



Worcester
CITY COUNCIL

CABINET

AGENDA

Date: Tuesday, 11th June, 2013

Time: 7.00 pm

Venue: Guildhall

CABINET

Members of the Committee:-

Chairman: Councillor Adrian Gregson (L)
Vice-Chairman: Councillor Geoff Williams (L)

Councillor Roger Berry (L)

Councillor Matthew Lamb (L)

Councillor Richard Boorn (L)

Councillor Mrs L. Smith (LD)

Councillor Lynn Denham (L)

L = Labour

LD = Liberal Democrat

Information for Members of the Public

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Part I of the Agenda includes items for discussion in public. You have the right to inspect copies of minutes and reports on this part of the Agenda as well as background documents used in the preparation of these reports. Details of the background papers appear at the foot of each report. Part II of the Agenda (if applicable) deals with items of 'Exempt or Confidential Information' for which the public are excluded from the meeting and neither reports nor background papers are open to public inspection.

At the start of the meeting under the item 'Public Participation' up to fifteen minutes in total is allowed for members of the public to present a petition, ask a question or comment on any matter on the Agenda. **Participants need to indicate that they wish to speak by 4.30 p.m. on the last working day before the meeting by writing, faxing, telephoning or E-Mailing the officer mentioned below.**

The taking of photographs, film, video or sound recording is prohibited unless with the express prior consent of the person presiding at the meeting.

If you have any general enquires or queries about this Agenda or require any details of background papers, further documents or information please contact the Lead Officer, **Claire Chaplin, Democratic Services Team Leader, Democratic Services, Guildhall, Worcester WR1 2EY. Telephone: 01905 722005 (direct line) fax 01905 721120; TypeTalk 18001 01905 722233. E-Mail Address: committeeadministration@worcester.gov.uk.**

This agenda can be made available in large print, braille, on PC disk, tape or in a number of ethnic minority languages. Please contact the above named officer for further information.

Agendas and minutes relating to all City Council Committees, Cabinet and Council Meetings are also available electronically, click on the option "Committee Minutes and Documents", Website Address: worcester.gov.uk

Details of any representations received as to why the meeting should be open to the public

Response to any such representation made by the Decision Making Body

CABINET RESPONSIBILITIES

<u>Councillor</u>	<u>Role</u>	<u>Key Corporate Priority responsibility</u>	<u>Service Responsibilities</u>
Gregson	Leader	Overall strategic direction of the Council, Corporate, Community and Emergency Plans, Worcester Alliance, External partnerships / agencies, Liaison with County Council and Government	Oversees work of the Managing Director
Williams	Deputy Leader	Economic Prosperity	Oversees the work of planning, economic development, car parking and Service Managers for Development and Regeneration and Business Engagement, Cabinet link to Visit Worcester, Building Control Shared Services and South Worcestershire Joint Advisory Panel
Berry	Cabinet Member	Safer and Stronger Communities	Oversees the work of strategic housing, licensing and environmental health, sports and leisure, museums, CCTV and community safety and Service Managers for Safer and Stronger Communities and Strategic Housing, Cabinet link to Worcester Community Trust, Regulatory & Museums Shared Services
Lamb	Cabinet Member	Cleaner and Greener City	Oversees the work of refuse and recycling, street cleansing, parks and open spaces, play areas, cemeteries and crematorium and Cleaner and Greener City Service Manager
L. Denham	Cabinet Member	Customer Service and Communications	Oversees the work of legal and democratic, HR, ICT, Hub and Communications and Service Managers for Legal and Democratic and Human Resources, Cabinet link to Worcestershire Hub and ICT Shared Services
Boorn	Cabinet Member	Delivering Value for Money	Oversees the work of council tax and benefits service, finance, performance and improvement, internal audit and Service Managers for Finance and Performance, Improvement and Efficiency, Cabinet link to Revenue and Benefits, Internal Audit and Property Shared Services
Mrs L. Smith	Cabinet Member	Non Portfolio Holder	

AGENDA

**Part 1
(ITEMS FOR DISCUSSION AND DECISION IN PUBLIC)**

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| <p>1. DECLARATIONS OF INTEREST</p> | <p>To receive any declarations of interest.</p> |
| <p>2. PUBLIC PARTICIPATION</p> | <p>Up to a total of fifteen minutes can be allowed, with each speaker being allocated a maximum of five minutes, for members of the public to present a petition, ask a question or comment on any matter on the Agenda or within the remit of the Committee.</p> |
| <p>3. MINUTES
Page(s): 1 - 6</p> | <p>Of the meeting held on 12th March 2013 to be approved and signed by the Chairman.</p> |
| <p>4. THE LICENSING OF ALL PRIVATE RENTED SECTOR ACCOMMODATION USING THE POWERS CONTAINED IN THE HOUSING ACT 2004
Page(s): 7 - 14
Ward(s): All Wards
Contact Officer: Ruth Mullen,
Corporate Director
(Service Delivery)
Tel: 01905 722029</p> | <p><u>THE STRATEGIC HOUSING SERVICE MANAGER RECOMMENDS:</u></p> <p>1. Cabinet note the contents of this report.</p> |
| <p>5. ARTICLE 4 DIRECTION FOR HOUSES IN MULTIPLE OCCUPATION - KEY DECISION
Page(s): 15 – 38
Ward(s): All Wards
Contact Officer: Nina Warrington
Strategic Housing
Service Manager
Tel: 01905 722494</p> | <p><u>THE CABINET MEMBER FOR ECONOMIC PROSPERITY, COUNCILLOR GEOFF WILLIAMS, RECOMMENDS:</u></p> <p>1. Cabinet agree that the making of an Article 4 Direction is authorised under Article 4(2) of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) to remove permitted development rights in relation to changes of use from Use Class C3 to Use Class C4 (as defined in the Town and Country Planning [Use Classes] Order 1987, as amended). Twelve months advance notice of the Direction taking effect shall be given. The Direction shall apply to all wards and parishes of the city and shall come into effect on 1 July 2014.</p> |

6. **WORCESTER SWIMMING POOL CONTRACTOR PROCUREMENT - KEY DECISION**

Page(s): 39 - 50

Ward(s): All Wards

Contact Officer: Ruth Mullen,
Corporate Director
(Service Delivery)
Tel: 01905 722029

7. **SPORTS CENTRES INTERIM MANAGEMENT - KEY DECISION**

Page(s): 51 - 62

Ward(s): All Wards

Contact Officer: Duncan Sharkey,
Managing Director
Tel: 01905 722203

THE CABINET MEMBER FOR SAFER AND STRONGER COMMUNITIES, COUNCILLOR ROGER BERRY, RECOMMENDS:

1. Cabinet agree the new swimming pool complex be procured as a 'Develop and Construct' Contract and that prior to seeking tenders the design is taken to RIBA Stage D.
2. Cabinet agree the Restricted OJEU Procurement route is utilised to procure the contractor.
3. Cabinet note the Sansome Walk site will be marketed to coincide with the tendering of the new swimming pool to ensure a more precise value of the capital receipt is known at the time of the contract evaluation.

THE CABINET MEMBER FOR SAFER AND STRONGER COMMUNITIES, COUNCILLOR ROGER BERRY, RECOMMENDS:

1. Cabinet agrees to transfer the operation and management of Nunnery Wood Sports Complex and St Johns Sports Centre to a Leisure Trust operator for an interim management period of two years with an option to extend for up to one further year.
2. Cabinet agrees to delegate to the Corporate Director Service Delivery and the Section 151 Officer authority to agree any necessary agreements and financial arrangements with Wychavon Leisure Trust operator.
3. Cabinet recommends Council to agree to the TUPE transfer of the Nunnery Wood and St Johns Sport Centre employees to Wychavon Leisure Trust.
4. Cabinet recommends Council to delegate to the Corporate Director - Service Delivery and the Section 151 Officer authority to conclude any necessary agreements and financial arrangements for the transfer of the employees to Wychavon Leisure Trust.

8. **REVENUES AND BENEFITS -
STRATEGIC PARTNERSHIP - KEY
DECISION**

Page(s): 63 - 76

Ward(s): All Wards

Contact Officer: Lesley Meagher,
Corporate Director
- Resources
Tel: 01905 722595

**THE CABINET MEMBER FOR
DELIVERING VALUE FOR MONEY,
COUNCILLOR RICHARD BOORN,
RECOMMENDS:**

1. **Cabinet review the attached South Worcestershire Joint Committee report and the recommendations arising from that committee.**
2. **That in accordance with the recommendations, Cabinet approves Worcester City Council (in conjunction with the other South Worcestershire District Councils; Wychavon and Malvern Hills) to:**
 - **enter into a strategic private sector partnership for the delivery of Revenues and Benefits services.**
 - **appoint Civica as the preferred bidder and that negotiations commence to finalise the contract details for a start date of October 1st 2013.**
 - **delegate the contract negotiations with the preferred bidder to the S151 Officer in consultation with the Cabinet Member, Delivering Value for Money.**
 - **delegate the financial negotiations, including cost sharing arrangements, between the three partner Councils to the S151 Officer in consultation with the Cabinet Member, Delivering Value for Money.**

9. **USE OF NEW HOMES BONUS FOR HIGH STREET RE-PAVING - KEY DECISION**
Page(s): 77 - 80
Ward(s): All Wards
Contact Officer: Anne Bonsor,
Regeneration and
Business
Engagement
Service Manager
Tel: 01905 721150

10. **QUARTER 4 FINANCE REPORT**
Page(s): 81 - 100
Ward(s): All Wards
Contact Officer: Lesley Meagher,
Corporate Director
- Resources
Tel: 01905 722595

THE CABINET MEMBER FOR ECONOMIC PROSPERITY, COUNCILLOR GEOFF WILLIAMS, RECOMMENDS:

1. That Cabinet approve the expenditure of £174,000 from the New Homes Bonus for High Street Improvements as set out in this report.
2. That this is confirmed immediately with the County Council, so the final details of the scheme can be drawn up and communicated to stakeholders.
3. That Cabinet note the allocation of up to £150,000 of New Homes Bonus funding towards a Skills Coordination post via the WLEP.

THE CABINET MEMBER FOR DELIVERING VALUE FOR MONEY, COUNCILLOR RICHARD BOORN, RECOMMENDS:

1. Cabinet note the financial monitoring report and variances highlighted for the final quarter/year end for 31st March 2013, and make any recommendations of action they wish to take as a result of that information.
2. Cabinet consider any feedback/comments from PMBS, and subject to this:
 - approve the proposed appropriation of £23k to the 'change programme' earmarked reserves (see paragraph 3.4 of the report);
 - approve twelve Business Rates accounts write-offs totalling £91k (see paragraph 4.3 of the report).

11. **Q4 PERFORMANCE REPORT**
Page(s): 101 - 134
Ward(s): All Wards
Contact Officer: Joanna Payne,
Policy and
Performance
Officer
Tel: 01905 722407

12. **ANNUAL COMPLAINTS REPORT
2012-13 AND POLICY UPDATE**
Page(s): 135 - 154
Ward(s): All Wards
Contact Officer: Joanna Payne,
Policy and
Performance
Officer
Tel: 01905 722407

13. **ANNUAL GOVERNANCE STATEMENT
2012-13**
Page(s): 155 - 180
Ward(s): All Wards
Contact Officer: Julie Slatter,
Performance,
Improvement and
Efficiency Service
Manager
Tel: 01905 722562

14. **VIEWPOINT SURVEY**
Page(s): 181 - 266
Ward(s): All Wards
Contact Officer: Joanna Payne,
Policy and
Performance
Officer
Tel: 01905 722407

15. **ANY OTHER BUSINESS**

**THE CABINET MEMBER FOR VALUE FOR
MONEY, COUNCILLOR RICHARD
BOORN, RECOMMENDS:**

1. That the Cabinet note the Council's performance for Quarter 4 2012/13 against this suite of performance measures and projects, and the actions taken to address performance issues.

**THE CABINET MEMBER FOR CUSTOMER
SERVICE AND COMMUNICATIONS,
COUNCILLOR LYNN DENHAM,
RECOMMENDS:**

1. That the Cabinet approve the suggested amendments to the Complaints and Feedback Policy, taking account of suggestions made by Internal Audit.
2. That the Cabinet note the Council's performance for 2012/13 with regards to complaints received.

RECOMMENDATION:

1. That Cabinet approves the Annual Governance Statement and recommends its adoption and sign off by the Leader of the Council and the Managing Director.
2. That Cabinet consider and approve the revised local code of Corporate Governance.

**THE CABINET MEMBER FOR CUSTOMER
SERVICE AND COMMUNICATIONS,
COUNCILLOR LYNN DENHAM
RECOMMENDS:**

1. That the Cabinet note the results of the Viewpoint Survey conducted in November 2012.

Which in the opinion of the Chairman is of sufficient urgency as to warrant consideration.

16. **ITEM INVOLVING THE DISCLOSURE OF EXEMPT INFORMATION**

The Cabinet is invited to pass the following resolution:-

That under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of information as defined in Schedule 12A of the said Act.

**PART II
(ITEMS FOR DISCUSSION AND DECISION IN PRIVATE)**

17. **WORCESTER SWIMMING POOL PROCUREMENT - DESIGN TEAM CONTRACT AWARD - KEY DECISION**

Ward(s): All Wards

Contact Officer: Duncan Sharkey,
Managing Director
Tel: 01905 722203

THE CABINET MEMBER FOR SAFER AND STRONGER COMMUNITIES, COUNCILLOR ROGER BERRY, RECOMMENDS:

- 1. Cabinet agree to appoint a Lead Consultant to provide Project Management and Design Services for the new Swimming Pool complex up to RIBA Stage L1 Administration of the building contract following Practical Completion and making final inspections.**
- 2. Cabinet agree to delegate to the Corporate Director, Service Delivery authority to agree any necessary agreements and financial arrangements with the Lead Consultant.**
- 3. Cabinet note that the initial appointment is for work up to and including RIBA Stage H Tender Evaluation (Phase 1), work beyond this stage is dependant on the Council agreeing to the scheme submitted and deciding to proceed with the project.**

Report to follow.

18. **SPORTS CENTRES INTERIM MANAGEMENT**

Page(s): 267 - 268

Ward(s): All Wards

Contact Officer: Duncan Sharkey,
Managing Director
Tel: 01905 722203

Appendix 1 – TUPE List