



# Council

Mon 24 Jun  
2019  
7.00 pm

Council Chamber  
Town Hall  
Redditch



[www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)

**If you have any queries on this Agenda please contact  
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# Council

Monday, 24th June, 2019

7.00 pm

Council Chamber - Town Hall  
Redditch

## Agenda

### Membership:

Cllrs:	Roger Bennett (Mayor)	Julian Grubb
	Gareth Prosser (Deputy Mayor)	Bill Hartnett
	Salman Akbar	Pattie Hill
	Joe Baker	Ann Isherwood
	Tom Baker-Price	Wanda King
	Joanne Beecham	Anthony Lovell
	Juliet Brunner	Gemma Monaco
	Michael Chalk	Nyear Nazir
	Debbie Chance	Mike Rouse
	Greg Chance	Mark Shurmer
	Brandon Clayton	Yvonne Smith
	Matthew Dormer	David Thain
	John Fisher	Craig Warhurst
	Peter Fleming	Jennifer Wheeler
	Andrew Fry	

- 1. Welcome**
- 2. Apologies for Absence**
- 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 - 24)**
- 5. Announcements**

To consider Announcements under Procedure Rule 10:

- Mayor's Announcements
- The Leader's Announcements
- Chief Executive's Announcements.

- 6. Questions on Notice (Procedure Rule 9)**

## 7. Motions on Notice (Procedure Rule 11)

No motions have been received for this meeting.

## 8. Executive Committee (Pages 25 - 36)

### 8.1 Civil Penalty Notices Powers - Private Sector Housing (Pages 37 - 52)

### 8.2 High Quality Design - Supplementary Planning Document (SPD) (Pages 53 - 56)

Due to the amount of paperwork only the covering report for this item has been included in this agenda pack. The full report, including appendices, can be accessed in the Additional Papers 1 pack for this meeting.

### 8.3 Upper Norgrove Site, Webheath - Development of Land (Pages 57 - 64)

## 9. Membership Changes to Various Committees

To note that:

### Audit, Governance and Standards Committee

Councillor Tom Baker-Price has replaced Councillor Craig Warhurst on the Audit, Governance and Standards Committee.

### Constitutional Review Working Party

Councillor Tom Baker-Price has replaced Councillor Mike Rouse on the Constitutional Review Working Party.

### Licensing Committee

Councillors Brandon Clayton and Julian Grubb have been appointed to the Licensing Committee in place of Councillors Tom Baker-Price and Roger Bennett.

### Planning Committee

Councillor Anthony Lovell has been appointed to the Planning Committee in place of Councillor Roger Bennett.

## **10. Membership Change to Outside Bodies** (Pages 65 - 66)

To note appointments to a number of outside bodies, which are shared appointments with Bromsgrove District Council and Wyre Forest District Council for north Worcestershire.

## **11. Urgent Business - Record of Decisions**

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.

(None to date).

## **12. Urgent Business - general (if any)**

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.

(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.)

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## Council

Monday, 20 May 2019

## MINUTES

### Present:

Councillor Juliet Brunner (Mayor), Councillor Roger Bennett (Deputy Mayor) and Councillors Salman Akbar, Joe Baker, Joanne Beecham, Michael Chalk, Debbie Chance, Greg Chance, Matthew Dormer, John Fisher, Peter Fleming, Andrew Fry, Julian Grubb, Bill Hartnett, Pattie Hill, Ann Isherwood, Wanda King, Anthony Lovell, Nyear Nazir, Gareth Prosser, Mark Shurmer, Yvonne Smith, David Thain, Craig Warhurst and Jennifer Wheeler

### Officers:

Kevin Dicks, Claire Felton and Sue Hanley

### Senior Democratic Services Officer:

Jess Bayley

### 1. WELCOME

The Mayor welcomed all those present to the meeting.

### 2. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors Tom Baker-Price, Brandon Clayton, Gemma Monaco and Mike Rouse.

### 3. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 4. MAYOR'S OPENING REMARKS

Councillor Brunner advised that she had been proud to serve as Mayor during 2018/19. She paid tribute to her chaplain, Canon Garth Nathaniel of St Peter's Church, Ipsley and his wife, Jennifer, and thanked them for all their support during the year. In recognition of their service Councillor Brunner presented them with a token of appreciation.

.....  
Chair

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The Mayor extended her thanks to the RAF Air Cadets who had supported her during her Mayoral year. This included Chief Warrant Officer Benjamin Hudson and Corporal Samantha Rist. Members were advised that during the year Chief Warrant Officer Hudson had been promoted to the position of the Lord Lieutenant's cadet. The Mayor also thanked the 216 Redditch Squadron's cadets for their service and support during the civic dinner earlier in the year.

Tribute was paid by the Mayor to her consorts, Mrs Angie Heighway, Mrs Gay Hopkins, and Councillor Brunner's daughter, Arlene. Particular thanks were extended to the Mayor's husband, Mr Mark Brunner, for his support during the year.

Members were informed that there were many happy memories that Councillor Brunner would take from her year as Mayor of the Borough of Redditch. Particular highlights included: the medal presented by the 37 Signal Regiment to the Mayor in recognition of her support for the armed forces, an accolade that was only presented to five people every year; attending the events commemorating the centenary year of the end of World War One; visiting the Alexandra Hospital in Redditch on Christmas day and celebrating the festivities with patients; the Astwood Bank Carnival; the social media based cheer for the England Football team in the World Cup in 2018; and the Queen's Garden Party in May 2019.

Councillor Brunner advised that she had raised over £4,000 for her Mayoral charities. These charities, Bowel Cancer UK, the Royal British Legion and Sandycroft, were also thanked for their support during the year.

Finally Councillor Brunner concluded by thanking the Mayor's Secretary, Susan Lisle, and her assistant, Sarah Carroll, for their help during the year.

## **5. ELECTION OF THE MAYOR FOR 2019/20**

Councillor Roger Bennett was elected Mayor of the Borough for the forthcoming year, following which he made the statutory declaration of acceptance of office and was then invested with the Chain of Office by the outgoing Mayor, Councillor Juliet Brunner. Councillor Bennett thanked the outgoing Mayor and, on behalf of the Council, expressed gratitude for the work she had carried out as an ambassador for the town.

### **RESOLVED that**

- 1) Councillor Roger Bennett be elected Mayor of the Borough of Redditch to serve until the next Annual Meeting of the Council; and**



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- 2) **the Council formally express, and record, its gratitude to Councillor Juliet Brunner for her excellent service to the town over the last 12 months as Mayor.**

## 6. ELECTION OF DEPUTY MAYOR FOR 2019/20

Councillor Gareth Prosser was elected Deputy Mayor of the Borough of Redditch for the forthcoming year, following which he made the statutory declaration of acceptance of office and was then invested with the Deputy Mayor's Badge of Office by the Mayor, Councillor Roger Bennett.

### **RESOLVED that**

**Councillor Gareth Prosser be appointed Deputy Mayor of the Borough of Redditch to serve until the next Annual Meeting of the Council.**

## 7. MINUTES

### **RESOLVED that**

**the minutes of the meeting of Council held on Monday 15<sup>th</sup> April 2019 be held as a true and correct record and signed by the Mayor.**

## 8. ANNOUNCEMENTS

### a) Mayor's Announcements

Councillor Bennett advised that he was proud to have been elected as Mayor of the Borough of Redditch. He advised Members that he came from a humble background and grew up in the West Country. He worked for a logistics company from 1967 to 1993 and progressed up the organisation during those years, eventually securing the position of Divisional Managing Director. Councillor Bennett advised Members that he was from an army background; his father had served in the army and his son was currently serving in the army. The Mayor noted that he had first been elected as a Councillor for the Borough of Redditch seven years previously and he had been elected as a County Councillor in 2017.

Members were informed that the Mayor would be supporting three charities in 2019/20; the League of Friends for the Alexandra Hospital, BluWave Community Transport, and the Redditch Mental Health Action Group (MHAG). The Reverend Paul Lawlor had been invited to act as the Mayor's Chaplain during the year. Members were advised that Lance Corporal Keisha Kazi, of the Mercian Regiment, would be the Mayor's cadet during 2019/20.

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During consideration of this item the Mayor invited representatives of the Royal British Legion to present gifts to the previous Mayor, Councillor Juliet Brunner, in recognition of her support during the year.

The Mayor concluded his announcements by thanking his wife for her continuing support over 26 years of a very happy marriage.

b) The Leader's Announcements

The Leader of the Council advised that the review of the Local Enterprise Partnerships (LEPs) was continuing and the outcomes would be reported to Council in due course.

c) Chief Executive's Announcements

The Chief Executive explained that it had not been possible to provide seating for the public in the whole of the civic suite that evening as the other committee rooms were in the process of being used for the European elections. Members were advised that more public seating would be available for future meetings.

## 9. RETURNING OFFICER'S REPORT

The Council received the Returning Officer's report in respect of the Borough Council elections held on 2nd May 2019.

**RESOLVED that**

**the Returning Officer's report be noted.**

## 10. LEADER'S APPOINTMENTS

The Leader tabled his appointments to the Executive Committee as detailed in Appendix 1 to these minutes.

**RESOLVED that**

**the appointment by the Leader of the Deputy Leader, of Members to the Executive Committee and to the individual Portfolios as detailed in Appendix 1 attached to these Minutes be noted.**

## 11. APPOINTMENT OF COMMITTEES, PANELS ETC. AND THEIR CHAIRS AND VICE CHAIRS

The Council considered the report setting out the proposed political balance of the Council's Committees and lists of nominations to

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Committees, Sub-Committees and other bodies, which were tabled at the meeting.

**RESOLVED that**

- 1) the Political balance of the Committees of the Council be agreed as set out in paragraph 3.5;
- 2) the arrangement where the seats on the Overview and Scrutiny Committee are not allocated in accordance with the political balance requirements be continued;
- 3) the arrangement where the seats on the Crime and Disorder Scrutiny Panel are not allocated in accordance with the political balance requirements be continued;
- 4) appointments by political group leaders to the places on each Committee etc. be noted;
- 5) the Council appoints Chairs and Vice-Chairs to the Committees and other bodies as set out in Appendix 2 to the minutes;
- 6) appointments to Working Groups and other bodies listed in the appendix be agreed; and
- 7) the terms of reference for the Committees as set out at Appendix 2 to the report be confirmed.

**12. OUTSIDE BODIES**

Members considered a report setting out proposed appointments to various outside bodies.

During consideration of this item Councillor Bill Hartnett advised that the Labour group were nominating Councillor Yvonne Smith to sit on Worcestershire County Council's Redditch Highways and Transportation Forum Members' Discussion Group.

**RESOLVED that**

**appointments to the places on each of the Outside Bodies, as detailed in Appendix 3 attached to these Minutes, be agreed.**

**13. CONSTITUTION UPDATES - INCLUDING SCHEME OF DELEGATIONS**

Members considered a report which provided an update on changes made to the Scheme of Officer Delegations during the year in response to legislative changes and the introduction of new

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operating arrangements for Leisure and Cultural Services. The report also set out changes to the procedure notes for the Audit, Governance and Standards, Licensing and Overview and Scrutiny Committees which reflected the introduction of public speaking arrangements as agreed by Members in 2018/19.

**RESOLVED that**

- 1) **the current version of the Officer Scheme of Delegations is agreed as set out at Appendix 1 to the report;**
- 2) **the procedure rules for the Audit, Governance and Standards Committee, updated to include reference to public speaking at meetings of the Committee, be approved;**
- 3) **the procedure rules for the Licensing Committee, updated to include reference to public speaking at meetings of the Committee, be approved; and**
- 4) **the procedure rules for the Overview and Scrutiny Committee, updated to include reference to public speaking at meetings of the Committee, be approved.**

**14. URGENT BUSINESS - RECORD OF DECISIONS**

There were no urgent decisions to note.

**15. URGENT BUSINESS - GENERAL (IF ANY)**

There was no general urgent business for consideration on this occasion.

The Meeting commenced at 7.05 pm  
and closed at 7.36 pm

## Annual Meeting of the Council

20th May 2019

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### APPENDIX 1 - LEADER APPOINTMENTS (and places from outside the controlling group )

#### EXECUTIVE COMMITTEE

Chair: Leader of the Council by office – Councillor Matthew Dormer

Vice-Chair: Deputy Leader by office – Councillor David Thain

Councillors: 9 = 7+2 – not required to be proportional

Conservative – Councillors Brunner, Clayton, Grubb, Rouse and Warhurst.

Labour – Councillors G Chance and Hartnett

Cannot be members of O&S Committees

Named

Substitutes: Not permitted.

## Annual Meeting of the Council

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### **Portfolio Holders (7)**

Numbers of Portfolios and range of services covered are reviewable annually.

**Leader of the Council and Portfolio Holder for Planning, Economic Development, Commercialism and Partnerships – Councillor Dormer** – aligned to help me run a successful business – covering planning and land use, economic development, commercialism (including local authority trading companies) and key partnerships.

**Portfolio Holder for Corporate Management – Councillor Thain** – enabling services, covering internal systems, support services, audit, finance, human resources, asset management and governance.

**Portfolio Holder for Community Services and Regulatory Services – Councillor Grubb** – aligned to help me to live my life independently (including health and activity) – community safety, crime and disorder, safer communities, regulatory services, public transport, children, youth, children’s centres, corporate parenting and health, emergency planning and enforcement.

**Portfolio Holder for Environmental Services – Councillor B Clayton** – aligned to keep my place safe and looking good – covering Licensing impacts, better environment, cleansing and waste management, landscaping including trees, woodland and grounds maintenance, sustainability and bereavement services.

**Portfolio Holder for Leisure - Councillor Rouse** – aligned to provide good things for me to do, see and visit – covering culture and recreation, management of facilities including sports centres, theatres and community centres, parks and open spaces strategy including allotments, playing pitches and play areas, sports, arts, physical activity and development, community training, education, learning and skills and grants and lottery and IT.

**Portfolio Holder for Housing – Councillor Warhurst** – aligned to help me to find somewhere to live in my locality - covering Housing Services (delivery and development).

**Portfolio Holder for Customer Access and Financial Services – Councillor Brunner** – aligned to help me to be financially independent (including education and skills) including customer services and revenues and benefits.

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Strategic Purposes will not be achieved by one service area alone and an individual service area will undoubtedly help achieve more than one strategic purpose. Services have been listed under strategic purposes to which they most directly relate and Portfolio Holders will be responsible for these services. However, it is incumbent on each Portfolio Holder to work with the other Portfolio Holders to ensure most effective use of resources and achievement of strategic purposes.

**Annual Meeting  
of the Council****Appendix**

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**Appendix 2 - Nominations and Appointments to  
Offices, Committees, Sub-Committees etc.**

<b>Committee / Sub-Committee etc.</b>	<b>Size (Members)</b>	<b>Conservative</b>	<b>Labour</b>
<b>Audit, Governance and Standards Committee</b>	<b>9</b>	6 Cllrs Akbar Chalk Isherwood Nazir Thain and Warhurst	3 (Ch) Cllr Fisher (V Ch) Cllr Shurmer Cllr Smith
<b>Licensing Committee</b>  (note the sub-committees are now selected from the committee membership)	11	7 (Ch) Akbar (V Ch) Chalk Cllrs Baker-Price Beecham Bennett Isherwood and Prosser	4 Cllrs Fry, Hill, Shurmer and Smith
<b>Planning Committee</b>  (A pool of named substitutes would be welcomed for this Committee from both groups)	<b>9</b>	6 (Ch) Chalk (V Ch) Monaco Cllrs Bennett Clayton Nazir Prosser  <u>Named substitutes:</u>  Cllrs Akbar Baker-Price Isherwood Lovell and Warhurst	3 Cllrs Fry, Hartnett and Wheeler  <u>Named Substitutes:</u>  Cllrs Baker, King, Shurmer and Smith

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<b>Committee / Sub-Committee etc.</b>	<b>Size (Members)</b>	<b>Conservative</b>	<b>Labour</b>
<p><b>Overview and Scrutiny Committee</b></p> <p>(The numbers listed assume Members will agree not to appoint to this Committee in accordance with political balance requirements as agreed in previous years. Should Members decide to apply the political balance the Conservatives are allocated 6 seats and Labour 3 seats)</p>	<b>9</b>	<p>4</p> <p>Cllrs Akbar Beecham Chalk and Fleming</p>	<p>5</p> <p>(Ch) Cllr Baker (V Ch) Cllr D Chance Cllrs Fry, Shurmer and Wheeler</p>
<p><b>Crime and Disorder Scrutiny Panel</b></p> <p>(The numbers listed assume Members will agree not to appoint to this Committee in accordance with political balance requirements as agreed in previous years. Should Members decide to apply the political balance the Conservatives are allocated 3 seats and Labour 2 seats)</p>	<b>5</b>	<p>2</p> <p>Cllrs Nazir and Prosser</p>	<p>3</p> <p>(Ch) Cllr Wheeler Cllrs King and Hill</p>



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20th May 2019

<b>Committee / Sub-Committee etc.</b>	<b>Size (Members)</b>	<b>Conservative</b>	<b>Labour</b>
<b>Employment Appeals Committee</b>  (A pool of nominated members from both groups would be welcomed for this Committee, in line with national best practice)	<b>5</b>	3 (Ch) Brunner (V Ch) Chalk Grubb  <u>Pool Members:</u>  Cllrs Beecham, Bennett, Dormer, Lovell, Monaco, Nazir, Prosser, Thain and Warhurst	2 Cllrs Baker and Wheeler   Pool of Members: Cllrs D Chance, G Chance, Hartnett and Hill
<b>Corporate Health, Safety and Welfare Committee</b>	<b>1</b>	1 Member  Cllr Grubb	-
<b>Shared Services Board</b>	<b>4</b>	3 Members  (Ch) Cllr Dormer – (alternating with Bromsgrove District Council's Leader)  Cllrs Clayton and Thain	1 Member  Cllr Hartnett
<b>Members' Support Steering Group</b>	<b>5</b>	3 (Ch) Cllr Dormer (V Ch) Cllr Rouse Cllr Beecham	2 Cllrs D Chance and G Chance
<b>Worcestershire Shared Services Joint Committee</b>	<b>2 (+ 2 subs)</b>	1 Member Cllr Grubb  Sub: Cllr Prosser	1 Member Cllr King Sub: Cllr Fry
<b>Planning Advisory Panel</b>	<b>5</b>	3 Members (Ch) Cllr Dormer (V Ch) Cllr Thain Cllr Fleming	2 Members Cllrs Hartnett and G Chance

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<b>Committee / Sub-Committee etc.</b>	<b>Size (Members)</b>	<b>Conservative</b>	<b>Labour</b>
<b>Constitutional Review Working Party</b>	<b>5</b>	3 Members (Ch) Cllr Dormer (V Ch) Cllr Rouse Cllr Chalk	2 Members Cllrs G Chance and Hartnett
<b>Appointments Committee</b>	<b>5</b>	3 Members (Ch) Cllr Dormer (V Ch) Cllr Thain Cllr Warhurst	2 Members Cllrs G Chance and Hartnett
<b>Shareholders Committee (Rubicon Leisure)</b>	<b>5</b>	3 Members (Ch) Cllr Thain (V Ch) Cllr Akbar Cllr Isherwood	2 Members Cllrs Fisher and Shurmer
<b>Electoral Matters Committee</b>	<b>5</b>	3 Members (Ch) Cllr Dormer (V Ch) Cllr Rouse Cllr Chalk	2 Members Cllrs G Chance and Hartnett
<b>Statutory Officers Disciplinary Panel</b>	<b>5</b>	3 Members (Ch) Cllr Dormer (V Ch) Cllr Thain Cllr Rouse	2 Members Cllrs G Chance and Hartnett
<b>Grants Panel</b>	<b>5</b>	3 Members (V Ch) Cllr Rouse Cllr Lovell Cllr Nazir	2 Members (Ch) Cllr G Chance Cllr Shurmer
<b>Holocaust Memorial Steering Group</b>	<b>5</b>	3 Members (Ch) Cllr Fleming (V Ch) Cllr Brunner Cllr Isherwood	2 Members Cllrs Hartnett and Wheeler
<b>Redditch Matters Editorial Panel</b>	<b>3</b>	2 Members Cllr Lovell Cllr Thain	1 Member Cllr D Chance

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**Scrutiny Groups****(political proportionality not required)**

<b>Working Group / Task Group / Short Sharp Review</b>	<b>Size (Members)</b>	<b>Conservative</b>	<b>Labour</b>
Budget Scrutiny Working Group	5 (maximum)	Cllr Akbar Cllr Chalk	(Ch) Cllr Wheeler Cllrs Fisher and Smith
Performance Scrutiny Working Group	5 (maximum)	Cllr Isherwood Cllr Lovell	(Ch) Cllr Fisher Cllr Smith
Suicide Prevention Short Sharp Review	5 (maximum)	Cllr Isherwood Cllr Lovell Cllr Nazir	(Ch) Cllr D Chance Cllr Hill

\*The Chairs of each of these scrutiny groups must be a member of the Overview and Scrutiny Committee.

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**APPENDIX 3 - BOROUGH COUNCIL REPRESENTATIVES ON  
OUTSIDE BODIES – NOMINATIONS FOR 2019/2020****STRATEGIC APPOINTMENTS TO NOTE:**

<b>Organisation</b>	<b>Appointee 2018/19</b>	<b>Appointment Requirements</b>	<b>Nomination 2019/20</b>
Local Government Association	<b>Councillor Matt Dormer</b>	1 Representative (usually Leader) must be a Councillor Term : 1 year No liability issues identified.	<b>Councillor Matt Dormer</b>
West Mercia Police and Crime Panel	<b>Councillor Gareth Prosser Sub: Councillor Julian Grubb</b>	1 representative (Relevant Portfolio Holder) and 1 substitute Term: 1 year No liability issues identified	<b>Councillor Julian Grubb Sub: Councillor Gareth Prosser</b>
Assembly of the District Councils' Network	<b>Councillor Matt Dormer (as Leader of the Council)</b>	1 Nomination To represent the Council on the Assembly of this body which is a voice for District Councils within the Local Government Association. The Assembly of the DCN comprises the Leaders of the Member Authorities or equivalent. Term : 1 year No liability issues identified.	<b>Councillor Matt Dormer</b>
Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP) [ Also referred to as the LEP Board]	<b>Councillor Ian Hardiman (Wyre Forest)  Sub: Councillor David Bush</b>	1 (plus 1 Substitute) representing the 3 North Worcestershire District Councils.	<b>Councillor David Thain  Sub: Councillor Matt Dormer</b>

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GBSLEP – Joint Committee (Local Supervisory Board)	<p><b>Councillor Matt Dormer</b> <b>Leader Ex-officio for Redditch BC</b></p> <p><b>Councillor David Bush</b> <b>Deputy Leader Ex-officio for Redditch BC</b></p>	1 Member (Leader) from each constituent Authority plus substitute	<p><b>Councillor Matt Dormer</b></p> <p><b>Sub:</b> <b>Councillor David Thain</b></p>
GBSLEP - Local Enterprise Partnership - EU Structural and Investment Fund Strategy Committee (ESIF)	<p><b>Councillor Ian Hardiman</b> <b>(Wyre Forest)</b></p> <p><b>Sub:</b> <b>Councillor Matt Dormer</b></p>	1 Representative and 1 Substitute from the three North Worcestershire Districts.	<p><b>Councillor Wyre Forest Councillor</b></p> <p><b>Sub:</b> <b>Councillor Matt Dormer</b></p>
Worcestershire Local Enterprise Partnership (LEP) [ also referred to as LEP Board]	<p><b>Councillor Karen May Bromsgrove District Council</b></p> <p><b>Sub:</b> <b>Councillor Matt Dormer (Redditch) or Councillor Ian Hardiman (Wyre Forest)</b></p>	<p>1 representative on behalf of the 3 North Worcestershire authorities – required by LEP constitution.</p> <p><b>Plus 1 substitute</b></p>	<p><b>Councillor Karen May Bromsgrove District Council</b></p> <p><b>Sub:</b> <b>Councillor Matt Dormer</b></p>
Worcestershire Local Transport Board (WLTB)	<p><b>Councillor Ian Hardiman (Wyre Forest)</b></p> <p><b>Councillor David Bush (Redditch)</b></p>	<p>2 representatives from North Worcestershire Councils plus one substitute.</p> <p>2 representatives not to be drawn from the Council supplying the “main” representative on Worcestershire LEP</p>	<p><b>Councillor Julian Grubb</b></p> <p><b>Wyre Forest Councillor</b></p>

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Worcestershire Local Enterprise Partnership - EU Structural and Investment Fund Strategy Committee (ESIF) [ This is a sub- committee of the Worcs LEP]	<b>Councillor Ian Hardiman (Wyre Forest)</b>  <b>Sub: Councillor Matt Dormer (Redditch)</b>	1 representative from the North Worcestershire Councils and 1 substitute	<b>Wyre Forest Councillor</b>  <b>Sub: Councillor Matt Dormer</b>
Corporate Parenting Steering Group (Worcestershire County Council)	<b>Councillor Gareth Prosser</b>	1 RBC Representative (elected) <u>Must be relevant Portfolio Holder</u> Until next RBC Annual Meeting. (Monthly meetings – approx. 2 hrs each time – generally Friday mornings – 9.30a.m. start) No liability issues identified.	<b>Councillor Juliet Brunner</b>
Redditch Partnership (Local Strategic Partnership)	<b>Councillor Matt Dormer Leader by Office</b>	1 Member Representative Leader Term : 1 year No liability issues identified.	<b>Councillor Matt Dormer</b>
Redditch Partnership Economic Theme Group  (formerly an Executive Panel)	<b>Councillor Matt Dormer Councillor David Bush Councillor Greg Chance</b>	3 representatives required, all by office: <ul style="list-style-type: none"> <li>• Leader</li> <li>• Economic Development Portfolio Holder</li> <li>• Shadow Economic Development Portfolio Holder</li> </ul>	<b>Councillor Matt Dormer</b>  <b>Councillor David Thain</b>  <b>Councillor Bill Hartnett</b>

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North Worcestershire Community Safety Partnership	<b>Councillor Gareth Prosser</b>	1 representative and one named substitute Term: 1 year Terms of Reference indicate the representative should be the relevant Portfolio Holder. Each district Council has a place on the Partnership Board as an Invitee to Participate. No liability issues identified.	<b>Councillor Julian Grubb</b>
Waste Management Board (Lead Officer – Guy Revans)	<b>Councillor Brandon Clayton (as relevant Portfolio Holder)</b>	1 representative Representative must be a Councillor and relevant Portfolio Holder Term : 1 year <u>Note</u> : Meets Friday mornings - 4 times per year No liability issues identified	<b>Councillor Brandon Clayton</b>
Worcestershire Health and Wellbeing Board	<b>Councillor Chris Rogers, Bromsgrove DC</b>  <b>Sub: Councillor Gareth Prosser</b>	1 representative and 1 substitute from North Worcestershire Councils	<b>Councillor To be confirmed</b>  <b>Sub: Councillor To be confirmed</b>
Health Improvement Group	<b>Councillor Gareth Prosser</b>  <b>Sub: Councillor Brandon Clayton</b>	1 RBC Representative (Elected) Relevant Portfolio	<b>Councillor Julian Grubb</b>  <b>Sub: Juliet Brunner</b>



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West Midlands Combined Authority Board	<b>Councillor Matt Dormer</b>  <b>Sub: Councillor David Bush</b>	1 nomination and one substitute  Leader by office	<b>Councillor Matt Dormer</b>  <b>Sub: Councillor David Thain</b>
West Midlands Combined Authority Housing and Land Delivery Board	<b>Councillor Matt Dormer</b> <b>Sub: Councillor Craig Warhurst</b>	1 RBC Representative (Elected) Relevant Portfolio <u>Must be relevant Portfolio Holder (function to include Housing and/or Land Use</u>	<b>Councillor Matt Dormer</b>  <b>Sub: Councillor Craig Warhurst</b>

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**LOCAL APPOINTMENTS**

West Midlands Combined Authority Audit Committee	<b>Councillor Baker- Price</b>  <b>Sub: Councillor Craig Warhurst</b>	1 nomination and one substitute Must be members of the majority group	<b>Councillor David Thain</b>  <b>Sub: Councillor Tom Baker-Price</b>
West Midlands Combined Authority Overview and Scrutiny Committee	<b>Councillor Mike Chalk</b>  <b>Sub: Councillor Julian Grubb</b>	1 nomination and one substitute Must be members of the majority group and ideally members of O&S	<b>Councillor Michael Chalk</b>  <b>Sub: Councillor Julian Grubb</b>
Greater Birmingham & Solihull Local Enterprise Partnership (GBSLEP) – Joint Scrutiny Board	<b>Councillor Michael Rouse</b>  <b>Councillor Julian Grubb (alternate)</b>	1 representative and 1 substitute  Term: 1 year	<b>Councillor Michael Chalk</b>  <b>Sub: Councillor Julian Grubb</b>
Health Overview and Scrutiny Committee (Worcestershire County Council)	<b>Councillor Mike Chalk</b>	1 representative <b>(Must be a member of Redditch Borough Council's Overview and Scrutiny Committee).</b> Term: 1 year. Comprises 8 County Councillors and 6 District Councillors who scrutinise the local NHS and are consulted by the NHS on any proposed substantial changes to local health services.	<b>Councillor Michael Chalk</b>

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<p>Redditch Highways &amp; Transportation Forum Members Discussion Group (Worcestershire County Council)</p>	<p><b>Councillor Pat Witherspoon</b> <b>Councillor Michael Chalk</b></p>	<p>Up to 2 Representatives (Must be Councillors) Term: To RBC AGM Role is that of non-voting observers only. No liability issues identified.</p>	<p><b>Councillor Michael Chalk</b> <b>Councillor Yvonne Smith</b></p>
<p>Worcestershire Local Access Forum (Worcestershire County Council)</p>	<p><b>Councillor Julian Grubb</b> Membership comprises 1 County Council Member; one Member from North District Councils and one Member from the Southern Districts  Bromsgrove DC do not participate.</p>	<p>1 nomination from north Worcestershire District Councils (must be a Councillor)  Term : 1 year (<u>Note</u>: Would be beneficial if the representative had a keen interest in countryside access and recreation issues.)  No liability issues identified.</p>	<p><b>Councillor Julian Grubb</b></p>
<p>Redditch Eastern Gateway Steering Group (Contact Officer Simon Jones)</p>	<p><b>Councillor Anthony Lovell</b></p>	<p>1 Representative to be a ward member for Winyates Ward  Term : 1 year  Group of local stakeholders set up by Stratford on Avon District Council to consider proposals regarding the Eastern Gateway Development as to reserved matters and routing strategy/survey. No liability issues identified.</p>	<p><b>Councillor Anthony Lovell</b></p>

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Town Centre Partnership (Lead Officer – Lyndsey Berry)	<b>Councillor David Bush</b> <b>Councillor Jenny Wheeler</b>	2 Representatives (must be Councillors – one from each Political Group) Term : 1 year No liability issues identified.	<b>Councillor David Thain</b> <b>Councillor Jenny Wheeler</b>
Citizens Advice Bromsgrove and Redditch	<b>New 2016 2017 No appointments made</b>	1 representative and 1 substitute  Appointments will be trustees of the CAB which is a charitable company limited by guarantee Term: 3 years	<b>No appointment agreed in 2019/20</b>
Disability Action Redditch	<b>Councillor Anita Clayton</b>  <b>Councillor Yvonne Smith</b>	2 Representatives Must be Councillors  Term : 1 year Advised advisory and representative only, no decision-making role. No liability issues identified.	<b>Councillor Gareth Prosser</b> <b>Councillor Yvonne Smith</b>
Redditch Co-operative Homes	<b>Councillors Bill Hartnett, Antonia Pulsford, Craig Warhurst and Pat Witherspoon</b>	4 Nominations (must be Councillors) Term : 1 year  Nature of representation: to primarily represent the Organisation and not the Borough Council. Notified in 2014 that only 4 nominations were now required  <b>Liability appears to be limited providing there are no breaches of duty or trust.</b>	<b>Councillors Joe Baker, Bill Hartnett, Ann Isherwood and Craig Warhurst.</b>

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Redditch One World Link Executive Committee	<b>Councillor Joanne Beecham and one vacancy</b>	2 Representatives  Nominations should not include the Mayor who is a Member ex-officio*.  Term : 1 year  Liability appears to be limited, provided there are no breaches of duty or trust.	<b>Councillors Joanne Beecham and Peter Fleming</b>
St Stephen's Church, Redditch Project Group  (Lead Officer – Lyndsey Berry)	<b>Councillor Julian Grubb</b>	1 Member Representative (Must be a Councillor)  Term: not specified by Group but suggest AGM to AGM. Day time meetings.  Full nature of role and issues of liability not determined. Advised in 2010 the Group was seeking legal advice regarding measures to indemnify Project Group members. No update received to date.	<b>Councillor Juliet Brunner</b>
PATROL Traffic Penalty Tribunal (Civil Parking Enforcement)	<b>Councillor Julian Grubb</b>	1 Representative plus 1 Deputy (must be Councillors) Term: AGM to AGM No liabilities identified / unlikely to be any liabilities.	<b>Councillor Gareth Prosser</b>

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'Where Next' Association	<b>Councillors Matt Dormer and Wanda King</b>	2 Representative must be Councillors – 2 <i>places variation previously agreed</i>  Term : 1 year to Council's AGM  Nature of representation: to represent the Borough Council. Liability appears to be limited.	<b>Councillors Anthony Lovell and Wanda King</b>
Tardebigge Relieve in Need and Sickness Charities	<b>Councillor Gemma Monaco (to AGM 2022)</b>  <b>Councillor Pattie Hill (to AGM 2019)</b>	2 Representatives, but only one position to appoint to at this meeting.  Term: 4 years  The charities are governed in accordance with the Charity Commission Scheme and strict rules apply.	<b>Councillor Gemma Monaco (to 2022)</b>  <b>Councillor Pattie Hill (four year term from 2019)</b>



## Executive

### Committee

Tuesday, 11 June 2019

## MINUTES

#### Present:

Councillor Matthew Dormer (Chair), Councillor David Thain (Vice-Chair) and Councillors Juliet Brunner, Greg Chance, Brandon Clayton, Julian Grubb, Bill Hartnett and Craig Warhurst

#### Officers:

Haroon Chaudhry, Mike Dunphy, Clare Flanagan, Rebecca Green, Sue Hanley and Jayne Pickering

#### Senior Democratic Services Officer:

Jess Bayley

#### 1. APOLOGIES

An apology for absence was received on behalf of Councillor Mike Rouse.

#### 2. DECLARATIONS OF INTEREST

There were no declarations of interest.

#### 3. LEADER'S ANNOUNCEMENTS

The Chair circulated a list of announcements at the meeting.

During consideration of this item the Chair proposed that future meetings of the Executive Committee should start at 6.30pm. The same start time had been introduced the previous year for the Overview and Scrutiny Committee and had worked well. As Members confirmed they would be available at this time this proposal was agreed.

The Chair advised that the review of the Local Enterprise Partnerships (LEPs) was ongoing. Further information in respect of this matter would be available shortly.

#### 4. MINUTES

.....  
Chair

**RESOLVED that**

**the minutes of the meeting of the Executive Committee held on 26<sup>th</sup> March 2019 be held as a correct record and signed by the Chair.**

**5. CIVIL PENALTY NOTICES POWERS - PRIVATE SECTOR HOUSING**

The Environmental Health Practitioner for Private Sector Housing presented a report in respect of the proposal to introduce civil penalties for landlords who failed to comply with standards in the private rented sector. In the Housing and Planning Act 2016 the Government had introduced powers for local authorities to use financial penalties as an alternative to prosecution in cases where landlords did not comply with appropriate standards. The report detailed proposals in respect of how the powers in this legislation would be implemented and a financial penalty matrix had been developed in consultation with neighbouring local authorities to ensure there was consistency across the region.

The purpose of the civil penalty notices was to reduce the burden placed on local authorities when taking enforcement action against landlords. The alternative, prosecution through the courts, was time consuming and resource intensive. Civil penalty notices would only be issued in exceptional circumstances. Prior to issuing a civil penalty notice, Officers would present a letter of intent to the landlord which would provide landlords with notice that the Council would issue a civil penalty notice unless s/he took specific action. This action would only be taken by an officer following consultation with his/her manager. Once a civil penalty notice had been issued the landlord would be required to pay a fine. The maximum fine that could be paid would be £30,000, though the level of the fine would be determined on a case by case basis. The landlord would have the right to appeal, which could include appealing to a first tier tribunal. Landlords would be required to pay the fine within a certain period of time and if they failed to do so the Council could take action to recover the debt, including the enforced sale of the property where the debt was significant.

Following the presentation of the report Members discussed a number of points in detail:

- The need for the Council to demonstrate that it was serious about taking enforcement action against landlords who did not comply with standards. Once a few civil penalty notices had been issued by the Council it was likely that this would raise the profile of the process with local landlords.



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- The number of properties in the private rented sector in the Borough of Redditch. Members were informed that there were 4,000 properties in the private rented sector.
- The extent to which civil penalty notices were likely to be issued in relation to local landlords. Members were advised that the majority of landlords in the private rented sector were fully compliant and it was likely that civil penalty notices would only need to be issued in relation to a small number of landlords.
- The number of landlords who had been taken to court by the Council in the last year. Members were advised that two landlords had been taken to court.
- The potential for enforcement action to be taken in respect of the standard of a property both inside and outside, as Members noted that sometimes when tenants left a property they left a lot of items behind outside their previous home, particularly with Houses of Multiple Occupation (HMOs).
- The length of time it had taken since the Housing and Planning Act 2016 to introduce civil penalty notices and the reasons for the delay. Members were advised that there had been a lot of consultation with other Councils in respect of the matrix for issuing fines as most authorities had recognised the need to adopt a consistent approach across the region.
- The amount of consultation that had been held with landlords in advance of the introduction of civil penalty notices. Members were advised that landlords had been informed about the introduction of civil penalty notices at meetings of the Landlords' Forum.
- The extent to which different Councils in the West Midlands would be adopting the same approach to issuing civil penalty notices. Members were advised that the matrix was the same so that landlords would encounter the same fine across the region. However, the policies varied to reflect local practice.
- The number of Councils that had already introduced civil penalty notices and the impact that these had had at a local level. The Committee was informed that civil penalty notices had been introduced by some Councils including Worcester City Council where a civil penalty notice had already been issued.

## **RECOMMENDED that**

- 1) power be delegated to the Head of Community Services to approve the use of Civil Penalties in appropriate housing related offences as an alternative to prosecution: and**
- 2) the financial penalty matrix be adopted.**

**6. PRIVATE SECTOR HOME REPAIR ASSISTANCE POLICY UPDATE**

The Housing Strategy Manager presented a report detailing proposed updates to the Private Sector Home Repairs Assistance Policy. Every year the Private Sector Housing Team was audited on its use of funding provided by the Government for Disabled Facilities Grants (DFGs) as this was always a significant amount of money. During the latest audit changes had been suggested to the policy to ensure that it corresponded with working practices. The changes to the policy detailed within the report were fairly minor but they did require Members' agreement.

During consideration of this item Members noted that the Overview and Scrutiny Committee had pre-scrutinised the report at a meeting on 6<sup>th</sup> June 2019 and had recommended that action needed to be taken to promote the availability of DFGs to the public. The Committee discussed this recommendation and in doing so Members commented that every year some funding for the DFGs had to be returned to the Government as only a proportion of the funding had been used. The budget for DFGs was ring-fenced and therefore the Council could not use this budget to support other Council services. There were likely to be a lot of residents who were eligible for DFG funding who were not aware of its existence or that they could access the funding. In this context Members agreed that the recommendation from the Overview and Scrutiny Committee should be approved.

Concerns were raised that the Private Sector Home Repair Assistance Policy was being updated in response to changes to working practices as ideally the changes should have occurred in the opposite order. However, as the proposed changes were minor there was general consensus that the updates to the policy should be approved.

**RESOLVED that**

- 1) **the Executive Committee notes the changes made to the Private Sector Housing Assistance Policy and approves its implementation; and**
- 2) **Officers explore options to communicate the availability of Disabled Facility Grants to the public.**

**7. STATEMENT OF COMMON GROUND (SOCGS) APPROACH TO AGREEMENT WITH LOCAL AUTHORITIES**

The Strategic Planning and Conservation Manager presented a report in respect of the Statement of Common Ground (SoCG)

approach to agreement with other local authorities for Members' consideration. Under the new revised national planning framework all Councils were required to have a SoCG which set out how the organisation would work with other local authorities in respect of their local plans. Redditch Borough Council was not in the process of reviewing the Local Plan, however, other Councils were reviewing their Local Plans and would be approaching the authority for a response. Officers were proposing that in cases where there were significant and potentially controversial implications arising from another Council's plans these should be presented for Members' consideration. Where there was no controversy it was suggested that Officers should have delegated authority to make a decision.

The proposals in respect of the SoCG had already been considered by Members at a meeting of the Planning Advisory Panel (PAP). During this meeting Members had been advised that there were very few examples of SoCGs in place at other local authorities. However, the SoCG had been introduced at this stage as it would help to provide transparency in respect of the Council's approach to working with other local authorities.

**RESOLVED that**

- 1) Members note officer attendance is required at Duty to Co-operate /Statements of Common Ground meetings where cross boundary issues and draft Statements of Common Ground agreements are discussed and prepared;**
- 2) Council delegates to the Leader and Portfolio Holder for Planning, to sign off all relevant Statements of Common Ground where cross boundary growth is not included; and**
- 3) all Statements of Common Ground which include agreements on cross boundary housing, employment or other development needs or any other key planning issues are reported to Council for consideration prior to signing.**

**8. HIGH QUALITY DESIGN - SUPPLEMENTARY PLANNING DOCUMENT (SPD)**

The Strategic Planning and Conservation Manager presented a proposed Supplementary Planning Document (SPD) in respect of high quality design. The SPD added further detail to the Council's Local Plan in respect of design quality. Requirements in respect of existing residential properties, new build housing, conversions,

shop front signage and non-residential properties had been included in the document. Officers anticipated that the document would help housing developers and architects through the Council's planning process.

The contents of the proposed SPD had already been considered by Members at a meeting of PAP. Members were advised that an updated version of this report would be presented for the consideration of Council on 24<sup>th</sup> June 2019. There would be no material changes to the document, though the presentation of the content would look different.

During consideration of this item Members noted that reference was made to provision of space in developments for cycle storage. The decision as to whether to incorporate cycle sheds and spaces into housing developments would be determined on a case by case basis and the SPD provided the authority with some flexibility in relation to this matter.

**RESOLVED to note**

- 1) **the 'Consultation Comments and Officer Responses' table made in response to consultation on the draft High Quality Design SPD, and the actions proposed by strategic planning officers to make subsequent revisions to the SPD;**
- 2) **the revised version of the High Quality Design SPD; and**

**RECOMMENDED that**

- 3) **the High Quality Design SPD be adopted at a meeting of Full Council.**

**9. UPPER NORGROVE SITE, WEBHEATH - DEVELOPMENT OF LAND**

The Principle Solicitor presented a report in respect of land located on the former Upper Norgrove House site in Webheath, which had been declared surplus some years previously. This was located at a strategic site for housing development, as detailed in the Council's Local Plan. The site was not large but it was important due to its location. There was the potential for the use of the site to contribute to meeting housing needs in the Borough but Officers were suggesting that flexibility was needed to explore all options further.

The Upper Norgrove House site was owned by the Council, with .82 acres held by the Housing Revenue Account (HRA) and 2.2 acres

held by the General Fund. Officers were proposing that the costs associated with further work in respect of this site should continue to be funded from both.

There had been a number of reports to Committee in respect of the site over the past ten years and Members agreed that it was important to make progress in respect of developing the area. The Council needed the flexibility to respond quickly to any approach from the developers who owned the land adjoining the site and for this reason it would be helpful to delegate the Head of Legal, Equalities and Democratic Services with the power to enter into negotiations with other relevant organisations about this site, rather than requiring all points to be referred back to Committee.

During consideration of this item Councillor Bill Hartnett proposed an amendment to the first recommendation detailed in the report. This amendment was seconded by Councillor Greg Chance.

The amendment proposed that the word “social” should be inserted into the recommendation so that it would read as follows:

“The Council-owned site at Upper Norgrove House be included in a scheme for the provision of social housing, in co-operation with adjoining landowners who wish to secure planning permission to develop their land in collaboration with the Council”.

In proposing the amendment Councillor Bill Hartnett noted that at paragraph 3.7 to the report it was recognised that the Council could explore options to use the site to increase the Council’s housing stock, but this was not then reflected in the wording of the recommendations. The insertion of “social” into the recommendation would help to ensure that the Council gave consideration to the development of social housing on the site.

In seconding the proposed amendment Councillor Greg Chance commented that it was important to ensure that funding from the HRA was invested in social housing wherever possible. The Council had previously committed to increasing the number of Council houses in the Borough through the Housing Growth Programme and this amendment would help to support that programme.

Members subsequently discussed the proposed amendment. Concerns were raised that this amendment could restrict the options available to the Council and create complications that would have an impact on the Council’s ability to negotiate a good deal with housing developers. Should a housing development be agreed for the site this would be subject to the planning process and the Council’s Planning Officers would set out the Council’s expectations

in terms of social housing in line with requirements detailed in the Local Plan. Members noted that it was important to achieve best value for the site and concerns were raised that the amendment could undermine this objective.

On being put to the vote the amendment was lost.

**RESOLVED that**

- 1) **the Council-owned site at Upper Norgrove House be included in a scheme for the provision of housing, in co-operation with adjoining land owners who wish to secure planning permission to develop their land in collaboration with the Council;**
- 2) **authority be delegated to the Head of Legal Equalities and Democratic Services and the Chief Executive, following consultation with the Leader, to negotiate and enter into collaboration agreements with those adjacent owners (and third parties identified as necessary), to deliver the proposal if approved;**
- 3) **the Head of Legal, Equalities and Democratic Services be delegated authority to agree the appointment of an external legal advisor as a member of the development group, and an independent legal advisor and other necessary professional support to advise the Council in relation to the implementation of the decision and the legal arrangements required to deliver it; and**

**RECOMMENDED that**

- 4) **the associated cost of £25k is funded from General Fund Balances (£17k) and HRA reserves (£8k).**

**10. PERFORMANCE REPORT - HELP ME BE FINANCIALLY INDEPENDENT**

The Executive Director of Finance and Corporate Resources presented the Performance Report focusing on the strategic purpose 'Help me be financially independent'. During the presentation of the report the following matters were highlighted for Members' consideration:

- The Financial Inclusion Team (FIT) had worked hard to resolve complex benefits cases and had dealt with 195 cases in recent months, half of which involved Council tenants.

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- The majority of residents who had been provided with support by the FIT team were seeking help to manage debt and managing their household budgets.
- Every resident who was supported by the FIT team were asked for feedback when their case was resolved. Whilst not all responded 82 of those residents had reported that the support had helped to improve their circumstances.
- The Council had previously received £45,000 funding from the Department for Work and Pensions (DWP) to provide debt advice. This had subsequently been withdrawn and reallocated to the CAB. The Council worked closely with the CAB to ensure that the needs of local residents were met.
- The Council had been working with the DWP to reduce the amount of time that was taken by Officers to resolve benefits cases. The DWP's benchmark was 22 days and the Council had reduced its timeframes to 25 days, though further progress needed to be made.
- The structure of the Customer Service and Financial Support team was in the process of being review. There would be job opportunities for existing staff in the new structure.
- The Council continued to provide financial support to residents where needed from the Essential Living Fund (ELF). Generally this financial support was used to support residents whilst they waited for their first Universal Credit payment, though there were signs that the delays that had been experienced with Universal Credit initially were reducing.
- Whilst financial support was available to residents both face-to-face and by telephone the Council was exploring opportunities to automate responses to simpler enquiries.
- The Council had an Energy Efficiency Fund which was used to support people experiencing difficulties due to fuel poverty.
- Officers had been working with local high schools to help young people learn about financial management.

Members noted that many of the issues that had been raised in the report had also been discussed during a recent Member training session in respect of the dashboard. Whilst automated services could be useful in some areas, Members commented that it would be useful to retain face-to-face services wherever possible as there were some residents who did not have access to a computer.

**RESOLVED that**

**the report be noted.**

**11. PERFORMANCE REPORT - HELP ME RUN A SUCCESSFUL BUSINESS**

The Executive Director of Finance and Corporate Resources presented a performance report that focused on the strategic purpose 'Help me run a successful business'. During the presentation of this report a number of points were highlighted for Members' consideration:

- The North Worcestershire Economic Development Unit (NWEDR) provided economic development and regeneration services on behalf of the Council.
- The NWEDR was working on plans to regenerate the four quarters of the town centre.
- The first of these, the railway and residential quarter, was progressing well. It was anticipated that there could be up to 600 residential units developed in this area and the Council was working in partnership with other organisations to progress the plans for this area.
- The second quarter, the enterprise area, was located close to HOW College and on the location of Redditch Police Station. Partners were exploring the potential for this to become a technology hub.
- The third quarter, the leisure and retail area, incorporated both the Kingfisher Shopping Centre and retail units located outside the centre. The proposals to introduce a Business Improvement District (BID) formed an integral part of the plans for this quarter.
- The final quarter, the community and public sector hub, was focused on the Town Hall. Redditch Borough Council, Worcestershire County Council, including the Library, and local health services had all expressed an interest in co-locating within a public sector hub.
- The redevelopment of Matchborough and Winyates District Centres continued to be reviewed. There were a range of regeneration options available, though the process was likely to be complex, particularly as there were a number of different landowners at both sites.
- The NWEDR team were promoting a number of business grants to local entrepreneurs and continued to provide business advice to local businesses.
- Sickness data for staff employed by the Council had also been included in this report. Training had been provided in respect of the Council's HR21 system, used to record sickness absence, and fourth-tier managers were considering return to work arrangements and how best to support staff who had been on long-term sick leave back into work.

Following the presentation of the report Members briefly discussed the regeneration of the town centre and noted that this project had been planned a few years previously and would take some time to deliver. Questions were raised about the stage that had been



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reached with the Redditch BID, which had been supported by the Council some time ago, and whether the ballot of local business had yet taken place. Officers agreed to provide further information in respect of this matter after the meeting.

**RESOLVED that**

**the report be noted.**

**12. OVERVIEW AND SCRUTINY COMMITTEE**

Members were advised that there were no outstanding recommendations from the Overview and Scrutiny Committee for consideration.

**RESOLVED that**

**the minutes of the meeting of the Overview and Scrutiny Committee held on 21<sup>st</sup> March 2019 be noted.**

**13. MINUTES / REFERRALS - OVERVIEW AND SCRUTINY COMMITTEE, EXECUTIVE PANELS ETC.**

There were no additional referrals from the Overview and Scrutiny Committee or from any other Committees.

**14. ADVISORY PANELS - UPDATE REPORT**

The following updates were provided:

- a) Constitutional Review Working Party – Chair, Councillor Matthew Dormer

Councillor Dormer confirmed that the following meeting of the Constitutional Review Working Party would take place on 16<sup>th</sup> July 2019.

- b) Corporate Parenting Steering Board – Council Representative, Councillor Juliet Brunner

Councillor Brunner advised that there would be a meeting of the Corporate Parenting Steering Board on 13<sup>th</sup> June 2019.

- c) Member Support Steering Group – Chair, Councillor Matthew Dormer

Councillor Dormer advised that a meeting of the group was due to take place on Tuesday 18<sup>th</sup> June 2019. As agreed at the previous meeting of the group a survey had been

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circulated in respect of Members' requirements of Council IT equipment. Members were urged to complete the survey, copies of which had been circulated both electronically and in paper form, prior to the meeting.

d) Planning Advisory Panel – Chair, Councillor Matthew Dormer

Councillor Dormer explained that a meeting of the Planning Advisory Panel had taken place on 29<sup>th</sup> May. During this meeting Members had considered the Statement of Common Ground (SoCGs) Approach to Agreement with Local Authorities and the High Quality Design Supplementary Planning Document, which had also been considered at the Executive Committee meeting.

**15. INVESTMENT OPPORTUNITY (REPORT TO FOLLOW)**

The Executive Director of Finance and Corporate Resources explained that Officers had identified a potential investment opportunity for the Council. An offer had been made to purchase a particular asset from an external organisation. No decision had yet been taken on this offer and therefore there was no report available for consideration at the meeting. Should the offer be excepted Members would be invited to make a decision on the matter.

The Meeting commenced at 7.00 pm  
and closed at 8.15 pm

REDDITCH BOROUGH COUNCIL**EXECUTIVE  
COMMITTEE**11<sup>th</sup> June 2019**INTRODUCTION OF CIVIL PENALTIES FOR FAILURE TO COMPLY WITH  
STANDARDS IN THE PRIVATE RENTED SECTOR**

Relevant Portfolio Holder	Councillor Craig Warhurst
Portfolio Holder Consulted	Yes
Relevant Head of Service	Judith Willis
Ward(s) Affected	All wards
Ward Councillor(s) Consulted	No
Key Decision / Non-Key Decision	No

**1. SUMMARY OF PROPOSALS**

The Government has introduced powers under the Housing and Planning Act 2016 for local authorities to use Financial Penalties as an alternative to prosecution for some offences under the Housing Act 2004 and this report seeks approval to introduce the use of financial penalties in tackling offences in the private sector and to adopt Government guidance on the implementation of this power to establish a framework for levels of penalty to be imposed.

**2. RECOMMENDATIONS**

**The Executive Committee is asked to RECOMMEND**

- 2.1 **That power be delegated to the Head of Community Services to approve the use of Civil Penalties in appropriate housing related offences as an alternative to prosecution**
- 2.2 **That the financial penalty matrix attached to this report as Appendix 1 be adopted**

**3. KEY ISSUES**

- 3.1 The council currently provides a number of services to tenants and landlords in the private rented sector in Redditch, which supplies in the region of 4000 homes to local residents.
- 3.2 Inevitably, things can sometimes go wrong in the private rented sector and when this happens the council can intervene to try and resolve the situation. Usually a resolution can be found through negotiation but sometimes the council has no other option but to pursue enforcement action against landlords which is often a costly, protracted and resource-intensive exercise.

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- 3.3 Introducing Civil Penalties as an alternative to other enforcement action should offer a swifter and more financially efficient way of working as well as helping the council drive up standards in the private rented sector, with the associated benefits for tenants, in line with the council's strategic purpose 'help me find somewhere to live in my locality'.

**Financial Implications**

- 3.4 The use of Civil Penalties to address incidents of non-compliance with current housing standards in the Private Rented Sector will result in the Council imposing a fine aligned to the degree of non-compliance. Under the Fixed Penalty Notice process the fines imposed are fully retained by the Council to recompense the full costs associated with the general enforcement function whereas under the existing court process the Council receives only the specific enforcement costs for each individual case and only where the case is successful.
- 3.5 Landlords and agents can appeal against a Civil Penalty to the First Tier Tribunal. Where the landlord or property agent fails to pay a Civil Penalty, the local authority can seek a Court Order in the County Court. If necessary, the local authority may use county court bailiffs to enforce the Order and recover the debt.
- 3.6 In cases where there is difficulty in obtaining the payments the Council may instead opt to secure recovery of the fine by placement of registered charge against the property.

**Legal Implications**

- 3.7 The Housing and Planning Act 2016, introduced powers for local authorities to use Civil Penalties (a fine) as an alternative to prosecution. The prosecution process via the Courts system is becoming increasingly protracted and resource-intensive and the use of Civil Penalty Notices is considered to provide a more efficient means of penalising non-compliance for the majority of cases, however prosecution will nonetheless remain as an option for the most serious offenders, subject to the public interest test.
- 3.8 Civil Penalties can be used for wide range of breaches under the Housing Act 2004. This report sets out the principles to be adopted when using this new power. The Council may also consider whether or not to undertake the works in default when an Improvement Notice has not been complied with.
- 3.9 Guidance issued by the Ministry of Housing Communities and Local Government (MHCLG) in April 2017 sets out the criteria for decision making about the level of fine able to be imposed and the process that the Council should follow. In consultation with other West Midlands and Worcestershire local authorities it was generally agreed to seek adoption of a common standard for Civil Penalties

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which has regard to the Government guidance to enable a more consistent approach to the penalties across the region.

- 3.10 The Act allows a maximum financial penalty of £30,000 to be imposed for the most serious offence. This is an increase on previous levels to reflect the governments concerns that the Fixed Penalty process should not be considered a lesser deterrent than the court process.
- 3.11 In determining whether to impose a financial penalty the Council will have regard to any relevant Governmental guidance. In particular to the factors set out in the Government Guidance on Civil Penalties under the Housing and Planning Act 2016 has been incorporated into the charging table adjustments set out in Appendix 1.
- 3.12 Where it has been determined that a financial penalty may be appropriate to impose as an alternative to prosecution, the Council will follow the following process.
- 3.13 A “Notice of Intent” shall be served on the person suspected of committing the offence. The Notice shall specify:
  - a. The amount of any proposed financial penalty
  - b. The reasons for proposing the financial penalty
  - c. Information about the right to make representation to the Council.
- 3.14 The person to which the notice relates will be given 28 days to make written representation to the Council about the proposal to impose a financial penalty. The representation may be via any legible written format, but to aid respondents, a form will be included with the Notice of Intent.
- 3.15 Following the 28 day period the Council will decide:
  - a. Whether to impose a financial penalty on the person, and
  - b. Any amendments to the value of any such penalty imposed.
- 3.16 If the Council decided to impose a financial penalty, a final Notice shall be issued imposing that penalty. The final notice will specify:
  - a. The amount of financial penalty,
  - b. The reasons for imposing the penalty,
  - c. Information about how to pay the penalty,
  - d. The period for payment of the penalty,
  - e. Information about the rights of appeal to the First Tier Tribunal,
  - f. The consequences of failure to comply with the notice
- 3.17 If, after any appeal has been finally determined or withdrawn, a person receiving a financial penalty does not pay all or part of the penalty charge, the Council will

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recover the penalty by Order from a County Court. Where appropriate, the Council will also seek to recover the additional costs incurred in taking this action from the person to which the financial penalty relates.

- 3.18 Financial penalties are an alternative to criminal proceedings and as such if a penalty is imposed, no criminal proceedings can be initiated for the same offence.
- 3.19 The Council may, at any time:
- a. Withdraw a notice of intent or final notice
  - b. Reduce the amount specified in a notice of intent or final notice.
- Where the Council decided to take either action, it will write to the person to whom the notice was given.
- 3.20 Where a person has received two financial penalties under the legislation in any 12 month period, irrespective of the locality to which the offence were committed, the Council will consider making an entry on the national database of rogue landlords and property agents. When considering making an entry, The Council will have regard to any guidance issued by the Secretary of State.
- 3.21 Where the Council secures a financial penalty it will have a zero tolerance approach to the recovery of this debt. Income received from Civil Penalties will be retained by the Council to further help the statutory functions of the Private Sector Housing Team.

**Background / Service Implications**

- 3.22 The introduction of financial penalty charge notices, as an additional enforcement measure, for Part 1 Housing Act 2004 allows authorised officers to consider the best course of action to address non-compliance by private sector landlords. The Government's position is clear and detailed in paragraph 5.5 requiring Local Authorities to be robust in their enforcement approach.
- 3.23 The rationale in relation to the financial penalty is in accordance with Magistrates Court procedures for imposing fine levels taking into account culpability and income from their housing related activities.
- 3.23 The financial penalty matrix and associated enforcement notes have been consulted and adopted in both the Worcestershire Authorities and the wider West Midlands Authorities through the Private Sector Housing Officers Group. Officers from Private Sector Housing Team have consulted with other Worcestershire and West Midland local authorities and national groups such as the Houses in Multiple Occupation Network on the framework for Civil Penalties. The majority of West Midlands Authorities have adopted or are in the process of adopting the same standard of charges set-out in this report to help ensure a level of consistency across the region. The proposed policy has also been

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discussed with the MHCLG who issued guidance. The MHCLG model on how to implement the Civil Penalty is proposed to be adopted by most West Midlands Authorities.

**Customer / Equalities and Diversity Implications**

- 3.24 The options available within the Civil Penalties approach are an important way of addressing poor practice in the private rented sector, thereby helping vulnerable adults and children remain housed and living independently in the borough.

**4. RISK MANAGEMENT**

- 4.1 Landlords receive advance warning from the council of an impending fixed penalty so they are given sufficient time to address issues identified.
- 4.2 Prosecution of landlords will remain an option for the most serious offenders, subject to the public interest test.
- 4.3 Officers from the council's Private Sector Housing Team will analyse and monitor the impact of this new approach and its impact on the sector in Redditch. They will also share this analysis and any future proposals for developing this approach with both the Portfolio Holder for Housing and the Portfolio Holder for Community Services and Regulatory Services.
- 4.4 The Private Sector Housing Team will manage and respond to ongoing Civil Penalty cases, liaising with landlords and tenants as necessary.

**5. APPENDICES**

Appendix 1 - Civil Penalty legislation & Fine Matrix

**6. BACKGROUND PAPERS**

Civil Penalties under the Housing and Planning Act 2016 – Guidance for Local Housing Authorities (MHCLG).

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/697644/Civil\\_penalty\\_guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/697644/Civil_penalty_guidance.pdf)

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## Appendix 1

Civil Penalties under the Housing Act 2004 (as amended by the Housing and Planning Act 2016)

The Housing and Planning Act 2016 section 126 and Schedule 9 amended the Housing Act 2004 and introduced the ability for Local Housing Authorities to use financial penalties of up to £30,000 per offence as an alternative to prosecution for the following offences under the Housing Act 2004:

- 1. Failure to comply with an Improvement Notice (section 30).**
- 2. Offences in relation to Licensing of Houses in Multiple Occupation (section 72);**
- 3. Offences in relation to Licensing of Houses under Part 3 of the Act (section 95);**
- 4. Offences of contravention of an Overcrowding Notice (section 139)**
- 5. Failure to comply with Management Regulations in respect of Houses in Multiple Occupation (section 234).**

The Council will normally seek to use the Civil Penalties power to impose a financial penalty in preference to using the power of prosecution for the above offences. Prosecution will be considered in preference to financial penalty where there is a reasoned public interest case to do so or it is considered the more appropriate or effective sanction. The Council will still have to be satisfied of a realistic prospect of conviction should the Council have decided to prosecute the case. The case would still have to meet the evidential and public interest stages referred to in the Crown Prosecution Service Code for Crown Prosecutors. The Council will also consider whether or not to undertake works in default when an improvement notice has not been complied with.

Statutory guidance issued by the Department for Communities and Local Government in April 2017 sets out clearly appropriate criteria for decision making about the level of fine able to be imposed and the process that the Council will follow.

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The Council will have regard to this guidance and the Code for Crown Prosecutors in considering cases. Reflecting this guidance the following factors will be used for the basis of determining the level of financial penalty for a specific apparent offence:

1. **Consideration of the financial means of the landlord**, including the number of properties and tenants and likely monthly income from those.
2. **The severity of the offence**. The more serious the offence the higher the penalty.
3. **Culpability and track record of the offender**. A higher penalty will be appropriate where the offender has a history of failing to comply with their obligations and/or their actions were deliberate and/or they knew, or ought to have known, that they were in breach of their legal responsibilities. Landlords are running a business and should be expected to be aware of their legal obligations.
4. **The harm caused to the tenant**. This is a very important factor when determining the level of penalty. The greater the harm or the potential for harm (this may be as perceived by the tenant), the higher the amount should be when imposing a civil penalty.
5. **Punishment of the offender**. A civil penalty should not be regarded as an easy or lesser option compared to prosecution. While the penalty should be proportionate and reflect both the severity of the offence and whether there is a pattern of previous offending, it is important that it is set at a high enough level to help ensure that it has a real economic impact on the offender and demonstrates the consequences of not complying with their responsibilities.
6. **Deter the offender from repeating the offence**. The ultimate goal is to prevent any further offending and help ensure that the landlord fully complies with all of their legal responsibilities in future. The level of the penalty should therefore be set at a high enough level such that it is likely to deter the offender from repeating the offence.
7. **Deter others from committing similar offences**. While the fact that someone has received a civil penalty will not be in the public domain, it is possible that other landlords in the local area will become aware through informal channels when someone has received a civil penalty. An important part of deterrence is the realisation that (a) the local housing authority is proactive in levying civil penalties where the need to do so exists and (b) that the level of civil penalty will be set at a high enough level to both punish the offender and deter repeat offending.

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8. **Remove any financial benefit the offender may have obtained as a result of committing the offence.** The guiding principle here should be to ensure that the offender does not benefit as a result of committing an offence, i.e. it should not be cheaper to offend than to ensure a property is well maintained and properly managed.

The Council will determine the level of financial penalty from a review of the case that will start with considering which of the following 6 categories the case falls into:

1. **Very minor.** Examples: First apparent offence of one or two minor breaches of HMO management regulations not causing any harm and rectified as soon as practical or failing to comply completely with the works required in an improvement notice but most works are done within the timescale required and remaining works are in progress. ***For such cases no financial penalty is appropriate but a warning letter would normally be issued.***
2. **Minor.** For example a first apparent offence by a small scale landlord with only one or two properties and only one or two hazards that were not having a direct significant impact on the tenant and where the works required have been done, albeit not in the notice timescale or, once alerted to the offences under management regulations the works were undertaken within the shortest practical timescale. There may have been some minor financial benefit to the landlord. ***Such cases should be considered for a financial penalty of up to £1000.***
3. **Medium.** For example where several failures to comply with management regulations have occurred on more than one occasion, or an improvement notice has failed to be complied with even after prior notification of works by a landlord who only has one property. Also for example where a landlord has failed to apply for a licence for a house in multiple occupation. ***For such cases a financial penalty up to £5000 to be considered.***
4. **Significant.** For example there is a history of failing to comply with management regulations on 2 or more occasions by a landlord who has more than 2 properties and has also failed to respond to requests to undertake work or provide information within a reasonable time. Also for failure to comply with all or most of the requirements of an improvement notice without seeking a justified variation in timescale or an offence following a history of non-compliance with requirements including requests for information. Normally cases where there is some harm or potential harm to the tenants. ***For these cases a financial penalty of between £5000 and £10000 to be considered.***
5. **Very Significant.** Examples to include cases of failing to comply with all or most of improvement notice requirements with a history of failing to comply or

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being a landlord with 2 or more properties and no apparent reasonable excuse for not undertaking the works required. The works being themselves significant actual or potential harm to residents. ***For these cases a financial penalty of between £10000 and £20000 to be considered.***

**6. Most Serious.** Examples to include where a landlord with multiple properties has been operating an HMO without required licence and failing to meet multiple HMO regulation requirements and not having appropriate fire precautions in place and having history of non-compliance with requirements, including requisitions for information. Also where the landlord is not co-operating with officers, to attend notices of entry for example, and multiple regulation failures are apparent and there is significant harm or potential harm to residents. Cases where there is failure to comply with an improvement notice that has a number of very significant category 1 hazards causing harm or potential harm to the residents and there is no attempt by the landlord to undertake work or engage with the Council. ***For these cases a financial penalty of between £20000 and £30000 to be considered.***

The above categories with typical examples are the starting point for determining what actual level financial penalty is appropriate. For each specific case a record sheet will be produced that relates the case to one of the above categories and determines, taking into account the statutory guidance and relevant factors, the exact level of financial penalty to be imposed. For example multiple historic offences or landlords who have more properties and therefore more income should expect their financial penalty to be at the higher end of the scale within that category.

The actual amount of the financial penalty will be considered for variation (normally within the scale of that category) following any representation, in particular if the landlord can demonstrate otherwise good compliance record and a willingness to work with the Council to improve conditions for tenants.

If a landlord receives two or more financial penalties in a 12 months period they will normally be included in the rogue landlord database to help inform other local housing authorities.

A landlord who has received a Civil Penalty would not normally be considered fit and proper to manage a HMO within the next year for a minor or medium category penalty or for 3 years for a significant, very significant or most serious category penalty.

**Charging table for determining value of Financial Penalties imposed  
under Housing Act 2004**

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<b>Failure to comply with an Improvement Notice (Section 30)</b>	Up to £
1st offence (note 1)	5000
2nd subsequent offence by same person/company (note 2)	15000
Subsequent offences by same person/company (note 7)	25000
<b>Premiums (use all that apply)</b>	
Acts or omissions demonstrating high culpability (note 8)	+2500
Large housing portfolio (10+ units of accommodation) (note 3)	+2500
Multiple Category 1 or high Category 2 Hazards (note 4)	+2500
Vulnerable occupant and/or significant harm occurred as result of housing conditions (note 5)	+2500
Perpetrator demonstrates Income less than £440/week (note 6)	-50%

<b>Offences in relation to Licensing of HMOs under Part 2 of the Act (Section 72)</b>	£
Failure to obtain property Licence (section 72(1)) (note 1)	10000
2nd subsequent offence by same person/company (note 2)	30000
Perpetrator demonstrates Income less than £440/week (note 6)	-50%
Breach of Licence conditions (Section 72(2) and (3)) - Per licence breach	5000
Perpetrator demonstrates Income less than £440/week (note 6)	-50%

<b>Offences in relation to licensing of HMOs under Part 3 of the Act (Section 95)</b>	£
<b>Failure to Licence (section 95(1))</b> (note 1)	10000
2nd subsequent offence by same person/company (note 2)	30000
Perpetrator demonstrates Income less than £440/week (note 6)	-50%
Breach of Licence conditions (Section 95(2)) - Per licence breach	5000
Perpetrator demonstrates Income less than £440/week (note 6)	-50%

<b>Offences of contravention of an overcrowding notice</b>	£
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<b>(section 139)</b>	
1st relevant offences (note 1)	5000
2nd subsequent offence by same person/company (note 2)	15000
<b>Premiums (use all that apply)</b>	
Acts or omissions demonstrating high culpability (note 8)	+2500
Vulnerable occupant and/or significant harm occurred as result of overcrowding (note 3)	+2500
Perpetrator demonstrates Income less than £440/week (note 6)	-50%

<b>Failure to comply with management regulations in respect of HMOs (Section 234)</b>	£
1 <sup>st</sup> relevant offences (note 1)	1000/offence
Second subsequent offences by same person/company for the same offence	3000/offence
<b>Premiums (use all that apply)</b>	
Acts or omissions demonstrating high culpability (note 8)	+2500
Large housing portfolio (10+ units of accommodation) (note 3)	+2500
Vulnerable occupant and/or significant harm occurred as result of housing conditions (note 5)	+2500
Perpetrator demonstrates Income less than £440/week (note 6)	-50%

**NOTES****Note 1 – Offences that may be dealt with by way of imposing a financial penalty**

The starting point for a financial penalty is based on the number of previous convictions or imposition of a financial penalty for the same type of offence in the previous four years.

After the starting point has been determined, relevant Premiums are added to the starting amount to determine the full financial penalty to be imposed

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No single financial penalty may be over £30,000. Where the addition of all relevant premiums would put the penalty above the maximum, it shall be capped at £30,000

**Note 2 - 2nd subsequent offence by same person/company**

The Council will take into account any such convictions or financial penalties irrespective of the locality to which the offence relates.

**Note 3 - Large housing portfolio (10+ units of accommodation)**

The premium is applied where the perpetrator has control or manages of 10 or more units of accommodation.

For the purposes of this premium, the definition of a person having control and person managing are as defined by Housing Act 2004 Section 263.

**Note 4 - Multiple Category 1 or high Category 2 Hazards**

This premium will apply where the failure to comply with the Improvement Notice relates to three or more Category 1 or high scoring Category 2 hazards associated with different building deficiencies. For the avoidance of doubt this means that where two hazards are present but relate to the same property defect, they are counted as one hazard for purposes of this calculation.

For the purpose of this premium, a high scoring category 2 hazard is defined as one scored following the Housing Health and Safety Rating System as "D" or "E".

**Note 5 - Vulnerable occupant and/or significant harm occurred as result of housing conditions**

This premium will be applied once if either the property is occupied by a vulnerable person or if significant harm has occurred as a result of the housing conditions.

For purposes of this premium a vulnerable person is defined as someone who forms part of a vulnerable group under Housing Health and Safety Rating System relating to hazards present in the property or an occupant or group of occupants considered by the Council to be at particular risk of harm that the perpetrator ought to have had regard.

For purposes of this premium, significant harm is defined as physical or mental illness or injury that corresponds to one of the four classes of harm under the Housing Health and Safety Rating System Operating Guidance.

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At the time of publication this document can be found at [www.gov.uk](http://www.gov.uk) and a summary table is below.

<b>Hazard</b>	<b>Vulnerable age group (age of occupant)</b>
Damp and mould growth	14 and under
Excess Cold	65 or over
Excess Heat	65 or over
Carbon Monoxide	65 or over
Lead	under 3 years
Personal Hygiene, Sanitation and Drainage	under 5 years
Falls associated with baths etc.	60 or over
Falling on level surfaces etc.	60 or over
Falling on stairs etc.	60 or over
falling between levels	under 5 years
Electrical hazards	under 5 years
Fire	60 or over
Flames, hot surfaces etc.	under 5 years
Collision and entrapment	under 5 years
Collision and entrapment - low headroom	16 or over
Position and operability of amenities etc.	60 or over

**Note 6 - Perpetrator demonstrates Income to be less than £440/week**

This premium will be applied after all other relevant premiums have been included and if applicable will reduce the overall financial penalty by 50%.

To be applicable, the person served by the Notice of Intent must provide sufficient documented evidence of income.

The figure of £440/week is to be calculated after omission of income tax and national insurance.

The Council reserves the right to request further information to support any financial claim, and where this is incomplete or not sufficiently evidenced may determine that the premium should not be applied.

**Note 7 - Previous history of non-compliance with these provisions**

This premium is applied where there has been a conviction or imposition of a financial penalty for the same type of offence in the previous four years.



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The Council will take into account any such convictions or financial penalties irrespective of the locality to which the offence relates.

**Note 8 – Acts or omissions demonstrating high culpability**

This premium will be applied where, the person to which the financial penalty applies, acted in a reckless or deliberate manner in not complying with the statutory notice or previous relevant formal advice.

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REDDITCH BOROUGH COUNCIL**EXECUTIVE  
COMMITTEE**11<sup>th</sup> June 2019**HIGH QUALITY DESIGN SUPPLEMENTARY PLANNING DOCUMENT**

Relevant Portfolio Holder	Cllr Matt Dormer
Portfolio Holder Consulted	Yes
Relevant Head of Service	Ruth Bamford
Ward(s) Affected	All
Ward Councillor(s) Consulted	N/A

**1. SUMMARY OF PROPOSALS**

- 1.1 The Borough of Redditch Local Plan No.4 2011-2030 (BORLP4) was adopted on 30<sup>th</sup> January 2017 and this High Quality Design Supplementary Planning Document (SPD) provides more detailed guidance on a number of policies contained in BORLP4.
- 1.2 A draft version of the SPD was consulted on in early 2018 and has since been subject to a number of revisions as a result of consultation responses.

**2. RECOMMENDATIONS**

**The Executive Committee is asked to NOTE**

**1) the ‘Consultation Comments and Officer Responses’ table made in response to consultation on the draft High Quality Design SPD, and the actions proposed by strategic planning officers to make subsequent revisions to the SPD;**

**2) the revised version of the High Quality Design SPD; and**

**the Executive Committee is asked to RECOMMEND that**

**3) the High Quality Design SPD be adopted at a meeting of Full Council.**

**3. KEY ISSUES****Financial Implications**

- 3.1 Work carried out on the preparation of the SPD, including public consultation and responding to issues arising, has been carried out in the context of existing departmental budget and additional finances are not required.

**Legal Implications**

- 3.2 The SPD has been produced in accordance with the relevant legislation, in particular the Town and Country Planning (Local Planning) (England)

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Regulations 2012. Once adopted, the SPD will be a material consideration in the determination of planning applications.

- 3.3 The recommendations outlined earlier in this report seek approval by Executive that the High Quality Design SPD be presented to a meeting of Full Council with a recommendation to formally adopt the document.

**Service / Operational Implications**

- 3.4 The High Quality Design SPD will be a material consideration in planning decisions within the borough and will provide further guidance for determining planning applications. On adoption of this SPD two existing documents, the Encouraging Good Design SPG (2001) and the Designing for Community Safety SPD (2006), will be superseded.
- 3.5 Strategic planning officers have worked closely with colleagues in development management and the borough's conservation officers to ensure the SPD is fit for purpose in the determination of planning applications. Consultation meetings, and subsequent revisions to the SPD, have also taken place to ensure the consultation responses have where possible been fully incorporated into the document.

**Customer / Equalities and Diversity Implications**

- 3.6 The public consultation provided the opportunity for those living and working in the borough, and/or for those with an interest in planning and design in the borough to comment on the content of the SPD.
- 3.7 All statutory consultees, including Parish Councils, were consulted as part of the engagement process, as will a range of other interested parties. A range of internal Council colleagues were also consulted during the formal consultation period.

**4. RISK MANAGEMENT**

- 4.1 Without adopting this High Quality Design SPD, the existing Encouraging Good Design SPG and Designing for Community Safety SPD will continue to be used. These documents were adopted in 2001 and 2006 and are therefore considered to be extremely dated. Furthermore the guidance contained in these documents, whilst in some cases still relevant, also relates to the superseded Borough of Redditch Local Plan No.3 rather than the current BORLP4 adopted in 2017.
- 4.2 The new High Quality Design SPD will ensure that up-to-date guidance is available based on the existing BORLP4 policies. This will aid the achievement of high quality design in planning proposals, will help decision-making for planning applications, and should reduce the number of applications needed to be determined by appeal.

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**5. APPENDICES**

Appendix A - Redditch Borough High Quality Design SPD (publication version)  
Appendix B - 'Consultation Summary and Officer Response' table

**6. BACKGROUND PAPERS**

Borough of Redditch Local Plan No.4 2011-2030

**7. KEY**

BORLP4 – Borough of Redditch Local Plan No.4  
SPG – Supplementary Planning Guidance  
SPD – Supplementary Planning Document

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REDDITCH BOROUGH COUNCIL**Executive Committee**

Date: 11th June 2019

**UPPER NORGROVE HOUSE**

Relevant Portfolio Holder	Councillor Matthew Dormer, Leader of the Council and Portfolio Holder for Planning, Economic Development, Commercialism and Partnerships
Portfolio Holder Consulted	Yes
Relevant Head of Service	Head of Legal, Equalities and Democratic Services
Ward(s) Affected	West ward
Ward Councillor(s) Consulted	Yes
Non-Key Decision	

**1. SUMMARY OF PROPOSALS**

- 1.1 To update Members on proposals to work up a scheme for the development of the Council's site at Upper Norgrove House, to seek approval for the proposed development of the site in partnership with adjacent land owners who have expressed interest in developing their sites with the Council, and to seek delegated authority to enter into partnership agreements with them to implement the proposal as approved.

**2. RECOMMENDATIONS**

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

- 2.1 **The Council-owned site at Upper Norgrove House be included in a scheme for the provision of housing, in co-operation with adjoining land owners who wish to secure planning permission to develop their land in collaboration with the Council;**
- 2.2 **Authority be delegated to the Head of Legal Equalities & Democratic Services and the Chief Executive following consultation with the Leader to negotiate and enter into collaboration agreements with those adjacent owners (and third parties identified as necessary), to deliver the proposal if approved;**
- 2.3 **That the Head of Legal, Equalities and Democratic Services be delegated authority to agree the appointment of an external legal advisor as a member of the development group, and an independent legal advisor and other necessary professional support to advise the Council in relation to the implementation of the decision and the legal arrangements required to deliver it.**

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2.4 To **RECOMMEND** that the associated cost of £25k is funded from General Fund Balances (£17k) and HRA reserves (£8k).

3. **KEY ISSUES**

- 3.1 The site of the former Upper Norgrove House in Webheath is owned by the Council with .82 acres held within the Housing Revenue Account (HRA) and the remaining 2.2 acres held within the General Fund (GF) Appendix 1. The site has been declared as surplus and was cleared when the house was demolished some years ago.
- 3.2 The site has been the subject of reports to Members, the most recent being on 23 July 2008 and 3 December 2008, when various options for the future of the site were considered.
- 3.3 In addition to developing options for future development, Members have previously directed officers to enter into negotiations with third parties to consider joint proposals for disposal / development.
- 3.4 The most significant change since then is that the land is now within the Webheath Strategic Site, allocated for housing in the Redditch Borough Council Local Plan adopted on 30 January 2017 and in place to 2030 to deliver 400 - 600 houses within the Plan period to 2030. Some housing development has already taken place.
- 3.5 In its role as a land owner within this strategic site, the Council has been approached by and has had some preliminary discussions with adjacent owners to explore the possibility of working cooperatively to maximise the potential for the development area. A plan of the area to include the Council's site and adjacent owners is attached at **Appendix 2**.
- 3.6 If the Council is to be a member of a development group, a Legal Advisor would need to be appointed by the Group and a legal agreement will be required between the parties in the Group. A separate Legal Advisor will also be required to advise the Council in respect of its participation in the Group and the collaboration agreement and any legal issues affecting the Council as a result of its participation in a development partnership. Member agreement is sought in respect of these two appointments.
- 3.7 Following the implementation of the Council Housing Growth Programme, officers consider that all options should be explored recognising that these could range from the Council securing a capital receipt for the site or that it may be more beneficial in the context of the development opportunities for the Council to explore options that will increase the Council's housing stock.
- 3.8 It is fair to say that the detail of this scheme, given the numbers of interested parties, will need to development throughout the formulation of the collaboration



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agreement and it is for this reason that delegated authority is being sought to enable each stage of the process to proceed without delay.

- 3.9 Members are advised that the negotiations in respect of the collaboration agreement will proceed in the context the Councils requirement to secure best value and in the context of the Councils wider Housing Growth Programme.

**Financial Implications**

- 3.8 There will be costs associated with the continued negotiation of the land deal and the provision of external legal advice obtained in connection with the Council's participation in a development partnership as described above. It is not possible to identify the exact cost at this stage in the negotiation but it is likely to be circa £25k. It is proposed that this cost is funded from General Fund balances and HRA reserves, shared in proportion to the land ownership.
- 3.9 The Council will ultimately receive either housing provision or a capital receipt in respect of this site. Again this is not identifiable at this stage in negotiations suffice to say that it will need to afford the requirements for the Council to achieve 'best value'.

**Legal Implications**

- 3.10 The Council is required to achieve "best value" in any of its property related transactions. It is considered that working in a development partnership offers the best opportunity for the Council and its potential partners to maximise the opportunity to deliver housing in the Webheath Strategic development site.
- 3.11 A full Report on Title for the Council-owned site has been undertaken by Legal Services. It indicates that the land is registered to the Council, and that the register of title is clear of any restrictions or covenants or other incumbrances affecting the Property.

**Service / Operational Implications**

- 3.12 None specifically arising from this report.

**Customer / Equalities and Diversity Implications**

- 3.13 There are none arising from this report.

**4. RISK MANAGEMENT**

- 4.1 The proposals outlined in this report are designed to ensure that there is minimal risk to the Council in participating in a development group for this site.

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- 4.2 It is considered prudent to appoint an external Legal Advisor to advise the Council, to ensure that its interests are protected as a participant in the development project and for this reason member agreement to this appointment is sought.

**5. APPENDICES**

Appendix 1 – Plan of land ownership of Upper Norgrove House

Appendix 2 - Plan of land ownership, including the Council's site at Upper Norgrove

**6. BACKGROUND PAPERS**

None

**AUTHOR OF REPORT**

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Tel.: 01527 64252 x3173

Appendix 1

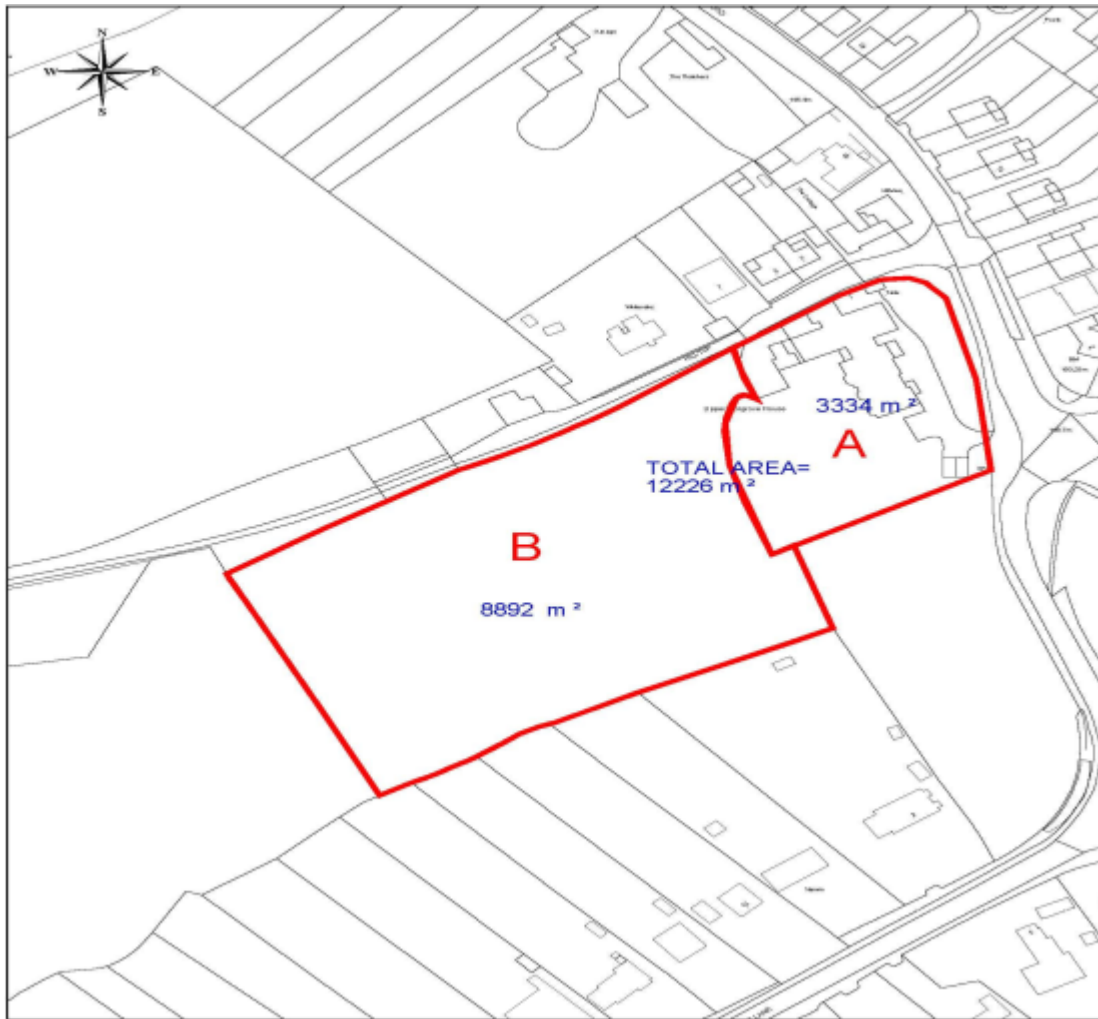
Key

A – Housing Revenue Account

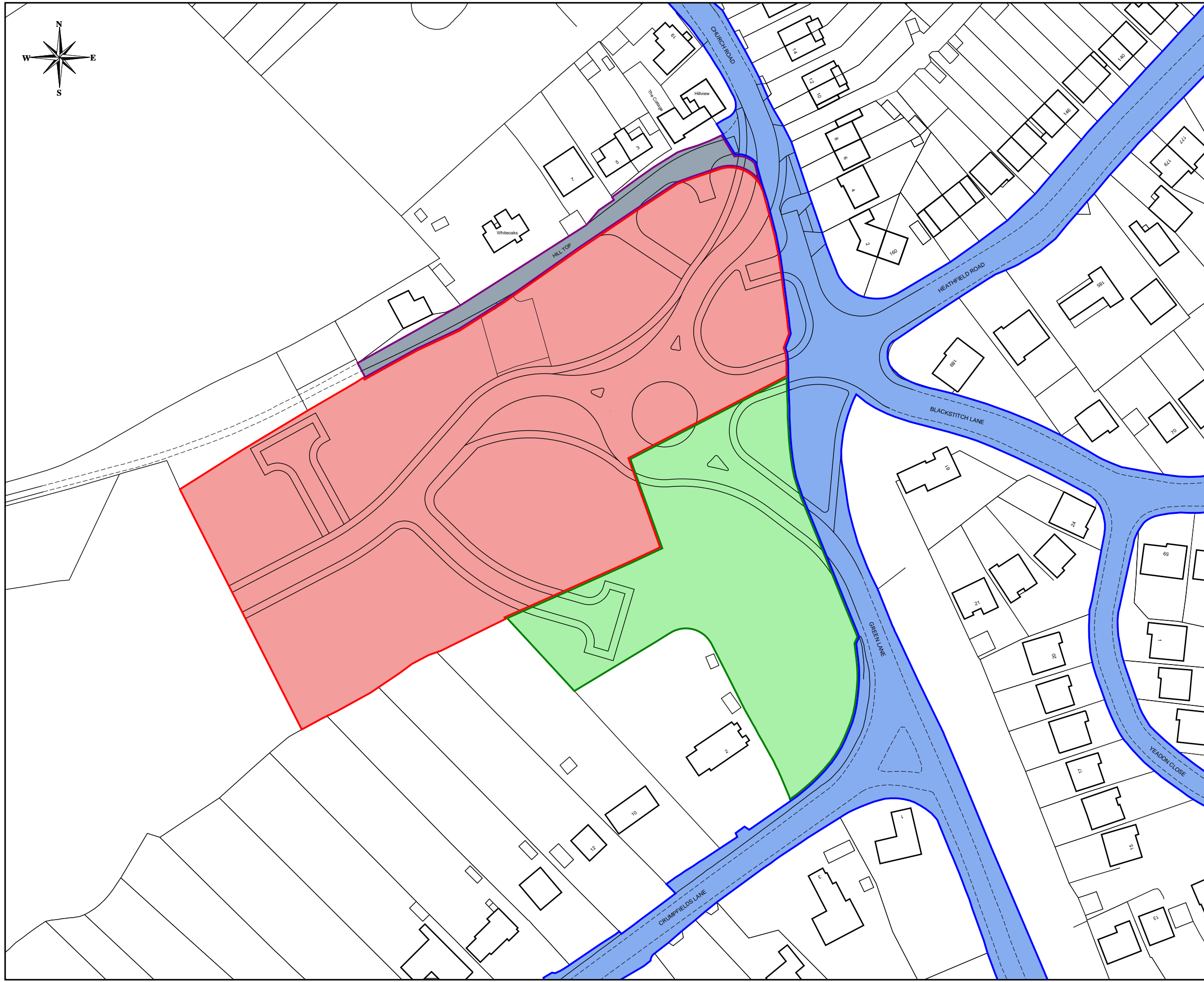
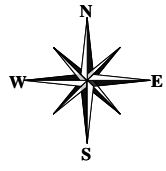
B – General Fund

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**Key**

**Land Ownership**

- Redditch Borough Council (1.2 ha)
- Adopted highway
- No. 2 Crumfields Lane (0.48 ha)
- Hill Top properties (0.07 ha)

**CONFIDENTIAL**

Date	Rev	Details

Project:

**Proposed Residential Development  
Upper Norgrove, Webheath  
Redditch**

Drawing:

**Proposed New Roundabout Option  
Land Ownership Details**

Drawn:	PTL	Scale:	1/1000 @ A3
Surveyed:	OS	Date:	Aug 2018

Drawing No: **P2049/133/2**

**Engineering and Design Services**

Town Hall  
Walter Stranz Square  
Redditch  
Worcs B98 8AH



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Ordnance Survey 100024252

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**Item 10: Membership of Outside Bodies**

Following further discussions between the Leaders of the three councils in north Worcestershire Members are asked to note that:

- a) Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP) Board

Councillor Karen May, Bromsgrove District Councillor, has been appointed lead representative on the GBSLEP Board in place of Councillor David Thain.

- b) GBSLEP European Structural and Investment Fund Strategy Committee (ESIF)

Councillor Fran Oborski, Wyre Forest District Councillor, has been appointed to the BGSLEP ESIF Committee.

- c) Worcestershire Local Enterprise Partnership (LEP) Board

Councillor Matthew Dormer has replaced Councillor Karen May, Bromsgrove District Councillor, as the main representative on the Worcestershire LEP Board.

Councillor Karen May, Bromsgrove District Councillor, and Councillor Fran Oborski, Wyre Forest District Councillor, have both been appointed substitutes on the Worcestershire LEP Board.

- d) Worcestershire LEP ESIF Committee

Councillor Fran Oborski, Wyre Forest District Councillor, has been appointed to the Worcestershire LEP ESIF Committee.

- e) Worcestershire Local Transport Board (WLTB)

Councillor Adam Kent, Bromsgrove District Councillor, and Councillor Fran Oborski, Wyre Forest District Councillor, have been appointed replace Councillor Julian Grubb on the Worcestershire Local Transport Board.

- f) Worcestershire Health and Well-Being Board

Councillor Shirley Webb, Bromsgrove District Councillor, has been appointed as the main representative on the Worcestershire Health and Well-Being Board. Councillor Julian Grubb has been appointed as a substitute on this Board.

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