

additional papers 1

Council

**Mon 1st Feb
2010
7.00 pm**

**Council Chamber
Town Hall
Redditch**



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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.
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- 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.
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- 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.
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- 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:
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**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
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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 Walter Stranz Square.

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).



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<p>7. Executive Committee</p>	<p>To receive the decision notice and consider the recommendations and/or referrals from the following meeting of the Executive Committee:</p> <p><u>27th January 2010</u></p> <p>Matters requiring the Council's consideration may include:</p> <ul style="list-style-type: none">• Single Equalities Scheme 2009/12;• Energy Strategy;• Worcestershire Enhanced Two Tier Programme;• Capital Strategy 2010/13;• Housing Revenue Account Initial Estimate 2010/11; and• Overview and Scrutiny Committee (16th December 2009). <p>(Decision notice attached)</p>
<p>8. Regulatory Committees – Licensing Committee, 25th January 2010</p>	<p>To consider a referral from the meeting of the Licensing Committee held on 25th January 2010.</p> <p>(Report attached)</p>



Executive Committee

27th January 2010

Notice of Decisions

Present:

Councillor Carole Gandy (Chair), Councillor Michael Braley (Vice-Chair) and Councillors P Anderson, J Brunner, B Clayton, W Hartnett, N Hicks, C MacMillan and M Shurmer

Also Present

Councillors K Banks

Officers:

S Mullins, K Dicks, S Hanley, A Walsh, L Roberts, R Kindon, T Kristunas, G Revans and A Heighway

Committee Services Officer:

I Westmore

212. APOLOGIES

There were no apologies for absence.

213. DECLARATIONS OF INTEREST

There were no declarations of interest.

214. LEADER'S ANNOUNCEMENTS

The Chair advised that the following item of business, scheduled on the Forward Plan to be dealt with at this meeting, had been rescheduled to the meeting on 3rd February 2010. Members were also informed that this report would be going out late as the Council was awaiting further information on a capitalisation request and this would not be received by the Council until 29th January.

- Initial Estimates 2010/11

The Chair also advised that she had accepted the following matter as urgent business:

Item 5 – Public Open Space Consultation Summary and Asset Disposal Programme Update

.....
Chair

215. MINUTES

RESOLVED that

the minutes of the meetings of the Committee held on 2nd and 9th December 2010 be confirmed as a correct record and signed by the Chair, subject to:

in respect of Minute 201 (Opt-in Chargeable Garden Waste Collection – Business Case – Amended Version) it being agreed that Recommendation 7 be amended to read

- 7) the Council's current collection policy relating to garden waste in grey bins be restated to coincide with the start of the new service to discourage through education garden waste being placed in grey bins.**

216. PUBLIC OPEN SPACE CONSULTATION SUMMARY AND ASSET DISPOSAL PROGRAMME UPDATE

RESOLVED that

- 1) the comments received regarding the proposed disposals be noted;**
- 2) the sites in Appendix 1, with the exception of Site 2 (Brooklands Lane), Site 6 (Harport Road), Site 8 (Hunt End Lane) and Site 10 (Moorcroft Gardens), be approved for continued inclusion in the Asset Disposal Programme;**
- 3) the site at the corner of Winyates Way and Moons Moat Drive shown identified on plan 17 in Appendix 2 be declared surplus;**
- 4) 31 Mount Pleasant identified on plan 19 in Appendix 2 be declared surplus; and**
- 5) authority be delegated to the Property Services Manager in consultation with the Portfolio Holder to progress and conclude disposals of assets contained in the Asset Disposal Programme.**

(Officers commented that Site 3 (Clifton Close) was in Matchborough Ward and not Lodge Park as incorrectly stated in Appendix 1.

The Head of Legal, Democratic and Property Services stated that, in her opinion, no Members of the Planning Committee had fettered their discretion in any subsequent Planning Committee deliberations through their involvement in the decision-making on the above matters.)

217. SINGLE EQUALITIES SCHEME

RECOMMENDED that

the Single Equalities Scheme and Equalities Action Plan included at Appendix 1 to the report be approved.

(Members requested that a report/action plan be submitted to a future meeting of the Committee or Council detailing what the Council, as Community Leader, expected to receive in terms of education provision for the Borough and its children and young people.)

218. ENERGY STRATEGY

RECOMMENDED that

the Energy Strategy and Action Plan, as attached at Appendix 1 to the report, be adopted.

(Officers commented that the baseline data in Tables 1 and 2 would need to be amended and highlighted a number of additions to the information within Table 5, information which had not been available at the time of going to print. This new and amended information would be made available prior to the meeting of the Council.)

219. WORCESTERSHIRE ENHANCED TWO TIER (WETT) PROGRAMME

RECOMMENDED that

- 1) the two tier and joint working proposals for Property Services, Regulatory Services and Internal Audit presented within the Worcestershire Enhanced Two Tier detailed business cases referenced in this report be agreed;**

AND

subject to the agreement of the relevant councils out of Worcestershire County Council and the Worcestershire District Councils, namely Worcester City, Bromsgrove District, Redditch Borough, Malvern Hills District, Wychavon District and Wyre Forest District Councils:

A. UNIFIED REGULATORY SERVICES

- 2) a unified Regulatory Service for the Worcestershire Councils, jointly hosted by Bromsgrove and Redditch Councils (with Bromsgrove District Council as the employing authority), be established from 1st June 2010 under the auspices of a Joint Committee, on the basis set out in the Regulatory Service Detailed Business Case V10, Part 1 & Part 2 (Rev.1) and supported by the Regulatory Services, Detailed Business Case Executive Summary V3.2 at 'Appendix A' to this report;
- 3) this Council's functions in relation to Environmental Health and Licensing Services (so far as permissible in law) be delegated to a Joint Committee in accordance with Section 101 of the Local Government Act 1972 and Section 20 of the Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions) (England) (Regulations) 2000;
- 4) subject to the agreement in recommendation 1) above being concluded, relevant staff from all Councils which agree to the Regulatory Services business case be transferred to Bromsgrove District Council under TUPE arrangements;
- 5) the financial arrangements for the new service as set out in the Detailed Business Case V10 be approved;
- 6) the Head of Legal, Democratic and Property Services be requested to draft consequent changes to the Council's Constitution to reflect the Shared Services arrangements, establishment of the new Joint Committee

B. PROPERTY SERVICES

- 7) a Shared Property Service, hosted by Worcestershire County Council, on the basis set out in the Property Services Detailed Business Case V6 and the supporting Detailed Business Case Executive Summary V1 at 'Appendix B' to this report be established;
- 8) the transfer of staff to Worcestershire County Council as service provider be approved on the terms proposed from the Commencement Date;
- 9) Authority be delegated to the Head of Legal, Democratic & Property Services to enter into a service level agreement on the basis set out in the Property Services Detailed Business Case V6 and supporting Property Services Detailed Business Case V1 (Appendix B), as amended to reflect any final agreement made between the Partner authorities, be approved;

C. INTERNAL AUDIT SERVICES

- 10) a Shared Internal Audit Service (hosted by Worcester City Council) on the basis set out in the Internal Audit, Detailed Business Case V10 and the supporting Detailed Business Case Executive Summary V2 at 'Appendix C' to this report be established;
- 11) the transfer of staff to Worcester City Council as service provider be agreed, on the terms proposed, from the Commencement Date;
- 12) Authority be delegated to the Head of Legal, Democratic & Property Services to enter into a service level agreement on the basis set out in the Internal Audit Detailed Business Case V10 and supporting Internal Audit Detailed Business Case V2 (Appendix B), as amended to reflect any final agreement made between the Partner authorities;

TIMELINE AND RECRUITMENT

- 13) the timeline proposed at 'Appendix D' to the report, which details the order and dates for each consultation period and decision point in relation to the detailed business case development for Internal Audit, Property and Regulatory Services, be supported.

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- 14) agrees to the creation of and terms of reference for a **Joint Appointments Committee** comprising one member of each participating Council for the proposed Head of Regulatory Services.

(Officers highlighted the undertaking that had been made at a recent meeting of the WETT Programme Management Group to provide further detail to the participating Councils on the proposed service standards and related information)

220. CAPITAL STRATEGY 2010 TO 2013

RECOMMENDED that

- 1) the Capital Strategy appended to the report be approved; and
- 2) the Capital Strategy be added to the list of the Council's Policy Framework documents and incorporated as such into the Council's formal Constitution.

221. HOUSING REVENUE ACCOUNT 2010/11

RECOMMENDED that

- 1) the draft 2010/11 Estimates for the Housing Revenue Account attached to the report at Appendix A, be approved;
- 2) the actual average rent increase for 2010/11 be 2.6%;
- 3) the Housing Revenue Account bids for revenue resources categorised as unavoidable and high set out in Appendix B be approved as follows:

2010/11	£63,000
2011/12	£49,000
2012/13	£187,000;

- 4) the Housing Revenue Account bids for capital resources categorised as high and unavoidable set out in Appendix C be approved as follows:

2010/11	£600,000
2011/12	£730,000
2012/13	£6,020,000; and

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- 5) the bid as recommended by the Overview and Scrutiny Committee be approved as follows:

Cleaning and maintenance of flooring at Three Storey Flats - estimated cost £6,000.

222. COUNCIL TAX BASE

RESOLVED that

- 1) the calculation of the Council's Tax Base for the whole and parts of the area for 2010/11, as detailed in the Appendices to the report, be approved; and
- 2) in accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992, the figures calculated by the Redditch Borough Council as its tax base for the whole area for the year 2010/11 be 27,470.42 and for the parts of the area listed below be:

Parish of Feckenham:	<u>363.54</u>
Rest of Redditch:	<u>27,106.88</u>

223. OVERVIEW AND SCRUTINY COMMITTEE

RESOLVED that

- 1) the minutes of the meetings of the Overview and Scrutiny Committee held on 25th November and 16th December 2010 be noted;

and RECOMMENDED that

- 2) Councillor Robin King be nominated to represent the Council as a co-optee on the Worcestershire Hub Scrutiny Group.

(Members agreed that consideration of the recommendations relating to the Former Covered Market be deferred until that matter was considered by the Executive Committee at its next meeting on 3rd February.)

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224. MINUTES / REFERRALS - OVERVIEW AND SCRUTINY COMMITTEE, EXECUTIVE PANELS, NEIGHBOURHOOD GROUPS ETC.

There were no minutes or referrals under this item.

225. ADVISORY PANELS - UPDATE REPORT

RESOLVED that

the report be noted.

(It was noted that further meetings had been arranged, as follows:

Leisure Contracts Advisory panel – 1st February;
Constitutional Review Working Party – 24th February;
Climate Change Advisory Panel – 9th March.)

226. ACTION MONITORING

RESOLVED that

the report be noted.

227. EXCLUSION OF THE PUBLIC

RESOLVED that

under S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following matters on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12 (A) of the said Act, as amended.

Easemore Road Site – Consultation with Tenants (as detailed at Minute 228 (Item 17) below);

228. EASEMORE ROAD SITE - CONSULTATION WITH TENANTS

(Officers undertook to carry out a basic check of all of the Deeds held by the Council by the end of the financial year.)

(During the consideration of this item, Members discussed matters that necessitated the disclosure of exempt information. It was therefore agreed to move to exclude the press and public prior to

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any debate on the grounds that information would be revealed relating to provisional terms of land disposal under negotiation.)

The Meeting commenced at 7.00 pm
and closed at 9.39 pm

.....
Chair

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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LICENSING COMMITTEE – REFERRALS

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

1. Summary of Proposals

The proposals outlined below are recommendations from the Licensing Committee meeting held on 25th January 2010 concerning both taxi licensing and the licensing of activities under the Licensing Act 2003. They are focussed on improving the safety of the residents of the Borough and ensuring that administrative processes within the Council are efficient and in line with current guidance.

LICENSING COMMITTEE – 25TH JANUARY 2010

2. Recommendations

A. VEHICLE SAFETY INSPECTIONS / IN-HOUSE INSPECTIONS

RECOMMENDED that

- 1) vehicle testing be carried out at 6 monthly intervals;**
- 2) Hackney Carriage and Private Hire Vehicle Inspection testing be brought back in-house to ensure vehicle standards;**
- 3) a new post of Vehicle Inspection Engineer be created to sit within the Licensing Team, stationed at Crossgates Depot, to carry out vehicle inspection tests, checks on accident damaged vehicles and other inspection duties, as necessary;**
- 4) a Hackney Carriage and Private Hire Vehicle Inspection test fee of £50 be introduced, which will be looked at annually as part of fees and charges;**
- 5) National Inspection Standards for Hackney Carriage and Private Hire Vehicles be adopted;**
- 6) all Vehicle Engineers at Crossgates Depot be authorised to suspend Hackney Carriage and Private Hire Vehicles, in consultation with the designated Officer in Licensing, for those vehicles found to be not up to MOT / vehicle testing standards;**
- 7) vehicle conversions be refused without SVA / IVA type approval from VOSA as from 1st April 2010; and**

8) a review of the scheme be carried out 6 months after implementation.

(Members had considered a report regarding vehicle testing of Hackney Carriages and Private Hire Vehicles licensed by Redditch Borough Council

Members were informed that a Best Value Inspection in 2003 had recommended that vehicle inspections should be provided externally. Two garages had applied and had been authorised to conduct these inspections. Officers reported that 99% of Hackney Carriage and Private Hire vehicle inspections were currently being carried out by one of these garages.

The Licensing Manager reported that the Licensing Team, assisted by engineers from Crossgates Depot, had conducted routine spot check inspections of vehicles licensed by the Council. The results of these inspections had raised serious concerns regarding public safety, and clearly indicated that the majority of drivers were not maintaining their vehicles to an acceptable standard throughout the current 12 month test period.

The introduction of 6 monthly testing of vehicles would make a positive contribution in ensuring that all vehicles licensed by Redditch Borough Council would be maintained to an efficient road safety standard, ensure continuous improvement and help ensure that vehicle owners and drivers would maintain their vehicles to appropriate standards. Officers reported that many of the vehicles were in use every day of the year and that it was not uncommon for mileage to be up to 100,000 miles per annum, equivalent to 10 years mileage for an average car user.

Officers were to prepare a press release regarding the scheme. The Legal Services Manager was to confirm the legality of bringing the service in-house.)

B. SCHEME OF DELEGATION TO OFFICERS - HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - AMENDMENT RELATING TO DELEGATED POWERS TO REFUSE

RECOMMENDED that

- 1) the Scheme of Delegation to Officers be amended to include additions as follows:**
 - a) to refuse Hackney Carriage and Private Hire Vehicle Drivers' Licenses in line with Redditch Borough Council's refusal protocol and subject to the right of the applicant to appeal against such refusal to the Licensing Sub Committee (Taxis);**

-
- b) the delegation should incorporate the Head of Environment (HE), Manager of Environmental Health (MEH) and the Manager of Licensing (ML);
 - 2) the “refusal protocol”, as detailed below, be approved and adopted by the Council with immediate effect;

‘Hackney Carriage and Private Hire Vehicle Drivers’ Licence Applications

“The Licensing Manager may refuse an initial application for a Licence if the Licensing Manager considers that it would be likely that the Licensing Sub Committee would do so when applying the Home Office guidance as to the Relevance of Previous Convictions as expounded in pages 63 to 81 of the Council’s Taxi Handbook. The Licensing Manager shall immediately inform the applicant of the decision in writing and give the applicant a notice in writing of his / her right to appeal the decision to the Licensing Sub Committee within 21 days of notice of refusal.”

Delegated Officers:

***HE Head of Environment
MEH Manager of Environmental Health
ML Manager of Licensing***

- 3) decisions made by Officers using the Scheme of Delegation be reported to the Licensing Sub Committee (Taxis) at their next available meeting.

(The Committee received a report which sought approval of a “refusal protocol” for Redditch Borough Council relating to the power to refuse initial applications for licences from Hackney Carriage and Private Hire Drivers. Additional delegated authority was sought to allow Officers to make decisions in line with the “refusal protocol”.)

C. SCHEME OF DELEGATION TO OFFICERS - LICENSING ACT 2003

RECOMMENDED that

- 1) decisions in the administration process for Minor Variations under the Licensing Act 2003 be delegated to the Head of Environment (HE), Manager of Environmental Health (MEH) and Manager of Licensing (ML) as follows:
 - a) change of name and address of someone named in the Premises Licence – Section 33 of the Licensing Act 2003;

- b) application to change the Designated Premises Supervisor – Section 37 of the Licensing Act 2003;
 - c) application in relation to licence for community premises that authorises the sale of alcohol to dis-apply the mandatory conditions concerning the supervision of alcohol sales by a Personal Licence Holder and the need for a Designated Premises Supervisor – Sections 25A and 41D of the Licensing Act 2003;
 - d) application for Minor Variation of Premises Licence to add a licensable activity;
- 2) the Statutory set fee of £89 be entered into the Council's list of Fees and Charges;
- 3) the Manager of Licensing report any Minor Variations to members of the Licensing Committee, by e-mail, when they occur; and
- the Manager of Licensing include details of Minor Variations in her reports to this Committee on the Licensing Act 2003.**

(Members were informed that Central Government had issued supplementary Guidance to Local Authorities under Section 182 of the Licensing Act 2003 on a simplified process for minor variations to Premises Licences and Club Premises Certificates.

The Manager of Licensing reported that the guidance recommended that all decisions in the administration of applications for minor variations should be delegated to Licensing Officers. This would simplify the process and enable a minor variation to be made swiftly to a premises licence or club premises certificate, within prescribed time periods.)

3. Author of report

The author of this report is Denise Sunman (Committee Services Officer), who can be contacted on extension 3270 (e-mail denise.sunman@redditchbc.gov.uk)