



Council

Mon 16 Nov
2020
7.00 pm

Virtual Meeting
Skype



www.redditchbc.gov.uk

If you have any queries on this Agenda please contact
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GUIDANCE ON VIRTUAL MEETINGS

Due to the current Covid-19 pandemic Redditch Borough Council will be holding this meeting in accordance with the relevant legislative arrangements for remote meetings of a local authority. For more information please refer to the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police Crime Panels meetings) (England and Wales) Regulations 2020.

Please note that this is a public meeting conducted remotely by Skype conferencing between invited participants and live streamed for general access via the Council's YouTube channel.

You are able to access the livestream of the meeting from the Committee Pages of the website, alongside the agenda for the meeting and can also access the meeting using the link below.

[Link to the Live Stream of the Meeting on YouTube](#)

If you have any questions regarding the agenda or attached papers please do not hesitate to contact the officer named above.

Notes:

As referred to above, the virtual Skype meeting will be streamed live and accessible to view. Although this is a public meeting, there are circumstances when Council might have to move into closed session to consider exempt or confidential information. For agenda items that are exempt, the public are excluded and for any such items the live stream will be suspended and that part of the meeting will not be recorded.



Council

Monday, 16th November, 2020

7.00 pm

During the Covid-19 outbreak
Committee meetings are taking
place on Skype for Business

Agenda

Membership:

Cllrs:

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

Andrew Fry
Bill Hartnett
Pattie Hill
Ann Isherwood
Wanda King
Anthony Lovell
Gemma Monaco
Nyear Nazir
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 - 8)
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)

There are no Motions on Notice on this occasion.

8. Executive Committee

Minutes of the meeting of the Executive Committee held on Tuesday, 27th October 2020

8.1 Planning for the Future - Government White Paper - Council Response (Pages 21 - 54)

9. Constitution (Pages 55 - 84)

10. Urgent Business - Record of Decisions (Pages 85 - 90)

To note any decisions taken in accordance with the Council's Urgency Procedure Rules (Part 8, Paragraph 17 and/or Part 9, Paragraph 5 of the Constitution), as specified.

Urgent decision have been taken on the following matters since the previous meeting of Council.

- a) Rubicon Leisure Management fee
- b) Business Rates Pool 2021/22

11. 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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2020

MINUTES

Present:

Councillor Gareth Prosser (Mayor), Councillor Julian Grubb (Deputy Mayor) and Councillors Salman Akbar, Joe Baker, Tom Baker-Price, Roger Bennett, Joanne Beecham, Juliet Brunner, Michael Chalk, Debbie Chance, Greg Chance, Brandon Clayton, Matthew Dormer, John Fisher, Peter Fleming, Bill Hartnett, Ann Isherwood, Anthony Lovell, Mike Rouse, Mark Shurmer, David Thain, Craig Warhurst and Jennifer Wheeler

Officers:

Kevin Dicks, Claire Felton and Jayne Pickering

Guests:

Ms Sharon Harvey

Senior Democratic Services Officers:

Jess Bayley and Amanda Scarce

28. WELCOME

The Mayor welcomed all those present to the meeting and explained how the virtual Committee meeting would proceed.

29. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors Andrew Fry, Pattie Hill, Wanda King, Gemma Monaco, Nyear Nazir and Yvonne Smith.

30. DECLARATIONS OF INTEREST

Councillors Michael Chalk and Salman Akbar advised in relation to Minute Item No. 35 – Executive Committee – Amenity Standards Document for Privately Rented Properties in Redditch - that they were both landlords for properties in the private rented sector in Redditch. However, as neither Councillor was the landlord for any Houses of Multiple Occupation (HMO) it was noted that they did not

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Chair

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have a disclosable pecuniary interest in the item, as the policy related only to HMOs.

31. MINUTES

RESOLVED that

the minutes of the Council meeting held on Monday, 20th July 2020 be approved as a true and correct record and signed by the Mayor.

32. ANNOUNCEMENTS

The following announcements were made during the meeting:

a) The Mayor's Announcements

In addition to the list of civic engagements which had been recorded in the agenda for the meeting, the Mayor advised that there had been two further engagements since the previous meeting of Council:

- The Deputy Mayor had attended the VJ Day Commemoration at Plymouth Road on 15th August 2020 when he had laid a wreath.
- The Mayor had opened a coffee bar on Church Green East on 14th September 2020.

During consideration of this item the Mayor praised the hard work of local teachers in respect of both preparation for and the return to work from September. Children had returned to school and many were in new classes, including some in new schools, and they had been provided with excellent support in terms of settling back into school despite the challenges presented by Covid-19. Councillors Matthew Dormer and Bill Hartnett, as the political party group leaders, reiterated their support and admiration for teachers returning to school and welcomed the work of all staff employed by schools, including teaching assistants and cleaners.

b) The Leader's Announcements

The Leader explained that he had attended meetings of the following boards since the previous meeting of the Council:

- The West Midlands Combined Authority's (WMCA's) Board
- The WMCA's Housing and Land Delivery Group

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- A Task Group meeting organised by the Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP)
- The Worcestershire Local Engagement Board
- The Redditch Town's Fund Board

c) Chief Executive's Announcements

The Chief Executive confirmed that he did not have any announcements to make on this occasion.

33. QUESTIONS ON NOTICE (PROCEDURE RULE 9)

Two questions were submitted for consideration in accordance with Council Procedure Rule 9.

Housing Provision

Councillor Joe Baker asked the Leader the following question:

“What assessment has the Council Housing Department made of the potential number of evictions from the private rented sector as a result of rent arrears due to Covid-19, and the likely impact on emergency housing provision in Redditch?”

The Leader referred the question to the relevant Portfolio Holder for Housing and Procurement, Councillor Craig Warhurst, to answer.

Councillor Warhurst provided the following answer:

“Thank you for raising this important issue, Councillor Baker. As Members will be aware the government introduced various measures at the beginning of the pandemic for homeowners and tenants which helped minimise homelessness and it's important that we remain focussed on keeping people in their homes so that all this good work is not undone.

Unfortunately, there is no way of knowing how many private renters in Redditch have accrued rent arrears as a result of the pandemic, and of course the cessation of the furlough arrangements may also influence this situation in the future.

Although we can't predict the number of evictions that might be coming, what we can do is to prepare to help tenants in difficulty. We do know that there are around 4000 households renting privately in Redditch and we also know from the Department of Work and Pensions (DWP) that claims for Universal Credit so there is every need to plan ahead.

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As a result I can advise members that we have devised a communications plan ready for launching that will use local media outlets and our own social media platforms to provide information and help for anyone in housing difficulty as a result of the pandemic.

Furthermore, work is also taking place to explore the potential for us to use some of the homelessness grants provided by central government to create a homelessness prevention fund geared towards supporting households affected by the pandemic.

I think we should acknowledge that any rise in homelessness will certainly impact on emergency housing provision. Any increase in demand has to be catered for and it is a risk faced by councils nationwide. From this perspective I should mention that the officers who deal with temporary accommodation have been meeting weekly during the last few months to monitor usage and to ensure a steady through-flow into a more settled outcome for residents. This approach has worked well to date and the demand on emergency housing has remained stable.

So to summarise, although we cannot say how many people may present with housing issues going forwards, we can say we have planned for an increase in demand and will do our best to provide help for local households in difficulty should they need it in due course.

from 5517 in March 2020 to just over 10,000 in August.”

Councillor Baker asked the following supplementary question:

“What will happen to the homeless people staying in the Blue Inn?”

The Leader advised that a response would be provided to this supplementary question in writing.

Town's Fund

Ms Sharon Harvey asked the Leader the following question:

“What measures have been put in place by Redditch Borough Council to work with its community in an agreed schedule of public engagements and roadshows in order to develop the Town fund plan before it is submitted at the end of January 2021?”

The Leader provided the following response to this question:

“The Redditch Town Deal Board and officers are in the process of putting together a stakeholder engagement plan which will include a series of measures to liaise with the general public and all relevant stakeholders. Details of these events will be published on the

Redditch Borough Council website so please look here for any updates alternatively email.lyndsey.berry@nwedr.org.uk”

Ms Harvey asked the following supplementary question:

“The information on Redditch Borough Council’s website cannot be found using the search facility and it is only available to view in the corporate section of the website. We have been advised that a clear vision will emerge for the use of the Town’s Fund. When will this vision be clarified?”

The Leader explained that the Covid-19 pandemic had caused delays in a number of areas. A full written answer to the supplementary question would be provided outside the meeting and the Leader noted that he would also be available to discuss the matter further if required.

34. MOTIONS ON NOTICE (PROCEDURE RULE 11)

There were no Motions on Notice on this occasion.

35. EXECUTIVE COMMITTEE

Members considered recommendations from the meetings of the Executive Committee held on Tuesday 4th August and Tuesday 8th September.

Amenity Standards Document for Privately Rented Properties in Redditch

Members discussed the report and in so doing commented that under the terms of the policy licences would be issued to landlords managing HMOs. Those landlords would be expected to maintain at least minimum standards, as detailed in the document. There were 80 HMOs in Redditch, so this was a significant form of housing for people in the private rented sector in the Borough. In the updated policy the definition of some key areas, such as the minimum bedroom size, had been clarified and many elements had been updated in line with best practice, including the fire safety standards.

During consideration of this item reference was made to changes to housing benefits and the impact that this could have on demand for accommodation in HMOs. Concerns were raised that HMOs housing five or fewer residents would not require a licence though it was noted that the Council had the discretion to update the policy at a later date to take into account these properties. Members highlighted the need for the content of the policy to be communicated to both landlords and tenants so that both understood the minimum standards required as well as their respective rights. There was general consensus that the majority of

landlords in Redditch were very good but Members acknowledged that there were some rogue landlords and if they did not comply with the requirements set out in the policy the Council could take action against those individuals.

Creation of a Joint Worcestershire and Herefordshire Waste Partnership Strategy Officer

The report focused on the potential for a new officer post to be introduced which would involve the employment of an officer to co-ordinate responses to Government legislation on behalf of six district Councils in Worcestershire and the unitary authority in Herefordshire.

Members discussed the following points in relation to this report:

- The Government had consulted on proposed changes to Environmental Service provision at a local level, which had included the potential to introduce a food waste collection service.
- Concerns were raised that the introduction of a food waste collection service could contribute to an increase in financial costs to the Council as well as in the number of bins provided to each household.
- The Government's proposals were at the consultation stage and no final decisions had yet been taken. Any legislation requiring changes to Council services would be the subject of a further report to Council.
- There would be the potential loss of income for the Council should the authority no longer be able to charge for garden waste collection services, which was an idea that had been discussed by the Government.
- The changes to recycling services would help to ensure that there was a standard approach across the country.
- The Council would need to issue effective communications about any changes to waste and recycling services to ensure compliance.
- The impact of any changes on local measures to address climate change needed to be considered.

Financial Outturn Report 2019/20 and Reserves

Members were advised that during the Executive Committee meeting 12 proposals had been agreed on this subject. Since the meeting on 4th August 2020, however, new information had emerged in respect of the Council's reserves. Based on this information, an alteration had been proposed to the wording of the second recommendation that had been made by the Executive Committee. This amendment was proposed for Members' consideration.

During consideration of this item Members noted that additional funding was requested for a new IT system for Environmental Services. On the one hand it was noted that the financial costs of this system had increased when compared to the original figure that had been anticipated. On the other hand, it was noted that a new IT system would help to enhance the efficiency of Council services.

Recovery and Restoration Plan:

The content of the Recovery and Restoration Plan was discussed and Members noted that this plan needed to be prepared in response to the Covid-19 pandemic. In addition, Officers had taken the opportunity to update Members in this report on the progress that had been made in addressing the points that had been raised in the Corporate Peer Challenge.

Members noted that the Covid-19 pandemic had had a serious impact nationally. People needed to observe social distancing and other requirements set out by the Government in order to avoid a new national lockdown. The pandemic had had particular implications for people who were homeless, with temporary accommodation having been provided. Members noted that the Councils in Worcestershire were working on a bid in respect of accommodation in the county and the outcomes of this bid could potentially have a further positive impact on the position of rough sleepers.

The process for developing the Restoration and Recovery Plan was briefly discussed. Members noted that all Councils had to write this type of plan. In Redditch, there would be a particular focus on the skills agenda to ensure that residents had the skills needed by local employers. The pandemic had impacted on leisure facilities and parks and open spaces, as fewer customers had been able to participate in organised activities indoors during the lockdown but there had been an increase in visitors walking in the parks in the Borough.

Finance Monitoring Report Quarter 1 2020/21

Members were advised that the report took into account the impact that Covid-19 had had on the Council's budget and some adjustments had been made in response.

RESOLVED that

- 1) the minutes of the meeting of the Executive Committee held on Tuesday, 4th August 2020 be received and all recommendations adopted subject to the following amendment to recommendation 2 in the minutes at Minute Item No. 14:**

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approval of the movement of £1,261K in existing reserves;
and

- 2) the minutes of the meeting of the Executive Committee held on Tuesday, 8th September 2020 be received and all recommendations adopted.

36. COMMITTEE APPOINTMENT

Members noted that Councillor Craig Warhurst would replace Councillor Joanne Beecham as a member of the Audit, Governance and Standards Committee. It was confirmed that this appointment did not alter the political balance.

During consideration of this item Councillor John Fisher, in his capacity as the Chair of the Audit, Governance and Standards Committee, raised concerns about the number of Executive Committee members serving on the Committee. Reference was made to the terms of reference for the Committee, which permitted Executive Committee members to serve on the Committee but excluded political party group leaders from serving either as appointed members or as substitutes. A request was made for the restrictions in respect of membership of the Audit, Governance and Standards Committee to be discussed further at the following meeting of the Constitutional Review Working Party.

37. URGENT BUSINESS - RECORD OF DECISIONS

The Mayor explained that there had been two urgent decisions taken since the previous meeting of Council on 20th July 2020. These urgent decisions had focused firstly on the fees for pavement licences that would be issued to premises under the Business and Planning Act 2020. The second urgent decision concerned delegations to Officers in respect of taxi licensing applications as well as public speaking rules at meetings of the Licensing Committee.

38. URGENT BUSINESS - GENERAL (IF ANY)

There were no general items of urgent business for consideration on this occasion.



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MINUTES

Present:

Councillor Matthew Dormer (Chair), Councillor Mike Rouse (Vice-Chair) and Councillors Greg Chance, Brandon Clayton, Bill Hartnett, Anthony Lovell, Nyear Nazir and David Thain

Officers:

Derek Allen, Kevin Dicks, Mike Dunphy, Clare Flanagan, Chris Forrester, Sue Hanley and Ostap Paparega

Senior Democratic Services Officer:

Jess Bayley

27. APOLOGIES

An apology for absence was received on behalf of Councillor Craig Warhurst.

28. DECLARATIONS OF INTEREST

There were no declarations of interest.

29. LEADER'S ANNOUNCEMENTS

The Leader explained that at the latest meeting of the Overview and Scrutiny Committee, held on Thursday, 22nd October 2020, Members had pre-scrutinised the Housing Strategy report. However, as the Committee did not propose any recommendations there were no proposals from the Overview and Scrutiny Committee for consideration at the Executive Committee meeting.

Members were asked to note that they had received paper copies of the Executive Committee agenda for the meeting in two parts due to problems that had occurred with printing the previous week. However, the Committee was advised that the full agenda could be viewed electronically on the Council's website or using the Modern.gov app.

30. MINUTES

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Chair

RESOLVED that

the minutes of the meeting of the Executive Committee held on Tuesday, 8th September 2020 be approved as a true and correct record and signed by the Chair.

31. HOUSING STRATEGY

The Housing Strategy Manager presented the Housing Strategy for the Committee's consideration. Members were advised that the strategy was designed to enable the Council to take action in relation to the local housing market. In previous years, the Council had been part of a countywide strategy which had been relatively lengthy and complex. The new strategy had been simplified and focused on housing needs in the Borough, though took into account national, regional and countywide housing pressures.

The Council was statutorily obliged to provide a homelessness strategy and this had been combined with the wider housing strategy within the document. Issues relating to homelessness, social housing, affordable housing and housing within the private rented sector had all been taken into account. Officers had also tried to clarify the potential impact of Covid-19 across the housing market, though due to the level of uncertainty about the pandemic this was difficult to assess.

Subject to the Executive Committee's approval of the policy, Officers intended to undertake a period of consultation with relevant stakeholders, including partner organisations. Any feedback received during this consultation process would be considered and the strategy might be amended in response. The outcomes of the consultation and any changes made to the strategy would be reported to the Executive Committee at a later date.

Following the presentation of the report Members debated the content and noted that there were significant pressures within the housing sector. Over the previous 30 years there had been growth in both the private rented sector and in the demand for social housing, though the supply could not always keep up with demand. It was suggested that Universal Credit was further impacting on demand for social housing as well as on the Council's rental income from Council tenants.

Members noted that the strategy referred to the provision of more appropriate housing for residents and questions were raised about what type of housing this referred to. Officers confirmed that reference was being made here to social housing and that clarification could be provided in the strategy once it was updated.

RESOLVED that

- 1) **the draft Redditch Borough Council Housing and Homelessness Strategy 2020-2024 be approved for a period of public consultation to last four weeks; and**
- 2) **a final version of the Housing Strategy, having considered any relevant consultation responses, be brought back to Executive Committee for approval.**

32. PLANNING FOR THE FUTURE - GOVERNMENT WHITE PAPER - COUNCIL RESPONSE

The Strategic Planning and Conservation Manager presented the Council's response to the Planning for the Future Government White Paper.

During the delivery of this presentation the following matters were highlighted for Members' consideration:

- Officers were suggesting in the response that there was a need for further clarity about the proposals that had been made by the Government in the white paper and the implications for how planning would operate in future at the local level.
- The white paper proposed changes to the content required for Local Plans and the ways in which the plans would be developed in future.
- Whilst it generally took between six and eight years to develop a Local Plan under existing arrangements, the proposals in the white paper would require Councils to develop a new Local Plan within 30 months.
- The aim of the white paper was to make the planning system more responsive.
- Local Plans would no be made up of three zonings: growth areas, renewal areas and protection areas.
- Green belt policy would not be changing in respect of developments. However, further clarification was needed in relation to how green belt policy interacted with requirements for developments in protected areas.
- Under the terms proposed in the white paper the number of houses that would need to be developed in future in each area would be determined centrally rather than at the local level.
- The white paper also proposed that Development Plan policies for each Council would be determined at the central level rather than locally.
- There were proposals to abolish the duty to co-operate. The Council had acted on this duty in the past and clarification was

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- needed about how the wider housing needs of the region would be addressed without this duty to co-operate in future.
- Officers were keen to ensure that the right to be heard at the end of the Local Plan process was not removed.
 - The white paper proposed a new arrangement for infrastructure funding. Under this proposal Section 106 funding arrangements would be replaced with a new infrastructure levy, though it was unclear how this would be set. There was a risk that if the levy was not determined locally the levy would not cover the full costs of the infrastructure works required for that development.
 - The white paper also proposed an increase in the size of developments that would trigger the requirement for affordable housing to be built as part of that development. Should this be agreed the target would be to provide affordable housing in developments of 40 or 50 houses rather than the 11 houses in the current threshold.
 - Officers would need to start working on the Local Plan as soon as possible to ensure that the Council's planning policy was compliant with future requirements. The outcomes of the initial stages of this work would be reported to Members at a meeting of the Planning Advisory Panel early in the new year.

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

- The meeting of the Planning Advisory Panel that had taken place the previous month which had provided Members with an opportunity to discuss the white paper in detail.
- The timeframes available for local authorities to respond to the Government in the consultation period for the white paper.
- The length of time that it took to develop a Local Plan and the benefits of having a shorter, more streamlined process.
- The potential consequences arising from housing numbers being determined at the central rather than local level.
- Media coverage of the existing planning system and delays that could occur in development. Members noted that delays could occur after planning permission had been granted because the applicant had chosen not to undertake any development work immediately.
- The valuable role of local democracy in relation to the planning process.
- The process that would be followed in order to determine whether a particular section of land should be designated as a growth area, a renewable area or a protected area.
- The benefits that would arise from using digital technology and visual maps in the planning process in the future.

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- The potential for more detail to be provided about the implications of the proposals for the National Planning Policy Framework.
- The changes that had been proposed in respect of an infrastructure levy and the extent to which there was a risk that some local areas would miss out on funding if a national formula was applied to this.
- The demand in the community for social housing and the risks arising from changes to requirements for affordable housing to be built as part of smaller developments.
- The need for local planning policies and procedures to change and to be more responsive to local and national housing needs.
- The likelihood that further clarification would be provided by the Government following consideration of submissions that had been made in the national consultation process for the white paper.

RECOMMENDED that

- 1) **Appendix A is submitted to the Ministry of Housing, Communities and Local Government as the Council's Response to the Planning for the Future White Paper;**
- 2) **Appendix B is confirmed as the Council's response to the Changes to the Planning System consultation; and**
- 3) **authority is granted to officers to begin the creation of a new Local Plan for Redditch.**

33. MEDIUM TERM FINANCIAL PLAN 2021/22 TO 2024/25 - UPDATE REPORT

The Head of Financial and Customer Services presented an update on the Medium Term Financial Plan 2021/22 to 2024/25 and in so doing highlighted the following for Members' consideration:

- The report set the parameters for the budget planning process.
- Two recommendations had been included in the report; the second related to the Section 24 Notice that had been issued the previous year against the Council by the external auditors and would only apply subject to the Section 24 Notice being renewed.
- In planning the budget, Officers were aiming to allocate resources to support the Council's strategic purposes.
- The Council would aim to maximise income opportunities in order to balance the budget whilst continuing to support vulnerable people.

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- Any new proposals for expenditure or service reviews needed to be underpinned by robust business cases.
- Officers were aiming to develop the Council as a commercial authority.
- Key areas for review would be vacant posts, consistent underspends in service budgets, spending plans and progress with expenditure in the capital programme to ensure that this remained on track.
- The Council had been advised that it was likely that the Government funding settlement would be for the first year of the four-year plan period only.
- Covid-19 had already impacted on the Council's financial position and on demand for services.
- By the date of the meeting Officers were anticipating that the Council would be overspent by £158,000 by the end of the 2020/21 financial year.
- There was some uncertainty about the impact that the end of the furlough scheme would have locally and it was possible that an increase in demand for Council services could result in a commensurate increase in costs.
- The Council had already received £1.38 million from the Government in additional funding during the year to help address costs arising from the Covid-19 pandemic. Further financial support had been requested in respect of leisure services but there was uncertainty about the amount that might be provided.
- There was also uncertainty about the extent to which the Council could expect to receive funding through the New Homes Bonus (NHB) in the future.
- Officers were anticipating that Council Tax would increase by 2% in 2021/22 and this would be incorporated into the calculations for the budget moving forward.
- In total, over £1.7 million savings needed to be identified over the four years.

The Committee subsequently discussed the report and whilst welcoming the government settlement for 2020/21 noted that uncertainty would arise because this did not cover the entire four years. Budget planning for the Council remained challenging, though there had been particular uncertainty for local government in 2020 due to the Covid-19 pandemic. The grant funding that had already been provided by the Government to support the Council during the Covid-19 pandemic was welcomed. However, Members had been in correspondence with the Government urging the need for additional funding to help support leisure services as well as Council companies such as Rubicon Leisure.

Members commented that it was important to monitor the risks to the Council as part of the budget setting process. There was

general consensus that the Council had worked hard to address the issues that had been raised by the external auditors when the Section 24 Notice was applied to the Council and Members raised hopes that this notice would be lifted.

RESOLVED that

- 1) **the parameters to be used to prepare the 2021/22 budget and the framework for the Medium Term Financial Plan to 2024/25 be noted; and**
- 2) **should the Section 24 notice be continued, there should be regular reporting of the Section 24 action plan, once approved by Audit, Standards and Governance, through to the Executive Committee.**

34. BOROUGH LEVEL ECONOMIC RECOVERY FRAMEWORK

The Head of Economic Development and Regeneration for North Worcestershire presented the Borough Level Economic Recovery Framework for the Committee's consideration.

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

- The framework outlined the key interventions that were proposed to support economic recovery in the Borough in response to the Covid-19 pandemic.
- The framework was a live document and would be updated as circumstances changed and new projects emerged.
- The framework focused on supporting people, businesses and places.
- There were three sets of data underpinning the framework which were utilised by partner organisations, including the Worcestershire Local Enterprise Partnership and the Greater Birmingham and Solihull Local Enterprise Partnership.
- This data revealed that the trend was for an increase in the number of people claiming out of work benefits during the year.
- The number of job vacancies had reduced during the year so vacancies were competitive.
- There were 15,500 people in Redditch on furlough by the end of July 2020 which was 4% above the average rate in England. There was a risk that at the end of the furlough scheme some of these people would be made redundant.
- Immediate concerns were to ensure that support was provided to people who had been made redundant or were at risk of being made redundant to secure employment.

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- In the medium to long-term the focus needed to be on ensuring that people had the right skills needed to secure jobs. Increasingly, this would include having the right skills to work in digital industries.
- Young people leaving education also needed to be supported to develop the right skills to ensure that they could secure employment in the future.
- The North Worcestershire Economic Development Team could support local businesses by signposting them to available grant funding that would help those businesses to continue to operate.
- Businesses could also receive support from local growth hubs in the areas supported by the Local Enterprise Partnerships.
- In both growth hub areas there had been a reported increase in demand for space for start-up companies.
- Many companies had identified opportunities to innovate during the Covid-19 pandemic and the North Worcestershire Economic Development Unit could provide support to enable businesses to do this.
- There was an ongoing priority to promote inward investment into the business sector within Redditch.
- Place making had a key role to play in local economic recovery. The regeneration of Redditch town centre could therefore play an important role in the economic recovery of the town.
- There were very ambitious plans in place for the regeneration of Redditch town centre and key partners would need to provide support through private sector investment in order to deliver on these plans.
- The report had recorded that a key decision would be required. However, Members were in fact being asked to make a non-key decision.

After the report had been presented Members discussed the following points in detail:

- The impact that Covid-19 had had on the local economy and the action that would need to be taken to ensure the planned recovery.
- The number of employees in Redditch who had been placed on furlough and the implications for the town should a significant proportion of these people be made redundant once the furlough scheme ended.
- The support that had already been provided by the Council to large businesses in the town, including signposting these companies to available sources of support.
- The success that the Borough had had traditionally in supporting large businesses.

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- The smaller number of small and micro businesses in Redditch compared to other districts in Worcestershire and the need to support further initiatives at this scale in the future.
- The value of socially responsible companies and the potential to encourage people to establish these businesses.
- The role of Councillors as key partners in the Borough.
- The £25 million founding that had been announced for town centre regeneration and the potential for partner organisations to secure additional funding for Redditch.
- The increase in Redditch in the number of young people aged over 16 claiming out of work benefits, which had grown from 1,550 in February 2020 to 3,355 in August 2020.
- The decrease in Redditch in the number of job vacancies by 35% between March and September 2020.
- The date by which the website for the Town's Fund Board would be available to access. Officers confirmed that a response would be provided in respect of this matter outside the meeting but it was anticipated that a website would be available to access shortly.
- The Town Investment Plan and when this would be available for Members to view. Officers explained that a specialist engagement consultant had been procured to undertake consultation involving workshops, interviews and online surveys. This process would start in November 2020.
- The regeneration plans for the town centre and the date by which a masterplan would be available to view. The Committee was advised that this was at an early stage and a consortium was in the process of being appointed which would carry forward the work. A consultation process would form part of the consortium's work.
- The redevelopment of Matchborough and Winyates District Centres and the date by which plans for this redevelopment process would be available to consider. The Committee was informed that Officers had been working through the options but nothing would be confirmed until further discussion with Members.
- The form of consultation that would be undertaken with interested stakeholders for these projects. Officers explained that due to the Covid-19 pandemic consultation would inevitably need to be held online.
- The approach that would be adopted to consultation. Members were advised that the organisation that had been appointed to undertake this consultation work was highly experienced and would adopt a scientific approach.
- The composition of the Town's Fund Board and the extent to which the Voluntary and Community Sector (VCS) had been consulted in the Board's work. The Committee was informed that two representatives of the VCS had been appointed to the Board.

RESOLVED that

the report and the Redditch Local Economic Recovery Framework (2020-2023) be endorsed.

35. OVERVIEW AND SCRUTINY COMMITTEE

The Committee considered minutes from the meetings of the Overview and Scrutiny Committee held on Wednesday, 26th August 2020 and Thursday, 3rd September 2020 and noted that there were no recommendations for consideration.

During consideration of this item reference was made to the e-scooter scheme in the town, which had been discussed at the meeting of the Overview and Scrutiny Committee held in August 2020. Members noted that some teenagers had been observed using the e-scooters even though they did not have driving licences. The company that was operating the e-scooters scheme in Redditch had provided an update on action that was being taken to tackle any problems identified in the first few weeks of operation and it was agreed that this update should be shared with members of the Executive Committee.

RESOLVED that

- 1) the minutes of the meeting of the Overview and Scrutiny Committee held on Wednesday, 26th August 2020 be noted; and**
- 2) the minutes of the meeting of the Overview and Scrutiny Committee held on Thursday, 3rd September 2020 be noted.**

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

The Executive Committee was advised that there were no additional minutes or referrals from any Committees for consideration on this occasion.

37. ADVISORY PANELS - UPDATE REPORTS

The following updates were provided in respect of the Executive Advisory Panels and other external groups:

- a) Climate Change Cross-Party working Group – Chair, Councillor Anthony Lovell

Executive Committee

Tuesday, 27 October 2020

Councillor Lovell explained that a meeting of the group was scheduled to take place on Wednesday, 4th November 2020. Every Member had been invited to attend this meeting as a briefing was due to be delivered in respect of energy advice which would be of interest to all Members.

b) Constitutional Review Working Party – Chair, Councillor Matthew Dormer

Councillor Dormer advised that a meeting of the Constitutional Review Working Party was scheduled to take place on Tuesday, 3rd November 2020.

c) Corporate Parenting Board – Council Representative, Councillor Nyear Nazir

Councillor Nazir confirmed that a meeting of the Corporate Parenting Board was scheduled to take place on Thursday, 19th November 2020.

d) Member Support Steering Group – Chair, Councillor Matthew Dormer

Councillor Dormer advised that a meeting of the Member Support Steering Group was due to take place on Thursday, 19th November 2020.

e) Planning Advisory Panel – Chair, Councillor Matthew Dormer

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

The Meeting commenced at 6.31 pm
and closed at 7.51 pm

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**Planning for the Future White Paper and
Changes to the Planning System – RBC responses**

Relevant Portfolio Holder	Councillor Matt Dormer
Portfolio Holder Consulted	Yes
Relevant Head of Service	Ruth Bamford
Wards Affected	All Wards
Ward Councillor Consulted	Yes
Non-Key Decision	Yes

1. SUMMARY OF PROPOSALS

- 1.1 The appendices to this report contain the Council's responses to the Ministry of Housing Communities and Local Government (MHCLG), Planning for the Future White Paper, and Changes to the Planning System consultation.
- 1.2 As result of the reforms being proposed it is likely that the creation of a new Redditch Local plan will have to begin in 2021

2. RECOMMENDATION

- 2.1 **That Appendix A is submitted to MHCLG as the Councils Response to the Planning for the Future White Paper**
- 2.2 **That Appendix B is confirmed as the Councils response to the Changes to the planning System consultation**
- 2.3 **That authority is granted to officers to begin the creation of a new Local Plan for Redditch.**

3. KEY ISSUES

Financial Implications

- 3.1 There are no direct financial implications associated with this report at this time. If there is a need to begin preparing a new local plan in 2021 then a budget will need to be allocated for this work.

Legal Implications

- 3.2 There are no direct Legal implications although should some of these reforms be implemented it likely there would be new legislation for the Council to consider.

Executive27th October 2020**Service / Operational Implications****3.4 Planning for the Future White paper**

The planning for the future White Paper was published on 6th August 2020 it is split up into the pillars which in turn contain 24 proposals.

The Pillars and topics within them are

Pillar One - Planning for development (Proposals 1 -10)

- A new approach to plan-making
- Development Management Process
- New interactive, web-based map standard for planning documents
- Streamlined, more engaging plan-making process
- Speeding up the delivery of development

Pillar Two - Planning for beautiful and sustainable places (Proposals 11-22)

- Creating frameworks for quality
- A fast-track for beauty
- Effective stewardship and enhancement of our natural and historic environment

Pillar Three - Planning for infrastructure and connected places (Proposals 23-24)

- Consolidated Infrastructure Levy
- How we move into the new system

3.5 Members have been briefed in detail via the Planning Advisory Panel (PAP), but it is worth remembering the aims of these reforms are to speed up the planning system and in particular the rate at which the planning system delivers new homes. The significant reforms which are contained within the white paper are.

- Simplified Land use plans containing only three types of allocation, **Growth Areas, Renewal Areas and Protected Areas.**
- Development Management policies set nationally.
- Simplified sustainability / environmental assessment processes.
- Abolition of the Duty to Cooperate.
- New binding standard method for establishing housing requirements.
- Areas allocated as growth areas will automatically have outline planning consent.
- More modern technology used in both plan making and decision taking.
- The requirement of Local Plans to be produced in 30 months.
- Nationally set mandatory levy to replace section 106 agreements.

The response to the white paper can be seen at appendix 1.

3.6 Changes to the Planning System consultation

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Alongside the White Paper MHCLG have also proposed some shorter term changes to the planning system, some of which are in a direct response to the CV19 pandemic. Again Members have also been briefed on these proposals via PAP. The significant implications of the changes to the planning system are.

- Changes to the Standard method of establishing housing needs, the new approach would see Redditch's annual requirement rise from 337 as per the local plan, or 178 as per the current standard method to 368 under the new standard method.
- New policies on delivering first homes to encourage and facilitate home ownership for those currently priced out of the market.
- Support for small and medium sized developers which would raise the threshold for affordable housing contributions from sites of 11+ dwellings to sites of 40 or 50 dwellings.
- Extension of the Permission in Principle (PiP) consent regime

An officer's response has been submitted to this technical consultation to meet the deadline of 1st October, this can be seen at appendix 2, any additional responses as a result of discussion at formal meetings can be added to the initial response.

Implications for the Borough of Redditch Local Plan

3.7 Under the current planning regime it is possible that work would need to begin on a replacement for the Borough of Redditch Local Plan 4 (BORLP4) in 2021. The full implications of the white paper on the need to replace BORLP4 are unpredictable, although it is the view of officers that however the reforms are implemented, it is likely that the production of a new local plan for Redditch will become a necessity for the Council in 2021.

3.8 The most significant issue which will affect how the plan progresses in the future, will be the amount of housing a revised standard housing method allocates to Redditch, and what if anything will replace the duty to cooperate, and any subsequent additional housing as a result.

3.9 It will be possible to do some early evidence collection and scene setting work for a new Redditch local plan, this work can be brought before PAP in the new year.

3.10 If implemented a revised 30 month timeline for plan production will also have an impact on the creation of a new plan. Understanding when the period for plan production begins will be important, it will be essential that the Council uses the plan production time afforded to it wisely, hence it is suggested that some initial work begins on preparing a new local plan to allow the Council to implement the reforms as efficiently as possible. The Council get requests for updates on the plan making, it important that when in a position to do so the

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Council publishes what it intends to do. Therefore a new local development scheme which is timetable for plan making will need to be produced as soon as possible once the outcomes of the white paper reforms are known.

Customer / Equalities and Diversity Implications

3.11 There are no Customer / Equalities and Diversity Implications associated with this report. Although it should be noted that the white paper contains reforms to plan making which would change the way public consultation is carried out in future.

4. RISK MANAGEMENT

4.1 There are no immediate risk associated with this report, as the reforms are implemented a more thorough assessment of risk can be carried out.

5. APPENDICES

Appendix A - RBC response to Planning for the Future white paper.

Appendix B - RBC response changes to the planning system

6. BACKGROUND PAPERS

- Planning for the Future - white paper
- Changes to the planning System - consultation document

AUTHOR OF REPORT

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Government White Paper - Planning for the Future

Redditch Borough Council welcomes the publication of the White paper and supports the main theme of simplifying and speeding up the UK planning system. Below we have commented in turn on the 24 proposals, and hope this response assists MHCLG in progressing these reform over the coming months.

Pillar One – Planning for Development

1. The role of land use plans should be simplified. We propose that Local Plans should identify three types of land – Growth areas suitable for substantial development, Renewal areas suitable for development, and areas that are Protected.

1.1 We note with interest, the proposal for Local Plans to identify just three types of land, but understandably as this is only a white paper, the finer details which will follow in due course will be also of significant interest to the Council.

1.2 For Growth areas – the definition or substantial will be important. Whilst we understand that this will be defined in policy through the revised NPPF, the local view of substantial development can vary greatly dependent on the context and location in the country. Will size thresholds be set to define the difference between acceptable levels of development in growth areas versus renewal areas, or will there be a difference between greenfield and brownfield areas? Alongside the intention that growth areas will be for substantial development, there will inevitably be smaller scale and more routine development taking place. Therefore will further thresholds be set within growth areas as to what scale of development does or does not require further environmental assessment or reserved matters applications?

1.3 For Renewal areas, it is stated that these “could include... ..development in rural areas that is not annotated as Growth or Protected areas, such as small sites within or on the edge of villages”. For a district such as Redditch which has significant Green Belt, does this mean that small villages currently washed over by the Green Belt would need to be removed from it to allow any development at these locations? Removing such small villages from the Green Belt to allow some infill development may have unintended consequences. The specific suggestion that authorities can consider the case for resisting inappropriate

development of residential gardens seems at odds with the intention for renewal areas to include “gentle densification and infill of residential areas”. In many of our rural settlements, existing homes stand in large plots where additional development can be accommodated without overdeveloping the site. This is an area where a local policy approach is needed to determine where precisely garden or back-land development should be restricted.

1.4 For Protected areas – further detail will be needed as to what types of development will be restricted. Consultation on the draft revised NPPF will be essential so that we can respond to the specific types of development which are proposed to be restricted and those which will be permissible. We would suggest that the title of this area gives the public an incorrect impression that no development can take place because the area is ‘protected’ and we suggest that an alternative name, such as ‘Restricted area’ is considered. A wider point is whether authorities will still be able to review their Green Belt boundaries through their Local Plans. It is difficult to see how housing need can be met locally without this, but clarity on this is needed. Furthermore, if Green Belt boundaries are still to endure beyond the plan period, we need further guidance on the approach to safeguarded land, particularly given that Local Plans will now be subject to more frequent reviews.

1.5 We note the specific proposal to allow sub-areas to be created within Growth areas which are specifically for self and custom-build homes, and the related requirement for local authorities to identify enough land to meet the requirements identified on their registers. If these sub-areas for self build homes are only appropriate in Growth areas, what does this mean for areas that could feasibly have no Growth areas, because of the existence of land constraints designating them as areas to be Protected? How will the demand for self-build homes be met in such areas? Also, from our experience, those who wish to build their own homes often envisage doing this in a rural or semi-rural setting. Can these aspirations be met within Growth areas? Additionally, if only certain land within a Growth area is to be designated for self-build homes, how will land value and transactional issues play out if other parcels of land are designated for higher value land uses such as open market residential?

1.6 Regarding the alternative options – if Renewal areas are deemed ‘suitable for development’ it may be appropriate to extend the grant of outline planning permission for the principle of development for certain uses in these areas.

2. Development management policies established at national scale and an altered role for Local Plans.

2.1 We recognise that there can currently be unnecessary repetition of national policies in Local Plans, however, often policies within the NPPF are open to wide ranging interpretation and sparse in detail, and need expansion to be useable at the local level. To limit development management policies to site or area-specific requirements in the proposed Growth and Renewal areas is concerning to Green Belt authorities such as Redditch, where there is limited scope for such areas. The suggestion here is that there would be no locally specific development management policies to guide limited appropriate development within the Green Belt.

2.2 Under this proposal policy wording in the NPPF needs to be detailed and clear. The Government is no doubt aware of the number of planning appeals, High Court and Court of Appeal cases where the wording of the NPPF is dissected and analysed in great deal given the numerous ways it can be interpreted. If national policies are to be solely relied upon to determine the majority of 'routine' planning applications outside of specific sites or areas, then further detail will need to be added to current policies to avoid excessive amounts of appeals.

2.3 We are supportive of the move to a more design focused role for Local Planning Authorities although additional training and support will be needed to retrain local government planning professionals to enable them to perform their new function. We do have some concerns about the suggestion that the production of design guides and codes be twin-tracked alongside the Local Plan production process. With new Local Plans to be light on detail, the benefits of having design guides in place at or close to Local Plan adoption are apparent. However, this will place additional demands on the limited resources of local planning authorities and may not be achievable in practice. The situation can be foreseen where the Local Plan is adopted and design guides/codes follow some months afterwards when their production can be properly resourced, leaving a vacuum on the detailed requirements for allocated sites. We support the intention that neighbourhoods will play a crucial role in producing design codes and guides for their communities, although this will require assistance from and liaison with the local authority, which will need to be resourced. We also support the suggestion to make plans more visual and engaging, which is something we endeavoured to do with our High Quality Design SPD.

2.4 The proposals to make development management policies and code requirements machine readable is an interesting concept. The prospect of using digital services to automatically screen developments should not be done, at the expense of a planning officer using professional knowledge and experience from the planning process to make the final

decision on an application. The aim of “enabling automation of more binary considerations” would appear to remove application of planning judgement in the planning process. Even the smallest and seemingly least controversial planning application can require negotiations and the need for revised plans. There is rarely a straightforward yes or no, or ‘binary’ answer. With the proposed introduction of national development management policies and local design codes, it may be possible for planning professionals to process planning applications more efficiently, but we would not support and advise against a system where the human and professional input and oversight is removed from the decision making process on planning applications.

2.5 We are supportive of the alternative options suggested under this Proposal. Allowing local authorities to continue to have local development management policies but removing any duplication of the NPPF would be a sensible change to the current system.

3. Local Plans should be subject to a single statutory “sustainable development” test, replacing the existing tests of soundness.

3.1 We welcome the proposal to streamline the existing tests of soundness. Given that it is proposed that an assessment of Local Plan deliverability would be just one element to be incorporated into the single test, it is envisaged that the ‘single’ test would in fact be multifaceted. If Local Plans are to be devoid of development management policies setting local standards, the viability of the Local Plan would hinge on the proposals in Growth and Renewal areas, which could be diverse and varied. Therefore viability assessments could be more complex, having to take account of differing proposals and standards across these growth and renewal areas. However, until further detail of this single test is known, it is difficult to draw a full conclusion.

3.2 The specific proposal to remove the Duty to Cooperate is welcomed. Our experience has found the duty in some instances to be a totally ineffective mechanism in planning across local authority borders, particularly where there are multiple authorities involved. Recent well documented cases across the country (examples include St Albans, Wealdon, Sevenoaks) serve to highlight that the duty to cooperate is failing and is in need of wholesale changes. However, we are concerned about the lack of detail on what would replace the Duty to Cooperate. What would enable local authorities to plan effectively across administrative boundaries and to collaborate to provide local infrastructure? Reference is made to digital Local Plans helping LPAs to engage with cross-boundary issues but it is unclear how having Local Plans on websites will help difficult issues to be resolved.

Ultimately, dialogue between authorities will be required and without a framework or forum to work within to structure this dialogue, it is difficult to see how progress and agreements will be made. The proposal for housing requirements to be determined centrally, taking into account known constraints and for them to be binding on local authorities may remove the situation where there is unmet need from neighbouring areas to be apportioned and accommodated. However, until further details on which land constraints are to be factored in, and how this will impact on the local housing need derived from the standard methodology it is impossible to conclude that this will be the case. It is hard to envisage a scenario where all housing needs can be met locally and there is no need to export requirements to other areas which may be better placed to assist. Therefore an alternative mechanism for dealing with cross-boundary issues needs to be considered and included in the planning reforms.

3.3 The specific proposal to abolish the Sustainability Appraisal system is welcomed, given that the current process is cumbersome, repetitive and inaccessible to a lay-person. However once again, until more detail is known about the replacement simplified process for assessing the environmental impact of plans, it is impossible to comment much further. As highlighted below in response to Proposal 16, this simplified replacement still needs to robustly examine the social, environmental and economic impacts of the Local Plan and associated documentation.

3.4 The alternative proposal of using reserve sites to ensure delivery takes place is a possible welcomed addition to allow for a added flexibility in the process where sites have stalled. It allows for a short term solution rather than waiting for a plan review and will help delivery of housing continue.

4. A standard method for establishing housing requirement figures which ensures enough land is released in the areas where affordability is worst, to stop land supply being a barrier to enough homes being built. The housing requirement would factor in land constraints and opportunities to more effectively use land, including through densification where appropriate, to ensure that the land is identified in the most appropriate areas and housing targets are met.

4.1 We remain supportive of the move to the standard method to determining housing need as it has removed the ambiguity, expense and time involved in preparing the local authority led objectively assessed housing need under the previous arrangement. We are cautiously supportive of the move to a standard housing requirement which would be binding on local authorities, as this would further remove an area of challenge which causes delays

to plan production. However, the biggest unknown is how land constraints will be factored into the binding requirement. For areas such as Redditch with considerable amounts of Green Belt, this could alter the local housing need figure substantially, but until the precise weighting of the various land constraints is known, it is impossible to plan confidently for the future. There is also concern as to how affordability issues can be addressed locally if supply is to be restricted from fully addressing local housing need through the imposition of a land constraint factor.

4.2 We are concerned about the lack of guidance on planning for other development needs, most notably economic growth and question when further advice will be given on this area. There is a close relationship between economic growth and housing need and therefore it is important that there is a link between the standard method and resultant housing requirement and the amount of land to be provided for economic development.

4.3 We note the standard method is proposed to be a means of distributing the national housebuilding target of 300,000 homes annually, but would question the underlying evidence for this target which was set in 2017. Given revised population and household projections projection have been released since the announcement of this target, it should be revisited to properly reflect latest figures and hence be linked to the most up to date evidence.

4.4 Much more detail is needed on the proposal that joint planning arrangements could be used to agree an alternative distribution of housing requirements. Although reference is made to the role of Mayors in combined authority areas, there is no further detail on the process of distributing and agreeing a reassignment of housing in non-Mayoral or combined authority areas. This follows on from the comments made above regarding the void in guidance the proposed removal of the duty to cooperate will create.

4.5 We do not support the proposal to retain the Housing Delivery Test as this would seem unnecessary if the local authority has already had to prove that the sites included within the Local Plan are deliverable. Government should instead be looking to the housebuilders and the development industry for assurances that sites will come forward in a timely manner, with the ability to penalise them where these assurances are not met. Our authority has ongoing issues with the current Housing Delivery Test which we have taken up with the MHCLG and we are still awaiting a satisfactory solution.

5. Areas identified as Growth areas (suitable for substantial development) would automatically be granted outline planning permission for the principle of development, while automatic approvals would also be available for pre-established development types in other areas suitable for building.

5.1 The proposal to remove the need to apply for outline planning permission if any area was already identified for development would be welcomed especially if the principle had already been established. Often, if a site is already allocated for development, an outline planning application can attract significant public comment relating to the principle of the development and therefore give the public a false sense that they can influence whether the development goes ahead or not.

5.2 Under these reforms the council is concerned that the detail that would have been submitted to support an outline planning permission will now be submitted to promote a site for inclusion in the local plan process, as developers will be keen to demonstrate as fully as possible the credentials of their site. This is potentially a huge amount of evidence for planning authorities to consider when allocating sites, albeit with a much-reduced timescale by which to operate i.e. with in the 30 months. Similarly, this information may then have to be distilled into an allocation policy for the growth area to ensure that when the final permission is granted there is enough detail to ensure the development proceeds as planned. If this process is repeated for all growth areas, local plans could end up being reduced to a list of very detailed allocations policies, and not the short succinct easy to read documents the white paper is striving to achieve

5.3 By the time a site is allocated for development the focus needs to be on the detailed technical matters. Therefore the council would be keen to ensure that whatever method is chosen, the ability to shape the design and deal with site specific matters such as ecology/land contamination/highways etc should not be diminished.

5.4 With respect to renewal areas any move towards using a 'prior approval' type of process would be met with caution. Whilst under current legislation this has been intended to be a 'light touch' process it has, in many cases, caused a number of issues. High Court challenges have been required in order to provide clarity on the wording of such legislation, amendments to the legislation have been required in order to make development meet basic amenity standards. The submission of an application, and the subsequent consultation procedure has given the public the impression that they are able to influence the outcome of the application with respect to the principle of the development, when this is not the case. It

would therefore be necessary to give some serious consideration as to how a prior approval process for renewal areas would operate.

5.5 The use of a faster planning application process for renewal areas, whilst not necessarily an issue in principle, requires some further details as it is not clear how a proposal could be determined based on the context of the Local Plan description and the National Planning Policy Framework alone.

6. Decision-making should be faster and more certain, with firm deadlines, and make greater use of digital technology.

6.1 With respect to the firm deadlines of 8/13 weeks it is a concern that the White Paper implies that the extension of time provisions will be removed from legislation. Prior to extensions of time existing it could often be the case that an applicant was forced to withdraw their application late in the day or face a refusal of permission in order to make a decision within the 8/13 weeks. A resubmitted application would then be made to resolve the outstanding matters which results in wasted time and expense for the applicant and local authority as well as ultimately delaying development. The extension of time provisions allow what are often modest extensions to the 8/13 weeks in order to resolve technical matters and largely lead to approval of planning permission. Removing this provision would almost certainly mean decisions are made more quickly but not necessarily with a positive outcome which would seem counterproductive.

6.2 Any mechanism to front load the system to ensure accurate and adequate information is supplied at the submission of a planning application would be welcomed. The current requirement to only submit sufficient information to describe the development proposed is often sufficient for simple applications, however in the case of more complex proposals or those which fall within the Green Belt it is often the case that further discussion/information is required from the applicant in order to inform the decision making process which can extend the time taken to make a decision on applications.

6.3 The proposals for clearer planning conditions, streamlined approach to developer contributions and the delegation of detailed matters for consideration to officers is welcomed.

6.4 With respect to an incentive to determine applications within the statutory time limits, the issues that arise relating to this matter have been outlined above – whilst it may lead to a timely determination of applications, this may not be a positive determination. These

proposals also do not sit comfortably with the requirement to work in a positive and proactive manner in order to seek problems to solutions as currently required by the DMPO.

7. Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new template.

7.1 The Council agrees with the above statement that there should be a requirement for Local Plans to be visual and map based. Many Local Authorities already have a digital map-based system in place which works well and doesn't require any extra training or resources. There should also be an alternative option for people to be involved in the Local Plan and consultation process. We need to be inclusive to all groups of society and ensure that for those that struggle to use the technology there are other options to engage in the planning process

7.2 Going interactive with planning applications such as architect's drawings could be a move in the right direction for development management, but there is still a need for actual documents to be able to be in order to ensure decision making is clear and accountable.

7.3 Planning for beautiful and sustainable places (Pillar Two of the White Paper) requires human judgement, so cautious use of technology to aid the human process of decision making is one which the council supports.

8. Local authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable for key stages of the process, and we will consider what sanctions there would be for those who fail to do so.

8.1 We have considered the proposals to reform the Local Plan production process and to meet a statutory timetable for key stages of the process. Whilst we welcome the intention to simplify and shorten the plan-making process, we have a number of concerns about the proposed reforms.

8.2 Stage 1 - We are unsure how we will achieve meaningful public engagement in Stage 1. We know through experience that the majority of developer-led sites are submitted to us late in the call for sites process, leaving very limited time in this short 6 month stage to 'shape' the plan with public involvement. Also in the early stages of plan making it is harder to engage with the public as very often the fact that people want to know is what is happening near them, if we are doing the early engagement without this information it's likely to

generate confusion and apathy with the public rather than a feeling of meaningful engagement.

8.3 Stage 2 - 12 months seems like a very limited timescale for producing 'any necessary evidence' and using it to inform and justify the Plan. Further information is needed as to what is considered as 'necessary evidence' for new style Local Plans, and how it differs from the data that is promoted to underpin plan-making and decision-taking in the early paragraphs of the White Paper.

8.4 Stage 3 – We are concerned that the level of public engagement at this critical stage seems restricted, especially given as this 'transparent and engaging' process will limit consultation at the decision-taking stage. This would be the first time the public will see a full plan on which to comment, its likely that as much as there undoubtedly be objections to the proposals in the plan, there will also simply be many questions about the plan which aren't necessarily objections. A key element of the preferred option process we currently undergo allows the Council to answer these questions and where possible positively address objections. Would it now be solely the role of the planning inspectorate to resolve those issues? Reference is also made to 'best in class' public involvement but we are uncertain this can be achieved if the public are limited to the number of words they can submit. This stage also seems to overlook the complexity of public engagement at this important stage in plan production, plus there is no time allocation given to processing, summarising and responding to the large volumes of responses that are envisaged.

8.5 Stage 4 – We would question why the examination period is within the statutory 30 month time period for production of the Local Plan, when this is outside of the control of the Local Authority. Resourcing at the Planning Inspectorate could delay the examination process and we would not want to see local authorities penalised for missing deadlines for something beyond their control. Instead, we would propose a timetable for Local Plan production which culminates in the Submission of the Local Plan.

8.6 We do not support the alternative option removing the 'right to be heard' at examination as this would stymie public involvement even further and be directly opposed to the 'best in class' public involvement which is being promoted for the other plan making stages.

8.7 We would emphasise the need for local planning departments to be properly resourced if they are to meet this extremely ambitious Local Plan production timetable. The

additional demands on Local Plan production, coupled with the reforms to funding under Proposal 23 do not tally, particularly when considered alongside the need for Local Plans are to be reviewed at least every 5 years. Local authorities need certainty of funding so that they are fully resourced to positively and proactively plan for the future of the area they represent.

9. Neighbourhood Plans should be retained as an important means of community input, and we will support communities to make better use of digital tools

9.1 We agree that Neighbourhood plans should be retained. Engagement with Neighbourhood Planning groups is something that is already done. Most authorities will have a good relationship with Neighbourhood planning groups which should be continued, and if possible strengthened by using modern technology to help produce neighbourhood plans as well.

10. A stronger emphasis on build out through planning.

10.1 Proposal 10 responds to the need to speed up the delivery of development, particularly within the proposed Growth Areas. We concur that there is a need to improve the build out rates of development, particularly on large sites and highlight the wealth of research in this area (for example, [LGA – Speeding up delivery, 2018](#)). This research emphasises that planning is not a barrier to building, but there are issues of unimplemented planning permissions, land banking and slow build out rates.

10.2 Whilst the proposal to include a variety of development types by different builders on a site to allow multiple phases to come forward together has good intentions, we struggle to see how it will work in practice. How will this be controlled through the planning process? If a large site is under a single ownership and one developer has an option on that site, what is the mechanism to get multiple developers on site? We are also aware that housebuilders would not want to flood the market with new homes in a single area. More often, their approach is to limit supply, thereby increasing demand and helping them to achieve the sales values they have planned for.

10.3 The suggestion that masterplans and design codes will be the mechanism to deliver the requirement for multiple developers on a single site needs further consideration, particularly if the design code is to follow the allocation of the site in the Local Plan. Under Proposal 2 it is stated that design codes could be prepared as supplementary planning

documents. Under this scenario it is difficult to see how the number of developers on a site could be specified and enforced by the Local Planning Authority.

10.4 The White Paper makes no reference to the other tools that could be used to speed up delivery. The LGA's 2018 research refers to compulsory purchase powers as one option available to local authorities in extreme cases to get stalled sites moving. It should be made easier for Councils to use CPO powers to get development started on difficult sites, including the ability to cap land values and use the uplift to forward-fund infrastructure. This ties in with one of the key recommendations from the 2018 Letwin Review.

Pillar Two - Planning for beautiful and sustainable places

11. To make design expectations more visual and predictable, we will expect design guidance and codes to be prepared locally with community involvement, and ensure that codes are more binding on decisions about development.

11.1 Page 48 states "*Prepare local design codes based on community input and empirical evidence of what is popular and characteristic in the local area*". The Council would be keen to understand how data will inform this. It appears this evidence will be informed by community input. This raises questions regarding how and at what point in the process to get the community involved effectively; especially given the importance of ensuring designs only have weight in the planning process if they can demonstrate that community input has been secured.

11.2 It is accepted that there have been many years of housebuilders building the same style houses, which are not necessarily representative of the local area however the Council raises concerns that this level of uncharacteristic building could inform the 'new character'.

11.3 The Council wishes to raise concern regarding how firmly the National Design Guide and upcoming National Model Design Code will feature in decision making, particularly when 'viability' features so heavily with regard to the obligations and requirements placed on developers.

11.4 With regard to responsibility for implementation, historically too much emphasis is placed at the door of planners for the failure to build and build beautiful. There needs to be some responsibility placed on developers, and measures should put in place to ensure they

deliver what the government envisions in this Paper in their design proposals, ahead of seeking advice from Planners or submitting Planning Applications, particularly if proposals are to be in line with Design Codes.

11.5 The suggestion that Applicants could bring forward design guides themselves for significant areas of new development is an interesting addition. The Council would be keen to understand how the Local Authority could control how the area looks if applicants can do this. Given that it should be accepted that some developers tend to follow a similar style and that this is one of the elements this White Paper is seeking to change, how can the Local Authority restrict Developers proposing their existing styles in Design Codes if they permitted to prepare these documents? The Council also questions how these Codes prepared by Developers would become binding and what the status the design guidance and codes may have. What would be their process for production and how would they gain endorsement? They need to have an appropriate status to ensure they are binding in decisions which would make their production a lengthy process given the need to consult, revise and potentially examined however if their status is more akin to an SPD their influence may be limited.

12. To support the transition to a planning system which is more visual and rooted in local preferences and character, we will set up a body to support the delivery of provably locally-popular design codes, and propose that each authority should have a chief officer for design and place-making.

12.1 The Council considers that each Local Authority Planning Department is made up quite differently and it may be best for resources for each Local Authority to consider how best to prepare Design Codes it maybe simply that some expert input from Urban Designers is required rather than a Chief Officer role.

12.2 With respect to the expert body alluded to in the proposal. The Council suggests it is likely this will need to be heavily resourced, if given the proposals all Local Authorities are required to progress their Design Codes within the 30 month deadline alongside plan production. In addition it is queried how locally specific the advice will be, due to the varying nature and character of areas how is locally specific advice likely to be achieved. Will the advice come from a regional level body that can develop expertise and knowledge in the local towns and cities? Will there be a link or extension to the existing Design Review Panels or something similar to the West Midlands Combined Authority Design Review Charter.

13. To further embed national leadership on delivering better places, we will consider how Homes England's strategic objectives can give greater emphasis to delivering beautiful places.

13.1 The Council considers this is a useful point, but as Homes England will have varying levels of interest in different areas of the Country its not necessarily relevant to all authorities, for example in Redditch Homes England have not particularly promoted housebuilding, especially in Redditch where they have historic land holdings which have not been developed.

14. We intend to introduce a fast-track for beauty through changes to national policy and legislation, to incentivise and accelerate high quality development which reflects local character and preferences.

14.1 Page 52 states that masterplans and site-specific codes could be prepared by the LPA through the Local Plan. Although the principle of considering design early on in the process is to be encouraged, as expressed above Council has reservations about undertaking this work in conjunction with Plan preparation. If these codes are unable to be prepared alongside the Plan due to time restrictions or other factors, there will either be a delay in building or the housebuilders will likely submit plans that have no locally contextual design. There will then be no local evidence to reinforce changes to the design of the development suggested by the LPA.

14.2 The White Paper proposes a change regarding local orders being used to modify how the standard types of design apply in the local area, based on local evidence according to popular designs in the public opinion. The Council considers that further detail on how this evidence would be carried out in a comprehensive way should be given. If this evidence isn't carried out, there is a risk that many new developments across England would become indistinguishable. Additionally, whilst the public should have a say in the design of new development in their local area, traditionally this is not how the design of the built form has been decided. Instead, the local materials readily available, the style of the surrounding built environment and also the demands and character of the surrounding natural environment have all had a part in shaping design historically. Evidence relating to this would ideally need to be produced alongside evidence concerning public opinion, in order to produce beautiful developments that integrate successfully with the surrounding context.

14.3 The White Paper states that updates to the NPPF will “*make clear that schemes which comply with local design guides and codes have a positive advantage and greater certainty about their prospects of swift approval.*” If an increased importance is placed on local design, surely compliance with local design guides should be a necessity to attaining permission?

14.4 In regards to the use of permitted development rights to pre-approve ‘popular and replicable designs’, the Council questions if this will foster innovation, as the White Paper suggests. Instead it seems like this would stymie innovation. If identical designs are the quickest and easiest way to develop, it would stand that housebuilders will submit these plans rather than putting thought into alternative designs, as this would not be time or cost-effective. Whilst fast-tracking beauty in development could be an effective way to incentivise developers to incorporate better design in their sites, in other ways it seems counter-productive to this goal as it has the possibility to lead to cutting corners and making identical places.

14.5 The use of modern methods of construction should be encouraged through the planning system as a solution to building high quality developments at speed. Perhaps this should be stated in National Policy/ Local Plans explicitly rather than expecting expansion of PD rights and pre-approved designs to automatically encourage their use?

14.6 Paragraph 3.20 states “*we intend to develop a limited set of form-based development types that allow the redevelopment of existing residential buildings... in a range of common development settings (such as semi-detached suburban development)*”. The Council wish for clarity on exactly what the ‘*limited set of form-based development types*’ would be and whether this is Permitted Development aimed at the development of garden land and gentle density or increasing height of buildings? Either way the Council would either have limited or no control, or would need to be specific about what could be achieved and where through pattern books and LDOs this would again increase workloads for the Local Authority. It is unclear from the proposals what timeframe this would need to be achieved by.

15. We intend to amend the National Planning Policy Framework to ensure that it targets those areas where a reformed planning system can most effectively play a role in mitigating and adapting to climate change and maximising environmental benefits.

15.1 It is considered that further detail will be needed regarding marrying the changes proposed regarding the opportunities to strengthen the way environmental issues are considered with a simpler approach to assessing environmental impacts. The Council considers that protection of environmental assets should be paramount.

15.2 The Council queries how Government will decide which area are those areas “*where a reformed planning system can most effectively play a role in mitigating and adapting to climate change*” etc. will this be based on some form of evidence? What will the NPPF say regarding those areas which are not deemed to fit this criterion?

16. We intend to design a quicker, simpler framework for assessing environmental impacts and enhancement opportunities, that speeds up the process while protecting and enhancing the most valuable and important habitats and species in England.

16.1 Further detail on how the environmental impact assessment will be sped up will be welcomed. It is accepted that the current SEA, SA and EIA processes are cumbersome and lack transparency, however it is imperative that in the interest of faster, the processes of assessment are still robust and habitats and species are protected.

16.2 The Council wishes to question what status the European Natura 2000 sites (SPAs, SACs) will have, post-Brexit?

16.3 The Council acknowledges and welcomes there will be further consultation in the autumn on these proposals.

17. Conserving and enhancing our historic buildings and areas in the 21st century.

17.1 The White Paper recognises the importance of heritage assets including listed buildings and conservation areas, and highlights that assets have continued to be protected as part of the Government’s planning reforms since 2010 (Pg 16). The main proposal in the White Paper is for local plans to identify three types of land; Growth areas, suitable for substantial development; Renewal areas, suitable for development; and areas that are protected (pg 28). Conservation areas would fall into this latter category.

17.2 It is noted that the existing planning system including statutory protection and the NPPF has worked well in terms of protecting heritage assets including listed buildings and conservation areas. The aim is to build on this.

17.3 It is proposed that local planning authorities will identify the location of all heritage assets including listed buildings, conservation areas and locally designated heritage assets, in addition to protected views in their local plans.

17.4 Redditch has a local list compiled in 2007 but recent planning applications have highlighted that the list needs to be reviewed and there are likely to be further additions. It is also unclear how the original list was derived and the nature of the original criteria. A robust set of criteria and process for inclusion should be devised.

17.5 Where they exist, conservation area appraisals identify important views, but more work across both districts will be required to identify important views particularly in respect of listed buildings. The setting of heritage assets, where it contributes to the significance of that asset, currently has a high degree of protection as a result of the 1990 Act (listed buildings) and the NPPF. It is assumed at this stage that this protection will continue when the planning framework is updated. Setting of heritage assets will have to be taken into account when 'Growth' and 'Renewal' areas are identified.

17.6 The proposed change towards enabling historical buildings to install energy efficiency measures by ensuring the planning consent framework is "sufficiently responsive to sympathetic changes" is welcomed by the Council, as long as there are acceptable control measures in place to protect the buildings from adverse effects. The Council acknowledges that there is a necessity for existing housing stock to be made more energy efficient. There are some concerns, however, regarding the structure and fabric of Listed Buildings: can it be adapted to house insulation and other energy efficient measures without harming the integrity and uniqueness of the asset? It is in cases like this where a 'catch all' policy would not be appropriate; each building should still be assessed individually in terms of suitability for changes such as these.

17.7 The suggestion on page 59 regarding exploring if experienced architectural specialists have earned enough autonomy from routine listed building consents to bypass the conservation officer is potentially worrying, as taking control away from LAs and giving it to architects seems contradictory to the purpose of planning and conservation departments. Additionally, it is considered that there is no such thing as "routine" listed building consent, and to suggest otherwise would be to stop considering listed buildings as the individual assets that they are.

17.8 Finally it is suggested in the White Paper that to assist local planning authorities in concentrating on conserving and enhancing the more important historic buildings, architectural specialists may be given more autonomy in respect of routine consents. This has been suggested in the past but the concern is how objective these 'architectural specialists' might be when it is their client paying their bill. The gradual loss of small details on historic buildings can in the long run have a major cumulative impact on the significance of the asset.

18. To complement our planning reforms, we will facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver our world-leading commitment to net-zero by 2050.

18.1 The Council believes that strong commitments in the Future Homes Standard are required if targets are to be met and real improvements towards slowing the impacts of climate change are to be made.

18.2 For a matter of the importance of the role that LPAs can play in setting energy efficiency standards, new standards should be imposed at a national level in the new National Design Guide. Currently local standards require justification and plan viability testing, and in some cases financial viability stands in the way of locally imposed standards being implemented. If other matters are being taken out of the Local Planning Authority's control, it would be productive at the same time for a standard of this importance to be implemented nationally also.

Pillar Three: Planning for infrastructure and connected places

19. The Community Infrastructure Levy should be reformed to be charged as a fixed proportion of the development value above a threshold, with a mandatory nationally-set rate or rates and the current system of planning obligations abolished.

19.1 The Council support the need for a streamlined mechanism for securing developer contributions, and in particular the need to capture uplifts in land value, in order to help fund vital infrastructure required to support new development.

19.2 Within the proposal for a new Infrastructure Levy (IL), we do however have concerns with the idea of a national rate, or indeed area specific rates set nationally. This proposal would appear to be too simplistic to cater for the differences in land and development values across the country, or even within regions such as the West Midlands. Therefore there is the prospect of extremely low rates being set in areas of marginal development viability, which consequently generate little levy income for the funding of essential infrastructure. It would seem prudent in such an example that the system of S106 developer contributions was retained, in order that any large development sites with a need for significant infrastructure delivery to mitigate the impact of the development could provide specific S106 contributions to top up the likely low level of infrastructure levy receipts. This twin track approach would be akin to that proposed through the Local Infrastructure Tariff (LIT) in the 2017 CIL Review.

19.3 The proposal further states that the IL would be charged on the final value of a development and payable on occupation of development. There is concern that if a local authority is to borrow against future IL revenue, then the uncertainty of final development values or any unforeseen delays to payment of the levy would leave local authorities in a compromised position with regards to the funding and thus timely delivery of infrastructure to support new development as soon as it is completed. There is also some concern over the practical considerations of collecting payment of the levy if payable on completion of development, rather than at the point of securing planning permission as is the case with the current system.

20. The scope of the Infrastructure Levy could be extended to capture changes of use through permitted development rights

20.1 As PD rights have expanded in recent years to allow for more significant conversion from one land use to another, in particular to allow more residential development, it would seem sensible that the potential impacts of such developments in the future can be mitigated through levy receipts, which offer an opportunity for investment in essential infrastructure. We would therefore support the proposal that the IL is extended to include change of use through PD rights.

20.2 However this will require submission of a sufficient level of detail on the development proposal from the developer or applicant to the local authority, to enable the correct levy to be calculated based on the relevant amount of floorspace being converted or developed.

21. The reformed Infrastructure Levy should deliver affordable housing provision

21.1 We note the comment under this proposal that the reformed approach should continue to deliver on-site affordable housing to at least the present levels and we would strongly agree with this. However where there is an affordable housing need demonstrated for a local authority, it is important that provision of affordable housing as an in kind delivery of the IL does not detract from the IL funding available for other infrastructure provision to support the delivery of new housing development.

22. More freedom could be given to local authorities over how they spend the Infrastructure Levy

22.1 The proposed retention of the 'neighbourhood share' applies to parished areas where a neighbourhood plan is in place ('made'), rather than all local communities or parishes regardless. It will be important that local planning authorities have the resource to potentially manage a higher level of neighbourhood planning in their local authority, if local communities now see neighbourhood planning as a more attractive option to secure funding from the new IL. Furthermore, division of IL receipts between a local authority and parish / NP areas presents a risk of more disparate, smaller infrastructure projects being sought rather than investment in larger, more costly schemes.

22.2 Whilst the principle of local authorities being able to fund service provision through IL receipts is welcomed, in areas of high development needs it is unlikely that there would be sufficient receipts to invest in service provision once the high cost of certain infrastructure provision, for example costly transport infrastructure to mitigate the impact of a substantial new residential development, is taken into consideration.

23. As we develop our final proposals for this new planning system, we will develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms.

23.1 Implementing a new planning system requires resources. Local Planning Authorities need to be properly funded and resources available. External training has reduced significantly due to budgets being cut for LA's.

24. We will seek to strengthen enforcement powers and sanctions.

Proposals are particularly weak with little substance and unfortunately the opportunity has not been taken to make enforcement powers more robust. Although the recognition that enforcement is an overlooked part of the service was welcomed.

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Government consultation – Changes to the current planning system

This response, as submitted represents an Officer view for Redditch Borough Council. Due to the closing date for consultation responses and it has not been possible to ratify this response through the Committee cycle. The response will be considered by Council Members on 16th November, should the need arise we will update the consultation response if any amendments are requested by Members. The Council will send notification on 17th November to advise if this is the case and to provide an anticipated date for forwarding an updated response.

The standard method for assessing housing numbers in strategic plans

Step 1: Setting the baseline – providing stability and certainty by incorporating a blend of household projections and stock:

Q1: Do you agree that planning practice guidance should be amended to specify that the appropriate baseline for the standard method is whichever is the higher of the level of 0.5% of housing stock in each local authority area OR the latest household projections averaged over a 10-year period?

Paragraph 13 of the consultation document states that “household projections have attracted criticism for their volatility and the way in which they can result in artificially low projections in some places... Crucially, they cannot in isolation forecast housing need – they project past trends forward.”

Paragraph 20 of the consultation document goes on to say that housing stock figures “should also offer the stability and predictability which has been absent when solely relying on household projections.”

The Council is mindful of the volatility of the household projections, which was highlighted when the 2016 projections were released and dismissed for the purpose of calculating LHN figures.

The Council’s only preference is for clarity and certainty that an adopted methodology is substantially robust and can endure over time.

Q2: In the stock element of the baseline, do you agree that 0.5% of existing stock for the standard method is appropriate? If not, please explain why.

As above The Council’s only preference is for clarity and certainty that an adopted methodology is substantially robust and can endure over time.

Step 2: Adjusting for market signals – maintaining price signals using the current affordability ratio and the change in affordability over the last 10 years:

Q3: Do you agree that using the workplace-based median house price to median earnings ratio from the most recent year for which data is available to adjust the standard method's baseline is appropriate? If not, please explain why.

The Council agrees with the use of workplace-based data as this is more representative in terms of potential affordability issues within a local authority area.

Q4: Do you agree that incorporating an adjustment for the change of affordability over 10 years is a positive way to look at whether affordability has improved? If not, please explain why.

The introduction of the two part affordability adjustment is considered to better reflect market conditions and affordability in a pragmatic and positive manner.

Q5: Do you agree that affordability is given an appropriate weighting within the standard method? If not, please explain why.

No comment

Transition

Do you agree that authorities should be planning having regard to their revised standard method need figure, from the publication date of the revised guidance, with the exception of:

Q6: Authorities which are already at the second stage of the strategic plan consultation process (Regulation 19), which should be given 6 months to submit their plan to the Planning Inspectorate for examination?

Q7: Authorities close to publishing their second stage consultation (Regulation 19), which should be given 3 months from the publication date of the revised guidance to publish their Regulation 19 plan, and a further 6 months to submit their plan to the Planning Inspectorate?

If not, please explain why. Are there particular circumstances which need to be catered for?

No comment, the transition arrangement will not apply to Redditch.

Delivering First Homes

Q8: The Government is proposing policy compliant planning applications will deliver a minimum of 25% of onsite affordable housing as First Homes, and a minimum of 25% of offsite contributions towards First Homes where appropriate. Which do you think is the most appropriate option for the remaining 75% of affordable housing secured through developer contributions? Please provide reasons and / or evidence for your views (if possible):

i) Prioritising the replacement of affordable home ownership tenures, and delivering rental tenures in the ratio set out in the local plan policy.

ii) Negotiation between a local authority and developer.

iii) Other (please specify)

Option i) Prioritising the replacement of affordable home ownership tenures, and delivering rental tenures in the ratio set out in the local plan policy. Focus should remain on the delivery of rental tenures which has already been set through the local plan process. Our current requirement provides for 60% of affordable housing to be social rented therefore this proposed change will not have a negative impact on the provision of this tenure. This will also ensure mixed and balanced communities are being delivered on developments.

With regards to current exemptions from delivery of affordable home ownership products:

Q9: Should the existing exemptions from the requirement for affordable home ownership products (e.g. for build to rent) also apply to apply to this First Homes requirement?

Yes – The private rented sector provides an important provision of housing which should not be diluted with the need for the provision of home ownership products.

Q10: Are any existing exemptions not required? If not, please set out which exemptions and why.

Small sites and those benefiting from vacant building credit should not be exempt from the provision of First Homes on site. The provision will not have such an impact on the viability of a development.

Q11: Are any other exemptions needed? If so, please provide reasons and /or evidence for your views.

No comment

Q12: Do you agree with the proposed approach to transitional arrangements set out above?

Yes

Q13: Do you agree with the proposed approach to different levels of discount?

Yes, providing the valuation is a RICS red book valuation.

Q14: Do you agree with the approach of allowing a small proportion of market housing on First Homes exception sites, in order to ensure site viability?

Yes, providing developers are required to fully evidence the need for market housing to make the scheme viable.

Q15: Do you agree with the removal of the site size threshold set out in the National Planning Policy Framework?

No comment

Q16: Do you agree that the First Homes exception sites policy should not apply in designated rural areas?

Yes - A rural exception site is designed to meet need and the affordable housing provision provided should be purely to meet that need.

Supporting small and medium-sized developers

For each of these questions, please provide reasons and / or evidence for your views (if possible):

Q17: Do you agree with the proposed approach to raise the small sites threshold for a time-limited period? (see question 18 for comments on level of threshold)

The Council disagrees with the proposal to raise the site size threshold for affordable housing contributions. Paragraph 57 of the NPPF already offers the flexibility to negotiate expected contributions from development if there are justifiable circumstances which affect the viability of a site. Furthermore, NPPF, paragraph 68, directs LPAs to identifying a range of smaller site allocations through the Plan-making process. During this process, LPAs are balancing the delivery of the overall requirement with meeting the housing needs of different groups in the community (NPPF paragraph 61). Raising the site size threshold has the potential to compromise much needed affordable housing provision.

With respect to the time limited period for the proposed approach, there is no certainty that this initiative wouldn't be extended beyond the initial 18 month period, given the reoccurring nature of Covid-related restrictions throughout the country. This is a time where the need for affordable homes is possibly at its most prevalent.

The office to residential prior notification initiative was originally time restricted, and then extended. There have since been many lost opportunities to secure affordable housing provision due to this initiative

Q18: What is the appropriate level of small sites threshold?

- i) Up to 40 homes**
- ii) Up to 50 homes**
- iii) Other (please specify)**

The Council considers that the threshold should remain at 11+.

Q19: Do you agree with the proposed approach to the site size threshold?

No

Q20: Do you agree with linking the time-limited period to economic recovery and raising the threshold for an initial period of 18 months?

See response to Q17

Q21: Do you agree with the proposed approach to minimising threshold effects?

If the threshold does have to be increased, then the Council welcomes measures to ensure that larger scale developments are not brought forward on a piecemeal basis to avoid exceeding the threshold.

Q22: Do you agree with the Government's proposed approach to setting thresholds in rural areas?

The Council welcomes this approach.

Q23: Are there any other ways in which the Government can support SME builders to deliver new homes during the economic recovery period?

No comment

Extension of the Permission in Principle consent regime

Q24: Do you agree that the new Permission in Principle should remove the restriction on major development?

The Council welcomes this change. For sites that have been allocated through the Local Plan process, this initiative could shorten the route to full planning approval and secure earlier housing delivery on site.

Mixed use sites allocated through Local Plans that exceed to 150 dwelling threshold for PiP would also benefit from this initiative, which would again secure earlier housing delivery on sites without compromising other uses/ needs that have been identified as part of the Plan-making process

Q25: Should the new Permission in Principle for major development set any limit on the amount of commercial development (providing housing still occupies the majority of the floorspace of the overall scheme)? Please provide any comments in support of your views.

The Council agrees with the approach identified in paragraphs 98 and 99 of the consultation document.

Q26: Do you agree with our proposal that information requirements for Permission in Principle by application for major development should broadly remain unchanged? If you disagree, what changes would you suggest and why?

The Council agrees with the proposed approach.

Q27: Should there be an additional height parameter for Permission in Principle? Please provide comments in support of your views.

Following PiP consent, any development would need to meet the rigours of adopted planning policy, both nationally and locally. The height of development should be considered by locally distinctive policies in adopted local plans rather than the imposition of a national parameter.

Q28: Do you agree that publicity arrangements for Permission in Principle by application should be extended for large developments? If so, should local planning authorities be:

- i) required to publish a notice in a local newspaper?**
- ii) subject to a general requirement to publicise the application or**
- iii) both?**
- iv) disagree**

If you disagree, please state your reasons.

No comment

Q29: Do you agree with our proposal for a banded fee structure based on a flat fee per hectare, with a maximum fee cap?

No comment

Q30: What level of flat fee do you consider appropriate, and why?

No comment

Q31: Do you agree that any brownfield site that is granted Permission in Principle through the application process should be included in Part 2 of the Brownfield Land Register? If you disagree, please state why.

No comment

Q32: What guidance would help support applicants and local planning authorities to make decisions about Permission in Principle? Where possible, please set out any areas of guidance you consider are currently lacking and would assist stakeholders.

No comment

Q33: What costs and benefits do you envisage the proposed scheme would cause? Where you have identified drawbacks, how might these be overcome?

No comment

Q34: To what extent do you consider landowners and developers are likely to use the proposed measure? Please provide evidence where possible.

No comment

Q35: In light of the proposals set out in this consultation, are there any direct or indirect impacts in terms of eliminating unlawful discrimination, advancing equality of opportunity and fostering good relations on people who share characteristics protected under the Public Sector Equality Duty?

If so, please specify the proposal and explain the impact. If there is an impact – are there any actions which the department could take to mitigate that impact?

No comment

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Council
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16th November

Proposed Changes to the Council's Constitution

Relevant Portfolio Holder	Cllr David Thain
Portfolio Holder Consulted	Yes
Relevant Head of Service	Claire Felton, Head of Legal, Democratic and Property Services
Wards Affected	N/A
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 This report details the background to recommendations that were made at a recent meeting of the Constitutional Review Working Party in respect of delegations to Officers for Section 106 funds and to Planning and Regeneration Services. In addition, Members are asked to consider extending the temporary delegation to Officers to determine all matters relating to hackney carriage and private hire operators until the end of the municipal year.
- 1.2 In the first place the report requests that authority be delegated to the S151 officer so that they can spend and allocate S106 monies in accordance with the originally agreed S106 agreement without returning to Council once the monies have been received. Councillors will be able to monitor this spend on the quarterly finance reports.
- 1.3 In the second place it is proposed to amend the Scheme of Delegation in relation to Applications received by Planning Services. This will improve efficiencies within the service, whilst maintaining Planning Committee's focus as the key decision maker on significant planning applications.
- 1.4 The amendments to Planning delegations cover four areas; increasing the number of objections required to trigger determination of the application at Planning Committee; removing the exception for applications for restaurants and Cafes to be reported to Planning Committee, ensuring the list of relevant legislation is 'future proofed' and enabling Officers to respond to consultations from other councils. Where relevant these changes are accompanied by the need to consult with the Chair of Planning Committee, or in their absence, the Vice Chair.

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- 1.5 The amendments to the planning delegations will apply to Applications registered after midnight on 18th November 2020, or requests for advice or responses received after midnight on 18th November 2020.

2. RECOMMENDATIONS

Council is asked to RESOLVE that:-

- 1) authority to spend S106 monies up to a value of £50k be delegated to the S151 officer to spend in line with the S106 agreement which caused the receipt of the S106 monies;**
- 2) the proposed revisions to the Scheme of Delegations for Development Management be approved; and**
- 3) for a temporary period up to the end of the 2020/21 municipal year, the delegation to the Head of Regulatory Services (Worcestershire Regulatory Services) shall be to determine all matters in relation to Hackney Carriage and Private Hire Operators, Vehicles and Drivers.**

3. KEY ISSUES

Planning Delegations:

- 3.1 The Scheme of Delegation delegates some decisions to officers. It is essentially a permissive scheme allowing planning decisions, actions, advice and responses on behalf of the local planning authority, to be delegated to officers, except in a number of specific circumstances. These are listed as being numbers 1 to 11 in Appendix 1.
- 3.2 These circumstances provide a set of checks and balances for decision making, ensuring an open and transparent process. This approach also ensures that elected Members are the decision makers for those types of application which have the most significant impact on the Borough such as Major applications and where the Council is a party to a Legal Agreement under Section 106.

Two or more objections

- 3.3 Exception 9 requires applications that are recommended for approval, but are subject to two or more objections, to be referred to Planning Committee for decision. Such instances often involve Householder Applications or more minor developments (Appendix 2 details recent examples).

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- 3.4 The Council's adopted Borough of Redditch Local Plan number 4 and High-Quality Design Supplementary Planning Document provide guidance for consideration of these application types. Both of these documents were approved by Full Council. Officers experience and judgement in considering both design and impact on residential amenity is used to arrive at a balanced planning judgement in these situations. This considers representations received from interested parties and other material considerations, for example what development may be possible at a site without the need for a Planning Application.
- 3.5 In reporting these applications to Committee, those who have objected are invited to address the Committee to express their views. Appendix 2 sets out in the instances in which this opportunity has been taken up and the decision made on the application.
- 3.6 Exception 9 necessitates that a number of often smaller scale applications are reported to Planning Committee throughout the year. When member and officer resources are considered, alongside the fact that the decision made on these applications often reflects the initial officer recommendation, officers consider that this arrangement does not necessarily amount to an effective running of the service. Neither do the delays experienced in the speed of decision making, provide for good customer service.
- 3.7 A proportionate approach is therefore recommended depending upon the type of application and the scale of representation received. **For Householder applications** (i.e. developments within the curtilage of a dwelling house which require an application for planning permission and which are not a change of use.) it is proposed that applications with up to and including 10 objections are delegated to the Head of Service and designated officers. Applications, with 11-20 objections are delegated to the Head of Service and designated officers in conjunction with the Chair of Planning Committee (or Vice Chair) and those applications with a larger number of objections (21 and above) remain as triggering the requirement for determination at Planning Committee. In the operation of this approach the Chair of Planning Committee would be the first point of contact, if they were unavailable the Vice Chair would be contacted.
- 3.8 **For all other application types** it is proposed that applications with up to and including 4 objections are delegated to the Head of Service and designated officers. Applications, with 5 -10 objections are delegated to the Head of Service and designated officers in conjunction with the Chair of Planning Committee (or Vice Chair) and those applications

with a larger number of objections (11 and above) remain as triggering the requirement for determination at Planning Committee. In the operation of this approach the Chair of Planning Committee would be the first point of contact, if they were unavailable the Vice Chair would be contacted.

3.9 Exemption 9 would then read.

- a) *The application is a **Householder application** and between 11 and 20 individual letters of objection from separate addresses and raising material planning considerations are received from separate members of the public and the Officer recommendation is for approval, in which case, the application will be determined by the Head of Planning, Regeneration and Leisure Services/Planning Officers in conjunction with the Chair of Planning Committee (or in their absence the Vice Chair)*

More than 21 individual letters of objection from separate addresses and raising material planning considerations are received from separate members of the public and the Officer recommendation is for approval.

- b) *The application is **not a Householder application** and between 5 and 10 individual letters of objection from separate addresses and raising material planning considerations are received from separate members of the public and the Officer recommendation is for approval, in which case, the application will be determined by the Head of Planning, Regeneration and Leisure Services/Planning Officers in conjunction with the Chair of Planning Committee (or in their absence the Vice Chair)*

More than 11 individual letters of objection from separate addresses and raising material planning considerations are received from separate members of the public and the Officer recommendation is for approval.

Applications relating to certain use classes

- 3.10 Exception 11 requires new restaurants, cafes, pubs, wine bars, hot food takeaways and various assembly and leisure uses to be reported to Planning Committee. Such uses fell within Classes A3, A4, A5 and D2 of the Use Classes Order 1987.

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- 3.11 Members should note that since this was drafted that the adopted Local Plan includes a policy to limit the amount of hot food takeaways in district centres.
- 3.12 In addition, the Planning system has become increasingly flexible in terms of town centre uses in recent times. For example, it is possible to change the use of some buildings to a temporary (two years) flexible use upon a simple notification to the Local Planning Authority. This notification is not an application requiring consent and subject to some limitations, this change is permitted. This includes the ability for that use to be an A3 use (restaurant or café)
- 3.13 Furthermore, it is possible, through a light touch process (Prior notification), to permanently change the use of a building to a restaurant or cafe, subject to a limited list of impacts including the desirability of the change in relation to the loss of a retail or financial/professional unit, or if in a key shopping area, on the sustainability of that area. Members are aware of policies in the Local Plan that seek to protect the retail core in this regard (Policy 32). In addition, the Government has recently (1st September 2020) amended and simplified the Use Classes Order to better reflect the diversity of high street and town centre uses, whilst also providing flexibility for business to adapt and change. This introduces a new 'Commercial, business and service' use which incorporates A1, A2, A3 uses with office use (B1) as well as other town centre uses previously in D1 (Health centres) and gyms (D2).
- 3.14 *Against this permissive backdrop, it is proposed to omit the need for applications for A3 uses to be presented to Planning Committee.* Proposals for all other listed uses in exception 11 will remain as committee items.

List of Legislation

- 3.15 At present Part 5 Table 5.08 of the constitution lists under 'Development Management' 29 separate pieces of legislation. Whilst changes in legislation are not a regular occurrence, when this does occur this requires applications to be reported to committee solely on the grounds that the legislation is absent from the list. A recent example of this is the introduction of the Permission in Principle application type (is an alternative way of obtaining planning permission for housing-led development) via The Town and Country Planning (Permission in Principle) Order 2017 (as amended).
- 3.16 As all subordinate planning legislation (regulations, orders directions etc) essentially emanate from the principal Planning Acts by adding a

specific provision which allows new legislation to be included on this list automatically, this will futureproof the scope of the Scheme of Delegation. Applications that trigger any of the other exceptions (such as Major applications, or ones with an objection from a Statutory consultee) will still require referral to Planning Committee

- 3.17 *It is proposed therefore to add The Town and Country Planning (Permission in Principle) Order 2017 (as amended) to the list along with the statement; "Any reference to an Act of Parliament, Regulation or Order in this scheme of delegation shall be deemed to include reference to any statutory modification re-enactment or replacement thereof for the time being in force"*

Response to consultations from other Councils

- 3.18 When applications are received by neighbouring authorities which abut the Borough boundary, there is a duty on that other authority to consult with the Borough Council to give this Council the opportunity to express its views. These consultations often trigger the need for referral to Planning Committee due to the scale of the application. Such consultations are time limited and require a response with 21 days of notification. In conjunction with the Committee timetable it is difficult to provide a response within this time frame.
- 3.19 To provide more timely responses, whilst also retaining appropriate input, it is proposed, that where a response is justified, that this is provided by Officers in conjunction with the Chair of Planning Committee (or the Vice Chair)
- 3.20 This will be addressed by the addition of a new exemption number 12 that says.

The action involves responding to a consultation request from an adjoining Local Planning Authority, in which case, and if a response is justified, this will be prepared by the Head of Planning, Regeneration and Leisure Services/Planning Officers in conjunction with the Chair of Planning Committee (or in their absence the Vice Chair)

Financial Implications

- 3.21 S106 monies are received from developers as a contribution towards the increased pressure on the local area and to mitigate this. The Agreement specifies at the point of signing the area and what the monies can be spent on. At present permission is sought from council to spend these monies once they are received. Going forwards the

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proposal is that it is reported in arrears on the quarterly financial monitoring reports to members and that officers have delegated authority to spend the monies in line with the agreement up to a value of £50k.

- 3.22 Currently the S106 monies are monitored by several officers. There is a lot of s106 agreements to monitor and can be quite a timely process. The current process when officers wish to utilise the monies is that they must request approval through the normal democratic process. This due to the time of meetings can act as a barrier to spend such monies and a delay in getting contracts in place and in time for certain projects. The developer also has a clawback date if the monies have not been spent and therefore being able to have delegated authority will enable us to act quickly and not have to return the money back to developers.
- 3.23 This should accelerate the spending of S106 monies helping with capital monitoring as well as ensuring schemes are delivered in the community as quickly and efficiently as possible.
- 3.24 The proposals for planning delegations will not involve additional costs to the running of the service. Efficiencies in terms of officer time are envisaged. Officer time will be needed to communicate these changes, but this will be provided from within the existing establishment.

Legal Implications

- 3.25 Section 101 of the Local Government Act 1972 (as amended) gives a general power to local authorities to discharge functions through officers. Local Authorities are required by the same Act to maintain a list of these, which is referred to as the Scheme of Delegation. This sets out those powers of the Council which can be carried out by officers of the Council.
- 3.26 Expenditure of S106 contributions is strictly governed by the S106 Agreement under which the sums have been received. The funds are used in accordance with the terms of the S106.

Service / Operational Implications

- 3.27 The Officer Scheme of Delegations is the part of the Constitution that gives authority for certain decisions to be delegated from Council, the Executive Committee (Executive) or other Committees to certain specified officers. It sets out the decisions which are delegated by Council to officers and the decisions which are delegated by the Executive to officers. In relation to certain regulatory decisions, the

delegation is from Council to the relevant committee, namely Planning Committee or Licensing Committee.

- 3.28 In respect of the S106 monies, managers meet with finance officers on a monthly basis to consider the current financial position and to ensure actions are in place to mitigate any variations to the budget.
- 3.29 The proposals in relation to planning delegations should assist in the effective provision of the Planning Service by providing for more timely decisions and responses to planning proposals whilst still considering the views of interested parties.
- 3.30 In an Urgent Decision Notice that was determined in March 2020 relevant Members agreed that for a period of three months, commencing 27th March 2020, the Head of Regulatory Services (Worcestershire Regulatory Services) would have delegated authority to determine all matters in relation to Hackney Carriage and Private Hire Operators, Vehicles and Drivers and to develop procedural processes to facilitate these determinations.
- 3.31 At the Annual meeting of Council, held on 22nd June 2020 Members agreed that this delegation should be extended for a further three months. The delegation was subsequently extended for a further three months in an urgent decision taken in September 2020 which extended the delegated authority up to 28th December 2020.
- 3.32 Officers are requesting that this delegation should continue to apply until the end of the 2020/21 municipal year. This will ensure that efficient Council business continues during the current lockdown and early into the New Year.
- 3.33 The Constitutional Review Working Party will consider any further proposed changes to the Scheme of Delegations and Committee Procedural Rules at meetings during the year.

Customer / Equalities and Diversity Implications

- 3.34 The proposed changes to planning delegations aim to provide a more effective service whilst retaining a balance of public involvement in the Planning system. Changes will be communicated to applicants and agents via the Councils website and a clear cut off point will be provided as to when these changes take effect. There are no adverse Equality impacts arising from the proposals.

4. RISK MANAGEMENT

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- 4.1 The regular financial monitoring by Officers and Executive will provide a framework to mitigate the above risks in respect of Section 106 monies.
- 4.2 The proposals do not introduce any additional risks to the Planning function.
- 4.3 Should recommendation 3 above not be approved, then after 28th December 2020 Members and Officers would need to physically attend meetings at the Town Hall and to collectively inspect vehicles. This would place Members, Officers and potentially members of the public, specifically taxi drivers, at risk of breaking social distancing rules as well as of potentially spreading Covid-19.

5. APPENDICES and BACKGROUND PAPERS

Appendix 1 Current Scheme of Delegations – Planning and Regeneration

Appendix 2 Record of why applications were considered by Planning Committee in recent months

Appendix 3 Current scheme of Delegation (Planning and Regeneration) with proposed track changes

Appendix 4 Proposed Scheme of Delegation – Planning and Regeneration

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APPENDIX 1 – CURRENT CONSTITUTION – PART 5 – TABLE 5.08 – Plg & Regen

2. <u>Development Management / Plans</u>			
Subject	Detail	Delegated by:	Delegated to:
Calling in procedure for Ward Members for Planning Committee	<p>When a ward member wishes to call in an application to Planning Committee for consideration, they will, within 21 days of receipt of the notification of that application, contact the case officer and set out their reasons for wanting the application to be considered at committee rather than by officer delegation. The Case Officer will, in writing, record the request and reasons and send a written record to the Portfolio Holder, Planning Committee Chair and any other ward member(s) for the area in which the application site is situated, of the request and reasons.</p> <p>If a request is made after the deadline set out above, the Planning Committee Chair shall make the final decision, taking into account all relevant matters, as to whether the application is considered by the Planning Committee, and will inform the Case Officer of his/her decision within 2 working days of receiving the request from the Case Officer. The ward member who made the request will also be informed of the Chair's decision.</p>		
Planning Applications	All planning decisions, actions or advice / responses on behalf of the Local Planning Authority within the list of Planning and Associated legislation / regulations, are considered to fall within the delegation scheme and will be determined by Officers,	Council	[Head of Planning, Regeneration and Leisure Services]

UNLESS:

	<ol style="list-style-type: none"> 1. A Member makes a written request within 21 days of the application receipt for the application to be considered by the Planning Committee. <i>(see procedure set out above)</i> 2. The Planning Officer considers that the application should be considered by Committee. 3. The approval of the application would represent a departure from the policies of the statutory development plan. 4. The proposal involves the Borough or County Council either as applicant or landowner. 5. The applicant is a Councillor or known to 		[Head of Planning, Regeneration and Leisure Services]/ Planning officers
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APPENDIX 1 – CURRENT CONSTITUTION – PART 5 – TABLE 5.08 – Plg & Regen

	<p>be an employee of either Redditch Borough Council or Bromsgrove District Council, or employed by other local authorities who provide services for or on behalf of Redditch Borough Council under shared service arrangements.</p> <p>6. There is a known involvement by a Council employee or other employee as in 5 above in any capacity - e.g. as agent or adviser</p> <p>7. The application is for major development (as defined in the BV109 returns i.e. more than 10 dwellings - more than 1000 sq m new industrial / commercial floor space) where the recommendation is for approval or where five or more letters of support have been received.</p>		
	<p>8. The Council will be required to become party to a Planning Legal Agreement under Section 106 (applies only to those agreements where RBC would be a signatory and bear an obligation under the agreement – not to Unilateral Undertakings)</p> <p>9. Two or more individual letters of objection from separate addresses and raising material planning considerations are received from separate members of the public and the Officer recommendation is for approval.</p> <p>10. The application has resulted in a formal objection being received (and has not been resolved through Officer negotiation) from a statutory consultee.</p> <p>11. The application seeks erection of a new, or Change of Use <u>to</u>, A3 use (restaurants and café) A4 (Pubs and wine bars), A5 (hot food take away), or D2 (assembly and leisure – cinemas, sports halls, dance halls etc), or seeks (change of use or erection of a new) consent for a night club, theatre or casino.</p> <p><i>Legislation / regulations under which decisions will be taken include:-</i></p> <ul style="list-style-type: none"> • Town & Country Planning Act 1990 		

APPENDIX 1 – CURRENT CONSTITUTION – PART 5 – TABLE 5.08 – Plg & Regen

	<p>(as amended)</p> <ul style="list-style-type: none"> • Planning and Compensation Act 1991 • Town & Country Planning (General Permitted Development) Order 1995 (as amended) • Town & Country Planning (General Development Procedure) Order 1995 (as amended) • Planning (Listed Buildings & Conservation Areas) Act 1990 (as amended) • Building Act 1984 (as amended) 		
	<ul style="list-style-type: none"> • Circular 5/2000: Planning Appeals: Procedures (including inquiries into Called in Planning Applications) • Circular 18/1984: Crown Land & Crown Development • Town & Country Planning (Environmental Impact Assessment) Regulations 2011 • Highways Act 1980 • Planning (Hazardous Substances) Act 1990 • Hedgerow Regulations 1997 • Goods Vehicles (Licensing of Operators) Act 1995 • Goods Vehicles (Licensing of Operators) Regulations 1995 • Town & Country Planning (Control of Advertisements) Regulations 2007 • Wildlife and Countryside Act 1981 • Caravan Sites and Control of Development Act 1960 		

APPENDIX 1 – CURRENT CONSTITUTION – PART 5 – TABLE 5.08 – Plg & Regen

	<ul style="list-style-type: none"> • Acquisition of Land Act 1981 • Telecommunications Act 1991 • Electricity Act 1989 • Planning and Compensation Act 1991 • Flood and Water Management Act 2010 • Ancient Monuments and Archaeological Areas Act 1979 		
	<ul style="list-style-type: none"> • Local Government Planning and Land Act 1980 • Planning Listed Buildings and Conservation Areas Regulations 1990 (as amended) • Planning Act 2000 • Planning and Compulsory Purchase Act 2004 • Clean Neighbourhoods and Environment Act 2005 • Localism Act 2011 		
Development Plans	Preparation of scoping reports and consultation with statutory consultees as required in connection with the preparation of draft SPD Sustainability Appraisals.	Council	[Head of Planning, Regeneration and Leisure Services] and/or [Development Plans Manager]
Planning Obligations	All planning obligation variations and discharges, other actions or advice / responses on behalf of the Local Planning Authority within the list of Planning and Associated legislation / regulations, are considered to fall within the delegation scheme and will be enacted by Officers	Council	[Head of Planning, Regeneration and Leisure Services]

APPENDIX 1 – CURRENT CONSTITUTION – PART 5 – TABLE 5.08 – Plg & Regen

	<p>unless any of the following apply:-</p> <ol style="list-style-type: none"> 1. Deletion or addition of one or more of the heads of terms. 2. Significant change in overall area of land to be transferred to Redditch Borough Council. 3. Significant change in financial contributions to be provided to Redditch Borough Council [except where this is a result of (an)other Member decision(s)]. 4. A Member makes a written request for a case to be considered by the Planning Committee, as set out above in the Calling in Procedure. 		
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October 2019 to September 2020

Why did the report go to committee ?

Consultation	Major	Section 106	Stat consultee objected	2 or more reps (and no other reason)	A5 use	Council connection	Other	Total
3	9	2	2 (highways)	9	1	9	2	37

Further breakdown re 2 or more reps

Application	No of reps	No of speakers
Starbucks Ad consent	3	0
St Benedicts Church Hall	9 against 2 neutral	4
Oakham Close	5 against	4
Meadow Farm Feckenham	2 (plus parish)	3
Chapel House Farm Feckenham	2	2
Marlpit Farmhouse	8 against 1 for	2
Hoopers Lane	4 against	1
Asda PFS (second time)	20 against 1 neutral	5
Asda PFS (first time)	22 against	6

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CONSTITUTION – PART 5 – TABLE 5.08 – Plg & Regen

2. <u>Development Management / Plans</u>			
Subject	Detail	Delegated by:	Delegated to:
Calling in procedure for Ward Members for Planning Committee	<p>When a ward member wishes to call in an application to Planning Committee for consideration, they will, within 21 days of receipt of the notification of that application, contact the case officer and set out their reasons for wanting the application to be considered at committee rather than by officer delegation. The Case Officer will, in writing, record the request and reasons and send a written record to the Portfolio Holder, Planning Committee Chair and any other ward member(s) for the area in which the application site is situated, of the request and reasons.</p> <p>If a request is made after the deadline set out above, the Planning Committee Chair shall make the final decision, taking into account all relevant matters, as to whether the application is considered by the Planning Committee, and will inform the Case Officer of his/her decision within 2 working days of receiving the request from the Case Officer. The ward member who made the request will also be informed of the Chair's decision.</p>		
Planning Applications	All planning decisions, actions or advice / responses on behalf of the Local Planning Authority within the list of Planning and Associated legislation / regulations, are considered to fall within the delegation scheme and will be determined by Officers,	Council	[Head of Planning, Regeneration and Leisure Services]

UNLESS:

	<ol style="list-style-type: none"> 1. A Member makes a written request within 21 days of the application receipt for the application to be considered by the Planning Committee. (see procedure set out above) 2. The Planning Officer considers that the application should be considered by Committee. 3. The approval of the application would represent a departure from the policies of the statutory development plan. 4. The proposal involves the Borough or County Council either as applicant or landowner. 5. The applicant is a Councillor or known to be an employee of either Redditch 		[Head of Planning, Regeneration and Leisure Services]/ Planning officers
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CONSTITUTION – PART 5 – TABLE 5.08 – Plg & Regen

	<p>Borough Council or Bromsgrove District Council, or employed by other local authorities who provide services for or on behalf of Redditch Borough Council under shared service arrangements.</p> <p>6. There is a known involvement by a Council employee or other employee as in 5 above in any capacity - e.g. as agent or adviser</p> <p>7. The application is for major development (as defined in the BV109 returns i.e. more than 10 dwellings - more than 1000 sq m new industrial / commercial floor space) where the recommendation is for approval or where five or more letters of support have been received.</p>		
	<p>8. The Council will be required to become party to a Planning Legal Agreement under Section 106 (applies only to those agreements where RBC would be a signatory and bear an obligation under the agreement – not to Unilateral Undertakings)</p> <p>9. Two or more individual letters of objection from separate addresses and raising material planning considerations are received from separate members of the public and the Officer recommendation is for approval.</p> <p><u>Exemption 9 would then read.</u></p> <p><u>9 a) The application is a Householder application and between 11 and 20 individual letters of objection from separate addresses and raising material planning considerations are received from separate members of the public and the Officer recommendation is for approval, in which case, the application will be determined by the Head of Planning, Regeneration and Leisure Services/Planning Officers in conjunction with the Chair of Planning Committee (or in their absence the Vice Chair)</u></p>		

CONSTITUTION – PART 5 – TABLE 5.08 – Plg & Regen

More than 21 individual letters of objection from separate addresses and raising material planning considerations are received from separate members of the public and the Officer recommendation is for approval.

9b) The application is **not a Householder application** and between 5 and 10 individual letters of objection from separate addresses and raising material planning considerations are received from separate members of the public and the Officer recommendation is for approval, in which case, the application will be determined by the Head of Planning, Regeneration and Leisure Services/Planning Officers in conjunction with the Chair of Planning Committee (or in their absence the Vice Chair)

More than 11 individual letters of objection from separate addresses and raising material planning considerations are received from separate members of the public and the Officer recommendation is for approval.

10. The application has resulted in a formal objection being received (and has not been resolved through Officer negotiation) from a statutory consultee.

11. The application seeks erection of a new, or Change of Use to, ~~A3 use (restaurants and café)~~ A4 (Pubs and wine bars), A5 (hot food take away), or D2 (assembly and leisure – cinemas, sports halls, dance halls etc), or seeks (change of use or erection of a new) consent for a night club, theatre or casino.

12. The action

CONSTITUTION – PART 5 – TABLE 5.08 – Plg & Regen

	<p><u>involves responding to a consultation request from an adjoining Local Planning Authority, in which case, and if a response is justified, this will be prepared by the Head of Planning, Regeneration and Leisure Services/Planning Officers in conjunction with the Chair of Planning Committee (or in their absence the Vice Chair)</u></p> <p><i>Legislation / regulations under which decisions will be taken include:-</i></p> <p>10.● <u> </u> Town & Country Planning Act 1990 (as amended)</p> <p>11.● <u> </u> Planning and Compensation Act 1991</p> <p>12.● <u> </u> Town & Country Planning (General Permitted Development) Order 1995 (as amended)</p> <p>13.● <u> </u> Town & Country Planning (General Development Procedure) Order 1995 (as amended)</p> <p>14.● <u> </u> Planning (Listed Buildings & Conservation Areas) Act 1990 (as amended)</p> <p>15.● <u> </u> Building Act 1984 (as amended)</p>		
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CONSTITUTION – PART 5 – TABLE 5.08 – Plg & Regen

	<ul style="list-style-type: none"> • Hedgerow Regulations 1997 • Goods Vehicles (Licensing of Operators) Act 1995 • Goods Vehicles (Licensing of Operators) Regulations 1995 • Town & Country Planning (Control of Advertisements) Regulations 2007 • Wildlife and Countryside Act 1981 • Caravan Sites and Control of Development Act 1960 • Acquisition of Land Act 1981 • Telecommunications Act 1991 • Electricity Act 1989 • Planning and Compensation Act 1991 • Flood and Water Management Act 2010 • Ancient Monuments and Archaeological Areas Act 1979 		
	<ul style="list-style-type: none"> • Local Government Planning and Land Act 1980 • Planning Listed Buildings and Conservation Areas Regulations 1990 (as amended) • Planning Act 2000 • Planning and Compulsory Purchase Act 2004 • Clean Neighbourhoods and Environment Act 2005 • <u>Localism Act 2011</u> • <u>The Town and Country Planning (Permission in Principle) Order 2017 (as amended)</u> 		

CONSTITUTION – PART 5 – TABLE 5.08 – Plg & Regen

	<ul style="list-style-type: none"> • <u>Any reference to an Act of Parliament, Regulation or Order in this scheme of delegation shall be deemed to include reference to any statutory modification re-enactment or replacement thereof for the time being in force</u> 		
Development Plans	Preparation of scoping reports and consultation with statutory consultees as required in connection with the preparation of draft SPD Sustainability Appraisals.	Council	[Head of Planning, Regeneration and Leisure Services] and/or [Development Plans Manager]
Planning Obligations	<p>All planning obligation variations and discharges, other actions or advice / responses on behalf of the Local Planning Authority within the list of Planning and Associated legislation / regulations, are considered to fall within the delegation scheme and will be enacted by Officers unless any of the following apply:-</p> <ol style="list-style-type: none"> 1. Deletion or addition of one or more of the heads of terms. 2. Significant change in overall area of land to be transferred to Redditch Borough Council. 3. Significant change in financial contributions to be provided to Redditch Borough Council [except where this is a result of (an)other Member decision(s)]. 4. A Member makes a written request for a case to be considered by the Planning Committee, as set out above in the Calling in Procedure. 	Council	[Head of Planning, Regeneration and Leisure Services]

CONSTITUTION – PART 5 – TABLE 5.08 – Plg & Regen

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Planning Applications	All planning decisions, actions or advice / responses on behalf of the Local Planning Authority within the list of Planning and Associated legislation / regulations, are considered to fall within the delegation scheme and will be determined by Officers,	Council	[Head of Planning, Regeneration and Leisure Services]

UNLESS:

	<ol style="list-style-type: none"> 1. A Member makes a written request within 21 days of the application receipt for the application to be considered by the Planning Committee. <i>(see procedure set out above)</i> 2. The Planning Officer considers that the application should be considered by Committee. 3. The approval of the application would represent a departure from the policies of the statutory development plan. 4. The proposal involves the Borough or County Council either as applicant or landowner. 5. The applicant is a Councillor or known to be an employee of either Redditch 		[Head of Planning, Regeneration and Leisure Services]/ Planning officers
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CONSTITUTION – PART 5 – TABLE 5.08 – Plg & Regen

	<p>Borough Council or Bromsgrove District Council, or employed by other local authorities who provide services for or on behalf of Redditch Borough Council under shared service arrangements.</p> <p>6. There is a known involvement by a Council employee or other employee as in 5 above in any capacity - e.g. as agent or adviser</p> <p>7. The application is for major development (as defined in the BV109 returns i.e. more than 10 dwellings - more than 1000 sq m new industrial / commercial floor space) where the recommendation is for approval or where five or more letters of support have been received.</p>		
	<p>8. The Council will be required to become party to a Planning Legal Agreement under Section 106 (applies only to those agreements where RBC would be a signatory and bear an obligation under the agreement – not to Unilateral Undertakings)</p> <p>9. a) The application is a Householder application and between 11 and 20 individual letters of objection from separate addresses and raising material planning considerations are received from separate members of the public and the Officer recommendation is for approval, in which case, the application will be determined by the Head of Planning, Regeneration and Leisure Services/Planning Officers in conjunction with the Chair of Planning Committee (or in their absence the Vice Chair)</p> <p>More than 21 individual letters of objection from separate addresses and raising material planning considerations are received from separate members of the public and the Officer recommendation is for approval.</p> <p>b) The application is not a Householder application and between 5 and 10 individual letters of objection from separate addresses and raising material planning considerations are received</p>		

CONSTITUTION – PART 5 – TABLE 5.08 – Plg & Regen

	<p>from separate members of the public and the Officer recommendation is for approval, in which case, the application will be determined by the Head of Planning, Regeneration and Leisure Services/Planning Officers in conjunction with the Chair of Planning Committee (or in their absence the Vice Chair)</p> <p>More than 11 individual letters of objection from separate addresses and raising material planning considerations are received from separate members of the public and the Officer recommendation is for approval.</p> <p>10. The application has resulted in a formal objection being received (and has not been resolved through Officer negotiation) from a statutory consultee.</p> <p>11. The application seeks erection of a new, or Change of Use <u>to</u>, A4 (Pubs and wine bars), A5 (hot food take away), or D2 (assembly and leisure – cinemas, sports halls, dance halls etc), or seeks (change of use or erection of a new) consent for a night club, theatre or casino.</p> <p>12. The action involves responding to a consultation request from an adjoining Local Planning Authority, in which case, and if a response is justified, this will be prepared by the Head of Planning, Regeneration and Leisure Services/Planning Officers in conjunction with the Chair of Planning Committee (or in their absence the Vice Chair)</p> <p><i>Legislation / regulations under which decisions will be taken include:-</i></p> <ul style="list-style-type: none"> • Town & Country Planning Act 1990 (as amended) • Planning and Compensation Act 1991 • Town & Country Planning (General Permitted Development) Order 1995 (as amended) • Town & Country Planning (General 		
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	<p>Development Procedure) Order 1995 (as amended)</p> <ul style="list-style-type: none"> • Planning (Listed Buildings & Conservation Areas) Act 1990 (as amended) • Building Act 1984 (as amended) 		
	<ul style="list-style-type: none"> • Circular 5/2000: Planning Appeals: Procedures (including inquiries into Called in Planning Applications) • Circular 18/1984: Crown Land & Crown Development • Town & Country Planning (Environmental Impact Assessment) Regulations 2011 • Highways Act 1980 • Planning (Hazardous Substances) Act 1990 • Hedgerow Regulations 1997 • Goods Vehicles (Licensing of Operators) Act 1995 • Goods Vehicles (Licensing of Operators) Regulations 1995 • Town & Country Planning (Control of Advertisements) Regulations 2007 • Wildlife and Countryside Act 1981 • Caravan Sites and Control of Development Act 1960 • Acquisition of Land Act 1981 • Telecommunications Act 1991 • Electricity Act 1989 • Planning and Compensation Act 1991 • Flood and Water Management Act 2010 		

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	<ul style="list-style-type: none"> • Ancient Monuments and Archaeological Areas Act 1979 		
	<ul style="list-style-type: none"> • Local Government Planning and Land Act 1980 • Planning Listed Buildings and Conservation Areas Regulations 1990 (as amended) • Planning Act 2000 • Planning and Compulsory Purchase Act 2004 • Clean Neighbourhoods and Environment Act 2005 • Localism Act 2011 • The Town and Country Planning (Permission in Principle) Order 2017 (as amended) <p>Any reference to an Act of Parliament, Regulation or Order in this scheme of delegation shall be deemed to include reference to any statutory modification re-enactment or replacement thereof for the time being in force</p>		
Development Plans	Preparation of scoping reports and consultation with statutory consultees as required in connection with the preparation of draft SPD Sustainability Appraisals.	Council	[Head of Planning, Regeneration and Leisure Services] and/or [Development Plans Manager]
Planning Obligations	All planning obligation variations and discharges, other actions or advice / responses on behalf of the Local Planning Authority within the list of Planning and Associated legislation / regulations, are considered to fall within the delegation scheme and will be enacted by Officers	Council	[Head of Planning, Regeneration and Leisure Services]

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	<p>unless any of the following apply:-</p> <ol style="list-style-type: none">1. Deletion or addition of one or more of the heads of terms.2. Significant change in overall area of land to be transferred to Redditch Borough Council.3. Significant change in financial contributions to be provided to Redditch Borough Council [except where this is a result of (an)other Member decision(s)].4. A Member makes a written request for a case to be considered by the Planning Committee, as set out above in the Calling in Procedure.		
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REDDITCH BOROUGH COUNCIL

RECORD OF DECISION TAKEN UNDER URGENCY PROCEDURES**SUBJECT: Rubicon Leisure Limited****BRIEF STATEMENT OF SUBJECT MATTER:**

As members are aware the forced closure of the Leisure facilities due to the Government legislation during the Covid pandemic has resulted in significant financial pressures to Rubicon Leisure. The current forecast cash flow of the shows a shortfall of £170k which requires funding by the Council to enable the company to meet its ongoing liabilities. The Shareholder Cttee and Board of Directors have been advised of the potential forecast shortfall of approximately £750k. The monthly return to Government has detailed this shortfall and it is anticipated that funding will be released from Government to meet this pressure for the Council.

DECISION:

That Council RESOLVE to increase the management fee to Rubicon Leisure by £170k from balances to offset the shortfalls the company has faced to June 2020.

(Council / Executive decision)**GROUND FOR URGENCY:**

Weekly reviews of the cash flow position are undertaken by Rubicon Leisure and the request from the Council is the most up to date and timely figure that can be assessed. The Company requires the funding to enable it to continue to pay its suppliers and employers and therefore ensure sufficient funds are available.

DECISION APPROVED BY:*(Deputy)* CHIEF EXECUTIVEEXECUTIVE DIRECTOR FINANCE & RESOURCES
(if financial implications).....
(Signature) (Sue Hanley / Kevin Dicks - (D)CX).....
(Signature) (Jayne Pickering)**Date: September 2020**

PROPOSED ACTION SUPPORTED *(amend as appropriate)*

..... (Signature) (Signature) (Signature) (Signature) (Signature)
<i>(Block Capitals)</i>	<i>(Block Capitals)</i>	<i>(Block Capitals)</i>	<i>(Block Capitals)</i>	<i>(Block Capitals)</i>
MAYOR *	PF HOLDER	LEADER / LABOUR Group	LEADER / LDR CONSERVATIVE Group	CHAIR O&S Committee
Date:	Date:	Date:	Date:	Date:

Notes:

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

REDDITCH BOROUGH COUNCIL

RECORD OF DECISION TAKEN UNDER URGENCY PROCEDURES

SUBJECT: WORCESTERSHIRE BUSINESS RATES POOL 2021/22

BRIEF STATEMENT OF SUBJECT MATTER:

To request approval of Redditch Borough Council joining the Worcestershire Business Rates Pool for 2021/22, following the recent Government announcement that the Worcestershire Business Rates Pilot Pool will not continue into 2021/22.

DECISION:

To delegate Authority for the decision on the 2021/22 Business Rate Pool final arrangements to the Head of Finance and Customer Services in agreement with the Portfolio Holder for Finance and the Leader.

RESOLVED that

(Executive decision)

GROUND FOR URGENCY:

Announcement made in the Settlement by Government that the current Worcestershire Pool will not automatically continue into 2021/22 and therefore a decision needs to be made urgently to join the Worcestershire Pool to ensure that any share of Business Rates growth for 21/22 is not returned to Central Government but remains in Worcestershire. Financial projections are still being calculated to estimate the potential benefit to the Council and the wider County area.

Briefing note attached

DECISION APPROVED BY:

(Deputy) CHIEF EXECUTIVE

Head of Finance and Customer Services
(if financial implications)

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

.....
(Signature) Chris Forrester

Date: 2019

PROPOSED ACTION SUPPORTED *(amend as appropriate)*

..... (Signature) (Signature) (Signature) (Signature) (Signature)
<i>(Block Capitals)</i>	<i>(Block Capitals)</i>	<i>(Block Capitals)</i>	<i>(Block Capitals)</i>	<i>(Block Capitals)</i>
MAYOR *	PF HOLDER	LEADER CONSERVATIVE Group	LEADER LABOUR Group	CHAIR O&S Committee
Date:	Date:	Date:	Date:	Date:

Notes:

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

BRIEFING NOTE RE BUSINESS RATES POOL

The Ministry of Housing, Communities and Local Government has invited Councils to indicate their preferred pooling arrangements for the financial year, 2021-22, with the deadline for submission of proposals for 2021-22 pools being 23rd October 2020. Therefore the Council needs to make an urgent decision as to the option of joining the Worcestershire Pool.

These arrangements are for one year only and the Council must now make a decision for 2021-22.

The Council was previously part of the Worcestershire Pool so this would be a continuation. The other option the council has is:

- to not be in a Business Rates Pool and return a higher proportion of business rates growth (levy) to Central Government.

It is understood from other Districts across Worcestershire that they will be entering the Worcestershire Pool for 2021-22, enabling volatility risks to be shared with other councils and also additional financial benefits in terms of levy on business rates growth that was retained locally rather than paid over to the Government.

KEY ISSUES

The Council therefore needs to determine whether it wishes to continue to participate in a Worcestershire wide pool for the year 2021/22 only.

Pool membership also allows for a degree of risk sharing between Pool members, provided losses are not significant and that there are sufficient resources within the overall retained levy to compensate councils with business rate losses. In summary, Pool membership benefits are:

- To drive forward economic growth through increased collaboration amongst members;
- To allow local retention of levy on business rates growth which would otherwise be paid to Government;
- To provide a degree of protection against business rates through a provision in the Governance Arrangements

As a general principle the Worcestershire Pool and other Pools locally operate on the principle that no council is worse off in the Pool than outside the Pool. This means that the amounts paid into the Pool by councils are limited to the levy amount that they would have otherwise paid to the Government. However in the event of significant losses, as in the case of the revaluation of GP surgeries, then the amount available from the Pool may be less than would be available from the Government National safety net facility.

The most significant factor in the Council's decision regarding Pool membership from 1 April 2021 is our view on the probability of further significant business rate losses in Redditch. Based on current appeals outstanding we have no reason to suspect there will be such losses, however there is material uncertainty with regards to the impact of Covid on businesses and their viability. We have already made reasonable provision for outstanding appeals and we are not aware of any changes which would lead to further significant losses.

The proposal for the governance arrangements is that there is a similar position for the shares of the retained levy as for the former WBRP but without a Risk Reserve as this Pooling arrangement is for one year only. However there will be provision within the governance arrangements to ensure there is protection for Pool Members to ensure that there is no detriment to their position comparative to had they not joined the pool.

FINANCIAL IMPLICATIONS

The arrangements for the business rates pool will continue to mitigate some but not all of the financial risk of the current business rates system. Based on information known at this point in time the pooling arrangements (if approved) remain of overall financial benefit to this Council. The precise impact on Council finances cannot be known as this will vary depending on a range of factors including whether business rates grow or contract, future appeals and mandatory reliefs.

Based on the information available to date, the Council's position together with the overall position of the wider Worcestershire family will be best protected by joining the proposed WBRP.

The proposed pool is only concerned with the money which is generated through the levy which would have been paid to central Government if the Pool members were not in the pool.

The Pool is designed to continue to protect member authorities from the ups and downs that are likely to arise in Business Rate income in the future. These will have a direct impact on the amount of funding for the Council. By remaining in a pool, the Council can better protect against these variations and thus provide some protection to its base funding.