



Council

Mon 23 Sep
2019
7.00 pm

Council Chamber
Town Hall
Redditch

REDDITCH BOROUGH COUNCIL

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

Monday, 23rd September, 2019

7.00 pm

**Council Chamber - Town Hall
Redditch**

Agenda

Membership:

Cllrs:

Juliet Brunner
Roger Bennett (Mayor)
Salman Akbar
Joe Baker
Tom Baker-Price
Joanne Beecham
Michael Chalk
Debbie Chance
Greg Chance
Brandon Clayton
Matthew Dormer
John Fisher
Peter Fleming
Andrew Fry
Julian Grubb

Bill Hartnett
Pattie Hill
Ann Isherwood
Wanda King
Anthony Lovell
Gemma Monaco
Nyear Nazir
Gareth Prosser (Deputy Mayor)
Mike Rouse
Mark Shurmer
Yvonne Smith
David Thain
Craig Warhurst
Jennifer Wheeler

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 - 10)

5. Announcements

To consider Announcements under Procedure Rule 10:

- a) Mayor's Announcements
- b) The Leader's Announcements
- c) Chief Executive's Announcements.

6. Questions on Notice (Procedure Rule 9)

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7. Motions on Notice (Procedure Rule 11)

8. Executive Committee

Executive Committee Minutes - 10th September 2019

8.1 Climate Change Cross-Party Working Group (Pages 21 - 30)

8.2 Worcestershire Regulatory Services Enforcement Policy (Pages 31 - 52)

8.3 Disposal of an HRA Asset and Removal of a Former Railway Bridge - Green Lane, Studley (Pages 53 - 66)

NOTE: The confidential appendix (Appendix D) attached for this item has only been made available to Members and relevant Officers. Should Members wish to discuss Appendix D in any detail, a decision will be required to exclude the public and press from the meeting on the grounds that exempt information is likely to be divulged, as defined in paragraph 3 of Schedule 12 (a) of Section 100 1 of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

(Paragraph 3: Subject to the “public interest” test, information relating to the financial or business affairs of any particular person (including the authority holding that information).)

9. 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).

10. 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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MINUTES

Present:

Councillor Michael Chalk (Chair), and Councillors Salman Akbar, Joe Baker, Tom Baker-Price, Joanne Beecham, Juliet Brunner, Debbie Chance, Greg Chance, Brandon Clayton, Matthew Dormer, John Fisher, Peter Fleming, Andrew Fry, Julian Grubb, Bill Hartnett, Pattie Hill, Ann Isherwood, Wanda King, Anthony Lovell, Gemma Monaco, Mike Rouse, Mark Shurmer, Yvonne Smith, David Thain, Craig Warhurst and Jennifer Wheeler

Officers:

Kevin Dicks, Claire Felton, Sue Hanley and Jayne Pickering

Senior Democratic Services Officer:

Jess Bayley

28. APOLOGIES FOR ABSENCE

The Chief Executive opened the meeting and explained that apologies had been received from the Mayor, Councillor Roger Bennett, and the Deputy Mayor, Councillor Gareth Prosser. In the absence of the Mayor and Deputy Mayor Councillor Michael Chalk was nominated to Chair the meeting.

An apology for absence was also received on behalf of Councillor Nyear Nazir.

RESOLVED that

in the absence of the Mayor and Deputy Mayor, Councillor Mike Chalk be nominated to Chair the meeting of Council held on Monday 22nd July 2019.

29. DECLARATIONS OF INTEREST

There were no declarations of interest.

.....
Chair

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Monday, 22 July 2019

30. MINUTES

RESOLVED that

the minutes of the meeting of Council held on Monday 24th June 2019 be approved as a true and correct record and signed by the Mayor.

31. ANNOUNCEMENTS

a) The Mayor's Announcements

A written update in respect of the civic engagements that the Mayor and Deputy Mayor had attended since the previous meeting of Council was tabled at the meeting (Appendix 1).

During consideration of the Mayor's announcements Councillor Mark Shurmer highlighted the successful performance of Astwood Bank Cricket Club, which had been visited by the Mayor in recent months. The cricket club had reached the semi-finals in the National Village Cup and should the team be successful it would go on to play the final at Lord's Cricket Ground in London. Members congratulated the Astwood Bank Cricket Club on their success.

b) The Leader's Announcements

The Leader extended his regards to the Mayor and on behalf of the Council wished him well in his recovery, following a recent stay in hospital.

c) The Chief Executive's Announcements

The Chief Executive confirmed that he had no announcements to make on this occasion.

32. QUESTIONS ON NOTICE (PROCEDURE RULE 9)

There were no Questions on Notice for consideration at the meeting.

33. MOTIONS ON NOTICE (PROCEDURE RULE 11)

Menopause Awareness

A Motion in respect of menopause awareness was proposed by Councillor Juliet Brunner. This was seconded by Councillor Peter Fleming.

In proposing the Motion Councillor Brunner explained that she had brought the subject forward for Members' consideration to

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demonstrate the Council's commitment to women and men experiencing the menopause. Employers needed to ensure that they did not discriminate against staff who were experiencing the menopause. The menopause had been a taboo subject until recently but attitudes were changing and there was increasing understanding of the need to create the right working environment for people experiencing the menopause without causing embarrassment.

In seconding the Motion Councillor Fleming advised Members that the subject of the menopause was due to be addressed in schools during Personal, Social and Health Education (PSHE) lessons from 2020 onwards. By supporting the Motion Redditch Borough Council would be at the forefront of organisations in the public sector, in terms of providing support to those going through the menopause, and would enhance the authority's role as an equal opportunities employer.

Following the presentation of the Motion Members discussed the subject of the menopause and the action that would be required from the Council should the Motion be approved. Members were advised that a draft menopause policy for staff had already been produced and would be reviewed by relevant Officers in due course.

During consideration of the Motion reference was made to the subject of period poverty and the impact that this could have on young girls' attendance at school. Members were advised that Worcestershire County Council had been provided with a grant to address the issue of period poverty and this would be distributed amongst schools in the county.

RESOLVED that

this Council acknowledges the need to raise awareness and increase the understanding of women's needs when they experience the Menopause. The Council should engender a working environment where female employees feel able to openly discuss how the menopause may be affecting them and their work, and request adjustments where appropriate without fear or embarrassment.

The Council's existing policies do not reflect the needs of women experiencing the Menopause, which can inhibit how women manage their symptoms, and hinder any support they may need in the workplace.

This Council resolves to introduce a specific Menopause policy to address this issue.

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34. EXECUTIVE COMMITTEE

Redditch Borough Council Low Emission Vehicle Strategy

Members were advised that there had been a few typographical errors in the strategy that had been provided for the consideration of Council. These errors would be removed from the final version of the policy before it was implemented.

During consideration of this item Members noted that there was a lot of action that needed to be taken by both the Council and other organisations to reduce vehicle emissions. In particular, Members noted that in the long-term the government would be banning diesel and petrol operated cars and drivers would need to move to using hybrid and electric vehicles. This would also have implications for the vehicles used by the Council, which would eventually need to be upgraded. However, Redditch Borough Council was one of the first local authorities to introduce a low emissions vehicle strategy and the content of the policy would enable the Council to advise interested parties on the subject. Furthermore, by adopting the policy the Council would be in a better position to apply for relevant grant funding from the government.

Financial Outturn Report 2018/19

Members noted that at the end of the financial year for 2018/19 the Council's budget had been overspent by £183,000. This gap had been addressed by using funding from reserves. The Council's accounts would be published later in the week and at that point further detail would be made available to Members. The discussions concluded with Members noting that local government finances remained challenging moving forward.

RESOLVED that

the minutes of the meeting of the Executive Committee held on Tuesday 9th July 2019 be received and all recommendations adopted.

35. CONSTITUTIONAL REVIEW WORKING PARTY

Members considered a report which detailed the background to three recommendations that had been made by the Constitutional Review Working Party during a meeting held on 16th July 2019. During consideration of this report the following points were highlighted:

- The reasons why a proposal had been made to change the rules in respect of which Members could Chair meetings of the Licensing Sub-Committee B.

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- The potential to consult with the Licensing Committee in respect of the proposed change. Members noted that the purpose of the Constitutional Review Working Party was to review the constitution so it had been the most appropriate body to discuss this matter.
- The extent to which the rules in respect of chairing meetings of the Licensing Sub-Committee B needed to change.
- The fact that the Chair of the Licensing Committee had been consulted prior to the Constitutional Review Working Party.
- The recommendation in respect of the quarterly meetings between the Chair of the Overview and Scrutiny Committee and the Leader of the Council and the ways in which this proposal differed from the recommendation that had been made by the Overview and Scrutiny Committee.
- The fact that the Overview and Scrutiny Committee's recommendation in relation to this meeting had received cross-party support and the need for the scrutiny process to remain apolitical.
- The potential for the Vice Chair of the Overview and Scrutiny Committee, the Deputy Leader of the Council and the leader of the opposition to attend these meetings.
- The purpose of the meetings between the Leader of the Council and the Chair of the Overview and Scrutiny Committee.

RESOLVED that

- 1) **the Officer Code of Conduct be removed from the Council's constitution;**
- 2) **the terms of reference for the Licensing Sub-Committee B should be amended to enable all members of the Licensing Committee to Chair meetings of the Sub-Committee, subject to receiving appropriate quasi-judicial training; and**
- 3) **the Overview and Scrutiny Procedure Rules should be amended to require the Leader of the Council to meet with the Chair of the Overview and Scrutiny Committee on a quarterly basis to discuss scrutiny matters.**

36. URGENT BUSINESS - RECORD OF DECISIONS

There were no urgent decisions to note at this meeting.

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37. URGENT BUSINESS - GENERAL (IF ANY)

Local Enterprise Partnership Membership

A motion in respect of the Council's membership of Local Enterprise Partnerships (LEPs) was proposed by Councillor Matthew Dormer. This Motion was seconded by Councillor Bill Hartnett.

In proposing the Motion Councillor Dormer explained that the matter needed to be considered as urgent business as a decision needed to be taken before the following meeting of Council, which was scheduled to take place in September 2019. Unfortunately, if a decision had not been taken by the Council in respect of LEP membership, it was possible that a decision would have been imposed on the authority. Members were informed that the Council's position continued to be a preference to remain in both the Greater Birmingham and Solihull LEP (GBSLEP) and the Worcestershire LEP (WLEP). However, should the Council be required to opt for membership of one LEP then the decision needed to be based on an understanding of the local economy and local businesses, which were more likely to work with businesses in Birmingham and the West Midlands rather than the rest of Worcestershire and therefore continuing membership of the GBSLEP rather than the WLEP would be the preferred option for Redditch.

In seconding the Motion Councillor Hartnett explained that the review of LEP membership had been taking place over the previous two year period. During this time it had been clear that Redditch had received good funding settlements from the GBSLEP, the various Chairs of the GBSLEP Board had visited the Borough and meetings of the Board had taken place in Redditch. As the GBSLEP represented the larger urban economies within the West Midlands region Councillor Hartnett suggested that it had greater economic influence than the WLEP. Therefore, should the Council be required to opt to remain a member of one LEP only, it would be in the economic interests of Redditch to remain in the GBSLEP.

Following the presentation of the Motion Members discussed the subject of the Council's LEP membership moving forward. There was general consensus that should the Council be required to choose between remaining a member of one LEP or another the local authority should opt to stay in the GBSLEP.

RESOLVED that

Members will be aware that currently Redditch Borough Council sits in 2 Local Enterprise Partnerships (LEPs), the Greater Birmingham and Solihull LEP (GBSLEP) and the Worcestershire LEP (WLEP).

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In 2018 the Government published the “Strengthened Local Enterprise Partnerships” review which sought to bring forward reforms to the leadership, governance and accountability of the 38 LEPs – this included the review of overlapping geographies and sought to remove them – meaning that Councils could only be a member of one LEP.

In the “Strengthened Local Enterprise Partnerships” review it stated that:

“Government will:

- Ask Local Enterprise Partnership Chairs and other local stakeholders to come forward with considered proposals by the end of September on geographies which best reflect real functional economic areas, remove overlaps and, where appropriate, propose wider changes such as mergers.”

The submissions made to Government in September 2018 highlighted that there was no agreement locally as to how this should best be resolved. The position of the GBSLEP and indeed this council has always been that overlaps should be allowed to remain and that Councils should be allowed to stay in 2 LEPs. This is because overlaps have been the solution to the local issue of economic geographies and administrative boundaries not aligning, rather than a problem in themselves. Unfortunately this position was not shared by the WLEP.

It has become increasingly clear that central government will insist upon the issue of overlapping geographies being resolved and if it isn't resolved locally they will impose a solution possibly as soon as in the next few weeks.

The clear preference of this Council is still to remain in 2 LEPs, however we believe that if overlaps have to be resolved then this is a decision that needs to be taken locally by local elected officials rather than imposed on us.

Redditch is clearly part of the functioning economic geography for both GBSLEP and WLEP however without doubt the main economic geography is to the north and GBSLEP.

Therefore Council resolves that if overlaps have to be removed that Redditch Borough Council:

1. declares that GBSLEP is its preferred LEP as this reflects the functioning economic geography (in line with central government guidance on the basis for LEPs)
2. gives notice to WLEP of its intention to leave the partnership

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3. writes to the Secretary of State to inform Central Government of the decision”

The Meeting commenced at 7.05 pm
and closed at 7.53 pm

Appendix 1: Council Meeting – 22nd July 2019
Item 5 (a): Mayor's Announcements

The Mayor has attended the civic engagements detailed in the table below since the last meeting of Council.

Date	Engagement	Who attended
29 th June	Church Service for the Armed Forces at St Stephens Church.	The Mayor
2 nd July	Meeting with the Rotary Club at Redditch Town Hall	The Mayor
4 th July	Attended Redditch has Talent at the Palace Theatre.	The Mayor
5 th July	St Augustine's Catholic School Careers Day	The Mayor
5 th July	Dial a Ride 30 th Birthday presentation	The Mayor
7 th July	Kidderminster Civic Service	The Mayor
7 th July	Green Fair & Lions Fun day	The Mayor
13 th July	Astwood Bank Carnival – judging Floats	Deputy Mayor
13 th July	Mayoral Charity Midsummer Evening – Astwood Bank	Deputy Mayor

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Executive Committee

Tuesday, 10 September
2019

MINUTES

Present:

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

Also Present:

Councillor Roger Bennett

Officers:

Derek Allen, Mark Cox, Kevin Dicks, Clare Flanagan, Jayne Pickering and Guy Revans

Senior Democratic Services Officer:

Jess Bayley

29. APOLOGIES

There were no apologies for absence.

30. DECLARATIONS OF INTEREST

There were no declarations of interest.

31. LEADER'S ANNOUNCEMENTS

A list detailing the Leader's announcements was circulated at the meeting.

32. MINUTES

RESOLVED that

the minutes of the meeting of the Executive Committee held on Tuesday 9th July 2019 be approved as a correct record and signed by the Chair.

.....
Chair

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33. CLIMATE CHANGE CROSS-PARTY WORKING GROUP

The Senior Democratic Services Officer (Redditch) presented a report proposing that Members should establish a Climate Change Cross-Party Working Group.

The subject of climate change had been raised by a resident in a question that had been addressed to the Leader of the Council at a meeting of Council in June 2019. In response to the question the Leader had indicated that the Council would be prepared to declare a climate emergency. Following this meeting the Portfolio Holder with responsibility for climate change, the Portfolio Holder for Environmental Services, had approached Officers and asked them to draft a report setting out the requirements to introduce an Executive Advisory Panel that would focus on climate change. Should Members agree to introduce this Executive Advisory Panel it would operate in a similar manner to the Planning Advisory Panel, whereby whilst there would be specific Members of the group all Members would be welcome to attend.

The membership of the group was briefly discussed and it was noted that there would be five members appointed to the group, in accordance with the standard membership number for an Executive Advisory Panel. The political party group leaders would nominate Members to sit on the group and the Chair indicated that a member from each party could sit as the Chair and Vice Chair of the group respectively.

During consideration of this item Councillor Bill Hartnett proposed an amendment to the draft terms of reference for the group. This amendment was seconded by Councillor Greg Chance. The amendment called for the meetings of the a Climate Change Cross-Party Working Group to be open to the public to attend.

In proposing the amendment Councillor Hartnett commented that climate change was an increasingly serious problem on a national scale and action needed to be taken to tackle this. It was likely that many residents and groups would be interested in the discussions at meetings of the group.

In seconding the amendment Councillor Chance suggested that by opening meetings of the group to the public this would demonstrate that the Council was taking the subject of climate change seriously.

Members discussed the amendment in detail and in so doing noted that the purpose of the group was to provide elected Members with an opportunity to discuss climate change issues in detail prior to reporting to the Executive Committee. This arrangement was already in place for the Council's previous Climate Change Advisory

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Panel that had ceased to exist some years ago as well as for the Planning Advisory Panel, meetings of which took place in private. As the group did not have decision making powers any findings arising from the meetings of the group would be reported to the Executive Committee, meetings of which were held in public. Committee meetings held in public were subject to the Access to Information rules, which required various arrangements including that agenda packs should be published at least five working days in advance of a meeting. As an alternative Members could decide to invite representatives of interested groups to provide evidence to specific meetings of the group and could choose to convene particular meetings to consult with the public. It was suggested that the local authority was already demonstrating that the Council took the subject of climate change seriously by establishing a Climate Change Cross-Party Working Group.

On being put to the vote the amendment was lost.

RECOMMENDED that

- 1) **a Cross Party Working Group on Climate Change be established in accordance with the Terms of Reference at Appendix 1;**
- 2) **the Council appoint a Chair and Vice Chair of the Cross Party Working Group on Climate Change; and**
- 3) **the Council approve nominations from the political group leaders to the places on the Cross Party Working Group on Climate Change.**

34. AMENDMENT TO THE REDDITCH HOUSING ALLOCATIONS POLICY

The Housing Strategy Manager presented a proposed amendment to the Redditch Housing Allocations Policy. Members were advised that this amendment was required to increase the savings and equity level required of applicants from £50,000 to £90,000.

RESOLVED that

the Housing Allocations Policy 2019 be adopted.

35. WORCESTERSHIRE REGULATORY SERVICES (WRS) ENFORCEMENT POLICY - REFERRAL FROM THE WRS BOARD

The Technical Services Manager from Worcestershire Regulatory Services (WRS) presented a report detailing proposed changes to the WRS Enforcement Policy.

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The Committee was informed that the WRS Board, which comprised elected Members from all of the partner authorities in receipt of WRS's services, had already considered and endorsed the proposed changes to the policy. The six Worcestershire District Councils needed to consider and approve the policy before it could be enforced. The proposed changes to the policy took into account intelligence that had been received as well as a range of experiences across the county.

RECOMMENDED that

the Council adopt the Worcestershire Regulatory Enforcement Policy 2019.

36. BUDGET FRAMEWORK REPORT 2019

The Executive Director of Finance and Corporate Resources presented the Budget Framework Report 2019.

During the presentation of the report the following points were highlighted for Members' consideration:

- The report outlined the overarching objectives for the Council's budget moving forward.
- The Council had been issued with a Section 24 notice in July 2019 by the authority's external auditors. This had raised concerns about the local authority's financial sustainability.
- During a meeting of the Audit, Governance and Standards Committee that was due to take place on 26th September, Members would be invited to consider the contents of an action plan that would set out the Council's strategy to address the issues that had been raised in the Section 24 notice.
- In 2019/20 the Council was on track to achieve projected savings that had been built into the Medium Term Financial Plan.
- There was a gap of £1.2 million in the Council's budget for 2020/21 and the figure increased in subsequent years.
- The Council needed to demonstrate to the authority's external auditors that there was a realistic financial plan in place for 2020/21. Officers were working hard to ensure that there was a clear savings plan in place for this year and the subsequent three years of the Medium Term Financial Plan.
- As part of this work to produce a clear financial strategy Officers were aiming to ensure that all spend related to the Council's strategic purposes.
- Officers were aspiring to identify more investment opportunities for the Council and these would continue to be reported to Members.

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- The capital budget was also in the process of being reviewed to ensure that all projects included on the programme would be delivered on time. The Council had to borrow to fund capital spending and this had implications for the authority's revenue budget, particularly when expenditure did not take place according to deadline.
- The recent Spending Round 2019 statement had indicated that limits might be placed on the level at which Council Tax could be increased. It was possible that the maximum increase would be either 2 per cent or £5 per household. It was also stated that there might not be a change to the New Homes Bonus but the Council would have to wait until the settlement to get the detail on this fund.
- The Council's funding settlement from the Government was expected in December 2019. This would provide greater clarity in respect of the local authority's financial position moving forward.
- Whilst action was being taken in relation to the Council's budget, a freeze had been placed on central spending costs and recruitment in business critical cases. Staff would also not be able to allocate any expenditure involving costs outside of available budgets and all such cases would be referred to the relevant Head of Service for review.

Following the presentation of the report Members discussed the various reasons why the Council had been issued with a Section 24 notice. Reference was made to decisions that had been taken both in 2018/19 and in previous years which had impacted on the Council's budget position.

RESOLVED that

- 1) **the Section 24 notice be noted and the regular reporting of the action plan once approved by the Audit, and Governance and Standards Committee through to the Executive Committee be agreed; and**
- 2) **the overarching financial objectives and framework, to be used in developing the detailed financial plan, to enable the Council to realise savings and additional income whilst delivering the strategic priorities of the Council, be noted.**

37. FINANCE MONITORING QUARTER 1 2019/20

The Executive Director of Finance and Corporate Resources presented the Financial Monitoring Report for the period April to June 2019.

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The figures provided for this quarter of the financial year indicated that there had been an underspend. Essential spend only was being permitted, following the publication of the Section 24 Notice. The Council had received some additional income already and new commercial opportunities to secure additional income were being explored.

The Committee was advised that at this stage in the financial year a detailed forecast in respect of the Council's budget for the year end did not tend to be provided. However, a forecast had been provided for the Housing Revenue Account (HRA). In the following Financial Monitoring Report information would be provided about both overspending and underspending on budgets as well as an overarching forecast in respect of the Council's budget.

The HRA was receiving the level of income that had been anticipated. Whilst the budget for Repairs and Maintenance had been overspent in 2018/19 expenditure appeared to be on target in 2019/10. Savings had also been achieved in relation to vacant management posts within the Housing Department. There was a significant amount of capital expenditure scheduled to take place, however, £18 million of this related to updating the Council's housing stock.

Further savings would be made from combining the Council's insurance premiums with other local authorities in a group. A review was being undertaken of the authority's minimum revenue provision. In addition, the Council's assets were being reviewed and Officers were aiming to learn lessons from other Councils.

RESOLVED that

the current financial position in relation to revenue and capital budgets for the period April – June 2019 be noted.

38. OVERVIEW AND SCRUTINY COMMITTEE

RESOLVED that

the minutes of the Overview and Scrutiny Committee meeting held on Thursday 4th July be noted.

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

The Chair proposed that the recommendations from the Overview and Scrutiny Committee meeting on 5th September 2019, in respect of the disposal of the HRA asset located at Green Lane, Studley, should be considered under the relevant item on the agenda.

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There were no further recommendations arising from that meeting of the Overview and Scrutiny Committee for Members' consideration.

40. ADVISORY PANELS - UPDATE REPORT

The following verbal updates were provided in respect of the Executive Advisory Panels:

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

Councillor Dormer explained that a meeting of the Constitutional Review Working Party was due to take place on 1st October 2019.

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

Councillor Brunner advised Members that a meeting of the group was due to take place later in the month.

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

Councillor Dormer informed the Committee that a meeting of the group was due to take place on 8th October 2019.

- d) Planning Advisory Panel – Chair, Councillor Matthew Dormer

The Committee was advised that there were no scheduled meetings of the Planning Advisory Panel due to take place.

41. DISPOSAL OF HRA ASSET AT GREEN LANE, STUDLEY

The Head of Environmental Services presented a report in respect of the disposal of an HRA asset at Green Lane, Studley.

The property at 64, Green Lane, Studley was no longer considered to be habitable and the report proposed that it should be demolished. A railway bridge, which was owned by the Council, was located close to this property. The bridge was in a state of disrepair and it would require significant financial investment to secure the structure and then on an ongoing basis due to the requirement for an annual inspection. Officers were proposing that the bridge should be demolished and the site levelled. This would increase the size of the plot and allow for two four-bedroom properties to be built at that location, subject to planning permission. The Council had discussed the plans with Stratford-on-

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Avon District Council and Warwickshire County Council, in relation to the planning and highways implications of the works.

Members noted that the proposed works would help to make the site safer for the public. The planned works would not impact on the sustrans route that traversed the site. There was also the likelihood that this approach to managing the property and bridge would help to reduce the financial costs to the Council in the long-term.

During consideration of this item Members noted that the report had been pre-scrutinised by the Overview and Scrutiny Committee at a meeting on 5th September 2019. At the end of their discussions scrutiny Members had endorsed the recommendations detailed in the report. The Leader thanked the Overview and Scrutiny Committee for their hard work in respect of this item.

RECOMMENDED that

- i) No. 65 Green Lane, Studley be declared surplus to requirements and officers to dispose of the site;**
- ii) any HRA capital receipt achieved based on the current market value of No. 65 Green Lane, be used to increase the HRA stock;**
- iii) Option C - The Capital Engineering Scheme be approved, with Authority be delegated to the Head of Environmental Services to submit a detailed planning application to Stratford-on-Avon District Council, for the complete scheme. If successful, the Planning consent will include an outline approval for the erection of 2 No. 4 bed houses;**
- iv) the sites for the 2 No. 4 bed houses be marketed and the received monies, after deduction of the amount as described in ii) above, shall be used as Capital funds towards the cost of the Engineering Works;**
- v) the additional funds required to complete the Engineering Works be taken from the Capital Locality Scheme Capital Programme 2019/20, as the proposed works are of the nature that the budget was set up for in the first instance; and**
- vi) the estimated cost of the Engineering Works cannot be finalised at this time, as Officers are currently endeavouring to determine the most cost effective method of disposing of the extensive surplus material from the excavated embankments. However, subject to**

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**the satisfactory outcome of this analysis the total
Engineering Works should not exceed £200k.**

The Meeting commenced at 6.30 pm
and closed at 7.44 pm

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**EXECUTIVE
COMMITTEE**

10th September 2019

CLIMATE CHANGE WORKING PARTY – PROPOSALS TO ESTABLISH A CROSS-PARTY WORKING GROUP

Relevant Portfolio Holder	Councillor Brandon Clayton, Portfolio Holder for Environmental Services
Portfolio Holder Consulted	Yes
Relevant Head of Service	Guy Revans, Head of Environmental Services, Claire Felton, Head of Legal, Equalities and Democratic Services and Judith Willis, Head of Community Services
Ward(s) Affected	All
Ward Councillor(s) Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

This report sets out proposals for the establishment of a Cross Party Working Group on Climate Change, and asks Members to agree the proposed arrangements and terms of reference.

2. RECOMMENDATIONS

The Committee is asked to **RECOMMEND** that

- 1) a Cross Party Working Group on Climate Change be established in accordance with the Terms of Reference at Appendix 1;

and subject to the approval of recommendation (1) above

- 2) the Council appoint a Chair and Vice Chair of the Cross Party Working Group on Climate Change; and
- 3) the Council approve nominations from the political group leaders to the places on the Cross Party Working Group on Climate Change.

3. KEY ISSUES

Financial Implications

- 3.1 There would be the cost of officer time that would be needed to support the working party.
- 3.2 Any proposals arising from the work of the group that might have financial implications outside of existing budgets, would require a business case and would need to go through the usual budget bid processes.

REDDITCH BOROUGH COUNCIL**EXECUTIVE
COMMITTEE****10th September 2019**

Legal Implications

- 3.3 As it is proposed that this should be an informal working group that advises the Executive Committee the political balance rules do not apply. However, it is proposed that the number of Members appointed to the group should reflect the Council's political balance.

Service / Operational Implications

- 3.4 The issue of climate change was addressed at Full Council meeting that took place on 24th June 2019 when the Leader responded to a question from a member of the public on the issue and endorsed a call for the Council to declare a Climate Emergency. A full copy of the Leader's response as detailed in the minutes of the meeting is attached at Appendix 2 of this report.
- 3.5 As stated in the response to the question, the Council has already been proactive in looking at ways to reduce its carbon footprint, and there are many examples of steps the Council is already taking in this regard. That said, in light of the question to Council, and the current debate at a national level on the importance of addressing climate change, officers have been asked to review steps that could be taken to reduce emissions and to produce a Sustainability Action Plan.
- 3.6 Alongside this work it has been proposed by the Portfolio Holder for Environmental Services that Members should establish a Cross Party Working Group on Climate Change. This report sets out proposals for the establishment of such a working party.
- 3.7 In summary the group would report to the Executive Committee in a similar manner to the Planning Advisory Panel. As a working party meetings would take place in private, but would be open for any Members to attend. It is proposed that the group should comprise 5 Members and it is suggested that it should be chaired by the Portfolio Holder with responsibility for Climate Change, which is currently the Portfolio Holder for Environmental Services.
- 3.8 Support for the working group would be provided by the Climate Change and Energy Support Officer and the Environmental Policy and Awareness Officer and administrative support would be provided by the Directorate Support team.
- 3.9 The role of the group would be to review and oversee the Sustainability Action Plan and to explore new proposals for measures that the Council could implement to reduce its carbon footprint. However, the working party would have no decision making powers and any recommendations arising from the group would be fed back to the Executive Committee for consideration.

REDDITCH BOROUGH COUNCIL**EXECUTIVE
COMMITTEE****10th September 2019**

- 3.10 During the Council meeting in June the Leader was asked a supplementary question with regard to the potential for the Council to engage with concerned residents about climate change. As it is proposed that the the group would be an informal cross-party working group the meetings of the group would take place in private. However, as part of the work of the group Members would be asked to consider whether to propose that the Council should undertake formal consultation in respect of relevant matters as and when considered appropriate. Any such proposals would be reported to the Executive Committee, meetings of which are held in public.

Customer / Equalities and Diversity Implications

- 3.11 No specific issues have been identified for the customer or in respect of equality and diversity implications.

4. RISK MANAGEMENT

No specific risks to the Council have been identified.

5. APPENDICES

Appendix 1 - Draft Terms of Reference

Appendix 2 - Extract from the minutes of the meeting of Council held on 24th June 2019 containing the Leader's answer to the Question on Notice in respect of climate change.

AUTHORS OF REPORT

Name: Jess Bayley, Senior Democratic Services Officer (Redditch)
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Appendix 1 Redditch Borough Council - Cross Party Working Party on Climate Change

Terms of Reference

Constitution

1. The Working Party shall comprise 5 elected Members of the Council to be nominated by Group Leaders, including the Chair as detailed below.
2. The Cross Party Working Panel on climate change is an informal group and does not therefore form part of the Council's political balance. However, it is suggested that the number of Councillors appointed to the working party from each political group should reflect the Council's political balance.
3. It is suggested that the Working Party should be chaired by the Portfolio Holder with responsibility for climate change.
4. The Working Party has been established to investigate and consider issues around Climate Change. Membership may comprise of Members drawn from both the Executive and Overview and Scrutiny Committees.

Rules of Operation

5. The Working Party has power to receive information from officers and to discuss, but no power to make decisions.
6. Meetings shall take place bi-monthly on dates to be arranged with a normal start time of 6.00pm.
7. Meetings shall be held in private although other Members not sitting on the Working Party will be welcome to attend and observe.
8. For the purposes of accuracy and transparency adequate notes shall be taken of the matters considered which shall be available for inspection by officers and other Members of the Council.
9. The Panel shall advise and make recommendations to the Executive Committee. However, under the terms of the Council's constitution the Climate Change Strategy forms part of the policy framework which is reserved for decision by Council and therefore the Executive will need to refer proposed policy changes on to Council.
10. Members are reminded that the rules set out in the Code of Conduct with regard to making declarations of interest will apply to the Working Party.

Terms of Reference

11. The Working Party will perform the following functions:-
 - To develop, oversee delivery of and review the Sustainability Action Plan.
 - To consider and evaluate new proposals for reduction of the Council's carbon footprint.
 - To monitor and track the progress of new carbon reduction initiatives that are introduced.
 - To make recommendations to the Executive as appropriate.

APPENDIX 2

Council**Monday, 24 June 2019****MINUTES****Present:**

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

Officers:

Kevin Dicks, Claire Felton, Chris Forrester and Sue Hanley

Committee Services Officer:

Jess Bayley

21. QUESTIONS ON NOTICE (PROCEDURE RULE 9)

The Leader responded to a question that had been submitted by Mr M. Bennett in accordance with Council Procedure Rule 9.2.

Mr Bennett asked the following question of the Leader:

“Climate Change is the defining issue of our time and we are at a defining moment. From shifting weather patterns that threaten food production, to the increased risk of flooding and localised extreme weather - the impacts of climate change are global in scope and unprecedented in scale.

Without drastic action today, adapting to these impacts in the future will be more difficult and costly.

More alarmingly, there is evidence that important tipping points, leading to irreversible changes in major ecosystems and the planetary climate system, may already have been reached or passed.

In October 2018, The United Nations' Intergovernmental Panel on Climate Change (IPCC) issued a report based on updated research

.....
 Chair

Council

Monday, 24 June 2019

around the impacts of global warming. While previous estimates focused on estimating the damage if average temperatures were to rise by 2°C, this report shows that many of the adverse impacts of climate change will come at the 1.5°C mark.

With clear benefits to people and natural ecosystems, the report found that limiting global warming to 1.5°C compared to 2°C could go hand in hand with ensuring a more sustainable and equitable society.

Since the IPCC report was published, 85 local authorities have passed motions declaring a Climate Emergency and proposed steps to cut emissions. This has happened in councils ruled by all the major parties and has often been organised on a cross-party basis.

Is it not time that Redditch Council acted to protect the lives and property of Redditch residents by declaring a Climate Emergency and committing to a series of concrete measures designed to reduce carbon emissions to net zero as soon as possible?"

The Leader responded as follows:

"We absolutely agree with Mr Bennett that the IPCC state with high confidence that a manmade carbon dioxide increase is causing rising global temperatures, the results of which we are starting to witness.

In light of this, it is entirely appropriate for Redditch Borough Council to declare a Climate Emergency and commit to working towards the IPCC report global requirements.

The IPCC report recognises however, that this is a significant challenge, which requires action and co-operation at every level. Redditch Borough Council cannot rise to the challenge alone.

The more that Redditch Borough Council can achieve prior to 2030, the lower the risk of being locked into carbon-emitting infrastructure, having assets which become useless or devalued and having less options, with higher costs.

I have therefore asked officers to set out a Sustainability Action Plan for the council showing short medium and long-term measures to reduce emissions from our own operations, estate and contracts. Where we have no direct control, we will look at how we can work with residents and businesses through our services to help them to reduce their emissions.

Redditch Borough Council has been working on this agenda for many years and more detail can be provided to Mr Bennett after the meeting."

Council

Monday, 24 June 2019

A copy of the Leader's response was circulated at the meeting, together with a list of actions that the Council was already taking to address climate change (Appendix 2).

Mr Bennett subsequently added a supplementary question which asked the Leader whether the Council would be willing to engage with concerned residents about actions that could be taken to mitigate climate change.

The Leader responded by suggesting that the Council would probably be open to engaging with concerned residents but that he would ask Officers to respond to Mr Bennett about this matter.

The Meeting commenced at 7.05 pm
and closed at 7.27 pm

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WORCESTERSHIRE DISTRICT COUNCILS

MEETING OF THE WORCESTERSHIRE REGULATORY SERVICES BOARD

THURSDAY, 27TH JUNE 2019, AT 4.30 P.M.

PRESENT: Councillors H. Dyke (Vice-Chairman, in the Chair), A. D. Kent, H. J. Jones, J. Raine, G. Prosser (substituting for Cllr. J. Grubb), W. King, J. Squires, L. Griffiths, E. Stokes, D. Morris and P. Dyke

Partner Officers: Mr. P. Merrick, Malvern Hills and Wychavon District Councils, Mr. L. Griffiths, Worcester City Council and Mr. M. Parker, Wyre Forest District Council

Officers: Mr. S. Wilkes, Ms. C. Flanagan, Mr. C. Forrester, Mr. M. Cox and Mrs. P. Ross

1/19

PREVIOUS CHAIRMAN'S REPORT

Councillor G. Prosser, Redditch Borough Council, Vice-Chairman of the Worcestershire Regulatory Services Board 2018/2019, suggested that as there were a number of new members to the Board, it would be helpful if Members and officers gave brief introductions.

The Vice-Chairman then introduced the report, which provided an overview of the highlights that the Board covered from 1st April 2018 to 31st March 2019.

Councillor Prosser expressed his sincere thanks to the Board and the Head of Regulatory Services.

RESOLVED that Members note the report, as presented by Councillor G. Prosser, Redditch Borough Council, Vice-Chairman of the Worcestershire Regulatory Services Board for the municipal year 2018/2019.

2/19

ELECTION OF CHAIRMAN FOR THE ENSUING MUNICIPAL YEAR

A nomination for Chairman was received in respect of Councillor J. Grubb, Redditch Borough Council.

RESOLVED that Councillor J. Grubb, Redditch Borough Council be elected as Chairman for the ensuing municipal year.

3/19

ELECTION OF VICE-CHAIRMAN FOR THE ENSUING MUNICIPAL YEAR

A nomination for Vice-Chairman was received in respect of Councillor H. Dyke, Wyre Forest District Council.

RESOLVED that Councillor H. Dyke, Wyre Forest District Council be elected as Vice-Chairman for the ensuing municipal year.

The Vice-Chairman took the opportunity to welcome Members and officers to the meeting of the Board.

4/19

APOLOGIES

Apologies for absence were received from Councillors J. Grubb, Redditch Borough Council and T. Wells, Malvern Hills District Council.

It was noted that Councillors G. Prosser, Redditch Borough Council, was in attendance as substitute member for Councillor J. Grubb.

Apologies for absence were also received from Ms. J. Pickering, Bromsgrove District and Redditch Borough Councils.

5/19

DECLARATIONS OF INTEREST

There were no declarations of interest.

6/19

MINUTES

The minutes of the meeting of the Worcestershire Regulatory Services Board held on 14th February 2019, were submitted.

It was noted that Councillor J. Squires, Worcester City Council and Councillor E. Stokes, Wychavon District Council, were present at that meeting and they consecutively proposed and seconded the approval of the minutes.

RESOLVED that the minutes of the Worcestershire Regulatory Services Board held on 14th February 2019, be approved as a correct record.

7/19

WORCESTERSHIRE REGULATORY SERVICES REVENUE MONITORING APRIL - MARCH 2019 & ANNUAL RETURN

The Financial Services Manager, Bromsgrove District Council, introduced the report and in doing so highlighted that Worcestershire Regulatory Services (WRS) managers had set themselves an income budget of £309k for 2018/2019; and that through hard work and the successes that WRS had achieved with generating income this year, that the total income generated from all sources including additional spends by partners was £402k.

Members' attention was also drawn to:

- The purchased particulate monitoring kit for £8k, which would also be used as an income generator.
- Due to the increase in the number of taxi licences and the increase in the cost of raw materials there was a £10k overspend within this service line.

In response to Councillor A. Kent, Bromsgrove District Council, with regard to 'Car Allowances' and if there were any incentives for electric/hybrid vehicles to be used. The Head of Regulatory Services commented that officers worked within the Terms and Conditions of the Host Authority, Bromsgrove District Council and that currently there were no incentives. The Technical Services Manager, WRS, further informed the Board that WRS had four vehicles used by the dog wardens and that due to the mileage used it was not deemed cost effective to switch to electric/hybrid vehicles.

RESOLVED:

- (a) that the final financial position for the period April – March 2019 be noted;
- (b) that the 2018/2019 refund of £63k to the participating Councils be approved, as follows:-

Council	Refund from 2018/19 £'000
Bromsgrove	9
Malvern Hills	8
Redditch	11
City of Worcester	11
Wychavon	15
Wyre Forest	10
Total	64

8/19

WORCESTERSHIRE REGULATORY SERVICES ANNUAL REPORT 2018/2019

The Board considered a report which detailed the Worcestershire Regulatory Services (WRS) Annual Report 2018/2019. The report covered the performance of the service for the period 1st April 2018 to 31st March 2019.

The Head of Regulatory Services informed the Board that under the Shared Services Partnership Service Level Agreement (SLA) the Board was required to receive the annual report at its annual meeting.

The Head of Regulatory Services further informed Members that the report covered the performance of the service for that period, both in

terms of Key Performance Indicators (KPIs) and highlights of activity, with a short summary activity report, as detailed at Appendix 5 to the report. Appendix 5 to the report had been reduced since the Board now received a separate Activity and Performance Data report which provided more detail. Some detail of the performance indicators were also covered in the Activity and Performance Data report.

Generally performance had remained good. Food business compliance rates remained high. Taxi license renewals were dealt with in a reasonable time in the main. The taxi fleet appeared to be generally in good order, although the results from enforcement exercises suggested that some drivers / operators needed to improve in terms of maintaining vehicles.

Complaints against the service were significantly exceeded by compliments. It was understood that the main issue for complaints were related to either paying for the cost of stray dog recovery or the fact that WRS could not resolve an issue that was causing annoyance to a resident due to the law on nuisances. The latter appeared to be the main cause in the fall in customer satisfaction. Interestingly, the Department for Environment, Food and Rural Affairs (DEFRA) most recent survey of the public in relation to attitudes to noise had detected a statistically significant drop in people's tolerance of noise. This was something that WRS had seen anecdotally at local level and had reported to Board Members previously.

The indicators for licensed premises and noise complaints had been in place long enough now in order to establish good base-lines. The former showed that generally licensed premises in the County were well managed. The figures could now be used, along with intelligence, to focus enforcement resources in a proactive way to tackle any individual problem premises, although these were few and far between.

Most complaints related to minor nuisance issues, usually created when a venue introduced a novel activity like live music to diversify its activities. The rate of noise complaints was relatively low and probably reflective of the general environment in Worcestershire.

The Annual Report also provided a summary of the financial position, the key achievements and covered issues with regard to human resources; plus sections on risk management and equalities.

The Head of Regulatory Services and the Technical Services Manager, WRS, responded to questions from Members with regard to potential growth of the service and noise reporting.

The Head of Regulatory Services informed Members that the Technical Services team were the main income generators within the service and that further income generation was something that could be considered. Previous Board Members had expressed an interest in Business Planning and that was something that he was keen to arrange; a slightly

more informal event for Board Members during September / October 2019.

With regard to noise reporting, the Technical Services Manager, WRS, stated that there were dedicated front line staff and also self-help pages on the WRS website, which helped to make the service more cost effective. The issues were mainly domestic noise issues and not a statutory nuisance. If noise issues could not be resolved complainants were referred to (back-office) staff in order to try and resolve any noise issues.

The Head of Regulatory Services referred to The Members' Eye newsletter that was circulated to Board Members during 2018, which had provided a useful guide for Members on Statutory Nuisance. He further informed Members that he would ensure that a copy was circulated to all current Board Members for information.

In response to a further questions raised, the Head of Regulatory Services advised that the self-help process had removed a lot of early wins with regard to noise nuisance that had been resolved, hence a natural downfall. However, going forward, he and his management team would look to work more closely with colleagues at the partner authorities who may have other tools available to deal with issues, citing the Community Protection Notices available under the Anti-social Behaviour and Policing Act 2014 as an example of a measure that may help.

With regard to food premises scoring 2 or below on the 'Scores on the doors' food hygiene / food safety initiative, some of the issues were down to allergen awareness; with some management / staff not having sufficient understanding / knowledge of food allergens. This would have been rectified as part of the visit process but businesses would need to be re-scored later.

The Vice-Chairman thanked the Head of Regulatory Services, with some Members commenting that the results were good and that the service was an excellent service and that they could see the benefits of the service.

RESOLVED:

- (a) that the Worcestershire Regulatory Services Annual Report 2018/2019 be noted; and
- (b) that a copy of the Worcestershire Regulatory Services Annual Report 2018/2019 be forwarded to the Chief Executive, Managing Director and Members of the six partner authorities.

9/19

ACTIVITY AND PERFORMANCE DATA QUARTERS 1, 2, 3 AND 4

The Technical Services Manager, WRS, presented the Activity and Performance Data Quarters 1, 2, 3, and 4 report; and in doing so stated that the detail of the report focused on quarter 4 but the actual data

allowed comparison with previous quarters and previous years. The report also highlighted a number of headline stories.

Page 88 of the main agenda report detailed the Primary Authority work that was completed for quarter 4, to the satisfaction of the two companies that WRS had engaged with; namely CEMEX and Wienerberger.

Work to support planning officers across Worcestershire had kept the Technical Services team busy throughout the year with a significant increase in demand in quarter 4.

Air quality work had had a high profile nationally and this had been reflected in the work to improve air quality. Worcester City Council, Task and Finish Group (Air Quality) had researched into measures to tackle breaches of nitrogen dioxide in Worcester. The Task and Finish Group had concluded and had reported back to the Licensing & Environmental Health Committee in January 2019 with a number of measures tasked to different Council departments to progress.

In response to a question raised by Councillor Kent, Bromsgrove District Council, in respect of Noise Pollution and the information detailed on page 95 of the main agenda report, with regard to the specific number of different parties that had complained about noise pollution. The Head of Regulatory Services explained that he had spoken with the intelligence officer who would try and identify the different number of complainants and if possible include this information in future reports.

RESOLVED that the Activity and Performance Data report for Quarters 1, 2, 3 and 4, be noted.

10/19

WORCESTERSHIRE REGULATORY SERVICES ENFORCEMENT POLICY 2019

The Board considered a report that provided information on the proposed Worcestershire Regulatory Services Enforcement Policy 2019.

The Head of Regulatory Services explained to Members that in 2011, the then Worcestershire Regulatory Services (WRS) Joint Committee had agreed to support the adoption of a single WRS Enforcement Policy that the service would use in relation to all of its activities. This policy would be an adjunct to other enforcement policies that each partner authority had for its remaining enforcement activities. The policy was based on the requirements of the then Regulator's Compliance Code; the policy would not have contradicted any approach being taken by partners in other areas of enforcement such as planning.

In 2016, when the partnership became a district only arrangement, the Head of WRS had made some minor amendments to the policy and had asked Members of the Board to ratify the amended policy and to

recommend adoption of the amended policy by the six partner authorities.

It was important that Members were reminded of how decision making on enforcement took place and that Members approved the processes that WRS followed when dealing with such serious matters. Virtually all of the legislation the service dealt with had criminal sanctions as its ultimate end-point and Members needed to be happy that the processes being followed would apply such sanctions in the right circumstances.

Local authorities were encouraged to produce Enforcement Policies for many years so that those regulated knew and understood what to expect. This was originally driven by the introduction of the Enforcement Concordat, created by LACORS, the Local Government Association's Regulatory Policy support framework for member authorities, and built upon by the Regulator's Compliance Code, issued by the Better Regulation Executive; under the Legislative and Regulatory Reform Act 2006.

The original Regulators Compliance Code was replaced with the Regulator's Code. The core of the new Code changed little from the original Regulators Compliance Code, but some aspects were clarified and tidied up. Whilst this had not changed since the last review, the Head of Service felt that by reviewing the policy every three years it would ensure that Members were aware of the processes that the service followed during regulatory decision making and that this would give them reassurance that the service was taking a fair and equitable approach when dealing with offending.

Before putting a case before the Courts, local authorities also needed to have regard to the Code for Crown Prosecutors, which laid down the very basic provisions for evidential sufficiency and public interest before a case could be considered a sound candidate to be taken to Court.

The policy, as attached at Appendix 1 to the report, met the criteria of both the Regulators Code and the Code for Crown Prosecutors, which should allow it to easily integrate with existing policies within each of the partner authorities and would allow WRS to operate in a consistent way across the county in relation to all enforcement matters.

By adopting a common approach to enforcing the functions discharged by WRS, partners would directly address these concerns of the business community and show that WRS remained a tool that local authorities could use to support their economies in a positive way.

In response to Members, the Head of Regulatory Services, clarified that the amended policy would be an adjunct to other enforcement policies that each partner authority had for its remaining enforcement activities.

RESOLVED that, the Worcestershire Regulatory Services Enforcement Policy 2019, as detailed at Appendix 1 to the report, be adopted to support decision making within Worcestershire Regulatory Services.

RECOMMENDED that, the Council for each Member Authority adopts the Worcestershire Regulatory Services Enforcement Policy 2019, as detailed at Appendix 1 to the report.

The meeting closed at 5.15 p.m.

Chairman



WRS Board

27th June 2019

Enforcement Policy 2019

Recommendations

- (i) Members agree this policy be adopted to support decision making within WRS.

Background

- (ii) Members recommend the adoption of this amended policy by the individual partner authorities.

In 2011, the then Joint Committee agreed to support the adoption of a single WRS Enforcement Policy that the service would use in relation to all of its activities. This policy would be an adjunct to other enforcement policies that each partner authority had for its remaining enforcement activities. Being based on the requirements of the then Regulator's Compliance Code, the policy would not have contradicted any approach being taken by partners in other areas of enforcement such as planning. In 2016, when the partnership became a district only arrangement, the Head of Service made minor amendments to the policy and asked members of the committee to ratify the policy and recommend adoption by the six councils. It is important that members are reminded of how decision making on enforcement takes place and that they approve the processes that we follow when dealing with such serious matters. Virtually all of the legislation the service deals with has criminal sanction as its ultimate end-point and members need to be happy that the processes being followed will apply such sanctions in the right circumstances.

Report

Local authorities have been encouraged to produce Enforcement Policies for many years so that those they regulate know and understand what to expect. This was originally driven by the introduction of the Enforcement Concordat, created by LACORS, the Local Government Association's Regulatory Policy support framework for member authorities, and built upon by the Regulator's Compliance Code, issued by the Better Regulation Executive, under the Legislative and Regulatory Reform Act 2006, and maintained by what is now the Office for Product Safety and Standards, part of the Department for Business, Energy and Industrial Strategy (BEIS). The concordat and the code provided businesses with a clear framework within which regulation would take place and provided this community with an outline of the kind of responses they might face should they be identified as being non-compliant.

The original Regulators Compliance Code was replaced with the Regulator's Code. The core of the new Code changed little from the original Regulators Compliance Code, but some aspects were clarified and tidied up. Whilst this has not changed since the last review, the Head of Service feels that reviewing this policy every three years ensures that members are aware of the processes that the service follows during regulatory decision making and that this will give them reassurance that the service is taking a fair and equitable approach when dealing with offending.

Before putting a case before the Courts, local authorities also need to have regard to the Code for Crown Prosecutors, which lays down the very basic provisions for evidential sufficiency and public interest before a case can be considered a sound candidate to be taken to Court.

The attached policy meets the criteria of both the Regulators Code and the Code for Crown Prosecutors, which should allow it to easily integrate with existing policies within the partner authorities and it will allow the service to operate in a consistent way across the county in relation to all enforcement matters.

Improved consistency is something that businesses crave, so there is a level playing field for all of those in competition. Businesses have complained for a number of years about the alleged inconsistencies in enforcement between local authorities, although the LGA has always challenged this and the responses containing real evidence have been limited. By adopting a common approach to enforcing the functions discharged by WRS, partners will directly address these concerns of the business community and show that WRS remains a tool that local authorities can use to support their economies in a positive way.

Contact

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Background Papers

Enforcement Policy document attached as Appendix 1



Worcestershire Regulatory Services **Enforcement Policy**

1. Introduction

Worcestershire Regulatory Services (WRS,) is a shared service that is part of the six district councils in Worcestershire (Bromsgrove District Council, Malvern Hills District Council, Redditch Borough Council, Worcester City Council, Wychavon District Council and Wyre Forest District Council.) WRS delivers Environmental Health functions, including Food Safety, Health and Safety, many aspects of Pollution Control, and Licensing administration and enforcement on behalf of the six partner authorities. It reports to a Joint Board of the six authorities which means it is constitutionally part of each council.

This Enforcement Policy is a statement of how the Service will carry out its enforcement duties and, in addition, what business and citizens in Worcestershire can expect from our enforcement staff. It will be applied by WRS in relation to the functions it discharges on behalf of the six local authorities and it has been adopted by each of them. It is distinct from any general Enforcement Policies of the individual local authority partners, which apply to other regulatory functions provided by them such as planning.

The primary aim of WRS is to ensure businesses comply with the legislative framework within which they operate so that, consumers, businesses, employees, individuals and the environment are protected, and transactions are fair and equitable. Fair proportionate and effective enforcement is essential to protecting the health, safety and economic interests of all concerned, and there is a range of tools available to the Service to achieve this. Whilst in the main compliance will be achieved through the use of advice and lower level formal sanctions and actions, there will be a need to take people and businesses through the court process in some circumstances. These are outlined further in the policy.

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

2. Policy Scope

WRS is committed to providing an effective service with officers carrying out their duties in an equitable, practical and consistent manner. To achieve this officers and the service will have regard to the principles in the following documents:

- The Regulators Code (BEIS)

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

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

3. General Principles

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

The majority of cases involving regulatory matters will relate to businesses, however, there will be some cases put before the Courts that relate to individual members of the public, particularly those involving nuisance. These cases will be treated in the same way as those involving businesses and the general principles outlined around proportionality of action, for example trying informal approaches before resorting to formal action and the Courts, will be followed unless the law mandates that an authority must take action in certain circumstances, for example where a statutory nuisance is identified. Even then, the service will use the discretion that all local authorities have as to the timeliness of formally taking action.

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

This enforcement policy helps to promote efficient and effective approaches to regulatory inspection and enforcement, which improve regulatory outcomes without imposing unnecessary burdens on business. We recognise the positive impact that the service can have on economic progress and growth in the local economy and see it as part of our role to encourage and support the growth of legitimate business activity within the legal framework provided by central government.

4. Intelligence and Risk

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

- Data collection and other information requirements;
- Inspection programmes;

- Advice and support programmes;
- Enforcement activity and sanctions.

We will normally use the appropriate risk assessment scheme developed either by government or recognised professional bodies to inform any inspection programme. In the absence of these, it is unlikely that routine inspection processes will inform activity. Instead, an intelligence-led approach will be taken and interventions will be driven by the risk and threat that comes from the assessment of intelligence. Decisions on tactical actions to be taken will be influenced by, in the absence of other factors:

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

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

5. Advice and Guidance

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

WRS will promote self service via our website and, where possible, provide targeted and practical advice with a focus on encouraging this engagement through Primary Authority relationships. When offering advice, the service will clearly distinguish between statutory requirements and advice or guidance aimed at improvements above minimum legal standards. WRS recognises its advice should help achieve compliance but impose the minimum burden required on the business concerned. Advice will be confirmed in writing, if requested.

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

Where possible, the service will provide advisory services free of charge; however WRS reserves the right to charge a reasonable fee for services beyond the most basic advice and guidance necessary to help ensure compliance. In saying this, the service would take account of the needs and circumstances of smaller businesses and others in need of help and support in deciding whether or not to charge. Charging will be in line with any guidance issued by the OPSS in relation to the Primary Authority principle.

6. Inspection and other market surveillance tactics

WRS business activity will be driven by intelligence. Inspection and other forms of market surveillance will provide a good flow of intelligence about specific outlets but also, when aggregated, will help paint a picture of broader trends within business sectors. The service will ensure that any routine inspections and similar programmed visits to businesses only occur in accordance with a risk assessment methodology and the relevant intelligence picture. Other visits may be requested by businesses, or will result from relevant intelligence so this will not apply in such circumstances.

WRS will focus its efforts on businesses where intelligence and risk assessment show there is a higher likelihood of non-compliance or those which pose a more serious risk to regulatory outcomes. Some processes by their nature present a greater risk to health or the environment, or due to their complexity, may make it more difficult to ensure compliance. These are the areas where we will focus our proactive market surveillance activities including inspection.

Where appropriate, and where required by legislation, including the Protection of Freedoms Act, WRS officers will give a minimum of 48 hours notice prior to a routine inspection unless to do so would undermine the purpose of the visit. So, where giving notice might, for example, lead to additional work being done to hide non-compliance or offending, temporary behaviour changes or evidence being removed, no notice will be given. It should also be noted, however, that there is a general requirement in some Codes of Practice e.g. Food Law Code of Practice, that notice is not provided prior to a routine inspection. Where this is the case, notice will not be given unless it is necessary to achieve the services ends, for example, if the presence of a particular manager is essential at a manufacturing facility.

When officers visit or carry out inspections, they will give feedback to businesses to encourage and reinforce good practice. They will also share information about good practice amongst businesses, and with other regulators. Where serious non-compliances are identified during an inspection that requires some formal action, feedback on minor issues may be delayed until the serious issues are resolved.

Where WRS and another regulator have a shared interest in a business, officers will seek to work together with relevant colleagues to ensure that activities can be rationalised to minimise the burden on the business, where such action is of benefit to the business and does not harm the standard of enforcement for either regulator. The service will also take account of the circumstances of smaller businesses, including any difficulties they may have in achieving compliance unless the non-compliance in question creates a serious risk.

7. Information Requirements

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

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

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

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

8.0 Enforcement Action

In accordance with good practice, we will:

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

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

- Be proportionate to the nature of the offence and the harm caused,
- Change the behaviour of the offender;
- Eliminate any financial gain or benefit from non-compliance;
- Address the harm caused by regulatory non-compliance, where appropriate;
- Deter future non-compliance,
- Be responsive and consider what is appropriate for the particular offender and regulatory issue, and
- Avoid perverse incentives that might influence the choice of sanctioning response.

When considering formal enforcement action, we will, when appropriate, discuss the circumstances with those suspected of a breach and take these comments into account when deciding on the best approach, (unless immediate action is required to prevent or respond to a serious breach or where to do so would be likely to defeat the purpose of the proposed enforcement action.) Where a prosecution may be an option, the offender is likely to be offered an interview under the provisions of the Police and Criminal Evidence Act 1984, which will give an opportunity for the alleged offender to give their side of the story.

Where the outcome is a decision to send a file to the relevant legal service for them to consider prosecution, this will be reported to the potential defendants. For lesser disposals, an explanation of the need for the action will be provided as soon as is reasonable practicable after the intervention.

8.1 Deciding what enforcement action is appropriate

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

- The seriousness of compliance failure or offence;

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

There are a large number of potential enforcement options in some legislative areas. The level of action taken will vary from no action/ verbal advice & assistance through to proceedings in Court. Examples of the main types of action that can be considered are shown below:

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

8.2 No Action/ Verbal Advice or assistance

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

8.3 Informal Action and Written Advice

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

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

8.4 Statutory Notices

Officers of the Service have the power under various pieces of legislation, or through delegation, to issue notices that:

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

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

Certain types of notice allow works to be carried out in default. This means that if a notice is not complied with (a breach of the notice) the service may commission the carrying out of any necessary works to satisfy the requirements of the notice. Where the law allows, the partner council may then charge the person/business served with the notice for any costs WRS incurs in carrying out the work.

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

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

8.5 Fixed Penalty Notices

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

8.6 Penalty Charge Notices

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

8.7 Institution of Legal Proceedings

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

Where the law has been broken, there is a range of enforcement options available and, under normal circumstances, a process of escalation will be used until either compliance is reached or there is no option other than to instigate proceedings. This approach would not be appropriate where there is a serious risk to public safety or the health of the environment, or the offences have been committed deliberately or negligently or involve deception, or where there is significant economic detriment or potential detriment caused by the activity. Each case is unique and will be considered on its own facts and merits.

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

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

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

Factors in Favour of Prosecution

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

Factors which would mitigate against the need for a prosecution

- The offence was minor in nature and as a result of a genuine mistake or misunderstanding, which did not involve significant negligence.
- The offender is vulnerable, for example through age-related issues, or was at the time of the offence suffering from significant mental or physical ill health, which

- contributed to the commission of the offence, and the offence was neither serious nor likely to be repeated.
- The loss or harm could be described as minor and was as a result of a single incident, particularly if it was caused by a failure of judgment.
 - The offender put right the loss or harm caused prior to the intervention of the Service.
 - Prior to the Service's intervention, the offender had introduced adequate steps to prevent further similar offences.
 - The defendant was a youth at the time of the offence.
 - There has been a long delay between the offence and any potential court action, unless either:
 - (i) The offence is serious,
 - (ii) The delay has been caused by the defendant or his/ her legal representatives,
 - (iii) The offence has only recently come to light, or
 - (iv) The complexity of the offence meant that there has been a long investigation.

8.8 Proceeds of Crime Applications

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

8.9 The use of Simple Cautions

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

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

8.10 Injunctions

Injunctive action is a civil law process that may be used to ensure that person or business desists from a particular pattern of behaviour or action. Whilst these are not the norm in dealing with regulatory matters, seeking an injunction may be the most appropriate method of disposal for an issue. A decision to seek an injunction would be taken by the legal officer for the relevant partner council and is most likely to be relevant where the

normal legal processes such as the issuing of notices and prosecution have not led to resolution of a problem. WRS officers will work with the relevant partner legal team to develop such cases and support them being taken through the Court process.

8.11 Other Orders available

There are a range of orders available in law under various provisions that can be used to tackle what is widely described as “anti-social behaviour.” Where these provisions offer a suitable way of dealing with an issue, the service has sufficient resource to deal with the matter and has delegated authority from the relevant partner, the service will take them forward with the support of the relevant partner legal service. The service may refer such matters back to the relevant partner where there is another enforcement team better placed to deal with the issue.

8.12 Refusal, Suspension and Revocation of Licence/ Permit

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

Some Licensing or permitting regimes are based on specialist knowledge and have detailed guidance that would make decision making by a lay-person difficult. In such circumstances officers may have delegated authority to refuse, suspend or revoke such licenses. Where this occurs, the applicant/ licensee will be told why and provided with details of any available appeal process.

In most circumstances, a licence/ permit may be considered for suspension, revocation, or the application of further conditions, where officers become aware of either the commission of offences relating to the conduct of the business, or breaches of existing conditions or similar controls. In the majority of cases, these matters will be heard before the Licensing Committee (or a Sub-Committee,) of the relevant partner Authority, and the elected members will determine what action should be taken unless it is one of the matters mentioned above where officers can make a decision under delegated authority. In relation to the more specialised regimes where officers have full delegated responsibility for decision making, explanations of why further conditions/ suspension or revocation are necessary will be provided to the license/ permit holder along with any routes of appeal that are available.

9.0 Additional Information

The Senior Managers involved in making the more serious decisions will also have regard to legal advice from the relevant partner Head of Legal Services and will not instigate any legal proceedings without their authority.

9.1 Standards and Accountability

Where relevant WRS will create effective consultation and feedback opportunities to ensure we have continuing cooperative relationships with businesses and other interested parties.

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

9.2 Liaison with other regulatory bodies and enforcement agencies

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

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

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

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

9.3 Further Information

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

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

Or by e-mail to:

wrsenquiries@worcsregservices.gov.uk

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REDDITCH BOROUGH COUNCIL**EXECUTIVE COMMITTEE
COMMITTEE**

10 September 2019

**DISPOSAL OF A HRA ASSET AND REMOVAL OF FORMER RAILWAY BRIDGE –
GREEN LANE, STUDLEY**

Relevant Portfolio Holder	Cllrs Craig Warhurst and Brandon Clayton
Portfolio Holder Consulted	Yes
Relevant Head of Service	Judith Willis/Guy Revans
Ward(s) Affected	None
Ward Councillor(s) Consulted	No
Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 Members are requested to declare the Housing Revenue Account (HRA) property No. 65 Green Lane, Studley surplus to requirements and for Officers to dispose of the property.
- 1.2 Due to the structural condition of the brick arched former railway bridge in Green Lane, this structure be demolished with the reduction of the associated embankments. This will allow the existing footway/cycle track to be vertically realigned, and provide an increased site area for No. 65 Green Lane, thereby allowing the existing property to be demolished with two new residential plots being provided in its place.

2. RECOMMENDATIONS**2.1 The Executive Committee is asked to RECOMMEND that:**

- i) **No. 65 Green Lane, Studley be declared surplus to requirements and officers to dispose of the site;**
- ii) **Any HRA capital receipt achieved based on the current market value of No. 65 Green Lane, be used to increase the HRA stock;**
- iii) **Option C - The Capital Engineering Scheme be approved, with Authority be delegated to the Head of Environmental Services to submit a detailed planning application to Stratford-on-Avon District Council, for the complete scheme. If successful, the Planning consent will include an outline approval for the erection of 2 No. 4 bed houses;**
- iv) **The sites for the 2 No. 4 bed houses be marketed and the received monies, after deduction of the amount as described in ii) above, shall be used as Capital funds towards the cost of the Engineering Works;**

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- v) The additional funds required to complete the Engineering Works be taken from the Capital Locality Scheme Capital Programme 2019/20, as the proposed works are of the nature that the budget was set up for in the first instance;
- vi) The estimated cost of the Engineering Works cannot be finalised at this time, as Officers are currently endeavouring to determine the most cost effective method of disposing of the extensive surplus material from the excavated embankments. However, subject to the satisfactory outcome of this analysis the total Engineering Works should not exceed £200k.

3. KEY ISSUES**Financial Implications**

- 3.1 Disposal of the site will generate a capital receipt for the HRA, together with the increase in the value of the site with planning permission for two new residential plots. The additional receipt above the current value of the HRA asset achieved through the engineering works will provide monies towards the main Capital scheme. The total Engineering Works are estimated at this stage to be £200k.
- 3.2 Funding for the Engineering works will be funded through the Capital Locality Scheme Budget which has sufficient unallocated budget for this work. The estimated final cost to the budget is identified in confidential appendix D.
- 3.3 If the removal of the bridge is not agreed, Officers consider that a full structural survey will be required by a suitably qualified and experienced Structural Bridge Engineer. Officers believe this will cost in the region of £20k - £25k, as it is likely that a full structural analysis will be necessary in addition to a detailed visual inspection and survey. The result of such an exercise will almost certainly require immediate remedial works to be undertaken, irrespective of costs, which could be considerable. Once this path is taken, an annual inspection will be a necessity, together with financing any resulting remedial works. A perennial drain on this Authority's asset maintenance budget.

Legal Implications

- 3.4 There are no legal implications.

Background/Service Implications

- 3.5 No. 65 Green Lane is owned by Redditch Borough Council (RBC) and is an HRA asset but lies within Stratford-on-Avon District Council boundary. The property is currently void and Officers do not consider that it is suitable to remain as part of the HRA stock.

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- 3.6 The property is a 2 bedroom 3 person cottage constructed pre 1919 and the external construction of the property lacks adequate insulation properties. The property is currently void.
- 3.7 Internally the property is very small. On the ground floor there is a living room leading to a small kitchen, with a further lean to utility area and the only wc in the property. Off the living room there is a shower room. The stairs are very steep and narrow and have a 90 degree turn at the bottom. Upstairs there is a double bedroom and a single bedroom only.
- 3.8 As a two bedroom house this property would normally be allocated to a family, but Officers do not consider it suitable. In order to improve the property and make it suitable for letting, significant work including a two storey extension would be required.
- 3.9 Officers do not consider this would be a suitable option and consider the sale and use of the capital receipt for the Housing Growth Programme would provide better value for money.
- 3.10 In close proximity to this site there exists a brick arched bridge structure spanning Green Lane that was formally the route of the now disused Evesham to Redditch railway line. This structure, together with associated land is owned by RBC. Part of this again lies outside of the Borough boundary. The railway line down to where Brickyard Lane abruptly changes direction and the bridge structure was originally owned by the former Development Corporation with such assets being transferred to RBC some years' ago.
- 3.11 Green Lane and Brickhouse Lane are adopted highways, under the responsibility of both Worcestershire and Warwickshire County Councils (refer to Appendix B).
- 3.12 From a recent visual inspection, the actual bridge structure gives considerable cause for concern, as bricks have fallen from one of the soldier courses on the western face of the structure. Also, it is evident that surface water has penetrated the structure itself which will undoubtedly affect its structural integrity over time.
- 3.13 The deck of the structure facilitates the Sustrans Cycle Route 5 over, but this footpath construction has failed at each end of the span of the bridge, presumably resulting again from the ingress of surface water. The stone copings on the top of the parapet walls show signs of lateral movement due to the deterioration of the mortar bedding. In addition, RBC undertook remedial works some years ago, where bricks from the arch soffit had become displaced and fallen directly onto the highway below.
- 3.14 As a result of the above structural concerns, RBC appears to be left with three possible courses of action, these being as follows:
- i) Option A – Do-nothing option is extremely likely to result in the existing brick arched bridge structure deteriorating over time, which may again not only cause loose bricks to fall onto the highway below, but other elements may

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become at risk, due to its structural integrity being compromised. A health and safety risk that cannot be permitted to occur. A structural survey would be required due to the risks identified with the bridge;

- ii) Option B – Undertake an independent structural survey of the bridge structure, and following this, instigate the recommended remedial works, which could be substantial and obviously expensive. Future regular maintenance inspections and resulting works will be a continuous drain on RBC's asset maintenance resources;
- iii) Option C – This proposal which is considered the most prudent and cost effective, removes the existing bridge structure completely, thereby removing altogether the need for any costly future maintenance. Realigns part of Green Lane to provide a more acceptable horizontal alignment and junction arrangement with Brickhouse Lane. Reduces the embankment within the locality of Green Lane thereby facilitating an at-level crossing for the Cycle Route (refer to Appendix A).

The realignment of the Cycle Route with the removal of the embankment will also facilitate a larger site area of No.65 Green Lane. Consequently, this will enable demolition of the existing cottage and the provision of 2 No. 4-bed houses, with an acceptable eastern visibility splay (which is lacking with the present highway configuration), subject of course to Planning Consent being forthcoming from Stratford-on-Avon District Council. These sites with outline Planning Consent can then be sold on the open market.

- 3.15 The preferred Option C above, would of course be gaining some financial benefit from the disposal of the residential site (No.65 Green Lane). Obviously, however, only the potential increased value of this site can be utilised for use as part payment of this scheme, as the estimated value of the site as it now stands is with the HRA fund.
- 3.16 It is of course a matter of fact that both Highway Authorities will significantly benefit from this highway improvement, which currently suffers from extremely poor forward visibility on Green Lane itself, and similar visibility restrictions at the Brickhouse Lane junction. As a result, both County Councils have already been advised of the proposal in detail, and 'invited' to contribute financially towards the cost. Regrettably, both County Councils have replied giving their preliminary approval, but are unable to contribute financially.
- 3.17 This Council's responsibility is for the bridge structure itself, and obviously the cycle way over it, in as much as the bridge provides the support for this asset where it crosses the highway. Although the cycleway construction is adopted by the County Councils, it is our opinion is that we cannot merely demolish the bridge structure and then leave the cycleway with a substantial 'gap' in its route, to be 'filled' by others.

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- 3.18 In view of both of the Highway Authorities not being able to contribute financially towards the preferred highway realignment works, we are left with undertaking only the minimum of works necessary. These will consist of demolishing the actual bridge structure, removal of the embankments at each end sufficiently enough to regrade them to an acceptable longitudinal gradient, and provide a realigned footway/cycle way with an at-level highway crossing at Green Lane. Reinstatement of elements of kerbing, carriageway, drainage, verges, etc., within the vicinity of the removed bridge will of course be necessary, but the existing carriageway alignment will of course remain as before, albeit in an unnecessary configuration. Consequently, the revised design of the scheme has been based upon these parameters (refer to Appendix C).

Customer/Equalities and Diversity Implications

- 3.19 The disposal of an unfit property and reinvesting into more appropriate affordable housing will assist in providing appropriate affordable housing for customers.
- 3.20 There are no equality or diversity implications.

4. RISK MANAGEMENT

- 4.1 The existing brick arched bridge structure, due to its structural integrity being compromised, if not removed, may result in further elements becoming loose and falling onto the highway below. A health and safety risk that cannot be permitted to occur.
- 4.2 The bridge structure, although being a redundant asset as far as the former railway network is concerned, is probably still an important icon to a number of railway enthusiasts. As such, this may involve some opposition to its removal, but as highlighted within Option B, retainment of this structure would necessitate annual assessments and increased costs to the Council.

5. APPENDICES

- A - Drawing No. P2237/1 – Preliminary Layout
B - Drawing No. P2237/4 - Existing Layout (Planning Application)
C - Drawing No. P2237/5 - Proposed Layout (Planning Application)
D - Exempt Information - Financial Estimates

6. BACKGROUND PAPERS

None

7. KEY

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None

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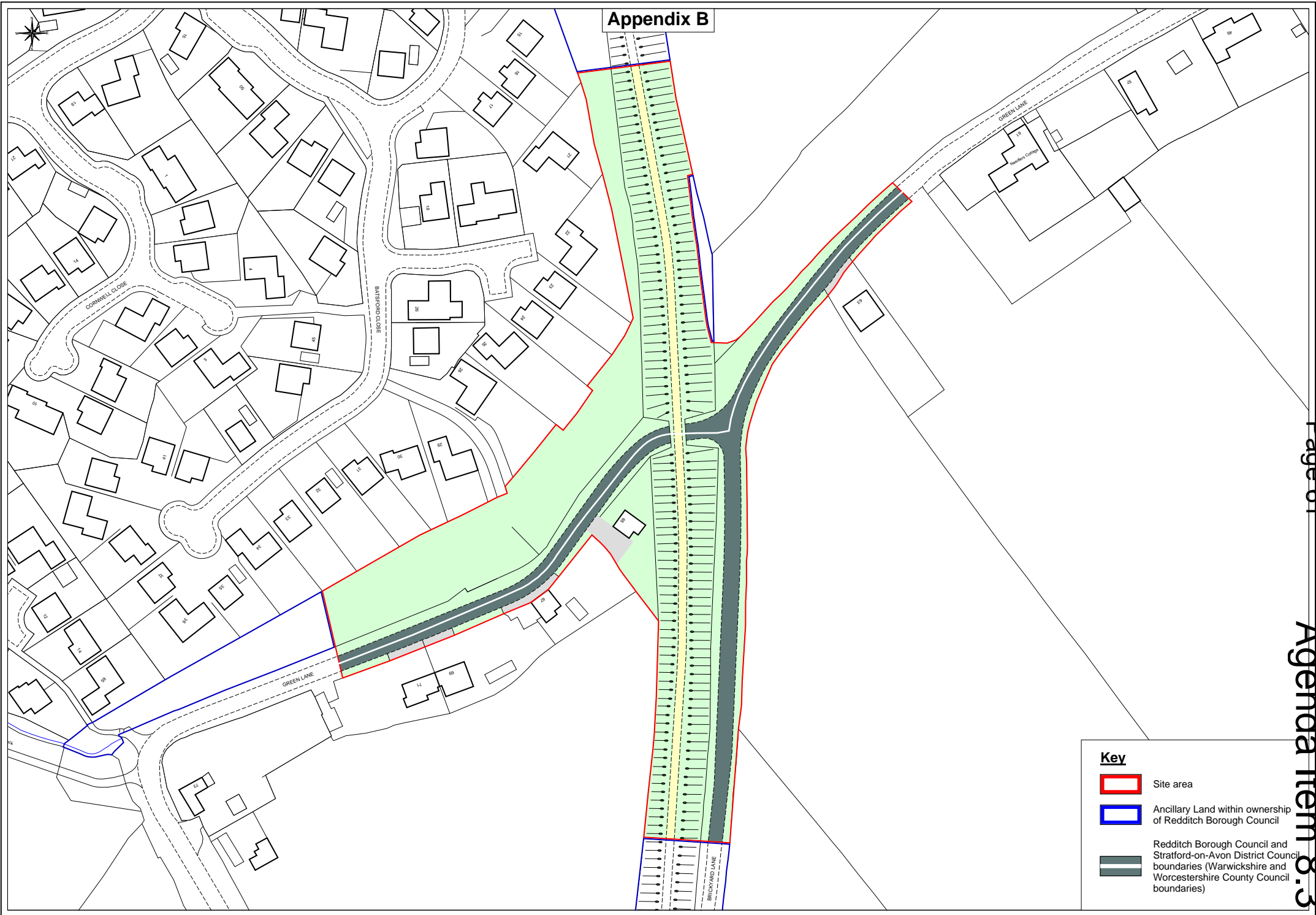
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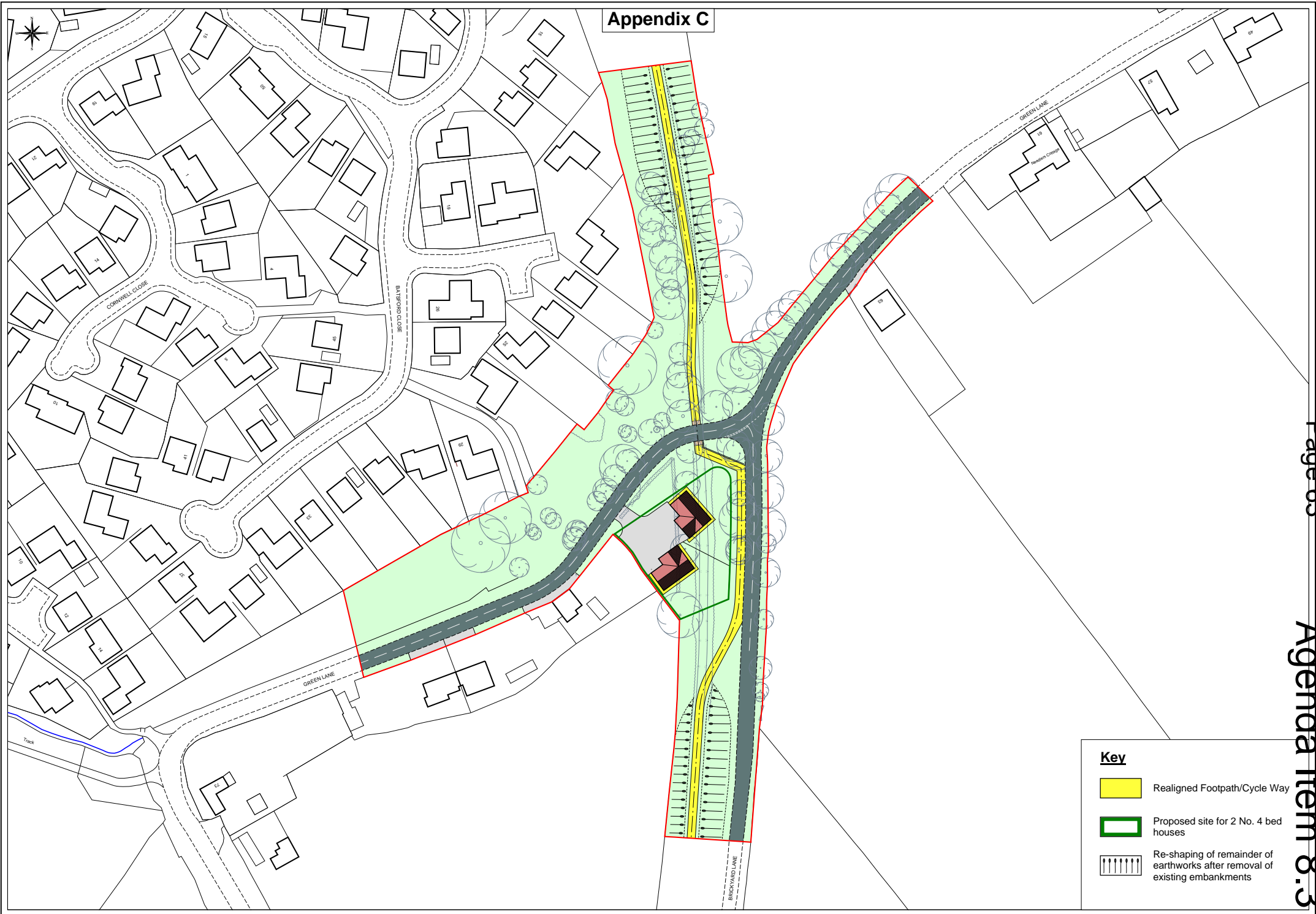
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