



# Council

Mon 11 Nov  
2024  
7.00 pm

Oakenshaw Community Centre  
Castleditch Lane  
Redditch  
B98 7YB



If you have any queries on this Agenda please contact  
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## **GUIDANCE ON FACE-TO-FACE MEETINGS**

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

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# Council

Monday, 11th November, 2024

7.00 pm

**Oakenshaw Community Centre  
- Oakenshaw Community  
Centre**

## Agenda

### Membership:

Cllrs:

Juma Begum  
(Mayor)  
Joanna Kane  
(Deputy Mayor)  
Joe Baker  
Juliet Barker Smith  
William Boyd  
Brandon Clayton  
Claire Davies  
Matthew Dormer  
James Fardoe  
Andrew Fry  
Bill Hartnett  
Sharon Harvey  
Chris Holz  
Sid Khan

Wanda King  
Alan Mason  
Sachin Mathur  
Gemma Monaco  
David Munro  
Rita Rogers  
Gary Slim  
Jen Snape  
Jane Spilsbury  
Monica Stringfellow  
Craig Warhurst  
Ian Woodall  
Paul Wren

- 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 5 - 14)**
- 5. Announcements**

To consider Announcements under Procedure Rule 10:

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

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## 6. Questions on Notice (Procedure Rule 9)

Any Questions on Notice that are accepted for consideration at this meeting will be published in a supplementary pack.

## 7. Motions on Notice (Procedure Rule 11) (Pages 15 - 16)

## 8. Executive Committee

### Minutes of the Executive Committee meeting held on Tuesday 15th October 2024

8.1 Contaminated Land Inspection Strategy (Pages 27 - 70)

8.2 Response to the Proposed reforms to the National Planning Policy Framework and other changes to the planning system. (Pages 71 - 98)

## 9. Regulatory Committees

9.1 Licensing Committee - Gambling Act 2005 - Review Of Statement Of Principles - Consideration of Consultation Responses - Recommendation (Pages 99 - 148)

## 10. Section 151 Officer Report (Pages 149 - 154)

## 11. Joint Appointments Committee Report (Pages 155 - 186)

## 12. Political Balance Report (Pages 187 - 190)

The covering report is attached for this item. The appendices will follow in a supplementary pack at a later date.

## 13. Urgent Business - Record of Decisions

To note any decisions taken in accordance with the Council's Urgency Procedure Rules.

## 14. 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.)



# Council

Monday, 16th September,  
2024

## MINUTES

### Present:

Councillors Juma Begum (Mayor), Joanna Kane (Deputy Mayor), Joe Baker, Juliet Barker Smith, William Boyd, Claire Davies, Matthew Dormer, James Fardoe, Andrew Fry, Bill Hartnett, Sharon Harvey, Chris Holz, Sid Khan, Wanda King, Sachin Mathur, Gemma Monaco, David Munro, Rita Rogers, Gary Slim, Jen Snape, Jane Spilsbury, Monica Stringfellow, Craig Warhurst, Ian Woodall and Paul Wren

### Officers:

Peter Carpenter, Claire Felton and Guy Revans

### Democratic Services Officers:

Jess Bayley-Hill

### 29. WELCOME

The Mayor welcomed all those present to the meeting.

### 30. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors Brandon Clayton and Alan Mason.

### 31. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 32. MINUTES

**RESOLVED that**

**the minutes of the meeting of the Council held on Monday 29<sup>th</sup> July 2024 be approved as a true and correct record and signed by the Mayor.**

### 33. ANNOUNCEMENTS

The following announcements were made at the meeting:

Chair

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a) The Mayor's Announcements

The Mayor advised that since the previous Council meeting she had attended a number of civic events. This had included:

- The Mayor's Civic Service, which she had hosted at Forge Mill Needle Museum on 8<sup>th</sup> September 2024.
- The High Sheriff's drinks reception at Hartlebury Castle on 12<sup>th</sup> September 2024.
- The Licensing of the new Reverend at St Stephen's Church. Members took the opportunity to welcome the new Reverend, Dr Fraser Oates and to thank the previous Reverend, Paul Lawlor, for his hard work serving the town.

The Mayor also advised that she had received an email from Mr John Leighfield, Chief Executive of ISTEEL, regarding a heritage event that had been held at Redditch library. Unfortunately, the Mayor had been unable to meet with Mr Leefield on this occasion. However, the Mayor read out the following email that had been received from him regarding this event for Members' consideration:

"I would have liked to meet with you when I came to the library on Saturday morning. I wanted, through you, to express my gratitude to Redditch for the help Redditch gave to us when we set ISTEEL up in the 1970s. It was a textbook example of how a town can help a young company get off the ground, something that's as relevant now as it was back in those days. I do hope I'll have a chance to say this personally at some point, perhaps when the blue plaque is unveiled at Grosvenor House. Meanwhile, can I say on behalf of all of us who had the ISTEEL experience, thank you Redditch."

b) The Leader's Announcements

The Leader commented that he had spoken to the Chief Executive about bringing the Christmas Staff Quiz back to the Council. It was hoped that this would boost staff morale whilst also raising money for the Mayor's charity.

Since the previous meeting of Council, the Mayor had attended a meeting with representatives of West Midlands Employers to discuss the services that they provided. The Leader had also participated in a visit to the Gateway site, alongside Councillor Matthew Dormer and Councillor Karen May, Leader of Bromsgrove District Council. Members were asked to note that this was a very large site. In addition, the

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Leader had visited a number of community groups based in the Borough to help demonstrate the Council's support.

c) The Chief Executive's Announcements

The Deputy Chief Executive confirmed that there were no announcements to make on behalf of the Chief Executive on this occasion.

**34. QUESTIONS ON NOTICE (PROCEDURE RULE 9)**

The Mayor confirmed that no Motions on Notice had been received for consideration on this occasion.

**35. MOTIONS ON NOTICE (PROCEDURE RULE 11)**

Composting

Councillor Claire Davies presented a Motion on Notice on the subject of composting. The Motion read as follows:

"That the Executive Committee commits to increasing recycling rates for garden waste through home composting and develops Community Networks to support this."

The Motion was proposed by Councillor Davies and seconded by Councillor Sharon Harvey.

In proposing the Motion, Councillor Davies commented that the Motion was asking the Executive Committee to commit to increasing recycling rates for garden waste in the Borough through home composting. Members were asked to note that at the Executive Committee meeting held on 9th July 2024, a report had been considered which had demonstrated that there were decreasing rates of recycling in Redditch. Many residents did not use the garden waste service that the Council provided and therefore a lot of garden waste was disposed of in the grey waste bins. As a consequence of this approach, there were increasing in CO<sup>2</sup> emissions which had negative implications for carbon emissions in the Borough.

Members were advised that domestic composting in home compost containers was more environmentally friendly than the existing approach. The benefits of home composting included increasing recycling rates, reducing waste, reducing CO<sup>2</sup> emissions and increasing the accessibility of recycling for those residents who

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could not afford or otherwise could not access the Council's garden waste collection service.

Councillor Davies suggested that Redditch Borough Council could work with Worcestershire County Council on home composting. This could include a public awareness campaign to help educate residents on the benefits arising from home composting. The Council could also potentially request additional support from Worcestershire County Council, in terms of asking them to increase their subsidy for the service and exploring the potential to introduce free composting bins. Other partner organisations could also potentially be asked to assist, including garden centres and community groups through local networking. Community composting schemes had been found to work well in other parts of the country and there were examples of good practice that Redditch Borough Council could learn from.

Subject to agreeing the Motion, Councillor Davies suggested that the Council should monitor the uptake of home composting by local residents and that there should be an annual report to Council on this subject. The aim of the Motion was to enhance sustainability in the Borough whilst helping to reduce costs in the long-term which could arise if this resulted in a decrease in the amount of waste that the Council collected from households.

In seconding the Motion, Councillor Harvey suggested that the action proposed in the Motion would support recycling as a whole in the Borough. This would also be a timely addition, given requirements to introduce a food waste collection service by 2026. The Council was aiming to increase the garden waste (brown bin) collection service but there was also a duty to support any action that could be taken to increase composting rates in the Borough.

During consideration of this item, Councillor Matthew Dormer proposed an amendment to the wording of the Motion. The amendment read as follows:

*“That the Executive Committee commits to increasing recycling rates for garden waste through home composting and develops Community Networks to support this, and when demand is such, we expand our garden waste fleet to accommodate it.”*



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The amendment was proposed by Councillor Dormer and seconded by Councillor Gemma Monaco.

In proposing the amendment, Councillor Dormer noted that he was in favour of the action that had been proposed in the original Motion but he felt that this did not go far enough. The amendment was designed to enable the Executive Committee to consider as many options as possible when discussing this matter further.

In seconding the amendment, Councillor Monaco commented that the aim was to encourage the Executive Committee to consider taking action that would help to encourage people to do more recycling than at present. Members were asked to note that this amendment would not commit the Council to anything in particular at this stage, as there would be a need for further consideration at an Executive Committee meeting.

Members discussed the proposed amendment and in doing so commented on the following:

- The extent to which the wording of the amendment focused on a separate matter to the Motion, given that the intention of the Motion had been to increase home composting.
- The previous action taken in respect of promoting the Council's garden waste collection service, for which there had been a lot of demand in the Borough and the potential to accommodate this demand further.
- The work that was already being undertaken separately to review brown bin service provision.

On being put to the vote, the amendment was agreed so that this then became the substantive Motion.

Members subsequently discussed the Motion in detail and in doing so commented on the following points:

- The potential for the Council to be ambitious when considering action that could be taken to improve recycling rates in the Borough and to lead by example.
- The financial implications arising from some action that could be taken and the need for prudent management of the Council's budget.

- The challenges in terms of recycling rates in the Borough and how these did not compare favourably with other Councils in Worcestershire.
- The potential for an Overview and Scrutiny exercise to be conducted investigating the causes of the low recycling rates and the action that could be taken to address this.
- The previous Overview and Scrutiny investigation in respect of recycling that had been conducted at the Council in the 2010s. Members suggested that this report could be revisited by the Overview and Scrutiny Committee with a view to identifying the impact that it had had on recycling rates and additional action that could be taken.
- The forthcoming requirement for the Council to introduce a food waste collection service in the Borough and the impact that this might have on recycling rates, including home composting.

**RESOLVED to recommend to the Executive Committee that the Executive Committee commits to increasing recycling rates for garden waste through home composting and develops Community Networks to support this, and when demand is such, to expand our garden waste fleet to accommodate it.**

**36. EXECUTIVE COMMITTEE**

The Mayor advised that two sets of minutes from meetings of the Executive Committee held on Monday 29<sup>th</sup> July and Tuesday 3<sup>rd</sup> September 2024 had been included in the Council agenda for Members' consideration. However, there had been no recommendations made to Council at the first of these meetings and therefore the minutes of the Executive Committee meeting held on 29<sup>th</sup> July 2024 had been included to provide Members with an opportunity to ask questions of clarification and to adopt the minutes.

Quarter 1 Revenue and Performance Monitoring Report 2024/25

The Portfolio Holder for Finance explained that there was £350,000 included in the capital programme for the three years of the Medium Term Financial Plan (MTFP) which were due to be spent on upgrading the Arrow Valley Countryside Centre. The Executive Committee was recommending an amendment to the budget to enable £100,000 of this funding to be spent at an earlier stage than

previously anticipated. This would ensure that the works could be delivered at a quieter period for the venue and thereby minimise disruption for income from food and beverage sales during the busy summer period.

Members discussed the proposal and in doing so commended Rubicon Leisure Limited for the positive impact that the company was having on the delivery of leisure services in the Borough. Particular reference was made to the positive contribution of the Managing Director of Rubicon Leisure Limited and he was thanked for his hard work. Members also praised improvements that had been made in the last 12 months to the services available at the Arrow Valley Countryside Centre.

In considering this matter, Members noted that it was important to ensure that all funding was accompanied by appropriate performance indicators. These would enable the Council to assess the impact of the funding moving forward. The suggestion was made that the Shareholders Committee should consider this accordingly.

The recommendation was proposed by Councillor Ian Woodall and seconded by Councillor Craig Warhurst.

#### Treasury Management Outturn Report

The Portfolio Holder for Finance presented the Treasury Management Outturn report for the 2023/24 financial year. Members were advised that there was a requirement for this report to be considered by Council each year. The report detailed the Council's Treasury Management arrangements, including in respect of management of prudential indicators. The Council had made some financial investments and it was important to ensure that these were managed appropriately. In particular, Members were urged to consider the content of paragraphs 3.2 to 3.21 of the report, as these provided useful information about the Council's position.

The recommendations were proposed by Councillor Ian Woodall and seconded by Councillor Joe Baker.

#### Shopmobility Future Options

The Portfolio Holder for Community Services and Regulatory Services presented the Shopmobility Future Options report for Council's consideration. Members were advised that the base for the service was due to move from its current location into a unit in the Kingfisher Shopping Centre. This would make the service more

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visible and accessible and it was hoped that this would result in an increase in custom for the service.

During consideration of this report, Members discussed the following points in detail:

- The review of the report that had been undertaken at the meeting of the Overview and Scrutiny Committee held on 2<sup>nd</sup> September 2024 at which the proposals had been scrutinised in detail.
- The options that were available moving forward and which options had been favoured by Members of the Overview and Scrutiny Committee. It was noted that some Members had favoured option 3 whilst other Councillors had favoured option 4.
- The previous support that had been provided by the Kingfisher Shopping Centre to the Shopmobility service.
- The consultation that had been conducted by the Council with customers of the service. Some concerns were raised about the number of responses that had been received in this consultation process.
- The extent to which the current base for the Shopmobility service was visible and the potential increase in demand for the service that might arise once the base had moved into a unit located in the Kingfisher Shopping Centre.
- The locations in which the Shopmobility scooters operated. Members noted that the scooters could be used in the Kingfisher Shopping Centre, Church Green, GP Practices and to access the library.
- The extent to which it was appropriate for the Council to subsidise the Shopmobility service.
- The hard work of the staff employed in the Shopmobility service.
- The previous reviews of the Shopmobility service that had been undertaken in recent years by the Council.
- The proportion of Redditch residents, as opposed to visitors, who used the Shopmobility service.
- The significant weight of many mobility scooters and the difficulties that many elderly people and people with physical disabilities could experience when transferring private mobility scooters from their vehicles.

The recommendations were proposed by Councillor Monica Stringfellow and seconded by Councillor Ian Woodall.

## **RESOLVED that**

- 1) **the minutes of the Executive Committee meeting held on 29<sup>th</sup> July 2024 be received and noted; and**

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- 2) the minutes of the meeting of the Executive Committee meeting held on 3<sup>rd</sup> September 2024 be received and all recommendations adopted.

**37. APPOINTMENTS TO OUTSIDE BODIES**

The Mayor advised that a vacancy had arisen since the previous Council meeting for the position of the Council's Armed Forces Champion on the Worcestershire Armed Forces Covenant Partnership.

**RESOLVED that**

**Councillor Sharon Harvey be appointed to the Worcestershire Armed Forces Covenant Partnership as the Council's Armed Forces Champion for the remainder of the 2024/25 municipal year.**

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

Members noted that there had been one urgent decision taken since the previous meeting of Council on the subject of securing the future of Council housing.

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

There was no urgent business for consideration on this occasion.

The Meeting commenced at 7.00 pm  
and closed at 8.19 pm

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**Redditch Borough Council****11<sup>th</sup> November 2024****Motions on Notice****1. Changes to the Winter Fuel Allowance and protecting pensioners from fuel poverty**

Proposed by Councillor Matthew Dormer and seconded by Councillor Gemma Monaco

Council resolves to

Request that the Council Leader write to the Chancellor of the Exchequer condemning their actions and requesting:

- That the Government acknowledges the importance of the Winter Fuel Allowance in protecting the health and wellbeing of pensioners.
- That the Government reinstates the Winter Fuel Allowance to all pensioners.
- That the Government commits to maintaining this allowance to prevent future risk to the elderly population during winter months.

And Council asks the Executive Committee to ensure that:

- The Council proactively promotes the Government's awareness campaign and the [Pension Credit toolkit](#) to alert those eligible of Pension Credit which in some respects will help access to the Winter Fuel Payment for those most in need.
- The Council encourages local efforts to promote Pension Credit uptake through council services and partnerships with local charities and community organisations to ensure that all eligible pensioners in Redditch, Astwood Bank and Feckenham are supported in claiming their entitlement.
- The Council offers all Members the opportunity to sign the 'Save the Winter Fuel Payment for Struggling Pensioners' petition being run by Age UK.

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# Executive Committee

Tuesday, 15th October,  
2024

## MINUTES

### Present:

Councillor Joe Baker (Chair), Councillor Sharon Harvey (Vice-Chair) and Councillors Juliet Barker Smith, Bill Hartnett, Wanda King, Jen Snape, Jane Spilsbury, Monica Stringfellow and Ian Woodall

### Also Present:

Councillor Claire Davies

### Officers:

Adrian Allman (WRS), Peter Carpenter, Mike Dunphy, Sue Hanley and Stephen Williams (WRS)

### Democratic Services Officers:

Jo Gresham

### 35. APOLOGIES

There were no apologies for absence.

### 36. DECLARATIONS OF INTEREST

There were no Declarations of Interest.

### 37. LEADER'S ANNOUNCEMENTS

The Leader welcomed all those present to the meeting. Members were advised that at the Overview and Scrutiny Committee meeting that took place on 14<sup>th</sup> October 2024, Members had pre-scrutinised the Contaminated Land Inspection Strategy. This report was due to be considered at the Executive Committee meeting this evening. No recommendations were made by the Overview and Scrutiny Committee, following being pre-scrutinised.

Chair

# Executive Committee

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The Leader thanked all Members of the Overview and Scrutiny Committee for their hard work in pre-scrutinising the report prior to its consideration at tonight's meeting.

## 38. MINUTES

### RESOLVED that

**the minutes of the Executive Committee meeting held on 3<sup>rd</sup> September 2024 be approved as a true and accurate record and signed by the Chair.**

## 39. CONTAMINATED LAND INSPECTION STRATEGY

The Specialist Lead Officer (Contaminated Land) from Worcestershire Regulatory Services (WRS) presented the Contaminated Land Inspection Strategy. It was explained that six Districts across Worcestershire would be looked at as part of the review, although not in any particular order. It was noted, however, that the Redditch Borough review was the first area to undertake such a review due to the number of contaminated land sites within the Borough.

During the presentation of the report the following was highlighted:

- Part 2A of the Environmental Protection Act 1990 placed a duty on local authorities to review and assess risks through the contaminated land regime and that from time to time, Local Authorities could cause their area to be inspected in order to ensure that this regime was being adhered to. The term 'Contaminated Land' covered a range of sites including petrol stations, factories, depots and launderettes. The presence of a harmful substance did not mean that land would meet the definition of "contaminated land". However, it was reported that a very high bar must be met in order to deem it as not contaminated.
- Statutory guidance stated that action under contaminated land legislation should only be used when there was no other appropriate alternative. These included the planning and development control processes, as well as voluntary action taken by landowners to minimise the unnecessary burdens placed on taxpayers, businesses, and individuals.

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- The new strategy had been amended in order to reflect the gradual reduction and withdrawal of central Government funding for Local Authority contaminated land work. It also outlined the inspection process, and the methodology applied.
- The strategy did not change the statutory responsibilities, and Local Authorities still had to adhere to the current statutory guidance.
- There were nine thousand three hundred contaminated land sites across Worcestershire and seven hundred and fifty of these were located in Redditch. This would result in a large number of inspections and investigations being carried out.

Following the presentation, the Leader thanked Officers for their detailed report and explained that it was clearly presented and therefore had allayed some concerns that had been previously raised.

Members raised questions in respect of some areas of the report, as follows:

1. Who was the responsible party when it came to remediation of contaminated land sites? - It was explained that this would be on a site-specific basis. In some cases, it might be the Council, however, the owner or a purchaser of a site might also be responsible.
2. Was the process of assessing contaminated land sites subject to quality assurance? – It was reported that there was detailed guidance and best practice guidelines in respect of this. Often these reports would be peer reviewed in order to ensure that the correct process had been undertaken. It was explained that there was a significant amount of expertise within WRS in this matter and that this level of expertise would be utilised when undertaking these kinds of inspections. This was particularly important as contaminated land site reports were usually lengthy and detailed and that a ‘fresh set of eyes’ was a useful tool when investigating. Members welcomed this and were reassured that any guidelines were being adhered to.
3. Equality and Diversity Implications – Members were concerned that the report seemed to indicate that there were no negative equity implications as part of the strategy. However, it also outlined that historically contaminated land

sites had been identified in areas of increased social deprivation. Officers explained, however, that although historically this had been the case, contaminated land could be identified anywhere within any area, either affluent or one of social deprivation. The report highlighted this and therefore stated that there were no negative equality impacts and that all sites would be investigated in detail regardless of the area in which they were located within.

Members reiterated that their concerns had been alleviated following discussions with Officers, particularly in respect of the scoring matrix contained within the strategy.

Following the discussion, the Portfolio Holder for Community Services and Regulatory Services took the opportunity to thank Officers for their detailed report.

**RECOMMENDED to COUNCIL that**

**The Council adopt the revised Contaminated Land Inspection strategy which should be published on the Worcestershire Regulatory Services (WRS) website.**

**40. RESPONSE TO THE PROPOSED REFORMS TO THE NATIONAL PLANNING POLICY FRAMEWORK AND OTHER CHANGES TO THE PLANNING SYSTEM.**

The Strategic Planning and Conservation Manager presented the Response to the Proposed reforms to the National Planning Policy Framework and other changes to the planning system for Members' consideration. In doing so it was stated that there was one recommendation included in the report for Members' approval. This was as follows:

**The response to the 'Proposed reforms to the National Planning Policy Framework and other changes to the planning system' be submitted to the Ministry of Housing, Communities and Local Government (MHCLG).**

In presenting the report it was noted that there had been detailed discussions with Members at a Planning Advisory Panel (PAP) meeting whereby all Members had been given the opportunity to provide responses to the proposed reforms question document.

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It was outlined that this had been a detailed consultation document and had included one hundred and six questions in respect of the proposed reforms.

This was then submitted as an Officer response on behalf of Redditch Borough Council.

Members' attention was drawn to the significant issues to note within the proposed reforms. These included the new way of calculating the housing target number for new house building across the country. It was clarified that the multiplier would now take into account housing stock within an area. It was suggested that by using this calculation an increase in the numbers of houses being built within Redditch per annum would increase from one hundred and forty-three to four hundred and eighty-nine. Another area to note was that it was proposed that there would be a reinstatement of strategic / regional planning and the introduction of a 'grey belt' policy. Which could potentially cause confusion in the future due to the ambiguity of what this term meant in real terms. The proposed reforms also included a stronger focus on the delivery of social rented housing, new intervention criteria on local plans and new planning application fees.

Officers were hopeful that a response from Central Government would be available prior to Christmas 2024. However, a definitive date had not been finalised at the time of this meeting.

Following the presentation of the report, the Leader expressed his concerns regarding the submission of the response prior to its agreement by the Executive Committee. It was felt that the response should have been approved by the Executive Committee prior to it being submitted. It was explained that this had been an Officer response, and that the submission had been discussed in detail at the PAP meeting when Members had been provided with an opportunity to make suggestions that were included in the response document, as highlighted earlier in the meeting. It was also confirmed that this was within the Officer Delegations and due to the strict deadline of response times, that there had been no opportunity to bring this report to the Executive Committee prior to this meeting. It was raised that there potentially could have been the opportunity to have an Extraordinary Executive Committee or Full Council meeting. However, on this occasion this was not

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requested. Officers also confirmed that if Members were unhappy with the response, it could be withdrawn or amended at any time. It was further noted that Officers would be working with the Legal team in respect of Delegations and Members noted that this would be something they would also look at.

Some Members explained that they considered the response a measured and well balance response as a result of the discussions at the PAP meeting and that Members had been provided with an opportunity to both agree or disagree with the proposed reforms.

Members queried when the new housing numbers would be applied from. It was reported that this would be in December 2026. However, the numbers would probably be kept under review and progress tracked as part of the implementation of the new Local Plan.

A specific query in respect of question fifteen within the response document was raised by Members. Question fifteen read as follows:

*'Do you agree that Planning Practice Guidance should be amended to specify that the appropriate baseline for the standard method is housing stock rather than the latest household projections?'*

Officers explained that there could never be a 'right way' to calculate housing numbers. However, included in the response was that there was a need in the future to utilise a clear baseline when calculating housing numbers as opposed to an aging projection dataset.

In terms of Climate Change, there was a query regarding the statement within the report suggesting that there was no impact on Climate Change as a result of the report. Members questioned this response as there would inevitably be some Climate Change impact as a result of extra house building in the future. Officers explained that Climate Change would be looked at once the proposed reforms had been implemented and as part of the Local Plan preparation. However, this report and the response within the appendix did not have a specific effect on Climate Change.

Following the discussion Members requested that an amendment to the recommendation be made. The amendment was as follows:

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'The response to the 'Proposed reforms to the National Planning Policy Framework and other changes to the planning system', having already been submitted to the Ministry of Housing, Communities and Local Government (MHCLG) be noted and endorsed.'

## **RECOMMENDED to COUNCIL that**

**The response to the 'Proposed reforms to the National Planning Policy Framework and other changes to the planning system', having already been submitted to the Ministry of Housing, Communities and Local Government (MHCLG) be noted and endorsed.**

### **41. RECOMMENDATION FROM THE AUDIT, GOVERNANCE AND STANDARDS COMMITTEE MEETING HELD ON 25TH JULY 2024**

The Deputy Chief Executive presented the recommendation from the Audit, Governance and Standards Committee meeting held on 25th July 2024. Members were reminded that the recommendation had been as follows:

*'That the Executive be asked to introduce compulsory cyber security training for all elected Members.'*

Members were informed that there was a significant risk to the Council in respect of cyber security. Furthermore, that Members could be more at risk due to the nature of their role and that this was the context in which the recommendation had been made.

The Portfolio Holder for Finance explained that at the Audit, Governance and Standards Committee meeting it had been outlined that, during the General Election period, there had been daily cyber security attacks attempted and that training in this area would hopefully lessen the risk of such attacks.

Some Members explained that as part of the Member Delevelopment Steering Group process, a survey was to be developed in order to ascertain which training sessions should be identified as 'compulsory' and which were 'highly recommended'. It was noted that there were no sanctions currently in place for Members who did not attend some training sessions and, as a

result, this would be difficult to enforce. This, it was confirmed, would be further looked at by Members in due course.

**RESOLVED that**

**the Executive Committee introduce compulsory cyber security training for all elected Members.**

**42. REFERRAL FROM THE COUNCIL MEETING HELD ON 16TH SEPTEMBER 2024 - MOTION ON COMPOSTING**

The Deputy Leader and Portfolio Holder for Environmental Services presented the referral from the Council meeting held on 16<sup>th</sup> September 2024 – Motion on composting item for Members consideration. In doing so, it was outlined that the Council was committed to increasing recycling as a whole. However, it must be noted that this was not quite the same as composting.

It was stated that the Council would work closely with Worcestershire County Council (WCC) in their 'Lets Waste Less' campaign as composting fell within their remit. In addition to this, a communications strategy would be developed in order to promote the services and initiatives already available and cascaded through Redditch Borough Council communications channels. It was hoped that this communication strategy, coupled with the potential of an education strategy regarding composting would increase residents' understanding of composting for the future.

In terms of the amendment made at the Full Council meeting regarding expansion of the garden waste fleet, it was explained that garden waste (brown bin) was not the same as composting and as such there would not be a need to increase the size of the fleet as a result of composting. Any fleet expansion would be considered when appropriate and a report would be considered at a future date by the Executive Committee in respect of this matter. However, this would not be undertaken imminently.

Following the presentation of the response, the Leader suggested that during events at local parks, such as Arrow Valley Country Park and Morton Stanley Park, that this could be an opportunity to have a Redditch Borough Council stall whereby information on these types of services could be provided to residents.



# Executive Committee

Tuesday, 15th October, 2024

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The Leader invited Councillor C. Davies, who was observing the meeting, to comment on the response that had been provided. As the original proposer of the Motion, she thanked the Executive Committee for the consideration of this Motion and welcomed the increase in communications and education in respect of the options for composting for the future.

**RESOLVED that**

**the response in respect of the Motion on Composting be noted.**

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

The Leader explained that there were no outstanding recommendations from the Overview and Scrutiny Committee.

The Portfolio Holder for Finance drew Members' attention to the recommendations that had been included in the Award of a Contract to Upgrade the Town Hall and Update on Towns Fund report discussed at the Executive Committee meeting held on 3<sup>rd</sup> September 2024. It was explained that these were being actioned efficiently by Officers.

The Leader took the opportunity to thank all Members who were part of the Overview and Scrutiny Committee, associated Working Groups and Task Groups for all their hard work in looking at the reports and investigating relevant topics for the residents of the Borough and in order to maintain the mechanisms within the Council.

**44. TO CONSIDER ANY URGENT BUSINESS, DETAILS OF WHICH HAVE BEEN NOTIFIED TO THE ASSISTANT DIRECTOR OF LEGAL, DEMOCRATIC AND PROPERTY SERVICES PRIOR TO THE COMMENCEMENT OF THE MEETING AND WHICH THE CHAIR, BY REASON OF SPECIAL CIRCUMSTANCES, CONSIDERS TO BE OF SO URGENT A NATURE THAT IT CANNOT WAIT UNTIL THE NEXT MEETING**

There was no Urgent Business on this occasion.

**Executive  
Committee**

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**45. OVERVIEW AND SCRUTINY COMMITTEE**

**RESOLVED that**

**the minutes of the Overview and Scrutiny Committee meeting held on 29<sup>th</sup> August and 2<sup>nd</sup> September 2024 be noted.**

The Meeting commenced at 6.30 pm  
and closed at 7.29 pm

**Executive Committee**15<sup>th</sup> October

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**Contaminated Land Inspection Strategy**

Relevant Portfolio Holder	Councillor Monica Stringfellow
Portfolio Holder Consulted	Yes
Relevant Head of Service	Simon Wilkes
Report Author	Stephen Williams Specialist Lead Officer (Contaminated Land) <a href="mailto:Stephen.Williams@worcsregservices.gov.uk">Stephen.Williams@worcsregservices.gov.uk</a> 01562 738090
Wards Affected	All
Ward Councillor(s) consulted	No
Relevant Strategic Purpose(s)	All
Non-Key Decision	
If you have any questions about this report, please contact the report author in advance of the meeting.	

**1. RECOMMENDATIONS**

**The Executive Committee RECOMMEND to Council that:-**

**The Council adopts the revised strategy (as attached at Appendix A) which should be published on the Worcestershire Regulatory Services (WRS) website.**

**2. BACKGROUND**

- 2.1 The attached report in Appendix 1 is a revision of the Redditch Borough Council Contaminated Land Inspection Strategy which was first published in June 2001. This document can be made available on request.
- 2.2 This updated strategy reviews and replaces the 2001 document; considering the changes in the Contaminated Land Statutory Guidance 2012, national policy, council policy, and sets out the Council's strategic approach to contaminated land.
- 2.3 Sites where contamination may be present have the potential to pose a risk to human health and the environment. Part 2A of the Environmental Protection Act 1990 places a duty on local authorities to review and assess these risks through the contaminated land regime. The presence of a harmful substance alone does not mean that land will meet the definition of "contaminated land". The source of contamination must present a significant possibility of significant harm

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to relevant receptors through a viable pathway of exposure. The strategy presents the methodology for how assessment of all sites of contamination concern will be conducted via strategic inspection, prioritisation, and detailed review of highest risk sites.

- 2.4 The statutory guidance states that action under contaminated land legislation should only be used when there is no other appropriate alternative with other mechanisms used in preference if possible. These include the planning and development control processes as well as voluntary action taken by landowners to minimise the unnecessary burdens placed on taxpayers, businesses, and individuals.
- 2.5 The original strategy document required amendment to reflect the gradual reduction and withdrawal of the funding system from central Government for local authority contaminated land work. As a result, the Council will focus on addressing sites where contamination may exist predominantly through the planning and development control process. Similarly, the strategy document has been updated to set out the role of the newly formed Office for Environmental Protection, following revision to the Environment Act 2021 as a department with responsibility for holding Local Authorities and government to account in respect of environmental targets.
- 2.6 This revision details further how progress has been achieved and how we continue to work to drive standards and improve consistency in regulation across the region and further afield.
- 2.7 Historically two sites have been determined as 'Contaminated Land' by Redditch Borough Council since the first Contaminated Land Strategy was produced in 2001. One of these sites comprises 18 residential properties located on a former landfill site and the other a factory site that produced aluminium tubes that has since been demolished and redeveloped. Both have been extensively investigated and remediated or mitigated so that there is no longer a risk of serious harm to the site occupiers. A current total of approximately 750 sites have been identified as potential sites of contaminated land concern within the Redditch Borough largely relating to the historical land use. There are a total of approximately 9300 potential sites of concern identified across Worcestershire as a whole. The prioritisation process will continue as outlined in the strategy.
- 2.8 Planning policies encourage the re use of previously developed land (brownfield) subject to appropriate site investigation, risk assessment and remediation. Voluntary action is strongly encouraged to deal with potentially contaminated land, either on individual site basis or as part

**Executive Committee**  
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of wider regeneration work. Regulatory action under Part 2A will only be used where no appropriate alternative regulatory solution exists.

**3. OPERATIONAL ISSUES**

- 3.1 There are no operational issues associated with the revision of the strategy as the process will continue as it has previously.

**4. FINANCIAL IMPLICATIONS**

- 4.1 There are no anticipated changes to financial implications however the report has been provided to the finance team for feedback.

**5. LEGAL IMPLICATIONS**

- 5.1 No changes to legal implications in relation to the revised strategy. The current strategy is out of date and is therefore requires revision to comply with Contaminated Land Statutory Guidance.
- 5.2 The report was provided to the legal team who confirmed it was required in order to ensure the authority discharges its statutory duty in accordance with the statutory guidance.

**6. OTHER - IMPLICATIONS****Relevant Strategic Purpose**

- 6.1 The strategy is considered to link to the four Council priorities as outlined within [Redditch Borough Council Review of Council Plan Priorities 2023 & 2024 \(redditchbc.gov.uk\)](https://redditchbc.gov.uk)

- Housing – promotes safe and sustainable housing growth.
- Parks and Green Spaces – often included as remediation schemes.
- Economy and Regeneration – promotes regeneration of brownfield sites following appropriate remediation.
- Community Safety – strategy aims to prevent exposure to unsuitable levels of contamination.

**Climate Change Implications**

- 6.2 The green thread runs through the Council plan. WRS have consulted with Matthew Eccles. The Climate Change Manager at RBC who provided some comments on the Strategy which are copied below for information:-

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1. Identification of Contaminated Land:
  - Climate change can impact the distribution and severity of contamination. As weather patterns change, areas that were previously unaffected may become contaminated due to altered runoff, flooding, or other factors.
  - Inspection strategies should consider climate-related changes in contamination patterns when identifying potentially contaminated sites.
  
2. Remediation and Adaptation:
  - Remediation efforts for contaminated land must account for climate change effects. For example:
  - Increased Flooding: Rising sea levels and extreme weather events can lead to flooding, which may spread contaminants or hinder remediation efforts.
  - Changing Soil Conditions: Climate change affects soil properties, which can impact the effectiveness of remediation techniques.
  - Temperature and Microbial Activity: Warmer temperatures can enhance microbial activity, affecting degradation of contaminants.
  - Strategies should incorporate adaptive measures to address these challenges.
  
3. Costs and Liabilities:
  - The costs associated with remediating contaminated land may increase due to climate change impacts. For instance, weather events can add expenses.
  - Liability considerations should also account for climate-related risks. Responsible parties may face additional costs if contamination worsens due to climate change.
  
4. Co-Benefits and Opportunities:
  - Many land management actions to mitigate and adapt to climate change have co-benefits. These include improved air and water quality, enhanced biodiversity, recreational opportunities, and health benefits.
  - Integrating climate change considerations into contaminated land strategies can lead to more sustainable and resilient outcomes.

**Equalities and Diversity Implications**

- 6.3 The strategy aims to ensure housing, including social and affordable housing, is of an appropriate standard in respect of contaminated land issues. This is particularly important in former industrial areas where

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social deprivation and more culturally diverse populations may predominate.

- 6.4 The strategy sets out how those areas of existing housing as well as redevelopment sites will be tackled. There are no negative equalities impacts.

**7. RISK MANAGEMENT**

- 7.1 As the existing strategy is out of date this revision brings the Strategy into line with the Statutory Guidance.

- 7.2 The report has been updated to reflect changes to the Statutory Guidance in the time since the original was issued.

**8. APPENDICES and BACKGROUND PAPERS**

Appendix 1 – Redditch Borough Council Contaminated Land Inspection Strategy.

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Worcestershire  
**Regulatory Services**

*Supporting and protecting you*



# REDDITCH BOROUGH COUNCIL

## *Contaminated Land Inspection Strategy September 2024*

Information	Worcestershire Regulatory Services Details
Local Authority Officer	Stephen Williams
Department	Technical Pollution Team
Address	Wyre Forest House Finepoint Way Kidderminster DY11 7WF
Telephone	01905 822799
E-mail	<a href="mailto:enquiries@worcsregservices.gov.uk">enquiries@worcsregservices.gov.uk</a>
Report Reference Number	RBC/CLIS/2024
Date	September 2024

## Executive Summary

The industrial history and development of the country has left a legacy of land where there is the potential for contamination to be present. Contamination may pose a risk to human health and the environment. Part 2A of the Environmental Protection Act 1990 places a duty on local authorities to address these risks through the contaminated land regime. The presence of a harmful substance in, on or below a piece of land does not necessarily mean that land is “contaminated land”. The source of contamination must present a significant possibility of significant harm to relevant receptors through a viable pathway of exposure.

Enforcement action under this legislation should only be used when there is no other appropriate alternative with other mechanisms used in preference if possible. These include the planning and development control processes as well as voluntary action taken by landowners to minimise the unnecessary burdens placed on taxpayers, businesses, and individuals.

This strategy is a requirement under the contaminated land regime, as set out in the Contaminated Land Statutory Guidance 2012, for local authorities who are the primary regulator. Strategies should be reviewed every 5 years. Due to the withdrawal of the funding system from central Government for contaminated land work, the Council will focus on addressing sites where contamination may exist predominantly through the planning and development control process. This document details further how this is already achieved and how we continue to work to drive standards and improve consistency in regulation across the region and further afield.

Two sites have been determined as ‘*Contaminated Land*’ by Redditch Borough Council since the first Contaminated Land Strategy was produced in 2001. One of these sites comprises 18 residential properties located on a former landfill site and the other a factory site that produced aluminium tubes that has since been demolished and redeveloped. Both have been extensively investigated and remediated or mitigated so that there is no longer a risk of serious harm to the site occupiers. A current total of approximately 750 sites have been identified as potential sites of contaminated land concern within the Borough largely relating to the historic land use.

RBC Planning policies encourage the reuse of previously developed land subject to appropriate site investigation, risk assessment and remediation. Voluntary action is strongly encouraged to deal with potentially contaminated land, either on an individual site basis or as part of wider regeneration work. Regulatory action under Part 2A will only be used where no appropriate alternative regulatory solution exists.

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## 1. Introduction

Redditch, as with most local authorities, has a legacy of land contamination that has resulted from over 200 years of industrial development. In addition to historically contaminated sites, pollution incidents, such as leaks, spills and accidents, have given rise to contamination of land. In the minority of cases the contamination may be serious enough to present a hazard to human health or the environment.

In April 2000, the UK Government introduced a new duty on each local authority to inspect the land within its area and identify any areas that could be defined as "contaminated land". Where a local authority finds such land, it must ensure it is remediated to reduce or remove risks to people and the environment. The government set out its requirements for dealing with contaminated land within Part 2A of the Environmental Protection Act 1990 ("the Act") and associated 'Statutory Guidance' documents.

Redditch Borough Council first published its Contaminated Land Strategy in June 2001. This is a revised strategy which reviews and replaces the 2001 strategy; considering changes in the Contaminated Land Statutory Guidance 2012, national policy, council policy, and sets out the Council's strategic approach to contaminated land.

## 2. Legislative Context, National, and Local Policy

Section 57 of the Environment Act 1995 inserted Part 2A into ‘the Act’ which establishes a legal framework for dealing with contaminated land. This came into force on 1<sup>st</sup> April 2000.

Part 2A provides a means of dealing with unacceptable risks posed by land contamination to human health and the environment.

The Department for Environment, Food and Rural Affairs, states the following in its guidance document [Environmental Protection Act 1990: Part 2A - Contaminated Land Statutory Guidance \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/214442/Environmental_Protection_Act_1990_Part_2A_-_Contaminated_Land_Statutory_Guidance.pdf) (2012)

*1.4 The overarching objectives of the Government’s policy on contaminated land and the Part 2A regime are :*

- (a) To identify and remove unacceptable risks to human health and the environment.*
- (b) To seek to ensure that contaminated land is made suitable for its current use.*
- (c) To ensure that the burdens faced by individuals, companies and society are proportionate, manageable and compatible with the principles of sustainable development.*

Contaminated land is defined in Part 2A of the Act as any land, which appears to the local authority in whose area it is situated to be in such condition, by reason of substances in, on or under the land that:

(a) significant harm is being caused or there is a significant possibility of such harm being caused;

or

(b) significant pollution of controlled waters is being caused or there is a significant possibility of such pollution being caused;

78A(4) Environmental Protection Act 1990 defines harm as:

*“Harm to the health of living organisms or other interference with the ecological systems of which they form a part, and in the case of man includes harm to his property.”*

The presence of a harmful substance in, on or below a piece of land does not necessarily mean that land is “contaminated land”. The source of harm may be present but unless a possible route exists through which it is likely to cause harm to health, eco-systems or property or to cause pollution of controlled waters, the land is not contaminated within the meaning of the Act.

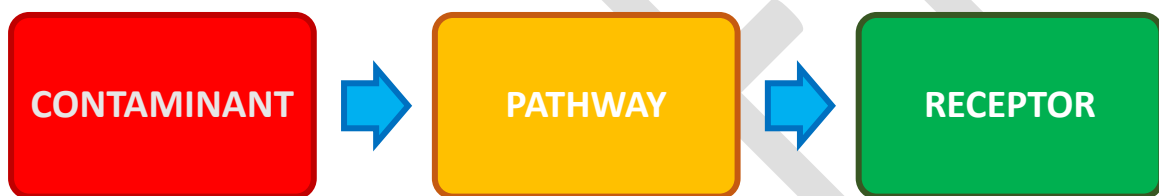
Only land where unacceptable risk has been clearly identified after risk assessment should be considered as meeting the Part 2A definition of contaminated land. Land



should be considered to be uncontaminated land as defined by Part 2A unless there is reason to consider otherwise.

Within this document “contaminated land” is used to mean land which meets the legal definition under Part 2A. Other terms, such as “land affected by contamination” or “land contamination” are used to describe land where contaminants are present but not at sufficient level of risk to be classified as contaminated land.

A site cannot be identified as contaminated land purely on the basis of contaminative substances being present. There must be a relevant sensitive receptor, such as a human being, ecosystem, controlled waters, or property, at risk of significant harm from the source of contamination. There must also be a viable pathway of exposure linking them together. A pathway may be exposure from handling of soils, breathing in dust or vapours, consumption of produce grown in impacted soils, or other means by which a contaminant may reach the receptor. A complete source-pathway-receptor model of contamination is referred to as ‘contamination linkage or pollutant linkage’.



The term ‘significant contaminant linkage’, is used in the Statutory Guidance, to mean a contaminant linkage which gives rise to a level of risk sufficient to justify a piece of land being determined as contaminated land.

## 2.1 Radioactive Contaminated Land

A legal framework for dealing with radioactive contaminated land in England under the Part 2A regime has been established by Radioactive Contaminated Land (Enabling Powers) (England) Regulations 2005 and the Radioactive Contaminated Land (Modification of Enactments) (England) Regulations 2006.

The radioactive contaminated land regime addresses harm attributable to radioactivity under Part 2A, where radioactivity is present because of a past activity or as a result of the after-effects of an emergency. The regulations do not apply to current practices or natural background radiation and are only concerned with potential effects on human health, excluding environmental receptors. The Radioactive Contaminated Land Statutory Guidance (June 2018) is legally binding on local authorities including Redditch Borough Council.

[Radioactive contaminated land: statutory guidance - June 2018 \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk)

## 2.2 Duties of Local Authority

Under section 78B(1) of Part 2A of the Act the council has an inspection duty, which is set out below.

*Every local authority shall cause its areas to be inspected from time to time for the purpose –*

- (a) of identifying contaminated land; and*
- (b) of enabling the authority to decide whether any such land is land which is required to be designated as a special site*

The Statutory Guidance states there are two broad types of inspection likely to be carried out by local authorities. Firstly, strategic inspection, which comprises collection of information to make a broad assessment of land within the area and then prioritisation of sites for further consideration. Secondly, detailed inspection of that particular land to obtain information on ground conditions and where necessary carrying out risk assessments in order to make decisions relevant to that land under the Part 2A regime. The Guidance refers to these as ‘strategic inspection’ and ‘detailed inspection’. Further information is provided later in the document in section 5.

## 2.3 Special sites

Land required to be designated as a ‘special site’ is defined within The Contaminated Land (England) Regulations 2006, regulation 2. Where a local authority inspects land considered to meet one of the definitions of a special site, and constitutes contaminated land, consultation with the Environment Agency would be undertaken. Subject to the Agency’s advice and agreement, a joint approach to inspection of the land would be adopted. For special sites, regulation is transferred to the Environment Agency, however, the local authority retains the duty to formally determine land as contaminated land under Part 2A.

## 2.4 Contaminated Land Statutory Guidance

The Department for Environment, Food and Rural Affairs (DEFRA) published revised Contaminated Land Statutory Guidance in April 2012 (Statutory Guidance). The Statutory Guidance requires the Local Authority to take a strategic approach to



carrying out inspection duty, set out in a written strategy which is periodically reviewed.

The strategy should include the following:

- (a) *Its aims, objectives and priorities, taking into account the characteristics of its area.*
- (b) *A description of relevant aspects of its area.*
- (c) *Its approach to strategic inspection of its area or parts of it.*
- (d) *Its approach to the prioritisation of detailed inspection and remediation activity.*
- (e) *How its approach under Part 2A fits with its broader approach to dealing with land contamination.*
- (f) *Broadly, how the authority will seek to minimise unnecessary burdens on the taxpayer, businesses and individuals.*

[Environmental Protection Act 1990: Part 2A - Contaminated Land Statutory Guidance \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/101111/Environmental_Protection_Act_1990_Part_2A_-_Contaminated_Land_Statutory_Guidance.pdf)

## 2.5 Redditch Borough Council Policy

*The Review of Council Plan Priorities 2023 & 2024* sets out the council's strategic priorities and the timeframe for delivery. The core values relevant to this strategy include:

- **Housing** – promotes safe and sustainable housing growth.
- **Parks and Green Spaces** – often included as remediation schemes.
- **Economy and Regeneration** – promotes regeneration of brownfield sites following appropriate remediation.
- **Community Safety** – strategy aims to prevent exposure to unsuitable levels of contamination.

The Council Plan sets out the Council's ambitions for the area that they aim to deliver and is available via the link below.

[Redditch Borough Council Review of Council Plan Priorities 2023 & 2024 \(redditchbc.gov.uk\)](https://redditchbc.gov.uk/review-of-council-plan-priorities-2023-2024)

### **Adopted Borough of Redditch Local Plan No.4 (2011-2030)**

On 30th January 2017, Redditch Borough Council adopted the Borough of Redditch Local Plan No. 4 (2011-2030). The Borough of Redditch Local Plan No.4 is the most important planning document at the local level, as it provides a framework approach for the growth of the Borough and it will form part of the statutory development plan, providing the basis for decisions on planning applications.

Work has begun on reviewing the Borough of Redditch Local Plan (which was Adopted in 2017) in line with the Government's requirements. The first stages of consultation are envisaged to take place towards the end of 2024.

The Local Plan makes a number of references relevant to contaminated land including the following, within *Policy 5 "Effective and Efficient Use of Land"*.

*5.1 Land for development is a finite resource. Whilst it is acknowledged and accepted that some greenfield land must be used to meet development requirements, there remains a need for prudent reuse of previously developed (brownfield) land within the Borough which has the potential to contribute towards meeting Redditch's development needs. Furthermore, the greenfield land that is allocated for development should be developed efficiently to maximise its potential.*

*5.7 Development proposals on land likely to be affected by contamination should demonstrate that the site is capable of appropriate remediation without compromising development viability or the delivery of sustainable development.*

*5.10 Proposals also need to ensure that new development does not contribute to, or is put at unacceptable risk, from ground contaminants. Where sites are suspected of contamination, the Borough Council will require the submission of an appropriate risk assessment and, if necessary, a site investigation and mitigation scheme.*

A copy of this document can be accessed via the following link

[Adopted Borough of Redditch Local Plan No.4 \(redditchbc.gov.uk\)](https://redditchbc.gov.uk)

## **2.6 Brownfield Land Register**

The Government introduced a requirement for all Local Planning Authorities (LPAs) to publish a Brownfield Land Register (BLR) by 31st December 2017. The BLR is a comprehensive list of brownfield sites in a local authority area that are suitable for housing. The registers will help house builders identify suitable sites quickly, speeding up the construction of new homes.

The Council will have the final say on which sites are on the register and which sites will have permission in principle. The BLR is compiled in two parts:-

Part 1 will include sites categorised as previously developed land which are suitable, available and achievable for residential development.

Part 2 will allow LPAs to select sites from Part 1 and grant permission in principle (PiP) for housing led development. There are currently no sites that have been put forward for Part 2.

All sites submitted must be Brownfield land, suitable to be developed for housing and meet the National Planning Policy Framework (NPPF) definition of previously developed land.

[Brownfield Land Register \(redditchbc.gov.uk\)](http://redditchbc.gov.uk)

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### 3. Aims and Objectives

The aim of this document is to outline how the Council will implement the contaminated land regime within the borough, in a proportionate and cost-effective manner. It is not intended to reiterate the specifics as defined by legislation or in statutory guidance or other best practice documents which cover the numerous and detailed aspects involved when assessing land for contamination. A brief outline of the regime is provided here [Contaminated land: Dealing with contamination - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/contaminated-land-dealing-with-contamination) and on the WRS website [Contaminated Land | Worcestershire Regulatory Services \(worcsregservices.gov.uk\)](https://www.worcestershire.gov.uk/contaminated-land) .

#### Aims

The council’s aims in dealing with contaminated land will be to:

- Protect human health;
- Prevent damage to property, livestock, and crops;
- Protect designated ecosystems;
- Prevent any further contamination of land;
- Encourage voluntary remediation; and
- Encourage re-use of brownfield land.

## Objectives

The principal objectives of this strategy are to:

• Identify sites where historic or current use may have led to land contamination.

Identify and remove unacceptable risks to human health and the environment resulting from contaminated land.

• Ensure sites are suitable for use utilising the planning system and voluntary remediation wherever possible.

Encourage development and use of previously developed (brownfield) land.

• Ensure that the burdens faced by individuals, companies and society as a whole are proportionate, manageable and compatible with the principles of sustainable development.

Ensure the strategy meets obligations under Part 2A of the Environmental Protection Act 1990 and fulfils statutory responsibility.

The objectives outline the ‘suitable for use approach’ with respect to the remediation of contaminated land and achieving sustainable development. This means that the risk is assessed in the context of a specific use with the aim of maintaining an acceptable level of risk at minimum cost, thereby, “not disturbing social, economic and environmental priorities.”

## Priorities

The council (through WRS) undertake to:

•Maintain accurate information and records of potentially contaminative land uses.

Undertake risk assessment and prioritisation of potentially contaminated land sites.

•Where land is considered to be contaminated, ensure appropriate remediation is undertaken, using Part 2A powers only when no alternative solution exists.

•Act as consultee through the planning process, ensuring appropriate investigation and remediation, protecting new developments from historic land contamination.

•Consult with stakeholders, as necessary.

•Provide information and advice to developers.

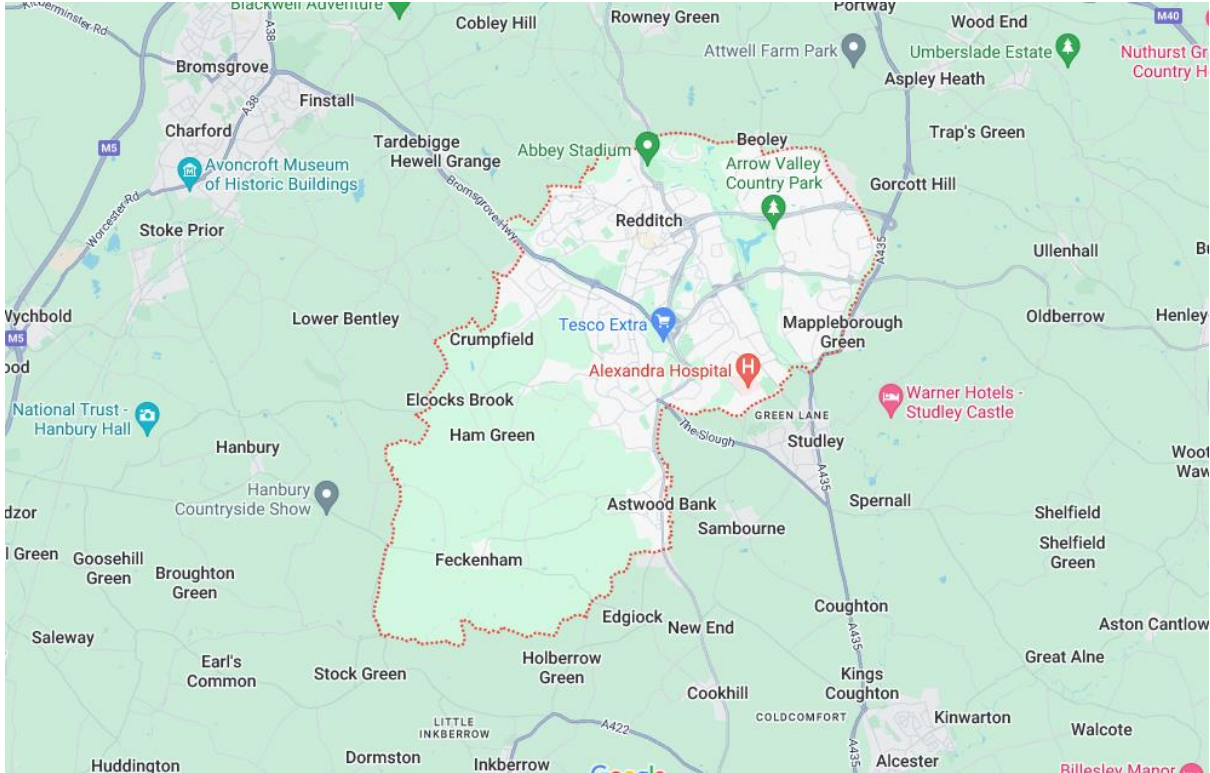
Provide information and advice in response to enquiries regarding property transactions.

•Adopt and publish a revised Contaminated Land Strategy (this document) which is rational, ordered, efficient and reflects local circumstances, in accordance with Statutory Guidance.

Periodically review the Contaminated Land Strategy, at least every 5 years

•Maintain a public register of contaminated land as required by Part 2A of the Environmental Protection Act 1990.

## 4. Characteristics of Redditch Borough



Redditch is a town located on the north-eastern border of the County of Worcestershire with a population of approximately 87,000. The town is separated from the main urban area of Birmingham by a green belt of 5 miles and there are approximately 12 miles between their centres. Redditch sits in a rolling landscape with the town located on a ridge and the lower ground around it. The area covers a large diversity of geographical locations varying from industrial land to gently rolling farmland.

The settlement appears to have grown as both an ecclesiastical centre around Bordesley Abbey, now located in the north of the town, and an informal market and settlement area around the crossroads of two major Medieval roads which met at Church Green and later became the main centre. Bordesley was founded in the early 12th century by Cistercian monks from Leicestershire after a land grant by the Earl of Worcester. The Abbey became wealthy through a network of 12 granges and by utilisation of the River Arrow for fishponds, water mills and water powered iron forges.

Historically, the main industry of the town was needle production although the factories of Redditch have a long history of metalwork and were heavily involved in production for both World Wars. Prior to 20th-century expansion, the town of Redditch was relatively small with the settlement principally focused on the area of



Church Green, Prospect Hill, Silver Street and Beoley Road. In 1850, the population of Redditch was estimated to be around 5,000 but by 1900 had exploded to approximately 18,000 people. This rapid growth has been attributed to the opportunities afforded by growing industry.

Needle making was a cottage industry but by the 18<sup>th</sup> century it had become factory-based, utilising the power of the River Arrow to scour needles at numerous mills along the watercourse and tributaries. The advent of steam power in the 19<sup>th</sup> century allowed the needle works to move from the low-lying land beside the river, to the new town developing on the hill. The needle industry of Redditch grew throughout the 19<sup>th</sup> century to provide approximately 90% of the world's needles. Other wire-based industries including fishhooks and springs also developed on the back of this industrial boom. Growing metalwork expertise in the area brought in new industries like cycle manufacture. In 1880, the Townsend Cycle Company was founded which also led to the establishment of the Eadie Manufacturing Company and the Enfield cycle company; the large works for each company forming a backbone of industrial sites in which the manufacturing of early 20th-century Redditch was carried out.

Factories such as the Neptune Works, Queens Works, Washford Mills, Abbey Mills, Unicorn Works, Forge Mills, British Mills, Standard Works and Easemore Works, among others, proliferated across the town, shaping the character of development throughout the 20th century. In 1964 Redditch was designated a New Town and underwent considerable development which changed the face of both the town and its surrounding countryside (Webley, A. 2020).

## 4.1 The Geological Setting

The geology is principally Mercia Mudstone with superficial deposits of alluvium related to the River Arrow, which cuts through the eastern half of the town.

From a review of published geological information, principally from the British Geological Survey (BGS Geology Viewer, 2024), a simplified overview of ground conditions is as follows:

### **Drift Geology**

The drift geology is one of glacial sand, gravels, and clays, which may have been used for aggregates and brick manufacture. Any such extraction may have locally left voids that in turn may have been infilled with potentially contaminative material both historically and in more recent times.

Sand and gravel deposits may be classed as minor aquifers of local importance and therefore may be classed as a receptor, should abstraction be present.

Sedimentary superficial deposit formed between 860 and 116 thousand years ago during the Quaternary period (BGS Geology Viewer, 2024).



## Solid Geology

The solid geology comprises Mercia Mudstone Group which are of non-aquifer status, which overlie Sherwood Sandstone at depth.

Mercia Mudstone Group is sedimentary bedrock formed between 252.2 and 201.3 million years ago during the Triassic period (BGS Geology Viewer, 2024).

## 4.2 Hydrogeology and Hydrology

### Hydrogeology

The area is largely comprised of Secondary B Aquifer with small areas classed as Secondary A and Secondary (Undifferentiated) (MAGIC website, 2024).

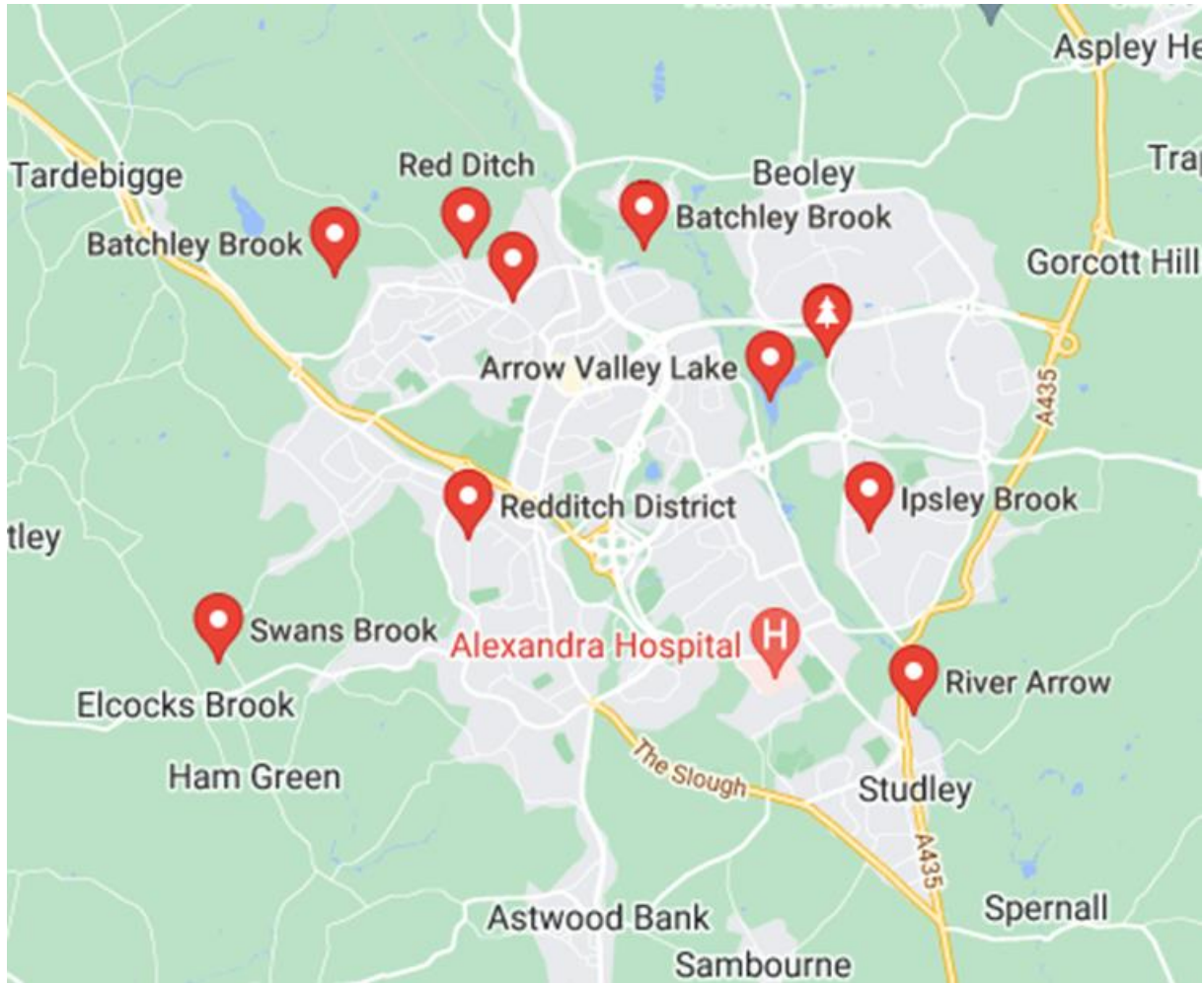
There are no identified records of private water supplies being located within the Redditch District but there are likely to be non-domestic abstractions present.

### Hydrology

The main water courses within the Redditch district area include the River Arrow which rises from an overflow at Lower Bittell Reservoir and flows south through Redditch to join the River Avon at Salford Priors in Warwickshire. For much of its length it is lined with trees and shrubs, which broaden out to form woodland in some locations, and creates an important wildlife corridor through the landscape. It is a particularly valuable feature where it flows through the centre of Redditch with the river and the attendant valley forming a green wedge through the town. The tributaries of the River Arrow include Arrow Brook, Batchley Brook, Red Ditch, Blacksoils Brook, Ipsley Brook, Church Hill Brook and Wharrington Brook (MWH Treatment, 2012, and River Arrow, Worcestershire, 2024).

Bow Brook is another significant water course within the area rising near Upper Bentley to the west of Redditch and flowing south through Feckenham. It flows for approximately 29 miles to where it meets the River Avon at Defford (Bow Brook, 2021).

Some of the water courses referred to above can be seen on the plan below.



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## 5. Strategic Inspection & Prioritisation

Worcestershire Regulatory Services (WRS) is the shared Environmental Health and Licensing functions of Redditch Borough Council and the five other Worcestershire districts. In line with the service level agreement, the potential contaminated land sites of each district are maintained in a combined working dataset to provide a countywide prioritisation to tackle those sites in the county in order of priority.

Using a combination of historical maps supplemented with Council records and other relevant information sources, a dataset of sites is maintained where past uses may have led to the presence of contamination. These sites are termed 'Sites of Potential Contaminated Land Concern' ("PCL").

At the time of writing this report, there were over 9000 site records held relating to potential sites of contaminated land concern within the dataset. Approximately 750 of these sites are recorded within the Redditch Borough Council area. New sites are being added to the records as and when they are identified, or further clarity of information is attained. These sites range from large industrial sites, such as former power stations, landfill sites and gas works, to very small sites such as infilled ponds, electricity substations, and everything in between, such as petrol filling stations, warehouses, factories, and depots.

A manual method of prioritisation of these sites is to be undertaken to rank the sites in order of priority for detailed inspection. Sites that have a greater risk will be classed as a higher priority, those with a lower risk will be allocated a lower priority. Where sites have been remediated as part of the planning process or through voluntary remediation this will be reflected within the prioritisation. The list will continue to be revised as further sites are redeveloped through the planning regime.

Most of these sites have not been investigated, with only limited information available, and therefore have only been identified with a potential for contamination to be present due to the historical land use rather than a known history of contamination. The sites will be ranked by order of priority for possible detailed inspection in the future.

It is important to note that requirements under Part 2A of the Act addresses the risk based on the existing land use only and not future possible uses. Whilst sites may have been noted as remediated, or not requiring inspection, this does not preclude further work being required in the future should a more sensitive land use be proposed which may create a higher risk.

Part 2A adopts a precautionary approach in terms of the risks posed by contamination. The Statutory Guidance provides more detail on the specifics of risk assessment and the procedures for deciding whether land meets the legal definition of contaminated land resulting in determination. Any inspection by the Council carried out would follow the requirements set out in the legislation and Statutory Guidance at that time.

## 6. Detailed Inspection

Sites of Potential Concern will be prioritised for further detailed inspection with the highest-ranking sites inspected first. These sites would be the ones with the highest associated risk. The risk is considered in terms of likelihood of contamination being present (by former activity), the sensitivity of the current land use and likelihood of harm being caused.

Detailed inspection should follow a phased approach, which is standard practice for investigating the presence of contamination. This may include intrusive investigation involving the collection of soil and water samples along with gas and groundwater monitoring, dependent on the nature and likelihood of contamination suspected. All inspections will follow the Statutory Guidance and Land Contamination Risk Management Guidance (Environment Agency, 2024) and other relevant best practice and guidance.

To date, Redditch Borough Council have undertaken a number of inspections under Part 2A of the Act. As a result, some properties have been determined as 'contaminated land' requiring various remedial measures to be undertaken. The full details of these sites can be found online on the Council's Register of Contaminated Land [Public register of contaminated land \(worcsregservices.gov.uk\)](https://www.worcsregservices.gov.uk).

The inspection of potentially contaminated land sites under the Part 2A regime is very resource intensive for the local authority, in terms of both time and money. Defra previously provided a grant system to local authorities via a bidding system, to finance the investigations. The grant system could also be used by local authorities to remediate sites, where no other responsible party could be identified. This scheme was withdrawn in 2013 and no replacement funding mechanism has been provided to enable local authorities to undertake this work since.

Intrusive investigation can be an expensive process usually requiring the services of specialist environmental consultants, often needing further rounds of investigation after initial results are received. Where remediation is required, the Council will seek to identify those persons responsible for the contamination and therefore liable for the costs of remediation.

Remediation costs can reach hundreds of thousands of pounds and where no other person is found to be liable for the costs, it would fall to Redditch Borough Council to fund and ultimately the taxpayer.

The Statutory Guidance states that local authorities must seek to minimise unnecessary burdens on the taxpayer. As such, in the absence of any external funding mechanisms and the financial risk that this creates, Redditch Borough Council at this time, will not pro-actively undertake Part 2A detailed inspections of Sites of Potential Concern (except where there is clear evidence that a problem exists or is likely to exist).

The Council will continue to use the favoured mechanisms detailed in the Statutory Guidance, such as the development control process and voluntary remediation, to ensure that historical contamination is appropriately and proactively dealt with. These alternative arrangements are described in more detail below.

The Council will, however, use its powers under Part 2A of the Act to reactively deal with contaminated land where there is clear evidence that a problem exists or is likely to exist and there is no other regulatory approach available. Any potential funding streams will be assessed and pursued where appropriate should they become available.

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## 7. Broader Approach

Contaminated land is considered within the Development Control and Building Control regimes to ensure sites are suitable for their current and intended use. Each system has its own requirements.

### **Development Control**

The National Planning Policy Framework (NPPF) (Department for Levelling Up, Housing and Communities, 2023) sets out government's planning policies for England and how these are expected to be applied. Paragraphs 183 onwards detail the requirements for addressing potential contamination in the development control process to ensure the site is suitable for its proposed use and, after remediation (where required), the land is not capable of being determined as Contaminated Land.

#### *NPPF Paragraph 189*

*Planning policies and decisions should ensure that:*

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);*
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990; and*
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.*

#### *NPPF Para 190*

*Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rest with the developer and/or landowner.*

WRS act as a consultee within the planning process and work closely with Planning Officers to ensure issues of potential contamination are investigated and dealt with as required. This is generally achieved by way of various conditions being applied to planning consent notices, as appropriate, to ensure the relevant issues are adequately addressed.

Involvement continues throughout a development up to the point it is demonstrated that no remedial measures are required on a site, or a final verification report is submitted and agreed to demonstrate remediation work has been successful. It is the responsibility of the developer and/or landowner to ensure the site is safe. The Council welcomes early communication on these matters so advice can be provided as to the requirements of addressing land contamination under the planning regime.



Addressing potential contamination through the development control regime is the best approach for addressing potentially contaminated sites. The high number of planning applications received per year in the district allows a much greater number of sites to be investigated than could be progressed under the Part 2A regime. The use of other mechanisms to address potential contamination is supported by the Statutory Guidance.

### ***Building Control***

Regulation 6 of the Building Regulations 2010 identifies resistance to contaminants as being a requirement to certain material changes of use.

Approved Document C, '*Site preparation and resistance to contaminants and moisture*', (HM Government, 2013) provides guidance for addressing potential contamination within the Building Control regime.

WRS Officers work with the Building Control Officers with regards to the requirements under the legislation and the subsequent remediation measures agreed for a site with the developer or landowner.

### ***Environmental Permitting Regime***

The Environmental Permitting (England and Wales) Regulations 2016 and subsequent amendments provides a regime for the regulation of prescribed industrial and waste management activities.

Where significant harm or pollution of controlled waters comes from a process regulated under the above regimes, a remediation notice under Part 2A of the Act cannot be served if the powers are available under the relevant Environmental Permitting regime to address the harm or pollution of controlled waters.

### ***Voluntary Remediation***

Discussions with landowners or occupiers who wish to address potential contamination on their land on a voluntary basis are welcomed. This sometimes occurs where a landowner wishes to sell land, use it as equity, reduce the risk of damage to the environment or limit any future liability.

### ***Regional Collaboration***

WRS is a member of a number of regional contaminated land groups consisting of representatives from other Local Authorities and relevant bodies. These are the West Midlands Contaminated Land Group, Gloucestershire Contaminated Land Group, and Staffordshire Contaminated Land Group. These groups are voluntarily run organisations working to provide support to local authority officers, encouraging dialogue with the wider industry and helping deliver consistency in the regulation of environmental pollution matters. WRS are also a member of the National Contaminated Land Officer Group which offers a coordinated approach across the country to topical matters as they evolve.

WRS have produced the *Technical Guidance Note for Planning (2024)* which sets out the requirements for how land affected by contamination should be dealt with as part of the planning process. The document also provides a specification as to the technical standards expected for contaminated land reports submitted in support of

planning applications and discharge of condition requests. Environmental consultants and developers are directed to this document. It is hoped that this helps to improve the quality of information submitted and to raise awareness of the requirements particularly within the planning process. The document has been made available to other local authorities for information.

[wrs-technical-guidance-document-for-planning-v-5-6-final.pdf](https://www.worcsregservices.gov.uk/wrs-technical-guidance-document-for-planning-v-5-6-final.pdf)  
([worcsregservices.gov.uk](https://www.worcsregservices.gov.uk))

### ***The Office for Environmental Protection***

The Office for Environmental Protection (OEP) was legally created in November 2021, under the Environment Act 2021. Their remit is to protect and improve the environment by holding government and other public authorities to account. The OEP have powers to enforce against failures to comply with environmental law.

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## **Appendix A – Consultees**

The following organisations are to be consulted on the draft of this document.

- Redditch Borough Council
- Environment Agency
- Natural England
- Defra
- English Heritage
- Worcestershire County Council

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## Appendix B – Prioritisation Methodology

Preliminary prioritisation will continue in order to assess sites for future inspection. The sites will be scored utilising a risk ranking scoring system within the contaminated land database. The aim is to score all potential sites of concern to establish a hierarchy system with the higher risk sites at the top of the list. The site categorisation methodology is based upon the Source-Pathway-Receptor linkage, taking into account;

- Likely presence of Contaminant and severity of harm
- Likelihood of a Pathway for contaminant cause harm
- Receptor Sensitivity

The first step is to identify former potentially contaminative land uses or activities, such as “Gas Works”, and apply the corresponding score. If a site has multiple uses it will be assigned the relevant scores for each of the major land uses. The risk assessment tool allows for up to six separate land use scores to be assigned. If a case arises where there are more than six relevant land uses for the site, the highest category scores will be included. A generic score according to the risk class is appointed depending on the use from the following rankings; Very High, High, Medium, Low, or Very Low.

The next stage is to assign a further score based on the pathway efficiency taking account of geology, soil classification, services pathways, and whether any remediation or barriers have been put in place. If no data is held a conservative approach is adopted by applying the same score as for high risk. The other values are medium or low.

A third score is applied in relation to the receptor sensitivity with the highest sensitive uses accruing a higher score. The most sensitive end uses are classed as residential with gardens and schools and children’s nurseries. The receptor sensitivity takes account of exposure pathways that are likely to be present and the vulnerability of those receptors. A residential property with garden is likely to have more exposure pathways because of the potential for residents to interact with bare soils. Home grown produce may take up contaminants whilst growing that can then be ingested when consumed. Soils may also be ingested by young children during play, inhaled as dust, and tracked into residential properties. Children are at a higher risk from contaminants due to a number of factors including their smaller size (and therefore exposure to proportionally larger doses of toxins), closer proximity to the ground, dirt and indoor dust. When compared to adults, children also breathe more, and consume more food and water proportionately in terms of kg of bodyweight (Hauptman, M, / Woolf, A, 2020).

A further score can be applied for other considerations where relevant. These include controlled waters sensitivity and whether there are other ecological

receptors, or protected property or buildings. These may include national nature reserves & sites of special scientific interest, ancient monuments, crops, owned or domesticated animals, and wild animals subject to shooting or fishing rights.

The scoring matrixes that are to be utilised within the prioritisation process are set out below.

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## SCORING MATRIXES

SOURCE		CODE	RISK	SCORE
Asbestos manufacture, abrasives, and related products		ML	<b>Very High</b>	<b>50</b>
Chemical works (organic and inorganic)	Manufacture of cosmetics, bleaches, manure, fertilisers and pesticides, detergents, oil organic based pharmaceuticals, other chemical products, including glues, gelatines, recording tapes, photographic film	CH		
	Sheep dips	SD		
	Dyes, pigments	DY		
	Paint, varnishes, printing inks, mastics, sealants, and creosote	PA		
Radioactive materials processing and disposal		NA		
Gas works, coke works, coal carbonisation and similar sites. Production of gas from coal, lignite, oil, or other carbonaceous material other than waste		GA		
Refuse and waste disposal sites, including hazardous wastes, incinerators, sanitary depots, drum and tank cleaning, solvent recovery		RF		
Oil refining and bulk storage of oil and petrol & Gasometers which are not gas works		LL		
LANDFILL SITE - KNOWN TO BE ACTIVELY PRODUCING GAS		LA		
Abattoirs and animal slaughtering:		AB	<b>High</b>	<b>40</b>
Animal products processing into animal by-products eg soap, candles, and bone works.		AN		
Tannery, leather goods and skinnery		TY		
Engineering (heavy and general)	Manufacturing of distribution, telecoms, medical, navigation, metering, and lighting.	HE		
	Manufacture and repair including ships, aerospace, rail engines and rolling stock	HT		
	Heavy products manufacture - rolling and drawing of iron, steel, and ferroalloys - includes tube works	HM		
	Manufacturing of electrical and electronic domestic appliances.	HS		
	Manufacture of cars, lorries, buses, motorcycles, bicycles	LT		
Manufacturing of engines, buildings and general industrial machinery, including nuts and bolts, gas fitting as, wire rope/cable		MA		

	and ordnance accessories. Including metal workshops and canneries			
Metal smelting and refining	Includes furnaces and forges, electroplating, galvanising, and anodising	FY		
	Ferro and aluminium alloys-manganese works, slag works	PL		
Civilian manufacture and storage of weapons, ammunition, explosives, and rockets including ordnance.		MG		
All military establishments including firing ranges (if not specified as civilian).		MD		
Recycling of metal waste including scrapyards and car breakers		SP		
Natural and synthetic rubber products including tyres and rubber products. Tar bitumen, linoleum, vinyl, and asphalt works		RB		
Paper, card etc products (packaging).		PD		
Pulp, paper, and cardboard manufacture		PR		
UNDERGROUND STORAGE TANKS ON SITE and above ground fuel storage tanks (except domestic)		US		
LANDFILL SITE - STRONGLY SUSPECTED TO BE PRODUCING GAS, based on available information on age and content of fill		LB		
Manufacture of clay bricks and tiles, including associated activities eg brick fields, also solitary kilns (other than lime kilns)		BK		
Extraction of alluvial sediments (sand, stone, clay, peat, marl and gravel)		PT		
Quarrying of all stone (including limestone, gypsum, chalk and slate) and ores, includes all opencast mining and slant workings - also slate/slab works, flint works, stone yards		QU		
Airports and similar (air and space transport)		AP	<b>Medium</b>	<b>30</b>
Concrete, ceramics, cement and plaster works.	Concrete, cement, lime and plaster products, also including solitary lime kilns.	CE		
	Tableware and other ceramics.	CR		
Dry-cleaning and laundries (larger scale, not usually "High Street")		LY		

Flat glass products manufacture		GL		
Photographic processing		PP		
Coal storage/depot.	Coal mining (and the manufacturing of coke and charcoal) - areas include associated surface activities in area and coal mine shafts.	CC		
		CY		
	Areas of mining and single or groups of shafts other than coal, or not specified - including levels, adits, etc also areas associated with mineral railways.	MN		
Electricity generation and distribution, including large transfer stations, power stations (excluding nuclear power stations).		PW		
Batteries, accumulators, primary cells, electrical motors, generators, and transformers		BT		
Printing of newspaper		NW		
Printing works other than newsprint and bookbinding (usually excludes "High Street" printers)		PN		
Railway land, including yards and tracks.		RW		
(Railway tracks - up to 4 tracks wide or 30 m)		RL		
Sale of automotive fuel. Road vehicle fuelling, transport depots, road haulage and commercial vehicle fuelling, local authority yards and depots.		FU		
Repair and sale of cars and bikes, parts and motorway services.		GG		
Transport depots - road haulage corporation yards		DP		
Sewage treatment works. Sewerage, septic tanks, effluent - including all filter beds.		SW		
Textiles manufacturing - natural and manmade textile manufacture and products including hemp rope and linoleum.		TX		
Timber treatment works and manufacturing. Sawmills, planing and impregnation (ie treatment of timber), wood products, telegraph works, timber yard, eg veneer		WD		
Computers, office machinery, business/industrial electrical goods.		LE		
Insulated wire and cable for electrical/tel/purposes.		WR		
LANDFILL SITE - GAS PRODUCTION IS POSSIBLE, based on historical map evidence of infilled quarry, water body or other void		LC		
Plastic products manufacture, moulding and extrusion; building materials; fibre glass, fibre glass resins and products. Manufacturing of Tar, Bitumen and Asphalt.		PS	Low	20



Dockyards and wharves. Boatbuilding, wharf and quays, cargo/transport handling facilities - marine or inland	DK		
Brewing and malting	BW		
spirit distilling and compounding.	DL		
Major food processing includes large dairies. Exceptionally large-scale corn/flour milling	FD		
Constructional steelwork, metal structures and products and building materials (Including Building Yards and smithy's)	MP		
Cemetery, modern burial ground, and graveyard	GV		
All hospitals including sanatoriums but not lunatic asylums (also includes laboratories)	HL		
LANDFILL SITE - GAS PRODUCTION UNLIKELY, based on available information on age and content of fill	LD		
Light Industry	LI	<b>Very Low</b>	<b>10</b>
Pollution incident (historic)	PI		
Area prone to repeated flooding	FL		
Radioactive Substances Act Registrations	RS		
Allotments and agricultural areas subject to repeated sewage spreading or excessive treatment	AL		

<b><u>PATHWAYS</u></b>		<b><u>SCORE</u></b>
Geological risk pathway	No data held or High Risk	5
	Medium Risk	3
	Low Risk	1
Soil Classification risk pathway	No data held or High Risk (No info or soils of high leaching potential)	5
	Medium Risk (Soils of intermediate leaching potential)	3
	Low Risk (Soils of low leaching potential)	1
Services pathway risk	No data or Drainage services (including culverted rivers) or wells known	5
	Possible drainage services	3
	No drainage services on site	1
Remediation pathway risk	No knowledge	5
	Likely that some remedial scheme would have been employed	4
	Partial remedial scheme believed to be in place	3
	Remedial scheme believed to be in place and effective	1

	Full appropriate remedial scheme in place and full details held	0
Barrier pathway risk	Uncertain/No knowledge of any barrier	1
	Physical or effective management barrier in place	0

<b><u>RECEPTORS</u></b>	<b><u>SCORE</u></b>
Residential with Gardens	20
Schools and Children's Nurseries	20
Private Water Supply abstraction for domestic consumption	18
Residential without Gardens	16
Playing fields and Public Open Space	9
Allotments and Cemeteries	8
Leisure/Hospitals/Commercial	7
Industrial	6
Agricultural	5
Other	1
No Risk Recorded	0

<b><u>OTHER CONSIDERATIONS</u></b>	<b><u>SCORE</u></b>	
Controlled Waters	Abstraction Point for Domestic Consumption	10
	River Water Classification A, B or C	
	Source Protection Zone 1	
	Major Aquifer (vulnerability risk = High)	8
	Source Protection Zone 2	
	Major Aquifer (vulnerability risk = Medium)	
	Minor Aquifer (vulnerability risk = High)	6
	Source Protection Zone 3	
	Major Aquifer (vulnerability risk = Low)	
	Minor Aquifer (vulnerability risk = Medium)	
River Water Classification D, E or F	5	

	Pond, Lake or other unclassified water feature	
	Minor Aquifer (vulnerability risk - Low)	4
	Abstraction Point for Commercial or Industrial use	3
	Non-Aquifer	2
Ecological Receptor, Property or Buildings	Owned or Domesticated animals	5
	Crops	
	Wild Animals subject to shooting or fishing rights	4
	National Nature Reserves & Sites of Special Scientific Interest	3
	Ancient Monuments	2
	Other Property	1

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## Appendix C – Ecological and sensitive sites

### **There are 6 Sites of Special Scientific Importance (SSSI) identified within the Borough. These are:-**

SP051692: Dagnell End Meadow - 2.16 ha area of ancient permanent pasture lying in the valley of the River Arrow. It represents one of the last surviving areas of such pasture in this area.

SP078676: Ipsley Alders Marsh - 15.37 ha area of meadow within which is a marsh receiving calcium-rich water from springs arising from the underlying Triassic Mercia Mudstones. It is currently managed as a nature reserve by Worcestershire Wildlife Trust.

SP053642: Rough Hill & Wirehill Woods - 50.8 ha area comprising two areas of contiguous ancient woodland which straddles the Borough boundary with Warwickshire. The woods have developed on a ridge of glacial sands and gravels overlying Mercia Mudstones. The varied soil conditions have given rise to six different woodland types. Much of the woodland is dominated by sessile oak with downy birch and silver birch.

SP003638: Trickses Hole - 2.91 ha area comprising two fields maintained by traditional management, one as a hay meadow and the other as pasture.

SO996612: Rookery Cottage Meadows - 5.72 ha made up of three meadows overlying medieval ridge and furrow that has been maintained by traditional hay cutting with grazing by cattle.

SP010603: Wylde Moor, Feckenham - 11.3 ha of a once extensive area of wetland known as Feckenham Moor, most of which has been drained and reclaimed for agriculture. The high water table and underlying base rich Keuper Marl and alluvium have led to the development of deep fen peat and associated marsh and fen vegetation, with drier species-rich grassland.

### **Redditch Borough contains 24 Special Wildlife Sites (SWS)**

SO95/09: Bow Brooks;

SO96/24: Old Rectory Meadows;

SO96/25: Bradley Green Meadows;

SO96/26: Upper Beanhall Meadows;

SO96/27: Berrow Hill;

SP06/02: Brook House Meadow and Feckenham Bank;

SP06/05: Brandon Brook Meadow;  
SP06/06: Burial Lane;  
SP06/10: Shurnock Meadows;  
SP06/11: Foxlydiate and Pitcheroak Woods;  
SP06/13: Downsell Wood;  
SP06/15: Walkwood Coppice;  
SP06/17: Pitcheroak Golf Course;  
SP06/18: River Arrow;  
SP06/19: Southcrest Wood;  
SP06/20: Oakenshaw Wood;  
SP06/21: New Coppice;  
SP06/22: Oakenshaw Spinney;  
SP06/24: Oakenshaw Fenny Rough;  
SP06/25: Lodge Pool;  
SP06/26: Abbey and Forge Mill Ponds;  
SP06/29: Arrow Valley Park Lake;  
SP06/30: Ravensbank Drive Bridle Track; and  
SP06/31: Ipsley Alders Marsh

**There are 8 Scheduled Monuments (England) in the Redditch Borough:-**

1005334 - Park Wood Camp Ipsley  
1005270 - The Forge Mill  
1005304 - Bordesley Abbey  
1017809 - Moated site and fishpond at Hunt End 120m south east of Chapel House Farm  
1018361 - Feckenham manorial moated site  
1019855 - Moated site known as Moon's Moat  
1021171 - Churchyard cross in St John the Baptist's churchyard  
1020711 - Moated site at Astwood Court

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**Redditch Borough Council response to: ‘Proposed reforms to the National Planning Policy Framework and other changes to the planning system’.**

Relevant Portfolio Holder	Councillor Joe Baker
Portfolio Holder Consulted	Yes
Relevant Head of Service	Ruth Bamford
Report Author Mike Dunphy	Job Title: Strategic Planning and Conservation Manager email: m.dunphy@bromsgroveandredditch.gov.uk Contact Tel: 01527 881325
Wards Affected	All
Ward Councillor(s) consulted	Yes via Planning Advisory Panel
Relevant Council Priorities	Housing and Environment
Non-Key Decision	
If you have any questions about this report, please contact the report author in advance of the meeting.	

**1. RECOMMENDATIONS**

**The Executive RECOMMEND that:-**

- 1) The response to the ‘Proposed reforms to the National Planning Policy Framework and other changes to the planning system’ at Appendix A is submitted to the Ministry of Housing, Communities and Local Government (MHCLG).**

**2. BACKGROUND**

- 2.1 On the 30<sup>th</sup> July the Government published a consultation titled ‘*Proposed reforms to the National Planning Policy Framework and other changes to the planning system*’. This public consultation is wide-ranging and aimed at all elements of the planning sector as well as other stakeholders including the general public. The consultation began on the 30<sup>th</sup> July and closed on the 24<sup>th</sup> September at 11:45pm.
- 2.2 The consultation contains 106 questions, the proposed response at Appendix A responds to the vast majority of those questions. The response has been informed by discussions and comments from elected members via the Planning Advisory Panel (PAP)

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2.3 In summary the content of the consultation focusses on the following areas:

- Planning for the homes we need
- A new Standard Method for assessing housing needs
- Brownfield, grey belt and the Green Belt
- Delivering affordable, well-designed homes and places
- Building infrastructure to grow the economy
- Delivering community needs
- Supporting green energy and the environment
- Changes to local plan intervention criteria
- Changes to planning application fees and cost recovery for local authorities related to Nationally Significant Infrastructure Projects
- The future of planning policy and plan making

2.4 Significant issues to note are as follows:

- The introduction of a mandatory housing target.
- A new way of calculating the housing target which increased Redditch Borough's requirement to 489 dwellings per annum from 143 per annum.
- The reinstatement of strategic / regional planning.
- The introduction of new 'grey belt' policy.
- A stronger focus on the delivery of social rented housing.
- New planning application fees.
- New intervention criteria on local plans.

**3. FINANCIAL IMPLICATIONS**

3.1 None

**4. LEGAL IMPLICATIONS**

4.1 The revised National Planning Policy Framework (NPPF) will be a key document which sets out how plan making and development management decisions will be made. Whilst there are no legal implications at this stage, the revised NPPF will be a significant material consideration once adopted.



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**5. COUNCIL PRIORITIES - IMPLICATIONS**

**Relevant Council Priorities**

The changes that are being proposed will have an impact on both Development Management decisions and the content of the Borough of Redditch Local plan review , and as such will have potential implications on all of the Council's Priorities.

**Climate Change Implications**

- 5.2 It is not considered that the proposed response will have any climate change implications.

**6. OTHER IMPLICATIONS**

**Equalities and Diversity Implications**

- 6.1 There are not considered to be any customer/equality or diversity implications.

**7. RISK MANAGEMENT**

- 7.1 There are no associated risks with this report.

**8. APPENDICES and BACKGROUND PAPERS**

Appendix A: Redditch Borough Council response to: 'Proposed reforms to the National Planning Policy Framework and other changes to the planning system'.

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**9. REPORT SIGN OFF**

<b>Department</b>	<b>Name and Job Title</b>	<b>Date</b>
Portfolio Holder	Cllr Joe Baker	
Lead Director / Head of Service	Guy Revans / Ruth Bamford	
Financial Services	Peter Carpenter	
Legal Services	Claire Felton	
Policy Team (if equalities implications apply)	N/A	
Climate Change Officer (if climate change implications apply)	N/A	

	<b>RBC RESPONSE</b>
<b>Chapter 3 – Planning for the homes we need</b>	
<b>Importance of planning to meet housing needs Advisory starting point and alternative approaches</b>	
Question 1: Do you agree that we should reverse the December 2023 changes made to paragraph 61?	<p>A clear and consistent position would be welcomed. The ambiguity around 'advisory starting points' and 'exceptional circumstances' often leads to extended and lengthy debate at EiP, where every interested party has a different opinion on calculating an appropriate level of housing need.</p> <p>The changes to paragraph 61, retain the phrase 'minimum number of homes needed'. It should be made clear that if LPAs are proposing to meet this minimum requirement in full through plan-making, then this should not be open to challenge at EiP by those who may wish an even higher number.</p>
Question 2: Do you agree that we should remove reference to the use of alternative approaches to assessing housing need in paragraph 61 and the glossary of the NPPF?	<p>As above a clear and consistent approach is welcomed, if there is any scope for alternative approaches clarity should be provided as to what constitutes an appropriate 'specific circumstance' and clear guidance should be provided as to how justification for use of an alternative approach to calculating housing need should be set out by an LPA.</p> <p>Agreeing an alternative approach early in the plan-making process with PINs would reduce the likely lengthy debate at EiP.</p>
<b>Urban uplift</b>	
Question 3: Do you agree that we should reverse the December 2023 changes made on the urban uplift by deleting paragraph 62?	<p>The application of an urban uplift is irrelevant if major urban centres have insufficient capacity to meet their own housing needs in the first instance, which was very often the case. Clear guidance is required across housing market areas and functional economic areas in terms of how redistribution of unmet needs should be accommodated across these areas and appropriate mechanisms should be put in place to ensure delivery within a reasonable timeframe.</p> <p>However, it should be made clear that major urban centres should be achieving higher density levels in the first instance to minimise the need to export housing cross boundary where higher density levels would be inappropriate.</p>

<b>Character and density</b>	
Question 4: Do you agree that we should reverse the December 2023 changes made on character and density and delete paragraph 130?	Density standards should be embedded in Local Plan policy. There is no 'one size fits all' across settlements and there may be other contributing factors that would require more sympathetic levels of growth in some locations. Paragraph 129 allows for this flexibility.
Question 5: Do you agree that the focus of design codes should move towards supporting spatial visions in local plans and areas that provide the greatest opportunities for change such as greater density, in particular the development of large new communities?	The production of design codes is supported where appropriate. Design codes can be used at different scales, local planning authorities needs to have the flexibility to use the most appropriate tools to ensure that all new development is developed to a high quality which responds to local character successfully.
<b>Strengthening and reforming the presumption in favour of sustainable development ('the presumption')</b>	
Question 6: Do you agree that the presumption in favour of sustainable development should be amended as proposed?	Yes, the proposed changes add much needed clarity to how the presumption is supposed to work.
<b>Restoring the 5-Year Housing Land Supply (5YHLS)</b>	
Question 7: Do you agree that all local planning authorities should be required to continually demonstrate 5 years of specific, deliverable sites for decision making purposes, regardless of plan status?	Yes, ensuring a pipeline of housing supply is a key part of the planning system. part of this approach is having a consistent, continuous process for demonstrating a 5YHLS position which provides certainty for decision makers. We would urge MHCLG to decide on the approach and stick with it
Question 8: Do you agree with our proposal to remove wording on national planning guidance in paragraph 77 of the current NPPF?	Yes, it is considered that reference to under/over supply is largely redundant given that affordability ratios take account of this when calculating local housing need. Over supply should result in an improvement to an LPAs affordability ratio.
<b>Restoring the 5% buffer</b>	

<p>Question 9: Do you agree that all local planning authorities should be required to add a 5% buffer to their 5-year housing land supply calculations?</p>	<p>The application of a buffer (of any percentage) to the 5YHLS calculation is of no benefit and should be deleted. Its purpose is to ensure choice and competition in the market. However, if a 5YHLS is in place, then additional development over and above that identified supply shouldn't be stymied as housing requirements are no longer maximum targets. In instances where a 5YHLS cannot be demonstrated, then the Presumption in favour of Sustainable Development and the Tilted Balance come into play.</p> <p>In relation to the 20% buffer to be applied when an LPA significantly under delivers against the housing requirement is an unnecessary penalty. In particular, local authority areas heavily constrained by Green Belt may have no option than to drop below a 5YHLS during Local Plan preparation, where the opportunity for appropriate windfall applications is extremely limited.</p> <p>Furthermore, Redditch Borough Council has ongoing and significant concerns regarding the Housing Delivery Test, how it is calculated and subsequently applied thus affecting the 5YHLS calculation. The Council, along with its neighbours at Bromsgrove District Council has been challenging the appropriateness of the HDT since its inception without due consideration from the Planning Policy Team at MHCLG. Both Councils maintain a stance to ignore the HDT outcomes until this matter is addressed fully and measures put in place to provide certainty regarding cross boundary allocation and delivery that don't have a significant impact on the HDT outcomes. As local planning authorities who embraced the duty to cooperate and have managed what many other areas have failed to achieve, we should not be penalised by ill thought out mathematics.</p> <p>By way of explanation, a copy of the correspondence to date will be sent once again to the Planning Policy Team and relevant Ministers copied in.</p>
<p>Question 10: If yes, do you agree that 5% is an appropriate buffer, or should it be a different figure?</p>	<p>See response to Q9</p>
<p>Question 11: Do you agree with the removal of policy on Annual Position Statements?</p>	<p>We have had no need for an annual position statement and have no objection to their removal.</p>
<p><b>Maintaining effective co-operation and the move to strategic planning</b></p>	

<p>Question 12: Do you agree that the NPPF should be amended to further support effective co-operation on cross boundary and strategic planning matters?</p>	<p>We welcome the return of strategic planning as the duty to cooperate has, in the main, failed.</p> <p>As an authority which is part of a housing market area, and functional economic market area dominated by large urban authorities, with a combined authority and an elected Mayor we do have concerns about the governance of a Spatial Development Strategy (SDS) focused on a mayoral region. As it stands RBC little say in the decisions taken by the WMCA and the Mayor. For the planning issues of the West Midlands to be tackled the geography of one or more SDS needs to be very carefully considered. The previous regional planning undertaken across the whole of the West Midlands under the Regional Spatial Strategy did provide authorities the certainty on those regional issues which allowed plans to be brought forward. The requirement for public consultation and an independent examination as part of the strategic plan making function is key. Decisions on strategic matters including housing and employment distributions need to be arrived and enforced, rather than avoided as is all too often happening at the moment.</p> <p>In relation to the specific changes being proposed to paras 24-27 of the NPPF. Whilst the duty to cooperate remains in force these changes will make little or no difference as they just reiterate what is supposed to be happening at the moment. The return to a legislated regime of strategic planning should be a priority. Local authorities where strategic cross boundary issues are present should not be allowed to rush a plan through for the sake of having a plan where a longer-term view is needed. Plans which have significant strategic issues should only come forward when the mechanisms of how that plan will feed into or be informed by a SDS are clear.</p>
<p>Question 13: Should the tests of soundness be amended to better assess the soundness of strategic scale plans or proposals?</p>	<p>Yes – a plan should only be allowed to be found sound if it has met its strategic obligations or has a clear plan in place of how they will be met.</p>
<p>Question 14: Do you have any other suggestions relating to the proposals in this chapter?</p>	<p>No other than the above.</p>
<p><b>Chapter 4 – A new Standard Method for assessing housing needs</b></p>	
<p><b>Step 1 – Setting the baseline – providing stability and certainty through housing stock</b></p>	

<p>Question 15: Do you agree that Planning Practice Guidance should be amended to specify that the appropriate baseline for the standard method is housing stock rather than the latest household projections?</p>	<p>It seems reasonable to set a baseline that can be measured such as housing stock as opposed to an aging projection dataset. What is needed most is a clear position to work from.</p>
<p><b>Step 2 – Adjusting for affordability</b></p>	
<p>Question 16: Do you agree that using the workplace-based median house price to median earnings ratio, averaged over the most recent 3 year period for which data is available to adjust the standard method's baseline, is appropriate?</p>	<p>The ratio being suggested will show the relationship between local house prices and jobs available in that locality. However, this does not accurately reflect the reality of districts such as Redditch, where people commute into major cities and elsewhere where there are higher paying jobs. Such a reality is more aligned to the median resident-based earnings.</p> <p>Whilst we agree that a standard method needs to be fixed to ensure clarity, we would ask that you reconsider the datasets used when arriving at the final affordability ratio chosen.</p> <p>Whatever measure is chosen, the method needs to be given sufficient time to work and should be monitored by MHCLG to ensure its appropriateness. If circumstances arise when LPAs advise that 'methods/measures' don't work or are unreflective of their administrative area, this should prompt a review of such measures, in much the same way as highlighted with the Housing Delivery Test outcomes at Q9 of this response.</p>
<p>Question 17: Do you agree that affordability is given an appropriate weighting within the proposed standard method?</p>	<p>Addressing affordability is key, any efforts to addressing rising affordability issues is supported.</p>
<p>Question 18: Do you consider the standard method should factor in evidence on rental affordability? If so, do you have any suggestions for how this could be incorporated into the model?</p>	<p>The standard method needs to, as far as possible, reflect the needs of the housing market as rental properties are paying an increasingly important role. Efforts should be made to include this affordability issue into the method although we have no suggestions on how it can be achieved.</p>
<p><b>Result of the revised standard method</b></p>	
<p>Question 19: Do you have any additional comments on the proposed method for assessing housing needs?</p>	<p>Whilst not in a position to comment with any great authority on the mechanisms used to calculate LHN, it appears that the formula used serves the purpose of aligning the mathematical outputs with the Government's aspirations for the housing market as quoted in the consultation material.</p>

	<p>Whether these numbers are achievable will be a significant challenge as they are considerably higher than any previous annual delivery requirements. They also do not take into account constraints such as green belt and possible other challenges such as infrastructure delivery.</p> <p>Whilst Local Plans can identify land for development needs, they cannot always force through delivery. Continued efforts need to be made to require developers to build out the permission they have.</p> <p>The NPPG Paragraph: 008 Reference ID: 2a-008-20190220 which specifically relates to the period upon which an LPA can rely on the housing need figure generated by using the standard method once a plan has been submitted to PINs should remain in place to give certainty to plan-makers during their examination period.</p>
<b>Chapter 5 – Brownfield, grey belt and the Green Belt</b>	
<b>Being clear that brownfield development is acceptable in principle</b>	
Question 20: Do you agree that we should make the proposed change set out in paragraph 124c, as a first step towards brownfield passports?	We consider that the brownfield first principle is already enshrined in the existing NPPF and is a well established principle for planning professionals when undertaking assessments of land availability. Including the phrase 'acceptable in principle' in this paragraph potentially undermines the status of the local planning authority as a decision-taker. It also fails to acknowledge the fundamental issue that brownfield land should still be in sustainable locations to be considered a sustainable option for growth, and not just acceptable in principle regardless of location.
<b>Making it easier to develop Previously Developed Land</b>	
Question 21: Do you agree with the proposed change to paragraph 154g of the current NPPF to better support the development of PDL in the Green Belt?	<p>No. It's too much of a jump from 'no greater impact' to 'not cause substantial harm'. The bar should be lowered to 'not causing harm'.</p> <p>Not all PDL is 'harmful' to the GB and therefore and therefore re-developing could be harmful to the Green Belt but easily fall under 'substantial'</p>
Question 22: Do you have any views on expanding the definition of PDL, while ensuring that the development and maintenance of glasshouses for horticultural production is maintained?	The PDL definition should not be changed. Car parks are devoid of structures so any development here would likely challenge green belt purposes and cause visual harm. Agricultural buildings are excluded from PDL currently, and don't see why glass house should be treated differently.



	<p>Recent inspectorate findings suggest that hardstanding, being two-dimensional, does not inherently harm Green Belt openness. Consequently, the introduction of built form on hardstanding would inevitably cause substantial harm to the Green Belt.</p> <p>Including agriculture and glasshouses would undermine self-sufficient food production and sustainability and associated employment.</p>
<p><b>Defining the grey belt</b></p>	
<p>Question 23: Do you agree with our proposed definition of grey belt land? If not, what changes would you recommend?</p>	<p>The definition of grey belt would appear to only be relevant to decision-making and not plan-making. In terms of the preparation or updating of plans, if Green Belt land is deemed to be suitable for development after consideration of a wide range of potential constraints to development, including by virtue of it making a limited contribution to the five Green Belt purposes, then current policy allows for the demonstration of exceptional circumstances in order to alter Green Belt boundaries and release the land from the Green Belt. In this context, grey belt designation would appear unnecessary.</p> <p>From a decision-making point of view, the definition is not clear. Development on PDL land in the green belt is already permitted by paragraph 151g (to be paragraph 151) so why is this expressly needed to be said here? Also, where the definition says 'make a limited contribution to the five Green Belt purposes' is this a test against all five, or the majority, or is one purpose more important and thus carries more weight?</p> <p>Assessing every site against the five purposes would require a Green Belt review for every planning application.</p> <p>A definition of <i>substantial built development</i> should be provided.</p>
<p>Question 24: Are any additional measures needed to ensure that high performing Green Belt land is not degraded to meet grey belt criteria?</p>	<p>Yes, safeguards should be listed in policy that prevent landowners and site promoters from purposefully allowing high performing Green Belt land to degrade, for instance via a lack of maintenance and/or investment on the quality of the land.</p> <p>Similarly, a firm line would need to be taken regarding unauthorised development, where the landowners intention was <i>to create PDL</i> land to thus enable development at a future time.</p>

	<p>The question essentially accepts that 'lower performing' Green Belt will be degraded to meet Grey Belt criteria. Surely this should apply to 'all' Green Belt. 'High performing' as a term is problematic in this context. The LPA through a Green Belt Reivew will have a document outlining high performing areas, developers will have a contrary view and the public in Green Belt areas will largely consider all Green Belt is high performing.</p>
<p>Question 25: Do you agree that additional guidance to assist in identifying land which makes a limited contribution of Green Belt purposes would be helpful? If so, is this best contained in the NPPF itself or in planning practice guidance?</p>	<p>Yes, in terms of greater clarity for key definitions used within the five purposes of the Green Belt and also for interpretation of Green Belt 'scoring' when it comes to the assessment of these purposes within a Green Belt review. A need for more detailed guidance would suggest that the planning practice guidance would be the best place for this.</p>
<p>Question 26: Do you have any views on whether our proposed guidance sets out appropriate considerations for determining whether land makes a limited contribution to Green Belt purposes?</p>	<p>The approach of setting out more guidance on what constitutes a limited contribution is welcomed, however it is considered that more detailed definition is needed, particularly within paragraph 10b) of the NPPF consultation document.</p> <p>The proposed glossary definition of 'limited contribution to Green Belt purposes' at para 10a) enables assessment against all 5 purposes. There seems no need to repeat the assessment of <i>land which makes no or very little contribution to preventing neighbouring towns from merging into one another</i> at 10bii) or <i>Land which contributes little to preserving the setting and special character of historic towns</i> 10biv).</p>
<p>Question 27: Do you have any views on the role that Local Nature Recovery Strategies could play in identifying areas of Green Belt which can be enhanced?</p>	<p>There needs to be a joined-up approach to LNRS and plan making to avoid inconsistency in designation and objectives.</p> <p>LNRS work has reviewed typologies of land, including geology, which would indicate and influence land use designations.</p> <p>Our land is a finite resource and utilising the work already undertaken by LNRS would be an effective approach to aid plan making.</p> <p>Nature and the environment have an important role to play in the social dimension of sustainable development, including healthy and happy communities.</p>
<p><b>Land release through plan-making</b></p>	

Question 28: Do you agree that our proposals support the release of land in the right places, with previously developed and grey belt land identified first, while allowing local planning authorities to prioritise the most sustainable development locations?	The sequential approach and emphasis on sustainable locations within revised paragraph 147 (new paragraph 144) is supported, albeit the rationale for designating grey belt in this context is not understood (as per our answer to Q23 of this consultation), when land can already be released from its Green Belt designation in order to meet development needs through the current plan-making process.
Question 29: Do you agree with our proposal to make clear that the release of land should not fundamentally undermine the function of the Green Belt across the area of the plan as a whole?	Yes, it is important to consider that Green Belt as a policy tool operates at a 'larger than local' (sub-regional) scale and is part of the wider issue of strategic planning to meet development needs across local authority boundaries. Whilst land may need to be released in the Green Belt to meet development needs, this should not undermine the importance of the five purposes of the Green Belt operating across an entire authority area or along an entire (urban-rural) boundary and not merely on a site-by-site basis.
<b>Allowing Development on the Green Belt through Decision Making</b>	
Question 30: Do you agree with our approach to allowing development on Green Belt land through decision making? If not, what changes would you recommend?	It is unclear how this can be done outside the plan-making process, when in order to meet the requirements of being on grey belt land and not undermining the function of the Green Belt across the area as a whole, local planning authorities will need to have completed a Green Belt review as a crucial part of the evidence base for plan-making.
<b>Supporting release of Green Belt land for commercial and other development</b>	
Question 31: Do you have any comments on our proposals to allow the release of grey belt land to meet commercial and other development needs through plan-making and decision-making, including the triggers for release?	The 'golden rules' as proposed currently are clearly geared towards residential development, therefore if proposed changes to Green Belt policy in respect of both decision-making and plan-making for the delivery of commercial development needs are to be implemented, then we consider local planning authorities will need far more clarity on what the requirements for commercial development would be where loss of Green Belt land is concerned.
<b>Planning Policy for Traveller Sites</b>	
Question 32: Do you have views on whether the approach to the release of Green Belt through plan and decision-making should apply to traveller sites, including the sequential test for land release and the definition of PDL?	Whenever possible the approach to the release of Green Belt for travellers sites should be the same as the release of Green Belt for any other type of development.

Question 33: Do you have views on how the assessment of need for traveller sites should be approached, in order to determine whether a local planning authority should undertake a Green Belt review?	The need for traveller sites should be assessed as part of the wider housing assessment and help to inform whether or not a green belt review is needed.
<b>Golden rules to ensure public benefit</b>	
Question 34: Do you agree with our proposed approach to the affordable housing tenure mix?	Yes, it is agreed that the appropriate tenure mix should be for local evidence to assess and therefore for local authorities to decide through local plan policies.
Question 35: Should the 50 per cent target apply to all Green Belt areas (including previously developed land in the Green Belt), or should the Government or local planning authorities be able to set lower targets in low land value areas?	Whilst the aim is to be supported, the flexibility to set targets at the local authority level would be more appropriate. Local evidence will still be important in assessing the viability of individual sites, especially where land values and viability may substantially differ within different parts of the same authority area.
Question 36: Do you agree with the proposed approach to securing benefits for nature and public access to green space where Green Belt release occurs?	Yes, this would clearly be essential infrastructure provision to ensure good place-making. Policy should stress that green space should be genuinely accessible and useable for the public and also that quality as well as quantity standards for provision are met and, where necessary, maintained in perpetuity for residents of new development.
<b>Green Belt land and Benchmark Land Values</b>	
Question 37: Do you agree that Government should set indicative benchmark land values for land released from or developed in the Green Belt, to inform local planning authority policy development?	No response
Question 38: How and at what level should Government set benchmark land values?	No response

<p>Question 39: To support the delivery of the golden rules, the Government is exploring a reduction in the scope of viability negotiation by setting out that such negotiation should not occur when land will transact above the benchmark land value. Do you have any views on this approach?</p>	<p>No response</p>
<p>Question 40: It is proposed that where development is policy compliant, additional contributions for affordable housing should not be sought. Do you have any views on this approach?</p>	<p>If the development is compliant then there should be no need for any additional contributions to be sought.</p>
<p>Question 41: Do you agree that where viability negotiations do occur, and contributions below the level set in policy are agreed, development should be subject to late-stage viability reviews, to assess whether further contributions are required? What support would local planning authorities require to use these effectively?</p>	<p>Yes, viability should be assessed wherever possible though the lifetime of a development proposal.</p> <p>Clear guidance on how the viability should be assessed at all stages would help Local Planning Authorities.</p>
<p>Question 42: Do you have a view on how golden rules might apply to non-residential development, including commercial development, travellers sites and types of development already considered 'not inappropriate' in the Green Belt?</p>	<p>Golden rules should apply to all Green Belt releases, therefore additional golden rules will need to be drawn up for different development types.</p>
<p>Question 43: Do you have a view on whether the golden rules should apply only to 'new' Green Belt release, which occurs following these changes to the NPPF? Are there other transitional arrangements we should consider, including, for example, draft plans at the regulation 19 stage?</p>	<p>Golden rules should apply to all Green Belt releases as soon as possible</p>

Question 44: Do you have any comments on the proposed wording for the NPPF (Annex 4)?	No response
Question 45: Do you have any comments on the proposed approach set out in paragraphs 31 and 32?	No response
Question 46: Do you have any other suggestions relating to the proposals in this chapter?	No response
<b>Chapter 6 – Delivering affordable, well-designed homes and places</b>	
<b>Delivering affordable housing</b>	
Question 47: Do you agree with setting the expectation that local planning authorities should consider the particular needs of those who require Social Rent when undertaking needs assessments and setting policies on affordable housing requirements?	Yes, we are fully supportive of the proposals to recognise the need for Social Rent housing within housing needs assessments and planning policies. This will enable the sector to fully understand requirements pre application stage and viability assessments will take this into account from the outset.
Question 48: Do you agree with removing the requirement to deliver 10% of housing on major sites as affordable home ownership?	Yes, we fully support the removal of the requirement for 10% being affordable home ownership. Affordable home ownership options are important, but the requirement should be a matter of local discretion and decision making in line with needs assessments and local intelligence of the affordable home ownership market.
Question 49: Do you agree with removing the minimum 25% First Homes requirement?	Yes, the arbitrary percentage requirement should be removed. First Homes should still be an option for affordable home ownership but at local need levels not national targets.
Question 50: Do you have any other comments on retaining the option to deliver First Homes, including through exception sites?	First homes should be retained as an option provided the local connection criteria is maintained.
<b>Promoting mixed tenure development</b>	

Question 51: Do you agree with introducing a policy to promote developments that have a mix of tenures and types?	Yes, we support the development of mixed tenure sites. Mixed-tenure sites have clear benefits and it is appropriate for national planning policy to provide stronger support in this respect.
<b>Supporting majority affordable housing developments</b>	
Question 52: What would be the most appropriate way to promote high percentage Social Rent/affordable housing developments?	This ideally should be promoted through local plan making based on identified needs and requirements. The delivery of high levels of social rent/affordable housing on sites will primarily be delivery through Registered Providers and levels of grant delivery these higher numbers should be reviewed and increased to meet the higher costs involved.
Question 53: What safeguards would be required to ensure that there are not unintended consequences? For example, is there a maximum site size where development of this nature is appropriate?	A limit on numbers for single tenure schemes could be considered, although there might be unintended consequences in setting a number in national policy. A local lettings policy should be a requirement on developments with high proportion of affordable housing with the ability to allocate developments to achieve as much of a mixed community for the initial letting of the properties.
Question 54: What measures should we consider to better support and increase rural affordable housing?	The wording regarding the proportion of open market homes on rural exception sites could be amended so that it is clearer that they should be subsidiary to the provision of new affordable homes and accompanied with a full viability assessment showing the need for the cross subsidy.  Fully fund rural housing enablers to work within Shire Counties
<b>Meeting the needs of looked after children</b>	
Question 55: Do you agree with the changes proposed to paragraph 63 of the existing NPPF?	Yes, we agree with the specific mention of Social Rent and looked-after children.
<b>Delivering a diverse range of homes and high-quality places</b>	



<p>Question 56: Do you agree with these changes?</p>	<p>Yes, we agree with these changes that amend the definition of community-led housing and allow alternative size limits for community-led exception sites to be established through local plans. There should be safeguards in place to ensure these changes are not used as a device to get around policy.</p>
<p>Question 57: Do you have views on whether the definition of 'affordable housing for rent' in the Framework glossary should be amended? If so, what changes would you recommend?</p>	<p>Amending the definition of 'affordable housing for rent' to include Community led and almshouses would be of benefit with the provision they are not for profit organisations.</p> <p>A definition of 'affordable' should also be included within the Framework linked to LPA area's median income. A number of affordable products utilise an arbitrary 20% lower than open market values. These were introduced a number of years ago and the disparity between social rent levels and open market levels has grown so significantly that a 20% lower figure is not affordable. This creates the need for more social rent housing as more residents are unable to afford other tenures of affordable housing.</p>
<p><b>Making the small site allocation mandatory</b></p>	
<p>Question 58: Do you have views on why insufficient small sites are being allocated, and on ways in which the small site policy in the NPPF should be strengthened?</p>	<p>Many of the sites being presented for development as part of a plan reviews are of a larger scale, particularly in the Green Belt, therefore it is not always possible to bring forward significant numbers of smaller site. In addition, these smaller sites are not favoured by infrastructure providers as they are harder to plan for. Its difficult to quantify the infrastructure needs from lots of smaller sites as opposed to smaller number of larger sites which are much easier to assess.</p>
<p><b>Requiring "well designed" development</b></p>	
<p>Question 59: Do you agree with the proposals to retain references to well-designed buildings and places, but remove references to 'beauty' and 'beautiful' and to amend paragraph 138 of the existing Framework?</p>	<p>Yes, we support the removal of the references to beauty and beautiful.</p>
<p><b>Supporting upward extensions</b></p>	
<p>Question 60: Do you agree with proposed changes to policy for upwards extensions?</p>	<p>Yes</p>



	<p>The authority is not characterised by mansard roofs and where they may be most appropriate in the Town Centres, may then conflict with designations such as Conservation Areas.</p> <p>This approach is unlikely to yield the number of homes needed, outside the major cities, but is likely to adversely impact the character of our towns.</p> <p>Class AA of Permitted Development already enables upward extensions. These should be carefully controlled to preserve our historic centres and townscapes.</p>
Question 61: Do you have any other suggestions relating to the proposals in this chapter?	No response
<b>Chapter 7 – Building infrastructure to grow the economy</b>	
<b>Building a modern economy</b>	
Question 62: Do you agree with the changes proposed to paragraphs 86 b) and 87 of the existing NPPF?	<p>The proposed changes are broadly supported. However, further detail is required in some areas given changing the text to be more specific has several implications. The relationship between housing and employment requires clarification. If housing numbers are increased, should employment numbers be revised up through updated HEDNAs and under what methodology? Naming these specific facilities may assist decision making in Development Management by giving such centres additional weight. The process for local plans requires further detail. For example, employment allocations may name specific use classes but don't currently specify types of facility, so would this change? E.g. an employment allocation for B8 uses and the approach to data centres. In this example, logistics operators may compete for the same land so would land within an employment allocation be safeguarded as a data centre or safeguarded subject to a marketing period to test demand?</p> <p>Text on gigafactories is welcome. However, it is questionable if planning for gigafactories should be a general requirement because their required scale can only be met in limited locations and the market demand for them will be limited to a handful of locations. Separate text may be required linking the NPPF to the national industrial strategy requirement for gigafactories in pre-identified locations.</p>
Question 63: Are there other sectors you think need particular support via these changes? What are they and why?	The West Midlands Strategic Employment Sites study (a collaboration with LPAs across the West Midlands) identifies that manufacturers are being priced out of employment land sales by the logistics industry. Developers are building speculative units for logistics but not manufacturing. National policy should identify a requirement to both meet logistics and

	<p>manufacturing demand to enable manufacturers- especially high-tech manufacturers- to grow. The NPPF focuses on locational requirements and this is also considered applicable to manufacturing e.g. co-locating manufacturing units close to storage facilities, road junctions to enable access to ports as with logistics or a need for a non-residential location due to noise etc.</p>
<p><b>Directing data centres, gigafactories, and laboratories into the NSIP consenting regime process</b></p>	
<p>Question 64: Would you support the prescription of data centres, gigafactories, and/or laboratories as types of business and commercial development which could be capable (on request) of being directed into the NSIP consenting regime?</p>	<p>Gigafactories are of a scale that is nationally significant so it is agreed that they should be directed to the NSIP consenting regime. Data centres and laboratories are not considered to be of a scale to require NSIP.</p>
<p>Question 65: If the direction power is extended to these developments, should it be limited by scale, and what would be an appropriate scale if so?</p>	<p>Limiting the direction power by scale is considered a proportionate approach. Only the largest data centres and laboratories should be subject to NSIP assessment or the NSIP process would become burdened by a high number of applications. There are hundreds of data centres in the UK, thousands of labs but only one small gigafactory currently.</p>
<p>Question 66: Do you have any other suggestions relating to the proposals in this chapter?</p>	<p>The NPPF should be aligned with the new industrial strategy to provide a national level approach to logistics. Regions such as the West Midlands and East Midlands have commissioned studies on employment (logistics) arguably due to the absence of regional planning. This work would be more joined up if it was subject to national oversight. This is considered necessary due to the scale of the sites involved and the cross-country infrastructure they require e.g. railway line improvements for rail freight from Felixstowe, through the West Midlands and to Manchester. Evidence such as HEDNAs consistently indicate a shortage of smaller employment units. These units are less profitable for developers so it is considered justified that larger employment sites above a certain threshold have to provide a set percentage of smaller units, with land safeguarded for a certain period. This can already happen on a local level but inclusion in the NPPF would give this greater weight.</p> <p>If employment numbers are increased, it is acknowledged that land availability may necessitate allocation of less sustainable sites. It would be welcomed if the NPPF specified a requirement for developers to make sites remote from urban settlements more sustainable to support decarbonisation. E.g. through active travel, improved bus routes etc.</p>

<b>Chapter 8 – Delivering community needs</b>	
<b>Public infrastructure</b> Question 67: Do you agree with the changes proposed to paragraph 100 of the existing NPPF?	Yes – securing new and improved public service infrastructure is a key function of the planning system.
Question 68: Do you agree with the changes proposed to paragraph 99 of the existing NPPF?	Yes – increased providing of both early years and post 16 facilities is supported.
<b>A ‘vision-led’ approach to transport planning</b>	
Question 69: Do you agree with the changes proposed to paragraphs 114 and 115 of the existing NPPF?	Yes – a move away from predict and provide to a vision led or ‘decide and provide’ approach is supported. Over reliance on mitigating the impacts of current transport trends rather than looking to the future and shaping the places we create around sustainable modes is something RBC will consider as part of its plan review. For this approach to work Highway Authorities have to also buy into the approach and also need additional resources to move away from traditional approaches.  Update guidance on the type and levels of assessment needed for both plan making and decision taking is welcomed.
<b>Promoting healthy communities</b>	
Question 70: How could national planning policy better support local authorities in (a) promoting healthy communities and (b) tackling childhood obesity?	Not sure who’s best placed to answer this?
Question 71: Do you have any other suggestions relating to the proposals in this chapter?	No response
<b>Chapter 9 – Supporting green energy and the environment</b>	
<b>Supporting onshore wind</b>	
Question 72: Do you agree that large onshore wind projects should be reintegrated into the NSIP regime?	Short answer – Yes Longer answer – Yes these should be reintegrated in the NSIP regime, but with the consideration given to the proposals put forward for the NPPF on green belt land and the use of the grey belt for developments. Additionally the suitability of sites for ensuring the most efficient use of

	onshore wind needs to be considered, and also integrated with local area energy planning policy for joined up strategic thinking.
<b>Supporting renewable deployment</b>	
Question 73: Do you agree with the proposed changes to the NPPF to give greater support to renewable and low carbon energy?	Yes but also to be considered as part of regional local area energy planning, and to ensure that the deployment of renewable technologies fit in with the wider regional strategic energy plans and have the capacity to meet current and projected demand in the transition to net zero over the coming decades.
Question 74: Some habitats, such as those containing peat soils, might be considered unsuitable for renewable energy development due to their role in carbon sequestration. Should there be additional protections for such habitats and/or compensatory mechanisms put in place?	Yes additional protections should be put in place to exclude them from renewable development. Need to understand the compensatory mechanisms that are being considered by government. These would need to be such that a developer doesn't see the compensatory mechanism as commercially worth while to then still go ahead and install renewable technologies on such lands.
<b>Setting the NSIP threshold for solar generating stations and onshore wind</b>	
Question 75: Do you agree that the threshold at which onshore wind projects are deemed to be Nationally Significant and therefore consented under the NSIP regime should be changed from 50 megawatts (MW) to 100MW?	Yes – However there should be mechanism in place to register smaller scale installations that don't meet the new threshold so these can be counted towards local area energy planning, ensuring regions are able to strategically account for proposed larger scale energy production plans and accurately assess the need in their area.
Question 76: Do you agree that the threshold at which solar projects are deemed to be Nationally Significant and therefore consented under the NSIP regime should be changed from 50MW to 150MW?	Yes – See answer to Q75.
Question 77: If you think that alternative thresholds should apply to onshore wind and/or solar, what would these be?	Not Applicable.
<b>Tackling climate change</b>	

<p>Question 78: In what specific, deliverable ways could national planning policy do more to address climate change mitigation and adaptation?</p>	<p>The policy already alludes to an ambition to encourage active travel from a health and wellbeing perspective, there is inevitably a positive in promoting active travel through the framework for helping all areas address the various climate change challenges, and meeting Net Zero. Furthermore having the frame work reference other initiatives like the future homes standard and ensuring the framework allows for these initiatives to flourish and develop. There should also be a key link in the framework in how these link to transport planning and ensuring homes and commercial sites are able to encourage greener travel and help with the modal shift needed to meet the challenges climate change presents.</p>
<p>Question 79: What is your view of the current state of technological readiness and availability of tools for accurate carbon accounting in plan-making and planning decisions, and what are the challenges to increasing its use? Question 80: Are any changes needed to policy for managing flood risk to improve its effectiveness?</p>	<p>No Response</p>
<p>Question 81: Do you have any other comments on actions that can be taken through planning to address climate change?</p>	<p>No Response</p>
<p><b>Availability of agricultural land for food production</b></p>	
<p>Question 82: Do you agree with removal of this text from the footnote?</p>	<p>No Response</p>
<p>Question 83: Are there other ways in which we can ensure that development supports and does not compromise food production?</p>	<p>No Response</p>
<p><b>Supporting water resilience</b></p>	
<p>Question 84: Do you agree that we should improve the current water infrastructure provisions in the Planning Act 2008, and do you have specific suggestions for how best to do this?</p>	<p>No Response</p>

Question 85: Are there other areas of the water infrastructure provisions that could be improved? If so, can you explain what those are, including your proposed changes?	No Response
Question 86: Do you have any other suggestions relating to the proposals in this chapter?	No Response
<b>Chapter 10 – Changes to local plan intervention criteria</b>	
Question 87: Do you agree that we should we replace the existing intervention policy criteria with the revised criteria set out in this consultation?	Yes – the revised criteria provide a clear basis on which Local Planning Authorities plan making progress can be judged taking into account a range of factors. For authorities which are facing substantial challenges the support being offered by MHCLG to help break down any barriers to progress is welcomed.
Question 88: Alternatively, would you support us withdrawing the criteria and relying on the existing legal tests to underpin future use of intervention powers?	No – the criteria above should be sufficient
<b>Chapter 11 – Changes to planning application fees and cost recovery for local authorities related to Nationally Significant Infrastructure Projects</b>	
Question 89: Do you agree with the proposal to increase householder application fees to meet cost recovery?	Yes. Processing householder applications in a Green Belt authority takes additional resources and time due to the need to consider the scale of previous extensions.  The expansion on permitted development rights has resulted in the increasing complexity of household applications being submitted.
Question 90: If no, do you support increasing the fee by a smaller amount (at a level less than full cost recovery) and if so, what should the fee increase be? For example, a 50% increase to the householder fee would increase the application fee from £258 to £387.	No response
Question 91: If we proceed to increase householder fees to meet cost recovery, we	Yes

<p>have estimated that to meet cost-recovery, the householder application fee should be increased to £528. Do you agree with this estimate?</p> <p>Yes  No – it should be higher than £528  No – it should be lower than £528  No - there should be no fee increase  Don't know</p> <p>If No, please explain in the text box below and provide evidence to demonstrate what you consider the correct fee should be.</p>	
<p><b>Proposed fee increase for other planning applications</b></p>	
<p>Question 92: Are there any applications for which the current fee is inadequate? Please explain your reasons and provide evidence on what you consider the correct fee should be.</p>	<p><b>Lawful Development Certificate</b> – should be 75% of normal fee, not 50% as PD is an increasingly complex area. Also, as a green belt authority, LDC's are frequently used to justify future development proposals, so is a regular application type for us.</p> <p><b>All prior approvals require fee uplift.</b> The current £120 does not cover Officer time for processing and as permitted development is an increasingly complex, this is no longer a 'light touch' application type that can be considered by more junior staff members. (Class Q for example (Agriculture to residential)). Support a doubling of this fee category to reflect time taken and skill set required.</p> <p><b>Discharge conditions</b> where they relate to major developments these are insufficiently funded. Complex matters such as drainage require technical input and numerous iterations of reports, the existing fee doesn't cover this. Suggest a doubling of current fee.</p> <p><b>S73 applications for major development</b>, the current fee of £293 is insufficient. Material amendments regarding varying or removal of conditions associated with a major permission can be complex, while provisions relating to statutory consultation and publicity do not apply and there is LPA discretion regarding consultation, this does not negate that consultation will take place and that these applications are not straightforward. The fee should be doubled and should apply for each condition seeking variation or removal.</p>

<b>Fees for applications where there is currently no charge</b>	
Question 93: Are there any application types for which fees are not currently charged but which should require a fee? Please explain your reasons and provide evidence on what you consider the correct fee should be.	No response
<b>Localisation of planning application fees</b>	
Question 94: Do you consider that each local planning authority should be able to set its own (non-profit making) planning application fee?	<p>No. Need for consistent fees is very important for public, and as a shared service working across two Councils, for our Officers.</p> <p>Can see fees have increased/proposed to increase and consider if this is adopted the situation will improve.</p> <p>Also, resource required to adequately demonstrate fees across all categories would be considerable.</p>
<p>Question 95: What would be your preferred model for localisation of planning fees?</p> <p>Full Localisation – Placing a mandatory duty on all local planning authorities to set their own fee.</p> <p>Local Variation – Maintain a nationally-set default fee and giving local planning authorities the option to set all or some fees locally.</p> <p>Neither</p> <p>Don't Know</p>	Neither
Question 96: Do you consider that planning fees should be increased, beyond cost recovery, for planning applications services, to fund wider planning services?	No, should remain as cost recovery only. Wider improvements represent a public service that should be paid for by other council budgets, funded by the taxpayer, not by individual applicants.
Question 97: What wider planning services, if any, other than planning applications (development management) services, do	No response



you consider could be paid for by planning fees?	
<b>Cost recovery for local authorities related to NSIP</b>	
Question 98: Do you consider that cost recovery for relevant services provided by local authorities in relation to applications for development consent orders under the Planning Act 2008, payable by applicants, should be introduced?	No response
Question 99: If yes, please explain any particular issues that the Government may want to consider, in particular which local planning authorities should be able to recover costs and the relevant services which they should be able to recover costs for, and whether host authorities should be able to waive fees where planning performance agreements are made.	No response
Question 100: What limitations, if any, should be set in regulations or through guidance in relation to local authorities' ability to recover costs?	No response
Question 101: Please provide any further information on the impacts of full or partial cost recovery are likely to be for local planning authorities and applicants. We would particularly welcome evidence of the costs associated with work undertaken by local authorities in relation to applications for development consent.	No response
Question 102: Do you have any other suggestions relating to the proposals in this chapter?	The ongoing costs to LPA of compulsory newspaper advertisement as part of the statutory Development Management process can be disproportionately high and doesn't always generate comment or feedback from the public. Removing this requirement and proposing an alternative

	online only mechanism should be an approach considered when Statements of Community Involvement (SCI) are reviewed and updated.
<b>Chapter 12 – The future of planning policy and plan making</b>	
Question 103: Do you agree with the proposed transitional arrangements? Are there any alternatives you think we should consider?	The arrangements seem appropriate, although we would hope that authorities don't rush to reg 19 stage over the coming months to avoid implementing these reforms.
<b>Further plan-making reforms</b>	
Question 104: Do you agree with the proposed transitional arrangements?	Yes, although clarity needs to be provided on what the new system entails in detail so LPAs can make an informed choice about which one will provide the best planning solution for them.
<b>Future changes to the NPPF</b>	
Question 105: Do you have any other suggestions relating to the proposals in this chapter?	No Response
<b>Chapter 13 – Public Sector Equality Duty</b>	
Question 106: Do you have any views on the impacts of the above proposals for you, or the group or business you represent and on anyone with a relevant protected characteristic? If so, please explain who, which groups, including those with protected characteristics, or which businesses may be impacted and how. Is there anything that could be done to mitigate any impact identified?	No Response



## Licensing Committee

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Monday, 7th October, 2024

### MINUTES

#### Present:

Councillor David Munro (Chair), Councillor Sachin Mathur (Vice-Chair) and Councillors Juliet Barker Smith, Brandon Clayton, Matthew Dormer, Sharon Harvey, Sid Khan, Gary Slim, Jen Snape, Monica Stringfellow and Paul Wren

#### Officers:

Vanessa Brown and Dave Etheridge

#### Democratic Services Officers:

Gavin Day

#### 14. GAMBLING ACT 2005 - REVIEW OF STATEMENT OF PRINCIPLES - CONSIDERATION OF CONSULTATION RESPONSES

The Principal Licensing Officer, Worcestershire Regulatory Services (WRS), presented the report to Members. The purpose of the report was for Members to consider the consultation responses and to resolve whether to recommend the DRAFT statement of licencing principles to full council for approval.

Officers detailed to Members that on 15<sup>th</sup> July 2024, the Licencing Committee approved the draft revised statement of principles, for the purpose of going out to consultation.

Two responses to the consultation were received, one from the Operations Manager of the Lotteries Council who responded stating that they had no comment. The second response was from solicitors acting on behalf of the Betting and Gaming Council, the full response was outlined on pages 11 to 16 of the Public Reports pack.

Officers highlighted that although the majority of the response was positive, one amendment was requested which stated “**Paragraph 11.2 contains a bullet point list of factors that the council expects to be considered when conducting a local risk assessment. The bullet point list should be redrafted with the reference to whether the premises is in an area of deprivation being deleted.**” The reasoning for the request was that the

Chair

# Licensing Committee

Monday, 7th October, 2024

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affluency of the area did not impact on if a venue was able to meet the licencing objectives effectively.

Officers respected the position of the Betting and Gaming Council but stated that paragraph 11.2 detailed a number of factors to be considered during the risk assessment, and that it was the opinion of WRS that the demographic of the area should be considered during this process. All the risk factors, which included the affluency of the area, should be used to assess the potential risk to the application and surrounding residents.

Members discussed the stance of WRS and were in agreement that it was an important factor to consider along with all the other points raised in paragraph 11.2, therefore, Members did not recommend any alteration to the draft report.

It was clarified that should Members recommend the DRAFT statement of licencing principles to full council for approval, it would go to the meeting on 11<sup>th</sup> November 2024 and would come into effect on 31<sup>st</sup> January 2025.

Members were generally in agreement with the statement of principles and on being put to a vote it was:

**Recommended to Council that**

**the draft Statement of Licencing Principles be approved and published with effect from 31<sup>st</sup> January 2025.**

The Meeting commenced at 7.02 pm  
and closed at 7.53 pm

REDDITCH BOROUGH COUNCIL**LICENSING COMMITTEE**7<sup>th</sup> October 2024**GAMBLING ACT 2005 – REVIEW OF STATEMENT OF PRINCIPLES  
CONSIDERATION OF CONSULTATION RESPONSES**

Relevant Portfolio Holder	Councillor M Stringfellow
Portfolio Holder Consulted	No
Relevant Head of Service	Simon Wilkes – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

**1. SUMMARY OF PROPOSALS**

- 1.1 The Council's current Statement of Principles under the Gambling Act 2005 took effect on 31<sup>st</sup> January 2022. In accordance with the provisions of the Act, the Council is required to prepare and publish a Statement of Principles every three years. Therefore, a new Statement of Principles must be published by 31<sup>st</sup> January 2025.
- 1.2 On 15<sup>th</sup> July 2024, the Licensing Committee approved a draft revised Statement of Principles for consultation purposes. The results of the consultation are now being reported back to the Committee who are asked to recommend to Council that the draft revised Statement of Principles be approved and published.

**2. RECOMMENDATIONS****2.1 Members are asked to RESOLVE;**

**To recommend to Council that the draft Statement of Principles at Appendix 2 be approved and published with effect from 31<sup>st</sup> January 2025.**

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

- 3.1 The costs involved in carrying out the consultation were met from existing budgets held by Worcestershire Regulatory Services.

**REDDITCH BOROUGH COUNCIL****LICENSING COMMITTEE**7<sup>th</sup> October 2024

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**Legal Implications**

- 3.2 Section 349 of the Gambling Act 2005 requires that the licensing authority produce, consult on and publish a Statement of the Principles that it proposes to apply when exercising its functions under the Act.
- 3.3 The Act also requires that the Statement of Principles should be kept under review and must be re-published at least every three years.
- 3.4 When preparing a Statement of Principles, the Council is required to consult with:-
- the Chief Officer of Police for the Authority's area;
  - one or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area; and
  - one or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under this Act.

**Service / Operational Implications**

- 3.5 Redditch Borough Council is a licensing authority in accordance with the provision of the Gambling Act 2005.
- 3.6 Each licensing authority is required before each successive three-year period, to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during that period. This document is commonly referred to as the authority's Statement of Principles.
- 3.7 The Council's current Statement of Principles took effect on 31<sup>st</sup> January 2022 and therefore a new Statement of Principles must now be prepared and published ready to take effect on 31<sup>st</sup> January 2025.
- 3.8 Since the current Statement of Principles took effect, there have been no significant amendments to the provisions of the Gambling Act 2005. Nor have there been any major changes made to the Gambling Commission's Licence Conditions and Codes of Practice (LCCP) that licensed operators have to comply with or the Gambling Commission's statutory Guidance to Licensing Authorities (GLA).

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- 3.9 However, in April 2023 the government did publish a long-awaited white paper entitled “High Stakes: Gambling Reform for the Digital Age.” The White Paper sets out the government’s plan for reform of gambling regulation, following the review of the Gambling Act 2005 that was first launched in December 2020.
- 3.10 The white paper contained a number of proposals for reforming gambling regulation in the following areas:
- Online protections – players and products
  - Marketing and advertising
  - The Gambling Commission’s powers and resources
  - Dispute resolution and consumer redress
  - Children and young adults
  - Land-based gambling
- 3.11 Whilst many of the proposed reforms are not directly relevant to the role that the Council plays in the regulation of gambling activities, there are some proposed changes that are directly relevant. These include:
- Proposals to relax the rules on the split of low and medium maximum stake machines in certain licensed gambling premises.
  - A review of the premises licence fees cap for local authorities.
  - Introducing new powers to local authorities to conduct cumulative impact assessments for gambling premises.
  - Proposals to change the rules that allow under 18s to play Category D gaming machines that pay cash prizes.
  - Proposals to make provisions within the Gambling Commission’s code of practise on the siting of gaming machines in licensed premises legally binding.
- 3.12 Following the publication of the white paper, several different consultations have been undertaken by both the Department for Culture, Media and Sport and the Gambling Commission concerning the various proposals for legislative reform.
- 3.13 At this stage however, it is unclear when the government will bring forwards the required legislation to implement the proposed reforms.
- 3.14 This presents something of a dilemma for licensing authorities such as Redditch Borough Council, as they are required before each successive three-year period, to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during that period. The Council’s next statement of principles needs to be prepared and published before 31<sup>st</sup> January 2025.

**LICENSING COMMITTEE**7<sup>th</sup> October 2024

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- 3.15 As the timescales for legislation to be brought forward are unclear at this stage, officers recommended that no substantive changes are made to the statement of principles at the present time and therefore very few changes were proposed in the draft statement of principles that the Licensing Committee approved for the purpose of consultation on 15<sup>th</sup> July 2024.
- 3.16 The only changes that officers believed needed to be made at the present time are as follows:
- Updating the dates shown on the front page
  - Updating the population figure given in the introduction section to reflect the latest census figures.
  - Updating the dates between which consultation on the draft statement of principles will have taken place.
  - Updating the boundary map at Appendix A of the statement of principles to reflect new Ward boundaries implemented since the existing statement of principles took effect.
  - Updating the list of consultees at Appendix B of the statement of principles to include additional gambling and other relevant trade associations.
- 3.17 Consultation on the draft Statement of Principles was undertaken with all relevant parties including:
- The Chief Officer of West Mercia Police
  - The Gambling Commission
  - All other responsible authorities identified under the Act
  - Relevant Trade Associations
  - Public Health
  - Organisations working with people who are problem gamblers
  - Parish Councils
  - The general public
- 3.18 The consultation was also made available for comment via the Council's website and publicised via social media. The consultation exercise was undertaken between 8<sup>th</sup> August 2024 and 13<sup>th</sup> September 2024.
- 3.19 The Operations Manager of Lotteries Council responded to the consultation to say that they had reviewed the draft Statement of Principles and had no comment to make.
- 3.20 A response was also received in respect of the draft Statement of Principles from solicitors acting on behalf of the Betting and Gaming Council. This response is shown in full at **Appendix 1**.



**LICENSING COMMITTEE**7<sup>th</sup> October 2024

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- 3.21 The response sent on behalf of the Betting and Gaming Council suggests that paragraph 11.2 of the draft Statement of Principles should be redrafted to remove reference to whether or not a premises is in an area of deprivation, as a matter to be considered by operators when conducting their local risk assessments.
- 3.22 Officers respectfully disagree with this suggestion. It is considered that those who live in areas of deprivation are potentially more vulnerable to being harmed or exploited by gambling. This position is supported by research and analysis published by the Gambling Commission in their “Gambling-related harms evidence review: summary” document, which states that:
- “The socio-demographic profile of gamblers appears to change as gambling risk increases, with harmful gambling associated with people who are unemployed and among people living in more deprived areas.”*
- 3.23 Therefore in order to properly promote the licensing objectives, officers believe that gambling operators should consider whether or not the premises is located in an area of deprivation when conducting their local area risk assessment in order to ensure that they are properly protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 3.24 In light of this, officers do not believe that any further amendments need to be made to the draft Statement of Principles that was consulted upon, save for inclusion of the newly approved Council logo on the front cover.
- 3.25 The Licensing Committee is now asked to resolve to recommend to Council that the draft Statement of Principles at **Appendix 2** be approved and published with effect from 31<sup>st</sup> January 2025.

**4. RISK MANAGEMENT**

- 4.1 Failing to prepare and publish a new Statement of Principles by 31<sup>st</sup> January 2025 would leave the Council in a position where it was failing to comply with its duties as a licensing authority under the provisions of the Gambling Act 2005.

**LICENSING COMMITTEE**7<sup>th</sup> October 2024

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**5. APPENDICES**

Appendix 1 - Consultation Response sent on behalf of the Betting and Gaming Council (BGC)

Appendix 2 - Draft Revised Statement of Principles

**AUTHOR OF REPORT**

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By Email Only  
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#GS5910482  
**Your ref:**  
**Date:** 06/09/2024

Dear Redditch Borough Council,

**Re: Gambling Act 2005 Statement of Principles for Gambling**

We act for the Betting and Gaming Council (BGC) and are instructed to respond on behalf of the BGC to your consultation on the review of your Gambling Act 2005 Statement of Principles.

**The Betting and Gaming Council**

The Betting and Gaming Council (BGC) was created in 2019 as the standards body for the UK's regulated betting and gaming industry. This includes betting shops, online betting and gaming businesses, bingo and casinos. Its mission is to champion industry standards in betting and gaming to ensure an enjoyable, fair and safe betting and gaming experience for all of its members' customers.

The BGC has four objectives. These are to:

1. create a culture of safer gambling throughout the betting and gaming sector, with a particular focus on young people and those who are vulnerable.
2. ensure future changes to the regulatory regime are considered, proportionate and balanced.
3. become respected as valuable, responsible, and engaged members of the communities in which its members operate.
4. safeguard and empower the customer as the key to a thriving UK betting and gaming industry.

BGC members support 110,000 jobs, generate £4.2 billion in taxes and contribute £7.1 billion to the economy in GVA (Gross Value Added), according to a report by EY in 2022.

Betting shops alone also support 42,000 jobs on the UK's hard-pressed high streets, contributing £800 million a year in tax to the Treasury and another £60m in business rates to local councils. Further, according to ESA Retail report 89% of betting shop customers go on to spend money in other high street establishments, further cementing the important role of betting shops in the local economy.

BGC members also support the UK's hospitality, tourism and leisure industry through our casinos – there are currently 116 across the UK. Overall, we are a major component of world leading British technology, where our members have founded tech powerhouses in many cities throughout the UK.

Betting is a hugely popular British leisure activity. Each month, around 22.5 million adults in the UK have a bet - whether it's buying a lottery ticket, having a game of bingo, visiting a casino, playing online or having a wager on football, horseracing and other sports - and the overwhelming majority do so perfectly safely and responsibly.

BGC members are proud to support UK sport, from the grassroots to the elite level. The industry contributes around £350 million to racing in levy, media, and sponsorship rights each year, £40 million to the EFL (English Football League), and £12.5 million to snooker, darts, and rugby league.

Before we comment on your draft policy document, it is important that the backdrop against which the comments are made is established.

### **Betting and Gaming in the UK**

Any consideration of gambling licensing at the local level should also be considered within the broader context.

The raft of measures recently put in place by the industry (in terms of protecting players from gambling-related harm), the Gambling Commission, and the Government (a ban on credit cards, restrictions to VIP accounts, new age and identity verification measures, and voluntary restrictions on advertising) have contributed to problem gambling rates now being lower than they were at the passage of the 2005 Gambling Act (see further details on problem gambling rates below).

In addition, a range of further measures will be implemented imminently following the Government's White Paper, published in April 2023. These include: financial risk checks for those at risk of gambling harm, changes to the way operators market to their customers, changes to online game design which will remove certain features, the introduction of a mandatory levy for research, prevention and treatment (RPT) activities, an Ombudsman to adjudicate on customer redress and the introduction of mandatory stake limits on online slots, bringing the maximum stakes online in line with land based casinos.

It should also be noted that:

- The overall number of betting shops is in decline. Industry statistics set out that the number of betting shops (as of June 2024) is 5870. This is reducing yearly and has fallen by 29% since March 2019 – equating to 2408 betting shop closures in five years.
- Planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- In April 2019, a maximum stake of £2 was applied to the operation of fixed odds betting terminals.

- Successive prevalence surveys and health surveys show that problem gambling rates in the UK are stable.

### **Problem Gambling**

A point often lost in the debate about the future of gambling regulation is that problem gambling rates in the UK are low by international comparison.

The most recent “Gold standard” NHS (National Health Service) Health Survey found that problem gambling rates among adults are 0.4 per cent – the rate was 0.5 per cent in 2018. In comparison to other European countries, problem gambling rates in the UK are low. The problem gambling rate is 2.4 per cent in Italy, 1.4 per cent in Norway, and 1.3 per cent in France.

Both the Gambling Commission and the Government have acknowledged that problem gambling levels have not increased. However, one problem gambler is one too many, and we are working hard to improve standards further across the regulated betting and gaming industry.

In June 2020, the BGC’s largest members committed to increasing the amount they spend on RPT (Research, Prevention and Treatment) services from 0.1 per cent to 1 per cent in 2023. This was expected to raise £100 million but they have gone further and will have donated £110 million by 2024.

In the White Paper, the Government committed to introducing a statutory RPT (Research, Prevention and Treatment) levy, which would apply to all gambling licensees (excluding the national lottery). This levy is expected to raise £100m annually by 2026/2027.

The BGC also funds the £10 million Young People’s Gambling Harm Prevention Programme, delivered by leading charities YGAM and GamCare. As of March last year (2023), it has educated over 3 million children.

### **Advertising and Sponsorship**

All betting advertising and sponsorship must comply with strict guidelines, and safer gambling messaging must be regularly and prominently displayed.

The Government has previously stated that there is “no causal link” between exposure to advertising and the development of problem gambling, as stated in a response by then Minister of State at DCMS in June 2021. The Gambling Review White Paper, in relation to advertising, restated that there was “little evidence” of a causal link with gambling harms or the development of gambling disorder.

The Seventh Industry Code for Socially Responsible Advertising, adopted by all BGC members, adds a number of further protections in particular for young people. New measures include ensuring that all social media ads must target consumers aged 25 and over unless the website proves they can be precisely targeted at over-18s. In addition to raising advertising standards for young people, this

code, which came into force on 1 December 2023, extended the previous commitment that 20% of TV and radio advertising is devoted to safer gambling messaging to digital media advertising.

Under the 'whistle-to-whistle' ban, ads cannot be shown from five minutes before a live sporting event until five minutes after it ends, before the 9 p.m. watershed. Research by Enders Analysis found that in its first 12 months in operation, the ban reduced the number of TV betting adverts seen by children by 97% at that time. Overall, the number of gambling adverts viewed by young people also fell by 70% over the entire duration of live sports programmes. At the same time, the ban also reduced the number of views of betting ads by 1.7 billion during its first five months in operation.

BGC members also continue to abide by the stringent measures established by advertising standards watchdogs. These measures are in stark contrast to the unsafe, unregulated black market online, which has none of the safer gambling measures offered by BGC members, including strict age-verification checks. Any withdrawal of advertising would simply level the playing field with illegal operators thus providing opportunities for those operators to peel off customers from the regulated markets.

### **Misleading/ambiguous premises signage**

There are increasing numbers of premises (usually Adult Gaming Centres) which describe themselves on their shopfronts and external signage as casinos despite these premises not being permitted to operate as a casino.

Section 150 Gambling Act 2005 creates five separate classes of premises licences – the operation of a casino (a casino premises licence), the provision of facilities for the playing of bingo ( a bingo premises licence) , making category B gaming machines available for use (an adult gaming centre premises licence), making category C gaming machines available for use (a family entertainment centre premises licence) and the provision of facilities for betting (a betting premises licence). Whilst casinos are permitted under a casino premises licence to provide bingo and betting facilities, the holder of an adult gaming centre premises licence may not offer casino facilities.

In order to avoid any ambiguity, the draft statement of principles should be clear that premises must not display signage which may suggest that the premises have a different premises licence to the one held.

### **Differentiation between Licensing Act 2003 and Gambling Act 2005 applications**

When considering applications for premises licences, it is important to clearly distinguish between the regimes, processes, and procedures established by the Gambling Act 2005 and its regulations and those that are usually more familiar to licensing authorities—the regimes, processes, and procedures relating to the Licensing Act 2003.

Whilst Licensing Act 2003 applications require applicants to specify steps to be taken to promote the licensing objectives, which are then converted into premises licence conditions, there is no such

requirement in Gambling Act 2005 applications, where the LCCP provides a comprehensive package of conditions for all types of premises licence.

It should continue to be the case that additional conditions in the Gambling Act 2005 premises licence applications are only imposed in exceptional circumstances with clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In most cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry employs a policy called "Think 21". This policy is successful in preventing underage gambling. Independent test purchasing carried out by operators and submitted to the Gambling Commission shows that ID challenge rates are consistently around 85%. Following the publication of the Gambling Commission's response to their consultation on age verification on premises, all gambling venues will be moving to a "Think 25" policy from 30th August 2024.

Since Serve Legal began working with the gambling sector in 2009, the industry has now become the highest performing sector across all age verification testing. Across thousands of audits, there was an average pass rate of 91.4 per cent (2024 data). For casinos, there is a near perfect pass rate in the last period of 98%. When comparing Serve Legal audit data between members of the BGC and comparative age verification audit data in the Alcohol and Lottery sector we see how the gambling sector is performing between 10-15 per cent higher every year.

It should be noted that the Executive Summary of the Gambling White Paper stated that when parliamentary time allows, the Government will align the gambling licensing system with that for alcohol by introducing new powers to conduct cumulative impact assessments.

The BGC is concerned that the imposition of additional licensing conditions could become commonplace if there are no precise requirements regarding the need for evidence in the revised licensing policy statement. If additional licence conditions are more commonly applied, this would increase variation across licensing authorities and create uncertainty amongst operators regarding licensing requirements, overcomplicating the licensing process for operators and local authorities.

### **Working in partnership with local authorities**

The BGC is fully committed to ensuring constructive working relationships between betting and gaming operators and licensing authorities and that problems can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this, and the opportunity to respond to this consultation is welcomed.

### **Considerations Specific to the Gambling Act 2005 Statement of Licensing Principles**

On behalf of the BGC we welcome the light touch approach to the draft statement of principles and accordingly have minimal submissions about it as drafted.

Paragraph 11.2 contains a bullet point list of factors that the council expects to be considered when conducting a local risk assessment. The bullet point list should be redrafted with the reference to

whether the premises is in an area of deprivation being deleted. The relevant affluence of an area cannot be relevant as to whether an operation is/will be consistent with the licensing objectives unless the authority has predetermined that the local residents in deprived areas are more likely to commit crime associated with gambling than in more affluent areas or are to be considered automatically vulnerable. Further by including this within the bullet point list, the inference is that investment in new facilities in less affluent areas may face a higher bar than in more affluent areas.

### **Conclusion**

On behalf of the BGC, we thank you for the opportunity to comment on your draft statement of principles and hope these comments above are helpful. The BGC will work with you to ensure that its members' operation of its premises will operate in accordance with the licensing objectives.

Yours faithfully,



GOSSCHALKS LLP





## **Gambling Act 2005**

## **Statement of Principles**

**2025 – 2028**

*Revised with effect from 31<sup>st</sup> January 2025*

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**Statement of Principles – Gambling Act 2005****1.0 Introduction**

- 1.1 Redditch Borough Council is situated in the County of Worcestershire, which contains 6 District Councils in total. The Borough is approximately 15 miles south of Birmingham. The Council area has an estimated population of around 87,000 and covers an area of around 21 square miles. The population of the Borough has a higher percentage of young people (0 – 15) compared with the rest of the County. There is a very diverse population within the Borough and there are four areas that are within the top 10% most deprived in England.
- 1.2 The Borough of Redditch consists of 2 distinct areas:-
- An essentially urban area, which includes a vibrant and thriving town centre and smaller centres within local districts; and
  - An essentially rural area, which includes Astwood Bank, Feckenham, Elcocks Brook and Ham Green.
- 1.3 The Borough and its address districts are shown in the map at Appendix 'A'.
- 1.4 In our Council Plan Redditch Borough Council has set out our vision “to enrich the lives and aspirations of our residents, businesses and visitors through the provision of efficiently run and high quality services, ensuring that all in need receive appropriate help, support and opportunities.” The Council Plan also sets out the Council’s priorities. This statement seeks to support the delivery of our vision and priorities and to promote the licensing objectives set out in the Act, which are central to the regulatory regime created by the Act. These are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
  - Ensuring that gambling is conducted in a fair and open way, and
  - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.5 The Licensing Authority has produced this statement as required by Section 349 of the Gambling Act 2005 (referred to in this statement as “the Act”) and having had regard to the Gambling Commission’s formal guidance issued under Section 25 of the Act, the licensing objectives and to the views of those that the Licensing Authority have consulted. The Licensing Authority consulted widely upon this statement before finalising and publishing. The list of those persons and organisations consulted is shown at Appendix B. The consultation took place between 8<sup>th</sup> August 2024 and 13<sup>th</sup> September 2024 in line with current published Government consultation principles. The statement was approved at a meeting of the Full Council on 11<sup>th</sup> November 2024. Should you have any comments with regards to this policy statement please send them via email or letter to: [enquiries@wocrsregservices.gov.uk](mailto:enquiries@wocrsregservices.gov.uk).
- 1.6 This statement must be published at least every three years. The statement may also be reviewed from ‘time to time’ and any amended parts re-consulted upon.

- 1.7 The Licensing Authority intends that this document should provide information and guidance on the general approach that the Licensing Authority will take to licensing. A series of advice sheets with more specific guidance is available on request; advice tailored to individuals is available by phone or to personal callers.
- 1.8 Nothing in this statement takes away the right of any person to make an application under the Act and to have that application considered on its merits; nor does it undermine the right of any person to object to an application or to seek a review of a licence where the law provides that they may do so. Applications will be considered in line with our statement of general principles, below.

## **2.0 Gambling Act 2005**

- 2.1 This statement reflects and aims to support our strategic purposes, community priorities and organisational priorities, as set out in the Council Plan.
- 2.2 The Act provides for gambling to be authorised in a number of different ways. Our main functions are to:
- licence premises for gambling activities, including the issue of provisional statements;
  - regulate and grant permits for gambling and gaming machines in clubs, including commercial clubs,
  - regulate gaming and gaming machines in alcohol licensed premises;
  - grant permits to family entertainment centres for the use of certain lower stake gaming machines;
  - grant permits for prize gaming;
  - receive and endorse notices given for the temporary use notices;
  - receive occasional use notices for betting at tracks;
  - register small societies lotteries;
  - maintain public registers; and
  - provide information to the Gambling Commission on issued licences.
- 2.3 The Gambling Commission regulates remote gambling and issues personal and operating licences for premises. The “National Lottery” is also regulated by the Gambling Commission. Spread betting is regulated by the Financial Conduct Authority.

## **3. The Gambling Commission**

- 3.1 The Gambling Commission regulates gambling in the public interest. It does so by keeping crime out of gambling; by ensuring that gambling is conducted fairly and openly; and by protecting children and vulnerable people.
- 3.2 The Commission provides independent advice to the Government about the manner in which gambling is carried out, the effects of gambling, and the regulation of gambling generally. It also produces guidance under Section 25 of the Act detailing how local authorities should exercise their licensing functions.
- 3.3 In addition, the Commission’s role is to issue codes of practice under Section 24 of the Act about the manner in which facilities for gambling are provided, and how those provisions might be advertised.
- 3.4 Information about the Gambling Commission can be found on the Internet at: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk) or by phone: 0121 230 6666.

#### **4 Local Area Profile**

- 4.1 Alongside its Statement of Principles, the Licensing Authority has worked with the other Licensing Authorities in Worcestershire and other partners to develop a “Local Area Profile” for the County as a means of mapping out local areas of concern, which can be reviewed and updated to reflect changes to the local landscape.
- 4.2 This Local Area Profile takes account of a wide range of factors, data and information held by the Licensing Authority and its partners. An important element of preparing the Local Area Profile has been proactive engagement with responsible authorities as well as other organisations in the area that could give input to ‘map’ local risks in the area.
- 4.3 These include public health, mental health, housing, education, community welfare groups and safety partnerships, and organisations such as GamCare or equivalent local organisations.
- 4.4 The aim of the Local Area Profile is to increase awareness of local risks and improve information sharing, to facilitate constructive engagement with licensees and a more coordinated response to local risks. The Local Area Profile will also help to inform specific risks that operators will need to address in their own risk assessments, which forms a part of any new licence application, or any application made to vary a licence.
- 4.5 The Local Area Profile is published on the Licensing Authority’s website and will be updated on a regular basis to reflect changes to the local environment. Holder’s of premises licences will be notified whenever the Local Area Profile is updated.

#### **5. Authorised Activities**

- 5.1 ‘Gambling’ is defined in the Act as gaming, betting, or taking part in a lottery.
- ‘Gaming’ means playing a game of chance for a prize.
  - Betting means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not.
  - A lottery is an arrangement where persons are required to pay in order to take part in an arrangement whereby one or more prizes are allocated by a process which relies wholly on chance.

#### **6. General Statement of Principles**

- 6.1 In carrying out the licensing functions in accordance with the Act, particularly with regard to premises licences, the Licensing Authority will aim to permit the use of premises for gambling as long as it is considered to be:
- in accordance with any relevant Codes of Practice issued by the Gambling Commission;
  - in accordance with any relevant Guidance issued by the Gambling Commission;
  - in accordance with this Statement of Principles; and
  - reasonably consistent with the licensing objectives.

- 6.2 The Licensing Authority will not seek to use the Act to resolve matters that are better dealt with by other legislation. Licensing is not the primary mechanism for general control of nuisance and the antisocial behaviour of people once they are away from licensed premises.
- 6.3 The Licensing Authority will ensure that in dealing with applications under the Act the Licensing Authority will follow the required procedures and only take into account issues that are relevant. Specifically, the Licensing Authority will not have regard to “demand” when considering applications for gambling premises; nor will the Licensing Authority consider the suitability of applicants for premises licences (which is a matter for the Gambling Commission). The Licensing Authority will not reject an application on moral grounds. If the Licensing Authority does decide to reject an application, the Licensing Authority will make known the reasons for doing so.
- 6.4 The Council has delegated its licensing function to its Licensing Sub-Committee and Licensing Officers. In the remainder of this Statement of Principles they are referred to collectively as the ‘Licensing Authority’.
- 6.5 Where an application is for a new premises licence, the responsible authorities will usually visit to check that gambling facilities meet all necessary legal requirements.
- 6.6 Where there are no representations (objections), licences and permissions will be granted subject only to any appropriate mandatory conditions (Section 167 of the Act) and any conditions having at least the effect of appropriate default conditions made under Section 168.
- 6.7 If there are objections that cannot be resolved informally, or the Licensing Authority intends to impose extra conditions, the Licensing Authority will hold a public hearing at which the Licensing Sub-Committee will hear evidence and make a decision in accordance with the Act.
- 6.8 This Statement is not intended to override the right of any person to make an application under the Act, and to have that application considered on its merits. Equally, this Statement of Principles is not intended to undermine the right of any person to make representations about an application or to seek a review of a licence where provision has been made for them to do so.

## **7. Preventing Gambling from being a Source of Crime and Disorder**

- 7.1 The Gambling Commission takes the leading role in preventing gambling from being a source of crime, and maintains rigorous licensing procedures aiming to prevent criminals from providing facilities for gambling. Applicants need an operating licence from the Commission before the Licensing Authority will issue a licence to use premises for gambling.
- 7.2 The Licensing Authority will not issue a premises licence to someone who does not hold an operator’s licence, and would not generally be concerned with the suitability of an applicant. Where concerns about a person’s suitability arise the Licensing Authority will bring those concerns to the attention of the Commission.

- 7.3 If an application for a licence or permit is received in relation to premises which are in an area noted for particular problems with organised crime, the Licensing Authority will, in consultation with the Police and other relevant authorities, consider whether specific controls need to be applied to prevent those premises from being a source of crime. This could include a requirement for door supervisors registered by the Security Industries Association.
- 7.4 'Disorder' is generally a matter for the Police; the Licensing Authority will not use this Act to deal with general nuisance issues, for example, parking problems, which can be better dealt with using alternative powers. Disorder will only be considered under this Act if it amounts to activity which is more serious and disruptive than mere nuisance, and where it can be shown that gambling is the source of that disorder. A disturbance might be serious enough to constitute disorder if Police assistance were required to deal with it; the Licensing Authority will then consider how threatening the behaviour was to those who could see or hear it, and whether those people live sufficiently close to be affected or have business interests that might be affected.
- 7.5 When making decisions relating to disorder, the Licensing Authority will give due weight to comments made by the Police.

## **8. Ensuring Gambling is conducted in a Fair and Open Way**

- 8.1 The Gambling Commission does not expect local authorities to become concerned with ensuring that gambling is conducted in a fair and open way. The Commission, through the operating and personal licensing regime, will regulate the management of the gambling business and the suitability and actions of an individual.
- 8.2 As betting track operators do not need an operating licence from the Commission, the Licensing Authority may, in certain circumstances, require conditions of licence relating to the suitability of the environment in which betting takes place.

## **9. Protecting children and vulnerable people from being harmed or exploited by gambling**

- 9.1 The intention of the Act is that children and young persons should not be allowed to gamble, and should be prevented from entering those gambling premises which are 'adult-only' environments.
- 9.2 Codes of Practice – including advice about access by children and young persons – may be published by the Gambling Commission for specific kinds of premises. Applicants are expected to heed this advice where applicable.
- 9.3 The Licensing Authority expects steps to be taken to prevent children from taking part in, or being in close proximity to, gambling. This may include restrictions on advertising to ensure that gambling products are not aimed at children, nor advertised in such a way that makes them particularly attractive to children.
- 9.4 When determining a premises licence or permit the Licensing Authority will consider whether any additional measures are necessary to protect children, such as the supervision of entrances, the segregation of gambling from areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises like pubs, clubs and betting tracks.

- 9.5 In seeking to protect vulnerable people the Licensing Authority will include people who gamble more than they want to, people who gamble beyond their means, and people who may not be able to make informed or balanced decisions about gambling, perhaps due to a mental impairment, alcohol or drugs.
- 9.6 The Licensing Authority will always treat each case on its individual merits and when considering whether specific measures are required to protect children and other vulnerable people, will balance these considerations against the overall principle of aiming to permit the use of premises for gambling.
- 9.7 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm.

These principles are:

- The need for the body to be responsible for an area covering the whole of the Licensing Authority's area.
  - The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- 9.8 In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this authority designates the Worcestershire Safeguarding Children Partnership for this purpose.

## **10. Public Health and Gambling**

- 10.1 The Licensing Authority agrees with the Gambling Commission's position that gambling-related harm should be considered as a public health issue.
- 10.2 Gambling is a legitimate leisure activity enjoyed by many and the majority of those who gamble appear to do so with enjoyment, and without exhibiting any signs of problematic behaviour. There are however significant numbers of people who do experience significant harm as result of their gambling.
- 10.3 For these problem gamblers, harm can include higher levels of physical and mental illness, debt problems, relationship breakdown and, in some cases, criminality. It can also be associated with substance misuse.
- 10.4 There can also be considerable negative effects experienced by the wider group of people around a gambler. The health and wellbeing of partners, children, and friends can all be negatively affected.
- 10.5 Therefore the Licensing Authority considers that Public Health teams, whilst not a responsible authority under the Act, can still assist the Licensing Authority to address gambling-related harms in its area.



- 10.6 The licensing authority will therefore engage with the local Public Health team in the further development of this Statement of Principles and the Local Area Profile. It is planned that the Public Health team will be able to help the Licensing Authority:
- Identify and interpret health data and evidence to inform the review of the Statement and develop locally tailored local area profiles.
  - Make decisions that benefit and protect the health and wellbeing of local communities.
  - Be clear on issues which they can have regard to when deciding on licenses for a wide range of gambling activities.
  - Conduct a health-impact assessment of gambling in the local area or assess any existing information.

## 11.0 Local Risk Assessments

11.1 Since 6 April 2016 it has been a requirement for operators to assess local risks to the licensing objectives taking into account this Council's Policy. The operator must also have policies, procedures and control measures in place to mitigate these risks. Risk assessments must be reviewed whenever there are significant changes in local circumstances, or at the premises, or when applying for a new licence or a variation of a licence. Risks in this context include actual, potential and possible future emerging risks to the licensing objectives.

11.2 The Licensing Authority will expect the local risk assessment to consider, for example:

- whether the premise is in an area of deprivation;
- whether the premise is in an area subject to high levels of crime and/or disorder;
- whether the premise is near an addiction treatment facility and in general consider the demographics of the area in relation to vulnerable groups;
- the location of sensitive buildings such as schools, playgrounds, toy shops, leisure centres, libraries and other areas where children are likely to gather; and
- how vulnerable persons as defined within this Policy are protected.

11.3 In compiling their local risk assessment the Licensing Authority shall also expect operators to take into account the general principles as set out in this Policy and the Local Area Profile.

11.4 Other matters that the risk assessment may include are, for example:

- Staff training, including refresher training, e.g. such as intervention when customers show signs of excessive gambling, in the mandatory licensing conditions, in location of the premises licence; in location of information relating to gambling care providers, etc.
- Where installed, details of CCTV coverage and how the system will be monitored.
- Layout of the premises to ensure staff have unobstructed views of persons using the premises or where this is not possible, evidence of how this can be achieved.
- The number of staff employed at the premises at any one time taking into account any effects from seasonal trade in the area.
- Where only one staff member is employed – in the case of smaller premises, – what the supervisory and monitoring arrangements are when that person is absent from the licensed area or distracted for any other reason.
- Provision of signage and documents relating to games rules, gambling care providers.
- The mix of gambling provided.
- Consideration of primary gambling activity and location of gaming machines.

- 11.5 Applicants for premises licences are encouraged to consider, as part of their risk assessment, any prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate.
- 11.6 Operators are expected to share their risk assessments with the Licensing Authority when applying for a new premises licence, applying for a variation to an existing licensed premise or otherwise upon request. These risk assessments must in any event be kept under regular review and updated as necessary. The Licensing Authority expects a copy of the most recent local risk assessment to be kept on each premises that is subject to a premises licence under the Gambling Act 2005.
- 11.7 The information contained within the risk assessment may be used to inform the decision the Licensing Authority makes about whether or not to grant the licence, to grant the licence with special conditions or to refuse the application.
- 11.8 However, in all circumstances each application will be treated on its own merits with the onus on the applicant providing the Licensing Authority with sufficient information to make their determination with the underpinning statutory aim of permitting gambling subject to being reasonably consistent with the licensing objectives.
- 11.9 In its Guidance to Licensing Authorities, the Gambling Commission suggests that Licensing Authorities should adopt a 'Local Area Profile'. The Guidance suggests that a Local Area Profile is a process of gathering and presenting information about a locality and any particular areas of concern within that locality. It underpins and explains the approach that the Licensing Authority will apply when granting licences. The Licensing Authority has created a Local Area Profile to assist applicants and licence holders to conduct their local risk assessments.
- 11.10 The Licensing Authority expects local risk assessments to be kept under review and updated as necessary. The Licensing Authority expect local risk assessments to be subject to a review whenever there is a significant change at or near the premises and in any event at least every twelve months.

## **12.0 Premises licences**

- 12.1 A premises licence can authorise the provision of facilities at the following :
- casino premises
  - bingo premises
  - betting premises, including betting tracks
  - adult gaming centres
  - family entertainment centres
- 12.2 Premises can be 'any place' but the Act generally prevents more than one premises licence applying to any one place. A single building could be subject to more than one premises licence provided they are for different parts of the building and those parts can be reasonably regarded as being separate 'premises'.

- 12.3 This will allow large, multiple unit premises such as tracks, shopping malls or service stations to obtain discrete premises licences, with appropriate safeguards in place. The Licensing Authority will pay particular attention if there are issues about sub-divisions of a single building or plot and mandatory conditions relating to access between premises are observed. The Licensing Authority will not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partition, can properly be regarded as different premises. Whether different parts of a building can properly be regarded as being separate premises will depend on the individual circumstances of the case.
- 12.4 A particular requirement might be for entrances and exits from parts of a building covered by one or more licences to be separate and identifiable so that the separation of the premises is not compromised and people are not allowed to 'drift' accidentally into a gambling area. It should normally be possible to access the premises without going through another licensed premises or premises with a permit. The Licensing Authority would also expect customers to be able to participate in the activity named on the premises licence.
- 12.5 The Secretary of State appointed an independent Casino Advisory Panel to advise the Government on the areas in which small and/or large casinos may be located. The Borough of Redditch was not identified as a suitable location for a casino; consequently the Licensing Authority is currently prevented from granting a Casino Premises Licence.
- 12.6 The Council has not passed a resolution under section 166(5) of the Gambling Act 2005 to not issue casino premises licences. If such a resolution were considered in the future, the Council would carry out a full public consultation and consider all responses before passing such a resolution.
- 12.7 The Licensing Authority will not turn down applications for premises licences where relevant objections can be dealt with through the use of licence conditions.
- 12.8 Other than an application for a betting premises licence for a track, the Licensing Authority are not able to issue a premises licence unless the applicant holds the relevant operating licence from the Gambling Commission.
- 12.9 When considering applications for premises licences the Licensing Authority will not take into account either the expected 'demand' for facilities or the likelihood of planning permission or building regulation approval being granted, as well as 'moral' objections to gambling. Equally, the grant of a premises licence would not prejudice or prevent any action that may be appropriate under the law relating to planning or building regulations.
- 12.10 The Licensing Authority are aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to our decision-making. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated.
- 12.11 The Licensing Authority will only issue a premises licence once the Licensing Authority are satisfied that the premises is ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required. If the construction of a premises is not yet complete, or if they need alteration, or the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made.

12.12 The Licensing Authority will apply a two stage consideration process if there is outstanding construction or alteration works at the premises:

- should the premises be permitted to be used for gambling;
- can appropriate conditions be imposed to cater for the situation that the premises is not yet in the state in which they should be before gambling takes place.

12.13 The Licensing Authority is entitled to decide whether or not it is appropriate to grant a licence subject to conditions.

12.14 The Licensing Authority will maintain a public register of premises licence applications received which may be viewed at the Council Offices during normal office hours which are generally Monday – Friday 9am until 5pm.

### **13.0 Responsible authorities**

13.1 Responsible authorities are identified in the legislation, and have to be notified about licence applications so that they can identify any risks. The responsible authorities that the Licensing Authority recognises are listed below, contact details for each of the responsible authorities identified are available on our website [www.redditchbc.gov.uk](http://www.redditchbc.gov.uk), and will be sent on request.

- the Gambling Commission
- the Chief of Police for the area
- Fire & Rescue Service
- Redditch Planning Department
- Environmental Services Department
- Worcestershire Safeguarding Children Partnership
- HM Revenue and Customs
- Redditch Licensing Department
- any other bodies identified in Regulation by the Secretary of State,
- for vessels, the Environment Agency, Canal and River Trust, Secretary of State.

13.2 Any concerns expressed by a Responsible Authority cannot be taken into account unless they are relevant to the application itself and the licensing objectives. However, each representation will be considered on its own individual merits.

### **14.0 Interested Parties**

14.1 An interested party is someone who:

- lives sufficiently close to the premises to be likely to be affected by the authorised activities; or
- has business interests that might be affected by the authorised activities; or
- represents persons in either of the two groups above.

14.2 The Licensing Authority will generally require written evidence that a person/body 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representations is sufficient. Whilst this may not apply to those elected ward members or MP or Parish

Councillors, those persons should be aware of the need to represent the whole of the community that they represent and not just the vocal 'minority'.

- 14.3 In determining whether someone lives sufficiently close to a particular premises so as to be affected, the Licensing Authority will take into account, among other things :
- the size of the premises
  - the nature of the premises
  - the distance of the premises from the person making the representation
  - the identity of the complainant
  - the potential impact of the premises
- 14.4 In determining whether a person has a business interest which could be affected the Council will consider, among other things:
- the size of the premises
  - the catchment area of the premises, and
  - whether the person making the representation has business interests in the catchment area that might be affected
- 14.5 If an existing gambling business makes a representation that it is going to be affected by another gambling business starting up in the area, the Licensing Authority would not consider this, in the absence of other evidence, as a relevant representation as it does not relate to the licensing objectives and instead relates to demand or competition.
- 14.6 The Licensing Authority may consider a representation to be either frivolous or vexatious, and reject it. This will generally be a matter of fact given the circumstances of each individual case but, before coming to a decision the Licensing Authority will normally consider:
- who is making the representation and whether there is a history of making representations that are not relevant,
  - whether it raises an issue relevant to the licensing objectives, or
  - whether it raises issues specifically to do with the premises which are the subject of the application.
- 15.0 Licence conditions**
- 15.1 The mandatory and default conditions prescribed under the Gambling Act 2005 are designed to be, and usually are, sufficient to ensure operation that is consistent with the licensing objectives
- 15.2 However in exceptional circumstances when considering-particular cases the Licensing Authority may find it necessary to impose conditions beyond appropriate mandatory and default conditions. Any such conditions will be relevant to the need to make the building suitable for use as a gambling facility; directly related to the premises and the type of licence applied for; fairly and reasonably related to the scale and type of premises and reasonable in all other respects. The Licensing Authority will not have recourse to a pool of standard conditions.

- 15.3 The Licensing Authority will also ensure that where category C or above machines that are on offer in premises to which children are admitted are located in an area of the premises which is separated by a physical barrier to prevent access other than through a designated entrance; the designated area is supervised and observed by staff or the licence holder.
- 15.4 Examples of conditions which are likely to be attached in certain circumstances include those relating to opening hours, segregation of gambling from non-gambling areas frequented by children, SIA licensed door supervisors, appropriate signage for adult only areas, age limits, or keeping children and young persons away from gaming machines. The Licensing Authority will also expect the applicant to offer their own suggestions as to ways in which the licensing objectives can be promoted effectively.
- 15.5 The Licensing Authority will not seek to control those matters specified in the Act with conditions:
- which make it impossible to comply with an operating licence condition imposed by the Gambling Commission;
  - relating to gaming machine categories or method of operation;
  - which specify that membership of a club or other body is required; or
  - in relation to stakes, fees, winnings or prizes.
- 15.6 Duplication with other statutory or regulatory regimes will be avoided as far as possible. The need for conditions will be assessed on the specific merits of each application.

## **16.0 Gaming Machines**

- 16.1 Gaming machines include all types of gambling activity which can take place on a machine, including betting on 'virtual' events.
- 16.2 The Act itself prescribes the number and category of gaming machines that are permitted in each type of gambling premises.
- 16.3 Subject to the provisions of the Act, gaming machines can be made available in a wide variety of premises, including:
- casinos;
  - bingo premises;
  - betting premises, (including tracks );
  - adult gaming centres;
  - family entertainment centres;
  - clubs;
  - pubs and other alcohol licensed premises;
  - travelling fairs.
- 16.4 A machine is not a gaming machine if the winning of a prize is determined purely by the player's skill. However, any element of 'chance' imparted by the action of the machine would bring it within the definition of a gaming machine.
- 16.5 The Licensing Authority will encourage permit and premises licence holders to adopt applicable codes of practice which may be introduced by the amusement industry or Gambling Commission, from time to time.

## 17 Gambling in Alcohol Licensed Premises

- 17.1 There are exemptions in the Act that provide for a limited amount of gambling activity to take place within premises that are subject to a relevant valid alcohol licence.
- 17.2 These exemptions only apply where a premises is subject to a licence that authorises the sale of alcohol for consumption on the premises and that has a bar at which alcohol is served without a requirement that alcohol is served only with food.
- 17.3 In all cases the licensing authority considers that gambling must remain ancillary to the main purpose of the premises.

### Automatic entitlement to two gaming machines

- 17.4 Section 282 of the Act provides an automatic entitlement to alcohol licence holders to make available two gaming machines (of category C or D) for use in alcohol-licensed premises. To take advantage of this entitlement, the person who holds the on-premises alcohol licence must give notice to the Licensing Authority of their intention to make gaming machines available for use, and must pay the prescribed fee.
- 17.5 This is not an authorisation procedure. The Licensing Authority has no discretion to consider the notification or to turn it down. The only matter to determine is whether the person applying for the automatic gaming machine entitlement is the holder of the alcohol licence and whether the prescribed fee has been paid. There is no statutory requirement for pubs and other alcohol-licensed premises to display a notice of their automatic entitlement to gaming machines.
- 17.6 The Licensing Authority expects licence holders making machines available in accordance with their automatic entitlement to comply with the Gambling Commission's code of practice for gaming machines in clubs and premises with an alcohol licence.
- 17.7 The Licensing Authority can remove the automatic authorisation in respect of any particular premises by making an order under section 284 of the Act. The Licensing Authority can do so if:
- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives
  - gaming has taken place on the premises that breaches a condition of s.282, for example the gaming machines have been made available in a way that does not comply with requirements on the location and operation of gaming machines
  - the premises are mainly used for gaming
  - an offence under the Act has been committed on the premises.
- 17.8 Before making an order, the Licensing Authority will give the licensee at least 21 days' notice of the intention to make the order and will consider any representations that they may make. The Licensing Authority will hold a hearing if the licensee so requests and will comply with any other procedural requirements set out in regulations. If there is no appeal, the order will take effect 21 days after notice of the intention was given. The Licensing Authority must give the licensee a copy of the order and written reasons for making it. The licensee may appeal to the Magistrates' Court.

Licensed Premises Gaming Machine Permits

- 17.9 Where the holder of a relevant alcohol licence wishes to make more than two gaming machines available, they may apply for a licensed premises gaming machine permit. Such a permit can authorise the provision of any number of category C or D gaming machines within the relevant licensed premises.
- 17.10 The Licensing Authority expects licence holders making machines available in accordance with a licensed premises gaming machine permit to comply with the Gambling Commission's code of practice for gaming machines in clubs and premises with an alcohol licence.
- 17.11 Applications must be made by a person or organisation that holds the on-premises alcohol licence for the premises for which the application is made and must include information on the premises to which it relates and the number and category of gaming machines sought.
- 17.12 The Licensing Authority may also require an applicant to submit a plan of the premises showing where the gaming machines are to be located and showing the position of the bar.
- 17.13 In determining an application, the Licensing Authority must have regard to the licensing objectives and to the Gambling Commission's Guidance to Licensing Authorities. The Licensing Authority may also take account of any other matters that are considered relevant to the application.
- 17.14 In particular the Licensing Authority will have regard to the size and nature of the premises, the number of gaming machines requested and the ability of the licence holder to comply with the relevant code of practice.
- 17.15 The application does not require notification to the Commission or police before determination, however, the Licensing Authority is able to specify this as a requirement should they see fit.
- 17.16 The Licensing Authority may grant or refuse an application. In granting the application, it may vary the number and category of gaming machines authorised by the permit. If granted, the Licensing Authority will issue the permit as soon as possible after that. Where they refuse the application they will notify the applicant as soon as possible, setting out the reasons for refusal. The Licensing Authority will not refuse an application, or grant it for a different number or category of machines, unless they have notified the applicant of their intention to do so and given the applicant an opportunity to make representations, orally, in writing, or both.
- 17.17 The Licensing Authority is able to cancel a permit. It may only do so in specified circumstances which include if the premises are used wholly or mainly by children or young persons or if an offence under the Act has been committed. Before it cancels a permit the Licensing Authority will notify the holder, giving 21 days notice of intention to cancel, consider any representations made by the holder, hold a hearing if requested, and comply with any other prescribed requirements relating to the procedure to be followed. Where the Licensing Authority cancels the permit, the cancellation does not take effect until the period for appealing against that decision has elapsed or, where an appeal is made, until the appeal is determined.



- 17.18 The Licensing Authority can also cancel a permit if the holder fails to pay the annual fee, unless failure is the result of an administrative error. The court may order forfeiture of the permit if the holder is convicted of a relevant offence.
- 17.19 The applicant may appeal to the Magistrates' Court against the Licensing Authority's decision not to issue a permit. The holder can also appeal against a decision to cancel a permit.

### Exempt Gaming

- 17.20 Exempt gaming is generally permissible in any relevant alcohol licensed premises. Such gaming must be equal chance gaming and must be ancillary to the purposes of the premises. This provision is automatically available to all such premises, but is subject to statutory stakes and prize limits determined by the Secretary of State.
- 17.21 Equal chance gaming is gaming that does not involve staking against a bank and the chances of winning are equally favourable to all participants. It includes games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.
- 17.22 The Secretary of State has set both daily and weekly prize limits for exempt gaming in alcohol licensed premises and details of these can be found on the Gambling Commission's website.
- 17.23 The Licensing Authority expects exempt gaming in alcohol licensed premises to comply with the Gambling Commission's code of practice on equal chance gaming in clubs and premises with an alcohol licence.
- 17.24 The Licensing Authority can remove the automatic authorisation for exempt gaming in respect of any particular premises by making an order under s.284 of the Act, if:
- provision of the gaming is not reasonably consistent with the pursuit of the licensing objectives
  - gaming has taken place on the premises that breaches a condition of s.279, for example the gaming does not abide by the prescribed limits for stakes and prizes, a participation fee is charged for the gaming or an amount is deducted or levied from sums staked or won
  - the premises are mainly used for gaming
  - an offence under the Act has been committed on the premises.
- 17.25 Before making an order, the Licensing Authority will give the licensee at least 21 days' notice of the intention to make the order and consider any representations that they may make. The Licensing Authority will hold a hearing if the licensee so requests and will comply with any other procedural requirements set out in regulations. If there is no appeal, the order will take effect 21 days after notice of the intention was given. The Licensing Authority must give the licensee a copy of the order and written reasons for making it. The licensee may appeal to the Magistrates' Court.

## 18 Gambling in Clubs

### Defining Clubs

18.1 The Act creates a separate regime for gaming in clubs from that in other relevant alcohol licensed premises. It defines two types of club for the purposes of gaming:

- members' clubs (including miners' welfare institutes)
- commercial clubs.

This is an important distinction in respect of the gaming that may take place.

18.2 A members' club is a club that is not established as a commercial enterprise and is conducted for the benefit of its members. Examples include working mens' clubs, miners' welfare institutes, branches of the Royal British Legion and clubs with political affiliations.

18.3 Miners' welfare institutes are associations established for recreational or social purposes. They are managed by representatives of miners or use premises regulated by a charitable trust which has received funds from one of a number of mining organisations.

18.4 A commercial club is a club established for commercial gain, whether or not they are actually making a commercial gain. Examples include commercial snooker clubs, clubs established as private companies and clubs established for personal profit.

18.5 The Licensing Authority expects exempt gaming in clubs to comply with the Gambling Commission's code of practice on equal chance gaming in clubs and premises with an alcohol licence.

### Exempt Gaming

18.6 Exempt gaming is generally permissible in any club. Such gaming must be equal chance gaming and be ancillary to the purposes of the club. This provision is automatically available to all such premises, but is subject to statutory stakes and prize limits determined by the Secretary of State.

18.7 Equal chance gaming is gaming that does not involve staking against a bank and the chances of winning are equally favourable to all participants. It includes games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.

18.8 The Secretary of State has set both daily and weekly prize limits for exempt gaming. Different higher stakes and prizes are allowed for exempt gaming in clubs than are allowed in alcohol-licensed premises and details of these can be found on the Gambling Commission's website.

18.9 Clubs may levy a charge for participation in equal chance gaming under the exempt gaming rules. The amount they may charge is as prescribed in regulations and the relevant details can be found on the Gambling Commission's website. However in order to qualify as exempt gaming, clubs may not charge a rake on games (a commission or fee deducted from the prize fund), or levy or deduct an amount from stakes or winnings.

18.10 The Licensing Authority expects exempt gaming in clubs to comply with the Gambling Commission's code of practice on equal chance gaming in clubs and premises with an alcohol licence.

### Club Gaming Permits

- 18.11 The Licensing Authority may grant members' clubs and miners' welfare institutes (but not commercial clubs) club gaming permits which authorise the establishments to provide gaming machines, equal chance gaming (without having to abide by the stake and prize limits which would apply to exempt gaming in the absence of a permit) and games of chance as prescribed in regulations namely pontoon and chemin de fer. This is in addition to the exempt gaming authorisation detailed above.
- 18.12 Club gaming permits allow the provision of no more than three gaming machines. These may be from categories B3A, B4, C or D but only one B3A machine can be sited as part of this entitlement.
- 18.13 Where a club has gaming machines the licensing authority expects the club to comply with the Gambling Commission's code of practice for gaming machines in clubs and premises with an alcohol licence.

### Club Machine Permits

- 18.14 If a members' club or a miners' welfare institute does not wish to have the full range of facilities permitted by a club gaming permit, they may apply to the Licensing Authority for a club machine permit under s.273 of the Act. This type of permit authorises the holder to have up to three gaming machines of categories B3A, B4, C and D.
- 18.15 Commercial clubs are also able to apply for a club machine permit, although such a permit does not allow the siting of category B3A gaming machines by commercial clubs.
- 18.16 Where a club has gaming machines the Licensing Authority expects the club to comply with the Gambling Commission's code of practice for gaming machines in clubs and premises with an alcohol licence.

### Applications for Club Gaming Permits and Club Machine Permits

- 18.17 Applications for permits must be accompanied by the prescribed documents and fees and must be copied to the Gambling Commission and the Chief Officer of Police within the prescribed period. The Commission and the Police may object to the permit being granted and if such objections are received, the Licensing Authority will hold a hearing.
- 18.18 The Licensing Authority may grant or refuse a permit, but it may not attach any conditions to a permit.

18.19 The Licensing Authority can only refuse an application on the grounds that:

- a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied
- b) the applicant's premises are used wholly or mainly by children and/or young persons
- c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities
- d) a permit held by the applicant has been cancelled in the previous ten years
- e) an objection has been lodged by the Commission or the police.

18.20 If the Licensing Authority is satisfied that (a) or (b) is the case, it must refuse the application. The Licensing Authority will have regard to relevant guidance issued by the Commission and (subject to that guidance), the licensing objectives.

18.21 In cases where an objection has been lodged by the Commission or the police, the Licensing Authority is obliged to determine whether the objection is valid.

18.22 There is a fast-track procedure for clubs in England and Wales which hold a club premises certificate under s.72 of the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which the Licensing Authority can refuse a permit are reduced.

18.23 This is because the club or institute will already have been through a licensing process in relation to its club premises certificate under the 2003 Act, and it is therefore unnecessary to impose the full requirements of Schedule 12.

18.24 Commercial clubs cannot hold club premises certificates under the Licensing Act 2003 and so cannot use the fast-track procedure.

#### Determining Applications for Club Gaming Permits

18.25 When determining applications for Club Gaming Permits the Licensing Authority will take steps to satisfy itself that the club meets the requirements of the Act and to enable this to happen, clubs may be asked to supply additional information and documents in support of their application.

18.26 The Licensing Authority is particularly aware of the potential for club gaming permits to be misused for illegal poker clubs.

18.27 In determining whether a club is a genuine members' club, the Licensing Authority will take into account the matters set out in relevant part of the Gambling Commission's Guidance to Licensing Authorities.

18.28 A visit to the premises before granting of the permit may also be undertaken to assist the Licensing Authority to understand how the club will operate.

#### Maintenance of Permits

18.29 Club Gaming Permits and Club Machine Permits will have effect for ten years, unless it ceases to have effect because it is surrendered or lapses or is renewed. However, a permit granted under the fast-track procedure does not expire, unless it ceases to have effect because it is surrendered, cancelled or forfeited or it lapses.

18.30 A permit will lapse if the holder of the permit stops being a club or miners' welfare institute, or if it no longer qualifies under the fast-track system for a permit. In addition, a permit will cease to have effect upon being surrendered to the authority. A notice to surrender must be accompanied by the permit or a statement explaining why it cannot be produced. The Licensing Authority must inform the Police and the Commission when a permit has been surrendered or lapsed.

#### Cancellation and forfeiture of permits

18.31 The Licensing Authority may cancel the permit if:

- the premises are used wholly by children and/or young persons
- an offence or breach of a permit condition has been committed in the course of gaming activities by the permit holder.

18.32 Reference here to 'a permit condition' means a condition in the Act or in regulations that the permit is operating under.

18.33 Before cancelling a permit, the Licensing Authority will give the permit holder at least 21 days' notice of the intention to cancel and consider any representations that they may make. The Licensing Authority will hold a hearing if the permit holder so requests and will comply with any other procedural requirements set out in regulations. If there is no appeal, the cancellation will take effect 21 days after notice of the intention to cancel was given. The Licensing Authority will notify the permit holder, the Commission and the police that the permit has been cancelled and the reasons for the cancellation.

#### Renewal of permits

18.34 In accordance with paragraph 24 of Schedule 12 of the Act, an application for renewal of a permit must be made during the period beginning three months before the licence expires and ending six weeks before it expires. The procedure for renewal is the same as for an application.

18.35 The duration of the permit will not be curtailed while a renewal application is pending, including an appeal against a decision not to renew.

18.36 If, at the time a permit is renewed, the applicant holds a club premises certificate, the fast-track procedure will apply as it does when application is first made for the permit.

## **19 Unlicensed Family Entertainment Centre Permits**

### Introduction

19.1 Unlicensed family entertainment centres (uFEC) are able to offer only category D machines in reliance on a gaming machine permit. Any number of category D machines can be made available with such a permit, although there may be other considerations, such as fire regulations and health and safety, to take into account. Permits cannot be issued in respect of vessels or vehicles.

19.2 uFECs are premises which are 'wholly or mainly' used for making gaming machines available. The permit cannot therefore be granted for an entire shopping centre, airport or bowling alley, for example.

Applications for Unlicensed Family Entertainment Centre Permits

- 19.3 The application for a permit can only be made by a person who occupies or plans to occupy the premises to be used as an uFEC and, if the applicant is an individual, he or she must be aged 18 or over. Applications for a permit cannot be made if a premises licence under the Gambling Act 2005 is in effect for the same premises. The application must be made to the licensing authority in whose area the premises are wholly or partly situated.
- 19.4 The application must be submitted on Licensing Authority's standard form and be accompanied by the prescribed application fee. The Licensing Authority also requires the application to be accompanied by a plan of the premises that will be used as an uFEC, which shows the location of any gaming machines that will be provided if the permit were to be granted.
- 19.5 The Licensing Authority requires applicants for uFEC permits to provide a Basic Disclosure certificate issued by the Disclosure and Barring Service (DBS) within a period of one month before the application is made. Where the applicant is a company, a Basic Disclosure certificate must be supplied in respect of each director of the company.

Consideration of Applications

- 19.6 The Licensing Authority can grant or refuse an application for a permit, but cannot add conditions. An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an uFEC, and if the chief officer of police has been consulted on the application.
- 19.7 When considering an application, the Licensing Authority will consider the suitability of the applicant. Given that family entertainment centres are likely to appeal particularly to children and young persons, the licensing authority will give particular weight to matters relating to the protection of children from being harmed or exploited by gambling.
- 19.8 In considering the application, the Licensing Authority shall have regard to the Gambling Commission's Guidance to Licensing Authorities and will also have regard to the licensing objectives.
- 19.9 The Licensing Authority may also consider asking applicants to demonstrate:
- that they have suitable policies and procedures in place for the safeguarding of children and young persons.
  - a full understanding of the maximum stakes and prizes of the gambling that is permissible in uFECs
  - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act)
  - that employees at the premises are suitably vetted
  - that employees are trained to have a full understanding of the maximum stakes and prizes.
- 19.10 The Licensing Authority may not refuse an application unless it has notified the applicant of the intention to refuse and the reasons for it, and given them an opportunity to make representations orally or in writing or both.

- 19.11 The permit will have effect for ten years, unless it ceases to have effect because it is surrendered or lapses or is renewed. There is no annual fee for an uFEC gaming machine permit.
- 19.12 The permit may lapse for a number of reasons, namely:
- if the holder ceases to occupy the premises
  - if the Licensing Authority notifies the holder that the premises are not being used as an uFEC
  - if an individual permit holder dies, becomes incapable by reason of mental or physical incapacity, becomes bankrupt, or sequestration of his estate is ordered
  - if the company holding the permit ceases to exist, or goes into liquidation.

#### Renewal of a Permit

- 19.13 An application for renewal of an uFEC gaming machine permit must be made during the period beginning six months before the permit expires and ending two months before it expires. The procedure for renewal is the same as for an application. Licensing Authority may only refuse to renew a permit on the grounds that:
- an authorised local authority officer has been refused access to the premises without reasonable excuse
  - renewal would not be reasonably consistent with the licensing objectives. In this respect, the licensing authority will have the benefit of having consulted the chief officer of police and will be aware of any concerns that have arisen about the use of the premises during the life of the permit.
- 19.14 The duration of the permit will not be curtailed while a renewal application is pending, including an appeal against a decision not to renew.

## **20. Prize Gaming Permits**

- 20.1 Gaming is prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. Normally the prizes are determined by the operator before play commences.
- 20.2 A prize gaming permit is a permit issued by the Licensing Authority to authorise the provision of facilities for gaming with prizes on specified premises.

#### Applications for Prize Gaming Permits

- 20.3 An application for a permit can only be made by a person who occupies or plans to occupy the relevant premises and if the applicant is an individual, he must be aged 18 or over. An application for a permit cannot be made if a premises licence or club gaming permit is in effect for the same premises under the Gambling Act 2005. The application must be made to the Licensing Authority in whose area the premises are wholly or partly situated.
- 20.4 The application must be submitted on Licensing Authority's standard form and be accompanied by the prescribed application fee. The Licensing Authority also requires the application to be accompanied by a plan of the premises that will be used for gaming with prizes.

- 20.5 The Licensing Authority requires applicants for prize gaming permits to provide a Basic Disclosure certificate issued by the Disclosure and Barring Service (DBS) within a period of one month before the application is made.

#### Consideration of Applications

- 20.6 In considering an application, the licensing authority shall have regard to the Gambling Commission's Guidance to Licensing Authorities and will also have regard to the licensing objectives.
- 20.7 The Licensing Authority can grant or refuse an application for a permit, but cannot add conditions.
- 20.8 The Licensing Authority will grant a prize gaming permit only if they have consulted the chief officer of police about the application. The Licensing Authority will take account of any objections that the police may wish to make which are relevant to the licensing objectives.
- 20.9 Relevant considerations would include the suitability of the applicant in terms of any convictions that they may have that would make them unsuitable to operate prize gaming; and the suitability of the premises in relation to their location and any issues concerning disorder.
- 20.10 A permit cannot be issued in respect of a vessel or a vehicle.
- 20.11 The Licensing Authority will ask the applicant to set out the types of gaming that they are intending to offer and expects that the applicant should be able to demonstrate that:
- they understand the limits to stakes and prizes that are set out in regulations
  - the gaming offered is within the law.
- 20.12 The Licensing Authority will not refuse an application unless they have notified the applicant of the intention to refuse and the reasons for it, and given them an opportunity to make representations orally or in writing or both.
- 20.13 If granted, the permit will have effect for ten years, unless it ceases to have effect, lapses or is renewed. There is no annual fee for prize gaming permits.
- 20.14 The permit may lapse for a number of reasons:
- if the holder ceases to occupy the premises
  - if an individual permit holder dies, becomes incapable by reason of mental or physical incapacity, becomes bankrupt, or sequestration of his estate is ordered
  - if a company holding the permit goes into liquidation
  - if the holder (for example a partnership) otherwise ceases to exist.

#### Renewal of a Prize Gaming Permit

- 20.15 An application for renewal of a permit must be made during the period beginning six months before the permit expires and ending two months before it expires. The procedure for renewal is the same as for an application.
- 20.16 A permit will not cease to have effect while a renewal application is pending, including an appeal against a decision not to renew.



## 21.0 Temporary Use Notices

- 21.1 These allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. The Licensing Authority would object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises. Premises that might be suitable for a temporary use notice would include hotels, conference centres and sporting venues. A temporary use notice may only be granted to a person or company holding a relevant operating licence.
- 21.2 Temporary use notices may only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner. Equal chance gaming is gaming which does not involve playing or staking against a bank and gives equally favourable chances to all participants. Examples of equal chance gaming include games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.

## 22.0 Occasional Use Notices

- 22.1 Occasional use notices relate to particular activities at tracks. The Licensing Authority's only role is to ensure that the statutory limit of 8 days in a calendar year is not exceeded. Whilst tracks are normally thought of as permanent racecourses, this can also include land which has a number of uses for example agricultural land upon which a point-to-point meeting takes place. Land used temporarily as a track can qualify, provided races or sporting events take place or will take place there. The track need not be a permanent fixture.
- 22.2 The Licensing Authority will share information with the Gambling Commission in relation to any Occasional Use Notices received. The Licensing Authority may also work in partnership with the Gambling Commission to carry out test purchase operations involving licensed operators that are providing facilities for betting in reliance on an Occasional Use Notice.

## 23. Lotteries

### Introduction

- 23.1 A lottery is any arrangement that satisfies all of the criteria contained within the statutory description of either a simple lottery or a complex lottery, under s.14 of the Act.
- 23.2 An arrangement is a simple lottery if:
- persons are required to pay to participate
  - one or more prizes are allocated to one or more members of a class
  - the prizes are allocated by a process which relies wholly on chance.

23.3 An arrangement is a complex lottery if:

- persons are required to pay to participate
- one or more prizes are allocated to one or more members of a class
- the prizes are allocated by a series of processes
- the first of those processes relies wholly on chance.

23.4 The Gambling Act 2005 provides that promoting or facilitating a lottery is illegal, unless it falls into one of two categories of permitted lottery, namely:

- licensed lotteries – these are large society lotteries and lotteries run for the benefit of local authorities that are regulated by the Commission and require operating licences
- exempt lotteries – there are four types of exempt lottery that are expressly permitted under Schedule 11 of the Act, including the small society lottery.

23.5 The Licensing Authority is responsible for the registration of societies for the purpose of carrying on “small society lotteries.” Information on other forms of exempt lotteries is available from the Gambling Commission website.

23.6 The Licensing Authority defines ‘society’ as the society, or any separate branch of such a society, on whose behalf a lottery is to be promoted, and needs to understand the purposes for which a society has been established in ensuring that it is a non-commercial organisation.

23.7 Section 19 of the Act defines a society as such if it is established and conducted:

- for charitable purposes, as defined in section 2 of the Charities Act 2006
- for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity
- for any other non-commercial purpose other than that of private gain.

23.8 It is inherent in this definition that the society must have been established for one of the permitted purposes as set out in section 19 of the Act, and that the proceeds of any lottery must be devoted to those purposes. It is not permissible to establish a society whose sole purpose is to facilitate lotteries.

#### Registration Applications

23.9 The Licensing Authority with which a small society lottery is required to register must be in the area where their principal office is located. If the Licensing Authority believes that a society’s principal office is situated in another area, it will inform the society and the other Licensing Authority as soon as possible.

23.10 Applications for small society lottery registrations must be in the form prescribed by the Secretary of State and be accompanied by both the required registration fee and all necessary documents required by the Licensing Authority to assess the application.

23.11 If there is any doubt as to the status of a society that makes application for registration to carry on small society lotteries, the Licensing Authority may require the society to provide documentary evidence in support of their application. The types of evidence that may be required include, but are not restricted to:

- A list of the members of the society
- The society's constitution or a similar document setting out the aims and objectives of the society and its governance arrangements
- A written declaration from the applicant stating that they represent a *bona fide* non-commercial society.

23.12 The Licensing Authority shall refuse an application for registration if in the period of five years ending with the date of the application—

- an operating licence held by the applicant for registration has been revoked under section 119(1) of the Act, or
- an application for an operating licence made by the applicant for registration has been refused.

23.13 The Licensing Authority may refuse an application for registration if they think that—

- the applicant is not a non-commercial society,
- a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, or
- information provided in or with the application for registration is false or misleading.

23.14 The Licensing Authority may only refuse an application for registration after the society has had the opportunity to make representations at a formal hearing. If the Licensing Authority is minded to refuse registration, it will inform the society of the reasons why it is minded to do so and provide it with an outline of the evidence on which it has reached that preliminary conclusion, in order to enable representations to be made.

23.15 Any representations received will be considered at a formal hearing and the following principles will be applied when reaching a decision:

- Whether allowing the registration of the society would be consistent with the Act
- Whether allowing the registration of the society would be consistent with the promotion of the licensing objectives
- Whether allowing the registration of the society would be consistent with any relevant code of practise issued by the Gambling Commission

#### Promotion of small society lotteries once registered

23.16 Participation in a lottery is a form of gambling, and as such the Licensing Authority requires societies that it registers to conduct their lotteries in a socially responsible manner and in accordance with the Act.

23.17 The Act requires that lottery tickets may only be sold by persons that are aged 16 or over to persons that are aged 16 or over.

23.18 As the minimum age for participation in a lottery is 16, the Licensing Authority expects those societies that it registers to have effective procedures to minimise the risk of lottery tickets being sold to children, including procedures for:

- checking the age of apparently underage purchasers of lottery tickets
- taking action where there are unlawful attempts to purchase tickets.

- 23.19 Lotteries may involve the issuing of physical or virtual tickets to participants (a virtual ticket being non-physical, for example in the form of an email or text message). All tickets must state:
- the name of the promoting society
  - the price of the ticket, which must be the same for all tickets
  - the name and address of the member of the society who is designated as having responsibility at the society for promoting small lotteries or, if there is one, the external lottery manager (ELM)
  - the date of the draw, or information which enables the date to be determined.
- 23.20 The requirement to provide this information can be satisfied by providing an opportunity for the participant to retain the message electronically or print it.
- 23.21 The Licensing Authority expects all registered small society lottery operators to maintain written records of any unsold and returned tickets for a period of one year from the date of the lottery draw.
- 23.22 With regards to where small society lottery tickets may be sold, the Licensing Authority applies the following criteria to all small society lottery operators:
- 23.23 Lottery tickets must not be sold to a person in any street. For these purposes 'street' includes any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping malls) whether a thoroughfare or not. Tickets may, however, be sold in a street from a static structure such as a kiosk or display stand. Tickets may also be sold door to door. Licensees must ensure that they have any necessary local authority permissions, such as a street trading licence.
- 23.24 This approach is consistent with the operating licence conditions imposed upon operators of large society lotteries and local authority lotteries.
- Financial Returns
- 23.25 As the purpose of permitted lotteries is to raise money for non-commercial causes, the Act requires that a minimum proportion of the money raised by the lottery is channelled to the goals of the society that promoted the lottery. If a small society lottery does not comply with these limits it will be in breach of the Act's provisions, and consequently be liable to prosecution.
- 23.26 The limits are as follows:
- at least 20% of the lottery proceeds must be applied to the purposes of the society
  - no single prize may be worth more than £25,000
  - rollovers between lotteries are only permitted where every lottery affected is also a small society lottery promoted by the same society, and the maximum single prize is £25,000
  - every ticket in the lottery must cost the same and the society must take payment for the ticket fee before entry into the draw is allowed
- 23.27 The Act sets out the information that the promoting society of a small society lottery must send as returns to the licensing authority with which it is registered, following each lottery held. This information allows the Licensing Authority to assess whether financial limits are being adhered to and to ensure that any money raised is applied for the proper purpose.

23.28 The following information must be submitted:

- the arrangements for the lottery – specifically the date on which tickets were available for sale or supply, the dates of any draw and the value of prizes, including any donated prizes and any rollover
- the total proceeds of the lottery
- the amounts deducted by the promoters of the lottery in providing prizes, including prizes in accordance with any rollovers
- the amounts deducted by the promoters of the lottery in respect of costs incurred in organising the lottery
- the amount applied to the purpose for which the promoting society is conducted (this must be at least 20% of the proceeds)
- whether any expenses incurred in connection with the lottery were not paid for by deduction from the proceeds, and, if so, the amount of expenses and the sources from which they were paid.

23.29 The Act also requires that returns must:

- be sent to the Licensing Authority no later than three months after the date of the lottery draw, or in the case of 'instant lotteries' (scratch cards) within three months of the last date on which tickets were on sale
- be signed (electronic signatures are acceptable if the return is sent electronically) by two members of the society, who must be aged 18 or older, are appointed for the purpose in writing by the society or, if it has one, its governing body, and be accompanied by a copy of their letter or letters of appointment.

23.30 The Licensing Authority allows for returns to be sent to them both electronically and manually. The form of returns required can be downloaded from the Licensing Authority's website.

23.31 Where societies run more than one lottery in a calendar year, the Licensing Authority will monitor the cumulative totals of returns to ensure that societies do not breach the annual monetary limit of £250,000 on ticket sales.

23.32 The Licensing Authority will notify the Commission if returns reveal that a society's lotteries have exceeded the values permissible, and such notifications will be copied to the society in question.

#### Revocation of a registration

23.33 The Licensing Authority may determine to revoke the registration of a society if it thinks that they would have had to, or would be entitled to, refuse an application for registration if it were being made at that time.

23.34 Revocations cannot take place unless the society has been given an opportunity to make representations at a hearing. In preparation for this, the Licensing Authority will inform the society of the reasons why it is minded to revoke the registration and provide them with the evidence on which it has reached that preliminary conclusion.

23.35 Any representations received will be considered at a formal hearing and the following principles will be applied when reaching a decision:

- Whether allowing the registration of the society to continue would be consistent with the Act
- Whether allowing the registration of the society to continue would be consistent with the promotion of the licensing objectives
- Whether allowing the registration of the society to continue would be consistent with any relevant code of practise issued by the Gambling Commission.

#### **24.0 Exchange of Information**

24.1 To ensure the licensing objectives are met, the Licensing Authority will establish a close working relationship with the police, the Gambling Commission and, where appropriate, other responsible authorities.

24.2 Subject to the provisions of relevant data protection legislation, the Licensing Authority will share any information it receives through the application process with the Gambling Commission and any relevant responsible authority. In doing so, the Licensing Authority will have regard to the Act itself, any guidance issued by the Commission and to any Regulations issued by the Secretary of State. People can access personal information that the Licensing Authority holds about them by contacting our Information Management Officer.

24.3 The Licensing Authority is committed to being open about what it does and how the Licensing Authority comes to decisions, in accordance with the spirit of the Freedom of Information Act 2000 (FOIA). An important feature of the FOIA is the requirement for each public authority to produce a publication scheme setting out what information it will publish as a matter of course, how and when it will be published, and whether this information will be free of charge or on payment. Copies of our FOI publication scheme are available on request from our Information Management Officer or via the Council's website [www.redditchbc.gov.uk](http://www.redditchbc.gov.uk).

24.4 FOIA also provides the public with a general right of access to information held by public authorities, and subject to exemptions, to be supplied with a copy of that information. Individual requests should be made in writing to the Information Management Officer or via the Council's website.

24.5 Unless restricted by the Gambling Act, details about applications, licences and representations will be made available in our public register. Representations that the Licensing Authority accepts will be copied in their entirety to applicants, to provide an opportunity for mediation and to ensure that the rights of the applicant are not compromised.

**25.0 Enforcement Protocols**

- 25.1 The main enforcement and compliance role for the Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operator and personal licences and will also take the lead role on the investigation and where appropriate, the prosecution of illegal gambling. Any concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.
- 25.2 The Licensing Authority will work with the Commission, the Police and other enforcing authorities, having regard to any specific guidance produced by the Gambling Commission, relevant codes of practice, the licensing objectives and this statement of principles, to provide for the targeting of agreed problem or high-risk premises. A lighter touch will be applied to those premises which are shown to be well managed and maintained.
- 25.3 The overall aim is to permit the use of premises for gambling. With that in mind it is intended that action will generally be taken against 'problem' premises through the licence review process.
- 25.4 We will also have regard to the Regulators' Code whilst carrying out our regulatory functions.
- 25.5 The Licensing Authority will endeavour to be proportionate; accountable; consistent; transparent and targeted, as well as avoiding duplication with other regulatory regimes so far as possible.
- 25.6 In order to ensure compliance with the law, the Licensing Authority will prepare a risk based inspection programme and will carry out regular 'routine' day time programmed inspections, based on risk assessment in the categories High, Medium and Low and will also carry out 'non routine' evening programmed inspections. Where a one off event takes place under a temporary use notice or occasional use notice, the Licensing Authority may also carry out inspections to ensure the licensing objectives are being promoted.
- 25.7 High-risk premises are those premises that have a history of complaints and require greater attention with low risk premises needing only a lighter touch so that resources are effectively concentrated on problem premises.

**26.0 Reviews**

- 26.1 A review of a premises licence can be requested by interested parties or responsible authorities, however, the Licensing Authority will decide if the review is to be carried out on the basis of the following:
- In accordance with any relevant Code of Practice and/or guidance issued by the Gambling Commission
  - Consistent with the licensing objectives
  - In accordance with our statement of principles.
- 26.2 The Licensing Authority will also consider whether or not the request for a review is frivolous, vexatious, or repetitious or whether the Licensing Authority would wish to alter/revoke or suspend the licence.

- 26.3 The Licensing Authority can also initiate a review of a premises licence on the basis of any reason which the Licensing Authority think is appropriate, including if a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
- 26.4 Once a valid application for a review has been received by the Licensing Authority, representations can be made by responsible authorities and interested parties during the statutory consultation period. The purpose of the review will be to determine whether the Licensing Authority should take any action in relation to the licence. The options available are:
- add, remove or amend a licence condition;
  - remove or amend a default condition, such as opening hours;
  - suspend the premises licence for a period not exceeding 3 months;
  - revoke the licence.

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**REDDITCH BOROUGH COUNCIL EQUAL OPPORTUNITIES STATEMENT**

This statement is intended to operate within the Council's commitment to equalities and diversity including:

- Equal treatment regardless of race, gender, age, disability, sexual orientation, religion or belief, with reasonable adjustments where necessary in line with the Disability Discrimination Act.
- Working to eliminate **unlawful** discrimination.
- **Promoting equal opportunities**
- Promoting community cohesion, **including good relations between people from different racial groups**.
- Providing reasonable access to interpretation or support on request.
- Responding to the needs of all, and working to engage all sections of the community.

This statement will be assessed as part of a rolling programme of reviews to ensure that it does not have a detrimental or disproportionate effect on any group. Any concerns that the policy is operating in a way that could be construed as discriminatory should be passed to the responsible Manager and will be dealt with as part of the official Complaints Procedure, in line with the Council's Equality Schemes.

**Redditch Borough Council Boundary**



List of Consultees

Chief Officer of West Mercia Police

Gambling Commission

All Other Responsible Authorities Identified in the Gambling Act 2005

Worcestershire Safeguarding Children Partnership

Director of Public Health

District Councillors

Parish Councils

Holders of Premises Licences issued by the Council under the Gambling Act 2005

Gambling and Other Relevant Trade Associations:

Betting and Gaming Council

Bacta

Bingo Association

Gambling Business Group

European Gaming and Betting Association

UK Hospitality

British Beer and Pub Association

Lotteries Council

Hospice Lotteries Association

Organisations working with those who have a gambling problem:

GamCare

Gamblers Anonymous

GambleAware

Gordon Moody Association

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REDDITCH BOROUGH COUNCIL

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**STATUTORY OFFICER POSTS - APPOINTMENTS**

Relevant Portfolio Holder	Councillor Jo Baker
Portfolio Holder Consulted	Yes
Relevant Head of Service	Sue Hanley, Chief Executive
Report Authors Sue Hanley	Job Title: Chief Executive Contact email: <a href="mailto:s.hanley@bromsgroveandredditch.gov.uk">s.hanley@bromsgroveandredditch.gov.uk</a> Contact Tel: (01527) 64252
Wards Affected	NA
Ward Councillor(s) consulted	N/A
Relevant Strategic Purpose(s)	An effective and sustainable Council
Non-Key Decision	
If you have any questions about this report, please contact the report author in advance of the meeting.	

**1. RECOMMENDATIONS**

That the Council **NOTE** that

- 1.1 **Members of Bromsgrove District Council (the employing authority) resolved at the Council meeting held on 9<sup>th</sup> October 2024 that Mr Peter Carpenter continue to be appointed as the Deputy Chief Executive and Interim Executive Director of Resources (Section 151 Officer) until such time as a new permanent Section 151 Officer commences employment with the Council.**
- 1.2 **Further, that during this extended period of employment Mr Peter Carpenter will be made available by Bromsgrove District Council under the shared services arrangements to perform such duties as are required by his post for Redditch Borough Council.**

That the Council **RESOLVE** that

- 1.3 **For the purposes of Section 151 of the Local Government Act 1972, Mr Peter Carpenter continue to be appointed as Section 151 Officer for Redditch Borough Council until such time as a new permanent Section 151 Officer is appointed and commences employment.**

**2. BACKGROUND**

- 2.1 This report details proposals in respect of the extension of the fixed-term

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appointment of Mr Peter Carpenter to enable him to continue in post as the Council's Section 151 Officer and Deputy Chief Executive. As Members are aware, under the shared services arrangements the holder of this post is employed by Bromsgrove District Council and "made available" to Redditch Borough Council to perform such duties as are required.

**3. OPERATIONAL ISSUES**

- 3.1 Members are referred to the last report received on this matter dated 5<sup>th</sup> December 2023. On that occasion Members at Redditch agreed to the appointment Mr Peter Carpenter as interim Deputy Chief Executive and interim Executive Director of Resources (Section 151 officer) until 30<sup>th</sup> November 2024. The following day (6<sup>th</sup> December 2023) Members at Bromsgrove District Council (the employing authority) resolved to make the appointment.
- 3.2 Whilst the recruitment process for the permanent Deputy Chief Executive and Executive Director of Resources (Section 151 Officer) is now scheduled and will be underway imminently, the Council remains subject to the legal requirement to have a Section 151 Officer in place.
- 3.3 To ensure continued stability at the senior level, it is proposed that Mr Peter Carpenter continue as Deputy Chief Executive and Executive Director of Resources (Section 151 officer) until a permanent appointment is made to the post.
- 3.4 As previously noted, Mr Peter Carpenter is employed by Bromsgrove District Council and is "made available" to Redditch Borough Council under the shared service arrangements.
- 3.5 It is proposed that Mr Peter Carpenter remain in post as Deputy Chief Executive and Director of Resources (Section 151 Officer) until such time as a permanent appointment has been made to this position. Officers believe that this appointment would strongly mitigate against the risks of loss of knowledge and experience of delivering the statutory section 151 functions. It would also ensure the Council's compliance with its obligations around the Section 151 function and allow for continued support to be given to members of the finance team in the short term.
- 3.6 A report mirroring this report was considered at a meeting of Bromsgrove District Council on 9<sup>th</sup> October 2024 and as the employing authority Members at Bromsgrove resolved to extend the appointment of Mr Peter Carpenter. Members at Redditch Borough Council are asked to note that appointment and that Mr Peter Carpenter will continue to be made available as set out in recommendations 1.1 and 1.2. Further, Members

are invited to resolve the Mr Peter Carpenter's appointment as the Section 151 officer for Redditch Borough Council be extended until such time as a new permanent Section 151 Officer is appointed and commences employment.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 The Terms and Conditions of the continued appointment of Mr Peter Carpenter would remain unchanged and as agreed by Members at Redditch Borough Council on 5<sup>th</sup> December 2023 and by Members of Bromsgrove District Council on the 6<sup>th</sup> December 2023. Costs would be shared on a 50:50 basis between Bromsgrove District and Redditch Borough Councils.

#### **5. LEGAL IMPLICATIONS**

- 5.1 The Council is required to nominate an officer under Section 151 of the Local Government Act 1972 to be responsible for the proper administration of its financial affairs. The relevant wording states that: - "Without prejudice to section 111 above, every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs."
- 5.2 Section 6 of the Local Government and Housing Act 1989, further sets out that " (1) On and after the commencement day the Common Council shall – (a) make arrangements for the proper administration of such of its financial affairs as relate to it in its capacity as a local authority, police authority, or port health authority, and (b) secure that one of its officers has responsibility for the administration of those affairs".
- 5.3 Section 113 of the Local Government Finance Act 1988 requires that the officer appointed as the Chief Finance Officer (CFO) must be a member of a specified accountancy body.

#### **6. OTHER - IMPLICATIONS**

##### **Relevant Strategic Purpose**

- 6.1 Effective financial management underpins all the Council's operations and achievement of the Council's priorities.

- 6.2 The continued appointment of Mr Peter Carpenter as Deputy Chief Executive and Director of Resources (Section 151 Officer), on a fixed-term contract will ensure that there is consistency and continuity during the recruitment process.
- 6.3 This continuity will assist the Council in terms of being a sustainable authority moving forward.

**Climate Change Implications**

- 6.4 There are no specific climate change implications.

**Equalities and Diversity Implications**

- 6.5 There are no known equalities implications arising from the options outlined in this report.

**7. RISK MANAGEMENT**

- 7.1 The following risks have been identified in relation to the post of Deputy Chief Executive and Director of Resources (Section 151 Officer):-
- Loss of lead officer for implementation of Finance Recovery Plan at a time when the Council is subject to the Section 24 Notice.
  - Loss of lead finance officer for the specific projects.
  - Potential inability to comply with the legal requirement for Council to have a section 151 Officer.
  - Loss to the organisation of knowledge and experience held by the current Section 151 Officer.
- 7.2 Ways in which the steps recommended in the report will mitigate the risks outlined above include: -
- The continuity of employment of the Deputy Chief Executive and Director of Resources (Section 151 Officer) until the recruitment process is concluded and the post appointed.
  - The organisation will be able to retain the professional expertise of Mr Peter Carpenter and there will be continuity in respect of the projects he is leading on and the support provided to the Finance Team.
  - The Council will be able to fulfil its legal obligations by employing a knowledgeable and experienced Section 151 Officer.
  - There will be continuity in respect of the implementation of the Council's Finance Recovery Plan and liaison between the Council and its external auditors.



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**8. APPENDICES and BACKGROUND PAPERS**

Background Papers

Statutory Officer Posts Appointments – report to Council on 5<sup>th</sup> December 2023

Overarching Framework Agreement between Bromsgrove District Council and Redditch Borough Council – 21<sup>st</sup> March 2011

**9. REPORT SIGN OFF**

<b>Department</b>	<b>Name and Job Title</b>	<b>Date</b>
Portfolio Holder	Councillor Jo Baker	
Lead Director / Head of Service	Sue Hanley, Chief Executive	
Legal Services	Claire Felton, Assistant Director of Legal, Democratic and Property Services	

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**JOINT APPOINTMENTS COMMITTEE**

Relevant Portfolio Holder	Councillor Joe Baker
Portfolio Holder Consulted	Yes
Relevant Assistant Director	Claire Felton
Report Author  Claire Felton	Job Title: Assistant Director of Legal, Democratic and Property Services Contact email: <a href="mailto:c.felton@bromsgroveandredditch.gov.uk">c.felton@bromsgroveandredditch.gov.uk</a> Contact Tel: 01527 64252
Wards Affected	All
Ward Councillor(s) consulted	N/A
Relevant Council Priority	An effective and sustainable Council
Non-Key Decision	
If you have any questions about this report, please contact the report author in advance of the meeting.	

**1. RECOMMENDATIONS**

**Council is asked to RESOLVE that:-**

- 1. The Joint Appointments Committee (JAC) has a standing sub-committee to deal with disciplinary matters on its behalf, which will replace the current Statutory Officers Disciplinary Action Panel.**
- 2. Responsibility for the functions carried out by the Employment Appeals Committee and the Statutory Officers Disciplinary Action Committee be transferred to the JAC and it's sub-committee(s).**
- 3. The Committee Terms of Reference (Part 3 of the constitution) be updated to reflect the creation of the JAC and the transfer to it of the functions currently carried out by the Employment Appeals Committee , and the Statutory Officers Disciplinary Action Panel as set out at Appendix A.**
- 4. To authorise the Monitoring Officer to update the Constitution, including any consequential amendments required as a result of the above.**

**2. BACKGROUND**

- 2.1 At Full Council on 29<sup>th</sup> July 2024 Members approved the creation of a Joint Appointments Committee ("JAC"). This committee will operate as a joint committee with Bromsgrove District Council pursuant to sections

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101 and 102 of the Local Government Act 1972 and carry out the functions of appointing the Chief Executive/ Head of Paid Service. The JAC will also carry out other employment related functions relating to Joint Statutory Officers.

- 2.2 Since the meeting on 29<sup>th</sup> July officers have continued to work on the establishment of the JAC and considered in more detail how the committee can be set up to cover the full range of employment issues that are relevant to jointly employed statutory officers.
- 2.3 This has resulted in some additional matters being transferred to the committee which were not detailed in the previous report. To ensure that Members are fully aware of the proposed structure and operation of the JAC more details of these changes are set out in section 3.
- 2.4 Part 3 of the Constitution (Committee Terms of Reference) has been updated to reflect the changes referred to in this report and the previous report dated 29<sup>th</sup> July. A copy of the final version of the Terms of Reference is attached at Appendix A.
- 2.5 The Monitoring Officer is requesting a delegation to update the Constitution with any consequential amendments which will include finalising the wording of the full committee reference terms for the JAC. This document will include the mandatory wording relating to employment of statutory officers as required under Local Authorities (Standing Orders) Regulations 2001 (as amended) Schedule I Part II and will replace the existing Officer Procedure Rules at Part 15 of the Constitution.

### **3. OPERATIONAL ISSUES**

- 3.1 Members will be aware from the previous report that there are detailed statutory provisions all councils must comply with regarding the employment of statutory officers.
- 3.2 Prior to the creation of the JAC council functions in relation to appointment and dismissal of Joint Statutory Officers were shared between the Appointments Committee, the Employment Appeals Panel and the Statutory Officers Disciplinary Action Panel.
- 3.3 Under the new arrangements responsibility for these three areas passes to the JAC, and as a consequence the Employment Appeals Panel, Appointments Committee and Statutory Officers Disciplinary Action Panel will no longer be required.

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- 3.4 The JAC will exercise the function of recruiting to posts including Head of Paid Service/ Chief Executive and Section 151 officer and monitoring officers, with the final decision to be made by Full Council. Members have already resolved to replace the Appointments Committee with the Joint Appointment Committee as set out in recommendation 1.1 of the report to Council on 29<sup>th</sup> July.
- 3.5 The disciplinary and dismissal functions for Statutory Officers currently sit with the Statutory Officers Disciplinary Action Panel. It is being proposed that in future those responsibilities will be carried out by a standing sub-committee of the JAC. This will be called the Statutory Officers Disciplinary Panel and include Members from both Councils operating as a panel taken from the main committee membership. By setting up a standing sub-committee members from both councils will be able to make joint decisions on both appointments and disciplinary matters.
- 3.6 In addition, the JAC terms of reference will ensure that the Council can comply with other statutory requirements which may arise in relation to employment of Joint Statutory Officers from time to time. This includes the ability to convene an Appeal Panel if required and the appointment of Independent Persons.
- 3.7 As already resolved by Members on 29<sup>th</sup> July, for the purposes of the current recruitment process for the posts of Head of Paid Service and section 151 officer, the JAC will appoint an ad hoc sub-committee of 6 members ( three from each Council) to form the final interview panel and make recommendations to the JAC.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 There are no direct financial implications arising from this report.

#### **5. LEGAL IMPLICATIONS**

- 5.1 Local Authorities have powers to create a joint committee pursuant to S101 and 102 of the Local Government Acts 1972 and all other relevant legal powers.
- 5.2 Joint non-executive committees are subject to the political proportionality requirements imposed by the Local Government and the Housing Act 1989.
- 5.3 The mandatory provisions to be incorporated in Council constitutions are the Local Authorities (Standing Orders) Regulations 2001 (as amended)

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Schedule I Part II. These provisions are reproduced in the JAC Terms of Reference.

**6. OTHER - IMPLICATIONS**

**Relevant Strategic Purpose**

- 6.1 The action proposed in this report supports the strategic purpose “an effective and sustainable Council”.

**Climate Change Implications**

- 6.4 There are no specific climate change implications.

**Equalities and Diversity Implications**

- 6.5 . There are no known equalities implications arising from the options outlined in this report.

**7. RISK MANAGEMENT**

- 7.1 As set out in the previous report to Council on 29<sup>th</sup> July 2024, the establishment of the JAC will reduce risks for each Council by the provision of a single decision-making process to enable a consistent and co-ordinated approach to the appointment of statutory officers.

- 7.2 The creation of a standing committee of the JAC to exercise disciplinary and dismissal functions for Statutory Officers on behalf of both councils will have the following advantages:-

- to extend joint decision making to additional aspects relating to the employment of statutory officers;
- to provide a joint forum between the two councils for these matters thus leading to greater consistency and co-ordination;
- to enable both Councils to demonstrate that they have streamlined processes and procedures in place to discharge their statutory obligations under the Local Authorities (Standing Orders) Regulations 2001 (as amended) Schedule I Part II.

7.4

**8. APPENDICES and BACKGROUND PAPERS**

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**Appendices**

Appendix A - Updated Committee Terms of Reference (Part 3)

**Background Papers**

Report to Council - Establishment of Joint Appointment Committee  
dated 29<sup>th</sup> July 2024

**9. REPORT SIGN OFF**

<b>Department</b>	<b>Name and Job Title</b>	<b>Date</b>
Portfolio Holder	Cllr Joe Baker	
Lead Director / Assistant Director	Guy Revans Executive Director	
Legal Services	Claire Felton Assistant Director of Legal, Democratic and Property Services	

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**PART 3 COMMITTEE TERMS OF REFERENCE****INTRODUCTION**

**This part of the Constitution sets out the terms of reference for the various committees in which elected members of the Council participate. For ease of reference it has been divided into two parts as follows: -**

**PART A: internal council committees**

**PART B: committees which operate jointly with other local authorities, known as “Joint Committees” and committees/boards for Council owned companies**

## PART 3 COMMITTEE TERMS OF REFERENCE

**PART A: INTERNAL COUNCIL COMMITTEES****AUDIT, GOVERNANCE AND STANDARDS**

Number of members	9 Councillors
Number of Co-opted, non-voting members	1 Independent non-voting Member for the purpose of Audit and Governance.  1 Parish Representative, who may not also be a Borough Councillor, for the purpose of Standards.
Politically Balanced Y/N	Y
Quorum	4 (to include at least one member of the Majority Group)
Procedure Rules applicable	Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10, 14, 18.2, 20.1 and 22)
Chair	The Chair and Vice-Chair of the Committee and any of its Sub-Committees will be a Borough Councillor.
Special provisions as to the Chair	For the sake of independence, the Chair and Vice-Chair shall not be a member of the controlling political group.
Terms of Reference	<u>Audit and Governance</u> <u>Internal and External Audit</u>  a. To review and monitor the annual audit plans of both the internal and external auditors.  b. To receive and comment upon the external auditors' reports.

**PART 3 COMMITTEE TERMS OF REFERENCE**

	<p>c. To monitor the adequacy and effectiveness of the Council's system of internal control by ensuring that an adequate and effective system of internal financial controls is maintained, that financial procedures are regularly reviewed.</p> <p>d. To consider, monitor and review the Council's overall corporate governance arrangements.</p> <p>e. To enhance the profile, status and authority of the internal audit function which will demonstrate its independence.</p> <p>f. To focus audit resources by agreeing, and periodically reviewing, audit plans and monitoring delivery of the audit service.</p> <p>g. To receive and consider such internal audit reports that the Chair and/or Deputy Chief Executive considers necessary.</p> <p><u>Risk</u></p> <p>h. To consider, monitor and review the effectiveness of the Council's risk strategies, policies and management arrangements and seek assurances that action is being taken to address identified risk related issues.</p> <p><u>Finance and Value for Money</u></p> <p>i. To consider and approve the Council's Annual Statements of Accounts.</p> <p>j. To consider any report from the Internal Audit Manager in pursuance of Financial Regulations.</p> <p>k. To ensure good stewardship of the Council's resources and assist the Council to achieve value for money in the provision of its services.</p> <p>l. To keep under review, and make recommendations on, proposed amendments to Financial Regulations.</p> <p>m. To consider and make recommendations if appropriate on, the Annual Governance Statement.</p> <p><u>Standards</u></p> <p>n. To promote and maintain high standards of conduct by Councillors and any co-opted members of Council bodies.</p>
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**PART 3 COMMITTEE TERMS OF REFERENCE**

	<ul style="list-style-type: none"> <li>o. To assist the Councillors and co-opted members to observe the Members' Code of Conduct.</li> <li>p. To advise the Council on the adoption or revision of the Members' Code of Conduct.</li> <li>q. To monitor the operation of the Members' Code of Conduct.</li> <li>r. To advise, train or arrange to train Councillors and co-opted members on matters relating to the Members' Code of Conduct.</li> <li>s. To grant dispensations to Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct.</li> <li>t. To deal with any report from the Monitoring Officer following an investigation into a complaint concerning the Members' Code of Conduct.</li> <li>u. To consider and determine allegations that a Councillor or co-opted Councillor may have failed to follow the Code of Conduct and where a breach of the Code is established making recommendations as to any sanctions to the appropriate person or body.</li> <li>v. The exercise of t – u above in relation to the Parish Councils in the Council's area and the members of those parish Councils.</li> <li>w. To monitor and review the operation of the Member Officer Relations Protocol.</li> </ul>
<p>Special provisions as to membership</p>	<p>The Committee to comprise elected Members representing all interests of the Authority, preferably with relevant areas of expertise, where possible (such areas as accountancy, audit, business and commerce.)</p> <p>Executive Committee members may not be, or act as substitutes for, members of the Committee. In addition, Party Group Leaders may not be, or act as substitutes for, members of the Committee.</p>

**PART 3 COMMITTEE TERMS OF REFERENCE**

	<p>The lead Portfolio Holder for finance is required to attend meetings of the Committee though cannot be a member of the Committee.</p>
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## PART 3 COMMITTEE TERMS OF REFERENCE

**CRIME & DISORDER SCRUTINY PANEL**

Number of Members	5
Politically Balanced Y/N	N
Quorum	3
Procedure Rules applicable	Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10, 14, 18.2, 20.1 and 22)
Terms of Reference	<ul style="list-style-type: none"> <li>a. to hold the Redditch Community Safety Partnership to account for its decision making;</li> <li>b. to scrutinise the performance of the Redditch Community Safety Partnership;</li> <li>c. to undertake policy reviews of specific crime and disorder issues;</li> <li>d. to highlight and challenge people's perceptions of crime and disorder in the local area;</li> <li>e. to undertake community engagement and consultation to establish local people's priorities for crime and disorder issues; and</li> <li>f. to promote the positive work of the Redditch Community Safety Partnership.</li> </ul>
Provisions relating to appointment of Chair	<p>The Chair of the Panel will be a member of a political group not forming part of the ruling administration.</p> <p>The Chair will also be a member of the parent Overview and Scrutiny Committee.</p>

**PART 3 COMMITTEE TERMS OF REFERENCE**

	Cannot be members of the Executive Committee.
Special provisions as to membership	Training is highly recommended for members who sit on the Crime & Disorder Scrutiny Panel.

## PART 3 COMMITTEE TERMS OF REFERENCE

## ELECTORAL MATTERS COMMITTEE

Number of members	5
Politically Balanced Y/N	Y
Quorum	3
Procedure Rules applicable	Council Procedure Rules (with the exception of Council Procedure rules 1-3, 9 -11, 14, 18.2 and 22.5 – 22.7).
Terms of Reference	To exercise powers and undertake functions relating to electoral matters and elections.
Special provisions as to the Chair	None.
Special provisions as to membership	None



## PART 3 COMMITTEE TERMS OF REFERENCE

**EXECUTIVE COMMITTEE**

Number of Members	9, including the Leader and the Deputy Leader
Politically Balanced Y/N	N
Quorum	4
Procedure Rules applicable	Executive Committee Procedure Rules
Terms of Reference	To carry out all the Council's functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution.
Special rules as to the Chair	The Leader to preside; in his/her absence the Deputy Leader to preside
Whipping arrangements	N/A
Special Provisions as to membership	Cannot be members of the Overview and Scrutiny Committee. Named substitutes not permitted.

## PART 3 COMMITTEE TERMS OF REFERENCE

**LICENSING COMMITTEE**

Number of Members	11
Politically Balanced Y/N	Y
Quorum	3
Procedure Rules applicable	Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10, 14, 19.1, 19.2 and 21)
Terms of Reference	Functions relating to the Licensing Act 2003 (Premises and Personal Licences), the Gambling Act 2005, and miscellaneous other licensing and enforcement matters.
Special provisions as to the Chair	None
Whipping arrangements	N/A
Special provisions as to membership	None

## PART 3 COMMITTEE TERMS OF REFERENCE

## LICENSING SUB-COMMITTEE A

LICENSING SUB-COMMITTEE - Personal/Premises/Gambling Act  
Parent Committee – Licensing Committee

Number of Members	3 members of the Licensing Committee  <i>Membership to be agreed by Officers, in consultation with the Chair, as required per application and to include a 4th reserve member.</i>
Politically Balanced Y/N	N
Quorum	3
Procedure Rules applicable	Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10, 14, 18.2, 20.1 and 22). Quasi-judicial meetings rules apply.
Terms of Reference	To determine applications referred to it arising from the Licensing Act 2003, the Gambling Act 2005 and the Scrap Metal Dealers Act 2013.
Special provisions as to the Chair	None – the Chair to be elected for each meeting of the Sub-Committee.
Special provisions as to membership	Only those Councillors who have undertaken *appropriate training may sit on the Licensing Sub-Committee.  <i>*Quasi-Judicial meetings training / Licensing and Gambling Act requirements training.</i>

## PART 3 COMMITTEE TERMS OF REFERENCE

## LICENSING SUB-COMMITTEE B

## Taxi/sex establishments/other

## Parent Committee – Licensing Committee

Number of Members	3 members of the Licensing Committee  <i>Membership to be agreed by Officers, in consultation with the Chair, as required per application and to include a 4th reserve member.</i>
Politically Balanced Y/N	N
Quorum	3
Procedure Rules applicable	Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10, 14, 18.2, 20.1 and 22). Quasi-judicial meetings rules apply.
Terms of Reference	To determine all matters referred to it including (but not limited to):- (1) private hire and hackney carriage driver, operator and vehicle licensing; (2) street trading consents; (3) sex shop applications; (4) pet shop licences; (5) animal boarding licences; (6) riding establishment licences.
Special provisions as to the Chair	The Chair must be a member of the Licensing Committee and must have received relevant quasi-judicial meetings training.  The Chair to be elected for each meeting of the Sub-Committee.
Special provisions as to membership	Only those Councillors who have undertaken *appropriate training may sit on the Licensing Sub-Committee.  <i>*Quasi-Judicial meetings training.</i>

## PART 3 COMMITTEE TERMS OF REFERENCE

## OVERVIEW AND SCRUTINY COMMITTEE

Number of Members	9 Members of the Overview and Scrutiny Committee, or of any of its Task and Finish Groups, shall not be members of the Executive Committee.
Politically Balanced Y/N	Currently N (by annual <u>Council resolution to vary</u> )
Quorum	3
Procedure Rules applicable	Overview and Scrutiny Procedure Rules and Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10, 14, 18.2, 20.1 and 22).
Terms of Reference	<ul style="list-style-type: none"> <li>a. agree the scrutiny programme and the terms of reference for each scrutiny;</li> <li>b. establish time limited Task and Finish Groups to investigate issues in depth; or itself undertake selected reviews;</li> <li>c. agree reports prepared by the Task and Finish Groups;</li> <li>d. act as an interface with the Executive Committee;</li> <li>e. receive, comment and advise on the Council's policy framework such as the Corporate Plan and on other major policies;</li> <li>f. have responsibility for budget scrutiny and performance management scrutiny issues (with Task and Finish Groups established as necessary to take up any detailed work over the year);</li> <li>g. review and /or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions whether or not the responsibility of the Executive Committee;</li> </ul>

## PART 3 COMMITTEE TERMS OF REFERENCE

	<ul style="list-style-type: none"> <li>h. exercise the right to call in, for reconsideration of decisions made but not yet implemented by the Executive Committee;</li> <li>i. decide how to deal with call ins (with Task and Finish Groups established as necessary to take up any detailed work);</li> <li>j. Undertake the role of a Crime and Disorder Overview and Scrutiny Committee under the Police and Justice Act 2006 through the Crime and Disorder Scrutiny Panel, a Sub Committee of the main Committee;</li> <li>k. Establish arrangements for any review of the performance of relevant external organisations which impact on the Council's functions and services and submit reports after comment, as appropriate, by the Executive and external organisations, to the Council;</li> <li>l. Monitor the quality of scrutinies;</li> <li>m. Monitor the implementation of any scrutiny recommendations accepted by the Executive Committee; and</li> <li>n. Oversee the development of Member skills and competencies in scrutiny.</li> </ul>
Special provisions as to the Chair	The Chair and Vice-Chair will be a Member of a political group not forming part of the ruling administration.
Whipping arrangements	When considering any matter in respect of which a member of the Overview Committee is subject to a party whip, the Councillor must declare the existence of the whip, and the nature of it before the commencement of the Overview Committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.
Special provisions as to membership	All Councillors except members of the Executive Committee may be Overview and Scrutiny members. However, no Member may be involved in scrutinising a decision in which he / she has been directly involved.

**PLANNING COMMITTEE**

Number of Members	9
Politically Balanced Y/N	Y
Quorum	3
Procedure Rules applicable	Planning Procedure Rules and Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10, 14, 18.2, 20.1 and 22).
Terms of Reference	<ol style="list-style-type: none"> <li>1. To exercise all powers and duties of the Council on all matters relating to development control, including but not limited to:- <ol style="list-style-type: none"> <li>a. considering and determining applications for planning permission</li> <li>b. enforcement of planning control</li> <li>c. building preservation, Listed Buildings and Conservation areas</li> <li>d. Tree preservation orders</li> <li>e. Control of advertisements</li> <li>f. Footpath diversion orders under the Town and Country Planning legislation</li> <li>g. Certificates of Lawfulness</li> </ol> </li> <li>2. To comment on proposals for development submitted by Worcestershire County Council and other public authorities</li> <li>3. To determine High Hedges applications in accordance with Part 8 of the Anti-Social Behaviour Act 2003</li> </ol>

Special provisions as to the Chair	The Chair and the Vice-Chair, if members of the controlling Party Group, shall not be members of the Executive Committee.
Special provisions as to membership	Only those Councillors who have undertaken appropriate training as agreed by the Member Support Steering Group may sit on the Planning Committee.



**SHAREHOLDERS COMMITTEE**

Number of members	5 (must all be members of the Executive Committee)
Politically Balanced Y/N	N
Quorum	3
Procedure Rules applicable	Executive Committee Procedure Rules
Terms of Reference	<ol style="list-style-type: none"> <li>1) To approve Rubicon Leisure's annual business plan. This should be determined in the financial year prior to the application of the plan.</li> <li>2) To approve the appointment of the Managing Director of Rubicon Leisure.</li> <li>3) To approve the dismissal / departure of the Managing Director of Rubicon Leisure.</li> <li>4) To monitor the performance of Rubicon Leisure.</li> <li>5) To monitor Rubicon Leisure's budget position.</li> <li>6) Monitor Rubicon Leisure's business affairs, finances and accounts.</li> <li>7) To oversee the strategic direction of Rubicon Leisure or proposed and adopted business plans and budgets for future years to be presented in draft as they are developed or the review of future service developments and opportunities.</li> <li>8) To consider the risks and opportunities faced by Rubicon Leisure and impact on the Council.</li> </ol>

## PART 3 COMMITTEE TERMS OF REFERENCE

	<p>9) Reporting and making recommendations to Executive on areas outside of the Shareholder Committee's delegated authority.</p> <p>10) Reporting to Full Council annually on the performance of the trading activities of Rubicon Leisure.</p> <p>11) To undertake all other functions divested in the Committee as shareholder of Rubicon Leisure on behalf of the Council.</p> <p>12) Reviewing the Terms of reference annually and make any necessary recommendations to Executive.</p> <p>13) The Shareholder Committee will not have operational control over Rubicon Leisure. All decisions regarding the day to day operation and management of Rubicon Leisure rests with the Rubicon Leisure Board of Directors, which must ensure that Rubicon Leisure's business is conducted in accordance with the Shareholders' Agreement entered into between the Council and Rubicon Leisure and in accordance with the Rubicon Leisure Articles of Association.</p>
Special provisions as to the Chair	The Chair must be a member of the Executive Committee.
Special provisions as to membership	<p>Only Members of the Executive can sit as substitutes.</p> <p>The Leaders of each opposition group or their nominated substitute will be invited to attend meetings and be given full rights to participate in meetings although they will not be entitled to vote.</p>

## PART 3 COMMITTEE TERMS OF REFERENCE

**STANDARDS HEARINGS SUB-COMMITTEES****(Parent Committee – Audit, Governance and Standards Committee)**

Number of Members	3  The Audit, Governance and Standards Committee may from time to time determine procedures for membership of its sub-committees.
Politically Balanced Y/N	N
Quorum	3
Procedure Rules applicable	Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10, 14, 18.2, 20.1 and 22)
Terms of Reference	To carry out assessment of allegations that a Borough Councillor or co-opted Parish Councillor with voting rights may have failed to follow the Code of Conduct.
Chair	A member of the Audit, Governance and Standards Committee. When assessing a complaint, the Chair will not be from the same political group as the Councillor who is the subject of the complaint.
Whipping arrangements	N/A
Substitutes	The Audit, Governance and Standards Committee may from time to time determine procedures for substitution at meetings of the Standards Hearings Sub-Committees.
Special provisions as to membership	Only those Councillors who have undertaken *appropriate training may sit on the Standards Hearings Sub-Committees.  * <i>Specific Standards Hearing-related training.</i>



## PART 3 COMMITTEE TERMS OF REFERENCE

**PART B: JOINT COMMITTEES/ COMMITTEES  
FOR COUNCIL OWNED COMPANIES****JOINT APPOINTMENTS COMMITTEE FOR BROMSGROVE  
DISTRICT COUNCIL AND REDDITCH BOROUGH COUNCIL**

Local Authority Membership	Redditch Borough Council and Bromsgrove District Council
Functions	<ul style="list-style-type: none"> <li>• Appointment of Chief Executive/Head of Paid Service</li> <li>• Appointment of Joint Statutory Officer Posts</li> </ul>
Number of Members	10 made up of the Leaders of Redditch Borough Council and Bromsgrove District Council plus 4 members appointed by Redditch Borough Council and 4 members appointed by Bromsgrove District Council.
Politically Balanced	Yes
<u>Quorum</u>	6 subject to each Council being represented at a meeting by at least 1 member.
Procedure Rules applicable	The Joint Appointments Committee Composition and Terms of Reference in Part 17, together with all other applicable rules set out under the Constitution and all applicable law.

**PART 3 COMMITTEE TERMS OF REFERENCE**

<p><u>Terms of Reference</u></p>	<p><b><u>1. Appointment of Chief Executive/ Head of Paid Service</u></b></p> <p>a. Subject to (b) below, to undertake and determine on behalf of the Councils the recruitment and selection of the Joint Chief Executive/Head of Paid Service including the final approval of terms and conditions of employment for that post.</p> <p>b. The final decision as to the appointment of the Joint Chief Executive/ Head of Paid Service shall be reserved to full meetings of both Councils.</p> <p>c. To confirm into post or otherwise, the successful candidate following any probationary or trial period.</p> <p><b><u>2. Appointment of Joint Statutory Officers Post</u></b></p> <p>a. Subject to (b) below, to undertake and determine on behalf of the Councils the recruitment and selection of any Joint Statutory Officer Posts. (including the final approval of terms and conditions of employment for that post.)</p> <p>b. The final decision as to the appointment of the Joint Statutory Officer Posts shall be reserved to full meetings of both Councils.</p> <p><b><u>3. General</u></b></p> <p>a. To be responsible for ad-hoc employment matters affecting any Joint Statutory Officer Posts, except for any disciplinary matters which would be determined by the Statutory Officers Disciplinary Panel.</p>
<p>Special provisions as to Chairmanship</p>	<p>To be chaired alternately between the respective Leaders.</p>

**PART 3 COMMITTEE TERMS OF REFERENCE**

Special provisions as to membership	All members of the Committee must have undertaken appropriate training on recruitment and selection with the respective Council, prior to participating in the recruitment process.  No substitutes shall be permitted.
Additional information	There will be one standing Sub-Committee of the Joint Appointment Committee known as the Statutory Officer's Disciplinary Panel

## PART 3 COMMITTEE TERMS OF REFERENCE

**STATUTORY OFFICERS' DISCIPLINARY PANEL**  
**(Parent Committee – Joint Appointments Committee)**

Functions	To undertake the powers and functions as the “Investigating and Disciplinary Committee (IDC) in accordance with the provisions of the Joint Negotiating Committee (JNC) Handbook Model Disciplinary Procedure in relation to Statutory Officers pursuant to the Local Authorities (Standing Orders) (England) Regulations 2001 as amended by the Local Authorities (Standing Orders) (England)(Amendments) Regulations 2015.
Number of Members	<p>5 members consisting of one of the Leaders plus 2 members appointed by the Joint Appointments Committee by Bromsgrove District Council and 2 by Redditch Borough Council.</p> <p>In the event of an Appeal hearing being required, then the other Leader and the 4 respective members from Bromsgrove District Council and Redditch Borough Council who have not already participated in the process will form the Panel.</p>
Politically Balanced	Not applicable
Quorum	3 consisting of Leader and 1 member for each council.
Procedure Rules applicable	The Joint Appointments Committee Composition and Terms of Reference in Part 17, together with all other applicable rules set out under the Constitution and all applicable law.



## PART 3 COMMITTEE TERMS OF REFERENCE

Terms of Reference	<p><b><u>1. Disciplinary Action and Dismissal</u></b></p> <p>a. To hear disciplinary cases involving charges of misconduct or incapability concerning any Joint Statutory Officer holder.</p> <p>b. To make recommendations to Council regarding the dismissal against the Chief Executive, S151 officer or Monitoring Officer following a disciplinary or capability hearing in accordance with the terms and conditions of employment for Chief Officers of Local Authorities.</p> <p>c. To convene an Independent Panel as defined in the Local Authority (Standing Orders) (England) (Amendment) Regulations 2015.</p> <p><b>2. Independent Panel</b></p> <p>a. To offer the Council advice, views or recommendations on any proposal for the dismissal of a Statutory Chief Officer. In doing so the Independent Panel will consider: _</p> <p>(i) The recommendation of the Panel and the reasons in support of that recommendation;</p> <p>(ii) The report of any independent investigator;</p> <p>(iii) Any oral and/or written representations from the officer.</p> <p>b. A minimum of 2 independent Persons must be invited to be appointed to the Panel in the following priority order:-</p> <p>(i) The relevant Independent Person who has been appointed by the Council and who is a local government elector;</p> <p>(ii) Any other relevant independent Person who has been appointed by the Council; and</p> <p>(iii) A relevant Independent Person who has been appointed by another local authority or local authorities.</p>
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## PART 3 COMMITTEE TERMS OF REFERENCE

Special provisions as to Chairmanship	To be chaired by the Leaders.
Special provisions as to membership	<p>All members of the Committee must have undertaken appropriate training prior to participating in meetings.</p> <p>No substitutes shall be permitted.</p>
Additional information	<p>In order to comply with 1 (c) above, the membership of the Panel may also include Independent Persons as defined by the Local Authority (Standing Orders) (England) (Amendment) Regulations 2015.</p>

**Council**  
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11th November

**Report title: Review of the Political Balance**

Relevant Portfolio Holder	Councillor Joe Baker
Portfolio Holder Consulted	
Relevant Head of Service	Claire Felton, Head of Legal, Democratic and Property Services
Report Author Jess Bayley-Hill	Job Title: Principal Democratic Services Officer Contact email: <a href="mailto:jess.bayley-hill@bromsgroveandredditch.gov.uk">jess.bayley-hill@bromsgroveandredditch.gov.uk</a> Contact Tel: (01527) 64252 Ext: 3072
Wards Affected	All
Ward Councillor(s) consulted	N/A
Relevant Strategic Purpose(s)	An Effective and Sustainable Council
Non-Key Decision	
If you have any questions about this report, please contact the report author in advance of the meeting.	

**1. RECOMMENDATIONS**

**Council is asked to RESOLVE that**

- 1) the Political balance of the Committees of the Council be agreed as set out at Appendix 1; and**
- 2) appointments by political group leaders to the places on each Committee etc. be noted.**

**2. BACKGROUND**

- 2.1 This report sets out the proposed political balance of the authority's Committees and seeks the Council's agreement to these.
- 2.2 A review of the political balance is required each time there is a change to the membership of the political groups and to the allocation of seats to the political groups. In this instance, whilst no changes have been made to the membership of any of the political groups since the last Council meeting, proposals to make the Appeals Committee and Statutory Officers' Disciplinary Panel Sub-Committees of the Joint Appeals Committee, will result in changes to the Committees that make up the political balance. Therefore, a review of the political balance is required.

**Council**  
202411th November

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2.3 Once the Council has agreed the political balance, the Leaders of each of the Political Groups on the Council can nominate to the places on each for their group.

2.4 The attached list of Committee appointments relates to Committees that form part of the political balance only. Informal Committees and other committees where there is no requirement for the membership to reflect the political balance are not addressed in this report.

**3. OPERATIONAL ISSUES**

3.1 Once the Council has agreed the allocation of seats to the main Committees, the leaders of each political group will nominate members to fill them so that the business of the Council can continue to run smoothly. It is planned to have a list of the nominations available for noting at the Council meeting.

**4. FINANCIAL IMPLICATIONS**

4.1 There are no financial implications arising from this report.

**5. LEGAL IMPLICATIONS**

5.1 With the exception of the Executive Committee, the Council is required by law and / or its own constitution to allocate places on its main Committees in accordance with its political make-up and to approve the Committee terms of reference. The main requirements are that:

- the number of seats on each Committee allocated to each Political Group reflects the proportion it holds of the total number of seats on the Council; and
- the Group with the majority of seats on the Council should hold the majority of seats on each Committee.

5.2 The definition of a Political Group for these purposes is that it has a minimum of 2 members. The current composition of the Council is 20 Labour group members, 5 Conservative group members and 2 non-aligned members.

**6. OTHER - IMPLICATIONS****Relevant Strategic Purposes**

6.1 The proposals detailed in this report support the aim to be 'An Effective and Sustainable Council'.

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**Climate Change Implications**

6.2 There are no climate change implications.

**Equalities and Diversity Implications**

6.3 There are no equalities and diversity implications.

**7. RISK MANAGEMENT**

7.1 There are no specific risks arising from this report.

**8. APPENDICES and BACKGROUND PAPERS**

Appendices

Appendix 1 – Political Balance

Appendix 2 - Committee Appointments

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