

**BROMSGROVE DISTRICT COUNCIL**

## **JOINT OVERVIEW & SCRUTINY BOARD**

**15th June 2010**

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**PETITIONS –**

**MULTI-USE GAMES AREA (MUGA) at Swans Length Open Space**

Relevant Portfolio Holder for Overview and Scrutiny	Councillor G. N. Denaro – Deputy Leader of the Council and Portfolio Holder for Finance and Resources
Relevant Head of Service	Mrs. Claire Felton – Head of Legal, Equalities and Democratic Services
Non-Key Decision	

### **1. SUMMARY OF PROPOSALS**

- 1.1 To consider petitions both for and against the demolition of the Multi-Use Games Area (MUGA) at Swans Length Open Space, Alvechurch received at the Cabinet meeting held on 2nd June 2010.

### **2. RECOMMENDATIONS**

- 2.1 Members of the Joint Overview and Scrutiny Board are asked to consider the petitions and to either:
- a) take no further action; or
  - b) convene a meeting of the Joint Overview and Scrutiny Board in order to consider further evidence from relevant sources and make recommendations to Cabinet.

### **3. BACKGROUND**

- 3.1 Petitions for and against the demolition of the MUGA at Swans Length Open Space, Alvechurch were submitted and received by the Monitoring Officer on 2nd June 2010 and in accordance with Article 2, 6.8 of the Council Constitution have been referred for consideration by the Joint Overview and Scrutiny Board (JOSB).
- 3.2 Overview and Scrutiny Committees cannot make executive decisions, but can make recommendations to the Cabinet and other decision makers. In accordance with the designated role of the Joint Overview and Scrutiny Board, Members of the Board are asked to consider the petition and after receiving appropriate evidence to decide either to take no further action or, where it deems necessary to make recommendations for consideration by the Cabinet.

### **Procedure for Consideration of Petitions**

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3.3 Upon the consideration of the petition the JOSB may receive evidence and interview key stakeholders to determine what action, if any, to recommend in respect of the petition. It is anticipated that the JOSB will hear from the lead petitioners who will introduce each petition.

3.4 The suggested procedure for consideration of petitions is provided at Appendix1.

### **4. KEY ISSUES**

4.1 N/A

### **5. FINANCIAL IMPLICATIONS**

5.1 There are no financial implications arising from this report.

### **6. LEGAL IMPLICATIONS**

5.1 The Local Government Act 2000 requires Councils operating Executive Arrangements to include one or more Overview and Scrutiny Committees within their Constitution, which may be composed of any councillors who are not on the Executive Committee of the Council.

5.2 Executive arrangements by a local authority must ensure that their overview and scrutiny committee has power (or their overview and scrutiny committees have power between them) to:

- a) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive,
- b) to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are the responsibility of the executive,
- c) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive,
- d) to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are not the responsibility of the executive,
- e) to make reports or recommendations to the authority or the executive on matters which affect the authority's areas or the inhabitants of that area.

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**7. POLICY IMPLICATIONS**

7.1 There are no policy implications arising from this report.

**8. COUNCIL OBJECTIVES**

8.1 Overview and Scrutiny links to Council Objective Three: One Community.

**9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS**

9.1 There are no direct risks associated with this report.

**10. CUSTOMER IMPLICATIONS**

10.1 Overview and Scrutiny aids transparency and accountability of local services and service users, council tax payers and other local residents through elected councillors.

**11. EQUALITIES AND DIVERSITY IMPLICATIONS**

11.1 There are no implications of the Council's Equality and Diversity policies arising from this report.

**12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT**

12.1 There are no value for money implications arising from this report.

**13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY**

13.1 There are no climate change and carbon implications arising from this report.

**14. HUMAN RESOURCES IMPLICATIONS**

14.1 There are no human resources implications arising from this report.

**15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS**

15.1 There are no governance/performance implications arising from this report.

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**16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998**

16.1 The petitions being received by the JOSB will enable consideration of a possible crime and disorder issue.

**17. HEALTH INEQUALITIES IMPLICATIONS**

17.1 There are no health inequalities implications arising from this report.

**18. LESSONS LEARNT**

18.1 N/A

**19. COMMUNITY AND STAKEHOLDER ENGAGEMENT**

19.1 The petitions process is an opportunity for the Council to engage with the local community and key stakeholders.

**20. OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	Yes
Chief Executive	NO
Executive Director (S151 Officer)	NO
Executive Director – Leisure, Cultural, Environmental and Community Services	NO
Executive Director – Planning & Regeneration, Regulatory and Housing Services	NO
Director of Policy, Performance and Partnerships	NO
Head of Service	NO
Head of Resources	NO
Head of Legal, Equalities & Democratic	NO

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Services	
Corporate Procurement Team	No

**21. WARDS AFFECTED**

Alvechurch

**22. APPENDICES**

Appendix 1 – Procedure for Consideration of Petitions  
Appendix 2 – MUGA Report to Cabinet 2nd June 2010

**23. BACKGROUND PAPERS**

None

**24. KEY**

None

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## **Appendix 1**

### **Consideration of Petitions by a Committee of the Council**

The following procedure should be followed by the committee considering a petition:

1. Presentation of the petition by the Lead Petitioner, allowing up to 5 minutes.
2. Statement invited from anyone against the petition, allowing up to 5 minutes.
3. Presentation of the officer report (if appropriate) and questions to the chief officer by the committee.
4. Questions to the Cabinet Portfolio Holder by the committee.
5. Questions to Ward Members by the committee.
6. Questions to other witnesses by the committee.
7. Discussion by Members of the committee.
8. Resolution by the committee to either:
  - a. take no further action;
  - b. request further information from a relevant source and re-consider once that information is available;
  - c. agree to refer the topic to either the Scrutiny Board, Overview Board or the Joint Overview and Scrutiny Board for further investigation;
  - d. make recommendations to Cabinet.