

Council

Monday 9th September
2013
7.00 pm

Council Chamber
Town Hall
Redditch



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- 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
Ivor Westmore
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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

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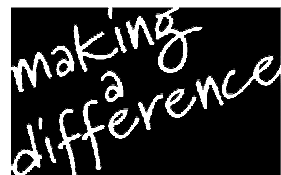
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The emergency **Assembly Area** is on **Walter Stranz Square**.



Council

9th September 2013

7.00 pm

Council Chamber Town Hall

Agenda

Membership:

Cllrs:	Wanda King (Mayor)	Carole Gandy
	Pat Witherspoon (Deputy Mayor)	Adam Griffin
	Joe Baker	Bill Hartnett
	Roger Bennett	Pattie Hill
	Rebecca Blake	Roger Hill
	Michael Braley	Gay Hopkins
	Andrew Brazier	Alan Mason
	Juliet Brunner	Phil Mould
	David Bush	Brenda Quinney
	Michael Chalk	Mark Shurmer
	Simon Chalk	Yvonne Smith
	Greg Chance	Luke Stephens
	Brandon Clayton	Debbie Taylor
	John Fisher	Derek Taylor
	Andrew Fry	

1. Welcome	The Mayor will open the meeting and welcome all present.
2. Apologies	To receive any apologies for absence on behalf of Council members.
3. Declarations of Interest	To invite Councillors to declare any interests they may have in items on the agenda.
4. Minutes (Pages 1 - 8) Chief Executive	To confirm as a correct record the minutes of the meeting of the Council held on 22 nd July 2013. (Minutes attached)
5. Announcements	To consider Announcements under Procedure Rule 10: a) Mayor's Announcements b) Leader's Announcements c) Chief Executive's Announcements. (Oral report)

<p>6. Questions on Notice (Pages 9 - 10) Chief Executive</p>	<p>To consider the following Questions for the Leader, which have been submitted in accordance with Procedure Rule 9.2:</p> <ol style="list-style-type: none"> 1. <u>"Borough of Redditch Local Plan No.4 and Redditch Housing Growth Consultation Documents"</u> Mr David Rose 2. <u>"Borough of Redditch Local Plan No.4 and Redditch Housing Growth Consultation Documents"</u> Bentley Area Action Group – Mr Malcolm Glainger, Chair <p>(Questions attached)</p>
<p>7. Motions on Notice Chief Executive</p>	<p>No Motions have been submitted under Procedure Rule 11.</p>
<p>8. Executive Committee (Pages 11 - 50) Chief Executive</p>	<p>To receive the minutes and consider the recommendations and/or referrals from the following meeting of the Executive Committee:</p> <p><u>2nd September 2013</u></p> <p>Matters requiring the Council's consideration include:</p> <ul style="list-style-type: none"> • Borough of Redditch Local Plan No.4; • Changes to Scheme of Fees and Charges for Non-Statutory Planning Advice; • Greater Birmingham and Solihull Local Enterprise Partnership – Delegation of Functions to a Joint Committee; and • Overview and Scrutiny Committee – 2nd July 2013. <p>(Reports attached – decisions to follow with publication of the minutes on Thursday, 5th September 2013. Appendices 1 – 4 to the Local Plan No.4 Item are available via the Council's website, at Reception at the Town Hall and for Councillor in the Group Rooms.)</p> <p>(Minutes of the meeting on 2nd September 2013 to follow)</p>

<p>9. Restructure - Enabling Heads of Service</p> <p>(Pages 51 - 86)</p> <p>Exec Director (Finance and Corporate Resources)</p>	<p>To consider a proposed restructure of a number of Heads of Service roles and responsibilities within the Finance and Resources Directorate. Determination of this matter was deferred at the previous meeting of the Council to allow for proper consideration of consultation responses.</p> <p>As was noted at the previous meeting of the Council, subsequent to the meeting of the Executive Committee on 9th July the relevant parties were consulted on the contents of the report and thus the report and decision are no longer deemed exempt.</p> <p>(Report, consultation responses and Executive Committee decision attached)</p> <p>(No Direct Ward Relevance)</p>
<p>10. Regulatory Committees</p> <p>(Pages 87 - 104)</p> <p>Chief Executive</p>	<p>To formally receive the minutes of the following meetings of the Council's Regulatory Committees:</p> <p>Audit & Governance Committee 27th June 2013</p> <p>Planning Committee 31st July 2013</p> <p>Standards Committee 25th July 2013</p> <p>There are outstanding recommendations for the Council from the meeting of the Standards Committee held on 25th July 2013 – decision and report attached.</p> <p>(Minutes circulated in Minute Book 3 – 2013/14)</p>
<p>11. The Scrap Metal Dealers Act 2013</p> <p>(Pages 105 - 132)</p> <p>Head of Worcestershire Regulatory Services</p>	<p>To consider whether to delegate authority and set fees so that the Scrap Metal Dealers Act 2013 can be effectively implemented from 1st October 2013.</p> <p>(Report attached)</p> <p>(All Wards)</p>
<p>12. Urgent Business - Record of Decisions</p> <p>Chief Executive</p>	<p>To note any decisions taken in accordance with the Council's Urgency Procedure Rules (Part 6, Paragraph 5 and/or Part 7, Paragraph 15 of the Constitution), as specified.</p> <p>(None to date).</p>

<p>13. Urgent Business - general (if any)</p>	<p>To consider any additional items exceptionally agreed by the Mayor as Urgent Business in accordance with the powers vested in her by virtue of Section 100(B)(4)(b) of the Local Government Act 1972.</p> <p>(This power should be exercised only in cases where there are genuinely special circumstances which require consideration of an item which has not previously been published on the Order of Business for the meeting.)</p>
<p>14. Exclusion of the Public</p>	<p>Should it be necessary, in the opinion of the Chief Executive, to consider excluding the public from the meeting in relation to any items of business on the grounds that exempt information is likely to be divulged it may be necessary to move the following resolution:</p> <p>“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 matter(s) on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs (<i>to be specified</i>) of Part 1 of Schedule 12 (A) of the said Act, as amended.”</p> <p>[Subject to the “public interest” test, information relating to:</p> <ul style="list-style-type: none"> • Para 1 – <u>any individual</u>; • Para 2 – <u>the identity of any individual</u>; • Para 3 – <u>financial or business affairs</u>; • Para 4 – <u>labour relations matters</u>; • Para 5 – <u>legal professional privilege</u>; • Para 6 – <u>a notice, order or direction</u>; • Para 7 – <u>the prevention, investigation or prosecution of crime</u>; <p>may need to be considered as ‘exempt’.]</p>

Council

9th September 2013

(Note: Anyone requiring copies of any previously circulated reports, or supplementary papers, should please contact Committee Services Officers in advance of the meeting.)



Council

Monday, 22 July 2013

MINUTES

Present:

Councillor Wanda King (Mayor), Councillor Pat Witherspoon (Deputy Mayor) and Councillors Joe Baker, Roger Bennett, Rebecca Blake, Michael Braley, Andrew Brazier, Juliet Brunner, David Bush, Michael Chalk, Simon Chalk, Greg Chance, Brandon Clayton, John Fisher, Adam Griffin, Bill Hartnett, Pattie Hill, Roger Hill, Gay Hopkins, Alan Mason, Phil Mould, Brenda Quinney, Mark Shurmer, Yvonne Smith, Luke Stephens and Debbie Taylor.

Officers:

C Felton, C Flanagan, S Hanley and J Pickering

Committee Services Officer:

S Jones

28. APOLOGIES

Apologies for absence were received from Councillors Andrew Fry, Carole Gandy and Derek Taylor.

29. DECLARATIONS OF INTEREST

Councillor David Bush declared an Other Disclosable interest in agenda item no.8, Executive Committee, relating to the Compulsory Purchase Order, 11, Clent Avenue.

Councillor Bill Hartnett reported that he had declared an interest at the Executive Committee meeting of 9th July 2013, minute no.27 relating to Hewell Road development site. This would be considered as an item of report later in tonight's meeting.

30. MINUTES

RESOLVED that

The minutes of the meeting of the Council held on 10th June 2013 be agreed as a correct record and signed by the Mayor.

.....
Chair

31. ANNOUNCEMENTS

(a) Mayor

The Mayor's communications and announcements were as follows:

i) Mayoral Functions

The Mayor advised that since the last meeting of the Council she and the Deputy Mayor had received visitors from Redditch's twin town of Mtwara in Tanzania and attended several engagements, including Civic Services in Droitwich Spa, Wyre Forest and Worcester City, the Fly the Flag day at the Town Hall and Astwood Bank carnival.

ii) Civic Service

The Mayor announced that her Civic Service would be held on 22nd September and all members of the Council were welcome to attend.

(b) Leader

The Leader's announcements were as follows:

i) Alexandra Hospital

The Leader announced that he and the Leaders of Bromsgrove and Stratford-on-Avon District Councils had written to Jeremy Hunt M.P, requesting that given the length of time it had taken, the decision about the future of the Alexandra Hospital be called in.

He also reported that from 24th July the Stroke Unit at the Alexandra Hospital would be closed to new admissions and patients would be taken to the Worcester Royal acute hospital.

ii) Youth Theatre at the Palace

The Leader was pleased to report a very enjoyable and successful production of the Wizard of Oz by the Youth Theatre. He congratulated all involved.

iii) Marketing Day

The Leader had opened a recent marketing day which promoted opportunities for local businesses with the Borough and County Councils and National Health Service. Over 120 businesses had attended and he

thanked Carmen Young from the Procurement Team for her work in supporting this.

(c) Chief Executive

The Deputy Chief Executive did not have any announcements.

32. QUESTIONS ON NOTICE

(a) Mercian Regiment

Councillor Roger Bennett asked the following question of the Leader:

“In March 2009 Redditch Borough Council gave the freedom of the Borough to the Mercian Regiment. Since that time the 2nd Mercian Regiment which recruits from Worcestershire, have continued to serve all over the world including Afghanistan.

Following the Forces Day Parade recently held in Redditch there is a growing desire by residents to show their appreciation for those in the Armed Forces who protect and serve us.

Would he agree with me that we should allow our residents the opportunity to show their appreciation for our brave servicemen and women who are representing our town, by making a commitment and invite them to parade through the town at their earliest convenience?”

The Leader replied as follows:

He reported that he had contacted the Mercian Regiment so that they were aware the question was being put to this meeting. Their response had been favourable although the Regiment was unlikely to be able to respond to a request to march until later in the summer.

“Members will know that the Mercian Regiment already have Freedom of the Borough and as a result the ability to march through the town as and when appropriate.

We are conscious that they are very busy at present on active duties but have been able to make contact with them to reaffirm our commitment to supporting a march as and when the time is right.

Obviously there are costs associated with a march and it is important that we factor these into our budgets – particularly now when finances are scarce. Officers have estimated that the costs will be between approx. £2,250 to £2,750 and how they would be met would depend on the time of year the march was

held. If it was in 2014-15 the Council may be able to provide for it within budgets, otherwise it may be met from Reserves.

On that note we now wait to hear from the Regiment in respect of timescales. It might be worth noting however that Bromsgrove have been waiting for over a year due to the commitments of the Regiment so it may be a little while yet.

On another note I would like to advise Council that I am currently in discussions and working with the 37th Signal Regiment to learn more about their role and the work that they do here in Redditch. Alan Mason will acknowledge the support they gave him during his mayoral year last year.

As members will know the Regiment is based in Redditch and a great number of our residents are associated with their activities.

They have invited all members of Council to visit their Headquarters to familiarise ourselves with their work and the support that they give to our armed forces with the view to considering a Council Motion to grant them the Freedom of the Borough.

I hope that members join with me in supporting this proposal and commit to attending the HQ on a date to be arranged.

The Regiment are very keen for us to attend and I think it would bring the work that they do in the Borough and the Council closer together”

(b) Councillor Brandon Clayton put the following question to the Leader:

“Following the decision to give away our land at the Hewell Road site to a social landlord for free, who then decided what type of housing was to be built.

Can the Leader of the Council tell us:

A) Does Redditch Borough Council have any influence over the type of housing to be built on our land in the future;

B) Does the leader acknowledge that Redditch has a need for bungalows, particularly as the Council has a 5 year waiting list for residents wanting one;

C) Can he confirm whether there will be any bungalows built for rent on Council land within the next five years?”

The Leader replied as follows:

“Can I start by stating that I took no part in either the selection process or the formal consideration and decision at Executive in respect of the land and future build at Hewell Road.

During the research to enable a full response to your question, I am advised you were a member of the selection panel, all of whom agreed the recommendations considered by Executive.

I am aware the issue was raised during the panel of the type of properties the Council would wish to see built on the land, however not specifically in respect of bungalows.

As considered by Executive, none of the submissions offered by Registered providers offered a capital receipt of more than £1.

The panel, of which you were a member, all agreed without exception that the process had been a fair process.

A – No final decisions have yet been made as to the type of housing to be built at the Hewell Road site and Strategic Housing officers will work with the partner to agree viable delivery on the site. In the event that the provider cannot provide a scheme that meets housing need in Redditch, the Council would not continue with them on this project. More broadly, Redditch Borough Council is able to influence the type of housing built on Council-owned land in the future in a number of ways:

1. The Council uses the outcomes of the Strategic Housing Market Assessment (SHMA) to help inform provision of affordable housing in the borough.
2. The Council is able to use the planning system to inform the type of housing provided – discussions and negotiations about numbers and type would normally take place during the course of a detailed planning application, with Strategic Housing officers.
3. The Council is able to influence the type of housing built through analysis of on-going customer demand. The housing register is traditionally used as a way of analysing housing need in the Borough, but there are a number of other factors that may influence supply and demand. For example, the welfare reform agenda has created a need to focus on supplying a greater number of smaller properties, to enable households affected by under-occupancy to downsize. The Council analyses these factors in their entirety in order to reach decisions about meeting housing provision locally.
4. The Council needs to be mindful of site viability in all of its work influencing housing type.

B – There are 710 bungalows owned by the Council within its own stock – this equates to nearly 12% of the overall stock. On the housing waiting list, there are nearly 700 households requesting bungalows or other suitable property. Waiting times for a bungalow are dependant upon a number of factors, including current housing need, area of preference and size requirements, so averaging out waiting times does not provide a meaningful picture for customers hoping to secure a bungalow in the future. However, it may be worth noting, that, of those housed between January 2012 and January 2013, no household in Gold or Priority Band (high housing need) waited for longer than 13 months for any type of property.

C – Whilst building bungalows is always on the agenda during planning application discussions, the Council is not in a position to make cast iron guarantees about the number of bungalows to be delivered in Redditch on Council-owned land in the future. The Council recognises that there is a general need for these types of properties, but they are 'land-hungry', and costly to develop, and both these issues present a challenge when development opportunities are at a premium in the Borough. So, whilst bungalow provision may play a part in the future type of housing delivered in the Borough, focus will need to be on all property types in the current housing market conditions".

33. MOTIONS ON NOTICE

No motions had been submitted.

34. EXECUTIVE COMMITTEE

Councillor David Bush declared an Other Disclosable interest in minute no. 27 of the minutes of 9th July and left the room during its consideration and determination.

Members considered the minutes of the Executive Committee meetings of 11th June and 9th July 2013.

11th June

In proposing the recommendations contained in the minutes of the meeting of 11th June, the Leader suggested that consideration of the recommendations at minute no. 18, Restructuring Enabling Heads of Service, be deferred to the next meeting of the Council. This was due to the timescale between receipt of consultation feedback and the current meeting. This was agreed.

During consideration of the recommendations relating to the Financial Reserves Statement, it was noted that the Council's Section 151 officer would review the presentation of financial information to make it more accessible in future.

Further to a query arising from the recommendation at minute no.10 to install a canopy over the access ramp to Shopmobility, the Deputy Chief Executive confirmed that officers would ask Shopmobility if funding could be released to provide artwork for this similar to that decorating other bus shelters in the Borough.

RESOLVED that

the minutes of the Executive Committee meetings held on 11th June and 9th July be received and all recommendations adopted, with the exception of the recommendation at minute no.18, 11th June 2013, Enabling Heads of Service, which stands deferred for consideration at the next meeting of the Council.

35. REGULATORY COMMITTEES

Members received the minutes of the meetings of the Licensing and Planning Committees.

RESOLVED that

- 1) the minutes of the meeting of the Licensing Committee held on 1st July 2013 be received and adopted; and**
- 2) the minutes of the meetings of the Planning Committee held on 5th June and 3rd July 2013 be received and adopted.**

36. SCHEME OF MEMBERS' ALLOWANCES 2013/14

The Council considered a report from the Head of Legal, Equalities and Democratic Services, which presented a Scheme of Members Allowances for 2013-14.

RESOLVED that

The Scheme of Members Allowances for 2013-14 be approved.

37. ADMINISTRATIVE MATTER - CHANGE OF DATE FOR SEPTEMBER COUNCIL MEETING

The Council agreed rescheduling of the September meeting to enable officers to prepare the latest Local Plan no.4 report.

RESOLVED that

the rescheduling of the September meeting of the Council to Monday 9th September be approved and the consequent rescheduling of the August meeting of the Executive Committee to Monday 2nd September be noted.

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Monday, 22 July 2013

38. URGENT BUSINESS - RECORD OF DECISIONS

There were no Urgent Decisions to note.

39. URGENT BUSINESS - GENERAL (IF ANY)

There was no separate items of urgent business to consider at this meeting.

The Meeting commenced at 7.00 pm
and closed at 7.36 pm

REDDITCH BOROUGH COUNCIL**COUNCIL**9th September 2013QUESTIONS TO THE LEADER“BOROUGH OF REDDITCH LOCAL PLAN NO.4 AND REDDITCH HOUSING GROWTH CONSULTATION DOCUMENTS”

The following Questions to the Leader on the above subject have been submitted in accordance with Procedure Rule 9.2:

1. Mr David Rose

Why are Redditch Borough Council still advocating building between 600 and 3,400 houses in Webheath, when Redditch Borough Council Planning Committee on 22nd May, 2013 voted against Taylor Wimpey building 200 new houses, (which surely means that Redditch Borough Council have decided not to build in Webheath), because of poor highway infrastructure, over subscribed local schools, poor unsustainable infrastructures (including foul sewage) etc.? Please read the decision below many thanks

The RBC Planning Committee...

RESOLVED that

"having regard to the development Plan and to all other material considerations, Outline Planning Permission be REFUSED for the following reason:

"The proposed development is considered to be unsustainable due to the resultant additional traffic on the local road network, the lack of suitable infrastructure to support the development and the lack of contribution towards the wider highway network infrastructure. As such, it would cause harm to the safety and amenity of the residents of the Webheath area and the town of Redditch as a whole, contrary to Policies CS6 and CS7 of the Borough of Redditch Local Plan No.3."

(The Committee considered all of the points made by the public speakers and the information detailed in the Officer's Update report for the meeting, which provided clarification on the overall number of representations received during the consultation processes and Officer and Counsel responses relating to various late representations made by the County Highway Authority and the Webheath Action Group, which had been received subsequent to the publication of the Agenda for the meeting.

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Members raised a number of issues, in particular in relation to traffic impacts, the pumping of sewage uphill, the cumulative impact of the development, and contributions to the wider highway network in the Borough and beyond, and having taken everything into account, concluded that the proposed development was not sustainable for the reason detailed in the resolution above.)"

2. **Mr Malcolm Glainger (Chair, Bentley Area Action Group)**

If central government do not require Bromsgrove District Council to release green belt land for Redditch housing growth, where would RBC propose to build the extra 3400 houses within their own boundaries?

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BOROUGH OF REDDITCH LOCAL PLAN NO.4

Relevant Portfolio Holder	Councillor Greg Chance
Portfolio Holder Consulted	Yes
Relevant Head of Service	Ruth Bamford
Ward(s) Affected	All Wards
Ward Councillor(s) Consulted	Yes
Non-Key Decision	

1. SUMMARY OF PROPOSALS

This report presents documents associated with the 'Proposed Submission' Borough of Redditch Local Plan No.4 for consultation and recommendations relating to the next stages in the process towards examination of the Local Plan.

2. RECOMMENDATIONS

The Committee is asked to **RECOMMEND** to the Council that

- 1) the Officer responses and actions (Appendix 1) to consultation held on Draft Borough of Redditch Local Plan No.4 be endorsed;
- 2) the Officer responses and actions (Appendix 2) to consultation held on Redditch Housing Growth be endorsed;
- 3) the Proposed Submission Borough of Redditch Local Plan No.4 (Appendix 3) and Sustainability Appraisal (Appendix 4) for representations to be made by statutory bodies and members of the public, commencing 30th September 2013 until 11th November 2013 be approved;
- 4) authority be delegated to the Executive Director of Planning, Regeneration, Regulatory and Housing Services/Head of Planning and Regeneration and the Development Plans Manager following consultation with the Portfolio Holder for Planning and Regeneration to review the representations made following the close of the representations period, and that subject to no significant weaknesses being raised to doubt the soundness of the draft Plan (for tests of soundness see paragraph 3.20 of this report), that the Borough of Redditch Local Plan No.4 be submitted to the Secretary of State for examination in December 2013;
- 5) authority be delegated to the Executive Director of Planning, Regeneration, Regulatory and Housing Services/Head of Planning and Regeneration and the Development Plans Manager following consultation with the Portfolio Holder for Planning and Regeneration to

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prepare and submit the necessary documents to support Submission of the Local Plan; and

- 6) authority be delegated to the Executive Director of Planning, Regeneration, Regulatory and Housing Services/Head of Planning and Regeneration and the Development Plans Manager following consultation with the Portfolio Holder for Planning and Regeneration, to undertake such further revisions, technical corrections and editorial changes deemed necessary in preparing the Local Plan for submission to the Secretary of State and to agree subsequent changes where appropriate during the examination.**

3. KEY ISSUES

Financial Implications

- 3.1 A budget bid of £30k for 2012/13 and £70k for 2013/14 has been approved to cover the costs of the Independent Examination and appointment of a Programme Officer. The fees for examinations were set under the Town and Country Planning (Costs of Inquiries etc.) (Standard Daily Amount) Regulations 2006 (SI 2006/3227).
- 3.2 Other costs associated with consultation can be met within existing Development Plans budgets.

Legal Implications

- 3.3 The Planning and Compulsory Purchase Act (2004) requires that Local Authorities should publish a plan at this stage in the process, which they think is sound. The published plan should be the one they intend to submit to the Planning Inspectorate. Changes after submission are considered unnecessary and may be disregarded by the Inspector unless there are exceptional reasons to justify them.
- 3.4 Regulation 19 of the Town and Country Planning (Local Development) (England) Regulations 2012 (as amended) requires 'proposed submission documents' to be prepared and submitted. These will include:
- the Local Plan, which the Local Authority propose to submit to the Secretary of State;
 - the Sustainability Appraisal report of the Local Plan;
 - a Regulation 18 Statement of Consultation;
 - a Regulation 19 Statement of the representations procedure; and
 - such supporting documents relevant to the preparation of the Local Plan.
- 3.5 This regulation also requires the representations period to consist of at least 6 weeks, which is proposed as 30th September to 11th November 2013. These timescales would ensure that the Council's proposed submission date of the

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Local Plan can be met, which is set out in the Council's Local Development Scheme (2012) as being November/December 2013.

- 3.6 Following consultation on the Proposed Submission Local Plan, in addition to the Local Plan itself, Regulation 22 of the Town and Country Planning (Local Development) (England) Regulations 2012 (as amended) sets out the documents prescribed for the purpose of Independent Examination of the Plan. These include the Sustainability Appraisal Report, a submission policies map, a Regulation 22 Statement, copies of representations made and such supporting documents relevant to the preparation of the Local Plan.

Service / Operational Implications

- 3.7 Appendix 1 is the outcome of consultation on the Draft Borough of Redditch Local Plan No.4. Consultation on the draft Local Plan No.4 was held between 1st April and 15th May 2013 concurrently with the Redditch Housing Growth consultation. Appendix 1 contains a summary of responses to the draft Local Plan with an Officer's recommended response with any appropriate actions. This has been presented by Policy or, where no policy exists, by issue.
- 3.8 The contents of Appendix 1 have been subject to scrutiny by Planning Advisory Panel since the close of consultation. There are a number of suggested changes to improve the Plan as a result of consultation, but there are few significant changes such as removal of key sites or major changes to policy. Changes of any significance are described in this report below.
- 3.9 The "Places to Live Which Meet our Needs" Key Theme has undergone some amendment. Policy 4 Housing Provision has had minor changes to better reflect Redditch and Stratford on Avon District's delivery of housing along the A435 corridor, however there are no suggested changes to the Borough's housing requirements. Policy 5 Effective and Efficient use of land has been amended to be more flexible and effective so that lower density development is encouraged where development can deliver objectively assessed housing requirements that are required.
- 3.10 The "Creating and Sustaining a Green Environment" Key Theme has had minor amendments to draft policies and there have been no significant changes. The Plan has been improved with the addition of Policy 22 Road Hierarchy.
- 3.11 The "Creating a Borough where Business can Thrive" Key Theme has had some amendments. Policy 23 Employment Land Provision has had some additions such as reference to the Worcestershire Waste Core Strategy and to clarify requirements at the Redditch Eastern Gateway. Policy 26 Office Provision has been amended to include reference to Strategic Sites where office provision is encouraged.

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- 3.12 The “Improving the Vitality and Viability of Redditch Town Centre and District Centres” Key Theme has had minor amendments to draft policies and there have been no significant changes.
- 3.13 The “Protecting and Enhancing Redditch’s Historic Environment” Key Theme has undergone some amendments particularly to the newly titled Policy 37 Historic Buildings and Structures and Policy 38 Conservation Areas, to make these policies more locally distinctive. This was done in response to concerns raised by English Heritage.
- 3.14 The “Creating Safe and Attractive Places to Live and Work” Key Theme has had minor amendments to draft policies and there have been no significant changes.
- 3.15 The “Promoting Redditch’s Community Well-being” Key Theme has had some minor amendments to draft policies and there have been no significant changes.
- 3.16 In the “Strategic Sites” section of the Plan, Policy 46 Brockhill East, Policy 47 Land to the Rear of the Alexandra Hospital, Policy 49 Woodrow have had minor amendments to draft policies and there have been no significant changes. Each Strategic Site is now accompanied by an indicative vision map. With regards to Policy 48 Webheath, Officers are aware that the Council refused planning permission on 22nd May 2013 for a proposal on part this Strategic Site set out in the Draft Local Plan No.4. The refusal was based upon the proposal’s additional traffic generation on the local road network coupled with the lack of suitable infrastructure to support the development and the lack of contribution towards the wider highway network infrastructure; however this does not alter the fact that the proposal site and the remainder of the Webheath Strategic Site is capable of sustainable delivery in the short to medium term, subject to necessary infrastructure being delivered. This Strategic Site should therefore continue to feature in the Proposed Submission version of the Borough of Redditch Local Plan No.4.
- 3.17 Appendix 2 is the outcome of consultation on the Redditch Housing Growth consultation. Consultation was held between 1st April and 15th May 2013 concurrently with the Draft Borough of Redditch Local Plan No.4. Appendix 2 contains a summary of responses and an Officer’s recommended response with any appropriate actions. This has been presented by site/area and then by Key Issues within each site/area.
- 3.18 The Proposed Submission Borough of Redditch Local Plan No.4 (Appendix 3) has been prepared to include all of the Officers suggested amendments from consultation. It also includes the revised Redditch Housing Growth Policy reflecting the outcome of that consultation. Additional up to date background documents listed in this report have resulted in minor changes since the draft Local Plan No.4 and the accompanying Policies Map since its last consultation version in April/May 2013.

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- 3.19 The Sustainability Appraisal Report (Appendix 4) has been amended to reflect its status as an appraisal accompanying the Proposed Submission Borough of Redditch Local Plan No.4. There are no significant changes proposed since the version of the Sustainability Appraisal for Local Plan No.4 was completed in April/May 2013 however please note the addition of material contained in the previous appraisal of the Redditch Housing Growth consultation.
- 3.20 The next stage in the process of adopting a Local Plan is to publish a Plan for a set period in order for representations to be received. Representations will be invited for respondents to provide some details as to why they consider the Plan to be unsound. The inspector will test soundness against whether the Plan is:
- Positively prepared: the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
 - Justified: the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
 - Effective: the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
 - Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.
- 3.21 In addition to these soundness tests a Planning Inspector will test whether the Plan has been prepared in accordance with the Duty to Cooperate, as well as other legal and procedural requirements.
- 3.22 One of the Recommendations relates to authority being delegated to prepare and submit the necessary documents to support submission of the Local Plan. This will relate to any outstanding evidence base in addition to other documents which are necessary but cannot be completed at this time. These will include documents such as a summary of the main issues raised by the representations, further Statements, or documents requested by the appointed Inspector.
- 3.23 For the actual examination, the Inspector will be assessing the whole Local Plan. The examination must centre on the issues identified by the Inspector, having regard to the requirements of legal compliance and soundness. To identify potential problems at an early stage, it is typical for an exploratory meeting to be arranged. Following this, hearing sessions will occur with the Inspector defining the matters and issues for the hearings. Those seeking changes to the Plan and wishing to be heard will be invited to the relevant hearing and others may be invited to attend.
- 3.24 It should be noted that the Planning Inspectorate indicate that they aim to deliver fact check reports following most typical examinations within 6 months from submission.

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- 3.25 At the end of an Examination the Inspector will issue a report to the Council. The report will contain recommendations relating to any changes that need to be made to the Plan, to ensure it is sound, before it can be formally adopted. At this stage the report will be brought to Council.

Customer / Equalities and Diversity Implications

- 3.26 As stated above, it is a requirement that representations are invited in relation to the soundness of the Plan. In order to guide our customers in this process a Representation Form and accompanying Guidance Note has been prepared which all respondents are encouraged to use.

4. RISK MANAGEMENT

- 4.1 Should there be any representations received during the representations consultation, which, in the view of the Head of Service/Director and Development Plans Manager suggest that the soundness of plan may be in doubt, the Portfolio Holder will be consulted about the level of risk. This will be informed by a summary of representations received which will enable the Council to consider what, if any change should be made before submission. At this stage a decision can be made about whether or not the Council are advised to continue to submission.

5. APPENDICES

Appendix 1 - Officer Responses to Local Plan No.4
Appendix 2 - Officer Responses to Redditch Housing Growth
Appendix 3 - Proposed Submission Borough of Redditch Local Plan No.4
Appendix 4 - Sustainability Appraisal Report for the Proposed Submission
Borough of Redditch Local Plan No.4

6. BACKGROUND PAPERS

Regulation 18 Statement of Consultation
Regulation 19 Statement of Representations Procedure
Representation Form and Guidance Note
Strategic Housing Land Availability Assessment (SHLAA) (2013)
Employment Land Review (ELR) (2013)
Five Year Housing Land Supply Document (2013)
Redditch Eastern Gateway Report
Draft Infrastructure Delivery Plan (2013)
Strategic Housing Market Assessment (SHMA) Update (2013)
Local Development Scheme (2012)
Statement of Compliance with the Duty to Cooperate

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7. KEY

BDC Bromsgrove District Council
BORLP Borough of Redditch Local Plan
IDP Infrastructure Delivery Plan
NPPF National Planning Policy Framework
RBC Redditch Borough Council
RJ Reasoned Justification
SA Sustainability Appraisal

AUTHOR OF REPORT

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**EXECUTIVE
COMMITTEE**2nd September 2013**PROPOSED TRANSFORMATION OF THE SCHEME OF FEES AND
CHARGES FOR NON-STATUTORY PLANNING ADVICE**

Relevant Portfolio Holder	Cllr Greg Chance
Portfolio Holder Consulted	Yes
Relevant Head of Service	Ruth Bamford
Wards Affected	All
Ward Councillor Consulted	No
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 As a result of the on-going planning transformation project, improvements in service provision in terms of customer experience externally and officer efficiencies internally have been implemented.
- 1.2 Other transformation work in planning has also had regard to the strategic and corporate priorities that have been set. As a result of both of these elements of work, a revision to the charges levied is proposed.
- 1.3 The charges dealt with in this report are those relating to permitted development enquiries – those seeking to know whether planning permission is required – and requests for pre-application advice – those seeking advice on whether their proposals are likely to be acceptable or not.

2. RECOMMENDATIONS

The Committee is requested to RECOMMEND that

the fees and charges scheme and schedule as set out in Appendix 1 be approved to come into effect between 1st October 2013 and 31st March 2014 and Appendix 2 be approved to come into effect from 1st April 2014.

3. KEY ISSUES**Financial Implications**

- 3.1 Members should be aware that as a result of altering the way that officers in the planning teams operate efficiency savings have been realised by removing waste from the system of processing requests for advice. Therefore, the cost of providing the service, particularly in terms of the smaller, simpler requests for advice, has reduced in terms of stationery and processing costs as well as in staff time.

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- 3.2 Whilst there would be a loss of revenue as a result of the proposal to cease charging in some areas, such as for householder enquiries, the loss is not considered to be of great significance in the context of the overall budget for the team in light of the decrease in cost of providing the service noted above and the customer benefits. (Approximate figures can be found at appendix 3.) The shortfall in income generated will be offset by savings realised within the associated costs of the service.

Legal Implications

- 3.3 The Council has no legal obligation to provide these non-statutory services, but they are considered to be a benefit to the customers and to the quality of submission of applications received as a result of giving advice up front.
- 3.4 The Council cannot make profit from charging for services. However it is able to cover the administrative and overhead costs of service provision, providing this is made clear at the point of charging. Therefore, the proposed fees would remain as covering these elements and not the advice itself.
- 3.5 The legal team have no specific comments to make on these proposals.

Service / Operational Implications

- 3.6 The planning transformation work has been on-going since Spring 2012 and has reviewed the way in which officers provide services to customers, as well as the back office operational aspects of service provision. It has altered the focus towards providing good quality customer services that meet their demands, by improving the efficiency and flexibility of the working practices of staff within the office.
- 3.7 As a result of customer feedback, an appraisal of the corporate strategic objectives, the continuing work on evidence gathering and policy preparation in relation to Local Plan 4, and improved efficiency and internal office processes, it is suggested that some of the categories that were not previously exempt from charging should become so.
- 3.8 In order to reflect the strategic purposes of the Council Plan, particularly 'help me run a successful business' and 'provide good things for me to see, do and visit', it is proposed not to charge for non-residential development in order to encourage the work that is continuing under the remit of the LEPs (under the banner Redditch is

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open for business) and all other economic development in the Borough.

- 3.9 Customer feedback identified that householders seeking advice on changes to their homes were receiving a mixed response depending on their method of enquiry. As a result, adaptations to the way these enquiries are dealt with have been put in place. These result in a more appropriate level of response to each individual, and a more reasonable requirement for providing information. By identifying what matters to each customer when their query is presented, officers are able to communicate more clearly and effectively at the outset, thus identifying the level of detail and information that is relevant and managing customer expectations on level and timing of services. Wherever possible, the initial officer will continue with the query right through to the end. This has proved to be welcomed by customers.
- 3.10 Of the two different types of enquiry routinely received and charged for currently, it is suggested that the permitted development enquiries should cease to be subject to a charge. This is because they were almost entirely enquiries by householders relating to small matters on dwellings which can usually be dealt with more simply than via a formal administrative process.
- 3.11 As a result of the proposed changes above, the only remaining categories where charges would be levied would be where new or conversion to new residential development is proposed. Whilst it is noted that housing is also a priority in terms of meeting the housing targets being set, the level of involvement of officers is greater and the benefit of recovering the charges greater as there is more officer time and input in these types of cases. The benefits are also clearer later in the process when better quality planning applications with a higher likelihood of success are submitted.
- 3.12 It is noted that the fees were not increased in April 2013 because it was known that changes to the system were likely to be proposed. It is therefore proposed that this change of when to charge be introduced from the beginning of October, and then the fees increased by 5% in April 2014 to make up for the lack of increase this year (see appendix 3). This reflects a two year inflationary increase on the fee.

Customer / Equalities and Diversity Implications

- 3.13 As a result of the proposed changes to the delivery and charging of this service, it is not anticipated that there would be any significant difference in these impacts. The service will remain advertised on the website and via the customer services team and will be available to all.

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It is now better tailored towards the individual needs of each customer, and as such has had positive feedback.

- 3.14 The Head of Service will continue to ensure that the customer service experience is of the highest possible standard. Staff will continue to receive training and feedback on their performance.

4. RISK MANAGEMENT

- 4.1 The way in which the service is operated is such that any dips in capacity are promptly flagged up and addressed amongst the team in order to ensure that the service continues to be provided well.
- 4.2 The Head of Service will continue to ensure that advice is not given until a fee has been received in cases where one is due, and that other cases are not held up by any administration relating to fee collection.

5. APPENDICES

Appendix 1 – Proposed new charging schedule

Appendix 2 – Proposed new charging schedule with 5% increase to come into effect in April 2014

Appendix 3 – Likely changes to income as a result of the proposals

6. BACKGROUND PAPERS

Redditch Borough Council Plan (July 2013)

Report to Executive Committee: Item 6 on 17 February 2010 agenda papers

7. KEY

LEP = Local Economic Partnership

AUTHOR OF REPORT

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**EXECUTIVE
COMMITTEE**2nd September 2013**Appendix 1 – Proposed new charging schedule to come into effect on 1st October 2013**

Number of dwellings proposed	Development site area if no. of dwellings unknown	Cost of LPA advice	Cost of additional meeting (after first three)
1-4 dwellings	Less than 0.5ha	£268	£107
5-9 dwellings	0.6-0.99ha	£537	£107
10-49 dwellings	1-1.25ha	£1072	£536
50-199 dwellings	1.26-2ha	£2145	£793
200+ dwellings	More than 2ha	£3217	£1072

Appendix 2 – Proposed new charging schedule with 5% increase to come into effect on 1st April 2014

Number of dwellings proposed	Development site area if no. of dwellings unknown	Cost of LPA advice	Cost of additional meeting (after first three)
1-4 dwellings	Less than 0.5ha	£281	£112
5-9 dwellings	0.6-0.99ha	£564	£112
10-49 dwellings	1-1.25ha	£1126	£563
50-199 dwellings	1.26-2ha	£2252	£833
200+ dwellings	More than 2ha	£3378	£1126

Appendix 3 – Likely changes to income as a result of the proposals

RBC	2012/13 year	Likely income if fees change	Likely loss of income p.a.
Pre-app income	£12.5k	£10k	£2.5k
PD enquiry income	£2k	£0	£2k
Total loss of income			£4.5k

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2nd September 2013

**GREATER BIRMINGHAM & SOLIHULL LOCAL ENTERPRISE
PARTNERSHIP DELEGATION OF FUNCTIONS TO A JOINT COMMITTEE
(LOCAL SUPERVISORY BOARD)**

Relevant Portfolio Holder	Councillor Bill Hartnett, Leader of the Council and Portfolio Holder for Community Leadership and Partnership
Relevant Head of Service	John Staniland - Executive Director (Planning, Regeneration, Regulatory and Housing Services)
Non-Key Decision	

1. PURPOSE OF REPORT

This report seeks to update Council on the current position regarding the Greater Birmingham and Solihull Local Enterprise Partnership (LEP) and to agree a format of governance necessary to ensure the appropriate legal mandate for decisions made by the LEP in relation to the expenditure of any funds devolved to the LEP under a Single Local Growth Fund.

2. RECOMMENDATION

The Executive Committee is asked to **RESOLVE** that

- 1) the creation of a Joint Committee to act as a Supervisory Board for the Greater Birmingham and Solihull Local Enterprise Partnership in accordance with the Local Government Act 1972 with voting representatives appointed by each constituent local authority and non voting business representatives be approved;**
- 2) functions relating to the bidding for and approval of schemes and expenditure of funds devolved under the Single Local Growth Fund be delegated to the Joint Committee (Supervisory Board);**
- 3) the appointment of the Leader as an ex officio appointment as the Redditch Borough Council Representative on the Joint Committee be approved;**
- 4) the appointment of the Deputy Leader as an ex-officio appointment as the Redditch Borough Council substitute representative on the Joint Committee be approved;**
- 5) the Head of Legal, Equalities and Democratic Services be authorised to agree and enter into all necessary legal documents**

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to effect the above decisions and update the Council constitution;
and

to RECOMMEND to Council that

- 6) the establishment of a Joint Scrutiny Committee, its terms of reference and the appointment of a representative from this Council to the Committee as appropriate be approved.

3. **KEY ISSUES**

Background

- 3.1 In its report 'The Greater Birmingham Project: the Path to Local Growth', the GBSLEP committed to forming a Supervisory Board comprising the nine elected local authorities, if a single pot was created.
- 3.2 In the Government's response to Lord Hestletine's 'No Stone Unturned' the Government has created a Local Growth Fund of c.£2billion of which about half will be available for LEPs to bid into competitively. To be successful a LEP will be expected to demonstrate a number of things including arrangements for delivering their Strategic Economic Plan which 'deliver collective decisions from all local authority leaders including the district Councils within the LEP, with evidence underpinning robust partnership arrangements.
- 3.3 In order to satisfy this requirement members are advised that work has been undertaken over the past few months to develop proposals for the Supervisory Board. The proposal is to establish a Supervisory Board as a Joint Committee with each Council delegating functions to it. Various options on the scope and functions were discussed by LEP Leaders on 13th June 2013. The draft terms of reference at Appendix 1 reflect the outcome of this discussion and the discussion at the LEP Board on 26th June 2013 when Directors endorsed this proposal.
- 3.4 Once each Local Authority has the appropriate approvals the GBSLEP Board's Articles of Association will be amended to reflect the new governance model. It is intended that the Supervisory Board will be in operation by the end of September 2013. It states that the strength of governance arrangements in place, including decision-making on spend, will be a key criterion in the negotiations around accessing the single Local Growth Fund.

Financial Implications

- 3.5 Funds applied for and received as part of the Single Local Growth Fund will be devolved to the GBSLEP and as such have no impact on this district's budget.

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- 3.6 The Board will have responsibility for determining how new funding streams are allocated within the LEP area. Scrutiny of these decisions will be provided by the establishment of a Joint Scrutiny Committee.

Legal Implications

- 3.7 The Supervisory Board will act as a Joint Committee under Sections 101, 102 Local Government Act 1972 and Section 20 Local Government Act 2000 and pursuant to the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012.
- 3.8 Political Proportionality will not apply to the Joint Committee as so constituted.
- 3.9 The power to co-opt non authority members on to a Committee is contained in Section 102 (3) of the Local Government Act 1972.

Customer / Equalities and Diversity Implications

- 3.10 There are no specific customer, equalities or diversity implications.

4. RISK MANAGEMENT

- 4.1 The North Worcestershire economic development and regeneration shared service has a Client Management Group (CMG) that oversees the service and makes joint key strategic decisions and through this means the North Worcestershire representative on the Joint Committee will be charged with effecting the vote for the collective North Worcestershire partners' benefit.

5. APPENDICES

Appendix 1 – Local Supervisory Board Terms of Reference

Appendix 2 – Joint Scrutiny Committee Draft Terms of Reference

6. CONCLUSION

The GBSLEP proposes to establish a Joint Committee Supervisory Board to determine, in this first instance, expenditure across the LEP geography (including North Worcestershire) in respect of the funding devolved under a single local growth fund.

7. BACKGROUND PAPERS

The LSB Proposed Terms of Reference.

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AUTHOR OF REPORT

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Regulatory and Housing Services)

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Supervisory Board: Draft Terms of Reference

1. Governance

- 1.1 The Supervisory Board acts as a Joint Committee under ss 101, 102 Local Government Act 1972 and s20 Local Government Act 2000 and pursuant to the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012.
- 1.2 Political Proportionality rules will not apply to the Supervisory Board as so constituted.
- 1.3 The Supervisory Board will include the local authorities within the GBS LEP area i.e. Birmingham, Bromsgrove, Cannock Chase, East Staffordshire, Lichfield, Redditch, Solihull, Tamworth and Wyre Forest.

2. Host Authority

- 2.1 The Supervisory Board will be hosted under local government arrangements by Birmingham City Council and the Chief Executive or nominated Strategic Director of Birmingham City Council shall be Secretary to the Supervisory Board. The Host Authority will also provide s151 and Monitoring Officer roles to the Joint Committee.

3. Objects of Supervisory Board

- 3.1. To provide effective decision making and clear political accountability for management of the Single Local Growth Fund and other significant funding streams that cover the full GBS LEP geography as agreed with the LEP Board;
- 3.2. To empower the GBSLEP Board;
- 3.3 To oversee and review the activities of the GBSLEP Board;
- 3.4. To co-ordinate and liaise with GBS Local Transport Board; and
- 3.5 To consider any further measures necessary to strengthen the GBSLEP Board.

4. Membership

- 4.1. One member from each constituent authority. Such member to be the Leader (or other appointed member) from each constituent authority (voting).
- 4.2. The Chair of GBSLEP (non-voting).
- 4.3 Each Supervisory Board member to identify an alternate (an Executive Member).

5. Voting

- 5.1. One member one vote for local authority members.

- 5.2. Normal rules as to declarations of interest to be applied in accordance with the law and regulations governing pecuniary interests and Birmingham City Council Code of Conduct. The Chair has the right to decide whether observers declaring an interest can observe the meeting or should be asked to leave.
- 5.3. No ability to vote for private sector members.
- 5.4. In the event of any voting member of the Committee ceasing to be a member of the Council which appointed him/her, the Council shall forthwith appoint another voting member in his/her place.
- 5.5. Except as otherwise provided by the Local Government Acts 1972 and 1985, all questions shall be decided by a majority of the votes of the voting members present, the Chair having the casting vote in addition to his/her vote as a Member of the Committee.

6. Quorum

- 6.1. Four members present (one from Birmingham City Council, one from Solihull MBC, one District from Staffordshire and one District from Worcestershire).

7. Meetings

- 7.1. The Chair of the Meeting will be elected at the first meeting and then each Annual Meeting of the Supervisory Board (usually on the same day as the LEP's AGM) and if the Chair is not present at any meeting within 10 minutes of the start of the meeting then those present will elect a Chair to act for that meeting.
- 7.2. Only a voting member is entitled to be elected as Chair or Vice-Chair of the Committee.
- 7.3. Each person entitled to attend will send an alternate as per para 4.3 in the event of his or her unavailability. The Secretary for the Supervisory Board shall be informed prior to the commencement of the meeting of any alternate members attending.
- 7.4. The Supervisory Board will normally meet on the same day and immediately following the GBSLEP Board meeting, but meetings can be called at other times as needed. A meeting of the Supervisory Board must be convened by the Chair within 28 days of the receipt of a requisition of any two voting members of the Supervisory Board addressed to the Secretary to the Supervisory Board. All requisitions shall be in writing and no business other than that specified in the requisition shall be transacted at such a meeting.

8. Standing Orders

- 8.1. Standing Orders for the Supervisory Board shall be the Standing Orders from time to time of Birmingham City Council

9. Administration

- 9.1 (i) The Secretary shall keep proper accounts of the money received and expended by the Supervisory Board.
- 9.1 (ii) The Secretary shall apportion the expenses of the Supervisory Board between the Councils in proportion to the population of each Council in the Greater Birmingham and Solihull Local Enterprise Partnership area.
- 9.2 This Terms of Reference and, subject as hereinafter mentioned, the functions of the Supervisory Board may be amended at any time by the unanimous agreement of the voting members of the Supervisory Board.



GBSLEP Supervisory Board Scrutiny Paper

Background

The Proposal for a Joint Scrutiny Committee was agreed by GBSLEP Leaders on 13th June 2013 and by the LEP Board on 26th June 2013. This paper sets out a draft proposal for this Committee for discussion.

Implementation

The agreed action will need to be implemented through Cabinet and Full Council of each Council. Functions will need to be delegated to the GBSLEP Joint Scrutiny Committee to be effective.

1. Governance

The Joint Scrutiny Committee will act as a Joint Committee under ss 101, 102 Local Government Act 1972 and s 21 Local Government Act 2000.

1.2 Access to Meetings

Normal rules apply as to public access i.e. as a Joint Committee the public has access except for exempt business.

1.3 Approvals Process

Cabinet and in some cases Full Council authority at each constituent authority will be required to authorise and delegate functions to the Joint Scrutiny Committee.

1.4 Host Authority

- 1.4.1 The Joint Scrutiny Committee will be hosted under local government arrangements by (Council*) and the Chief Executive of (Council) shall be Secretary to the Joint Scrutiny Committee.

** Given that Birmingham CC is hosting the Supervisory Board, Chief Executives have suggested that another authority should host the Joint Scrutiny Committee. Solihull MBC is exploring this option.*

- 1.4.2 (Council) Standing Orders will apply to the Joint Scrutiny Committee.

- 1.4.3 The Host Authority will also provide s151 and Monitoring Officer roles to the Joint Scrutiny Committee.

2. Objects of Joint Scrutiny Committee

- 2.1 To review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the Supervisory Board which are as follows:

- To provide effective decision making and clear political accountability for management of the Single Local Growth Fund and other significant funding streams that cover the full GBS LEP geography as agreed with the LEP Board;
 - To empower the GBSLEP Board;
 - To oversee and review the activities of the GBSLEP Board;
 - To co-ordinate and liaise with GBS Local Transport Board; and
 - To consider any further measures necessary to strengthen the GBSLEP Board.
- 2.2 To make reports or recommendations to the Supervisory Board with respect to the discharge of any functions which are the responsibility of the Supervisory Board

[Please note the above objectives are statutorily defined]

3. Membership

3.1 24 Members in total comprising (based on population):-

- 8 from Birmingham City Council
- 4 from Solihull Metropolitan Borough Council
- 1 each from the 7 Shire Districts in the GBSLEP area
- 3 additional members to be chosen by the South Staffordshire Shire Districts in the GBSLEP area
- 2 additional members to be chosen by the North Worcestershire Shire Districts in the GBSLEP area

[The objective is to achieve political balance for the committee. As such:

- *Birmingham and Solihull's members should be chosen in proportion to the make-up of their councils;*
- *the first member from each of the seven shire districts should be from the ruling party of that particular council;*
- *the three additional members from the South Staffs Districts should be chosen collectively by the four councils to represent the political proportionality of the districts as a whole;*
- *likewise the same approach should be taken for the two additional North Worcs members].*

3.2 There is an ability to co-opt members on to the Joint Scrutiny Committee.

4. Voting

- 4.1 1 member 1 vote for local authority members
- 4.2 No ability to vote for private sector members
- 4.3 Conflicts of Interest will be dealt with in accordance with the Members Code of Conduct of the Host authority

5 Quorum

11 members present (4 from Birmingham City Council, 2 from Solihull MBC, 3 from South Staffordshire Districts and 2 from North Worcestershire Districts).

6 Meetings

6.1 The Chair of the Meeting will be []. Terms of Reference and Standing Orders will provide for an appropriate substitute in the event of unavailability.

6.2 Meetings to take place when there is a possible call-in*.

**Leaders wanted to have a 'light-touch Scrutiny arrangement. The other options for meetings would be a) to meet X monthly independent of GBSLEP or b) to meet on the same day and immediately following the Supervisory Board meeting.*

6.3 Members of the Committee will be invited to the LEP's Annual General Meeting.



Overview and Scrutiny Committee

Tuesday, 2nd July, 2013

MINUTES

Present:

Councillor David Bush (Chair), and Councillors Roger Bennett (substituting for Councillor Gay Hopkins), Andrew Brazier, Simon Chalk, Carole Gandy, Andrew Fry, Alan Mason, Yvonne Smith.

Also Present:

P Finnemore, Commissioning Manager: Young People, (Worcestershire County Council)

Officers:

R Cooke, C Felton and J Staniland

Democratic Services Officers:

J Bayley and M Craggs

12. APOLOGIES AND NAMED SUBSTITUTES

Apologies for absence were received on behalf of Councillors Hopkins and Witherspoon. Councillor Bennett was confirmed as a substitute for Councillor Hopkins.

13. DECLARATIONS OF INTEREST AND OF PARTY WHIP

There were no declarations of interest nor of any Party Whip.

14. MINUTES

RESOLVED that

the minutes of the meeting of the Overview and Scrutiny Committee held on 4th June 2013 be approved as a true and correct record and signed by the Chair.

15. YOUTH SERVICES MONITORING UPDATE REPORT

The Committee received an update on the action that had been taken by both Worcestershire County Council and Redditch

.....
Chair

Overview and Scrutiny Committee

Tuesday, 2nd July, 2013

Borough Council to implement the recommendations that were made by the Youth Services Provision Task Group in April 2012. As part of this update a presentation was delivered on the subject of Worcestershire County Council's arrangements for commissioning positive activities (Appendix A).

During the course of delivering this presentation the following salient points were highlighted for Members' consideration:

- Worcestershire County Council had adopted an outcomes based commissioning approach to delivering positive activities to young people in November 2011.
- The focus of this programme was on delivering positive activities to young people aged 13 – 19 and, in particular, on helping young people at risk of becoming NEETs (those not in education, employment or training) or of committing anti-social behaviour.
- Worcestershire County Council had committed to maintaining existing youth services until the commissioned activities had started in order to ensure that there was a smooth transition to the new process.
- Across the county 25 contracts had been issued to different service providers. In each district contracts had been awarded by the County Councillors representing the area.
- In Redditch two consortiums had been commissioned: the Arrow Vale Consortium and a consortium led by the shared Leisure service for Redditch Borough and Bromsgrove District Councils. A third group, Core Assets, had been commissioned to undertake specific projects that would target young people at risk of becoming NEETs.
- There had been a phased approach to the introduction of positive activities commissioned from the consortia.
- The consortia were expected to achieve particular outcomes that would have a long-term beneficial impact on the life prospects of the young people participating in the activities as well as on local communities. The extent to which these long-term aims were achieved would be monitored rather than short-term outcomes.
- The Commissioning Manager would be involved in monitoring the work of the consortia, though County Councillors and young people would also have a significant role to play in monitoring the delivery of activities.
- The extent to which young people were engaged, together with any outstanding requirements for support, would be taken into account whenever activities were monitored. Quarterly data would be provided to ensure that monitoring remained effective.

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- This quarterly data would over time enable Worcestershire County Council to assess how NEETS and young people at risk of committing anti-social behaviour were engaged in positive activities.
- The Arrow Vale Youth Centre had been transferred by Worcestershire County Council to the RSA Academy Arrow Vale for school and community use. All young people, not just pupils at the school, were entitled to access this facility.
- Redditch Youth House was due to be disposed of by Worcestershire County Council's Property Services team. Two organisations had expressed an interest in the building and one body had submitted a bid. A decision on the successful bidder would be made on 26th August 2013.

Further information was also provided about the work of the Council-led Consortium, focusing on the following key points:

- The Council was working with a range of local Voluntary and Community Sector organisations.
- The Council's role in the consortium was to submit the bid to Worcestershire County Council. The Voluntary and Community Sector groups had taken a lead in delivering positive activities to young people.
- Nine new youth clubs had been established by the consortium using funding provided through the commissioning process.
- The consortia that had been awarded funding were working closely together, using the same software and sharing information about young people at risk of becoming NEETs.
- This close working relationship helped to ensure that activities provided by one consortium did not duplicate the work of another. Members were advised that both consortia were also keen to avoid duplicating the work of other Voluntary Sector and Community Sector organisations that had not applied for funding from Worcestershire County Council.
- The youth clubs were aiming to change the programme of activities available to young people to reflect opportunities in different seasons of the year.
- The Council-led consortium had consulted with representatives of North Worcestershire Community Safety Partnership. As a consequence of this meeting a mechanism had been identified to enable the partnership to refer young people committing, or at risk of committing anti-social behaviour to the consortia.
- The Council had envisaged that transportation would be a barrier to participation. However, young people had managed to access the clubs relatively easily.

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Following receipt of the presentations Members discussed the commissioning process in further detail. Concerns were expressed about the geographical spread of positive activities across the Borough. In particular, Member noted youth clubs had not been established in areas such as Crabbs Cross, Headless Cross, Hunt End and Webheath. It was suggested that there remained a risk that some young people living in these areas would commit anti-social behaviour or become NEETs.

Members were advised that, in a context of reduced resources, the County Councillors had been required to concentrate on prioritising commissioning positive activities that would meet the greatest need. The activities that had emerged had been considered best able to achieve this purpose at the time that the County Councillors had reached a decision on the process. However, if further data emerged to indicate that there was particular need in other parts of the Borough there was flexibility within the contracts awarded to both consortia to ensure that activities could be redirected accordingly.

The suitability of outreach work for engaging with young people at risk of committing anti-social behaviour was considered. The North Worcestershire Community Safety Partnership had suggested that outreach work would better enable youth groups to engage with young people at risk of offending. However, outreach work had not been commissioned specifically. There was the potential to introduce outreach work; though it was likely that resources would need to be diverted from existing activities which could lead to the end of some practices.

There was the potential for the consortia that had been awarded contracts to fail to meet target outcomes. Worcestershire County Council had retained the right to decommission service provision by the consortia if this occurred. However, the Council was eager to support the consortia and to help to identify solutions to problems before they became intractable.

Intergenerational projects were due to be provided in some parts of the town as part of the process. The exact nature of these projects remained to be confirmed, though it was likely that it would include activities such as lunch clubs.

A variety of methods had been utilised to promote the positive activities. All of the Youth Clubs in the Council-led consortiums used social media to communicate with young people. The council-led consortium would also be promoting youth activities during the Morton Stanley Festival in August 2013. In the long-term

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Worcestershire County Council was due to re-launch the Plug and Play website, which was dedicated to promoting youth activities, and which could be used by all youth clubs to promote events and activities.

The Committee finished their discussions by considering the overall impact of the Youth Services Provision Task Group review. The recommendations that had been made by the group were considered to have had a significant influence over the work of the Council-led consortium in particular. The Council had not been involved in delivering youth work for a significant number of years and, therefore, a number of innovative actions had been taken to ensure that activities were delivered in partnership effectively. For these reasons Members concurred that the Task Group exercise had been worthwhile.

RESOLVED that

- 1) a presentation on the subject of the data outcomes from the positive activities programme in Redditch be presented for the consideration of the Overview and Scrutiny Committee in October 2013; and**
- 2) the report be noted.**

16. HOUSING DENSITY TASK GROUP - FINAL REPORT

The Chair of the Housing Density Targets Task Review, Councillor Bush, delivered a presentation on the outcomes of the review. During the course of this presentation the following matters were raised for Members' consideration:

- The group had consulted widely including with: relevant Officers; the Portfolio Holder for Planning, Regeneration, Economic Development and Transport; local estate agents; a representative from the local Asian community; and a local housing developer.
- A questionnaire had been circulated for the consideration of local estate agents. Key points raised by the estate agents in their completed responses included concerns that there were limited numbers of three and four bedroom properties in the Borough and limited numbers of bungalows.
- Estate agents were able to provide examples of individuals and families leaving the Borough to live in neighbouring districts due to a greater number of larger properties that would meet their needs and expectations.

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- Existing rules regarding housing density frequently deterred developers from building multiple bungalows on sites, due to the space required for bungalows.
- Self-build properties provided an opportunity for people to build houses to a size that would meet their needs. The Chair suggested that the option to secure larger self-build properties would help to attract more businessmen to live permanently in the Borough.
- Self-build properties had been found in other parts of the country to have a beneficial impact on the local community and residents were often keen to remain in these homes years after they had been built. Also these residents found that they developed new skills as a result of participating in self-build projects.
- Many members of the local Asian community lived in inter-generational households. Often families struggled to purchase properties in the Borough suitable for inter-generational living, and a significant number of the larger houses that met this requirement were located near the town centre and were not high quality buildings.
- Developments on large sites were eligible for discounts on road infrastructure. Similar discounts for road infrastructure were not offered for developments on smaller sites.
- Small, local housing developers, who often employed local people, struggled to compete with larger developers.
- The group had considered suggesting that the first measure Members were proposing should be applied to sites less than 0.5 hectares. However, the group had discovered that this would not have been realistic as it could have had a detrimental effect on the council's ability to meet housing targets. The Task Group had been advised that the same requirement for sites less than 0.16 hectares in size would not have the same impact.
- Officers had been fully consulted during the course of the review and had expressed support for Members' proposals prior to the Committee meeting.

Following delivery of the presentation the Committee debated the findings of the review. There was general consensus amongst Members that more bungalows were required in Redditch, particularly to meet the needs of an aging population. This would also potentially help to increase the number of three and four bedroom properties available to families further down the housing ladder, as elderly people would be moving from previous family properties.

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A Member noted that when the review had been launched Officers had suggested that there was already flexibility within the local planning policy framework to adapt housing density requirements for developments as and when required. However, the group expressed concerns that under existing arrangements Planning Officers tended to be minded to enforce the housing density rules.

The proposal regarding self-build properties was discussed in detail. Reference was made to paragraph 4.9 of the report, where the Task Group had suggested that more land should be allocated to self-build properties. Officers explained that the Council could not allocate land to self-build properties, partly because it would not be possible to enforce construction of self-build properties following the granting of planning permission, Officers remained supportive of the aim to increase the number of self-build properties. Concerns were expressed that the issue of allocation had not been raised prior to publication. However, it was agreed that references to allocation should be reviewed with a view to suggesting that self-build should be encouraged.

The number of developments that would be influenced by the group's recommendations was discussed. Some Members in particular commented that the group's proposals appeared to have focused on particular social groups within the population, rather than on the needs of all residents. However, other Members commented that these proposals would help to attract residents who would live in larger, more expensive properties and pay higher levels of Council tax. There was also the possibility that these residents would be encouraged to establish businesses in the area, to the benefit of the local economy. Furthermore, over 90 per cent of developments in the Borough were for larger sites and would not be affected by the proposals.

The potential impact of the proposals on the availability of affordable housing in the Borough was also considered. Some concerns were expressed that larger executive homes would not meet the needs of families on low incomes or young people seeking to get onto the housing ladder. However, Members were advised that requirements remained for a specific proportion of properties built as part of a larger housing development to be social housing. This would ensure that a supply of affordable housing remained available in the Borough.

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RECOMMENDED that

Policy 5 of the emerging Draft Borough of Redditch Local Plan No. 4 be revised as per Appendix 1 (*to the report*) to incorporate the following headline points:

- a) all new housing developments within the Borough on sites less than 0.16 hectares should be exempt from the Council's housing density requirements;**
- b) all new self-build housing developments on sites larger than 0.16 hectares within the Borough should meet a minimum housing density requirement of 15 dwellings per hectare; and that**
- c) all new bungalow developments within the Borough on sites larger than 0.16 hectares should meet a minimum density requirement of 15 dwellings per hectare.**

17. FUTURE APPROACH TO CRIME AND DISORDER SCRUTINY AT REDDITCH BOROUGH COUNCIL - DISCUSSION

Members noted that the future of Crime and Disorder Scrutiny at the Council had been proposed at the previous meeting of the Committee. A report had subsequently been prepared on this subject which detailed the options available to Members. In preparation for the report the leaders of both of the political groups represented on the Council as well as the relevant Head of Service for community safety had been consulted.

The Police and Justice Act 2006 introduced a requirement for every local authority in England and Wales to have a scrutiny Committee designated with responsibility for reviewing the work of the local Crime and Disorder Reduction Partnership (CDRP), often referred to as a Community Safety Partnership. The legislation required that each Council reviewed the work of the partnership at least once a year. In Redditch the Overview and Scrutiny Committee had established the Crime and Disorder Scrutiny Panel in 2010 to undertake this work. The Panel had focused on the work of the Redditch Community Safety Partnership and, following a merger with Bromsgrove and Wyre Forest, the North Worcestershire Community Safety Partnership.

The Chair of the Crime and Disorder Scrutiny Panel, Councillor Brazier, explained that the group had held four meetings the previous year. During these meetings Members had considered a lot of interesting information about the work of the Partnership,

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however, there had been no recommendations made as a result of this work.

Members agreed that the work of both scrutiny Task Groups and Panels should be constructive. For this reason the Committee agreed that changes needed to be made to crime and disorder scrutiny at the Council. However, Members suggested that it would not be appropriate to disband the Panel. Instead, the Committee proposed that a meeting of the Panel should be convened at least once a year. During this meeting members of the Panel could be invited to consider subjects such as the Partnership's Community Safety Plan and latest performance data. In the event that any areas of concern were identified as a result of this meeting work could be delegated to a Task Group to review the subject.

RECOMMENDED that

- 1) **the Crime and Disorder Scrutiny Panel hold at least one scheduled meeting during the year to scrutinise the work of the local Crime and Disorder Reduction Partnership; and**

RESOLVED that

- 1) **additional work identified during this meeting be delegated on an ad hoc basis to Task Groups as and when required; and**
- 2) **the report be noted.**

18. OVERVIEW AND SCRUTINY WORK PROGRAMME PLANNING EVENT - CONSIDERATION OF SUGGESTED ITEMS FOR SCRUTINY

The Committee was invited to consider the outcome of the workshop session that had taken place during the Overview and Scrutiny Work Programme Planning event in June 2013. A large number of topics had been suggested during this workshop as potentially suitable for further scrutiny. Members were invited to consider whether any of these items would be suitable for either a Task Group or the Committee to review in further detail. However, the Committee noted that no Task Group exercise would be launched until detailed terms of reference had been submitted for Members' consideration.

When selecting items for scrutiny Members were advised to consider the extent to which the topics matched items listed on the

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Executive Committee's Work Programme or had recently been the subject of a decision by the Executive Committee. The Committee was also informed that in line with best practice in Overview and Scrutiny the relevance of the topics to local community needs and priorities needed to be taken into account. As part of this process Members were urged to note that anything impacting on the local community, including services and activities delivered by external organisations, could be scrutinised.

During consideration of this item the Committee's Work Programme was also considered. Members noted that a scoping document, detailing the terms of reference for a proposed review of the Abbey Stadium, was due to be submitted by Councillor Derek Taylor for the Committee's consideration on 23rd July. Councillor Hopkins had also expressed an interest in submitting a scoping document for the Committee's consideration in due course; on the subject of trees and landscaping, which would take into account grass cutting and the impact of tree roots on footpaths.

The Chair advised Members that he was keen to ensure that the Committee's Work Programme remained flexible during the year. As part of this process he suggested that the Committee should not seek to set items for every meeting at an early stage in the municipal year. Flexibility in the Work Programme would provide the Committee with an opportunity to respond to urgent issues as and when they arose.

The Committee also considered the resources available to support scrutiny exercises. The two Democratic Services Officers with lead responsibility for Overview and Scrutiny at the Council realistically had capacity to support one Task Group review at any one time effectively. Members agreed that they were keen to ensure that the time dedicated by these Officers to supporting scrutiny exercises was used as constructively as possible.

The impact of service transformation on the timing of some reviews was discussed in detail. Members questioned whether it would be appropriate to review subjects such as trees and landscaping at a time when changes to landscaping services were being trialled through the transformation process. Instead, it was suggested that Councillors could ask to observe or participate in the trials. In addition, Members noted that it might be useful to invite Officers involved in the trials to deliver a presentation to the Committee, as this would enable Members to learn about the impact on the service from frontline Officers.

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The Alexandra Hospital had been proposed a significant number of times as a potential topic for scrutiny. The Committee noted that the Save the Alex campaign was already working hard, with the support of elected Members, to address the issue. Furthermore, the Alexandra Hospital Commission had already been established by the Council and would provide an opportunity for relevant issues to be discussed in further detail. For these reasons it was agreed that the hospital should not be added as an item to the Committee's Work Programme.

Housing had similarly been consistently identified during the workshop as a subject suitable for scrutiny. In particular it was suggested that the Council's working relationship with Housing Associations in allocating suitable housing to tenants should form the subject of a Task Group review.

The condition of pavements in the Borough had also been identified a number of times as a suitable topic for scrutiny. Councillor Smith expressed an interest in leading a Task Group review on this subject. However, Members agreed that further information about the proportion of footpaths and pavements that were the responsibility of Redditch Borough Council and Worcestershire County Council should be provided for Members' consideration before a scoping document was submitted for the Committee's consideration on this subject.

The Committee was advised that the Council's Landscaping and Legal teams were currently working closely with Worcestershire County Council to review respective responsibilities for maintaining land in the Borough. Maps were being produced which would identify the areas of land that were known to be owned by the County Council or the Borough Council. Further areas of land where ownership was unclear, and appropriate maintenance arrangements, were also being considered. Members agreed that a presentation to the Committee on this subject would be a suitable item to add to the Work Programme.

During the course of discussions Section 106 Agreements were identified as an item suitable for the Committee to scrutinise. In particular, Members noted that clarification was required about; how much Section 106 monies could be secured for different developments, how the money could be spent; and the extent to which elected Members could influence spending.

The Council's tendering process had been identified as a potential area of interest after the workshop event had taken place. Members reported that they had received questions from

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constituents about the process. In the first place it was suggested that these questions might be addressed most appropriately through separate discussions with Officers responsible for the Council's procurement process. Further information could be provided on this subject for the committee's consideration at a later date if considered appropriate.

RESOLVED that

- 1) Councillor Andrew Brazier submit a scoping document detailing draft terms of reference for a review of the Council's relationship with housing associations in relation to housing allocation;**
- 2) Officers deliver a presentation at a following meeting of the Committee on the outcomes of current discussions between Redditch Borough Council and Worcestershire County Council to clarify land ownership and maintenance arrangements;**
- 3) information about the proportion of footpaths and pavements in the Borough that are the respective responsibility of Redditch Borough Council and Worcestershire County Council be provided for Members' consideration at a forthcoming meeting of the Committee;**
- 4) Officers deliver a presentation on the subject of Section 106 Agreements at a forthcoming meeting of the Committee; and**
- 5) the report be noted.**

19. EXECUTIVE COMMITTEE MINUTES AND SCRUTINY OF THE EXECUTIVE COMMITTEE'S WORK PROGRAMME

The Committee noted that at the latest meeting of the Executive Committee, on 11th June 2013, Members had endorsed the Overview and Scrutiny Committee's proposal for funding to be allocated to the installation of a canopy over the access ramp to Shopmobility. However, the source of funding for this project would be derived from the Shopmobility Donation reserves rather than from the Council's balances, as had originally been proposed by Scrutiny Members.

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RESOLVED that

the minutes of the Executive Committee held on 11th June 2013 and the latest edition of the Executive Committee's Work Programme be noted.

20. WORK PROGRAMME

RESOLVED that

the Committee's Work Programme be noted.

21. TASK GROUPS - PROGRESS REPORTS

The Committee was advised that the first meeting of the Joint Worcestershire Regulatory Services Scrutiny Task Group had not yet taken place. This delay had occurred because some of the local authorities participating in the review had not confirmed appointments to the Task Group. Bromsgrove District Council, which was due to host the review, was scheduled to appoint Members to the group at a meeting of the Bromsgrove Overview and Scrutiny Board on 15th July 2013.

Officers explained that following the previous meeting of the Committee Worcestershire County Council had reconsidered the terms of reference for the review. The County Council had subsequently agreed to participate in the joint exercise. As a consequence every Council in the county would be involved in the review.

RESOLVED that

the update report be noted.

The Meeting commenced at 7.00 pm
and closed at 9.30 pm

REDDITCH BOROUGH COUNCIL

COUNCIL

22nd July 2013

82. RESTRUCTURE - ENABLING HEADS OF SERVICE

RECOMMENDED that

the business case for the restructure of the Finance and Resources Directorate be approved.

(Subsequent to the meeting of the Executive Committee the relevant parties were consulted on the contents of the report and thus the report and decision are no longer deemed exempt.)

EXECUTIVE COMMITTEE

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RESTRUCTURE ENABLING HEADS OF SERVICE

Relevant Portfolio Holder	Cllr John Fisher
Portfolio Holder Consulted	Yes
Relevant Head of Service	Jayne Pickering (Exec Director)
Wards Affected	All
Ward Councillor Consulted	None specific
This report contains exempt information as defined in Paragraph(s) 1 and 4 of Part I of Schedule 12A to the Local Government Act 1972, as amended	

1. SUMMARY OF PROPOSALS

- 1.1 To enable Members to consider a proposed restructure of a number of Heads of Service roles and responsibilities within the Finance and Resources Directorate.

2. RECOMMENDATIONS

- 2.1 **Executive Committee is asked to recommend to Full Council the approval of the business case for the restructure of the Directorate.**

3. KEY ISSUES

Financial Implications

- 3.1 Over the last 3 years officers have been reviewing the way they work and provide services to the customer using a systems thinking framework to transform service delivery. As part of this work a number of key financial principles have been developed to ensure that savings can be delivered to meet the current funding pressures that face the Authority whilst protecting key front line services that provide value to the customer. The principles are ;
- Reduce waste in a system (Stop it now)
 - Design a new system to reduce waste and cost
 - Reduce the costs associated with enabling service provision rather than those that create the value to the customer.
- 3.2 In addition the system thinking framework enables the organisation to consider 3 levels of costs associated with services delivered ;
- Create Value – these are the costs to deliver front line service, those which create real value to the customer

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- Add Value – these costs provide support to those services on the front line. They add value to the customer but do not directly deliver the service
 - Enable – there are a number of costs that relate to the enabling functions across the Council. These include the management and support services that provide advice and support to the services who add and create value.
- 3.3 As part of the financial principles officers have reviewed the ratio of the cost of the enabling and add value functions compared with those that create value with the aim to align resources to those that provide the most value to our customers. This has demonstrated that there is a significant cost associated with enabling and supporting the organisations.
- 3.4 The Council's Medium Term Financial Plan (MTFP) requires financial savings to continue to sustain services to the community. In addition the transformational work that has been undertaken across the Directorate has evidenced a need to link to strategic purpose, particularly the way the Council supports the customer through financial difficulties. The Business Case attached at Appendix 1 details proposals to realign the roles within the Finance and Resources Directorate to support the strategic purpose of supporting customers to financial independence whilst reducing the cost of enabling support services.
- 3.5 In reviewing the costs associated with the Heads of Service included in the review proposed there is a saving of £77k per annum which would be shared equally across the two Councils. In addition there is a potential cost of between £30k - £210k to provide for associated severance costs subject to redeployment opportunities that may be available.

Legal Implications

- 3.6 Redditch and Bromsgrove Councils have developed a Strategic Alliance/shared services arrangement referred to as the Shared Services Framework Agreement. The Shared Services Framework sets out the basis upon which both Councils have agreed to work together by way of shared teams working across both authorities.
- 3.7 The legal basis for the Strategic Alliance is Section 2 of the Local Government Act 2000 and in relation to staffing arrangements Section 113 of the Local Government Act 1972.
- 3.8 Under section 113 of the Local Government Act 1972, a local authority may enter into an agreement with another local authority for the placing at the disposal of the latter authority the services of staff employed by

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the former authority. The staffing arrangements for the shared management team have been established under section 113 of the Local Government Act with each authority placing its employees at the disposal of the other. Therefore the decision to delete a post that sits within the shared service agreement is subject to the approval of both Councils.

- 3.9 The Head of Finance and Resources and Head of Customer Services posts both report to the Section 151 Officer and therefore are classed as deputy chief officers as defined in section 2 of the Local Government and Housing Act 1989. The deletion of these posts is therefore a Council decision as the officer employment procedure rules are the same in both councils and they are based on national legislation.
- 3.10 The report is exempt due to the fact that consultation is not due to commence until recommendation from Executive of the Business Case.

Human Resources

- 3.11 The delivery of the business case will necessitate a move towards new staffing structure. The proposed staffing structure is included in the business case for Member information only. Members are not being asked to approve or endorse this structure as it may change as a result of the staff and Trade Union consultation process.
- 3.12 If the proposed business case is recommended by Executive a period of consultation will commence with the affected staff and union officials. It is proposed that the comments / revisions to the current proposals are reported to Full Council in July. It is advised to Executive that there may be potential for redundancy as a result of the decision to deliver the business case.
- 3.13 If there is a formal decision by both Councils in July to proceed with this proposal, subject to any revisions during consultation, recruitment to the new structures will begin.
- 3.14 Officers have developed a robust and supportive organisational change policy and a number of other support mechanisms that will be available to all staff during this time. These policies have been agreed following discussion with Trade Unions representatives to ensure that all staff are supported during the period of shared services and transformation.

Service / Operational Implications

- 3.15 As detailed in the Business Case attached there is a need for a greater focus towards supporting the customer with providing advice on managing finances and supporting through financial difficulties. By

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linking customer services with the revenues, benefits and assets this will deliver a more strategic and proactive approach to this strategic purpose. In addition the Organisational Development of the organisation links more closely with transformation as this is the key to making the continued cultural changes needed through transformational change and providing our services in a different way.

Customer / Equalities and Diversity Implications

- 3.16 The aim of the restructure is to focus the service delivered on the customer to ensure that support and advice can be made available in a proactive and individual way.

4. RISK MANAGEMENT

- 4.1 The main risk associated with the proposed structure is the reduced capacity to deliver support across the organisations. The Executive Director of Finance and Resources will continue to monitor the services provided using the measures that will be in place to ensure there is no impact on the services delivered to the customer.

5. APPENDICES

Appendix 1 – Business Case

AUTHOR OF REPORT

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Bromsgrove District Council Redditch Borough Council

RESTRUCTURE OF ENABLING HEADS OF SERVICE 2013/14

BUSINESS CASE

Contents

1. Background & Aim of Review
2. Outcome of Review
3. Proposals
4. Financial Arrangements
5. Staffing Structure

1. Background

In April 2010 the Joint Management Team was established to include 4 posts relating to the Heads of Service responsible for the management and direction of Revenues and Benefits and Customer Service functions together with the support services (legal, finance , ICT etc).

These posts are :

- Head of Legal, Equalities and Democratic Services
- Head of Finance and Resources
- Head of Business Transformation
- Head of Customer Services

Over the last 3 years officers have been reviewing the way they work and provide services to the customer using a systems thinking framework to transform service delivery. As part of this work a number of key financial principles have been developed to ensure that savings can be delivered to meet the current funding pressures that face the Authority whilst protecting key front line services that provide value to the customer. The principles are ;

- Reduce waste in a system (Stop it now)
- Design a new system to reduce waste and cost
- Reduce the costs associated with enabling service provision rather than those that create the value to the customer.

In addition the system thinking framework enables the organisation to consider 3 levels of costs associated with services delivered ;

- Create Value – these are the costs to deliver front line service, those which create real value to the customer
- Add Value – these costs provide support to those services on the front line. They add value to the customer but do not directly deliver the service

- Enable – there are a number of costs that relate to the enabling functions across the Council. These include the management and support services that provide advice and support to the services who add and create value.

As part of the financial principles officers have reviewed the ratio of the cost of the enabling and add value functions compared with those that create value with the aim to align resources to those that provide the most value to our customers. This has demonstrated that there is a significant cost associated with enabling and supporting the organisations.

Aim of Review

In reviewing the functions within the Finance and Corporate Resources Directorate there are 2 main aims;

- reduce the costs associated with enabling and adding value to the organisation
- link the proposed structure with the Strategic Purposes of the Council which have been developed following evidence of customer demand.

This review takes into account the information from the systems thinking interventions to date in relation to Revenues, Benefits and Customer Services and how this fits within the delivery and focus on the strategic purposes of the organisation. The aim of the changes proposed is that it will begin to link the management structure with the purposes.

The services currently delivered and included within this review link directly to the Strategic Purpose of **help me become financially independent**. In addition there is clearly a support required to **enable the Business** in its future development.

2. Outcome of Review

Whilst there is a need to redress the balance of costs associated with creating value to the customer against those which enable the business there remains a requirement for a professional framework of support and advice to enable the organisations to develop in a compliant and progressive way.

There are a number of staff that provide this enabling function within Bromsgrove and Redditch Councils including ; Legal, Democratic Services, Finance, Human Resources and IT. It is important to recognise that officers will continue to streamline and reassess the systems that are undertaken in these areas to ensure that a more proactive approach and cost effective service is delivered to those elements of the Councils that provide value to the customer. This will be done within a legislative framework that is in place in many of the enabling parts of the organisation.

ENABLING GOVERNANCE OF THE ORGANISATION

The Governance of the organisation is fundamental to ensure that the decisions of the Council are legally compliant and defensible and that members are supplied with a full and detailed account of matters to be determined. It is clear that in determining the mechanism for decision making and members support that there is some way to go in ensuring that waste is driven out of the process but it is also clear that necessary waste will continue to exist in any system that is predicated on democracy - and this is as it should be. The enabling functions of the organisation to deliver the level of Governance support are currently serviced by the Legal and Democratic teams.

It is clear that a significant part the elections team work supports the enabling of the organisation through supporting good governance. Although the majority of the elections team provide value directly to the customer and are not generally defined as enabling posts, they do support the democratic process and the robust governance arrangements that the Council has in place.

It is also worth noting that as part of the professional enabling of the Governance of the Council the provision of a Monitoring Officer is a Statutory Function and therefore necessary to the organisation in accordance with the Local Government Act 1979.

ENABLING THE FINANCIAL MANAGEMENT OF THE ORGANISATION

The Council is facing significant financial pressures over the next few years and at present there are no indications that this will improve. In addition the systems thinking approach will require the finance service to realign the financial structure of the organisation in line with the new approach.

It is vital that the organisation has a clear understanding of the impact of the pressures across all levels of the organisation. The finance team will have to support the managers to deliver services with ever limited budgets available and need a clear financial focus and direction to enable this to have a positive outcome. Whilst there remains a need to reassess the costs associated with the enabling of the financial management of the organisation it is also important to have a strong and transparent link between the S151 and Deputy S151 Officer to facilitate proactive and timely decision making and the exchange of professional advice and support. This would also enable direct collaborative working between the S151 and the Deputy to ensure a consistent approach is made when dealing with financial legislative issues.

ENABLING THE TRANSFORMATION AND ORGANISATIONAL CHANGE OF THE ORGANISATION

The key to transformational change is to ensure that staff are involved at each stage. There are many ways to ensure that staff are included, motivated, developed and understand the impact of the new ways of working all which link to the organisational development and employee support that is provided to both staff and managers by the human resources and organisational development team. Feedback from a number of transformation interventions has shown that the support for staff during and after the interventions is key to the successful delivery of a new way of working. This can only be enabled through positive and supportive management of change and to develop a skilled workforce for the future.

The cultural and organisational change that has been evidenced by the systems thinking work when mapping out processes across the organisations has identified the significant impact that transformation has on employees and organisational development. The future support and development of our staff is the essential to ensure that the new ways of working become the new culture of the organisation. Human Resources and Organisational Change need to be at the centre of the transformation of the organisation.

The business transformation team remains fundamental in driving the transformation forward and therefore remains a key service in the changes to be made by the organisation. In addition the policy and performance team provide advice and support on extracting data to ensure that measures reported are evidenced based and add value to the decision making in the Council.

To enable the organisation to transform the services the staff require appropriate resources and support to change the way they work and to create a systems thinking culture.

The ICT section has been through an intervention and redesigned service provision based on customer demand. A new structure is now in place to support the demand and enable the Council to move forward with the technology and system improvements.

**HELP ME BECOME FINANCIALLY INDEPENDENT &
ENABLING THE CUSTOMER**

The transformation and system thinking approach is fundamentally changing the way the Council deals with the customer to enable them to access experts and advice and support more easily than in the past. This has resulted in a change within the customer service department, ensuring that experts deliver a quality service to our customers which has resulted in enhanced customer service skills being required.

The development of structures to enable the delivery of strategic purposes would result in the customer service advisors utilising their skills across the organisation and therefore providing an excellent skill base to all staff.

The interventions that are in place have shown that customers value excellent customer service and that this should be in place across the whole organisation to ensure that the customer needs are addressed in the most appropriate way.

A key purpose for the organisation is to help support customers to become financially independent. This purpose links with a number of other strategic purposes including; help me run a successful business and help me live my life independently. Together with the customer service team the main function currently providing support and advice to maximise customers available income is Benefits with Council Tax, Business Rates and general income recovery processes and systems being aligned to this purpose.

The Benefits Service generally creates value to the customer with the intervention that has been in place for over 2 years providing a face to face service for any customers that present at the customer service centre.

The measures that are to be developed in this service will evidence the benefit entitlement that claimants are requesting together with number of claimants and the general end to end times that this service takes.

It is clear that there are still a number of functions in the benefits services that require intervention through a systems thinking framework and it is anticipated that the support to the customer in helping them be financially independent can be provided in a more effective and generic way.

In addition to the benefits service the purpose of financial independence can be linked to the services provided by Council Tax, Business Rates and income collection and recovery.

The service has recently been restructured with the aim to focus on creating value to the customer with experts in Council Tax and Business Rates now providing a face to face support in the Customer Service Centre.

The Revenues Service is primarily a proactive one in billing and collection of money owed to the Council, with some reactive work in dealing with change in circumstances, or in response to enquiries about the bills, or any subsequent recovery action. Further work needs to be developed to help customers who can't pay and to understand what we could have done earlier in our relationship with the customer to avoid them getting into debt. This support links in with the strategic purpose of "help me to be financially independent".

Although no major intervention work has yet been done within the Income team, there has been some small pieces of work carried out which strongly indicate that changes within the income service will need to be led by the outcome of interventions within the key frontline services, rather than from within the Income service itself. This may see the income part of the systems being variable and linked to the purpose of each frontline system and will need to develop a strong customer service ethos to help customers and meet purpose. Although an enabling service it is one that also adds value.

To enable the customer to access all of the Councils services in an effective and supportive way it would be more effective to link the client property management responsibility to the theme of Enabling the Customer. This would provide a strategic direction to be in place to support the Capital Assets Group across the County and to liaise with partners and stakeholders when assessing the most effective use of our assets in the delivery of the Councils strategic purposes.

The asset management of our resources will support the way the Council delivers the services to the customer. There are a significant number of assets held by Redditch Borough Council and there is a need to review these assets in line with a clear and robust asset management plan. At Bromsgrove District Council there are less assets but there remains a need for a consistency in approach when supporting customer access.

With the need to ensure our customers are able to access services in the most appropriate way it is important to identify customer demand and how customers wish to access our services.

In addition, particularly in Redditch, it is important to review our assets to ensure that those that provide income to the authority are achieving this in the most effective way and to assess the options available to the organisation if they are not.

In linking the services to support financial independence and the property portfolio it will lead to a focus on helping our customers to be financially independent whilst reviewing customer access and our ability to review assets in a transformational way.

There is an evidenced need to focus on debt advice and support and by bringing the customer service, council tax, income, and benefits teams together this can be achieved in a more holistic way and would provide an customer focused support to address individual needs.

3. PROPOSALS

It is accepted that any proposed changes to structure may be revised as a result of consultation. In addition it is recognised that as the Councils continue to develop the services in a systems thinking and transformational way further structure changes may be proposed.

As a result of the outcome of the review as detailed above it is proposed that:

Revisions to current posts:

Head of Legal, Equalities & Democratic Services

It is proposed that the responsibilities within the Enabling Governance role are the same as the current Head of Legal, Equalities and Democratic Services. This is due to the fact that the responsibilities are the same as at present as clearly the services currently defined within this role are linked to enabling the Governance of the Organisation and would not link directly to another purpose. This post to continue to report to the Executive Director Finance and Resources as at present.

Financial Services Manager

It is proposed that the responsibilities as defined in the Enabling Financial Management meet the current role of the Financial Services Managers but the reporting line of the post is revised to directly report to the Executive Director Finance and Resources. In addition the client role for Internal Audit would be linked to this post. It is therefore proposed that the current Financial Services Manager reports to the Executive Director therefore addressing the need for a direct link between S151 and Deputy S151 Officer.

Head of Transformation and Organisational Change

It is proposed that the roles defined within the Enabling of Transformation and Organisational Change be undertaken by a revised post of Head of Transformation and Organisational Change. It is proposed that the current Head of Business Transformation has a change to their relevant post title to include the organisational change element. This does not represent a significant change to the current role.

New posts:

Head of Customer Access and Financial Support

It is proposed that a new post be created to be responsible for enabling the customer to access Council services as well as meeting the strategic purpose of helping residents to be financially independent. This role would have a corporate responsibility for ensuring a strong customer service focus, alongside the specific services relating to the provision of personal financial advice and support as well as the wider issues of the community's access to services.

Deleted Posts:

Head of Finance and Resources

It is proposed that this post be deleted as the new roles and responsibilities in supporting the strategic purpose do not fit into the current role

Head of Customer Services

It is proposed that this post be deleted as the new roles and responsibilities in supporting the strategic purpose do not fit into the current role

.3. FINANCIAL ARRANGEMENTS

Existing Service Costs

The current cost for the Heads of Service and the Financial Services Manager is (total) is £ 425k

New Service Costs

The new service costs will be £348k

The basis of cost sharing across the Councils will be on a 50:50 sharing

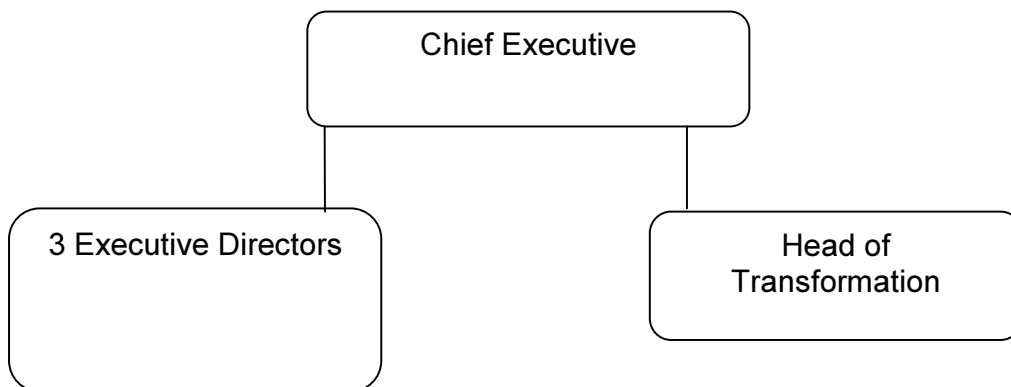
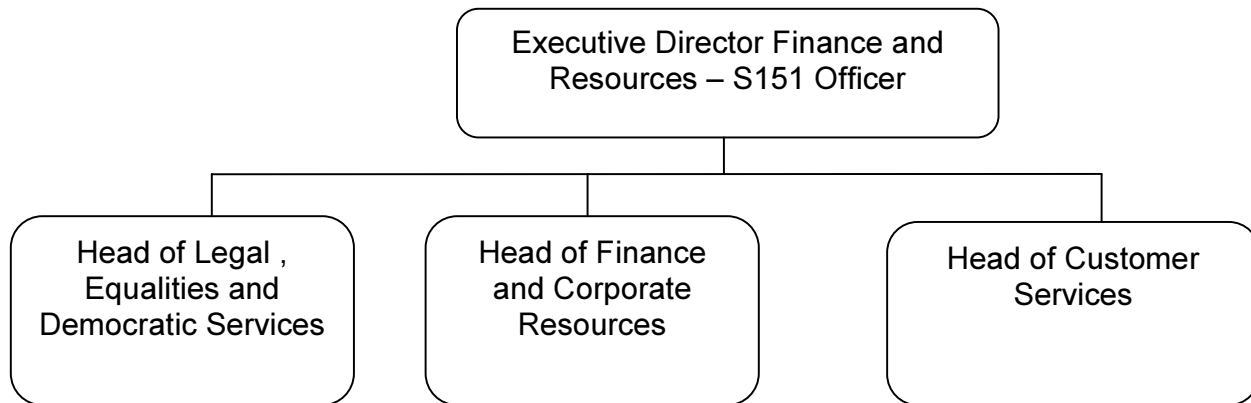
TOTAL SAVINGS
Per Council

£77k per annum
£39k per annum

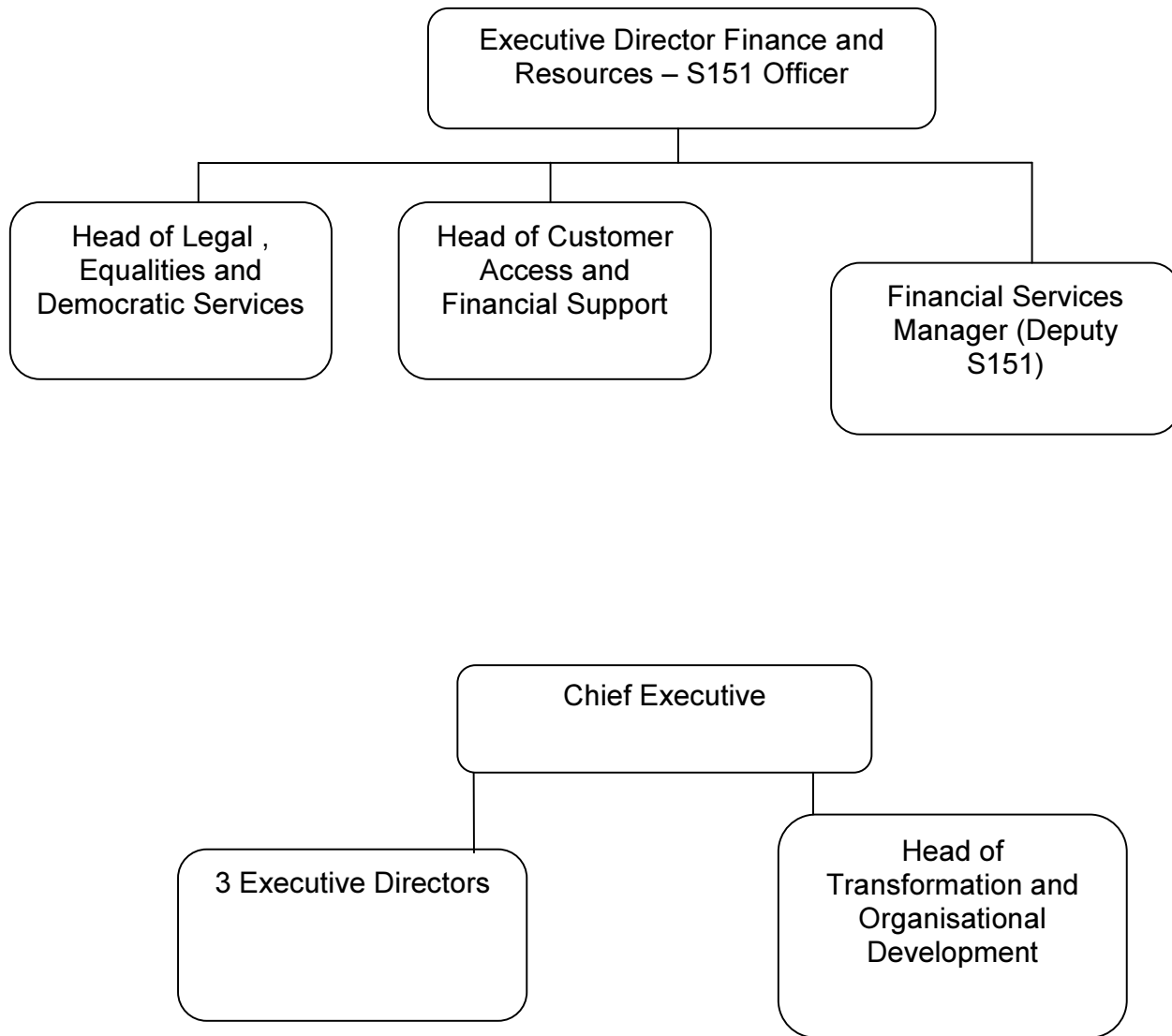
The cost of implementing the above proposals in terms of potential redundancy / early retirement costs are between £30k and £210k.

4. **STAFFING ISSUES**

CURRENT STRUCTURE



PROPOSED STRUCTURE



Comments on Finance and Resources Senior Management Service Review/Restructure

Enabling Heads of Service – Aim of Review

Key decisions need to be based on data.

The report states that there are 2 main aims to the review. Firstly to **`reduce the costs`** associated with enabling and adding value to the organisation.

Can you 1) set out the split between create value, add value and enable for each organisation, and 2) explain what the perceived appropriate ratios are for these costs and on what basis these ratios have been deemed to be appropriate.

The current cost of the service is quoted to be £425k, reducing to £348k. The Business Case quotes savings of £77k per annum with potential redundancy/retirement cost of between £30k and £210k. **In practice if the actual costs of redundancy are £210k due to the costs associated with the individual made redundant then there would be an additional cost of £57k (£28.5k per Council) in 2013/14 and savings of just £37.5k (£18.75k per Council) in 2014/15 and 2015/16. The full savings per annum quoted of £77k per annum would not be achieved until 2016/17.** This assumes that the costs associated with actuarial strain are met over a three year period.

Why have the potential costs associated with this Business Case not been clearly set for members when there could be an additional budget pressure of between £57k and £171k in the current financial year?

In the current financial climate how can this be justified?

The second stated aim of the review is **`link the proposed structure with the Strategic Purposes of the Council which have been developed following evidence of customer demand`**. The strategic purpose **`help me to be financially independent`** includes the issue for the citizen **`somewhere affordable to live`**. This element is missing from the proposed structure. The review is too narrow in its focus with regards to the evidence arising from customer demand. The Housing Options Intervention has highlighted that the key services required to be present to meet customer facing demand within the Customer Service Centre are Housing Options and the Benefits and Revenues Services in addition to a reception service provided by the CSAs and the Cash Office.

The number of Essential Living Fund applications has been included as a measure for the above strategic purpose. The customers for this service mainly present to either the Benefits for Housing Options Service.

Why has Housing Options been excluded from consideration within this review when the Intervention and strategic purpose point to a clear relationship in terms of the customer?

Enabling the Financial Management of the Organisation

The Business Case states that there is a need to reassess the costs associated with the enabling of the financial management of the organisation it is also important to have a strong and transparent link between the s151 and Deputy s151 officer to facilitate 'proactive and timely decision making' and the exchange of professional advice and support. The change would 'ensure a consistent approach is made when dealing with financial legislative issues'. This implies that the current structure does not.

Can you please explain with examples 1) how the current structure hampers proactive and timely decision making, and 2) how the current structure has led to an inconsistent approach when dealing with financial legislative issues.

The transfer of client management for Internal Audit to the Financial Services Manager is merely a paper exercise as this role is in practice undertaken by the Executive Director Finance & Corporate Resources.

Enabling the Transformation and Organisational Change of the Organisation

This section of the Business Case illustrates the need for HR & OD to be engaged in the Transformation journey that the organisations are on and the future support and development of staff but it fails to explain the benefits of the service reporting to the Head of Business Transformation alongside the IT Section and the Policy and Performance Team.

Help me to become Financially Independent & Enabling the Customer

The Business Case is silent on the link to housing debt when considering an individual's indebtedness. In this respect I consider that this restructure is premature. The Revenues Service needs to encompass the collection of housing rents in order to deal effectively with an individual's indebtedness. The work in Revenues has already identified that housing costs (rent, mortgage and council tax) impact significantly on those who struggle financially. We need to consider a customer's level of indebtedness as one Council (be that Redditch or Bromsgrove) and not from individual services. This is increasingly important with the impact of Welfare Reform, the move to Universal Credit and the move from paying council tax benefit to a council tax discount.

The measures for this strategic purpose include the number of tenants in rent arrears (all arrears).

It states in the Business Case that there has been 'a change within the customer service department, ensuring that experts deliver a quality service'.

The service provided by the CSAs has reduced by more than 70% with many services now dealing directly with their customer directly either face to face or via the telephone. This has itself impacted on the role of the Head of Customer Services. The report is silent on the significant impact that this shift has had on the role of the Head of Customer Services.

Why is the Business Case silent on the impact that this significant change in meeting customer demand has had on the role of the Head of Customer Services?

Other comments

The job descriptions and person specifications (JDs & PSs) are all headed up 'Bromsgrove District Council' with no mention of Redditch Borough Council. Is this right?

The 'responsible for' sections of the JDs & PSs are inconsistent. One refers to post titles, one to services and one to divisions of a service. Should this be consistent at least at the same level in the organisation?

The involvement in this review process of the 4th Tier Managers that directly report to the Heads of Service affected by this review has been limited to the circulation of the current and proposed structure charts. In view of the fact that one of these Heads of Service could by the end of July/beginning of August be on notice of redundancy I consider this to be inadequate. Apart from the fact that they should be fully aware of what is being proposed as it will impact on them they could have had very valid contributions to make to the consultation process.

RESPONSE RE COMMENTS ON FINANCE AND RESOURCES SENIOR MANAGEMENT SERVICE REVIEW/ RESTRUCTURE

- 1) Allocation of Costs associated with Create Value, Add Value and Enable. The costs have been allocated based on a judgement as to whether the posts deliver functions that are front line (Create Value) , Supervisory (Add Value – one removed from the delivery of front line) or Support (Enabling). The split we presently have, accepting that posts may have altered slightly which may make a minor impact on the % allocation is :

TOTAL FOR BDC - CREATE / ADD / ENABLE				
	CORE	SUPPORT	TOTAL	%
CREATE VALUE	2,324,848	277,134	2,601,982	38%
ADD VALUE	988,207	438,774	1,426,981	21%
ENABLE	903,686	1,827,394	2,731,081	40%
TOTAL	4,216,741	2,543,302	6,760,043	

TOTAL FOR RBC - CREATE / ADD / ENABLE				
	CORE	SUPPORT	TOTAL	%
CREATE VALUE	4,927,829	455,523	5,383,353	43%
ADD VALUE	2,949,197	324,767	3,273,964	26%
ENABLE	1,311,750	2,413,699	3,725,449	30%
TOTAL	9,188,777	3,193,989	12,382,765	

- 2) Costs associated with the proposed Business Case :

The maximum costs associated with the proposed structure are approximately £195k following the final pension estimate and redundancy calculation from the County Council. Based on any pension strain payable over a 3 year period and with the unsuccessful candidate being made redundant from 31st October, the costs would be :

2013/14 – maximum £63k (cost of redundancy offset by savings from deleted post). The maximum cost for each Council is £31.5k and the Bromsgrove cost will be funded from the reserve currently available for restructures. The potential cost at Redditch will be met from further savings from transformational activity across the Council.

2014/15 – minimum net saving to Redditch £11k, saving to Bromsgrove £38.5k assuming that the costs for Bromsgrove are met from reserves

2015/16 – minimum net saving to Redditch £11k, saving to Bromsgrove £38.5k

2016/17 – saving to both Councils of £38.5k (total of £77k realised)

It is accepted that despite the current financial climate it is important to develop structures that meet the strategic purposes and deliver longer term savings.

- 3) There are 2 separate Strategic Purposes; Help me be financially independent and Help me Find somewhere to live in my locality. It is agreed that within the strategic purpose relating to financial independence there are a number of measures that directly link to housing but

as the intervention in housing is still under review and in pilot form is proposed that the new post is responsible for the leading the team and developing the relationship with the housing services to ensure that the measures are in place to support the customer and improve their financial independence and skills and education (also part of this strategic purpose).

- 4) Financial Management ; the current structure does not have a direct link between S151 Officer and the Deputy post. With the changing environment in financial planning it is important to not have the link between these posts diluted. Over the last 12 months it is apparent that Heads of Service tend to liaise with either S151 or Deputy and this can lead to confusion if the Head of Finance has to provide advice too. It is my opinion as S151 that the proposed approach will provide a more focused structure in the financial management of the organisation combined with reducing costs associated with enabling the Councils.
- 5) HR & OD – the report clearly explains the rationale for moving HR&OD to the Head of Transformation. This is to ensure that the staff going through change have the support and direction to manage the changes they face and that this support is led by the Head of Service responsible for the transformation.
- 6) Customer Service : the Head of Customer Service post is deleted in the proposed structure and this reflects the changes to the role and the need to link the strategic purpose to the structure. The link to Housing debt is important and it is anticipated that this will continue to be developed in the future.
- 7) This is a genuine mistake and the Job Descriptions should be headed across the 2 organisations and I apologise that this was not picked up. Is there an issue that you would raise whereby the inconsistencies you have pointed out would affect the substantive position in respect of the potential redundancy.
- 8) In relation to wider consultation. I have directly consulted with those potentially at risk of redundancy and the recognised trade unions, and in addition I have circulated the proposed structure to relevant 4th tier managers as I felt this was appropriate.

- 1. The majority of customer demand is now being met within service areas, so do we really need separate customer service?**

The proposal takes account of the reducing role of the Customer Service functions in dealing with customer demand but aims to maintain a corporate customer service lead.

- 2. As we understand it the main footfall and customer demand is for housing and relevant benefits, this is being met with locality work and through the relevant benefit and revenues services. Surely the residual customer service demand can therefore also be added to the existing structures in operation or the transformation work happening in other areas , i.e environmental services ?**

As detailed above, the proposal takes account of the reducing role of the Customer Service functions in dealing with customer demand but aims to maintain a corporate customer service lead. In addition the proposal recognises the strong links between customer service and provision of financial support. The proposal is not for a standalone customer service function but an enhanced service to the customers of Redditch and Bromsgrove.

- 3. Customer access is as critical to transformation as H R so why is it not going to the same site/location as H R?**

The Head of Customer Access and Financial Support will manage the front facing, customer access and support and advice. The HR & OD will transfer to the Head of Transformation as this relates to the internal support for our staff in dealing with change and the new ways of working.

- 4. Is there any evidence to suggest that the workload or the need will reduce in any other area than Customer Services (directly)**

The current proposal relates solely to the Heads that support the organisations in an enabling way. The evidence to support any changes in other departments is not as developed as that within the enabling services.

- 5. Given the current challenges major organisational challenges, i.e transformation, budget cuts, welfare reform etc can the proposed structure cope with this?**

Whilst it is accepted that there will be a reduction in posts, the proposals will support the transformation and welfare changes within a systems thinking and efficient framework.

- 6. Financial modelling and planning is critical yet it appears that you are attempting to reduce the expertise and knowledge**

The financial modelling of the organisations will be undertaken by the finance team and supported by the S151 officer as at present. Service managers have ownership of their financial position and projections and therefore it is anticipated that the potential changes and required training will give more financial knowledge to the service manager.

7. Can you explain the reasons that legal and democratic services are left untouched?

As is clearly laid out in the report the legal and democratic services functions have been reviewed against “Enabling Governance of the Organisation” and it is recommended that the current responsibilities are appropriate for the current role.

8. How will having less people looking at issues the organisation faces impact on the authority?

There is a commitment that the costs associated within the enabling side of the organisations need to reduce and that the Councils need to ensure that funds are available for posts that create value to our customers. The capacity that will remain within the structure will ensure that future impacts on the Councils will be reported and assessed.

9. Strong links already exist between the Dep 151 Officer and statutory 151 officer why was this not addressed in the first review?

The changes over the last few years in Government funding has resulted in the proposal to directly link the 2 posts.

10. Where is the evidence that the customer service need has remained the same? (help me become financially independent)

The proposed structure develops customer service as a skill for advisors rather than being a standalone provision.

11. We see the role of customer services as an integral part of peoples roles in all services and therefore more of a training and support element sitting in H R and the CSA's incorporated as above.

As previously mentioned the proposed structure will reflect the need for customer skills across the organisations. As with all structures within a systems thinking environment there will be a need to further review as the redesigned service delivers customer needs.

12. There appears to be no link with housing supported in this review, currently there are very strong links between the housing service and revenues and benefits, how will this be addressed?

It is accepted that there are strong links between the services but at present the interventions are still being developed / piloted (eg need for a separate reception). At present the proposed structure reviews the services provided by the enabling Heads of Service.

13. Can you explain please as the expertise has been rolled out to departments / sections what role the customer service advisors will involve expertise? Surely the expertise will be in the departments from the benefits advisors who possess great customer service skills?

It can already been seen that a different type of customer care professional is required to both on the phone and face to face to appropriate establish the correct expert to be pulled

to support the customer. This role is developing as we learn through transformations but I do not see it as simply a receptionist or telephonist role but one which can work across purposes.

14. Is there evidence that customer service advisors are still giving advice / information to customers?

The CSA's still provide advice and information on many services including those currently in intervention when necessary, if customers are not prepared to wait, at the One Stop Shops (in Redditch) or at weekends. It is recognised that that this a reducing role and a subsequent review of the Customer Service team will take place once there is certainty about what is required.

CONSULTATION FEEDBACK

The only concern is with the 'fit' of the asset management element with the customer facing leadership role of Head of Customer Access and Financial Support . This is because I see the property element to be more of an enabling one which would fit better with other internal support or enabling functions. I understand that the restructure is at HOS level only but I believe that there is a gap in the overall structure as there is no 4th tier operational manager to support asset management. My concern is that this could undermine the ability of the new role to focus on meeting the key strategic purpose.

In addition as the facilities manager is responsible for the caretakers, and the cleaners and caretakers work is closely aligned, would it not make sense to shift responsible for the basic facility management of the Town Hall to this post as part of this review whilst leaving the bigger asset management with the HOCA&FS role in the short term.

Response:

In developing the current proposed structure a review has been undertaken to assess the capacity in relation to the property services functions. Following detailed discussions with County Council it is recognised that their support to the asset management service, as included in the current Service agreement they have with both Councils, will address the asset management requirements across both Councils. As regards the Town Hall facilities management it is currently assessed that this fits at the current time with the customer access post as this provides front line access to our community at Redditch

1. A) **The current post of Head of Resources is being arbitrarily carved up to fit in Customer Services.**

There is nothing to suggest that this is the case. Rather the proposal brings together elements of both roles into one.

- B) **Why isn't Customer Services being reviewed in its entirety? It is already evident that the role of CSAs has changed, by default this must mean that other roles within and managing this service have , and will continue to change and minimise in their need . this means we are duty bound to ask Is there a role for a Head of Customer Services at all?**

The Head of Resources and Head of Customer Services posts are being deleted and a new role created that will support our customers when they present for financial support and advice. There is a need to ensure one of the senior roles within the organisations provides a strategic and coordinated approach to customer care.

2. **What is the rationale for moving service areas across directorates (HR and OD service) and where is the consultation? Has the relocation of HR & OD been fully explored? Is the proposed site the most appropriate or logical?**

The transfer of the HR & OD service to transformation will ensure that as systems thinking and change continues within the organisations that staff are supported to manage the change and have appropriate skills and training to deliver the newly designed services. The link between the transformation and HR&OD will continue to address the support needed by staff in the future. In relation to the consultation, I have directly consulted with those potentially at risk of redundancy and the recognised trade unions, and in addition I have circulated the proposed structure to relevant 4th tier managers as I felt this was appropriate.

3. **Why are two current Heads of Service being summarily moved to other disciplines? Are they qualified in these fields? In particular, how can a customer orientated post suddenly cover financial requirements without any qualifications?**

The new HOS role has responsibility for the overview of financial support to the customer through the benefits and revenues systems and not technical financial management and therefore financial qualifications are not required. In addition the suitability of whoever is appointed to the new role will be rigorously tested as part of the selection process.

4. **Why is the Financial Services Manager not at risk, when there are actually two members of staff potentially able to apply for the post, according to the Council's policy and practice? The current HoS should be able to cascade down to that post, why is this not written in to or acknowledged in the review?**

This issue has been considered and it is felt that the current proposed approach is consistent with that taken by the Councils in previous reviews and;

- it has not been past practice or custom to widen (or ‘cascade’) the redundancy pool further down the structure
- the proposed restructuring is concerned with reducing the number of enabling Head of Service posts, rather than lower level posts
- in the circumstances, it would be unreasonable to extend the redundancy pool to include a permanent employee whose role is not fundamentally changed or affected by the proposed restructuring

5. Can a reduction in workload be demonstrated which justifies the loss of the major financial post within both Councils? Would it be more cost effective to lose a Director?

As is the case in all service reviews and restructures the workload has been assessed to ensure that the capacity across the organisations can meet the demand. The proposed structure is not about responding to reduced workload but instead seeks to achieve greater support to the strategic purposes. In addition providing efficiencies across the services and reducing costs of enabling services to protect those posts that create value to the residents. As you are aware both Councils continually review their service provision to ensure that the management arrangements supporting the services are appropriate regardless of what level.

6. Why are timescales so tight? We understand that the Financial Services Manager has already been advised by letter that her new post will commence on 1st August, which was initially before any interviews, and in any event before consultation had finished. How can this be? This demonstrates that consultation is a farce and decisions are made without due consideration.

It is clearly stated in the letter that the appointment is conditional upon the outcome of the consultation exercise and that everything could yet change in the light of the Councils’ consideration of the representations made by Unison and others. No changes to posts were to be implemented before the end of consultation or consideration by Members. For clarification the consultation period ended on Friday 12th July.

7. Transformation, which should be a common sense, routine part of the role of any good manager in keeping their service on target, is an area of high expenditure. Why is this not being reviewed? Should it be a separate service in perpetuity? And at what cost? Is there a requirement for a Head of Transformation at all?

The Council continues to address and realign financial pressures where possible. The Head of Transformation also manages the ICT and performance teams. The initial cost of transformation has helped develop redesigned systems and the transformational team will continue to support the delivery of savings to meet future financial pressures.

8. Would it not be better to look at services holistically? This review seems to single out an individual rather than legitimately target a service in need of change that is being expedited by other departments entering into, or currently going through “transformation” .

The review has not singled out an individual, it has objectively reviewed the structures that relate to those Heads of Service who are responsible for enabling services across the

organisations and proposed a revised structure to support one of the strategic purposes of the Councils.

- 9. What about the outstanding VR/flexible retirements within Finance? Surely a fuller review of this area is merited and indeed warranted in terms of financial savings in redundancy or pension costs. Currently, for one deferred voluntary redundancy the cost would be approximately £21,500 and no other associated costs. The flexible retirement in question has been agreed, therefore there is no cost, but a saving. Why cannot this post and the duties taken out of the flexible retirement post be combined to create a new post, then the current Financial Services Manager could cascade to that post, utilising natural wastage, limiting cost implications, and maintaining savings, continuity of service and, crucially, jobs, with a salary saving dependent upon the salary appointed at? When will the current proposals realise savings, given the cost of the current proposed redundancy? Our proposal could potentially save up to 90% of those costs. (please see detail below)**

It is accepted that there is a potential significant cost associated with one of the postholders currently at risk. The requests for voluntary redundancies was made to mitigate the impact of compulsory redundancies from service reviews required to meet the shortfalls in funding that both Councils have within the medium term financial plans. The revised Unison proposal is considered below however it is important to recognise that the current level of voluntary redundancy requests do not meet the required level of savings and therefore the current proposal together with the agreement of the voluntary redundancy would deliver increased savings.

- 10. The costing's of the existing and proposed arrangements are not clear, either financially or in terms of posts. Can we have a breakdown?**

Current Structure :

Head of Finance and Resources	£93k
Head of Customer Services	£80k
Head of Transformation	£93k
Head of Legal and Democratic Services	£93k
Financial Services Manager	£66k
TOTAL CURRENT COST	£425k

New Structure

Head of Customer Access and Financial Support	£93k
Head of Transformation and Organisational Change	£93k
Head of Legal and Democratic Services	£93k
Financial Services Manager	£69k
REVISED COST	£348k

NET SAVINGS £77k to be shared between the 2 Councils

REVISED PROPOSALS FROM UNISON

Detailed below are the current proposals from Management and the UNISON proposal

Management Proposal for New Structure (not including HR and OD proposed to sit under transformation H of S)

Current cost £425k

Cost £348k

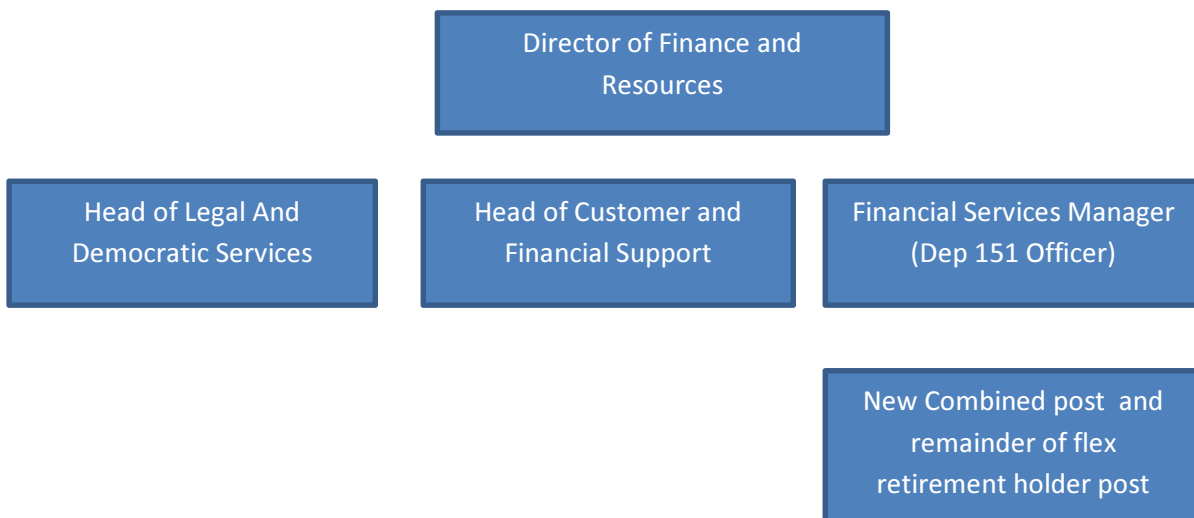
Saving £77k

The 2 posts that could be combined , currently cost approximately **£78k** per year bringing the proposed service to a cost of **£426k (current service cost of £503k)**

Redundancy costs vary between **£30k** and **£221k !**



Union Proposal creating a new combination post from the Deferred VR Request and the 2 days from the Flexible Retirement(agreed) request



Cost for 3 director reporting posts **£348k** (as in report / business case for review) plus the cost of a new combined post (reporting to FSM Post) at a salary of **£47k** (approx.) and the remainder of pay for the flex retirement post holder (**£25k**) totals **£420k**, **£6k** less per annum than the management proposal, plus the **£77k** savings generated as in the business case report totals **£83k** savings per year. Redundancy costs for this proposal **£21,500k** a proposed saving on redundancy costs of between **£8.5k** and **£199,500k!**

This is just the monetary savings (hugely important I know) but staff morale and the utilisation of natural wastage (already agreed and wanted) would go such a long way to ensuring people do not feel targeted as individuals, it will make people sit up and see that the common sense attitude exists and that we do look for ways forward without imposing situations onto staff and that we only impose when there is no other option available.

If The current Head of Resources was successful in securing the new Head of Service role then Sam Morgan could slot into the FSM role if the current Head of Customer Services was not able to be ring fenced for that post and the combined post could be recruited to internally or externally?

We would welcome your thoughts, comments and if this option can be looked at and if not we would like the reasons why it can not be looked at as an option..

Response:

It is important to consider when establishing a new post the definition of the roles and responsibilities that the post will undertake. Following the review of the structures within the enabling service as part of the report there is no current evidence to demonstrate that a new post is required at this level. In particular with the commitment to reduce enabling costs this would not be supported by the additional post being created. The proposed structure aims to support the needs of the organisation with clarity of the posts required and to align the resources to where the posts are creating most value to the community.

Whilst the potential costs may be deemed as being significant the level of savings will be realised to meet these costs in future years. In addition if the comparison with the proposed structure and the UNISON proposal is based on an equal assessment of the costs then the proposed structure would deliver £97k of savings against the UNISON proposal of £83k.

We look forward to a written response to our questions.

**Laney Walsh
Branch Secretary
Redditch & Bromsgrove Branch UNISON**

11 July 2013

REDDITCH BOROUGH COUNCIL**COUNCIL**9th September 2013

6. LOCALISM ACT 2011 - UPDATED ARRANGEMENTS FOR HANDLING STANDARDS COMPLAINTS AGAINST MEMBERS**RECOMMENDED that**

- 1) the Arrangements for Managing Standards Complaints under the Localism Act 2011 (version 2), as attached at Appendix 1 to the report, be adopted; and**
- 2) the role of the former Independent Member, who has served as a non-voting Independent Observer on the Standards Committee for the past year, continue for the coming year.**

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LOCALISM ACT 2011 – UPDATED ARRANGEMENTS FOR HANDLING STANDARDS COMPLAINTS AGAINST MEMBERS

Relevant Portfolio Holder	Councillor John Fisher, Portfolio Holder for Corporate Management
Portfolio Holder Consulted	Yes
Relevant Head of Service	Claire Felton, Head of Legal, Equalities and Democratic Services and Monitoring Officer
Ward(s) Affected	All Wards
Ward Councillor(s) Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 On 23 July 2012, the Council adopted Arrangements for Handling Complaints against Members under the new Standards regime introduced by the Localism Act 2011, to be reviewed after a year.
- 1.2 This Report incorporates a review of the working of the adopted Arrangements and suggests some amendment to them, which have come about as a result of their application over the last year.

2. RECOMMENDATIONS

The Committee is asked to **RECOMMEND** that

- 1) The Arrangements for Managing Standards Complaints under the Localism Act (version 2) as attached at Appendix 1, be adopted; and
- 2) The role of the former Independent Member, who has served as a non-voting Independent Observer on the Standards Committee for the past year shall continue for the coming year.

and **RESOLVE** that

- 3) The make-up of the panels for Hearings Sub-Committee as set out at Appendix 2 be agreed.

3. KEY ISSUES

Financial Implications

- 3.1 None.

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Legal Implications

- 3.2 Under sections 28(6) and (7) of the Localism Act 2011, the Council must have in place arrangements under which allegations that a Member or co-opted Member of the authority (or Parish Council within the authority's area) has failed to comply with that authority's Code of Conduct can be investigated and decisions made on such allegations.
- 3.3 Such Arrangements were adopted and it was agreed that they would be reviewed after the first year in operation.

Service / Operational Implications**Arrangements for Handling Standards Complaints against Members.**

- 3.4 In the first year of the operation of the new Standards regime introduced by the Localism Act 2011 and the Arrangements for handling complaints against Members, the Monitoring Officer has dealt with a number of complaints. The general thrust of the Arrangements is that, in consultation with the Independent Person, a "local resolution" should be explored in the first instance and generally this approach has been successful.
- 3.5 The Code of Conduct regarding Member interests includes two types of interests: those which are classed in the Localism Act 2011 as "Disclosable Pecuniary Interests" [DPIs] and defined in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, and those which are classed as "Other Disclosable Interests" [ODIs] as described in the Code.

Referral of Complaints to Police

- 3.6 A breach of the provisions in the Localism Act relating to DPI is potentially a criminal offence, to be investigated by the Police and prosecuted by (or on behalf of) the Director of Public Prosecutions. A complaint regarding breach of a DPI could be made to the Monitoring Officer but could equally be referred directly by a complainant to the Police.
- 3.7 The existing Arrangements were formally adopted by the Council on 23 July 2012

Paragraph 4.3 provides: "If a complaint identifies possible criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to refer the matter to the Police or other regulatory agency. The Monitoring Officer will, at the same time and in consultation with the Independent Person, continue to undertake any separate course of action which might be deemed necessary on behalf of the authority in relation to the complaint, with a view to maintaining high standards of member conduct".

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- 3.8 During the year a complaint was referred by the Monitoring Officer to the Police and it became apparent that this provision conflicts with how the Police require such complaints to be dealt with by the Monitoring Officer. The Arrangements have also proved inadequate in describing the role of the Monitoring officer after a referral has been made to the Police. There is no provision as to what the Monitoring Officer can do or what the Complainant, Subject Member or Standards Committee could expect from the Monitoring Officer in that situation.
- 3.9 The proposed amendments to the Arrangements address these issues so that where a matter is referred to the Police it will be clear that the Monitoring Officer will **not** take any further action in relation to the matter until the Police process has been concluded and that during that time the **only** information the Monitoring Officer will be able to give to the interested parties will be the fact that a complaint has been received and referred to the Police. The Monitoring Officer will be unable to take any other action or provide any further information on matter in the interim, however long that process may take.

Role of Assessment Sub-Committee

- 3.10 Paragraph 4.4 of the current Arrangements provides that *"The Monitoring Officer "will review every complaint received and, after consultation with the Independent Person....may decide:*
- *that no further action be taken with the complaint;*
 - *to seek to resolve the complaint informally via local resolution; or*
 - *that a formal investigation into the complaint is required.*
- 3.11 Where the Monitoring Officers attempts to deal with the complaint informally but it cannot be resolved then the current Arrangements provide that *"the Monitoring Officer will, in consultation with the Independent Person, refer the matter to an Assessment sub-committee to determine whether the complaint merits formal investigation."*
- 3.12 On the one occasion during the last year when this occurred, the sub-committee pointed out that under Para 4.4, the Monitoring Officer had already made certain enquiries in seeking to achieve a local resolution and that the only option left to resolve the complaint would be for a formal investigation to take place.
- 3.13 When the matter came before the assessment sub-committee the members felt that they were not actually carrying out an assessment as to whether or not a formal investigation were required but that they were being asked to support the conclusion already reached by the Monitoring Officer that the only way forward would be to proceed with an investigation. It would be highly unlikely in these circumstances that the sub-committee would find otherwise and decide that the complaint did *not* merit formal investigation. Their view was that there is no real "assessment" possible at this stage but merely a decision to support the

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Monitoring Officer's conclusion that an investigation was necessary.

- 3.14 This being so, the members of the sub-committee questioned whether the time and resources engaged in setting up the sub-committee served a useful purpose, whether it was necessary at all and whether a consultation with the Chair of the Standards Committee might not achieve the same outcome? The Arrangements have been amended to reflect this proposal so that in future cases, the Monitoring Officer, having consulted with the Independent Person, will then consult with the Chair of the Standards Committee to agree that that the matter be referred for investigation.
- 3.15 It is envisaged that the Chair of the Committee would inform the Vice-Chair and this has also been added to the proposed Arrangements.
- 3.16 The proposed changes to the Arrangements are highlighted in bold italics in Appendix.

Role of former Independent Member

- 3.17 Members may recall that when the new Standards regime was established a year ago, the Council agreed that, as a transitional arrangement, a former Independent Member of the previous Standards Committee should be co-opted on to the new Committee established under the Localism Act, as a non-voting Independent Observer.
- 3.18 It is recommended that this arrangement should continue for the coming year.

Parish Council Representative on Standards Committee

- 3.19 The composition of the Standards Committee under the Localism Act as adopted by the Council included one representative from Feckenham Parish Council to be co-opted onto the Committee as a non-voting member of the Committee.
- 3.20 There have been no complaints regarding Parish Council Members in the last year and there is no proposal to alter this arrangement.

Customer / Equalities and Diversity Implications

4. The new arrangements will be publicised on the Council's website and Officers will work to ensure that members of the public are made aware of the process for making a complaint through all existing community engagement events.

5. RISK MANAGEMENT

Recommending the inclusion of the proposals made in this report in the overall arrangements for the processing of complaints against members/co-opted members appended to the report will enable the Council to discharge its duty to

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consider and determine standards complaints and to discharge the duty to promote high standards in public life.

6. APPENDICES

Appendix 1 Version 2 Arrangements for Managing Standards Complaints under the Localism Act 2011

Appendix 2 Proposed Hearings Sub-Committee Panels

6. BACKGROUND PAPERS

Relevant sections of the Localism Act 2011.

AUTHOR OF REPORT

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Tel: 01527 534112

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APPENDIX 1

Arrangements for Managing Standards Complaints under the Localism Act 2011

1. Introduction

- 1.1 Sections 28(6) and (7) of the Localism Act 2011 require the Borough Council to have in place “arrangements” under which allegations that an elected Member or voting co-opted Member of the authority or of a parish council within the authority’s area, or of a committee or sub-committee of the authority or parish council, has failed to comply with the relevant authority’s Code of Conduct can be investigated and decisions made on such allegations.
- 1.2 Such arrangements must provide for the authority to appoint at least one Independent Person, whose views must be sought by the Borough Council before it takes a decision on an allegation which it has decided shall be investigated, and whose views may be sought by the authority at any other stage, or by the Member or co-opted Member against whom an allegation has been made.
- 1.3 These arrangements set out how a complaint that an elected or voting co-opted Member of the authority or of a parish council within the authority's area has failed to comply with his/her authority’s Code of Conduct can be made, and how such allegations will be dealt with by the Borough Council.

2. The Code of Conduct

- 2.1 The Borough Council has adopted a Code of Conduct for Members. The Code is available on the authority’s website or on request from Reception at the Town Hall.
- 2.2 Feckenham Parish Council (the only Parish Council within the authority's area) is also required to adopt a Code of Conduct. A copy of the Parish Council's Code can be obtained from the Clerk to the Parish Council.

3. Making a complaint and complaint acknowledgement

- 3.1 Complaints must be made in writing to:

Mrs C Felton
Monitoring Officer
Redditch Borough Council
Town Hall
Walter Stranz Square
Redditch B98 8AH

Email: c.felton@bromsgroveandredditch.gov.uk

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- 3.2 The Monitoring Officer is a senior Officer of the authority who has statutory responsibility for maintaining the Register of Members' Interests and who is responsible for administering the system in respect of complaints of Member misconduct.
- 3.3 In order to ensure that the authority has all the information it needs to be able to process a complaint, the model Complaint Form should ideally be completed. The form is available on the authority's website or is available on request from Reception at the Town Hall.
- 3.4 Complainants are asked to provide their name and contact details in order that the Monitoring Officer can acknowledge receipt of the complaint and keep the complainant informed of progress with the complaint. If a complainant wishes to keep his/her details confidential this should be indicated on the form, in which case the authority will not disclose the complainant's details to the Member against whom a complaint has been made (the 'subject Member') without the complainant's prior consent. The authority would not normally investigate anonymous complaints unless there is a clear public interest in doing so.
- 3.5 The Monitoring Officer will issue a written acknowledgement of a complaint to the complainant within 3 working days of receiving it. At the same time the Monitoring Officer will write to the Member against whom the complaint has been made to notify them of the complaint (subject to 5.4 below). Both the complainant and the subject Member will be kept informed of progress with the complaint.
- 3.6 If, at any stage during the process, a complainant wishes to withdraw his/her complaint, the Monitoring Officer will consider, in consultation with the Independent Person, whether it is appropriate for the complaint to be terminated, or whether it is in the public interest for the complaint to proceed to conclusion.
- 4. Review of Complaint by the Monitoring Officer and options available to the Monitoring Officer following review**
- 4.1 The Monitoring Officer will review every complaint received and, following consultation with the Independent Person, will make a decision as to what action, if any, should be taken with the complaint. Where the Monitoring Officer has taken a decision, she will inform the subject Member, complainant, and if the subject Member is a parish councillor the Parish Council Clerk, in writing of her decision and the reason(s) for the decision.
- 4.2 Where the Monitoring Officer requires additional information in order to come to a decision, she may request information from the complainant, subject Member or any other relevant party. Examples of a relevant party include:

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- a Leader of a Political Group;
- a Chair, Vice-Chair, or Clerk or Executive Officer of a Parish Council;
- a representative of the Worcestershire Association of Local Councils;
- a representative of the Police or other relevant regulatory body;
- the Borough Council's Chief Executive; or
- any other party who the Monitoring Officer is of the opinion might be in a position to assist in providing relevant information in relation to a complaint.

- 4.3** *If a complaint identifies possible criminal conduct or breach of other regulation by any person the Monitoring Officer has the power to refer the matter to the Police or other regulatory agency. ~~The Monitoring Officer will, at the same time and in consultation with the Independent Person, continue to undertake any separate course of action which might be deemed necessary on behalf of the authority in relation to the complaint, with a view to maintaining high standards of Member conduct.~~*
- 4.4** *A complaint identifying possible criminal conduct, it shall be referred to the Police by the Monitoring Officer and, in accordance with Police requirements, the Monitoring Officer shall take no further action whatsoever in relation to the complaint until such time as the Police have concluded their investigation into the complaint and notified the Monitoring officer of its outcome.*
- 4.5** *When such a complaint is referred to the Police, the Monitoring Officer shall notify the Complainant only that the complaint has been received and referred to the Police, and that it will not be possible for any further information to be provided by the Monitoring Officer regarding the complaint for however long the Police may take in concluding their investigations.*
- 4.6** *If at the conclusion of their investigation, the Police decide not to take any action against the subject- Member, the Monitoring Officer will, in consultation with the Independent Person, consider whether any further action at local level may be deemed necessary on behalf of the Authority to maintain high standards of Member conduct.*
- 4.7** *The Monitoring Officer will establish a process for referring relevant complaints to the Police.*
- 4.8** Subject to 4.3 above, the Monitoring Officer may decide:
- that no further action be taken with respect to the complaint (which would apply where, for example, a complaint is found to be factually incorrect and therefore has no basis, or where a complaint is unsubstantiated or does not relate to a possible breach of the Code of Conduct);
 - to seek to resolve the complaint informally, via local resolution; or

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- that a formal investigation into the complaint is required.

In all cases the Monitoring Officer will write to the relevant parties detailing her decision and the reason(s) for the decision.

- 4.9 Where the Monitoring Officer attempts to deal with a complaint informally via local resolution she will liaise with the relevant parties to seek to agree a way forward. "Relevant parties" will always include the relevant Party Group Leader. If the subject Member accepts that his/her conduct was unacceptable and offers an apology, and/or other remedial action is offered or undertaken by either the subject Member or the authority, the Monitoring Officer will notify the complainant of any reasonable terms offered.
- 4.10 If the complainant and the subject Member accept the terms offered the Monitoring Officer will write to all relevant parties detailing the outcome and the matter will be closed.
- 4.11 *If the complainant or the subject Member (in consultation with the relevant Group Leader) does not accept the terms offered the Monitoring Officer will, in consultation with the Independent Person, refer the matter to an Assessment Sub-Committee of the Standards Committee to determine whether the complaint merits formal investigation, and the Chair of the Standards Committee refer the matter for formal investigation.***
- 4.12 *Where the Chair of the Standards Committee is consulted by the Monitoring Officer under 4.11, it is anticipated that the Chair of the Committee will inform the Vice-Chair of the Committee.***

5. Formal Investigation

- 5.1 The Council has delegated authority to the Monitoring Officer, in consultation with the Party Group Leaders, to determine the process for managing an investigation and a hearing.
- 5.2 *When, subject to 4.11 If either the Monitoring Officer or the Assessment Sub-Committee decides that a complaint merits formal investigation, the Monitoring Officer will appoint an Investigating Officer, who may be another Officer of the authority, an Officer of another authority or an external investigator.***
- 5.3 The Investigating Officer will conduct the investigation and in doing so will liaise with any relevant parties, as appropriate. The Investigating Officer will decide whether he/she needs to meet or speak with the complainant, the subject Member or any other parties to understand the nature of the complaint and so any parties can explain their understanding of events and suggest what

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documents the Investigating Officer might need to see, and who the Investigating Officer may need to interview.

- 5.4 In exceptional cases, where it is appropriate to keep a complainant's identity confidential or disclosure of details of the complaint to the subject Member might prejudice the investigation, the Monitoring Officer can delete the complainant's name and address from the papers given to the subject Member, or delay notifying the subject Member until the investigation has progressed sufficiently.
- 5.5 At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to the complainant and the subject Member, to give both parties an opportunity to comment on the report and identify any matters which are not agreed or which require further attention.
- 5.6 Having received and taken account of any comments which either the complainant or the subject Member might make on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer.
- 5.7 The Monitoring Officer will review the Investigating Officer's final report and, in consultation with the Independent Person, will determine the next course of action to be taken with this. If the Monitoring Officer is not satisfied that the investigation has been conducted fully and feels that any aspect of the Investigating Officer's final report is incomplete, or requires further attention, she may ask the Investigating Officer to reconsider his/her report.

6. No evidence of a failure by the subject Member to comply with the Code of Conduct

If the Investigating Officer finds that there is no evidence of a failure by the subject Member to comply with the Code of Conduct and the Monitoring Officer is satisfied with the Investigating Officer's findings, the Monitoring Officer will, following consultation with the Independent Person, write to the complainant, the subject Member, and if the complaint relates to a parish councillor the Parish Council Clerk, confirming that she is satisfied that no further action is required. A copy of the final report will be sent to the complainant and subject Member and the matter will be closed.

7. Evidence of a failure by the subject Member to comply with the Code of Conduct

- 7.1 If the Investigating Officer finds that there is evidence of a failure by the subject Member to comply with the Code of Conduct and the Monitoring Officer is satisfied with the Investigating Officer's findings, the Monitoring Officer will, following consultation with the Independent Person and depending on the nature

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and seriousness of the failure in question, determine whether to send the matter for a local hearing of the Hearings Sub-Committee of the Standards Committee or to seek to resolve the matter via local resolution.

Local Resolution

- 7.2 If the Monitoring Officer attempts to conclude the matter via local resolution she will, in consultation with the Independent Person, liaise with the relevant parties to seek to agree a fair resolution, with a view to ensuring higher standards of conduct by the subject Member in the future. If a fair resolution is agreed and the subject Member complies with the suggested resolution the Monitoring Officer will write to the relevant parties to confirm the position and will report the matter to the Standards Committee for information. The matter will then be closed.
- 7.3 If the complainant tells the Monitoring Officer that any proposed resolution is not, in their view, adequate, or if the subject Member is not prepared to undertake any proposed action, such as giving an apology, the Monitoring Officer will, in consultation with the Independent Person, determine whether to close the matter without further action or to refer it for a local hearing. The Monitoring Officer will write to the relevant parties to confirm her decision and the reasons(s) for the decision.

Local Hearing

- 7.4 The Council has delegated authority to the Monitoring Officer, in consultation with the Party Group Leaders, to determine the process for managing an investigation and a hearing.
- 7.5 The Hearings Sub-Committee will decide whether the subject Member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the Member.
- 7.6 *The Hearings Sub-Committee shall be chaired by a member of the political group to which the subject-Member does not belong.***
- 7.7 Where a local hearing is to take place, the Monitoring Officer will conduct a 'pre-hearing process' which is aimed at facilitating the smooth running of the hearing. As part of this process the subject Member will be asked to give his/her response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing. The Chair of the Hearings Sub-Committee may also issue directions as to the manner in which the hearing will be conducted.
- 7.8 At the hearing, the Investigating Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the subject Member has failed to comply with

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the Code of Conduct. For this purpose, the Investigating Officer may ask the complainant to attend and give evidence to the Hearings Sub-Committee. The subject Member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Sub-Committee as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

- 7.9 The Hearings Sub-Committee may, with the benefit of any advice from the Independent Person, conclude that the subject Member did not fail to comply with the Code of Conduct, and dismiss the complaint. If the Sub-Committee concludes that the subject Member did fail to comply with the Code of Conduct, the Chair will inform the subject Member of this finding and the Sub-Committee will then consider what action, if any, should be taken as a result of the Member's failure to comply with the Code of Conduct. In doing this, the Sub-Committee will give the subject Member an opportunity to make representations in relation to the failure and will consult the Independent Person, and will then decide what action, if any, to take in respect of the matter.

8. Action that can be taken where a Member has failed to comply with the Code of Conduct

- 8.1 The Council has delegated to the Standards Committee and the Monitoring Officer authority to administer complaints in accordance with the agreed process. The following actions may be taken after a hearing:
- 8.1.1 Publish findings in respect of the Member's conduct;
 - 8.1.2 Report findings to Council, or to the Parish Council, for information;
 - 8.1.3 Recommend to the Member's Group Leader (or in the case of un-grouped Members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
 - 8.1.4 Recommend to the Leader of the Council that the Member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
 - 8.1.5 Instruct the Monitoring Officer to, or recommend that the Parish Council, arrange training for the Member;
 - 8.1.6 Remove the Member, or recommend to the Parish Council that the Member be removed, from all outside appointments to which he/she has been appointed or nominated by the authority or by the Parish Council;
 - 8.1.7 Withdraw, or recommend to the Parish Council that it withdraws, facilities provided to the Member by the Council, such as a computer, website and/or email and Internet access; or

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8.1.8 Exclude, or recommend that the Parish Council exclude, the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

8.2 There is no power to suspend or disqualify the Member or to withdraw Members' or special responsibility allowances.

9. Decision of the Hearings Sub-Committee

9.1 At the end of the hearing, the Chair will state the decision of the Sub-Committee as to whether the Member failed to comply with the Code of Conduct and any actions which the Sub-Committee resolves to take.

9.2 As soon as reasonably practicable after the hearing, the Legal Advisor to the Hearings Sub-Committee will prepare a formal decision notice in consultation with the Chair of the Sub-Committee. A copy of the decision notice will be sent to the complainant, the subject Member, and if the complaint relates to a parish councillor to the Parish Council Clerk. The decision notice will be made available for public inspection and the decision will be reported to the next convenient meeting of the Council.

10. Hearings Sub-Committee

10.1 The Hearings Sub-Committee is a Sub-Committee of the Council's Standards Committee.

10.2 The Independent Person will be invited to attend all meetings of the Hearings Sub-Committee and his/her views will be sought and taken into consideration before the Sub-Committee takes any decision on whether the subject Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

11. The Independent Person

The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is appointed by a positive vote from a majority of all the members of Council.

A person cannot be "independent" if he/she –

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- 11.1 Is, or has been within the past 5 years, a Member, co-opted Member or Officer of the authority or the County Council, Fire Authority or Police Authority;
- 11.2 Is or has been within the past 5 years, a Member, co-opted Member or Officer of a parish council within the authority's area, or
- 11.3 Is a relative, or close friend, of a person within paragraph 11.1 or 11.2 above. For this purpose, "relative" means –
 - 11.3.1 Spouse or civil partner;
 - 11.3.2 Living with the other person as husband and wife or as if they were civil partners;
 - 11.3.3 Grandparent of the other person;
 - 11.3.4 A lineal descendent of a grandparent of the other person;
 - 11.3.5 A parent, sibling or child of a person within paragraphs 11.3.1 or 11.3.2;
 - 11.3.6 A spouse or civil partner of a person within paragraphs 11.3.3, 11.3.4 or 11.3.5; or
 - 11.3.7 Living with a person within paragraphs 11.3.3, 11.3.4 or 11.3.5 as husband and wife or as if they were civil partners.

12. Revision of these arrangements

The Council may by resolution agree to amend these arrangements and the Chair of the Hearings Sub-Committee may depart from these arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

13. Appeals

- 13.1 There is no right of appeal for a complainant or the subject Member of a decision of the Monitoring Officer or of the Hearings Sub-Committee. Any decision would however, be open to judicial review by the High Court if it was patently unreasonable, or if it were taken improperly, or if it sought to impose a sanction which the Council had no power to impose.
- 13.2 If a complainant feels that the authority has failed to deal with his/her complaint properly, he/she may make a complaint to the Local Government Ombudsman.

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APPENDIX 2

Sub-Committee 1

Cllr. P. Witherspoon (Chair), Cllr M. Chalk, Cllr J. Baker;

Sub-Committee 2

Cllr A. Fry (Chair), Cllr M. Braley, Cllr B. Quinney.

Sub-Committee 3

Cllr Derek Taylor (Chair), Cllr P. Mould, Cllr L. Stephens;

COUNCIL

9th September 2013

SCRAP METAL DEALERS ACT 2013

Relevant Portfolio Holder	Councillor Rebecca Blake, Portfolio Holder for Community Safety
Portfolio Holder Consulted	Yes
Relevant Head of Service	Steve Jorden – Head of Worcestershire Regulatory Services
Ward(s) Affected	All
Ward Councillor(s) Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

The Scrap Metal Dealers Act 2013 (“the Act”) received Royal Assent on 28th February 2013 and comes into force from 1st October 2013. Members are asked to delegate authority and set fees so that the legislation can be effectively implemented from 1st October 2013.

2. RECOMMENDATIONS

The Council is requested to RESOLVE that

- 1) authority be delegated to Licensing Sub-Committees to refuse applications made under paragraph 2 or 3 of Schedule 1 of the Act for the grant or variation of a licence;**
- 2) authority be delegated to Licensing Sub-Committees to revoke or vary a licence under section 4 of the Act;**
- 3) authority be delegated to the Head of Worcestershire Regulatory Services to carry out all other functions and exercise all other powers provided under the Scrap Metal Dealers Act 2013; and**
- 4) the fees to be charged under the Scrap Metal Dealers Act 2013 are set as shown in the table at Appendix 3.**

3. KEY ISSUES

Financial Implications

- 3.1** Implementation of the Act will be achieved using existing resources.
- 3.2** The proposed licence fees have been calculated on a cost recovery basis, having regard to the statutory guidance and reflecting the cost of the procedures and formalities of administering the statutory regime.

Legal Implications

- 3.3 The Scrap Metal Dealers Act 2013 provides the Council with a number of powers and duties in relation to the regulation of scrap metal dealers. Appropriate delegation of these powers and duties by the Council is required to enable the effective implementation of the legislation.
- 3.4 Schedule 1(6) of the Scrap Metal Dealers Act 2013 provides the Council with the power to set fees for licences. In setting the fees the Council must have regard to any guidance issued from time to time by the Secretary of State with the approval of the Treasury.

Service / Operational Implications**3.6 Background**

The increased value of metal has caused a growing problem of metal thefts throughout the U.K. The Home Office has provided an estimate that there were between 80,000 – 100,000 reported metal theft offences in 2010/11 alone and which is costing the economy up to an estimated £260 million per year. A wide range of sectors have been targeted, which includes transport infrastructure, electricity and telephone links, street furniture, memorials, commercial and residential buildings, including churches and schools.

- 3.7 The Council currently regulates the scrap metal and motor salvage industries under the Scrap Metal Dealers Act 1964 and Part 1 of the Vehicles (Crime) Act 2001.
- 3.8 In late 2012, the Government introduced initial measures to prohibit cash payments for scrap metal; to amend Police powers of entry into unregistered scrap metal sites; and to increase the existing financial penalties for offences under the Scrap Metal Dealers Act 1964. These changes were contained in the Legal Aid, Sentencing and Punishment of Offenders Act 2012.
- 3.9 The Scrap Metal Dealers Act 2013 (“the Act”) received Royal Assent on 28th February 2013. On 6th August 2013 the Scrap Metal Dealers Act 2013 (Commencement and Transitional Provisions) Order 2013 was made which confirmed that the majority of the provisions of the Act will come into force on 1st October 2013.
- 3.10 The Act repeals the Scrap Metal Dealers Act 1964 and Part 1 of the Vehicle (Crime) Act 2001, creating a revised regulatory regime for the scrap metal recycling and vehicle dismantling industries. The Act maintains local authorities as the principal regulator, but gives them the power to better regulate these industries by allowing them to refuse to grant a licence to ‘unsuitable’ applicants and a power to revoke licences if the dealer becomes ‘unsuitable’.

3.11 Summary of the Act

The main aim of the 2013 Act is to raise standards within the scrap metal industry, by replacing the overlapping regimes for vehicle salvage and scrap metal with one regulatory regime, and by giving Councils the responsibility for the licensing and enforcement of the Act in conjunction with the police.

3.12 A detailed explanation of the provisions of the Act is attached at **Appendix 1**.

3.13 The main provisions of the 2013 Act are:

- An extended regime to include a wide range of businesses.
- Amended definition of scrap metal.
- The introduction of a national register of licenses to be held by the Environment Agency (Each Council previously held a register individually).
- The introduction of two different types of licences, Site and Collector.
- The introduction of a suitability test for applications and licensees.
- The introduction of a licence fee to be determined by the Council.
- The introduction of the power to revoke a licence
- The introduction of entry and inspection powers
- The power to obtain closure notices for unlicensed sites
- The introduction of increased record keeping requirements
- The introduction of a requirement to display licenses
- The continuation of the offence of buying scrap metal for cash and additional offences relating to each of the powers and duties contained in the 2013 Act.

3.14 Transitional Timetable

The majority of the provisions of the 2013 Act are coming into force on 1st October 2013. A summary of the key dates is shown below:

1 st September 2013	Power for local authority to set fees under the 2013 Act was commenced.
1 st October 2013	Requirement for a licence under the 2013 takes effect.
1 st October 2013	All operators already registered under the 1964 or 2001 Acts deemed to have a licence under the 2013 Act.
1 st October 2013 – 15 th October 2013	All operators registered under the 1964 or 2001 Acts to apply for licences under the 2013 Act. Provided that an existing operator applies during this period, their deemed licence will continue to have effect until their application under the 2013 Act is determined (including any appeals against refusals).

16 th October 2013	If an operator registered under the 1964 or 2001 Acts has failed to apply for a licence under the 2013 Act by this date, their “deemed” licence will lapse and they will not be able to trade until a licence under the 2013 Act is granted.
1 st December 2013	The remaining “enforcement” provisions under the 2013 Act take effect.

3.15 Delegation of Functions and Powers Under the Act

If a Local Authority proposes to either refuse an application or revoke or vary a licence, it must give the applicant or licensee a notice that sets out what the authority proposes to do and the reasons for it.

- 3.16 The applicant or licensee will have not less than 14 days to either make a representation or inform the Council that it wishes to do so. If the applicant or licensee informs the Council that it wishes to make representation then it must be allowed a further reasonable period in which to do so.
- 3.17 The Council must consider the representations made and if the applicant or licensee wishes to make oral representations the Council must allow them to do so by giving them the opportunity of appearing before and being heard by a person appointed by the Council.
- 3.18 It is recommended that Licensing Sub-Committees are appointed to consider any representations made by the applicant or licensee. It is also recommended that the power to refuse applications and to revoke or vary licences should be delegated to Licensing Sub-Committees.
- 3.19 It is recommended that authority is delegated to the Head of Worcestershire Regulatory Services to carry out all other functions and exercise all other powers provided under the Scrap Metal Dealers Act 2013. This will include:
- The administration of all applications
 - The grant of licences to applicants deemed suitable persons
 - The supply of relevant information to those agencies described in the section 6 of the Act
 - Compliance with the notification requirements imposed on the authority under section 8 of the Act
 - Exercise of the compliance and enforcement powers contained in the Act

3.20 Setting Fees

Schedule 1(6) of the 2013 Act provides that an application must be accompanied by a fee set by the local authority.

This fee raising power is an essential component of the legislation as it will provide local authorities with the funding they need to administer the regime and ensure compliance.

- 3.21 In setting a fee, the authority must have regard to any guidance issued from time to time by the Secretary of State with the approval of the Treasury. The fee guidance was published by the Home Office on 12th August 2013 and is attached at **Appendix 2**.
- 3.22 Officers have calculated proposed fees with regard to this guidance and have included in the calculations the costs arising from the time spent assessing and administering applications, processing them, having experienced licensing officers review them, storing them, consulting on the suitability of an applicant, reviewing relevant offences, the decision on whether to issue a licence, as well as the cost of issuing licences in a format that can be displayed.
- 3.23 The costs associated with dealing with contested licence applications, including any required Licensing Sub-Committees, have also been included in these calculations.
- 3.24 The calculations also include the costs of ensuring those who are licensed under the Act as scrap metal dealers comply with the provisions of the Act, but do not include the costs involved in any enforcement activity against unlicensed scrap metal dealers.
- 3.25 The fees being proposed are shown at **Appendix 3**.

Customer / Equalities and Diversity Implications

- 3.26 There are no specific implications arising from this report.

4. RISK MANAGEMENT

- 4.1 Failure to take steps to enable implementation the legislation will result in the Council being unable to control and regulate scrap metal dealers.
- 4.2 If no fees are set, then the Council cannot charge applicants who apply for licences after 1st October 2013.
- 4.3 If fees are set incorrectly, without due regard to the guidance issued by the Secretary of State, they may be subject to legal challenge.

5. APPENDICES

Appendix 1 - Explanation of the provisions of the Act

Appendix 2 - Guidance from Secretary of State on setting licence fees

Appendix 3 – Proposed fees

6. BACKGROUND PAPERS

Scrap Metal Dealers Act 2013

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APPENDIX 1

THE SCRAP METAL DEALERS ACT 2013 (“Act”)

Definition of Scrap Metal Dealer

1. A person carries on business as a scrap metal dealer (“**SMD**”) for the purposes of this Act if the person:

- a. Carries on business which consists wholly or partly in buying or selling scrap metal, whether or not the metal is sold in the form in which it was bought, or
- b. Carries on business as a motor salvage operator (so far as that does not fall within paragraph (a)).

This will not include persons who manufacture articles if the selling of scrap metal is only a by-product of that or are surplus materials not needed in the manufacturing.

2. A person carries on business as a motor salvage operator if the person carries on business which consists:

- a. Wholly or partly in recovering salvageable parts from motor vehicles for re-use or sale and subsequently selling or otherwise disposing of the rest of the vehicle for scrap,
- b. Wholly or mainly in buying written off vehicles and subsequently repairing and reselling them,
- c. Wholly or mainly in buying or selling motor vehicles which are to be the subject (whether immediately or on a subsequent re-sale) of any of the activities mentioned in paragraphs (a) and (b), nor
- d. Wholly or mainly in activities falling within paragraph (b) and (c).

3. Scrap metal includes:

- a. Any old, waste or discarded metal or metallic material, and

- b. Any product, article or assembly which is made from or contains metal and is broken worn out or regarded by its last holder as having reached the end of its useful life.

This does not however include gold, silver or any alloy, which contains 2% or more (by weight) of gold or silver. There is also provision for the Secretary of State to amend the definition of scrap metal.

Requirement for Licence

- 4. The Act repeals the previous regulatory regime contained in the Scrap Metal Dealers Act 1964, and introduces a licensing regime under which:
 - a. No person may carry on business as a scrap metal dealer unless authorised by a licence under the Act (“**Scrap Metal Licence**”).
 - b. Introduces an offence for failure to comply with 1(a) above, which is punishable on summary conviction to a fine not exceeding level 5 on the standard scale (currently £5,000).
- 5. The Licence will be issued by the Local Authority and must be one of the following types:
 - a. A site licence; or
 - B. A collector’s licence.

Site licence

- 6. This will authorise the licensee to carry on business at any site in the authority’s area, which is identified in the licence.
- 7. It must include:
 - a. Name of licensee;
 - b. Name of authority;
 - c. Identify all sites in the authority’s area at which the licensee is authorised to carry on business;
 - d. Name the site manager of each site, and
 - e. State the date on which the licence is due to expire.

Collector's licence

8. This authorises the licensee to carry on business as a mobile collector in the authority's area.
9. It must:
 - a. Name the licensee;
 - b. Name the authority; and
 - c. State the date on which the licence is due to expire.

Term of the Licence

10. A licence expires at the end of the period of **3 years** beginning with the day on which it is issued.
11. But if an application to renew a licence is received before the licence expires, the licence continues in effect and –
 - a. If the application is withdrawn, the licence expires at the end of the day on which the application is withdrawn;
 - b. If the application is refused, the licence expires when no appeal is either possible or is finally determined or withdrawn;
 - c. If the licence is renewed, it expires at the end of the period of 3 years beginning with the day on which it is renewed or (if renewed more than once) the day on which it is last renewed.

Applications

12. A licence is to be issued or renewed on an application, which must be accompanied by-
 - a. If the applicant is an individual, the full name, date of birth and usual place of residence of the applicant,
 - b. If the applicant is a company, the name and registered number of the applicant and the address of the applicant's registered office,

- c. If the applicant is a partnership the full name, date of birth, and usual place of residence of each partner,
- d. Any proposed trading name,
- e. The telephone number and email address (if any) of the applicant,
- f. The address of any site in the area of any other local authority at which the applicant carries on business as a scrap metal dealer or proposes to do so,
- g. Details of any relevant environmental permit or registration in relation to the applicant,
- h. Details of any other scrap metal licence issued (whether or not by the local authority) to the applicant within the period of 3 years ending with the date of the application,
- i. Details of the bank account, which is proposed to be used in order to comply with section 12 (scrap metal not be bought for cash etc).

If the application relates to a site licence, it must also be accompanied by-

- j. The address of each site proposed to be identified in the licence (or, in the case of an application to renew, of each site identified in the licence whose renewal is sought), and
 - k. The full name, date of birth and usual place of residence of each individual proposed to be named in the licence as a site manager (other than the applicant).
13. The Local authority may request (either when the application is made or later) that the applicant provide such further information as the authority considers relevant for the purpose of considering the application.
14. An applicant who in response made to a request under 10 above:
- a. Makes a statement knowing it to be false in a material particular, or
 - b. Recklessly makes a statement which is false in a material particular,
- Is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1,000).

Fee

15. The Local Authority must set the fee to accompany the application and in doing so must have regard to the guidance issued from time to time by the Secretary of State.

Issue of Licence

16. The Council must not issue or renew a Scrap Metal Licence unless it is satisfied that the applicant is a suitable person to carry on business as a scrap metal dealer.

Suitable person

17. In determining whether an applicant is a suitable person the Council may have regard to any information which it considers relevant including:

- a. Whether the applicant or site manager has been convicted of any relevant offence (as defined by regulations to follow);
- b. Whether the applicant or site manager has been the subject of any relevant enforcement action (as defined by regulations to follow);
- c. Any previous refusal of any application for the issue or renewal of a Scrap Metal Licence (and the reasons for refusal);
- d. Any previous refusal of an application for a relevant environmental permit or registration (and the reasons for the refusal);
- e. Any previous revocation of a Scrap Metal Licence (and the reasons for the revocation);
- f. Whether the applicant has demonstrated that there will be in place adequate procedures to ensure that the provisions of this Act are complied with.
- g. Any guidance issued by the Secretary of State on determining suitability.

18. When considering applications from companies or partnerships the Council shall apply the criteria set out in 8 to any director, secretary, shadow director (i.e. any person in accordance with whose directions or instructions the directors of the company are accustomed to act) of the company and each partner within a partnership.

19. The Council may also consult the following on the suitability of an applicant:

- a. Any other local authority;
- b. The environment agency;
- c. The Natural Resources Body for Wales;
- d. An officer of a police force.

Conditions on Licence

20. If the applicant or any site manager has been convicted of a relevant offence, the authority may include in the licence one or both of the following conditions:

- a. That the dealer must not receive scrap metal except during the hours 9am to 5pm;
- b. All scrap metal received must be kept in the form in which it is received for a specified period, not exceeding 72 hours, beginning with the time when it is received.

Variation of licence

21. A local authority may, on application vary a licence by changing it from one type of licence to the other, but the licence cannot be transferred from one person to another.

22. If any of the details of the licence or its sites changes the Licensee must apply for a variation. A Licensee who fails to do so is liable on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1,000). It is a defence to this offence that the person took all reasonable steps to avoid committing the offence.

Revocation of Licence

23. The Council may revoke a Scrap Metal Licence if it is:

- a. satisfied that the Licensee does not carry on business at any of the sites identified in the licence;
- b. satisfied that a site manager named in the licence does not act as site manager at any of the sites identified in the licence;

- c. no longer satisfied that the licensee is a suitable person to carry on business as a scrap metal dealer.
- 24. If the licensee or any site manager is convicted of a relevant offence the Council can vary the licence to add the conditions at 11(a-b) above.
- 25. The revocation comes into effect when either an appeal is not made within the allotted time or when the appeal is finally determined or withdrawn.
- 26. If during the appeal period the Council considers that the licence should not continue in force without conditions it may by notice provide:
 - a. That until revocation comes into effect the Scrap Metal Licence is subject to the conditions set out at 11(a-b) above.
 - b. That a variation as in 13 above comes into effect immediately.

Right to make representations

- 27. If a Local Authority proposes to:
 - a. Refuse an application;
 - b. Revoke a licence;It must give the applicant or licensee a notice that sets out what the authority proposes to do and the reasons for it.
- 28. The applicant or Licensee will have not less than 14 days to either make a representation or inform the Council that it wishes to do so. If the applicant or licensee informs the Council that it wishes to make representation then it must be allowed a further reasonable period in which to do so.
- 29. The Council must consider the representations made and if the applicant or licensee wishes to make oral representations the Council must allow them to do so by giving them the opportunity of appearing before and being heard by a person appointed by the Council.

Notice of Decision

30. If the Authority refuses an application or revokes or varies the licence it must give a notice setting out the decision and the reasons for it.

31. The notice must state:

- a. That they may appeal against the decision;
- b. The time within which they may appeal;
- c. In the case of a revocation or variation when that will take effect.

Appeals

32. An applicant/licensee may appeal to the Magistrates court against:

- a. The refusal of an application;
- b. The inclusion of a condition on a licensee;
- c. The revocation/variation of a licensee.

33. The appeal must be made within 21 days beginning with the day on which the notice referred to above was given.

34. On appeal the Magistrates Court may:

- a. Confirm, vary or reverse the authority's decision, and
- b. Give such directions as it considers appropriate having regard to the provisions of this Act.

Supply of information by authority

35. The Council must supply any information (which has been supplied to it under this Act and which relates to a Scrap Metal Licence or to an application for or relating to a licence) to:

- a. Any other local authority;
- b. The Environment Agency;
- c. The Natural Resources Body for Wales; or
- d. An officer of a police

Who requests it for purposes relating to the Act.

36. This does not limit any other power the Council has to supply such information.

Register of Licences

37. The ***Environment Agency*** must maintain a register of Scrap Metal Licences issued by authorities in England. This was previously the responsibility of the Council.

Display of Licence

Site Licence

38. The licence holder must display a copy of the licence (in a prominent place in an area accessible to the public) at each site identified in the licence.

Collector's Licence

39. The licence holder must display a copy of the licence (in a manner which enables it easily to be read by a person outside the vehicle) on any vehicle that is being used in the course of the dealer's business.

Penalty

40. A licence holder who fails to comply with the above is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1,000).

Verification of supplier's identity

41. A SMD must not receive scrap metal from a person without verifying the person's full name and address.

42. Verification must be made by reference to documents, data or other information obtained from a reliable and independent source. Regulations may be made to specify what these will be.

43. Breach of the above is an offence for which the following are liable:

- a. The SMD;
- b. If the metal is received at site the site manager;
- c. Any person who, under arrangements made by a person within (a –b) above who has responsibility for verifying the name and address.

44. It is a defence to this offence to show that the person made arrangements to ensure that the metal was not received in breach of the Act and took all reasonable steps to ensure that those arrangements were complied with.

45. A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1,000).

Offence of buying scrap metal for cash

46. A SMD must not pay (including paying in kind for goods or services) for scrap metal except by cheque or by electronic transfer. This may be amended by the Secretary of State to include other methods of payment.

47. If a SMD breaches this section the following persons are guilty of an offence:

- a. The SMD;
- b. If payment is made at a site, the site manager;
- c. Any person who makes the payment acting for the dealer.

48. It is an defence if the person made arrangements to ensure that the payment was not made in breach and took all reasonable steps to ensure that the payment was not made in breach.

49. A person guilty of an offence under this section is liable to a fine not exceeding level 5 on the standard scale (currently £5,000).

Records: receipt of metal (Section 13)

50. If the SMD receives any scrap metal in the course of their business they must record the following information:

- a. The description of the metal, including the type, form, condition, weight and any marks identifying previous owners or other distinguishing features;
- b. The date and time of its receipt;
- c. If the metal is delivered in or on a vehicle, the registration mark of the vehicle;
- d. If the metal is delivered from a person, the full name and address of that person;
- e. If the SMD pays for the metal the name of the person who makes the payment acting for the dealer.

51. The SMD must keep copies of any documents it uses to verify the name and address of that person.

52. If the SMD pays for the metal by cheque they must keep a copy of the cheque, or if they pay by electronic transfer a copy of the receipt identifying the transfer or the particulars identifying the transfer.

Records: disposal of metal

53. If a SMD disposes of any scrap metal in the course of business (which applies whether or not it is in the same form in which it was received, it is disposed of to another person or it is despatched from site) it must record the information set out below:

Site licence

- a. The description of the metal, including its type (or types if mixed), form and weight;
- b. The date and time of its disposal;
- c. If the disposal is to another person, the full name and address of that person;

- d. If the dealer receives payment for the metal (whether by way of sale or exchange), the price or other consideration received.

Collector's Licence

- a. The date and time of disposal;
- b. If the disposal is to another person, the full name and address of that person.

Supplementary

- 54. The information must be recorded in a manner, which allows the information and the scrap metal to be readily identified by reference to each other.
- 55. The information must be kept for 3 years from when the metal was either received or disposed of.
- 56. If there is a breach of any of the requirements relating to record keeping the following persons will be guilty of an offence:
 - a. The SMD;
 - b. If metal is received at or (as the case may be) despatched from a site, the site manager;
 - c. Any person who, under arrangements made by a person within (a) or (b) has responsibility for fulfilling the requirement.
- 57. It is a defence to prove that the person:
 - a. Made arrangements to ensure that the requirement was fulfilled, and
 - b. Took all reasonable steps to ensure that those arrangements were complied with.
- 58. A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale (currently £5,000).

Right to enter and inspect

- 59. A constable or an officer of the local authority may enter and inspect a licensed site at any reasonable time on notice to the site manager, or without notice to the site manager if:

- a. Reasonable attempts to give such notice have been made and have failed, or
- b. Entry to the site is reasonably required for the purpose of ascertaining whether the provisions of this Act are being complied with or investigating offences under it and (in either case) the giving of notice would defeat the purpose.

This does not however apply to residential premises, nor is the constable or officer allowed to use force to enter the premises this can only be done in exercise of a warrant (which can be obtained under the act).

60. A constable or officer may require production of and inspect any scrap metal kept at any premises or mentioned in any warrant obtained under the Act.

61. A person who:

- a. Obstructs the exercise of a right of entry or inspection under this section, or
- b. Fails to produce a record required to be produced under this section is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1,000).

Closure of Unlicensed Sites

62. Where a constable or the local authority is satisfied that premises are being used by a SMD in the course of business and that it is not a licensed site they may issue a closure notice.

63. When the notice has been given the constable or LA may make a complaint to a justice of the peace for a closure order. This must be made not less than 7 days after or more than 6 months after the date on which the closure notice was given.

64. The justice may then issue a summons to answer the complaint.

65. A closure order may require:

- a. That the premises be closed immediately to the public and remain closed until a constable or LA make a certificate to terminate the order;

- b. That the use of the premises by a SMD in the course of business be terminated immediately;
- c. That any defendant pays into court such sum as the court determines and that the sum will not be released by the court to that person until the other requirements of the order are met.

66. It may also make such conditions as the court considers appropriate to the admission of persons to the premises and the access by persons to another part of any building or other structure of which the premises form part.

67. The police and LA also have powers to enforce a closure order and any person who intentionally obstructs them in exercising those powers is liable on summary conviction to a fine not exceeding level 5 on the standard scale (currently £5,000).

Review of the Act

68. Before the end of 5 years beginning with the day on which section 1 of the act comes into force the Secretary of State must carry out and publish the conclusion of its review of the Act.

69. The report must in particular:

- a. Set out the objectives intended to be achieved by this Act,
- b. Assess the extent to which those objectives have been achieved, and
- c. Assess whether it is appropriate to retain or repeal the Act or any of its provisions in order to achieve those objectives.

Scrap Metal Dealer Act 2013: guidance on licence fee charges

Context

The Scrap Metal Dealers Act 2013 (referred to in this guidance as the 2013 Act) received Royal Assent on the 28 February 2013, delivering much needed reform of the scrap metal sector. The 2013 Act will provide effective and proportionate regulation of the sector, creating a more robust, local authority run, licensing regime that will support legitimate dealers yet provide the powers to effectively tackle unscrupulous operators. It will raise trading standards across the whole sector.

Introduction

The 2013 Act will allow local authorities to decide who should and should not be licensed, allowing them to refuse a licence upon application or to revoke a licence at any time if they are not satisfied that the applicant is a suitable person to carry on business as a Scrap Metal Dealer. The act also creates closure powers for unscrupulous dealers who operate without a licence. It extends the record keeping requirements placed upon scrap metal dealers and requires the verification of the people Scrap Metal Dealers are transacting with. The act will integrate the separate regulation for motor salvage operators with the scrap metal sector and bring to an end the cash exemption given to some collectors under the 1964 Act.

Finally, the 2013 Act creates a fee raising power, to allow local authorities to recover the costs stemming from administering and seeking compliance with the regime. This element of the legislation will be the focus of this guidance.

The intention is for the act to be implemented in October 2013.

Licensing requirements placed upon scrap metal dealers

Section one of the 2013 Act requires a scrap metal dealer to obtain a licence in order to carry on business as a scrap metal dealerⁱ. It will be an offence to carry on a business as a scrap metal dealer in breach of the requirement to hold a licence. This offence is punishable on summary conviction with a fine not exceeding level 5 on the standard scale. In addition, Schedule 1(6) of the 2013 Act provides that an application must be accompanied by a fee set by the authority.

Aim and scope

Local authorities will be responsible for administration and compliance activity in relation to the 2013 Act. This guidance is provided to local authorities in relation to the carrying out of their fee raising function. It also provides information for the benefit of those who will be applying for a scrap metal dealer's licence and the general public. This guidance applies to local authorities in England and Wales and is produced in accordance with the 2013 Act.

Legal status

Schedule 1(6) of the 2013 Act provides that an application must be accompanied by a fee set by the local authority. In setting a fee, the authority must have regard to any guidance issued from time to time by the Secretary of State with the approval of the Treasury. This Guidance is therefore binding on all licensing authorities to that extent.

What costs can local authorities charge for when issuing a licence?

The 2013 Act provides that an application for a licence must be accompanied by a fee set by the local authority. This fee raising power is an essential component of the legislation as it will provide local authorities with the funding they need to administer the regime and ensure compliance.

The power to set fees has been passed to individual local authorities, so that any fees levied in each local area is set by reference to the actual costs to each authority. The EU services directive states that a licence fee can only be used to pay for the cost associated with the licensing process. In effect, each local authority must ensure that the income from fees charged for each service does not exceed the costs of providing the service.

LAs should specify fees for each category of application. Specifically we would expect a fee to be specified for the assessment of an application for a licence, the assessment of an application to vary a licence, and the assessment of an application for licence renewal.

Local authorities should specify fees which are payable by licence applicants for the assessment and administration activity within the new licensing regime brought about by the 2013 Act. They should do this by identifying what they need to do to assess the type of licence in question and calculating their best estimate of the cost to be incurred by the LA. The authority will then be able to calculate a best estimate of unit cost for each case.

In effect, the costs of a licence should reflect the time spent assessing and administering applications, processing them, having experienced licensing officers review them, storing them, consulting on the suitability of an applicant, reviewing relevant offences, the decision on whether to issue a licence, as well as the cost of issuing licences in a format that can be displayed. Consulting the local authority's enforcement records in order to determine the suitability of the applicant is chargeable within the licence fee costs as are costs associated with contested licence applications.

Registering authorities should review fees regularly to check whether they remain appropriate.

Can a local authority charge for enforcement activity?

The licence fee cannot be used to support enforcement activity against unlicensed scrap metal dealers. Any activity taken against unlicensed operators must be funded through existing funds. Such activity against unlicensed operators includes issuing closure notices; with applications for closure orders subsequently made to a magistrates court. The cost of applying to the Magistrates Court for a warrant (Section 16(5)(6) and (7) of the 2013 Act) for entry to unlicensed premises, by force if necessary, will incur legal costs to be borne by the local authority and police.

What are the different types of licences?

There are two types of licence specified within the act, one is for a site licence and the other is for a mobile collector licence (carrying on business otherwise than at a site). The licence authorises the licensee to carry on business as a scrap metal dealer at the sites listed in it (in the case of a site licence) or within the local authority area (in the case of a mobile collector's licence).

Site licences

A site licence requires all of the sites at which the licensee carries on the business as a scrap metal dealer within the local authority area to be identified and a site manager to be named for each site. In doing so, they will be permitted to operate from those sites as a scrap metal dealer, including transporting scrap metal to and from those sites from any local authority area.

Collectors licences

A collector's licence authorises the licensee to operate as a mobile collector in the area of the issuing local authority, permitting them to collect any scrap metal as appropriate. This includes commercial as well as domestic scrap metal.

The licence does not permit the collector to collect from any other local authority area. A separate licence should be obtained from each local authority from which the individual wishes to collect in. A collector's licence does not authorise the licensee to carry on a business at a site within any area. Should a collector wish to use a fixed site, they will need to obtain a site licence from the relevant local authority.

The Act 2013 also specifies that a licence will be issued by the local authority in whose area a scrap metal site is situated, or (in respect of a mobile collector) in the area that the collector operates.

Do different fees apply?

Yes. Fees charged for a site licence would reflect the extra work involved in processing these licences and will vary from a collector's licence.

Display of licences

The form in which a licence is issued must enable it to be displayed in accordance with section ten of the 2013 Act. All licensees are therefore required to display a copy of their licence. For site operators the licence must be displayed in a prominent place in an area accessible to the public. For mobile collectors, it must be in a manner which enables the licence to be easily read by a person outside the vehicle. A criminal offence is committed by any scrap metal dealer who fails to fulfil this requirement. This offence is punishable on summary conviction with a fine not exceeding level 3 on the standard scale.

The cost of providing a licence in a form which can be displayed should be included in the local authority licence fee charges.

Police objections to licence applications

The police may object to a licence application where they believe that the applicant is not a suitable person as defined within the act. The police can object where, for example, the applicant has been convicted of a relevant offence. LAs should also consider representations from other organisations or individuals in considering the applicant's suitability

Where the police do object, the local authority should take this into consideration but must use their own judgement and discretion when taking a licence decision. The local authority must allow for the person whose licence is about to be refused or revoked to be afforded the right to make representations. The local authority considering the matter must restrict its consideration to the issue of suitability of applicant and provide comprehensive reasons for

its decision.

Costs associated with considering oral and written representations should be included in licence fee charges.

Appeals

There is a right of appeal to the Magistrates' Court against a decision to refuse a licence application, to include a condition within the licence, to revoke the licence or to vary the licence. The costs associated with appeals and the costs of defending an appeal in the Magistrate Court should not be included in licence fee charges.

The costs associated with defending a Judicial Review into whether the local authority has failed to have regard to the guidance on fees is not chargeable under the licence regime.

Revocation of a licence and formulating and imposing licence conditions

If a licence has been granted, it may be revoked or licence conditions imposed on a scrap metal dealer if the subsections within Clause 4 of the Scrap Metal Dealers Act are triggered. A local authority may impose conditions pending an appeal against revocation (section 4 (7)) or if the applicant or site manager has been convicted of a relevant offence (section 3 (8)).

Variation of licence

Schedule 1 paragraph 3(1) indicates that a local authority may, on an application, vary a licence by changing it from one type to another and (2) if there is a change in any of the matters mentioned in section 2(4)(a), (c) or (d) or (6)(a).

These changes should be recorded by the local authority. The applicant is also under a duty to notify any convictions for relevant offences to the local authority. These measures ensure that a single record will be held of the licence holder's history in terms of licensing matters.

National Register of Scrap Metal Dealers

Whilst a local authority can recover any costs incurred in transmitting information about a licence, the costs which the Environment Agency incurs are not chargeable under the licence regime.

How long will a licence be valid for?

Schedule 1 paragraph 1 of the 2013 Act specifies the terms of a licence. It indicates that a licence expires at the end of the period of 3 years beginning with the day on which it is issued.

Additional regulations and guidance

The Home Office will be publishing regulations in relation to relevant offences and the identification required to sell scrap metal over the summer of 2013. These regulations will be published on www.gov.uk. We will also be working with the Local Government Association, the British Metal Recycling Association and British Transport Police to produce additional guidance on the requirements of the new act.

The Local Government Association guidance will include a breakdown of reasonable timescales for each of the activities associated with setting a fee.

Annex A - Definitions

What is a local authority?

‘Local authority’ means —

- (a) in relation to England, the council of a district, the Common Council of the City of London or the council of a London borough;
- (b) in relation to Wales, the council of a county or a county borough.

What is a scrap metal dealer?

21 ‘Carrying on business as a scrap metal dealer’ and ‘scrap metal’

(2) A person carries on business as a scrap metal dealer if the person—

- (a) carries on a business which consists wholly or partly in buying or selling scrap metal, whether or not the metal is sold in the form in which it was bought, or
- (b) carries on business as a motor salvage operator (so far as that does not fall within paragraph (a)).

What is a mobile collector?

‘Mobile collector’ means a person who—

- (a) carries on business as a scrap metal dealer otherwise than at a site, and
- (b) regularly engages, in the course of that business, in collecting waste materials and old, broken, worn out or defaced articles by means of visits from door to door.

What is a motor salvage operator?

(4) For the purposes of subsection (2)(b), a person carries on business as a motor salvage operator if the person carries on a business which consists —

- (a) wholly or partly in recovering salvageable parts from motor vehicles for re-use or sale and subsequently selling or otherwise disposing of the rest of the vehicle for scrap,
 - (b) wholly or mainly in buying written-off vehicles and subsequently repairing and reselling them,
 - (c) wholly or mainly in buying or selling motor vehicles which are to be the subject (whether immediately or on a subsequent re-sale) of any of the activities mentioned in paragraphs (a) and (b), or
 - (d) wholly or mainly in activities falling within paragraphs (b) and (c).
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Proposed Fees – Scrap Metal Dealers Act 2013

@ 19th August 2013

Site Licence (New)	£290 (plus £150 per additional site)
Site Licence (Renewal)	£240 (plus £150 per additional site)
Collectors Licence (New)	£145
Collectors Licence (Renewal)	£95
Variation of Licence	£65
Copy of Licence (if lost or stolen)	£25

