

# Council

Mon 13th December  
2010  
7.00 pm

Council Chamber  
Town Hall  
Redditch



[www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)

# Access to Information - Your Rights

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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](http://www.redditchbc.gov.uk)

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**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**

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Tel: (01527) 64252 (Extn. 3269) Fax: (01527) 65216  
e.mail: [ivor.westmore@redditchbc.gov.uk](mailto: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

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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

13th December 2010

7.00 pm

Council Chamber Town Hall

## Agenda

### Membership:

Cllrs:	Kath Banks (Mayor)	Bill Hartnett
	Anita Clayton (Deputy Mayor)	Nigel Hicks
	Peter Anderson	Roger Hill
	Michael Braley	Gay Hopkins
	Andrew Brazier	Robin King
	Juliet Brunner	Wanda King
	Michael Chalk	William Norton
	Simon Chalk	Jinny Pearce
	Greg Chance	Brenda Quinney
	Brandon Clayton	Mark Shurmer
	Jack Cookson	Debbie Taylor
	Andrew Fry	Derek Taylor
	Carole Gandy	Diane Thomas
	Adam Griffin	Graham Vickery
	Malcolm Hall	

<b>1. Welcome</b>	<p>The Mayor will open the meeting and welcome all present.</p> <p>The Mayor's Chaplain, the Reverend Jo Musson, will lead the Council in prayer.</p>
<b>2. Apologies</b>	<p>To receive any apologies for absence on behalf of Council members.</p>
<b>3. Declarations of Interest</b>	<p>To invite Councillors to declare any interests they may have in items on the agenda.</p>
<b>4. Minutes</b> Chief Executive	<p>To confirm as a correct record the minutes of the meeting of the Council held on 1st November 2010.</p> <p><b>(Minutes circulated in Minute Book 6 - 2010/11)</b></p>
<b>5. Communications and Mayor's Announcements</b>	<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><b>6. Leader's Announcements</b> (Pages 1 - 6)</p>	<p>To receive a report from the Leader on matters considered to be of significance to the Council.</p> <p>(No separate report / oral update – Minutes of the meeting of the Local Strategic Partnership held on 8th November 2010 attached for information)</p>
<p><b>7. Leaders' Questions</b> (Pages 7 - 8) Chief Executive</p>	<p>To consider the following Questions for the Leader, which have been submitted in accordance with Standing Order 8A:</p> <ol style="list-style-type: none"><li>1. <u>"Brockhill S106"</u> (Ms Pattie Hill)</li><li>2. <u>Housing Problems</u> (Mr Luke Stephens)</li><li>3. <u>Social Care</u> (Mr Neal Stote)</li></ol> <p>(Questions attached)</p>
<p><b>8. Notices of Motion</b> (Pages 9 - 10) Chief Executive</p>	<p>To consider a Notice of Motion submitted by Councillor G Vickery in accordance with Standing Order 6, concerning Worcestershire County Council Highways Services.</p> <p>(Report attached)</p> <p><b>(All Wards)</b></p>
<p><b>9. Executive Committee</b> (Pages 11 - 30) Chief Executive</p>	<p>A. To formally receive the minutes of the Executive Committee held on <u>20th October 2010</u></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><b>(Minutes circulated in Minute Book 6 – 2010/11)</b></p> <p>B. To receive the minutes and consider the recommendations and/or referrals arising from the following meeting of the Executive Committee:</p> <p><u>10th November 2010</u></p> <p>Matters requiring the Council's consideration include:</p> <ul style="list-style-type: none"><li>• Climate Change Strategy; and</li><li>• Review of Dial A Ride Service.</li></ul>

	<p>(Reports and Decisions attached – Appendices to reports available on the Council’s website and as hard copy in Group Rooms)</p> <p><b>(Minutes circulated in Minute Book 6 – 2010/11)</b></p> <p>C. To receive the decisions notice and consider the recommendations and/or referrals from the following meeting of the Executive Committee:</p> <p><u>2nd December 2010</u></p> <p>Matters requiring the Council’s consideration include:</p> <ul style="list-style-type: none"> <li>• New Cemetery – Site and Funding;</li> <li>• Tenant Involvement Agreement; and</li> <li>• Voluntary and Community Sector Grants Policy.</li> </ul> <p>(Reports and decisions to follow)</p> <p><b>(Decision notice to follow)</b></p>
<p><b>10. Regulatory Committees</b> (Pages 31 - 56) Chief Executive</p>	<p>To formally receive the minutes and/or consider the recommendations/ referrals arising from of the following meetings of the Council’s Regulatory Committees:</p> <p>Licensing Committee - 29th November 2010 (Recommendations only)</p> <p>Planning Committee - 9th November 2010</p> <p>(Reports and Decisions attached – Appendices to reports available on the Council’s website and as hard copy in Group Rooms)</p> <p><b>(Minutes circulated in Minute Book 6 – 2010/11)</b></p>
<p><b>11. Administrative Matters - Additional meeting of the Council</b> Head of Legal, Equalities and Democratic Services</p>	<p>A number of matters, including the Revised Preferred Draft Core Strategy were not in a position to be considered at the present meeting of the Council but require resolution prior to February 2010 and the following Council meeting. It has therefore been proposed, in consultation with the Mayor and Leader of the Council, that an additional meeting of the Council be arranged for mid-January, to be preceded by an additional meeting of the Executive Committee. It is therefore</p>

	<p><b>RECOMMENDED that</b></p> <p><b>an additional meeting of the Council, to be preceded by an additional meeting of the Executive Committee, be held on Monday, 10th January 2011.</b></p> <p>(No separate report)</p> <p><b>(No Direct Ward Relevance)</b></p>
<p><b>12. Administrative Matters- Crime and Disorder Scrutiny Panel</b></p> <p>Head of Legal, Equalities and Democratic Services</p>	<p>To consider the appointment of a Members to fill a vacancy that has arisen on the Crime and Disorder Scrutiny Panel subsequent to the Annual Meeting.</p> <p>The Crime and Disorder Scrutiny Panel comprises five Members and there is currently one vacancy which, under normal proportionality rules, would fall to the Majority Party to fill. Previously, this position was taken by the Liberal Democrat Group but they do not wish to put forward an alternative Member to fill this vacancy.</p> <p>(No separate report)</p> <p><b>(No Direct Ward Relevance)</b></p>
<p><b>13. Urgent Business - Record of Decisions</b></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>
<p><b>14. Urgent Business - general (if any)</b></p>	<p>To consider any additional items exceptionally agreed by the Mayor as Urgent Business in accordance with the powers vested in her 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>



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## 15. Exclusion of the Public

Should it be necessary, in the opinion of the Chief Executive, to consider excluding the public from the meeting in relation to any items of business on the grounds that exempt information is likely to be divulged, it may be necessary 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 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.”**

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(Note: Anyone requiring copies of any previously circulated reports, or supplementary papers, should please contact Committee Services Officers in advance of the meeting.)

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## Minutes of the Meeting held on 8<sup>th</sup> November 2010

### Present:

Cllr Carole Gandy (Chair)	Redditch Borough Council
Cllr Mike Braley	Redditch Borough Council
Kevin Dicks	Redditch Borough Council
Angie Heighway	Redditch Borough Council
Hugh Bennett	Redditch Borough Council
Ruth Bamford	Redditch Borough Council
Helen Broughton	Redditch Borough Council
John Gallagher	NEW College
Peter Fryers	Worcestershire Health Authority
Cllr Barry Gandy	Worcestershire County Council
Maggie Bryan	Worcestershire County Council
Ann Sowton	Redditch and Bromsgrove Network (BARN)
Gary Woodman	Chamber of Commerce
Lee MacKenzie	Community Forum

In attendance: Susan Tasker (minutes), Cllr W Norton & Jess Bayley (item three)

### 1. WELCOME AND APOLOGIES

Cllr Carole Gandy welcomed everyone to the meeting.

Apologies were noted from Des Sutton, Ian Joseph, Cllr Graham Vickery and Sue Hanley. It was also reported that Tim Rice had suggested that his colleague Neil Anderson should attend future meetings instead of him, although neither could attend this meeting.

### 2. MINUTES OF THE LAST MEETING

The minutes of the previous meeting were agreed as a true record. The following matters arising were noted:

**School Governors** - Helen provided an update on making available a list of Governor positions. She had contacted Worcestershire County Council and had asked for a list but had been told that there was not the time and capacity to provide this information. It had been suggested that a note could be included on the regular bulletin sent to schools in Redditch which could explain about the Partnership work to promote School Governor positions and to contact Helen if interested. There was a discussion about whether this was an appropriate response from the County. Barry suggested an e-mail could be sent directly from the Partnership to individual schools. It was agreed that Helen and Barry would follow this up.

**ACTION: BARRY AND HELEN**

**Worcestershire Partnership Changes** – It was reported that concerns had been raised by the Third Sector regarding the new structure of the Worcestershire Partnership. It was noted

that it was important that those organisations no longer sitting on the new Worcestershire Partnership were kept informed of the work of Worcestershire Partnership.

**Communications** - It was reported that a template had been circulated to the Partnership Board which requested information about forthcoming consultations and events. It was agreed that this would be brought back to the next meeting.

**ACTION: AGENDA**

**Morton Stanley Festival** – The Chair informed the Board that the weekend had gone well, despite the weather on the Saturday, and it had been an excellent opportunity to consult with the public. Surprisingly, many people did not know that Redditch had lower educational achievement. Special thanks was made to Des Sutton who had spent a whole day on the LSP stall.

### **3. OVERVIEW AND SCRUTINY LSP TASK AND FINISH GROUP FINAL REPORT**

Cllr W Norton from RBC attended the meeting following presentations at earlier meetings regarding the work of the LSP Task and Finish Group. William took the Board through a presentation.

Kevin questioned the accountability of other Partner organisations and how they feed back information about the Partnership formally to their organisations. William explained that the Task and Finish Group could not really make any recommendations regarding this but that it was for the Partners to pick up on this issue. Carole suggested this issue should be given further consideration and questioned if one way of doing this was to undertake an annual 'state of the nation' statement. Kevin felt some of the accountability could be taken at the county level and that Worcestershire Partnership could go back to partner organisations for endorsement.

Kevin questioned the Worcestershire Partnership and the intention to review the role of district LSPs. Views differed considerably, but with the red flag issues in Redditch there was a strong argument for the need to continue the LSP in Redditch. The Task and Finish Group report supported that viewpoint. Maggie explained that in the future the LSP would need to be more focused. Mike suggested that a brief annual report be written detailing what had been undertaken by the LSP. Peter questioned whether that would perpetuate organisations concentrating on what they do and whether instead a more themed report focusing on the priorities and identifying where work would provide added value would be more effective. Hugh added that this report could include what had not been working. Carole agreed that a joint document was required to show what is being done collectively, identify the gaps and then what the Partnership Board would do to address that. Hugh explained that he and Helen had started to look at the timetable for the production of the new Sustainable Community Strategy. Carole suggested that an LSP event was to be planned for March planning for this should be looked at at the next meeting.

**ACTION: HUGH & HELEN  
AGENDA**

### **4. CHURCH HILL REDEVELOPMENT SCHEME**

Hugh explained that although it is not as deprived as Winyates, Church Hill was still a health hot spot and featured in the top 10% of deprived areas in the country. Church Hill was picked as the first centre to be redeveloped by the Council as it was 'easiest' in the sense it was mainly in the ownership of one retailer, there was a lot of surrounding vacant land and there was no housing within the centre.

There was a multi-agency partnership in place which was co-ordinating the development of around new 50 units of social housing, retail centre and surgery. The cost of the project was £500K and the work would commence at the beginning of 2011 due to complete in 2012.

YMCA was already within the site and they run Church Hill Community Centre.

Hugh explained that a new centre might not necessarily improve the prospects of an area so the physical and social aspects needed to be addressed together. It was questioned what other services already existed in the area and what else needed to be provided to help people. Carole suggested that it was important to include the PCT in the development as they had a presence at John Fisher, in addition to the surgery. Carole also reiterated the level of involvement the YMCA had in the centre i.e. in providing housing and community work. Carole and Kevin had met with Duncan Berry recently and he had been asked to attend the next meeting as was important to understand the level of work undertaken by YMCA. Hugh said that would be helpful for him, Carole, Helen to meet Duncan before the next meeting.

Peter explained that it was important to look at what the draw was to get people in to help local services add value. Ann explained that there was a Community Assets Programme that they will be bidding for soon.

Carole encouraged Board Members to visit the area now so that they could see it in its current state and then compare this once the work was done.

Hugh raised the issue of consultation in Church Hill. Carole explained that she understood there had been consultation early on in the planning of the centre but agreed more needed to be done on the social aspects.

Kevin stressed the need for joined up thinking by Partners.

Ruth said it would be useful to understand interrelated issues, for example, the bus lanes. It was agreed that Hugh, Angie H and Ruth would work to the first instance to move this agenda ahead.

**ACTION: HUGH, ANGIE H, RUTH**

## **5. CORE STRATEGY AND SUSTAINABLE COMMUNITY STRATEGY**

Ruth explained that this linked to Cllr Norton's presentation and demonstrated the 'golden thread' running through all the strategies. Ruth referred to the briefing note distributed at the meeting. The core strategy (planning document) needed to reflect local needs and priorities and there needed to be a longer term vision. It was the physical realisation of the Sustainable Community Strategy. The current plan was to run up to 2026. In addition to planning, if there were skills gap the planners could seek money from developers to address this.

Ruth advised the Board that they needed to approve the document. Council Members were scheduled to consider the document in December with 10 weeks public consultation then commencing until the end of February. Partners could comment as part of that consultation process or feed their comments directly to Ruth.

It was confirmed the document (page one) was the revised vision, and Kevin asked Board Members whether they were happy with that. It was questioned whether it needed to be closer to the new priorities of the Partnership. Angie H explained that this document was looking further ahead, to 2026, and priorities would change and by then it was possible that health issues should have been addressed. The Chair explained that she wouldn't want to change the vision although the wording around the priorities could be looked at. Ruth agreed that she could tweak this prior to the Executive Committee meeting in December. Ruth said

some objectives were easily addressed but others less so and questioned whether there was a need to look at how the S106 monies are spent.

The Chair suggested that the title needed to more clearly state what the document was ie 'RBC Town Plan'.

## 6. DRAFT HEALTH ACTION PLAN

Peter referred to the paper circulated and said there were some gaps but that it was a good starting point following the away day in Winyates. The indicators used in the plan were the best available.

Key actions:

**Health eating** – the first action related to the impact assessment of partners policies and strategies. The first one to be looked at was the Core Strategy.

It was reported that an award scheme for healthy eating would be introduced which would include looking at employers with on site food available. Des Sutton was thought to be a good link on this. Other aspects included in this action might be encouraging walk to work schemes etc. It was agreed that this could focus on Winyates and Church Hill. Ruth suggested utilising the existing Schools 'Healthy Eating' schemes. Peter said it would be tailored to employers. Kevin referred to 'over abundance of takeaways'. It was explained that this would be picked up in the Core Strategy.

**Stop smoking** – there were a range of projects but it was important not to duplicate or go against what is already happening elsewhere. Hugh said if there is a commitment to run a campaign before Christmas then work needed to commence as soon as possible. Peter would be looking at whether this is the best time to run the campaign.

**Alcohol** – This was deemed a more complex area. Ann suggested learning from the Bromsgrove Alcohol sub groups. Angie H agreed to take this away, work up and bring back to a future meeting.

Carole asked that at the January meeting the Board receive a report on one area/project that had already started.

**ACTION: AGENDA**

## 7. WINYATES – AREA OF HIGHEST NEED UPDATE

Angie referred to the AOHN Project Monitoring Report which summarised progress. There would be a presentation at the next meeting about progress of the project. The Board agreed the report was in a useful format for quarterly monitoring. Kevin asked Maggie to consider the monitoring / reporting route for this to the Worcestershire Partnership. Maggie would report back but explained that it still needed to be considered by the Partnership Board to ensure local ownership. It was emphasised that the form used for monitoring should fulfil the needs of both Redditch Partnership and Worcestershire Partnership to avoid Liz completing two forms.

**ACTION: AGENDA**

**8. THEME GROUP UPDATES****Local Children's Partnership**

A copy of the Raising Educational Achievement and Aspirations Action Plan was circulated.

Cllr Gandy explained the Careers Fair was concentrating on careers, not jobs, to help pupils to understand opportunities and what would be required of them in work. It was ideally aimed at middle school pupils before they were to reach the point where they were choosing options. It was agreed that New College should be represented on the steering group for this project.

Kevin was concerned that 12 months on, the schools were saying 'mentoring is too difficult', despite previously saying it was important. Hugh assured the Board that John Edwards had taken this on and could report back to a future meeting. Carole suggested it might be a way forward to run a pilot in a small area ie a specific pyramid (Winyates or Church Hill) at first. Ann explained that Barn had also looked at training volunteers in mentoring and befriending.

Carole informed the Board that John Edwards had sent Ofsted results to her – most of the schools are only adequate and two within special measures so overall it was not a good picture.

**Town Centre Partnership**

Work was continuing around the Town Centre development by the railway and also programme of events to increase footfall in the market and Church Green traders over Christmas. This needed to be communicated to the public.

**Community Forum**

There was an away day planned for December to look at how to attract and retain members of the public, as it is mainly voluntary sector members attending at present.

**Community Safety Partnership**

A review had been undertaken looking at how the Partnership worked. Carole said at the Town Centre Partnership there had been concern about the level of drinking (around the band stand) and the low level anti-social behaviour which had been impacting on Town Centre businesses. Ruth explained that there needed to be an interface between Police and the local businesses. Angie H said it would be raised at the tasking group.

**ACTION: ANGIE H**

**Health and Wellbeing**

At its next meeting the membership would be discussed to ensure the form follows the function of the action plan discussed earlier on the agenda.

**9. DATE OF NEXT MEETING**

Thursday 16<sup>th</sup> December 2010.

Dates for 2011 would be circulated.





**REDDITCH BOROUGH COUNCIL****COUNCIL**

13th December 2010

**QUESTIONS TO THE LEADER****1. BROCKHILL S106**

The following Question to the Leader has been submitted in accordance with Standing Order 8 by Ms Pattie Hill:

- "1. Can the Leader explain, in this time of austerity and cost cutting she expects the Brockhill Estate to be fully "adopted", thus releasing almost £750,000 of section 106 monies which can be used within the community?"*
- 2. Can she also explain why this matter which was close to being resolved in June 2009 has not been finalised?"*

**2. HOUSING PROBLEMS**

The following Question to the Leader has been submitted in accordance with Standing Order 8 by Mr Luke Stephens:

*"Does the leader of the council agree with the deputy leader (of the Council) as stated at a recent Council Executive meeting that Redditch housing problems are caused by selfish people staying in council houses when they no longer need them. If so which tenants would get kicked out first would it be based on a time limit ie a fixed term tenancy or maybe means tested - if you earn too much money or drive a decent car you automatically lose your home. Which ever mechanism you use to select those for eviction how does this approach fit in with building sustainable communities and a big society"*

**3. SOCIAL CARE**

The following Question to the Leader has been submitted in accordance with Standing Order 8 by Mr Neal Stote:

*"As the White Paper regarding health, if it were adopted, could well put pressure on local councils to be a more active partner in providing social care in the community, with a move to community care and a move away from what is unfairly described as 'Hotel Beds' within the NHS, I would like to ask the following:*

**REDDITCH BOROUGH COUNCIL**

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*In 2007 the Government put in place a directive that 152 local Councils should aim to pay out 30% of the budget used for people needing social care in the form of a personal budget.*

*I would assume that RBC is one such Council. This policy was supported by the Alliance and taken as part of their policy after the May General election.*

*Is the Leader aware of this government directive?*

- *Is RBC one of the local Councils affected by the directive?*
- *Have RBC put in place a strategy to encompass all the implications of the directive?*
- *How near are we as a Council heading towards meeting the 30% target the directive has imposed?*

*How much funding is 30% of the social care budget? “*

**REDDITCH BOROUGH COUNCIL****COUNCIL**

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**NOTICE OF MOTION – WORCESTERSHIRE COUNTY COUNCIL HIGHWAYS SERVICES**

Relevant Portfolio Holder(s)	Cllr J Pearce
Relevant Head of Service	Head of Legal, Equalities & Democratic Services
Not a Key Decision	

The following Notice of Motion has been submitted in accordance with Standing Order 6 by Councillor Graham Vickery:

*“This Council is gravely concerned about the unresponsiveness of the County Council to highway issues raised by members of the public and Borough Councillors in Redditch.*

*We regret the refusal of County Council Officers to deal directly with the public and Borough Councillors, as experience with the Hub is generally unsatisfactory, the County Council is preparing to abandon public meetings and the Highways Forum is largely ignored.”*

Proposed by: Cllr Graham Vickery

Seconded by: Cllr Carole Gandy



REDDITCH BOROUGH COUNCIL**COUNCIL**13th December 2010

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CLIMATE CHANGE STRATEGY**RECOMMENDED that**

- 1) the Climate Change Strategy, as attached at Appendix 1 to the report, be adopted;
- 2) 100% of the savings from the Salix project be reinvested into further climate change work;
- 3) a policy be approved for insertion in both the Planning Core Strategy and Climate Change Strategy whereby: *“for any new developments that the Council undertakes, for example when building a new public leisure centre, consideration of whole life costs of the building are considered and, as part of this, all new public buildings should aim to exceed the nationally set BREEAM standard.”*;

**and RESOLVED that**

- 4) the report be noted; and
- 5) an annual report be made to the Executive Committee on energy savings, linking into the budget building process.



REDDITCH BOROUGH COUNCIL**EXECUTIVE  
COMMITTEE**

10th November 2010

CLIMATE CHANGE STRATEGY

Relevant Portfolio Holder	Councillor Peter Whittaker (BDC) Councillor Brandon Clayton (RBC)
Relevant Head of Service	Hugh Bennett, Director of Policy, Performance and Partnerships
Key Decision	

**1. SUMMARY OF PROPOSALS**

To agree a Joint Climate Change Strategy for Bromsgrove District (BDC) and Redditch Borough (RBC) Councils.

**2. RECOMMENDATIONS**

That, subject to final Council decisions on the Policy / Budget implications,

- 1) Bromsgrove District Council Cabinet be requested to consider the BDC Overview Board comments and agree / reject / amend the recommendations (contained in Appendix 2 to the report), and note the comments from RBC Overview and Scrutiny Committee;
- 2) Redditch Borough Council Executive Committee be requested to consider the RBC Overview and Scrutiny Committee comments and agree / reject / amend the recommendations (contained in Appendix 3 to the report), and note the comments from BDC Overview Board;
- 3) the Cabinet / Executive Committee be requested to **RECOMMEND** to their respective full Councils adoption of the Climate Change Strategy (attached at Appendix 1 to the report);
- 4) the Cabinet / Executive Committee be requested to **RECOMMEND** reinvestment of a proportion of savings (*to be specified*) from the Salix project into further climate change work; and
- 5) the Cabinet / Executive Committee be requested to **RECOMMEND** that a policy be approved for insertion in both the Planning Core Strategy and Climate Change Strategy whereby:  
*“for any new developments that the Council undertakes, for example, building a new public leisure centre, consideration of whole life costs of the building are considered and, as part of this, all new public buildings will exceed the nationally set BREEAM standard”.*

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**3. BACKGROUND**

Because the issues of Climate Change are not geographically specific, a joint strategy for reducing carbon emissions and adapting to climate change is proposed.

**4. KEY ISSUES**

- 4.1 This strategy sets out the policy framework in which BDC/RBC can meet their corporate objective of tackling climate change,
- 4.2. The strategy also sets out the strategic direction required to meet targets on reducing carbon emissions internally, across the wider community, and how we can adapt to severe weather events and future climatic change.

**5. FINANCIAL IMPLICATIONS**

- 5.1 There is currently no specific budget for climate change activity. This strategy does not ask for additional funding. However, it does require acceptance of potential spend to save activity. Should funding be required, separate capital bids would be submitted. In addition, external funding will be sought wherever possible.
- 5.2. Since the Overview Board, at Bromsgrove an interest free loan of £37,525 has been secured for energy efficiency projects, mainly at Bromsgrove Operational Depot (agreed as Urgent Business). This report asks that once the investment has paid back the loan, that the ongoing savings are reinvested to achieve further savings/undertake other climate change activity, ideally 100% of the saving.
- 5.3. At Redditch, a similar request is made for the recent Salix funding of £13,840, and also that a proportion of the ongoing savings from the original £189,000 funding (once the loan is paid back) are reinvested to achieve further savings/undertake other climate change activity.
- 5.4. This would only apply to this particular Salix funding stream, not to all climate change related efficiency savings. Should this be agreed, this commitment will be added to the final climate change strategy.



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**6. LEGAL IMPLICATIONS**

The Climate Change Act 2008 places the Secretary of State under a duty to ensure that the net UK carbon account for the year 2050 is at least 80% lower than the 1990 baseline. There is a possibility that the Government will place statutory targets for carbon reduction onto Local Authorities.

**7. POLICY IMPLICATIONS**

7.1 This strategy will set out the strategic framework in which the Councils will tackle one of its corporate priorities of climate change.

7.2. Following RBC Overview and Scrutiny Committee, despite having no objection to the anaerobic digestion in principle, Officers have established that it is not possible to include a recommendation specifically on the inclusion of anaerobic digesters in new developments, as it may not be viable in all schemes. In addition, there would be a requirement for a financial viability appraisal of the costs. Planners have also advised that it is not appropriate for the Core Strategy to specify any particular waste management method.

7.3. Officers recommend that a policy is approved for insertion in both the Planning Core Strategy and Climate Change Strategy whereby:

*“for any new developments that the Council undertakes, for example, building a new public leisure centre, that consideration of whole life costs of the building are considered and as part of this, all new public buildings will exceed the nationally set BREEAM standard”.*

**8. COUNCIL OBJECTIVES**

As above, Climate Change is a corporate priority in both Authorities.

**9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY  
CONSIDERATIONS**

There is a risk that without a strategy the Council will not hit its National Indicator nor Local Area Agreement targets.

**10. CUSTOMER IMPLICATIONS**

None.

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**11. EQUALITIES AND DIVERSITY IMPLICATIONS**

The strategy has implications for reducing fuel poverty and health inequality.

**12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT**

A large section of this strategy describes how we need to manage our assets in a more efficient way, saving both money and carbon emissions.

**13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY**

This strategy has significant implications to improve the Council's performance in these areas.

**14. HUMAN RESOURCES IMPLICATIONS**

One of the strategies actions is to review the mileage reimbursement rate as part of the Harmonisation of Terms and Conditions, with a view to reducing overall business mileage.

**15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS**

Action plan will be monitored quarterly.

**16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998**

None.

**17. HEALTH INEQUALITIES IMPLICATIONS**

17.1 The strategy takes into account its contribution to reducing health inequality.

17.2. In relation to the BDC Overview Board recommendations v) and vi) Officers suggest that any public communication about "switching off" is kept low key and is specifically related to lights and appliances, to avoid confusion and vulnerable residents possibly switching off electric heaters/heating systems which they genuinely need in order to remain healthy – this is especially important during winter months. We can revise this once we know more about the issue through working with the Primary Care Trust.

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None.

**19. COMMUNITY AND STAKEHOLDER ENGAGEMENT**

A consultation on this report has been carried out with key stakeholders such as the Worcestershire Partnership Climate Change Task Group, Transition Bromsgrove, and members of the public who expressed an interest in being consulted.

**20. OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	Yes
Chief Executive	Yes
Executive Director (S151 Officer)	Yes
Executive Director – Leisure, Cultural, Environmental and Community Services	Yes
Executive Director – Planning & Regeneration, Regulatory and Housing Services	Yes
Director of Policy, Performance and Partnerships	Yes
Head of Service	All
Corporate Procurement Team	No

**21. WARDS AFFECTED**

All Wards.

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**22. APPENDICES**

- Appendix 1 - Draft Climate Change Strategy
- Appendix 2 - Extract of minutes from the BDC Overview Board - 31.8.10
- Appendix 3 - RBC Overview and Scrutiny Committee Referral

**23. BACKGROUND PAPERS**

Climate Change Draft Strategy (Appendix 1).

**24. KEY**

***BREEAM*** = Building Research Establishment's Environmental Assessment Method

**AUTHOR OF REPORT**

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**REVIEW OF DIAL A RIDE SERVICE**

**RECOMMENDED that**

- 1) **there be an increase in concessionary rate fees for use of the service from £1.05 to £1.50, subject to review in 12 month's time from 2011;**
- 2) **capital investment for fleet replacement be included in the Capital Replacement Programme, and that a full business case be developed exploring the options for the continuing use of the existing fleet;**
- 3) **the possibility of closer working with Bromsgrove District Council, regarding the Bromsgrove Urban and Rural Transport (BURT) service, be assessed in respect of potential cost saving opportunities for both Councils;**
- 4) **further opportunities for additional types of provision, which would include the hire of vehicles to community groups, registering for contracts with Worcestershire County Council and having the option to have a mixed fleet of vehicles, be investigated;**

**and RESOLVED that**

- 5) **subject to any budget setting considerations, the Council continue to deliver the Dial a Ride service; and**
- 6) **expenditure of up to an amount of any capital funding agreed in due course by the Council be approved in accordance with Standing Order 41, for the purposes defined in the Dial a Ride – Review report.**



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**DIAL A RIDE SERVICE - REVIEW**

Relevant Portfolio Holder	Councillor Carole Gandy, Portfolio Holder Community Leadership & Partnerships
Relevant Head of Service	Angie Heighway, Head of Community Services
Key Decision	Yes

**1. SUMMARY OF PROPOSALS**

This report contains the recommendations for the future delivery of the Council's Dial a Ride Service. The Council commissioned an independent review of the service which was carried out by JMP Consulting Agency. (Appendix 1).

This review was undertaken owing to the current climate of reducing budgets, the impending Government Comprehensive Spending Review and the requirement to look at the sustainability and resilience of the service in future years.

**2. RECOMMENDATIONS**

**The Committee is asked to RESOLVE that**

- 1) subject to any budget setting considerations, the Council continue to deliver the Dial a Ride service;**
  - 2) expenditure of up to the amount of any capital funding agreed in due course by the Council be approved in accordance with Standing Order 41, for the purposes defined in the report;**
- and to RECOMMEND that**
- 2) with effect from April 2011, the discount offered to passengers who have a Concessionary Bus Pass be decreased from 50% to 24%, which will increase the fare paid from £1.05 to £1.60;**
  - 3) capital investment for fleet replacement be included in the Capital Replacement Programme (later separate report will refer);**

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- 4) **the possibility of closer working with Bromsgrove District Council, regarding the Bromsgrove Urban and Rural Transport (BURT) service, be assessed in respect of potential cost saving opportunities for both Councils; and**
- 5) **further opportunities for additional types of provision, which would include the hire of vehicles to community groups, registering for contracts with Worcestershire County Council and having the option to have a mixed fleet of vehicles, be investigated.**

**3. BACKGROUND**

- 3.1 The Council commissioned a full review of the Dial a Ride (DAR) Service between June 2010 and August 2010. The full report is contained at Appendix 1 to this report.
- 3.2 The DAR service provides affordable travel around Redditch for people who cannot use public transport. It enables people to maintain independent living, giving customers an improved quality of life with easy access to health care, shopping and social events. This in turn has a positive impact on the mental health and well being of customers, helping to ensure they have a healthy and sustainable lifestyle long into their old age; whilst guaranteeing social inclusion.
- 3.3 The Council over a period of time have looked at the long term sustainability of DAR and have been working with the DAR Task and Finish Group to improve resilience, performance and cost effectiveness of the service
- 3.4 The continuing reduction in grant funding and increased pressures on public spending has highlighted a need for an independent review of the current Dial a Ride service.
- 3.5 JMP consultants were engaged to review the DAR service to look in depth at the operation of, and demands for, DAR. This included current policy, organisational structures, operation and deployment of vehicles and drivers, costs and revenue, models of provision, bookings management, demands and needs, user profile and patterns of usage, accessibility considerations, and the eligibility to use the service.



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**4. KEY ISSUES**

- 4.1 There will be increasing costs owing to the age of the fleet of minibuses. There are 6 minibuses who are between 5 and 8.5 years old. As a result there is the need to invest in a new fleet over the next 2-3 years. The expected date of the first 3 buses to be replaced will in be in year 2011/2012 and will be part of the ongoing vehicle replacement plan
- 4.2 Worcestershire County Council has agreed to loan Redditch Borough Council two 6 seater vehicles to assess whether a mix of vehicles would be more cost affective for smaller groups or individual travellers. This pilot will run from the 1<sup>st</sup> of October to the 31<sup>st</sup> of March and the Council will have the option to extend further if all information required has not been collected.
- 4.3 There is a need to investigate further opportunities for additional types of provision which would include the hire of vehicles to community groups, register for contracts with Worcestershire County Council and have the option to have a mixed fleet of vehicles.

**5. FINANCIAL IMPLICATIONS**

- 5.1 By not acting on the recommendations of the JMP report a sustainable budget for service delivery is unlikely to be achieved. However if there is investment in new vehicles, increase to fares as suggested and the opportunity to work with other providers/partners a more positive outcome could be achieved.
- 5.2 An investment for 3 minibuses will be required in year 11/12 which will be highlighted in the vehicle replacement programme. There will be no additional costs to the revenue budget as depreciation is factored in as a capital recharge. There could, through the procurement process be a small saving on the capital recharge
- 5.3 Concessionary Fares will be moving to Worcestershire County Council and there is a likelihood that the before 9.30 travel may be excluded from the provision of free travel. This may have an impact on DAR journeys as more customers would want to use the service before 9.30. There is also the possibility of being grant funded, from WCC, for the concessionary travel element instead of recharging the passenger journeys through the Councils in-house finance section. This has yet to be decided at County level. The Concessionary Fares Scheme will be passed to WCC on the 1<sup>st</sup> of April 2011

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- 5.4 By increasing the concessionary fare to £1.60, and based on 2009/2010 passenger figures of 33,842, the additional revenue raised would be an extra £18,613 (an additional 55p per passenger). From April next year if the fares are increased, and based on the figures for 2009/10 the actual revenue would be £54,147
- 5.6 A very small number of passengers who are not entitled to the concessionary fare allowance are charged £2.10. This charge will be reviewed in line with annual fees and charges review processes in consultation with the Sure Start service.

**6. LEGAL IMPLICATIONS**

All contracts with partners/others will be subject to a detailed Service Level Agreement which will require the endorsement of the Council.

**7. POLICY IMPLICATIONS**

- 7.1 The current Dial a Ride Policy was last updated in 2006. The Integrated Passenger Transport Strategy 2007-2011 would form the basis of setting a specific policy for Dial a Ride.
- 7.2 Community Transport is supported by Worcestershire County Council policies through their Local Transport Plan and will provide opportunity to work closely and engage with Joint Members Transport Forum and Community Transport (CT) partnership.

**8. COUNCIL OBJECTIVES**

- 8.1 Enterprising community – Customers frequent the Kingfisher Shopping centre and local small business for personal care or shopping enabling those generally excluded to contribute to the wider society within Redditch
- 8.2 Clean and Green - Reduction in CO2 emissions could be achieved by purchasing new/smaller vehicles and maximising capacity.
- 8.3 Well managed organisation – Staff training on how to link trips and connect passengers to ensure the vehicles are used efficiently
- 8.3 In addition the DAR supports the Redditch Partnership's priority to improve health inequalities. The service provides affordable travel around Redditch for people who cannot use public transport and enables people to maintain

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independent living, giving customers an improved quality of life with easy access to health care.

**9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS**

- 9.1 Failure to approve the recommendations will make it difficult for the Council to achieve a sustainable service.
- 9.2 The impact of the loss of the Dial a Ride Service will be:
- (a) Customers will become socially isolated.
  - (b) Customers health and well being will be severely affected.
  - (c) Loss of staff.
  - (d) A reduction in the level or loss of the DAR service currently provided, may lead to negative customer feedback and media reports.

**10. CUSTOMER IMPLICATIONS**

- 10.1 Reduction or loss of service will affect well being and the quality of life for those who use the service. Deterioration in health may occur if clients can not attend clinics or appointments to help people remain fit and healthy
- 10.2 Independence will be affected for the most vulnerable who attend groups or clubs and cannot go due to cost of alternative travel options. This will also reduce attendance of people and may result in the clubs unable to continue due to diminishing customers.

**11. EQUALITIES AND DIVERSITY IMPLICATIONS**

- 11.1 Social exclusion for those who rely on door to door transport to attend social events, shopping trips and luncheon clubs
- 11.2 The cost of travel for those who need door to door transport would increase as private hire would have to be used by those who could not use public transport because of a disability
- 11.3 An Equality Impact Assessment (EIA) (Appendix 2) has been completed for the current service and a Predictive Equality Impact Assessment (PEIA) to look at the impact to customers should the service be dissolved. (Appendix 3 refers).

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**12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT**

12.1 The JMP report states that as a Community Transport provider we are comparable to others in the delivery of the service. There has been a partial allowance for depreciation and replacement of vehicles (shown as a revenue contribution to capital charges) this figure is £27,750 for 2010/11. However a capital investment in new vehicles needs to be considered if the service is to continue.

12.2 All orders for vehicle replacement issued to manufacturers will be tendered for on the open market within Standing order 46 Procurement guide lines. This will safeguard the Council's budgets and quality of work.

**13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY**

13.1 CO2 emissions will be lower with new or smaller buses

13.2 Maximising capacity on buses by leaner working and improving procedures and policies to allow for better use of resources

**14. HUMAN RESOURCES IMPLICATIONS**

The possible integration of BURT administration and operations may have an affect on staffing and resources.

**15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS**

The proposed changes will assist the Council to make better use of the DAR service maximising capacity which will have a positive impact on its performance and increase the revenue to the Authority.

**16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998**

The Council, as is duty bound, has considered crime and disorder implications, none have been identified.

**17. HEALTH INEQUALITIES IMPLICATIONS**

17.1 Access to clinics such as chiropody, Asthma, Stroke etc will be affected as local bus routes may be infrequent or not on the same route as the clinic.

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17.2 Unable to attend Medical appointments – Customers may wait longer before they are treated due to the cost of alternative door to door transport (taxis) this will have an impact on their health and well being which could add to the cost of care in the long term

17.3 Unable to attend social activities or groups such as Age Concern or St David's Luncheon Club which would severely affect the mental health, well being and independence of our customers.

**18. LESSONS LEARNT**

18.1 Comparisons are made in the JMP report to other Community Transport providers which have shown that most Community Transport providers are comparable to Redditch DAR.

18.2 The need to work closely with Worcestershire County Council and the County transport forums is a high priority as it will enable us to consider the county wide provision of Community Transport and how we can diversify to increase revenue through securing small contracts and alternative funding streams.

**19. COMMUNITY AND STAKEHOLDER ENGAGEMENT**

19.1 Customers have been engaged through residential consultation on their views on DAR and how they valued the service. This is highlighted in Appendix 4.

19.2 Task and Finish group has been suspended until the review of DAR has been completed and recommendations of the JMP report have been assessed.

**20. OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	Yes
Chief Executive	Yes
Executive Director (S151 Officer)	Yes
Executive Director – Leisure, Cultural, Environmental and Community Services	Yes

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Executive Director – Planning & Regeneration, Regulatory and Housing Services	Yes
Director of Policy, Performance and Partnerships	Yes
Head of Service	Yes
Head of Resources	Yes
Head of Legal, Equalities & Democratic Services	Yes
Corporate Procurement Team	No

**21. WARDS AFFECTED**

All

**22. APPENDICES**

1. JMP Consultants' report
2. Current Equality Impact Assessment
3. Predictive Equality Impact Assessment
4. Resident consultations.

**23. BACKGROUND PAPERS**

Task and Finish  
Concessionary Fares Bulletins

**24. KEY**

RBC	Redditch Borough Council
BDC	Bromsgrove District Council
DAR	Dial a Ride
WCC	Worcestershire County Council
JMP	JMP Consultants
WRVS	Women's Royal Voluntary Service
BURT	Bromsgrove Urban and Rural Transport
CT	Community Transport
EIA	Equality Impact Assessment
PEIA	Predictive Equality Impact Assessment

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**AUTHOR OF REPORT**

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**STATEMENT OF LICENSING POLICY 2011-2014 - LICENSING ACT 2003**

**RECOMMENDED that**

**the Statement of Licensing Policy 2011 – 2014, attached at Appendix 1 to the report, be approved.**



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**STATEMENT OF LICENSING POLICY 2011-2014 – LICENSING ACT 2003**

Relevant Portfolio Holder	Cllr. Juliet Brunner
Relevant Head of Service	Steve Jorden, Head of Worcestershire Regulatory Services.
Non-Key Decision	

**1. SUMMARY OF PROPOSALS**

To receive a report following consultation with stakeholders, to renew the Statement of Licensing Policy for the District for period 2011-2014.

**2. RECOMMENDATIONS**

The Committee is asked to **RECOMMEND** that

**the Statement of Licensing Policy for the Borough for the period 2011-2014 (Appendix 1) be renewed, incorporating the minor changes as detailed within the report.**

**3. BACKGROUND**

The Statement of Licensing Policy is prepared in accordance with the provisions of the Licensing Act 2003 and Guidance issued by the Secretary of State under Section 182 of the Act.

**4. KEY ISSUES**

- 4.1 The Statement of Licensing Policy is a live document, subject to continuous review, to meet the changing needs of the community, business circumstances and legislation (copy at appendix 1).
- 4.2 In carrying out its review, Officers have consulted with the following bodies:
- All Responsible Authorities, namely, the Police Authority, the Fire and Rescue Service; local Planning Authority, Environmental Health, Worcestershire Safeguarding Children Board; and Local Weights & Measures.
  - District Councillors;
  - Such persons to be considered a representative of holders of a premises licence, club premises certificate, personal licences, businesses and residents within the district;

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- Details were also placed on the Council's Website and at the Customer Service Centre.
- All other District Councils within Worcestershire.

4.3 Letters and a copy of the draft Policy were sent out to all stakeholders, and posted on the Council's website for responses to be received by 8th September 2010.

4.4 Officers have engaged with Worcestershire Regulatory Services with the intention of providing a Policy which is as far as it is able, consistent with the other districts in Worcestershire.

4.5 The schedule of responses from the consultation is attached at Appendix 'B'. In general the responses support the content of the policy and the Council's positive approach to the legislation.

4.6 Supporting documents; such as a list of responsible authorities, will be added to the Policy as appendices when available.

**5. FINANCIAL IMPLICATIONS**

There are no direct financial implications arising from any revision or amendments to the Policy.

**6. LEGAL IMPLICATIONS**

6.1 Section 5 of the Licensing Act 2003 requires the Licensing Authority to prepare and publish a statement of its Licensing Policy every 3 years.

6.2 Policies have several advantages, ensuring the transparency so that individuals know where they stand and can plan their affairs. That like cases can be dealt with similarly so there is fairness and consistency, and there is promotion of efficient administration.

6.3 The Council has a duty to have due regard to the effect of its functions on, and the need to do all that it reasonably can, to prevent crime and disorder in its area by virtue of Section 17 of the Crime and Disorder Act 1998, which is also one of the "Licensing Objectives" detailed within the legislation.

**7. POLICY IMPLICATIONS**

The Council's Statement of Licensing Policy was last renewed for the period 2008-2011, and needs to be renewed and in place from 7th January 2011 in

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accordance with the Licensing Act 2003 and the Guidelines issued by the Secretary of State.

**8. COUNCIL OBJECTIVES**

This Policy will assist the Council in meeting its statutory function under the Licensing Act 2003.

**9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS**

The Policy seeks to promote the four licensing objectives set out in the relevant legislation and minimise adverse effects on the local community.

**10. CUSTOMER IMPLICATIONS**

10.1 Neighbouring authorities are also proposing to adopt similar policy statements, this will allow for greater consistency, particularly across the County, in the way in which applications will be determined. This will be helpful for trade organisations that also have premises in neighbouring local authority areas.

10.2 A copy of the Statement of Licensing Policy will be available on the Council's website as well as on request from the Licensing Section.

**11. EQUALITIES AND DIVERSITY IMPLICATIONS**

11.1 The Draft Revised Policy has now undergone the necessary consultation and has been circulated and published on our web pages as part of the formal consultation process, prior to adoption and publication.

**12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT**

None.

**13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY**

None.

**14. HUMAN RESOURCES IMPLICATIONS**

None.

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**15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS**

None.

**16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF  
CRIME AND DISORDER ACT 1998**

The Council's Community Safety Unit has been consulted on this Policy.

**17. HEALTH INEQUALITIES IMPLICATIONS**

None.

**18. LESSONS LEARNT**

18.1 The Statement of Licensing Policy has been applied over the past six years in a similar format, and has been used successfully in both the administration, and Review of Licenses within the Borough.

18.2 It has now been refreshed, and accords with all of the other districts operating within Worcestershire Regulatory Services.

**19. COMMUNITY AND STAKEHOLDER ENGAGEMENT**

Statutory Consultees, relevant specialist groups and Borough Council Officers have been consulted over the preparation of this report.

**20. OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	Yes
Chief Executive	Yes
Executive Director (S151 Officer)	No
Executive Director – Leisure, Cultural, Environmental and Community Services	No
Executive Director – Planning & Regeneration, Regulatory and Housing Services	Yes
Director of Policy, Performance and Partnerships	No

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Head of Service	Yes
Head of Resources	No
Head of Legal, Equalities & Democratic Services	Yes
Corporate Procurement Team	No

**21. WARDS AFFECTED**

All Wards are affected by the contents of this report.

**22. APPENDICES**

Appendix 1 - Statement of Licensing Policy.

Appendix 2 - Consultation responses.

**23. BACKGROUND PAPERS**

The Licensing Act 2003.

Guidance issued under Section 182 of the Act (May 2010).

Statement of Licensing Policy.

List of Consultees.

Correspondence received.

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**LICENSING ACT 2003 - POLICY FOR THE CLASSIFICATION OF FILMS**

**RECOMMENDED that**

- 1) the Policy for the Classification of Films, attached at Appendix 1 to the report, be approved; and

**RESOLVED that**

- 2) responsibility for the authorisation of films, which have not already been classified by the BBFC, be delegated to the Director of Planning and Regeneration, Regulatory and Housing Services.



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**LICENSING ACT 2003 – POLICY FOR THE CLASSIFICATION OF FILMS**

Relevant Portfolio Holder	Councillor Juliet Brunner
Relevant Head of Service	Steve Jorden, Head of Worcestershire Regulatory Services.
Non-Key Decision	

**1. SUMMARY OF PROPOSALS**

There is currently no policy for the Council to deal with films that are unclassified by the British Board of Film Classifiers (BBFC) for Public Exhibition, or requests to reclassify such films. As the Council's responsibilities in relation to film classification are incorporated in the Licensing Act 2003 it is necessary to adopt such a policy.

**2. RECOMMENDATIONS**

The Licensing Committee is asked to **RECOMMEND** that

- 1) approval be given to the Policy for dealing with unclassified films (attached at Appendix 1); and

**RESOLVE** that

- 2) responsibility for the authorisation of films which have not already been classified by the BBFC be delegated to the Director of Planning and Regeneration, Regulatory and Housing Services.

**3. BACKGROUND**

- 3.1 Whilst the British Board of Film Classification performs a national film classification role, the Council, as a Licensing Authority, is the classification body for the public exhibition of films shown in the District by virtue of the Licensing Act 2003 (LA03).
- 3.2 The Licensing Authority has the right to classify films that are shown in premises licensed under the LA03 such as cinemas, hotels, clubs and public houses.

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**4. KEY ISSUES**

- 4.1 The public exhibition of films on licensed premises must either be classified by the BBFC or authorised by the Licensing Authority under the powers of the Licensing Act 2003.
- 4.2 The draft policy for dealing with an application to exhibit unclassified films is attached to this report and can be found at Appendix 1.
- 4.3 Any authorisations for the exhibition of film(s) issued by the Licensing Authority shall only apply when the film(s) is exhibited within the Borough of Redditch.

**5. FINANCIAL IMPLICATIONS**

There are no financial implications arising from the adoption of this procedure. The service will be delivered from within existing resource.

**6. LEGAL IMPLICATIONS**

- 6.1 The Council's responsibilities in relation to film classification are incorporated in the Licensing Act 2003 and Guidelines issued by the Secretary of State.
- 6.2 Section 20 of the Licensing Act 2003 provides that a mandatory condition shall be applied to all premises licenses that authorise the exhibition of films (copy at Appendix 2).
- 6.3 This relates to the restriction of the admission of children (defined in Licensing Act 2003 as "persons aged under 18") to the exhibition of any film to either the film classification recommended by the BBFC or, if the Licensing Authority does not agree with that recommendation, to such other classification recommended by the Licensing Authority.
- 6.4 The Licensing Authority may be required to classify a film that has not been classified by the BBFC.
- 6.5 A typical example of this would be a locally made film to be shown at a film festival within the District.
- 6.6 The Licensing Authority must have a policy in place to consider and determine a classification.

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- 6.7 A distributor of a film or other party may also appeal to the Licensing Authority against a decision of the BBFC and request that the Licensing Authority reclassifies the film for local screening.
- 6.8 In addition to classifying films the Licensing Authority can issue a classification waiver which permits the exhibition of the film or films within the local area without a classification, but subject to certain conditions and restrictions.
- 6.9 The Secretary of State's Guidance issued under Section 182 of the LA03, recommends that:

“Licensing authorities should not duplicate the BBFC's work by choosing to classify films themselves. The classifications recommended by the BBFC should be those normally applied unless there are very good local reasons for a Licensing Authority to adopt this role. Licensing Authorities should note that the provisions of the 2003 Act enable them to specify the Board in the licence or certificate and, in relation to individual films, to notify the holder or club that it will make a recommendation for that particular film.”

**7. POLICY IMPLICATIONS**

Not having a policy in respect of unclassified films might result in moral and psychological harm being caused to members of the public, in particular children, by film exhibitions containing strong language, horror/violence or sexual images.

**8. COUNCIL OBJECTIVES**

This item links with the Council Priority – Safe

**9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS**

- 9.1 The following key risks and opportunities associated with this action have been identified and assessed and arrangements will be put in place to manage them.
- 9.2 “Not having a policy might result in the moral and psychological harm being caused to members of the public, in particular children, by film exhibitions containing strong language, horror/violence or sexual images”

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**10. CUSTOMER IMPLICATIONS**

All customers would need to adhere to the policy, a statutory requirement of the Licensing Act 2003.

**11. EQUALITIES AND DIVERSITY IMPLICATIONS**

This Report adheres to the Council's Equality and Diversity Scheme and does not discriminate on the grounds of race, gender, disability, age, religion or belief or sexual orientation.

**12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT**

None.

**13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY**

None.

**14. HUMAN RESOURCES IMPLICATIONS**

None.

**15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS**

None.

**16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998**

None.

**17. HEALTH INEQUALITIES IMPLICATIONS**

None.

**18. LESSONS LEARNT**

None.

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**19. COMMUNITY AND STAKEHOLDER ENGAGEMENT**

As a requirement is placed on the Licensing Authority to carry out this function it is not proposed to carry out any form of consultation as this is a procedural matter. If approval is given the policy will be implemented with immediate effect.

**20. OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	Yes
Chief Executive	Yes
Executive Director (S151 Officer)	No
Executive Director – Leisure, Cultural, Environmental and Community Services	No
Executive Director – Planning & Regeneration, Regulatory and Housing Services	Yes
Director of Policy, Performance and Partnerships	No
Head of Service	Yes
Head of Resources	No
Head of Legal, Equalities & Democratic Services	Yes
Corporate Procurement Team	No

**21. WARDS AFFECTED**

The content of this report affects all wards.

**22. APPENDICES**

Appendix A - Policy for dealing with Film Classification  
Appendix B - Mandatory Conditions under the Licensing Act 2003.

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**23. BACKGROUND PAPERS**

British Board of Film Classification Guidelines  
Statement of Licensing Policy  
Licensing Act 2003  
Guidance issued under S182 of the Licensing Act 2003.

**AUTHOR OF REPORT**

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**REDDITCH BOROUGH COUNCIL**

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**KNOWLEDGE TEST FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS**

**RECOMMENDED that**

- 1) for all new applications for Hackney Carriage and Private Hire Driver's Licences received after 1<sup>st</sup> March 2011 the "fit and proper" person policy be amended to require all applicants to take a knowledge test in order to enable the Council to judge if they are "fit and proper" to hold a licence; and

**RESOLVED that**

- 2) the existing "knowledge" test be amended to incorporate an "essential skills" test in the form set out in Appendix 1 to the report; and
- 3) should an existing Private Hire Vehicle Driver be referred by Officers to the Licensing Sub Committee (Taxis), that Committee may require that they take the "knowledge" test, should that Committee consider it necessary for them to do so.



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**KNOWLEDGE TEST FOR HACKNEY CARRIAGE AND PRIVATE HIRE  
DRIVERS**

Relevant Portfolio Holder	Councillor Juliet Brunner
Relevant Head of Service	Steve Jorden, Head of Worcestershire Regulatory Services.
Non-Key Decision	

**1. SUMMARY OF PROPOSALS**

- 1.1 To consider updating the existing “knowledge” test required of applicants for a Hackney Carriage driver Driver’s Licence by adding an “essential skills” test; to extend its application to include applicants for a Private Hire driver Driver’s Licence who are not currently asked to take the test; and to enable Members to require existing Private Hire Driver Licence holders, who appear before the Committee to take the test.

**2. RECOMMENDATIONS**

The Committee is asked to **RECOMMEND** that

- 1) for all new applications for Hackney Carriage and Private Hire Driver Licences received after 1st March 2011 the “fit and proper” person policy be amended to require all applicants to take a knowledge test in order to enable the Council to judge if they are fit and proper to hold a licence;

and **RESOLVE** that

- 2) the existing “knowledge” test be amended to incorporate an “essential skills” test in the form set out in Appendix 1; and
- 3) should an existing Private Hire vehicle Driver be referred by Officers to the Committee, that the Committee may require that they take the knowledge test, if the Committee consider it necessary for them to do so.

**3. BACKGROUND**

- 3.1 Currently Redditch Borough Council requires applicants for a Hackney Carriage Driver’s Licence to take a “knowledge” test as part of the assessment process to establish that they are “fit and proper” to hold such a licence.

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3.2 The current "Knowledge" test consists of three parts:-

Part 1 - You will be given a map on which names of streets and popular locations in the Redditch Borough have been blanked out. You will be required to identify these locations.

Part 2 - You will be given four locations and you will be asked to describe the shortest convenient route to be taken from the start of the journey to the final destination.

Part 3 - You will be required to answer a number of questions relating to the law, regulations and conditions relating to Hackney Carriage and Private Hire Vehicles and drivers.

3.3 Currently applicants for a Private Hire vehicle Driver's Licence are not asked to take any knowledge test.

3.4 The Council needs to ensure that all drivers within the borough have suitable skills and abilities to be able to provide a good service to the community.

3.5 On occasions when an existing Private Hire Licence holder has been referred to the Committee, concerns have been expressed about the licence holder's apparent lack of ability to communicate effectively.

3.6 On those occasions, Members have asked whether it would be possible to require the licence holder to take a skills test that would ensure that the driver has the skill and ability to communicate effectively with their passenger and provide an acceptable level of service all passengers.

3.7 Currently, Private Hire Drivers will not have had to take the knowledge Test in order to obtain their driver's licence and it is not current policy to request that to do so should they come before the Committee and their communications skills appear to be poor.

3.8 The Licensing Manager has advised the Taxi Drivers' Association that the Council may extend the knowledge test to applicants for Private Hire Vehicle Drivers Licence and to amend the current knowledge test to include an essential skills assessment and the response has been positive.

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- 3.9 Officers have looked at a number of “essential skills” tests applied in other licensing authorities and Officers recommend adoption of the test set out in Appendix 1

**4. KEY ISSUES**

- 4.1 Members should be satisfied that all driving licence holders, for Hackney carriage or Private Hire vehicles, are Fit and Proper persons to hold a licence, with suitable skills and abilities to be able to provide a good service to the community.
- 4.2 Members are asked to consider whether the existing knowledge test, currently only applied to applicants for Hackney Carriage Driver’s Licence, should also include an essential skills assessment, as set out at Appendix 1.
- 4.3 Members are also asked to decide whether, in future, they wish to require applicants for a Private Hire vehicle Driver’s Licence to pass the “knowledge” test described in 4.2.
- 4.4 Members also need to consider whether it is reasonable to require an existing Private Hire Driver (who will not have taken a “knowledge” test) to take such a test if they have been referred to the Committee and the Committee becomes concerned at an apparent lack of ability to communicate effectively and provide a good standard of service to passengers.
- 4.5 Members should consider the content of the “essential skills” assessment to be incorporated into the existing “knowledge” test and decide if they are satisfied that it is reasonable to require all future applicants to take it.
- 4.6 Current Handbook provisions regarding re-testing will apply to existing licence holders who are directed to take the test.

**5. FINANCIAL IMPLICATIONS**

The Taxi Handbook will have to be amended and printed copies of the relevant pages issued to Drivers to update their Handbooks.

**6. LEGAL IMPLICATIONS**

- 6.1 Under Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 licensing authorities are required to ensure that

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persons issued with licences to drive hackney carriage and private hire vehicles are “fit and proper” with suitable skills and abilities to be able to provide a hire and reward service to the community as a whole.

- 6.2 “Fit and proper” is not defined in the legislation and essentially it is for each Council, acting reasonably, to set the standard to be applied in its area. Members should be satisfied that there is a genuine requirement for drivers to have these essential skills and the test will be lawful if universally applied.

**7. POLICY IMPLICATIONS**

Adoption of the recommendations will change existing policy.

**8. COUNCIL OBJECTIVES**

Safety of the community is a key objective of the Council

**9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS**

Risk is to the level of Service Provided to the community and ensuring consistent standards is the primary justification for these proposals.

**10. CUSTOMER IMPLICATIONS**

Improved customer service to the community should be ensured by adoption of the recommended alterations to existing policy.

**11. EQUALITIES AND DIVERSITY IMPLICATIONS**

The impact of the proposed policy changes is considered in relation to the three key objectives of eliminating unlawful racial discrimination; promoting equal opportunities and promoting good relations between people from different racial groups.

The proposed changes to policy will apply equally to persons from all minority groups who apply for drivers licences.

It is acknowledged that a large number of applicants in the Borough for hackney carriage and private hire vehicle drivers licences do not speak English as a first language and the application of the communications skills test may present more of a barrier to those applicants. However, passing

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the knowledge test is considered as a positive initiative by increasing driver's knowledge and skill base, which will benefit both the driver and their potential customers.

**12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT**

None

**13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY**

None

**14. HUMAN RESOURCES IMPLICATIONS**

None

**15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS**

None

**16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998**

No direct implications.

**17. HEALTH INEQUALITIES IMPLICATIONS**

None

**18. LESSONS LEARNT**

The proposal that existing licence holders can be asked to take a skills test has arisen as a result of Members' concerns about communications skills generally and the proposals should improve those skills where required.

**19. COMMUNITY AND STAKEHOLDER ENGAGEMENT**

The Licensing Committee contributes to raising standards of service delivery and encouraging confidence in the community by deciding what it asks of Licence applicants for them to be able to be a licensed driver.

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**20. OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	Yes
Chief Executive	Yes
Executive Director (S151 Officer)	
Executive Director – Leisure, Cultural, Environmental and Community Services	
Executive Director – Planning & Regeneration, Regulatory and Housing Services	Yes
Director of Policy, Performance and Partnerships	
Head of Service	Yes
Head of Resources	
Head of Legal, Equalities & Democratic Services	Yes
Corporate Procurement Team	

**21. WARDS AFFECTED**

All

**22. APPENDICES**

Appendix 1 - Proposed Essential Skills test

**23. BACKGROUND PAPERS**Local Government (Miscellaneous Provisions) Act 1976  
Redditch Borough Council Taxi Handbook



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**AUTHOR OF REPORT**

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