



Council

Monday 21 November
2016
7.00 pm

Council Chamber
Town Hall
Redditch



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**If you have any queries on this Agenda please contact
Democratic Services
Democratic Services**

**Town Hall, Walter Stranz Square, Redditch, B98 8AH
Tel: (01527) 548240
e.mail: sheena.jones@bromgroveandredditch.gov.uk**



Council

Monday, 21st November, 2016

7.00 pm

Council Chamber Town Hall

Agenda

Membership:

Cllrs:	Joe Baker (Mayor)	Pattie Hill
	Jennifer Wheeler	Gay Hopkins
	(Deputy Mayor)	Wanda King
	Tom Baker-Price	Jane Potter
	Roger Bennett	Gareth Prosser
	Natalie Brookes	Antonia Pulsford
	Juliet Brunner	Mark Shurmer
	David Bush	Rachael Smith
	Michael Chalk	Yvonne Smith
	Greg Chance	Paul Swansborough
	Anita Clayton	Debbie Taylor
	Brandon Clayton	David Thain
	Matthew Dormer	Pat Witherspoon
	John Fisher	Nina Wood-Ford
	Andrew Fry	
	Bill Hartnett	

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 Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.
4. Minutes (Pages 1 - 8)	To confirm as a correct record the minutes of the meeting of the Council held on 26 th September 2016 (enclosed).
5. Announcements	To consider Announcements under Procedure Rule 10: <ul style="list-style-type: none"> a) Mayor's Announcements b) The Leader's Announcements c) Chief Executive's Announcements. (Oral report)

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6. Questions on Notice	To receive questions submitted under Procedure Rule 9.2 (if any).
7. Motions on Notice	No Motions have been submitted under Procedure Rule 11.
8. Executive Committee (Pages 9 - 96)	<p>To receive the minutes and consider the recommendations and/or referrals from the meeting of the Executive Committee held on 1st November 2016:</p> <p>Minute no. 37 – Recommendations from the Budget Scrutiny Working Group;</p> <p>Minute no. 38 – Parks Infrastructure – Use of Section 106 monies;</p> <p>Minute no. 39 – Public Realm Scheme</p> <p>Minute no. 40 – Council Tax Support Scheme</p> <p>Minute no. 41 – Medium Term Financial Plan 2017/18 – 2020/21 – Budget Assumptions</p> <p>Minute no. 42 – Worcestershire Regulatory Services Board – Enforcement Policy</p> <p>Minute no. 47 – Development Management Shared Service Business Case</p> <p><i>Please note the report about the business case and the minutes from the Shared Services Board are now open to the public as members of staff have been briefed about them.</i></p> <p>The recommendations relating to these items are included with the supporting reports in the agenda pack.</p>
9. Regulatory Committees	<p>To formally receive the minutes of the following meetings of the Council's Regulatory Committees:</p> <p>(a) Audit, Governance and Standards Committee – 22nd September 2016</p> <p>(b) Planning Committee – 12th October</p> <p>The minutes are included in Minute book 3. There are no recommendations to the Council from these meetings.</p>

<p>10. Urgent Business - Record of Decisions (Pages 97 - 102)</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. Details of the following decisions are attached:</p> <ol style="list-style-type: none">1. Town Centre Lighting Enhancement Scheme – transfer of monies from the S106 capital account;2. Tommy Wilson's Fair.
<p>11. 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 him 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>



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MINUTES

Present:

Councillor Joe Baker (Mayor), Councillor Jennifer Wheeler (Deputy Mayor) and Councillors Tom Baker-Price, Roger Bennett, Natalie Brookes, Juliet Brunner, Michael Chalk, Greg Chance, Anita Clayton, Brandon Clayton, John Fisher, Andrew Fry, Bill Hartnett, Pattie Hill, Gay Hopkins, Wanda King, Jane Potter, Gareth Prosser, Antonia Pulsford, Mark Shurmer, Rachael Smith, Yvonne Smith, Paul Swansborough, Debbie Taylor, David Thain and Pat Witherspoon

Officers:

Jack Carradine, Kevin Dicks, Claire Felton, Sue Hanley and Jayne Pickering

Democratic Services Officer:

Jess Bayley

29. APOLOGIES

Apologies for absence were received on behalf of Councillors David Bush, Matthew Dormer and Nina Wood-Ford.

30. DECLARATIONS OF INTEREST

Councillors Anita Clayton and Jennifer Wheeler declared other disclosable interests in Minute Item No. 37 in their capacity as the Council's representatives appointed to the Redditch Town Centre Partnership.

31. MINUTES

RESOLVED that

the minutes of the meeting of Council held on 25th July 2016 be agreed as a correct record and signed by the Mayor.

.....
Chair

32. ANNOUNCEMENTSa) The Mayor

The Mayor advised that he had participated in a number of civic events and activities in recent months which included the following:

- Hosting a civic celebration which had been attended by over 100 people and which followed a diversity walk in the town.
- A visit to Gruchet-le-Valasse in September, where all participants had been made to feel very welcome.
- The annual Scarecrow Day at Forge Mill Needle Museum in August.
- The Redditch Bandstand Event which had been well attended.
- Attending a barbecue at the Polish Club.
- An event at the Abbey Hotel for the 216 Redditch Air Cadets Squadron.

b) The Leader

The Leader reiterated the Mayor's comments in respect of a number of local community events which they had both attended. In addition praise was extended to all Paralympians who had performed really well in Rio, including Claire Cashmore, a Paralympian swimmer from Redditch who had won a gold medal. An event would take place at County Hall to mark the achievements of all Worcestershire Paralympians. The Leader had also attended an event at the local Gudwara and an invitation had been extended for all Members to attend Diwali celebrations at Ridgeway Academy on 30th October.

During the meeting reference was made to the following matters which Councillor Hartnett was involved with in his capacity as Leader of the Council:

- Campaign work to improve rail services for Redditch, in respect of both the fares and timetable. The option for an express train from Redditch to Birmingham would be considered as part of this process.
- The arrival of a fifth Syrian family in Redditch who had been welcomed.
- The receipt of a letter from the Mayor of Orlando, in the United States of America, thanking the Council for their condolences following the shootings in a nightclub in June 2016.

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- Meetings with representatives of Worcestershire County Council to discuss safety measures for Muskets Way Bridge.
- Discussions with the MP and Worcestershire County Council about future funding for the Redditch Bike Race. There was the possibility that some County Councillors would contribute funding from divisional funds, though additional finances would need to be sourced, including from the business sector.

More detailed information was provided in respect of a number of matters. This included further information about the Redditch Health Commission which the Leader advised was in the process of being organised. Representatives from the Redditch and Bromsgrove Clinical Commissioning Group (CCG) and Worcestershire Acute Hospitals NHS Trust had been invited to attend a public meeting to outline their proposals for the future of acute services and their consultation process. Subsequent meetings would provide an opportunity for the public to contribute to proceedings. The dates of these meetings had not yet been confirmed, though would take place in late November at the earliest. Responses had been received in writing from University Hospitals Birmingham NHS Foundation Trust (UHB) and the Birmingham Children's Hospital NHS Foundation Trust. The written correspondence from UHB had highlighted the option for joint scrutiny of the proposals about acute hospital services, which could be undertaken by the Worcestershire Health Overview and Scrutiny (HOSC) with representatives of Birmingham HOSC and Herefordshire HOSC. The Leader advised that he would be supportive of this proposal.

Prior to the Health Commission meetings the Leader would be participating as Co-Chair in a public consultation event about local health services which had been organised by Karen Lumley MP. This meeting, due to take place at the Town Hall on the evening of 28th September, had originally focused on changes to Paediatric Services in Worcestershire, though had since been extended to focus on a range of matters involving the Alexandra Hospital. The meeting would also be open to public attendance.

During consideration of the Leader's Announcements Members paid tribute to Mrs Ida Parkinson, the first Macmillan nurse in Worcestershire, who had sadly passed away. Mrs Parkinson had received the Douglas Macmillan award in 2011 in recognition for her lifetime achievements and she had been instrumental in helping to establish the Primrose Hospice. Members agreed that a letter should be sent by the Leader and Mayor on behalf of the Council to Mrs Parkinson expressing Members' condolences. As a further mark of

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respect Members observed a moment's silence in memory of Mrs Parkinson.

33. QUESTIONS ON NOTICE

There were no questions on notice.

34. MOTIONS ON NOTICE

A Notice of Motion had been submitted by Councillor Juliet Brunner in respect of Social Media Training. This was seconded by Councillor Anita Clayton.

In proposing the Motion Councillor Brunner explained that social media had revolutionised the ways in which people could communicate with each other and the speed at which this could take place. Social media could also be used by elected Members to communicate with local residents. Councillors who used social media to communicate with residents and other stakeholders needed to ensure that they did so in a morally responsible manner and were mindful of requirements set out in the Malicious Communications Act.

The previous week the Positive Activities Group, a sub-group of the Redditch Partnership chaired by Councillor Brunner and comprising representatives from the Voluntary and Community Sector (VCS), had been consulted by the Mental Health Services for Young People Task Group. During discussions at this meeting it had become apparent that social media use was having an impact on the mental health and wellbeing of children and young people in particular. To help address this Councillor Brunner suggested that the Council should lead by example in the way that elected Members used social media.

In seconding the Motion Councillor Clayton reiterated the need for elected Members to lead by example in their use of social media. Councillor Clayton reminded Members that unfortunately she had been subjected to bullying on social media earlier in the year and this experience had been upsetting. To avoid distressing others when using social media it was important to ensure that careful consideration was given to messages that were communicated on these platforms.

Once the original Motion had been presented Councillor John Fisher proposed an amendment to the wording of the Motion. This amendment removed the final paragraph of the original Motion and replaced it with the following sentence; "*The Council will provide suitable training on the appropriate use of social media*". This amendment was seconded by Councillor Greg Chance.

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In proposing the amendment Councillor Fisher noted that social media was relatively new as a communications tool and all Members needed to be aware of appropriate ways to communicate on social media when using these facilities. Online abuse was not acceptable and people needed to ensure that they did not upset others through their behaviour or the language they used on social media. In the event that a Member felt that another Member had used abusive language on social media this could be addressed through the Council's standards procedures. There was the potential for training to be provided to Members in respect of social media and this could be discussed further at a meeting of the Member Development Steering Group. However, Councillor Fisher suggested that the original wording of the Motion could be improved and that a similar message would be conveyed more effectively using the amended wording.

In seconding the amendment Councillor Chance concurred that social media needed to be used responsibly and that abusive language was unacceptable. The amended wording would help to convey the benefits of attending training in respect of social media and of ensuring that Members used these communication tools responsibly.

The amendment was considered by Members and following brief discussions the amendment was agreed by the Council.

RESOLVED that

the Motion be agreed in the following terms:

“Social Media (SM) is now an integral part of the fabric of our society. It is overwhelmingly a force for good but can be used inappropriately.

The Council will provide suitable training on the appropriate use of social media.”

35. EXECUTIVE COMMITTEE

Members considered the minutes of the Executive Committee meeting held on 13th September 2016. There were a number of recommendations to be debated which were discussed as follows:

Voluntary and Community Sector (VCS) Grants

There was general consensus amongst Members that the Council's grants programme was valuable and should continue to be funded. However, different views were expressed about the proposal for any underspends in the grants at the end of any year to be put back into balances. On the one hand concerns were raised that this would represent a reduction in funding for VCS organisations which

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were struggling to secure funding from other sources in difficult economic circumstances. As an alternative it was suggested that any unspent funds could be placed in reserves earmarked for use in the grants process. On the other hand it was noted that every effort was made to promote the various rounds of the grant process and that the Council wanted to ensure that the funds were made available to VCS groups. By following the Shopping, Investing and Giving (SIG) model of funding it was anticipated that all funds would be used to support the Voluntary Sector. In cases where there had been unspent funds in previous years this had either been a very low number or had occurred due to exceptional circumstances involving the closure of an organisation in receipt of funding.

The availability of support for the grants process was also discussed. There had been no Grants Officer at the Council for some time. The potential to recruit to this post would be investigated further over the coming months.

ICT Infrastructure Resource

During debate on this item clarification was provided which confirmed that this decision would apply to two specific posts only and not to the whole of the shared ICT team.

Efficiency Plan 2016/17 to 2019/20

The Government had offered local authorities an opportunity to sign up to four year financial plans and the majority of Councils had accepted this offer. The content of the Council's proposed Efficiency Plan was similar to that for other Councils. This did not mean that the Council accepted the concept of the negative grant position, whereby the authority would need to pay the Government from a set date. The Council would continue to work the Local Government Association (LGA) in an attempt to challenge this.

RESOLVED that

the minutes of the meeting of the Executive Committee held on 13th September 2016 be received and all recommendations adopted.

36. REGULATORY COMMITTEES

The Council received the minutes from meetings of the Planning and Licensing Committees:

RESOLVED that

- 1) the minutes of the meetings of the Planning Committee held on 13th July and 10th August 2016 be received and adopted; and**

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- 2) the minutes of the meeting of the Licensing Committee held on 18th July 2016 be received and adopted.

37. URGENT BUSINESS - RECORD OF DECISIONS

The Executive Committee's decisions in respect of the application from the Redditch Town Centre Partnership (RTCP) for discretionary rate relief (DRR) under the Localism Act 2011 for premises in The Quadrant, Redditch, were noted in accordance with the Council's Urgency Procedure Rules.

RESOLVED that

the decision be noted.

(During consideration of this item Councillors Anita Clayton and Jennifer Wheeler declared other discloseable interests in their capacity as the Council's representatives on the Redditch Town Centre Partnership).

38. URGENT BUSINESS - GENERAL (IF ANY)

There was no general Urgent Business for discussion.

The Meeting commenced at 7.00 pm
and closed at 8.09 pm

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37. RECOMMENDATIONS FROM THE BUDGET SCRUTINY WORKING GROUP**RECOMMENDED that**

- 1) the Council should have a robust four year funded Capital Programme for the period 2017/18 to 2020/21, to include estimates across each year of the budget; and**
- 2) Officers estimate the Capital Programme requirements over a four year period to include the associated funding implications. In addition, an annual review should be undertaken to propose any changes to the approved Programme to ensure the Council has a flexible approach to capital projects.**

**EXECUTIVE
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BUDGET SCRUTINY WORKING GROUP - PROPOSALS

Chair of Scrutiny Group	Councillor Jane Potter
Relevant Head of Service	Jayne Pickering, Executive Director of Finance and Corporate Resources
Ward(s) Affected	No specific ward relevance.
Non-Key Decision	

1. SUMMARY OF PROPOSALS

This report details proposals from the Budget Scrutiny Working Group concerning future versions of the Council's Capital Programme.

2. RECOMMENDATIONS

The Committee is asked to RECOMMEND that

the Council should have a robust four year funded Capital Programme for the period 2017/18 to 2020/21, to include estimates across each year of the budget;

and to RESOLVE that

the report be noted

3. KEY ISSUES**Background**

- 3.1 Budget scrutiny has formed a key part of the work of the Committee in recent years but Members felt that this process could be improved. The Budget Scrutiny Working Group was therefore established by the Overview and Scrutiny Committee at the start of the 2016/17 municipal year to scrutinise the Council's budget in more detail.
- 3.2 The Working Group provides an opportunity for Members to get more involved in the Council's budget setting process. This helps to address proposals about the need to enhance Member involvement that have been made by the external auditors.
- 3.3 In February 2016 Members approved the contents of a Capital Programme for the Council for the period 2016/17 to 2018/19. This capital programme formed one part of the Council's Medium Term Financial Plan.
- 3.4 The Budget Scrutiny Working Group reconsidered the content of the existing Capital Programme during a meeting in August 2016.

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- 3.5 In some cases the group found that capital funding had been allocated to a particular project in each year of the three year programme. This was particularly evident with some of the larger projects that have regularly required capital funding in previous years, such as vehicle purchase and cleansing works.
- 3.6 In other cases funding had been allocated for a single year only; 2016/17. Members agreed that where funding had been agreed for a single year it was likely that this was for one off projects.
- 3.7 The group discovered that there were no cases in the current programme where capital funding had been requested on a one off basis for either 2017/18 or 2018/19. However, Members agreed that it was likely capital funding would be required for specific one off projects in those two years.
- 3.8 Members are mindful of the fact that, like many local authorities, the Council is facing challenging economic circumstances. In this context the group believes that it would be helpful to the Council's financial position for consideration to be given in advance to capital funding requirements in all of the years covered by the programme and not just in the first year.

Financial Implications

- 3.9 In previous years the Capital Programme has covered a three year period in line with the standard timeframes for the Council's Medium Term Financial Plan.
- 3.10 The group is proposing that the length of time covered by the Capital Programme should be increased to four years to complement the timeframes for the Efficiency Statement that the Council is preparing and future versions of the Medium Term Financial Plan. In addition officers should consider the impact of their service need in relation to capital assets over a four year period to ensure all financing and other costs are included in the budget.

Legal Implications

- 3.11 There are no specific legal implications directly relating to this report.

Service / Operational Implications

- 3.12 There are no direct service or operational implications that have been identified for this report.

Customer / Equalities and Diversity Implications

- 3.13 No direct customer or equality and diversity implications have been identified for this report.

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4. RISK MANAGEMENT

No specific risks have been identified.

5. APPENDICES

Appendix 1 – Capital Programme 2016/17 to 2018/19

AUTHOR OF REPORT

Name: Jess Bayley, Democratic Services Officer
Email: jess.bayley@bromsgroveandredditch.gov.uk
Tel.: (01527) 64252 Ext: 3268

Appendix 1 RBC Capital Programme 2016/17 to 2018/19

Description	Service	funding	2016/17 Total	2017/18 Total	2018/19 Total
PSN Compliance	Business Transformation	borrowing/capital receipts	10,000	30,000	0
SAN (storage network area)	Business Transformation	borrowing/capital receipts	40,000	50,000	0
Replace back up solution	Business Transformation	revenue	50,000	0	0
Public Building	CAFS	borrowing/capital receipts	250,000	250,000	250,000
GF Asbestos	CAFS	borrowing/capital receipts	40,000	40,000	40,000
Small Area Improvements	Community Services		47,219	0	0
Upgrade hardwired lifeline schemes	Community Services	borrowing/capital receipts	31,000	35,000	0
Home Repairs Assistance	Community Services		100,000	100,000	0
Disabled Facilities Grant	Community Services	DFG grant	743,341	521,000	0
HMO Grants	Community Services		57,171	0	0
Camera Replacement programme	Community Services	borrowing/capital receipts	55,000	0	0
Energy & Efficiency Installs.	Community Services		63,000	0	0
Crematorium Extension	Environmental Services	borrowing/capital receipts	11,000	0	0
Crossgate Depot Imps 2010	Environmental Services	borrowing/capital receipts	12,570	0	0
Est. Enhancement-Winyates	Environmental Services	borrowing/capital receipts	80,058	0	0
Improved Parking Scheme	Environmental Services	borrowing/capital receipts	309,831	200,000	200,000
Vehicle Purchase - Cleansing	Environmental Services	borrowing/capital receipts	2,043,993	193,000	1,138,000
L'Scape Imp Programme	Environmental Services	borrowing/capital receipts	8,964	0	0
Recycling Project	Environmental Services	borrowing/capital receipts	10,875	0	0
Town Centre Landscape Scheme	Environmental Services	borrowing/capital receipts	417,444	0	0
Oakenshaw Spinney	Environmental Services	s106	1,500	0	0
Oakenshaw Woods	Environmental Services	s106	4,573	0	0
Wirehill Woods	Environmental Services	s106	10,500	0	0
Crematorium Enhancement	Environmental Services	borrowing/capital receipts	329,742	0	0
Drainage Works Cemetary	Environmental Services	borrowing/capital receipts	6,000	0	0
Culvert & Ditch Pitcheroak Woods	Environmental Services	borrowing/capital receipts	5,452	0	0
C'Hill Brook Culvert & F/Bridge	Environmental Services	borrowing/capital receipts	6,000	0	0
Localilty Capital Projects	Environmental Services	borrowing/capital receipts	400,000	200,000	200,000
Flood alleviation	Environmental Services	borrowing/capital receipts	57,800	0	0
Mortgage Rescue (Buy Back)	HRA	MRR	395,648	250,000	250,000
1-4-1 replacement	HRA	MRR	1,052,000	1,064,000	1,064,000
Catch Up Rep-Bath Replacemts	HRA	MRR	971,821	880,000	880,000
Catch Up Rep-Kitchen Upgrades	HRA	MRR	100,000	100,000	100,000
Catch Up Repairs	HRA	MRR	350,000	350,000	350,000
Asbestos General	HRA	MRR	538,100	500,000	500,000
Structural Repairs	HRA	MRR	257,412	200,000	200,000
General Roofing	HRA	MRR	600,000	600,000	600,000
Rewiring	HRA	MRR	942,181	900,000	900,000
Upgrade Of Ch Systems	HRA	MRR	1,574,644	1,200,000	1,200,000
Window Replacements	HRA	MRR	50,000	50,000	50,000
Solid Wall Insulation	HRA	MRR	483,605	0	0
Winslow Close Heating	HRA	MRR	12,445	0	0
Hsg Man IT System	HRA	MRR	770,000	670,000	670,000
Ext Cladding & Wall Hanging	HRA	MRR	67,121	0	0

Insulation	HRA	MRR	32,126	0	0
Drainage	HRA	MRR	50,010	0	0
Water Supply	HRA	MRR	207,470	160,000	160,000
Environmental Enhancements	HRA	MRR	50,000	50,000	50,000
Masonry Works	HRA	MRR	52,130	30,000	30,000
Bathroom Voids	HRA	MRR	66,139	0	0
Design & Supervision	HRA	MRR	1,184,161	598,413	598,413
Essential Open space improvement to North Moons	Leisure & Cultural Services	s106	9,010	0	0
Public open space improvements to Birchensale/Ter	Leisure & Cultural Services	s106	4,150	0	0
improvement to play area in Church Hill (Big Local S	Leisure & Cultural Services	s106	28,000	0	0
Improvement to play areas and landscaping at Astw	Leisure & Cultural Services	s106	2,750	0	0
public open space improvements at Astwood bank	Leisure & Cultural Services	s106	6,000	0	0
Replacement Gym Equipment	Leisure & Cultural Services	borrowing/capital receipts	85,000	0	0
Installation of Driving Range	Leisure & Cultural Services	s106	10,000	0	0
Regrading of Playing pitches at Terrys Field	Leisure & Cultural Services	s106	21,000	0	0
Outdoor Gym Astwood Bank	Leisure & Cultural Services	s106	9,000	0	0
Investment into Health and Fitness Facilities	Leisure & Cultural Services	s106	330,000	0	0
maintenance of Proctor Barn Lane Kerb/Passing pla	Leisure & Cultural Services	borrowing/capital receipts	40,000	0	0
Mitigations arising from Water Risk Assessment	Leisure & Cultural Services	borrowing/capital receipts	10,000	0	0
Sum:			15,564,953	9,221,413	9,480,413

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38. PARKS INFRASTRUCTURE – USE OF SECTION 106 MONIES**RECOMMENDED that**

- 1) the Capital Programme be increased by £69,448, to be funded by Section 106 receipts, and revised to reflect the approved schemes detailed in resolution 2) a) to d) below.

RESOLVED that

- 2) the following schemes, as identified in section 4 of the report, be approved:
 - a) Astwood Bank Outdoor Gym – £4,005;
 - b) Astwood Bank Teenage Play (Skate Ramps) – £30,426;
 - c) Astwood Bank Improvements at Overdale Park – £5,645; and
 - d) Matchborough Play facilities – £29,372.

REDDITCH BOROUGH COUNCIL**EXECUTIVE COMMITTEE****1st November 2016****Parks Infrastructure/Use of Section 106 Monies**

Relevant Portfolio Holder	Councillor Pat Witherspoon
Portfolio Holder Consulted	Yes
Relevant Head of Service	John Godwin
Ward(s) Affected	Astwood Bank and Feckenham & Matchborough
Ward Councillor(s) Consulted	Yes
Non Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 This report overviews a number of potential improvements to the infrastructure within a number of parks and green spaces design to increase usage and participation and requests Members approval for the use of Section 106 funding to support these schemes.

2. RECOMMENDATIONS

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

2.1 The schemes identified in Section 4 of this report are approved as follows:

- a) **Astwood Bank Outdoor Gym - £4,005**
- b) **Astwood Bank Teenage Play (Skate Ramps) - £30,426**
- c) **Astwood Bank Improvements at Overdale Park - £5,645**
- d) **Matchborough Play facilities - £29,372**

- 2.1 The Executive is asked to **RECOMMEND** that the capital programme is increased by £69,448 funded by S106 receipts and is revised to reflect these approvals.

3. KEY ISSUES

- 3.1 As members will be aware the Leisure & Cultural Services department work very closely with colleagues in the Planning Section in the creation of Section 106 Agreements to ensure that new developments provide suitable facilities and infrastructure to meet the need that they create. In some cases appropriate off site contributions are agreed which the Council then uses to enhance existing facilities and/or create additional activities to meet local demand.
- 3.2 The following proposals reflect a number of enhancements that the department wishes to make using Section 106 funding to offer a wider and improved range of open space and fixed equipment within Parks and Green Spaces.

All the schemes proposed are designed to support the Council's Strategic Purposes and the actions contained within the upcoming Corporate Plan, contribute to wider

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community objectives and those of our Partners across the Borough by tackling sedentary lifestyles :

Astwood Bank (Crossroads at the Junction of Sambourne Lane and Evesham Road) – Outdoor Gym

The 106 Sports contribution from Planning 106 agreement 2014/169/FUL is requested to support existing approved 106 funds for outdoor gym at Astwood Bank Public Open Space. This will increase the variety of equipment on offer to improve the range of exercises that can be undertaken, improve access for local people to become and remain active and ensure that the objective of the Section 106 agreement are met.

Astwood Bank Crossroads at the Junction of Sambourne Lane and Evesham Road) Teenage Play Provision – Funded from Planning 106 agreement 2014/169/FUL

- 3.2 The Council completed the refurbishment of Toddler/Junior Play at Astwood Bank in Spring 2016 and it is now proposed that the refurbishment of Teenage play facility on the open space at Astwood Bank is undertaken using the available funds for the area. The existing skate facility is constructed of metal ramps which has received historic concerns & ongoing comment from local residents due to the noise generated by the material used. The new provision proposed will remove these issues by using concrete ramps to reduce noise level.
- 3.3 The ramps also have open access underneath and this allows young people to congregate under them and this has resulted in a number of Anti social behaviour issues including fires.
- 3.4 The concrete ramps are more sustainable and hard wearing due to the nature of the material and will mean that the future maintenance requirement for the area will be significantly reduced.

Overdale Park (Overdale Road, Astwood Bank B96 6DF) Public Open Space - Funded from Planning 106 agreement 2014/169/FUL

- 3.5 Members are being asked to approve this funding to support the ongoing improvements to the open space at Overdale Park. This funding will enable the pathway network to be improved to enhance access and egress to increase the appeal and usage of the area and address maintenance concerns that currently exist and to ensure we minimise any risk to the Council from slips, trips or falls.

Matchborough Play Facility – Funded from Planning 106 agreements 09/123

- 3.8 The 106 contributions for improvements to play improvements at Matchborough are to be aligned with the work of the 'Matchborough Regeneration Project' and are to be included within the planning exercise currently being progressed. This funding will allow work to be undertaken at the earliest opportunity and ensure that as improvements are identified within the overall project that these can be delivered in line with the objectives of the overall scheme. It will also allow officers to ensure that we do not risk clawback on the funding streams should the works be agreed and then require member approval to bring them forward.

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4. Financial Implications

4.1 There are no direct financial implications with regard to this report as:

4.1.1 All design and project management costs for this project will be funded from Section 106 Funds;

4.1.2 Consultation cost on designs and layouts will be met by existing budgets (officer time);

4.1.3 Ongoing maintenance implications will be met from existing resources. However by making this investment we anticipate that the actual cost to the Council will be reduced in the short to medium term.

4.2 All schemes put forward have been reviewed with colleagues from the finance and legal service teams to ensure the use of the funding is correct and this has been confirmed.

4.3 Funding requirements are as follows:

4.3.1 Astwood Bank Outdoor Gym - £4,005

4.3.2 Astwood Bank Teenage Play (Skate Ramps) - £30,426

4.3.3 Astwood Bank Improvements at Overdale Park - £5,645

4.3.4 Matchborough Play facilities - £29,372

Total Funding to be made available - £69,448

5. Legal Implications

5.1 There are no legal implications contained within this report. All contracted works will be tendered within the procurement guidelines and use standard RBC services contracts.

5.2 All projects requested meet the requirements of the relevant Section 106 Agreement and all locations selected reflect the locality requirements contained within them.

6. Service / Operational Implications

6.1 The projects requested will be managed and maintained from existing resources and are standard schemes that the team have carried out on numerous occasions.

6.2 All works will be carried out in Q4 of this financial year to ensure the disruption caused to users is minimal and that they are completed in good time for next year's peak usage times of spring and summer.

6.3 As stated previously all schemes are designed to continue to corporate purposes and priorities, partner objectives and increase the use of the Parks and Green Spaces.

REDDITCH BOROUGH COUNCIL**EXECUTIVE COMMITTEE****1st November 2016**

7. Customer / Equalities and Diversity Implications

- 7.1 Increased quality of provision will lead to higher customer satisfaction with the Council and its services.
- 7.2 There are no equality and diversity implications.
- 7.3 During the various consultation periods officers will identify the needs for disabled users and endeavour to maximise inclusive provision and ensure site access arrangements will be enhanced to support such usage.

8. RISK MANAGEMENT

- 8.1 There are no risks associated with these projects over and above normal process for installing new facilities within the parks and open spaces. These implications will be reviewed and scrutinised within the contractual frameworks used within the procurement process.

9. APPENDICES

None

10. BACKGROUND PAPERS

None

11. KEY – N/A**AUTHOR OF REPORT**

Name: Jackie Boreham
email: j.boreham@bromsgroveandredditch.gov.uk
Tel.: 01527 881611

COUNCIL

21st November 2016

39. PUBLIC REALM SCHEME

RECOMMENDED that

in addition to the £275k capital expenditure previously approved, £75k of Section 106 monies be released towards the estimated total cost of the first phase of the Town Centre Public Realm Scheme.

REDDITCH BOROUGH COUNCIL**EXECUTIVE
COMMITTEE**

1 November 2016

Public Realm Scheme

Relevant Portfolio Holder	Cllr Greg Chance Planning, Regeneration, Economic Development & Transport/Cllr Debbie Taylor, Housing, Local Environment & Health
Portfolio Holder Consulted	
Relevant Head of Service	Ruth Bamford Head of Planning & Regeneration/Guy Revans, Head of Environmental Services
Ward(s) Affected	Central
Ward Councillor(s) Consulted	
Key Decision / Non-Key Decision	Non - Key Decision

1. SUMMARY OF PROPOSALS

At the meeting of the Executive Committee held on 19th April 2016 details of the proposed enhancements of Alcester Street and Market Place were approved; and

Capital expenditure of £275k towards the estimated total cost for this phase of the public realm scheme was agreed.

This report seeks formal approval to the Section 106 funding element of the project.

2. RECOMMENDATIONS

The Committee is asked to RECOMMEND TO COUNCIL

That in addition to the £275k capital expenditure previously approved, that £75k of Section 106 monies is released towards the estimated total cost of the first phase of the Town Centre Public Realm Scheme.

3. KEY ISSUES**Financial Implications**

3.1 The Alcester Street scheme is being funded by Worcestershire County Council and Redditch Borough Council.

3.2 There are a number of funding elements made up as follows:

WCC Highway funds £500k

REDDITCH BOROUGH COUNCIL**EXECUTIVE
COMMITTEE**1 November 2016

RBC Capital Budget	£275k
Section 106 monies	£75k

The RBC Capital money detailed above has been allocated for some time and will not have an impact on current budgets.

Formal approval is required for the release of the £75k of Section 106 funds for the project.

Legal Implications

- 3.3 Full details were set out in the report to Committee on 19th April 2016.

Service / Operational Implications

- 3.4 The report to Executive Committee in April set out the details of the scheme. It is planned to start the work in January, subject to the outcome of the tender process. The project is being led by Worcestershire County Council.

Customer / Equalities and Diversity Implications

- 3.5 Full details were set out in the report to Committee on 19th April 2016.

4. RISK MANAGEMENT

- 4.1 Full details were set out in the report to Committee on 19th April 2016.

5. APPENDICES

None

6. BACKGROUND PAPERS

None

7. KEY

WCC – Worcestershire County Council
RBC – Redditch Borough Council

AUTHOR OF REPORT

Name: Emma Newfield
email: emma.newfield@bromsgroveandredditch.gov.uk
Tel.: 01527 587031

COUNCIL21st November 2016

40. COUNCIL TAX SUPPORT SCHEME**RECOMMENDED that**

- 1) the Council Tax Support Scheme 2017/18, amended as follows, be implemented:**
 - 1.1) reduce backdating of Council Tax Support to bring this in line with the changes in Housing Benefit announced by Central Government;**
 - 1.2) enable claims to be processed based on information provided by the Department for Work and Pensions without the need for further information; and**
 - 1.3) removal of the Family Premium on claims made from 1st April 2017 to bring Redditch Borough Council's Council Tax Support Scheme in line with the changes in Housing Benefit announced by Central Government, and already implemented.**
- 2) there be future 'uprating' of some of the figures to take account of other national changes in benefits and allowances;**
- 3) authority be delegated to the Head of Customer Access and Financial Support to carry out statutory consultation on future draft Council Tax Support Schemes in accordance with the legislative guidelines and in consultation with the relevant Portfolio Holder; and**
- 4) the Council's Hardship Scheme continue.**

EXECUTIVE1ST November 2016**COUNCIL TAX SUPPORT SCHEME 2017/18**

Relevant Portfolio Holder	Cllr John Fisher
Portfolio Holder Consulted	Yes
Relevant Head of Service	Amanda Singleton
Ward(s) Affected	All
Ward Councillor(s) Consulted	None Specific
Key Decision / Non-Key Decision	Key Decision

1. SUMMARY OF PROPOSALS

- 1.1 The Council is required to review its Council Tax Support Scheme (CTSS) annually and must implement a scheme which protects people of pensionable age, incentivises work and has provisions to support vulnerable person in financial hardship as a result of the scheme.
- 1.2 A draft scheme was agreed by Executive on 12th July 2016, which set out amendments to the CTSS 2017/18.
- 1.3 Following consultation on the draft scheme Members are now asked to consider the final scheme and to make recommendations to Council on the scheme to be implemented for 2017/18.
- 1.4 The proposed scheme will reduce the administrative burden wherever possible, bring the scheme in line with national changes to welfare support and will ensure that the assessment of income in relation to claims remain in line with other benefits.
- 1.5 The proposed changes to the scheme will not make any significant financial difference to current claimants unless their circumstances change.
- 1.6 The report also sets out proposals for future consultations to reduce the administrative burden of managing the CTSS and ensure a more flexible approach to making changes to the CTSS.
- 1.7 Members are also asked to agree the continuation of a Hardship Fund to ensure that there is provision for supporting those most in need, and who experience financial hardship as a result of any changes to Council Tax Support.

2. RECOMMENDATIONS

The Executive is asked to RECOMMEND:

- 2.1 to implement the Scheme, as amended, namely:

- 2.1.1 Reduce backdating of Council Tax Support to in line with the changes in Housing Benefit announced by Central Government.
- 2.1.2 Enable claims to be processed based on information provided by the DWP without the need for further information.
- 2.1.3 Removal of the Family Premium on claims made from 1st April 2017 to bring the RBC Council Tax Support Scheme in line with the changes in Housing Benefit announced by Central Government, and already implemented.
- 2.2 the future 'uprating' of some of the figures to take account of other national changes in benefits and allowances.
- 2.3 that authority be delegated to the Head of Customer Access and Financial Support to carry out statutory consultation on future draft CTS Schemes in accordance with the legislative guidelines, in consultation with the portfolio holder.
- 2.4 to agree the continuation of the Hardship Scheme.

3. KEY ISSUES

Financial Implications

- 3.1 As Members are aware, changes were made to the Council's CTSS with affect from April 2014, which resulted in support being capped at 80% of Council Tax liability for all working age claimants.
- 3.2 Changes to the support scheme in April 2014 offset an estimated funding gap in 2015/16 of £91k for Redditch Borough Council.
- 3.3 It is no longer possible to know how much funding is received towards the CTSS via the Revenue Support Grant (RSG). The total cost of the CTSS in Redditch Borough is in the region of £6.5 million, with the major preceptors sharing the financial burden in line with their share of the Council Tax base.
- 3.4 The Borough Council will continue to carry the full costs of the administration of the Council Tax support scheme. The incentive for Redditch Borough Council is therefore to lower the administration costs of the scheme.
- 3.5 The proposals for the scheme are not intended to reduce the overall cost of support provided to residents but to reduce the administrative burden wherever possible, and bring the scheme in line with national changes to welfare support.
- 3.6 As previously agreed the various allowances that are taken into account when assessing support will be uprated in line with the Secretary of State's annual

announcement. This will ensure that the assessment of income in relation to claims remain in line with other benefits.

- 3.7 The current provision for 'hardship' of £25k per annum remains sufficient and it is not anticipated that the changes to the 2017/18 scheme will create a significant increase in hardship claims. To date 203 hardship awards have been agreed totalling just under £24,000, since April 2015. Hardship awards are considered on a case by case basis and in consideration of a claimants financial situation. Other support, such as Benefits, Discretionary Housing Payments, money management advise or budgeting support are also considered as part of a package of support for any claimant of Council Tax hardship support.

Legal Implications

- 3.8 On 1 April 2013 Council Tax Benefit was abolished and replaced by a new scheme of Council Tax support called "Council Tax Support Schemes". Under s13A and Schedule 1A of the Local Government Finance Act 1992 (inserted by s10 Local Government Act 2012), each local authority was required to make and adopt a Council Tax Support Scheme specifying the reductions which are to apply to the amounts of council tax payable within their districts
- 3.9 Statutory Instrument 2012/2885, "The Council Tax Reduction Schemes (Prescribed Requirements)(England) Regulations 2012" ensured that certain requirements prescribed by the Government were included in each Scheme (subsequently amended by S.I. 2012/3085)
- 3.10 As the billing authority the Council is required by the Local Government Finance Act 2012 to consider whether to revise its scheme or to replace it with another scheme, for each financial year.
- 3.11 The Authority must adopt its scheme, and make any revisions, no later than 31 January in the financial year preceeding the one when it will take effect, so that it will be necessary for the Council's 2017/18 scheme to be in place by 31st January 2017.
- 3.12 Paragraph 3 to Schedule 1A into The Local Government Finance Act 1992 set out the preparation that must be undertaken prior to the adoption or revision of a scheme, including prescribed consultation requirements.
- 3.13 Instruction is received from the Department of Work and Pensions on an annual basis, of changes to benefits rates and personal allowances. These must be taken into account for housing benefit calculations and it is good practice to apply them to the Local Council Tax Support Scheme

Service / Operational Implications

- 3.14 Consultation on the draft scheme took place throughout August and September 2016.
- 3.15 All current claimants, the preceptors and other stakeholders were written to, to advise them of the draft scheme and the changes to the existing scheme, and asking for further feedback.
- 3.16 Just one response was received in respect of this second stage of consultation. This raised concerns about the reduction of backdating where claims take a few weeks to assess. Claims would still be paid from the date made (where evidence supports that the claim is valid) not from the point of decision and the responder has been reassured on this point.
- 3.17 The results of the initial consultation showed support for the options to reduce backdating and the administrative process for those claims where DWP information is obtained.
- 3.18 There was lower support for the option in respect of the family premium, but the majority of responders didn't answer the question in respect of this. This is a complex element of the welfare schemes and not easy for anyone to understand.
- 3.19 Officers are of the view that failure to maintain alignment of the CTSS and Housing Benefits processes will make the administration of the scheme in future considerably more expensive. This is because it will not be possible to assess claims in tandem thus doubling the work where a claim for both Housing Benefit and CTSS is made. The costs associated with this would fall to Redditch Borough Council at a time where we are also seeing the administrative subsidy for housing benefit reduce significantly.
- 3.20 To date officers have carried out a preliminary consultation to inform the draft scheme. This extends the timeframe for agreeing the CTSS and reduces the ability to react to national changes which are often made late in the day.
- 3.21 Given the very low levels of response to the consultations it is recommended that consultation in future years is streamlined. The proposal will still meet the legislative requirements which state:

that, before adopting a scheme, the billing authority must in the following order:

- a. consult any major precepting authority which has power to issue a precept to it,
- b. publish a draft scheme in such manner as it thinks fit, and
- c. consult such other persons as it considers are likely to have an interest in the operation of the scheme.

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- 3.22 Therefore it is proposed that in future years public consultation would only take place in respect of the draft scheme, rather than to also inform the draft scheme. This would be published as now and existing working age claimants written to. Feedback from this would then be used to inform any changes to the draft scheme before a final scheme is presented to Executive, and then the Council before the end of November.
- 3.23 Officers would liaise with preceptors and develop proposals to amend the draft scheme. This would be reported to Executive prior to the statutory consultation with stakeholders, i.e. current claimants and the general tax payers.
- 3.24 As previously mentioned a CTSS which does not, in the main, mirror Housing Benefit in respect of eligibility, assessment and income disregards creates a local administrative burden. This will continue to be a significant challenge until such time as all working age claimants are on Universal Credit. At that time our CTSS will need to be reconsidered to ensure it is as simple as possible and that administration is cost effective. However, this is not anticipated to be fully rolled out for some years to come.
- 3.25 It is suggested that future national changes to welfare support for working age persons in respect of eligibility, entitlement, qualification, deduction, applicable amounts and/or any other changes which impact on the Housing Benefit scheme, be reflected in the draft CTSS scheme and automatically consulted upon as a result.

Customer / Equalities and Diversity Implications

- 3.26 The changes proposed in the scheme for 2017/18 will not disproportionately impact on those with special protected characteristics under the equality duty and the discretionary hardship fund will minimise any adverse impact caused.
- 3.27 The 'uprating' of the benefits rates and personal allowances to be taken into account, in line with the Secretary of States announcement on those that must be taken into account for other benefits, will potentially result in small changes to the amounts of support provided. These will vary according to circumstances.
- 3.28 The local CTSS only affects those of working age. People who have reached the age for state pension credit are assessed under a national scheme which maintains 100% support.
- 3.29 There is no impact of these proposals on current claims.
- 3.30 The Hardship Fund provides an opportunity to ensure that vulnerable people, who have been financially disadvantaged by the changes to the CTSS, can be provided with transitional support.

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- 3.31 Our purpose is to 'help people to be financially independent' and officers look at all possible avenues to provide support to individuals or families identified as needing greater support.

4. RISK MANAGEMENT

- 4.1 Any changes to council tax support whilst increasing council tax income to the Council and our major preceptors has financial implications for our residents and therefore officers ensure that support on managing finances and advice on other potential benefits is made available.
- 4.2 Council Tax collection rates may reduce and officers will closely monitor the arrears position and ensure that Members are made aware of the impact on the percentage of the debt collected. To date there has been no significant reduction in the overall collection rate.
- 4.3 Recovery action has increased as a result of the introduction of changes in Council Tax support. Officers ensure that recovery action does not result in escalating costs for any individual impacted by this change unless all other avenues have been exhausted.
- 4.4 A Local Council Tax Support Scheme for 2017/18 must be agreed by Council and published by January 2017 to be effective from April 2017. If no changes to the existing scheme are agreed the current scheme will be amended to take account of 'uprating' of other national benefits but otherwise will be unchanged. This will result in increased costs both for administration and IT software.

5. APPENDICES**6. BACKGROUND PAPERS**

Held in Revenues Service

AUTHOR OF REPORT

Name: Amanda Singleton, Head of Customer Access and Financial Support
email: a.singleton@bromsgroveandredditch.gov.uk
Tel.: 01527 881241

COUNCIL

21st November 2016

41. MEDIUM TERM FINACIAL PLAN 2017/18 -2020/21 BUDGET ASSUMPTIONS

RECOMMENDED that

the revenue assumptions detailed in paragraph 3.4 of the report be incorporated into the budget setting process.

REDDITCH BOROUGH COUNCIL**EXECUTIVE COMMITTEE**1ST November 2016**MEDIUM TERM FINANCIAL PLAN 2017/18 - 2020/21 – BUDGET ASSUMPTIONS**

Relevant Portfolio Holder	John Fisher
Portfolio Holder Consulted	Yes
Relevant Head of Service	Jayne Pickering (Exec Director)
Wards Affected	All
Ward Councillor Consulted	None specific

1. SUMMARY OF PROPOSALS

- 1.1 To recommend the budget assumptions to be used in preparing the detailed 2017/18 budget and provisional budgets for 2018/19 - 2020/21.

2. RECOMMENDATIONS

- 2.1 **That Executive recommends to Council that the revenue assumptions detailed in 3.4 be incorporated into the budget setting process.**

3. KEY ISSUES**Financial Implications**

- 3.1 The Council is legally obliged to set a balanced budget. The budget setting process is complex and must be undertaken in a planned way. It is equally important that assumptions used in the preparation of the budget are agreed, reasonable and consistently applied by all services. A number of recommendations from the Councils External Auditors, Grant Thornton, are addressed by ensuring robust assumptions and a transparent planned approach is undertaken when agreeing the budget. It is proposed that a 4 year financial model is prepared for the Medium Term Financial Plan.
- 3.2 The budget forecasts will be based on a number of assumptions, known levels of expenditure and anticipated levels of resources. It is anticipated that the Autumn Statement on 23rd November may confirm the assumptions relating to external funding and financial pressures that the Council may face over the next 4 years. In addition the Council will receive confirmation on the approval of the submitted efficiency statement. There are a number of areas of the Council's budget where risks to the projections contained in this report have been identified. The most significant of these are:-

- The Autumn Statement and associated implications.

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- The lack of clarity around the New Homes Bonus following the consultation period earlier this year. This accounts for a significant level of funding and any reductions in allocation would have a detrimental impact on the Councils financial position
- The Finance Settlement for Redditch Borough Council – approval by Government of the submitted efficiency plan should give a level of certainty around Grant funding
- Monitoring of the 2016/17 budget will provide Executive with regular updates on any pressures/savings for the Council. Any associated on going implications will be incorporated into the budget projections for 2017/18 and future years.
- Savings – The detailed plans to deliver the level of savings required for 2017/18 - 2020/21 are currently being considered in line with the submitted efficiency plan. It is accepted that the savings require clear monitoring to ensure they are being delivered.
- Specific Grants and Contributions – The number and amount of specific grants received by the Council may be lower/higher than anticipated. The budget assumes no increase or reduction in specific grants. If the grant decreases, the associated expenditure must also be reduced to reflect the reduction in the grant received.
- Council Tax – Central Government provided a cap on the amount of Council Tax increase a Local Authority could make before a referendum of the local residents was required. The budget assumes a 1.9% increase in 2017/18-2020/21
- Council Services- The impact of the economic climate on the residents of Redditch and the increased demand this may have for Council Services could impact on cost of services as could general demographic changes.
- Inflation - Impact of changes in the price of goods and services used by the Council compared to the percentage assumed in the budget projections.
- Fees and charges income – Impact of any economic slowdown on levels of usage of charged for Council services could lead to income levels not being achieved.

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- 3.3 The timing of the Autumn Statement means that this report is based on the available information at this point in time. Future reports will make Executive aware of any changes that impact on the current budget assumptions.
- 3.4 As part of the budget setting process the Council makes a number of assumptions in respect of the key elements of the Council's revenue budget. The following paragraphs in this section outline the areas where these assumptions are made.

Council Tax

The budget assumes an increase in Council Tax for 2017/18-2020/21 of 1.9%.

Pay Inflation

The budget assumes that the pay award will be 1% for 2017/18-2020/21

Superannuation Rates

The 3 year actuarial valuation was received in Mid-October. This reflects the current revaluation of the pension liabilities to include both backfunding and forward funding rates.

Officers are continuing to negotiate with the Actuary and the County on the phasing of the pension liability as there are options available around profiling of the deficit contribution. The rate that is proposed in relation to forward funding is 14.7% which is an increase from 13.3%. The backfunding contribution has reduced to £1.978m from the budgeted figure of £2.294m. It is anticipated that there may be an overall saving to the Council over the 3 year period of phasing.

Price Inflation

The budget assumes 0% inflation across the majority of the Council's non-pay expenditure budgets including grants that the Council gives out. Contractual arrangements and other significant inflation issues will be considered on a case by case basis. It is proposed that utilities are increased by 6%.

Discretionary Fees and Charges

Fees and Charges are reviewed on an annual basis and officers assess the impact of increases in income charges on the demand on the services. It is recommended that, in line with the current Medium Term Financial Plan the increase for 2017/18-2019/20 be 3%. The total additional income generated from the 3% increase is approximately £150k and therefore any reduction on 3% would have to be included as

EXECUTIVE COMMITTEE**1ST November 2016**

a budget pressure for 2017/18-2019/20. Any increase above 3% will be explained by officers within the fees and charges report in December.

3.5 Capital

Heads of Service will undertake a full review of the capital programme is currently being undertaken. This review will provide a four year capital programme for 2017/18-2020/21 this will take into consideration the estimated reduction in capital resources and the limited revenue available to fund capital borrowing in these years future years. Following this review a report to Executive in January 2017 will recommend the 4 year programme.

- 3.6 This is an initial report on the budget process which identifies the decision making, assumptions and principles. The forecasts will be refined over the coming months and further reports will be presented to Executive leading up to the approval of the budget and Council Tax in February 2017.

Legal Implications

- 3.7 The Council is under a duty to calculate the budget in accordance with Section 32 of the Local Government Finance Act 1992 and must make three calculations namely:
- An estimate of the Council's gross revenue expenditure; an estimate of anticipated income and a calculation of the difference between the two. The amount of the budget requirement must be sufficient to meet the Council's budget commitments and ensure a balanced budget. The amount of the budget requirement must leave the Council with adequate financial reserves. The level of budget requirement must not be unreasonable having regard to the Council's fiduciary duty to its Council Tax payers and non-domestic rate payers.

Service / Operational Implications

- 3.8 Budget Holders will prepare budgets to enable services to be delivered to meet the Councils Strategic Purposes. It is expected that officers will work across the organisation to establish financial projections that best meet the wider community needs and identify any savings or additional income to fund any budget shortfalls.

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Customer / Equalities and Diversity Implications

- 3.9 Clarity on budget assumptions will ensure services are delivered to meet customer needs and expectations

4. RISK MANAGEMENT

- 4.1 The risks associated with the budget process and calculations mainly relate to the uncertainties around external funding and the resulting pressures on the budget. To mitigate this risk officers will work on a number of scenarios to ensure all options can be reported to members in a timely fashion.

AUTHOR OF REPORT

Name: Jayne Pickering – Exec Director Finance and Resources
E Mail: j.pickering@bromsgroveandredditch.gov.uk
Tel: 01527-881400



Overview and Scrutiny Committee

Tuesday, 25th October, 2016

MINUTES

Present:

Councillor Jane Potter (Chair), Councillor Gay Hopkins (Vice-Chair) and Councillors Tom Baker-Price, Natalie Brookes, Matthew Dormer, Andrew Fry, Paul Swansborough and Jennifer Wheeler

Also Present:

Mr Duncan Campbell (Department of Work and Pensions) and Mr Andrew Bywater (Economic Development Unit)

Councillors Yvonne Smith and Pat Witherspoon

Bromsgrove Councilors Steve Colella, Luke Mallett and Shirley Webb

Officers:

J Pickering

Democratic Services Officers:

J Bayley and A Scarce

MINUTE EXTRACT

35. MEDIUM TERM FINANCIAL PLAN - BUDGET ASSUMPTIONS - PRE-SCRUTINY

Officers gave a short presentation which highlighted the salient points within the Medium Term Financial Plan 2017/18 to 2020/21 Budget Assumptions report, which would be considered by the Executive Committee at its meeting due to be held on 1st November 2016. This included the following:

- Four Year budget projections.
- An increase in Council Tax of 1.9% (any increase in excess of 1.95% would need to be the subject of a local referendum).
- A utilities increase of 6%.
- Fees and charges increases of 3% with any variance being put forward with supporting evidence.

.....
Chair

Overview and Scrutiny Committee

Tuesday, 25th October, 2016

Officers also provided Members with detailed information in respect of the superannuation rates. The three year valuation had been received in mid-October, which reflected the current revaluation of the pension liabilities. Detail was provided in respect both of back funding and forward funding rates which would provide a total net saving over a three year period of £327,000, due to the reduction in the back funding contribution. Officers were negotiating with the Actuary and Worcestershire County Council in respect of how this would be paid to the County to fund the pension fund liabilities.

Following the presentation Members debated a number of areas in more detail:

- The implementation and monitoring of the savings that needed to be made following submission of the Efficiency Plan.
- The need for Heads of Service to provide realistic budget savings for the next four years.
- Alternative models of providing services which would need to be considered in order to achieve the necessary savings to produce a balance budget.
- The assumption of 0% inflation across the majority of the Council's non-pay expenditure budgets.
- The percentage increase in Council Tax that would be needed to cover the authority's budget deficit and the cost of a referendum. Members also questioned whether this had been considered. Officers estimated that this would be in the region of 18-20% and further details could be provided in terms of the costs of a referendum outside of the meeting.

RECOMMENDED that

the Executive Committee recommends to Council that the revenue assumptions detailed in 3.4 of the report be incorporated into the budget setting process.

The Meeting commenced at 7.05 pm
and closed at 8.55 pm

COUNCIL

21st November 2016

**42. WORCESTERSHIRE REGULATORY SERVICES BOARD –
ENFORCEMENT POLICY**

RECOMMENDED that

**subject to the additional minor amendment raised at the
Worcestershire Regulatory Services Board meeting on 6th October
2016, and as detailed in the minutes for that meeting, the amended
Worcestershire Regulatory Services Enforcement Policy be adopted.**

WORCESTERSHIRE DISTRICT COUNCILS**MEETING OF THE WORCESTERSHIRE REGULATORY SERVICES BOARD****THURSDAY, 6TH OCTOBER 2016 AT 4.35 P.M.**

PRESENT: Councillors K.J. May (Substituting for R. J. Laight), B. Behan (Chairman), B. Clayton, Y. Smith (Substituting for J. Fisher, during Minute No's 13/16 to 17/16), S. Chambers, L. Denham, J. Riaz, E. Stokes (Vice-Chairman) and M. King (During Minute No's part of 13/16 to 17/16)

Partner Officers: Mr. D. Sutton, Worcester City Council, Mr. V. Allison, Wychavon District Council, Mr. M. Parker, Wyre Forest District Council and Ms. J. Pickering, Bromsgrove District Council and Redditch Borough Council

Officers: Ms. J. Pickering, Mr. S. Wilkes, Mrs. C. Flanagan, Mr. M. Cox, Mrs. S. Garratt, Ms. K. Lahel and Mrs. P. Ross

10/16

APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Apologies for absence were received from Councillors R. J. Laight and P. Whittaker, Bromsgrove District Council, D. Chambers, Malvern Hills District Council, J. Fisher, Redditch Borough Council, and J. Hart, Wyre Forest District Council.

It was noted that Councillors K. May, Bromsgrove District Council was in attendance as substitute Member for R. J. Laight, and Y. Smith, Redditch Borough Council substitute Member for J. Fisher.

Apologies for absence were also received from Mr. P. Merrick, Malvern Hills District Council.

11/16

DECLARATIONS OF INTEREST

No declarations of interest were received.

12/16

MINUTES

The minutes of the meeting of the Worcestershire Regulatory Services Board held on 22nd June 2016 were submitted.

RESOLVED that the minutes be approved as a correct record.

13/16

AIR QUALITY - UPDATE

The Board were asked to consider a report that provided an update summary for each partner authority on Local Air Quality Management work undertaken by Worcestershire Regulatory Services (WRS) for each district.

The Technical Services Manager, WRS, introduced the report and in doing so informed Members that, the monitoring of Nitrogen Dioxide was undertaken using diffusion tubes to establish an annual average in many locations across the County.

The purpose of Local Air Quality Management was to establish if there were any breaches of National Objectives for specified pollutants and to declare an Air Quality Management Area (AQMA) if identified.

Members were informed that recently the Department for Environment, Food and Rural Affairs (Defra) guidance had changed the emphasis from monitoring and identification to resolution of air quality concerns. In response, WRS have identified priority actions for all established AQMAs and were working with steering group members to resolve any issues.

In addition WRS has produced an Air Quality Action Plan Update for 2016 on the work undertaken. The Action Plan Update formed part of each District Council's reporting requirements on air quality and provided an update on progress made with actions to address poor air quality in AQMAs. Members were asked to note that there was not a requirement to produce such a plan for Redditch Borough Council and Malvern Hills District Council as they currently had no AQMAs in their areas.

The Technical Services Manager, WRS, drew Members' attention to each of the partner authorities updates as detailed on pages 10, 11 and 12 in the report. The updates also detailed the areas, that due to improved conditions, WRS would be recommending to those partner authorities that the AQMAs be revoked. The Technical Services Manager, WRS, stressed that no AQMAs would be revoked prematurely.

At this stage in the meeting, the Head of WRS explained that one of the reasons the report had been brought before the Board was in order to provide Members with detailed information on what WRS as a service delivered on behalf of each partner authority. The Technical Services Manager's Team, WRS, were a highly skilled team and undertook work to liaise, push forward and deliver a high standard of work on behalf of WRS and each partner authority.

The Technical Services Manager, WRS, responded to several questions from Board Members and in doing so, informed Members that Defra had recognised that their previous guidance was report heavy. The revised format required an annual status report, an action plan and progress

report. The action plan concentrated on 'priority' actions and things that could be achieved in order to progress these particular 'priority' actions.

With regard to engaging with local Ward Members, the Technical Services Manager, WRS, explained that there was a County wide steering group with local Members involved where there were AQMAs. Moving forward there would be one steering group with sub-groups formed for particular AQMAs.

WRS officers had a good dialogue with Worcestershire County Council (WCC), strategic highways. There were a lot of different schemes being undertaken and those who had to deliver the projects were somewhat removed, but WRS continued to work towards achieving further dialogue with WCC, Highways.

Members congratulated the Technical Services Manager, WRS and his team on producing an informative and comprehensive report. Members realised the benefits of the work carried out by WRS and that even the smallest of actions taken by WRS could make a difference.

Members asked for it to be noted that the Technical Services Manager, WRS and his team ensured that they kept themselves updated with regard to local Ward Members, to ensure that the correct local Ward Members were updated with regard to progress or any issues in respect of AQMAs in their ward area.

The Chairman thanked the Technical Services Manager, WRS, for a worthwhile report.

RESOLVED:

- (a) that the Local Air Quality update report for each District be noted; and
- (b) that the Technical Services Manager, Worcestershire Regulatory Services (WRS) to provide Board Members with the website link to the WRS Air Quality Action Plan Progress Report for Worcestershire April 2015 to March 2016.

14/16

WRS REVENUE MONITORING 2015/2016 - QUARTER 1

The Board were asked to consider a report which detailed the financial position for Quarter 1, 1st April 2016 to 30th June 2016.

The Executive Director, Finance and Corporate Resources, Bromsgrove District Council (BDC), introduced the report and in doing so informed the Board that the report presented the final financial position for Worcestershire Regulatory Services (WRS) for Quarter 1, 1st April 2016 to 30th June 2016.

The robust financial management arrangements ensured that the priorities of the service could be delivered effectively.

The Executive Director, Finance and Corporate Resources, BDC, drew Members' attention to the detailed revenue report as attached at Appendix 1 to the report. This showed a projected outturn overspend of £7,000, it was appreciated that this was estimation to the yearend based on the current level of expenditure.

The Executive Director, Finance and Corporate Resources, BDC, informed the Board, that with regard to the underspend as detailed at Appendix 1 to the report, part of the underspend was offset by the costs associated with additional agency staff being used to cover vacancies. During the next three to six months officers would look to reduce the reliance on agency staff to ensure that the projected outturn was as minimal as possible.

Based on the spend from April to June 2016 with regard to Pest Control, there would be an estimated overspend of £34,000. Appendix 1 to the report detailed the costs recovered from each partner authority. Officers would continue to monitor and analyse the impact on each partner authority.

Two months of costs which related to Trading Standards and Animal Health and Welfare were included in the expenditure. Trading Standards and Animal Health and Welfare services were transferred back to Worcestershire County Council (WCC) as of 1st June 2016. WCC paid WRS £110,000 to run these services for the two months and this income has been included in the income projected outturn of £312,000 as detailed at Appendix 1 to the report.

The Executive Director, Finance and Corporate Resources, BDC, further drew Members' attention to page 16 of the report and in doing so, highlighted that the requirement for pension back funding for 2016/2017 would need to be funded by each partner authority. This was allocated on the 2015/2016 percentage split. Worcestershire County Council would continue to pay for the pension deficit. The cost to each Council was detailed on page 16 in the report. The agreed percentages would be used for the IAS19 / Pensions adjustment for the statement of accounts for 2016/2017.

RESOLVED:

- (a) that the final financial position for the period 1st April to 30th June 2016, Quarter 1 be noted; and
- (b) that at the Treasurers Meeting to be held on 7th October 2016, the Section 151 discuss the costs associated with the pension backfunding for 2016/2017 and the implications for 2017/2018 in light of the transfer of staff back to Worcestershire County Council. This will then be informed to partner councils.

15/16

ENFORCEMENT POLICY

The Board was asked to consider a report which detailed the amendments to the Worcestershire Regulatory Services Enforcement Policy.

The Head of Regulatory Services (WRS) reminded Members of the background to the introduction of a single WRS Enforcement Policy, as agreed and adopted in 2011 by the Worcestershire Shared Services Joint Committee and each partner authority.

Local authorities were encouraged to produce Enforcement Policies for many years so that those they regulated knew and understood what to expect with regard to enforcement. The first thing to be challenged by any company undergoing enforcement would be the enforcement policy.

The initial WRS Enforcement Policy was based on the requirements of the then Regulator's Compliance Code, the policy would not have contradicted any approach taken by each partner authority in other areas of enforcement.

With the recent changes to the partnership, the replacement of the supporting Regulator's Compliance Code and the time that had elapsed since the original policy was adopted in 2011, the Head of Regulatory Services, WRS, thought it was timely to have the policy revised and re-ratified by the newly formed Worcestershire Regulatory Services Board.

Members were informed that the Regulator's Compliance Code had been replaced with the Regulator's Code, which remained under the control of the Department for Business, Energy and Industrial Policy. There had been little change to the core of the new Regulator's Code, but some aspects had been clarified and tidied up, which therefore required some minor amendments to be incorporated into the existing WRS Enforcement Policy. The amended WRS Enforcement Policy was detailed at Appendix 1 to the report.

Members were advised that the amended WRS Enforcement Policy would be a useful adjunct to other enforcement policies that each partner authority had for its remaining enforcement activities.

In response to Councillor L. Denham, Worcester City Council, the Head of Regulatory Services, WRS, agreed to amend the 'Factors which would mitigate against the need for a prosecution' and remove the word 'elderly'.

Members agreed that the document was well drafted.

RECOMMENDATION: that, subject to the minor amendment, as detailed in the preamble above, the Worcestershire Regulatory Services Enforcement Policy, be adopted by each Member Authority.

16/16

ACTIVITY AND PERFORMANCE DATA QUARTER 1

The Board were asked to consider a report that detailed the Activity and Performance Data for Quarter 1, 2016/2017. Members were asked to note that due to the departure of the Trading Standards team on 1st June 2016, back to direct control by Worcestershire County Council, the usual tables for Trading Standards and Animal Health and Welfare activity were no longer included.

The Technical Services Manager, Worcestershire Regulatory Services (WRS) introduced the report and in doing so informed Members that, the report detailed Worcestershire Regulatory Services Activity and Performance Data for Quarter 1, but the presentation of the data enabled comparison with previous quarters and previous years. The layout of the report had been changed to line graphs. Officers had hoped that the new layout would assist in showing some of the trends in workload for the different activities undertaken by WRS.

The Technical Services Manager, WRS, highlighted that, as usual licensing and environmental health nuisances continued to make the most impact in terms of demand, which was understandable given their direct impact on the public.

Food inspections were slightly down on the same quarter last year but up on the previous year. This reflected in the resources involved in conducting the complex enforcement activities being carried out, with two premises formally closed during the period and several prosecutions pending. Officers would continue to closely monitor progress against the full inspection programme for the year to ensure that it remained on track.

The number of stray dogs had fallen for many years as owners realised that it was not acceptable to allow their dog to stray and that there were financial consequences to retrieving their dog from kennels. It was expected that the benefits of this would be felt across the three Gloucestershire Districts that WRS covered, due to the consistent approach taken by WRS. WRS expected the overall number of reported stray, lost and found dogs to fall.

In response to questions from Members, the Technical Services Manager, WRS, informed the Board that with regard to "The Microchipping of Dogs (England) Regulations 2014", which became a legal requirement from April 2016, for all dogs to be microchipped and contact details kept up-to-date; he was of the opinion that it was too early to say if this had had an impact. WRS were still picking up dogs that had not been microchipped and microchipped dogs where the contact details were not up-to-date. The keeper of a dog which was not microchipped would be served with a notice that required them to have

the dog microchipped within 21 days. It would involve a lot of work for WRS to follow up all notices served.

With regard to performance, Members were informed that the proportion of people who feel better equipped to deal with problems for themselves in future was slightly up on last year's outturn at 81.4%, but was still in line with previous performance.

The Technical Services Manager, WRS, further responded to questions from Members with regard to the increase in requests related to gull queries. Members were informed that WRS had commissioned a recent survey on gull activity. The details of the survey would be presented to a future meeting of the Board.

The Licensing and Support Manager, WRS, responded to questions from Members in respect of Scrap Metal Collectors and Dealers. Members were informed that the number of noise nuisance complaints with regard to Scrap Metal Collectors was lower. Since the introduction of the Scrap Metal Dealers Act 2013, and the requirement to be licensed, WRS had noticed a downtrend. Also the price of scrap metal had dropped. The first year renewal process was about to commence and it would be interesting to see the responses received for renewal applications.

The Chairman drew Members' attention to the Healthier Choices Food Award scheme and details of those in receipt of the award, as detailed on page 48 in the report. The Chairman asked Board Members to consider referring any potential companies or premises they may be aware of to WRS to be considered for the award.

17/16

ANY OTHER BUSINESS

CHAIRMAN'S ANNOUNCEMENTS

The Chairman took the opportunity to inform the Board that she had recently had the pleasure of being invited to attend the APSE (Association for Public Service Excellence) awards in Londonderry. These prestigious awards were designed to recognise excellence in local government frontline services.

Worcestershire Regulatory Services (WRS) were nominated for the Best Service Team: Environmental Health Service award. The award was won by Derby City Council with WRS as runners up. The Chairman stated that this showed commitment from WRS towards the work they undertook for each local authority.

The Chairman asked the Board to be mindful of promoting WRS on both Twitter and Facebook.

The Chairman also took the opportunity to inform Members that she would have to submit her apologies for the WRS Board meeting

Worcestershire Regulatory Services Board (previously Worcs Shared Services Joint Committee)
6th October 2016

scheduled for Thursday 24th November 2016 and to clarify with the Vice-Chairman if she would be in a position to attend and chair the meeting. The Vice-Chairman confirmed that she would be available to chair the meeting.

The meeting closed at 5.40 p.m.

Chairman

Worcestershire Regulatory Services **Enforcement Policy**

1. Introduction

In June 2010, the seven Local Authorities in Worcestershire set up a Joint Committee under Section 101 of the Local Government Act 1972, comprising Members of all of the Authorities, to oversee the delivery of regulatory services across the County on their behalf, by a single body called “Worcestershire Regulatory Services” (WRS.) Between April and June 2016, Worcestershire County Council changed its relationship with the partnership, initially by moving from a partner to a customer of WRS, and then by taking back control of its functions to discharge them directly. Hence WRS no longer delivers Trading Standards and Animal Health functions for this authority.

WRS continues to deliver Environmental Health functions, including Food Safety, Health and Safety, many aspects of Pollution Control, and Licensing administration on behalf of Bromsgrove District Council, Malvern Hills District Council, Redditch Borough Council, Worcester City Council, Wychavon District Council and Wyre Forest District Council

This Enforcement Policy will be applied by Worcestershire Regulatory Services in relation to the functions it discharges on behalf of these Authorities and it has been adopted by each of them. It is distinct from the general Enforcement Policy of the individual Local Authorities, which apply to any other regulatory function provided by them, for example planning.

The primary aim of Worcestershire Regulatory Services is to ensure businesses comply with the legislative framework within which they operate so that, consumers, businesses, employees, individuals and the environment are protected, and transactions are fair and equitable. Fair proportionate and effective enforcement is essential to protecting the health, safety and economic interests of all concerned, and there is a range of tools available to the Service to achieve this.

Generally we will provide advice and support those seeking to comply and at the same time tackle those who choose not to comply, using proportionate action. The detail on how and when action may be taken is outlined in the body of this policy.

The Service must also have regard to the various general duties imposed on the partner authorities e.g. section 17 of the Crime and Disorder Act, and the general powers given to local government for the promotion of well being under the Local Government Acts. We are obliged to comply with the Human Rights Act 1998, so we will take its provisions into account when taking decisions relating to enforcement action.

This enforcement policy is a statement of how the Service will carry out its enforcement duties and, in addition, what business and citizens in Worcestershire can expect from our enforcement staff.

2. Policy Scope

We are committed to providing an effective service with officers carrying out their duties in an equitable, practical and consistent manner. To achieve this we have adopted the principles of the following:

- The Regulators Code (BIS)
- Local Government Regulation's Home Authority Principle,
- Better Regulation Delivery Office's Primary Authority Principle
- The Crown Prosecution Service Code for Crown Prosecutors (as amended.)
- The Food Safety Act 1990 Code of Practice
- Human Rights Act 1998 and the European Convention on Human Rights.

We will also comply with any statutory requirement placed upon us and seek to align our procedures with best practice.

The Policy applies to actions in relation to all of the legislation enforced by the Service. Enforcement action includes any action taken by officers aimed at ensuring that individuals or businesses comply with the law and goes beyond just formal enforcement action such as prosecution.

3. General Principles

Prevention is better than cure and our role therefore involves actively working with businesses to advise on and assist with compliance. Where we consider that formal action is necessary, each case will be considered on its own merits. However, there are general principles that apply to the way each case must be approached. These are set out in this Policy.

The majority of cases involving regulatory matters will relate to businesses, however, there will be some cases put before the Courts that relate to individuals, particularly those involving noise nuisance. These cases will be treated in the same way as those involving businesses and the general principles outlined around proportionality of action, for example trying informal approaches before resorting to formal action and the Courts, will be followed.

Enforcement decisions will be fair, independent and objective and will not be influenced by issues such as ethnicity or national origin, gender, religious beliefs, political views or the sexual orientation of the suspect, victim, witness or offender. Such decisions will not be affected by improper or undue pressure from any source. We will take into account the views of any victim, injured party or relevant person to establish the nature and extent of any harm or loss, and its significance, in making the decision to take formal action.

This enforcement policy helps to promote efficient and effective approaches to regulatory inspection and enforcement, which improve regulatory outcomes without imposing

unnecessary burdens on business. We recognise the positive impact that the service can have on economic progress and growth in the local economy and see it as part of our role to encourage and support the growth of legitimate business activity within the legal framework provided by central government.

4. Risk

We will ensure that our resources are targeted where they will be most effective. We will ensure that intelligence and risk assessment inform all aspects of our approach to regulatory activity, including:

- Data collection and other information requirements;
- Inspection programmes;
- Advice and support programmes;
- Enforcement activity and sanctions.

We will normally use the appropriate Government risk assessment scheme to inform any inspection programme, but, where these do not exist, we will consult and involve businesses and other interested parties in designing any risk methodologies that are created within the Authority, and publish the details. In the absence of other factors, when determining risk, we will consider:

- Compliance history and potential future risks
- The existence of effective management systems
- Evidence of recognised external accreditation
- Management competence and willingness to comply

We will also use intelligence to direct inspection based projects, targeting goods or business where there are known issues. Obviously, a complaint may also trigger a visit if that is the most appropriate response. We will review our approach to regulatory activities from time to time, in order to remove any unnecessary burdens from businesses.

5. Advice and Guidance

We will provide general information, advice and guidance to make it easier for businesses to understand and meet their obligations. This will be provided promptly, in clear, concise and accessible language, using a range of appropriate formats and media. Information will cover all legal requirements relating to our regulatory activities, as well as changes to legal requirements. Where changes are of great significance, we will look at the best ways of informing businesses of the changes e.g. through newsletters, mail-shots or seminars.

We will provide targeted and practical advice through personal visits, telephone and promote self service via our website. We will try to maximise the accessibility and effectiveness of advice to ensure efficient use of resources and we will involve businesses in developing both the content and style of regulatory guidance to help ensure that it meets their needs.

When offering advice, we will clearly distinguish between statutory requirements and advice or guidance aimed at improvements above minimum legal standards. We seek to

provide proportionate advice, the content of which will help achieve compliance but impose the minimum burden required on the business concerned. Advice will be confirmed in writing, if requested.

Where a business knows it has a problem and seeks advice to remedy the situation, it will not normally trigger enforcement action. Where appropriate we will seek to support the remedial action to prevent future problems, however, we must reserve the right to take enforcement action in serious cases.

We provide most of our advisory services free of charge; however we reserve the right to charge a reasonable fee for services beyond the basic advice and guidance necessary to help ensure compliance. We would take account of the needs and circumstances of smaller businesses and others in need of help and support in deciding whether or not to charge. Charging will be in line with any guidance issued by the Better Regulation Delivery Office in relation to the Primary Authority principle.

We will engage with local businesses to assess the effectiveness of our information and advice services by asking them how effective our work is in raising businesses' awareness and helping them to understand legal requirements, including the extent to which they incur additional costs from obtaining external advice in order to understand and comply with legal requirements.

6. Inspection

We will ensure inspections and other visits to businesses only occur in accordance with a risk assessment methodology, except where visits are requested by businesses, or where we act on relevant intelligence. We will focus our efforts on businesses where intelligence and risk assessment shows there is a higher likelihood of non-compliance or which pose a more serious risk to regulatory outcomes. Some processes by their nature present a greater risk to health or the environment, or due to their complexity, may make it more difficult to ensure compliance. These are the areas where we will focus our inspection resources.

Where appropriate, and where required by legislation, including the Protection of Freedoms Act, we will give a minimum of 48 hours notice prior to a routine inspection unless to do so would undermine the purpose of the visit. It should be noted, however, that there is a general requirement in some Codes of Practice e.g. Food Law Code of Practice, that notice is not provided prior to a routine inspection. Where this is the case, notice will not be given unless it is necessary to achieve the services ends, for example, if the presence of a particular manager is essential.

When we visit or carry out inspections, we will give feedback to businesses to encourage and reinforce good practice. We will also share information about good practice amongst businesses, and with other regulators.

Where we and another regulator have a shared interest in a business we will work together to ensure that our activities can be rationalised to minimise the burden on the business, where such action is both of benefit to the business and does not harm the standard of enforcement for either regulator.

We will also take account of the circumstances of small, businesses, including any difficulties they may have in achieving compliance.

7. Information Requirements

Worcestershire Regulatory Services do not require large quantities of information from businesses on a routine basis. When determining what data we may require, we will consider the costs and benefits of data requests to businesses and,

- Limit the data that we request to that which is either appropriate, or required by statute e.g. food registration, licensing applications, etc,
- Minimise the frequency of collection and seek the information from other sources where relevant and possible.

We will work with our fellow local regulators to minimise the information we request from businesses, and we will seek to maximise our data sharing within the provisions of the Data Protection Act. We will seek to use compatible collection methods to give consistency.

We will involve businesses in vetting data requirements and form design for clarity and simplification. We will also ensure that, where possible, data can be returned electronically.

8.0 Enforcement Action

In accordance with good practice, we will:

- Publish our Enforcement Policy;
- Report on our enforcement activities year on year to interested parties through an Annual Report;
- Follow-up enforcement actions where appropriate;
- Be transparent in the way in which we enforce requirements and, apply and determine penalties (when such powers are made available.)

When considering what action should be taken, we will look to:

- Be proportionate to the nature of the offence and the harm caused,
- Change the behaviour of the offender;
- Eliminate any financial gain or benefit from non-compliance;
- Address the harm caused by regulatory non-compliance, where appropriate;
- Deter future non-compliance,
- Be responsive and consider what is appropriate for the particular offender and regulatory issue, and

- Avoid perverse incentives that might influence the choice of sanctioning response.

When considering formal enforcement action, we will, when appropriate, discuss the circumstances with those suspected of a breach (usually by way of formal interview,) and take these comments into account when deciding on the best approach, (unless immediate action is required to prevent or respond to a serious breach or where to do so would be likely to defeat the purpose of the proposed enforcement action.)

We will ensure that clear reasons for any formal enforcement action are given to the person or entity at the time the action is taken. These reasons will be confirmed in writing at the earliest opportunity. Complaints and relevant appeals procedures for redress will also be explained at the same time.

8.1 Deciding what enforcement action is appropriate

In assessing what enforcement action is necessary and proportionate, consideration will be given to:

- The seriousness of compliance failure;
- The business's past performance and its current practice;
- The risks being controlled;
- Legal, official or professional guidance;

There are a large number of potential enforcement options. The level of the action taken varies from no action through to proceedings in Court. Examples of the main types of action that can be considered are shown below:

- No action/ verbal advice or assistance;
- Informal Action and Advice;
- Fixed penalty Notices;
- Penalty Charge Notices;
- Statutory Notice;
- Formal closure
- Seizure of goods/equipment;
- Injunctive Actions;
- Refusal/revocation of a licence;
- Simple Caution;
- Prosecution.

8.2 No Action/ Verbal Advice or assistance

There will be circumstances where a contravention may not warrant action, or it may be inappropriate. Many minor contraventions can be dealt with via advice and/ or assistance. Domestic nuisance issues may be best resolved by the neighbours entering into dialogue without the direct intervention of officers. Where this is not appropriate, due to the behaviour of one party or where the complainant is from a vulnerable group, the service will consider the best option for intervention depending on the circumstances.

8.3 Informal Action and Advice

For minor breaches of the law we will give advice on how to put them right, including a deadline by which this must be done. The time allowed will be reasonable, and take into account the seriousness of the contravention and the implications of the non-compliance. Where the advice required is detailed, or there are potentially serious implications from the failure, the advice will be provided in writing. Failure to comply could result in an escalation of enforcement action.

Where ever possible we will advise offenders about 'good practice', but we will clearly distinguish between what they *must do* to comply with the law and what is recommended best practice.

8.4 Statutory Notices

Officers of the Service have the power under various pieces of legislation to issue notices that:

- Prohibit the sale or distribution of goods where relevant provisions may have been breached,
- Require a business to take specific actions to remedy an identified problem,
- Require a business to desist from particular activities that may not comply with legal requirements.
- Require any person to take action to ameliorate or stop nuisances being caused by their actions

Notices may require immediate action where, for example, there are risks to public health or safety, or an immediate risk of environmental damage or serious nuisance. In other circumstances, a reasonable amount of time will be given, depending on the circumstances, to rectify the problem.

Certain types of notice allow works to be carried out in default. This means that if a notice is not complied with (a breach of the notice) we may carry out any necessary works to satisfy the requirements of the notice ourselves. Where the law allows, we may then charge the person/business served with the notice for any cost we incur in carrying out the work.

In certain limited circumstances e.g. under the provisions of food safety legislation, where an authorised officer is satisfied that there is an imminent risk of injury to health from the condition of the premises, the officer may serve notice to close the premises. This would be immediately followed by an application to a Magistrates Court to confirm the closure.

All notices issued will contain details of any Appeals process that may be available to the recipient.

8.5 Fixed Penalty Notices

Certain offences are subject to fixed penalty notices where prescribed by legislation. These notices are recognised as a low-level enforcement tool and avoid the defendant obtaining a criminal record. Where legislation permits an offence to be dealt with by way of a Fixed Penalty Notice (FPN), we may choose to administer a FPN on a first occasion, without issuing a warning. They will be used in appropriate circumstances to give a fast and measured response to the situation.

8.6 Penalty Charge Notices

Penalty Charge Notices (PCNs) are prescribed by certain legislation as a method of enforcement by which the offender pays an amount of money in recognition of the breach. Failure to pay the PCN will result in the offender being pursued in the County Court for non-payment of the debt. A PCN does not create a criminal record and we may choose to issue a PCN without first issuing a warning in appropriate circumstances.

8.7 Institution of Legal Proceedings

Once an officer has completed his/ her enquiries, they will submit a case report to a senior officer, independent of the investigation, who will decide, using the criteria below, the most appropriate course of action.

Where the law has been broken, there is a range of enforcement options available to seek compliance with the law. Under normal circumstances, a process of escalation will be used until either compliance is reached or there is no option other than to instigate proceedings. Exceptions would be where there is a serious risk to public safety or the environment, or the offences have been committed deliberately or negligently or involve deception, or where there is significant economic detriment. Each case is unique and will be considered on its own facts and merits.

The senior officer will take into consideration the requirements of the Code for Crown Prosecutors and other relevant codes before deciding whether or not to pass the file to the relevant legal officer to authorise the institution of legal proceedings.

Firstly the senior officer will have to be satisfied that there is sufficient evidence to provide a realistic prospect of conviction against each defendant on each charge (i.e. that a jury or bench of Magistrates, properly directed in accordance with the law, is more likely than not to convict the defendant of the charge alleged). To this end, the senior officer will look at all the available evidence, reliability of witnesses, supporting documentation and any other matters relating to the investigation. Only when this evidential test has been satisfied will the public interest to proceed with the prosecution be considered.

In deciding whether a prosecution will serve the public interest, the senior officer will balance factors for and against the prosecution carefully, fairly and impartially. Some factors may increase the justification to prosecute whereas others may militate against. Below are some of the matters to be taken into consideration for and against criminal proceedings. This is not an exhaustive list and, as such, each case is taken strictly on its own individual merits:

Factors in Favour of Prosecution

- The offender was in a position of control within the business,
- The offender acted dishonestly, wilfully or negligently.
- The product or service was aimed at a vulnerable group or person.
- The product or service has caused or had the potential to cause physical or mental injury or suffering, significant harm or loss.
- The offender has received advice or a warning concerning the circumstances of the offence or similar matters.
- The offender has previous convictions that are relevant.
- The offence, though not serious in its self, is widespread in the area where it was committed.
- There are grounds to believe that the offence is likely to be continued or repeated, for example by a history of recurring conduct.
- The outcome of a prosecution might serve an important, informative purpose or establish a legal precedent.

Factors which would mitigate against the need for a prosecution

- The offence was minor in nature and as a result of a genuine mistake or misunderstanding, which did not involve significant negligence.
- The offender is vulnerable, for example through age-related issues, or was at the time of the offence suffering from significant mental or physical ill health, which contributed to the commission of the offence, and the offence was neither serious nor likely to be repeated.
- The loss or harm could be described as minor and was as a result of a single incident, particularly if it was caused by a failure of judgment.
- The offender put right the loss or harm caused prior to the intervention of the Service.
- Prior to the Service's intervention, the offender had introduced adequate steps to prevent further similar offences.
- The defendant was a youth at the time of the offence.
- There has been a long delay between the offence and any potential court action, unless either:
 - (i) The offence is serious,
 - (ii) The delay has been caused by the defendant or his/ her legal representatives,
 - (iii) The offence has only recently come to light, or
 - (iv) The complexity of the offence meant that there has been a long investigation.

8.8 Proceeds of Crime Applications

Some cases taken by the service can lead to applications being made under the Proceeds of Crime Act 2002 (POCA) for confiscation of assets. These are the most serious cases or where there is persistence of offending over a long period of time or where the offences are deemed to be "lifestyle crime" under POCA. Their purpose is to recover the financial benefit that the offender has obtained from his criminal conduct. WRS will look to use these provisions in an appropriate manner.

8.9 The use of Simple Cautions

Where the public interest justifies it, we will consider offering a Simple Caution (or Reprimand/ Final Written Warning if the offender is below the age of 18.) In offering a Simple Caution, we will take account of the Home Office Guidelines in relation to the cautioning of offenders, and the Code for Crown Prosecutors. Where the offender is under 18 and a formal approach is being considered, appropriate bodies such as the Youth Offending Team will be consulted.

A Simple Caution requires an admission of guilt on behalf of the offender, however there is no sentence and there is no recorded conviction. A caution will remain on record for a period of 2 years and may be cited in Court should a further offence be committed and prosecuted during that time.

8.10 Injunctions

Injunctive action is a civil law process that may be used to ensure that person or business desists from a particular pattern of behaviour or action. Whilst these are not the norm in dealing with regulatory matters, seeking an injunction may be the most appropriate method of disposal for an issue. We will work with the relevant partner legal team to develop such cases and support them being taken through the Court process.

8.11 Other Orders available

There are a range of orders available in law under various provisions that can be used to tackle what is widely described as “anti-social behaviour.” Where these provisions offer a suitable way of dealing with an issue, the service will take them forward with the support of the relevant partner legal service.

8.12 Refusal, Suspension and Revocation of Licence

Where there is a requirement for a business to be licensed by the local authority, the licence may be granted unless representations or objections are received against the application. In such cases the Licensing Committee or Sub-Committee will hear the case and decide to grant, grant with conditions, or refuse the licence application. In addition, in relation to the Gambling Act 2005, applications for premises Licence, the Licensing Committee can exclude a condition of licence.

In most circumstances, a licence may be considered for suspension, revocation, or the application of further conditions, where officers become aware of either the commission of offences relating to the conduct of the business, or breaches of existing conditions or similar controls. These matters will be heard before the Licensing Committee (or a Sub-Committee,) of the relevant partner Authority, and the elected members will determine what action should be taken.

9.0 Additional Information

The Senior Managers involved in making the more serious decisions will also have regard to legal advice from the relevant partner Head of Legal Services. Once the Regulatory Service reaches a decision to prosecute, or to instigate civil proceedings, the relevant Partner Authority's Legal Services Department must authorise the action before implementation.

9.1 Standards and Accountability

We will, in consultation with businesses and other interested parties, set and publish clear standards and targets for our service and performance. These will include:

- Regulatory outcomes (e.g. proportions of businesses that comply,)
- Performance standards for contact with businesses;
- A commitment to ensuring costs to businesses of regulatory interventions are proportionate; and
- A commitment to dealing with any negative perceptions of businesses and other interested parties relating to these issues.

We will create effective consultation and feedback opportunities to ensure we have continuing cooperative relationships with businesses and other interested parties. We will ensure our officers provide courteous and efficient services to businesses. We will enable them to interpret and apply relevant legal requirements and ensure that they enforce requirements fairly and consistently between like-businesses in similar situations. We will take account of comments from businesses and other interested parties regarding the behaviour and activity of our staff.

9.2 Liaison with other regulatory bodies and enforcement agencies

Where appropriate, enforcement activities within Worcestershire Regulatory Services will be coordinated with other regulatory bodies and enforcement agencies to maximise the effectiveness of any enforcement.

Where an enforcement matter affects a wide geographical area beyond the County boundaries, or involves enforcement by one or more other local authorities or organisations; where appropriate all relevant authorities and organisations will be informed of the matter as soon as possible and all enforcement activity coordinated with them.

Worcestershire Regulatory Services will share intelligence relating to wider regulatory matters with other regulatory bodies and enforcement agencies, and examples include:

- Government Agencies
- Police Forces
- Fire Authorities
- Other Statutory Bodies
- Local Authorities

9.3 Further Information

Anyone requiring further information on this policy should contact Worcestershire Regulatory Services by writing to:

Worcestershire Regulatory Services
Wyre Forest House
Finepoint Way,
Kidderminster,
Worcestershire
DY11 7WF

Or by e-mail to:

wrsenquiries@worcestershire.gov.uk



COUNCIL

21st November 2016

**47. WORCESTERSHIRE REGULATORY SERVICES BOARD –
ENFORCEMENT POLICY**

RECOMMENDED that

**The Business case for the Development Management Shared Service
be approved.**

REDDITCH BOROUGH COUNCIL**Executive Committee**1st November 2016**Development management Shared Services**

Relevant Portfolio Holder	Cllr Greg Chance
Portfolio Holder Consulted	Yes
Relevant Head of Service	Ruth Bamford
Ward(s) Affected	N/A
Ward Councillor(s) Consulted	N/A
Key Decision / Non-Key Decision	Non - Key Decision
<p>This report contains exempt information as defined in Paragraph 4 of Part I of Schedule 12A to the Local Government Act 1972, as amended</p> <p><i>Following the meeting of the Executive Committee on 1st November, staff have been briefed about the proposals and the report is therefore open to the public for the Council meeting</i></p>	

1. SUMMARY OF PROPOSALS

- 1.1 This report presents the business case for a shared Development Management service (DM) between Bromsgrove District Council (BDC) and Redditch Borough Council (RBC). The proposals are being considered by the Shared Services Board at its meeting on 27th October and its recommendations will be reported to the meeting.

2. RECOMMENDATIONS

The Executive Committee is asked to RECOMMEND to Council that:

- 2.1 The business case for the Development Management shared service be approved.

3. KEY ISSUES**Financial Implications**

- 3.1 The shared service business case contains details of the existing and proposed staffing structures. The existing individual authority staffing costs are

a. Bromsgrove District Council	£ 573,000
b. Redditch Borough Council	<u>£ 275,000*</u>
Total	£ 848,000

*inc. the Town centre Co-ordinator post

- 3.2 Following the application of the local Job evaluation assessments the proposed staffing structure costs for the new shared service are £873,000.

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- 3.3 The reasons for the increase in staffing cost are:
- a. Increased management costs due to salaries attracting Hay grading;
 - b. The creation of a new grade 6 post to replace the use of current consultants and temporary staff;
 - c. Increased application numbers and fee income, as shown in Appendix D of the attached Business case.
- 3.4 In relation to the revised shared service costs, it is proposed that the new service is charged to both Councils on the percentage share detailed below.
- Bromsgrove 67 %
 - Redditch 33 %

Legal Implications

- 3.5 Bromsgrove and Redditch Councils have developed a Strategic Alliance/shared services arrangement referred to as the Shared Services Framework Agreement. This Agreement sets out the basis upon which both Councils have agreed to work together by way of shared teams working across both authorities. 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.
- 3.6 As the shared Development Management service will be hosted by BDC, it will be necessary for the staff currently employed by RBC to be transferred to BDC under the TUPE (Transfer of Undertakings, Protection of Employment) Regulations. Those staff transferring will be employed under the BDC terms and conditions bringing all the staff in the shared service into the same pay structure.
- 3.7 The creation of the shared service for staff will have no affect on the delivery of service in terms of the day to day activites undertaken for both councils. Each Council will continue to have control over the discharge of its planning functions through Full Council and Planning Committee. Likewise each authority will be able to exercise oversight of the planning function via the usual audit and scrutiny processes.
- 3.8 This report is an exempt item under the Access to Information Rules in that consultations regarding employment issues arising from this report although planned have not yet taken place at the time of this report being prepared for members (paragraph 4).

Service / Operational Implications

- 3.9 The proposed staffing structure results in the loss of two FTE posts. Accordingly two current posts will be at risk of redundancy.

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- 3.10 The proposed shared service structure allows for the creation of a new grade 6 post. The net loss of posts will therefore be one.
- 3.11 As detailed in the Business Case, the service will be hosted by BDC as it receives more applications and covers a larger geographical area.

Customer / Equalities and Diversity Implications

- 3.12 The business case outlines the potential employment risks that are associated with this business case. The Council will need to consider these alongside general recruitment and selection policies and commitment to equality of opportunity.

4. RISK MANAGEMENT

- 4.1 Consultation with all affected staff and their representatives will aim to ensure they are aware of the proposals and supported through the implementation process.

5. APPENDICES

Appendix 1 - Business Case for a Development Management Shared Service

6. BACKGROUND PAPERS

None

7. KEY**AUTHOR OF REPORT**

Name: Ruth Bamford
email: r.bamford@bromsgroveandredditch.gov.uk
Tel.: 01527 64252 x 3219

Bromsgrove District Council Redditch Borough Council

Development Management Shared Service (Development Control)

BUSINESS CASE

Managing Bromsgrove District and Redditch Borough Councils Development Management teams through a Shared Service.

Department	Planning & Regeneration Service
Head(s) of Service	Ruth Bamford
Author:	Ruth Bamford
Co-Authors:	
Document Ref:	001
Document Version Number:	18.10.16

Contents

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 2. Description of the Services
 - a. Introduction to Development Management (DM)
 - b. Volume of Work
 - c. Transformation
 - d. Current Informal staffing structure proposed for consolidation
 3. Financial Arrangements
 4. Benefits of a Shared Service
 5. Staffing Issues
- Appendices A - F

1. Executive summary

- 1.1 Development Management is the arm of planning that, amongst other things, processes planning applications. Unlike other services the Development Management Business case is presented to members after Transformation and after there has been an informal sharing of the services for a couple of years. Consequently the business case is essentially about seeking consolidation of informal working arrangements. A full assessment of the posts required to deliver the service in a customer focused, efficient way has been undertaken and the structure proposed will enable the Councils to provide a quality service moving forward. Whilst the enforcement role has been incorporated into the planning role to enable staff to provide specialist support and advice, the only other change to current arrangements is that there will be the loss of two grade 5 posts and the creation of one grade 6. It is envisaged that this new structure will be more flexible and resilient and that resource requirements, depending on the levels of income received from development, can be revised easily.
- 1.2 Due to the increase in number of applications across the two Councils it is anticipated that the income budget of £500k can be increased to £530k in Bromsgrove and from £189k to £210k in Redditch, a total additional estimated income of £51k. To provide the resource requirement to service the anticipated planning applications there is a proposed increase in Development Management costs of £25k (£12k at Redditch and £13k at Bromsgrove). This is more than offset by the £51k income generated from the applications
- 1.3 There are currently more staff employed by Bromsgrove District Council and there is a higher volume of work relating to Bromsgrove District as it covers a larger area. It is therefore proposed that Bromsgrove be the Host Authority.

2. Description of the Services

a. Introduction to Development Management (DM)

- 2.1 Development Management (DM) is the team within planning that deals with practical implementation – advising on the need for planning permission, dealing with breaches of planning control and determining planning and other types of applications that fall within the legislation and officer delegations. Each Council has its own planning committee that determines applications in line with its own Constitution.
- 2.2 The public benefit to the communities of the authorities is that a good DM service should help to provide them with a high quality environment that supports their economic, social and environmental needs and wellbeing. The DM function is therefore an important one for the authorities corporately, and it serves colleagues from other teams as well as the external customers.
- 2.3 Whilst the legislation is the same nationally, the local context is that planning decisions should normally be made in accordance with the development plan (Local Plan in Redditch and District Plan in Bromsgrove). DM is therefore the implementation of the policy framework that our policy colleagues construct and agreed by Council.

- 2.4 The DM service for each council has jointly undertaken a transformation process and current working practice reflects changes as a consequence of Transformation and other circumstances including an increase in the volume of work. The services are working together informally. Details of the volume of work and Transformation are below.
- 2.5 The DM function contributes significantly to the delivery of Strategic Purposes. Developments approved via the function include leisure and retail uses providing places to see and visit as well as assist in the creation and growth of business. The processes employed within the DM service have regarding to design, layout, security and the needs of a locality. Appropriate new housing provision is approved within the two Council areas which will also contain affordable provision.

b. Volume of Work

- 2.6 The chart attached at Appendix D, shows an upward trajectory in fee income as a proportion of expenditure. This relates to the lifting of the moratorium in Bromsgrove District, both councils receiving a significant number of major applications and general improvements to the housing stock (perhaps the shortage of new housing stock has resulted in residents improving their existing homes as an alternative to moving house). Appendix E shows that this upward trajectory, particularly for Bromsgrove, is set to continue. This appendix uses the robust five year supply situation for housing and employment land and calculates the corresponding anticipated five year income. It is anticipated that the number of minor applications will stabilise or continue to rise but this is more difficult to predict.
- 2.7 Members should note that non fee earning work has also had an impact on the Service e.g. there have been particularly contentious enforcement sites in Bromsgrove District to address and involvement in the Place Partnership initiative in Redditch. All the pre application work for the Eastern Gateway will not result in the receipt of a planning fee in due course because the fee will be received by Stratford Council as the majority of the site falls within Stratford on Avon District. Members are reminded that the Director of Planning and Housing post has been deleted from the organisation.
- 2.8 With the increase in fees there has been an increase in costs to the Service which have been offset by the additional income received. The main cost has been salaries due to more staff required to manage the volume of work. However there are related costs such as the use of specialist consultants (e.g. agricultural consultants) used to provide specialist advice on relevant applications. Against the backdrop of increased fee income/volume of work, it should be noted that the cost of the DM Service relative to income has reduced.
- 2.9 As can be seen from the graph in Appendix D, in 2009 / 10 the DM income amounted to 56% of the departmental expenditure budget across the two authorities. In 2015 / 2016 income had risen to 75% of the total expenditure budget.

c. Transformation

- 2.10 Both Development Management Services commenced the Transformation process together and so have developed new ways of working in conjunction with each other which has resulted in an informal shared service arrangement with transformation principles at its heart.

- 2.11 The Purpose of the proposed Shared Service is to, “*Help me with my planning query and enable change in the public interest by engaging with interested parties*”. This means that the remit of the team is broader than previously when sometimes it was considered the sole purpose was to process applications.
- 2.12 A principle of the new service is to “*Understand and act upon what matters to the customer, i.e. the applicant or the person asking the question*”. The transformation process has shown that to achieve this, the customer at all points of entry to the service, needs to be served by an officer who is able to understand the customer and respond. This means that qualified planners or those with experience in dealing with planning matters can best serve the customer. The role of the administration officers in this context has been lost and currently all administration officers have been trained to deal with those customer queries that are the most straightforward. It is interesting to note that this also accords with good practice advice from the Planning Advisory Service in recognition of the situation when it is often difficult to recruit planners.
- 2.13 Under the new way of working the officer who takes the query from the customer deals with it from start to finish if they can. If they can't deal with a particular query they pass it on to an officer who can or ask for help from a colleague. From a customer's perspective they have generally only got one officer to liaise with from the start to the end of their query. Members can see from the dashboard that compliments to the service are increasing. From the transformation initiative officers are encouraged to only do the *value work*, i.e. tasks that are of direct benefit to the particular customer with the particular query. This means that officers will deal with customers in a more fluid way that is query specific.
- 2.14 An outcome from Transformation is a different organisation of officers to better meet customer queries. The organisation of officers is described below.
- 2.15 Appendix F shows time taken to determine commercial applications in days over time (Since Sept 2015).

d. Current Informal staffing structure proposed for consolidation

- 2.15 The two sets of officers are currently organised under two managers each with a responsibility for a planning committee and a particular council in times of possible conflict of interest e.g. a cross boundary application. Officers then sit within three groups of about seven officers per pod (group). Officers find that this size of a team is big enough to find a range of skills and support yet small enough to know what is going on, e.g. should a member of the public call when a colleague is unavailable.
- 2.16 There is a range of skill sets within each pod but the pod dealing with major applications have more Principal Officers. The business case essentially is about consolidating this structure and staffing levels. The only change is the loss of two grade 5 posts and the creation of a Grade 6 post and the enforcement officer role being subsumed into the planning officer role.

2.17 Managers

Currently there are two managers. One works full time and the other on slightly reduced hours (i.e. 34 hours per week). At the start of transformation there were 2.5 managers. Redditch had one manager and Bromsgrove had 1.5 managers. The Redditch manager has left the organisation due to an external promotion opportunity and the second manager at Bromsgrove has increased her hours.

2.18 This level of management is required for the servicing of two planning committees on a monthly basis and also because of the level of support they bring to colleagues due to their planning credentials and experience in dealing with a range of situations and customers.

2.19 Principal Officers (Grade 8)

Currently there are seven Principal Officers and this is number proposed going forward. The Principal Officers are all chartered town planners and have a work load that focuses on the major applications for both councils and the more complex planning enforcement cases. They do planning surgery in Bromsgrove on a rota and deal with queries in Redditch Town Hall. They play an increasingly significant role with the daily phone duty (it has been demonstrated to be more efficient if all general queries i.e. non case specific come into one phone). Principal Officers, under an extension to the scheme of delegation, can sign off their own applications and those of less experienced colleagues. Redditch traditionally has had a career grade that enabled the engagement of planners with remuneration commensurate with the principal planner salary (about Grade 8). However in Bromsgrove Council planners have a maximum level of Grade 6 (with the exception of one Grade 8 post for enforcement/major applications). This has traditionally resulted in difficulties in staff retention in Bromsgrove as planners on the Grade 6 at BDC are paid less than all surrounding councils. Transformation has shown the benefits to customers of having experienced planners dealing directly with their queries and applications from the initial point of demand. This is instead of incoming demands first being administered by team members not specifically qualified to assist.

2.20 Senior Officers (Grade 7)

Currently there are two officers working at this level. They are not chartered but with more experience will be eligible to become chartered. When these posts were advertised there were no suitable candidates who were chartered. Senior officers can deal with Green Belt applications as well as more unusual cases and those that are significant but not major e.g. five to nine dwelling schemes (ten dwellings is a major and often has a section 106 agreement).

2.21 Planning Officers (Grade 6)

Currently there are five Grade 6 Planners. They are able to deal with applications in the Green Belt as well as a breadth of other non-major applications. A new Grade 6 post is proposed so that there is no longer a requirement to have the use of a consultant for a few days per week or the temporary reduced hours Grade 6 position.

2.22 Planning Assistants (Grade 5)

Officers in the grade 5 positions are the two enforcement officers, an administration supervisor and 2.8 FTE administration officers. This business case proposes the loss of two grade 5 posts. There are part time job share staff employed within the existing structures at grade 5 and it should therefore be noted that the loss of two FTE posts could effectively see the loss of a maximum of three people.

- 2.23 It is considered that the enforcement role in the first analysis is the same as that of a planning case officer i.e. the skills needs are evaluating if planning permission/consent would have been granted had the customer sought approval rather than carrying out works or a change of use without approval/consent. The informal way of working that is proposed going forward is that all officers deal with enforcement cases and as for general applications there will be a need to marry the planning skills of the officer with the complexity or otherwise of the case. An estimated 50% of enforcement cases require formal enforcement action (including serving Planning Contravention Notices which are very straightforward) with 10-15% of those requiring further detailed legal action in order to resolve the matter at hand. Currently all officers are being trained to deal with this and enhanced training being provided to Managers and Principal Officers. It is considered that the absorption of the enforcement role into the planning role will have a positive impact on the processing of enforcement cases. This will enable a resilient enforcement function going forwards.
- 2.24 In terms of the transformed way of working there is not a role for administration officers or exclusive enforcement officers so most have been trained to process the most straightforward applications e.g. householder extensions in non green belt areas. Some officers are currently receiving an honorarium to bring them to grade 5 level, the grade commensurate with the skills for processing the most straightforward applications with support. Others continue to process generally straightforward enforcement cases. It is considered that there are not enough cases commensurate with the Grade 5 skill set/the level of support required from other colleagues is disproportionate. The conclusion of this situation is that the number of grade 5 posts be reduced from seven to five.
- 2.25 Grade 3 data entry posts**
Both councils have data entry positions. These posts will be needed going forward until all data entry is completed which is anticipated to be several years ahead. The reason for the data entry roles is making sure all environmental and planning data is on the councils websites and thereby compliant with legislative requirements.
- 2.26 Overarching Staffing Issues**
It has been necessary to have regard to certain national issues in the formulation of this business case.
- 2.27 In February 2016 as part of the 'Technical consultation on implementation of Planning Changes', DCLG proposed testing competition in the processing of planning applications through a pilot scheme. If implemented by government this would mean that potential applicants can choose to go elsewhere to have their applications processed before coming back to the respective council for a decision. Councils can offer to be a named authority for processing the applications of others.
- 2.28 The key disadvantages to this approach would be a loss/reduction in income if our applicants choose to go elsewhere for the processing of their cases. There would be an extra stage (waste) in the process as work done by a third party would need to be checked by in house officers. In addition there would be the matter of reputational damage if applicants choose other parties to process their applications.
- 2.29 From the other perspective, if Redditch or Bromsgrove Councils offered and were accepted by government for processing the applications from outside the administrative areas, it would be impossible to predict how many officers would be required as there would be no way of anticipating the volume of applications

received. Once approved for processing the applications of others we cannot decline the processing.

2.30 The Head of Planning and Regeneration is not suggesting at this time that Redditch or Bromsgrove Councils offer to process applications from outside the administrative areas as the current unpredictability of the workload would render this unmanageable. This is something which however may be reviewed in the future. Against this national backdrop it is important to be able to process applications in a timely and transparent manner so that our potential applicants choose to come to us. The staffing levels and structure described and proposed above is considered resilient to respond to national issues with the proviso that there is appropriate flexibility to deal with any further increases in applications/fees by further increasing staff resources.

2.31 National shortage of planners

There is a national shortage of planners to an extent that CLG are aware of the issue and have been discussing the matter with planning authorities. Having a range of grades from 5 to 8 assists with attracting staff and staff retention and the ability of the councils to “grow their own” officers. The councils have a very broad range of application types which is generally reflected in the numbers of officers at each grade in addition to a pragmatic approach reflecting recent recruitment experiences.

3. Financial Arrangements

3.1 The current staffing structure shown in Appendix A shows the current staffing within the service. The proposed shared service staff structure is shown in Appendix B. Based on 2016/17 budget allocations the current resource cost v the proposed is as follows:

Council	2016/17 Budget £'000	Proposed Budget (based on 2016/17 values) £'000	Variance £'000
RBC	275	288	13
BDC	573	585	12
Combined	848	873	25

The above table includes all associated Job Evaluation salaries, pay protection and management being assessed as HAY graded posts. The ongoing costs of the structure will reduce once protection has expired, subject to any successful appeals.

The reasons for the increase in staffing cost are:-

- a. Increased management costs due to salaries attracting Hay grading.
- b. The creation of a new grade 6 post to replace the use of current consultants and temporary staff.
- c. Increased application numbers / fee income (as shown in Appendix D)

- 3.2 There are a number of other budget allocations within the budget for non-salary costs. These are to be reviewed with the aim to reduce any work that can be accommodated in house, for example the conservation consultant's budget in Redditch in 15/16 saw and expenditure of £5400.00 which can now be removed because this business case brings conservation advice in-house.
- 3.3 The income generated has exceeded budget in the last 12 months due to the number of applications that are now being received. It is anticipated that the income figure at Bromsgrove of £500k can be increased to £530k and Redditch from £189k to £210k. An additional income across the two Councils of £51k. This would result in a net saving across the 2 Councils of approximately £26k
- 3.4 The period since 2012 / 13 has been a challenging time for the two services with the trailing of different ways of working and introduction of new processes borne from transformation. This has however now resulted in a significantly more cohesive team and the working processes derived from systems thinking are now resulting in a reduction in planning appeals and a reduction in the number of those appeals being ruled against the authorities. Customer satisfaction levels are increasing.
- 3.5 In addition, the proactive intervention of case officers with applicants and the early assessment of applicants' requirements have resulted in a shift in the quality of applications being taken forward for determination. Quality development has therefore been promoted throughout the District and Borough.
- 3.6 Following increasing confidence in the housing market and the introduction of revised procedures, driving out waste and significantly improved customer engagement last year's income from the two services rose significantly by £188k.
- 3.7 The creation of a formal shared service seeks to expand on these positive outcomes and the hard work undertaken during the early stages of a continuing transformation process.
- 3.8 The proposed shared service structure includes for the provision of a new grade 6 Planning Offers post. This role is currently undertaken by part time consultants and temporary officers. The proposal seeks to establish this post as a means of ensuring the improved levels of service are maintained. The complexity of applications undertaken by grade 6 planners exceeds those assessed by the grade 5 posts.
- 3.9 Five grade 5 Planning assistant posts are being created. There are currently seven posts ring-fenced to this new role.
- 3.10 In relation to the revised shared service costs, it is proposed that the new service is charged to both Councils on the percentage share as defined by the original application income into the individual services. This calculation is shown in Appendix C.
The percentage share would be
- Bromsgrove 67 %
 - Redditch 33 %
- 3.11 There are currently more staff employed by Bromsgrove District Council and there is a higher volume of work relating to Bromsgrove District as it covers a larger area. It is therefore proposed that Bromsgrove be the Host Authority.

4. BENEFITS OF A SHARED SERVICE

4.1 Consolidation of how we currently work

This means that there can be confidence that the proposed shared service can work for the customer because it has been trialled informally for some time. It is a mechanism for providing clarity to Development Management officers who have been anticipating that Planning Services could be shared in a way which has been proven successful in many other service areas.

4.2 Resilience

There will always be an irregularity about the volume and complexity of planning applications that a shire district council receives. In addition there can be an irregularity in staffing levels e.g. loss of officer from the organisation due to promotion opportunities elsewhere or maternity/sick leave. The sharing of the service maximises the opportunity to better manage such fluctuations and often yield a financial. In addition the current more fluid arrangement between the Planning Policy and Development Management officers further maximizes resilience.

4.3 The Development Management service traditionally calls on specialist external consultants for certain functions on an ad-hoc basis. There has been however a need for the use of an external consultant for the carrying out of day to day planning roles due to fluctuating staffing levels/numbers of applications. It is considered a stable shared service will be able to negate the need to use a planning consultant for day to day operations.

4.4 The existing salary budgets have funded the appointment of consultant planning officer. An additional consultant officer has been employed funded by a separate consultant's budget. This expenditure was £9.9k in 2015 / 16 and £3.3k to September 2016.

4.5 Transformation is essentially complete

As part of an ongoing wider shared service initiative, a number of opportunities for developing shared services were identified. At the inception of this work it was considered that Development Management (formerly Development Control) was not in a suitable position to explore becoming a shared service in advance of Transformation.

4.6 Over the last few years a detailed transformation project has been undertaken by the Development Management team with consultancy support. One of the key outcomes of this work has been the creation of informal joint working arrangements which have sought to utilise the specific skills of the team members.

4.7 Most of the operating protocols between the Authorities differ. A previous report to the Shared Service Board stated that the initial aim was to put both teams, jointly, through the transformation process with a view to becoming a shared service at the end if a single team approach seemed to be the most sensible.

4.8 A formal shared service arrangement will be able to specifically define team roles which require clarification in certain areas.

4.9 **Better for the customer**

A defined shared service, with the relative stability that results, would allow further cross training of roles within the team and a wider understanding of the different responsibilities placed on the service. This understanding will further enhance customer service particularly for customer facing roles.

5. **STAFFING ISSUES**

- 5.1 The following posts will be at risk either due to proposed deletion of posts or a reduction in number and would be subject to recruitment to the new posts in the unit:

Redditch BC

Planning Technician 22 hours	50/402
Planning Technician 16 hours	50/402
	1.0 FTE

Bromsgrove DC

Registration Officer	P24
Registration Officer	P55
Registration Officer	P46
Administration & Business Support Supervisor	TS181
Enforcement Officer	PE/029
Enforcement Officer	PE/028
	6.0 FTE

New posts that will be created are:

Planning Assistant	5 FTE
Planner	1 FTE
	6 FTE

- 5.2 Staff will be subject to the formal recruitment process in line with Bromsgrove District Council's policies and procedures to obtain posts in the new structure.

The overall impact on staff number is as follows:

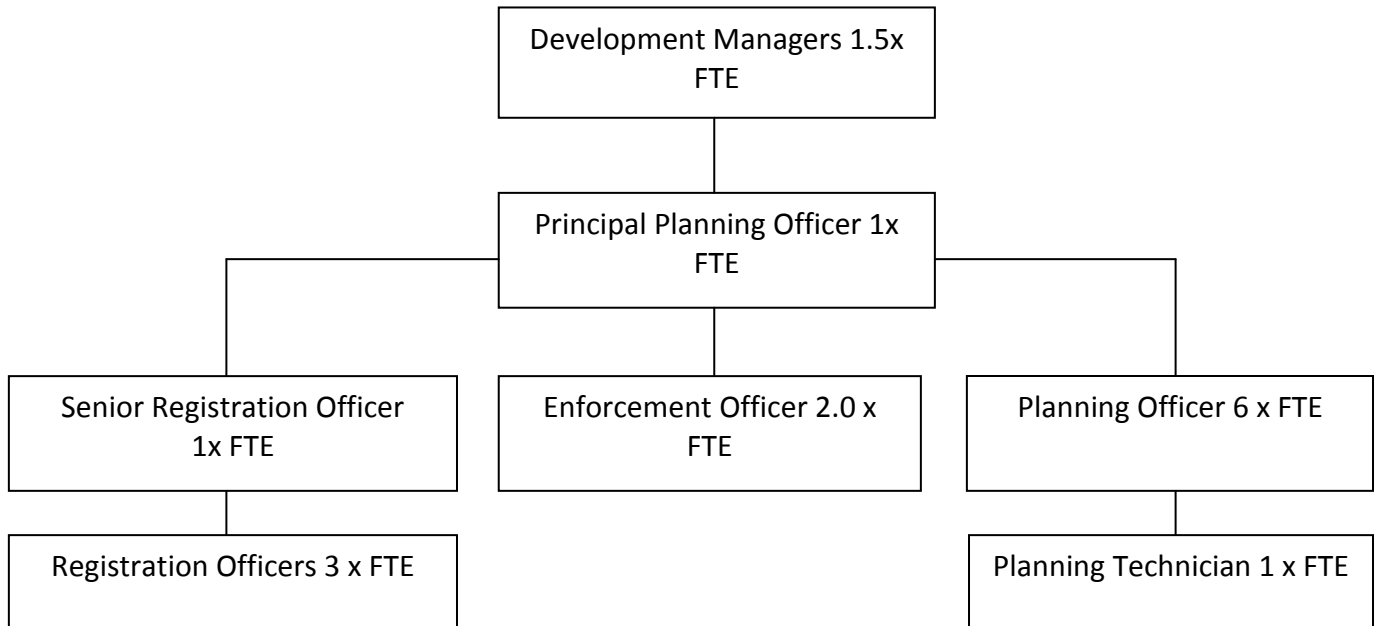
- Current number of posts within review = 24
- Proposed number of posts in the shared structure = 22
- Number of posts not at risk of redundancy = 18
- Number of posts at risk of redundancy = 2

- 5.3 The establishment includes for the formal creation of the Redditch Town Centre Co-ordinator's post. This hitherto informal post has been 100% funded corporately by Redditch Borough Council within development management budget. It is assumed that this funding will remain as a cost attributable to RBC only.

Appendix A

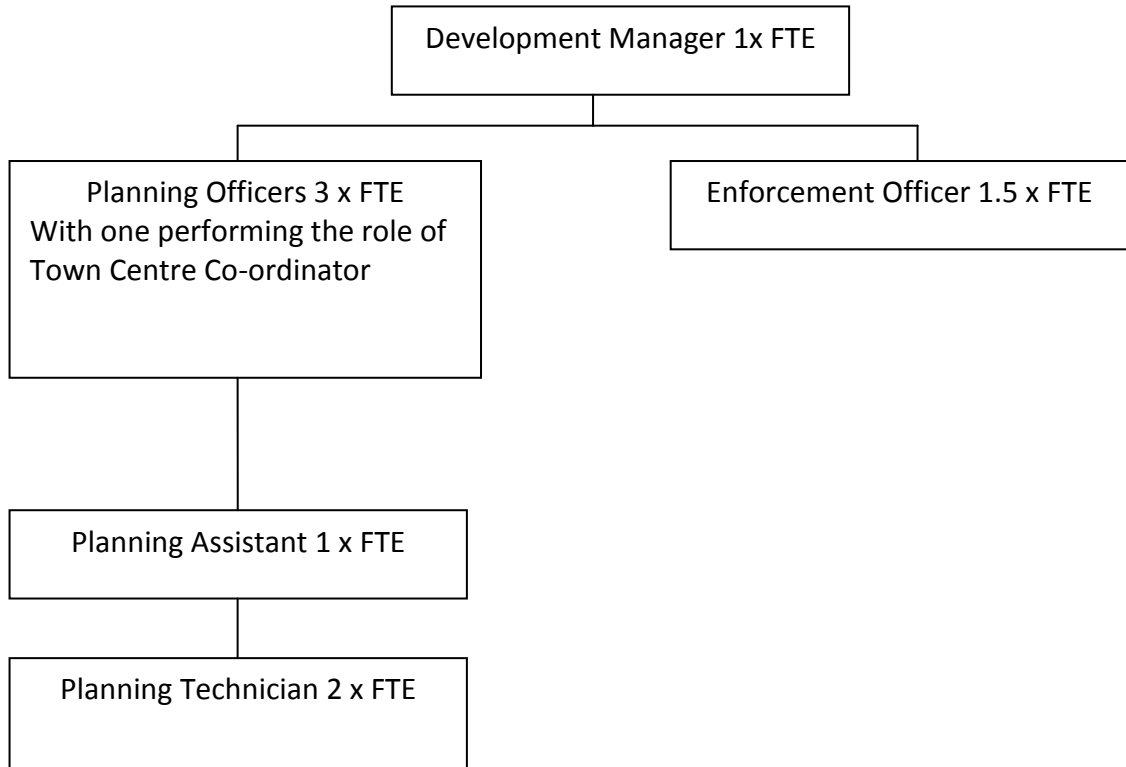
Existing Structure Charts

Existing Bromsgrove District Council Development Control



Data Entry / Support
0.5 x FTE
Outside scope of this review

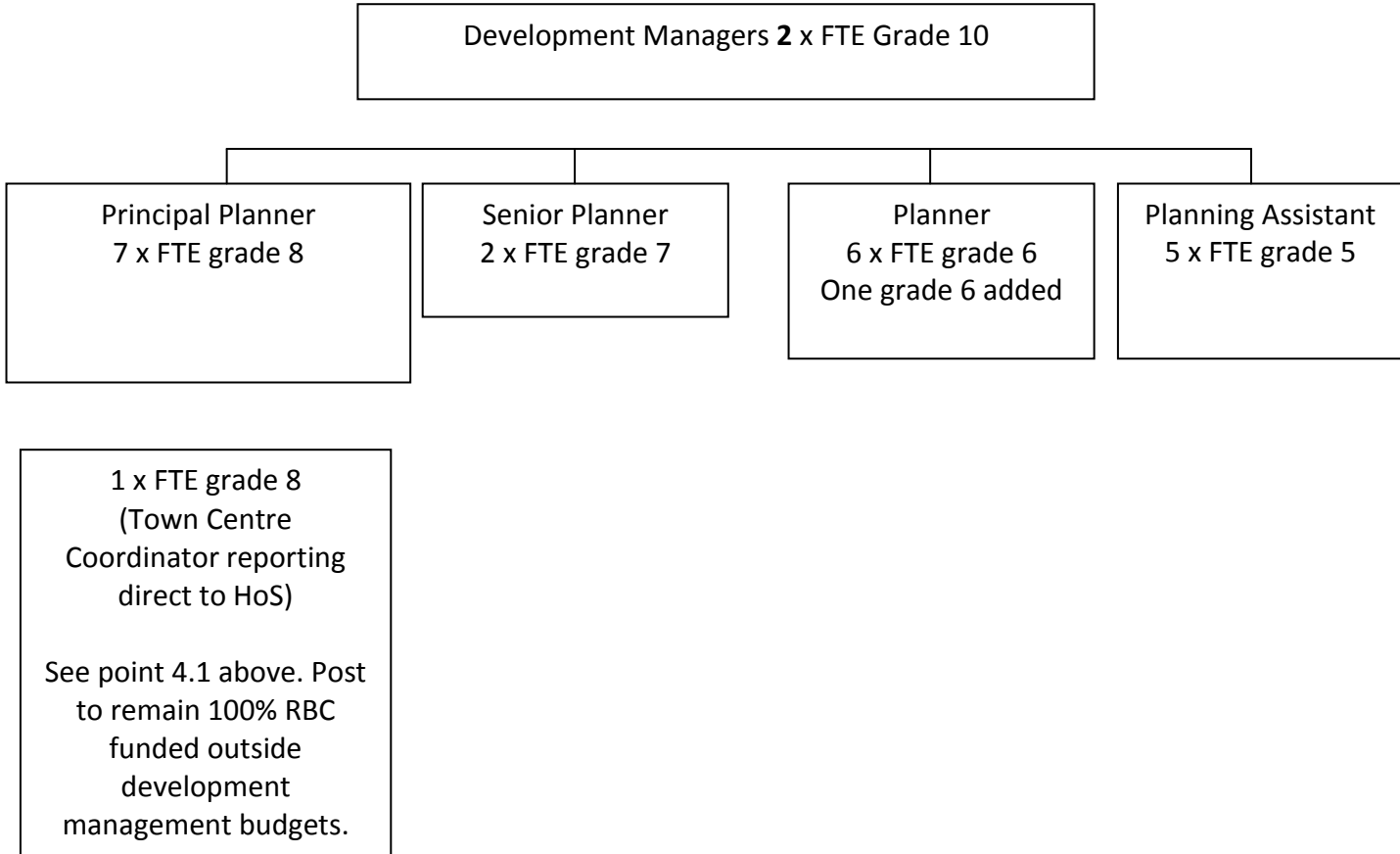
Existing Redditch Borough Council Development Control



Data Entry / Support
1 x FTE
Outside scope of this review

Appendix B

Proposed Development Management Structure



Data Entry Posts

2.81 x FTE GRADE 3

Existing posts and outside
scope of Review

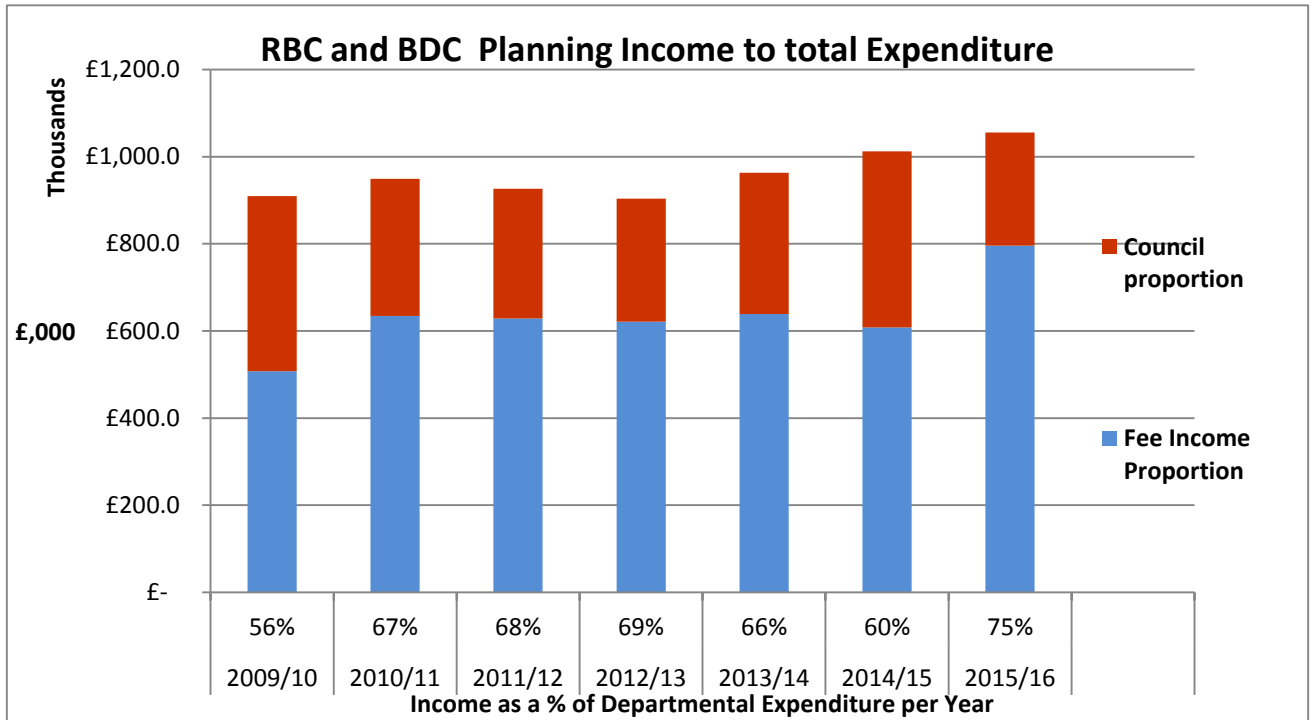
Appendix CPercentage share calculation

Potential percentage share based in income received

		REDDITCH	BROMSGROVE	JOINT TOTALS	
Income	2012 / 2013	£217,857	£369,000	£586,857	baseline
	2013 / 2014	£188,544	£410,946	£599,490	
	2014 / 2015	£212,014	£369,403	£581,417	
	2015 / 2016	£207,478	£587,935	£795,413	up 36 % over period
		£825,893	£1,737,284		
		33%	67%		

Appendix D

Income and Expenditure



Appendix E

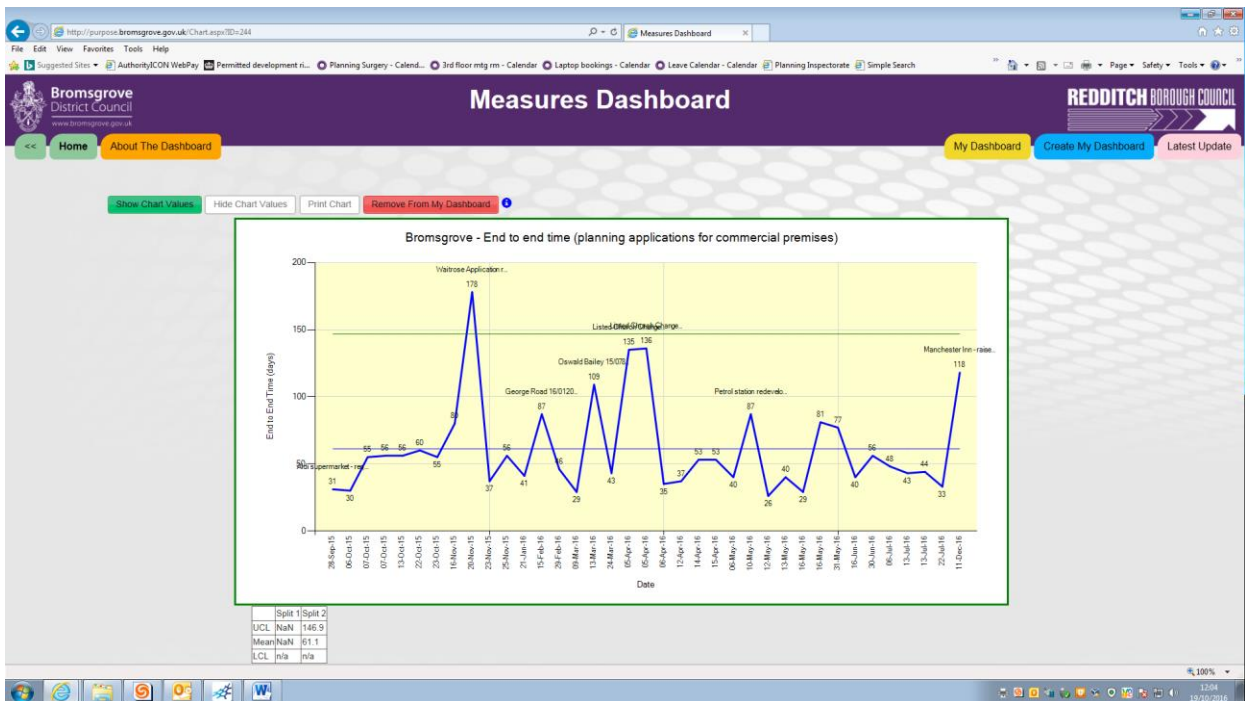
Potential planning application income from forthcoming 5 year land supply for new housing

Bromsgrove	16/17	17/18	18/19	19/20	20/21	Total 16/21
Total	£90,790	£48,775	£79,353	£21,141	£21,141	£261,200
Redditch	16/17	17/18	18/19	19/20	20/21	Total 16/21
Total	£20,285	£88,643	£116,168	£22,210	£8,735	£256,041

Appendix F

Bromsgrove District Council

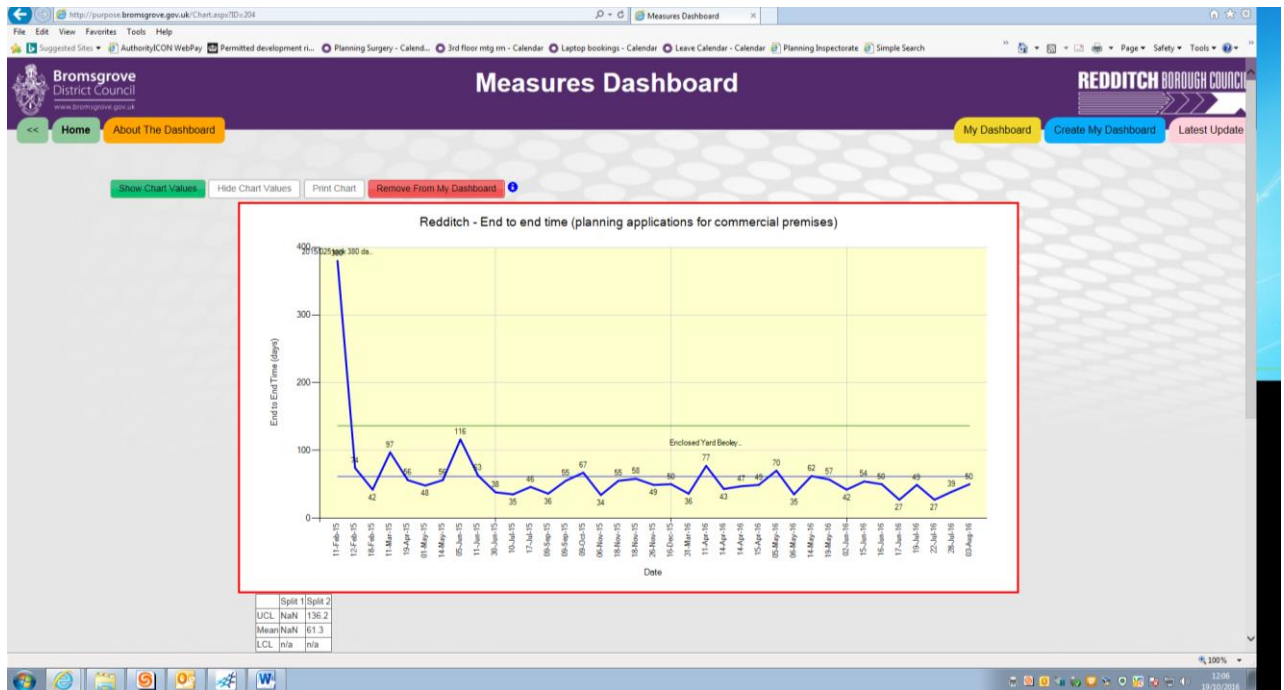
Time taken to determine commercial applications in days over time (Since Sept 2015)



Commercial applications are now being dealt with more quickly than they were in September 2015. Some applications still require additional work to make them acceptable, but in general that is also being achieved more quickly.

Redditch Borough Council

Time taken to determine commercial applications in days over time (Since Feb 2015)



In Redditch the time taken to determine commercial applications has always been good. Variations between individual applications have been evened out more recently and time taken has improved even further.

BROMSGOVE DISTRICT COUNCIL AND
REDDITCH BOROUGH COUNCIL

SHARED SERVICES BOARD

27th October 2016 at 5.30 pm

COMMITTEE ROOM TWO, TOWN HALL, REDDITCH

Present: Councillors Bill Hartnett (Chairman), Juliet Brunner, Yvonne Smith and Pat Witherspoon (Redditch Borough Council)

Councillors Sue Baxter, Richard Deeming and Karen May (Bromsgrove District Council)

In attendance: Councillor Mike Chalk (Redditch Borough Council)

Officers: Kevin Dicks, Sue Hanley, Ruth Bamford and Helen Mole

Notes: Amanda Scarce

1. APOLOGIES

Apologies for absence were received from Councillors Greg Chance and Debbie Taylor (Redditch Borough Council) with Councillors Pat Witherspoon and Yvonne Smith in attendance as substitutes respectively and Councillor Geoff Denaro (Bromsgrove District Council).

2. NOTES

The notes of the previous meeting of the Board held on 12th January 2015 were approved as a correct record.

CONFIDENTIALITY

(Meetings of the Board are not subject to statutory Access to Information requirements; but information relating to individual post holders and/or employee relations matters would nonetheless not be revealed to the press or public.)

3. PRESENTATION – DEVELOPMENT MANAGEMENT SHARED SERVICE

Members received a verbal presentation from the Head of Planning and Regeneration which provided background information in respect of the proposed Development Management Shared Service. It was explained that Development

Management referred to the area which was previously known to Members as Development Control, the shift to the new name had been led by central Government. The Head of Planning and Regeneration highlighted the following:

- There was already an informal shared service, which evolved following the period of transformational work, which had driven the decision to request formalising the shared service.
- There had been significant changes which had led to improvements within the services following the transformation work, which continued to be an ongoing process.
- A major proposed change was the inclusion of enforcement work within the Development Management Team. It was anticipated that a Planner allocated to an application would see it through all stages and pick up any enforcement issues which arose referring to that application.
- There were no cost implications, however it was anticipated that there would be an increase in income for both Councils due to an increase in the number of planning applications going forward. This gave a benefit of approximately £12-13k to each authority.
- A brief outline of the staffing structure was given, which also included details of the grading system.
- It was confirmed that the grading system used at each Council *was* different and as the host authority was proposed to be Bromsgrove the pay structure for the shared service would be that of Bromsgrove however different grades for planning case officers would be introduced giving the opportunity for better staff retention and recruitment and training /career grades would be introduced (as had been the case in Redditch).
- The staffing structure required 2 managers, each of which would take a lead on a Planning Committee. It was hoped that in the future those lead officers would be able to support each Committee in making any improvements that were needed to the process.
- The post of Town Centre Manager would remain at Redditch Borough Council and would be charged solely to them. In respect of the Town Centre Manager for Bromsgrove District Council, the post was part of the service provided through the North Worcestershire Economic Development team.
- It was anticipated that there would be an overall reduction in staff of 2 full time posts following the implementation of the new structure.

Finally, the Head of Planning and Regeneration gave details of the next step of the process, should the Board agree to the proposals. Executive and Cabinet would consider the business case at the 1st and 2nd November respectively with both Councils' making the final decision at their meetings to be held week commencing 21st November. If both Councils endorsed the proposals, the Head of Planning and Regeneration would then put in place the formal procedure of informing staff and there would be a period of consultation with Human Resources and the Unions involvement.

4. DEVELOPMENT MANAGEMENT SHARED SERVICE – BUSINESS CASE

Following the presentation Members made a number of observations and raised a number of questions which were responded to by Officers, these included:

- Support provided to those staff whose positions may be at risk and the options for them to be redeployed within the Councils, or the option to take voluntary redundancy.
- Income from the increased number of planning applications and the overall costing of the service. It was explained that whilst there was an increase in the number of planning applications, the fees for these was set by central Government and did not cover the cost of the overall service. Therefore the balance of that cost came from the Councils' overall revenue budget.
- How the pod system described within the business case worked. The Head of Planning and Regeneration gave a brief overview of the process and explained that the applications were split into three categories, were not split between the two Councils, but were in date order.
- Concerns around the inclusion of the enforcement role within that of a planning officer. The Head of Planning and Regeneration agreed to provide Members with additional information outside of the meeting, and prior to Executive/Cabinet.
- The data entry posts and the work which was carried out – a brief explanation was provided in respect of the requirements from the Land Registry in respect of individual properties and access being available to residents directly in the future to details of properties.
- The calculation of the breakdown of costs between both Councils and whether this would be regularly reviewed. The Head of Planning and Regeneration acknowledged that whilst this would not be feasible on an annual basis, there was potential to carry out regular reviews.
- The location of the team – Members questioned the decision to have the team based at Redditch, when it had been acknowledged within the report (and in the costings) that Bromsgrove had a higher demand for the service.
- The proportion of enforcement cases between the two Councils and whether this was at a similar ratio to the number of applications.
- Whether the savings highlighted within the recent Efficiency Plans had taken into account the creation of this new shared service. It was confirmed that these would have been taken into account.
- The main driver in creating the shared service – whilst cost savings had played a part in the decision it was also important to ensure that good decisions were made in a timely manner and improvements in service had already made an impact following the transformation work and the informal shared working.
- Future changes to the planning application process, including residents being able to choose who dealt with their application. The Head of Planning and Regeneration explained that whilst this could benefit the Council there were many areas which needed to be explored before this became a reality.
- Whether the Head of Planning and Regeneration had explored the opportunities of developers paying for extra time on an application.

Reference was made to information provided by the MPs office and the relevant Member agreed to discuss in more detail with the Head of Planning and Regeneration outside of the meeting.

After further discussion it was

RECOMMENDED that

- 1) Executive/Cabinet and Council endorse the Business Case for Development Management;**
- 2) the implementation costs are shared on the same basis as the total revised service costs between the two Councils to reflect the percentage of the original application income into the service. This to be subject to final financial arrangements being in place between both Authorities. Full year income figures from 2012/13 to 2015/16 confirm a percentage share for the joint service arrangements of**
 - a) Bromsgrove 67%**
 - b) Redditch 33%****and;**
- 3) the service be hosted by Bromsgrove District Council as it receives more applications and covers a larger geographical area.**

5. DATE OF NEXT MEETING

It was confirmed that the next meeting of the Shared Services Board would be held on Tuesday 6th March 2017 at 6.00 pm in the Parkside Suite at Bromsgrove District Council.

The meeting commenced at 5.30 pm

And closed at 6.23 pm

REDDITCH BOROUGH COUNCIL**RECORD OF DECISION TAKEN UNDER URGENCY PROCEDURES**

SUBJECT: Transfer of Town Centre Enhancement monies from S106 capital account.

BRIEF STATEMENT OF SUBJECT MATTER: Approval is sought to transfer funds that were collected for Town Centre Enhancements from the S106 capital account into the Town Centre Projects budget to fund a lighting enhancement scheme around Church Green. This will include Christmas lights.

DECISION:

RESOLVED that

- 1. £29,272.73 be transferred from the S106 capital account to the Town Centre Projects budget.**
- 2. That this money be used to fund a lighting enhancement scheme around Church Green, which includes Christmas lights.**

(Executive decision)

GROUND FOR URGENCY: The decision needs to be made urgently to enable lights to be purchased and installed prior to the Redditch Town Centre Christmas Lights Switch On event on 26th November 2016. Delaying the decision until the next scheduled Executive meeting means that the proportion of the spend on lights would not be achieved for Christmas 2016.

DECISION APPROVED BY:

(Deputy) **CHIEF EXECUTIVE**

EXECUTIVE DIRECTOR FINANCE & RESOURCES
(if financial implications)

.....
(Signature) (Sue Hanley / Kevin Dicks - (D)CX)

.....
(Signature) (Jayne Pickering)

Date: 6th October 2016

PROPOSED ACTION SUPPORTED *(amend as appropriate)*

..... (Signature) (Signature) (Signature) (Signature) (Signature)
<i>(Block Capitals)</i>	<i>(Block Capitals)</i>	<i>(Block Capitals)</i>	<i>(Block Capitals)</i>	<i>(Block Capitals)</i>
Councillor Joe Baker MAYOR *	Councillor Greg Chance PF HOLDER	Councillor Bill Hartnett LEADER / LDR LABOUR Group	Councillor Juliet Brunner LEADER CONSERVATIVE Group	Councillor Jane Potter CHAIR O&S Committee
Date:	Date:	Date:	Date:	Date:

Notes:

* In addition to the Executive decision above regarding the matter under consideration, the Mayor is signing to agree both that the Executive decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. This is to ensure that the call-in procedures as set out in Part 8 of the Constitution shall not apply where an Executive decision being taken is urgent.

REDDITCH BOROUGH COUNCIL

RECORD OF DECISION TAKEN UNDER URGENCY PROCEDURES

SUBJECT: TOMMY WILSON'S FAIR

BRIEF STATEMENT OF SUBJECT MATTER: Proposal to settle current litigation brought by Wilson's Amusements (Redditch) Limited against Redditch Borough Council for compensation based on a contractual commitment to facilitate the Fair in the town centre, in a Conveyance of 1962.

DECISION: It is RESOLVED that:

1. The Council pays £25,000 in full and final settlement of the Claim;
2. Insofar as it is within its powers, the Council agrees to allow Wilson's (Amusements) Redditch Limited access to those areas of Church Green, Alcester Street and Market Street shown edged red on the attached plan, without charge, for the purposes of holding a Fair for a period of 3 days commencing on the first Thursday after the 10 September each year until 2036, which agreement will replace the historic Covenant; and
3. That during a two week period falling within the Easter school holidays, as agreed on an annual basis, the Council will allow access to the Arrow Valley Park to Wilsons Amusements (Redditch) Limited, free of charge for the period of 3 years 2017 – 2019, and a further two years, at a nominal rate to be agreed with the Council, which concession shall be subject to a Waiver of the Council's Contract Procedure Rules.*

GROUND FOR URGENCY: Civil proceedings initiated by Mr Wilson are due for Trial at Telford County Court on 14 and 15 November 2016 and an agreed settlement is urgently required to settle the matter and avoid both the costs of trial and potential third party costs.

DECISION APPROVED BY:

(Deputy) CHIEF EXECUTIVEEXECUTIVE DIRECTOR FINANCE & RESOURCES
(if financial implications).....
(Signature) (Sue Hanley / Kevin Dicks - (D)CX).....
(Signature) (Jayne Pickering)

Date: 8 November 2016

* Since the Decision was made, the proceedings have now been settled, incorporating the first two elements of the Decision. The third part has not been included and will not need to be activated. This is because it was part of broader negotiations, which were ultimately unsuccessful.

The case had been listed for hearing on Monday and Tuesday next 14 and 15 November 2016 and will not now go to hearing, saving considerably on the costs of a trial.

PROPOSED ACTION SUPPORTED *(amend as appropriate)*

..... (Signature) (Signature) (Signature) (Signature) (Signature)
<i>(Block Capitals)</i>	<i>(Block Capitals)</i>	<i>(Block Capitals)</i>	<i>(Block Capitals)</i>	<i>(Block Capitals)</i>
MAYOR *	PF HOLDER	LEADER / LDR LABOUR Group	DEPUTY LEADER CONSERVATIVE Group (in the Group Leader's absence)	CHAIR O&S Committee
Date:	Date:	Date:	Date:	Date:

Notes:

* In addition to the Executive decision above regarding the matter under consideration, the Mayor is signing to agree both that the Executive decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. This is to ensure that the call-in procedures as set out in Part 8 of the Constitution shall not apply where an Executive decision being taken is urgent.



Notes:

Date	Rev	Details

Contract:
Church Green Improvements

Drawing:
Town Centre Area available for Fair

Drawn: EN	Scale: 1/1,000
Surveyed: OS	Date: Nov 2011

Drawing No: **P2009/11.1**

Asset Maintenance
Town Hall
Walter Stranz Square
Redditch
Worcs B98 8AH



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