

**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE CABINET**

**WEDNESDAY, 6TH JANUARY 2010 AT 6.00 P.M.**

PRESENT: Councillors R. Hollingworth (Chairman), G. N. Denaro (Vice-Chairman), Dr. D. W. P. Booth JP, J. T. Duddy, Mrs. J. Dyer M.B.E., M. J. A. Webb and P. J. Whittaker

Officers: Ms. J. Pickering, Mrs. C. Felton, Mr. D. Hammond and Ms. K. Firth.

128/09 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mrs. M. A. Sherrey JP and R. D. Smith.

129/09 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

130/09 **MINUTES**

The minutes of the meeting of the Cabinet held on 2nd December 2009 were submitted.

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

131/09 **SCRUTINY BOARD**

The minutes of the meeting of the Scrutiny Board held on 24th November 2009 were submitted.

**RESOLVED** that the minutes be noted including the recommendation relating to the Scrutiny Report on Hot Food Takeaways, which had been previously agreed by the Cabinet.

132/09 **AUDIT BOARD**

The minutes of the meeting of the Audit Board held on 14th December 2009 were submitted.

**RESOLVED** that the minutes be noted.

133/09 **LOCAL DEVELOPMENT FRAMEWORK WORKING PARTY**

The minutes of the meeting of the Local Development Framework Working Party held on 16th December 2009 were submitted.

**RESOLVED** that the minutes be noted.

134/09 **PERFORMANCE MANAGEMENT BOARD**

It was noted that the meeting of the Performance Management Board scheduled to take place on 21st December 2009 had been cancelled as inquorate.

135/09 **VERBAL UPDATES FROM THE LEADER AND/OR OTHER CABINET MEMBERS ON ANY RECENT MEETINGS ATTENDED IN AN EX-OFFICIO CAPACITY**

The Leader reported on two meetings he had recently attended:

- Children's Trust Board
- Local Strategic Partnership

The Leader also reported on the discussion which had taken place at the West Midlands Leaders Board Member Panel as reported in the minutes of that meeting.

136/09 **WORCESTERSHIRE ENHANCED TWO TIER (WETT) PROGRAMME - BUSINESS CASE FOR REGULATORY, AUDIT AND PROPERTY SERVICES**

The Cabinet considered a report on the WETT Programme and in particular the detailed business cases as they stood at present for Property Services, Regulatory Services and Internal Audit. Consideration was also given to the feedback received arising from the staff consultation exercise and the responses thereto. It was reported that the matters would be further progressed and considered at Council on 20th January 2010.

Following discussion it was

**RECOMMENDED IN PRINCIPLE:**

- (a) that the two tier and joint working proposals for Property Services, Regulatory Services and Internal Audit contained within the WETT detailed business cases attached to the report be approved, on the basis that the associated risk implications and governance arrangements are to be finalised;
- (b) that subject to the agreement of the Worcestershire Councils i.e. Worcestershire County Council, Worcester City, Bromsgrove District, Redditch Borough, Malvern Hills District, Wychavon District and Wyre Forest District, a unified Regulatory Service for the Worcestershire Councils, jointly hosted by Bromsgrove and Redditch Councils (with Bromsgrove as the employing authority) be established from 1st June

- 2010 under the auspices of a Joint Committee; on the basis set out in the Regulatory Service Detailed Business Case V10, Part 1 and Part 2 (Rev.1) and supported by the Regulatory Services Detailed Business Case Executive Summary V3.2 attached as an appendix to the report;
- (c) that this Council's functions in relation to Environmental Health and Licensing Services (other than those licensing functions which cannot be delegated) be delegated to a Joint Committee in accordance with Section 101 of the Local Government Act 1972 and Section 20 of the Local Government Act 2000 and the Local Authorities (Arrangement for the Discharge of Functions) (England) (Regulations) 2000;
  - (d) that subject to such an agreement being concluded, relevant staff from all Councils agreeing to the Regulatory Services Business Case be transferred to this Council under TUPE arrangements;
  - (e) that the financial arrangements for the new Regulatory Service as set out in the Detailed Business Case V10 be approved as the basis for Regulatory budgets;
  - (f) that subject to the agreement of the participating Worcestershire Councils i.e. Worcestershire County, Worcester City, Bromsgrove District and Redditch Borough, a Shared Property Service (hosted by Worcestershire County Council) be established on the basis set out in the Property Services Detailed Business Case V6 and the supporting Detailed Business Case Executive Summary V1 attached as an appendix to the report;
  - (g) that the transfer of staff to Worcestershire County Council as service provider be approved on the terms proposed from the commencement date;
  - (h) that this Council enters into a Service Level Agreement on the basis set out in the Property Services Detailed Business Case V6 and supporting Property Services Detailed Business Case V1, as amended to reflect any final agreement made between the Partner authorities;
  - (i) that the Head of Legal, Equalities and Democratic Services be authorised to finalise the terms of the collaboration agreement and the Service Level Agreement and to execute the agreements on behalf of the Council;
  - (j) that subject to the agreement of the participating Worcestershire Councils i.e. Worcester City, Bromsgrove District, Redditch Borough, Wychavon District and Malvern Hills District, agreement be given to the creation of a Shared Service Internal Audit Service on the basis set out in the Internal Audit Detailed Business Case V10 and the supporting Detailed Business Case Executive Summary V2 as attached as an appendix to the report;
  - (k) that the proposal that Worcester City Council acts as service provider be supported;
  - (l) that the transfer of staff to Worcester City Council as service provider be approved on the terms proposed from the commencement date;
  - (m) that this Council enters into a Service Level Agreement on the basis set out in the Internal Audit Detailed Business Case V10 and supporting Internal Audit Detailed Business Case V2 attached as an appendix to the report as amended to reflect any final agreement made between the Partner authorities;

- (n) that the Head of Legal, Equalities and Democratic Services be authorised to finalise the terms of the Service Level Agreement and to execute the agreement on behalf of the authority;
- (o) that the proposed timeline attached as an appendix to the report, containing the order and dates for each consultation and decision point relating to the detailed business case development for Property Services, Regulatory Services and Internal Audit be approved;
- (p) that the establishment of a Joint Appointments Committee with appropriate terms of reference in relation to the appointment of the proposed Head of Regulatory Services be approved on the basis the Committee comprises one member of each participating Council ;
- (q) that the consequential amendments to the Council's Constitution to reflect the Shared Services arrangements be approved.

137/09 **MEDIUM TERM FINANCIAL PLAN 2010/2011 TO 2012/2013**

The Cabinet considered a report on the Medium Term Financial Plan 2010/2011 to 2012/2013 relating to revenue and capital expenditure.

The Portfolio Holder for Resources referred to the current position relating to the Medium Term Financial Plan and to the proposal to produce an Older Persons Directory of Services at a one off cost of £8,000 as included in Appendix A. It was proposed and agreed that this should be designated as a high pressure rather than a medium pressure and should be funded from balances. Reference was also made to additional capital expenditure required as a result of the agreement in principle of the WETT programme proposals as referred to in Minute No. 136/09 above.

**RECOMMENDED:**

- (a) that the budget pressures identified as high in Appendix A of the report (now including the Older Persons Directory) be included within the Medium Term Financial Plan as follows:

2010/11	£100,000
2011/12	£69,000
2012/13	£69,000

- (b) that the budget pressures identified as unavoidable in Appendix B of the report be included within the Medium Term Financial Plan as follows:

2010/11	£725,000
2011/12	£699,000
2012/13	£677,000

- (c) that the savings identified in Appendix C of the report be included within the Medium Term Financial Plan as follows:

2010/11	£1,088,000
2011/12	£1,348,000
2012/13	£1,787,000

- (d) that the capital bids identified as high in Appendix D (i) of the report (now including the WETT programme proposals) be included within the Medium Term Financial Plan as follows:

2010/11	£365,000
2011/12	£140,000
2012/13	£110,000

- (e) that the use of reserves totalling £593,000 as set out in Appendix E of the report be approved;
- (f) that the virements as set out in Appendix F of the report be approved; and
- (g) that the efficiency savings to be delivered during the period of the Medium Term Financial Plan as set out in Appendix D of the report be noted.

138/09 **COMPREHENSIVE AREA ASSESSMENT (CAA) - ORGANISATIONAL ASSESSMENT**

The Cabinet considered a report on the Audit Commission's Organisational Assessment of the Council. It was noted that under the new Comprehensive Area Assessment the Council was described as "performing adequately" which equated to "fair" under the Comprehensive Performance Assessment.

**RECOMMENDED** that the Audit Commission's report be noted, in particular the areas identified for improvement which will be included within the 2010/2013 Council Plan and the 2010/2011 Improvement Plan.

139/09 **INVESTIGATION COSTS**

Consideration was given to a report requesting approval for the transfer of funds of £45,000 from balances to cover the costs relating to the investigation and hearings into the complaints made to the Standards Committee arising from the Council meeting on 29th July 2009.

**RECOMMENDED** that £45,000 be transferred from balances to meet the costs relating to the investigation and hearings into complaints made to the Standards Committee following the Council meeting on 29th July 2009.

140/09 **PROGRAMME OF COUNCIL AND COMMITTEE MEETINGS 2010/2011**

Consideration was given to a report containing the proposed programme of Council and Committee meetings for 2010/2011.

The Portfolio Holder for Resources proposed that the responsibility for considering and formally approving the Council's Statement of Accounts be transferred from the Audit Board to the full Council and referred to the necessary amendment to the programme of meetings.

**RECOMMENDED:**

- (a) that the Committee Programme for 2010/2011 as set out at Appendix 1 to the report be approved;

- (b) that authority be delegated to the Head of Legal, Equalities and Democratic Services, in consultation with the Leader and relevant Portfolio Holder, to agree the programme of Council and Committee meetings for future years; and
- (c) that the responsibility for considering and formally approving by resolution the Council's Statement of Accounts in accordance with Regulation 10 (3) of the Accounts and Audit Regulations 2003 be transferred from the Audit Board to the full Council; and that, as a consequence, the proposed June meeting of the Council be changed to 30th June 2010.

141/09 **DOLPHIN CENTRE - TRANSFER OF MANAGEMENT TO A LEISURE TRUST**

Consideration was given to a report outlining the case for re-opening discussions with Wychavon Leisure and Community Association Limited (WLCAL) regarding the transfer of the management of the Dolphin Centre to the Trust. Following discussion it was

**RECOMMENDED** that negotiations be completed to enable the transfer of the management of the Dolphin Centre to WLCAL to take place, based on the production of a business case that meets the savings proposed in the Medium Term Financial Plan and on a range of targets that will further improve the efficiency of the Dolphin Centre.

**RESOLVED:**

- (a) that authority be delegated to the relevant Executive Director, the Deputy Head of Street Scene and Waste Management and the Section 151 Officer to undertake negotiations with WLCAL and subject to the production of a satisfactory business case, complete the transfer of the Dolphin Centre to WLCAL by 1st April 2010;
- (b) that authority be delegated to the relevant Executive Director to sign on behalf of the Council the agreements required to effect the transfer;
- (c) that authority be delegated to the Head of Legal, Equalities and Democratic Services in consultation with the relevant Executive Director to undertake negotiations with WLCAL to agree a suitable lease and to execute it on behalf of the Council.

142/09 **PERFORMANCE REPORT (NOVEMBER 2009)**

The Cabinet considered a report on the Council's performance as at 30th November 2009 (period 8). It was recognised that the action undertaken in order to address the performance in relation to sickness absence levels had been effective and that levels of sickness absence were now showing a reduction.

**RESOLVED:**

- (a) that it be noted that 47 percent of Performance Indicators were stable or improving;

- (b) that it be noted that 76 percent of Performance Indicators that had a target were meeting their target as at the month end and 90 percent were projected to meet their target at the year end;
- (c) that the performance figures for November 2009 as set out in the report be noted;
- (d) that the particular areas of improvement as set out in section 3.5 of the report be noted;
- (e) that it be noted there are no particular areas of concern at present.

143/09 **IMPROVEMENT PLAN EXCEPTION REPORT (NOVEMBER 2009)**

Consideration was given to the Improvement Plan Exception report for November 2009 together with the corrective action being taken.

**RESOLVED:**

- (a) that the revisions to the Improvement Plan Exception report together with the corrective action being taken be approved;
- (b) that it be noted that for the 95 actions highlighted for November within the plan 74.7 percent were on target (green), 5.3% was one month behind (amber) and 2.1% was over one month behind (red). In addition it was noted that 17.9% of actions had been reprogrammed or suspended with approval.

The meeting closed at 7.17 p.m.

Chairman