

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE CABINET

WEDNESDAY, 8TH SEPTEMBER 2010, AT 4.00 P.M.

PRESENT: Councillors R. Hollingworth (Chairman), G. N. Denaro (Vice-Chairman), Mrs. J. Dyer M.B.E. and Mrs. M. A. Sherrey JP

Officers: Mr. K. Dicks, Ms. J. Pickering, Mrs. C. Felton, Mr. J. Godwin, Mrs. A. Scarce and Ms. R. Cole.

46/09 **APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor Dr. D. W. P. Booth JP.

47/09 **DECLARATIONS OF INTEREST**

Councillor Mrs. M. A. Sherrey declared a personal interest in agenda item 11 (Artrix Right of Way) as a Member of the Arts Centre Operating Trust.

Councillors G. N. Denaro, Mrs J. Dyer M. B. E. and R. Hollingworth declared a personal interest in agenda item 11 (Artrix Right of Way) as Members of the Arts Centre Holding Trust.

48/09 **MINUTES**

The minutes of the meeting of the Cabinet held on 4th August 2010 were submitted.

RESOLVED that the minutes be confirmed as a correct record.

49/09 **JOINT OVERVIEW AND SCRUTINY BOARD**

The minutes of the meeting of the Joint Overview and Scrutiny Board held on 22nd July 2010 were submitted.

RESOLVED that the minutes be noted.

50/09 **OVERVIEW BOARD**

The minutes of the meeting of the Overview Board held on 27th July 2010 were submitted.

RESOLVED:

(a) that the minutes be noted;

- (b) that the recommendations contained at Minute Nos. 16/10 and 17/10 relating to officer representation on the countywide groups shaping development of the new Older Persons Strategy and the Planning Peer Review respectively be approved; and
- (c) that the recommendation contained at Minute No 19/10 relating to a member of the Community Involvement in Local Democracy Task Group being invited to become involved in the Steering Group be not approved, but that it be noted that the Head of Legal, Equalities and Democratic Services would be updating the Board on the work of the Steering Group on a regular basis.

51/09 **SHARED SERVICES BOARD**

The minutes of the meeting of the Shared Services Board held on 19th August 2010 were submitted.

RESOLVED that the minutes be noted.

52/09 **EQUALITY AND DIVERSITY FORUM**

The minutes of the meeting of the Equality and Diversity Forum held on 10th June 2010 were submitted.

RESOLVED that the minutes be noted.

53/09 **VERBAL UPDATES FROM THE LEADER AND/OR OTHER CABINET MEMBERS ON ANY RECENT MEETINGS ATTENDED IN AN EX-OFFICIO CAPACITY**

Councillor Mrs. J. Dyer M.B.E. reported on her recent attendance at the Planning Summer School in York which had proved to be very worthwhile as many of the issues covered were very relevant to the Bromsgrove District.

The Leader reported on discussions which had taken place regarding a potential Local Enterprise Partnership at regional level.

54/09 **JOINT MEETING OF THE LOCAL DEVELOPMENT FRAMEWORK WORKING PARTY AND THE PLANNING COMMITTEE**

The minutes of the Joint meeting of the Local Development Framework Working Party and the Planning Committee held on 24th August 2010 were submitted.

RESOLVED:

- (a) that the minutes be noted; and
- (b) that the recommendation contained at Minute No 4/09 relating to the Spatial Planning Services Peer Review and Action Plan be approved.

55/09 **SPATIAL PLANNING SERVICES - PEER REVIEW ACTION PLAN**

Further to discussion on the previous item, the Cabinet considered a report on the Spatial Planning Peer Review and the Action Plan which had been produced to address the issues referred to in the Review.

Members were pleased to note that the Action Plan was assisting the Head of Planning and Regeneration together with other officers and Members to further improve the Service.

RESOLVED that the Spatial Planning Peer Review be noted and that the Action Plan be endorsed.

56/09 **ARTRIX - RIGHT OF WAY**

The Cabinet considered a report relating to a request made by the West Mercia Police and the Hereford and Worcester Fire and Rescue Service to the Bromsgrove Arts Development Trust (known as the Holding Trust) for permission for emergency service vehicles to have passage over land forming part of the car park to the Artrix. This would form part of an additional access route.

It was reported that the land in question was under the control of the Bromsgrove Arts Development Holding Trust with the title ownership registered at the Land Registry in the name of Bromsgrove District Council (who act as the Bare Trustees).

It was noted that as Bare Trustees Members were being asked to consider the request by the Holding Trust to grant a right of way by way of a legal easement to the Police and Fire and Rescue Service.

In their capacity as Bare Trustees it was

RESOLVED:

- (a) that the request from Bromsgrove Arts Development Trust (known as the Holding Trust) to grant a right of way by Deed of Easement to West Mercia Constabulary and Hereford and Worcester Fire and Rescue Service in perpetuity be approved subject to the following conditions:
1. the receipt of a formal letter from the Operating Trust confirming that they have no objection to the proposed access;
 2. that the access be restricted to the extent that vehicles will only be able to obtain egress onto School Drive and that the easement will ensure a complete prohibition of the use of the Artrix Car Park as a form of access to the site (the Car Park is demarcated in blue on the drawing attached at appendix 1 to this report);
 3. that the easement be subject to a condition that all appropriate drainage provisions required by the works, or in order to facilitate the works or resulting from the works are enabled across the

- Artrix Car Park to the satisfaction of the Council and that the cost of this work is met by the Police and Fire and rescue service;
4. that the Police and Fire and Rescue Service agree to maintain and repair the access way over the Artrix Car Park to the satisfaction of the Council;
 5. that the Police and Fire and Rescue Service agree to the production and display of appropriate signage restricting the use of the access way in accordance with the above and that they ensure that appropriate mechanisms are in place to ensure that the restrictions are adhered to and that a suitable mechanism is introduced to ensure that all vehicular traffic can only egress from the Artrix car park and there is a complete prohibition of any access from School Drive;
 6. that the Police and Fire and Rescue Service agree to engage civil/structural engineers to detail the design and specification of the access route in consultation with the Holding Trust to ensure that the route is constructed in a way that will mitigate any vibration that may be caused by the use of fire engines;
 7. that the Police and Fire and Rescue Service agree to enter into and complete a separate legal agreement between the West Mercia Police and Hereford and Worcester Fire and Rescue Service (jointly) and with the Holding Trust to ensure the upgrade to the pedestrian access in School Drive as proposed and outlined in section 4.12 of this report) takes place to the reasonable satisfaction of the Holding Trust. This agreement for the avoidance of doubt may also include other matters that cannot be legally covered within a Deed of Easement due to its limit as a right over property; and
 8. that the West Mercia Police and Hereford and Worcester Fire and Rescue Service jointly agree to undertake to pay all the costs reasonably incurred in connection with the preparation, negotiation and completion of all legal documentation.
- (b) that authority be delegated to the Head of Legal, Equalities and Democratic Services in consultation with the Executive Director Resources and the Portfolio Holder to:
1. agree the terms of the easement to the Police and Fire and Rescue Service to incorporate the conditional elements detailed in (a) above; and
 2. approve and implement any associated legal documents relating to the establishment of the easement and variation of the lease between Bromsgrove District Council, the Holding Trust and the Operating Trust.

57/09 **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 part being as set out below and that it is in the public interest to do so.

<u>Minute No.</u>	<u>Paragraphs</u>
58/10	1 and 4

58/09 **SHARED SERVICES BOARD**

The confidential minutes of the Shared Service Board held on 19th August 2010 were submitted.

RESOLVED that the minutes be noted.

The meeting closed at 4.42 p.m.

Chairman