



## **BROMSGROVE DISTRICT COUNCIL**

### **EXECUTIVE CABINET**

**WEDNESDAY, 10TH NOVEMBER 2004, AT 6.00 P.M.**

**COMMITTEE ROOM, THE COUNCIL HOUSE, BROMSGROVE**

### **AGENDA**

Council Agendas and Minutes are available on our web site at [www.bromsgrove.gov.uk/meetings](http://www.bromsgrove.gov.uk/meetings)

MEMBERS: Councillors D. C. Norton (Executive Leader), Mrs. M. M. T. Taylor (Deputy Executive Leader), B. L. Fuller C.B.E. Q.F.S.M., Mrs. J. M. L. A. Griffiths, R. Hollingworth and P. J. Whittaker

1. To receive apologies for absence
2. Declarations of Interest
3. To confirm the Minutes of the Executive Cabinet held on 27th October 2004
4. Public Questions
5. Issues arising from Overview and Scrutiny Committees
  - (a) Taxi Ranks
  - (b) Arts Centre Funding
6. Wind Energy Conference - Verbal report by Councillor G. H. R. Hulett
7. Draft Joint Municipal Waste Strategy
8. Environmental Health Services - Proposed Extension of Officers' Delegated Powers
9. Licensing Policy
10. The Gambling Bill
11. Development of the West Midlands Regional Housing Strategy 2005
12. Homelessness Strategy and Use of ODPM Funding under the Homelessness (In Need of Accommodation) (England) Order 2002

13. Equalities Programme
14. Grant Applications
15. Corporate Plan Objectives
16. Sports Services - Dolphin Centre Roof Repairs and Provision of Additional Lift
17. Waseley Hills High School - Community Use
18. Christmas Parking Arrangements
19. Performance Information - Second Quarter 2004/2005
20. To consider any other business, details of which have been notified to the Head of Administrative Services prior to the commencement of the meeting and which the Chairman, by reason of special circumstances, considers to be of so urgent a nature that it cannot wait until the next meeting

S. NIXON  
Chief Executive

The Council House  
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B60 1AA

1st November 2004

# **BROMSGROVE DISTRICT COUNCIL**

## **SPECIAL MEETING OF THE EXECUTIVE CABINET**

Wednesday, 27th October 2004 at 4.00 p.m.

PRESENT: Councillors D. C. Norton (Executive Leader), Mrs. M. M. T. Taylor (Deputy Executive Leader), Mrs. J. M. L. A. Griffiths, R. Hollingworth and P. J. Whittaker.

Observers: Councillors Mrs. A. E. Doyle, Mrs. J. D. Luck, P. M. McDonald, W. R. Newnes, N. Psirides J.P., C. R. Scurrrell and C. J. K. Wilson.

100/04 **APOLOGY**

An apology for absence was received from Councillor B. L. Fuller C.B.E. Q.F.S.M.

101/04 **MINUTES**

The Minutes of the Meetings of the Executive Cabinet held on 13th October 2004 were submitted.

**RESOLVED:** that the Minutes of the Meeting be approved and confirmed as a correct record, subject to Councillor N. Psirides J.P. being added to the list of observers present.

102/04 **DRAFT RECOVERY PLAN FOR BROMSGROVE**

The Cabinet considered the draft Recovery Plan for Bromsgrove which had been prepared as part of the Council's Voluntary Engagement with the Government.

Part one of the draft Recovery Plan described the main elements of the Plan including the background to the Council's position, the approach it had taken in the preparation of the Plan and the views and comments received in order to establish the baseline from which it would recover. It also set out the difference people would see within the first 12 months of recovery, the main headings the Minister wished to be addressed and the eight themes through which the Council would channel its development. Part two of the draft Plan set out in more detail each of the actions required to address more specific pieces of work including the target timescales, the improvement measures, the risks and the responsible officers.

Following discussion, it was

**RECOMMENDED:**

- (a) that approval be given to the draft Recovery Plan for submission to the Minister for comment. Members recognise the draft Recovery Plan, which will include the further development of all measurable targets to be set during the next six weeks, will be the subject of discussion by the Monitoring Board;
- (b) that the Leader and Chief Executive be requested to submit the draft Recovery Plan to the Minister by 29th October 2004;
- (c) that approval be given to the establishment of a joint senior officer and cross-party Member Working Group to act as an internal Monitoring Group and that the membership includes three Members from the majority group and the three Leaders of the larger opposition groups or their nominees.

103/04

**PROCUREMENT REQUEST – KERBSIDE RECYCLING VEHICLES**

Consideration was given to a proposal to purchase four second hand Kerbside recycling vehicles in order to continue the roll-out of the new kerbside recycling service across the District. A financial analysis of alternative procurement options showed that the proposed course of action was the most cost-effective option. It was therefore

**RESOLVED:**

- (a) that approval be given to the purchase of four second hand Kerbside recycling vehicles at a total cost of £135,000, as detailed in Option 5 of the report, in order to continue the roll-out of the recycling scheme;
- (b) that approval be given to the funding being made available from the £500,000 set aside in the Revised Capital Programme 2004/05 for the purchase of vehicles and plant;
- (c) that an exception be made to the Council's Contract Procedure Rules to facilitate the above course of action.

104/04

**ARTRIX FUNDING**

The Cabinet gave consideration to the Council's funding arrangements for the new Arts Centre (Artrix) in the light of a request received from the Chairman of the Arts Centre Operating Trust with regard to the payment of 'start-up' funding and for the Council to consider restructuring its deficit funding payments in order to assist with cash flow during the early years. Members acknowledged that it had previously been the Council's intention to pay a 'start-up' contribution, but were not convinced that the Arts Centre Trust would have cash flow difficulties during the first years of the Arts Centre's operation and so concluded that it was not necessary to restructure the payments. It was therefore

**RESOLVED:**

- (a) that approval be given to the provision of 'start-up' funding for Artrix of £41,000 to be met from the allocation within the Revenue Budget for 2004/05 for the Arts Centre;
- (b) that the agreement to pay 'shortfall' funding of up to £120,000 per annum for the next ten years to Artrix commence with effect from 1st April 2005, to be paid on receipt of audited accounts and to be reviewed after eight years;
- (c) that the Arts Centre Trust be advised that there will be no further revenue funding available from the Council in the current financial year;
- (d) that the remaining sum of £5,500 within the current year's Revenue Budget allocation for the Arts Centre be retained to cover any costs the Council may incur related to utility accounts, insurance and so on.

(NOTE: Councillors Mrs. J. M. L. A. Griffiths, R. Hollingworth and D. C. Norton declared a personal interest in this item as members of the Arts Centre Operating Trust).

The Meeting closed at 4.40 p.m.

Chairman

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**BROMSGROVE DISTRICT COUNCIL**

**EXECUTIVE CABINET**

**10TH NOVEMBER 2004**

**TAXI RANKS SCRUTINY REPORT AND FUTURE FUNDING**

Responsible Portfolio Holders	Councillor R. Hollingworth (Future Funding) Councillor P. J. Whittaker (Taxi Ranks)
Responsible Head of Service	Head of Administrative Services

**1. SUMMARY**

- 1.1 To consider the findings and recommendations of the Taxi Ranks Task Group and specifically to consider approving the recommendation which relates to improving taxi rank signs and road markings.
- 1.2 To consider making funding available in the future which could be used to implement Scrutiny Committee recommendations that are approved by the Executive Cabinet.

**2. RECOMMENDATION**

- 2.1 Members are asked to approve the recommendation contained within the Taxi Ranks Scrutiny Report which relates to improving taxi rank signs and road markings as a matter of urgency. The report was circulated with the Executive Cabinet papers for the meeting on the 13th October 2004 and members are asked to bring their copies to the meeting. (The recommendation relating to improving taxi rank signs and road markings can be found on page 2 of the Scrutiny Report under the subheading "General").
- 2.2 It is requested that funding is provided in the future which can be used towards implementing future Scrutiny Committee recommendations that are approved by the Executive Cabinet.

**3. BACKGROUND**

- 3.1 At its Meeting held on the 21st October 2004 the Housing and Planning Policy Scrutiny Committee were informed that at the Executive Cabinet Meeting, held on the 13th October 2004, the Taxi Ranks Scrutiny Report had been considered and it had been resolved "that the recommendations within the report be considered as part of the budget preparation process, and in relation to other priorities and demands."

- 3.2 The Housing and Planning Policy Scrutiny Committee has decided that the Scrutiny Report be referred back to the Executive Cabinet requesting that one particular recommendation relating to taxi rank signs and road markings be approved and implemented as quickly as possible.
- 3.3 Members stated they were aware that all recommendations contained within the report could not all be approved immediately due to lack of funding; however, it was hoped that taxi rank signs and road markings could be improved quickly and relatively cheaply.
- 3.4 Taxi representatives and West Mercia Police support the need for improved taxi rank signs.
- 3.5 The Housing and Planning Policy Scrutiny Committee also discussed the important need for funding to be set aside each year that could be made available to meet the costs of implementing recommendations made by Scrutiny Committees which are approved by the Executive Cabinet in the future.
- 3.6 Members of the Scrutiny Committee resolved:
- “(i) that the Taxi Ranks Scrutiny Report be referred back to the Executive Cabinet indicating that the recommendation regarding the need to improve taxi rank signs and road markings was a priority and therefore should be approved and implemented as a matter of urgency; and
  - (ii) that the Executive Cabinet be requested to consider making funding available in the future which could be used to implement Scrutiny Committee recommendations that were approved by the Executive Cabinet.”

#### 4. FINANCIAL IMPLICATIONS

- 4.1 The cost of implementing the recommendation relating to improving signs for all existing and future taxi ranks and creating road markings for recommended future taxi ranks (e.g. outside the Golden Cross Public House) is **approximately £1820.00**. It would of course be possible to agree that signs and markings be provided on only some of the ranks, thus reducing the total cost proportionately. For example, the cost of improving the signs for the three existing taxi ranks is **approximately £900.00** and the cost of maintaining appropriate road markings of all existing taxi bays is **approximately £300.00 - £450.00** giving a **total estimated cost of between £1200.00 - £1350.00**. Please refer to the “General” recommendation on the following page for further details.
- 4.2 Please refer to the table below for all estimated costs of implementing recommendations contained within the Scrutiny Report including the cost of the implementing the recommendation relating to improving taxi rank signs and road markings.

<u>RECOMMENDATION</u>	<u>ESTIMATED COST</u>	<u>COMMENT</u>
<b>Bromsgrove Bus Station</b> Recommendation (c) (Page 1 of Scrutiny Report)	£150.00	

<u>RECOMMENDATION</u>	<u>ESTIMATED COST</u>	<u>COMMENT</u>
<b>Church Street</b> Recommendation (a) <i>(Page 1 of Scrutiny Report)</i>	£3000.00 (For a Feasibility Study)	A Feasibility Study would need to be undertaken, similar to the Mill Lane Study, which would give accurate costs of works that could be carried out.
<b>Golden Cross Public House</b> Recommendation (a) <i>(Page 2 of Scrutiny Report)</i>  Recommendation (b) <i>(Page 2 of Scrutiny Report)</i>	£1000.00  £3000.00	The cost for implementing recommendation (a) is for a Traffic Order Amendment and the taxi bay road markings.  The cost of implementing recommendation (b) is dependent on there being no requirements for moving/lowering statutory undertakers apparatus (water, gas etc).
<b>New Arts Centre</b> All recommendations <i>(Page 2 of Scrutiny Report)</i>	£400.00 Maximum Total Cost (See comment)	It is anticipated that the Artrix Trust (Arts Centre Operating Trust) will <b>at least</b> contribute towards the total cost of £400 and it is also hoped that North East Worcestershire (NEW) College will contribute to the funding required.
<b>General</b> Recommendation (a) & (b) <i>(Page 2 of Scrutiny Report)</i>          Recommendation (c) <i>(Page 2 of Scrutiny Report)</i>	£1820.00 (for all five taxi ranks – existing & future but <b>excluding</b> maintenance of existing taxi bay road markings)  <b>OR</b> £1200.00 - £1350.00 (for three existing taxi ranks <b>including</b> maintenance of existing taxi bay road markings)   £30.00 - £50.00 Per Taxi Bay (Minimum cost of £300.00 within a 5 mile radius to maintain road markings only)	For all five taxi ranks (at Bromsgrove Bus Station, Golden Cross Public House, New Arts Centre, The Strand and Worcester Road) to have the larger signs the estimated cost would be £1500 for the making and the installation of the signs or <b>£900</b> for the three existing taxi ranks.  To paint new taxi bay road signs, it would cost approximately £80 per taxi bay. However, there is a minimum cost of £300 which covers the cost of almost four taxi bays within a five mile radius. Three to four new taxi bays are recommended making the total estimated cost for road markings of new taxi bays and taxi signs for all five taxi ranks approximately <b>£1820</b>  To maintain the appropriate road markings in the future it will cost between £30 and £50 per taxi bay depending on whether it is the lines that need to be repainted or whether the wording "TAXIS" also needs to be repainted. However, there is a minimum cost of £300 which will cover between six to ten taxi bays within a five mile radius. There are approximately nine to ten existing taxi bays and therefore the cost will be between <b>£300 - £450</b> making the total cost of improving the signs of the three existing taxi ranks (£900) and maintaining the road markings approximately between <b>£1200.00 - £1350.00</b>

- 4.3 **Recommendation from Taxi Ranks Scrutiny Report** - At present, there is no identifiable budget to meet the cost of improving the taxi rank signs and road markings and therefore if approved it would be an overspend of the existing 2004/05 budget.
- 4.4 **Future Funding** - At present, there is no identifiable budget to meet the cost of implementing Scrutiny Committee recommendations that are approved by the Executive Cabinet and therefore it is requested that the Executive Cabinet gives consideration to an appropriate level of financial provision and as part of the next budget revision. A budget bid request will need to be made as part of the 2005/06 budget process.

## **5. LEGAL IMPLICATIONS**

- 5.1 None.

### **Background Papers**

Minutes of the Housing and Planning Policy Scrutiny Committee Meeting held on the 21st October 2004.

Minutes of the Taxi Ranks Task Group Meetings.

### **Contact officer**

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**BROMSGROVE DISTRICT COUNCIL**

**EXECUTIVE CABINET**

**10TH NOVEMBER 2004**

**ARTS CENTRE FUNDING**

Responsible Portfolio Holder	Councillor Mrs Griffiths
Responsible Head of Service	Director of Leisure Services

**1. SUMMARY**

- 1.1 To consider the recommendations, if any made by the Health and Leisure Scrutiny Committee at its special meeting held on 9th November 2004 following the "call in" of the decision made by the Executive Cabinet at its meeting held on 27th October 2004 regarding the funding of the Arts Centre.

**2. RECOMMENDATION**

- 2.1 The recommendations, if any, of the Health and Leisure Scrutiny Committee will be reported at the meeting.

**3. BACKGROUND**

- 3.1 The Health and Leisure Scrutiny Committee at its meeting held on 26th October 2004 considered inter alia the Executive Cabinet's Forward Plan for the period November 2004 to February 2005.
- 3.2 Members considered the Arts Strategy and the Cultural Strategy items listed on the Plan and arising from that discussion expressed their concern that Members were not fully aware of progress and developments with regard to the Arts Centre. Members were of the opinion that there was a need to be open and transparent about the funding and operation of the Centre. Members were concerned that the Executive Cabinet at its meeting on 27th October 2004 would be considering a report on funding for the Arts Centre which, if agreed, would underwrite the funding of the Centre. Members were of the opinion that the report did not contain a business plan or adequate budget projections for the Arts Centre which would justify the underwriting of this amount of money and therefore were of the opinion that if the Executive Cabinet approved the funding that decision should be "called in" to be scrutinised by this Committee. The Committee resolved:
- i) That the items set out in the Forward Plan be noted; and
  - ii) If the Executive Cabinet, at its meeting on 27th October 2004 approves the recommendations related to the "shortfall" funding, set out in the report on the funding of the Arts Centre then that decision should be "called in" and scrutinised by this Committee.

- 3.3 The Executive Cabinet at its meeting held on 27th October 2004 considered the report on funding for the Art Centre and resolved:-
- (a) that approval be given to the provision of 'start-up' funding for Artrix of £41,000 to be met from the allocation within the Revenue Budget for 2004/05 for the Arts Centre;
  - (b) that the agreement to pay 'shortfall' funding of up to £120,000 per annum for the next ten years to Artrix commence with effect from 1st April 2005, to be paid on receipt of audited accounts and to be reviewed after eight years;
  - (c) that the Arts Centre Trust be advised that there will be no further revenue funding available from the Council in the current financial year;
  - (d) that the remaining sum of £5,500 within the current year's Revenue Budget allocation for the Arts Centre be retained to cover any costs the Council may incur related to utility accounts, insurance and so on.
- 3.4 The decision of the Executive Cabinet, has been "called in" and is in abeyance until the Health and Leisure Committee has considered the basis for the decision taken by the Executive Cabinet.

#### **4. Financial Implications**

- 4.1 Financial implications will be dependent on the recommendations, if any, of the Health and Leisure Scrutiny Committee.

#### **5. Legal Implications**

- 5.1 There are no direct legal implications arising from this report..

#### **Background Papers**

None

#### **Contact officer**

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**BROMSGROVE DISTRICT COUNCIL**

**EXECUTIVE CABINET**

**10<sup>th</sup> November 2004**

**DRAFT JOINT MUNICIPAL WASTE STRATEGY**

Responsible Portfolio Holder	Councillor B. L. Fuller
Responsible Head of Service	David Williams

**1. SUMMARY**

- 1.1 To inform Members of the outcomes of the consultation and amendments to the draft Joint Municipal Waste Strategy that has been prepared by all authorities within Herefordshire and Worcestershire and to seek Members approval on the content of the final document prior to publication at the end of November 2004.
- 1.2 To consider recommendations from the Joint Members Waste Forum regarding adoption of the draft Waste Strategy Delivery Plan and the combining of recycling tonnages for the purposes of the County Council's Waste Disposal Contract.

**2. RECOMMENDATIONS:**

- 2.1 The Committee is asked to recommend that the updated Joint Municipal Waste Strategy containing amendments as summarised in appendix A. be supported prior to final printing.
- 2.2 Whilst supporting this strategy, Bromsgrove District Council would like to record that it is keen to improve the efficiency and effectiveness of this service by moving towards a co-mingled fortnightly kerbside collection of dry recyclables using wheeled bins.
- 2.3 Officers are therefore asked to seek ways of working in partnership with the County Council and the Waste Officers Forum to achieve this objective, including looking into the feasibility and possibly of the introduction of a locally based automated material reclamation facility (MRF).
- 2.4 The recycling delivery plan be supported working in conjunction with the County Council
- 2.5 For the purposes of meeting the PFI waste disposal contract, Bromsgrove recycling tonnages may be used by County Council to count towards overall countywide recycling figures.

**3. BACKGROUND**

- 3.1 The Government published Guidance on Municipal Waste Strategies in March 2001. Since then the Waste and Emissions and Trading Act 2003 (WET) has placed an obligation upon authorities to produce a Joint Municipal Waste Strategy.
- 3.2 Waste Strategy 2000, published by the Government in May 2000, underlines the importance of moving to a fully integrated waste management system, based on active partnerships between local authorities. The framework for each of these partnerships is the Joint Municipal Waste Management Strategy, together with updates which came from the consultation process. The Integrated Waste Management System provides the Council's strategy for the management of

household waste for the next 25 years. It includes the provision of a landfill site, transfer stations, household waste sites, and a range of treatment disposal methods including central composting, Energy from Waste, and the collection of source-separated recyclables. In December 1998 Herefordshire Council and Worcestershire Council signed a 25-year contract to provide these facilities, which are operated by Severn Waste Services.

- 3.3 With the introduction of statutory performance standards for recycling and economic instruments like the landfill tax, authorities are under increasing pressure to find alternative more sustainable ways of disposing of waste. As waste disposal is dealt with at a county level, it is imperative that waste collection and disposal authorities work closely together to develop the most effective ways of managing waste.
- 3.4 The Strategy was developed by the Joint Waste Members Forum, who have been examining the way in which waste management needs to develop in future years. Members endorsed the draft Strategy (subject to affordability) prior to the consultation period, which ran from 24<sup>th</sup> March to 7<sup>th</sup> May 2004.
- 3.5 Having a long-term strategic framework in place is seen as an essential part of managing waste in a sustainable way. Recent funding opportunities via the Department for the Environment, Food and Rural Affairs (Defra), recommend that authorities submitting bids have strategies in place to demonstrate that there is commitment to a long-term approach to sustainable waste management.

#### **4. THE STRATEGY**

- 4.1 The Strategy sets out a framework for managing waste for the next 30 years until 2034 and contains key principles, policies and targets which all authorities will support in developing their own local waste strategies and in managing waste services in future years.
- 4.2 The Strategy promotes the need to move towards a consistent collection method across the two counties, where recyclables and waste are collected on a fortnightly basis. Details of this vision are outlined in the executive summary to the document. As Bromsgrove's new refuse and recycling service adopts the fortnightly collection of residual waste, there is clearly an advantage for this district along with Wyre Forest District Council who also operate a fortnightly collection of residual waste, introduced in 2003/4.
- 4.3 There are a number of options that are explored in Chapter 5 of the Strategy document, which examines the way forward for waste management in the two counties. The Strategy acknowledges that there needs to be a combination of partnership working and close collaboration whilst still allowing authorities the flexibility to develop services to meet local needs and circumstances.
- 4.4 The Best Practicable Environmental Option (BPEO) identifies the waste management option that provides the most benefits or the least damage to the environment as a whole, at acceptable cost, in the long term as well as the short term. Herefordshire Council and Worcestershire County Council endorsed their local BPEO in July 2003. This states that a minimum of 33% of waste has to be recycled or composted (the current level is approximately 15%) and a maximum of 22% land filled (current level is approximately 85%). A further 45% has to be treated by a method of recovery, where value is extracted from the waste through a form of thermal treatment.
- 4.5 Options for the type of thermal treatment that will be used, have been explored by Herefordshire Council and Worcestershire County Council in consultation with the district authorities. The preferable technology to treat and accept household waste is a process whereby waste is exposed to steam to around 130 degrees for 30 minutes in an autoclave; Estech is the company who propose to run such a facility for

Herefordshire and Worcestershire County Council. The resulting materials from the autoclaving process are then separated into recyclables that may not have previously been separated at source, an organic fraction to use as a feedstock for other manufacturing processes and a small residue. (Chapter 5.6.6 of the Strategy contains further details).

- 4.6 The Estech process does not deal with all types of recyclables in the most environmentally effective manner and therefore it has been identified that there will still be a requirement to work in conjunction with the different kerbside collection schemes that are currently under way in all districts.
- 4.7 The Strategy also highlights the role that Household waste sites will need to play in reducing the amount of waste that is disposed of. Recycling at household waste sites could be expanded, with the sites re-branded to promote them as places where waste can be recycled or re-used.
- 4.8 Awareness raising and publicity are seen as critical components in the move towards improved waste management. Authorities have already successfully gained funding of £340K through the Waste Resources and Action Programme (WRAP) local communications fund to carry out publicity and awareness raising across Herefordshire and Worcestershire during this year and next year.
- 4.9 Partnership working between authorities and other groups including the voluntary and community sector is recognised as vitally important to ensure that the Strategy is successful.
- 4.10 The consultation generated 503 responses through the postal questionnaire, (71% strongly agreed with the broad principles of the strategy, 26% agreed), 41 responses through the on-line questionnaire (70% strongly agreed with the broad principles of the strategy, 22.5% agreed) and 19 letters. The outcomes of the consultation were positive about the Strategy and its content and changes have been made throughout the document as a result of comments and ideas put forward.
- 4.11 The production of the Strategy demonstrates that the authorities in Herefordshire and Worcestershire are committed to working together to improve the way that waste is managed. The Strategy has additional importance, for example in assessing the performance of the authority and in supporting any bids for funding that may be made by any of the partner authorities in future.
- 4.12 There was a positive response to the Strategy, both in terms of numbers of responses and comments made.
- 4.13 The draft Strategy (with full erratum sheet) has been approved by 6 of the eight authorities to date. Bromsgrove District Council and Wyre Forest District Council are the two remaining authorities to approve the erratum sheet prior to publication of the final Strategy in November 2004. Wyre Forest is recommending the approval of the final strategy during October. The final version of the document will then be circulated to all Members and other relevant key partners and stakeholders.

## **5. PROPOSED DELIVERY PLAN**

- 5.1 At its meeting on 6<sup>th</sup> September 2004, the Joint Members Waste Forum considered proposals for a delivery plan for the Joint Strategy. A holistic delivery plan for the Joint Strategy needs to be provided to Defra as part of the arrangements for PFI grant in relation to the waste disposal contract. A variation to the contract is currently being negotiated by the County Council to reflect the use of the Estech Fibrecycle™ process. It was aimed to conclude the variation to the contract and provide details of the delivery plan to Defra by 31<sup>st</sup> October 2004.

- 5.2 The proposed delivery plan aims to see the current 20% recycling rate across Districts (collection authorities) rise from 20% in 2005/06 to 30% by 2015/16 at the rate of 1% per annum. Over this period the proportion of waste recycled at household recycling/ waste sites will rise from 50% in 2005/06 to 55% by 2010/11. Introduction of the Estech Fibrecycle process will divert over 80% of incoming waste (recycled/ fibre) to limit the amount of biodegradable waste going to landfill to no more than 70,000 tonnes per annum.
- 5.3 A planning application has recently been submitted to build a plant in Worcestershire on the Hartlebury Trading Estate. It is anticipated that the Planning Authority will make a decision in December 2004. A third plant will be built at a site yet to be determined in South Worcestershire. Assuming that the planning application is successful, the plant at Hartlebury could become operational between April 2006 and April 2007.
- 5.4 At present, each collection authority's recycling rate is different, reflecting the Varying approaches deployed. Similarly different statutory recycling rates have been set for each Council by Government, ranging from 18% to 24%. In Worcestershire, the statutory targets are enhanced to between 21% and 29.08% conditional upon grant funding paid to the District Councils by the County Council to facilitate improvements in recycling performance. To reach the 30% recycling rate in 2015/16 at an increase of 1% per annum, the level of additional recycling performance required of each Collection authority has been identified. For Bromsgrove, this means that there is a need to increase recycling beyond the current years target of 26.39% from 2010/11 at a rate of 1% per annum. The position in other authorities varies with some needing to achieve both earlier and greater improvements.
- 5.5 Agreement to and implementation of the delivery Plan is needed now not just for the PFI grant and contract purposes, but more practically, to ensure that there is effective integration with the construction and coming into operation of the Fibrecycle™ plants and potential new automatic Materials Recycling Facilities (MRF).
- 5.6 The collective approach proposed would link the Vision for Future Recycling/ Waste collection set out in the Joint Strategy into the Shared Services agenda. It will also enable the constituent authorities to best respond to increases in the costs of recycling collection that will come through the need to increase participation and performance.
- 5.7 The Joint Members Waste Forum agreed that officers should develop a detailed delivery plan for the Joint Strategy based on the above for approval at the next Joint Forum meeting. The Joint Forum also recommended that each Waste Collection Authority adopt the recycling delivery plan and agreed that for the purposes of meeting the PFI waste disposal contract, their recycling tonnages be combined. The combining of targets for PFI purposes will not adversely impact on Bromsgrove's individual delivery and performance.
- 5.8 Adoption of the proposed recycling delivery plan and combining of recycling tonnages for PFI contract purposes, will enable this Council to continue to work in effective partnership with other Councils in Herefordshire and Worcestershire, to deliver the objectives of the Joint Municipal Waste Management Strategy.

## **6. FINANCIAL IMPLICATIONS**

- 6.1 For the collection authorities the financial implications of the Strategy have yet to be fully determined and the timing of their impact will be dependent on when both the collection authorities and the disposal authority are in a position to make the necessary changes to collection and disposal/recycling methods.

- 6.2 For most of the collection authorities there should be no short-term financial implications attached to the proposed changes in waste management, because it has been agreed that these changes can take place at the end of life period for vehicles currently being used, that is about seven to nine years.
- 6.3 In the long-term, substantial cost savings should be achieved through a simplified collection and disposal system, supported by strong waste minimisation initiatives, good recycling facilities and a much reduced reliance on the costly disposal of non-recyclable waste to landfill.
- 6.4 Bromsgrove District Council will identify opportunities to work with Worcestershire County Council to introduce a co-mingled fortnightly kerbside collection of dry recyclables with a wheeled bin system. A full financial appraisal will be undertaken and reported to members prior to any financial commitment being made.

## **7. RISK MANAGEMENT**

- 7.1 Agreement to the recommendations in this report should not give rise to any additional risks to the Council. The continuation of joint working in this field will make the best use of collectively available resources and build upon previous successful and effective joint working in this area.

## **8. LEGAL IMPLICATIONS**

- 8.1 Under the WET Act 2003, there is now a legal requirement to have a Municipal Waste Management Strategy in place. Leading authorities already have in place strategies, which set out a long term planning framework for managing waste in the future.

## **9. OTHER IMPLICATIONS**

**Community Safety** - Good waste management benefits local areas by making sure that waste is treated efficiently effectively and safely.

**Sustainability** - The foundation for the Strategy is the principle of sustainability, taking account of the waste hierarchy, which is a framework for ensuring that waste is treated in the most sustainable way possible.

## **10. SUPPORTING INFORMATION**

- (i) Draft Joint Municipal Waste Strategy (with full amendments), Estech background information and Draft Delivery Plan are available for viewing in the Members Room
- (ii) Appendix A – summarised erratum report

## **11. BACKGROUND PAPERS**

None.

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**Changes to Draft Waste Strategy following consultation**

The key changes to the draft Waste Management Strategy are contained in the executive summary which is shown in this appendix. A full breakdown of all the amendments can be seen in the original document on view in the Members room.

**Executive Summary** to be replaced with the following text

This Strategy will form a framework for the management of municipal waste in the counties of Herefordshire and Worcestershire for the next 30 years until 2034. It has been jointly prepared by all of the Local Authorities who have responsibility for managing waste across the two counties, with support and input from the Environment Agency.

In Herefordshire one Unitary authority has responsibility for both collection and disposal of waste and in Worcestershire, responsibility lies with the Borough and District councils as waste collection authorities and Worcestershire County Council as waste disposal authority. The Environment Agency has responsibilities relating to waste regulation and licensing.

This Strategy reflects an integrated partnership approach to waste management across all authorities. It sets out the Authorities commitment to work together to fulfil a set of principles, policies and targets which strive to ensure that waste production decreases and recovery of value from waste is increased.

**Background**

In 2003/4 more than 417,000 tonnes of municipal waste, most of it from households, was produced in Herefordshire and Worcestershire. Overall more than 19% of this waste was recycled or composted, around 3% was sent for energy recovery and the remaining waste was sent to landfill.

The Government has set all authorities challenging statutory targets for recycling and composting; in 2003/4 a rate of 14% in Herefordshire and 20% in Worcestershire were the set targets. By 2005/6 these rates must increase to 21% and 30%. Within these overall totals, there are individual targets for each authority, ranging from 10% to 16% in 2003/4 and from 18% to 24% in 2005/6. The actual performance for each authority is shown in table 5 (chapter 3)

**Keep it Simple**

Inevitably this strategy is a complex document with multiple principles and policies. However, as a result of the consultation process it has become evident that what we need is a clear, concise and simple message that can be easily understood.

Responses to the formal consultation demonstrated that the communities that the strategy serves are already enthusiastic about the environmental benefits of effective waste management. Over 94% of the respondents who completed the consultation questionnaire agreed with the broad principles of the strategy.

**Facilitating Improvement**

The role of the Local Authorities is to facilitate that energy by providing effective services and enabling greater participation in recycling. For example, we need to ensure that as many people as possible have access to recycling systems and that these offer the optimum range in materials collected, whilst ensuring best value and taking account of affordability.



In essence through all the complexity and the difficulties of planning for the next 30 years, the proposed waste management system in Herefordshire and Worcestershire can be summed up in the following table:

**The Practical Vision for Herefordshire and Worcestershire’s Waste Management  
(based upon Herefordshire and Worcestershire’s Waste Hierarchy)**

<p><b><i>REDUCE WASTE and RESTRICT GROWTH</i></b></p> <p>The greatest challenge in waste management is to restrict the amount of waste arising, in terms of kilograms per person per year, to no more than 2001/2002 levels throughout the period of the Strategy whilst permitting continuing growth in the economy. A key way will be through reducing packaging and facilitating more sustainable consumer behaviour.</p>
<p><b><i>RE-USE WASTE</i></b></p> <p>Through re-use schemes, working in partnership with the voluntary and community sector.</p>
<p><b><i>RETAIN WASTE</i></b></p> <p><b>Within the household through home composting and the use of home waste disposal units for kitchen waste and where composting is unsuitable.</b></p>
<p><b><i>RECYCLE WASTE</i></b></p> <p><b>Through the provision of a single container to each household that will contain all dry recyclable material, be collected fortnightly and automatically separated.</b></p>
<p><b><i>RECOVERY OF VALUE FROM RESIDUAL WASTE</i></b></p> <p>Through processing of residual waste that optimises the reclamation of recyclable materials and turns the organic fraction into a reusable fibre. The fibre can then be used to create alternative products and facilitate new environmental technologies and their associated economic development opportunities.</p>
<p><b>6. <i>FINAL DISPOSAL</i></b></p> <p>Only after all the above options have been exhausted, we will ensure the safe disposal of what remains to suitable landfill sites.</p>

## Implementing the Vision for Waste Collection

ALL HOUSEHOLDS - WEEK 1 Recyclable Collection	ALL HOUSEHOLDS - WEEK 2 Residual Waste Collection
<p><b><i>Thus, arising from developments in technology, it will be possible to return to a simple collection system, with householders only having two containers (one for recyclable materials and one for residual waste), using one compaction vehicle per household per week to collect. Residual waste must be minimised through fortnightly collections and decreasing bin capacity over time.</i></b></p> <p>The subsequent processing of recyclables and residual waste will be automated and maximise the abstraction of recyclable materials.</p>	

The authorities are seeking to balance the aspiration to be at the forefront of waste management with the need to demonstrate value and affordability and respond to the opportunities that are emerging through developments in technology and markets for waste products.

The participating authorities have made a conscious decision not to develop the Joint Municipal Waste Management Strategy Implementation Plan until the Strategy was approved on the basis that to do so would have pre-empted the outcome of the consultation and final approval process.

The Implementation Plan will be a separate and complementary document using specific, measurable, achievable, resourced and timed targets to ensure that the strategy is delivered to meet and exceed the (minimum) targets that have been adopted.

This Strategy recognises the need for active and flexible waste management in a changing world, as new European Directives and other legislative and policy initiatives are introduced. The Strategy will need to be reviewed regularly, at least every three years to ensure that changes in legislation etc are incorporated.

In addition it will be vital to ensure annual monitoring to check performance in delivering the Strategy, which will be function for the Joint Members Waste Forum and their constituent authorities.

# **BROMSGROVE DISTRICT COUNCIL**

## **EXECUTIVE CABINET MEETING**

**WEDNESDAY 10TH NOVEMBER 2004**

### **PROPOSED EXTENSION OF OFFICERS DELEGATED POWERS.**

Responsible Portfolio Holder	Councillor B. L .Fuller
Responsible Head of Service	David Williams

#### **1. SUMMARY**

- 1.1 The purpose of the report is to seek Members' approval for an extension of officers delegated authority, where appropriate, in respect of the institution of legal proceedings for offences under legislation for which Environmental Health Services staff are responsible for enforcing on behalf of the Council.

#### **2. RECOMMENDATIONS**

- 2.1 That with the exception of cases where the taking of legal proceedings against companies or individuals may pose a serious financial or other risk to the Council should they fail, that the Heads of Environmental Health and Legal Services, or in their absence their nominated deputies, be granted delegated powers to institute legal proceedings for contraventions of legislation for which Environmental Health Staff are responsible for enforcing on behalf of the Council.
- 2.2 That in circumstances where the taking of legal proceedings may pose a high financial or other risk to the Council should they fail and which could require the employment of experienced Counsel, that the decision to take legal proceedings be delegated to the Heads of Environmental Health and Legal Services, or in their absence their nominated deputies, in consultation with the Portfolio Holder for Environmental Health.
- 2.3 That the Enforcement Policy for Environmental Services be appropriately amended, to reflect the proposed changes to delegated powers.

#### **3. BACKGROUND**

- 3.1 Currently, the power to approve of the institution of legal proceedings rests with two committees, these being the Licensing Committee for offences involving the failure to obtain a licence/permit/authorisation or contraventions of associated conditions, and the Cabinet for all other contraventions of legislation enforced on behalf of the Council by Environmental Health Staff. A full list of the principal acts being shown at Appendix "A" for Members' information.

#### **4. PROPOSAL**

- 4.1 In view of the need to expedite legal proceedings as quickly as possible for offences against legislation for which staff of Environmental Health Services are responsible, it is proposed with one specific exception, delegated powers be granted to the Heads of Environmental Health and Legal Services, or in their absence their nominated deputies. The specific exception being where the taking of legal proceedings against a person or large company may pose a serious financial or other risk to the Council

should they fail. In such circumstances it is proposed that the decision to commence proceedings be delegated to the Heads of Environmental Health and Legal Services, or in their absence their nominated deputies, in consultation with the Portfolio Holder for Environmental Health.

## **5. COMMENTS**

- 5.1 In considering the proposal to extend the existing delegated powers to Environmental Health Staff, it is important to note that officers already have extensive powers, particularly under the Food Safety Act 1990, Health and Safety at Work etc., Act 1974 and the Environmental Protection Act 1990, which enables them to immediately close businesses if they pose an imminent threat to public health and/or the environment.
- 5.2 The Head of Administrative Services has advised that should Members support the proposed changes to officers delegated powers, they should refer them to the Standards Committee who have to consider all such proposed delegations.

## **6. FINANCIAL AND RISK MANAGEMENT CONSIDERATIONS**

- 6.1 To minimise the risk of the Council being exposed to high financial or other risk which could be associated with legal proceedings being taken against certain persons and companies, it is considered prudent in such cases for senior Member/Officer consultation to determine whether legal proceedings be instituted.

## **7. EQUAL OPPORTUNITIES**

- 7.1 None.
- 7.2 The Council has adopted the Enforcement Concordat and an associated Enforcement policy, which secures a fair and consistent approach to the enforcement of legislation for which it is responsible.

## **8. LEGAL IMPLICATIONS**

- 8.1 None.

## **9. ENVIRONMENTAL AND PUBLIC HEALTH IMPLICATIONS**

- 9.1 The prompt taking of enforcement action, may well have positive environmental and public health benefits, through encouraging necessary improvements in such areas of concern as pollution control and food safety.

## **10. PERFORMANCE MANAGEMENT CONSIDERATIONS**

- 10.1 The delegation of the authority to institute legal proceedings will result in the more efficient enforcement of legislation, for which Environmental Health Staff are responsible for ensuring compliance with on behalf of the Council.

### **Background Papers:**

None.

### **Contact Officer**

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**LIST OF LEGISLATION PARTLY ENFORCED BY ENVIROMENTAL HEALTH SERVICE  
STAFF ON BEHALF OF THE COUNCIL**

- Animal Boarding Establishments Act 1963
- Building Act 1984
- Breeding of Dogs Act 1973
- Clean Air Acts of 1956, 1968 and 1993
- Caravan Sites and Control of Development Act 1960
- Chronically Sick and Disabled Persons Act 1970
- Control of Pollution Act 1974
- Cinematograph Acts 1909 and 1952
- Criminal Justice and Public Order Act 1994
- Dangerous Wild Animals Act 1976
- Disabled Persons Act 1981
- Environment Act 1995
- Environmental Protection Act 1990
- Factories Act 1961
- Food and Environmental Protection Act 1985
- Food Safety Act 1990
- Health and Safety at Work etc Act 1974
- Home Safety Act 1961
- Housing Acts 1957, 1961, 1964, 1985 and 1988
- Local Government and Housing Act 1989
- Local Government (Miscellaneous Provisions) Acts 1976 and 1972
- Noise and Statutory Nuisances Act 1993
- Offices Shops and Railway Premises Act 1963
- Pet Animals Act 1951
- Prevention of Damage Act 1949
- Public Health Acts 1936 and 1961
- Public Health (Recurring Nuisances) Act 1969
- Public Health (Control of Disease) Act 1984
- Rag Flock and Other Filling MATERIALS Act 1951
- Refuse Disposal Amenity Act 1978
- Riding Establishments Acts 1964 and 1970
- Scrap Metal Dealers Act 1964
- Sunday Trading Act 1994
- Wildlife and a Countryside Act 1981
- Zoo Licensing Act 1981

**BROMSGROVE DISTRICT COUNCIL**

**EXECUTIVE CABINET**

**10TH NOVEMBER 2004**

**DRAFT STATEMENT OF LICENSING POLICY**

Responsible Portfolio Holder	
Responsible Head of Service	Head of Administrative Services

**1. SUMMARY**

1.1 To seek approval to publish the Council's draft Statement of Licensing Policy.

**2. RECOMMENDATION**

2.1 That Members recommend to Council that they approve the attached draft Statement of Licensing Policy.

**3. BACKGROUND**

3.1 As Members are aware the Licensing Bill obtained Royal Assent on 10th July 2003 and is now the Licensing Act 2003, which will introduce significant changes to Licensing Laws in England and Wales.

3.2 As a result of this new legislation, it is hoped that people will have better opportunities to enjoy their leisure time safely without the fear of violence, intimidation or disorder while on, or arriving at or leaving a licensed premises. In addition, provision has been made for the protection of local residents, whose lives can be blighted by disturbance and anti-social behaviour associated with the behaviour of some people visiting licensed premises.

3.3 There will be a period of transition from current practices and current communication from central government estimates that transition to the new licensing arrangements will commence from 7th February 2005 with the end of the transition period likely to be sometime in November 2005 (the date is yet to be announced), which will bring an end to old licensing regimes.

3.4 The Act requires each licensing authority to determine its Policy with respect to the exercise of its licensing functions under the Act, and to publish a statement of policy every three years, during each three year period, the Council may make such revisions to it as it considers appropriate.

3.5 Our first Statement of Licensing Policy must be published by 7<sup>th</sup> January 2005, one month before we can begin accepting applications made under the transition provisions of the Act.

3.6 Members may recall that at the Meeting of Executive Cabinet held on 17<sup>th</sup> August 2004, it was agreed that we could begin the formal process of consultation. Various activities made up or consultation process. These included:

- Sending the draft policy, covering letter and response form to over 800 individuals and organisations, including statutory consultees as set out in the Act, Parish Councils, Members of this Council and all known licensed businesses;
- Articles in Council Chat;
- Media coverage in the local press;
- Poster on the Council notice board;
- Public meeting;
- Presentations to the Parish Forum, Local Licensing Forum and the Police Consultative Group;
- Council's web site.

3.7 The period of consultation ran from 6th September to 22nd October 2004, during which time the Council received 40 responses. The schedule of responses is attached at Appendix 'A'. In general the responses support the content of the policy and the Council's positive approach to licensing.

3.8 The Council's statement of licensing policy has been updated to reflect the comments received from consultees. The key changes made to the policy document include clarification on enforcement procedures; and that some of the general explanations and guidance relating to the Act has been removed and will be incorporated into separate guidance notes for applicants. A revised statement of licensing policy is attached at Appendix 'B'. For ease of reference, any changes made have been highlighted in italics.

3.9 Members are therefore asked to approve the attached statement of licensing policy.

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

4.1 Provision has been made in this year's budget to cover the cost of implementing the Licensing Act 2003. Gross expenditure totals £85,700, with income budgeted at £20,500. It is also anticipated that the Council will receive approximately £45,000 from licence fees during the transition period. However, it is not possible to determine the exact level of income at the present time as the Government has not yet published the licence fee structure.

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

5.1 The Statement of Licensing Policy must be published before 7th January 2005 in accordance with the Licensing Act 2003.

#### **Background Papers**

Responses received from consultees.

#### **Contact officer**

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## Schedule of responses to the Council's Statement of Licensing Policy

Reference	Respondent	Comments	Appraisal	Response
001	Hereford & Worcester Fire & Rescue Service	<p>They agreed that the Policy guides decision makers, applicants, objectors and others involved in the licensing process without limiting the Council's duty to consider each individual application on its own merits.</p> <p>They considered it not necessary to formulate a 'saturation policy'.</p> <p>Suggested that all references made to Hereford &amp; Worcester Fire Brigade be changed to Hereford &amp; Worcester Fire &amp; Rescue Service</p>	<p>These changes have been made to the Policy.</p>	<p>Please refer to Appendix 'B'.</p>
002	Resident	<p>The resident agreed that the Policy guided decision makers, applicants, objectors and others involved in the licensing process without limiting the Council's duty to consider each individual application on its own merits.</p> <p>No mention in the Policy of the granting of Local Authority status to parish councils with Quality Status.</p> <p>The resident felt that it was not applicable to formulate a 'saturation policy' for the Lickey and Blackwell area of the District.</p> <p>Transport Links between Bromsgrove Town Centre and outlying areas is very poor, particularly in the evenings. A rethink of public transport is needed.</p>	<p>This is not applicable and no alterations need to be made to the Policy to reflect this comment.</p> <p>Taxi rank provision is currently under review by the Council's Scrutiny process. With regard to public transport the Council will liaise with the County Council to try and develop better links with the Bus Companies.</p>	



003	Lickey and Blackwell Parish Council	<p>It was agreed that the Policy guided decision makers, applicants, objectors and others involved in the licensing process without limiting the Council's duty to consider each individual application on its own merits.</p> <p>The element of control and enforcement has not been fully recognised in the Policy.</p> <p>No certainty that the Licensing Act 2003 together with other initiatives will accomplish the themes outlined in the Policy.</p> <p>The conclusion that longer hours will reduce effects is not proven and is not a good base on which to build legislation.</p> <p>It was felt that Bromsgrove High Street and Worcester Road, Bromsgrove be considered for a 'saturation policy'.</p> <p>Para 4.3 – says no zoning          Para 4.5 – says licensing hours to be judged on individual merits which could be seen in some cases as zoning.</p> <p>Para 5.7 – why not use the 'proof of age' cards.</p>	<p>Enforcement and control of licensed premises has now been clarified in the Policy.</p> <p>The Act states that all applications have to be judged on individual merits.</p> <p>The Policy does recommend the support of the Proof of Age Standards Scheme.</p>	<p>Please refer to paragraph 13.0</p> <p>Please refer to paragraphs 2.6 and 4.3</p> <p>Please refer to paragraph 5.6</p>
004	Resident	<p>The resident agreed that the Policy guided decision makers, applicants, objectors and others involved in the licensing process without limiting the Council's duty to consider each individual application on its own merits.</p> <p>The Council must state very clearly that it will oppose the granting of licences to support purely commercial concerns.</p>	<p>This issue of 'need' is a matter for planning consideration or for market forces to decide and is not a matter for the Licensing Authority to take account of. It would not be possible to refuse an application simply on the grounds that it had been made for commercial reasons.</p>	<p>Please refer to paragraph 3.1</p>

		<p>The resident felt that the Council must not accept student cards for means of confirming a persons age.</p> <p>The resident felt that it was not applicable at the moment to introduce a 'saturation policy'.</p> <p>Need to make sure that suitable transport links are in place.</p> <p>Need to make sure that funding is available for the installation of CCTV equipment in public areas of the district.</p>	<p>The Policy recommends that Licensees support the Proof of Age Standards Scheme.</p> <p>Taxi rank provision is currently under review by the Council's Scrutiny process. With regard to public transport the Council will liaise with the County Council to try and develop better links with the Bus Companies.</p> <p>If the Police recommend the installation of CCTV equipment at a particular premises, to meet the Crime Prevention objective, it will be funded by the Licensee and not by the Council. The Council already has a programme for the provision of further CCTV, but it must be recognised that funds are not unlimited.</p>	<p>Please refer to paragraph 5.6</p> <p>Please refer to paragraph 11.3</p>
005	Resident	<p>The resident agreed that the Policy guided decision makers, applicants, objectors and others involved in the licensing process without limiting the Council's duty to consider each individual application on its own merits.</p> <p>With regard to the introduction of a 'saturation policy', it was felt that the whole district should be monitored.</p> <p>For 24 hour drinking, more police presence would be required to prevent any social behaviour.</p>	<p>This is a matter for the Police Authority to manage their resources. High risk premises will be targeted.</p>	<p>Please refer to Section 13 - Enforcement</p>

006	Licence holder	<p>The licence holder agreed that the Policy guided decision makers, applicants, objectors and others involved in the licensing process without limiting the Council's duty to consider each individual application on its own merits.</p> <p>Too much emphasis has been placed on alcohol and drugs, he felt that Bromsgrove did not have much a problem with either of these.</p>	<p>This may be the case, but it is necessary to include suitable provisions should such premises come to light</p>	<p>Please refer to paragraphs contained in Section 10 – The Club Environment</p>
007	Licence Holder	<p>The licence holder agreed that the Policy guided decision makers, applicants, objectors and others involved in the licensing process without limiting the Council's duty to consider each individual application on its own merits.</p>		
008	Licence Holder	<p>The licence holder agreed that the Policy guided decision makers, applicants, objectors and others involved in the licensing process without limiting the Council's duty to consider each individual application on its own merits.</p>		
009	Resident	<p>The resident agreed that the Policy guided decision makers, applicants, objectors and others involved in the licensing process without limiting the Council's duty to consider each individual application on its own merits.</p> <p>No mention in the Policy with regard to Police powers to close a premises.</p> <p>The resident suggested that a 'saturation policy' could be considered for Bromsgrove High Street and Worcester Road, Bromsgrove.</p>	<p>The Policy has been amended to reflect this comment.</p> <p>The Council will consider all applications for a saturation policy, following the receipt of satisfactory evidence. Cumulative impact can be taken into account when considering the individual merits of any application, if it might lead to undermining one of the licensing objectives.</p>	<p>Please refer to paragraph 13.4</p> <p>Please refer to Section 3 – Cumulative impact</p>
010	Resident	<p>The respondent agreed that the Policy guided decision makers, applicants, objectors and others involved in the licensing process without limiting the Council's duty to consider each individual application on its own merits.</p>		

		It was felt that the Police should have control over the licensing of door supervisors.	The Security Industry Authority has been formed to regulate door supervisors, however it is expected that the SIA will work with Licensing Authorities and the Police in ensuring that all door staff are properly licensed.	Please refer to paragraph 8.4
011	Resident	<p>The respondent agreed that the Policy guided decision makers, applicants, objectors and others involved in the licensing process without limiting the Council's duty to consider each individual application on its own merits.</p> <p>The respondent felt that it was not necessary to introduce a 'saturation policy' in the district.</p> <p>It is important to make the provision for live entertainment and through as many outlets as possible.</p> <p>It is also important not only to protect children from harm but to prevent all premises from becoming too child friendly and lose the facility of a child free atmosphere.</p>	<p>This is already addressed in the Policy.</p> <p>This will be determined by market forces</p>	
012	Licence Holder	It is unacceptable that action against retailers should be taken merely because 'youths gather there' to cause disorder or disturbance. The offenders should be the ones to be targeted and not the retailer.	Action will only be taken against the licence holder should he/she breach any of the licence conditions or existing legislation. There are other measures that can be used to target anti-social behaviour such as alcohol free zones. The policy makes it clear that a licence holder is only responsible for matters which are within his/her control.	Please refer to Section 7 – Integrating strategies and paragraph 8.1
013	Licence Holder	<p>The licence holder agreed that the Policy guided decision makers, applicants, objectors and others involved in the licensing process without limiting the Council's duty to consider each individual application on its own merits.</p> <p>It was felt unnecessary to introduce a 'saturation policy' in any area within the district.</p>		

014	Resident	Improve transport links	Taxi rank provision is currently being reviewed by the Council's Scrutiny Process.	
015	Equity	Expand on references made to live music, dancing and theatre; The arts and entertainment must be encouraged, whilst preserving the necessary safeguards for the community.	Additional references have been included in the Policy.	Please refer to paragraphs 7.2 and 8.3
016	Luminar Leisure Ltd	<p>The organisation suggested that the Council include the following measures into its Policy:  Dispersal Policy; Minimum price condition; capacity condition; provision of dancing to be risk assessed and to be treated as a specialist function.</p> <p>That the Council give serious consideration to the introduction of a saturation policy in areas that already have a large number of premises.</p>	<p>It would be difficult to introduce a dispersal policy in the initial stages of the licensing system, as extensive discussion with various licence holders would be required. However, this is something which might be developed in the future via the Local Licensing Forum.</p> <p>Conditions can be placed on licences where appropriate to prevent irresponsible drinks promotions, but the licensing system should not be used to restrict competition or create cartels.</p> <p>The issue of capacity limits is covered in the model conditions and will only be applied if recommended by a responsible authority to address one of the licensing objectives.</p> <p>In respect of the provision of dancing, again, the licence holder will only be required to undertake a risk assessment if it is recommended by a responsible authority to address one of the licensing objectives.</p> <p>The Council will consider all applications for a saturation policy, following the receipt of satisfactory evidence. Cumulative impact can be taken into account when considering the individual merits of any application, if it might lead to undermining one of the licensing objectives.</p>	
017	District Councillor	The Council must give consideration to the employment of a dedicated enforcement officer to ensure compliance with the licence conditions.	No budget provision for a dedicated enforcement officer exists at present. Enforcement is likely to arise from a number	Please refer to Section 13 - Enforcement

		<p>Clarify enforcement and prosecution policy for breaches of the Act and conditions.</p> <p>It was felt that Bromsgrove High Street may need to be considered for a saturation policy due to the number of licensed premises and food outlets already in situ.</p>	<p>of sources – e.g. the Police, Fire Authority, Environmental Health and reports by Members of the Public. The Licensing Authority will follow up any breaches of conditions. Written warnings will be issued to those licence holders who breach any of their licence conditions; if the licence holder continues to breach them, legal action can be taken. The responsible authorities will still be required to carry out inspections as and when required.</p> <p>The Council will consider all applications for a saturation policy, following the receipt of satisfactory evidence. Cumulative impact can be taken into account when considering the individual merits of any application, if it might lead to undermining one of the licensing objectives.</p>	<p>Please refer to Section 3 – Cumulative impact</p>
018	Jazz Services	Needs further explanation of the value of live music and other performing arts at licensed premises.	Additional references have been included in the Policy.	Please refer to paragraphs 7.2 and 8.3
019	Licence Holder	The Licence Holder is satisfied with the Council's Policy		
020	Greene King Pub Partners	The Company is satisfied with the Council's Policy and feels it is a positive approach to licensing.		
021	Licence Holder	The Licence Holder is satisfied with the Council's Policy		
022	Licence Holder	The Licence Holder feels that the policy document has been aimed at commercial concerns and is unsure where and how village halls fits into the legislation	The Licensing Authority will make available guidance notes outlining the application process and what type of licence is required for each licensable activity.	
023	Police Community Consultative Group	The Group agreed that the Policy guided decision makers, applicants, objectors and others involved in the licensing process without limiting the Council's duty to consider each individual application on its own merits.		

		<p>A condition relating to the staging of Hypnotism should be included on every licence</p> <p>The organisation was concerned about the possibility of pubs/clubs staying open 24 hours and the effect this would have on police resources.</p> <p>The organisation felt that a saturation policy should be introduced to covering the area from Worcester Road through to Burcot Lane, Bromsgrove, due to the number of licensed premises situated in that area.</p> <p>Clarification was needed in respect of who would be carrying out inspections and enforcing the licence conditions.</p> <p>It was felt that some of the smaller organisations, such as village halls would have difficulty in understanding the policy document and the new regulations.</p>	<p>The Act does not allow for conditions to be placed on licences where existing legislation is already in place to govern that activity.</p> <p>This is an issue for the Police Authority.</p> <p>The Council will consider all applications for a saturation policy, following the receipt of satisfactory evidence. Cumulative impact can be taken into account when considering the individual merits of any application, if it might lead to undermining one of the licensing objectives.</p> <p>Responsible authorities will continue to carry out inspections, as and when necessary. The Licensing Authority together with the responsible authorities will work together to ensure that the licence conditions are not breached.</p> <p>Guidance notes will be produced to aid all organisations affected by the Licensing Act.</p>	<p>Please refer to paragraph 8.2</p> <p>Please refer to Section 3 – Cumulative impact.</p> <p>Please refer to Section 13 – Enforcement.</p>
024	District Councillor	Found that the Policy Statement explained the regulations rather than state the Council's policy	Where appropriate the policy has been reworded to eliminate some of the explanations and guidance information will be produced.	
025	Association of Licensed Multiple Retailers	The organisation felt that the draft policy appeared to be fair and well balanced and is clear and concise. It also gives a very clear overview of the Act itself and the framework within which decisions will be taken. However, the organisation		

		<p>did raise a number of points that it felt should either be included or clarified, they include:</p> <p>That the licensing objectives are the only matters to be taken into account in determining the application and that any conditions to be attached must be necessary to achieve the objectives following a representation.</p> <p>Reference should be made that a small number AWP machines in pubs do not form part of the list of risk factors, which may give rise to concerns about children.</p> <p>Temporary events notices may also apply to premises, which are already subject to a premises licence.</p> <p>Reference was made to the requirements to advertise applications.</p> <p>Requested that the Council produce additional information on how the council will deal with applications and the processes and procedures during transition.</p>	<p>References are already contained in the policy.</p> <p>Reference has now been made.</p> <p>These comments are accepted; the application process, advertising requirements and the types of licence necessary will be outlined in greater detail in guidance aimed at applicants.</p>	<p>Please refer to paragraphs 8.1 and 8.3</p> <p>Please refer to paragraph 5.1</p>
026	Resident	The Licensing Policy should allow flexibility to vary hours according to different times of the year.	Additional reference has been included in the Policy	Please refer to paragraph 4.3
027	Resident	<p>The resident felt that the draft policy appeared to be fair and well balanced and is clear and concise. It also gives a very clear overview of the Act itself and the framework within which decisions will be taken.</p> <p>Nowhere in the document did I see whether or not the licensee was obliged to remain open all hours.</p> <p>Can see the reasoning behind the new regime, however,</p>	It is up to the Licensee what hours he/she wishes to operate. Market forces may dictate opening hours. This will be stated in guidance information issued to applicants.	



		<p>what about staffing the new system. Do the Police have enough resources? Will licensees have enough staff to cover longer opening hours.</p> <p>What about the cost of CCTV cameras?</p>	<p>It will be up to the Police to assess how they intend to manage their own resources. It is recommended that high risk premises are targeted, whilst a lighter touch will be given to well managed premises.</p> <p>In respect of the staffing implications, this is a matter for licence holders.</p> <p>If the Police recommend the installation of CCTV equipment at a particular premises, to meet the Crime Prevention objective, it will be funded by the Licensee and not by the Council. The Council already has a programme for the provision of further CCTV, but it must be recognised that funds are not unlimited.</p>	
028	National Association of Boat Owners	<p>The organisation felt that the draft policy appeared to be fair and well balanced and is clear and concise. It also gives a very clear overview of the Act itself and the framework within which decisions will be taken.</p> <p>Vessels should be required to comply with the published safety standard of British Waterways and/or the Maritime and Coastguard Agency as conditions applicable for premises will not be applicable for passenger pleasure boats.</p> <p>What about motor coaches with onboard bars?</p>	<p>In accordance with the Act, the applicant would be required to consult with British Waterways and the Maritime and Coastguard Agency. This will be set out in the guidance notes for applicants. If conditions are applicable, they will be tailored to the individual needs of that particular licence.</p> <p>In accordance with the Act, it is not possible to licence such vehicles for the sale of alcohol, whilst they are moving. Only if they are stationary.</p>	Please refer to paragraph 8.3
029	Resident	<p>The resident felt that the draft policy appeared to be fair and well balanced and is clear and concise. It also gives a very clear overview of the Act itself and the framework within which decisions will be taken.</p>		

		<p>Drinking alcohol in bottles or cans in the High Street should be banned, together with drug taking.</p> <p>People should not be allowed to drink from bottles in pubs.</p> <p>The resident felt that it was necessary to introduce a saturation policy in all town areas and estates.</p>	<p>If it is considered that drinking in public areas is causing a problem, then appropriate action can be taken to prevent this, in the form of designating Bromsgrove High Street an 'Alcohol Free Zone'.</p> <p>The advantages of allowing people to drink from bottles may out way any disadvantages. People, in particular females, are less likely to have their drinks spiked if they drink from a bottle. If necessary, the Police can ask that a ban on bottles being handed over the bar can be imposed at particular premises, in order to satisfy the crime and disorder objective.</p> <p>The Council will consider all applications for a saturation policy, following the receipt of satisfactory evidence. Cumulative impact can be taken into account when considering the individual merits of any application, if it might lead to undermining one of the licensing objectives.</p>	<p>Please refer to paragraph 7.5</p> <p>Please refer to Section 3 – Cumulative impact</p>
030	Campaign for Real Ale	<p>The design, character and lay out of licensed premises will influence how easily a premises is able to meet the four licensing objectives.</p> <p>Irresponsible drinks promotions can impact on all the licensing objectives.</p> <p>Longer hours along with varied closing times are important to avoid concentrations of customers leaving at the same</p>	<p>Conditions can be placed on licences where appropriate to prevent irresponsible drinks promotions, but the licensing system should not be used to restrict competition or create cartels.</p> <p>The licensing hours for each premises will be examined on the individual merits of the</p>	<p>Please refer to Section 4 – Licensing hours.</p>

		<p>time. The Licensing Authority should not expect licensed premises to open for all the hours applied for.</p> <p>Customers have a stake in the leisure industry and should be consulted on the draft licensing policies.</p> <p>Policies should discourage the rapid turnover of licence holders.</p> <p>Licensing Authorities should expect applicants to have obtained planning or building control approval before an applicant is considered.</p> <p>Policies should encourage applications for Temporary Event Notices to be submitted at least 20 working days prior to the event.</p>	<p>application. It is not envisaged that any form of zoning in respect of licensing hours will be introduced. It is up to the Licensee what hours he/she wishes to operate. Market forces may dictate opening hours. This will be stated in guidance information issued to applicants.</p> <p>In accordance with the Act, residents have had the opportunity to comment on the Policy Statement.</p> <p>This is not a matter for the licensing authority. It is envisaged that high risk problem premises will be targeted by the responsible authorities.</p> <p>In accordance with the Act, there is no legal basis for the Licensing Authority to refuse a licence application because it does not have planning permission, however, the applicant would have to show compelling reasons why not.</p> <p>The Policy already recommends that applications are submitted to the Licensing Authority more than 10 working days.</p>	<p>Please refer to paragraph 7.7</p> <p>Please refer to paragraph 12.2</p>
031	Barnt Green Parish Council	The Parish Council felt that the draft policy appeared to be fair and well balanced and is clear and concise. It also gives a very clear overview of the Act itself and the framework within which decisions will be taken. No further information needs to be included.		
032	Rubery Leisure Centre	The licence holder felt that the draft policy appeared to be fair and well balanced and is clear and concise. It also gives a very clear overview of the Act itself and the framework within which decisions will be taken. No further information needs to be included.		

033	Rednal Social Club	The Licence Holder felt that the draft policy appeared to be fair and well balanced and is clear and concise. It also gives a very clear overview of the Act itself and the framework within which decisions will be taken. It appeared to address the clubs needs.		
034	Licence holder	The Licence Holder felt that the draft policy appeared to be fair and well balanced and is clear and concise. It also gives a very clear overview of the Act itself and the framework within which decisions will be taken.		
035	Resident	The resident was unclear how the policy will achieve the licensing objectives. He felt that the conflict between planning and licensing decision was also unclear. However, it was accepted that the licensing policy would need to take into account and be compatible with a whole host of other relevant legislation.	The comments made by the resident have been noted.	
036	British Beer & Pub Assoc.	<p>BBPA welcomes the Council's positive approach to licensing and that each application must be treated on its own merit.</p> <p>The Policy should refer to the Licensing Authority and not the Council, except where it is actually intended.</p> <p>Concern was expressed that some of the recommendations contained within the policy, such as seeking guidance from a particular body or responsible authority, could be seen as imposing blanket conditions. The organisation also reminded the Council that conditions can only be imposed if they relate to information set out in the operating schedule and/or as a result of an objection being received by a responsible authority following a hearing.</p> <p>Concern was expressed that the licensing Authority were duplicating existing legislation, namely that where appropriate, regular reports will be provided to the Planning Committee on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder. The organisation feels that this is a duplication of the powers of both the Planning Authority and</p>	<p>Changes to the Policy have been made.</p> <p>This is noted. However, the Licensing Authority is fully aware that it cannot impose blanket conditions.</p> <p>It is recommended in the Guidance issued under section 182 of the Act that "proper integration should be assured by Licensing Committees, where appropriate, providing regular reports to the Planning Committee on the situation regarding licensed premises in the area, including the general impact of</p>	Please refer to Section 8 – Standardised conditions

		<p>the Police.</p> <p>Reference was made to matters which were outside of the applicants control and that matters being in the 'vicinity' of the licensed premises being a question of fact. It was felt that this would be open to interpretation and could easily be construed to hold the licensee responsible for a much wider range of problems.</p> <p>The organisation was pleased to note that no consideration to zoning would be given.</p> <p>Concern was expressed, that the statutory period of notification for a temporary event is extended to 15 days prior to the date of the event. Such a variation of the statutory time limited would not be permissible and would be found to be ultra vires.</p> <p>The Policy states that it wishes to ensure that cultural diversity thrives. However, the organisation does not feel that the Licensing Authority should use its role to pursue the Council's own other policy objectives.</p>	<p>alcohol related crime and disorder. This would enable the Planning Committee to have regard to such matters when taking its decisions".</p> <p>This was noted. In cases of dispute, the question of whether or not incidents can be regarded as being 'in the vicinity' of the licensed premises will ultimately be decided by the courts.</p> <p>The Licensing Authority is aware that the statutory period of notification is 10 working days, however in an ideal situation it would prefer to received them earlier than 10 working days, so that there is more time to consider the application.</p> <p>It is recommended in the Guidance issued under section 182 of the Act that the policy integrates with other Council strategies and policies. Furthermore it is recommended that the Council seeks appropriate licences for its own premises to ensure that cultural diversity thrives.</p>	<p>Please refer to paragraphs 8.1 and 11.1</p> <p>Please refer to paragraph 12.2</p> <p>Please refer to paragraph 7.2</p>
037	Resident	<p>Need simplified guidance for applicants.</p> <p>The resident thought that the saturation policy would be a good idea.</p>	<p>Separate guidance information will be available for applicants.</p> <p>The Council will consider all applications for a saturation policy, following the receipt of satisfactory evidence. Cumulative impact can be taken into account when considering the individual merits of any application, if it might lead to undermining one of the</p>	<p>Please refer to Section 3 – Cumulative Impact.</p>

			licensing objectives.	
038	Licence Holder	<p>The policy does not set out the simpler rules for premises licences and permitted temporary activities for community and village halls.</p> <p>There seems to be no lighter touch for normal well behaved individuals and organisations.</p>	<p>Separate guidance information will be available for applicants.</p> <p>Although the application process will be same for every applicant. Only high risk, problem premises will be targeted by way of regular inspections.</p>	Please refer to section 13 – Enforcement.
039	Wythall Parish Council	<p>The policy proves to be very informative and would perform its intention to aid decision making for all interested parties.</p> <p>The Policy does not clearly state what the complaints and appeals procedures are. The applicant and local residents need to know what redress they have.</p> <p>In respect of the period of notice to be given for temporary event notices, the respect for applications to be submitted earlier was meaningless as the Licensing Authority must conform to the statutory requirement of 10 working days.</p>	<p>Separate guidance information will be made available.</p> <p>This comment is noted.</p>	
040	West Mercia Constabulary	<p>The Police Authority would like to see guidance and procedures for processing applications, including time scales.</p> <p>There needs to be sufficient public transport and private hire vehicles in order to satisfy the demand once the night time economy begins to evolve.</p> <p>It was felt that a saturation policy should be introduced where premises are used primarily for the ‘vertical’ consumption of alcohol within the town centre.</p>	<p>The Licensing Authority will be producing separate guidance information for applicants setting out the application process.</p> <p>Taxi rank provision is currently under review by the Council’s Scrutiny process. With regard to public transport the Council will liaise with the County Council to try and develop better links with the Bus Companies.</p> <p>The Council will consider all applications for a saturation policy, following the receipt of satisfactory evidence. Cumulative impact</p>	<p>Please refer to paragraph 11.3</p> <p>Please refer to Section 3 – Cumulative Impact</p>

		<p>Identify maximum capacity limits for premises used exclusively or primarily for the 'vertical' consumption of alcohol.</p> <p>Concern was express at irresponsible drinks promotions.</p> <p>West Mercia Constabulary is committee to supporting the Licensing Authority to establish and maintain dedicated protocols and develop good working relationships with responsible authorities on enforcement issues. The need to target agreed problems and high risk premises.</p> <p>The Licensing Authority should instruct applicants in the detail expected in any application and should refuse to accept any application wish is deficient in the detail required.</p>	<p>can be taken into account when considering the individual merits of any application, if it might lead to undermining one of the licensing objectives.</p> <p>The issue of capacity limits is covered in the model conditions and will only be applied if recommended by a responsible authority to address one of the licensing objectives</p> <p>Conditions can be placed on licences where appropriate to prevent irresponsible drinks promotions, but the licensing system should not be used to restrict competition or create cartels.</p> <p>This is already included in the policy. A local Licensing Forum has now been established.</p> <p>The Licensing Authority will be producing guidance information which will address the application process and what documentation will be required.</p>	<p>Please refer to Section 13 – Enforcement. Please refer to paragraph 7.6</p>
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**DRAFT**

Licensing Act 2003

**Draft Statement of Licensing Policy**

**2005 - 2008**

**October 2004**



<b>Contents</b>	<b>Page</b>
1.0 Introduction	3
2.0 Purpose and scope of the Licensing Policy	3
3.0 Cumulative Impact	4
4.0 Licensing Hours	5
5.0 Children and Licensed Premises	5
6.0 Children and Cinemas	6
7.0 Integrating Strategies	6
8.0 Standardised Conditions	7
9.0 Door supervisors	8
10.0 The Club Environment and the Control of Drugs	8
11.0 Outside the premises	9
12.0 Open Air/Temporary Events	9
13.0 Enforcement	10
14.0 Publicity and neighbour consultations	10
15.0 Administration	10
16.0 Contact details for further guidance	11

## **Appendices**

Appendix A Delegation of Licensing Functions

Appendix B Contact details

## 1.0 **Introduction**

Bromsgrove District is one of three Local Authorities in the north of Worcestershire and has population of approximately 88,000 and is mainly rural in character (90% of the area is classed as Green Belt), and a total area of 21,714 hectares.

The principal town is Bromsgrove, which is then surrounded by numerous villages, each with their own individual character.

There are two major concentrations of premises in the District providing regulated entertainment, the retail sale of alcohol, and/or late night refreshment, namely Bromsgrove Town Centre and the sub-urban district of Rubery. There are approximately 49 registered clubs; a small number premises that currently have a late licence on a Friday and Saturday night, including one nightclub and one small football ground.

There are currently no cinemas or theatres. Local venues such as village, community and school halls provide many venues for cultural and local activities.

There are six Council owned parks, which could be utilised for open-air concerts for the larger cultural events, together with a new purpose built Arts Centre, which will host a wide range of public events and the performing arts.

There are also many public houses *and small family run retail outlets, in the form of convenience stores*, in the District outside of Bromsgrove Town, many of these in the small rural villages, which provide the focal point for the community.

Because of the rural nature of the District, premises and events that will be licensed under the Act will provide an essential contribution to the local economy of the District.

## 2.0 **Purpose and Scope of the Licensing Policy**

2.1 This Licensing Policy Statement is based upon the Licensing Act 2003, hereinafter referred to as 'the Act', and is in accordance with the Guidance issued by the Department of Culture Media and Sport (DCMS) under Section 182 of the Act. The Licensing Authority is Bromsgrove District Council.

2.2 The aims of the legislation are to modernise and integrate the various licensing systems and replace them with a simpler, transparent and accountable system, and to help build a fair and prosperous society, which properly balances the rights of people and their communities. The Act together with other Government initiatives will:

- Reduce crime and disorder;
- Encourage tourism;
- Reduce alcohol misuse;
- Encourage the self sufficiency of local communities; and
- Reduce the burden of unnecessary regulation on business.

2.3 Section 5 of the Act requires the Licensing Authority to prepare and publish a statement of its licensing policy every three years. *Specific guidance detailing the application process is available separately from the Licensing Authority or alternately log onto the Council's web site [www.bromsgrove.gov.uk](http://www.bromsgrove.gov.uk)*

2.4 This Policy relates to all those licensing activities identified as falling within the provisions of the Act, namely: -

- The retail sale of alcohol;
- The supply of alcohol to members of a club;
- The provision of regulated entertainment:
  - A performance of a play
  - An exhibition of a film
  - An indoor sporting event

- Boxing or wrestling entertainment
  - Playing of recorded music
  - Provision of facilities for making music
  - A performance of live music
  - A performance of dance and dancing facilities
- 2.5 The Licensing Authority has a duty under the Act to carry out its functions with a view to promoting the four licensing objectives, which all have equal importance, these are:
- The prevention of crime and disorder;
  - Public safety;
  - The prevention of public nuisance; and
  - The protection of children from harm.
- 2.6 Whilst this statement of policy will set out a general approach for determining licensing applications, the provisions in the Act cannot be ignored. For example, the policy must not undermine the right of any individual to apply under the terms of the Act for a variety of permissions and to have any such application considered on its individual merits; and secondly, no statement of policy should override the right of any person to make representations on an application or seek a review of a licence or certificate in accordance with the Act.
- 3.0 Cumulative Impact**
- 3.1 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter, which the Licensing Authority can take into account. This should not, however, be confused with 'need' which relates more to the commercial demand for a particular type of premises. The issue of 'need' is therefore a matter for planning consideration or for market forces to decide and does not form part of this licensing policy statement.
- 3.2 Where serious problems of nuisance and disorder continually arise, whether in the immediate vicinity or some distance from the licensed premises, as a result of the number, type and density of premises selling alcohol, this can be described as the cumulative effect of the increasing capacity of all licensed premises taken together. In these circumstances, the Licensing Authority may accept representations from a 'responsible authority' or an 'interested party' that the cumulative effect of the granting of new licences are leading to an area becoming saturated with licensed premises, in turn making it a focal point for large groups of people to gather and circulate away from the licensed premises, creating problems of disorder and nuisance over and above the impact from individual premises.
- 3.3 In such cases the issue of cumulative impact can be taken into account when considering the individual merits of any application, if it might lead to undermining one of the licensing objectives.
- 3.4 It must be stressed that the onus would be on the objector to gather the necessary evidence that the addition of the premises in question would produce the cumulative impact claimed.
- 3.5 In determining whether to adopt a 'saturation' policy for a particular area, the Licensing Authority may, among other things:
- Gather evidence or identification of serious and chronic concern from a responsible authority; the local Crime and Disorder Reduction Partnership; or local residents about nuisance and disorder;
  - Make an assessment of the causes;
  - Identify the area from which problems are arising and the boundaries of that area; and
  - Adopt a policy about future licence applications for that area.
- 3.6 Saturation policies should be reviewed every three years to assess whether they have had the effect intended and whether they are still required. They should never be used as grounds for removing a licence when representations are received about problems with an existing licensed premises. Nor can they justify rejecting modifications to a licence except where those modifications are directly relevant to the policy, such as increasing the capacity limits of a premises. After a licence or certificate has been granted or varied, a complaint relating to a

general situation in an area would generally not be regarded as a relevant representation if it cannot be positively tied or linked by a causal connection to a particular premises that would allow for a proper review of its licence or certificate by the Council's Licensing Committee or Sub-Committee.

3.7 The absence of a special policy does not prevent any responsible authority or interested party making representations on a new application for the grant of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

3.8 Should unruly behaviour occur away from licensed premises, there are a number of other mechanisms that can be used to address such issues. See Chapter 7.0 - Integrating Strategies.

#### **4.0 Licensing Hours**

4.1 The Licensing Authority must ensure that licensing hours do not inhibit the development of thriving, safe and night-time local economies which are important for investment and employment and attractive to all consumers without compromising the ability to resource local services associated with the night-time economy.

4.2 It is not envisaged that any form of zoning in respect of licensing hours will be introduced, as this may lead to the significant movement of people across the district in search of premises opening later.

4.3 The licensing hours for each premises will be examined on the individual merits of the application, having regard to the nature of activities taking place in the premises, the amount of disturbance likely to occur, the location of the premises and the day of the week, *major sporting events, Bank Holidays and seasonal variations*. It is however, acceptable to impose stricter conditions with regard to noise control in areas that are residential, in order to satisfy the licensing objectives.

4.4 With regard to shops, stores and supermarkets, it is recommended that they should be free to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open for shopping unless there are very good reasons for restricting those hours.

#### **5.0 Children and Licensed Premises**

5.1 In accordance with the Act, it is an offence to permit children under the age of 16 who are not accompanied by an adult to be present on a premises being used exclusively or primarily for the supply of alcohol for consumption on those premises and between the hours of midnight and 5am at other premises. However, the Act does not prohibit children having free access to licensed premises of all kinds, unless it is necessary for the prevention of harm to children. For example, these might include:

- Where there have been convictions for serving alcohol to minors or with a reputation for underage drinking;
- The premises has a known association with drug taking or dealing;
- Where there is a strong element of gambling on the premises, *with the exception of AWP machines in pubs and bars*;
- Where entertainment of an adult or sexual nature is commonly provided;
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

5.2 The options available for limiting the access of children to licensed premises include:

- Limitations on the hours or parts of the premises when children may be present;
- Age limitations (below 18);
- Limitations on the exclusion of the presence of children under certain ages when particular activities are taking place;
- Requirements for accompanying adult;
- Full exclusion of people under 18 from the premises when licensed activities are taking place.

5.3 *It may be necessary, following an objection upheld by a hearing of the Licensing Sub-Committee, to impose a condition concerning the presence of adult staff at places of public entertainment to control the access and egress of children and to assure their safety. The following ratio in relation to adult carers to children, as recommended by Ofstead would be used:*

Children under 18 months old	1 adult to every 3 children
Children under 5 years	1 adult to every 5 children
Children under 16 years	1 adult to every 8 children

5.4 It must be noted that a condition requiring the admission of children to any premises cannot be attached to a licence or certificate. Where no licensing restriction is necessary, this should remain a matter for the discretion of the individual Licensee.

5.5 It is suggested that Licensees familiarise themselves with the guidance by the Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. Where appropriate and necessary, consideration can be given to attaching conditions to premises licences and certificates that require compliance with the Portman Group's Retailer Alert Bulletins.

5.6 A further way in which the Licensing Authority may wish to protect children, *following an objection, which was upheld by a hearing of the Licensing Sub-Committee*, is to include a condition on a licence, to insist that the Licensee seeks proof of age and supports the Proof of Age Standards Scheme (PASS). This helps to ensure that goods of various descriptions, in particular alcohol, are not sold to young people who are below the legal age limit for making such purchases or taking part in age restricted 'regulated entertainment'. It can thus provide reassurance to responsible retailers/licensees that they are not breaking the law. Further advice is also contained in a guidance document published by LACORS/TSI entitled 'Code of Practice on Test Purchasing'.

5.7 Further advice on matters relating to the protection of children from harm can be sought from Worcestershire County Council. Contact details are set out in Appendix 'B'.

## **6.0 Children and Cinemas**

6.1 Where a licence is granted for the exhibition of films, it will be granted subject to the inclusion of a mandatory condition, which requires the licensee to take reasonable steps to prevent children gaining access to age-restricted films, which they are not old enough to view according to the British Board of Film Classification.

## **7.0 Integrating strategies**

7.1 By consulting widely prior to this policy statement being published, the Licensing Authority will endeavour to secure proper integration with local crime prevention, planning, transportation, tourism and cultural strategies.

7.2 To ensure that cultural diversity thrives, the Licensing Authority will recommend that premises licences are sought for the Council's public open spaces, the Arts Centre, and other Council owned premises, where appropriate. Performers and entertainers would then have no need to obtain a licence to enable them to give a performance in these places. They would however, still require the permission of the Council to use the licensed premises and/or land. *The Licensing Authority subscribes to the view expressed in the Guidance that the absence of cultural provision in any area can lead itself to a loss of community awareness and can expose young people to anti-social activities that may damage local communities.*

7.3 There are a number of wider issues which may need to be given due consideration when dealing with applications. The Council's Licensing Committee may, in certain cases, receive and take account of reports on the

- Needs of the local tourist economy;
- Cultural strategy for the area;

- Employment situation in the area and the need for new investment and employment where appropriate;
  - Planning considerations, which might affect licensed premises; and
  - Transport links.
- 7.4 The County-wide Community Safety Strategy 2002-2005, which has been adopted by the Council, tackles crime and disorder in partnership with the Police, other local agencies and the community of Bromsgrove, will also be used to complement this Licensing Policy, as will any subsequent strategies produced within the life of this Licensing Policy.
- 7.5 Other methods of control can include:
- Planning controls;
  - Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the Council;
  - Maintaining CCTV surveillance in busy areas, the provision of sufficient taxi ranks, public conveniences; more street cleaning and litter patrols;
  - Further designations of parts of the district as places where alcohol may not be consumed in public;
  - The confiscation of alcohol from adults and children in designated areas of the district;
  - Police enforcement of the normal law concerning disorder and anti-social behaviour, including the issue of fixed penalty notices;
  - The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
  - Police powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder, or excessive noise emanating from the premises;
  - The power of the police, responsible authority or local resident or business to seek a review of the licence in question.
- 7.6 The above-mentioned examples will also be supplemented by other Council and Government policies, strategies and guidance documents, such as the Council's District Local Plan, the Council's Community Plan, Crime and Disorder Reduction, Drugs and Alcohol, and Cultural and Tourism, etc. A method of bringing all of these considerations together, is by way of setting up a Local Licensing Forum, which will be made up from responsible authorities, other Council departments and representatives from the licensed trade.
- 7.7 The Licensing Authority recognises that licensing applications should not be seen as a re-run of the planning application process, and that licensing decisions will not cut across decisions taken by the Council's Planning Committee or permissions granted on appeal. There is no legal basis for the Licensing Authority to refuse a licence application because it does not have planning permission, however, the applicant would have to show compelling reasons why a premises, which did not have planning permission should be granted a licence.
- 7.8 In addition, there should be a clear separation of the planning and licensing regimes to avoid duplication and inefficiency. Where appropriate, regular reports will be provided to Planning Committee on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder.
- 7.9 The Licensing Authority will monitor the impact of the Licensing Policy on regulated entertainment, and where there is any indication that such events are being deterred, there may be a need to review the Policy.
- 8.0 Standardised conditions**
- 8.1 Licensing is about the control of licensable activities on licensed premises within the terms of the Act, and any conditions attached to licences and certificates will be focused on matters that are within the control of the Licensee and these will relate to the premises themselves and/or the immediate vicinity. It must be noted that the Act is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the Licensee.

- 8.2 It is not the intention of the Council to duplicate existing legislation and regulatory regimes that already places obligations on employers and operators, for example, the Health and Safety at Work Act 1974, the Environmental Protection Act 1990, the Disability Discrimination Act 2000, and the new Fire Safety Regulatory Reform Order, the Anti Social Behaviour Act 2003, the Race Relations (Amendment) Act 2000 and the Criminal Justice and Police Act 2001. Therefore conditions will be considered unnecessary if they are already adequately covered by other primary or secondary legislation.
- 8.3 The Licensing Authority will not impose standard *blanket* conditions. Any condition that is imposed will be related to one or more of the licensing objectives, *following the receipt of a valid objection which has been upheld by a hearing of the Licensing Sub-Committee*, and will be tailored to the specific needs of the premises. Conditions may be drawn from the model pool of conditions, issued by the DCMS. Copies are available from the Licensing Authority or at the Department for Culture Media and Sport website - [www.culture.gov.uk](http://www.culture.gov.uk). **The list is not exclusive** and may be varied from time to time as considered necessary by the Licensing Authority. The Licensing Authority will also avoid measures, which might deter live music, dancing or theatre by imposing indirect costs of a substantial nature, unless that imposition can be justified by reference to the licensing objectives.
- 8.4 Despite there being no provision for standardised conditions, there are a few mandatory conditions that must be applied, where appropriate. The Act provides that, where a premises licence authorises the supply of alcohol, the Licensing Authority must include a condition that no supply of alcohol may be made at a time when no designated premises supervisor has been specified in the licence, or at a time when the designated premises supervisor does not hold a personal licence or his or her licence has been suspended. Secondly, where the provision of door supervision is a condition of the licence, anyone carrying out such a function must be licensed by the Security Industry Authority. Thirdly, where a licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted as in accordance to the Act.

## **9.0 Door Supervisors**

- 9.1 The Police Authority may consider that a particular premises may require strict supervision for the purpose of promoting the reduction of crime and disorder. In such cases, the Licensing Authority may impose a condition that licensed door supervisors must be employed at the premises either at all times or at such times as certain licensable activities are being carried out. The Licensing Authority may also specify the number of security staff to be employed, the positions in which they will need to be deployed, the duties they will be required to fulfil, and any records that they may be required to keep.

## **10.0 The Club Environment and the Control of Drugs**

- 10.1 The Licensing Authority recognises that drug use in a club environment is not something that is relevant to all licensed premises. However, it is recognised that special conditions may need to be imposed for certain types of venues to *eliminate* the sale and consumption of drugs and to create a safer environment for those who may have taken them. The key areas relating to safety at clubs, include:
- Prevention of overcrowding;
  - Air conditioning and ventilation;
  - Availability of drinking water;
  - Further measures to combat overheating; and
  - Overall safety
- 10.2 These areas can easily be addressed in a variety of ways:
- Setting an overall capacity limit;
  - Controlling temperatures and humidity in the venue with the use of air conditioning, industrial fans or allowing customers to cool off outside etc.

- Provision of cold water in easy to access areas; availability of a large range of appropriately priced bottled water and soft drinks; or staff circulating the venue offering chilled water to those who may need it.
  - Provision of a 'chill-out' area and breaks in fast music;
  - Drinks to be provided in plastic or toughened glasses, or glasses of a specified size or design;
  - Ensuring that fixtures and fittings are safe and secure;
  - Informing customers of the intended use of special effects;
  - The maximum volume on sound systems is set to prevent causing hearing damage;
  - Prevent floors from becoming slippery; and
  - Ensuring that emergency evacuation procedures take into account the fact that many customers may be intoxicated from drink or drugs.
- 10.3 These suggested conditions take into account the "Safer Clubbing" guide issued by the Home Office. In all cases before conditions are imposed, advice will be sought from the local Drugs Action Team and the Police.
- 11.0 Outside the Premises**
- 11.1 It is recognised that the existence of a licensed premises can create public order and/or nuisance issues immediately outside the area in which licensed activities take place. The Licensing Authority recognises that Licensees cannot be expected to control the behaviour of customers who have recently departed from their premises but will, in appropriate cases, seek to impose conditions requiring control over the behaviour of customers who are still within the curtilage of the licensed premises (but outside the licensed area), e.g. in a car park attached to the premises.
- 11.2 The Licensing Authority also recognises that one form of public nuisance can be generated by litter and will seek to reduce this by use of appropriate conditions, e.g. the provision of signs and/or litter bins and requirements to keep the curtilage of the premises and any areas immediately beyond the curtilage in a tidy condition.
- 11.3 The Licensing Authority further recognises that public nuisance can occur when people are making their way home. One way to reduce the number of people walking home after a night out would be to provide details of local taxi companies on a notice board in the vicinity of a licensed premises.
- 12.0 Open Air/Temporary Events**
- 12.1 Licensing Authorities may not seek to attach any conditions on open air or temporary events, other than those set down in the Act. It is however expected for the Licensing Authority to provide advice about proper respect for the concerns of local residents; of the other legislative requirements regarding health and safety, noise pollution or the building of temporary structures; or other necessary permissions, for example, with regard to road closures or the use of pyrotechnics in public places; local bye laws; and the need to prevent anti-social behaviour by those attending. Applicants would also be reminded of the relevant offences under the Act, such as selling alcohol to minors or to any person who is drunk, and of the Police powers to immediately close down events and/or premises on the grounds of disorder, the likelihood of disorder because of public nuisance, including noise emanating from the event and/or premises. The Licensing Authority may only ever intervene itself if the limits on the number of notices that may be given in various circumstances would be exceeded. *Detailed guidance on applying for a Temporary Event Notice is available from the Licensing Authority separately.*
- 12.2 The Act states that the statutory period for the submission of an application for a temporary event notice is 10 working days. However, the Licensing Authority would prefer if applications were submitted *more than 10 working days* prior to the date of the event; this would allow *more* time to process the application and to receive responses back from responsible authorities.



### **13.0 Enforcement**

- 13.1 An enforcement protocol has been established with West Mercia Police Authority, which is available on request from the Licensing Authority and/or the Police Authority.
- 13.2 *The enforcement of licensing law and the inspection of licensed premises will be agreed through **joint working procedures and protocols**. These procedures and protocols will provide for the targeting of resources towards high-risk premises and activities that require greater attention, while providing a lighter touch in respect of low risk premises that are well operated. The Licensing Authority will take proportionate but firm action against those who commit serious offences or consistently break the law.*
- 13.3 *The Act does not require annual inspections to take place; it is at the discretion of the responsible authorities. This should ensure that resources are more effectively concentrated on problem premises.*
- 13.4 *The Act extends the existing powers of the police; the police have powers to close without notice for up to 24 hours certain licensed premises that are disorderly, likely to become disorderly or excessively noisy.*

### **14.0 Publicity and neighbour consultations**

- 14.1 *All applications must be advertised in accordance with regulations issued by the DCMS. Further information is contained in guidance, which is available separately from the Licensing Authority, and is also be available on the Council's web site [www.bromsgrove.gov.uk/licensing](http://www.bromsgrove.gov.uk/licensing)*

### **15.0 Administration**

- 15.1 The Licensing Authority must establish a Licensing Committee consisting of least ten, but not more than fifteen, members of the authority. The Licensing Committee may in turn establish one or more sub-committees consisting of three members of the Licensing Committee. It must be noted that any Councillor who is also a member of the Licensing Committee or Sub-Committee making representations on behalf of an interested party must disqualify themselves from any involvement in the decision-making process affecting the premises licence in question. The powers of the Licensing Authority under the Act shall be either carried out by the Licensing Committee, the Licensing Sub-Committee, or by an Officer acting under delegated authority. Any decisions made under delegated authority must be submitted to the Licensing Committee for information; there will be no opportunity to overturn an Officers' decision. The scheme of delegation of licensing functions is attached at Appendix 'A'.
- 15.2 'Interested Party' means any of the following:
- A person living in the vicinity of the premises;
  - A body representing persons who live in that vicinity;
  - A person involved in a business in that vicinity; or
  - A body representing persons involved in such a business.
- 15.3 Reviews of premises licences represent a key protection for the community where problems associated with disorder, public safety or disturbance are occurring. If relevant representations are made about a current licence, the Licensing Authority will hold a hearing, in accordance with the regulations issued by the DCMS, to consider them unless it is considered not necessary by all parties. Representations must not, in the opinion of the Licensing Authority, be frivolous, vexatious or repetitious.
- 15.4 Additionally a review of the licence will normally follow any action by the Police Authority to close down the premises for up to 24 hours on the grounds of disorder or public nuisance.
- 15.5 The Licensing Authority will have little discretion regarding the granting of Personal Licences, provided that the applicant holds an approved qualification and does not have a recent relevant conviction as set out in the Act, the application will be granted.

- 15.6 *Applicants and those making relevant representations in respect of an application to the Licensing Authority have a right of appeal to the Magistrates Court against the decision of the Licensing Authority.*
- 15.7 *The Licensing Authority will expect individual applicants to address the licensing objectives in their operating schedule having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and needs of the local community. Any measures stated in the operating schedule, which will be used to address the licensing objectives will be transferred as a condition(s) to any subsequent licence or certificate.*
- 15.8 Applicants will be encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies or local crime prevention strategies and to have taken these into account, where appropriate, when formulating their operating schedule.
- 15.9 When determining applications, the Licensing Authority will have regard to the following:
- *the Act and the Guidance, together with any Regulations and Orders issued by the DCMS. A copy of the Act, the Statutory Guidance and any Regulations and Orders can be found on the DCMS website at [www.culture.gov.uk](http://www.culture.gov.uk)*
  - *the need to eliminate unlawful discrimination, and to promote equality of opportunity and good relations between persons of different racial groups in accordance with the Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000;*
  - *Human Rights Act;*
  - *The Council's constitution, in particular, Members' Code of Conduct and Access to information rules.*

**16.0 Contact details for further advice**

- 16.1 Further details about licensing and the application process, including application forms can be obtained from:

Sharon Smith - Principal Licensing Officer,  
Administrative Services,  
Bromsgrove District Council,  
The Council House,  
Burcot Lane,  
Bromsgrove,  
Worcs., B60 1AA.

Tel: 01527 881626 (Direct Dial)

Fax: 01527 881414

Email: [sharon.smith@bromsgrove.gov.uk](mailto:sharon.smith@bromsgrove.gov.uk)

Other useful contacts can be found at Appendix 'B'.

**If you have any difficulty in reading or understanding this document, please telephone the writer on 01527 881626.**

## Appendix 'A'

### Delegation of Licensing Functions

<b>Matter to be dealt with</b>	<b>Full Committee</b>	<b>Sub Committee</b>	<b>Officers</b>
Application for personal licence		If a representation made	If no representation made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a representation made	If no representation made
Application for provisional statement		If a representation made	If no representation made
Application to vary premises licence/club premises certificate		If a representation made	If no representation made
Application to vary designated premises supervisor		If a police representation	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police representation	All other cases
Applications for Interim Authorities		If police representation	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.			All cases
Decision to object when local authority is a consultee and not the lead authority			All cases
Determination of a police representation to a temporary event notice		All cases	

**Details of useful contacts**

<b>Useful Contacts</b>	<b>Name</b>	<b>Organisation</b>
Environmental Services le Noise, health & safety, food safety etc	Robin Goundry – Noise Pollution	Bromsgrove District Council The Council House Burcot Lane Bromsgrove Worcs. B60 1AA  Tel: 01527 881444
Crime & Disorder	Graham Rocke Community Safety Officer	Community Safety Bromsgrove District Council The Council House Burcot Lane Bromsgrove Worcs. B60 1AA  Tel: 01527 881486
West Mercia Police Authority	PC Paul Bott Licensing Officer	Bromsgrove Police Station The Crescent Bromsgrove, Worcs., Tel: 01527 586221 Fax: 01527 586227
Hereford & Worcester Fire & Rescue Service	Fire Safety	Hereford & Worcester Fire & Rescue Service Amphlett Court Windsor Street Bromsgrove Worcs, B60 2BN.  Tel: 01527 576633
Building Control	Martin Jones Chief Building Control Surveyor	Building Control Bromsgrove District Council The Council House Burcot Lane Bromsgrove Worcs. B60 1AA.  Tel: 01527 881347
Planning	Dave Hammond Head of Development Control	Development Control Bromsgrove District Council The Council House Burcot Lane Bromsgrove Worcs. B60 1AA.  Tel: 01527 881330

Cultural Strategy	Rosemary Clarke Marketing, Tourism & Business Development Manager	Leisure Services Bromsgrove District Council The Council House Burcot Lane Bromsgrove Worcs. B60 1AA.  Tel: 01527 881379
Town Centre Strategy	Peter Michael Economic Development Officer	Economic Development Bromsgrove District Council The Council House Burcot Lane Bromsgrove Worcs. B60 1AA  Tel: 01527 881327
Leisure Services	Rob Heard Parks Development and Recreation Manager	Leisure Services Bromsgrove District Council The Council House Burcot Lane Bromsgrove Worcs. B60 1AA.  Tel: 01527 881382
Protection of children	Mr. Alan Ferguson Unit Manager for Child Protection	Worcestershire County Council County Hall Spetchley Road Worcester. <a href="mailto:aferguson@worcestershire.gov.uk">aferguson@worcestershire.gov.uk</a>  Tel: 01905 752829.
Trading Standards		Worcestershire County Council Trading Standards, 28-30 Foregate Street Worcester WR1 1DS  Tel: 01905 765394

**BROMSGROVE DISTRICT COUNCIL**

**EXECUTIVE CABINET**

**10TH NOVEMBER 2004**

**THE GAMBLING BILL**

Responsible Portfolio Holder	
Responsible Head of Service	Head of Administrative Services

**1. SUMMARY**

- 1.1 To inform Members of the new responsibilities which will fall to local authorities as a result of the Gambling Bill.

**2. RECOMMENDATION**

- 2.1 That Members note the Report.

**3. BACKGROUND**

- 3.1 The Gambling Bill was introduced into the House of Commons on 18th October 2004 and it is hoped that it will achieve Royal Assent in Spring 2005. The Bill will modernise the outdated gambling laws, by consolidating three existing Acts, namely, the Betting, Gaming and Lotteries Act 1963; the Gaming Act 1968; and the Lotteries and Amusements Act 1976. The new legislation will deal with the rapid advancements in gambling technology, most of all, it will ensure that there are stringent protections to prevent gambling becoming a danger to those at risk of harm.

- 3.2 There are three licensing objectives which will underpin the new regime, they are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open manner; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

- 3.3 The Bill will place the responsibility for the licensing of gambling premises and the issuing of permits onto local authorities, with the associated responsibility of ensuring that the conditions on these licences are upheld. Consequently, it will allow local authorities far more input into how gambling establishments operate in their area.

- 3.4 Local authorities' responsibilities, under the Bill, will include the licensing of premises, the issuing of permits, imposing conditions to these licences or permits and any subsequent inspection to ensure that the conditions on the licence are adhered to. Members may wish to note that permits are currently issued by the Magistrates' Court.

- 3.5 A fee will be payable to licensing authorities for premises licences and permit applications. The fees will allow for cost recovery of the licensing process and any associated monitoring and enforcement of the conditions imposed by the licensing authorities. Unlike the Licensing Act 2003, there will not be a set fee for a premises licence. Instead, the Secretary of State will set bands of fees that will allow the licensing authority to set a precise fee.

- 3.6 However, the fees prescribed will not take into account the start up costs for the new regime. The DCMS states that money for the start-up has been included in the Environmental Protective and Cultural Services settlement through the revenue support grant for 2004/05 and 2005/06.

Start-up costs should include the following:

- Training of existing licensing officers, and Members;
- Additional staff;
- Additional software/hardware requirements;
- Transfer of records from Magistrates to local authorities; and
- Production and consultation of its licensing policy statement.

- 3.7 There will also be the establishment of a new gambling regulator, the Gambling Commission who will take over the responsibilities of the Gaming Board for Great Britain. The Gambling Commission will be responsible for awarding operating licences to those providing facilities for gambling and those who will either be involved in the running of a gambling company.

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

- 4.1 Not yet capable of being assessed. It is likely that computer software costs will be minimal. The need for additional staff can only be assessed when detailed regulations are made known, and the extent of enforcement, which will be need is clarified. Some training costs will be incurred.

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

- 5.1 The Gambling Bill will replace three existing Acts into a single Act. The existing Acts are the Betting, Gaming and Lotteries Act 1963; the Gaming Act 1968; and the Lotteries and Amusements Act 1976.

#### **Background Papers**

None.

#### **Contact officer**

Name: Sharon Smith, Principal Licensing Officer  
Email: Sharon.smith@bromsgrove.gov.uk  
Tel: 01527 881626

**BROMSGROVE DISTRICT COUNCIL**

**EXECUTIVE CABINET**

**10TH NOVEMBER 2004**

**DEVELOPMENT OF THE WEST MIDLANDS REGIONAL HOUSING STRATEGY 2005**

Responsible Portfolio Holder	Councillor P. Whittaker
Responsible Head of Service	Head of Strategic Housing

**1. SUMMARY**

- 1.1 Following the publication of the first Regional Housing Strategy in July 2003, work is now underway to develop the next strategy for submission to Ministers in May 2005.
- 1.2 This report highlights the work in progress to develop the strategy and details the consultation process being undertaken.
- 1.3 The Regional Housing Board and Regional Housing Partnership are encouraging partners to consider the key issues which need to be addressed to help identify priority themes and invite the submission of any comments or issues by the 12th November 2004.
- 1.4 This report outlines key issues relating to the provision of affordable housing in this District that are being fed into the consultation process when opportunities arise. The views of Members are invited in support of a formal submission.

**2. RECOMMENDATION**

- 2.1 That Members approve the issues set out at Appendix 1 of the report for submission to the West Midlands Regional Assembly for consideration in the development of the West Midlands Regional Housing Strategy 2005.

**3. BACKGROUND**

- 3.1 Following the publication of the first Regional Housing Strategy, 'Towards a Regional Housing Strategy for the West Midlands,' in July 2003, work is now underway to develop the next Regional Housing Strategy for submission to Ministers in May next year.
- 3.2 The updated Strategy will build on the foundations laid by the 2003 interim strategy. It will cover the period 2006 - 2021 and will guide the allocation of funding from the Regional Housing Pot initially for the period 2006 – 2008. Although this authority has transferred its housing stock, the allocation of
- 3.3 regional housing finance remains an important factor in the provision of affordable housing through Housing Corporation grant.



- 3.4 As part of the work towards developing the Strategy, the Regional Housing Board has commissioned a number of studies on housing issues focusing on the various sub areas and themes such as homelessness, BME communities, Supporting People etc.
- 3.5 The aim of the research is to deliver an analysis of the West Midlands housing markets and their housing needs for use in developing both the Regional Housing Strategy 2005 and the development of the Regional Spatial Strategy, a key element of which is identifying the affordable housing needs of the Region.

#### **4. CONSULTATION**

- 4.1 The Regional Housing Board and Regional Housing Partnership want to offer partners the opportunity to feed in their views and issues as they start the process of updating the Regional Housing Strategy. There are opportunities through consultation events and communication channels and officer working groups for involvement between now and March 2005. An Elected Member Forum has been established and will meet with the Regional Housing Board at key stages during the development process.
- 4.2 All authorities and partners are invited to submit issues and views for consideration within the strategy development process by the 12th November.
- 4.3 Details of local housing issues that should to be taken into consideration within the strategy development process are set out at Appendix 1. Members are asked to consider and expand upon the issues to form the basis of the submission and other opportunities that arise to feed into the process.

#### **5. FINANCIAL IMPLICATIONS**

- 5.1 There are no immediate financial implications for this authority in respect of the consultation or development of the strategy. However, as the priorities set within the developing Regional Housing Strategy will ultimately direct the allocation of resources it is important that the local issues are fed into the process.

#### **6.0 BACKGROUND PAPERS**

- 6.1 Joint letter from the Chair of the Regional Housing Board, Graham Garbutt and Chair of the Regional Housing Partnership, Steve Gregory, to launch the consultation on the Regional Housing Strategy 2005.

#### **7.0 CONTACT OFFICER**

A.M. Coel  
Head of Strategic Housing

[a.coel@bromsgrove.gov.uk](mailto:a.coel@bromsgrove.gov.uk)

Tel 01527 881270

**BROMSGROVE DISTRICT HOUSING ISSUES FOR CONSIDERATION  
WITHIN THE DEVELOPMENT OF THE WEST MIDLANDS REGIONAL  
HOUSING STRATEGY**

**AFFORDABILITY**

Affordability is a major issue in the District as inward migration continues to have a significant impact driving up land and property prices.

There is a significant affordability gap for those with average or below average incomes.

Housing prices in Bromsgrove rose by 81% in the period 1999 – 2004, bringing the average property price in Bromsgrove in 2004 to around 20% greater than the average for England and Wales.

Sales of properties in Bromsgrove are predominantly houses with only 9.9% of sales in the period Jan – March 2004 being flats/maisonettes, limiting the opportunities for low-income purchasers to access the market.

**SUPPLY OF AFFORDABLE HOUSING**

The provision of sufficient affordable housing to meet housing needs is a key housing challenge, as a significant proportion of the local population cannot afford market priced dwellings.

There is a low level of affordable housing in the district (10%) with the Tenants Right To Buy continuing to impact heavily as a result of a take up over recent years under the RTB of in excess of 100 purchases pa.

The loss of stock of affordable units to rent through the Right To Buy since 1980 is in excess of 3,000 dwellings (approx. 50% of the stock in the ownership of the Council in the early 80's). The replacement of stock through Housing Association development only replaces 25% of this loss.

The provision of sites for new affordable housing is limited due to the predominant Green Belt and limited supply of brown field sites. There are no large development sites becoming available.

The Council has utilised almost all of its land bank.

Housing supply targets have been met up to 2014 necessitating a restriction upon new planning approvals. Whilst affordable housing is an exception to the constraint, the position is restricting the ability of the Council to benefit from cross subsidy of affordable housing from private development.

There are few private landlords and a low supply of privately let flats and smaller sized dwellings in the district.

The level of empty homes in the district is the lowest in Worcestershire and is projected to decrease offering limited opportunities for use as affordable housing.

### **RURAL RENAISSANCE**

The rural villages are experiencing high property and land prices as a result of their desirability to inwardly migrating households.

There is a significant housing need identified in five rural areas of the district evidenced through local parish housing needs surveys that have been co-ordinated by the Rural Housing Enabler. Affordability is the major issue preventing younger people remaining in their rural village environment.

### **DECENT HOMES**

The District has an above average population of residents over the age of 65 and above 75. There is an identified need to assist older people to maintain and to assist them to remain in their homes through the provision of Disabled Facilities Grants. The Council continues to experience an increasing demand for Disabled Facilities Grants.

### **HOMELESSNESS**

The Council has experienced a steep increase in the rate of homelessness over the 5-year period up to 2003 (70%).

Over the past year the number of homeless applicants is still increasing but on a smaller scale than recorded in previous years.

The housing register has increased over the year from 1,700 to 1,900.

Bromsgrove District Council allocates a higher than regional average number of homes to eligible homeless applicants. The major driver and cause for homelessness is where parents are no longer able to accommodate the applicants. Of the 238 eligible applicants during 2003/04, 64 were from this category.

There is an increasing proportion of affordable housing allocations being made to homeless applicants.

### **SUPPORTED HOUSING**

The effectiveness of supported housing schemes for clients experiencing Domestic Violence or suffering with mental health difficulties is restricted by the slow rate of 'move on' as a result of the limited supply of affordable housing.

## **OTHER ISSUES**

As there is a lack of larger development sites in the District, Bromsgrove District Council is at a disadvantage due to the Investment Strategy of the Housing Corporation which is to fund larger affordable housing schemes leaving the local authority to fund small scale developments.

A return of Government funding for the Do It Yourself Shared Ownership Scheme (DIYSO) would be welcomed to assist in meeting the affordability gap in an area. Enabling the shared purchase / rent of existing dwellings is a valuable contribution to meeting housing needs in areas where there is an absence of new development sites. (The existing Homebuy scheme is valued but does not enable lower income applicants to access the market)

Pressure needs to be put on public authorities to sell land to local authorities and Registered Social Landlords at preferential rates to enable the development of affordable housing.

Funding for the purchase and repair of Existing Satisfactory Dwellings (ESD's) needs to be re introduced to assist in providing affordable housing in rural areas where the supply of new sites is limited.

**BROMSGROVE DISTRICT COUNCIL**

**EXECUTIVE CABINET**

**10TH NOVEMBER 2004**

**HOMELESSNESS STRATEGY AND USE OF ODPM FUNDING UNDER THE HOMELESSNESS (IN NEED OF ACCOMMODATION) (ENGLAND) ORDER 2002.**

Responsible Portfolio Holder	Councillor P. Whittaker
Responsible Head of Service	Head of Strategic Housing

**1. SUMMARY**

1.1 Following on from the review of homelessness and the development of a homelessness strategy that was carried out in 2003, this report provides members with information relating to:

- the results of the evaluation of this authorities Homelessness Strategy that was carried out for the ODPM by Housing Quality Network Services;
- an update on the demand for housing from homeless or potentially homeless applicants since the review was carried out prior to the strategy being formulated last year;
- an update on progress of homelessness preventative and support schemes that have been funded with the ODPM homelessness grant.

1.2 The report also requests members approval of the recommendations of the multi organisation Bromsgrove Homelessness Strategy Steering group for a new homelessness prevention scheme to utilise a projected under spend of approximately £9,000 in the ODPM grant budget that has already been allocated.

The new proposal aims to reduce the high number of young people who become homeless as a result of eviction from the parental home by running two ten week courses offering support to parents/carers of teenagers who are experiencing difficulties in coping with the issues around parenting of teenagers.

**2. RECOMMENDATION**

2.1 That the results of the evaluation of the Council's Homelessness Strategy be noted.

- 2.2 That the Update on the Homelessness Review work of 2003, detailed at Section 4 of the report be noted.
- 2.3 That the update on the progress of the homelessness preventative and support schemes funded through ODPM grant and set out at Section 5 of the report be noted.
- 2.4 The projected under spend in the ODPM Homelessness Grant allocation be utilised in accordance with the Homelessness Steering Group recommendation for the provision of two 10-week parent support education courses.
- 2.5 That the Homelessness Steering Group be given delegated authority to allocate any further under spend in the grant allocation in support of existing or new schemes.

3. **THE RESULTS OF THE EVALUATION OF THIS AUTHORITIES HOMELESSNESS STRATEGY THAT WAS CARRIED OUT FOR THE ODPM BY HOUSING QUALITY NETWORK SERVICES**

- 3.1 The Homelessness and Housing Support Directorate commissioned Housing Quality Network Services to provide an independent evaluation of local authorities homelessness strategies. The key aim of the study is to provide practical assistance to local authorities. A copy of the evaluation of this authorities Homelessness Strategy is attached at Appendix I of the report.
- 3.2 The overall assessment states that it is a strong strategy based on fairly thorough evidence of needs and views on gaps in provision or improvements needed. The process of development is seen to have been inclusive and the Action Plan is detailed but lacks the involvement of other agencies particularly Social Services. The evaluation identifies no gaps in the strategy and focuses on the developing good practice in the provision of increased temporary accommodation for young people, development of a Housing Benefit protocol to help avoid arrears occurring and the use of quota allocations for people leaving hospital and other institutions.

4. **AN UPDATE ON THE DEMAND FOR HOUSING FROM HOMELESS AND POTENTIALLY HOMELESS APPLICANTS OVER THE PERIOD APRIL 2003 – JUNE 2004**

- 4.1 Bromsgrove District Council's Homelessness Strategy was formulated in the summer 2003 following an extensive review of homelessness in the District. The aim was to assist Bromsgrove District Council and its partners to prevent homelessness occurring wherever possible, to ensure there is sufficient, suitable accommodation (temporary and permanent) for those who are, or

may become homeless, to provide support to those who experience it, reduce repeat homelessness and help people to maintain their tenancies once they are housed.

- 4.2 The multi agency steering group that was set up to develop the strategy has continued to meet on a regular basis to monitor the implementation of the action plan. The steering group is lead by this authority and is made up of representatives from BDC Strategic Housing, CAB, Bromsgrove Youth Homelessness Forum, Centrepont, Charford Multi Agency Resource Centre, the Youth Offending Team and the Substance Misuse Action Team.

An update of homelessness since last years review took place is set out at Appendix II. The update revisits the statistical information regarding the number of homeless applicants, and the way they are categorised, to identify any more recent significant changes that may require addressing in order for Bromsgrove District Council achieve the objectives set out in the Homelessness Strategy Action Plan.

- 4.3 A summary of the main points identified from the homelessness update are as follows:

- The number of homeless applicants is still increasing but on a much smaller scale than recorded in previous years.
- The careful consideration of the circumstances under which clients suffering a form of 'mental illness' qualify as vulnerable homeless applicants has contributed to a reduction in homeless applicants accepted in this category.
- Unless they are 16/17 yrs old or vulnerable, homeless youths are not accounted for in the figures.
- The housing register has increased over the year from 1,700 to 1,900.
- Bromsgrove District Council allocates a higher than regional average number of homes to eligible homeless applicants.
- The highest number of applicants accepted as eligible homeless were from those households which contain dependant children.
- The major driver and cause for homelessness is where parents are no longer able to accommodate the applicants. Of the 238 eligible applicants during 2003/04, 64 were from this category.
- A significant number of applicants (22) were homeless due to the ending of their assured shorthold tenancy
- There is little evidence for homelessness in relation to cross-authority movement, non-statutory homelessness and the impact of housing market changes.
- The Bank of England's monetary policy committee have raised interest rates five times since November 2003.

- As there is a high proportion of owner occupation in Bromsgrove District and high property prices, increases in interest rate could result in mortgage repossessions and impact on the number of homeless applications.
- In Bromsgrove District, the Right to Buy has impacted on housing association stock levels. Between 80 and 100 units are lost per annum in this way, although post LSVT trends show a significant reduction in applications during the first quarter of 2004/5.

**5. AN UPDATE ON PROGRESS OF HOMELESSNESS PREVENTATIVE AND SUPPORT SCHEMES THAT ARE BEING FUNDED WITH THE ODPM GRANT.**

- 5.1 At the Cabinet meeting on January 7th 2004, I reported that an additional sum of £21,000 had been awarded to Bromsgrove by the Homelessness Directorate resulting in a total budget of £42,000 for 2004/5 for allocation to homelessness prevention and assistance schemes.

The allocation was in response to a bid submitted for ODPM funding last autumn based upon a proposal to continue the development of a Rent Deposit Scheme and a Homelessness Drop in Centre through the Bromsgrove Youth Homelessness Forum, the continued provision of the piloted specialised debt advice service through Bromsgrove & District CAB and the development of mediation services and the possibility of a Nightstop/Homeshare scheme dependent upon the outcome of research into young persons housing needs:

Approval was given to the grant funding for 2004/5 being used in accordance with the recommendations made by the Bromsgrove Homelessness Steering Group as follows:

Basement Project Voluntary Drop-In Centre (BYHF)	£7,000
Specialist Debt Advice Services (CAB up to 12 months)	£20,000
Rent Deposit Scheme (BYHF)	£10,000
Nightstop/Homeshare (preliminary work)	£2,000
Mediation service establishment and preventative education through a grant to Centrepont County Service	£3,000

- 5.2 The schemes are progressing as follows:

**Basement Project Voluntary Drop in Centre (BYHF)**

Building work at The Basement, The Baptist Church, New Road is now well underway. The anticipated completion date is Nov/Dec 2004 and the organisers are aiming to open the project in early February 2005. The pump-



priming grant provided by the ODPM funding has been used for rental of the premises and help towards some of the equipment costs to set the project up. The ODPM allocation for 04/05 will contribute towards the remaining items needed for The Basement to open in February 2005. The scheme provides an Information and Support Day Centre this focuses on prevention work, emotional and practical support and access to information for young people.

### **Specialist Debt Advice Service (CAB)**

This specialist service offers assistance and representation for clients facing imminent repossession of their homes thus aiming to prevent homelessness and repeat homelessness. The service operates on an appointment system and cases are referred by BDC / BDHT and other voluntary and statutory agencies and through internal procedures from clients accessing the general CAB Advice Service. Although an under spend has occurred due to the delayed commencement of the service, the first 3 months of the work has been highly successful in achieving real results in the prevention of homelessness, even where warrants of eviction had been served. In this period 62 clients were assisted (19 new homelessness and 43 repeat) dealing in total with 214 issues (inc. Housing debt, benefit issues, legal issues, actual homelessness, threatened homelessness and security of tenure). The level of service could not have been achieved without the ODPM grant funding being made available. It is proposed that by the time the ODPM funding expires, the CAB's general Housing Advice Unit will be in a position to absorb this specialist work once trained volunteers have been utilised to work in the unit.

### **Rent Deposit Scheme**

The ODPM grant allocated through the Homeless Strategy Group has now enabled BYHF to appoint a half time worker who started in June 2004, to pump prime the project and to provide the necessary 'pot of money' for deposits, bonds or rent in advance payments. The new worker has visited a number of different schemes to gather information and documentation and now has all the relevant information in place. The next stage is to engage with a number of landlords in the Bromsgrove and District area through the Landlords Forum as the scheme will offer a number of models; some examples are given below:

1. Rent in Advance: the project gives 4 weeks rent to the Landlord; this is then repaid to the project once the housing benefit claim has been processed.
2. A Bond is a written guarantee given to the Landlord by the project, which is worth an agreed sum e.g.: £300.00. This gives a level cover for the Landlord if a tenant did not pay their rent or there was an issue around damage to property.
3. Rent Deposit: the project provides a deposit paid directly to the Landlord of one month rent. This would be paid back to the project at the end of the tenancy.

### **Nightstop or similar emergency hosted accommodation (BYHF)**

The ODPM grant to date has enabled the Forum to commission a piece of research that consulted with young people in Bromsgrove and District about what they see as the gaps in service for those faced with homelessness and what service provision they would use. The findings reported a high percentage of young people 'sofa surf' around friends or other family members masking the number of homeless because they are not openly sleeping rough. The conclusions/recommendations of the report show that young people would use a Nightstop or similar type of service e.g.: Crash pad. The Forum has been liaising with the national development worker for Nightstop and Redditch Nightstop to look at the pros and cons of setting up a Bromsgrove Nightstop or the possibility of expanding Redditch to Redditch and Bromsgrove Nightstop. The background work has been taken back to the Management Committee and it has been decided that a National project will not be taken forward by the Forum because there is currently no funding stream to pump prime the project and with the Basement opening, the new Rent Deposit project and the Outreach work the forum needs time to consolidate their work. It has been agreed that a project proposal, possibly a Crash pad type model, for Emergency hosted accommodation, will be potentially moved forward by the Forum in June 2005.

### **Baseline Outreach Support Service**

Baseline is currently working with 42 young people between the ages of 16 to 25 years. They have a variety of support needs some are in hostel accommodation waiting accommodation to become available to them and others are in new tenancies with the Bromsgrove District Housing Trust. The Baseline support workers meet with these vulnerable young people, usually weekly, to help them fill in appropriate forms, pay rent and bills, build and rebuild appropriate relationships with others and act as advocates when appropriate. They work closely with other agencies as appropriate from BDHT, CAB, Connexions, YOT, Probation, Social Services, Youth Worcs, and the Health Service. This outreach service has been pump primed by a grant through Community Safety Partnership CAD funding, a Supporting People contract for floating support and ODPM grant funding for training.

### **Mediation and Preventative Work (Centrepont)**

Centrepont is working on a county level and has set up a County Mediation Advisory Group that is now at a point where it is decided what service is required for the County. The group has carried out a needs analysis and snapshot survey. The objective is to develop a mediation service from existing services that will be available for clients throughout the County.

A Housing Education pack is being developed linked to citizenship and the Personal, Health Social and Education (PHSE) standard in schools. Aimed at homelessness prevention, Centrepont is promoting the education pack and providing informal training for PHSE tutors carrying out training work in schools.

## **6. PROPOSAL FOR PARENTING SUPPORT GROUPS AND HOMELESSNESS PREVENTION WORK**

### **6.1 The Proposal**

Focussing on reducing the major cause of homelessness in Bromsgrove (eviction from the parental home), Charford Multi Agency Resource Centre is proposing to run two, ten week courses to offer support to parents/carers of teenagers who are experiencing difficulties in coping with the issues around parenting of teenagers, these courses would include the following topics:

- Sexual Health
- Money Management
- Conflict Resolution
- Management of stress and relaxation techniques
- Drugs and alcohol issues

The focus of the groups would be to provide a safe forum to explore some of the issues for families that make it difficult to cope and to prevent an escalation of issues leading to parents evicting young people thus escalating the problem of youth homelessness.

### **6.2 Background**

A delay in the commencement of the Specialist Debt Service operated by CAB has resulted in a projected under spend of grant received from the Office of the Deputy Prime Minister to fund homelessness preventative services. The delay in the initial commencement of the specialist debt service, together with savings made due to re-organisation of workloads, has resulted in an estimated saving of £9,000.

The Homelessness Strategy identifies the main cause of homelessness as being through family relationship breakdown and the review indicates that the trend is continuing. The Homelessness Strategy Steering Group has considered the alternative use of the under spend and has identified an opportunity to fund preventative work in respect of homelessness as the priority. The Steering Group would like to utilise the under spend to pilot an innovative education package for parents/carers who have been identified by partner agencies as being in need of support.

### **6.3 Identifying Needs and Establishing Priorities**

Charford Multi Agency Resource Centre proposes to take responsibility for structuring the course and would use a multi agency approach to achieve their objectives, which are:

- To support families who are encountering difficulties with their teenage children.
- To educate families on sexual health, conflict resolution, money management, drug and alcohol issues and management of stress and relaxation techniques.

- To prevent homelessness in young people.

A number of families have already been identified as being in need of the course and are willing to attend.

The group would be 'baselined' at the beginning of the course. This means that the group leader establishes a basic awareness of individual parents/carers issues and problems.

#### **6.4 Desirable Outcomes**

- a. Empowerment of parents/carers to deal with the difficulties that they may face with their young teenagers to prevent teenage evictions.
- b. Give parents/carers access to a range of agencies who can help with specific issues.
- c. The teenagers of these families will become engaged in related projects already being held by the Multi Agency Resource Centre.
- d. The parents will produce a 'booklet' for other parents as a guide to what is useful and a list of contact numbers for agencies who can help.

#### **6.5 Measuring Success**

In order to measure the effectiveness of the coursework, evaluations will be carried out on a weekly basis.

In addition to this, Charford Multi Agency Resource Centre will carry out some follow up work with the young people to see how they feel about their home situation and whether there has been any change for them whilst their parents or carers have been attending the group.

It is envisaged that by providing a safe, supportive group environment to these vulnerable people, we will be able to ensure they access other agencies with more confidence. This will hopefully pre-empt issues and prevent problems from escalating.

#### **6.6 A Successful Track Record**

The Charford Multi Agency Resource Centre has been working with many agencies for many years providing support for people experiencing a wide range of issues, which can ultimately lead to homelessness. They have an excellent network of agencies that they liaise with and who provide outreach support within the centre and at other venues in Bromsgrove and district. Many of the issues that lead to young people becoming homeless are about a breakdown in communication between the young person and their family. Running parenting groups is a skilled area. The Resource Centre has a successful track record of running similar groups and has a high retention rate for attendees due to the following:

- Facilitators making home visits to talk through expectations of the group and attempt to allay any fears or apprehension.
- Ongoing support during the duration of the course.
- Thorough evaluation of the work undertaken and its benefits.
- Creating a 'safe' environment where people feel comfortable in sharing experiences but within clear guidelines, which are drawn up by the group themselves at the beginning.

#### **6.7 Equal Opportunities**

The course is open to everyone regardless of ethnic origin or colour, nationality, sex or sexual orientation, domestic circumstances, marital status or religious belief or disability. An allowance has been made within the budget for an interpreter to be provided should any of the attendees not speak English and other facilities such as induction loops for the hard of hearing are available.

#### **6.8 Financial Implications**

The under spend of monies already allocated to deal with homelessness will be sufficient to fund these two courses and we do not anticipate any requirement for additional funding.

#### **6.9 Staffing Resources**

Costs for staffing have been included in the budget and a multi agency approach will be used and course leaders and support workers have already been identified.

#### **6.10 Proposed Budget**

A proposed budget is set out at Appendix III. The budget includes interpretation fees that may not be required. The budget will be monitored by The Homelessness Steering Group. Members are asked to approve that the Bromsgrove Homelessness Strategy Steering Group be granted authority to ensure that any outstanding under spend is utilised in support existing or new schemes.

Bromsgrove District Council, as a leading authority on homelessness issues, is asked to support pilots this innovative educational package. The initiative is an opportunity for joint working with partner organisations for the prevention of youth homelessness, which was identified as the major cause of homelessness in the Bromsgrove District in the Homelessness Strategy 2203-2008.

**AN ANALYSIS OF HOMELESSNESS IN BROMSGROVE DISTRICT TO QUARTER  
ENDING JUNE 2004**

**Introduction**

Bromsgrove District Council's Homelessness Strategy was drawn up in the early part of 2003, in order to identify areas where the homelessness service was not as effective as it could be. A multi agency working group of BDC Officers, CAB, BYHF, Centrepoint, Charford Multi Agency Resource Centre, the Youth Offending Team and the Substance Misuse Action Team, through extensive consultation, developed the Homelessness Strategy 2003 – 2008, which incorporated an Action Plan. The Action Plan sets out the ten objectives the Group would like to achieve and who was responsible for delivering the desired outcomes based on a multi agency approach.

This review looks at statistical information regarding the number of homeless applicants, and the way they are categorised, with a view to identifying any significant changes that may require addressing in order for Bromsgrove District Council achieve the objectives set out in the Action Plan.

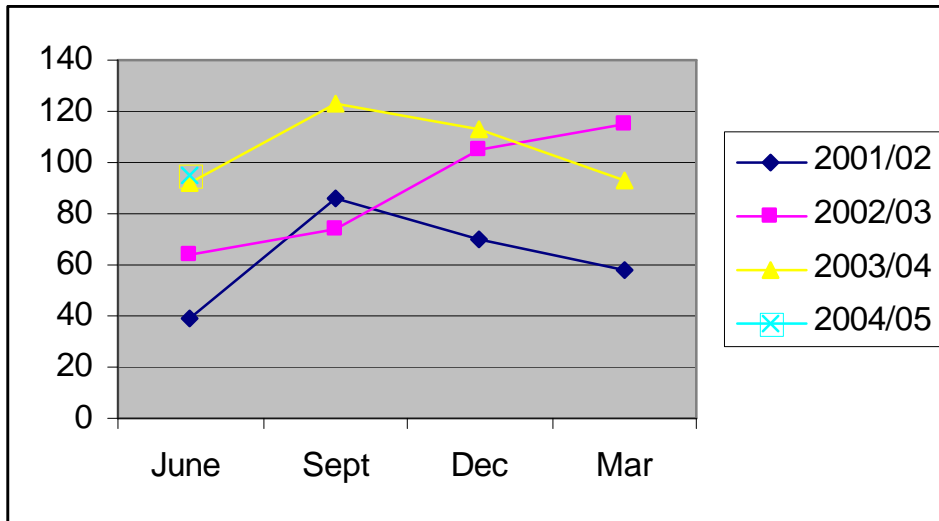
**Statistical Information Taken from ODPM PIE Returns**

The Homelessness Strategy recognised a steady increase in the number of cases of homelessness assessed and accepted from 1998/99 to 2002/03. At that time the figures showed an increase of 31% between 1999/00 and 2001/2, and a further more severe increase in homelessness between 2001/2 and 2002/3 of 42%.

The number of applicants accepted as homeless for 2003/04 was 313, an increase of 2.6% (8 applications) over the previous year. Whilst the trend is still increasing, the rate of increase is significantly lower than that experienced over previous financial years. During the last two quarters of 2003/04 and the first quarter of 2004/05 the number of applicants accepted as homeless reduced. The number of applicants is expected to increase for the second quarter of 2004/05 in line with the seasonal trend of higher applications being received during the summer and autumn.

Shelter in 'Inside Housing', 17th September 2004, warned that homelessness is continuing to rise. The homelessness figure for England is up 9% on the same period last year. The housing register has increased over the year from 1,700 to 1,900.

**The Number of Homeless Applicants**

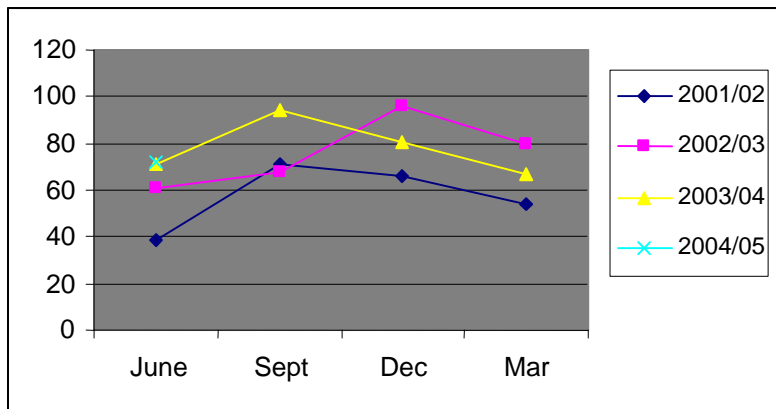


The chart above shows the number of all homeless applicants received.

**The Number of Applicants Accepted As Homeless**

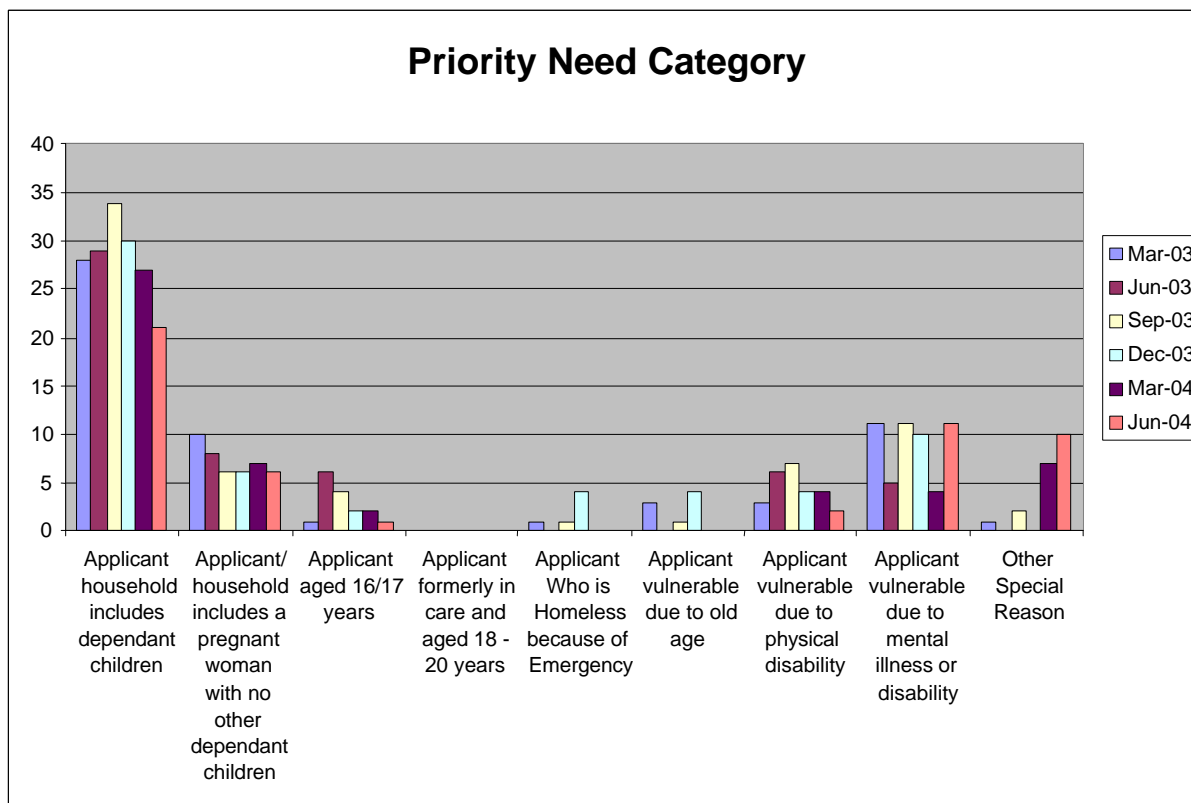
The information below relates to applicants found to be eligible for assistance, unintentionally homeless and in need. This means that no account is taken of 'hidden homelessness'; younger people who have no vulnerability have been counted out of the data.

**Number of Applicants Accepted As Homeless**



**Priority Need Category**

The highest number of applicants accepted as homeless are from those whose households contain dependant children. This category accounted for 120 applicants during 2003/04.



### Vulnerable Applicants

The number of applicants who are vulnerable due to mental illness or disability reduced to 30 for 2003/04 from a previous annual total of 45 during 2002/03 and 41 during 2001/02.

The Homelessness Strategy 2003 - 2008 recognised that Bromsgrove's acceptance level under vulnerability due to mental health was high when benchmarked against other authorities, possibly due to the application of a lower test than other authorities. Officers at BDHT have confirmed that they have addressed this by reviewing their definition of a mental illness. Applicants are now assessed under the criteria of having a 'severe and enduring mental illness, which would make a person more vulnerable than the average person in finding and retaining accommodation.' Prior to this review, any applicant suffering a general, temporary depression could be accepted as vulnerable due to mental illness.

### Youth Homelessness

Younger people who have no vulnerability are not counted in the homelessness statistics. Across the county there is a general lack of a unified monitoring system for youth homelessness and whilst there are fewer people sleeping rough in Bromsgrove District than in Birmingham or Worcester, there is a prevalence of 'sofa surfing' and staying in temporary accommodation with friends.

### Drivers of Homelessness

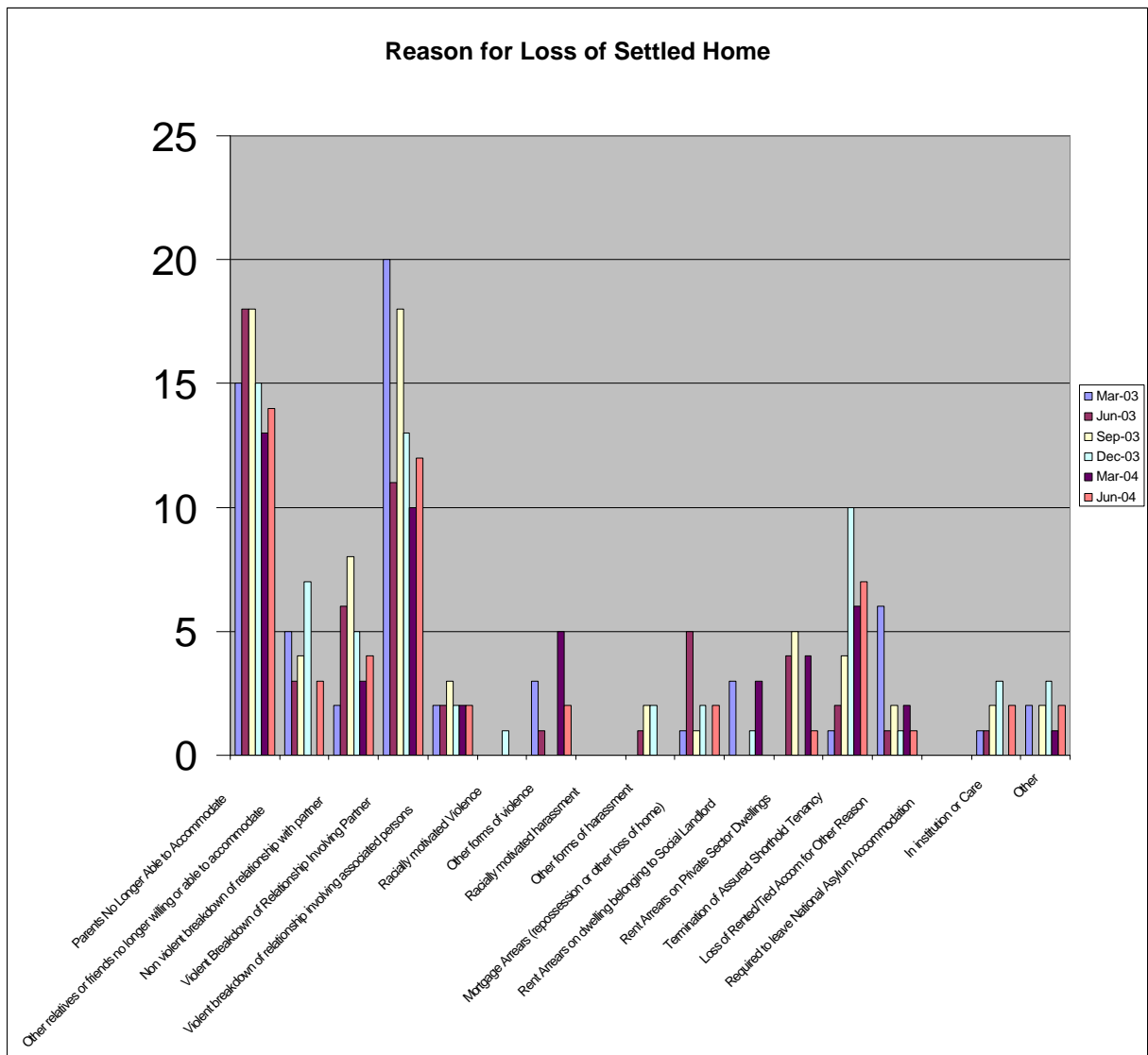
From the table below it can be seen that there are two major reasons for loss of a settled home:



1. Where parents are no longer able to accommodate the applicants. 64 applicants accepted as homeless were from this category during the 2003/04 financial year.
2. Where there has been a violent breakdown of relationship involving a partner. 52 applicants accepted as homeless were from this category during the 2003/04 financial year.

### Ending of Assured Shorthold Tenancies

A significant number of applicants (22) were homeless due to the ending of their assured shorthold tenancy. It is not clear why tenancies are not being renewed. For instance, it may be that the homeless applicant is using the end of the assured shorthold tenancy as fast track to an assured tenancy with a Registered Social Landlord, or that the tenancy has ended because the landlord is disenchanted with the hassle and cost of running their investment and is putting it up for sale.



### Households Leaving Accommodation

Only a small percentage of applicants accepted as eligible homeless take up accommodation. No information regarding the reasons for this is gathered at present.

During 2003 homeless applicants made up 56% of allocations in Bromsgrove District compared to 19.5% of lettings for the Region.

<b>Households Leaving Temporary Accommodation</b>	<b>Jun-03</b>	<b>Sep-03</b>	<b>Dec-03</b>	<b>Mar-04</b>	<b>Jun-04</b>
Ceased to eligible	0	0	0	0	0
Became homeless intentionally from temp Accom	0	2	3	0	0
Accepted Offer of Accom	26	15	10	2	2
Refused Offer of Accom	0	0	0	0	0
Accepted Offer of Assured Tenancy	0	0	1	0	0
Accepted Qualifying Offer of Assured Shorthold Tenancy	0	0	0	0	0
Otherwise voluntary Ceased to Occupy Accommodation	3	1	5	0	2

### **National Perspective**

The Bank of England's monetary policy committee have raised interest rates five times since November 2003.

The results of a survey published on 22nd September 2004 by mortgage broker 'Purely Mortgages' has identified that 11% of homeowners claim they may have to consider selling their property if rates increase further. At the same time, 40% of people say they are now more worried about being able to afford their monthly repayments than at any other time during the past 12 months. One in five owners said a rise of just £40.00 per month in their repayments would cause them financial difficulties.

Nationally social housing stock has reduced by 12.5% in 10 years.

### **Local Area and Housing Market**

According to the Census 2001, owner occupancy in Bromsgrove District stands at 83.36%, ranking 11th nationally and 2nd regionally. The average property price in Bromsgrove in the 4th quarter of 2004 was around 20% greater than the average for England and Wales. Increases in interest rates and mortgage repossessions could result in an increase in homeless applications.

There is a significant gap between those accepted as unintentionally homeless and in priority need and the number re-housed. Only 65% of households, in the Region, who are eligible for re-housing under homelessness legislation are re-housed.

In Bromsgrove District, the Right to Buy has impacted on housing association stock levels. Between 80 and 100 units are lost per annum in this way.

### **Summary**

- The number of homeless applicants is still increasing but on a much smaller scale than recorded in previous years.

- The re-consideration of the term vulnerable relating 'mental illness' has contributed to the reduction in homeless applicants accepted in this category.
- Unless they are 16/17 yrs old or vulnerable, homeless youths are not accounted for.
- The housing register has increased over the year from 1,700 to 1,900.
- Bromsgrove District Council allocates more than twice the regional average of homes to eligible homeless applicants.
- The highest number of applicants accepted as eligible homeless were from those households which contain dependant children.
- The major driver for homelessness is where parents are no longer able to accommodate the applicants. Of the 238 eligible applicants for 2003/04, 64 were from this category.
- A significant number of applicants (22) were homeless due to the ending of their assured shorthold tenancy
- There is little evidence for homelessness in relation to cross-authority movement, non-statutory homelessness and the impact of housing market changes.
- The Bank of England's monetary policy committee have raised interest rates five times since November 2003.
- As there is a high proportion of owner occupation in Bromsgrove District and high property prices, increases in interest rate could result in mortgage repossessions and more homeless applications.
- In Bromsgrove District, the Right to Buy has impacted on housing association stock levels. Between 80 and 100 units are lost per annum in this way.

**PARENTING SUPPORT GROUPS AND HOMELESSNESS PREVENTION WORK – TWO  
TEN WEEK COURSES – PROPOSED BUDGET**

**Proposed Budget - 10 weeks**

2 Facilitators	Cost £18 per hour each x 2 hours sessions plus 1 hour preparation, tidying up and feedback time = £54 x 2 = £108 x 10 weeks =	£1080.00
Session Support Worker  (Mini-bus driver)	Cost £7 per hour x 4 hours per week x 10 weeks = To provide individual support where needed, follow up absences and assist people accessing appropriate agency advice and support for the range of personal issues and problems which may be disclosed within the group.	£280.00
Visiting Agencies	Cost £15 per hour per agency x 2 hours per session = £30 x 4 sessions = Agencies: Child and Adolescent Mental Health Service Drug Action Team Citizens Advice Bureau Sexual Health Team	£120.00
Refreshments	Cost £1 per head per week to cover drinks and light refreshments = £1 x 10 attendees = £10 x 9 weeks = Plus buffet meal for week 10 final session £7 per head x 10 =	£90.00 £70.00
Transport	Cost £20 per week use of minibus to transport families = £20 x 10 = FREE USE OF M.A.R.C. Mini-bus	£200.00
Relaxation	1 session on relaxation =	£40.00
Booklet	Booklet to be made following evaluation of group for group attendees on guidelines and coping strategies	£500.00
Interpreter	Cost £40 per hour x 2 hours per week x 10 sessions =	£800.00
Facilitators	Time, travelling and refreshments for group sessions X 2 with teenage children of parents attending course. 1 at beginning to get an outline of their concerns, thoughts and feelings + 1 at end to evaluate change. Facilitator time @ £18 per hour x 3 hours x 2 sessions = Refreshments = £1 per head (Approx 15 attendees) = £15 x 2 = Transport – mini-bus use x 2 sessions =	£216.00 £30.00 £40.00
Sessional Worker	Follow up work for young people £7 per hour x 4 hours per week x 10 weeks =  Travelling expenses for 2 sessional workers to support families = (approximately)	£280.00 £200.00
	Total Cost =	£3946.00
	X 2 courses Grand Total =	£7892.00

**BROMSGROVE DISTRICT COUNCIL**

**EXECUTIVE CABINET**

**10TH NOVEMBER 2004**

**EQUALITIES PROGRAMME**

Responsible Portfolio Holder	Councillor R. Hollingworth
Responsible Head of Service	Corporate Director (Resources)

**1 SUMMARY**

- 1.1 To consider the Council's existing Equalities Policy and Race Relation Scheme, and consider further action in order to achieve an all-embracing programme of Equalities, which will enable the Council to observe mandatory Equality Legislation and to promote a recovering Council with a commitment to Social Inclusion and Rural isolation.

**2 RECOMMENDATION**

- 2.1 It is recommended that that the Executive Cabinet:

- 2.1.1 Appoint a member representative, with portfolio responsibility for Equalities, to the Equalities Working Party.
- 2.1.2 endorse and support the development of an all-inclusive programme of Equalities in line with the Local Government Standard to use as a framework for the development of the Council as a quality service provider and preferred employer.

**3 BACKGROUND**

- 3.1 The Race Relations Act 2000 places the Council under a legal duty to produce a Racial Equality Scheme. The Commission for Racial Equality monitors the compliance with this legislation and they are known to make examples of organisations which fail to comply.
- 3.2 There are two Best Value Performance Indicators (BVPI 2 and 2a) relating to the Council's current position on the subject of equalities.
- 3.3 BVPI 2 in a rising scale of levels 1-5 with current top quartile performance for Local Authorities being Level 1. The Council is currently exceeding this at level 2. Whilst we have a target of achieving level 3 by the end of the current municipal year, the volume of work necessary to attain this and the way in which best value performance indicator is structured mean that we will not meet this target by March 2005. The Council is however more likely to reach level 3 by 2007 if it follows an all-embracing Equalities Programme. BVPI 2a is a scorecard of 19 questions and the Council secures one point for each affirmative answer, which is then reported as a percentage.
- 3.4 The Council has for some years maintained an Equalities Policy, and this now requires expansion in order to develop it into an all-inclusive scheme. It is considered to be good practice for the Council to develop a corporate and holistic approach to the subject of Equality, in order to obtain recognition as a preferred employer and quality service provider.

- 3.5 Legislative requirements carry enforcement penalties and should the Council be unsuccessful in defending any claims brought against it, the damages can be unlimited. It should also be borne in mind that there would be a degree of associated adverse publicity, which should be avoided.
- 3.6 Equality issues fall to be considered in all areas of Service Provision. For example, consideration of the geography of our district reveals a distinct urban–rural mix, and this alone presents opportunities to examine and address inconsistencies. There is a perception of inequality in rural areas as compared with urban, and this perceived imbalance should be addressed by the Council, in part by the development of an appropriate culture to facilitate this.
- 3.7 Legislation requires that the Council recognise everyone’s needs and that all forms of inequality and unfairness be removed. The Council, as a leader of the community should be seen to be a shining example in this area and a progressive equalities programme will provide the Council with the knowledge and experience needed to ensure social inclusion across the District.
- 3.8 In order to raise the profile of equalities as a corporate issue it is suggested that a Member be identified as having formal Member portfolio for Equalities, to work with officers towards the expansion of policy documents.

#### **4 Financial Implications**

- 4.1 A number of Councils have formally designated Equalities Officers although current funding arrangements preclude this.
- 4.2 The financial implications, if the Council are subject to action, are unlimited.

#### **5. Legal Implications**

The Legislation which underpins the principles of Equality is extensive and include the Race Relations Act 2000, Equal Pay Act 1970, Sex Discrimination Act 1975 Disability Discrimination Act 1995 and Age in 2006. The requirements are mandatory and the consequences of non-compliance are severe.

#### **6. Other Sub Headings**

- 6.1 Policy Considerations:

None

- 6.2 Equality Considerations:

None

Personnel Implications	None
Governance/Performance Management Considerations	None
Community Safety Considerations	None
Risk Management Considerations	None
Environmental Considerations	None

#### **Background Papers**

None

#### **Contact officer**

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 Tel: (01527) 881429

**BROMSGROVE DISTRICT COUNCIL**

**EXECUTIVE CABINET**

**10th NOVEMBER 2004**

**GRANT APPLICATIONS**

Responsible Portfolio Holder  
Responsible Head of Service

Councillor Roger Hollingworth  
Corporate Director (Resources)

**1. SUMMARY**

1.1 The purpose of this report is to present for Members consideration a number of grant applications that have been received.

**2. RECOMMENDATION**

2.1 It is recommended that;

2.1.1. Members consider the applications and agree whether they wish to make a financial contribution towards the projects and

**3. BUDGET**

3.1 Within the approved revenue budget for 2004/05 is an amount for revenue grants of £100,000 – designated as “General Contingency Fund”. The costs of any grants made would be met from this fund.

3.2 The table below shows the grants that have already been approved this financial year, those that are expected to be made and the balance available.

	£	£
Budget for 2004/05		100,000
Spend to date		
Bromsgrove Festival	5,350	
Citizens Advice Bureau	30,175	
Court Leet	300	
WCC – Avoncroft picnic site	3,296	
Relate	7,210	
Bromsgrove Hospital Committee	380	
Mini Bus for the elderly	1,000	
Victim support Worcestershire	500	
Age Concern	1,000	
Age Concern – Market Hall	200	
Bromsgrove Society Model Engineering	130	
Primrose Hospice	<u>2,364</u>	
Total		51,905
Balance Available		48,095
Grants expected		
Citizens Advice	36,825	
The Samaritans	280	
Worcs Sexual Abuse Centre	<u>270</u>	
Total		37,375
Balance Available		<u>10,720</u>

#### **4. APPLICATIONS**

- 4.1 Grant application (No.1023) is a request for an unspecified amount payable to All & Sundry Theatre Company.

The grant is sought to contribute towards the costs of staging a pantomime in the Spadesbourne Suite in November. All & Sundry are a theatre company made up of local people from the Bromsgrove and Redditch area. The company was formed in 2003 and this is their second production. The Council awarded the group a grant of £200 in September 2003.

- 4.2 Grant application (No.1025) is a request for £100 payable to Celebrating English Song at Tardebigge.

The grant is sought to contribute towards the promotion of three classical music concerts in Tardebigge Church in summer 2005.

- 4.3 Grant application (No.1026) is a request for an unspecified amount payable to Avoncroft Museum of Historic Buildings. (Estimated budget £2850)

The grant is sought to contribute to the museum's continuing work. The Council has supported Avoncroft for many years.

- 4.4 Grant application (No. 1027) is a request for £800 from the Bromsgrove & District Sports Council.

The grant is sought to pay for the administrative costs of the District Sports Council which have for many years been paid as a grant from the Council.

#### **5. FINANCIAL & LEGAL IMPLICATIONS**

- 5.1 None.

#### **6. OTHER CONSIDERATIONS**

- 6.1 The report has also considered the following implications:-

Personnel Implications	None
Governance/Performance Management Considerations	None
Community Safety Considerations	None
Risk Management Considerations	None
Policy Considerations	None
Environmental Considerations	None
Equalities Implications	None

#### **Background Papers**

The papers used in the preparation of the report are:

BDC Grant Application Form  
All & Sundry information pack & projected cash flow  
Celebrating English Song at Tardebigge information  
Avoncroft Museum of Historic Buildings Financial Statements  
Bromsgrove District Sports Council Business Plan & Accounts

#### **Contact Officer**

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**BROMSGROVE DISTRICT COUNCIL**

**EXECUTIVE CABINET**

**10TH NOVEMBER 2004**

**CORPORATE PLAN OBJECTIVES**

Responsible Portfolio Holder	Councillor Mrs M. Taylor
Responsible Head of Service	Chief Executive/Director of Leisure Services

**1. SUMMARY**

1.1 This reports seeks Members approval to the proposed objectives for the Corporate Plan.

**2. RECOMMENDATION**

2.1 The Executive Cabinet is recommended to agree to:

1. The following Corporate Plan Objectives: -

- The provision of a clean, safe and attractive environment.
- The development and implementation of an effective local development framework.
- The development of a caring socially aware society.
- To develop and sustain a strong and expanding economy.
- The provision of sustainable cultural and leisure opportunities.
- To be an efficient and effective Council

2. Request the Officers to prepare the Capital and Revenue budgets for 2005/6 in line with the agreed objectives and;

3. Request that the Officers build the Corporate Objectives into the Corporate Plan for 2005/8 and;

4. Request that the new Corporate Objectives are communicated to all staff, stakeholders and partners.

**3. BACKGROUND**

3.1 As part of the development of the Corporate Plan a number of small workshops involving Members and Senior Officers have taken place to review the Council's priorities over the next 3 years and to ensure that such objectives are aligned to the Community Plan.

3.2 As a result of those deliberations the following key objectives are proposed for the Council over the next three years: -

i) The provision of a clean, safe and attractive environment.

*Within the context of this objective the Council will be expected to continue the good work it has started in relation to improving community safety, including*

*CCTV and develop and publish service standards related to the local environment, including street cleansing, and grounds maintenance, against which performance can be measured. Agenda 21 issues related to improving the environment e.g. energy saving*

- ii) The development and implementation of an effective local development framework.

*Important issues associated with this objective will be the protection of the green belt, the redevelopment of Bromsgrove Town Centre and the development and improvement of the district's rural communities*

- iii) The development of a caring socially aware society.

*Important issues within this objective will be to support the elderly and the vulnerable and will include such items as lifeline, concessionary fares, development of a Housing Improvement Agency, prevention/intervention for children and other vulnerable sections of society. Issues associated with rural communities and their access to services*

- iii) To develop and sustain a strong and expanding economy.

*Important issues include the continued development of the technology corridor/centre, small business development, development of business skills, attracting inward investment and sustaining and growing the economic impact of visitors to the district.*

- iv) The provision of sustainable cultural and leisure opportunities.

*Important issues include ensuring that there is a suitable mix of cultural and leisure facilities and opportunities that are accessible to all sections of the community including arts, heritage and sports facilities and opportunities, play areas, parks and open spaces and opportunities and facilities for young people.*

- v) To be an efficient and effective Council

*To ensure that the Council raises its performance in line with the Recovery Plan and strives to become and be recognised as a top performing Council*

From the above objectives It is clear that the driving force behind them is that of restoring civic pride for customers, residents, staff and visitors to the District.

- 3.3 Once these objectives have been agreed by the Council it is intended that they be communicated to all staff, stakeholders and partners.

- 3.4 In order to establish the 3 year Budget Strategy it is essential that an indication of which of these objectives will be the priorities for the Council over the next three years.

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

- 4.1 It is intended that the Corporate Objectives will form the back bone to the development and setting of the Council's Capital and Revenue budgets for 2005/6, 2006/7 and 2007/8.

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

- 5.1 There are no legal implications associated with this report.

## **6. RISK MANAGEMENT**

- 6.1 By agreeing to the proposed corporate objectives the Council will be able to better prioritise its work and concentrate its resources on services and functions which help it to achieve those objectives in a clear, transparent and open way.

### **Background Papers**

None

### **Contact Officer**

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**BROMSGROVE DISTRICT COUNCIL**

**EXECUTIVE CABINET**

**10TH NOVEMBER 2004**

**SPORTS SERVICES - DOLPHIN CENTRE ROOF REPAIRS AND PROVISION OF ADDITIONAL LIFT**

Responsible Portfolio Holder	Councillor June Griffiths
Responsible Head of Service	Robbie Hazlehurst Director of Leisure Services

**1. SUMMARY**

- 1.1 This report seeks Members approval to the repair of the roofs and the replacement of the cladding at the Dolphin Centre. Authority is also sought to bring forward moneys from the Capital Programme for 2005/6 to enable a second lift to be installed at the Dolphin Centre during the period of the existing refurbishment contract.

**2. RECOMMENDATIONS**

- 2.1 The Executive Cabinet is recommended to agree: -

- 1 To the repair of the roofs at the Dolphin Centre for the sum of £33,915 and;
- 2 To the replacement of the metal cladding around the top of the building for the sum of £7,500 and;
- 3 To recommend to the Council to bring forward the sum of £35,000 from the Capital Programme for 2005/6 to enable a second lift to be installed at the Dolphin Centre by J & S Seddon during the current refurbishment works.

**3. BACKGROUND AND PROPOSALS**

- 3.1 As part of the Best value Review of Indoor Recreation in 200/1 a condition survey was carried out which identified a programme of works which would need to be carried out at the Dolphin Centre over a 5 - 7 year period. Within that programme it identified that sections of the roof coverings at the Dolphin Centre would need to be repaired and/or replaced in the current financial year and the sum of £42,000 was included within the current years capital programme to enable these works to be carried out.
- 3.2 In order to secure the best possible price for the Council a number of local companies specialising in this work were asked to inspect the roofs concerned and put forward their recommendations regarding how best this work should be carried out. The proposals put forward were evaluated by your officers and it was determined that the works required could be carried out for the sum of £33,915. Other proposals received ranged from £46,000 to £61,000 for carrying out broadly similar work.
- 3.3 Furthermore the company who put forward the lowest price also indicated that if the work to replace the cladding was carried out at the same time they would be prepared to carry out this work at a cost of £7,500 this can be funded from the balance of the current budget of £42,000 set aside for the roof works. The original budget for the re-cladding is contained in the capital programme for 2005/6 at an estimated figure of

£20,000. It is proposed therefore that this work be carried out at the same time as the work to repair the roofs so that economy of scale savings can be achieved.

- 3.4 As Members are aware phase two of the refurbishment of the Dolphin Centre will be the creation of a new Health and Fitness Suite involving external funding from one of a number of companies who specialise in such provision. An advertisement inviting 'expressions of interest' for this work will be placed in the near future and a formal evaluation process set up to determine the best approach and method of funding for the Council, which will be the subject of a separate report in due course.
- 3.5 However as part of this development it has been determined that a second lift will be required at the Centre in order to comply with the requirements of the DDA Act and to ensure that all the major facilities and usable spaces at the centre are available to all sections of the local community irrespective of any disability they may have. This is in line with the Council's new Corporate Objectives and in particular 'The development of a caring socially aware society.'
- 3.6 Whilst the funding of this element should be contained within Phase 2 works, it has been identified that the most appropriate location for the lift will be in the corner of the small pool. This will require the concrete slab to be penetrated to create the necessary lift shaft and therefore a further future closure of the small pool. Bearing in mind that the small pool surround is to be re-tiled as part of the current refurbishment works it makes sense to have this work carried out as part of those works. The estimated cost of the second lift is £35,000 and it is proposed that this work be funded from the Forward Capital programme related to the Dolphin Centre by virement of the following items: -
  1. Replacement of Metal Cladding - £20,000
  2. Repair roof coverings - £11,000
  3. Re-decorations - £4,000

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

- 4.1 In the capital programme for 2004/5 there is the sum of £42,000 related to the Renewal/repair of roof coverings (As per Condition Survey), to date there has been no expenditure against this item.
- 4.2 The cost of carrying out the work to the roofs, at the Dolphin Centre based on the lowest quote received is £33,915. Thus there is a saving of approximately £8,000. Within the capital programme for 2005/6 there is the sum of £20,000 to renew the metal profiling at high level. As a result of discussions with the preferred roofing contractor it has been established that if this work is carried out at the same time as the roof repairs it could be done at a cost of £7,500. This can be met from the £8,000 saving related to the roof works as mentioned above.
- 4.3 The cost of providing the second lift as part of the current refurbishment works can be met by bringing forward £35,000 from the Capital Programme for 2005/6 as identified below:
  - Replacement of Metal Cladding - £20,000
  - Repair roof coverings - £11,000
  - Re-decorations - £4,000
- 4.4 Should the installation of the second lift be delayed this will require the small pool to be closed for approximately three weeks at a later stage resulting in further disruption to our customers and an estimated loss of income of £ 17,500.

**.5. LEGAL IMPLICATIONS**

5.1 There are no legal implications associated with this report.

**6. PERSONNEL IMPLICATION**

6.1 None

**7. RISK MANAGEMENT IMPLICATIONS**

7.1 Not carrying out the work to install the second lift as part of the current refurbishment works will as outlined above cause the small pool to have to close for a further period resulting in an estimated loss of income of £17,500 It would also cause further unnecessary disruption to customers who may decide to use alternative facilities and not subsequently return resulting in a further loss of income.

**8. EQUALITIES IMPLICATION**

8.1 The provision of the second lift will ensure that all the major facilities at the centre will be available to all.

**Background Papers**

NONE

**Contact Officer**

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**BROMSGROVE DISTRICT COUNCIL**

**EXECUTIVE CABINET**

**10TH NOVEMBER 2004**

**WASELEY HILLS HIGH SCHOOL - COMMUNITY USE**

Responsible Portfolio Holder	Councillor June Griffiths
Responsible Head of Service	Director Of Leisure Services, Robbie Hazlehurst

**1. SUMMARY**

- 1.1 This report proposes a Capital Grant for Waseley Hills High School in return for improved community access to their cultural and sporting facilities.

**2. RECOMMENDATIONS**

- 2.1 The Executive Cabinet is recommended to agree to: -

1. Grant Waseley Hills High School a Capital Grant of £25,000 to enable them to install lighting and sound equipment in their Studio Theatre with the express purpose of improving community access to their facilities and;
2. Authorise the Director of Leisure Services to complete the negotiations with the school in respect of the Agreement.

**3. BACKGROUND**

- 3.1 There are no Council directly managed sporting and cultural facilities within the Rubery area and a number of years ago the Council did consider the potential to enter into a full 'Dual Use' Agreement in respect of Waseley Hills High School but determined that the costs of doing so were prohibitive, whilst at the same time recognising the facilities which exist fairly close by at Colmers Farm School in Birmingham.
- 3.2 The request now being presented to Members by the School is for a one-off capital contribution of £25,000 to be made towards the provision of sound and light equipment in their Studio Theatre in return for improved community access to the School's cultural and sporting facilities for a minimum period each week, (4 hours per week, Monday - Friday during school term time between hours of 7.00 pm and 9.00pm, 30 hours per week, Monday - Friday during non-term time (excluding Bank and Statutory Holidays) and 10 hours per week during weekends) linked to the life expectancy of the equipment being grant aided or for a period of 10 years whichever shall be longer.

**4. FINANCIAL IMPLICATIONS**

- 4.1. There is within the 2004/5 Capital Programme the sum of £25,000 identified for this purpose.

**5. LEGAL IMPLICATIONS**

- 5.1 The Head of Legal Service's comments have been incorporated into the agreement

**6. RISK MANAGEMENT CONSIDERATIONS**

- 6.1 The agreement with the school has been constructed to ensure minimal risk to the Council.

**7. COMMUNITY SAFETY CONSIDERATIONS**

- 7.1 It is anticipated that the provision of additional Community access to the school will enable more activities to be programmed for young people in the area linked to Community outreach work and based upon experiences elsewhere this is anticipated to have a positive impact from a community safety perspective

**Background Papers**

None

**Contact Officer**

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r.hazlehurst@bromsgrove.gov.uk  
Tel: (01527) 881292



**BROMSGROVE DISTRICT COUNCIL**  
**CAPITAL FUNDING AGREEMENT**

**Between:**

Bromsgrove District Council	and	Waseley Hills High School
The Council House		School Road
Burcot Lane		Rubery
Bromsgrove		Birmingham
Worcestershire		B45 9EL
B60 1AA		

**Grant Offer**

We are pleased to inform you that Bromsgrove District Council (hereafter the District) has agreed to offer a grant of £25,000 to Waseley Hills High School (hereafter the School), to assist with the costs of providing lighting equipment in the drama studio with the specific purpose of improving community access to the school, comprising of drama studio and sports facilities contained within the school.

**Conditions of the Grant**

We can only pay the grant if the School acts in accordance with the conditions of this grant, which are set out in the following pages:

1. The School shall make its facilities available for identified purposes of providing dramatic, sporting and recreational facilities for members of the community for minimum periods as outlined below:-
  - 4 hours per week, Monday - Friday during school term time between hours of 7.00 pm and 9.00pm.
  - 30 hours per week, Monday - Friday during non-term time (excluding Bank and Statutory Holidays).
  - 10 hours per week during weekends
2. The School hereto agree to support the development of 'Community use' in order to pursue the following aims:

- 2.1 To provide opportunities for local people, cultural and sports organisations to participate in cultural, sporting and physical activities and to develop their skills particularly among low participant groups
  - 2.2 To give priority use to Arts and Sports Development programmes during the community use periods
  - 2.3 Where appropriate to establish the School as a community cultural and sporting hub to support voluntary sectors groups to help raise the standards of cultural and sporting opportunities in the District in accordance with regional and local strategies for culture and sport.
3. Members of the local community shall have such access as may be necessary through the School to exercise the rights herein granted in respect of any individual facility and ancillary facilities
  4. The charges to be paid by the local community for use of the facilities shall be fixed annually by the School in consultation with the District.
  5. The School shall ensure that the facilities to be made available for use by the local community are kept fully and properly maintained and ready for use.
  6. The School shall insure the facilities against all normal risks including Public Liability.
  7. The School shall ensure that they comply with all statutory requirements and legislation, which for the avoidance of doubt shall include health and safety issues, with due regard to relevant industry 'best practice' and guidance.
  8. The School shall meet the net annual running costs of the community use including the maintenance renewal or replacement of any fixed or loose equipment, and the costs of cleaning and insurance.

### **Terms of the Grant**

We can only pay the grant if the School acts in accordance with the terms of this grant, which are set out in the following pages:

1. The grant can only be used for the purposes set out in this agreement.
2. During the period of the grant the School will:
  - 2.1 not act in a doctrinaire manner (by 'doctrinaire manner' we mean, for example, acting in a way which is partisan, prejudiced, not objective or in some other way which involves adherence to fixed views without regard to the circumstances of the case or matter concerned); and
  - 2.2 abide by any guidance issued by you on this subject.
3. The School will not make any change to the aims, structure, delivery or ownership of the equipment without getting the District's agreement in writing.

4. The School will not sell or dispose of any equipment or other assets which have been bought or improved with the grant without first receiving the District's agreement in writing.
5. If the School sells any equipment or assets with or without written agreement, the School may have to refund all or part of the grant aid money received. The amount repayable will be in direct proportion to the share of the project cost that came from the District.
6. At no time in the future should it be assumed that the District will contribute any further funds or grant aid.
7. All future maintenance costs are to be absorbed by the School.
8. The School will not use the grant to pay for goods or services that are bought or ordered before they receive the letter confirming the grant.
9. The School will acknowledge the grant in any annual report, Chair's or Secretary's report at their AGM, the accounts that cover the period of grant and in any publicity materials produced.
10. If the School does not spend the whole grant on the equipment, they will promptly return the unspent amount to the District.
11. The District will not increase the amount of the grant if the School overspend.
12. The person who signs this agreement must be authorised to do so.

The School understand and agree that they must meet the following terms and conditions:

13. The School will keep proper and up-to-date accounts and records, including invoices and receipts, which show how the grant has been used. These financial records will be copied to the District on request and be available to the District or it's representatives for inspection and copying.
14. The District may hold back the grant or ask the School to repay a grant, in whole or in part:
  - 14.1 If the School do not meet the terms and conditions in this agreement;
  - 14.2 If there is a failure to purchase and install the equipment on time or in a reasonable period (where no time is specified); or
  - 14.3 If the School closes down..
15. If the equipment is not purchased within six months of the date of the grant letter the School will send a written report of the reasons for the delay.
16. The School will take up the grant within six months of the date of the grant letter otherwise it will automatically lapse, unless the District agree an extension in writing.

17. The School will apply competitive tendering, unless there are overriding reasons why this would be inappropriate and this has been explained to, and accepted by the District in advance.
18. The District is not liable for any losses or costs (including but not limited to bank charges) arising from a failure to make grant payments on any agreed date.
19. Payment of the grant may be suspended if the District consider it necessary to investigate any matters relating to the grant (or any other grants made by the District to the School). The School will not hold the District responsible for any consequences, whether direct or indirect, which arise as a consequence of such a suspension even if the investigation subsequently establishes no cause for concern.
20. The School shall submit to the District an annual report in June outlining details of the community use for the duration of this grant agreement.
21. These terms and conditions will apply until the end of the normal working life of the assets or equipment purchased with the grant or for a period of ten years whichever is longer.

**Declaration**

We confirm that we are duly authorised to sign this declaration on behalf of Waseley Hills High School. We certify that the information given in the application is true and confirm that the enclosures are current, accurate and adopted or approved by the organisation. We understand that any offer of grant will be subject to the terms and conditions as set out and we confirm that the organisation has the power to accept these.

**First signature**

I understand that you may contact me during assessment and I confirm that I am authorised by the organisation for this purpose and that you may rely on any further information supplied to you by me.

Signed

Name (please print)

Date

**Second signature**

I confirm that the governing body has authorised this application and the proposed project as described in it.

Name (please print)

Position held in the organisation

Address for correspondence (including postcode)

Phone number

Day

Evening

Fax number

Email address

Best time to contact you

Signed

Date

On behalf of Waseley Hills High School

**BROMSGROVE DISTRICT COUNCIL**

**EXECUTIVE CABINET**

**10TH NOVEMBER 2004**

**FREE CHRISTMAS PARKING**

Responsible Portfolio Holder	Cllr P Whittaker
Responsible Head of Service	Head of Community Safety & Engineering

**1. SUMMARY**

1.1 To consider the issue of free Christmas parking.

**2. RECOMMENDATIONS**

2.1 That the concession previously granted for free parking on the three preceding Saturdays to Christmas be terminated and that the normal charging as for all other periods be sustained.

**3. BACKGROUND**

3.1 The proposition of offering a concession for Christmas parking in Bromsgrove town centre arises each year. Members are therefore requested to once again consider the issues relating to this matter.

**4. REPORT**

4.1 The tradition of offering free parking on the three Saturdays prior to Christmas has been running for many years. However your officers are concerned about two issues:

1. The loss of potential revenue; this year my estimate for loss of potential revenue on the three Saturdays preceding Christmas is £12K - £13K based on last years figures from the preceding Fridays plus the increase in rates agreed for this year.
2. Excessive congestion of the car parks; this arises from not having the self policing system of Pay & Display which operates at all other times of the year. It has historically caused much driver frustration as spaces are not released at the same frequency as at other times, simply because people have no incentive to move.

**5. Legal Implications**

5.1 None

**6. Financial Implications**

6.1 Loss of potential income as set out in the report.

**7 Risk Management Considerations**

7.1 None.

**8 Background Papers**

8.1 None

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**BROMSGROVE DISTRICT COUNCIL**

**EXECUTIVE CABINET**

**10th NOVEMBER 2004**

**PERFORMANCE INFORMATION 2004-2005**

Responsible Portfolio Holder	All
Responsible Head of Service	Corporate Director of Resources

**1. SUMMARY**

- 1.1 This report provides the information relating to the Council's performance for the 2nd Quarter of 2004-05 on service provision and includes both national performance indicators and where in existence, local indicator detail.

**2. RECOMMENDATION**

- 2.1 Members are asked to note the report.

**3. BACKGROUND**

- 3.1 The Council is required to deliver sustained improvements in the delivery of local services. All effective organisations need to know how well they are performing and what their strengths and weaknesses are.
- 3.2 The Government equally must ensure that high level priorities are being delivered and that standards are being met across the range of public services.
- 3.3 The Best Value Performance Indicators provide valuable information on the key services delivered locally and enable the Council to assess where we are and to set meaningful targets for further performance improvements.
- 3.4 The attached information (see appendix) has been prepared in full consultation with directors and heads of service who have provided such explanations as necessary on indicators where there is under performance against target.

**4. Financial Implications**

- 4.1 Any financial implications can only be identified when failing indicators have been fully analysed and appropriate improvement action plans have been developed. There is no existing budget provision defined.



**5. Legal Implications**

5.1 National BVPI's (Best Value Performance Indicators) are audited annually by the external auditor, KPMG, and the results are published.

**6. Corporate Governance**

6.1 Good performance management requires the availability of accurate and timely performance data. This Council is committed to addressing the changes required to exhibit good corporate governance and therefore is committed to putting into place an effective and efficient performance management framework. This information is therefore essential and should be used appropriately, re-defining its content as change is identified and thus ensuring that it remains relevant and useful.

**Background Papers**

Detailed performance information is attached.

**Contact officer**

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BROMSGROVE DISTRICT COUNCIL

SERVICE PERFORMANCE MONITORING

2nd Quarter  
July - September 2004

ABV- Audit, Best Value & Performance PIs									
	Actual 03/04	Target 04/05	Target for Period	Top Quartile	Qtr 1	Qtr 2	Performance to Target (Period)	Perf to Top Quartile	Comments
+ BV001 Does the authority have a Community Strategy developed in collaboration with the Local Strategic Partnership, for improving the economic, social and environmental well being in a way that is sustainable? Yes represented by 100. No represented by 0.	100.00	100.00	100.00	N/A	100.00	100.00	★	N/A	The Community Plan was produced in December 2003, therefore the targets for PI 1b & 1c set for 12 months from that date. The targets have been set as a numeric figure and the result will be entered as 100 when fully complied.
+ BV001b When will a full review of the Community Strategy be completed? Yes represented by 100. No represented by 0	0.00	100.00	0.00	N/A	0.00	0.00	●	N/A	Review date by December 2004
+ BV001c When will the authority report progress towards implementing the Community Strategy to the wider community? Yes represented by 100. No represented by 0	0.00	100.00	0.00	N/A	0.00	0.00	●	N/A	Report of progress by December 2004

Star = Performance exceeding target

Circle = Performance on target

Triangle = Performance below target

Question Mark = data unavailable

Exclamation Mark = No target to measure performance against

N/A = Not applicable

Performance tolerance level is set at ± 10% target

BROMSGROVE DISTRICT COUNCIL

SERVICE PERFORMANCE MONITORING

2nd Quarter  
July - September 2004

AS - Administrative Services PIs									
	Actual 03/04	Target 04/05	Target for Period	Top Quartile	Qtr 1	Qtr 2	Performance to Target (Period)	Perf to Top Quartile	Comments
+ BV179 % Standard searches carried out in 10 working days.	100.00	100.00	100.00	100.00	100.00	100.00	★	★	Excellent Performance

Star = Performance exceeding target

Circle = Performance on target

Triangle = Performance below target

Question Mark = data unavailable

Exclamation Mark = No target to measure performance against

N/A = Not applicable

Performance tolerance level is set at ± 10% target

## SERVICE PERFORMANCE MONITORING

2nd Quarter  
July - September 2004

CSE - Community Safety & Engineering PIs									
	Actual 03/04	Target 04/05	Target for Period	Top Quartile	Qtr 1	Qtr 2	Performance to Target (Period)	Perf to Top Quartile	Comments
⊕ BV126a Domestic burglaries per 1,000 households	21.30	15.20	7.60	8.00	3.37	7.40	●	●	Performance marginally exceeding target
⊕ BV126b % Domestic Burglaries Detected	30.80	25.00	25.00	N/A	35.94	25.80	●	N/A	Performance marginally exceeding target
⊕ BV127 Violent crimes per 1,000 population and % detected broken down to show:	18.01 62.96	17.4 62.8	8.70	N/A	4.26 62.8	7.80 63.9	★	N/A	Performance exceeding target
⊕ BV127a Violent crimes committed by a stranger per 1000 population	1.32	1.22	0.61	2.00	0.25	0.70	▲	★	Targets that have been set have yet to be agreed with West Mercia Police and may be subject to alteration.
⊕ BV127b Violent crimes committed in a public space per 1000 population	1.49	1.49	0.75	4.00	0.5	1.04	▲	★	Targets that have been set have yet to be agreed with West Mercia Police and may be subject to alteration.
⊕ BV127c Violent crimes committed in connection with licensed premises per 1000 population	0.36	0.36	0.18	1.00	0.1	0.16	★	★	Targets that have been set have yet to be agreed with West Mercia Police and may be subject to alteration.
⊕ BV127d Violent crimes committed under the influence per 1000 population	1.00	1.00	0.50	1.00	0.25	0.45	●	★	Targets that have been set have yet to be agreed with West Mercia Police and may be subject to alteration.
⊕ BV128 Vehicle crimes per 1000 population	14.38	13.20	6.66	9.00	3.05	5.80	★	★	Current performance good
⊕ BV128b % Vehicle Crimes Detected	17.58	12.80	12.80	N/A	14.93	12.70	●	N/A	On target
⊕ BV156 % of authority buildings open to the public in which all public areas are suitable for and accessible to disabled people.	63.00	75.00	69.00	60.00	65.00	65.00	●	●	On programme to achieve end of year target.

Star = Performance exceeding target

Circle = Performance on target

Triangle = Performance below target

Question Mark = data unavailable

Exclamation Mark = No target to measure performance against

N/A = Not applicable

Performance tolerance level is set at ± 10% target

BROMSGROVE DISTRICT COUNCIL

SERVICE PERFORMANCE MONITORING

2nd Quarter  
July - September 2004

CSE - Community Safety & Engineering PIs									
	Actual 03/04	Target 04/05	Target for Period	Top Quartile	Qtr 1	Qtr 2	Performance to Target (Period)	Perf to Top Quartile	Comments
+ BV174 Number of racial incidents recorded by the authority per 100,000 population.	0.00	0	0	0.00	0.00	0.00	!	●	No target set because of very low incidence. No recorded incidence in 03/04 and none as yet in 04/05.
+ BV175 % of racial incidents that resulted in further action.	0.00	0	0	100.00	0.00	0.00	!	N/A	As above
+ BV180a The energy consumption/m <sup>2</sup> (kwh) of local authority operational property, compared with comparable buildings in the UK as a whole (expressed as %). Target is a reduction of 9% on previous energy consumption.	N/A	55.00	55.00	83.00	Unavail	Unavail	?	?	Improvement scheme to be executed 04/05 in conjunction with Energy Savings Trust. This is an annually assessed target.

Star = Performance exceeding target

Circle = Performance on target

Triangle = Performance below target

Question Mark = data unavailable

Exclamation Mark = No target to measure performance against

N/A = Not applicable

Performance tolerance level is set at ± 10% target

## SERVICE PERFORMANCE MONITORING

2nd Quarter  
July - September 2004

ES - Environmental Services Pis									
	Actual 03/04	Target 04/05	Target for Period	Top Quartile	Qtr 1	Qtr 2	Performance to Target (Period)	Perf to Top Quartile	Comments
BV062 The proportion of unfit private sector dwellings made fit/demolished as a direct result of action by the authority as a %.	4.48	5.00	5.00	4.00	4.00	4.00	▲	●	2 properties have been made fit, out of a district-wide total of 46. The target for the year is three (5%). Therefore likely to achieve end of year target. Due to the many months it takes to bring about renovation works, it is not practicable to set quarterly targets.
BV082a % of the total tonnage of household waste arisings which have been recycled.	10.88	22.00	16.00	14.00	9.13	12.42	▲	▲	Previous figure has changed as all data has now been received. This qtr does not include any Sept figures as these are still awaited.
BV082b % of the total tonnage of household waste arisings which have been sent for composting or for treatment by anaerobic digestion.	0.40	4.50	4.50	2.20	5.88	11.82	★	★	Previous figure has changed as all data has now been received. This qtr does not include any Sept figures as these are still awaited.
BV084 Number of kilograms of household waste collected per head.	346.70	392.00	196.00	367.00	101.24	167.77	★	★	Previous figure has changed as all data has now been received. This qtr does not include any Sept figures as these are still awaited.
BV086 Cost of waste collection per household (£)	Unavailable	Not set. See comments	Not set. See comments	29.64	Unavail	Unavail	?	?	Figures awaited. Major service modernisation programme underway, therefore for the current year it was considered inappropriate to set a performance target which sought to compare the Council's performance with other authorities.
BV091 % Population served by a kerbside collection of recyclables.	14.12	100.00	49.42	100.00	13.29	39.28	▲	▲	The service roll-out programme has been revised to cater for the much higher than predicted service participation rate and associated operational difficulties. These difficulties have now been addressed and consequently Round 4 will now commence w/c 1st Nov. The other rounds will follow on a monthly basis concluding at the end of March 2005.

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SERVICE PERFORMANCE MONITORING

2nd Quarter  
July - September 2004

ES - Environmental Services Pis									
	Actual 03/04	Target 04/05	Target for Period	Top Quartile	Qtr 1	Qtr 2	Performance to Target (Period)	Perf to Top Quartile	Comments
BV166a % Score against a checklist of enforcement best practice for environmental health/trading standards.	70.00	80.00	80.00	84.00	70.00	70.00	▲	▲	Performance is measured against nationally set service quality criteria. Each of the 10 criteria are allocated a score of 1 point (presented as a %age - 10%). The criteria cover the provision & implementation of service policies, procedures etc. A comprehensive service review was completed in August & proposals for programmed service improvements aimed at achieving a score of 100% will be submitted for consideration during the budget determination programme.
BV199 Local street and environmental cleanliness - the % of relevant land that is assessed as having combined deposits of litter and detritus	34.00	30	30.00	N/A	Unavail	Unavail	?	N/A	Whilst service capacity problems resulted in the temporary cessation of monitoring work, a recovery plan has been developed and site monitoring will recommence from 1st Dec.2004. Inappropriate to set quarterly targets, due to seasonal variations caused by the prevailing weather conditions.

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BROMSGROVE DISTRICT COUNCIL

SERVICE PERFORMANCE MONITORING

2nd Quarter  
July - September 2004

FS - Financial Services PIs									
	Actual 03/04	Target 04/05	Target for Period	Top Quartile	Qtr 1	Qtr 2	Performance to Target (Period)	Perf to Top Quartile	Comments
+ BV008 % of Invoices for commercial goods and services that were paid by the authority within 30 days of receipt of invoice.	92.05	100.00	100.00	96.00	98.57	98.89	●	●	Continued improvement on Qtr 1. Significant improvement on 2003/04 due to the new system.
+ BV009 % of Council Tax collected	98.30	98.50	64.00	98.00	30.33	59.55	●	N/A	Annualised collection rate 99.25% (Top quartile figures are only available for year end results)
+ BV010 % of NNDR collected	98.30	98.60	61.00	99.00	27.80	59.00	●	N/A	Annualised collection rate 98.33% (Top quartile figures are only available for year end results)
+ BV076a Number of claimants visited per 1000 caseload.	237.00	230.00	115.00	N/A	44.86	87.03	▲	N/A	Will reach target set for 04/05
+ BV076b Number of fraud investigators employed per 1000 caseload.	0.18	0.36	0.36	N/A	0.27	0.27	▲	N/A	Only one investigator in post
+ BV076c Number of fraud investigations per 1000 caseload	67.63	70.00	35.00	N/A	14.59	29.72	▲	N/A	Only one investigator in post
+ BV076d Number of prosecutions and sanctions per 1000 caseload.	6.72	6.50	3.30	N/A	1.35	3.51	●	N/A	Only one investigator in post.
+ BV078a Average time for processing new claims. (days)	49.66	40.00	40.00	30.00	64.68	47.72	▲	▲	2nd quarter improved
+ BV078b Average time for processing notifications of changes of circumstance. (days)	18.94	10.00	10.00	7.00	113.86	16.65	▲	▲	2nd quarter improved
+ BV079a % of benefit cases processed correctly	98.13	99.00	99.00	99.00	96.80	100.00	●	●	Excellent Performance
+ BV079b % of recovery of overpaid benefit.	41.38	70.00	70.00	61.00	7.68	16.08	▲	▲	Processes will be reviewed in Oct 04. Income on Council's General a/c has not been posted since 1/4/04

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SERVICE PERFORMANCE MONITORING

2nd Quarter  
July - September 2004

IT - Information Tech. Services PIs									
	Actual 03/04	Target 04/05	Target for Period	Top Quartile	Qtr 1	Qtr 2	Performance to Target (Period)	Perf to Top Quartile	Comments
+  BV157 The number of types of interactions that are enabled for electronic delivery as a % of the types of interactions that are legally permissible for electronic delivery.	51.00	75.00	75.00	56.00	51.00	51.00	▲	●	As the website is developed for electronic transactions, e.g. electronic payments (scheduled for Nov 2004), the percentage will increase. E-forms, being developed as part of e-Worcestershire Hub, will also increase the number of electronic interactions. This will give the ability of requesting service through the website, it is hoped to complete this development by end of Dec 2004. The implementation of 'e-shop' (Customer Relationship Manager system) as part of the service centre will also increase the number of electronic interactions. Service centre is due for live running in February 2005.

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BROMSGROVE DISTRICT COUNCIL

SERVICE PERFORMANCE MONITORING

2nd Quarter  
July - September 2004

LGL - Legal Services PIs									
	Actual 03/04	Target 04/05	Target for Period	Top Quartile	Qtr 1	Qtr 2	Performance to Target (Period)	Perf to Top Quartile	Comments
⊕ BV002 CRE level to which the authority conforms	2.00	3.00	3.00	1.00	2.00	2.00	▲	★	An Equality 3-year plan for Impact Assessments has been in place but not due for completion until 2007. Therefore Level 3 only attainable in 2007.
⊕ BV002a % CRE Scorecard - The duty to promote race equality.	42.00	47.00	47.00	N/A	42.00	42.00	▲	N/A	Impact assessments are timetabled for the next 12 mths & these will identify improvements that can be made.
⊕ BV011a % of top 5% of earners that are women.	21.43	21.43	21.43	25.00	24.00	20.80	●	▲	BDC will continue to ensure Equality of Opportunity in applying for top positions. Little current opportunity to reach Top Quartile as no vacancies.
⊕ BV011b % of top 5% of earners from black & minority ethnic communities	3.57	3.57	3.57	0.00	0.00	0.00	▲	●	As BVPI 11a
⊕ BV012 Number of working days/shifts lost due to sick absence	11.33	8.60	4.30	8.00	2.24	4.83	▲	★	Improvement sought by re-inforcement of strong absence management training, revised Policy and focus on hot-spots.
⊕ BV014 % of Early retirements (exc. Ill health) as % of total work force	0.18	0.18	0.18	0.00	0.00	0.00	★	●	There will be continued close monitoring of staff health offering specialist support through PTH (external Occupational Health Consultants). Final decision of ill health retirement lies outside of the Council's control (independent medical decision).
⊕ BV015 % of employees retiring on grounds of ill health as % of total workforce.	0.00	0	0	0.10	0.00	0.00	●	★	As BVPI 14
⊕ BV016a % Staff with disabilities as % of total work force	0.36	2	2	3.80	0.43	0.41	▲	▲	BDC will continue to ensure Equality of Opportunity in applying for positions. Fuller access discussed through Equalities Working Group
⊕ BV016b % of economically active people with disabilities in the area	11.03	11.03	11.03	15.00	11.03	11.03	●	▲	This figure is obtained from Census 2001.

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BROMSGROVE DISTRICT COUNCIL

SERVICE PERFORMANCE MONITORING

2nd Quarter  
July - September 2004

LGL - Legal Services PIs									
	Actual 03/04	Target 04/05	Target for Period	Top Quartile	Qtr 1	Qtr 2	Performance to Target (Period)	Perf to Top Quartile	Comments
± BV017a % employees from minority ethnic communities	1.16	1.16	1.16	2.10	0.86	0.62	▲	▲	As BVPI 16a
+ BV017b % of economically active ethnic minority in the area	Unavailable	1.16	1.16	3.00	Unavail	Unavail	?	?	This figure is currently being sought from the Office of National Statistics and will be reported annually.
± BV177 % of authority expenditure on legal and advice services which is spent on services that have been awarded the Quality Mark and meet legal needs identified in the Community Legal Service Partnership strategic plan.	87.50	79.65	79.65	100.00	79.65	79.65	●	▲	This is reported by information from the Finance department regarding the grants paid by the Council each quarter. Out of the total amount of grants paid, we identify which are paid to legal and advice services which commonly includes the CAB, Relate, Age Concern, etc. Out of that smaller pool, we calculate what percentage of recipients have the Quality Mark (awarded by the Community Legal Service, ie successor to the Legal Aid Board.) Only the grant paid to the CAB qualifies. The grant applications are handled by Finance and reported to the Cabinet who decide which recipient gets which grant. "Performance" against the indicator is therefore dependent upon which applications the Cabinet approves since each grant paid to a body or person providing legal & advice services, but who is not Quality Marked, reduces the percentage score.

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BROMSGROVE DISTRICT COUNCIL

SERVICE PERFORMANCE MONITORING

2nd Quarter  
July - September 2004

LEI - Leisure Services PI's									
	Actual 03/04	Target 04/05	Target for Period	Top Quartile	Qtr 1	Qtr 2	Performance to Target (Period)	Perf to Top Quartile	Comments
+									
BV170a Number of visits to/usage's of museums per 1000 population.	19.90	25	15	697.00	5.64	13.38	▲	▲	Although Qtr1 performance is ahead of targets it should be noted that the Top Quartile targets are unrealistic for Bromsgrove Museum. Even Avoncroft Museum which attracts c35000 visitors p.a. would only achieve 399 (vs 506)
+ BV170b Number of visits to museum that were in person per 1000 population	19.48	24	14	506.00	5.47	12.81	●	▲	see above
+ BV170c Number of pupils visiting museums in organised school groups.	448.00	750	370	N/A	238.00	273.00	▲	N/A	see above

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BROMSGROVE DISTRICT COUNCIL

SERVICE PERFORMANCE MONITORING

2nd Quarter  
July - September 2004

PLG - Planning Services BV PIs									
	Actual 03/04	Target 04/05	Target for Period	Top Quartile	Qtr 1	Qtr 2	Performance to Target (Period)	Perf to Top Quartile	Comments
+ BV106 % of new homes built on previously developed land.	80.88	90.00	90.00	82.00	N/A	N/A	?	?	Annual assessment only.
+ BV109a 60% of major applications within 13 weeks	60.00	70.00	70.00	56.00	22.00	75.00	●	★	Excellent performance, well in excess of Government target although only 4 majors were determined in the quarter which underlines the problems associated with this target
+ BV109b 65% of minor applications in 8 weeks	69.00	75.00	75.00	64.00	86.00	85.00	★	★	Excellent performance, well in excess of Government target.
+ BV109c 80% of other applications in 8 weeks	85.00	87.00	87.00	82.00	92.00	88.00	●	★	Excellent performance, well in excess of Government target.
+ BV200a Dev.Plan adopted in Last 5 yrs. Yes represented by 100. No represented by 0	100	100	100.00	N/A	100	100.00	★	N/A	Target Achieved
+ BV204 % of appeals allowed against the authority's decision to refuse on planning applications.	0.00	40.00	40.00	New BVPI	21.00	17.00	★	N/A	Excellent Performance
+ BV205 Quality of service checklist (Planning). Shown as %	0.00	72.00	72.00	New BVPI	67.00	67.00	●	N/A	A new indicator comprising advice, guidance and e-govt. Aiming to improve electronic delivery of service and expert design advice to meet target.

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## SERVICE PERFORMANCE MONITORING

2nd Quarter  
July - September 2004

PLG - Planning Services Local PIs									
	Actual 03/04	Target 04/05	Target for Period	Top Quartile	Qtr 1	Qtr 2	Performance to Target (Period)	Perf to Top Quartile	Comments
P01 % of Planning applications in 8 weeks	80.00	82.00	82.00	74.00	80.00	87.00	●	★	Excellent performance well in excess of former Government target
P02 % of Bldg regs applications registered on day of receipt.	99.00	100.00	100.00	100.00	99.50	99.00	●	●	On target
P03 % of Bldg regs checked & notified in 10 Days	96.50	85.00	85.00	85.00	69.00	62.00	▲	▲	Work load and legislation increase staff vacancy from beginning of July
P04 % of Completion certs generated within 5 days of completion	98.00	100.00	100.00	100.00	91.00	90.00	●	●	Work load and legislation increase staff vacancy from beginning of July
P05 % of Building inspection on same day requested by applicant.	99.00	100.00	100.00	100.00	95.00	94.00	●	●	Work load and legislation increase staff vacancy from beginning of July
P06 % of Active sites inspected at least every 3 months	35.00	85.00	85.00	85.00	43.00	30.00	▲	▲	Work load and legislation increase staff vacancy from beginning of July
P07 Bldg Control charges to be within ± 10% national scales suggested by LGA.	±10.00	±10.00	±10.00	±10.00	±10.00	±10.00	★	★	Break even requirement exceeded charges generally similar to those within county
P08 No. of Small Business Start-Ups	34.00	30.00	15.00	N/A	1.00	4.00	▲	N/A	Promotion of current availability will ensure targets are met.
P09 No. of Farmers' Markets	13.00	16.00	8.00	N/A	4.00	5.00	★	N/A	Monthly in Bromsgrove. Quarterly in Hagley. Well received by Farmers and the public
P10 - % Satisfaction - Plg Applications	69.00	75.00	75.00	N/A	N/A	?	?	N/A	Annual survey

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## SERVICE PERFORMANCE MONITORING

2nd Quarter  
July - September 2004

SH - Strategic Housing Services National PIs									
	Actual 03/04	Target 04/05	Target for Period	Top Quartile	Qtr 1	Qtr 2	Performance to Target (Period)	Perf to Top Quartile	Comments
⊠ BV064 Number of private sector vacant dwellings returned into occupation or demolished during 2004/05 as direct result of action by the local authority	3.00	3.00	3.00	N/A	0.00	2.00	▲	N/A	Two formerly unfit dwellings at 345/347 B'Ham Rd occupied during August
⊠ BV176 Domestic violence refuge places per 10,000 population, which are provided or supported by the authority.	0.06	0.06	0.06	0.65	0.05	0.05	●	▲	Figure represents the proportion of DV places per 10k population provided by LA - BDC grant. Annual grant & increases are preset, therefore dependent upon outcome of Refuge annual costs (due Sept)
⊠ BV183a Average length of stay (weeks) in B&B accommodation of households which include dependent children or a pregnant woman.	0.00	3.00	3.00	1.00	0.00	0.00	★	★	Homelessness Act 2002 restricts use of B & B for this client group, therefore B & B use for this client group not used except in emergency
⊠ BV183b Length of stay (weeks) in hostel accom'n of households which include dependent children or a pregnant woman.	9.28	5.00	5.00	0.00	8.00	9.80	▲	▲	Restricted use of B & B under BV 183a increases use of hostel accommodation. Performance governed by demand and availability of move on accommodation.
⊠ BV202 Number of people sleeping rough on a single night within the area.	N/A	0.00	0.00	NEW	0.00	0.00	★	N/A	New BVPI. Counted as zero if under 10 - no evidence of problem.
⊠ BV203 % change in the average number of families, which include independent children or a pregnant woman, placed in temporary accommodation under the homelessness legislation compared with the average from the previous year.	N/A	-12.00	-12.00	NEW	-3.00	-9.00	▲	N/A	Performance governed by demand from homeless. Increases in homelessness & limited move on or permanent housing affects performance. Improvement in 2nd qtr is bringing up the accumulative figure.

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