

CABINET

11th June 2013

Present: Councillor Adrian Gregson in the Chair

Councillors Berry, Boorn, L. Denham, Lamb,
Mrs L. Smith and Williams (Vice-Chairman)

Also in Attendance:

Councillors Carpenter, P. Denham,
Geraghty, Riaz and J. Squires

1 Declarations of Interest

Article 4 Direction for Houses in Multiple Occupation
(Minute 5)

Councillor Boorn - Business Interest

2 Public Participation

Relating to Agenda Item 5: Article 4 Direction for Houses in Multiple Occupation

Mr Don Robbie, on behalf of the National Landlords' Association spoke against the making of an Article 4 Direction which removes permitted development rights in relation to changes of use from Use Class C3 to Use Class C4. Mr Robbie requested that Cabinet gave careful consideration to the proposal before making a decision.

Relating to Agenda Items 6: Worcester Swimming Pool Contractor Procurement
and Agenda Item 17: Worcester Swimming Pool Procurement – Design Team
Contract Award

Mr Neil Monkhouse, Chair of Worcester Swimming Club spoke in favour of the recommendations as set out in the reports and stated that he hoped the recommendations gained Cabinet's full support.

3 Minutes

RESOLVED: That the minutes of the meeting held on 12th March 2013 be approved as a correct record and signed by the Chairman.

4 The Licensing of all Private Rented Sector Accommodation using the Powers contained in the Housing Act 2004

The Leader of the Council stated that the Scrutiny Committee had requested to consider the report relating to the licensing of all private rented sector accommodation using the powers contained in the Housing Act 2004 prior to its consideration by Cabinet. The Leader explained that the item had therefore been deferred from the agenda and would be considered at the Cabinet Meeting on 16th July 2013.

5 Article 4 Direction for Houses in Multiple Occupation - Key Decision

The Cabinet received a report regarding the Article 4 Direction for conversion from residential dwellinghouses to houses in multiple occupation. The Portfolio Holder for Economic Prosperity explained the background to the report and outlined the results of the consultation process as set out in the report. Other Cabinet Members supported the recommendation as set out in the report.

RESOLVED: That the Cabinet agree 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.

6 Worcester Swimming Pool Contractor Procurement - Key Decision

The Cabinet received a report regarding contractor procurement for Worcester Swimming Pool. The Portfolio Holder for Safer and Stronger Communities presented the report and outlined the recommendations as set out in the report. The Portfolio Holder made particular reference that the Cabinet were being asked to note that the Sansome Walk site would be marketed to coincide with the tendering of the new swimming pool. This was to ensure that a more precise value of the capital receipt was known at the time of the contract evaluation.

The Portfolio Holder also clarified that there would be a full review of the swimming pool proposal scheme as the Cabinet wanted to be sure that external funding could be secured.

RESOLVED: That the Cabinet:

- 1. 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. agree the Restricted OJEU Procurement route is utilised to procure the contractor; and**
- 3. 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.**

7 Sports Centres Interim Management - Key Decision

The Cabinet received a report which sought Cabinet's agreement to transfer the operation and management of Nunnery Wood Sports Complex and St John's Sports Centre to a preferred Leisure Trust operator.

The Portfolio Holder for Safer and Stronger Communities presented the main elements of the report. The Portfolio Holder informed Cabinet that in order to deliver the savings required significant changes in service delivery were required. The Cabinet were informed that in order to provide the greatest protection to the service as possible, the transferring of the centres to an existing Leisure Trust had been recommended at the preferred option.

The Portfolio Holder also explained that the transfer of the service to an existing Leisure Trust would also involve the TUPE transfer of the Nunnery Wood and St John's Sports Centre employees to the Leisure Trust.

RESOLVED: That the Cabinet:-

- 1. agrees to transfer the operation and management of Nunnery Wood Sports Complex and St John's 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. 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. recommends Council to agree to the TUPE transfer of the Nunnery Wood and St John's Sport Centre employees to Wychavon Leisure Trust; and**
- 4. 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

The Cabinet received a report regarding Worcester City Council entering into a strategic private sector partnership for the delivery of Revenues and Benefits Services. The Portfolio Holder for Delivering Value for Money presented the report and explained the background as set out in the report. Cabinet Members supported the recommendations and also stated that appropriate monitoring and governance arrangements needed to be put in place.

RESOLVED: That the Cabinet:-

- 1. review the South Worcestershire Joint Committee report and the recommendations arising from that Committee;**
- 2. that in accordance with the recommendations, 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; and**
- **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

The Cabinet received a report regarding the use of New Homes Bonus for High Street re-paving works. The Portfolio Holder for Economic Prosperity informed Members that Cabinet was being asked to agree to the expenditure of £174,000 from the New Homes Bonus allocation to contribute to the project for the re-paving of the High Street from Pump Street to the Elgar Statue. The Cabinet were also being asked to note the use of up to £150,000 of New Homes Bonus funding towards a Skills Co-ordination post for a 3 year period.

The Portfolio Holder explained that the aim of the project was to provide an improved and more coherent appearance to the south end of the High Street, to match the work that has already taken place at the northern end of the High Street. The Portfolio Holder also emphasised the importance of early engagement with stakeholders.

RESOLVED: That the Cabinet:-

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

10 Quarter 4 Finance Report

The Cabinet received the Quarter 4 Financial Monitoring Report. The Portfolio Holder for Delivery Value for Money presented the report. The Portfolio Holder explained that Cabinet was being asked to note the Quarter 4 Financial Monitoring Report as presented to Performance Management and Budget Scrutiny Committee at its meeting on 4th June 2013. The Portfolio Holder advised Members that Cabinet were also being asked to approve the proposed appropriation of £23k to the 'change programme' earmarked reserves, and approve twelve Business Rates account write-offs totalling £91k as detailed in the report.

The Portfolio Holder stated that the write-offs of Council Tax and Business Rates compiled during Quarter 4 which amounted to £43k was of cause for concern. The Portfolio Holder also stated that the Cabinet would be looking at ways to reduce this amount.

The Chairman of Performance Management and Budget Scrutiny Committee advised Cabinet of the comments made by the Committee at its meeting on 4th June 2013. The Chairman informed Cabinet that the Committee was pleased to note that the Council achieved a small budget surplus at the year end and congratulated budget holders on their work in this respect. The Committee had also noted that there was a surplus on expenditure in relation to employees last year which was not possible to repeat, attention therefore needed to be given to tighter savings elsewhere. It was also acknowledged that steps are being taken to deal with income shortfalls. The Leader of the Council thanked the Chairman for the comments made by the Committee.

The Cabinet was asked to explain debt collection procedures by a Member in attendnace. The Corporate Director, Resources informed Members that the response to the question would be detailed and agreed to liaise with Revenues and Benefits colleagues and provide a written response to all Members.

RESOLVED: That the Cabinet:-

- 1. 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. consider any feedback/comments from Performance Management and Budget Scrutiny Committee, and subject to this:**
 - approve the proposed appropriation of £23k to the 'change programme' earmarked reserves as set out in paragraph 3.4 of the report; and**
 - approve twelve Business Rates accounts write-offs totalling £91k as set out in paragraph 4.3 of the report.**

11 Q4 Performance Report

The Cabinet received the Quarter 4 End of Year 2012/13 Performance Report. The Portfolio Holder for Delivering Value for Money presented the report. The Portfolio Holder informed Members that Cabinet was being asked to note the Council's performance for the final quarter, January to March 2013, and the year 2012/13 as set out in the report which was considered at Performance Management & Budget Scrutiny Committee on 4th June 2013.

The Chairman of Performance Management and Budget Scrutiny Committee advised Cabinet of the comments made by the Committee at its meeting on 4th June 2013. The Chairman informed Cabinet that the Committee considered that attention should be given to the issues raised in the report concerning the Council's corporate health, and there may be merit in reviewing the work done previously by Members in relation to sickness absence.

The Committee also noted that the changes in relation to Revenues and Benefits could have a positive impact on customer service performance, and the arrangement needed to be monitored. The Leader of the Council thanked the Chairman for the comments made by the Committee.

The Cabinet was asked by a Member in attendance if any specific target had been set to reduce sickness. The Cabinet responded by stating that no specific target had been set although the situation would be closely monitored.

RESOLVED: 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.

12 Annual Complaints Report 2012-13 and Policy Update

The Cabinet received the Annual Complaints 2012/13 and Policy Update Report. The Portfolio Holder for Customer Service and Communications presented the report. The Portfolio Holder made particular reference to the proposed changes to the Council's Feedback and Complaints Policy as outlined in the report. The Portfolio Holder also emphasised that the Council needed to learn from complaints to make service improvements.

The Chairman of Performance Management and Budget Scrutiny Committee advised Cabinet of the comments made by the Committee at its meeting on 4th June 2013. The Chairman informed Cabinet that the Committee welcomed the report and policy update, and highlighted the need to use feedback as a learning tool.

RESOLVED: That the Cabinet:-

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

13 Annual Governance Statement 2012-13

The Cabinet received a report regarding the Annual Governance Statement 2012/13. The Monitoring Officer presented the report. The Monitoring Officer informed Cabinet of the Council's responsibility for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded, properly accounted for and used economically, efficiently and effectively. In discharging these responsibilities, the Council must ensure that there is good governance and a sound system of internal control in place, which facilitate the effective exercise of the Council's functions and which include arrangements for the management of risk.

The Monitoring Officer also informed the Cabinet that the Council's governance arrangements had been reviewed by the Corporate Governance Assurance Board throughout 2012/13 and an Annual Governance Statement been drafted and in accordance with CIPFA guidance.

The Chairman of Audit Committee also informed the Cabinet of the comments made at its meeting on 10th June 2013. The Committee had noted the Annual Governance Statement and the draft Local Code of Corporate Governance. The Committee had also commented that it may be appropriate to include reference in the Code to the procedure for considering allegations that the Code has been breached. The Leader of the Council agreed to include this wording in the resolution.

RESOLVED: That the Cabinet:-

- 1. approves the Annual Governance Statement and recommends its adoption and sign off by the Leader of the Council and the Managing Director; and**
- 2. consider and approve the revised local code of Corporate Governance and delegate to the Monitoring Officer in consultation with the Chairman of Audit Committee authority to amend the Code to include reference to the procedures for determining if the Code has been breached.**

14 Viewpoint Survey

The Cabinet received a report which identified the results of the Viewpoint Survey that had been conducted in November 2012. The Portfolio Holder for Customer Service and Communications presented the report. The Portfolio Holder made particular reference that the survey had included a boosted sample in the Areas of Highest Need.

The Chairman of Performance Management and Budget Scrutiny Committee advised Cabinet of the comments made by the Committee at its meeting on 4th June 2013. The Chairman informed Cabinet that the Committee noted that 37% of Worcester City respondents considered that they had a limiting long term illness or disability and that there may be merit in exploring this further in future surveys. The Committee also noted that more needs to be done to improve the response rate from people living in Areas of Highest Need.

RESOLVED:- That the Cabinet note the results of the Viewpoint Survey conducted in November 2012.

15 Worcester Swimming Pool Procurement - Design Team Contract Award - Key Decision

ITEM INVOLVING THE DISCLOSURE OF EXEMPT INFORMATION

RESOLVED:- 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.

The Cabinet considered the report and agreed the recommendations as set out in the report.

Duration of the meeting: 7.00 pm to 8.15 pm

Chairman at the meeting on
16th July 2013