

**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE OVERVIEW AND SCRUTINY BOARD**

**24TH MAY 2018, AT 6.00 P.M.**

PRESENT: Councillors L. C. R. Mallett (Chairman), S. A. Webb (Vice-Chairman), S. R. Colella, M. Glass, R. J. Laight, P.L. Thomas, M. Thompson (Substitute) and R. J. Deeming

Observers: Councillor K. May, Deputy Leader and Portfolio Holder for Economic Development, Councillor S. Shannon, Councillor C.B.K. Taylor, Portfolio Holder for Planning Services and Strategic Housing, Councillor P. Whittaker, Portfolio Holder for Community Safety and Leisure and Cultural Services and County Councillor K. Pollock, Cabinet Member for Economy and Infrastructure (Worcestershire County Council), Ms. K. Hanchett (Worcestershire County Council) and Ms. L. Humphries.

Officers: Ms. R Bamford, Mr J. Godwin, Ms. L. Morris, Ms. J. Pickering Ms. A. Scarce and Mr. R. Williams (Worcestershire Regulatory Services).

1/18 **ELECTION OF CHAIRMAN**

A nomination for the position of Chairman was received in respect of Councillor L. C. R. Mallett

**RESOLVED** that Councillor L. C. R. Mallett be appointed as Chairman of the Board for the ensuing municipal year.

2/18 **ELECTION OF VICE CHAIRMAN**

A nomination for the position of Vice Chairman was received in respect of Councillor S. A. Webb.

**RESOLVED** that Councillor S. A. Webb be appointed Vice Chairman of the Board for the ensuing municipal year.

3/18 **APOLOGIES FOR ABSENCE AND NAMED SUBSTITUTES**

Apologies were received from Councillor C. Allen-Jones, C. Bloore and C.A Holtham.

The Board was advised that Councillor R. Dent was attending as substitute for Councillor C. Allen-Jones and Councillor M. Thompson was attending as substitute for Councillor C. Bloore.

4/18 **DECLARATIONS OF INTEREST AND WHIPPING ARRANGEMENTS**

There were no declarations of interest or whipping arrangements.

5/18

**TO CONFIRM THE ACCURACY OF THE MINUTES OF THE MEETING OF THE OVERVIEW AND SCRUTINY BOARD HELD ON 23 APRIL 2018**

It was noted that the apologies from the meeting on the 23 April 2018 had been recorded twice in the minutes.

In response to concerns regarding the complexity of the presentation on Safeguarding and Early Help received at the previous meeting it was confirmed that if Members had any outstanding queries regarding the matter, questions could be forwarded to the relevant County Council Officers for a response.

**RESOLVED** that the minutes of the meeting of the Overview and Scrutiny Board held on the 23 April 2018 be approved as an accurate record.

6/18

**SPORTS HALL OPTIONS APPRAISAL - PRE SCRUTINY**

John Godwin, Head of Leisure and Cultural Services introduced the report which included three recommendations. Members had requested that Officers commission an options appraisal to look at the feasibility of developing a dedicated sports hall offer on School Drive and this report detailed the journey that the Council had been on to date, potential timescales for the various options put forward, and the financial, service/operational and legal implications. The Council had requested that Mace complete the options appraisal.

In response to Members' queries as to whether it had been agreed that a Sports Hall was required on site or not, the Head of Leisure and Cultural Services explained that the recommendations in the report were all progressive. The recommendations at 2.1.2 and 2.1.3 would both require the same process but if recommendation 2.1.4 was taken forward then none of the options for a Sports Hall would be progressed and the original decision from 2014 would be implemented.

Ms Louise Humphries, a member of the public, was invited to share her views on the matter. She raised concerns about the costs quoted in the Mace report compared to those in the Sports England affordable model report. It was queried if an invitation to tender had been made.

The Head of Leisure and Cultural Services confirmed that there would be a procurement process should the scheme be progressed and that the figures within the MACE report were based on square meter rates and recently commenced schemes. Recommendation 2.1.2 would start the process of detailed design and test the price with the market. For this to take place the Capital Programme would need to increase by £180k.

Ms Humphries expressed concern that, based on the Mace study a decision would be made that the project was too expensive and reassurances were sought that the Council was seeking value for money. She was concerned that a number of high comparative costs

were referred to in the Mace study compared to the Sports England report, including the cost of contingencies.

In response Ms Humphries was referred to the answer provided at Full Council on the 24<sup>th</sup> April which addressed these concerns and overviewed the differences within the documents. The Head of Leisure and Cultural Services clarified that capital funding of £600k would be needed to complete Phase 2 (demolition) and Phase 3 works (car parking) which had been approved by the Council in its 1st June 2014 Dolphin Centre Replacement – Financial Update report.

Members queried the emphasis on soft play in the business case and the Head of Leisure and Cultural Services clarified that soft play provision would make up part of the income stream of up to £50k. There was no other soft play centres in the town and the Council had been looking for something to support the Sports Hall offer which could generate approximately £20k.

Members raised concerns that by including potential costs in the Mace report this could prejudice the procurement process.

The Head of Leisure and Cultural Services referred to the complexities of the local government procurement process, with budgets being set out in the Council's capital programme. These figures acted as a benchmark but the market would be asked to bid for the project and it was hoped that as many builders as possible would do so.

In response to queries regarding the future management model, the Head of Leisure and Cultural Services stated that the assumption was that SLM would manage the site and would do so as part of the existing contract although the contract would need to be remodelled and the Council would receive some uplift in return to contribute to the potential borrowing. If the site was operated separately this could potentially impact on profits as there would need to be separate staffing, booking arrangements and pricing structures for example. An alternative provider would therefore create additional costs which would impact on the level of prudential borrowing that could be achieved. To achieve an economy of scale it would be more advantageous to use the management at the main centre as this would maximise the level of borrowing available to the Council.

Members discussed the affordability of a sports hall and it was suggested from the information put forward that the Council could not afford to build a new sports hall as it had a responsibility to all the residents of Bromsgrove.

The Head of Leisure and Cultural Services clarified that the figures in the Mace report were indicative to provide a guide as to whether the scheme could be progressed or not.

Members referred to the need to determine if the Council wished to go ahead with a sports hall or not. The Chairman suggested that the Board should recommend that Cabinet determine if a Sports Hall was needed or not and seek other quotes. Members went on to question the need for a Sports Hall, the demand for a Sports Hall, together with the impact on health, businesses and livelihoods and the gap in the market for soft play. It was suggested that a full debate should be held at Council on whether to progress the Sports Hall or not.

The Head of Leisure and Cultural Services referred to recommendation 2.1.2 of the report which would involve going to market and getting prices which would enable a decision regarding Sports Hall provision at the Full Council meeting on the 21 November 2018. This recommendation would result in £180k cost being committed. If the decision was made not to commence with the Sports Hall then this £180k would be treated as revenue and not capital.

The Portfolio Holder for Community Safety and Leisure and Cultural Services explained that the item was on the agenda for Cabinet and would go on to Council for discussion.

In response to Members' queries regarding the use of the Sports Hall, it was confirmed by the Head of Leisure and Cultural Services that following the closure of the old Sports Hall, the vast majority of users had found alternative venues and a breakdown of the figures could be provided. It was stated that in the first quarter of 2018 the percentage occupancy of the site was 31%.

Ms Humphries referred to the difficulties in finding suitable alternative venues in Bromsgrove and explained that wheelchair users had struggled to find accessible venues and had to wait in turn to use a lift. There had been a six week waiting list for birthday parties for example. People had to access facilities out of the area.

Following discussion it was agreed that the Board should note the report and that the issue should be discussed at Council where the final decision would be made.

**RESOLVED** that the Board note the contents of the report.

7/18

### **TRANSPORT REPORT - ADDITIONAL INFORMATION**

The Chairman introduced the item and explained that the matter had been discussed at Worcestershire County Council (WCC). It was agreed that County Councillor K. Pollock, Cabinet Member for Economy and Infrastructure and Karen Hanchett, WCC Highways who were in attendance, be invited to join the discussion. Representatives from Whitford Vale Voice were also welcomed to the meeting.

Ruth Bamford, Head of Planning and Regeneration introduced the report by the retained Highways Consultants, Mott MacDonald. The report had

been produced in response to the request from the Board to examine the study undertaken by JMP who were commissioned by WCC to examine the need for a Western Distributor/Bypass. The JMP report had concluded that the case for investing in the scheme was 'uncertain and not capable of being substantiated in the current circumstance.' The report undertaken by Mott MacDonald had not concluded if the bypass was needed or not but that there were gaps in the JMP report evidence.

The Chairman emphasised the need for the Board not to refer to individual planning applications when discussing the matter.

County Councillor Pollock referred to the delay between the JMP report which was completed in November 2015 and the Mott McDonald report. He did not agree with the conclusions in the Mott McDonald report and highlighted that in the interim the Local Plan and the County Council's Transport Plan had been agreed.

The Chairman referred to concerns that had been raised in 2016. There had been a consistent view that the review had been flawed as it had not taken the right approach or used the correct methodology and the document had been relied on to make decisions and LTP4 had not been supported, with constant and ongoing debate taking place regarding the matter.

In response to Members' queries, it was confirmed that Mike Dunphy, Strategic Planning Manager was working on a further report on behalf of the Board, which may take several more months to complete.

Members' referred to the Local Plan which had been adopted, taking into consideration the information available and expressed concern that it would be irresponsible to ignore the Mott McDonald report. It was felt that the District Plan should be based on valid information and any conflicting evidence needed to be addressed.

The Head of Planning and Regeneration clarified that the Local Plan had been adopted and the key was to ensure that the appropriate highways mitigation was in place. It was important to thoroughly understand the infrastructure as part of that work.

A Member referred to a scenario where by a new development had been agreed despite public concerns about the impact on the highway. In that case, the Member felt that WCC Highways had accepted, without question, the views of consultants which it was understood had been paid for by the developer to consider the mitigation required. The Chairman clarified that the JMP report had been funded by WCC and County Councillor Pollock confirmed that the JMP report was nothing to do with developers.

The Chairman suggested that the Strategic Planning Manager be asked to undertake the additional work recommended in the Mott McDonald report where possible. It was felt that the traffic model for Bromsgrove

could not be relied upon and the evidence base for a Western Relief Road was called into question. It was acknowledged that some of the additional work would need to be commissioned.

Councillor C. B. Taylor, Portfolio Holder for Planning Services and Strategic Housing, commented that the issue should not be examined in isolation and suggested that the whole infrastructure needed to be considered.

The Chairman referred to the Barham report and explained that evidence from WCC had called the need for the Western Relief road into question but the evidence was not clear as to whether the road was needed or not. It was queried why the report had not examined local traffic congestion issues or look beyond 2023. It was important to understand the problem to develop the right solutions and to consider the options and costs.

County Councillor K. Pollock advised that there had been mass consultation on the LTP4 and a large number of differing views had been received and WCC had revised LTP4 as a result of that consultation.

The Portfolio Holder for Planning Services and Strategic Housing suggested that the Mott McDonald report should be shared with JMP, and that JMP be asked for their views on the report.

It was confirmed by Ms. Hanchett that the report had not been passed to JMP. WCC was however preparing information to feed into the report being written by the District's Strategic Planning Manager, on behalf of the Board.

In the course of the discussion Members commented that;

- The County Council had adopted the JMP report.
- The evidence and facts were unclear.
- Residents were raising concerns about continued log jammed traffic throughout the town.
- The Board should await the report of the Strategic Planning Manager and consider all options.
- The Chairman suggested that the Strategic Planning Manager should cover in his report the issues raised in the Mott McDonald report.

County Councillor Pollock expressed his sympathy for the local District Councillors and residents who experienced traffic issues. He referred to the Highways England M5 motorway project at junctions 1 and 2 and that there had been little regard for the impact on local areas when traffic had been diverted off the motorway. £3-4 million would be invested to improve Active Transport and there would be improvement to the A38.

The Head of Planning and Regeneration clarified that the Strategic Planning Manager was not a highways engineer. It had been suggested that the research was encompassed as part of the review plan and it was queried if the Board would not prefer a more holistic approach.

The Chairman referred to the fact that he had written to WCC in the early noughties around highways issues and that the JMP report had been produced many years later. There now needed to be a full report to answer the concerns raised by everyone. It needed to be established if public opinion reflected highways evidence and if any proposed projects could be affordable. It also needed to be clear if the concerns that Mott McDonald had raised were correct or not.

The Portfolio Holder for Planning Services and Strategic Housing again suggested that the report should be sent back to JMP and that they be asked to rectify the report that they produced and consider if the information was correct or not.

The Chairman reiterated that there needed to be an answer to the question of a relief road. It was suggested that JMP be asked to put together a new report responding to the questions raised.

**RESOLVED** that the Board note the Mott MacDonald report which will form part of the evidence base of the report on Transport issues to be shared with the Board at a later date.

8/18

**AQMA REVOCATION AT HAGLEY (INCLUDING COSTS FOR ADDITIONAL MONITORING AND THE DATA REQUESTED AT COUNCIL)**

Richard Williams, Senior Practitioner (Technical Pollution), Worcestershire Regulatory Services (WRS), introduced the report which included additional information requested by Members at the Overview and Scrutiny Board, Full Council and Leaders Group meetings, the costing for additional monitoring, and the most up to date Defra information. Key points included that;

- Defra's background maps of predicted PM2.5 concentrations based on monitoring across the country indicated that concentrations were well below the annual average EU limit value for PM2.5 (which is 25ug/m3).
- WRS did not draw conclusions on twelve months of results but considered results over three years. The minimal install period of monitoring equipment would therefore need to be three years and there needed to be continuous recording. The costs of maintaining equipment over this time period had to be considered.
- The levels had further dropped and there was a continuous improvement trend.

Councillor P. Whittaker, Portfolio Holder for Community Safety and Leisure and Cultural Services, explained that he concurred with the report and the figures within. The report included the most up to date figures; the costs associated with the new system and the close correlation between particulate levels and nitrate levels. The revocation of the AQMA in Hagley would not lesser monitoring of air quality, and other sites would also be monitored.

Members raised the following points;

- The methodology used provided no bearing on the air quality at peak times. Particulate matter could be more toxic.
- Defra had a twenty five year plan and the MP Michael Gove had indicated that the Government was committed to providing funding.
- A google search had indicated that mobile testing equipment was available.
- The cost of mobile equipment was queried.

The Senior Practitioner responded that;

- Defra guidance was clear about the protocol that had to be followed and the equipment that could be used.
- Diffusion tubes provided good annual information.
- And continuous analysers provided the detailed information on peak time air quality analysis which members have request.
- The lack of approved mid-range monitoring systems had been raised at the DEFRA Air Quality Advisory Panel and recommendations made that they explore mid-range devices and the costs of deploying them. Kings College were examining the accuracy of devices. However no approval currently exists for such systems.
- Concerns had also been raised about the current level of funding for Air Quality Monitoring activities. Defra had been requested to re-open grant funding for monitoring work.
- Air Quality Monitoring had been undertaken continuously but there were concerns nationally that monitoring systems were not placed correctly and strategically.
- A paper would be shared by Public Health England on the matter in due course.
- Mobile equipment is available and accurate portable gas analysis systems that are DEFRA approved cost around £40 - £70k.

Councillor S. Shannon, who was attending as an observer, was invited to contribute to the discussion. He referred to;

- The change of focus to different types of pollutants over the years.
- That the levels of the pollutants were set too low for revocation of AQMA as UK air pollution was linked to 40,000 early deaths a year.
- The Government's air quality schemes were viewed as inadequate.
- In Hagley the levels exceeded 40 µgm-3 and it was therefore disturbing that the AQMA should be revoked. It was suggested that the decision should be put on hold until the MP Michael Gove introduced the next plan.
- Particulate matter measures were taken at Worcester City bus station. It was suggested therefore that similar equipment could be obtained in Bromsgrove and it was felt that the funds could be made available to do so.

Councillor K. May, Deputy Leader and Portfolio Holder for Economic Development, the Town Centre and Strategic Partnerships, queried the average results and what was meant by bias adjusted.



The Senior Practitioner explained that the diffusion tubes had to be correlated as they could over read. The adjustment factor was 23%.

The Portfolio Holder for Community Safety and Leisure and Cultural Services clarified that the diffusion tubes overestimated compared to continuous analysers. There were three diffusion tubes in the continuous analyser and they overestimated levels by 23%.

The Senior Practitioner elaborated that;

- The uncorrected figures had been provided. These figures were averaged and multiplied by 0.77 to determine the biased adjusted result.
- There were two targets, 40 micrograms annually and 200 micrograms hourly.
- Tubes were put out for an entire month. During the month the chemical agents within them deteriorated, the performance of the tubes would drop so more reagent had to be used from the outset which resulted in the overestimate.
- In 1998 the results were very poor with an over 40% inaccuracy. The government had since funded more accurate analysers but funding had now dropped. Tube measurements were still being pushed but they still had inaccuracies.

In response to Members' queries, the Senior Practitioner confirmed that;

- There was no analysis of particulate matter in Worcestershire. Tubes could not be used to measure particulate matter. The only way to establish levels was to use the modelled values that Defra provided.
- There had been a study in Stoke Prior where concerns had been raised and three monitors had been co-located for a month. The PM10 levels were recorded at 14 micrograms which put some confidence in the mapping system used by Defra.
- It was not just traffic that influenced levels but also for example, the impact of solid fuel burners.
- In areas where there were high NO<sub>2</sub> and particulate matter levels the incidence of respiratory problems increased.
- Poor air quality could also be caused by weather conditions such as smog, particulates from vehicles and solid fuel stoves.

A Member raised concerns that the data for January – March 2018 was not yet available and requested sight of these.

The Portfolio Holder for Community Safety and Leisure and Cultural Services explained that both outstanding items had been addressed and there had been a steady decline in pollutant levels. The costs of hiring or buying new monitoring equipment for three years were similar at £46k and £47k. Monitoring would need to take place for at least four years for the purchase to have any advantage. In response to further comments from Board Members it was reiterated that the AQMA was based on twelve months of results so the additional three months of information

would be of no consequence. The figures showed a steady decline in pollutant levels and there was no reason why the AQMA could not be revoked.

The Senior Practitioner asked what Members wished to achieve by putting in place alternative monitoring equipment in Hagley. Cheaper monitoring systems were not approved by Defra and the results could not be recognised. The annual results could not justify Hagley being an AQMA area. Action plans would not be relevant in Hagley and maintaining an AQMA in the area would mean that attention would be diverted from other areas of the District. Worcestershire Regulatory Services were happy to undertake spot checks but the conclusions would be worthless.

**RESOLVED** that the updates be noted.

9/18

### **FINANCE AND BUDGET WORKING GROUP - UPDATE**

It was agreed that the Finance and Budget Working Group should identify its own Chairman at its first meeting of the new municipal year.

#### **RESOLVED:**

- a) that the Board agree the terms of reference as attached;
- b) that Membership of the Working Group is to be made up of the following Councillors; Councillor L. Mallett, S. Colella, C. Hotham, R. Laight and P.Thomas; and
- c) that the Chairman of the Group be appointed at the next Working Group meeting.

10/18

### **MEASURES DASHBOARD WORKING GROUP - UPDATE**

It was reported that as Councillor C. Spencer was no longer a Member of the Board she was unable to be a Member of the Working Group.

The Senior Democratic Support Officer explained that the Chief Executive had attended the last meeting of the Group and had made a number of suggestions including broadening the scope of the Group slightly which had resulted in suggested changes to the Group name and terms of reference. It was noted that the Group had a quorum of three Members so it would be helpful to fill the vacancy if possible.

Councillor S. Webb referred to the need to ensure that the Group was cross party and requested that expressions of interest be sent to Officers.

#### **RESOLVED:**

- a) that the revised terms of reference, including the change of name of the Working Group to the Corporate Performance Working Group be agreed;
- b) that Membership of the Working Group is made up of the following Councillors; Councillor S. Webb, C.Allen-Jones and R.J. Laight.; and

c) that the Chairman be determined at the next Group meeting.

11/18

## **TASK GROUP UPDATES**

### a **Topic Proposal**

The Senior Democratic Services Officer referred to the proposal document.

In the course of the discussion reference was made to the potential legal implications and the Chairman suggested that the item be placed on the Board's work programme to be picked up again at a later date.

Members' suggested that;

- The Board could take no further action.
- It was important not to make the same mistakes with other projects in the future.
- The Sports Hall issue was ongoing.
- Negotiations were ongoing.
- Legal implications had to be taken into account.
- The capacity of staff and the Board to take on the additional work also had to be considered.

**RESOLVED** that the item be placed on the Board's Work Programme for future consideration.

### b **Road Safety Around Schools Task and Finish Group Membership**

The Senior Democratic Services Officer confirmed that Councillor Colella had stood down from the Group and Councillor P. McDonald had been appointed in his place.

A Member suggested that those wishing to join a Group should contact the appropriate Democratic Services Officer rather than Group Chairman and it was felt that this approach was sensible. It was noted that there was a further vacancy as Councillor Spencer had stood down from the Group.

**RESOLVED** That the Senior Democratic Services Officer would send an invite out to Members for expressions of interest to fill the gap on the Group as a result of Councillor Spencer stepping down.

### **CCTV Short, Sharp Review**

Councillor Colella, reported that the Group had nearly concluded its investigations and would be holding its final meeting on the 30th May 2018.

### **Hospital Car Parking Board Investigation**

The Senior Democratic Services Officer reported that the Group had recently met and discussed a number of issues with a representative from Worcestershire Acute Hospitals NHS Trust;

- The parking arrangements at the three hospital sites in Kidderminster, Redditch and Worcester.
- The car parking charges set by the Trust.
- The income from staff and visitor/patient parking charges and the maintenance and running costs of the car parks.
- The profits generated and
- How concessions were linked to patient pathways and depended on the frequency of hospital visits.

It had been suggested that the Members could meet again to consider;

- How car parking profits used by other Hospital Trusts and how hospital car parking was provided elsewhere.
- The national picture, including how the model in Scotland worked.

12/18

### **WORCESTERSHIRE HEALTH OVERVIEW AND SCRUTINY COMMITTEE - UPDATE**

It was confirmed by the Senior Democratic Services Officer that the Worcestershire Health Overview and Scrutiny Committee had met since the last Board meeting and that there had been discussions regarding the Neighbourhood Teams.

**RESOLVED** that the minutes of the Worcestershire Health Overview and Scrutiny Committee be circulated to the Board when available.

13/18

### **CABINET WORK PROGRAMME**

The Senior Democratic Services Officer confirmed that;

- The outcomes of the CCTV Short Sharp Review would be added to the Work Programme to go to the September Cabinet meeting.
- The Enterprise System Project Business Case could be considered by the Finance and Budget Working Group.
- The Transport Planning Review and Industrial Units Investment – Outline Business Case items would probably be put back until September 2018.
- The Anti-Social Behaviour, Crime and Policing Act 2014 item was already on the Board's Work Programme.
- Changes to Procurement Cards could be considered by the Finance and Budget Scrutiny Working Group.

**RESOLVED** that Bromsgrove Sports and Physical Activity Strategy would be added to the Board's Work Programme.

14/18

### **OVERVIEW AND SCRUTINY BOARD WORK PROGRAMME**

**RESOLVED** that the changes to the Work Programme as suggested in the meeting would be made.

The meeting closed at 8.55 p.m.

Chairman

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