

**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE CABINET**

**WEDNESDAY, 4TH JULY 2012 AT 6.00 P.M.**

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

Officers: Mr. K. Dicks, Ms. S. Hanley, Ms. J. Pickering, Mr. J. Godwin, Mrs. S. Sellers, Ms. S. Morgan and Ms. R. Cole.

10/12 **APOLOGIES FOR ABSENCE**

No apologies for absence were received.

11/12 **DECLARATIONS OF INTEREST**

Councillor D. W. P. Booth JP declared a Disclosable Pecuniary Interest in agenda item 14a relating to Fields in Trust Dedication on the basis that he is the owner of land in the vicinity of Housman Close, Charford. Councillor Booth left the meeting during the consideration of this item.

12/12 **MINUTES**

The minutes of the meeting of the Cabinet held on 6th June 2012 were submitted.

**RESOLVED** that the minutes be approved as a correct record.

13/12 **OVERVIEW AND SCRUTINY BOARD**

The minutes of the meeting of the Overview and Scrutiny Board held on 18th June 2012 were submitted.

**RESOLVED:**

- (a) that the recommendation contained in minute 6/12 relating to the Draft Fly Posting Policy be approved;
- (b) that in relation to minute 7/12 in respect of Longbridge Statement of Principles Affordable Housing Provision, it be noted that the minute did not accurately reflect the confrontational approach taken by some Members to the discussion which had unfortunately resulted in the curtailment of the consideration of this item; and
- (c) that the remainder of the minutes be noted.

14/12 **AUDIT BOARD**

The minutes of the meeting of the Audit Board held on 21st June 2012 were submitted.

**RESOLVED** that the minutes be noted.

15/12 **VERBAL UPDATES FROM THE LEADER AND/OR OTHER CABINET MEMBERS ON ANY RECENT MEETINGS ATTENDED IN AN EX-OFFICIO CAPACITY**

Councillor M. A. Bullivant reported that he had recently attended a Meeting of the Worcestershire Shared Services Joint Committee.

16/12 **PLANNING POLICY TASK GROUP RESPONSE TO CABINET**

The Cabinet considered the response of the Overview and Scrutiny Board's Planning Policy Task Group to the Cabinet's Interim Response in respect of Recommendations 1(a), 3 and 6 of the Task Group Report.

**RESOLVED** that the response to each of the amended recommendations of the Planning Policy Task Group be as set out below:

**Recommendation 1(a)**

That a mechanism be put in place to ensure that where conditions have been attached to a planning application and monitoring is required then the Planning and Enforcement Team should allow for this to be discharged fully to the required level of detail that the condition(s) specify within their work. This should be carried out irrespective of the cost, to ensure that the conditions are met and where appropriate, enforced.

*(N.B. The lack of resources to enforce a condition on a planning application would not be sufficient to either refuse the application or not to include the condition if it was deemed a necessary part of the planning permission. It may be prudent to estimate the cost of monitoring or enforcement before a decision on an application is made, in order that a decision as to who meets that cost can be determined and to ensure that any monitoring is carried out effectively.)*

**Cabinet Response**

The recommendation as amended was noted. It was still felt however that there should be a mechanism whereby Planning officers would consult in advance with the Finance Department regarding the likely costs of enforcing particular conditions and the availability of a budget to meet these. In addition it was queried whether financial constraints on the Authority or the applicant would be a valid consideration when determining a planning application.

The Portfolio Holder for Planning undertook to discuss this further with the relevant officers.

### **Recommendation 3**

It is recognised that on occasion there will be a need for some form of community engagement for example a public meeting(s). This will act as a forum to improve lines of communication and is to be developed between senior officers and residents in respect of larger more complex planning applications. This would be a recommendation from the Planning Committee and reviewed periodically by that Committee.

### **Cabinet Response**

This was agreed

### **Recommendation 6**

That a mechanism be put in place to ensure that enforcement cases are recorded and regularly up dated with an audit trail of actions and documents and correspondence on the electronic system available via the Council's "Orb".

### **Cabinet Response**

This was agreed.

## 17/12 **LOCAL DEVELOPMENT SCHEME**

The Cabinet considered a report on revised arrangements in respect of the Local Development Scheme. This revised scheme gave details of the updated programme for the preparation of planning policy documents and reflected the requirements of the Localism Act 2011 and the National Planning Policy Framework.

In relation to the indicative timetable it was noted that the Core Strategy (or Local Plan) would be likely to be submitted to Members for approval in October 2012.

### **RESOLVED:**

- (a) that the report and amendments to the Local Development Scheme be noted; and
- (b) that subject to the amendment referred to above, Appendix A to the report be approved as the Council's forthcoming programme for planning policy documents from 4th July 2012.

## 18/12 **FINANCIAL OUTTURN 2011/2012**

Members considered a report on the authority's financial position for the year ended 31st March 2012. Members considered the summary of financial information on both Revenue and Capital Budgets.

It was noted that due to savings made by officers and the generation of increased income there had been an underspend on the Revenue Budget of £1,050,000 and that the new level of balances was £2,579,000.

The carry forward of elements of the Capital Budget had been recommended for approval by Council at the previous Cabinet meeting.

**RESOLVED** that the outturn financial position for 2011/12 in respect of Revenue and Capital Budgets as detailed in the reports be noted, together with the transfer to balances of £638,000.

19/12 **INCOME MANAGEMENT AND PAYMENT CARD INDUSTRY COMPLIANCE**

The Cabinet considered a report on the need to upgrade/replace the Council's current income management system in order to ensure that the system used is compliant with the Payment Industry Data Security Standard.

It was reported that the Standard related to the environment in which card transactions take place in particular the storage and accessibility of card details. In addition it was noted that the current income management software would shortly cease to be supported by the company.

It was noted that it was anticipated the cost of the upgrade/replacement would be up to £25,000 and that this could be met from an existing provision of £10,000 within the Revenue Budget with up to £15,000 being met from Capital Receipts.

**RECOMMENDED**

- (a) that, in order to achieve compliance with the Payment Industry Data Security Standard, the upgrade/replacement of the Council's existing Income Management System be approved;
- (b) that the sum of £25,000 be included in the 2012/2013 Capital Programme to be funded from £10,000 included in the Revenue Budget and up to £15,000 from capital receipts; and
- (c) that, in order to achieve best value, a joint procurement exercise be undertaken with Redditch Borough Council.

20/12 **UPGRADE OF THE PUBLIC REALM - BROMSGROVE TOWN CENTRE**

The Cabinet considered a report on the proposed upgrade of the public realm along Bromsgrove High Street, Worcester Road and other parts of the Bromsgrove Town Centre. Plans illustrating the proposals were displayed at the meeting.

It was noted that the works were scheduled to be undertaken by Worcestershire County Council with a phased programme of discrete projects covering a period of one to four years, commencing in Summer/Autumn 2012.

Members were reminded that the funding for the project was to be met from a number of sources including the sale of capital assets, funding from Worcestershire County Council and Section 106 contributions.

Members felt this was a significant step forward for the Town Centre Project and emphasised it was important that the traders and the public be kept informed of the proposals. It was noted that it was hoped to make use of premises in the High Street in this regard.

**RESOLVED:**

- (a) that the design drawings in respect of improvements to the public realm be approved and be taken forward to the construction phase; and
- (b) that authority be delegated to the Director of Planning and Regeneration and the Town Centre Regeneration Programme Manager to agree (i) the costing of scheme elements; and (ii) any revisions to the design in consultation with the Portfolio Holder, on the basis the revisions do not fundamentally alter the nature of the agreed scheme.

21/12 **LOCALISM ACT - COMMUNITY RIGHT TO CHALLENGE**

Members considered a report on the Community Right to Challenge which was contained within the Localism Act 2011.

It was reported that the Community Right to Challenge enabled communities to submit expressions of interest to deliver Council services. Authorities such as County and District Councils must consider expressions of interest in respect of relevant services from relevant bodies such as voluntary or community bodies, Parish Councils or charities. Where expressions of interest were accepted, a procurement exercise must then be undertaken.

The report proposed arrangements for a process by which expressions of interest could be managed. It was noted that in addition, officers were currently developing an internal process for assessment of any expressions of interest received. Following discussion it was

**RESOLVED** that the arrangements for managing the Community Right to Challenge, as set out in the report be approved.

22/12 **ANNUAL REVIEW OF REGULATION OF INVESTIGATORY POWERS ACT**

The Cabinet considered an Annual Report on the operation of the Council's policy on Regulation of Investigatory Powers Act (RIPA).

Members considered the information on applications made for authorisation under the RIPA policy. It was noted that all of the 7 applications during 2011/12 had been from the Worcestershire Regulatory Services Trading Standards Team. It was also noted that training on the RIPA policy was provided to the relevant staff on a regular basis.

**RESOLVED** that the contents of the report be noted.

23/12 **CORPORATE PERFORMANCE MONITORING QUARTER 4**

The Cabinet considered a report on Corporate Performance for the period ending 31st March 2012.

Members noted the performance improvements highlighted in section 3.5.3 relating to a reduction in the time taken to process Housing Benefit and Council Tax Benefit claims and increased usage of the Dolphin Centre, the Artrix and BURT. Members also noted the position relating to the usage of car parks in the Town Centre together with the proposals for addressing this.

**RESOLVED** that the report on the position relating to key performance indicators in respect of the period ending 31st March 2012 be noted.

24/12 **FIELDS IN TRUST DEDICATION**

(The Chairman agreed to the consideration of this item as a matter of urgency as a decision was required prior to the next meeting of the Cabinet).

The Cabinet considered a report from the Head of Leisure and Cultural Services in relation to the proposed dedication of a number of areas of open spaces/playing fields for inclusion in the Fields in Trust Programme as part of the Queen's Diamond Jubilee celebrations. This would enable the purpose and title of the sites to be protected as local outdoor spaces, specifically as playing fields for sport, play and recreation.

It was reported that the consideration this item had been brought forward from the original scheduled date of September 2012 in order to facilitate the previously approved development of land at Housman Close by Bromsgrove District Housing Trust (BDHT) for affordable housing. Fields in Trust would be agreeable to releasing the Housman Close site from "Fields in Trust" status on the basis that replacement alternative sites are offered. There was a deadline for BDHT to acquire the land at Housman Close in order to qualify for Homes and Communities Agency funding for their proposed development.

Following discussion it was

**RESOLVED:**

- (a) that the 7 sites listed within the report at section 1.1 be formally dedicated for use as playing fields by way of a Covenant/Deed of Dedication under the Fields in Trust programme; and
- (b) that authority be delegated to the Head of Leisure and Cultural Services together with the Head of Legal, Equalities and Democratic Services to take the necessary steps to finalise the agreement with Fields in Trust in relation to the 7 sites and to complete the Deeds of Dedication.

25/12 **LOCAL GOVERNMENT ACT 1972**

That under Section 100 I of the Local Government Act 1972, as amended, the public be excluded from the meeting during the consideration of the item of

business the subject of the following minute on the grounds that it involves the disclosure of "Exempt Information" as defined in Part 1 of Schedule 12A of the Act the relevant paragraph of that part being as set out below and that it is in the public interest to do so.

<u>Minute No</u>	<u>Paragraph</u>
26/12	3

26/12    **DEVELOPMENT BIRMINGHAM ROAD/STOURBRIDGE ROAD**

Cabinet considered a report on the proposed development of land at Birmingham Road/Stourbridge Road, Bromsgrove which would involve the disposal of the Council's car park at Stourbridge Road.

Members discussed the report in detail and had particular regard to the proposed terms for disposal of the site, the advice of the District Valuer and the strategic importance of the development as part of the regeneration of the Town Centre.

**RESOLVED:**

- (a) that the contents of the report be noted;
- (b) that the disposal of the freehold of the land at Stourbridge Road car park to the developer on the terms set out in the report and in accordance with the report of the District Valuer attached as Appendix 1 to the report be approved;
- (c) that the arrangements in respect of the lease back to this Council of part of the car park together with the receipt of a proportion of future income therefrom and for the future management by this Council of the car park as set out in the report be approved; and
- (d) that delegated authority be granted to the Executive Director (Planning and Regeneration, Regulatory and Housing Services) in consultation with the Portfolio Holder and Executive Director (Finance and Corporate Resources) to agree the final terms for the disposal of the land with the developer and to enter into the necessary legal agreements required for the purposes of implementing recommendations (b) and (c) above.

The meeting closed at 7.35 p.m.

Chairman