

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE CABINET

WEDNESDAY, 4TH MARCH 2009, 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. M. A. Sherrey JP, R. D. Smith and M. J. A. Webb

Invitee: Councillor C. B. Taylor

Observers: Councillor P. M. McDonald and Councillor D. L. Pardoe

Officers: Mr. T. Beirne (during Minute No's 158/08 to 168/08), Mr. P. Street, Mr. H. Bennett, Mr. M. Bell, Mrs. C. Felton, Mr. J. Godwin, Mr. D. Hammond, Ms. J. Pickering, Ms. J. Pitman, Ms. D. Poole and Ms. P. Ross

158/08 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mrs. J. Dyer M.B.E and P. J. Whittaker.

159/08 **DECLARATIONS OF INTEREST**

Councillor Mrs. J. M. L. A. Griffiths declared a personal interest during the discussion on Agenda Item 9 (Labour Group Report on Anti-Social Behaviour and Alcohol Free Zones) as a member of the Bromsgrove Arts Centre Operating Trust.

160/08 **MINUTES**

The minutes of the meeting of the Cabinet held on 4th February 2009 were submitted.

RESOLVED that the minutes be approved as a correct record.

161/08 **SCRUTINY BOARD**

The minutes of the Scrutiny Board held on 27th January 2009 were submitted. During consideration of Minute No. 14/08 it was noted that a review on the charge and cost of the green waste service had been included in the Forward Plan and that the Portfolio Holder would present the review report to the Cabinet in October 2009. During consideration of Minute No. 15/08 on the use of a text messaging service, it was noted that officers had made enquiries and had found that the Environment Agency already offered a flood alert service free of charge.

RESOLVED:

- (a) that the minutes of the meeting be noted;
- (b) that the recommendations contained within the Joint Countywide Scrutiny Report on Flooding be approved; and in addition:
 - (i) that approval be given to the recommendation that when updating any appropriate publication relating to advice on flooding (e.g. 'flooding matters' leaflet or website), the public be informed of the various ways to receive updates on flooding should utility supplies need to be switched off and be made aware of the Environment Agency flood alert service offered free of charge;
 - (ii) that, although the importance of involving the Parish Councils was understood, having considered the requirement for a single point of contact for non-parished areas, it be agreed that Ward Members act as the single point of contact for those areas. Furthermore, the Head of Legal, Equalities and Democratic Services be tasked to ensure that Emergency Planning Packs be issued with the induction information provided as part of the Modern Councillor Programme;
 - (iii) that approval be given to the recommendation that the Modern Councillor Programme Steering Group be requested to discuss including emergency planning briefings within the Modern Councillor Programme to ensure all Members had a full understanding of the emergency planning process;
 - (iv) that, with regard to the recommendation relating to an inventory of local equipment held by local farmers which could be used in alleviating flooding and drainage problems, approval be given to the recommendation of the Scrutiny Board that this be widened to include local plant hire stores;
 - (v) that approval be given to the recommendation that officers who form the current watercourses officer group be tasked to revise its terms of reference and composition in order to address the implications for the District of any Cabinet approved recommendations contained within the Joint Countywide Scrutiny Flooding Report; and
 - (vi) that the Scrutiny Board be requested to undertake a scrutiny exercise into the problems, issues, actions taken and any issues still unresolved within Wards affected by flooding.

162/08 **OVERVIEW BOARD**

The minutes of the Overview Board held on 3rd February 2009 were submitted. The recommendations contained in Minute No.s 22/08 (Anti-Social Behaviour and Alcohol Free Zones Report) and 23/08 (CCTV Code of Practice and CCTV Funding) were considered later in the meeting as part of separate reports on these items. It was noted that a response had been received from West Mercia Constabulary regarding the Council's request for possible funding for CCTV equipment; they had informed the Council that no funding was available.

RESOLVED:

- (a) that the minutes of the meeting be noted;
- (b) that the recommendation contained in Minute No. 24/08 relating to the Draft Joint Municipal Waste Management Strategy be noted;
- (c) that recommendations contained within the Joint Countywide Scrutiny Report on Flooding be approved; and
- (d) that approval be given to the recommendation that officers who form the current watercourses officer group be tasked to revise its terms of reference and composition in order to address the implications for the District of any Cabinet approved recommendations contained within the Joint Countywide Scrutiny Flooding Report.

163/08 **PERFORMANCE MANAGEMENT BOARD**

The minutes of the Performance Management Board held on 17th February 2009 were submitted. Members were asked to note that the figure shown in recommendation (a) to Minute No. 94/08 should read £150,000.

RESOLVED:

- (a) that the minutes of the meeting be noted;
- (b) that the recommendation contained at Minute No. 94/08(a) - (Integrated Finance and Performance Report (Quarter 3)) be considered later in the meeting, with the exact figure to be formally requested as part of the final outturn report;
- (c) that approval be given to the recommendation that officers be requested to investigate the possibility of hiring out the Burcot Room in order to generate additional income; and
- (d) that approval be given to the recommendation that further procedures be introduced for the 2008/2009 closedown, in particular the use of spot checks on high risk indicators, prior to external audit and during the year.

164/08 **EQUALITY AND DIVERSITY FORUM**

The minutes of the Equality and Diversity Forum held on 18th December were submitted.

RESOLVED that the minutes be noted.

165/08 **TASK GROUP REPORT ON ANTI-SOCIAL BEHAVIOUR AND ALCOHOL FREE ZONES**

The Cabinet considered a report on the findings and recommendations from the investigation undertaken by the Anti-Social Behaviour and Alcohol Free Zones Task Group. The Portfolio Holder briefly introduced the report, stating disappointment with some of the content of the report and in particular the general misconception of Alcohol Free Zones.

The Leader welcomed the Chairman of the Task Group, Councillor C. B. Taylor to the meeting. Councillor Taylor referred to the approach the Task Group had taken and thanked those Members and officers who had supported the Task Group.

During the discussion, with regard to Recommendation 4 (CCTV), the Executive Director – Partnerships and Projects informed the Cabinet that he had received a response from West Mercia Constabulary and unfortunately no funding would be available for additional lighting / CCTV cameras.

The Leader also expressed his thanks to all Members and officers who had contributed to the Overview and Scrutiny process. In addition, the Leader urged Members to make every effort to attend Task Group meetings that they volunteered for as their contribution and input was crucial for their success. He also requested that Task Groups were supported by the appropriate officers.

RESOLVED:

- (a) that approval be given to Recommendation 1, that the District Council work with its partner agencies to enhance lines of communication to inform the local media of events and good news stories with a view to encouraging more good publicity about young people, and thereby reduce the negative judgements placed on younger people in general;
- (b) that approval be given to Recommendation 2, that whilst both the increased number of Police Community Support Officers and the enhanced powers granted of the District Council's Neighbourhood Wardens are to be welcomed, the North Worcestershire Division of the West Mercia Constabulary be urged to present a more visible presence in both the local community and at public events in order to maintain a low level of anti-social behaviour within the District;
- (c) that Recommendation 3 be not approved due to the fact that since the recommendation had been agreed by the Task Group, the Council had agreed that Fixed Penalty Notices be ranked as a medium term priority and therefore funding was not included as part of the Medium Term Financial plan;
- (d) that in relation to Recommendation 4, officers be tasked to carry out a review of the lighting around CCTV to identify if there are any issues and report back to Cabinet; and
- (e) that Democratic Services be tasked to provide details of attendance at Scrutiny and Overview Board meetings and Task Group meetings.

166/08 **LABOUR GROUP REPORT ON ANTI-SOCIAL BEHAVIOUR AND ALCOHOL FREE ZONES**

The Cabinet considered a report of the Bromsgrove District Labour Group on Anti-Social Behaviour and Alcohol Free Zones. The Leader welcomed Councillor P. M. McDonald to the meeting who then introduced the report and responded to questions from Members. This was followed by a detailed discussion on the recommendations contained within the report.

During the discussions Members were informed that West Mercia Constabulary were currently addressing the issues raised in recommendation 2 in relation to crime figures. With regard to recommendation 3 (MUGAs/Skateboard), the Deputy Head of Street Scene and Community Safety confirmed that this was already in place, with one 3 hour session per week being offered at all sites throughout the district. With regard to

recommendation 6 (Fixed Penalty Notices), the Deputy Head of Street Scene and Community Safety explained that the idea of Neighbourhood Wardens issuing Fixed Penalty Notices had been discussed and it had been agreed that their role was not seen as an enforcement role.

The Leader emphasised that whilst he had agreed to the report being presented to the Cabinet, Members were aware of the overview and scrutiny process that existed and that this process should be adhered to for the submission of such reports to Cabinet. Future reports would only be accepted by the Cabinet which had followed the correct overview and scrutiny procedures.

RESOLVED:

- (1) that the recommendations set out in the report be noted;
- (2) that with regard to recommendation 5 (policy regarding Alcohol Free Zones), the Head of Legal, Equalities and Democratic Services be tasked to investigate the policy and process of Alcohol Free Zones within the Council.

167/08 **COUNTYWIDE OVERVIEW AND SCRUTINY REPORT ON FLOODING**

The Cabinet considered a report on the findings and recommendations made by the Joint Countywide Flooding Scrutiny Task Group. Members were asked to consider the implications to the Council as set out in Appendix 2 of the report, as well as the views of Overview and Scrutiny Members. Having considered the recommendations contained within the Joint Countywide Flooding Scrutiny Report as set out in Appendix 1 of the report; the implications for this Council as set out in Appendix 2 of the report and the views of the Overview Board and Scrutiny Board as outlined in paragraphs 2.6 to 3.13 of the report, it was

RESOLVED:

- (a) that the Joint Countywide Flooding Report be approved;
- (b) that the recommendations from the Scrutiny Board as detailed in paragraphs 3.14 and 3.15 of the report, taking into account the text messaging service available from the Council and linking it to the flood alert service offered by the Environment Agency be approved; and
- (c) that approval be given to the recommendation that officers who form the current watercourses officer group be requested to revise its terms of reference and composition in order to address the implications for the District of any approved recommendations contained within the Joint Countywide Scrutiny Flooding Report.

168/08 **NEW AUDIO/VISUAL SYSTEM FOR THE COUNCIL CHAMBER**

The Cabinet considered a report detailing the procurement exercise currently being undertaken by officers to determine the best solution available on the market and the costs associated with the replacement of the audio/visual system in the Council Chamber. The current audio system had been in place for approximately 10 years. Following discussion it was

RESOLVED that officers be tasked to procure an additional wall mounted speaker system and an additional screen facility.

169/08 **REVIEW OF THE CCTV CODE OF PRACTICE**

The Cabinet considered a report on an updated CCTV Code of Practice, as set out in Appendix 1 of the report. In the process of developing the new Code of Practice, relevant officers and members of the Overview Board had been consulted and an additional recommendation from the Overview Board was set out in the report. The Council had a responsibility to produce a CCTV Code of Practice to ensure that the CCTV Scheme operated fairly and within the law; the images captured were usable and reassurance was given to those whose images were being captured.

RESOLVED:

- (a) that the CCTV Code of Practice as set out in Appendix 1 to the report be approved and adopted; and
- (b) that officers be tasked to investigate the possibility of the Council charging insurance companies for CCTV footage to be provided for insurance claim purposes.

170/08 **CAPITAL STRATEGY 2009/2012**

The Cabinet considered a report on the Capital Strategy for Bromsgrove District Council for 2009-2012. The Strategy brought together the work undertaken by the Council in recent years on the Sustainable Community Strategy and Council Plan, which together set out a vision for Bromsgrove for 2009 and beyond.

RECOMMENDED that the Council approve the Capital Strategy for Bromsgrove District Council for 2009-2012 as set out in Appendix 1 to the report.

171/08 **INTEGRATED FINANCE AND PERFORMANCE MONITORING REPORT - QUARTER 3 - 2008/09**

The Cabinet considered a report on the Council's performance and financial position at 31st December 2008 (period 9, quarter 3). Following discussion it was agreed that the responsible Portfolio Holder, the Assistant Chief Executive and the Head of Financial Services be tasked to look at the timescale of performance reports to the Leader's Group and the Cabinet.

RESOLVED:

- (a) that it be noted that 62% of Performance Indicators for which data was available were improving or stable;
- (b) that it be noted that 79% of Performance Indicators for which data was available were achieving their Year to Date target;
- (c) that it be noted that 87% of Performance Indicators for which was available were predicted to meet their target at year end;
- (d) that the successes and areas for potential concern as set out in 4.1.1 of the report be noted;

- (e) that in future Appendix 4 (detailed sickness information) be not included with the Performance report; and that instead a separate, detailed, report on sickness absence be submitted to the same meetings as the performance report so as to raise and maintain the profile of sickness absence that the topic deserves, given the current levels of absence;
- (f) that the estimated requirement of £150,000 from balances to fund the projected overspend in relation to the Museum (£46,000) and Haybridge (£104,000), be noted with the exact figure to be formally requested as part of the final outturn report.

RECOMMENDED:

- (a) that the Council approve the additions to the Capital Programme in 2008/09 of £135,000 as set out in the report; and
- (b) that the Council approve the following budget virement as listed in Appendix 5 to the report:

Virement From F31 – Housing Benefit Rent Allowances	£2,330,396
Virement To J03 – Income other Government grants	-£2,330,396

172/08 **TREASURY MANAGEMENT STRATEGY STATEMENT & INVESTMENT STRATEGY 2009/10 TO 2011/12**

The Cabinet considered a report on the strategy statement for the treasury management and investments in relation to Bromsgrove District Council so as to comply with the Local Government Act 2003 and to ensure the Council demonstrated accountability and effectiveness in the management of its funds.

RESOLVED that the strategy and prudential indicators as set out in Appendix A and B to the report be approved.

RECOMMENDED:

- (a) that the Council approve the Authorised Limit for borrowing at £6,000,000 as required by CIPFA (this is the same as the Affordable Borrowing Limit as required by Section 3(1) of the Local Government Act 2003);
- (b) that the Council approve the maximum level of investment to be held within each organisation (i.e. bank or building society) as detailed at £3m subject to market conditions; and
- (c) that the Council approve an unlimited level for investment in Debt Management Account Deposit Facility (DMADF).

173/08 **PERFORMANCE MANAGEMENT STRATEGY**

Consideration was given to a report on the Performance Management Strategy which had been developed in order to steer the Council's further progress on its performance improvement journey. The Strategy had been developed by taking into account recognised best practice in other authorities rated good or excellent that also scored highly on performance management in their CPA assessments, as well as anticipating future implications and expectations of the new Corporate Area Assessment regime due to be implemented by the Audit Commission in 2009.

RESOLVED that the Performance Management Strategy and the Implementation Action plan as set out in Appendix 1 to the report be approved.

174/08 **COUNCIL PLAN 2009/2012 - PART 2**

The Cabinet considered a report on the Council Plan 2009-2012, which included a high level action plan for the Council's new priorities as set out in Appendix 1 to the report. The Cabinet and Full Council had re-confirmed the Council vision and objectives and reduced the number of priorities from five to four in September 2008. The four priorities being:

- Town Centre
- Housing
- Sense of Community
- Clean Streets and Climate Change

The Council's balanced scorecard within the Council Plan had been updated to reflect these changes.

RECOMMENDED that the Council approve the draft Council Plan 2009-2012 as set out in Appendix 1 to the report, paying particular attention to the new balanced scorecard for the Council and the strategic action plan 2009-2012.

175/08 **IMPROVEMENT PLAN EXCEPTION REPORT - DECEMBER 2008**

Consideration was given to the Improvement Plan Exception Report for December 2008, together with the corrective action being taken. The responsible Portfolio Holder asked that it be noted that the December 2008 RED figure (shown on page 5 of Appendix 1) be amended from 13 to 11. Following discussion it was

RESOLVED:

- (a) that the revisions to the Improvement Plan Exception Report as set out in Appendix 1 to the report and the corrective action being taken be noted and approved; and
- (b) that it be noted that for the 131 actions highlighted for December within the plan, 76.3 percent of the plan was on target [green], 3.9 percent was one month behind [amber] and 9.9 percent was over one month behind [red]. 9.9 percent of actions had been reprogrammed with approval.

176/08 **FEES AND CHARGES 2009/10**

(The Leader 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 setting out the proposed fees and charges 2009/10 to be levied on services provided by the Council as used as the basis for income targets in the approved Medium Term Financial Plan for 2009/10-2011/12. It was noted that there was no requirement to recommend the fees

and charges 2009/10 to the Council for approval as the matter could be dealt with by the Cabinet under its delegated powers. The Scrutiny Board Chairman had agreed to the proposal to waive the call-in process with regard to the report.

RESOLVED:

- (a) that the fees and charges 2009/10 as set out in Appendix A to the report be approved;
- (b) that in view of the urgency of the matter and to enable the proposals to be brought into effect, the Cabinet's decision be not subject to the Council's call-in procedure as set out in the Scrutiny Procedure Rules.

177/08 **LOCAL GOVERNMENT ACT 1972**

RESOLVED 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 likely disclosure of exempt information as defined in part 1 of Schedule 12A to the Act, as amended, the relevant paragraph of that part being as set out below and that it is in the public interest to do so:-

Minute No
178/08

Paragraph
4

178/08 **FUTURE OF THE TOURIST INFORMATION CENTRE**

Consideration was given to a report on the five options for addressing the closure of the Tourist Information Centre and the provision of a tourist information sign posting service through the Customer Service Centre and enhancements to the Council's website. Officers had explored options utilising facilities at the local Library and the Customer Service Centre. Following further discussions on the implications and costs associated with creating a customised web site, it was

RESOLVED:

- (a) that the Tourist Information Centre be closed as of 31st May 2009 and the current staff be made redundant; and
- (b) that officers be tasked to initiate a tender process for a customised website either on or linked to the Council's existing website which would establish a requirement for a sign posting service to the enhanced web site to be created and to support the economic development aspects of tourism.

RECOMMENDED that the Council approve the redundancy costs associated with the closure of the Tourist Information Centre being met from balances as set out in 4.2 of the report.

The meeting closed at 8.35 p.m.

Cabinet
4th March 2009

Chairman