

additional papers 1

Council

Mon 9 Mar
2009
7.00 pm

Council Chamber
Town Hall
Redditch



www.redditchbc.gov.uk

Access to Information - Your Rights

The Local Government (Access to Information) Act 1985 widened the rights of press and public to attend Local Authority meetings and to see certain documents. Recently the Freedom of Information Act 2000, has further broadened these rights, and limited exemptions under the 1985 Act.

Your main rights are set out below:-

- Automatic right to attend all Council and Committee meetings unless the business would disclose confidential or “exempt” information.
- Automatic right to inspect agenda and public reports at least five days before the date of the meeting.
- Automatic right to inspect minutes of the Council and its Committees (or summaries of business undertaken in private) for up to six years following a meeting.
- Automatic right to inspect lists of background papers used in the preparation of public reports.
- Access, upon request, to the background papers on which reports are based for a period of up to four years from the date of the meeting.
- Access to a public register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees etc.
- A reasonable number of copies of agenda and reports relating to items to be considered in public must be made available to the public attending meetings of the Council and its Committees etc.
- Access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned.
- Access to a summary of the rights of the public to attend meetings of the Council and its Committees etc. and to inspect and copy documents.
- In addition, the public now has a right to be present when the Council determines “Key Decisions” unless the business would disclose confidential or “exempt” information.
- Unless otherwise stated, all items of business before the Executive Committee are Key Decisions.
- (Copies of Agenda Lists are published in advance of the meetings on the Council’s Website:
www.redditchbc.gov.uk

If you have any queries on this Agenda or any of the decisions taken or wish to exercise any of the above rights of access to information, please contact

**Committee Support Services
Ivor Westmore**

Town Hall, Walter Stranz Square, Redditch, B98 8AH

Tel: (01527) 64252 (Ext. 3269) Fax: (01527) 65216

e.mail: committee@redditchbc.gov.uk

Minicom: 595528

Welcome to today's meeting.

Guidance for the Public

Agenda Papers

The **Agenda List** at the front of the Agenda summarises the issues to be discussed and is followed by the Officers' full supporting **Reports**.

Chair

The Chair is responsible for the proper conduct of the meeting. Generally to one side of the Chair is the Committee Support Officer who gives advice on the proper conduct of the meeting and ensures that the debate and the decisions are properly recorded. On the Chair's other side are the relevant Council Officers. The Councillors ("Members") of the Committee occupy the remaining seats around the table.

Running Order

Items will normally be taken in the order printed but, in particular circumstances, the Chair may agree to vary the order.

Refreshments : tea, coffee and water are normally available at meetings - please serve yourself.

Decisions

Decisions at the meeting will be taken by the **Councillors** who are the democratically elected representatives. They are advised by **Officers** who are paid professionals and do not have a vote.

Members of the Public

Members of the public may, by prior arrangement, speak at meetings of the Council or its Committees. Specific procedures exist for Appeals Hearings or for meetings involving Licence or Planning Applications. For further information on this point, please speak to the Committee Support Officer.

Special Arrangements

If you have any particular needs, please contact the Committee Support Officer.

Infra-red devices for the hearing impaired are available on request at the meeting. Other facilities may require prior arrangement.

Further Information

If you require any further information, please contact the Committee Support Officer (see foot of page opposite).

Fire/ Emergency instructions

If the alarm is sounded, please leave the building by the nearest available exit – these are clearly indicated within all the Committee Rooms.

If you discover a fire, inform a member of staff or operate the nearest alarm call point (wall mounted red rectangular box). In the event of the fire alarm sounding, leave the building immediately following the fire exit signs. Officers have been appointed with responsibility to ensure that all visitors are escorted from the building.

Do Not stop to collect personal belongings.

Do Not use lifts.

Do Not re-enter the building until told to do so.

The emergency Assembly Area is on the Ringway Car Park.

Declaration of Interests: Guidance for Councillors

DO I HAVE A "PERSONAL INTEREST" ?

- Where the item relates or is likely to affect your **registered interests** (what you have declared on the formal Register of Interests)

OR

- Where a decision in relation to the item might reasonably be regarded as affecting **your own** well-being or financial position, or that of your **family**, or your **close associates** more than most other people affected by the issue,

you have a personal interest.

WHAT MUST I DO? **Declare the existence, and nature, of your interest and stay**

- The declaration must relate to specific business being decided - a general scattergun approach is not needed
- **Exception** - where interest arises only because of your membership of another **public body**, there is no need to declare unless you **speak** on the matter.
- You **can vote** on the matter.

IS IT A "PREJUDICIAL INTEREST" ?

In general only if:-

- It is a personal interest **and**
- The item affects your **financial position** (or conveys other benefits), or the position of your **family, close associates** or bodies through which you have a **registered interest** (or relates to the exercise of **regulatory functions** in relation to these groups)

and

- A member of public, with knowledge of the relevant facts, would reasonably believe the interest was likely to **prejudice** your judgement of the public interest.

WHAT MUST I DO? **Declare and Withdraw**

BUT you may make representations to the meeting before withdrawing, **if** the public have similar rights (such as the right to speak at Planning Committee).



AGENDA

7. Executive Committee

(Pages 17 – 20)

Chief Executive

D. To receive the Decision Notice and consider the recommendations and / or referrals from the following meeting of the Executive Committee:

2 March 2009

Matters requiring the Council's consideration include

- Consideration of the Preferred Draft Core Strategy Evidence Base.

(Decision Notice attached)

12. Urgent Business - Civil Parking Enforcement - Delegations and Authorisations

(Pages 21 - 23)

Head of Legal, Democratic and Property Services

To request delegated powers in respect of Civil (Decriminalised) Parking Enforcement in the Borough and to seek authority to enter arrangements required by legislation for adjudication.

(Report attached)

(No Specific Ward Relevance)



Executive Committee

2 March 2009

Notice of Decisions

Present:

Councillor Carole Gandy (Chair), Councillor Michael Braley (Vice-Chair) and Councillors P Anderson, J Brunner, B Clayton and M Hall

Also Present

Councillors M Chalk and M Shurmer and Mr M Collins, Vice-Chair of the Standards Committee

Officers:

R Bamford, S Hanley, G Harris, A Walsh and A Williams

Committee Services Officer:

I Westmore

1. APOLOGIES

Apologies for absence were received on behalf of Councillor MacMillan.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. LEADER'S ANNOUNCEMENTS

There were no Leader's Announcements.

4. CORE STRATEGY EVIDENCE BASE

RECOMMENDED that

- 1) the Employment Land Review, Open Space Needs Assessment, 'Public Open Space Standards in the Borough', Strategic Housing Land Availability Assessment (SHLAA), Strategic Flood Risk Assessment and Bromsgrove and Redditch SFRA and WCS Addendum, 'Study into the Future Growth Implications of Redditch Second Stage Report' and Technical Paper - Sustainability Appraisal and Sustainability Appraisal

.....
Chair

Executive

Committee

2 March 2009

Refresh be endorsed for the purposes of a period of public participation commencing on the 27 March 2009 and ending on the 8 May 2009.

- 2) authority be delegated to the Acting Development Plans Manager, in consultation with the Portfolio Holder for Local Environment, Planning and Transport, to make any further minor revisions to any appendices prior to the participation period commencing on the 27 March 2009 and this might include the addition of technical appendices to the SHLAA.**
- 3) authority be delegated to the Acting Development Plans Manager in consultation with the Portfolio Holder for Local Environment, Planning and Transport to accept the final draft of the Water Cycle Strategy and publish for the purposes of public consultation commencing on 27 March and ending on 8 May 2009.**

(It was noted that there may be a need to modify the recommendation in respect of Appendix B (Open Space Needs Assessment) as Members and Officers were to undertake a site visit prior to the recommendation being considered at the Council meeting on 9 March 2009.

Officers corrected a typographical error in paragraph 5.3 of the covering report, noting that the figure in the final sentence should have read 59 hectares rather than 51 hectares as stated therein.)

5. BROMSGROVE AND STRATFORD-ON-AVON DISTRICT COUNCILS' CORE STRATEGY RESPONSES

RESOLVED that

the responses from Redditch Borough Council to the Bromsgrove and Stratford Draft Core Strategy Documents (Appendices A and B) be retrospectively endorsed, subject to the submission of an addendum to the response to Stratford-on-Avon expressing the Council's desire to see B1 (Business) use only on the Winyates Triangle site and access to this site being gained from the A435, with the wording to this addendum being agreed in consultation with the Leader of the Council.

(Officers undertook to provide Councillor Hall with further information concerning Gypsy, Traveller and Show People's sites in Bromsgrove District following the meeting.)

6. THE WORCESTERSHIRE ECONOMIC STRATEGY AND DELIVERY PLAN

RESOLVED that

if Redditch is designated a Settlement of Significant Development in the Regional Spatial Strategy, the Worcestershire Economic Strategy and Delivery Plan be endorsed subject to the amendments in Appendix A;

or

if Redditch is not designated a Settlement of Significant Development in the Regional Spatial Strategy, the Worcestershire Economic Strategy and Delivery Plan be endorsed subject to the amendments in Appendix B.

(Members were keen that both local Civic and Business Leaders be actively engaged in the role of ambassadors for the town in order that Redditch might be promoted as a place in which to do business and that this be reflected in the developing Redditch Economic Strategy.)

7. OVERVIEW AND SCRUTINY COMMITTEE

Members received the minutes of a recent meeting of the Overview and Scrutiny Committee. The minutes incorporated the Overview and Scrutiny Committee's consideration of the final report from the Worcestershire Joint Scrutiny into Flooding Task and Finish Group. A number of recommendations had arisen from consideration of this report.

RESOLVED that

- 1) the minutes of the meeting of the Overview and Scrutiny Committee held on 4 February 2009 be received and noted;**
- 2) a working party of relevant Officers assess the implications of the Worcestershire Joint Scrutiny into Flooding final recommendations for Redditch Borough Council;**
- 3) the working party of Officers present the Task and Finish Group's final recommendations at a meeting of the Executive Committee alongside their comments; and**

Executive

Committee

2 March 2009

- 4) an all Member emergency planning training session be set up.
- 8. **MINUTES / REFERRALS - OVERVIEW AND SCRUTINY COMMITTEE, EXECUTIVE PANELS, NEIGHBOURHOOD GROUPS ETC.**

There were no minutes or referrals under this item.

The Meeting commenced at 7.00pm
and closed at 8.55pm.

.....
Chair

No Direct Ward relevance

Council

9 March 2009

CIVIL PARKING ENFORCEMENT – DELEGATIONS AND AUTHORISATIONS

(Report of the Head of Legal, Democratic & Property Services)

1. Summary of Proposals

To request delegated powers in respect of Civil (Decriminalised) Parking Enforcement in the Borough and to seek authority to enter arrangements required by legislation for adjudication.

2. Recommendations

The Council is asked to RESOLVE that

- 1) authority be delegated to the Director of Housing, Leisure and Customer Services to exercise the Council's civil parking enforcement powers within the Borough of Redditch, when civil parking enforcement within the Borough comes into effect;
- 2) the Council enter into a Deed of Arrangements with the Parking and Traffic Regulations Outside London Adjudication Joint Committee (PATROLAJC) for the functions in relation to adjudicators under Part 6 of the Traffic Management Act 2004; and
- 3) authority be delegated to the Head of Legal, Democratic & Property Services to sign any necessary agreements or other documents to enable the introduction of civil parking enforcement within the Borough.

3. Financial, Legal, Policy, Risk and Sustainability Implications

Financial

- 3.1 There are no financial implications arising directly from this report. The financial implications of civil parking enforcement have previously been reported.

Legal

- 3.2 These are set out in the main body of the report.

Policy

- 3.3 There are no Policy implications arising out of this report.

Risk

- 3.4 The Council has to participate in the adjudication process as required by the legislation in order to enforce civil parking within the Borough. If the Council does not participate, appeals from motorists and vehicle owners against Penalty Charge Notices could not be lawfully dealt with and this could affect the operation of civil parking enforcement within the Borough.

Report**4. Background**

On the 17th of September 2007, the Council resolved that:

- a) the conclusions and recommendations contained within the Civil (Decriminalised) Parking enforcement report be endorsed and
- b) the recommendation that Redditch Borough Council should introduce Civil (Decriminalised) Parking Enforcement in partnership with Wychavon District Council be endorsed.

5. Key Issues

- 5.1 Part 6 of The Traffic Management Act 2004 enables Highway Authorities to take responsibility for Civil (Decriminalised) Parking Enforcement within a specific area from the Police. The Highway Authority in Redditch is Worcestershire County Council. Redditch is working with the County Council to implement Civil (Decriminalised) Parking Enforcement and this responsibility will be delegated to Redditch Borough Council through an Agency Agreement.
- 5.2 Civil parking enforcement within the Borough will be carried out on RBC's behalf by Wychavon District Council. However, there is a need to formally delegate responsibility for the Council's civil enforcement powers to Officers to enable them to deal with issues that arise.
- 5.3 Under Section 81 of the Traffic Management Act 2004, there is a requirement for there to be the appointment of independent adjudicators to hear appeals from motorists and vehicle owners whose vehicles have been issued with Penalty Charge Notices under the Traffic Management Act 2004.

- 5.4 Regulation 16 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 requires these appointments to be made by a joint Committee of non-London enforcement authorities. The relevant Joint Committee is the Patrol Adjudication Joint Committee (PATROLAJC). In order to comply with the legislation, Redditch Borough Council needs to join the Joint Committee, which involves entering into a Deed of Arrangement with the other participating authorities.

6. **Other Implications**

Asset Management	There are no asset management implications.
Community Safety	There are no community safety implications.
Human Resources	It is believed to be possible to absorb these duties into existing Officer workloads.
Social Exclusion	No Social Inclusion implications have been identified.

7. **Lessons Learnt**

There are none to date.

8. **Background Papers**

Report on Civil (Decriminalised) Parking Enforcement.

9. **Consultation**

There has been no consultation other than with relevant Borough Council Officers.

10. **Author of Report**

The author of this report is Sue Mullins (Head of Legal, Democratic & Property Services) who can be contacted on extension 3210 (e-mail: sue.mullins@redditchbc.gov.uk) for more information.

11. **Appendices**

None.

