Executive
Committee

Wed 26 Aug
2009
7.00 pm

Committee Room 2
Town Hall
Redditch

REDDITCH BOROUGH COUNCIL

making a difference

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Welcome to today's meeting.
Guidance for the Public

Agenda Papers

The **Agenda List** at the front of the Agenda summarises the issues to be discussed and is followed by the Officers' full supporting **Reports**.

Chair

The Chair is responsible for the proper conduct of the meeting. Generally to one side of the Chair is the Committee Support Officer who gives advice on the proper conduct of the meeting and ensures that the debate and the decisions are properly recorded. On the Chair's other side are the relevant Council Officers. The Councillors ("Members") of the Committee occupy the remaining seats around the table.

Running Order

Items will normally be taken in the order printed but, in particular circumstances, the Chair may agree to vary the order.

Refreshments : tea, coffee and water are normally available at meetings - please serve yourself.

Decisions

Decisions at the meeting will be taken by the **Councillors** who are the democratically elected representatives. They are advised by **Officers** who are paid professionals and do not have a vote.

Members of the Public

Members of the public may, by prior arrangement, speak at meetings of the Council or its Committees. Specific procedures exist for Appeals Hearings or for meetings involving Licence or Planning Applications. For further information on this point, please speak to the Committee Support Officer.

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If you discover a fire, inform a member of staff or operate the nearest alarm call point (wall mounted red rectangular box). In the event of the fire alarm sounding, leave the building immediately following the fire exit signs. Officers have been appointed with responsibility to ensure that all visitors are escorted from the building.

Do Not stop to collect personal belongings.

Do Not use lifts.

Do Not re-enter the building until told to do so.

The emergency Assembly Area is on the Ringway Car Park.

Declaration of Interests: Guidance for Councillors

DO I HAVE A "PERSONAL INTEREST" ?

- Where the item relates or is likely to affect your **registered interests**
  (what you have declared on the formal Register of Interests)

OR

- Where a decision in relation to the item might reasonably be regarded as affecting **your own** well-being or financial position, or that of your **family**, or your **close associates** more than most other people affected by the issue,

you have a personal interest.

WHAT MUST I DO? **Declare the existence, and nature, of your interest and stay**

- The declaration must relate to specific business being decided -
  a general scattergun approach is not needed

- **Exception** - where interest arises only because of your membership of another **public body**, there is no need to declare unless you **speak** on the matter.

- You **can vote** on the matter.

IS IT A "PREJUDICIAL INTEREST" ?

In general only if:-

- It is a personal interest **_and_**

- The item affects your **financial position** (or conveys other benefits), or the position of your **family, close associates** or bodies through which you have a **registered interest** (or relates to the exercise of **regulatory functions** in relation to these groups)

  and

- A member of public, with knowledge of the relevant facts, would reasonably believe the interest was likely to **prejudice** your judgement of the public interest.

WHAT MUST I DO? **Declare and Withdraw**

BUT you may make representations to the meeting before withdrawing, **if** the public have similar rights (such as the right to speak at Planning Committee).

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Committee

26 August 2009

7.00 pm

Committee Room 2 Town Hall

Agenda

Membership:

Cllrs:

C Gandy (Chair)	W Hartnett
M Braley (Vice-Chair)	N Hicks
	C MacMillan
P Anderson	M Shurmer
J Brunner	
B Clayton	

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1. **Apologies**

To receive the apologies of any Member who is unable to attend this meeting.

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2. **Declarations of Interest**

To invite Councillors to declare any interests they may have in items on the agenda.

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3. **Leader's Announcements**

1. To give notice of any items for future meetings or for the Forward Plan, including any scheduled for this meeting, but now carried forward or deleted; and

2 any other relevant announcements.

(Oral report)

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4. **Minutes**

(Pages 1 - 4)

Chief Executive

To confirm as a correct record the minutes of the meeting of the Executive Committee held on 27 July 2009.

(Minutes attached)

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5. **Older Person's Housing and Support Strategy - My Home, My Future, My Choice**

Head of Housing and Community Services

To seek approval for the provision of Housing and Support for Older People over the next 20 years.

(Report to follow)

All Wards

6.	**Strategic Housing - Selection of Registered Social Landlords - Preferred Development Partners** (Pages 5 - 14) A Heighway, Head of Strategy and Partnerships	Selection of Registered Social Landlords to be the Council's preferred partners for the development of affordable housing. (Report attached) **All Wards**
7.	**West Midlands Regional Spatial Strategy - Phase III** (Pages 15 - 70) R Bamford, Acting Head of Planning and Building Control	To seek Member endorsement of the submitted Officer views of the West Midlands Regional Spatial Strategy Phase III Options Consultation questionnaire. (Report attached) **All Wards**
8.	**Constitution - New Executive Arrangements / Whole Council Elections.** (Pages 71 - 78) Head of Legal, Democratic and Property Services	To consider a new form of governance for the Council's Executive arrangements and to consider opting for whole Council elections instead of partial elections (elections by thirds). (Report attached – Appendix 1 to follow) **All Wards**
9.	**Governance Arrangements - Adoption of Written Member Roles** (Pages 79 - 116) Head of Legal, Democratic and Property Services	To approve and adopt written Member Roles. (Report attached) **(No Direct Ward Relevance)**
10.	**Irrecoverable Debts - Market Kiosks** (Pages 117 - 132) Director of Housing, Leisure and Customer Services	To consider for write off Market Kiosk debts. (Report attached) **(Abbey Ward)**

11.	**Overview and Scrutiny Committee** (Pages 133 - 166) Chief Executive	To receive the minutes of the meeting of the Overview and Scrutiny Committee held on the 29 July 2009. There are recommendations to consider. (Minutes attached)
12.	**Flag Flying Policy - Referral from Planning Committee** (Pages 167 - 172) Head of Legal, Democratic and Property Services	To consider a referral from Planning Committee. (Report attached) **(Abbey Ward)**
13.	**Minutes / Referrals - Overview and Scrutiny Committee, Executive Panels, Neighbourhood Groups etc.** Chief Executive	To receive and consider any outstanding minutes or referrals from the Overview and Scrutiny Committee, Executive Panels, Neighbourhood Groups, etc. since the last meeting of the Executive Committee, other than as detailed in the items above.
14.	**Advisory Panels - update report** (Pages 173 - 176) Chief Executive	To consider, for monitoring / management purposes, an update on the work of the Executive Committee's Advisory Panels and similar bodies, which report via the Executive Committee. (Report attached)
15.	**Action Monitoring** (Pages 177 - 180) Chief Executive	To consider an update on the actions arising from previous meetings of the Committee. (Report attached)

16.	**Exclusion of the Public**	It may be necessary, in the opinion of the Chief Executive, to consider excluding the public from the meeting in relation to the following items of business on the grounds that exempt information is likely to be divulged. It may be necessary, therefore, to move the following resolution:
		"that, under S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following matter(s) on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs *(to be specified)* of Part 1 of Schedule 12 (A) of the said Act, as amended."
17.	**Confidential Minutes / Referrals (if any)**	To consider confidential matters not dealt with earlier in the evening and not separately listed below (if any).

Agenda Item 4

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27 July 2009

MINUTES

Present:

Councillor Carole Gandy (Chair), Councillor Michael Braley (Vice-Chair) and Councillors P Anderson, J Brunner, B Clayton, W Hartnett, C MacMillan and M Shurmer

Also Present:

B Warwick

Committee Services Officers:

S Skinner, D Sunman, J Smyth

71. APOLOGIES

There were no apologies for absence.

72. DECLARATIONS OF INTEREST

There were no declarations of interest.

73. LEADER'S ANNOUNCEMENTS

There were no Leader's announcements.

74. SHARED SERVICES BOARD - BUSINESS CASE

Members considered the recommendations of the meeting of the Shared Services Board held on 29 June 2009 in respect of the Shared Services arrangements between Redditch Borough Council and Bromsgrove District Council and the post of Acting Joint Chief Executive of the two authorities.

RESOLVED that

1) **the minutes of the meeting of the Shared Services Board held on 29 June 2009 be noted; and**

....
Chair

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RECOMMENDED that

2) **the creation of a single management team be approved;**

3) **in pursuit of the above:**

a) **the current secondment arrangements in relation to the Acting Joint Chief Executive be extended up to the end of 2012/13;**

b) **authority be delegated to Redditch Borough Council's Head of Legal, Democratic and Property Services and Head of Financial, Revenues and Benefits Services, in consultation with the Leader, to determine and agree the necessary amendments to the Secondment Agreement;**

c) **any costs associated with Recommendation (3) above be shared equally by Bromsgrove District Council and Redditch Borough Council;**

d) **the post of Acting Joint Chief Executive be re-titled Joint Chief Executive for the duration of the extension to the secondment arrangements;**

e) **the Business Case as produced by Serco be approved in principle noting the management team response;**

f) **the Joint Chief Executive be tasked with preparing and presenting more detailed proposals to the Shared Service Board by the first week of September 2009 in relation to:**

i) **the structure of the single joint management team;**

ii) **the detailed financial arrangements to meet the requirements of both Councils' Medium Term Financial Plans;**

iii) **details in relation to the legal implications, employment implications and implementation arrangements of a single joint management team; and**

iv) **a timetable for the implementation of the Business Case to include specific**

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milestones;

g)   the post of Joint Chief Executive be re-evaluated for the duration of the extension to the secondment arrangements and that the West Midlands Local Government Association be requested to undertake this; and

h)   the Joint Chief Executive be authorised to commence negotiations with the relevant Trade Unions in relation to the creation of a single joint management team and the harmonisation of terms and conditions of employment; and

4)   the Concordat between the authorities be reviewed, to ensure that it is sufficiently robust to enable the proposed shared service arrangements to function effectively.

(During the consideration of this item, Members discussed matters that necessitated the disclosure of exempt information. It was, therefore, agreed to move to exclude the press and public prior to any further debate on the grounds that information might be revealed that related to an individual or which was likely to reveal the identity of an individual and contemplated consultations or negotiations in connection with labour relation matters between the authority and employees of the authority.

There is nothing exempt, however, in this record of the proceedings.)

75.   **EXCLUSION OF THE PUBLIC**

RESOLVED that

under S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following matter(s) on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs 1, 2 and 4 of Part 1 of Schedule 12 (A) of the said Act, as amended.

Shared Services Board – Business Case (as detailed in Minute 74 above).

The Meeting commenced at 6.05 pm
and closed at 6.45 pm

Chair

Agenda Item 6

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No Direct Ward Relevance

26 August 2009

<u>**Strategic Housing – Selection of Registered Social Landlords (RSL) Preferred Development Partners**</u>

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(Report of the Head of Strategy and Partnerships)

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1. <u>**Summary of Proposals**</u>

To seek approval of five Registered Social Landlords interviewed by the Member Officer Selection Panel on the 30 June 2009, to be appointed as "preferred partner" Registered Social Landlords.

These "preferred partner" Registered Social Landlords shall work in partnership with the Authority to develop affordable housing for rent and low cost ownership on Council owned and Section 106 or windfall housing development sites.

By selecting "preferred partner" Registered Social Landlords, the Authority will be able to achieve its strategic objectives of:

a) Increasing affordable housing provision within the Borough;

b) Increasing the supply of Homes and Communities Agency grant funding to support development;

c) To assist persons registered as being in housing need;

d) To develop opportunities for joint working to address the supply of affordable housing, the assessment of housing need and the formulation of Borough-wide housing policies, plans and solutions to problems.

2. <u>**Recommendations**</u>

The Committee is asked to RECOMMEND that

a) **the recommendation of the Member Officer Selection Panel held on 30 June 2009 be adopted and that the following organisations be duly appointed as Preferred RSL Development Partners of the Authority:**

i) **Accord Housing Association/Redditch Co-Operative Homes;**

ii) **Festival Housing Group;**

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         iii)   West Mercia Housing Association/Bromsgrove District Housing Trust;

         iv)   Rooftop Housing Group;

         v)   Sanctuary Housing Association.

   b)   Officers and Preferred RSL Partners produce a preferred partnership agreement outlining the terms of reference of the Partnership.

3.   <u>Financial, Legal, Policy, Risk and Sustainability Implications</u>

<u>Financial</u>

3.1   There are no immediate or proposed financial implications to the Authority.

<u>Legal</u>

3.2   Consultation with the Legal Services Manager has been undertaken in relation to proposed Preferred RSL development partnership. The preferred partnership terms of reference are not legally binding on any organisation.

3.3   The terms of reference are a statement of intent to which all partners and the Authority shall operate and will undertake all reasonable endeavours to improve both the quality and delivery/supply of affordable housing in response to housing needs which exist.

3.4   The Preferred RSL development partnership arrangements do not constitute 'restrictive practice' in legal terms and also in relation to the central Government policies contained within "Planning Policy Statement 3" (2007). The selected RSL partners have a great deal of expertise in relation to project design, development, funding and management and have a breadth of development knowledge which can benefit the Authority in developing housing solutions in its area.

3.5   The Authority is not legally bound to working solely with its appointed Preferred RSL partners and reserves the right to assess opportunities for developing sites in its ownership itself or to allocate or support a bid for a scheme from a non-preferred partner if they can offer additional skills, resources or services or dealing with a specialist housing need which cannot be met by a Preferred Partner RSL. An example of this would be the construction of a specialist housing development, such as Extra Care or Supported Housing, in which a specialist provider would have to be engaged.

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Policy

3.6 The Preferred RSL Development Partnership policy was originally approved by Executive Committee to be a "twin track" partnership with one partner for Council owned land and three partners for Section 106 or windfall sites. Approval was gained for this policy on the 6 July 2005 for Council owned sites and 17 August 2005 for Section 106/Windfall sites.

3.7 The previous Preferred RSL Development Partnership arrangements were terminated by Executive Committee on the 19 November 2008 and were resolved by full Council on the 8 December 2008.

3.8 It was also agreed at this time by Members that a new Preferred RSL Development Partnership be created, based on the same policy basis as before, involving a competitive tender of all Registered Social Landlords with stock in the Borough of Redditch

Risk

3.9 Should the Authority opt not to work with preferred partner Registered Social Landlords to enable new affordable housing projects, there is a great risk that development would not be able to meet both general needs and specialist housing needs which exist. Also by not working in partnership with Registered Social Landlords, the opportunities for Homes and Communities Agency funding would be significantly reduced, which could affect the deliverability and viability of development schemes.

3.10 A fundamental consequence of not progressing partnership working with RSLs could be the failure of the Authority to meet its deliverability targets as set within the Worcestershire Local Area Agreement and Regional Housing Strategy/Regional Spatial Strategy.

Sustainability / Environmental

3.11 A key area of assessment during the Preferred RSL Partner selection exercise was in relation to the environmental policy of the Registered Social Landlord and their commitment to increase the eco-friendliness of all new housing developments (including reducing waste and pollution surrounding new home construction and also increasing the energy efficiency and standard of design and construction). Particular regard was paid to the impact on housing costs to the customer and minimising the risk of fuel poverty in the Borough.

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3.12   Advice of the Redditch and Bromsgrove Climate Change Manager was sought when developing the Preferred RSL Development Partner tender information and presentation questions.

3.13   Prospective RSL Development Partners were asked to detail their climate change and sustainable development policies and how these would be applied with prospective projects in Redditch. Examples of how these policies had been demonstrated within their group structure had been demonstrated.

Report

4.   Background

4.1   The Preferred RSL Development Partnership policy was a key strategic priority within the Action Plan of the Authority's "Housing Strategy Statement 2005-2009 as a mechanism for the maximisation of affordable housing development within the Borough of Redditch.

4.2   The Preferred RSL Development Partnership was originally approved by Executive Committee to be a "twin track" Partnership with one partner for Council owned land and three partners for Section 106 or windfall sites. Approval was gained for this policy on the 6 July 2005 for Council owned sites and 17 August 2005 for Section 106/Windfall sites.

4.3   The previous Preferred RSL Development Partnership arrangements were terminated by Executive Committee on the 19 November 2008 and were resolved by full Council on the 8 December 2008.

4.4   It was also agreed at this time by Members that a new Preferred RSL Development Partnership be created, based on the same policy basis as before, involving a competitive tender of all Registered Social Landlords with stock in the Borough of Redditch.

4.5   A Member Officer Selection Panel was created to assess the submissions received and to determine the successful organisations that would be recommended for appointment as preferred RSL development partners. The selected partners would therefore form a "select list" of preferred partner affordable housing developers on public and private sector sites.

5.   Key Issues

5.1   Registered Social Landlords were given a four week period to produce a written submission outlining a range of performance and

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management information based on the following identified key assessment themes:

i)   Rent Policies
ii)   Energy Efficiency
iii)   Community Safety
iv)   Service Delivery
v)   Management and Employment Standards
vi)   Tenant and Resident Involvement
vii)   Community Commitment
viii)   Partnership Delivery and Commitment
ix)   Provider history in the Redditch Borough

5.2   A total of six written submissions were received and a scoring mechanism developed to assess aspects of that submission.

5.3   Over a two week period, Officers assessed each submission in detail against the above detailed scoring criteria, which had been developed by Officers following consideration of good practice from the previous 2005 selection process, Bromsgrove DC, Stratford on Avon DC and Worcester CC.

5.4   Of the six submissions received, five Registered Social Landlords were invited to an interview session with the Member Officer Selection Panel.

5.5   The sixth submission was rejected after a discussion of the Member Officer Panel as this organisation was a specialist provider of elderly and supported accommodation and did not have the expertise or facility to develop a wide range of general and specialist housing solutions.

5.6   The interviews took place on the 30 June 2009. This involved a specially convened Panel of Members comprising Councillors B Clayton, Shurmer, Braley and Hicks. The five short-listed Registered Social Landlords were invited to give a short presentation on how they would work to pursue housing development opportunities within the Borough and how they would improve access and choice to housing solutions for local people.

5.7   Members asked a range of set questions to gauge how the different Registered Social Landlords would address housing topics including design, development opportunities, tenant participation and energy efficiency.

5.8   Following the presentation and interview session, Members and Officers on the Selection Panel assessed the answers to the

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presentation and interview questions and used specially designed scoring criteria to evaluate the quality of the response given.

5.9   At the end of the Member Officer Selection Panel session, the Selection Panel aggregated the score of the written presentation and the Interview/Presentation Session to reach an overall score and ranking for each organisation.

5.10   On this basis, Members and Officers were in agreement that all five organisations who were invited be recommended to be appointed as a Preferred RSL Development Partner of the Authority, as this provides flexibility of having a wider pool of expertise, maximising the opportunities for the attraction of Homes and Communities Agency Social Housing Grant funding into Redditch and providing a pool of Preferred RSL Partners to develop housing solutions to meet increasing housing needs in the Borough.

5.11   Members and Officers were in agreement that Preferred RSL Partners would enable the Authority to meet its strategic housing delivery commitments within the Worcestershire Local Area Agreement and Regional Housing and Spatial Strategies.

5.12   In keeping with the approved Policy framework for the selection of Preferred RSL Development Partners, the Member Officer Selection Panel resolved that the selection of five Preferred RSL Development Partners who attended for interview should be reported to Executive Committee and Full Council for formal resolution.

6.   Other Implications

Asset Management   -   Preferred RSL Development Partners shall be able to progress development opportunities for affordable housing which may arise on Council owned land sites. This has an important synergy with the Authority's asset management and disposal functions.

Community Safety   -   A key requirement of all development schemes which will be progressed by Preferred RSL Development Partners is that new developments shall be designed in accordance with the Community Safety Strategy, the "Designing out Crime" Supplementary Planning Guidance and shall receive

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"Secured by Design" accreditation from the West Mercia Police force.

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Human Resources   -   None.

Social Exclusion   -   Social Exclusion can be avoided with the provision of good quality, well managed affordable housing, which can make considerable inroads in to the Borough's high levels of housing need.

7. Lessons Learnt

7.1 A lesson which was learnt from the previous Preferred RSL Development Partnership was that having separate partners for Council owned land and for Section 106/windfall sites made it difficult in operational terms for the Authority to demonstrate best value.

7.2 Therefore, when the Preferred RSL Development Partnership was terminated and approval given to a new Preferred RSL Development Partner Selection Process, Committee recommended that one Partnership be created for all affordable housing opportunities, be it on public or private sector land.

8. Background Papers

Redditch Borough Council – Partner Selection Documents (2009);
Registered Social Landlord Bid Submissions;
Member Officer Panel Interview Scoring;
Housing Strategy Statement 2005-2009;
Preferred RSL Partner selection documentation.

9. Consultation

This report has been prepared in consultation with relevant Borough Council Officers.

Other consultees were the Elected Members who served on the Member Officer Selection Panel and who conducted the interviews of the prospective Preferred RSL Development Partners.

10. Author of Report

The author of this report is Daniel Russell (Housing Enabling Officer), who can be contacted on extension 3185 (e-mail: daniel.russell@redditchbc.gov.uk) for more information.

11. Appendices

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None.

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All Wards

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26 August 2009

WEST MIDLANDS REGIONAL SPATIAL STRATEGY - PHASE 3 REVISION OPTIONS

(Report of the Head of Environment and Planning)

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1. Summary of Proposals

The report seeks the retrospective recommended approval of the Redditch Borough Council Response to the West Midlands Regional Spatial Strategy (WMRSS) Phase 3 Revision Options Document.

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2. Recommendations

The Committee is asked to RESOLVE that

the response to the West Midlands Regional Spatial Strategy as detailed in Appendix A be approved.

3. Financial, Legal, Policy, Risk and Sustainability Implications

Financial

3.1 There are no financial implications as a result of submitting this response.

Legal

3.2 There are no legal implications as a result of submitting this response.

Policy

3.3 Changes to existing planning policy contained within the West Midlands Regional Spatial Strategy will occur as a result of this Phase 3 Review once adopted, principally regarding matters such as critical rural services, gypsies, travellers and travelling show-people, culture sport and tourism and quality of the environment. All planning policy produced by Redditch Borough is required to be in conformity with the Regional Spatial Strategy and therefore it is necessary to have regard and respond to the Revisions of the RSS.

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Risk

3.4 If the Borough Council does not submit a response to the West Midlands Regional Spatial Strategy there is a risk that some policy provisions could be favoured in the next stage of the RSS which would not be beneficial for the Borough.

Sustainability / Environmental

3.5 The West Midlands Regional Spatial Strategy is developed alongside a Sustainability Appraisal, prepared in line with the SEA Directive and relevant regulations.

Report

4. Background

4.1 The West Midlands Regional Assembly published the Regional Spatial Strategy in 2004. When publishing the document, the Secretary of State indicated that an early review of certain aspects of the document needed to be undertaken. Subsequently the document has been revised in three phases; Phase one concentrated on the Black Country Study, Phase Two considered housing , employment, transport and waste and this phase (phase three) looks at critical rural services, gypsies, travellers and travelling showpeople, culture, sport and tourism provision, quality of the environment and minerals.

4.2 The West Midlands Regional Assembly prepared the West Midlands Regional Spatial Strategy Phase 3 Revision Options consultation document, available for consultation between 29 June and 14 August 2009.

4.2 Officers have prepared a response to the consultation by answering specific questions in an accompanying questionnaire. This response deadline was 14 August, therefore the response was sent with the caveat that Member approval would need to be sought retrospectively.

5. Key Issues

5.1 The response focussed on sections of the RSS Phase 3 revision consultation document including critical rural services, gypsies, travellers and travelling showpeople, culture sport and tourism and quality of the environment.

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<u>Critical Rural Services</u>

5.2   In this section the response advocated that it would not be useful to try to define 'critical rural services' because in Redditch there is a strong urban - rural interdependency mainly because of the relatively short travel times between the settlements.

5.3   It was also considered necessary in the response to highlight the impact of carbon emissions resulting from transportation to the urban area, pointing towards a need to improve accessibility through sustainable transport options.

5.4   It was also through that a portion of development should be permitted to allow settlements to survive, however any development should be tailored to the needs of that settlement and subject to certain restraints.

<u>Gypsies, Travellers and Travelling Show-people</u>

5.5   Generally the response supported the suggested requirements for Redditch Borough as set out in the RSS Phase 3 Revision because the requirements reflect the evidence in the Gypsy and Traveller Accommodation Assessment (GTAA). Support for the approach was based upon the approach conforming to current national guidance which requires provision to be made where it is necessary (Circular 01/2006 and Circular 04/2007).

5.6   Other options to increase the provision for Gypsies and Travellers were presented but the Redditch Borough Council response did not support this increase because there is no evidence to support this as well as land constraints in Redditch Borough.

5.7   The response clarified the Borough Council's understanding of the GTAA which states that the need for Redditch is *"A Temporary Stopping Place for not less than 18 pitches to accommodate short term needs, as identified in 4.5. (of this assessment). This might be located within that part of Bromsgrove District that borders Redditch, providing both districts with a shared facility for dealing with future unauthorised encampments, and providing flexibility in meeting differing levels of need at different times. "*Whereas there is no reference in the RSS Phase 3 Revision Options Document to the location of provision in the neighbouring District of Bromsgrove.

5.8   The need for 14 yards (a yard accommodates a vehicle and other equipment, in addition to living accommodation) of capacity for travelling show-people has been questioned in the response, due to a lack of clarity in the evidence base.

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<u>Culture Sport and Tourism</u>

5.9 Currently the WMRSS contains a portfolio of regionally significant assets in terms of culture, sport or tourism. The RSS Revision Options Document asks if this portfolio should be removed or updated to consider all regionally important assets. The Redditch Borough Council response states that there would be no reason to remove the portfolio but that reference should be made to promoting the large amount of sub-regional assets that provide a culture network throughout the region.

5.10 It was considered necessary to point out in the response that Redditch Borough has cultural assets which could be classed as sub-regionally significant and therefore should be classed as an asset. These include:

a) The Palace Theatre
b) Forge Mill Needle Museum
c) Bordesley Abbey

5.11 It was considered appropriate that through the RSS the principle of protection for some of the existing strategic cultural assets would be supported, however it is considered that care should be taken that some assets are not prescribed additional, unwarranted protection that may stifle enhancement and restrict positive development.

5.12 An additional policy which promotes identifying broad locations for specific proposals is supported as it strengthens the deliverability of the policy within the RSS relating to Tourism and Culture.

<u>Quality of the Environment</u>

5.13 A policy option was presented in the RSS Phase 3 Revision Options Document for Greenery, Urban Green Space and Public Spaces which has been supported in the Redditch Borough Council response as it generally reflects national guidance.

5.14 It has been pointed out in the response that some of the suggested policy options for forestry and woodland would be difficult to implement because the documents presents what are considered to be local issues rather than regional issues.

5.15 More clarity was requested in the response about the potential for changes to water environment policies, principally where the provisions of the European Water Framework Directive would apply.

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5.16 The proposed flood risk policy has been supported but the response sets out where parts of national planning policy may be repeated. The response does set out a concern that some of the implications cannot be implemented.

5.17 With regards to energy, the RSS Phase 3 Revision Options Document asked if improvements to the energy efficiency of existing buildings should be further encouraged. The response advocated that the RSS should mirror the national strategy as there does not appear to be any regional variances within the existing dwelling stock locally which would conflict with national objectives.

5.18 In the response to a question in the RSS Phase 3 Revision Options Document about the appropriateness of the Regional Energy Target, the Redditch Borough Council response stated that there should be clarity about whether the sub-regional target would be set by the RSS or left to the Local Authorities.

5.19 The RSS Phase 3 Revision Options Document asked if regional targets should be set for specific renewable energy and low carbon technologies. The response states that this may be too prescriptive and may not allow for the most suitable technology solution to be implemented.

5.20 With regard to the Green Belt, it is considered appropriate that the objectives of PPG 2 'Green Belts' are consistently applied throughout the region.

6. **Other Implications**

Asset Management   -   No Implications.

Community Safety   -   No Implications.

Human Resources   -   No Implications.

Social Exclusion   -   No implications.

7. **Lessons Learnt**

None, this is a new issue.

8. **Background Papers**

West Midlands Regional Spatial Strategy Phase 3 Revision Options Consultation (29 June - 14 August 2009).

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9. **Consultation**

This report has been prepared in consultation with Key Stakeholders, has been to Planning Advisory Panel (PAP).
The response has been coordinated with input from relevant officers in the Borough Council.

10. **Author of Report**

The author of this report is Emma Baker, who can be contacted on extension 3034 (e-mail: emma.baker@redditchbc.gov.uk).

11. **Appendices**

Appendix A   -   Redditch Borough Councils Response to the West Midlands Regional Spatial Strategy Phase Three Revision Options Consultation (29 June 2009 – 14 August 2009).

12. **Key to Terminology / Abbreviations**

WMRSS - West Midlands Regional Spatial Strategy.
GTAA   - Gypsy and Traveller Accommodation Assessment.

Redditch Borough Council's Response to the West Midlands Regional Spatial Strategy Phase Three Revision Options Consultation
29th June 2009 – 14th August 2009

Critical Rural Services

Critical Rural Services

> **Question CRC1: Studies have shown that it is very difficult to define rural services as "important" or "critical", and that pursuing these definitions is unlikely to be of much value. Do you agree with this view?**
>
> **Please tick one box   ✓ Yes   O No**
>
> **If no, please provide reasons and a list of those rural services that you consider to be "critical".**

It is agreed that there is limited value in applying the definitions of 'important' and 'critical' to rural services. It is considered that rural areas, particularly those that are more remote, cannot be expected to contain the same range of services as more urban areas. Also the value of services differs between different settlements such that services that may be considered important to one rural location may not be considered important for another settlement. It should be left to local authorities to consider what types of services are important or critical to each settlement.

In Redditch Borough, the size of the rural area is limited and rural settlements aren't considered to be suffering from significant service deprivation (both Astwood Bank and Feckenham are not considered to be deprived, in particular Feckenham is considerably less deprived in terms of income than any of the other Redditch wards) *(Taken from Local Development Framework Sustainability Appraisal Scoping Report October 2008)*. There is a strong urban-rural interdependence in Redditch, and all rural areas have sufficient accessibility to services that are considered 'important' and 'critical' due to their close proximity to the urban area.

Please see attached the Redditch Borough Council Rural Accessibility and Settlement Hierarchy Assessment for information regarding the relative accessibility of the two rural settlements of Astwood Bank and Feckenham.

> **Question CRC2: The SQW Report identified significant service deprivation issues for people in "accessible rural" areas whose access to transport is limited (see page 21). Do you think more attention should be given to meeting the service needs of this group?**
>
> **Please tick one box   O Yes   ✓ No**
>
> **If yes, please provide reasons (and where possible, evidence) for your answer.**

Redditch's rural settlements are close to the urban area and therefore they have reasonable access to a range of services. The impact of carbon emissions resulting from transportation to the urban area highlights the need to improve accessibility through sustainable transport options. It is considered that this should be the focus of policy rather than aiming to increase the services in rural areas. It has been accepted that rural areas particularly those that are more remote cannot expect to have excellent accessibility to a range of services. It is considered that needs in any particular area should be addressed on an application basis, and that redirecting development to rural areas is unsustainable and goes against the thrust of national planning policy (particularly PPS 6).

> **Question CRC3: Arguments have been put forward that new development should be allowed in settlements lacking a service base in order to reverse a cycle of decline in such places. ("Planning for Sustainable Communities" – CRC; "A Living and Working Countryside" – Taylor Review). Do you agree with this view?**
>
> **Please tick one box   ✓ Yes   O No**
>
> **If yes, please provide your reasons and any relevant evidence, including identified locations, and suggestions**

A portion of development should be permitted to allow settlements to survive, however any development should be tailored to the needs of that settlement and subject to certain restraints. For example, any policy should give a prescriptive framework which would allow local decisions to be made and restrict unnecessary development; control should be agreed at the local level.

A general approach to allow unrestricted development in settlements that currently lack a service base would go against the thrust of national policy (particularly PPS 3 and PPS 6) which advocates locating new development in the

most sustainable locations.

Redditch Borough's rural settlements are not considered to be significantly lacking access to a service base. However, affordable housing is considered to be a different matter; this is considered to be an important service. Affordable housing should come forward in rural areas without harm to other environmental, social and/ or economic conditions.

Question CRC4: Three policy Options for rural service developments are suggested (see pages 22-23). Please state if you have a preferred Option, and the reasons for your preference.

Please tick one box

O Option 1: Sustainable – Climate Change Driven
O Option 2: Community Based
O Option 3: Status Quo

Please provide reasons for your preference

Option 1 has an emphasis on reducing the need to travel, in particular point b), the end of point c) and point d) of the WMRSS Consultation Document. This option would generally support the objective for Rural Renaissance within the Region and therefore from this perspective can be supported.

It is considered that developing services in rural areas is at odds with the objective for mitigating climate change through reduction of CO_2 emissions, and a careful balance needs to be struck between protecting the needs of the vulnerable (where ICT based alternatives are simply unusable) and the needs of future occupants within any given area.

The intention of *"concentrating most service provision in County and Market towns"* may conflict with the RSS objective for urban renaissance. WMRSS Phase Two Revision Preferred Option (December 2007) Policy PA12B preamble states that centres that fall outside the network of strategic town and city centres including market towns, are places which people use regularly to satisfy their day-to-day needs. Therefore they should not be meeting additional need by locating extra services in County and Market towns; they should primarily meet local needs (stated in PA12B).

Emphasis on 'multi-use centres' needs to be clarified as there is currently no such designation in the WMRSS and it is unclear where this applies.

Option 2 considers the use of *"locally led reviews of service levels"* which is supported by Redditch Borough Council. The definition of 'sustainability trap',

which is where development can only occur in places that are already considered to be sustainable, as defined as in the 'Living, Working Countryside – The Taylor Review of Rural Economy and Affordable Housing Report' (2008), would be applicable to the community of Feckenham in Redditch Borough, as this settlement has been deemed unsustainable through previous Local Plan reviews. The approach of the 'sustainability trap' generally restricts development in unsustainable rural areas. However, as previously stated, due to the urban-rural interdependence that Redditch has established within its Borough, in which rural settlements are easily catered for by the nearby urban areas, it is not considered appropriate to direct significant services to the community of Feckenham. Rather any development should be based on needs. It is questionable whether this option would be deliverable at a regional level. Districts would find this option hard to implement without both strong support from the Region and clear guidelines to develop a local study or programme.

An implication of Option 2 is that the Option could lead to *"more private travel, with adverse consequences for CO2 emissions"* (page 22). Climate change and encouraging sustainable travel are considered to be significant issues to address; therefore any approach which would harm the progress towards addressing these issues would not be supported and, for this reason, this option is not advocated, as this goes against the key objectives of the RSS.

It is considered that Option 3 would not achieve significant gains in Redditch as the Borough is restricted by its boundaries in terms of potential capacity for development, including service provision. The implication that *"flexibility can also lead to uncertainty, making the task of policy development in LDFs and LTPs more difficult"* (page 23) is agreed with.

> **Question CRC5: For your preferred Option above please suggest how the Option might be delivered at the regional level, taking into account the relevant key issues and implications in the Critical Rural Services chapter.**

Rural areas need additional investment in broadband internet facilities to enable Option 1 to be feasible.

The confines of the Rural Settlement Strategy should be adhered to when preparing an appropriate strategy for the rural areas. Public transport use should be encouraged and maximised wherever possible and a framework should be set which takes into account local level considerations when implementing local reviews of service provision.

The use of ICT and mobile facilities would be welcomed in the rural areas of Redditch. Strong relationships with infrastructure providers would be required to ensure that they have the capacity to deliver this aspiration. RBC are currently conducting a series of infrastructure delivery workshops with infrastructure providers to consider the capacity of the services needed to cope with the development figures set out in the RSS Phase II Revision which will feed into the Delivery Strategy that accompanies the Core Strategy.

Any decisions relating to the development of settlements should be made by the local community and the local council both of which have the greatest knowledge of the settlements.

Other comments on critical rural services

The Background Paper, "Rural Proofing Options on Critical Rural Services" with regard to RP10: Communications, states that, a clear communication policy encouraging the support from rural communities is essential. It is unclear where this policy need has been addressed in the Phase III Revision Options document and how the communication with the rural communities will be established.

Gypsies and Travellers

Gypsies and Travellers

> **Question GTQ1: Do you agree with the total residential pitch requirements (939 pitches), as identified by the sub-regional Gypsy and Traveller Accommodation Assessments?**
>
> **Please tick one box   ✓ Yes   O No**
> **If no, please provide reasons (and where possible, evidence) for your**

The GTAA is based on need and therefore is considered to be accurate.

> **Question GTQ2: Do you think the three Options on page 35 for the provision of residential Gypsy and Traveller pitches provide a good range of solutions?**
>
> **Please tick one box   O Yes   ✓ No**
> **If no, do you think there is another Option which could be explored? Please provide reasons (and where possible, evidence) for your answer.**

It is unclear why there is a need for three options. As the GTAA has assessed a specific need, it would seem logical to deliver on that need. Any additional pitch provision may result in unnecessary designations on land that may already be in demand for other needs, for example housing or employment land is particularly sought after in Redditch Borough due to the limited capacity for new development.

> **Question GTQ3: Which of the three Options on page 35 for the provision of residential Gypsy and Traveller pitches do you prefer and why?**
>
> **Please tick one box   ✓ Option 1   O Option 2   O Option 3**
> **Please provide reasons for your preference.**

Option 1 appears to be the most suitable as this delivers the need for the Region, in the principal locations and is supported by the evidence presented in the GTAA. This option is in conformity with current national guidance which requires provision to be made where necessary (Circular 01/2006 and Circular 04/2007).

With regard to Option 2, this target is unrealistic for Redditch Borough. This option includes using 'unconstrained land' within each District; and, on this basis, 4 additional pitches would be required within Redditch. It is considered that Redditch Borough does not have any unconstrained land that could take

additional pitch provision. The current Strategic Housing Land Availability Assessment for the Borough suggests that land for permanent housing is extremely limited; this principle would apply to pitch provision. There are significant constraints in terms of capacity due to the fact that Redditch Borough abuts its boundaries. Future development outside of the boundary is currently being considered through the RSS Phase II Revision.

It is considered that the dwellings allocated through the Phase II Revision Preferred Option would ensure Redditch is developed to its capacity and therefore additional space for pitch provision would be extremely limited. As Gypsy and Traveller provision is only being considered through the Phase III Revision, Gypsy and Traveller provision has not been considered in previous studies that consider the development capacity of Redditch Borough, for example the *'Study into the future growth implication of Redditch',* which fed into the Phase III Review.

Option 3 for Redditch Borough would be unachievable. The content of the Option appears unsustainable and suggests locating development in areas where there is no evidence of a requirement. It appears this Option is presented simply to provide a 'choice' rather than based on evidenced need or principles of sustainable locations and development.

> **Question GTQ4: You may wish to consider the need for residential pitch requirements in specific parts of the West Midlands Region (for example in a particular city/sub-region/county. Please state where and provide any comments on this specific area and explain your reasons.**

Please see response to GTQ3.

> **Question GTQ5: Do you think the numbers allocated in Table 2 on page 40 for Transit provision (244 pitches) will meet the accommodation needs of Gypsies and Travellers?**
>
> **Please tick one box   ✓ Yes   O No**
> **If no, please provide reasons (and where possible, evidence) for your**

The figure of 18 pitches presented in the options document reflects the need outlined in the GTAA and therefore seems appropriate.

However the GTAA for the South Housing Market Area states that the need for Redditch is *"A Temporary Stopping Place for not less than 18 pitches to accommodate short term needs, as identified in 4.5 (of this assessment. This might be located <u>within that part of Bromsgrove District that borders Redditch</u>*

(own emphasis), *providing both districts with a shared facility for dealing with future unauthorised encampments, and providing flexibility in meeting differing levels of need at different times."* (page 28).

This evidence suggests that a shared facility could be located in Bromsgrove District. This cross-border working is significant as it proposes a means for contributing towards meeting the need for pitch provision where it arises and creating sustainable sites. It is considered that this sub-regional issue should be considered as part of the Policy approach in the Preferred Option to ensure that the most sustainable approach to delivering transit sites is secured. There has been no other evidence presented at this stage to suggest a recommendation other than that presented in the GTAA. The Strategic Housing Land Availability Assessment for the Borough suggests that land for permanent housing is extremely limited; this principle would apply to transit pitch provision. Also it is considered that the dwellings allocated through the Phase II Revision Preferred Option would ensure that Redditch is developed to capacity and therefore additional space for pitch provision would be extremely limited.

The GTAA for the South Housing Market Area makes reference to the fact that, *"suitable sites for Temporary Stopping Places should be identified close to main roads, in all of the locations identified by the Gypsy & Traveller Group as being where the majority of short stay Unauthorised Encampments take place; with at least one in each district (apart from Wyre Forest and either Redditch or Bromsgrove - which could share one close to their joint boundary)"* (page 22).

It is considered that this form of joint working would be appropriate to provide Transit sites where necessary, as the GTAA suggests *"there will be a particular need for cross boundary collaboration, as Temporary Stopping Places are required to accommodate families that, for the most part, show no greater connection with one district than with another"* (page 22).

Question GTQ6: Do you think the geographical distribution of pitches for Transit provision indicated in Table 2 on page 40 will meet the accommodation needs of Gypsies and Travellers?

Please tick one box ✓ **Yes** O **No**

If no, please provide reasons (and where possible, evidence) for your answer.

Please see response above to Question GTQ5 regarding the most appropriate location for Transit Provision related to Redditch Borough.

Question GTQ7: Do you think the draft Policy for Transit provision should be strengthened? (see page 39).

Please tick one box   O Yes   ✓ No

Please provide reasons (and where possible, evidence) for your answer.

It appears that strengthening of this policy from its current form would achieve very little.

Travelling Showpeople

Travelling Showpeople

> **Question TSQ1: Do you think the numbers allocated in Table 3 on page 42 for Travelling Showpeople (118 plots) during the five year period of 2007-2012 will meet their accommodation needs?**
>
> **Please tick one box   O Yes   ✓ No**
>
> **If no, please provide reasons (and where possible, evidence) for your answer.**

It is considered that the information in the GTAA for the South Housing Market Area is not based on credible and robust evidence, with regard to the provision for travelling showpeople. For example the document states that Redditch Borough has an authorised showman's quarters, this is untrue and therefore Redditch Borough would question the need for 14 yards of capacity for travelling showpeople.

As stated previously, Redditch Borough is constrained by its boundaries and therefore it should be demonstrated that the need for this provision is accurate. Redditch does not have the capacity to allocate for the provision required in RSS Phase II Revision within its boundaries, and therefore additional provision for the needs identified through the Phase III Review is considered unachievable. As provision for Gypsy, Traveller and Travelling Showpeople is not identified as a priority as part of the Phase II revision with mainstream housing, additional land availability that has not been designated will be extremely limited.

The Showpeople sites throughout the other districts within Worcestershire are, without exception, privately owned sites. Whilst Redditch Borough's existing provision is indicated to be the highest of the districts at 31 yards, it appears to be set the highest requirement for new pitches (14). This is based on a low interview percentage of 19 %. Malvern seem to have fewer yards at a greater person density, yet the perceived need is set at 8 yards based on 100% interviews, this queries what formulae the pitch provisions were calculated against, otherwise the above would imply that it is based on the interviewees coming up with a wish list number.

Individual 'yards' are required to be large enough to accommodate both dwelling and equipment/ trailer/ lorry. In addition, sites must incorporate adequate internal access to enable manoeuvring of articulated vehicles. The land requirement for these yards can be considerable and therefore there is concern over how the figure was determined and the implications this could have on land take in Redditch Borough.

The 'traveller' site provision appears to be based on a past incursion and no interviews. It seems unclear whether this 'requirement' excludes any element of double counting of the same group(s) at other neighbouring districts as it is well known that groups often travel from one district to another. That is not to say that a local provision for groups in transit through the area would not be beneficial. The Site and Interview report notes that the 'traveller type' is recorded as 'Irish with no wish for pitches on a managed site', so the provision of 'Emergency Stopping Places' would seem the only real option. This form of site also requires only basic site facilities according to the CLG 'Draft Guidance on the Design of sites for Gypsies & Travellers' i.e. cold water supply, Portaloo type sanitary provision, sewage disposal point and refuse disposal facilities. If Bromsgrove are minded to consider making land available for such a facility as suggested by the consultation report it would present an ideal opportunity for RBC to contribute and therefore gain such provision, particularly when considering the limited availability of land within Redditch Borough.

> **Question TSQ2: Which of the two Options in Table 3 on page 42 for the distribution of additional plots for Travelling Showpeople do you favour?**
>
> **Please tick one box   O Option 1   O Option 2**
>
> **Please provide reasons for your preference or if you think there is another Option which could be explored please provide reasons (and where possible, evidence) for you answer.**

Option 2 does not appear to support the objective of urban renaissance because by implication it promotes development increases in the Shires rather than the conurbation.

> **Question TSQ3: Do you agree that the plot numbers for Travelling Showpeople should be allocated on a County basis, rather than down to district level?**
>
> **Please tick one box**
>
> **O Allocated on a County basis**
>
> **O Allocated on a District basis**
>
> **Please provide reasons for your preference.**

It is not clear why the provision for Travelling Showpeople has been allocated on a County basis, as other figures are provided at the District level.

It is also not clear why the provision for Travelling Showpeople is given in plots, as the GTAA for the South Housing Market Area provides the needs of travelling showpeople in yards.

Culture, Sport and Tourism

Culture, Sport and Tourism

> **Question CST1: Which of the Options on page 53 do you think should be used as a basis of revising Policy PA10 Part A and why?**
>
> **Please tick one box**
>
> **O Option 1: Remove the portfolio**
> **✓ Option 2: Update portfolio to include all regionally significant assets**
>
> **If you have chosen Option 2, what assets (see B.O.P. report, item 11 on page 59) do you think should be added/removed and explain why you think they are or are not of regional significance.**

It is considered that there is no significant reason for removing the portfolio, as advocated by Option 1 and therefore the Option 2 has been selected as preferable.

Redditch Borough Council has no relationship with the regional assets detailed in Figure 8 of the BOP Report (2008) and therefore it is not appropriate to choose which assets should be detailed within a Policy.

To enhance local economies and encourage tourism it is considered that any policy developed should make reference to, and promote, the large amount of sub-regional assets that provide a cultural network throughout the region. Any policy should encourage people to access their local assets. This is suggested because although Redditch Borough only has assets of a sub-regional nature there are a number of issues related to cultural assets within the Borough that need to be addressed, these are:

- Best use is not being made of Redditch Borough's cultural assets and/or the tourism potential in neighbouring Stratford-on-Avon District or Birmingham

- Tourism in Redditch is underdeveloped in comparison to other Worcestershire Districts

- Low satisfaction with cultural facilities in Redditch Borough

It has also been identified that the cultural facilities in Redditch are not considered to be improving when compared with the mean value or the median value. More up to date information is available from the Redditch Borough Council Best Value Satisfaction Survey (March 2007) which indicates that 38% of the Redditch population are satisfied with the theatres/concert halls in Redditch

Borough. It also indicated that 33% are satisfied with museums and galleries and 56% are satisfied with arts activities and venues in Redditch Borough.
(This information is taken form the Redditch Borough Council Local Development Framework Sustainability Appraisal Scoping Report May 2008).

Therefore there is a requirement for an additional policy directed at existing cultural assets which require improvement.

Question CST2: Do you think that Policy PA10A should "protect", as well as improve existing strategic cultural assets from development?

Please tick one box ✓ **Yes** O **No**

If yes, please provide reasons for your answer and suggest how the WMRSS could protect the assets.

The principle of protection for <u>some</u> of the existing strategic cultural assets is supported, however it is considered that some assets may be prescribed additional, unwarranted protection that may stifle enhancement and restrict positive development. It must be noted that this aspect of the policy would only be supported if it were to ensure that sites that may benefit from enhancement or development are not restricted by this policy and a criteria-based approach is developed when considering which assets deserve protection.

Question CST3: Which of the Options on page 57 do you think should be used as a basis for revising Policy PA10 Parts B and C to address any gaps in strategic culture, sport and tourism assets provision in the Region?

Please tick one box

O **Option 1: Retain existing PA10 B & C**
O **Option 2: Update existing PA10 B & C**
✓**Option 3: Develop a new policy in addition to PA10 B & C**

If you have selected Option 2 or 3, what new criteria do you consider are important to add and why?

It is considered that an additional policy would boost the WMRSS approach to enhancing the cultural offer of the region, there are however specific concerns should an additional Policy be considered.

An additional policy which promotes identifying broad locations for specific proposals, is supported as it strengthens the deliverability of the policy, however there is concern that this could restrict other locations delivering assets of a similar nature. To ensure the appropriate locations are suggested for the proposals it would be necessary for each Local Authority's Core Strategy evidence to be assessed to justify the location selected, as any development must be based on need.

The most appropriate approach would be to retain a criteria-based policy but enhance it to incorporate the provisions detailed in Option 3, and also to develop a broad location policy to show the deliverability of new regional cultural assets.

> **Question CST4: Do you agree with the strategic gaps identified in the Burns Owens Partnership (BOP) report? (see page 54).**
>
> **Please tick one box** ✓ **Yes** O **No**
>
> **If no, are there any other strategic gaps which you consider exist and what evidence exists to support your case?**

Findings from the BOP report appear to identify a coherent approach to analysing the strategic gaps. However it is considered that Redditch Borough has cultural assets which could be classed as sub-regionally significant and therefore should be included within Appendix 4 of the BOP Report (2008). These include:

- The Palace Theatre - The Theatre has great importance for the town's residents. Experts agree that the Palace is a rare example of Edwardian theatre architecture and is one of only six working examples that can be wholly attributed to its famous designer Bertie Crewe.
- Forge Mill Needle Museum – The museum tell the story of needle making in Victorian times. It illustrates the rich heritage of the needle and fishing tackle industries.
- Bordesley Abbey - A medieval Cistercian Abbey, which has been extensively excavated
- Arrow Valley County Park Countryside Centre

> **Question CST5: Do you think the Options on pages 53 and 57 could help to address poor quality and access issues in relation to culture, sport and tourism assets?**
>
> **Please tick one box   ✓ Yes   O No**
>
> **What suggestions do you have as to how the WMRSS can best address quality and access issues, and any others, which you might think are relevant for culture, sport and tourism? Please provide reasons (and where possible, evidence for your suggestions).**

The Options detailed, if implemented fully, would significantly address issues of quality and access to cultural assets. However, there still appears to be a gap with regard to enhancing the current assets that already exist in the region. This needs to be addressed through a regional policy.

There is significant potential to encourage people to use their local assets and enhance local economies, as local facilities are generally more accessible in terms of transport, cost and relevance. It is accepted that this may be outside of the remit of the RSS, but would still work towards achieving the goals of the RSS with regard to culture.

A policy could also make reference to the need to ensure facilities are being used in a smart manner, for example exploiting opportunities for business use as well as leisure and tourism or developing links with schools to use facilities for educational purposes.

Quality of the Environment

Quality of the Environment

Policy QE2 – Restoring Degraded Areas and Managing and Creating High Quality New Environments

> **Question ENV1: Do you agree with the suggested list of issues a – f on page 65 that a revised Policy QE2 could include?**
>
> **Please tick one box   O Yes   ✓ No**
>
> **Are there any suggested issues which you think a revised Policy QE2 should not include? If so, please tell us why you think these issues should be excluded.**

Criteria a, b and c of the WMRSS Consultation Document are supported and it is considered that these criterion should be included in a revised policy.

Criterion d of the WMRSS Consultation Document is questioned as it is unclear how recognising the role of the West Midlands Brownfield Land Working Group in the policy will deliver the intention of the policy. It is unclear how the mention of this group will be applicable to District and Borough Councils and also what type of land is being discussed.

Criterion e of the WMRSS Consultation Document is questioned. A clear definition and purpose of a Brownfield Land Action Plan / Previously Developed Land strategy would be needed to ensure that both such a document is meaningful and to guide development to the most appropriate locations. The definition of 'significant' would also need to be clearly defined to ensure that areas that require such plans are aware of the need to develop them and are clear on their content and purpose.

Criterion f of the WMRSS Consultation Document is questioned; again, it is unclear why the Centre of Excellence for Land Reclamation should be specifically mentioned in a policy and what the purpose of this would be. It is important to get the context correct in which the Centre of Excellence is mentioned to ensure that their role is used as a tool for delivery.

> **Are there any additional issues which you think a revised Policy QE2 should include? If so, please tell us what issues you think should be included and why.**

None

Question ENV2: Which Option on page 65 would you prefer Policy QE2 to follow, and why?

Please tick one box

✓ **Option 1: Needs Led**
O **Option 2: Growth Led**
O **Option 3: Competitiveness Led**

Please provide reasons for your answer.

The Phase II Revision of the RSS has given Redditch the designation of Settlement of Significant Development (SSD). Redditch Borough Council strongly opposes this designation principally on the basis that the amount of development allocated to Redditch is catering only for natural growth.

It is considered that if the designation of SSD remains in place, then Option 2 would be supported. However, if, as is preferable, this designation is removed, then Option 1 would appear the most appropriate approach, despite there being potential reiterations of national planning policy in PPS3.

It is considered that with regard to Option 1 the premise of the policy is to target communities in need, this classification would require clearer definition, for example what constitutes 'need' and how is it to be identified? It is unclear how an 'improvement in the attractiveness of disadvantaged areas' would be achieved. It is also unclear how 'accessible local greenspace' would be delivered. One of the implications of this Option may be to increase the proportion of development required as urban extensions. Redditch Borough is constrained by its boundaries and there are other physical constraints which affect the capacity of being able to accommodate an urban extension. It is considered that any additional growth would therefore need to be located in the Green Belt. It has already been established, through evidence presented at the WMRSS Phase II Revision that Redditch Borough Council considers it inappropriate to develop in its Green Belt. This approach is not advocated as the most sustainable way to deal with restoring degraded areas and managing and creating high quality new environments. Rather the focus should be on restoring areas that are currently degraded within the urban area. Despite the preference of this option against the other suggestions in the Phase III review, the factors outlined above severely impair Option 1 and as such it is not supported by Redditch Borough Council.

With regard to Option 3, it is considered that this approach 'may not contribute so significantly to the conservation and enhancement of biodiversity or the provision of accessible local greenspace'. This is considered to be a significant reason to discount this Option entirely, in line with national planning policy.

> **Question ENV3: Are there any other strategic options that you think we should consider in relation to restoring degraded areas and managing and creating high quality new environments?**
>
> **Please tick one box** O Yes ✓ No
>
> **If yes, please explain your option(s) and provide reasons for your answer.**

None.

> **Question ENV4: Which, if any, of the means for implementing Policy QE2 outlined in a - c on page 66 do you think would be most appropriate, and why?**
>
> **Please provide reasons for your answer.**

Option (a) would ensure that the amount of brownfield land development would be delivered in proportion to the amount of new development. It is considered that a phasing policy would ensure delivery of development on previously developed land. This method of using brownfield land already exists and therefore does not appear to be a significant change, therefore could be easily implanted with least disruption.

Option (b) is very unclear about the aims of the Brownfield Land Action Plans (as stated in the response to ENV1); therefore it is difficult to support this approach.

With regard to Option (c) it is unclear how this approach would be achieved, for example how would increasing the amount of greenspace and enhancing biodiversity increase the attractiveness to developers who would essentially want to develop the site. Enhancing it as open space would discourage development on the site.

> **Other comments on restoring degraded areas and managing and creating high quality new environments**

The draft Historic Environment Strategy does not appear to be available and

therefore its implications on the Phase III cannot be addressed.

Page 64 states that *"there is the potential that this irreplaceable resource may come under further pressure particularly in areas designated for significant housing growth."* It should be noted that pressure does not only come from residential development, but also from all other forms of development as well as from changes to the environment.

Page 64 also details the need for the WMRSS to identify areas where improvements to the urban and rural environment and townscape are needed. It is not clear where this has been addressed and where the locations are that require improvement.

Policy QE4 – Greenery, Urban Green Space and Public Spaces

> **Question ENV5: Do you agree with the list of issues a – f on page 67 that it is suggested Policy QE4 could include?**
>
> **Please tick one box** ✓ **Yes** O **No**
>
> **Are there any suggested issues which a revised Policy QE4 should not include? If so, please tell us why you think these issues should be excluded.**

The general contents of a new policy appear correct and fit for purpose. Point (c) is questioned on the basis of whether it would be repeating national planning policy and if it is really necessary within the content of the Policy. It may be more appropriate to detail the benefits of Green Infrastructure within the preamble to the Policy rather than as Policy wording.

> **Are there any additional issues which you think a revised Policy QE4 should include? If so, please tell us what issues you think should be included and why.**

None.

Policy QE5 – Protection and Enhancement of the Historic Environment

> **Question ENV6: Do you agree with the list of issues a – j on page 68 that it is suggested Policy QE5 could include?**
>
> **Please tick one box** ✓ **Yes** O **No**
>
> **Are there any suggested issues which a revised Policy QE5 should not include? If so, please tell us why you think these issues should be excluded.**

It should be noted in reference to point (a) of the WMRSS Consultation Document that although the objectives of PPG15 are fully supported, it can be considered that the historic environment is evolving and this should be kept in mind.

With regard to Point (b) of the WMRSS Consultation Document it is unclear as to the purpose of consulting with the local community to determine those undesignated aspects of the historic environment that they value, if no further form of designation or protection can be offered.

Point (d) of the WMRSS Consultation Document is supported if it is made explicit how the regionally distinctive aspects of the region's historic environment will be reviewed and the purpose of this review. Please find attached the Redditch Borough Local Distinctiveness document which may supplement any future review. This document considers the most distinctive features of Redditch Borough.

It should be noted, with regard to Point (h) of the WMRSS Consultation Document that other things pressure the historic environment not just pressure from change, for example risks from climate change such as flooding place a strain on the historic environment.

> **Are there any additional issues which you think a revised Policy QE5 should include? If so, please tell us what issues you think should be included and why.**

It is unclear what is meant in (b) of the WMRSS Consultation Document by the "undesignated historic environment" and in what context 'historic' is being used,

is this referring to ancient/scheduled monuments, if not where is it defined?

Policy QE6 – The Conservation, Enhancement and Restoration of the Region's Landscape

> **Question ENV7: Do you agree with the list of issues a – i on page 69 that it is suggested Policy QE6 could include?**
>
> **Please tick one box** ✓ **Yes** O **No**
>
> **Are there any suggested issues which a revised Policy QE6 should not include? If so, please tell us why you think these issues should be excluded.**

It is difficult to agree with the suggested list until all the requirements are identified.

It is unclear where the action plans identified in point (a) of the WMRSS Consultation Document would sit with regard to the LDF.

With regard to point (i) of the WMRSS Consultation Document, this may be outside the remit of the planning system and would require a lot of joined-up working.

> **Are there any additional issues which you think a revised Policy QE6 should include? If so, please tell us what issues you think should be included and why.**

It is not clear what the potential influence or duties the European Landscape Convention will place on Redditch Borough in terms of policy and resource implications.

It is considered that point i) of the current Policy QE6 should be maintained, this states that "a consistent approach is taken to landscape and character issues, particularly where they cross local planning authority boundaries". This is important guidance for Local Authorities when producing joint DPDs, for example Area Action Plans.

Policy QE7 – Protecting, Managing and Enhancing the Region's Biodiversity and Nature Conservation Resources

> **Question ENV8: Do you agree with the proposed targets for improving priority habitats set out in Annex C on page 123 and if not, why?**
>
> **Please tick one box**
>
> **O Agree with proposed targets**
>
> **O Disagree with proposed targets**
>
> **If you disagree, please provide reasons for your answer.**

No view on this matter.

Policy QE7 – Protecting, Managing and Enhancing the Region's Biodiversity and Nature Conservation Resources

> **Question ENV9: Do you agree with the list of issues a – i on page 70 that it is suggested Policy QE7 could include?**
>
> **Please tick one box   O Yes   O No**
>
> **Are there any suggested issues which a revised Policy QE7 should not include? If so, please tell us why you think these issues should be excluded.**

More guidance would be needed on point (d) of the WMRSS Consultation Document which would require local opportunity maps to be developed as part of the Local Development Framework.

> **Are there any additional issues which you think a revised Policy QE7 should include? If so, please tell us what issues you think should be included and why.**

Option 2 promotes the enhancement of specific Biodiversity Enhancement Areas (BEA), this is the first reference to these areas and there is no definition provided. A clear definition of the BEA would be beneficial.

Question ENV10: Should the focus of Policy QE7 be mainly on the existing Biodiversity Enhancement Areas, or alternatively those areas identified in the Regional Opportunities Map (on page 72), and why?

Please tick one box

✓ Existing Biodiversity Enhancement Areas

O Areas identified in Regional Opportunities Map

Please provide reasons for your answer

This Option ensures delivery in committed areas. The Biodiversity Enhancement Areas are already established and work has commenced as part of Local Development Frameworks (LDFs) to achieve targets and therefore incorporation into policy would have minimal impact.

It would be beneficial to have a map showing the BEA areas, this would allow for cross-reference between the two maps to identify the difference in the areas.

Policy QE8 – Forestry and Woodlands

Question ENV11: Do you agree with the list of issues a – i on page 73 that it is suggested Policy QE8 could include?

Please tick one box   ✓ Yes   O No

Are there any suggested issues which a revised Policy QE8 should not include? If so, please tell us why do you think they should be excluded.

It is considered that issues (f) and (g) of the WMRSS Consultation Document would be difficult to implement. In particular point (f) of the WMRSS Consultation Document is a very locally specific issue that would have to be considered on its individual merits. It is unclear how this would be relevant on a regional scale.

With regard to point (f) of the WMRSS Consultation Document this would also be difficult to implement regionally.

Are there any additional issues which you think a revised Policy QE8 should include? If so, please tell us what issues you think should be included and why.

None.

Protection of Agricultural Land

> **Question ENV12: Do you agree with the list of issues a – f on page 74 that it is suggested that the text relating to the Protection of Agricultural Land could include?**
>
> **Please tick one box**
>
> ✓ **Yes**
>
> **O No**
>
> **Are there any suggested issues which revised text for Protection of Agricultural Land should not include?**
> **If so, please tell us why you think these issues should be excluded.**

Point (a) of the WMRSS Consultation Document suggests that the quality of agricultural land is very important, however the policy does not go on to detail how the quality will be improved through the WMRSS. This could also be said about point (d) of the WMRSS Consultation Document which suggests that local sourcing of food and energy crops should be encouraged. It is also unclear how point (e) of the WMRSS Consultation Document will be implemented.

> **Are there any additional issues which you think revised text on the Protection of Agricultural Land should include?**
>
> **If so, please tell us what issues you think should be included and why.**

None.

Policy QE9 – The Water Environment

> **Question ENV13: Do you agree with the list of issues a – i on page 75 that it is suggested Policy QE9 could include?**
>
> **Please tick one box   O Yes   O No**
>
> **Are there any suggested issues which a revised Policy QE9 should not include? If so, please tell us why you think these issues should be excluded.**

With regard to point (a) of the WMRSS Consultation Document it is considered that there should be clear guidance on the applicability of the European Water Framework Directive.

With regard to point (c) of the WMRSS Consultation Document this information can be supplemented with the information collected at the local level.

It is considered that point (g) of the WMRSS Consultation Document is unrealistic as the implications of the RSS Phase II Revision cannot be managed to achieve this.

There should be a regional overview that considers the impacts downstream from flood management systems, ensuring that flood management techniques do not impact other areas.

> **Are there any additional issues which you think a revised Policy QE9 should include? If so, please tell us what issues you think should be included and why.**

None.

Air Quality

> **Question ENV14: Do you agree with the list of issues a – d on page 76 that could be included in text relating to Air Quality?**
>
> **Please tick one box**   ✓ Yes   O No
>
> **Are there any suggested issues that you think should not be included in revised text for Air Quality? If so, please tell us why you think these issues should be excluded.**

It is considered that Air Quality Management Areas should not be detailed within the WMRSS as these can change over the plan period.

> **Are there any additional issues which you think revised text for air quality should include? If so, please tell us what issues you think should be included and why.**

The policy could require the preparation of Air Quality Strategies and management of Air Quality Management Areas.

Integrated Approach to the Management of Environmental Resources

> **Question ENV15: Do you agree with the list of issues a – i on page 79 that it is suggested Policy QE1 could include?**
>
> **Please tick one box**   ✓ Yes   O No
>
> **Are there any suggested issues which a revised Policy QE1 should not include? If so, please tell us why you think these issues should be excluded.**

It is not clear what the 'etc' in point (b) of the WMRSS Consultation Document is referring to i.e. which aspects should also be linked back to Phase One and Two.

Point (c) of the WMRSS Consultation Document is strongly supported and it is considered that a positive enhancement and net environmental gain should be incorporated in a final policy.

It is considered that point (d) of the WMRSS Consultation Document may be in danger of repeating national planning policy.

Point (f) of the WMRSS Consultation Document makes reference to the need to target resources according to designations, for example SSDs or MUAs. Designations should be irrelevant when it comes to conserving and enhancing the environment and all areas should be treated equally.

Point (g) of the WMRSS Consultation Document covers a wide range of issues that all need consideration, it is considered that this point is very complex and needs breaking down to ensure each issue is sufficiently addressed.

> **Are there any additional issues which you think a revised Policy QE1 should include? If so, please tell us what issues you think should be included and why.**

None.

> **Question ENV16: Which Option on page 79 would you prefer Policy QE1 to follow, and why?**
>
> **Please tick one box**
> ✓ **Option 1: Environment Led**
> ✓ **Option 2: Development Led**
> O **Option 3: Spatial Strategy**
> **Please provide reasons for your answer.**

The Phase II Revision of the RSS has given Redditch the designation of SSD. Redditch Borough Council strongly opposes this designation principally on the basis that the amount of development allocated to Redditch is catering only for natural growth.

It is considered that if the designation of SSD remains in place then Option 2 would be supported. This Option can be implemented by Districts through the use of County Council Landscape Character Assessment guidance.

If the SSD designation is removed, then Option 1 is supported as there are areas of poor environmental quality outside of the Major Urban Areas and

Regeneration Zones that need to be addressed. This should be on a needs-led basis.

An appropriate response would be one which takes all three of these into account.

Flood Risk

> **Question ENV17: Do you agree with the suggested list of issues a – l on page 84 that a new Flood Risk Policy could include?**
>
> **Please tick one box**   ✓ **Yes**   **O No**
>
> **Are there any suggested issues which a new Flood Risk Policy should not include? If so, please tell us why you think these issues should be excluded.**

Generally agree with the list of items a new policy could include; however there are concerns over a number of the criteria.

It is considered that criterion (a) of the WMRSS Consultation Document would be unnecessary as this repeats national planning policy in particular the provision of PPS 25.

Criterion b, d, e, f, g, k, l of the WMRSS Consultation Document are supported as they address the current issues in the region related to flooding.

There are strong concerns over the responsibility of implementing criterion c, h, i and j of the WMRSS Consultation Document. In particular point h appears to have no clear way of delivery. Redditch Borough Council further consulted with the Environment Agency about how this could be achieved, however they could not provide further clarity.

> **Are there any additional issues which you think a new Flood Risk Policy should include? If so, please tell us what issues you think should be included and why.**

None.

Energy

> **Question ENV18: Do you think that Policy EN2 in the existing WMRSS should be revised to encourage improvements to the energy efficiency of existing buildings as opportunities arise?**
>
> **Please tick one box**   ✓ **Yes**   O **No**
>
> **Please provide reasons for your answer, including any views you may have on how a regional policy on energy efficiency could be implemented.**

Without this policy, the Government's objectives under the Climate Change Act (2008) will almost certainly not be realised. Currently also out for consultation, the DECC's draft Heat and Energy Savings Strategy identifies retrofitting of existing domestic dwellings as a key method in which to increase thermal efficiency within the existing housing stock and suggests that existing homes may all need to be carbon-neutral dwellings in the future. However, shorter term ambitions of this strategy include:

"Our proposal is that, by 2015, all lofts and cavity walls should be insulated, where it is practical to do so. By 2020, we want seven million homes to have had the opportunity to take up a 'whole-house' package of measures going beyond simple insulation. By 2030, our aim is that all buildings will have received such a package, that covers all of the cost-effective measures available for that property at the time."

(**Source**: *http://hes.decc.gov.uk/consultation/chapter-1/, accessed 20th July 09*)

It is considered that a regional strategy should mirror the national strategy as there does not appear to be any regional variances within the existing dwelling stock locally which would conflict with national objectives.

Question ENV19: Which of the Renewable Energy Target Options do you think should be used in the WMRSS to promote the development of renewable energy and low carbon technologies in the West Midlands? (see page 90).

Please tick one box

O Option 1: Adopt national target for renewable energy
O Option 2: Adopt Regional Energy Strategy targets for renewable energy
✓ Option 3: Sub-regional targets for renewable energy

Please provide reasons for your answer.

The physical make up of the WM region does not lend itself equitably to national targets relating to generation of renewable electrical energy generation. There is little point in focussing large amounts of money and resources in inappropriate areas in order to try and meet unrealistic, blanket targets (in particular there are specific concerns about the suitability of wind generated energy, and development of a local, sustainable biomass/bio-fuel supply network requires time to become established).

Sub-regional targets are supported as the preferred option; however, this should not be used as an excuse not to adopt similar, ambitious targets at or above national aspirations. However, it is considered that sub-regional planning authorities have a better and more detailed appraisal of what is feasible.

There are a number of social (e.g. energy security) and economic (e.g. developing local green industry) benefits from increasing the amount of locally available renewable energy sources and ambitious targets should be considered an opportunity for investment rather than a threat to be negotiated to minimal levels.

With regard to Option 3, it is not clear whether the sub-regional target would be set by the Regional Spatial Strategy or left to the Local Authorities. It is also unclear when the assessment for the potential of renewable energy opportunities and constraints would be conducted and who would complete this.

Question ENV20: Do you think that the WMRSS should set regional targets for specific renewable energy and low carbon technologies such as biomass, combined heat and power (CHP), ground source heat, landfill gas, solar, wind etc?

Please tick one box   O Yes   ✓ No

Please provide reasons for your answer.

As in Q19, it is considered that this approach may be too prescriptive and would not allow for the most suitable technological solution for a given area to be implemented. A more detailed assessment would be required of sub-regional capacities if this were to be agreed as the way forward.

Question ENV21: Do you think that the WMRSS should retain the existing Policy EN1 on Energy Generation (Option 1) or should it set out clear regional criteria to assess whether planning applications for renewable energy and low carbon technologies are appropriately located (Option 2)?

Please tick one box

O Option 1: Retain existing Policy EN1
✓ Option 2: Criteria-based policy to ensure that renewable energy is appropriately located

Please provide reasons for your answer. If you answered Option 2, please also answer Question ENV22.

It is considered that clear criteria is essential to achieving 'buy in' from those investing in the technology e.g. architects, large scale developers, industry direction and investment in this field, across the region. This will also assist public understanding of the rationale behind locational decisions, with potential for less opposition during the planning process.

It is also considered that LPAs need clear guidance on what is being sought to achieve and how quickly. It would also inform LDF preparation. If the criteria are to be included it in the LDF, then a regional steer is needed to ensure it can be implemented within a local context. Option 2 also ensures Local Development Frameworks do not repeat these provisions. It is considered Option 2 would be a suitable approach that could be made regionally distinctive.

Question ENV22: If you think the WMRSS should include clear criteria for assessing applications for renewable energy and low carbon technologies (Option 2 above) please tell us which are the most important factors in assessing where renewable energy and low carbon technologies would be most appropriately located. Please rate each factor on a scale of 0 - 5.

Score (0 is not important, 1 is the least important and 5 is the most important).

Contribution to the global environment

Contribution to the local economy

Impact of fauna, flora and animal life

Noise

Odour

Traffic Implications

Visual Impact

Other factor(s) (please specify below)

4 Contribution to the global environment

3 Contribution to the local economy

3 Impact of fauna, flora and animal life

4 Noise

3 Odour

3 Traffic Implications

4 Visual Impact

It is also considered that a policy framework is necessary for ensuring that development proposals effectively consider these issues.

Other comments relating to the Energy Section

Page 86, paragraph 1 – this paragraph has regard to the fact that low carbon technologies should be promoted, subject to appropriate environmental and social safeguards. This paragraph fails to mention the need for economic safeguards. If the technology is economically unviable then it will not be implemented.

Page 86, paragraph 2 – this paragraph clearly states that the Phase III revision does not include a review of issues relating to fossil fuels, however it is not made clear where this review will take place. Fossil fuels are the main source of energy currently in the region and therefore are incredibly important. For this reason, their use and importance should be reviewed to reflect the necessity in using and promoting renewable energy.

Page 86, under paragraph 4, the first point states to *"cut the UK's CO2 emissions by 60% by 2050, with real progress by 2020."* It is not clear if there will be a regional target to meet this national goal.

Page 87, paragraph 4 states the national target for generating electricity from renewable sources is 10% by 2010 and 15.5% by 2015. Paragraphs 5 and 6 go on to say that the West Midlands Regional Energy Strategy targets are 5% by 2010, rising to 10% by 2020. It is unclear why the regional target is significantly lower than the national target and how this will achieve the aspirational national target. This is discussed further under the options for renewable energy generation; however the national target should have some weight in the final decision.

Page 88, paragraph 9 states the importance of retrofitting renewable energy systems to existing buildings, while this is true and is needed in the region, it is unclear exactly what the regional measures are and how they will be delivered. Communication that Redditch Borough Council has had with the Environment Agency has not clarified how this can successfully be achieved. This point is again mentioned on page 89, paragraph 4, which states that *"energy efficiency in existing buildings is very important but cannot be implemented through the WMRSS."* This conflicts with comments on the previous page which states that there is potential for retrofitting and that it might be possible to encourage the retrofitting of energy efficiency measures to existing buildings.

Positive Uses of the Green Belt

> **Question ENV23: Should the WMRSS develop a policy to secure positive use and improvements of the Green Belt and urban fringe (Option 1), or rely on the guidance in national Green Belt policy (PPG2) and the environmental enhancement policies (Option 2), and why?**
>
> **Please tick one box**
>
> **O Option 1: Develop a Regionally Specific Green Belt Policy**
> **✓ Option 2: Apply PPG2**
>
> **Please provide reasons (and where possible, evidence) for your answer.**

It is considered that Green Belt issues would have been ideally reviewed through the WMRSS Phase II Revision, as the implications from Phase II significantly affect the Green Belt. Although Green Belt boundaries are not being reviewed through this revision, the role and use of the Green Belt is in jeopardy following the Phase II Review.

With regard to Option 1 it is considered that it may be too late to effectively implement this Option. It is also unclear how it would be decided where improvement should take place. As each Green Belt is different in all areas, it is unclear how this policy would be tailored to different areas.

Minerals

Safeguarding Mineral Resources

> **Question M1: Which Option on page 103 do you think will provide the most effective means of safeguarding the minerals the Region needs for the future? Please state why you have chosen a particular option and provide any evidence that you have to support your view.**
>
> **Please tick one box**
>
> ✓ **Option 1: Safeguard Key Minerals and Infrastructure**
> O **Option 2: Safeguard All Minerals and Key Infrastructure**
>
> **Please provide reasons (and where possible, evidence) for your answer.**

Option 1 seems the most appropriate as it prioritises important minerals, which ensures delivery.

> **Question M2: Do you think that the WMRSS should provide for a higher level of policy protection for Etruria Marl through the designation of a specific regional safeguarding area?**
>
> **Please tick one box   O Yes   O No**
> **If yes, please provide reasons for your answer.**

No view on this matter.

> **If no, why do you think a higher level of protection is not required?**

> **Question M3: In relation to issues related to Safeguarding Areas (see page 99), should there be a different approach for safeguarding in rural and urban areas?**
>
> **Please tick one box   O Yes   O No**
>
> **If yes, what should the approach be for urban and rural areas? Please explain the different approaches you would use and how you think they could be operated in those areas.**

No view on this matter.

If no, please give reasons for your views.

Question M4: What should the threshold for development be when consulting on non mineral developments in Minerals Safeguarding Areas (MSAs) / Mineral Consultation Areas (MCAs) An example could be as follows:

Non–Mineral Development in a MCA comprising more than:
5000 sq metres for offices/retail/tourist/leisure/development
2 hectares for any Use Class B1, B2, B8
1 hectare for any residential development

Should the threshold be based on end use or developable areas in hectares? Should it be set at different levels for different minerals? Please provide your views and your reasons for them.

No view on this matter.

Question M5: What minerals related infrastructure should be safeguarded in the Region? These could be for example:

- **Sites / facilities for concrete batching**
- **the manufacture of coated materials**
- **other concrete products**
- **the handling, processing and distribution of substitute, recycled and secondary aggregate material using local rivers, inland waterways and rail.**

Please state your reasons and provide evidence to support your view. Please provide a list of key sites/facilities that should be safeguarded.

No view on this matter.

What mechanisms should be used to safeguard these sites and facilities? For example, defining a buffer zone around each facility/site. Please state your reasons and provide evidence to support your view.

No view on this matter.

Question M6: Do you think that minerals resources should be safeguarded in areas covered by national designations for landscape, wildlife conservation and cultural heritage?

Please tick one box

✓ **Minerals resources should be safeguarded in designated areas**
O **Minerals resources should not be safeguarded in designated areas**

Please provide reasons and where possible provide evidence for your answer.

Safeguarding minerals ensures delivery.

Question M7: Is there a need for a regional safeguarding policy on coal? Please provide reasons (and where possible, evidence) to support your view.

Please tick one box   O Yes   O No

If yes, what matters should the policy address?

No view on this matter.

Question M8: In updating Policy M4 (Energy Minerals) in the existing WMRSS is there a need to place more emphasis on realising the opportunities available from existing technologies to release energy sources from worked and unworked coal seams in the coalfields of the West Midlands? Are there any other matters which an updated Policy M4 should address?

Please tick one box   O Yes   O No

If yes, please explain (and where possible, provide evidence) to support your view.

No view on this matter.

If no, please explain (and where possible, provide evidence) to support vour view.

Are there any other matters which an updated Policy M4 should address?

Future Supplies of Construction Aggregates

Question M9: Do you think that the indicative apportionment outlined in Table 4 on page 106 is realistic?

Please tick one box   O Yes   O No

Please provide reasons (and where possible, evidence) for your answer.

No view on this matter.

Question M10: Which of the three Options on page 109 do you think would provide both an adequate and sustainable supply of aggregates up to 2026 in the West Midlands?

Please tick one box

O Option 1: Apportion future supplies by existing methods
O Option 2: Apportion future supplies using different sub regions
O Option 3: Apportion future supplies using different sub regions and methods

Please provide reasons (and where possible, evidence) for your answer.

No view on this matter.

Question M11: In relation to the contribution of alternate materials to future supply (see page 108), what additional policy guidance set out in Policy M3 (The Use of Alternative Sources of Materials) of the WMRSS is required to reduce the reliance on aggregates and increase the use of alternate materials in construction?

No view on this matter.

Do you have any suggestions for additional regional policies/guidance that could reduce the reliance on aggregates and increase the use of alternate materials in construction?

No view on this matter.

Question M12: Do you think that the provision of future supplies of aggregates in the Region can be determined by applying one of more of the following policies, provisions or concepts? Please tick the relevant boxes and give reasons for your choices.

O **Future Patterns of Housing and Employment growth**
O **Existing Mineral Infrastructure**
O **Local Resource Availability**
O **Environmental Acceptability and Designations**
O **None of the above**
O **Other (please specify)**

Please provide reasons (and where possible, evidence) for your answer.

No view on this matter.

Question M13: Do you agree with the Section 4(4) Authorities that the sub regions set out on page 106 are the most appropriate for carrying out any future sub regional apportionment of aggregates in the West Midlands?

Please tick one box   O Existing Sub-Regions   O   Sub-Regions Proposed by Section 4(4) Authorities

Please provide reasons for your answer.

No view on this matter.

Future Brick Clay Provision

Question M14: What policies do you think would best ensure that separate long term off site stockpiling of Etruria Marl and fireclays can be provided in the Region?

No view on this matter.

Do you have any suggestions for policies to ensure that separate long term off site stockpiling of Etruria Marl and fireclays can be provided in the Region?

Question M15: Which of the Options for meeting the shortfall in Brick Clay supplies (see page 117) would provide the most sustainable way of meeting the industry's future needs?

Please tick one box

O Option 1: Regional Supply Requirement
O Option 2: Supplies for Individual Brickworks
O Option 3: Future Supplies from Resource Areas

Please provide reasons for your answer.

No view on this matter.

Question M16: Do you think that the 13 million tonnes shortfall in clay supplies could be met from quarries within the Region?

Please tick one box   O Yes   O No

Please provide reasons (and where possible, evidence) for your answer.

No view on this matter.

Question M17: What planning and environmental criteria should be used to identify broad locations for the development of long term off-site stockpiles of clays (including fireclays)? Please provide reasons to support your views.

Suggested Planning and Environmental Criteria To Identify Broad Locations For Stockpiles of Clays (Including Fireclays)

O Proximity to brick clay supplies
O Proximity to existing brickworks
O Good access to road/rail
O Proximity to existing/future markets
O Long term accessibility
O Locations where it is possible to minimise/avoid significant environmental impacts
O Other (please specify)

No view on this matter.

Agenda Item 8

Executive

Committee

All Wards

26 August 2009

CONSTITUTION - NEW EXECUTIVE ARRANGEMENTS / WHOLE COUNCIL ELECTIONS

(Report of Head of Legal, Democratic & Property Services)

1.	**Summary of Proposals**
	To consider a new form of governance for the Council's Executive arrangements, to be implemented after its elections in May 2011 and to consider opting for whole Council elections instead of partial elections (elections by thirds) to take effect for the elections in May 2011.

2.   **Recommendations**

The Committee is asked to RESOLVE that

1)   **the legislative position regarding the governance models for executive arrangements from 2010 be noted;**

2)   **subject to approval of the recommendations below by the full Council, a further report be received to consider the outcome from the consultation at 3) below and to draw up the Council's proposals for a change in governance;**

and to RECOMMEND that

3)   **authority be delegated to the Head of Legal, Democratic and Property Services to consult electors and other interested parties in respect of the two potential governance models and a change to whole council elections;**

4)   **a report be received at a specially convened meeting of the Council on 14th June 2010 to determine proposals for a change in the Council's governance model and make the necessary formal Resolution for this to take effect from the 3rd day after the 2011 local elections; and**

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5)   a report be received at the specially convened meeting of the Council on 14th June 2010 to consider, subject to the consultation outcomes, whether or not to opt for whole-council elections, to take effect for the 2011 local elections.

3.   Financial, Legal, Policy, Risk and Sustainability Implications

Financial

3.1   The costs of consultation can be minimised by putting it on the Council's website and / or by including it in "Redditch Matters".
If the proposals include the elected Mayor and Cabinet Executive model, there will need to be a referendum.

3.2   Figures detailing the potential costs of whole council elections rather than election by thirds, together with draft costs of a referendum, are being prepared and will be reported later separately (Appendix 1).

Legal

3.3   The Local Government and Public Involvement in Health Act 2007 inserts new provisions into the Local Government Act 2000 which make changes to the form of executive arrangements which the authority can have. The legal implications of these changes are set out in the report. Dependent on the form of Executive arrangements which is eventually selected, the Council's Constitution will need to be changed to reflect the arrangements chosen.

3.4   The legal issues in respect of whole Council elections are set out in paragraphs 5.12 to 5.16 of this report.

Policy

3.5   There are no direct policy implications although the change in executive arrangements will result in a change in the way in which appointments to the Executive Committee are made.

Risk

3.6   If the Council fails to make the change in governance arrangements in accordance with the timetable or if it appears to the Secretary of State that the Council will fail to comply with the legislative requirements, the Secretary of State can make an order specifying that the Leader and Cabinet Executive arrangements will apply.

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In the transitional period between 31st December 2010 and 3 days after the May 2011 elections, the current executive arrangements would continue to apply.

3.7 With elections in three out of every four years, there is the possibility of a change of political direction occurring each time there is an election. If the Council were to move to whole council elections, the risk of change of political direction would be once every four years which could help to ensure greater stability in terms of strategic direction for the Council.

3.8 One of the risks of moving to whole Council elections would be the potential of losing a high number of long standing and experienced Councillors at one time, which could have a negative impact on the running of the Council and on the community.

Sustainability / Environmental

3.9 None identified.

Report

4. **Background**

4.1 The Local Government and Public Involvement in Health Act 2007 followed the previous White Paper (Strong and Prosperous Communities) and requires a "strong leader" in governance terms.

4.2 This person will be either the Leader of the Council appointed by the Council or a directly elected Mayor. All of the executive functions of the Council will technically vest in the new-style Leader or Mayor, who will decide how those powers are to be discharged. He or she will appoint the Executive Committee directly and allocate responsibility for the discharge of executive functions - whether by him or herself, the Executive Committee collectively, individual members of the Executive (i.e. Portfolio Holders), or officers. Non-executive functions (e.g. Planning, Overview and Scrutiny, Licensing and Standards) remain unaffected.

Note: This new office and function of 'Mayor' would be entirely separate from the existing position of Mayor who is currently the Civic leader of the Borough.

4.3 In common with other District Councils, the Council must:

a) decide by the end of December 2010 which governance model to adopt for executive arrangements, and

b) implement the new model 3 days after the 2011 elections.

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4.4 The Local Government and Public Involvement in Health Act 2007 also gave Councils the power to choose between whole council elections and elections by thirds.

5. Key Issues

5.1 The current leader and cabinet (Executive) model is no longer an option. All authorities with existing leader and cabinet models will therefore have to adopt a new governance model. County Councils and Unitary authorities have already had to change their governance arrangements.

5.2 There are only **2 options**:

a) An **elected Mayor and Cabinet executive** (as currently adopted by a small number of authorities):

    i) A Mayor is elected directly by the electorate for a 4 year period.

    ii) Proposals to adopt this model are subject to referendum.

    iii) At least 2 Councillors must be appointed to the Cabinet by the Mayor.

or

b) A **"new style" Leader and Cabinet executive**

    i) A Leader is appointed by Council for a 4 year period.

    ii) At least 2 Councillors must be appointed to the Cabinet by the Leader.

    iii) Councils can choose whether to adopt procedures to allow the removal of the Leader during the 4 years.

5.3 If the Council does not make a governance decision by the end of December 2010, it will by default have to draw up and adopt the new-style Leader and Cabinet model to take effect after the 2011 elections. If necessary, the Secretary of State can order this.

5.4 The vast majority of local authorities have to date favoured the leader and cabinet model. The Government may offer more incentives for directly elected mayors (e.g. the recent White Paper suggested that an elected mayor would be expected to chair the LSP).

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5.5 A new-style Leader will have a strengthened role and become directly responsible for the discharge of executive functions as he or she wishes to arrange it. The Leader must also appoint a deputy.

5.6 Under the new-style Leader model, a Council appoints the Leader who then appoints the Executive and allocates responsibilities. Executive Members will no longer be appointed by or removed by Councils and Councils will no longer fix the size of Executive (the maximum of 10 members remains) nor areas of responsibility.

5.7 For stability (particularly aimed at Councils with elections by thirds), all Leaders will have a fixed term of office for 4 years - subject to any provision made for early removal. Whether a Leader can be removed once appointed is a secondary choice for those Councils adopting the new Leader and Cabinet model.

5.8 These would be significant technical variations from the current Leader model, but not the leap that the original executive arrangements were. These are high-level models and it is open to Councils to make or retain their own detailed arrangements under them, for example for annual reports from the Leader and individual Executive Committee members, question time etc.

5.9 Councils continue operating existing models until the end of the transitional period (which for District Councils is just after the elections in May 2011).

5.10 The processes are subject to guidance and detailed regulations but so far there is nothing from Government on the detail. However, the Council must:

a) take reasonable steps to consult the electorate and other interested persons in the district before drawing up proposals for its governance model

b) in drawing up proposals, consider the extent to which they would be likely to assist in securing continuous improvements in the exercise of its functions, having regard to economy, efficiency and effectiveness

c) make the proposals open to public inspection, and place an appropriate notice in newspapers.

5.11 The Council must come to a formal resolution on its governance structure at a special meeting before the end of December 2010. In order to allow sufficient time for proper consultation and formulation of proposals, it is proposed that a special meeting of the Council is convened on 14 June 2010 to do this.

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5.12 Under Section 32 of the Local Government and Public Involvement in Health Act 2007, "**a district council … that is subject to a scheme for elections … by thirds may resolve that it is to be subject instead to the scheme for whole-council elections under section 34**".

5.13 Section 34 provides that on passing a resolution for whole-council elections, a council becomes subject to a scheme for whole council elections. A whole Council election would then have to be held in the election year following the end of the "resolution period" and every 4th year afterward.

5.14 Section 33 sets out the requirements for resolving to have whole-council elections:

a)   The Council can't pass the resolution unless it has taken reasonable steps to consult appropriate people on the proposed change;

b)   The resolution must be passed at a meeting specially convened for the purpose of deciding the resolution, with notice given, and by a two thirds majority of the members voting on it;

c)   The resolution has to be passed within the permitted resolution period which is either by 31st December 2010 or in 2014 (or any fourth year afterwards) between the AGM and 31st December;

5.15 Section 35 sets out the requirements to produce an explanatory document and publicise various matters such as the change to whole-council elections and when elections will first take place under the scheme. The Council also has to notify the Electoral Commission that it has passed the resolution.

5.16 Sections 39 to 42 allow the Council to resolve to revert to a scheme for election by thirds, but unlike the whole-council election provisions, if the Council resolves to revert to election by thirds, the Electoral Commission can consider whether or not to direct the Boundary Committee to carry out a review or it can make an order for election by thirds.

5.17 Whole Council elections would be less costly to run (over the equivalent four year period) than current elections by thirds and would enable more effective strategic leadership, as envisaged by the 'strong leader' model. Consultation on both changed executive arrangements and a change to whole council elections at the same time will be more cost effective than separate consultation on each proposal. There is also the opportunity to combine decisions on both matters into the same special Council meeting on 14th June 2010.

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6. Other Implications

Asset Management   -   None identified.

Community Safety   -   None identified.

Human Resources   -   Staff time will be involved in carrying out consultation with electors and other interested parties.

Social Exclusion   -   None identified.

7. Lessons Learnt

None to report.

8. Background Papers

Local Government Act 2000
Local Government and Public Involvement in Health Act 2007
White Paper - Strong and Prosperous Communities

9. Consultation

There has been no consultation other than with relevant Officers of the Council. However, consultation on the two models will have to be carried out with electors and other interested parties.

10. Author of Report

The author of this report is Sue Mullins (Head of Legal, Democratic & Property Services and Monitoring Officer), who can be contacted on extension 3210 (e-mail:) for more information.

11. Appendices

Appendix 1 - Comparison of potential costs / Referendum Costs (separate information – to follow).

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All Wards

26 August 2009

GOVERNANCE ARRANGEMENTS – ADOPTION OF WRITTEN MEMBER ROLES

(Report of the Head of Legal, Democratic & Property Services)

1. **Summary of Proposals** To consider the adoption of written Member Roles.

2. **Recommendations**

The Committee is asked to RECOMMEND that

the draft Member Roles, attached at Appendix 1, be adopted subject to any amendments or variations made by the Committee.

3. **Financial, Legal, Policy, Risk and Sustainability Implications**

Financial

3.1 There are no direct financial implications arising from the proposed adoption of written Member Roles. However, the Member Development Programme will need to take account the skills required by Members to help them to perform the various roles set out in Appendix 1 and future budget bids may need to be made to develop the Programme. Wherever possible, Officers will seek to deliver training jointly with other authorities to make the most effective use of the existing budget.

Legal

3.2 Under Section 111 of the Local Government Act 1972, the Council has the power to do anything which is conducive or incidental to the discharge of any of its functions.

Policy

3.3 The Audit & Governance Committee has recommended endorsement of the principles contained in the CIPFA/SOLACE 'Delivering Good Governance in Local Government' Framework. Principles 2 and 5 of the Framework are relevant to the adoption of

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written Member Roles and more detail on these principles is set out in paragraphs 5.2 and 5.4 of the report.

Risk

3.4 There is a risk that by not having written Member Roles, Members, Officers, partner agencies and members of the public may not understand what the role and responsibilities of Councillors are and what the appropriate decision making processes are for the Council. This could, in the most serious instances, lead to judicial review of the Council's decisions and/or Ombudsman complaints.

Sustainability / Environmental

3.5 There are no sustainability or environmental issues arising from this report.

Report

4.   Background

4.1 Governance has emerged over recent years as one of the key elements of the Use of Resources assessment and will continue to form part of the assessment for the near future.

4.2 In 2007, CIPFA and SOLACE produced a Framework for the delivery of good governance in local government which sets out best practice on governance and the conduct of local authority business.

5.   Key Issues

5.1 According to the Framework, "Governance" is about how local government bodies ensure that they are :

a)   doing the right things;

b)   in the right way;

c)   for the right people;

d)   in a timely, inclusive, open, honest and accountable manner;

It comprises the systems and processes, and cultures and values. It is not *"merely bureaucracy".*

5.2 There are 6 core principles in the Framework:

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Principle 1 : Focusing on the purpose of the authority and on outcomes for the community and creating and implementing a vision for the local area;

Principle 2 : Members and officers working together to achieve a common purpose with clearly defined functions and roles;

Principle 3 : Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour;

Principle 4 : Taking informed and transparent decisions which are subject to effective scrutiny and managing risk;

Principle 5 : Developing the capacity and capability of members and officers to be effective;

Principle 6 : Engaging with local people and other stakeholders to ensure robust public accountability.

5.3 Each main principle has a number of sub-principles, which are broken down further into specific elements which all contribute to the sub- and main principles. For example, Principle 4 has a sub-principle:

"Having good quality information, advice and support to ensure that services are delivered effectively and are what the community wants/needs".

5.4 The Framework also provides a series of questions for Members and Officers to ask themselves to assess how good governance arrangements in the authority are. Arising out of the self-assessment questions and consideration of the Framework by Officers, a number of gaps were identified and an Action Plan was produced, which included the adoption of written Member Roles. The adoption of written Member Roles will help the Council to demonstrate good governance by demonstrating that it is adhering to Principles 2 and 5 of the Framework by:

a) ensuring effective leadership throughout the authority and being clear about executive and non-executive functions and responsibilities of the scrutiny function (Principle 2); and

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b)   making sure that members (and officers) have the skills, knowledge, experience and resources they need to perform well in their roles (Principle 5).

5.5   The Council is also committed to achieving the West Midlands LGA Member Development Charter. The Charter aims to improve the performance of local authorities through the development of Elected Members.   Having written Member Roles is a key element to achievement of the Charter.

5.6   A number of role descriptions from various other local authorities have been considered by the Member Development Steering Group and a style of role description has been identified by Members as being appropriate for this authority, based on descriptions used by Carlisle City Council.

5.7   The written Member Roles identify various positions on the Council, ranging from the core role of all Councillors to the role of the Council Leader. For each role, there is a description of the key duties of that role, together with suggested skills and knowledge which are likely to be helpful in enabling a Member to fulfil the role.

5.8   It is important to note that the written Member Roles aim to **describe** the potential range of activities which Members may find themselves undertaking in their various roles. They do not seek to **prescribe** what Members **must** do*.*

5.9   The skills and knowledge identified within the written Member Roles will be used to form the basis of the Member Development Programme.

5.10   Within the written Member Roles are a number of either/or options and the Committee is asked to consider which of the options it would like to put forward for adoption by Council. There are also a number of elements of the Roles shown in italics and, again, the Committee is asked to consider whether it would like to include or exclude these items in the Roles.

6.   Other Implications

Asset Management	-	There are none arising directly from this report.
Community Safety	-	There are none arising directly from this report.
Human Resources	-	The Member Development Programme will include some training by Officers and

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this can be accommodated within existing resources.

Social Exclusion   -   There are none arising directly from this report.

7.   Lessons Learnt

In the past, there have been occasions when the role of Members has been unclear to Members, Officers and members of the public. Having clear, written roles should be helpful in ensuring that everyone is aware of what a Councillor's role involves.

8.   Background Papers

CIPFA/SOLACE 'Delivering Good Governance in Local Government' Framework.
Carlisle City Council Member Role Descriptors.

9.   Consultation

This report has been prepared in consultation with relevant Borough Council Officers.

Some Members have also been consulted in a number of arenas, such as: the Constitutional Review Working Party and Member Development Steering Group.

10.   Author of Report

The author of this report is Sue Mullins (Head of Legal, Democratic & Property Services), who can be contacted on extension 3210 (e-mail: sue.mullins@redditchbc.gov.uk) for more information.

11.   Appendices

Appendix 1 – Draft written Member Roles.

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Appendix 1

26 August 2009

Redditch Borough Council

Members' Roles

This version of the Members' Roles document varies from previous version only in some changes to the language used, further to Members' comments; and in a number of additions highlighted in ***bold italics***.

The descriptions try to capture the essence of Members' roles. Activities not listed should not automatically be assumed to be outside the role. ***The document may be amended as often as the Council considers necessary to keep it relevant and up to date.***

This document aims to <u>de</u>scribe the potential range of activities which Members may find themselves undertaking in their various roles, it does not seek to <u>pre</u>scribe what Members <u>must</u> do.

This document should provide a direct and useful reference for anyone taking on, or considering taking on, the roles described. ***It should also therefore assist with identifying suitable training and development opportunities.***

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Appendix 1

1. COUNCILLOR - CORE ROLE
Council Duties

- To represent electors and the people and businesses of Redditch by acting as effective advocates, campaigners, representatives and champions.

- To bring forward proposals supported by the community for securing improvements to the economic, social and environmental well-being of their Ward and the Borough as a whole, and to act in accordance with the highest standards of probity in public life, seeking to serve the community without personal gain.

- To attend meetings of the full Council and its Committees as necessary and contribute effectively.

- *To contribute to the political management of the Council and undertake any other role allocated in respect of either Executive, non-Executive, Overview & Scrutiny or quasi-judicial / appeal functions.*

- To undertake other official duties or act as representatives of the Borough Council on outside bodies / external organisations to which they have been appointed and to make arrangements to feed back on that organisation's deliberations..

- To participate in setting a budget, forming the Council's policy and scrutiny of practices and service delivery.

- To monitor performance against targets in all areas of the Council's direct and indirect activity.

- To co-operate with other agencies to the benefit of people in the Borough.

- To promote and represent the Borough Council in the local community.

- To liaise with other levels of government, agencies or bodies which influence the well-being of the Borough and local area.

- To Chair Committees, Panels, Working Groups and other meetings as required.

- To undertake appropriate Member Development necessary to carry out their role(s) or designated responsibilities; **OR**

- To participate in any training and development initiatives which are either a constitutional requirement or which have been identified as a development opportunity in an individual Councillor's Personal Development Plan.

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Community duties

- To promote the economic, social and environmental well-being of the community.
- To find ways of effectively and regularly communicating with constituents.
- To be an advocate constituents can raise issues of importance or personal concern with.
- To explore new ways of being accountable to constituents.
- To actively campaign for measures that will secure strong, safer communities.
- To help access funding from different sources for the benefit of the community.
- To liaise with other levels of government, agencies or bodies which influence the well-being of the constituency.
- To develop an understanding of and impact on the local community of the key Borough Council strategies and plans developed by the Council together with those developed by external partners.
- To develop effective relationships with key individuals and partners in the Ward and to seek to secure the commitment of those individuals and partners in shaping and developing a shared vision for the community.
- To feed back to the community, where appropriate, decisions and issues which concern the Ward, business interests and/or individuals and to bring forward any views into the Borough Council's processes.
- In undertaking their duties, to observe the Code of Conduct for Councillors and any other codes and protocols adopted by the Council.

The roles described above must be carried out in a manner which promotes equality of opportunity, dignity and due respect for Members, employees, service users, partners and constituents.

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Conventions and Protocols

- To enable Councillors to effectively fulfil their duties and responsibilities, Councillors:
  - should expect to be briefed, informed and involved in respect of any issue or initiative affecting their Ward;
  - have certain rights of access to information held by the Borough Council. Councillors should, however, recognise the need to respect any confidentiality of information made available to them to fulfil their responsibilities and respect the privacy of individuals;
  - should not involve themselves in any matter which relates to other Councillors' electoral areas without their prior knowledge and consent;
  - may not serve (or act as a substitute) on the Planning or Licensing ~~or Regulatory~~ Committee unless they have undertaken the required training.
  - who serve on the Planning Committee must abide by the Code of Practice for Councillors engaged in the determination of Planning Applications;
  - who serve on Licensing Committee, must abide by the Licensing Code of Good Practice.

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2. LEADER OF THE COUNCIL
Key duties

- To represent the Borough at local, regional and national levels, acting as an ambassador and leading the development of key strategic partnerships with local communities, outside agencies and key stakeholders to deliver the Council's corporate objectives and provide high quality services to residents.

- To provide clear / strong, fair and visible political leadership for the Council, relating to all Members, citizens, staff and stakeholders.

- To act as the Council's spokesperson on all key corporate issues, consistent with the overall policy and budgetary framework agreed by the Council.

- To lead the development of local and regional policies which fulfil the Council's corporate policy objectives, as stated in the Best Value Performance Plan *(or relevant successor plans)*.

- To lead on the Council's effective decision-making processes and supporting administration.

- To lead the budget-making processes of the Council, closely linked to performance management.

- To lead the Council's public participation activities, encouraging local people to take part in the Council's decision-making processes.

- To lead on all regional affairs.

- To Chair all meetings of the Executive Committee and manage its business / work programme / the Forward Plan.

- To lead in ensuring that the Council's strategies, plans, objectives and targets are monitored, implemented and achieved.

- To ensure that the Council is open and responsive to the community, so that accountability is seen to operate.

- To ensure that decisions are taken properly, openly and, where appropriate, publicly and that key decisions are properly programmed and subject to effective public consultation.

- To develop and maintain a good relationship with the Chief Executive of the Council and other Officers, providing a contact point between the political and Officer groups and setting an example to the whole organisation.

- To nominate Council Members from his/her political group to serve on all appropriate member bodies, including, as appropriate, other outside bodies.

- To provide effective liaison between all political groups.

The above activities are in addition to the responsibilities set out in the Core Councillor, Group Leader and Portfolio Holder Roles.

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3. **DEPUTY LEADER OF THE COUNCIL**
   Key duties

- In the absence of the Leader of the Council, to undertake those duties expected of the Leader and encompassed in the role description for that position.

- To deputise for the Leader of the Council in his/her absence.

- To chair Executive Committee meetings in the absence of the Leader of the Council.

- To act as the Council's spokesperson on all key corporate issues, consistent with the Council's overall policy and budgetary framework, in the absence of the Leader.

- To hold and lead on any Portfolio Holder position which the Council may allocate.

- To undertake specified delegated / designated Leader duties.

- To share and support in general the full workload of the Leader.

The above activities are in addition to the responsibilities set out in the Core Councillor and Executive / Portfolio Holder Role.

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4. **PARTY GROUP LEADER**
   Key duties

- To provide clear political leadership for the Party represented.

- When in Opposition, to provide credible checks and balances, challenges and alternatives to the ruling party.

- To canvas a range of views within the Party in the formulation of policy.

- To integrate and represent Party policy at a local level.

- To co-operate with other Groups where appropriate, particularly in matters of a non-party political nature.

- To chair and/or attend meetings where appointed to a representative role within the Council.

- To liaise with other local and regional representatives of the party.

- To monitor the performance of the Council against its budget, policy and performance plan.

- To represent the views of his/her Group in relation to any matter on which Officers seek consultation and guidance.

- To provide effective leadership and management of and communications within his/her own Group;

- To ensure that members of his/her Group comply with local and national Codes of Conduct and protocols governing Member conduct and behaviour and, where necessary, to deal with any breaches of these codes or protocols.

- If appropriate, to 'shadow' one or more service of corporate area of the Borough Council's activity;

- If appropriate, to appoint members of his/her Group to 'shadow' particular service or corporate areas of the Borough Council's activity.

The above activities are in addition to the responsibilities set out in the Core Councillor Role.

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5.   PORTFOLIO-HOLDER / EXECUTIVE COMMITTEE MEMBER
Executive duties

- To work at meeting the Council's corporate objectives, as set out in the Corporate Plan.

- To encourage performance improvement in all services, consistent with Value for Money principles and within the policy and budgetary framework agreed by the Council. This includes responding appropriately to statutory reports on external inspections and service reviews.

- To facilitate and encourage public participation in the Council's activities by engaging key stakeholders in the Council's decision-making processes.

- To oversee the publication of consultation papers on key issues and ensure that there is appropriate public consultation.

- To consider budget priorities and actions on the delivery of Council services within the overall policy and budgetary framework agreed by the Council.

- To consult with the Overview and Scrutiny Committee on matters relating to the development and formulation of policy.

- To consult with local Ward Members about policy developments or service initiatives which have a specific relevance to their areas.

- To support positive relationships and practices through co-operative working with Officers and Trade Unions.

- To oversee the investigation of and responses to all Local Authority Ombudsman reports, including any findings of maladministration.

- To commission research, studies or the collection of information relating to policy issues or service delivery.

Portfolio Holder duties

- To provide pro-active political leadership and to be the principal political spokesperson for the designated function / service of the Council set out in the allocated Portfolio.

- To initiate **(subject to any necessary Executive Committee/ Council approvals)** and**/or** promote policies and programmes in the allocated Portfolio within the Council and externally.

- To provide political leadership in ensuring that service strategies, plans, objectives and targets within his/her area of responsibility are monitored, implemented and achieved.

- To present and consult on the Council's policies in the allocated Portfolio with the public, directly and through appropriate media.

- To engage actively and represent the Council in appropriate local, regional and national groupings involved with the service areas set out in the allocated Portfolio.

- To make recommendations about the implementation of policies within the allocated Portfolio.

- To report to the Council on decisions made, actions taken and progress achieved within the allocated Portfolio.

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- To consult with and report as required to the Executive Committee and the Overview and Scrutiny Committee.

- To commission and consider reports from appropriate Officers as required for the efficient discharge of the Portfolio Holder's duties / responsibilities.

- To keep abreast of national best practice / new initiatives in the areas covered by the Portfolio to help ensure high local service standards and provision.

- To consider and act on performance data and reports from the Executive Committee and the Scrutiny Committee.

- To contribute to the corporate development of the Council's policies and objectives through active engagement of the Executive Committee.

- To work closely with relevant Senior Officers of the Council to support the efficient management of the Council and to uphold high standards of performance and conduct and in enabling Officers to exercise any powers delegated to them.

- To attend meetings of the Overview and Scrutiny Committee as and when required.

- At meetings of the Executive, normally to present / speak to and to move any necessary motions in relation to his/her areas of responsibility.

- To advise the Executive on how to respond to a scrutiny report relating to his/her area of responsibility.

The above activities are in addition to the responsibilities set out in the Core Councillor Role.

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6. **MAYOR (Civic / Ceremonial)**
   Key duties

- As the Borough's first citizen, the main role of the Mayor is to act as the non-political, Civic and Ceremonial Head of the Borough.

- To chair meetings of the full Council so that its business can be carried out fairly and efficiently and with regard to the rights of Councillors and the interests of the community.

- To uphold and promote the purposes of the Constitution.

- To determine any matter referred to him /her in relation to matters requiring an urgent decision pursuant to the Constitution.

- To maintain the historical and ceremonial traditions of the Office of Mayor.

- To promote as widely as possible the interest and reputation of the Borough Council and of Redditch locally, nationally and internationally.

- To promote, liaise and link with private and voluntary sector organisations in the Borough.

- To participate in and help initiate activities which enhance the economic, social, cultural and environmental well-being of the Borough and its residents.

- To act as patron / president to local organisations.

- To act as host to official visitors to the Borough.

- To attend annual civic events and local community activities.

- To represent the Borough at ceremonial events.

- To act as the Borough's representative on other occasions determined by Council.

- To carry out all duties in a manner appropriate to the status and tradition of the Office.

The Deputy Mayor will on occasions, also perform this role.

- To deputise, as necessary for the Mayor.

- To undertake specific tasks and responsibilities as requested by the Mayor.

- To work actively with the Mayor to manage the work of the Council meeting.

The above activities are in addition to the responsibilities set out in the Core Councillor Role.

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Appendix 1

7. OVERVIEW & SCRUTINYCOMMITTEE CHAIR
Key duties

- To undertake the functions of a Councillor whilst also leading and co-ordinating the relevant scrutiny activities of the Council to ensure that transparency and accountability are of priority; **OR**

- To chair the Overview and Scrutiny Steering Committee and manage its business in an efficient manner, ensuring effective engagement by all members and participants.

- To provide leadership and direction both for the Committee and for scrutiny arrangements within the Council.

- To promote the role of Overview and Scrutiny both within and outside the Council.

- To lead and encourage members of the Committee in the formulation of a scrutiny programme which is manageable, balanced and meets the criteria for chosen review topics.

- To engender a culture for scrutiny in which party political considerations are put aside, focussing instead on achieving the best outcomes for the community.

- To ensure that individual scrutiny exercises are conducted in an appropriate and timely manner.

- To Chair a Task & Finish Group.

- To work with the Vice-Chair and relevant Officers to co-ordinate the activities and the work programme of the Overview and Scrutiny Committee.

- To foster and maintain a disciplined approach by the Members involved in Scrutiny having regard to high standards of behaviour and ethics.

- To monitor the Council's decision-making processes, ensuring that such decisions are consistent with Council policy.

- To scrutinise the activities of the Executive Committee.

- To invite members of the Executive Committee, Officers and others to attend meetings of the Scrutiny Committee to answer questions.

- To own and present the reports of the Scrutiny Committee to the relevant bodies with the Council.

- To report annually to Council as part of the overview and scrutiny arrangements.

- To develop and maintain an effective working relationship and links with the Executive Committee and its members.

- To bring forward suggestions to ensure the future development of the Council's scrutiny practices.

- To respond on any matter referred to him/her in matters requiring an urgent decision pursuant to the Constitution.

- To organise Committee Members' input into the Council's Value for Money processes and to advise the Council on its approach to Value for Money.

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- To act as a focus for liaison between the Council, communities and partners in the scrutiny function.

Vice-Chairs will on occasions, also perform this role

- To deputise for the Chair of the Committee.

- To undertake specific tasks and responsibilities as requested by the Chair.

- To work actively with the Chair to manage the work of the Committee.

The above activities are in addition to the responsibilities set out in the Core Councillor Role.

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8.   **OVERVIEW & SCRUTINY COMMITTEE MEMBER**
     Key duties

- To scrutinise Executive Committee decisions, to assess how these contribute to effective service delivery and help to achieve the Council's Corporate Plan and whether they are in accordance with the Council's approved budgetary and policy framework.

- To review individual policies and projects to evaluate their effectiveness and success and consult with all relevant stakeholders in this process.

- To monitor how the Council is meeting its agreed corporate objectives, as set out in the Corporate Plan.

- To facilitate and encourage participation in the Council's activities by effectively engaging local residents, businesses, outside agencies and other key stakeholders in the Committee's work as appropriate.

- To check that the Council continues to improve performance in all services within the policy and budgetary framework agreed by the Council and recommend areas for improvement and change.

- To undertake reviews of the Council's services and make recommendations which positively contribute to improving service delivery.

- To put forward suggestions for areas for scrutiny and participate fully in the conduct of any scrutiny exercise.

- To conduct research, and community or other consultation.

- To question and gather evidence from any person (with their consent).

- To promote the role of Overview and Scrutiny both within and outside the Council.

- To contribute to suggestions for the future development of the Council's scrutiny practices.

The above activities are in addition to the responsibilities set out in the Core Councillor Role.

Executive Committee

Appendix 1

9. COMMITTEE CHAIRS
Key duties

- To enable the smooth and orderly conduct of business within the Council's Constitution.

- To provide leadership and direction for the Committee.

- To determine priorities in light of the volume of work presented to the Committee.

- To ensure an orderly debate or deliberation of the business in hand.

- To report on the workings of the Committee, Sub-Committee, Panel or Working Group to the **Executive Committee or** full Council**, as appropriate,** and to present, where appropriate, recommendations to the Council.

- To allow proper consideration of any item.

- To ensure that the Committee (Sub-Committee, etc.) takes balanced decisions based on all relevant evidence, with impartiality and fairness.

- To ensure, with the Chief Executive, that Committee decisions are recorded with full justifications / reasoning.

- To develop a thorough understanding of the subject area of the Committee, including relevant legislation and policies.

- To bring, where appropriate, the views of co-opted members (if any) to the attention of the **Executive Committee or** Council.

- To liaise with Officers in formulating Agendas and to attend any meetings with Officers to discuss matters relevant to the business of the Committee, Sub-Committee, Panel or Working Group.

- Where appropriate, to liaise with other interested parties in establishing co-opted membership, and topics for consideration.

- Where applicable, to liaise with other tiers of local government and to contribute to any other joint working arrangements.

- Where applicable, to lead such site visits that may assist Members arriving at a considered decision.

- To undertake specific training including updates in the law pertaining to the work of the Committee.

Vice-Chairs will on occasions, also perform this role

The above activities are in addition to the responsibilities set out in the Core Councillor Role.

Executive
Committee

Appendix 1

10. COMMITTEE MEMBER
Key duties

- To participate in Committee discussions.

- To give proper consideration to items before and during meetings.

- To offer opinions based upon an understanding of the legal requirements of the subject discussed.

- To inform the Committee of constituent opinion *(if appropriate)*.

- To take into consideration a range of views and issues when reaching a decision.

- To conduct oneself with dignity and decorum when offering views which differ from those of other Members.

- To undertake appropriate site visits.

- To undertake specific training including updates in the law pertaining to the work of the Committee.

The above activities are in addition to the responsibilities set out in the Core Councillor Role.

Executive

Committee

Appendix 1

11. MEMBER CHAMPION - GENERAL
   Key duties

- *To be lead Member and spokesperson, <u>under the relevant Portfolio Holder</u>, for the area for which he/she is appointed Champion.*

- *To act as a channel between the Council and external agencies / partners in the relevant area*

The above activities are in addition to the responsibilities set out in the Core Councillor Role.

Executive

Committee

Appendix 1

12. MEMBER CHAMPION – MEMBER DEVELOPMENT
Key duties

- *To be lead Member and spokesperson, <u>under the relevant Portfolio Holder and the Chair of the Member Development and Support Steering Group</u>, within each Party Group.*

- *To promote Member Development and the West Midlands Member Development Charter within the Council and within each Party Group.*

- *To act as a channel between Members / Party Groups and relevant Officers, as appropriate.*

- *To assist <u>if/as required</u> with Members' Personal Development Plans.*

The above activities are in addition to the responsibilities set out in the Core Councillor Role.

Executive
Committee

Appendix 1

Redditch Borough Council

Part 2

**Introduction to the Skills and Knowledge Requirements
for the Various Member Roles**

A set of skills and knowledge requirements which correspond to the various Member Roles has been created.

These should be viewed not as hard and fast list of prerequisites but as a suggestion of the sorts of skills and knowledge likely to be required.

No direct linking of skills against each element of the Role has been made but, rather, key requirements have been focused on.

Executive
Committee

Appendix 1

1. Core Councillor - Skills and Knowledge

This may be considered in conjunction with any other roles that the Councillor may take on within the Council.

Knowledge

- Council Constitution
- Standing Orders
- Council policies
- ***Codes & Protocols***
- Council Services
- Who to contact to pursue enquiries
- Relevant legislation
- Ethics, standards and legal responsibilities
- Community groups within the ward
- Social and economic initiatives affecting the Council

Skills

- Running a surgery
- Working with groups
- Relationship building, developing trust
- Diplomacy and influencing
- Public speaking
- Dealing with the media
- Contributing to meetings
- Pursuing case work resulting from ward consultations
- Personal organisational skills
- Analysing information
- Basic computer literacy

Executive
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Appendix 1

2. Council Leader - Skills and Knowledge

To be viewed in conjunction with the Core Councillor, Group Leader and Portfolio Holder Roles

Knowledge

- Broad local and national political issues
- Economic and regeneration initiatives and opportunities
- Strategic planning
- Social and business aspirations and concerns within the Borough and rural environs
- Thorough understanding of political, budgeting and legal processes within the Council

Skills

- A high level of media and personal presentation skills
- Chairing meetings
- Analysing considerable and varied complex information
- Decision making
- Leadership and the ability to gain support
- Relationship building, particularly with key players inside and outside of the Council
- Strategy development
- Personal planning, prioritisation and delegation
- Highly developed negotiation and influencing skills
- The ability to act as a role model as the figurehead of the Council

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Appendix 1

3. Deputy Leader - Skills and Knowledge

The skills and knowledge for this role need to cover all of the areas outlined in the Core Councillor role, Portfolio Holder and the Leader role but in the latter not to the same depth.

Additionally, the Deputy needs to be skilled in:

- Flexibility and responsiveness
- Interpreting and enacting the views and actions of the leader
- If agreed, developing specific skills in designated, delegated Leader responsibilities

Executive
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Appendix 1

4. Party Group Leaders - Skills and Knowledge

To be viewed in conjunction with the Core Councillor role. Reference to aspects of the Council Leader Skills and Knowledge may also be helpful.

Knowledge

- A thorough understanding of political, budgetary and legal processes within the Council.
- A detailed knowledge of party rules
- An awareness of and the ability to interpret party politics at national and local levels.

Skills

- Ability to manage and co-ordinate varying views within the party
- Influencing, negotiating and mediation skills
- Presenting arguments and alternatives persuasively
- Chairing meetings
- Decision making
- Leadership and team-building
- Managing complex information

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Appendix 1

5. **Portfolio Holder / Executive Member – Skills and Knowledge**

   Knowledge

   - Excellent practical knowledge of the Constitution, Council policies and procedures

   - A good working knowledge of the issues and legal requirements of the services for which the Portfolio Holder has responsibility.

   - An understanding of the lines of authority as they relate to individual as they relate to individual responsibility

   - An understanding of the lines of authority as they relate to individual responsibility, Executive decisions and Overview and Scrutiny

   - An understanding of Comprehensive Area Assessment, Value for Money and Performance Indicators, particularly relating to areas of responsibility

   Skills

   - The ability to take a broad, objective overview for the areas for which they have responsibility

   - Excellent communication skills and the ability to engage with people individually and collectively

   - The ability to contribute to wider strategic discussions and decisions

   - The ability to chair meetings where appropriate and maximise their effectiveness

   - Well developed analytical skills and the ability to evaluate services against a range of quality standards

   - Good relationship building skills in working with Officers other Parties and agencies

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Appendix 1

6.   Mayor – Skills and Knowledge

To be viewed in conjunction with the Core Councillor Role

Knowledge

- Thorough understanding of Standing Orders and Council Chamber procedures
- Knowledge of Mayoral protocols and appropriate behaviours in a variety of public situations
- Appropriate forms of address for public and religious dignitaries
- A credible knowledge of local and civic history
- ***Some knowledge and understanding of the Borough's Twin Towns and their history & culture.***

Skills

- Excellent media skills
- Well developed personal presentation
- Conversational skills and the ability to engage quickly and effectively with a wide variety of people
- The ability to deliver prepared speeches and where necessary ad hoc speeches
- Commanding respect and order in full Council meetings
- The ability to be diplomatic and professional at all times.

These requirements are ~~likely to be~~ also expected of the Deputy Mayor

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Appendix 1

7. **Overview and Scrutiny Chair(s) – Skills and Knowledge**

To be viewed in conjunction with the Core Councillor Role

Knowledge

- Thorough understanding of the purpose and process of Overview and Scrutiny and how this relates to Executive decisions
- An understanding of the parameters of the powers of Overview and Scrutiny
- A knowledge of analytical and evaluation processes
- A knowledge of the particular type of chairing required for an O&S meeting
- A knowledge of Comprehensive Area Assessment, Value for Money and performance management criteria

Skills

- How to prepare for an Overview and Scrutiny meeting
- Chairing skills which encourage participation
- The ability to analyse and evaluate detailed and complex information
- Team building along cross party lines
- The ability to offer direction and process skills to O&S members
- The encouragement of creative approaches to evaluation
- Policy development

These requirements are also ~~likely to be~~ expected of Vice-Chairs.

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Appendix 1

8. **Overview and Scrutiny Member – Skills and Knowledge**

To be viewed in conjunction with the Core Councillor Role.

Reference to the Skills and Knowledge requirements for O&S Chairs will also prove useful.
All of the skills and knowledge for O&S Chairs will be applicable except those relating directly to Chairing Skills.

Additionally, O&S Members will need to be able to:

- Apply a range of thinking, analysing, *questioning* and decision-making techniques

- Be able to articulate conclusions based on sound reasoning

- Be prepared to operate from a primarily objective rather than Party Political perspective

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Committee

Appendix 1

9. Committee Chairs – Skills and Knowledge

Knowledge

- A detailed understanding of the role of the Committee and how this relates to Council-wide decision making processes.

- Specific knowledge of the law as it applies to the particular Committee – e.g. planning, licensing etc. (furthermore, it may be that the Chair possesses a higher level of knowledge in this area, in order to be able to guide and inform Members).

- Knowledge of the correct decision making procedures to be adopted by the Committee.

- A knowledge of analytical and evaluation processes

- A knowledge of how to prepare for and chair a Committee meeting.

Skills

- Chairing and meeting skills including encouragement, management and summarising

- Managing time and the agenda within a meeting

- Information analysis and evaluation

- The ability to differentiate between subjective and objective judgements

- Relationship building, particularly with other Committee members and reporting Officers

These requirements are also ~~likely to be~~ expected of Vice-Chairs

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10. **Committee Member – Skills and Knowledge**
   To be viewed in conjunction with Core Councillor Role. Reference to Committee Chairs will also be useful

All of the skills and knowledge requirements for Committee Chairs will be relevant except those relating specifically to Chairing Skills.

- Prepare appropriately for meetings.

- Absorb, digest and interpret sometimes complex and detailed information.

- Articulate views based on sound judgement and objective interpretation.

- Respond to community interests and opinions.

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Committee

Appendix 1

Redditch Borough Council

Part 3

Member Development Programme (MDP)

A Suggested Scale of Developmental Commitment

1. REQUIRED
For any Member with a quasi-judicial role where a lack of legal knowledge could make the Council vulnerable to legal challenge

- Any relevant specialist training pertaining to e.g. planning, finance, employment appeals and licensing law.

  (Mandatory Training is a requirement of active participation in Planning & Licensing (Sub-)Committees – initial full training, with refresher training at least every 2 years, renewable after any break in service.

  Quasi-judicial meetings training is a mandatory requirement of active participation in all quasi-judicial meetings.)
  (Members may wish to consider setting further parameters in respect of these requirements.)

2. EXPECTED
For Executive Members, Overview and Scrutiny Members and Committee Representatives

- Training relating to:
  - Comprehensive Area Assessment;
  - Local Government Finance;
  - Value for Money;
  - Overview and Scrutiny;
  - Performance Management.
- Equality training for people involved in Recruitment and Selection.

For the Leader, Deputy Leader, Mayor and Deputy Mayor

- Media training
- Thorough understanding of Constitution and Council protocols.

For all Councillors

- Code of Conduct training
- Induction training
- Personal risk and awareness of Health and Safety.

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3. STRONGLY RECOMMENDED

For all Chairs and Vice-Chairs

- Chairing skills

For all Councillors

- Equality and diversity awareness
- Ethics, standards and personal legal liabilities
- Standing orders
- Budgetary processes
- Community Leadership.

4. RECOMMENDED

For all Councillors

- Legislative updates – particular in planning and licensing
- Comprehensive Area Assessment and Value for Money understanding
- Surgery Skills
- Working with community groups
- Contributing in meetings

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5. SUGGESTED

For all Councillors

Depending upon current knowledge and skill and experience, some of these may not be necessary.

- Understanding of Council services and policies
- Personal organisation, work / life balance
- Managing conflict
- Negotiation and influencing skills
- Personal presentation
- Using Information Technology (IT).

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Executive

Committee

Abbey Ward

26 August 2009

IRRECOVERABLE DEBTS – MARKET KIOSKS

Report of Director of Housing, Leisure & Customer Services

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1.   Summary of Proposals

The Committee is asked to consider writing off 6 cases of irrecoverable debt amounting to £44,560.03 and not pursuing 7 cases of debt within the Council's accounting system as owed but not actually raised of £26,595.63.

As a result of this report a number of lessons have been learnt and action taken including:

a) Procedures reviewed and changes implemented.
b) Review of all sundry debts.
c) Review of all other Service areas where local billing and cash payments are received.

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2.   Recommendations

The Committee is asked to RESOLVE that

1)   the debts totalling £44,560.03 detailed in Appendix 1, attached to the report, be written off as irrecoverable.

2)   the debts of £26,595.63 detailed in Appendix 1, attached to the report, be not pursued.

3.   Financial, Legal, Policy, Risk and Sustainability / Environmental Implications

Financial

3.1   Provision has been made within the Council's budget for write-offs. The current position is that £57,276.35 has been written off relating to Council Tax, Non Domestic Rates, Former Tenancy Arrears, Current Rent Arrears, Sundry and Periodic Arrears in this current financial year.

Legal

3.2   Under Section 151 of the Local Government Act 1972, a local authority must make arrangements for the proper administration of

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its financial affairs and appoint an Officer to oversee such administration.

3.3 The Appendix to this report is exempt in accordance with S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, as it contains the personal details of individuals. For this reason it is felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Policy

3.4 Directors are the designated Officers for this purpose and write-offs require their sanction. If a debt is written off, it can be retrieved and pursued if it comes to the Council's attention that the debtor now has the means to pay the debt. In the case of County Court judgements, the Council can pursue payment for up to 6 years after judgement is given.

Risk

3.5 A risk assessment has been completed of all service areas where local billing systems or cash payments are in operation to ensure effective controls measures are in place. There are no other areas which have been identified as high risk.

3.6 The risk of pursuing the debts for the market kiosks without having all the relevant documentation could affect the reputation of the Authority.

Sustainability / Environmental

3.7 None specifically relating to this report.

Report

4. Background

4.1 As part of the town centre redevelopment in 2001 the old Royal Square market was redeveloped. The development agreement with the owners of the Kingfisher Centre required the provision of a new covered market which was located in Market Walk to the rear of Debenhams.

4.2 Full Council on the 26th June 2006 agreed to the relocation of the Market to Market Place/Alcester Street on the basis of the continuing decline of the market in its existing location.

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5. **Key Issues**

5.1 As part of the relocation of the market the kiosk traders were included as the kiosks were also not considered to be financially viable to continue. Therefore the kiosk tenants were offered the opportunity to move with the market traders and convert to trading on stalls.

5.2 The kiosks were vacated in August 2006.

5.3 In the initial change - over period it was accepted that time would be needed to assess if the new location proved to be financially viable and saw an increase in trading. Therefore Officers did not proactively manage the outstanding debts.

5.4 Early in 2008 the Borough Director reviewed with Officers the outstanding debts and agreed for a review to establish what the Council's position was in pursuing the debts and likely success.

5.5 Officers confirmed that all action had been taken other than to pursue debt recovery through court action. However, to take court action requires the production of signed lease agreements, and reliable accounts and records of payment. This evidence is not available.

5.6 Officers were requested to arrange to interview the debtors and advise them of the outstanding debts and seek to make arrangements for payment.

5.7 In response to the request to attend an interview, 3 did not respond, 2 letters were returned gone away, 1 attended but claimed to have passed the debt onto the current occupier.

5.8 Two are existing traders on the market and interviewed by Officers both claim to have paid by cash to Market staff and did not receive receipts for payment.

5.9 Based on the response, Officers believe that the Council is not in a position to pursue the debts any further.

5.10 Appendix 1 is a schedule of the outstanding debts for use of the market kiosks.

5.11 In relation to other sundry debts owing to the Council, with the exception of other Commercial rents there are no debts over 2 years old.

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6. **Other Implications**

Asset Management - None Specific

Community Safety - None Specific

Human Resources - None Specific

Social Exclusion - None Specific

7. **Lessons Learnt**

7.1 An internal audit was carried out into the management of the market facilities. Detailed at appendix 2 is the audit report and a schedule of the recommendations and actions taken by Officers to ensure correct management is now in place and in the future.

7.2 A follow up audit was carried out during November/December 2008 and a small number of procedural issues were recommended and have subsequently been implemented.

7.3 Officers have reviewed all other service areas where there is a local billing and cash payment system in operation and have reviewed the risk to the Authority and risk controls.

7.4 The Income and Recovery Manager has carried out a review of the team managing the Council's sundry debtors accounts and implemented the following:-

    i) Re-alignment of the team's resources to manage the range of debts.
    ii) Establishment of regular liaison meetings with Service Managers.
    iii) Production of arrears information to Service Managers.
    iv) A revised cancellation procedure.

8. **Background Papers**

Personal Recovery Files (not for publication).

9. **Consultation**

There has been no consultation other than with relevant Borough Council Officers.

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Committee

10. **Author of Report**

The author of this report is Jackie Smith (Director of Housing, Leisure & Customer Services), who can be contacted on extension 3176 (e-mail: Jackie.smith@redditchbc.gov.uk) for further information.

11. **Appendices**

Appendix 1 - Schedule of Market kiosks - Confidential

Appendix 2 – Internal audit report recommendation/actions - Confidential

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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Overview and Scrutiny

Committee

Wednesday, 29 July 2009

MINUTES

Present:

Councillor Phil Mould (Chair), Councillor David Smith (Vice-Chair) and Councillors K Banks, G Chance, R King, W Norton, D Taylor and D Thomas.

Officers:

L Bellaby, S Hanley, B Houghton and S Mullins.

Committee Services Officer:

J Bayley and H Saunders.

38.   APOLOGIES AND NAMED SUBSTITUTES

Apologies were received on behalf of Councillor Brunner, who had been expected to attend the meeting as the Portfolio Holder for Community Safety for Item Eight on the agenda.

39.   DECLARATIONS OF INTEREST AND OF PARTY WHIP

There were no declarations of interest or of any party whip.

40.   MINUTES

RESOLVED that

the minutes of the meeting of the Committee held on 8 July 2009 be confirmed as a correct record and signed by the Chair.

41.   ACTIONS LIST

The Committee considered the latest version of the Actions List. Specific mention was made of the following matters:

a)   Scrutiny of the Countryside Centre

Members were informed that the Executive Committee had considered the Committee's suggestion that work examining

....

Chair

the future use of the Arrow Valley Countryside Centre be undertaken by the Overview and Scrutiny Committee as an alternative to commissioning consultants to review the subject. The Executive Committee had decided that they would employ consultants to undertake the work. However, they stated that if the Overview and Scrutiny Committee wished to conduct their own piece of work on this issue then they could do so. Alternatively, it had been suggested that the Overview and Scrutiny Committee could undertake pre-scrutiny of the consultant's report before the report was presented to the Executive Committee. Members agreed that they would prefer to pursue the pre-scrutiny option.

b) <u>Letter of Thanks to John Rostill</u>

The Committee was informed that, as requested at the previous meeting, Officers had contacted John Rostill, the Chief Executive of the Worcestershire Acute Hospitals NHS Trust, to thank him for providing the Committee with further information regarding public and private transport access to the Alexandra Hospital.

c) <u>Proposed Scrutiny of the Local Strategic Partnership (LSP) and Local Area Agreement (LAA)</u>

Members were informed that scoping documents had been completed outlining the possible terms of reference for reviews of the LSP and LAA as proposed by Councillor Thomas at the previous meeting of the Committee. A meeting had been arranged between Councillor Thomas, the Chief Executive, and the Overview and Scrutiny Support Officers to discuss the terms of reference further. These scoping documents would be presented to the Committee on 23 September.

d) <u>Medium Term Financial Plan – Examples of Best Practice</u>

The Chair informed the Committee that he had asked Officers earlier that day to find out if examples of best practice Medium Term Financial Plans had been identified by Officers. Officers confirmed that they had contacted the Head of Financial, Benefits and Revenue Services but that she had been in a meeting and unable to provide the information.

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RESOLVED that

1) **the Committee undertake pre-scrutiny of the consultant's report regarding the future use of the Arrow Valley Countryside Centre when completed; and**

2) **the Actions List be noted.**

42. **CALL-IN AND PRE-SCRUTINY**

The Chair referred to the Decision Notice of the Executive Committee which detailed the decisions relating to the Council Flat Communal Cleaning Task and Finish Group Final Report. He explained that the Executive Committee had approved the majority of the recommendations and that Officers could commence the statutory consultation process. There had been some debate regarding the statutory consultation process and Members had felt that before the Council could undertake this consultation process, Officers had to calculate the exact charge that tenants and leaseholders would be expected to pay if the cleaning contract was to be extended to all communal areas. The Chair expressed the view that this would be a difficult task as the cost would be dependant on the outcome of the renegotiation of the cleaning contract. He also explained that the Executive Committee had extended the consultation to cover those tenants living in the Council's sheltered accommodation that currently do not pay for the cleaning of their communal areas.

It was questioned how Members would be informed of the progress of the consultation. Officers explained that they could liaise with the lead Officers for this process to ensure that members of the Task and Finish Group had an opportunity to be involved. There would also be a chance for all Members of the Committee to track the progress of the recommendations through the standard Overview and Scrutiny monitoring procedures.

Councillor King expressed concern about the potential for a democratic discrepancy that may have occurred through the scheduling of recent Executive Committee and full Council meetings. He questioned how Members could call-in decisions made at the Executive Committee at their meeting on 22 July and the meeting held just before full Council on 27 July, as the resolutions had been approved at full Council on 27 July. Officers explained that even though full Council had considered decisions made by the Executive Committee on 22 July, Members still had the power to call these decisions in as the five day call-in period still

applied. With regards to the Executive Committee meeting held shortly before the full Council meeting on 27 July, Members were informed that the Executive had only made recommendations which could not be called in.

Councillor King went on to question how the recommendations made to full Council could be challenged. Officers suggested that if Members wished to raise concerns about the process they could ask the Overview and Scrutiny Committee to look at this.

There were no call-ins or suggestions for pre-scrutiny.

43.   TASK & FINISH REVIEWS - DRAFT SCOPING DOCUMENTS

There were no draft scoping documents.

44.   TASK AND FINISH GROUPS - PROGRESS REPORTS

The Committee received reports in relation to current reviews.

a)   Dial-A-Ride – Chair, Councillor R King

Councillor King explained that at the Group's previous meeting they had discussed their experiences of visiting the Dial-a-Ride Office. Members had viewed the system used to schedule the buses. They had noted that this system required a large amount of manual input by the operator for the system to work.

The Dial-A-Ride Manager had attended the meeting to discuss the service and to provide information that had been requested by the Group. Councillor King explained that unfortunately it had not been possible to provide this information to the Group. However, he explained that the Group needed to look at this information as it would help provide them with an idea of the current position for the service.

b)   National Angling Museum – Chair, Councillor P Mould

This was discussed under Item Eleven on the agenda.

c)   Neighbourhood Groups – Chair, Councillor K Banks

Councillor Banks informed the Committee that the Group was due to meet the following day where they would look at the feedback from the questionnaires that had been sent out

Overview and Scrutiny

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to Officers, Members and the Police. It was noted that there had been a good response to the questionnaire.

RESOLVED that

the Task and Finish Group update reports be noted.

45. **CRIME AND DISORDER SCRUTINY**

The Committee received a report by Officers which contained information regarding the recently introduced powers for Overview and Scrutiny to scrutinise the local Crime and Disorder Partnership (CDRP). Officers explained that the Council were required by provisions in the Police and Justice Act to establish a Committee or Panel to undertake the scrutiny of the CDRP. This Committee or Panel was required to meet a minimum of once a year but it was expected that any bespoke crime and disorder scrutiny committee or panel should be convened more frequently than this in order to undertake effective scrutiny.

The Council's constitution stated that the Overview and Scrutiny Committee should act as the Crime and Disorder Scrutiny Committee. However, there were several other models that could be implemented by the Council in order to comply with the legislation. Officers had identified three potential models. Each model had advantages and disadvantages.

The first model would require Members to use the Overview and Scrutiny Committee as the Crime and Disorder Scrutiny Committee. The second model involved establishing a stand alone panel which would be a sub-Committee of the existing Overview and Scrutiny Committee. A small number of Members would sit on this panel which would be chaired by a member of the Overview and Scrutiny Committee. The third option involved setting up a Joint Redditch and Bromsgrove Crime and Disorder Scrutiny Panel. However, it was noted that separate crime and disorder scrutiny procedures would still be required at each of the authorities.

The Chair explained that he had met with Officers and the Portfolio Holder for Community Safety to discuss the options that had been presented to Members. He suggested that the preferred model would be to establish a separate Crime and Disorder Scrutiny Panel. He explained that he felt that the first model of using the Overview and Scrutiny Committee would overburden the Committee which already had a busy Work Programme. Meanwhile, the third option of setting up a joint Committee might be problematic as there was still a requirement for each Council to

Overview and Scrutiny

Committee

have an additional structure to scrutinise crime and disorder issues. The majority of Members agreed with the Chair; though some Members noted that the Council should not abandon the idea of joint scrutiny for relevant reviews.

RECOMMENDED that

the Council establish a Crime and Disorder Scrutiny Panel to undertake the scrutiny of the Crime and Disorder Partnership; and

RESOLVED that

the report be noted.

46.   **COUNCILLOR CALLS FOR ACTION**

The Committee considered the final version of the Council's proposed procedures for the Councillor Call for Action (CCfA) (Appendix A). Officers explained that they had utilised details about best practice procedures from other local authorities to produce a document bespoke to Redditch.

Members were informed that some minor changes had been made to the document since it had been printed. The Committee were informed that on page 18 of the agenda pack the second title had been changed to "What Issues are Excluded from Referral as a CCfA and what Happens with a Referral?". On page 19, the wording of the final paragraph regarding the order of response to a CCfA had been altered slightly and the number of levels of responses reduced from four to five.   On page 20, the reference to the Councillor being informed of whether their CCfA had been successful had been removed and instead changed to reflect the fact that the Councillor would be informed of the date of when their CCfA would be considered by the Overview and Scrutiny Committee.

The document would also explicitly state that the councillor proposing the CCfA should attend the relevant meeting of the Overview and Scrutiny Committee to present their proposal. As a consequence the box on the CCfA Referral form which asked if Members wished to speak to the Overview and Scrutiny Committee had been removed. Finally, the part of the document relating to CCfA case studies had been altered to make "The Initial Issue Checklist" statements into questions.

Overview and Scrutiny
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Members concluded by noting that it would be good practice to review the CCfA procedure once a couple had been completed.

RESOLVED that

1) **the amendments detailed in the preamble above be made to the document; and**

2) **the report be noted; and**

RECOMENDED that

the Councillor Call for Action (CCfA) guidance for the Council be approved.

47. **PERFORMANCE MONITORING - OUTTURN REPORT**

The Committee considered the Council's performance outturn report for 2008/09. Officers reported that the performance report now provided information about performance in relation to the national set of indicators (NIs) including the indicators listed in the Local Area Agreement for Worcestershire. The figures collected for 2008/09 would form the baseline for future reporting by the Council. The Committee was informed that the indicators provided had been reported on an exception basis which included those indicators where targets had been exceeded and where targets had been missed.

The Chair explained that he had concerns about the Council's performance in relation to Indicator BVPI 79b "the amount of Housing Benefit overpayments recovered as a percentage of all Housing Benefit overpayments". He had asked Officers prior to the meeting to establish why the target for this indicator had not been met. Officers had provided a written explanation which noted that concerns over performance in this area had previously been identified by Members. Officers had responded by devising a Benefits Improvement Plan. This Plan was due to be considered by the Executive Committee on 26 August.

Members enquired how the target for each indicator was calculated. It was explained that targets were derived through a variety of methods; some were based on national best practice and national standards whilst some were based on historical performance data for the authority.

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Members discussed the new Comprehensive Area Assessment (CAA) performance framework and questioned how the authority would be rated within this framework. Officers explained that it would be difficult to make a judgement at this stage. The Council was rated "Fair" under the previous performance management system. As part of the CAA process, the Council had completed: a Value for Money assessment; a Direction of Travel assessment; self assessment of Managing Performance; and a Use of Resources assessment. The feedback the Council had received from the Audit Commission in relation to these assessments had been positive as they had been regarded as being practical and realistic. Officers stressed that within the new performance management framework the standards were extremely high.

Members queried performance in relation indicators BVPI 16a, the percentage of local authority employees with a disability, and 17a percentage of local authority employees from minority ethnic communities. The Chair explained that as the numbers of disabled people working in the authority were small, any small change might have a major impact on the performance figures. Members also queried performance indicator LT1, total concessionary use of sports and leisure facilities. It was noted that the figures included one less sports centre facility due to the operation returning to a school. Members asked for clarification on these figures.

RESOLVED that

1) **clarification be provided regarding the Council's performance in relation to Performance Indicators BVPI 16 and 17a and LT1 as detailed in the preamble above; and**

2) **the report be noted.**

48. **NATIONAL ANGLING MUSEUM TASK AND FINISH GROUP - REPORT**

The Chair introduced the report produced by the National Angling Museum Task and Finish Group. He explained that the Group had recorded a series of actions that they wished the Committee to resolve rather than recommend. These actions needed to be undertaken by Officers before Members could proceed in assessing the viability of having a National Angling Museum in the town.

It was noted in relation to the first resolution that Officers would be staging a temporary fishing tackle exhibition at Forge Mill Needle

Museum which would help to gauge interest in angling displays. Officers were also scheduled to meet with a Regional Manager from the Heritage Lottery Fund. During this meeting Officers would discuss the feasibility of obtaining funds from the Heritage Lottery Fund and other external sources of funding to establish a National Angling Museum in Redditch. This information would be important as the Group had discovered that the Council could not afford independently to establish a National Angling Museum and so would be reliant on external sources of funding to pursue the project.

The chair explained that the fishing tackle exhibition was not due to take place until mid-2010. Officers would require some time to collate information about the number of visitors to this exhibition. Therefore, in relation to resolution three, he suggested that the Overview and scrutiny Committee should consider the outcomes with respect to resolutions one and two at a meeting in late 2010.

RESOLVED that

1) **the Group's request that Officers stage a temporary fishing tackle exhibition, incorporating an angling competition, in 2010 in order to demonstrate the level of interest in an Angling Museum be noted;**

2) **Officers' intention to discuss with the Regional Manager for the Heritage Lottery Fund the feasibility of securing funding for the establishment of a National Angling Museum in Redditch be noted; and**

3) **the Overview and Scrutiny Committee monitor the outcome of resolution 1 and 2 above at a meeting of the Committee in 2010/11 in order to determine the viability of establishing a National Angling Museum in Redditch.**

49. **SCRUTINY TRAINING - REPORTS**

Members delivered reports on the subject of scrutiny related training which they had recently attended.

a) Chairing Scrutiny – INLOGOV, University of Birmingham – Councillor Banks

Councillor Banks explained that a variety of points relating to chairing and facilitating scrutiny meetings came out during the day. These included: the need to keep meetings to a maximum of two hours in length; to keep agendas short; to

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avoid providing large amounts of associated documentation; to keep any presentations short but with a longer amount of time for questions and answers; and to use private briefing meeting sessions of the Group or Committee to prepare before the actual meeting. Councillor Banks explained that whilst the venue and the food provided were of a high standard, the cost of the course was very high and therefore she felt that the overall value for money of the course was poor.

b) Comprehensive Area Assessments: The Role of Scrutiny, the Local Government Information Unit (LGIU) – Councillor R King

Councillor King explained that this course had represented excellent value for money. Many ideas had been discussed that could be implemented at the Council. Issues relating to the scrutiny of the Local Strategic Partnership; two tier government working; and incorporating the views of the public effectively were addressed. He explained that he would deliver a more comprehensive presentation on the subject at the following meeting of the Committee.

RESOLVED that

the reports be noted.

50. REFERRALS

There were no referrals.

51. WORK PROGRAMME

Members considered the Committee's Work Programme. Officers confirmed that consideration of the Local Strategic Partnership and Local Area Agreement scoping documents had been postponed and would be considered at a meeting of the Committee scheduled for 23 September.

RESOLVED that

the Committee's Work Programme be noted.

The Meeting commenced at 7.00 pm
and closed at 8.28 pm

Appendix A

www.redditchbc.gov.uk

A Councillor's Guide to Councillor Call for Action

What is it and what does it mean for you, as a Redditch Borough Councillor?

What is a Councillor Call for Action (CCfA)?

The "Councillor Call for Action" was introduced under Section 119 of the of the Local Government and Public Involvement in Health Act 2007 (the Act), and came into force on 1 April 2009. The statutory requirement to implement CCfA by 1 April 2009 applies to all councils in England (with the exception of parish councils) regardless of their Executive arrangements.

The Act enables any Member of the Council to refer to the Overview and Scrutiny Committee any local government matter or any crime and disorder matter which affects their ward or division.

The power to refer a matter is available only where the matter is of direct concern to the ward or division which the councillor represents. A councillor can refer a matter even if no citizen has asked him/her to consider it, and there is no requirement for councillors in multi-member wards to agree – any of them can refer a matter.

CCfA is therefore a process which puts you, as local councillors, at the forefront of dealing with issues of concern in your local communities. It gives you a central role in calling to account the work of Council services and other agencies at a local level. When concerns are identified (either as a result of information from individuals, community groups or your own observations), councillors should be able to trigger a response from service providers and help ensure the concerns are dealt with. As a last resort, when a problem cannot be solved, the CCfA can enable you to trigger a local scrutiny review.

The CCfA is intended to provide greater emphasis to the vital work undertaken by you in your communities as community advocates and champions, and to further increase the accountability of public service providers to local communities.

How is CCfA different from general scrutiny requests?

What distinguishes the CCfA from a more general request for scrutiny is:

- The focus of the CCfA is on neighbourhood or locality issues and specifically the quality of public service provision at a locality level;

- The CCfA represents a genuine local community concern (based on local councillors' judgements); and

- It is a persistent problem which the local councillor has been unable to resolve through local action and discussion with the Executive Committee or relevant services and agencies.

- Scrutiny reviews resulting from CCfA will be undertaken by scrutiny Task & Finish Groups composed largely of councillors from the affected locality. There is an expectation that the locality-based scrutiny reviews will be 'short and sharp', focused reviews - it is important that

the public see this as a responsive and un-bureaucratic process which delivers tangible outcomes.

What are the limitations?

It is important to recognise that CCfA is not guaranteed to solve a given problem. CCfA can provide a method for discussing such problems and, through discussion, trying to overcome them.

What issues are excluded from referral as a CCfA and what happens with a referral?

The Overview and Scrutiny (Reference by Councillors) (Excluded Matters) (England) Order 2008 excludes the following matters from referral as a CCfA:

- Individual complaints concerning personal grievances or commercial issues;

- Any matter relating to an individual or entity where there is already a statutory right to a review or appeal (other than the right to complain to the Local Government Ombudsman), for example:

  - planning and licensing applications and appeals,
  - Council Tax/Housing Benefits complaints and
  - queries or issues currently under dispute in a court of law

- Any matter which is vexatious, discriminatory or not reasonable to be included on the agenda for, or to be discussed at, a meeting of the Overview & Scrutiny Committee or any of its Task & Finish Groups

A referral, provided it is not an excluded matter will ensure that the matter is included on the agenda of the Overview and Scrutiny Committee. It is then up to the members of the Committee to decide whether or not to take the matter further.

A referral made to the Overview and Scrutiny Committee is seen as being at the end of the CCfA process (the last resort) and not the first step.

Championing a CCfA

It is a matter of judgement which requests you agree to champion and as a local councillor you are accountable to your local community for these judgements. Championing a request will mean taking the issue up on behalf of the resident(s) concerned and trying to resolve the problem by liaising with council services, the Executive and/or outside agencies.

You may wish to inform the Overview & Scrutiny Support Officers about a request for a potential CCfA at quite an early stage, particularly if support and advice from the Officers would be helpful. Certainly at the point you agree to

champion a CCfA it would be helpful to formally log this with the O & S Officers. Some requests will come to the O & S Officers directly, and in those cases we will log the request and forward the information to the appropriate ward councillors.

What steps must a Councillor take before making a CCfA referral?

Prior to a councillor referring a matter as a CCfA to the Overview and Scrutiny Committee, a councillor must have tried to resolve the issue/problem themselves using all mechanisms and resources available to them at ward level. Councillors should:

- If its a local crime and disorder matter, raise the issue through the Community Safety Partnership to find a way to resolve the issue.

- Ensure that all relevant partner organisations have been informed of the issue and given enough time to resolve the issue, for example through formal letters written on behalf of constituents, discussion at public meetings, petitions, communication with local MPs and councillors in other authorities etc.

- Ensure that all relevant internal potential routes to solution have been followed, for example informal discussions with officers and/or members, questions at committees etc.

- Ensure that this is not an issue that is currently being or should be pursued via the Council's complaints procedure.

- Ascertain whether or not any other form of local scrutiny is investigating the issue (e.g. Worcestershire County Council).

There are therefore a number of basic levels of response prior to a CCfA where local residents have concerns about persistent or serious problems in their area or want to influence policies:

1. **First level of response**: Councillor takes up community's concerns.

2. **Second level of response:** Councillor asks Executive Committee or the relevant local partner to take action.

3. **Third level of response:** Councillor asks Overview and Scrutiny to investigate (CCfA).

4. **Fourth level of response:** The Overview and Scrutiny Committee considers rejects or makes recommendations – which may be accepted or rejected by the Executive Committee and/or local partners.

What is the process for a CCfA referral?

If the issue/problem is still not resolved the councillor can refer it to the Overview and Scrutiny Committee as a "Councillor Call for Action". To do this the councillor should:

- Complete a CCFA Request Form (as set out at Appendix 1 to this Guide) by hand or electronically, outlining what the issue is and what steps have been taken towards a resolution. The request for a CCfA should include:

  - Your name and the ward you represent.

  - The title of the CCfA

  - Why you think the issue should be looked at by the Overview and Scrutiny Committee

  - A brief summary of what the main areas of concern are

  - What evidence you have in support of your CCfA

  - Which areas or community groups are affected by the CCfA

  - What you have done to try and resolve the issue prior to requesting a CCfA

  - Whether the CCfA is currently the subject of legal action by any party (to your knowledge) or is being examined by a formal complaints process?

- The Overview and Scrutiny Support Officers will receive the referral form either by post or electronically, log it to track its progress and assess the issue to ensure that it is not a matter excluded from referral to Overview and Scrutiny.

- The Overview and Scrutiny Support Officers will inform the Chair of the Overview and Scrutiny Committee that the item will be included on the Committee agenda. The Councillor will be informed of the date when the CCfA will be considered. The Councillor will be expected to attend the Overview & Scrutiny meeting to present their CCfA.

A successful referral will ensure that the CCfA will be placed on the next agenda of the Overview and Scrutiny Committee. It is then up to the members of the Committee to decide whether or not to take the matter further.

What will the Overview & Scrutiny Committee do with CCfA referrals?

In deciding whether or not to take the matter further the Committee will consider:

- Anything that the councillor has done in relation to this matter; and

- Representations made by the councillor as to why the Committee should take the matter up. (Councillors have the option of either presenting their CCfA form without supporting papers or by preparing a report setting out their views. Any reports prepared by councillors would be circulated, along with the agenda and other reports for the meeting). *This information will need to take account of the disclosures of exempt information as prescribed in Part 1 of Schedule 12A of the Local Government Act 1972.*

The criteria the Committee will use to decide whether or not to take the matter further include:

- Is the Committee satisfied that all reasonable attempts have been made to resolve the issue by the ward councillor? And do the responses received by the referring councillor demonstrate that the matter is not being progressed?

- Has the Committee considered a similar issue recently – if yes, have the circumstances or evidence changed?

- Is there a similar or related issue which is the subject of a review on the current work programme? It may be more appropriate to link the new issue to an existing review, rather than hold a separate CCfA hearing. Relevant time pressures on resolving the CCfA should be taken into account.

- Have all relevant service areas or partner organisations been informed and been given enough time to resolve the issue? What response has the councillor received?

- Is this a case that is being or should be pursued via the Council's corporate complaints procedure?

- Does it relate to a "quasi-judicial" matter or decision such as planning or licensing?

- Is the issue part of an individual's own personal agenda (an issue of genuine local concern should have an impact on the local community).

- Is this an issue currently being looked at by another form of local scrutiny (e.g. Worcestershire County Council)?

- And, as with all scrutiny, does the matter referred have the potential for scrutiny to produce recommendations which could realistically be implemented and lead to improvements for anyone living or working in the referring Member's ward?

In considering the CCfA, the Overview and Scrutiny Committee may invite the relevant Member Champion, Chief Executive, Head of Service or external organisation to discuss the issue with the Overview and Scrutiny Committee and answer any questions, if the Committee considers this relevant.

If the committee decides not to accept the CCfA referral it must inform the councillor and provide reasons.

If the committee decides to accept the CCfA referral, it must decide how it intends to take the matter forward and include the CCfA in its work programme. This could include:

Before holding a formal hearing:

- Asking the service area(s)/partner organisation(s) to respond to the CCfA.

- Setting up a research group to undertake a more in depth review.

At formal hearing:

- Asking for further evidence and/or witnesses to be brought to a future meeting then making recommendations to the relevant Committee/partner organisation.

What are the potential outcomes of a CCfA referral?

Following a formal hearing, there are a number of potential outcomes from the Committee meeting:

- The Committee could determine not to make a report (perhaps because it is not considered the right time to consider a particular issue), with the ward councillor notified in writing;

- The Committee could determine that it is a complex issue that requires further investigation and commission a scrutiny review of the issue;

- The Committee could write a report and make recommendations on the CCfA to the relevant Committee/partner(s).

Once the Committee has completed its work on the CCfA referral the member who made the CCfA referral will receive a copy of any report or recommendations made. The reply will also be printed on the Council's website www.redditchbc.gov.uk (unless there are reasons why the Committee treats the matter as an exempt item and as a result the report cannot be made public).

What are the Timescales for CCfAs?

Once a CCfA has been referred to Overview and Scrutiny, the item will be included on the next available Committee agenda.

If the Committee agrees to take the matter forward, the hearing will usually be held as an item on the next available agenda. In exceptional circumstances, for example where there are unavoidable time constraints, a separate meeting may be convened.

Should a CCfA hearing result in recommendations to another Committee being made, the other Committee must respond to the recommendations, setting out any action it intends to take, within 28 days of the recommendations being placed on the relevant Committee's agenda.

Should a CCfA hearing result in recommendations to partner organisations, such organisations will also be requested to make a response to the recommendations, although they are under no legal obligation to do so.

The CCfA process is summarised in the flow chart at Appendix 2.

Case Studies and Further Guidance

Case Studies and further guidance on:

- What to do with an initial issue;
- Assessing when something is a genuine community concern;
- Agreeing to champion; and
- Knowing when to refer to scrutiny

is contained in Appendix 3.

For further information contact:

Jess Bayley , Overview and Scrutiny Support Officer
Tel: 01527 64252 Ext. 3268
Email: jess.bayley@redditchbc.gov.uk

Or

Helen Saunders, Overview & Scrutiny Support Officer
Tel: 01527 64252 Ext. 3267
E-mail: helen.saunders@redditchbc.gov.uk

APPENDIX 1

Councillor Call for Action (CCfA) Request

To: Overview & Scrutiny Team
**   Democratic Services**
**   Town Hall**

This form should be used by any Councillor at Redditch Borough Council who would like the Overview and Scrutiny Committee to consider a Councillor Call for Action in their ward.

Your contact details: Name (print):
Address:
Contact number:
Email address:

The Ward you represent:

Title of your Councillor Call for Action:

Date of Submission:

Some areas are statutorily excluded from the CCfA process. Please answer the following questions to help ascertain whether or not your request falls within an excluded area.

Does the issue relate to a problem in your electoral division?	**Yes/No**
Does it relate to a complaint made by an individual or organisation?	**Yes/No**

Guidance suggests that a CCfA should be made only when all other avenues have been exhausted. Please answer the following questions to show the action previously taken to resolve the issue:

1. Has the issue been discussed at a meeting of any of the following?

Executive	Yes/No	Date:
Overview & Scrutiny Committee	Yes/No	Date:
Local Neighbourhood or other Forum	Yes/No	Date:

2. Have you discussed the issue with any of the following:-

		Date	Contact Name/Tel No.
Relevant Portfolio Holder	**Yes/No**		
Borough Council Director	**Yes/No**		
Borough Council Head of Service	**Yes/No**		
Other Borough Council employee	**Yes/No**		
Partner or other Organisations Please give details of Partner or other organisations (NHS, Police, Fire and Rescue) with whom you have discussed the matter.			

3. Please give brief details of the outcome of the discussions you have had.
(Please continue on an additional sheet if necessary)

4. Has there been a petition about the issue?	**Yes/No**	If Yes, when and where was it heard?

Would you like your response by:

Email ☐   Letter ☐

Why should your CCfA be raised with the O & S Committee?
(Please give a brief outline of the issue)

What evidence do you have in support of your CCfA?

Which areas or community groups are affected by the CCfA?

What do you want to be the outcome of your CCfA?

Signature:

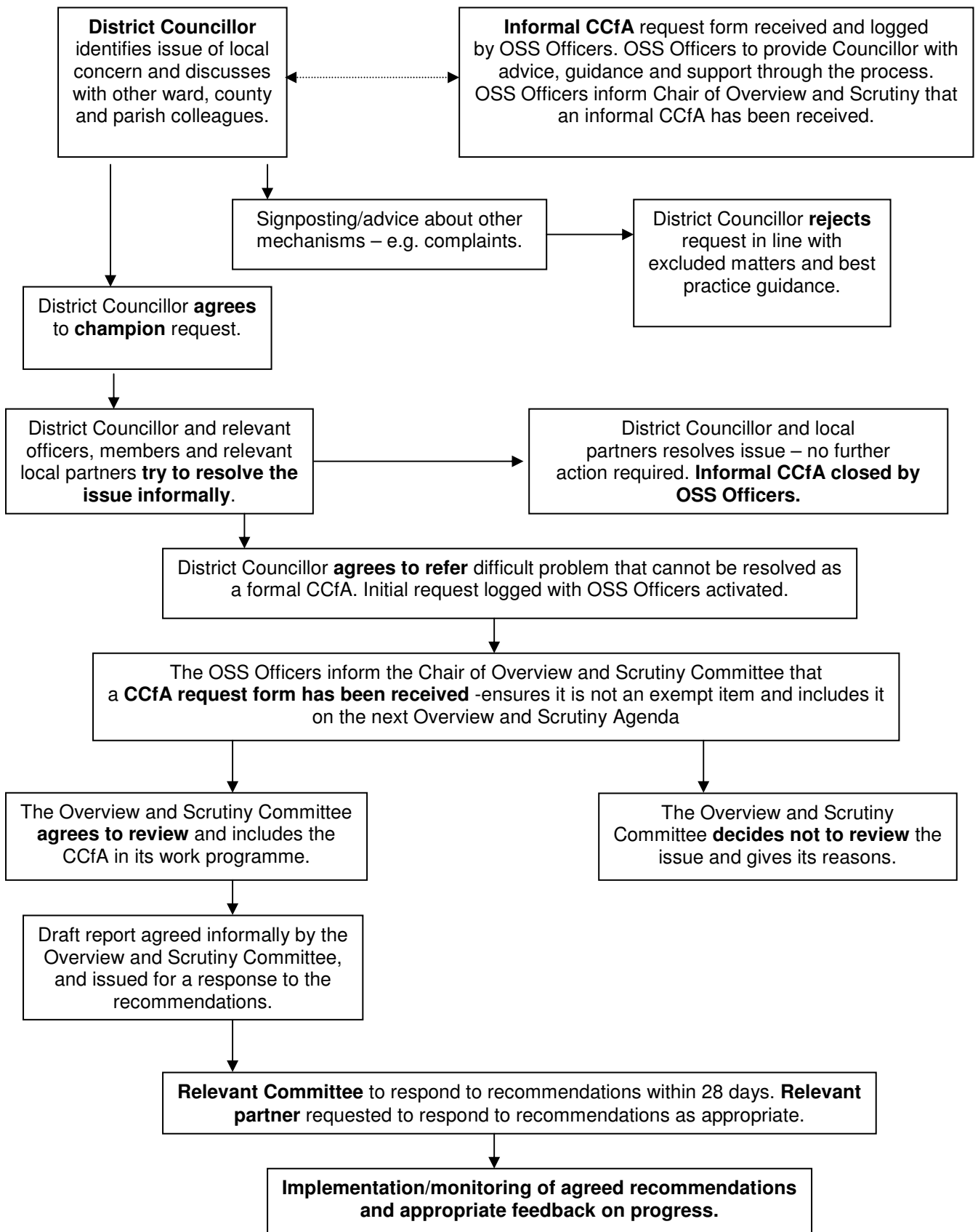For Official use:
Date and time of receipt…………………………
Officer Receiving …………………………………

Please complete and return the form to:

Redditch Borough Council
Overview & Scrutiny Support Officers
Town Hall
Walter Stranz Square
Redditch
Worcestershire
B98 8AH

APPENDIX 2

SUMMARY OF THE CCfA MECHANISM

District Councillor identifies issue of local concern and discusses with other ward, county and parish colleagues.

Informal CCfA request form received and logged by OSS Officers. OSS Officers to provide Councillor with advice, guidance and support through the process. OSS Officers inform Chair of Overview and Scrutiny that an informal CCfA has been received.

Signposting/advice about other mechanisms – e.g. complaints.

District Councillor **rejects** request in line with excluded matters and best practice guidance.

District Councillor **agrees** to **champion** request.

District Councillor and relevant officers, members and relevant local partners **try to resolve the issue informally**.

District Councillor and local partners resolves issue – no further action required. **Informal CCfA closed by OSS Officers.**

District Councillor **agrees to refer** difficult problem that cannot be resolved as a formal CCfA. Initial request logged with OSS Officers activated.

The OSS Officers inform the Chair of Overview and Scrutiny Committee that a **CCfA request form has been received** -ensures it is not an exempt item and includes it on the next Overview and Scrutiny Agenda

The Overview and Scrutiny Committee **agrees to review** and includes the CCfA in its work programme.

The Overview and Scrutiny Committee **decides not to review** the issue and gives its reasons.

Draft report agreed informally by the Overview and Scrutiny Committee, and issued for a response to the recommendations.

Relevant Committee to respond to recommendations within 28 days. **Relevant partner** requested to respond to recommendations as appropriate.

Implementation/monitoring of agreed recommendations and appropriate feedback on progress.

APPENDIX 3

Councillor Call for Action

Additional Guidance for Councillors

- **What to do with an initial issue**
- **Assessing when something is a genuine community concern**
- **Agreeing to champion**
- **Knowing when to refer to scrutiny.**

Introduction

Using Case Studies and a checklist approach we can look at the different stages of the Community Call for Action in more detail, most importantly understanding:

1. What to do with the initial issue and how to signpost accordingly.
2. How to assess whether an issue is a genuine concern.
3. What happens once you agree to champion a request.
4. When to refer to scrutiny.

The **Initial Issue** Checklist

1. Are the concerns individual complaints?

Scrutiny is not appropriate for individual complaints. If it is a complaint of this nature, advice can be given about the Redditch Borough Council Corporate Complaints procedure.

2. Do the concerns relate to individual 'quasi judicial' decisions (e.g. planning licensing) or to council and non domestic rates?

Scrutiny is not appropriate for dealing with these kinds of concerns as they are subject to their own statutory appeals process. However, patterns of issues may be appropriate to consider as a concern under CCfA – e.g. community concerns about the proliferation of licensed premises in a local neighbourhood.

3. Are the concerns to do with the quality of public service provision at a local level?

Community call for Action not only looks at issues of concern relating to council services, but also issues relating to other public services and service areas, such as: concerns about anti-social behaviour, community safety, health services and issues relating to local schools.

The **Genuine Local Community Concern** Checklist

1. Is the focus of concern on a neighbourhood or locality issue?

Community Call for Action focuses on neighbourhood or locality issues, where you as ward councillors can help resolve issues of concern in your wards. If the concern is of a more general nature – e.g. about policy across Redditch – you can still make a request for scrutiny in the usual way.

2. Is the issue a genuine local concern?

You will want to be sure that the concerns in your ward are genuine and not just an individual 'hobby horse.' Finding out the views of other community members will help clarify this.

The **Championing a Request** Checklist.

1. Is an apology, explanation or an assurance about a particular problem enough to satisfy a community concern?

Research has shown that an apology, explanation or an assurance that a problem will not be repeated can help to address concerns. Some community concerns can be satisfied by public explanation and do not require service change or a scrutiny review.

2. Is it possible for the Councillor to resolve the issue?

Once you have agreed to champion a CCfA you will be aware of a variety of ways in which you might seek to resolve a concern including:

- Discussing the issue with officers from relevant council service or agency.
- Facilitating an informal discussion at an appropriate local forum such as Neighbourhood Group
- Formally raising the issue with partnerships or partner agencies such as the Police or Primary Care Trust, Crime & Disorder partnership or Local Strategic Partnership.

The **Referring to Scrutiny** Checklist.

1. Is the issue persistently raised? Has it been possible for the ward councillor(s) to resolve the issue?

When you feel you have done everything within your power to remedy a community concern, you have exhausted all mechanisms and have tried to resolve the problem(s) with the aid of other agencies and partnerships, but have been unsuccessful in finding an adequate solution. Then you are able to refer the issues(s) to scrutiny, but this should always be a last resort.

Case Studies

By applying Case Studies to the above checklists, we can begin to see how the Councillor Call for Action process might work in practice. The checklists and case studies have been developed to help you decide whether an issue has the potential to be a Councillor Call for Action. The guidance is not meant to be prescriptive and doesn't need to be followed rigidly.

Due to the unknown nature of potential community concern, the checklist should be thought of as highly flexible. When you are still unsure about a concern, you can contact the OSS Officers for further guidance.

Case Study One

Mr White – Church Hill

I am writing on behalf of local residents in the area who want the problems at the recreation ground to be sorted out. Local residents have made numerous petitions and complaints about this. We have raised the issue with our local councillors and the Neighbourhood Group who want to help but the problem is still not being solved.

The shelter at the recreation ground encourages teenage drinking, sex and drugs. I have had mud and eggs thrown at my window and recently bricks that have smashed my window and unsettled me for my safety. This behaviour seems to happen after the youths spend a night in the shelter drinking and doing drugs.

The police do not patrol this area (although they know of the problems)

as they "do not have the man-power". I am a widower and pensioner and live on my own and I am finding this too much to cope with.

I would like to know what can be done about this. I know the situation is only going to get worse as the children break up from school soon.

The Initial Issue Checklist

Mr White has written to the OSS Officers stating his concerns about various problems occurring in his local community. The OSS Officers would log Mr White's concerns and contact you directly regarding this matter. If Mr White had contacted you first it is important that the OSS Officers are informed so that if at a later time you agree to champion the request, Officers are already aware of the concerns. If you are unsure whether a request is a potential CCfA you can contact the OSS Officers for further guidance

1. Are the concerns of Mr White individual complaints?
Scrutiny is not appropriate for individual complaints; however Mr White's concerns are clearly the views of the community and local residents.

2. Do the concerns of Mr White relate to 'quasi judicial' decisions (e.g. planning, licensing) or to council and non domestic rates?
No - the concerns of Mr White are not to do with 'quasi judicial' decisions or to council and non domestic rates. However if they were, Scrutiny would not be appropriate for dealing with these kinds of concerns as they are subject to their own statutory appeals process.

3. Are Mr White's concerns to do with the quality of public service provision at a local level?

Mr White has a variety of cross-cutting concerns including: problems with the use of recreational ground, anti social behaviour and the lack of police presence in the community.

The **Genuine Local Community Concern** Checklist

1. Is the focus of the concern on a neighbourhood or locality issue?

From the information Mr White has provided us with it is very clear that this is neighbourhood/locality issue.

2. Is the issue a genuine local concern?

The issues raised by Mr White on the surface seem like issues of genuine local concern, including underage drinking, drug taking, anti-social behaviour and the lack of police presence. However, you will need to be sure that the concerns of the ward are genuine and not just the views of an individual 'hobby horse'. Finding out the views of other community members will help clarify this.

> As ward councillor, you will have to decide whether a concern raised constitutes a genuine community concern. The O & S Officers can offer guidance if needed. Once you have established whether it is a genuine community concern, you can either reject the request and signpost to more appropriate mechanisms for dealing with the problem, or agree to champion the request and try to resolve the issue by liaising with other council services, the Executive and other agencies/partnerships. By using the genuine concern checklist you can assess whether Mr White's concerns would warrant further assistance for a CCfA.

The **Championing a Request** Checklist

1. An apology, explanation or assurance about a particular problem is not enough to satisfy community concern.

In the case of Mr White, an
apology, explanation or assurance would not be sufficient. Especially considering that ward councillors have known about this concern for some time.

2. Resolving the issue.

Since the issues in Mr White's letter are varied in nature no one solution is appropriate. Mr White states that the residents have signed petitions and raised the issues with the ward councillors and Neighbourhood Group but the concerns are still unresolved. You might use a variety of other ways to try and resolve this concern, such as:

- Discussing the issue with officers from the relevant council services or agencies.

- Formally raising the issue with partnerships or partner agencies such as the Police or Primary Care Trust, Crime & Disorder partnership or Local Strategic Partnership.

The **Referring to Scrutiny** Checklist

1. The issue is persistent and unresolved by the ward councillor(s)
When you feel you have done everything within your power to remedy Mr White's concern and you have exhausted all mechanisms and have tried to resolve the problems with the aid of other agencies and partnerships, but have been unsuccessful in finding an adequate solution. Then you are able to refer the issue to Scrutiny. This should always be a last resort.

SUMMARY OF MR WHITE'S CONCERNS

Mr White's concerns are not his individual complaints; they are the views of other community members. Mr White's concerns include a number of cross-cutting concerns. Such as, anti social behaviour, gang culture, the use of recreational grounds and lack of police presence.

The focus of Mr White's concerns are certainly neighbourhood/locality based issues and the information provided by Mr White suggests that the issues are a genuine local concern, with petitions, complaints, ward councillors and Neighbourhood Group being unable to resolve the issues. You may wish to clarify this by finding out the views of the community members or you may already have adequate knowledge of these community concerns.

As the concerns are far reaching and have been unresolved for some time, an apology, explanation or an assurance may not be enough to address the concerns. If you agree to champion the request you will need to consider the different ways to help resolve the concern, such as discussing with officers, other agencies and partnership such as the Police or Primary Care Trust, Crime & Disorder Partnership or Local Strategic Partnership.

Only when all other mechanisms have been unsuccessful should the CCfA be referred to Scrutiny.

Case Study 2

Mrs Green – Matchborough

Mrs Green writes: I have just read an article about Community Call for Action. I'm writing about the Sports Centre. It provides many great activities for children, but at night, the secluded location and the lack of lighting, brings some very worrying behaviour. A few weeks ago a car was set on fire in the car-park. Can anything be done to make this less threatening for residents after dark? Just some street lights and a few CCTV cameras would be a deterrent.

Initial Issue

1. Are the concerns of Mrs Green individual complaints?
This may be an individual complaint, but if Mrs Green's concerns are shared by the community, then CCfA may be more appropriate than trying to resolve the issue through the formal complaints procedure.

2. Do the concerns of Mrs Green relate to 'quasi judicial' decisions (e.g. planning or licensing) or to council and non domestic rates?
No

3. Are the concerns to do with quality of public service provision at a local level?
Possibly

Genuine Local Concern

1. Is the focus of the concern on a neighbourhood or locality issue?
 Yes.

2. Is the issue a genuine local concern?
Yes - potentially a genuine local concern

Championing a Request

1. Has an apology, explanation or assurance been enough to satisfy a community concern?
 It would seem that the outcome Mrs Green is looking for is to resolve the anti-social behaviour issues at the sports centre, so an apology is unlikely to satisfy her concerns. However, there are times when community concerns can be satisfied by public explanation – for example, the issues at the sports

centre may have been recognised by the relevant public agencies but are not being addressed immediately, because other areas have higher priority.

2. Having agreed to champion Mrs Green's concern you may use a variety of ways to try and resolve a concern. In the case of Mrs Green, you may wish to formally raise the issue with partnerships or partner agencies such as the Crime & Disorder Partnership.

Referring to Scrutiny

1. If all other mechanisms have been exhausted and the aid of other partnerships and agencies has been unsuccessful in finding an adequate solution, then you are able to refer the issue to Scrutiny.

Summary of Mrs Green's Concerns

If Mrs Green's concerns represent an individual complaint, this would not be appropriate for scrutiny. However you would want to be sure that the concerns are not shared by the wider community. On the face of it, Mrs Green's concerns could be seen as a service request – for street lighting and CCTV. However the issue of concern is the problem of anti-social behaviour at the sports centre and while it may be that street lighting or CCTV could address the problem there may be other or better ways to resolve the concerns. These would need to be explored with the relevant agencies, should you agree to champion the request.

Whilst the concerns can be thought of as neighbourhood and locality issues, you will want to be sure that the concerns are genuine and not just an individual 'hobby horse', finding out the views of other community members will help clarify this.

An apology, explanation or an assurance may not be enough to allay Mrs Green's concerns although she may be relived that her concerns are being dealt with. If you agree to champion this request, this would involve exploring potential solutions to the problem, with relevant agencies.

If you have exhausted all mechanisms to resolve the problem, but have been unsuccessful in finding an adequate solution, you are able to refer the issue to scrutiny, but this should always be a last resort

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Case Study 3

Mr Blue – Lodge Park

Mr Blue has sent a letter to the O & S Officers. Mr Blue writes: I am writing regarding the bulky and garden waste collection service which, as a pensioner who doesn't own a car I find invaluable. I do want to complain though about the length of time it takes for them to take away my garden waste. It is supposed to be collected within 10 days but usually takes much, much longer and sometimes only after several phone calls to chase people up.

Initial Issue

1. Are the concerns of Mr Blue an individual complaint?
Yes, unless there are a pattern of complaints in this area.

2 Do the concerns of Mrs Green relate to 'quasi judicial' decisions (e.g. planning or licensing) or to council and non domestic rates?
No

3. Are the concerns to do with quality of public service?
Yes

Genuine Local Concern

1. Is the focus of the concern on a neighbourhood or locality issue?
Not if it is an individual complaint, but if there are a pattern of similar complaints in a particular estate or ward then it could be. In this case it could be appropriate for CCfA. It could also be an issue of more general concern, across Redditch, in which case a traditional referral to scrutiny might be appropriate

2. Is the issue a genuine local concern ?
Yes, but again isolated to Mr Blue

Championing a Request

1. Has an apology, explanation or assurance been enough to satisfy a community concern?
Mr Blue may be satisfied with an apology.

2. Resolving an Issue
If it is an individual complaint, Mr Blue should find a resolution under the Council's Corporate Complaints procedure.

Referring to Scrutiny

1. The issue is persistent and unresolved by local councillor(s)

Mr Blue's concern should have been resolved via the Council's Corporate Complaints procedure and is not an issue adequate for scrutiny.

Summary of Mr Blue's Concerns

Mr Blue's concern is an individual complaint and is not appropriate for Scrutiny. Advice can be given about the Redditch Borough Council's Corporate Complaints procedure. Whilst the issue is on the quality of public service at a local level, it is likely that the issue will be isolated to Mr Blue.

However, if you felt the lack of public service was affecting other residents within the community, then you may wish to gather support from your constituents.

Mr Blue may be happy with an apology, explanation or assurance that a problem has been dealt with and will not occur again. It is unlikely that you will have to liaise with ther agencies and partnerships unless you believe the concern is affecting the wider community members.

It is likely that the issue will be successfully resolved by the ward councillor or Redditch Borough Council's Corporate Complaints procedure and unlikely to be referred to scrutiny.

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Premises - Abbey Ward /
No other Ward implications

26 August 2009

FLAG FLYING POLICY –
PLANNING COMMITTEE REFERRAL

(Report of the Head of Legal, Democratic and Property Services)

1.	**Summary of Proposals**
	To consider a referral from the Planning Committee in relation to Planning Members' request for a review of the Council's current Flag Flying Policy.

2.   Recommendations

The Committee is asked to RESOLVE that

the Council's current Flag Flying Policy be reviewed, in order to address the concerns of the Planning Committee.

(Members are asked EITHER to consider a proposed draft revised policy, attached to this referral report at Appendix 1; OR to specify the terms of any revisions required for further report.)

Report

3.   Background

3.1   The Planning Committee, at its meeting held on 16th June 2009, granted Redditch Borough Council Advertisement Consent for the display of non-National Flags from the Town Hall. This was specifically required to enable a flag to be flown in respect of a special event to mark

3.2   In granting the permission, Members felt that the general consent could, potentially, allow the flying of unsuitable or inappropriate flags from the Town Hall. It was requested and agreed that an additional Informative for the Applicant (the Council) be added to the Committee's resolution requesting that the current Flag Flying Policy be reviewed to ensure that only non-National flags of an appropriate nature be flown, as detailed in the extract below:

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"PLANNING APPLICATION 2009/081/ADV -
   TOWN HALL, WALTER STRANZ SQUARE, REDDITCH

<u>Display of Flags other than permitted National etc. Flags</u>
<u>Applicant: Redditch Borough Council</u>

RESOLVED that

having regard to the Development Plan and to all other material considerations, Advertisement Consent be GRANTED, subject to the conditions and informatives summarised in the report, together with the following additional informative:

"The applicant is advised that the Planning Committee was concerned with the types and condition of flags to be displayed as a result of this consent, and requested that the appropriate Council body be tasked with reviewing and implementing an appropriate Council flag flying policy. The potential display of commercial advertisements was a particular cause for the Committee's concern."

4. **Key Issues**

4.1   The existing approved policy is as follows:

   <u>in respect of the Union Flag and national flags</u>, practice to date be endorsed, namely that flag flying take place in accordance with Department of Culture, Media and Sport Guidance for government buildings, with the exception of the flying of the England Flag on St. George's Day, plus any other occasions agreed by the Chief Executive, in consultation with the Portfolio Holder for Corporate Management, to include a specified list of major sporting fixtures comprising the World Cups of football, rugby and cricket (St. George's Flag) and the Olympic Games (Union Flag). (Exec 19th July 2006 / Council 7th August 2006)

4.2   Planning Committee members' concerns were around the nature and condition of flags which might be flown in response to this permission. They were concerned that the planning term 'Advertisement Consent' might suggest potential commercial use of the Council's Flagpole; that any such permission might leave the way open to political flags or banners; and that the condition of flags to be flown needed to be controled, in ways not permitted as part of Planning Committee's consideration of the application.

4.3

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The attached suggested revision of the policy (Appendix 1) seeks to address Planning Members' concerns. However, it should be noted that other conventions routinely cover concerns about the display of commercial advertising, or the flying of political flags or banners.

Nonetheless additional wording may help re-assure Members about the application of the Council's policy, and the terms of subsequent interpretation of the Scheme of Delegation of Authority to Officers.

4.4 Members may however delete elements if they consider the proposed revisions to be unnecessarily prescriptive. However, these have been drafted to reflect current practice and previous Member requirements.

8. <u>Background Papers</u>

Previously published reports and minutes of the Executive Committee, Planning Committee and full Council.

10. <u>Author of Report</u>

The authors of this report are Janice Smyth (Member and Committee Support Services Assistant), who can be contacted on extension 3266 (e-mail: jan.smyth@redditchbc.gov.uk) and Steve Skinner (Democratic Services Manager – extension 3256 / e.mail steve.skinner@redditchbc.gov.uk) for more information.

11. <u>Appendix</u>

Draft proposed revised Policy.

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APPENDIX 1

26 August 2009

Draft proposed revised Policy

(additions indicated in ***bold italic script*** / deletions ~~lined through~~)

"that

1) in respect of the Union Flag and national flags, ~~practice to date be endorsed, namely that~~ flag flying take place in accordance with Department of Culture, Media and Sport Guidance for government buildings, with the exception of the flying of the England Flag on St. George's Day, plus any other occasions agreed by the Chief Executive, in consultation with the Portfolio Holder for Corporate Management, to include a specified list of major sporting fixtures comprising the World Cups, ***or equivalent competition***, of football, rugby and cricket (St. George's Flag) and the Olympic Games (Union Flag)***;***

2) ***on days when the Union Flag is flown from the top mast, the St George's flag normally be flown from a lower mast;***

3) ***in respect of the Borough Flag and other non-national flags, authority be delegated to the Chief Executive, in consultation with the Portfolio Holder for Corporate Management, to determine the occasions the Council's flag should be flown, to include:***

    a) ***on days of full Council meetings;***

    b) ***to mark other major Civic Events;***

    c) ***to mark the death of a former Mayor of the Borough / Chairman of the Council (at half mast);***

4) ***on days when the Union Flag is flying on the top mast, the Borough Flag normally be flown from a lower mast (or other national flag on the occasion of a twinning visit);***

5) ***all flags flown should be in good clean condition and not of any commercial or political nature, or otherwise unsuitable for display at the Town Hall."***

(The Scheme of Delegation to be amended accordingly to reflect the above: ***delegation to the Chief Executive (or Democratic Services Manager on his behalf) in consultation with the Portfolio Holder for Corporate Management.***)

REDDITCH BOROUGH COUNCIL

making a difference

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Executive

No direct Ward relevance

Committee

26 August 2009

ADVISORY PANELS, WORKING GROUPS, ETC - UPDATE REPORT

(Report of Chief Executive)

1.   Purpose of Report

To provide, for monitoring / management purposes, an update on the work of the Executive Committee's Advisory Panels, and similar bodies which report via the Executive Committee. At a meeting of the Committee in early 2009 it was agreed that Portfolio Holders review the present arrangements for their respective Advisory Panels and Working Parties and come to a conclusion as to whether they were still serving a purpose. The matter was to be discussed more generally at the next meeting of the Constitutional Review Working Party.

2.   Recommendation

The Committee is asked to RESOLVE that

subject to Members' comments, the report be noted.

3.   Updates

A.   ADVISORY PANELS

	Meeting :	**Lead Members / Officers :** (Executive Members shown underlined)	**Position :** (Oral updates to be provided at the meeting by Lead Members or Officers, if no written update is available.)
1.	Climate Change Advisory Panel (formerly Environment Advisory Panel	Chair Cllr B Clayton / Guy Revans.	Next meeting – 15 September 2009.
2.	Community Safety Advisory Panel	Chair Cllr Brunner / Vice-Chair Cllr Banks Angie Heighway	No meetings planned at present.

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3.	Economic Advisory Panel	Chair <u>Cllr MacMillan</u> John Staniland / Georgina Harris	Next meeting - 20 August 2009 (Joint meeting with Planning Advisory Panel)
4.	Housing Advisory Panel	Chair <u>Cllr B Clayton</u> / Vice-Chair Cllr Pearce Jackie Smith	Next meeting – 1 September 2009.
5.	Leisure Contracts Advisory Panel	Chair <u>Cllr Anderson /</u> Vice-Chair Cllr MacMillan Ken Watkins / Kevin Cook	Last meeting – 20 January 2009. No requirement for meeting at present.
6.	Customer Services Advisory Panel	Chair <u>Cllr Braley</u> Jackie Smith / Jane Smith	Next meeting being arranged in September 2009..
7.	Planning Advisory Panel	Chair <u>Cllr MacMillan</u> / Vice-Chair Cllr Chalk John Staniland / Ruth Bamford	Next meeting - 20 August 2009 (Joint meeting with Economic Advisory Panel).

B.   <u>OTHER MEETINGS</u>

8.	Constitutional Review Working Party	Chair Cllr MacMillan / Vice Chair <u>Cllr Braley</u> Steve Skinner	Next meeting – to be arranged.
9.	Grants Panel	Chair Cllr Chance / Vice Chair <u>Cllr Braley</u> Angie Heighway	Next meeting – 17 September 2009.

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10.	Independent Remuneration Panel	Independent Members / Chair Mr Andrew Powell	Next meeting – to be arranged. Currently working up proposals for 2010 Allowances Scheme.
11.	Member Development Steering Group	Chair Cllr MacMillan / Vice-Chair Cllr Brunner Steve Skinner / Trish Buckley	Next meeting – to be arranged.
12.	Procurement Steering Group	Chair Cllr MacMillan / Vice-Chair Cllr Hall Sue Hanley	Next meeting – 21 September 2009.
13.	Church Hill District Centre – Members' Panel	Chair Cllr B Clayton Rob Kindon / Jim Prendergrast	Meeting being arranged in September 2009.

4. **Author of Report**

The author of this report is Ivor Westmore (Member and Committee Support Services Manager), who can be contacted on extension 3269
(e-mail: ivor.westmore@redditchbc.gov.uk) for more information.

5. **Appendices**

None.

Executive   No direct Ward relevance

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ACTION MONITORING

(Report of the Chief Executive)

Portfolio Holder(s) / Responsible Officer	Action requested	Status
13 January 2009		
Cllr Gandy A Heighway	**Third Sector Task and Finish Group** 1) Discussions to be held with other local authorities in the north of the County in respect of the provision of a joint-funded post to support the grants process.	Discussions to be arranged.
Cllr Gandy / Executive Committee	2) The Executive to consider the further work to be undertaken (detailed in recommendation 5) and come back with suggestions for further work in due course.	Awaiting further consideration by relevant Members.
22 April 2009		
Cllr MacMillan/ Ruth Bamford	**Action Monitoring – Economic Advisory Panel** Economic Development Strategy - Visits to Redditch businesses being arranged.	
20 May 2009		
Cllr Braley / T Kristunas	**Redditch Borough Council Establishment** Officers to provide information on employment of Agency staff to Councillor Hartnett	Information passed to Councillor Hartnett – now awaiting supplementary information.

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10 June 2009		
Cllr Braley / D Taylor / T Kristunas	**Benefits Service Improvement Plan** Officers were asked amend the action plan to include contact with Registered Social Landlords (RSLs) in Redditch with a view to negotiating a similar agreement to that concluded with Redditch Co-op Homes	Action Plan amended in accordance with request.
1 July 2009		
Cllr Braley / C MacMillan A Rutt / R Bamford	**Delegation to Officers – Enforcement Powers** Officers undertook to propose arrangements, prior to Council, so as to take account of Members' ward interests and matters of potential wider interest in respect of the additions to the Scheme of Delegation	
Cllr Braley E Storer	**Corporate Sickness Statistics** Members suggested minor amendments to the recording method for sickness absence, proposing that the "No Reason" category might be termed "Other" and that there be a more explicit breakdown of the work-related and non-work related absences due to "Bones, Joints and Fractures".)	
22 July 2009		
Cllr B Clayton/ L Tompkin	**Council Flat Communal Cleaning Review - Final Report** Officers to provide an estimated service charge for cleaning communal areas to be used when consulting residents.	
Cllr Braley/ A Marklew	**Corporate Identity – Revisions** Officers to investigate the cost implications of a change of logo.	

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Cllr Braley/ T Kristunas / E Storer	**Staff Vacancy and Sickness Absence Reporting** Members noted the lack of reporting of staff vacancies and sickness absence figures. Staff Vacancy and Sickness Absence reports to be submitted to the next meeting.	
Note:	_No further debate should be held on the above matters or substantive decisions taken, without further report OR unless urgency requirements are met._	Report period: 13/01/09 to 12/08/09