Action | Lead | July | Aug. | Sep. | Oct. | Nov. | Dec. | Jan. | Feb. | Mar. | Apr. | May | June | Corrective Action | | |
| 4.1 | Neighbourhood management | | | | | | | | | | | | | | | | |
| 4.1.6 | Develop action plans and submit to LSP and Cabinet (if Budget Bids) | HB | | | | | | | | | | | | | | Decision yet to be made. | |

| FP1: Value For Money | | | | | | | | | | | | | | | | | |
|-----------------------------|---|--------|---|------|------|------|------|------|------|------|------|------|-----|------|-------------------|---------------------------------------|--------------|
| Ref | July 2008 Action | Colour | Corrective Action | | | | | | | | | | | | Who | Original Date | Revised Date |
| 6.2.3 | Transfer Dolphin Centre to Leisure Trust | | HR Developments are delaying transfer process. Extended to December 2008. Dates may alter depending on outcome of meeting on 4 th September. | | | | | | | | | | | | PS | Jul-08 | Dec-08 |
| Ref. | Action | Lead | July | Aug. | Sep. | Oct. | Nov. | Dec. | Jan. | Feb. | Mar. | Apr. | May | June | Corrective Action | | |
| 6.2 | Alternative methods of service delivery, to include revisiting the shared services/ joint working agenda | | | | | | | | | | | | | | | | |
| 6.2.3 | Transfer Dolphin Centre to Leisure Trust | PS | | | | | | | | | | | | | | Will hopefully be resolved by Dec 08. | |

Exception Report for July 2008 Improvement Plan

Appendix 1

| HR&OD2: Modernisation | | | | | | | | | | | | | | | | | |
|----------------------------------|---------------------------|------|--------|------|---|------|------|------|------|------|------|------|-----|------|-------------------|-------------------------------|--------------|
| Ref | July 2008 Action | | Colour | | Corrective Action | | | | | | | | | | Who | Original Date | Revised Date |
| 16.1.1 | Develop Project Plan | | | | Project Initiation Document has been completed. Resources have been reallocated to ensure that project plan is developed in August and ensure that the next key stages of the project are not detrimentally affected. | | | | | | | | | | JP | Jul-08 | Aug-08 |
| Ref. | Action | Lead | July | Aug. | Sep. | Oct. | Nov. | Dec. | Jan. | Feb. | Mar. | Apr. | May | June | Corrective Action | | |
| 16.1 | Workforce Planning | | | | | | | | | | | | | | | | |
| 16.1.1 | Develop Project Plan | JP | | | | | | | | | | | | | | Will be undertaken in August. | |

| HR&OD2: Modernisation | | | | | | | | | | | | | | | | | |
|----------------------------------|---------------------------------|------|--------|------|--|------|------|------|------|------|------|------|-----|------|-------------------|-------------------------------|--------------|
| Ref | July 2008 Action | | Colour | | Corrective Action | | | | | | | | | | Who | Original Date | Revised Date |
| 16.1.2 | Procure and commission services | | | | Meeting has been set up for August to progress procurement arrangements. | | | | | | | | | | JP | Jul-08 | Aug-08 |
| Ref. | Action | Lead | July | Aug. | Sep. | Oct. | Nov. | Dec. | Jan. | Feb. | Mar. | Apr. | May | June | Corrective Action | | |
| 16.1 | Workforce Planning | | | | | | | | | | | | | | | | |
| 16.1.2 | Procure and commission services | JP | | | | | | | | | | | | | | Will be undertaken in August. | |

Exception Report for July 2008 Improvement Plan

Appendix 1

| HR&OD2: Modernisation | | | | | | | | | | | | | | | | | |
|----------------------------------|---|------|--------|------|--|------|------|------|------|------|------|------|-----|------|-------------------|---|--------------|
| Ref | July 2008 Action | | Colour | | Corrective Action | | | | | | | | | | Who | Original Date | Revised Date |
| Ref. | Action | Lead | July | Aug. | Sep. | Oct. | Nov. | Dec. | Jan. | Feb. | Mar. | Apr. | May | June | Corrective Action | | |
| 16.2.1 | Report to Cabinet with proposals to change pay structure and terms and conditions of employment | | | | Negotiations with unions ongoing. Bainbridge Case at the Court of Appeal has caused process to halt whilst a ruling is awaited. Staff briefings to explain causation of delay. Counsel Opinion being sought. Timescales are likely to be extended further. | | | | | | | | | | JP | Jul-08 | Sept-08 |
| 16.2 | Single Status | | | | | | | | | | | | | | | | |
| 16.2.1 | Report to Cabinet with proposals to change pay structure and terms and conditions of employment | JP | | | | | | | | | | | | | | Outside the Council's control. Dependent on outcome of appeal | |

BROMSGROVE DISTRICT COUNCIL

EXECUTIVE CABINET

1st OCTOBER 2008

INTEGRATED FINANCIAL AND PERFORMANCE TIMETABLE

| | |
|------------------------------|--|
| Responsible Portfolio Holder | Geoff Denaro, Portfolio Holder for Finance Mike Webb, Portfolio Holder for Customer Care, Service and Revenue Generation. |
| Responsible Head of Service | Jayne Pickering, Head of Financial Services Hugh Bennett, Assistant Chief Executive |
| Non-Key Decision | |

1. SUMMARY

- 1.1 To provide Members with the detailed integrated financial and performance timetable for the Council's forthcoming budget round.

2. RECOMMENDATION

- 2.1 Cabinet note the timetable and consider whether any amendments are required.

3. BACKGROUND

- 3.1 This integrated timetable brings together the Council's work on customer feedback, strategic performance management and strategic financial management, to ensure we work together, both at a Member and officer level, to deliver an affordable budget that reflects our customers' priorities.
- 3.2 Most of the stages should now be familiar to both Members and officers and reflect the improvements to the management processes of the Council. These include the use of the Customer Panel, business cases for budget bids, consideration of the Council's financial and performance outturn, a three year medium term financial plan, service business planning and the Council Plan.
- 3.3 Two changes for the 2009/2010 cycle are a pilot budget jury and two briefings for Members prior to Full Council debates on the budget. These changes are in response to feedback on last year's process from Members and the Acting Joint Chief Executive.

4. FINANCIAL IMPLICATIONS

- 4.1 The integrated timetable should ensure appropriate links between customer feedback and budget decisions. Also, the timetable enables sufficient time for proper deliberation for the budget.

5. LEGAL IMPLICATIONS

- 5.1 The Council has a statutory duty to consult rate payers.

6. COUNCIL OBJECTIVES

- 6.1 The report links to all the Council's Objectives.

7. RISK MANAGEMENT

- 7.1 The main risks associated with the details included in this report are:

- Failure to deliver the Council Plan.
- Ineffective business cycle.
- Failure to consult properly.
- Failure to deliver the Improvement Plan and prepare for CPA and CAA

- 7.2 These risks are being managed as follows:

- Failure to deliver the Council Plan:

Risk Register: CCPP
Key Objective Ref No: 08
Key Objective: Delivery of Council Plan

- Ineffective business cycle:

Risk Register: CCPP
Key Objective Ref No: 10
Key Objective: Effective business cycle.

- Failure to consult properly:

Risk Register: CCPP
Key Objective Ref No: 12
Key Objective: Delivery of Council's Consultation Strategy.

- Failure to deliver the Improvement Plan and prepare for CPA and CAA:

Risk Register: CCPP

Key Objective Ref No: 5
 Key Objective: Improvement Plan, CPA and CAA

8. CUSTOMER IMPLICATIONS

8.1 The timetable should ensure a close match between our customers' priorities and our strategic plans for next year.

9. EQUALITIES AND DIVERSITY IMPLICATIONS

9.1 The Equalities and Diversity Forum will be holding a special meeting on the 18 September to consider what community bids to make.

10. VALUE FOR MONEY IMPLICATIONS

10.1 The Use of Resources assessment by the Audit Commission would expect the Council to have a robust timetable in place, with which to allow sufficient time for budget deliberations and integrate our customer, financial and performance processes.

11. OTHER IMPLICATIONS

| |
|--|
| Procurement Issues None |
| Personnel Implications None |
| Governance/Performance Management None. |
| Community Safety including Section 17 of Crime and Disorder Act 1998 None |
| Policy None |
| Environmental None |

12. OTHERS CONSULTED ON THE REPORT

| | |
|--|--------------------------|
| Portfolio Holder | At Leader's Group |
| Chief Executive | Yes |
| Executive Director - Partnerships and Projects | Yes |
| Executive Director - Services | Yes |

| | |
|---|---------------|
| Assistant Chief Executive | Yes |
| Head of Service | Yes |
| Head of Financial Services | At CMT |
| Head of Legal, Equalities & Democratic Services | At CMT |
| Head of Organisational Development & HR | At CMT |
| Corporate Procurement Team | No |

13. WARDS AFFECTED

All Wards

14. APPENDICES

Appendix 1 Integrated Financial and Performance Timetable

15. BACKGROUND PAPERS

Council Plan Part 1 2009/2012 Cabinet (03 September 2008).

CONTACT OFFICER

Name: Hugh Bennett
E Mail: h.bennettl@bromsgrove.gov.uk
Tel: (01527) 881430

INTEGRATED STRATEGIC FINANCIAL AND PERFORMANCE TIMETABLE

2009/10-2011/12

The Council has a clear timetable for reviewing its corporate priorities, key deliverables and medium term financial strategy. The detailed timetable is set out below:

- 27 Jun.08 Council's financial and performance outturn position formally reported to Full Council.**
- 30 Jun.08 Service Business Plans templates and guidance issued to Heads of Service.
- Jun. and Jul.08 First two budget jury meetings held with residents to explain budget process to them and find out what they think are priorities for investment. Results fed into Council Plan Part 1 report (see below). Results of Customer Panel received.
- 11 Jul.08 Cabinet/CMT away day to consider financial and performance outturn and corporate priorities for the year ahead.
- 12 Aug.08 Budget Holders to be provided with details of budget savings and pressures already included in 2009/10 base budgets from previous budget rounds.
- Aug.08 Departmental service business planning away days to be held
- 03 Sep.08 Cabinet to be presented with the Council Plan Part 1 report that recommends corporate priorities for the next three years, based on an analysis of the 2007/2008 outturn, customer feedback and national/regional policy.**
- 15 Sep.08 A hard copy of the budget spreadsheets (also sent electronically) will be sent out to all budget holders. The spreadsheets will include actual expenditure 2007/08, latest estimate 2008/09 and the base budgets for each of the years 2009/10, 2010/11 and 2011/12 for each cost centre for which they are responsible.
- Note: a copy of the relevant payroll estimates for each of the years 2009/10 to 2011/12 will be sent to each budget holder with the budget holder being responsible for ensuring that all posts / personnel / scale points and fixed term contract details are correct. The budget holders must check the payroll estimates with the schedule prepared by HR & OD for completeness of the establishment.
- 16 Sep.08 Performance Management Board considers Council Plan Part 1 report and makes recommendations to Cabinet if required.**
- 17 Sep.08 Full Council debates and agrees the Council's corporate priorities for the next three years, using the Council Plan Part 1 report.**
- 19 Sep.08 First draft service business plans (key deliverables, budget bids and savings) provided to the Corporate Communications, Policy and Performance Team.
- 22 Sep.08 Support Service recharges - Accountancy Services to issue a "Charging Form" to Budget Holders asking them to provide a split of staff time (for each post in the structure) over the various services. At the same time non-staff

related data such as estimated number of debtor invoices, creditor invoices etc. will be requested. In completing the charging forms budget holders should have regard to what staff will be doing in the future rather than what they are doing now.

- 30 Sep.08 Dedicated all day CMT on first draft of service business plans' key deliverables, budget bids and savings.
- 15 Sep. to 31 Oct.08 Budget holders to meet with their accountant to discuss any changes to the existing budgets (contained within the papers sent out on 15 September). The only changes that will be permitted to the existing base budgets will be by way of formal virement requests (however additional income cannot be utilised to fund expenditure without completing the budget bid process), plus identification of any savings. Any bids for increased resources will be dealt with as part of the business planning process outlined above.
- Inflation and profiling of budgets will also be discussed at the meetings.
- Note: In order to improve the robustness of our budget process officers need to improve the way that budgets for major items of income are calculated – planning fees, land charges, building control, car parking charges. The likely level of income needs to be calculated based on usage and level of fees rather than simply rolling forward the budget – the risks associated with these levels of income also needs to be assessed. A template will be prepared by accountancy for the calculation of income and to identify the associated risks. Managers must be aware of the concessions policy when estimating income generated.
- 15 Sep to 31 Oct.08 Accountancy Services to undertake work on different scenarios with regard to major elements of expenditure e.g. different levels of pay award and the impact on budgets.
- 15 Oct.08 Detailed budget options to Leader's Group.*
- 23 Oct.08 Budget Jury Part 3.
- 31 Oct. 08 Return of Charging form by budget holders to Accountancy Services.
- 31 Oct 08 First full draft of service business plans submitted to Corporate Communications, Policy and Performance Team
- 03 Nov. 08 Return of all other budget information
- 03 Nov. 08 Officers / Members to have identified specific work / projects required to achieve Council priorities. Budget holders must ensure that Accountancy Services are involved in "costing up" of proposals.
- 03 Nov.08 Members' Budget Briefing.**
- 05 Nov.08 First cut of 2009/2010 budget (including budget bids and savings) considered by Cabinet.**
- Nov.08 Undertake Internet based budget consultation exercise.
- 06 Nov.08 Budget Jury Part 4

- 17 Nov.08 First draft base budgets available (including recharges and capital charges).
- Note: There will need to be continued discussion between support service provider and receiver until agreement is reached. Detailed analysis of the impact of support services required for any decision to transfer and/or amend delivery of services.
- 30 Nov.08 Quality checklist on service business plans returned to Heads of Service
- Mid Dec.08 Calculation of base budget requirement (variety of scenarios), together with cost of priorities, including Government Grant indications, to be completed.
- 02 Dec.08 Presentations to Scrutiny Steering Board on the budget process, recommended Capital Programme and draft base revenue budget.**
- 3 Dec.08 Executive Cabinet to approve Capital Programme and associated funding requirement 2009/10-2011/12. In addition Cabinet to consider revenue base budget and financial impact of priorities. Results of Budget Jury also considered.**
- Mid Dec to 2 Feb.09 Officers to identify growth and budget reductions (if they are required) in order to balance the budget.
- 06 Jan.09 Consideration by Scrutiny Steering Board of detailed budget for each area and proposed growth and budget reductions (if required).**
- 07 Jan.09 Consideration by Executive Cabinet of Revenue budget.**
- 07 Jan.09 Final draft service business plans submitted to Corporate Communications, Policy and Performance Team.
- 13 Jan. 09 All-day SMT Star Chamber to go through revised service business plans.
- 12 Jan.09 Member Budget Briefing.**
- 14 Jan. 09 Approval by Council of the Capital and Revenue budgets (2009/2012).**
- Early Feb.09 Statutory NNDR consultation.
- 18 Feb.09 Executive Cabinet agrees Council Tax level.**
- 25 Feb.09 Full Council agrees Council Tax level.**
- 04 Mar.09 Cabinet agrees Council Plan 2009/2012.**
- 14 Mar.09 Final draft service business plans sent to Senior Policy and Performance Officer
- 17 Mar.09 PMB considers the Council Plan 2009/2012.**
- 18 Mar.09 Full Council approves Council Plan 2009/2012.**
- 31 Mar.09 Service business plans and budget book placed on Intranet. Council Plan 2009/2012 published.
- 17 Apr.09 Budget Packs distributed to individual budget holders.

30 Apr.09 Team plans and PDRs completed and returned to ACE and Training & Organisational Development Manager

*note:- After the initial discussion at Leader's Group in October, consideration will be given to the HR timetable and HoS will be advised on any legal requirements.

BROMSGROVE DISTRICT COUNCIL

CABINET

1st October 2008

FOOD STANDARDS AGENCY AUDIT OF FOOD LAW ENFORCEMENT SERVICE

| | |
|------------------------------|----------------------|
| Responsible Portfolio Holder | Cllr Peter Whittaker |
| Responsible Head of Service | David Hammond |
| Non-Key Decision | |

1. SUMMARY

- 1.1 In June 2008 the Food Standards Agency (FSA) carried out an audit of the food law enforcement service of this Council. This report advises Members of the key findings of the audit and brings forward for Member approval an action plan to address the Agency's recommendations.

2. RECOMMENDATION

- 2.1 That the findings of the Food Standards Agency following their audit of the food law enforcement service be noted.
- 2.2 That the action plan to address the recommendations made by the Food Standards Agency (pages 20 – 22) in the report attached at Appendix 1 be approved.

3. BACKGROUND

- 3.1 The Council's food law enforcement service was audited by the Food Standards Agency (FSA) on 4th – 5th June 2008. The audit covered all food law enforcement activities in relation to the Authority's database management, food premises inspections and internal monitoring arrangements. The audit was conducted against the Standard in the Framework Agreement on Local Authority Food Law Enforcement to which all Councils are expected to adhere in the operation of their food law enforcement activities. The audit sought to confirm compliance with the relevant requirements of the Standard.
- 3.2 A pre-visit questionnaire was completed and returned to the FSA together with supporting documentation in May 2008. The questionnaire was comprehensive and covered all aspects of food law enforcement activity. The supporting documents comprised all of the Council's relevant written policies and procedures.

- 3.3 Following submission of the pre-visit questionnaire a detailed audit schedule was received which included a list of files to be made available on the first day of the audit, details of staff to be interviewed and a request to arrange access to the Council's database of food businesses/enforcement activity.
- 3.4 An on-site visit took place on 4th – 5th June 2008. During the visit two auditors from the Agency examined all relevant file and database records and undertook interviews with food law enforcement staff. Senior officers from within Planning and Environment Services attended opening and closing meetings to be briefed about the purpose of the audit and its key findings.
- 3.5 A report of the audit findings was received in August 2008. The report will be published on the Food Standards Agency website. Copies of the report will also be placed in the libraries of both of the Houses of Parliament, the British Library and the Copyright Library.

4. SUMMARY OF FINDINGS

- 4.1 The findings of the audit were presented as a detailed description of the subjects covered by the auditors together with a total of 13 recommendations for action to address the issues raised. There was no overall conclusion about the performance of the service or rating against a set standard. A full copy of the audit report is attached at Appendix 1.
- 4.2 Overall the audit found that inspections of food businesses undertaken by the Council's officers were comprehensive and good documentation was provided at the conclusion of the inspection. Where enforcement action had been undertaken i.e. voluntary closure of premises, service of statutory notices and legal proceedings the action was found to have been appropriate and conducted correctly. The Council's prosecution files in particular were commented on as being particularly well presented.
- 4.3 Although documented procedures were found to be in place they were found to be dated and now require revising and updating. In addition the use of the electronic food premises database was found to need reviewing.
- 4.4 The auditors noted that the food law enforcement service had undergone an unsettled period of management since the end of 2006 as there was no team leader effectively in post until the beginning of 2008. It was noted that this had impacted on the Service's general performance in the intervening period.
- 4.5 The auditors noted, and it was acknowledged, that there were problems with the food premises database and the ability of the Service to produce reliable management reports. It was also noted that the Authority was in the process of transition to a new database system as part of a wider corporate initiative. This is expected to address the shortcomings identified.

4.6 The auditors concluded that due to the difficulties in producing verifiable information on inspection activity from the database it was not possible to confirm that inspection frequencies were being met by the Authority although checks on file and database records indicated that inspections of higher risk premises were generally being carried out at the correct frequency required by the Food Law Code of Practice. Records confirmed that officers were carrying out comprehensive inspections and providing detailed records of findings.

5. AUDIT ACTION PLAN

5.1 In response to the audit an action plan has been drafted to address the recommendations made. This has been submitted to the FSA and has been agreed by them. Individual completion dates have been set for each of the actions. All are scheduled to be completed by 30th June 2009. A copy of the Audit Action Plan is contained within the report attached at Appendix 1 (pages 20 – 22). The FSA will review progress against the action plan in six months time.

6. FINANCIAL IMPLICATIONS

6.1 There are no financial implications associated with the recommendation to approve the audit action plan as the actions set out will be addressed within the existing budget and staff resources.

7. LEGAL IMPLICATIONS

7.1 Completion of the audit action plan should ensure a food law enforcement service that is fully compliant with the Standard in the Framework Agreement on Local Authority Food Law Enforcement and the Food Law Code of Practice. Food Authorities are, by law, required to have regard to the Code of Practice when carrying out their duties in relation to food law enforcement.

8. COUNCIL OBJECTIVES

8.1 Completion of the audit action plan will improve customer service through the production and implementation of updated documented policies and procedures. Improving customer service is a Council priority under objective 2 – Improvement.

9. RISK MANAGEMENT

9.1 The main risks associated with the details included in this report are:

- Failure to complete the audit action plan and therefore address the recommendations made by the Food Standards Agency could impact upon the Council's reputation and lead to adverse publicity.

- Failure to implement those recommendations which relate to requirements in the Food Law Code of Practice could result in successful challenge to the actions of the Council and ultimately a direction from the Food Standards Agency.

9.2 These risks are being managed as follows:

- Completion of FSA audit action plan:

Risk Register: Planning and Environment Services

Key Objective Ref No: 3

Key Objective: Efficient, effective and legally compliant Environmental Health Service.

10. CUSTOMER IMPLICATIONS

10.1 The recommendation to approve the audit action plan will ultimately impact upon customer service through the production and implementation of updated documented policies and procedures.

11. EQUALITIES AND DIVERSITY IMPLICATIONS

11.1 There are no specific implications identified as completion of the audit action plan will impact equally on all members of the community. All action taken will be in accordance with the Council's Equalities and Diversity Policies.

12. VALUE FOR MONEY IMPLICATIONS

12.1 Actions within the plan will help to improve and strengthen the application of the Council's Value for Money Strategy and Policies by ensuring food law enforcement is effective, targeted and proportionate.

13. OTHER IMPLICATIONS

| |
|---|
| Procurement Issues: None |
| Personnel Implications: None |
| Governance/Performance Management: Completion of the audit action plan should ensure a food law enforcement service that is fully compliant with the Standard in the Framework Agreement on Local Authority Food Law Enforcement and the Food Law Code of Practice. |
| Community Safety including Section 17 of Crime and Disorder Act 1998: None |
| Policy: None |

| |
|---------------------|
| Environmental: None |
|---------------------|

14. OTHERS CONSULTED ON THE REPORT

| | |
|---|-----|
| Portfolio Holder | Yes |
| Chief Executive | Yes |
| Executive Director - Partnerships and Projects | Yes |
| Executive Director - Services | No |
| Assistant Chief Executive | No |
| Head of Service | Yes |
| Head of Financial Services | Yes |
| Head of Legal, Equalities & Democratic Services | Yes |
| Head of Organisational Development & HR | No |
| Corporate Procurement Team | No |

15. WARDS AFFECTED

All Wards.

16. APPENDICES

Appendix 1 Report on the Food Law Enforcement Service's Arrangements for Food Premises Database Management, Food Premises Inspections and Internal Monitoring. Bromsgrove District Council. 4 – 5 June 2008.

17. BACKGROUND PAPERS

Report on the Food Law Enforcement Service's Arrangements for Food Premises Database Management, Food Premises Inspections and Internal Monitoring. Bromsgrove District Council. 4 – 5 June 2008.

CONTACT OFFICER

Name: Ian Keagle

E-mail: i.keagle@bromsgrove.gov.uk

Tel: (01527) 881434

**Report on the Food Law Enforcement Service's
Arrangements for Food Premises Database
Management, Food Premises Inspections
and Internal Monitoring**

Bromsgrove District Council

4 -5 June 2008

Foreword

Audits of local authorities' food law enforcement services are part of the Food Standards Agency's arrangements to improve consumer protection and confidence in relation to food. These arrangements recognise that the enforcement of UK food law relating to food safety, hygiene, composition, labelling, imported food and feeding stuffs is largely the responsibility of local authorities. These local authority regulatory functions are principally delivered through their Environmental Health and Trading Standards Services.

The attached audit report examines the Authority's Food Law Enforcement Service. The assessment includes the local arrangements in place for database management, inspections of food businesses and internal monitoring. It should be acknowledged that there will be considerable diversity in the way and manner in which local authorities may provide their food enforcement services reflecting local needs and priorities.

Agency audits assess local authorities' conformance against the Food Law Enforcement Standard "The Standard", which was published by the Agency as part of the Framework Agreement on Local Authority Food Law Enforcement and is available on the Agency's website at:
www.food.gov.uk/enforcement/.

The main aim of the audit scheme is to maintain and improve consumer protection and confidence by ensuring that local authorities are providing an effective food law enforcement service. The scheme also provides the opportunity to identify and disseminate good practice and provide information to inform Agency policy on food safety, standards and feeding stuffs.

The report contains some statistical data, for example on the number of food premises inspections carried out annually. The Agency's website contains enforcement activity data for all UK local authorities and can be found at:
www.food.gov.uk/enforcement/.

For assistance, a glossary of technical terms used within this audit report can be found at the Annex.

CONTENTS

| | Page |
|---|------|
| 1.0 Introduction | 4 |
| <i>Reason for the Audit</i> | 4 |
| <i>Scope of the Audit</i> | 4 |
| <i>Background</i> | 5 |
| 2.0 Executive Summary | 6 |
| 3.0 Audit Findings | 8 |
| 3.1 Organisation and Management | 8 |
| - <i>Strategic Framework, Policy and Service Planning</i> | 8 |
| - <i>Documented Policies and Procedures</i> | 9 |
| - <i>Officer Authorisations</i> | 10 |
| 3.2 Food Premises Database | 12 |
| 3.3 Food Premises Inspections | 14 |
| 3.4 Internal Monitoring, Third Party or Peer Review | 17 |
| - <i>Internal Monitoring</i> | 17 |
| - <i>Third Party or Peer Review</i> | 19 |
| Action Plan for Bromsgrove District Council | 20 |
| Annex: Glossary | 23 |

1. Introduction

- 1.1 This report records the results of an audit under the headings of the Food Standard Agency Food Law Enforcement Standard focusing on the Authority's arrangements with regard to food hygiene enforcement for food premises database management, food premises inspections and internal monitoring at Bromsgrove District Council, and has been made available on the Agency's website at: www.food.gov.uk/enforcement/audits/. Hard copies are available from the Food Standards Agency's Local Authority Liaison Division at Aviation House, 125 Kingsway, London WC2B 6NH, Tel: 020 7276 8428.

Reason for the Audit

- 1.2 The power to set standards, monitor and audit local authority food law enforcement services was conferred on the Food Standards Agency by the Food Standards Act 1999 and Regulation 7 of the Official Feed and Food Controls (England) Regulations 2007. This audit of Bromsgrove District Council was undertaken under section 12(4) of the Act as part of the Food Standards Agency's annual audit programme.
- 1.3 The Authority was selected for audit as part of the Food Standards Agency's programme of audits of local authority food law enforcement services, as it was a District Council, had not been audited in the past by the Agency and was representative of a geographical mix of 10 Authorities selected across England.

Scope of the Audit

- 1.4 The audit examined Bromsgrove District Council's arrangements for food premises database management, food premises inspections, and internal monitoring with regard to food hygiene law enforcement. The scope of the audit also included an assessment of the Authority's overall organisation, management and internal monitoring of other food hygiene law enforcement activities.
- 1.5 Assurance was sought that key authority food hygiene law enforcement service systems and arrangements were effective in supporting business compliance, and that local enforcement was managed and delivered effectively. The on-site element of the audit took place at the Authority's office in Burcot Lane, Bromsgrove on 4-5 June 2008.
- 1.6 The audit assessed the Authority's conformance against the requirements of the Standard which was adopted by the Food Standards Agency Board on 21 September 2000, (amended July 2004), and forms part of the Agency's Framework Agreement with local authorities. The Framework Agreement can be found on the Agency's website at www.food.gov.uk/enforcement/.

Background

- 1.7 Bromsgrove District Council is in north Worcestershire, covering an area of approximately 84 square miles with a population of approximately 90,000. Ninety per cent of the District is greenbelt. Despite its predominantly rural nature, the District enjoys good road and rail transport networks and many residents commute out to work, particularly to Birmingham. The closure of the MG Rover factory at Longbridge in April 2005 has resulted in major redevelopment plans for the site in addition to those for Bromsgrove town centre.
- 1.8 Food hygiene law enforcement was the responsibility of the Commercial Regulation Team within Planning and Environmental Services. The Team was also responsible for enforcing health and safety and smoke free legislation and infectious disease control.
- 1.9 The Commercial Team was not responsible for the enforcement of food standards and feeding stuffs law enforcement, which was carried out by Worcestershire County Council Trading Standards Service.
- 1.10 The Authority's food hygiene inspection plan for 2007/2008, as reported in its monitoring returns made to the Agency for the financial year 2006/2007, indicated that the Food and Safety Team was responsible for enforcing food hygiene legislation in 616 premises. These food businesses were predominantly within the catering (73%) and retail sectors (21%). The returns also indicated that the Authority had carried out:

| Enforcement Activity | Number |
|---|---------------|
| Food hygiene inspections | 272 |
| Other visits | 105 |
| Revisits | 98 |
| Advisory and sampling visits | 21 |
| Establishments subject to Hygiene Improvement Notices | 0 |
| Seizures, detentions and surrenders | 0 |
| Informal samples | 0 |
| Official Samples | 9 |

2. Executive Summary

- 2.1 The food law enforcement service had undergone an unsettled period of management since the end of 2006 as there was no team leader effectively in post until the beginning of 2008 when a new manager was appointed. The auditors were advised that this had impacted on the Service's general performance in the intervening period.
- 2.2 The Authority had a Food Service Plan for 2008/2009 which was broadly in line with the Service Planning Guidance in the Framework Agreement on Food Law Enforcement. Future service planning could benefit from the inclusion of all aspects of the Service Planning Guidance, including the requirement to review the previous year's planned performance. In addition there was no evidence that the Service Plan had been submitted for Member approval.
- 2.3 The Authority acknowledged that there were problems with the food premises database and the ability of the Service to produce reliable management reports. These problems prevented the collation of reliable information for internal operational and management purposes, and required significant and time consuming manual data checks before the submission of statistical monitoring data to the Agency to ensure the information was accurate and complete. The operation of the database also impeded the ability of the Commercial Team Leader to carry out effective qualitative and quantitative monitoring of officers' activities. The Authority was in the process of transition to a new database system as part of a wider corporate initiative. It was recognised that there was a need to ensure the accuracy of information transferred over to the new database so as not to perpetuate problems identified with the existing system.
- 2.4 Due to the difficulties in producing verifiable information on inspection activity from the database, it was not possible to confirm that inspection frequencies were being met by the Authority, although checks on file and database records indicated that inspections of higher risk premises were generally being carried out at the correct frequency required by the Food Law Code of Practice. Records confirmed that officers were carrying out comprehensive inspections and providing detailed records of findings. Inspection procedures and the aide-memoire used to record the details of inspections required updating to reflect current legislation, centrally issued guidance and internal Authority policy.
- 2.5 The Authority had a procedure for the authorisation of officers based on a competency assessment. This required further development to provide more detail on the basis upon which individual officers are appropriately authorised in relation to their ability, qualifications, experience and responsibilities. Furthermore, the officers' schedules

of authorisation were generic in nature and did not reflect the assessment of competence carried out on each individual officer.

- 2.6 An internal monitoring procedure had been produced, although this required review to reflect current and intended procedures for both qualitative and quantitative monitoring. There had been limited monitoring activity in place during the time that the team leader post was vacant, and although internal monitoring had begun to be implemented by the new manager, this needed to be expanded to cover all areas of food law enforcement activity.

3. Audit Findings

3.1 Organisation and Management

Strategic Framework, Policy and Service Planning

- 3.1.1 A Food Service Plan for 2008/2009 had been drafted. This supported the Planning and Environment Service Business Plan 2008/2009 which set out the overall objectives for the service. The auditors were advised that the appropriate portfolio holder would be made aware of the plan and performance against it through a monthly performance report from the Head of Planning and Environment Services, however there was no evidence that the Food Service Plan had been approved by Members.
- 3.1.2 The Food Service Plan contained most of the information set out in the Service Planning Guidance in the Framework Agreement. Future Service Plans would benefit from details of the financial allocation for the Service and confirmation of its policy in relation to the implementation of alternative enforcement strategies.
- 3.1.3 The Plan stated that there would be an annual review, which would include information on the previous year's performance. There was however no information in the latest plan of a review of the 2007/2008 plan, nor how any variances from it would be addressed.
- 3.1.4 The Planning and Environment Service Business Plan 2008/2009 contained a number of 'key deliverables' for the year, which included the objective to 'improve compliance with Environmental Health enforced legislation throughout the district through targeted proactive inspection programmes and enforcement interventions'. The Food Service Plan for 2008/2009 contained 3 specific strategic objectives for the food safety service:
- To enforce relevant statutory provisions in accordance with current principles of enforcement practice;
 - To respond in accordance with our corporate customer standards, with requests for service from members of the public, elected members, businesses and others; and
 - To ensure the safety of foodstuffs that are manufactured, processed, stored or sold in Bromsgrove and through fair and consistent enforcement to provide a level playing field for business so as to support and sustain a strong and expanding economy.

3.1.5 The staffing allocation to deliver the Food Safety Service was detailed in the draft Service Plan:

| Staffing allocation | Full time equivalent |
|-------------------------------------|-----------------------------|
| Team Leader (Commercial Regulation) | 1.0 |
| Environmental Health Officers | 4.0 |

3.1.6 The auditors were advised that the Team Leader (Commercial Regulation) had been appointed in January 2008, although previous to this there had been no manager effectively in post since November 2006. In response to this situation a rationalisation of the inspection programme had taken place, so that category D premises were not routinely inspected and category C premises could be inspected at any point during the financial year that they were due, a policy contrary to the Food Law Code of Practice. The Food Service Plan for 2008/2009 stated that in addition to the inspection of all category A and B premises, all category D premises would be inspected and that resource would be directed towards making all category C food businesses broadly compliant with food safety legislation.

Recommendation

3.1.7 The Authority should:

Ensure that the Food Service Plan is drawn up in full accordance with the Service Planning Guidance in the Framework Agreement, and is submitted for appropriate Member approval. The plan should include a review of the previous year's performance and details of how any variances will be addressed in the subsequent year's service planning arrangements. [The Standard – 3.1, 3.2 & 3.3]

Documented Policies and Procedures

3.1.8 The Authority did not have a system for the regular review of documented policies and procedures. With the exception of the procedure on the investigation of notifiable diseases, all the policies and procedures were several years out of date and contained references to superseded legislation and statutory guidance. In addition the procedures did not reflect current practice within the Service.

3.1.9 Policies and procedures relating to reactive work and formal enforcement were examined as part of the audit and it was found that they did not cover all aspects of the food law enforcement service and further procedures needed to be developed on a range of enforcement actions such as the service of hygiene improvement

notices, remedial action and detention notices at approved establishments, voluntary surrender and seizure, voluntary closure and hygiene emergency prohibition. Procedures on the investigation of food and food premises complaints and the approval and inspection of approved establishments were also required.

- 3.1.10 The Service had an enforcement policy which had been produced in 2002. The policy contained a number of out of date references to legislative procedures and it was acknowledged by the Authority that the policy required updating. The auditors were advised that the Herefordshire and Worcestershire Chief Environmental Health Officer's Group had requested a common generic enforcement policy, with specific policies covering individual subject areas, including food enforcement. The Herefordshire and Worcestershire Food Liaison Group was in response reviewing and updating its existing policy which would be adapted and adopted locally by the Authority.
- 3.1.11 The officers had access to up to date versions of legislation and statutory guidance via an on-line technical information service.

Recommendations

3.1.12 The Authority should:

- (i) Ensure that documented procedures for inspections, follow-up and enforcement actions are developed and implemented to cover the full range of food law enforcement activities, in accordance with the Food Law Code of Practice and official guidance. [The Standard – 15.2]
- (ii) Review the documented enforcement policy to ensure it is up to date and reflects current official guidance. [The Standard – 15.1]
- (iii) Develop a document control system to ensure that internal food hygiene policies and procedures are up to date by their review at regular intervals and whenever there are changes to legislation and official guidance. [The Standard – 4.2]

Officer Authorisations

- 3.1.13 The Authority's procedure for the authorisation of officers was set out in a flowchart within the enforcement policy. This stated that the Head of Service was delegated to authorise individual officers having due regard to the officer being able to demonstrate through qualification, training or experience that they were able to satisfactorily and competently enforce the legislation. The procedure did not set out the means of assessment or the criteria against which the officer would be assessed.

- 3.1.14 Each officer was issued with a generic schedule of authorisation, which did not reflect the scope and limits of the individual officer's assessed competency, as newly qualified and experienced officers' schedules were identical in content.
- 3.1.15 Officers' individual learning and development needs were routinely assessed and recorded as part of the Authority's performance review process. Individual training requirements and any identified team training needs had not however been drawn together into a training programme for the service.
- 3.1.16 An examination of the records of officer training indicated a need for the Authority to ensure that all officers had received appropriate training in formal enforcement procedures, hazard analysis and critical control points (HACCP) and where appropriate, the inspection of specialist or complex processes. In addition, the records for 1 officer indicated that they had not received any update training in food safety matters since 2006, and had therefore not received the minimum 10 hours of training in food safety matters as required by the Food Law Code of Practice.

Recommendations

3.1.17 The Authority should:

- (i) Review and revise the Service's documented procedure for the authorisation of officers to detail the competency assessment process by which authorisations are conferred, based on an officer's individual qualifications, training and experience and ensure that officers' schedules of authorisation reflect the extent of each individual officer's authorisation. [The Standard – 5.1]
- (ii) Ensure that all staff authorised to carry out food law enforcement work undergo sufficient training consistent with their duties and in accordance with the Food Law Code of Practice. [The Standard – 5.3]
- (iii) Implement and maintain a documented training programme to ensure that officer and team training needs in respect of food law enforcement are met. [The Standard – 5.4]

3.2 Food Premises Database

- 3.2.1 The Service, as part of a wider corporate initiative, was in the process of changing the food premises database system which was due to become operational in August 2008. The Team Leader also had a role as the database systems manager and was undergoing specific training in the new database to be able to configure the system and run management reports. Currently the Service relied upon the knowledge of an officer in another team to run management reports on the existing system on behalf of the Commercial Team. This arrangement provided limited systems support and restricted the Service's ability to make full use of the reporting capabilities available on the system.
- 3.2.2 The Authority had a documented procedure on the registration of food premises, which included the need to enter details onto the database, although there was no documented procedure or practical measures in place for checking the accuracy of the database. The auditors were advised that such a procedure would be drafted and implemented as part of the introduction of the new database system.
- 3.2.3 The database was updated as new registration forms from food businesses were received, or in response to information gained from officers' observations on the district or from planning applications which had been submitted to the Council. The database contained 5 out of 6 food premises that were randomly chosen from an on-line directory accessed through an internet search engine. The 5 premises were also included in the Authority's inspection programme, although one of the premises did appear to have closed.
- 3.2.4 It was possible that the method adopted by the Authority for closing premises on the database may have been adversely affecting the data submitted for the monitoring returns to the Agency. Due to apparent difficulties in closing premises on the database, a system of assigning such premises a category E risk rating had been adopted, so they would fall under those premises subject to alternative enforcement and would not be routinely inspected. As a result these premises appeared on database management reports produced for the audit as being part of the inspection programme and with a future inspection date.
- 3.2.5 Checks on the database also revealed that following secondary inspections of at least 2 premises a new risk rating had been assigned. This was not in accordance with the requirements of the Food Law Code of Practice and had resulted in the date of the next primary inspection for these premises being extended.
- 3.2.6 There were measures in place to restrict access for individuals to add or remove premises from the database system and there were some mandatory fields that needed to be completed when entering

inspection details or records of other enforcement activities. It was intended that all officers would receive training in the new system prior to its introduction, including data inputting.

- 3.2.7 For the purposes of the audit, the Authority was asked to provide a range of database management reports, however a number of difficulties were encountered in producing the requested reports during the time the auditors were on site and 3 reports were subsequently forwarded on to the auditors. One of the premises on a list of unrated premises produced for the purposes of the audit was in fact a category A premises, however because the details of the latest inspection had been wrongly entered onto the system, it was logged as being unrated and excluded from the list of inspections due. It was also not possible for the Authority to produce a reliable report of premises that were overdue an inspection at the time of the audit.
- 3.2.8 The difficulties encountered in producing meaningful database management reports cast doubt on the ability of the Authority to provide accurate monitoring returns to the Agency. The auditors were advised that significant manual checks were also required to verify the data produced for the Agency's returns. Whilst there will be an opportunity to start afresh with the planned transition to a new database system, there will need to be careful management of the data that is transferred over to the new database to ensure that the problems that are currently being encountered are not perpetuated in the new system.

Recommendations

- 3.2.9 The Authority should:
- (i) Ensure that the electronic record administration system is configured, managed and operated in such a way that the Authority is able to provide accurate statistical data in the official monitoring returns to the Agency. [The Standard – 6.4]
 - (ii) Set up, maintain and implement a documented procedure to ensure that the food premises database is accurate and kept up to date. [The Standard – 11.2]

3.3 Food Premises Inspections

- 3.3.1 The Authority's Service Plan for 2008/2009 provided a profile for food hygiene premises, which included the 5 premises that had been approved by the Authority under product specific regulations:

| Risk category | No. | % * |
|-------------------|-----|------|
| A | 8 | 1.5 |
| B | 81 | 13.5 |
| C | 296 | 50.0 |
| D | 52 | 9.0 |
| E-F | 133 | 22.0 |
| Outside programme | 25 | 4.0 |
| TOTAL | 595 | |

* Figures to the nearest 0.5%

- 3.3.2 The most recent monitoring return to the Agency for April-December 2007/2008 indicated that there were 681 food premises in the District, however the form was submitted with a comment that the Council was changing its database system and the return relied heavily upon the accuracy of the data in the current system.
- 3.3.3 The Authority had a food hygiene inspection procedure, however this had been produced in 2001 and did not reflect current practice or centrally issued guidance.
- 3.3.4 The files for 5 higher risk general hygiene inspections were examined during the audit. Inspection reports and/or follow-up letters were provided to food business operators in all cases where inspections had been carried out. Officers also carried out secondary inspections as appropriate to ensure that required works had been satisfactorily completed. It was evident from the files that officers were proactive in providing support and guidance to assist food businesses in complying with current legislation and relevant guidance, although it was not always clear from the report of inspection form left with the food business operator (FBO) at the end of the inspection whether items drawn to their attention were legal requirements or recommendations of good practice. These were always clearly distinguished in any follow-up letters sent to the FBO.
- 3.3.5 An inspection aide-memoire was used to record the details of food premises inspections, however this needed to be updated as it required the officer to assess the adequacy of businesses' hazard analysis systems, a requirement which was superseded by the new hygiene Regulations implemented in 2006. This resulted in the records not always recording the officer's assessment of the progress of the business in complying with procedures based on HACCP as required under the new hygiene Regulations. In general, adequate

information had been recorded in relation to the nature and scale of the businesses' activities, their history of compliance and information on the extent of food hygiene training of food handlers.

- 3.3.6 It was not possible during the audit to fully confirm that inspections were being carried out to at least the minimum frequency required by the Food Law Code of Practice, as reliable database management reports could not be produced. The reports that were provided indicated that generally inspections did appear to be at the correct frequency and within 28 days of the due date of inspection, however there appeared to be a category A premises that was 4 ½ months overdue an inspection, and a category C premises 4 ½ years overdue. Audit checks on the last 3 inspections of 5 premises indicated that 3 had been inspected at the correct frequency, however in 2 premises, although the most recent inspections were carried out when due, historically the premises had not been inspected at the correct frequency. This may partly be attributed to a previous policy adopted by the Authority that category C premises could be inspected at any point within the financial year that they were due, which was not in accordance with the requirements of the Code of Practice.
- 3.3.7 In response to the absence of a substantive team manager in post since November 2006, the Authority had adopted a policy of not inspecting category D premises. The Authority recognised that this policy may have resulted in some premises which had not been inspected for some time potentially becoming higher risk due to changes in the extent or type of food preparation or due to changes in ownership or management of the food business. This decision had been reversed in the 2008/2009 Food Service Plan and there was a statement that all category D premises would be visited in the year to receive either an official control or other intervention as appropriate.
- 3.3.8 The file and database records for 3 product-specific premises requiring approval under Regulation (EC) No. 853/2004 were examined. Records confirmed that the Authority's officers had assessed compliance of relevant establishments under the new Regulations and approval documents had been reissued to confirm that the establishments complied with the new Regulations.
- 3.3.9 The file records for the approved establishments were somewhat disorganised, and records were not easily retrievable. In addition the files did not contain all the information on the premises as recommended in Annex 12 of the Food Law Practice Guidance. File records did not readily distinguish between primary and secondary inspections including their scope, and a product specific inspection form had not always been used. The use of an appropriate inspection aide-memoire would assist the Authority in covering all relevant areas and in clearly demonstrating that establishments have been assessed against all the requirements of European Regulation 853/2004.

Recommendations

3.3.10 The Authority should:

- (i) Ensure that food hygiene inspections are carried out at a frequency which is not less than that required by the Food Law Code of Practice. [The Standard – 7.1]
- (ii) Maintain up to date and comprehensive records for all food premises including approved establishments information, and determination of compliance with legal requirements and details of action to be taken where non compliance was identified. [The Standard – 16.1]

3.4 Internal Monitoring, Third Party or Peer Review

Internal Monitoring

- 3.4.1 There had been limited regular quantitative and qualitative monitoring activity within the Service due to the vacant Team Leader post from November 2006. The new manager had been in post since January 2008 and had begun to implement both qualitative and quantitative monitoring measures on some aspects of food law enforcement activity. It was acknowledged that this needed to be expanded across all areas of the Service.
- 3.4.2 The Authority had a procedure on Monitoring Consistency in Food Inspection and Enforcement, but this had not been reviewed since 2001 and did not completely reflect current practice. The Team Leader advised that he intended to revise the procedure to more accurately set out his intended internal monitoring activities across all aspects of Service activity.
- 3.4.3 Of the records of the 5 general food hygiene inspections and 3 inspections of approved establishments examined during the audit, there was no evidence of any internal monitoring activity. There was however, evidence that the Team Leader had introduced a programme of accompanied inspections with officers, the outcomes from which were documented and discussed with officers during regular 1:1 meetings. In addition there was evidence from the minutes of monthly team meetings that issues of consistency were discussed.
- 3.4.4 The auditors were advised that there was no specific monitoring of achievement against the inspection plan for the year, although quantitative monitoring of the progress of officers against their individual monthly inspection targets was carried out and discussed during individual 1:1 meetings.
- 3.4.5 There were no internal monitoring checks carried out by the Service on the accuracy of the database, in part due to the difficulties in extracting reliable management reports from the system. There were a number of repeated issues highlighted during the audit (detailed previously in this report), in relation to the means by which information on inspections was recorded on the system, resulting in inappropriate or missing next inspection dates. Routine internal monitoring of the database system could have identified these errors.
- 3.4.6 Checks were made by the auditors on a range of food law enforcement activities that the Service had undertaken. There was no evidence of any qualitative or quantitative internal monitoring activity in place apart from on the files for 3 prosecutions that were examined during the audit. These demonstrated that the prosecutions were appropriate in the circumstances, there was evidence that the enforcement policy had been considered, and action taken in line with

the policy. All the files provided detailed and well ordered records of the action taken and progress of the prosecution case.

- 3.4.7 Checks were made by the auditors on the records of 3 hygiene improvement notices served following inspections. A lack of internal monitoring by the Service may have contributed to some errors on the notices. On the 2 notices served on the implementation of HACCP procedures, the measures to be taken to address the contraventions were in part continuous in nature and therefore did not have a finite date for compliance. None of the notices contained details of where the local court was sited, and in 1 there was no evidence of written communication with the FBO to confirm that the required works had been satisfactorily completed. The auditors were advised that internal monitoring of all notices would now take place as routine, however no notices had been served since the Team Leader had taken up post.
- 3.4.8 Although there was no evidence of internal monitoring checks by the Service, records examined demonstrated that thorough investigations had been carried out on food and food premises complaints and unsatisfactory sampling results, with appropriate follow-up action taken where necessary. The Authority did not have a documented food sampling programme, although the samples were either taken as a result of participation in the food liaison group yearly programme or as routine samples taken from approved establishments. The file for the voluntary closure of a premises was also examined and confirmed that appropriate action was taken.
- 3.4.9 Records of recent food alerts issued by the Food Standards Agency were examined. None of the alerts required action and there was evidence that they had been circulated to the team for information. There was no monitoring system in place at the time of the audit should action be required in response to food alerts.

Recommendations

3.4.10 The Authority should:

- (i) Review and expand the documented monitoring procedure to ensure it covers quantitative and qualitative monitoring of the full range of food law enforcement activities, including details of the frequency, responsibilities and approach to internal monitoring. [The Standard – 19.1]
- (ii) Ensure that the internal monitoring procedure is implemented to verify the conformance of the Authority with relevant legislation, the Food Standards Agency Code of Practice, relevant centrally issued guidance and the Authority's own documented policies and procedures. [The Standard – 19.2]

Third Party or Peer Review

3.4.11 There had been no inter-authority audit scheme in place in the 2 years preceding the audit. The Authority had participated in a risk rating consistency exercise in 2007 organised by the Herefordshire and Worcestershire Food Group as part of preparation for the launch of a 'Scores on the Doors' scheme. In addition the Authority had participated in a benchmarking exercise in 2006 on Best Value Performance Indicator 166, which included a food hygiene enforcement element.

3.4.12 The Authority had been reaccredited for Investors in People status in 2008 for a further 3 year period.

Auditors: **Yvonne Robinson**
Andrew Gangakhedkar

Food Standards Agency
Local Authority Liaison Division

Action Plan for Bromsgrove District Council

Audit date: 4-5 June 2008

| IMPROVEMENTS | BY (DATE) | TO ADDRESS RECOMMENDATION (INCLUDING STANDARD PARAGRAPH) | ACTION TAKEN |
|---|-----------|---|---|
| Food Service Plan for 2009/10 to be drawn up in accordance with the Service Planning Guidance in the Framework Agreement. This to include a review of performance during 2008/09 and measures to address any variances. | 31/05/09 | 3.1.7 Ensure that the Food Service Plan is drawn up in full accordance with the Service Planning Guidance in the Framework Agreement, and is submitted for appropriate Member approval. The plan should include a review of the previous year's performance and details of how any variances will be addressed in the subsequent year's service planning arrangements. [The Standard – 3.1, 3.2 & 3.3] | Agreement of the Head of Service has been received for the plan to be presented to the Portfolio Holder for Housing and Environmental Health and Climate Change for agreement and the meeting to be documented. |
| Existing procedures to be revised and updated and new procedures to be written to ensure the full range of food law enforcement activities are covered. | 30/06/09 | 3.1.12(i) Ensure that documented procedures for inspections, follow-up and enforcement actions are developed and implemented to cover the full range of food law enforcement activities, in accordance with the Food Law Code of Practice and official guidance. [The Standard – 15.2] | A review of documented procedures for inspections, follow-up and enforcement actions has been commenced and is being cross referenced with the newly issued Food Law Code of Practice to ensure the full range of food law enforcement activities are covered. Revised procedures to be placed on the intranet. |
| Current documented enforcement policy to be reviewed to ensure it is up to date and reflects current official guidance. | 28/02/09 | 3.1.12(ii) Review the documented enforcement policy to ensure it is up to date and reflects current official guidance. [The Standard – 15.1] | A draft revised enforcement policy has been circulated amongst members of the Hereford and Worcester Food Liaison Group. This will be reviewed, adapted for local application and submitted to Members for approval and adoption. |
| A documented control system will be put in place to ensure policies and procedures are up to date and are reviewed at regular intervals and when there are changes to legislation and official guidance. | 30/11/08 | 3.1.12(iii) Develop a document control system to ensure that internal food hygiene policies and procedures are up to date by their review at regular intervals and whenever there are changes to legislation and official guidance. [The Standard – 4.2] | All revised and newly drafted documents will be placed on the intranet to aid document control and will be reviewed in April each year or when there are changes to procedures, legislation and official guidance. Each review will be documented. |

| | | | |
|--|----------|---|---|
| The Service's documented procedure for the authorisation of officers to be reviewed and revised. This will include the introduction of a competency matrix for officers. | 28/02/09 | 3.1.17(i) Review and revise the Service's documented procedure for the authorisation of officers to detail the competency assessment process by which authorisations are conferred, based on an officer's individual qualifications, training and experience and ensure that officers' schedules of authorisation reflect the extent of each individual officer's authorisation. [The Standard – 5.1] | A competency matrix for officers will be introduced which will be cross referenced with the newly issued Food Law Code of Practice to ensure it is comprehensive. Officers' individual schedules of authorisation will then be reviewed to ensure they are in accordance with the competency matrix having regard to the individual officers' qualifications, training and experience. |
| A procedure will be introduced to ensure that all staff authorised to carry out food law enforcement work have undergone sufficient training consistent with their duties and in accordance with the Food Law Code of Practice. | 31/03/09 | 3.1.17(ii) Ensure that all staff authorised to carry out food law enforcement work undergo sufficient training consistent with their duties and in accordance with the Food Law Code of Practice. [The Standard – 5.3] | A competency matrix for officers will be drawn up which will be cross referenced with the newly issued Food Law Code of Practice to ensure it is comprehensive. A training needs analysis will be undertaken against the competency matrix to identify any additional training required. This will be reviewed and updated during annual Performance Development Review meetings, six monthly review and monthly one to one meetings. |
| Introduce a documented training programme to ensure that officer and team training needs in respect of food law enforcement are met. | 31/03/09 | 3.1.17(iii) Implement and maintain a documented training programme to ensure that officer and team training needs in respect of food law enforcement are met. [The Standard – 5.4] | Following a training needs analysis a documented training plan will be produced which will cover team and individual officers' training needs. This will be updated annually following Performance and Development meetings and will be reviewed at six monthly review and monthly one to one meetings. |
| Introduce a new computer software package which will be used to maintain a food premises database and provide information required by the Food Standards Agency monitoring returns together with associated documented procedures. | 31/10/08 | 3.2.9(i) Ensure that the electronic record administration system is configured, managed and operated in such a way that the Authority is able to provide accurate statistical data in the official monitoring returns to the Agency. [The Standard – 6.4] | A new computer software package is being introduced to the Council. This includes the Environmental Health modules which are currently being implemented. Training is being given to all operational staff in its use and documented protocols for the entry and management of data will be developed. Consultant time from the software supplier has been allocated to assist with this. |
| Produce and implement a documented procedure to ensure the food premises database is accurate and kept up to date. | 30/11/08 | 3.2.9(ii) Set up, maintain and implement a documented procedure to ensure that the food premises database is accurate and kept up to date. [The Standard – 11.2] | The documented procedure will incorporate measures to ensure the database is up to date and also protocols relating to the entry of data relating to new premises to protect against the corruption of the database. Advice from consultants from the software supplier has been received in relation to this and comprehensive training of all staff in the use of the system is scheduled. |

| | | | |
|---|----------|--|---|
| Introduce a new computer software package which will be used to manage the programme of interventions in food businesses to ensure food hygiene inspections are carried out at a frequency which is not less than that required by the Food Law Code of Practice. | 30/09/08 | 3.3.10(i) Ensure that food hygiene inspections are carried out at a frequency which is not less than that required by the Food Law Code of Practice. [The Standard – 7.1] | The new computer software package will be used to generate the programme of interventions, record interventions undertaken and monitor performance against the agreed programme. Consultant time from the software supplier has been allocated to assist with this. A contingency budget has been identified to enable the employment of contractors to supplement the work of Bromsgrove District Council staff should this be necessary to complete the programme of interventions. |
| Existing records to be reviewed to ensure they are up to date and comprehensive including determination of compliance with legal requirements and action to be taken where non compliance is identified. | 30/06/09 | 3.3.10(ii) Maintain up to date and comprehensive records for all food premises including approved establishments information, and determination of compliance with legal requirements and details of action to be taken where non compliance was identified. [The Standard – 16.1] | Existing electronic records are currently being reviewed as part of the migration to the new computer software package. Manual records will be reviewed as part of the introduction of an electronic document management system which is being implemented across the service in October 2008. Current recording practice is also being reviewed following the issue of the revised Food Law Code of Practice to ensure it remains in accordance with current requirements. |
| Existing procedures to be reviewed to ensure they cover quantitative and qualitative monitoring of the full range of food law activities undertaken. | 30/06/09 | 3.4.10(i) Review and expand the documented monitoring procedure to ensure it covers quantitative and qualitative monitoring of the full range of food law enforcement activities, including details of the frequency, responsibilities and approach to internal monitoring. [The Standard – 19.1] | Existing internal monitoring of procedures to be reviewed as part of the implementation of the new computer software package and following the issue of the revised Food Law Code of Practice. New procedures will be introduced as necessary. |
| Implement an internal monitoring procedure to verify conformance with relevant legislation, the Food Standards Agency Code of Practice, relevant centrally issued guidance and internal documented policies and procedures. | 30/06/09 | 3.4.10(ii) Ensure that the internal monitoring procedure is implemented to verify the conformance of the Authority with relevant legislation, the Food Standards Agency Code of Practice, relevant centrally issued guidance and the Authority's own documented policies and procedures. [The Standard – 19.2] | A comprehensive programme of both quantitative and qualitative internal monitoring will be introduced. This will include monitoring of electronic records (the advice of consultants from the software supplier has been sought on how to achieve this), monitoring of documentation, accompanied inspections and discussions with staff during one to one meetings. |

Glossary

| | |
|------------------------------------|---|
| Authorised officer | A suitably qualified officer who is authorised by the local authority to act on its behalf in, for example, the enforcement of legislation. |
| Codes of Practice | Government Codes of Practice issued under Section 40 of the Food Safety Act 1990 as guidance to local authorities on the enforcement of food legislation. |
| County Council | A local authority whose geographical area corresponds to the county and whose responsibilities include food standards and feeding stuffs enforcement. |
| District Council | A local authority of a smaller geographic area and situated within a County Council whose responsibilities include food hygiene enforcement. |
| Environmental Health Officer (EHO) | Officer employed by the local authority to enforce food safety legislation. |
| Feeding stuffs | Term used in legislation on feed mixes for farm animals and pet food. |
| Food hygiene | The legal requirements covering the safety and wholesomeness of food. |
| Food standards | The legal requirements covering the quality, composition, labelling, presentation and advertising of food, and materials in contact with food. |
| Framework Agreement | <p>The Framework Agreement consists of:</p> <ul style="list-style-type: none"> • Food Law Enforcement Standard • Service Planning Guidance • Monitoring Scheme • Audit Scheme <p>The Standard and the Service Planning Guidance set out the Agency's expectations on the planning and delivery of food law enforcement.</p> <p>The Monitoring Scheme requires local authorities to submit quarterly returns to the Agency on their food enforcement activities i.e. numbers of inspections, samples and prosecutions.</p> <p>Under the Audit Scheme the Food Standards Agency will be conducting audits of the food law enforcement services of local authorities against the criteria set out in the Standard.</p> |
| Full Time Equivalents (FTE) | A figure which represents that part of an individual officer's time available to a particular role or set of duties. It reflects the fact that individuals may work part-time, or may have other responsibilities within the organisation not related to food enforcement. |

| | |
|---------------------------------|---|
| HACCP | Hazard Analysis Critical Control Point – a food safety management system used within food businesses to identify points in the production process where it is critical for food safety that the control measure is carried out correctly, thereby eliminating or reducing the hazard to a safe level. |
| Member forum | A local authority forum at which Council Members discuss and make decisions on food law enforcement services. |
| Metropolitan Authority | A local authority normally associated with a large urban conurbation in which the County and District Council functions are combined. |
| OCD returns | Returns on local food law enforcement activities required to be made to the European Union under the Official Control of Foodstuffs Directive. |
| Risk rating | A system that rates food premises according to risk and determines how frequently those premises should be inspected. For example, high risk premises should be inspected at least every 6 months. |
| Service Plan | A document produced by a local authority setting out their plans on providing and delivering a food service to the local community. |
| Trading Standards | The Department within a local authority which carries out, amongst other responsibilities, the enforcement of food standards and feeding stuffs legislation. |
| Trading Standards Officer (TSO) | Officer employed by the local authority who, amongst other responsibilities, may enforce food standards and feeding stuffs legislation. |
| Unitary Authority | A local authority in which the County and District Council functions are combined, examples being Metropolitan District/Borough Councils, and London Boroughs. A Unitary Authority's responsibilities will include food hygiene, food standards and feeding stuffs enforcement. |