

Council

Mon 29th March
2010
7.00 pm

Council Chamber
Town Hall
Redditch



www.redditchbc.gov.uk

Access to Information - Your Rights

The Local Government (Access to Information) Act 1985 widened the rights of press and public to attend Local Authority meetings and to see certain documents. Recently the Freedom of Information Act 2000, has further broadened these rights, and limited exemptions under the 1985 Act.

Your main rights are set out below:-

- Automatic right to attend all Council and Committee meetings unless the business would disclose confidential or “exempt” information.
- Automatic right to inspect agenda and public reports at least five days before the date of the meeting.
- Automatic right to inspect minutes of the Council and its Committees (or summaries of business undertaken in private) for up to six years following a meeting.
- Automatic right to inspect lists of background papers used in the preparation of public reports.
- Access, upon request, to the background papers on which reports are based for a period of up to four years from the date of the meeting.
- Access to a public register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees etc.
- A reasonable number of copies of agenda and reports relating to items to be considered in public must be made available to the public attending meetings of the Council and its Committees etc.
- Access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned.
- Access to a summary of the rights of the public to attend meetings of the Council and its Committees etc. and to inspect and copy documents.
- In addition, the public now has a right to be present when the Council determines “Key Decisions” unless the business would disclose confidential or “exempt” information.
- Unless otherwise stated, all items of business before the Executive Committee are Key Decisions.
- (Copies of Agenda Lists are published in advance of the meetings on the Council’s Website:
www.redditchbc.gov.uk

**If you have any queries on this Agenda or any of the decisions taken or wish to exercise any of the above rights of access to information, please contact
Ivor Westmore
Committee Support Services**

**Town Hall, Walter Stranz Square, Redditch, B98 8AH
Tel: (01527) 64252 (Extn. 3269) Fax: (01527) 65216
e.mail: ivor.westmore@redditchbc.gov.uk Minicom: 595528**

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.

Special Arrangements

If you have any particular needs, please contact the Committee Support Officer.

Infra-red devices for the hearing impaired are available on request at the meeting. Other facilities may require prior arrangement.

Further Information

If you require any further information, please contact the Committee Support Officer (see foot of page opposite).

Fire/ Emergency instructions

If the alarm is sounded, please leave the building by the nearest available exit – these are clearly indicated within all the Committee Rooms.

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 **Walter Stranz Square**.

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:-

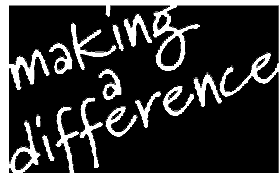
- It is a personal interest **and**
- The item affects your **financial position** (or conveys other benefits), or the position of your **family, close associates** or bodies through which you have a **registered interest** (or relates to the exercise of **regulatory functions** in relation to these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



Council

29th March 2010

7.00 pm

Council Chamber Town Hall

Agenda

Membership:

Cllrs:	M Hall (Mayor)	N Hicks
	K Banks	G Hopkins
	P Anderson	D Hunt
	M Braley	R King
	J Brunner	W King
	M Chalk	C MacMillan
	G Chance	P Mould
	A Clayton	W Norton
	B Clayton	J Pearce
	J Cookson	B Quinney
	D Enderby	M Shurmer
	A Fry	D Smith
	C Gandy	D Taylor
	W Hartnett	D Thomas

1. Welcome	<p>The Mayor will open the meeting and welcome all present.</p> <p>The Mayor's Chaplain, Canon David Rogers, will lead the Council in prayer.</p>
2. Apologies	<p>To receive any apologies for absence on behalf of Council members.</p>
3. Councillor Jack Field	<p>To pay tribute to the late Councillor Jack Field in recognition of his contribution to the Borough and its residents.</p>
4. Declarations of Interest	<p>To invite Councillors to declare any interests they may have in items on the agenda.</p>
5. Minutes Chief Executive	<p>To confirm as a correct record the minutes of the meetings of the Council held on the 1st and 22nd February 2010.</p> <p>(Minutes circulated in Minute Book 8 - 2009/10 – To follow)</p>

<p>6. Communications and Mayor's Announcements</p>	<p>To receive a report from the Mayor on civic matters which have arisen since the last meeting or events which may be occurring in the near future.</p> <p>To give notice of any variation to the items listed in the Forward Plan and/or items accepted as "Urgent Business".</p> <p>(No separate report / oral update)</p>
<p>7. Executive Committee (Pages 1 - 18) Chief Executive</p>	<p>A. To formally receive the minutes of the meeting of the Executive Committee held on 27th January 2010.</p> <p>(All decisions here have previously been fully resolved. There are no outstanding recommendations or referrals which require the Council's consideration.)</p> <p>(Minutes circulated in Minute Book 8 – 2009/10 – To follow)</p> <p>B. To receive the minutes and consider the recommendations and/or referrals from the following meetings of the Executive Committee:</p> <p><u>3rd February 2010</u></p> <p>Matters requiring the Council's consideration include:</p> <ul style="list-style-type: none">• Local Development Framework – Office Needs Assessment;• Water Quality Report; and• Private Sector Housing Strategy and Action Plan; <p><u>17th February 2010</u></p> <p>Matters requiring the Council's consideration include:</p> <ul style="list-style-type: none">• Planning Services – Scheme of Delegation to Officers – Amendments relating to Tree Protection; and• Planning Services – Increase in Charging for Pre-Application Discussions <p>(Matters arising report attached)</p>

22nd February 2010

All decisions here have previously been fully resolved. There are no outstanding recommendations or referrals which require the Council's consideration.

(Minutes circulated in Minute Book 8 – 2009/10 – To follow)

C. To receive the decision notice and consider the recommendations and/or referrals from the following meeting of the Executive Committee:

10th March 2010

Matters requiring the Council's consideration may include:

- Home Improvement Agency;
- Redditch Housing Advice and Homelessness Review and Enhanced Housing Options Strategy and Action Plan;
- Prudential Indicators 2010/11 to 2012/13 and Minimum Revenue Provision Policy;
- Treasury Management Policy Statement; and
- REDI Centre – Procurement of Alternative Service Provider - Update

(Decision Notice attached)

8. Regulatory Committees

Chief Executive

To formally receive the minutes of the following meetings of the Council's Regulatory Committees:

Licensing - 14th December 2010

Planning Committee - 10th February 2010

- 2nd March 2010

(Minutes circulated in Minute Book 8 – 2009/10 – To follow)

<p>9. Redditch Borough Council and Bromsgrove District Council - Shared Services</p> <p>(Pages 19 - 28)</p> <p>Head of Legal, Equalities and Democratic Services</p>	<p>To seek approval for two actions required to facilitate officers from Redditch Borough Council and Bromsgrove District Council, appointed to the Single Management Structure under Shared Services arrangements, to work in each authority.</p> <p>(Report attached)</p> <p>(No Direct Ward Relevance)</p>
<p>10. WETT Regulatory Services – Joint Appointments Committee</p> <p>(Pages 29 - 32)</p> <p>Head of Legal, Equalities and Democratic Services</p>	<p>To consider the Terms of Reference of and to appoint a representative to the Joint Appointment Committee, in relation to the Head of Service for the Worcestershire Enhanced Two Tier (WETT) Regulatory Services.</p> <p>(Report attached)</p> <p>(No Direct Ward Relevance)</p>
<p>11. Administrative Matters</p> <p>Chief Executive</p>	<p>To consider any Committee / Sub-Committee / Panel positions which have been left vacant on the death of Councillor Field. The positions to which nominations are required are as follows:</p> <p>Licensing Committee; Planning Committee; Standards Committee; and Complaints Appeals Panel.</p> <p>(No separate report)</p> <p>(No Direct Ward Relevance)</p>
<p>12. Urgent Business - Record of Decisions</p> <p>Chief Executive</p>	<p>To note any decisions taken in accordance with Standing Order 36 and/or the Overview and Scrutiny Procedure Rules (Constitution), as specified.</p> <p>(None to date).</p>

13. Urgent Business - general (if any)	<p>To consider any additional items exceptionally agreed by the Mayor as Urgent Business in accordance with the powers vested in him by virtue of Section 100(B)(4)(b) of the Local Government Act 1972.</p> <p>(This power should be exercised only in cases where there are genuinely special circumstances which require consideration of an item which has not previously been published on the Order of Business for the meeting and/or on the Leader's Forward Plan.)</p>
14. Exclusion of the Public	<p>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:</p> <p>“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 rounds 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.”</p>
	<p>(Note: Anyone requiring copies of any previously circulated reports, or supplementary papers, should please contact Committee Services Officers in advance of the meeting.)</p>

No Specific Ward relevance

Council

29th March 2010

EXECUTIVE COMMITTEE, 17TH FEBRUARY 2010 – MATTERS ARISING
PLANNING SERVICES – INCREASE IN CHARGING FOR PRE-APPLICATION DISCUSSIONS

(Report of the Chief Executive)

1. **Purpose of Report**

To note additional information relating to increase in charging for pre-application discussions in Planning Services.

2. **Recommendations**

RECOMMENDED that

the appendix be noted.

Report

3. **Background**

At the meeting of the Executive Committee on 17th February 2010, Members considered a report which sought approval to alter the current scale of fees for Permitted Development enquiries and pre-application advice to a common county-wide scale of charges and approach to service provision and to maintain the fees at the same level as other districts within Worcestershire. Officers were asked to circulate Appendix 2 prior to the meeting of the Council as the information was unavailable at the time of the Executive Committee meeting.

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 (email: ivor.westmore@redditchbc.gov.uk) for more information.

5. **Appendices**

Appendix 2 to the report to the Executive Committee on 17th February 2010.

Planning Services for you...

in Redditch from 1 April 2010
and in Bromsgrove from 21 April 2010

1) How we can help you

This guidance document deals with the arrangements now in place for handling pre-application planning advice.

As part of the Development Management approach to planning practice in Worcestershire, Bromsgrove District and Redditch Borough Councils are able to provide you with advice and information on matters relating to planning. In order to provide the best possible advice and information within an appropriate timescale, however, it is important that you also provide us with as much clear information as possible regarding your proposed 'development'.

In order for the Councils to be able to sustain and improve its level of service, a range of charges have been introduced, in addition to the nationally set planning application fees.

In recent years the Councils have seen a significant increase in the demand placed on their pre-application advice services. The introduction of charges will ensure that the cost of providing them is recovered directly by service users.

Charges will apply to all enquires received on or after the dates above in accordance with the scale of fees and categories as outlined in the table under Section 6.

2) County wide service provision

The provision of planning advice services and the corresponding level of charges have been considered and put together in liaison with the other district councils across Worcestershire (Bromsgrove, Malvern Hills, Worcester City, Wychavon, Wyre Forest), in order to ensure a consistency of approach amongst neighbouring authorities. Whilst there are some small variations in approach, the scale of charges is the same across the County area, as is the service provided.

It is hoped that such an approach will minimise any confusion, particularly amongst local agents or those working across several authority areas.

It is acknowledged that the introduction of charging is slightly staggered across the county, however four authorities will begin from April 2010, with the other two likely to follow shortly. The date on the front of this document should clarify when charging began in each authority.

3) Benefits of service

The Councils encourage and welcome the opportunity to provide advice before an application is made. There are considerable benefits in seeking advice before making an application:

- It gives you an opportunity to understand how policies will be applied to your development;

- It can identify at an early stage where there is a need for specialist input, for example on matters relating to listed buildings, trees, landscape, noise, transport, contaminated land, ecology and archaeology;
- It will assist you in preparing proposals for formal submission which, providing you have taken our advice fully into account, is likely to be handled more quickly and smoothly;
- It may lead to a reduction in time spent by your professional advisors in working up proposals;
- It may indicate at an early stage that a proposal is completely unacceptable, saving you the cost of pursuing a formal application;
- It can ensure an application is complete and comprehensive and to a satisfactory standard, avoiding rejection at registration stage or early refusal of permission because of inadequate or insufficient information

4) Permitted Development (PD) Enquiries

These are enquiries that establish whether you need to make a planning application or not. Permitted Development Rights (PDRs) can be an area on which you may require guidance from a planning officer. PDRs are granted by the planning statutory framework, and allow some limited development to occur without the need to apply for planning permission. If you wish to check whether your proposal benefits from PDRs or whether planning permission is required, then you should submit a PD enquiry. To make this simpler, you will find a form on our website at:

<http://redditch.whub.org.uk/cms/pdf/Do%20I%20need%20Planning%20Permission.pdf>

which you can complete and send in to us with the relevant fee. This should provide us with all the information we need in order to be able to advise you.

What you need to provide:

- Completed form (see link above)
- Sketch drawings of floor plans and appearance
- Photographs of the site if available
- Fee (see table in section 7)

What service we will provide:

- We will respond in writing within **10 working days**
- We will confirm whether you need to make an application for planning permission, and if so why
- If you do need permission, details of what would be required as part of the application submission, and how to apply will also be provided
- Cases will be allocated by a manager to an appropriate case officer to respond

What happens next?

- If you need permission, you will need to apply
- If you do not need permission, then you can carry on with the works, providing you comply with all other relevant legislation

5) Pre-application advice

If you need to apply for planning permission, but wish to seek advice on the acceptability of your proposals, you may seek pre-application advice. This service is intended to provide an indication of whether your proposal is likely to gain planning permission or not, and what you would need to submit with any application that you make.

For smaller schemes, this is a simple process that can be done through the exchange of correspondence, although if necessary a meeting can be held at the town hall. For larger schemes, meetings may well be necessary, and the discussions can include several rounds of discussion.

What you need to provide:

- Your contact details, including a telephone number and email address (if you have one)
- A description of your proposed development
- A location plan to scale, with the site clearly marked
- Photographs or drawings of what you propose (with an indication of size/scale)
- Sketch drawings of floor plans and elevations
- Access and parking details
- Fee (see table in section 7)
- Any other details you feel would help us to provide a comprehensive response

What service we will provide:

- We will respond in writing within [20 working days for smaller schemes*](#)
- We will respond in writing within [30 working days for larger schemes*](#)
- For larger schemes, at least one meeting with your representatives and relevant consultees will be convened
- Consideration of the relevant site planning history
- Consideration of the relevant local planning framework designations of the site
- Consideration of the context of the site and the relative impacts across the site boundaries
- Where a planning obligation is likely to be required, we would seek to agree the likely content of such an agreement prior to the submission of an application
- We will confirm what information would be required to be submitted in support of an application for planning permission
- An informal indication of the likely outcome of your proposed development, with hints on how it could be improved, where possible
- We will consult with specialist colleagues and include them in discussions where appropriate

What happens next

- Once a point in the discussions is reached where your proposal is considered likely to be acceptable, you will be invited to submit an application
- Where necessary, discussions could continue during the lifetime of a formal application, but we generally seek to avoid the need for this through engaging in thorough pre-application discussions

**in this context, a smaller scheme consists of less than 10 dwellings, a proposed floor area of less than 1000m² or a site area of less than 1ha, and a larger scheme is above these thresholds.*

6) Planning Performance Agreements (PPAs)

Where you propose a major application and wish to enter into a formal Planning Performance Agreement (PPA), you are advised to write to the planning team (see contact details below) and seek specific advice and guidance. A fee and a timetable will need to be agreed at the first meeting, and the fee received before the Council take the matter further.

Further detailed guidance is likely to follow on this matter, specific to Redditch and/or Bromsgrove, so check our websites for further details if appropriate (see below for links).

For further information on PPAs, see the guidance on the ATLAS website at:

<http://www.atlasplanning.com/page/ppa.cfm>

7) Table of fees and details of exemptions

Permitted development enquiries

Proposed development type	Cost
Householder	£25
Other	£50

Pre-application discussions

Proposed Development Type			Cost	Cost of additional meetings (each)
Householder			£40	£20
Residential Development	Development Site Area	Proposed Gross Floor Area**		
1 - 4 dwellings*	0.5ha or less	500 m ² or less	£250	£100
5 - 9 dwellings	0.6 - 0.99ha	499 – 999m ²	£500	£100
10 - 49 dwellings	1.0 - 1.25ha	1000 - 2499m ²	£1000	£500
50 - 199 dwellings	1.26 – 2.0ha	2,500 - 9,999m ²	£2000	£750
200+ dwellings	2ha or more	10,000m ² +	£3000	£1000

Proposed Development Type	Cost	Cost of additional meetings (each)
Advertisements	£50	£25
Change of Use	£150	£75
Telecommunications	£150	£75
Glasshouses/Poly Tunnels	£200	£100
Other***	£100	£50

* includes one-for-one replacements and conversions to/subdivisions

** measured externally

*** includes all other development proposals not falling within any of the above categories such as variation or removal of conditions, car parks & roads and certificates for lawfulness.

All fees are inclusive of VAT

The initial costs noted in the table above include up to three meetings. The charge for additional meetings would apply after the first three meetings have occurred.

Exemptions

Advice sought in the following categories will not incur a fee

- Where the enquiry is made by a local authority
- Where the enquiry is made by a Parish Council
- Where the enquiry is made by a Housing Association (HA) or Registered Social Landlord (RSL)
- Where the development is for the direct benefit of a disabled person (and as such there would be no fee incurred to make the planning application)
- Conservation advice e.g. works to listed buildings and Conservation Area Consents to demolish;
- Works to trees covered by a Tree Preservation Order (TPO) or trees located within a Conservation Area;
- Advice on how to submit a planning application or a fee enquiry;
- Where the enquiry relates to a householder development within Wychavon district

8) Contact details

To seek further assistance or submit an enquiry, please use any of the following contact details:

Development Control Team
Redditch Borough Council
Town Hall
Walter Stranz Square
Redditch
B98 8AH

Bromsgrove contact details to be added.

01527 64252 ext 3399

developmentcontrol@redditchbc.gov.uk

Further information and advice can be found on the planning area of our website:

<http://redditch.whub.org.uk/cms/default.aspx>

9) General information

- No advice will be provided, or your request considered, without receipt of the relevant fee (unless the enquiry falls within the exemptions listed in section 7 above).
- Meetings are not a compulsory element of the planning application process. Therefore, we ask that where a meeting is not necessary, one is not requested, in order that resources can be made available to as many people as possible to deal with a higher volume of enquiries.
- The attendance of consultees at discussions cannot be guaranteed, however wherever possible and necessary, invitations will be issued.
- Where a meeting is held in the first instance prior to initial written advice, a timescale for the follow up written response will be agreed at the meeting. Wherever possible, the first meeting will be held within the response times noted above. Subsequent meetings will be dependent on the progress with the proposals and subject to availability of the Planning Officer and relevant consultees.
- All advice is provided without prejudice to the outcome of any future planning application, or change to the statutory or policy planning framework, however where changes are perceived to be imminent, we will attempt to advise accordingly.
- Where significant new information comes to light during the course of a planning application that was not considered at pre-application stage, the case officer will alert the applicant to this and seek additional information if appropriate.
- Development carried out on site without the benefit of planning permission (where it is required) is at risk of enforcement action and applicants and their representatives should be fully aware of this and mindful of it when considering their position and future options.
- Under the Freedom of Information Act 2000, we may receive a request to provide information regarding enquiries for pre-application advice. Sections 41 & 43 of the Act exempts information whose disclosure could result in substantial financial loss, or where it is likely to prejudice the commercial interests of a person. You are therefore asked, if you believe the enquiry to be confidential, to supply a covering letter setting out the reasons why and for what period. The decision as to whether to release the information however lies with the Local Authority.
- For more information on large developments and PPAs, see the ATLAS website at www.atlasplanning.com
- Free and independent professional advice on the planning process, and assistance with planning matters, may be available to you, depending on your circumstances. For further information, contact the local branch of Planning Aid through www.planningaid.rtpi.org.uk



Executive Committee

10th March 2010

Notice of Decisions

Present:

Councillor Carole Gandy (Chair), and Councillors P Anderson, J Brunner, B Clayton, W Hartnett, N Hicks, C MacMillan and M Shurmer

Also Present

Councillor R King and M Collins (Vice-Chair, Standards Committee)

Officers:

S Hanley, C Flanagan, A Walsh, H Bennett, T Kristunas, K Cook, J Godwin, D Taylor, E Hopkins, D Wheeler and M Bough and J Divala

Committee Services Officer:

I Westmore

257. APOLOGIES

Apologies for absence were received on behalf of Councillor Braley.

258. DECLARATIONS OF INTEREST

Councillors Anderson and B Clayton declared personal and prejudicial interests and Councillor Gandy declared a personal interest in Item 13 (Voluntary Sector Grant Applications 2010/11) as detailed separately at Minute 269 below.

259. LEADER'S ANNOUNCEMENTS

The Leader announced, with great regret, the passing that afternoon of Councillor Jack Field. Those present were invited to respect a minute's silence in memory of Councillor Field and his service to the Council and local community.

The Chair advised that the following items of business, scheduled on the Forward Plan to be dealt with at this meeting, had been removed from the Forward Plan:

- Enforcement Policy; and
- Shared Electoral Services

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The Chair also advised that she had accepted the following matters as urgent business:

Item 4 – Executive Committee Minutes, 22nd February 2010;

Item 14 – Overview and Scrutiny Committee Minutes, 3rd February 2010;

Item 15 – Shared Services Board Minutes, 1st March 2010; and

Item 20 – REDI Centre – Procurement of Alternative Service Provider - Update

260. MINUTES

RESOLVED that

the minutes of the meetings of the Committee held on 2nd February, 17th February and 22nd February be confirmed as correct records and signed by the Chair.

261. QUARTERLY PERFORMANCE MONITORING - QUARTER 3, OCTOBER - DECEMBER 2009

RESOLVED that

the update on key performance indicators for the period ending December 2009 be noted.

(Officers undertook to provide:-

- i) Councillor Hartnett with additional information on the numbers of concessionary journeys per year (ET 015) following the meeting;
- ii) Councillor Anderson with an update on the projected year end figures for the number of working days lost to the local authority due to sickness absence per FTE staff member (BV 012) following the meeting; and
- iii) Councillor MacMillan with additional information on the impact of fraud on Housing Benefits overpayments (BV 079b (iii)) following the meeting.)

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**262. QUARTERLY BUDGET MONITORING - QUARTER 3,
SEPTEMBER TO DECEMBER 2009**

RESOLVED that

the report be noted.

**263. QUARTERLY MONITORING OF FORMAL COMPLAINTS AND
COMPLIMENTS - QUARTER 3, SEPTEMBER TO DECEMBER
2009**

RESOLVED that

**the update on complaints and compliments for the period
October – December 2009 be noted.**

(Officers undertook to speak to Councillor Shurmer following the meeting in respect of problems concerning the disabled blue badge scheme about which he had been notified by a number of residents.)

**264. QUARTERLY MONITORING OF THE BENEFITS SERVICE
IMPROVEMENT PLAN - QUARTER 3, SEPTEMBER TO
DECEMBER 2009**

RESOLVED that

the report be noted.

265. HOME IMPROVEMENT AGENCY

RECOMMENDED that

- 1) the Council agree the commencement of the new Countywide Home Improvement Agency (HIA) from April 2010 provided by Festival Housing Group;**
- 2) the Head of Community Services, in consultation with the Head of Legal, Equalities & Democratic Services finalise and enter into the necessary legal arrangements to implement the transfer and commencement of the new service; and**

RESOLVED that

- 3) the new HIA be supported through the use of revenue and capital base budget contributions that are**

committed to the current service arrangements with the North Worcestershire Care & Repair Agency.

266. REDDITCH HOUSING ADVICE AND HOMELESSNESS REVIEW AND ENHANCED HOUSING OPTIONS STRATEGY AND ACTION PLAN

RECOMMENDED that

subject to community consultation and Members' comments, the Enhanced Housing Options Strategy be approved and implemented.

267. PRUDENTIAL INDICATORS 2010/11 TO 2012/13 AND MINIMUM REVENUE PROVISION POLICY

RECOMMENDED that

- 1) the Prudential Indicators as set out in the report be approved; and
- 2) the Minimum Revenue Provision Policy for 2010/11 be based on the estimated life of the assets financed from borrowing.

268. TREASURY MANAGEMENT POLICY STATEMENT

RECOMMENDED that

the Treasury Management Strategy for 2010/11 be approved.

(Officers highlighted an amendment that was to be made to the Strategy, as printed, this being the reduction of the maximum amount placed with any single institution from £1 million to £500,000 [Appendix A, Paragraph 7.1 - Specified Investments – Monies placed on call or for less than 3 month])

269. VOLUNTARY SECTOR GRANT APPLICATIONS 2010/11

RESOLVED that

- 1) grants be awarded to voluntary sector organisations as detailed in paragraph 5.4 of this report, subject to Council approval of the budget;
- 2) £3,000 be donated to Redditch Arts Council, for 2010/11; and

- 3) **the policy on funding the voluntary and community sector organisations be reviewed.**

(Members wished to clarify that the figure of £10,000 in paragraph 5.7 had been incorporated as a purely indicative figure and did not represent a financial limit imposed by the Council.)

(Prior to consideration of this item, and in accordance with the requirements of Section 81 of the Local Government Act 2000, Councillors Anderson and B Clayton declared personal and prejudicial interests in view of their involvement in local voluntary sector organisations, and withdrew from the meeting. Councillor Gandy declared a personal interest in view of her spouse's nominal financial interest in a local voluntary sector organisation.)

270. OVERVIEW AND SCRUTINY COMMITTEE

RESOLVED that

the minutes of the meeting of the Overview and Scrutiny Committee held on 3rd February 2010 be noted.

271. MINUTES / REFERRALS - SHARED SERVICES BOARD, 1ST MARCH 2010

RESOLVED that

the following targets be approved:

- a) **Cohesive Single Management Team.**
- b) **Achieve the savings targets associated with Shared Services / Joint working included within the Medium Term Financial Plan of both Councils.**
- c) **Ensure effective financial management arrangements are in place for shared service arrangements (Activity Based Costings).**
- d) **Ensure changes to the management structure / implementation of shared services are seamless from a customer perspective (to be monitored by self assessment and complaints and commendations).**
- e) **Harmonisation of Terms and Conditions.**
- f) **Implement medium term business cases – CCTV / Lifeline and ICT.**
- g) **Produce business case for North Worcestershire Shared Economic Development Unit and implement if agreed.**
- h) **Complete recruitment to the Single Management Team.**

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- i) **Develop programme for consideration of further shared services between Redditch and Bromsgrove.**
- j) **Further implementation of shared services programme between Redditch and Bromsgrove Councils.**
- k) **Implementation of Regulatory Services.**
- l) **Ensure delivery of performance and financial aspects of agreed shared services.**
- m) **Ensure effective performance monitoring of shared service arrangements.**

272. ADVISORY PANELS - UPDATE REPORT

RESOLVED that

the report be noted.

(It was reported that the next meeting of the Church Hill District Centre Members' Panel would take place in April.)

273. ACTION MONITORING

RESOLVED that

the report be noted.

(It was reported that the visit by Members to the swimming pool in Coventry was scheduled to take place on 10th April 2010.)

274. 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 on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 4 of Part 1 of Schedule 12 (A) of the said Act, as amended.

REDI Centre – Procurement of Alternative Service Provider - Update (as detailed at Minute 275 below);

275. REDI CENTRE - PROCUREMENT OF ALTERNATIVE SERVICE PROVIDER - UPDATE

(During the consideration of this item Members discussed matters that necessitated the disclosure of exempt information. It was

Executive Committee

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therefore agreed to exclude the press and public prior to any debate on the grounds that information would be revealed relating to contemplated consultations or negotiations in connection with a labour relations matter between the authority and employees of the authority.)

(This report had been accepted as a matter of Urgent Business – not on the Forward Plan and not having met the publication deadline – and was considered at the meeting as such, with the approval of the Chair, in accordance with the Council's constitutional rules and the powers vested in the Chair by virtue of Section 100 (B) (4) (b) of the Local Government Act 1972 to agree to matters of urgency being discussed by reason of special circumstances.

In this case the special circumstances were that the information, which was not available at the time of the agenda going to print, was required to be considered at the present meeting in order to provide the maximum opportunity for Officers to explore possible options and secure funding for adult education services at the facility.)

The Meeting commenced at 7.00 pm
and closed at 9.03 pm

By virtue of paragraph(s) 4 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

No direct Ward Relevance

Council

29th March 2010

REDDITCH BOROUGH COUNCIL AND BROMSGROVE DISTRICT COUNCIL SHARED SERVICES

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

1. Summary of Proposals

The purpose of this report is to seek approval for two actions required to facilitate officers from Redditch Borough Council and Bromsgrove District Council, appointed to the Single Management Structure under Shared Services arrangements, to work in each of them.

2. Recommendations

The Council is asked to RESOLVE that

- 1) the existing Officer Employment Procedure Rules be replaced by the Model Officer Employment Procedure Rules as set out at Appendix 1 to the report; and
- 2) amendment be made to the Redditch Borough Council Scheme of Delegation to Officers by the addition of the following words under Section A “General Delegations”:

“To exercise the various delegations defined hereunder – (All employees of Bromsgrove District Council seconded to Redditch Borough Council under Shared Service arrangements).”

3. Financial, Legal, Policy, Risk and Climate Change / Carbon Management Implications

Financial

- 3.1 None

Legal

- 3.2 The Councils have established joint working/shared services arrangements under the Local Government Act 1972 and for these to be implemented, minor amendments to the Redditch Borough Council Constitution are required.

Policy

- 3.3 Implementation of the Shared Services between the Councils.

Risk

- 3.4 Officer Employment Procedure Rules

Clarity and consistence is essential to avoid the risk of conflict arising with Officers employed by different Councils but operating within two Councils under Shared Services.

- 3.5 Scheme of Delegations to Officers.

The risk to the Council of challenge to the ability of Officers of one Council to discharge of functions of the other Council under Shared Services arrangements.

Climate Change / Carbon Management

- 3.6 None.

Report**4. Background**

- 4.1 Redditch Borough Council and Bromsgrove District Council have agreed to appoint Officers to a Single Management Structure.
- 4.2 As part of the implementation of those arrangements, Directors and Heads of Services have been appointed and will take up their duties on 20 April 2010.

5. Key Issues

- 5.1 Officer Employment Procedure Rules

It is essential that these are the same for both employing Councils. To this end, it is proposed that the same Model Officer Employment Rules, as set out at Appendix 1 should be adopted by both Councils so that the same rules will apply in respect of both Redditch Borough Council and Bromsgrove District Council.

Scheme of Delegations to Officers

- 5.2 An amendment to the existing Redditch Borough Council Scheme of Delegations to Officers, as set out in the Recommendation above, is required to enable Officers appointed under the Shared Services

arrangements to operate under the Scheme of Delegations for the Council to which they are seconded.

6. Other Implications

Asset Management	-	None
Community Safety	-	None
Health	-	None
Human Resources	-	Officer Employment Rules will apply to employees of both Redditch Borough Council and Bromsgrove District Council.
Social Exclusion	-	None
Environment / Sustainability	-	None

7. Lessons Learnt

?????

8. Background Papers

As set out in the Appendix 1.

9. Consultation

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

10. Author of Report

The author of this report is Clare Flanagan (Legal Services Manager), who can be contacted on extension 3173 (email: clare.flanagan@redditchbc.gov.uk) for more information.

11. Appendices

Appendix 1 - Model Officer Employment Rules.

12. Key

?????

OFFICER EMPLOYMENT PROCEDURE RULES

Definitions

(Mandatory provisions to be incorporated – The Local Authorities (Standing Orders) Regulations 2001 Schedule I Part II)

1. In this Part:
 - "the 1989 Act" means the Local Government and Housing Act 1989;
 - "the 2000 Act" means the Local Government Act 2000;
 - "disciplinary action" has the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001;
 - "executive" and "executive leader" have the same meaning as in Part II of the 2000 Act;
 - "member of staff" means a person appointed to or holding a paid office or employment under the authority; and
 - "proper officer" means an officer appointed by the authority for the purposes of the provisions in this Part.

Appointment and Dismissal of Staff

2. Subject to paragraphs 3 and 7, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the authority must be discharged, on behalf of the authority, by the officer designated under section 4(1) of the 1989 Act (designation and reports of head of paid service) as the head of the authority's paid service or by an officer nominated by him.
3. Paragraph 2 shall not apply to the appointment or dismissal of, or disciplinary action against:
 - (a) the officer designated as the head of the authority's paid service;
 - (b) a statutory chief officer within the meaning of section 2(6) of the 1989 Act (politically restricted posts);
 - (c) a non-statutory chief officer within the meaning of section 2(7) of the 1989 Act;
 - (d) a deputy chief officer within the meaning of section 2(8) of the 1989 Act; or
 - (e) a person appointed in pursuance of section 9 of the 1989 Act (assistants for political groups).
4. (1) Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the appointment or

dismissal of an officer designated as the head of the authority's paid service, the authority must approve that appointment before an offer of appointment is made to him or, as the case may be, must approve that dismissal before notice of dismissal is given to him.

- (2) Where a committee or a sub-committee of the authority is discharging, on behalf of the authority, the function of the appointment or dismissal of any officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3, at least one member of the executive must be a member of that committee or sub-committee.
- 5.
- (1) In this paragraph, "appointer" means, in relation to the appointment of a person as an officer of the authority, the authority or, where a committee, sub-committee or officer is discharging the function of appointment on behalf of the authority, that committee, sub-committee or officer, as the case may be.
 - (2) An offer of an appointment as an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3 must not be made by the appointer until:
 - (a) the appointer has notified the proper officer of the name of the person to whom the appointer wishes to make the offer and any other particulars which the appointer considers are relevant to the appointment;
 - (b) the proper officer has notified every member of the executive of the authority of:
 - i. the name of the person to whom the appointer wishes to make the offer;
 - ii. any other particulars relevant to the appointment which the appointer has notified to the proper officer; and
 - iii. the period within which any objection to the making of the offer is to be made by the executive leader on behalf of the executive to the proper officer; and
 - (c) either:
 - i. the executive leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the appointer that neither he nor any other member of the executive has any objection to the making of the offer;
 - ii. the proper officer has notified the appointer that no objection was received by him within that period from the executive leader; or

- iii. the appointer is satisfied that any objection received from the executive leader within that period is not material or is not well-founded.
- 6.
- (1) In this paragraph, "dismissor" means, in relation to the dismissal of an officer of the authority, the authority or, where a committee, sub-committee or another officer is discharging the function of dismissal on behalf of the authority, that committee, sub-committee or other officer, as the case may be.
 - (2) Notice of the dismissal of an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3 must not be given by the dismissor until:
 - (a) the dismissor has notified the proper officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;
 - (b) the proper officer has notified every member of the executive of the authority of:
 - i. the name of the person who the dismissor wishes to dismiss;
 - ii. any other particulars relevant to the dismissal which the dismissor has notified to the proper officer; and
 - iii. the period within which any objection to the dismissal is to be made by the executive leader on behalf of the executive to the proper officer; and
 - (c) either:
 - i. the executive leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the dismissor that neither he nor any other member of the executive has any objection to the dismissal;
 - ii. the proper officer has notified the dismissor that no objection was received by him within that period from the executive leader; or
 - iii. the dismissor is satisfied that any objection received from the executive leader within that period is not material or is not well-founded.
7. Nothing in paragraph 2 shall prevent a person from serving as a member of any committee or sub-committee established by the authority to consider an appeal by:

- (a) another person against any decision relating to the appointment of that other person as a member of staff of the authority; or
- (b) a member of staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

Disciplinary Action

(Mandatory provisions to be incorporated – The Local Authorities (Standing Orders) Regulations 2001 Schedule 3)

- 8. In paragraph 2, "chief finance officer", "council manager", "disciplinary action", "head of the authority's paid service" and "monitoring officer", have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001 and "designated independent person" has the same meaning as in regulation 7 of those Regulations.
- 9. No disciplinary action in respect of the head of the authority's paid service (unless he is also a council manager of the authority), its monitoring officer or its chief finance officer, except action described in paragraph 3, may be taken by the authority, or by a committee, a sub-committee, a joint committee on which the authority is represented or any other person acting on behalf of the authority, other than in accordance with a recommendation in a report made by a designated independent person under regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001 (investigation of alleged misconduct).
- 10. The action mentioned in paragraph 2 is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension must be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.

Declarations – relatives of existing councillors and officers

- 11. The Council will draw up a statement requiring any candidate for appointment as an Officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or Officer of the Council; or of the partner of such persons.
- 12. No candidate so related to a Councillor or an Officer will be appointed without the authority of the relevant Chief Officer or an Officer nominated by him/her.

Seeking support for appointment

13. The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
14. No Councillor will seek support for any person for any appointment with the Council.

Recruitment of Head of Paid Service and Chief Officers

15. Where the Council proposes to appoint a chief officer (within the meaning of the Local Authorities (Standing Orders) Regulations 1993) and it is not proposed that the appointment be made exclusively from among their existing officers, the Council shall—
 - (a) draw up a statement specifying—
 - (i) the duties of the officer concerned; and
 - (ii) any qualifications or qualities to be sought in the person to be appointed;
 - (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
 - (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.
16. (1) Where a post has been advertised as provided in rule 15(b), the Council shall—
 - (a) interview all qualified applicants for the post, or
 - (b) select a short list of such qualified applicants and interview those included on the short list.

(2) Where no qualified person has applied, the Council shall make further arrangements for advertisement in accordance with rule 15(b).
17. The steps under rule 15 or 16 above may be taken by a committee, sub-committee or chief officer of the Council;
18. Any chief officer may be appointed by the Council, a committee or sub-committee of the authority or a relevant joint committee.

19. Where the duties of a chief officer include the discharge of functions of two or more local authorities under section 101(5) of the Local Government Act 1972
- (a) the steps under rule 15 or 16 above may be taken by a joint committee of those authorities, a sub-committee of that committee or a chief officer of any of the authorities concerned; and
 - (b) any chief officer may be appointed by such a joint committee, a sub-committee of that committee or sub-committee of any of those authorities.

DRAFT

No Direct Ward Relevance

Council

29th March 2010

WETT REGULATORY SERVICES – JOINT APPOINTMENTS COMMITTEE

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

1. Summary of Proposals

This report asks Members to agree the Terms of Reference of and to appoint a representative to the Joint Appointment Committee, in relation to the Head of Service for the Worcestershire Enhanced Two Tier (WETT) Regulatory Services.

2. Recommendations

The Council is asked to RESOLVE that

- 1) the Portfolio Holder for Corporate Management be appointed to represent Redditch Borough Council on the Joint Appointments Committee; and
- 2) the Terms of Reference for the Joint Appointments Committee as set out in paragraph 5.3 of the report be approved.

3. Financial, Legal, Policy, Risk and Climate Change / Carbon Management Implications

Financial

3.1 None.

Legal

- 3.2 Section 101(5) of the Local Government Act 1972 as amended enables two or more local authorities to arrange for the discharge of any of their functions jointly and where arrangements are in force for them to do so they may arrange for the discharge of those functions by a Joint Committee.
- 3.3 The appointment of staff is a Council function under the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 as amended.
- 3.4 The Local Authorities (Standing Orders)(England) Regulations 2001 provide that where a Committee or sub-Committee of the Authority is

discharging the function on behalf of the Authority of the appointment of a non-statutory Chief Officer, at least one Member of the Executive must be a member of that Committee.

- 3.5 Section 2(7) of the Local Government and Housing Act 1989 defines a non-statutory chief officer as including a person for whom the head of the authority's paid service is directly responsible.

Policy

- 3.6 There are no direct policy implications.

Risk

- 3.7 The main risk associated with the details included in this report is a failure to follow the statutory process correctly.

Climate Change / Carbon Management

- 3.8 None.

Report

4. Background

As part of the Worcestershire Enhanced Two-Tier programme of Shared Services, Members have agreed to participate in the establishment of a Worcestershire-wide Regulatory Service.

5. Key Issues

- 5.1 The Joint Appointments Committee, with appropriate Terms of Reference, is required in relation to the appointment of the proposed Head of Regulatory Services on the basis that the Committee comprises one Member of each participating Council.
- 5.2 The Member appointed must be a member of the Council's Executive.

Terms of Reference

- 5.3 The Terms of Reference of the Joint Appointments Committee are:
- i) The Joint Appointments Committee will appoint a Head of Regulatory Services who will be employed and managed by Bromsgrove District Council under the supervision of the Worcestershire Shared Services Joint Committee;

-
- ii) The Joint Appointments Committee will comprise one representative from each Member Authority;
 - iii) The term of office of each Member of the Joint Appointments Committee shall be one year;
 - iv) The Joint Appointments Committee shall elect a Chairman at its first meeting.

6. Other Implications

Asset Management	-	None.
Community Safety	-	None.
Health	-	None.
Human Resources	-	None.
Social Exclusion	-	None.
Environment / Sustainability	-	None.

7. Lessons Learnt

None to report.

8. Background Papers

None.

9. Consultation

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

10. Author of Report

The author of this report is Clare Flanagan (Legal Services Manager), who can be contacted on extension 3173 (e-mail: clare.flanagan@redditchbc.gov.uk) for more information.

11. Appendices

None.

