



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE CABINET

WEDNESDAY 8TH SEPTEMBER 2010 AT 4.00 P.M.

THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors R. Hollingworth (Chairman), G. N. Denaro (Vice-Chairman), Dr. D. W. P. Booth JP, Mrs. J. Dyer M.B.E., Mrs. M. A. Sherrey JP, R. D. Smith, M. J. A. Webb and P. J. Whittaker

AGENDA

1. To receive apologies for absence
2. Declarations of Interest
3. To confirm the accuracy of the minutes of the meeting of the Cabinet held on 4th August 2010 (Pages 1 - 4)
4. Minutes of the meeting of the Joint Overview and Scrutiny Board held on 22nd July 2010 (Pages 5 - 6)
5. Minutes of the meeting of the Overview Board held on 27th July 2010 (Pages 7 - 12)
 - (a) To receive and note the minutes
 - (b) To consider any recommendations contained within the minutes
6. Minutes of the meeting of the Shared Services Board held on 19th August 2010 (Pages 13 - 18)
 - (a) to receive and note the minutes
 - (b) to consider any recommendations contained within the minutes
7. Minutes of the Joint meeting of the Local Development Framework Working Party and the Planning Committee held on 24th August 2010 (to follow)
 - (a) To receive and note the minutes
 - (b) To consider any recommendations contained within the minutes

8. Minutes of the meeting of the Equality and Diversity Forum held on 10th June 2010 (Pages 19 - 26)
9. To receive verbal updates from the Leader and/or other Cabinet Members on any recent meetings attended in an ex-officio capacity
10. Spatial Planning Services - Peer Review Action Plan (Pages 27 - 32)
11. Artrix - Right of Way (Pages 33 - 42)
 - Appendices For Item 10 - Spatial Planning Services - Peer Review And Action Plan (Pages 43 - 80)
 - Appendices For Item 11- Artrix - Right Of Way (Pages 81 - 84)
12. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic 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
13. To consider, and if considered appropriate, to pass the following resolution to exclude the public from the meeting during the consideration of item(s) of business containing exempt information:-

"RESOLVED: that under Section 100 I of the Local Government Act 1972, as amended, the public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act, as amended, the relevant paragraph of that part, in each case, being as set out below, and that it is in the public interest to do so:-

<u>Item No.</u>	<u>Paragraph(s)</u>	"
14	1 and 4	"

14. Confidential Minutes of the meeting of the Shared Services Board held on 19th August 2010 (Pages 85 - 92)
 - (a) to receive and note the minutes
 - (b) to consider any recommendations contained within the minutes

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

27th August 2010

Agenda Item 3

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE CABINET

WEDNESDAY, 4TH AUGUST 2010 AT 6.00 P.M.

PRESENT: Councillors G. N. Denaro (Vice-Chairman in the Chair),
Dr. D. W. P. Booth JP, Mrs. M. A. Sherrey JP, R. D. Smith, M. J. A. Webb
and P. J. Whittaker

Officers: Mr. K. Dicks, Mr. J. Staniland, Ms. T. Kristunas, Mrs. S. Sellers,
Ms. J. Carstairs and Ms. R. Cole

35/10 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mrs. J. Dyer M. B. E.
and R. Hollingworth.

36/10 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

37/10 **MINUTES**

The minutes of the meeting of the Cabinet held on 30th June 2010 were
submitted.

RESOLVED that the minutes be approved as a correct record.

38/10 **AUDIT BOARD**

The minutes of the meeting of the Audit Board held on 28th June 2010 were
submitted.

RESOLVED that the minutes be noted.

39/10 **SCRUTINY BOARD**

The minutes of the meeting of the Scrutiny Board held on 13th July 2010 were
submitted.

RESOLVED that the minutes be noted.

40/10 **PERFORMANCE MANAGEMENT BOARD**

The minutes of the meeting of the Performance Management Board held on
19th July 2010 were submitted.

RESOLVED:

- (a) that the minutes be noted;
- (b) that the recommendation contained at Minute No 14/10 relating to publicity for the Recycling and Garden Waste Service be approved.

41/10 **VERBAL UPDATES FROM THE LEADER AND/OR OTHER CABINET MEMBERS ON ANY RECENT MEETINGS ATTENDED IN AN EX-OFFICIO CAPACITY**

Councillor G. N. Denaro reported that he had attended an event addressed by the Prime Minister during his recent visit to the West Midlands.

42/10 **FINANCE AND PERFORMANCE MONITORING REPORT - QUARTER 1 2010/2011**

The Cabinet considered a report on the Council's performance and financial position as at 30th June 2010. It was reported that in relation to Revenue, the summary indicated a variance of only £39,000. Members noted that efficiency savings of £140,000 had been achieved to date. Following discussion it was

RESOLVED:

- (a) that it be noted that 60% of Performance Indicators were stable or improving;
- (b) that it be noted that 45% of Performance Indicators which had a target were meeting their target as at the month end and 80% were projected to meet their target at the year end;
- (c) that the performance figures for June 2010 as set out in Appendix 2 to the report be noted;
- (d) that the achievements and issues set out in section 4.1.1 of the report (Council Summary) be noted;
- (e) that the current position on both the revenue and capital budgets as detailed in the report be noted;
- (f) that the release of previously approved earmarked reserves of £68,000 as set out in Appendix 5 to the report be noted;
- (g) that the budget virements listed in Appendix 6 to the report be approved;
- (h) that the details of complaints received as set out in Appendix 7 to the report be noted; and
- (i) that the performance of the Council's Treasury Management function as set out in Appendix 8 to the report be noted.

43/10 **PLANNING SERVICES - PEER REVIEW**

Consideration of this item was deferred.

44/10 **TOWN CENTRE FRONTAGE IMPROVEMENT SCHEME**

The Cabinet considered a report on the Town Centre Frontage Improvement Scheme which requested an increase in the budget allocated to the scheme.

It was reported that the current budget of £20,000 was being targeted to numbers 61 to 97 High Street (odd numbers only) and would allow for financial assistance to be given in respect of 5 retail properties. Additional funding would allow for a more noticeable impact on this part of the Conservation Area.

Members requested that publicity be given to ensure that the support provided by the Council to enable the improvements to be undertaken was recognised.

RESOLVED that in order to support the existing Town Centre Frontage Improvement Scheme, a virement of £50,000 be approved to enable funding to be allocated to the scheme and that the income already received from VAT refunds during 2010/2011 be utilised to meet the costs associated with the scheme.

45/10 **SHARED SERVICES BOARD**

(Note: Although the Cabinet agenda had indicated that the public may be excluded during the consideration of this item, in the event it was considered in public).

The minutes of the meeting of the Shared Services Board held on 24th June 2010 were submitted.

RESOLVED:

- (a) that the minutes be noted;
- (b) that the use of the West Midlands Improvement and Efficiency Partnership Systems Thinking change methodology for the transformation of service areas be approved;
- (c) that the proposed programme of service areas to be considered for Shared Services/Transformation between the two Councils, as detailed in the report be approved; and
- (d) that the proposal to pursue procurement as a shared service be approved in principle at this stage.

The meeting closed at 6.45 p.m.

Chairman

This page is intentionally left blank

Agenda Item 4

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE JOINT OVERVIEW AND SCRUTINY BOARD

THURSDAY, 22ND JULY 2010 AT 6.00 P.M.

PRESENT: Councillors S. R. Colella (Chairman), D. L. Pardoe (Vice-Chairman), A. N. Blagg, R. J. Deeming, Mrs. R. L. Dent, C. R. Scurrall, Mrs. C. J. Spencer, C. J. Tidmarsh and L. J. Turner.

Observers: Councillor Mrs. J. M. L. A. Griffiths, Councillor R. Hollingworth, Councillor J. D. Luck, Councillor M. Webb.

Invitees: Marie Green - Assistant Director. Bromsgrove District Housing Trust, Mr A. Humphries - Chairman of PACT, Ms S. Morgan – Petition 1 Organiser, Mr A. Cooke – Petition 2 Organiser, Miss E. Wightman – Petitioner 3 Organiser, Ms K. Caves - Worcestershire County Council Youth Support, Chief Inspector A. Burnet - West Mercia Police, Inspector J. Smith - West Mercia Police, PC S. Baker – Crime Risk Manager West Mercia Police.

Officers: Ms. J. Pickering, Mrs. A. Heighway, Mr. C. Santoriello-Smith, Mr. M. Carr and Ms. A. Scarce.

10/10 APOLOGIES

Apologies for absence were received from Councillors Mrs. M. Bunker and C. B. Taylor.

11/10 DECLARATIONS OF INTEREST AND WHIPPING ARRANGEMENTS

Councillor Mrs. J. M. L. A. Griffiths declared a personal interest in the MUGA Inquiry and withdrew from the Board, but remained present as a witness.

Councillor Mrs. C. J. Spencer declared a personal interest as a member of the Bromsgrove District Housing Trust Board.

12/10 MINUTES

The minutes of the meeting of the Joint Overview and Scrutiny Board held on 15th June 2010 were submitted.

RESOLVED that the minutes be approved as a correct record.

13/10 INQUIRY - THE ALVECHURCH MULTI-USAGE GAMES AREA (MUGA)

The Chairman welcomed invited witnesses and the general public to the meeting and explained the purpose of the Inquiry and the purpose of the

meeting. The Inquiry had been established by the Board in response to 3 petitions that had been received from members of the public on the future of the MUGA facilities at Swans Length, Alvechurch. The purpose of the Inquiry was to investigate the reported crime and disorder issues and the future options for the Multi Use Games Area facility at Swans Length, Alvechurch.

The terms of reference for the MUGA Inquiry were:

Aim:

To investigate the crime and disorder issues highlighted by residents and to consider the future options for the Multi Use Games Area facility at Swans Length, Alvechurch.

Objectives:

- i. To investigate the reported crime and disorder issues around the MUGA
- ii. To consider the value of the MUGA to local residents
- iii. To identify the possible options and associated costs and benefits for the MUGA.

The Chairman directed interviews with key witnesses as outlined in the Schedule of Interviews with Witnesses circulated. A summary of the questions and answers for the interviews with key witnesses are attached at Appendix 1.

At the end of the interviews with key witnesses, the Chairman thanked everyone for attending and invited anyone who wished to submit any further evidence to the Inquiry to write to the Scrutiny Officer at:

Michael Carr - Scrutiny Officer
Legal, Equalities and Democratic Services
Bromsgrove District Council
The Council House
Burcot Lane
Bromsgrove
Worcestershire
B60 1AA

E mail: m.carr@bromsgrove.gov.uk

The meeting closed at 7.50 p.m.

Chairman

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE OVERVIEW BOARD

TUESDAY, 27TH JULY 2010 AT 6.00 P.M.

PRESENT: Councillors S. R. Colella (Chairman), Mrs. M. Bunker (Vice-Chairman), Mrs. R. L. Dent, Mrs. J. M. L. A. Griffiths, Mrs. C. J. Spencer and L. J. Turner

Observers: Councillors Mrs. J. M. Boswell, Mrs. J. Dyer M.B.E., Mrs. J. D. Luck, D. L. Pardoe, C. R. Scurrrell, Mrs. M. A. Sherrey JP, E. C. Tibby and C. J. Tidmarsh

Officers: Mr. J. Staniland, Ms. R. Bamford, Mr. A. Coel, Mr. M. Carr and Ms. A. Scarce

13/10 **APOLOGIES**

There were no apologies for absence.

14/10 **DECLARATIONS OF INTEREST AND WHIPPING ARRANGEMENTS**

No declarations of interest of whipping arrangements were received.

15/10 **MINUTES**

The minutes of the meeting of the Overview Board held on 1st June 2010 were submitted.

RESOLVED that the minutes be approved as a correct record.

16/10 **WORCESTERSHIRE OLDER PEOPLE'S STRATEGY - PRESENTATION**

The Chairman of the Board welcomed Elaine Carolan, Lead Joint Commissioning Manager (Older People & Physical Disability Service, Worcestershire County Council) and Keith Hoare, Joint Commissioning Officer (Joint Commissioning Unit, Worcestershire County Council).

Ms. Carolan explained that Worcestershire County Council (WCC) had an Older People's Strategy which came to an end in March 2010 and which would be replaced by 1st April 2011. The autumn budget review would be taken into account when developing the new Older People's Strategy for Worcestershire, together with the recent white paper regarding primary care trusts. The Strategy looked at where the dementia care strategy, extra care housing strategy and other pieces of work would come together in order for

people to clearly understand what would be on offer to them, with the aim of having one point of access for all services available.

Mr. Hoare informed Members that WCC were very keen for district councils to be involved in the development and delivery of the strategy. The Director for Policy, Performance and Partnerships had agreed to join the consultative group which was a stakeholder group leading on the strategy and also a smaller project group carrying out the more detailed work.

The strategy would cover the following:

- Setting of strategic objectives and priority actions
- Securing buy in of key partners
- Managing expectations and defining the balance of responsibilities
- Building on the success of other strategies and service developments

The client group for the strategy was ultimately older people; however it would also include the providers of services for older people within the voluntary sector, private sector and within the statutory sector. It would also inform local members, as key decision makers around services and use of resources and commissioners within key organisations.

Statistical information was provided in respect of the expected increase in the number of residents aged 65+ and 85+ countywide, together with details of the increased number of residents who would suffer long term conditions and the growth in the number of residents diagnosed with dementia and living alone. The key issue was that more people would require care and support within the home in the county over the next 15-20 years and the pressures therefore would be on social care and support services, far more than on health services.

An issue, which would be important for districts to consider individually, was the lack of affordable housing of the appropriate type and size for the older people who wished to downsize within the local community. The provision of suitable housing for support workers to remain in the local area to provide the workforce that would be needed to allow older people to remain independent within their homes was also problematic.

The financial position at both national and local level was discussed in view of the announcements from Government on the expected spending review in autumn 2010. The strategy would be reviewed once WCC were aware of what funding would be available overall, following necessary savings. The strategy had been developed by reviewing current strategies, consultation with older people's forums, and a workshop with stakeholders.

The proposed offer of services which would be signed up to by WCC, NHS Worcestershire, all district councils, voluntary sector partners and potential private sector partners had a clear balance of responsibilities between what the state was responsible for, what the individual was responsible for and what the family and community was responsible for. It would have a strong

focus on wellbeing and social care and support in order to maintain independence for older people for as long as possible.

Key roles of the district would include the following area:

- Supported housing/extra care
- Community development and social networks
- Community transport and community safety

There were six priority areas which would be key to making this strategy a success:

- Information and advice
- Self care and community support
- Low level support
- Supported housing
- Rehabilitation support
- Dementia and mental wellbeing

Members discussed the need for resources and sufficient staff to be in place in order for the necessary support to be successful. Members agreed that district councils needed to recognise their role in the strategy, both as part of the consultation and in delivery.

RECOMMENDED that the Cabinet support officer representation from the Council on the countywide groups shaping development of the new strategy.

17/10 **PLANNING PEER REVIEW - PRESENTATION FROM THE IMPROVEMENT AND DEVELOPMENT AGENCY (I&DEA)**

The Board considered a report of the Head of Planning and Regeneration which highlighted the key points emerging from the Spatial Planning Peer Review undertaken by I&DeA and the Planning Advisory Service. The presentation by Andrew Whitfield from I&DeA, would report on that review's findings. The Head of Planning and Regeneration advised Members that the appendices to the report were a copy of the Peer Review, which included recommendations to the Council and the Peer Review Action Plan, which contained the recommendations from the Review together with comments on the recommendations and actions (which related to both officers and Members). She explained that everything within the action plan was included in the Service Plan for Planning and Regeneration.

Mr. Andrew Whitfield described the Peer Review process which had been completed in October 2009 and confirmed that the Council had requested the review to be carried out. Mr. Whitfield explained that I&DeA were now known as Local Government Improvement and Development (LGID). Mr. Whitfield confirmed that the team who had carried out the review included him as review manager, 2 professional planners, a representative from the Planning Advisory Service and an elected member peer. The report was finalised with

the Council in March 2010. The report was very detailed and contained 18 recommendations and was structured around 5 themes:

- Achieving outcomes
- Integration and collaboration
- Leading and engaging the community
- Management
- Innovation, learning and excellence

Mr. Whitfield informed Members that the recent change in Government had had a big impact in what was within the report as Comprehensive Area Assessment had already been abolished and it was expected that Regional Spatial Strategies would be abolished shortly. The Regional Spatial Strategy was referenced within the report. There was, however, still an issue in respect of the need for housing and affordable housing which the Council needed to address.

Mr. Whitfield advised Members that his team were able to assist the Council in carrying through the recommendations by the offer of support around work for officer peers, development management, understanding viability and Member training, at no cost to the Council. The Executive Director for Planning, Regeneration, Regulation and Housing Services informed Members that if there were any specific areas of planning on which they felt more detailed training would be appropriate, then officers would facilitate this wherever possible.

The Board discussed the planning framework and the Portfolio Holder for Planning and Regeneration was asked about the integrity of the current planning framework in view of the fact that the new strategic plan was yet to be adopted. The Portfolio Holder confirmed to Members that the Council was able to use the Local Plan as adopted and that the Local Development Framework Working Party (LDF) was in the process of updating this for 2010/11. The Head of Planning and Regeneration also advised Members that several of the recommendations that had been made in the review related to a plan and policy framework for the district, and there was therefore a timetable and commitment for this to be completed. It was also confirmed that the timetable for completion of the recommendations remained on schedule. The Head of Planning and Regeneration also confirmed to Members that there was always ongoing consultation and evidence gathering when a new plan was being prepared.

Mr. Whitefield explained to the Board that the peer review's aim was to support the Council and assist them in acknowledging and understanding the areas which could be improved. The Board asked for clarification on whether the review had been presented to the Planning Committee. Officers advised Members that all councillors had been invited to attend the presentation of the Planning Peer Review. After discussion it was agreed by the Portfolio Holder and Head of Planning and Regeneration that a meeting should be arranged for the Planning Committee in order for the findings of the report to be presented to them, prior to it being considered by the Cabinet.

After further discussion it was

RESOLVED that the Planning Peer Review be noted.

RECOMMENDED that the Action Plan be endorsed, subject to prior consideration of the Planning Peer Review by the Planning Committee and LDF Working Party.

18/10 **FORWARD PLAN OF KEY DECISIONS - 1ST AUGUST 2010 TO 30TH NOVEMBER 2010 (FOR INFORMATION ONLY)**

The Board considered the Forward Plan. Officers confirmed that the item on Garden Waste Services would be brought to the Overview Board meeting to be held on 31st August 2010.

19/10 **WORK PROGRAMME**

The Board considered the Work Programme for 2010/11. The Board were informed that a Steering Group had been set up following completion of the Community Involvement in the Democratic Process Task Group and it was agreed that a member of that Task Group should be involved in the Steering Group to ensure that the recommendations put forward were carried through.

After discussion Members agreed that the item on the Licensing Policy would now be considered as a separate item and that the Head of Services should be asked to provide an introductory report and presentation for consideration by the Board. Officers agreed to timetable this in to the Work Programme.

After further discussion it was

RESOLVED:

- (a) that the Work Programme be noted;
- (b) that a Local Food Task Group be established, to be chaired by Councillor L. J. Turner (the proposer);
- (c) that a Young People (including the Every Child Matters Strategy) Task Group be established, to be chaired by Councillor C. B. Taylor (the proposer); and
- (d) that officers send out letters of interest to Members with regard to the Task Groups referred to above and timetable the Task Groups into the Work Programme.

RECOMMENDED that the Head of Legal, Equalities and Democratic Services be asked to invite a member of the Community Involvement in Local Democracy Task Group to be involved in the steering group implementing the recommendations agreed by Cabinet.

The meeting closed at 8.35 p.m.

Chairman

This page is intentionally left blank

BROMSGROVE DISTRICT COUNCIL AND REDDITCH BOROUGH COUNCIL

SHARED SERVICES BOARD

19th August 2010

COMMITTEE ROOM 2, REDDITCH TOWN HALL

Notes

Present

Cllr Gandy (in the Chair) and Cllrs Braley, Hall and Hartnett (for Redditch BC)

Cllrs Colella, Denaro and Peters (for Bromsgrove DC).

Observers

Cllr Brazier and Quinney (Redditch BC).

Officers

Kevin Dicks, Deb Poole and Guy Revans.

Notes

Steve Skinner.

Apologies

An apology for absence from Cllr Hollingworth had been received at the previous meeting.

Minutes

It was **AGREED** that

the minutes of the previous meeting of the Board be confirmed as a correct record.

Confidentiality

It was agreed that the business of the meeting was not generally confidential, with the exception of any detail of the report on Environment Services, which was still sensitive because of reference to individual posts / postholders and labour relations considerations / ongoing negotiations. Minute 3 below refers.

1) Transformation Training

Under Matters Arising, a Member asked for an update on his suggestion for Member Training on 'Transformation' so they could better appreciate the full implications of this term / technique. Officers confirmed that this would be provided, initially for Exec / Cabinet members, and later for a wider Member audience.

(Cllr Gandy suggested that all Members would nonetheless be permitted to attend the initial detailed session though, if they wished.)

2) Shared Services Progress Report

Mr Dicks gave a brief introduction to this item and then responded to matters of detail raised by Members. The key issues raised were:

a) Established Projects – Regular Updates

Members agreed that there was no need to continue receiving regular updates on established arrangements, such as Electoral Shared Services, unless exceptional circumstances arose.

b) ICT

Deb Poole gave an explanation of some of the issues which had arisen during the recent migration of email accounts onto the Bromsgrove mail server. She advised how this work had been scheduled to take place over weekends in order to reduce impact. Also it had been anticipated that much of the migration would be an automatic process.

However, several technical issues had arisen owing to the age and condition of the Redditch systems. Problems had been found with both software and hardware and Officers had found it necessary to revert to a high degree of manual intervention which had significantly increased the time being taken to restore previous systems.

Officers reported that the majority of users were now on the Bromsgrove shared server and that most previous set ups had been satisfactorily restored. However, the process had been far more labour intensive than originally projected.

Officers apologised for the disruption Members had experienced, but assured the Board that the final outcomes would merit any recent inconvenience. They advised the Board of the standard operating protocols that would be introduced to minimise any future risks, such as regular password changes / encrypted dongles, etc, as were currently the norm in Bromsgrove. There would be a preference for Members operating on standard Council equipment so that uniform security systems could be rolled out. Members asked for training on any new arrangements and for systems such as Orb.

Members asked for advance warning of any future risk of disruption. They accepted that some of the issues with Redditch systems had arisen from past lack of investment by the Council.

It was noted that the new ICT Manager was Mr Mark Hanwell.

c) Shared Services Development / Transformation

Mr Dicks asked that given staff feedback on the programme for Transformation / Shared Services that HR be brought forward to September.

Board Members **ENDORSED this proposal.**

(Members noted that three permanent posts remain to be filled within the Transformation Team. Interviews for these posts were being held in early September.)

d) Economic Development

Mr Dicks advised that he had a meeting the following day with the Chief Executive of Wyre Forest District Council to progress this project further.

e) WETT

Mr Dicks advised that current reviews would all be brought back to the Shared Services Board in due course for approval.

f) Finance

Mr Dicks referred Members to the update contained in Appendix D. Overall savings had been better than budgeted for, because of salary savings prior to the Heads of Planning and Regeneration and Customer Services taking up their posts.

g) Risk Management template

Members acknowledged that the Risk Management approach continued to be crucial, particularly in the context of the forthcoming Government spending review, when savings of between 25% to 40% might be required of local authorities.

3) Environmental Services - Interim Review of Structures

Mr Revans introduced proposals for an interim review of his Service area, and explained the need for this, which was principally because:

- a) it was such a large and complex range of services, with very high public profile; and
- b) 12 Managers currently reported to the Head of Service which posed practical Managerial difficulties.

Therefore a number of service / management improvements were being recommended before the programmed Transformation process began.

Mr Revans explained some of the opportunities available in such a review and responded to Members' requests for clarification of the detailed proposals.

(In view of the fact that information would be revealed in relation to individual posts, together with labour relations matters which are still the subject of negotiation, the remainder of this item continues as a confidential appendix to these notes.)

Proposed structure charts were tabled at the meeting and are now also appended to these notes as part of the Confidential Appendix.

It was **AGREED that**

the report be noted and the proposals endorsed.

4) **Other Business**

No other business was raised for this meeting.

5) **Next Meeting**

It was **AGREED** that

**The next meeting be held on Thursday 14th October 2010,
commencing at 5.30 pm, at Bromsgrove Council House.**

The meeting commenced at 5.30 pm and
closed at 7.00 pm.

Att.

This page is intentionally left blank



The Equality and Diversity Forum
Minutes of Meeting held on Thursday 10 June 2010

The Committee Room

In attendance	
Mr Sat Aggarwal	Bromsgrove Indian Community Forum
Mr B K Chaudhari	Bromsgrove Indian Community Forum
Mary Collett	Bromsgrove Disabled Access Group and Worcestershire Association of Service Users
Kevin Dicks	Joint Chief Executive Bromsgrove District and Redditch Borough Councils
Rebecca Dunne	Senior Policy and Performance Officer (Community Engagement) Bromsgrove District Council
Mark Eastwood	Bromsgrove Resident, Worcestershire Police LGBT Forum
Jeff Edwards	Bromsgrove Older People's Forum
Margaret Evans	New Road Group
Nigel Godwin	Bromsgrove Resident
Patricia Hackett - Chair	MENCAP and Bromsgrove Resident
Sgt Tim Harper	West Mercia Police
Tracey Hodges	Padstone Day Centre
Joan King	The Gender Trust
Art Lavelle	Bromsgrove Resident
Cllr Dave McGrath	Elected Member, Bromsgrove District Council
Julie Moss	Administrative Assistant – Equalities
Eileen Mulhall	Worcestershire Association of Service Users
Nina Mumtaz	Bromsgrove Muslim Network
Jackie Murrall	Droitwich Community Voluntary Sector
Asam Nisar	Bromsgrove Muslim Network
Azra Nisar	Bromsgrove Muslim Network
Jayne Pickering	Executive Director of Finance – Bromsgrove District and Redditch Borough Councils
Hazel Robinson	Worcestershire County Council

Fiona Scott	Equality Officer, Bromsgrove District Council
Nishad Searle	Bromsgrove Muslim Network
Mr G Singh	Bromsgrove Indian Community Forum
Sonia Spurr	Community Engagement Manager – Primary Care Trust
John Tempest	Mental Health Action
Julie Wright	Community Support Officer, West Mercia Police

Apologies	
Stuart Bray	Pinke.biz
Cllr Geoff Denaro	Elected Member and Executive Cabinet Portfolio Holder for Legal, Equalities and Democratic Services
Claire Felton	Head of Legal, Equalities and Democratic Services, Bromsgrove District Council
Debbie German	Romani Roots
Lisa Little	HMP Hewell
Kathleen Roche Nagi	Bromsgrove Muslim Network, Approachable Coaching
Jim Smith	North Worcestershire Disability Information Line
Lynn Ward	Pertemps Disability Consultancy

Attending as Guest Speaker	
Arran Sharman	Benefit Services Manager, Bromsgrove District Council

1. Introductions and apologies

People were welcomed to the meeting and introductions were made. **Sergeant Tim Harper** made his farewells as he has changed roles and explained that in future Sergeant Rosie Cooper will be taking over his role on the forum. **Patricia** thanked Tim for his support.

Apologies – noted as above

Changes were agreed to the future running of the Forum. Meetings will start at 6.15 pm and still finish at 8.30 pm with a short break. Matters Arising will be removed from the agenda. Anything significant will be in the Equality Highlight Report. Queries from the last meeting will be dealt with under Questions to the Chief Executive. Members of the Forum were asked to read the papers in advance. There will only be two main speakers to allow time for questions, debate and workshops. Sometimes there will be additions to the agenda from the Council. Forum members were requested to sign the attendance list and ensure that contact details are up to date in order to facilitate administration.

2. Minutes of meeting held on 15 April 2010

The minutes were agreed.

3. Matters arising from 15 April if not included on main agenda

These will be covered under either Fiona's report or questions to Kevin.

4. Items from the Forum Chair

Savings made from the abolition of the full buffet will fund the tactile map. This is to be updated and reissued every 18 months which will be cost up to £500 each time. It was agreed that this was an appropriate use of available funds in these times of economic difficulty.

MENCAP are organising National Learning Disability Week from 21st to 27th June. This year it is about health and Equal Access for all. There will be a stand at Worcester Royal Hospital and a 9 point charter for health organisations to work towards.

5. Gypsy Roma Traveller History Debbie German, Romani Roots

This item was postponed due to the unavailability of the speaker.

6. Benefits Take Up Strategy – Arran Sharman, Benefit Services Manager

Arran explained that he proposed to talk about the Council's strategy to promote the take up Housing and Council Tax Benefits. All councils must now ensure that people are aware of their entitlements. Benefits is a complex and contentious issue and they are poorly publicised. The strategy ensures that the Council is doing everything possible to promote their take up. Benefits are important for people's quality of life and also affect the local economy. Details for contacting **Arran** were on the handouts.

Confidentiality policies are in place as the strategy is covered by the Data Protection Act. Computer systems are secure and staff must make a declaration of interest if they have personal knowledge of a claimant. The Council has been chosen to pilot a system for collecting information by phone so that documents do not have to be sent.

Recent legislation says that the service has to be more customer focussed rather than just being concerned with the speedy processing of claims. This matter has been addressed and our services are now also more accurate as we are using new technology.

The Council provides a system for visiting the housebound. We can only offer limited help with rent arrears as residents have to be referred to Bromsgrove District Housing Trust. The service is flexible and we will also visit those who cannot come in for financial reasons or because they have leaning difficulties. Residents should ring the Customer Service Centre in the first instance.

It is expensive to send promotional literature so we need to target groups using information from other agencies. We must also ensure that the information is clear and easy to understand. Support workers can speak for people but a signature is required unless they are their legal representative or guardian.

People with learning disabilities need a special sort of literature. They also might have problems signing or understanding. The Council will deal with carers although we will address the person concerned. However a signature is still required by law unless the claim is made electronically and we are currently investigating this. Information will be made available in different formats.

7. Gender Equality Campaign – Trans Access Policy to Sports and Leisure Services and Facilities – Joan King, The Gender Trust and Fiona Scott, Equality Officer

Fiona reminded the Forum that the policy originated in the Inclusive Equalities Scheme of 2006 which set out 3 year plans for all areas of equality. The section on gender equality was written ahead of legislation so a separate gender equality scheme was later drafted to ensure compliance with legislation. The Draft Gender Equality Scheme committed the council to providing training on gender equality by the end of 2009. This allowed funding for a consultation on a separate policy for people while transitioning and this was put out for consultation.

The purpose of the Gender Awareness Campaign was to raise awareness of the policy itself as well as to consult on it. It sets out an access policy for trans people especially with regards to sports and leisure facilities.

The campaign ran from November to March and included drop in sessions at the Customer Service Centre and training for elected Members and staff. 58 staff attended these sessions. The policies and campaign went to all relevant internal and external meetings. It was publicised through the local press, the Customer Service Centre, health authorities, the Council's website, and by word of mouth. The campaign was well received and the revised policy takes account of comments made.

It was approved by the Executive Cabinet of the Council on 2nd June. Internal processes now need to be updated and the Council's long term aim is to raise wider public awareness of the policy.

Joan explained that The Gender Trust began in Brighton in the 1980's as a local support group but is now nationwide, also offering training.

If there is an existing marriage or civil partnership, this has to be legally broken if a gender recognition certificate is obtained and this is not always desired. The partnership can then be renewed according to the new gender(s) of the partners involved. Therefore people do not always apply for the certificate. Transitioning can remove stress from families. Nowadays society is more understanding. The overriding need is to accept people as people rather than as a member of a specific gender.

Patricia thanked **Joan** and **Fiona** for their interesting item.

8. Questions from floor for the Chief Executive – Kevin Dicks, Chief Executive for Bromsgrove District Council and Redditch Borough Council

Town centre regeneration is still a top priority but the problem is finance. The application by Sainsburys will be going before the Planning Committee later this month and the Council intends to utilise some of this money to resurface the High Street although we are also seeking contributions from the County Council. In the meantime the District Council will still seek to influence the County Council to rectify some of the potholes.

The amount that Sainburys pay must be negotiated between the District Council and does not indicate whether they will get planning permission. The Council is aiming to get the money in advance so that we can utilise it for the town centre. There is an 18 month build programme.

Aldi are coming by Morrisons. The District Council will check with Worcestershire County Council over funding for the pedestrian crossing

The railway station project has been affected by the widening funding gap which is affecting all of local government and we are working with the County Council to address this issue. Councillors wish to scrutinise this project but Network Rail have not come in to discuss the matter yet.

We are still awaiting a decision as to whether BURT can travel to certain facilities outside the immediate district. This also applies to visits to Redditch, as even though we are sharing services, the two Councils are still funded separately. Bromsgrove District Council will examine the amalgamation of the two disabled transport facilities.

The Regional Spatial Strategy has now been abandoned by the coalition government and we are awaiting clarification. It should mean that there will be no cross border growth.

It has recently been announced that there is to be a £6.2 billion cut to local government finance this year. Bromsgrove District Council should not suffer from these particular cuts but have had some other grants withdrawn. This bodes ill for the future. The Council receives regular briefings from the minister concerned.

9. Equality Highlight Report, Fiona Scott, Equality Officer, Bromsgrove District Council

Page 1, Item 2: LGBT History Month

We are still trying to find someone to take over "Finding a Voice".

Page 2, Item 5: The Disabled Users Group

Information from The Artrix will be fed back to the Disabled Access Group.

The recent open meeting of DUG was very successful. Ideas provided for the proposed disabled access awards scheme will be considered and put out to consultation.

Page 5, Item 10: Community Bids

Community Bids would still be considered this year – the relevant meeting is 23rd September with the bids then going through the Councils budget process as usual.

Page 6, Item 15: Interfaith Week

This will be a discussion item at a future meeting.

Page 7, Item 18: Tactile Map

The 7 libraries referred to are in the Bromsgrove District and include a mobile library. The library copies have not arrived yet and are expected shortly.

Page 8, Item 20: Census

Members who were interested in working on the census were reminded to register on line.

Further Items

Sonia explained that documents summarising the Draft Cancer Strategy were available. There is also an on line survey and paper copies are available. Consultations are to take place around the area. Further details are available on the web. The PCT is aiming to improve cancer services throughout the county.

We will try to get Debbie German from Romani Roots to speak a future meeting.

The Being Different Together DVD featuring the Disabled Users Group meeting in March and BURT was shown. Drivers of BURT were commended for their helpfulness. This DVD may be put on YouTube as part of the overall project. Bromsgrove is the regarded well throughout the county because our projects have delivered practical results.

Members were encouraged to visit Rubery festival on Sunday.

10. Agenda items for future meetings:

Inter Faith Week 2010	October meeting – to be included in Equality Highlight Report
Trips and Falls	October meeting – Amanda Wheeler from the PCT
Community Engagement Toolkit	August Meeting - Rebecca Dunne
Draft Cancer Strategy	August Meeting – Sonia Spurr, PCT
International Older People’s Day	October meeting – to be included in Equality Highlight report
Hate Crime Reporting	Update
The Signposting Scheme	To be confirmed.

The meeting closed at 8.25 p.m.

Time, date and place of next meeting –

6.15pm to 8.30p.m

Thursday 12 August 2010

The Committee Room



BROMSGROVE DISTRICT COUNCIL

Cabinet

8th September 2010

Spatial Planning Peer Review Action Plan

Relevant Portfolio Holder	Cllr Jill Dyer
Relevant Head of Service	Ruth Bamford
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 The following report and appendix 1 highlights the key points from a spatial planning peer review undertaken by the Improvement and Development Agency for Local Government (IDeA), and the Planning Advisory Service (PAS). Appendix 2 is the peer review action plan developed to address the recommendations of the external review team. The peer review and action plan were considered by a joint meeting of the Local Development Framework Working Party and the Planning Committee on 24th August 2010. Any comments arising from that meeting will be reported to the Cabinet.

2. RECOMMENDATIONS

- 2.1 That Members note the spatial planning peer review report (Appendix 1), and endorse the peer review action plan (Appendix 2).

3. BACKGROUND

- 3.1 In October 2009 a team from IDeA and PAS visited the council to undertake a Spatial Planning Peer Review. The format of the review was designed to help the planning service assess its current achievements, and its capacity to change and continue to improve. The review team were onsite for two days during which they spoke to a wide variety of officers, members, service users, and other partners and stakeholders in the planning process.
- 3.2 A report was prepared by the review team (see appendix 1) which outlines 18 key recommendations organised into the following areas,
- Achieving outcomes,
 - Integration and collaboration,
 - Leading and engaging the community,
 - Management,
 - Innovation,
 - Learning and excellence and,
 - Shared knowledge and evidence.

4. KEY ISSUES

- 4.1 The action plan (see appendix 2) identifies both the recommendations from the review team, and also the proposed actions required to address these issues.
- 4.2 Some of the actions such as lifting the housing moratorium, and engaging with Birmingham City Council at director level, have already been implemented. Some of the other recommendations focussed on the delivery of development targets associated with the Regional Spatial Strategy (RSS). This part of the development plan has now been revoked meaning these recommendations may need to be reassessed in the light of the new planning regime which focuses on bottom up local planning, rather than top down regional planning.
- 4.3 Whilst most of the recommendations are for officers to implement, in a number of key areas members involvement in the way the planning service operates is also the subject of review team's recommendations. Officers will work with members on delivering these actions.

5. FINANCIAL IMPLICATIONS

- 5.1 None

6. LEGAL IMPLICATIONS

- 6.1 None

7. POLICY IMPLICATIONS

- 7.1 The review and action plan has a number of recommendations which will affect how the council prepares future planning policies.

8. COUNCIL OBJECTIVES

- 8.1 The operation of an efficient and successful spatial planning and regeneration service will have significant impacts on all of the council's objectives and priorities, from obvious ones such as the development of new housing to meet the identified needs and town centre regeneration, to the promotion of sustainable development which addresses climate change, and promotes inclusive communities.

9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

9.1 None directly, all risk to be managed through the Planning and Regeneration risk register.

10. CUSTOMER IMPLICATIONS

10.1 Actions within the plan focus on how the planning service interacts with its customers, the implementation of the plan will improve where necessary contact between the planning service and its customers.

11. EQUALITIES AND DIVERSITY IMPLICATIONS

11.1 None

12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

12.1 The recommendation that the planning service looks to investigate opportunities for shared working and adopting a more flexible development management approach, in time could deliver a better value for money planning service.

13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

13.1 Successful spatial planning has full regard to climate change, carbon reduction, and the protection of biodiversity. Actions within the plan relate to improvements which will ensure these issues continue to be a significant consideration when the planning service assesses a wide range of development within the district.

14. HUMAN RESOURCES IMPLICATIONS

14.1 None

15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

15.1 None

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

16.1 None

17. HEALTH INEQUALITIES IMPLICATIONS

17.1 None

18. LESSONS LEARNT

18.1 The recommendations and subsequent action plan identifies a number of areas / lessons to be learnt where the planning service can look to develop.

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

19.1 A wide range of planning services users were interviewed as part of the review, actions within the plan include measures such as a website review, the implementation of the customer first actions plans, and ongoing customer surveys.

20. OTHERS CONSULTED ON THE REPORT

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

21. WARDS AFFECTED

All Wards

22. APPENDICES

Appendix 1 - Spatial Planning Peer Review
Appendix 2 - Spatial Planning Peer Review Action Plan

23. BACKGROUND PAPERS

BROMSGROVE DISTRICT COUNCIL

Cabinet

8th September 2010

AUTHOR OF REPORT

Name: Ruth Bamford
E Mail: r.bamford@bromsgrove.gov.uk
Tel: 01527 881330

This page is intentionally left blank

BROMSGROVE DISTRICT COUNCIL

CABINET

8th September 2010

ARTRIX - RIGHT OF WAY

Relevant Portfolio Holder	Councillor G. N. Denaro
Relevant Head of Service	Claire Felton – Head of Legal, Equalities and Democratic Services
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 West Mercia Police and Hereford and Worcester Fire and Rescue Service have approached the Bromsgrove Arts Development Trust for the purposes of this report (known as the Holding Trust) in relation to a proposal for a new purpose built Police and Fire Station to be constructed on land currently owned by New College at Slideslow Drive.
- 1.2 The proposal relates to the construction of an additional access route that would require emergency service vehicles to have passage over land currently forming part of the car park for the Artrix as shown on the drawing attached at appendix 1 to this report. The land in question falls under the control of the Bromsgrove Arts Development Holding Trust with the title ownership registered at the Land Registry in the name of Bromsgrove District Council (who act as the bare trustees). The land is subject to a lease between Bromsgrove District Council (as bare Trustee), the Holding Trust (as Lessor) and the Bromsgrove Arts Centre Trust (referred to as the Operating Trust) (as Lessee) granted in 2003.
- 1.3 As Bare Trustee Cabinet members are being asked to consider the request by the Holding Trust to grant a right of way by way of a legal easement to the Police and Fire and Rescue Service.

2. RECOMMENDATIONS

- 2.1 Cabinet members are being asked to consider and determine, in their capacity as Bare Trustees, whether or not it is appropriate to agree to the request from Bromsgrove Arts Development Trust (known as the Holding Trust) to grant a right of way (by Deed of Easement) to West Mercia Constabulary and Hereford and Worcester Fire and Rescue in perpetuity subject to the following conditions;
 1. That a formal letter of confirmation is received from the Operating Trust confirming that they have no objection to the proposed access;

2. That the access is restricted to the extent that vehicles will only be able to obtain egress onto School Drive and that the easement will ensure a complete prohibition of the use of the Artrix Car Park as a form of access to the site (the Car Park is demarcated in blue on the drawing attached at appendix 1 to this report);
3. That the easement will be subject to a condition that all appropriate drainage provisions required by the works, or in order to facilitate the works or resulting from the works are enabled across the Artrix Car Park to the satisfaction of the Council and that the cost of this work is met by the Police and Fire and rescue service;
4. That the Police and Fire and Rescue Service agree to maintain and repair the access way over the Artrix Car Park to the satisfaction of the Council;
5. That the Police and Fire and Rescue Service agree to the production and display of appropriate signage restricting the use of the access way in accordance with the above and that they ensure that appropriate mechanisms are in place to ensure that the restrictions are adhered to and that a suitable mechanism is introduced to ensure that all vehicular traffic can only egress from the Artrix car park and there is a complete prohibition of any access from School Drive;
6. That the Police and Fire and Rescue Service agree to engage Civil/Structural engineers to detail the design and specification of the access route in consultation with the Holding Trust to ensure that the route is constructed in a way that will mitigate any vibration that may be caused by the use of fire engines;
7. That the Police and Fire and Rescue Service agree to enter into and complete a separate legal agreement between the West Mercia Police and Hereford and Worcester Fire and Rescue Service (jointly) and with the Holding Trust to ensure the upgrade to the pedestrian access in School Drive as proposed and outlined in section 4.12 of this report) takes place to the reasonable satisfaction of the Holding Trust. This agreement for the avoidance of doubt may also include other matters that cannot be legally covered within a Deed of Easement due to its limit as a right over property;
8. The West Mercia Police and Hereford and Worcester Fire and Rescue Service jointly agree to undertake to pay all the costs reasonably incurred in connection with the preparation, negotiation and completion of all legal documentation.

2.2 If the Cabinet is minded to agree to the above;

BROMSGROVE DISTRICT COUNCIL

CABINET

8th September 2010

1. That authority is delegated to the Head of Legal, Equalities and Democratic Services in consultation with the Portfolio Holder and the Executive Director of Resources to:-
 - (a) Agree the terms of the easement to the Police and Fire and Rescue Services and that this should incorporate the conditional elements detailed above; and
 - (b) Approve and implement any associated legal documents relating to the establishment of the easement and variation of the lease between BDC, the holding trust and the operating trust.

3. BACKGROUND

- 3.1 In 2003 the Arts Development Trust (known as the Artrix Holding Trust) was created to hold the freehold of the land on which the Artrix sits.
- 3.2 The land was registered in the name of Bromsgrove District Council as Bare Trustee for the Holding Trust
- 3.3 A lease was entered into between Bromsgrove District Council as bare trustee, The Holding Trust (as lessor) and the Bromsgrove Arts Centre Trust (known as the Operating Trust) (as lessee) in 2003 at a peppercorn rent
- 3.4 The Police and Fire and Rescue Service have approached both the Operating Trust and Holding Trust with proposals to build a new purpose built combined police and fire station on land currently owned by New College at Slideslow Drive.

4. KEY ISSUES

- 4.1 In order for this proposal to be viable it will be necessary for an additional egress to be constructed over land that currently forms part of the Artrix car park. The proposals are shown on the drawing attached at appendix 1 to this report. The proposed egress falls within the curtilage of land owned by the Holding Trust which is leased to the Operating Trust (the access way).
- 4.2 The land in question is registered at the Land Registry in the name of Bromsgrove District Council as Bare Trustee.
- 4.3 The Police and Fire and Rescue Services have therefore asked the Holding Trust to grant them a right of way over the land forming part of the Artrix car park (the access way).
- 4.4 The access way is to be for the purpose of enabling emergency vehicles to access School Drive.
- 4.5 More specifically the access way will only exist as an exit for emergency vehicles and any right of way granted over the access way would specifically prohibit the return of vehicles. Any vehicles returning to the proposed development would therefore be required to access via the main A38 entrance to the site.

- 4.6 The Access way over which the easement would be required would be used by emergency vehicles only and would not be used as an exit/entrance for staff, custody or non emergency traffic.
- 4.7 Granting a right of way over the access way to the Police and Fire and Rescue Service from the Holding Trust would require a variation to the terms of the lease to the Operating Trust and must therefore be subject to the agreement of the Operating Trust. It is therefore a requirement that written agreement be obtained from the Operating Trust.
- 4.8 Both the Operating Trust and the Holding Trust have been advised of the proposals and they have raised various concerns particularly in relation to noise from sirens, loading and unloading, car parking, impact on School Drive, mini roundabout and flooding. These have been discussed at various meetings of both the Holding and Operating Trusts and the Police and Fire and Rescue Services have confirmed that the access way will be of a special low vibration construction and the use of sirens will not take place on the site. Their use in residential areas is strictly limited and not allowed outside of daylight hours.
- 4.9 In addition the proposed egress is for secondary use only and the use will therefore be infrequent.
- 4.10 The School Drive exit would be an exit for emergency vehicles only and there will be no access for in-coming traffic and all vehicles will return via the main A38 entrance. It was agreed by the Police and Fire and Rescue Service that School Drive would not be used as an exit/entrance for staff, custody or non-emergency traffic. The drive would be of a special low vibration construction and the use of sirens will not take place on the site. The use of sirens in residential areas is strictly limited to avoid causing a nuisance. Members are advised that the Fire and Rescue Service have indicated that they will for the avoidance of doubt confirm the egress onto School Drive is purely for a secondary use only. Therefore the use of School Drive will be infrequent.
- 4.11 The Police and Fire and Rescue Services have delivered detailed presentations to both the Holding and Operating Trusts and have put forward mitigation measures to the concerns that have been raised and these have been accepted by the Operating and Holding Trusts subject to the conditions of this proposal set out as part of the recommendations above.
- 4.12 In addition the Police and Fire and Rescue Services have agreed to enter into a separate legal agreement to the extent that they will at their own expense ensure that the pavements in School Drive will be reinstated to adoptable standard to take pedestrians off the main carriageway to ensure the safety of visitors to the Artrix and general public safety will be improved.
- 4.13 The Cabinet is being asked to consider a request by the Holding Trust to grant a right of way (by Deed of Easement) to enable an access to School

Drive to be afforded to the Police and Fire and Rescue Service over part of the car park of the Artrix.

- 4.14 In determining whether or not to agree to the right of way Cabinet members in their capacity as Bare Trustees must be satisfied that the Holding Trust is acting properly in accordance with the objects of the Trust which are more particularly set out in paragraph 6 below.

5. FINANCIAL IMPLICATIONS

- 5.1 There would be a financial value attached to easement. The value of this would need to be determined by an independent valuer.

6. LEGAL IMPLICATIONS

- 6.1 If the Cabinet, acting as bare trustee, is minded to approve the Police and Fire and Rescue Services proposal this will need to be subject to the grant of planning permission and Planning Committee will need to agree and authorise that. Bromsgrove District Council who is the bare trustee on behalf of the Bromsgrove Arts Development Trust (the Holding Trust) but title owners will need to confer rights over the land to the Police and Fire and Rescue Service by way of Deed of Easement. The existing Lease of the land would have to be varied to confer this additional right over the land in favour of the Police and Fire and Rescue Service. It may be that a Variation or Surrender and Re-grant of the Lease may be appropriate. Further discussions between the various parties will need to take place as to the appropriate mechanism to meet the aims of the Police and Fire and Rescue Service.

- 6.2 There may be other documents that would have to be drafted and signed. The West Mercia Police and the Hereford and Worcestershire Fire and Rescue Service have jointly agreed to pay all reasonable costs implementing the legal changes that are required.

- 6.3 Where there is a bare trust, a trustee has no discretion over the assets held in trust and no active duties to perform. The Trustee must simply follow the instructions of the beneficiary in relation to the assets held in trust. However, they are obliged to act upon the instructions of the trust instrument. Set out below is the relevant extract from the declaration of trust document for the Holding Trust stating what the objects of the trust are.

- 2.1 To advance education in and increase appreciation and understanding of all forms of the arts amongst members of the public including (without limitation) the arts of drama, dance, music and performance and visual arts generally in particular but without limitation:-*

CABINET

8th September 2010

- 2.1.1 *by presenting, producing, organising or promoting or procuring to be presented, produced, organised or promoted either alone or with others performances of music, drama, dance or any other form of arts:*
- 2.1.2 *by providing organising or promoting classes and courses in drama, music, painting or any other form of the arts.*
- 2.2 *To provide or assist in the provision of facilities for recreation or other leisure-time occupation with the object of improving the conditions of life for members of the public in the interests of social welfare.*
- 6.4 Although bare trustees have no active duties to perform they must still comply with the fiduciary duties owed by all trustees as well as with the general duty of skill and care owed by trustees.
- 6.5 As bare trustee the Council owe a common law duty of care to the Arts Development Trust, which basically means that they "must take all those reasonable precautions which a prudent man of business would take in managing similar affairs of his own."
- 6.6 Trustees also have fiduciary duties, which can be summarised as follows:
- To act in good faith and with undivided loyalty to their beneficiary;
 - Not to make a profit from their position as a trustee;
 - Not to place themselves in a position where their own interests conflict with their duties as a trustee; and
 - Not to act to their own advantage or to the advantage of a third party without the fully informed consent of the beneficiary.
- 6.7 Of particular relevance in the current situation will be the duty to obtain the fully informed consent of the beneficiary. It is understood that in this case the consent of the Arts Development Trust to the granting of the easement has been obtained and so this duty seems to have been complied with provided that their consent is "fully informed" although it would be necessary for this fact to be ascertained in writing before proceeding to grant the easement.
- 6.8 There is also a restriction on the title document of Bromsgrove Arts Centre which states that no disposition or dealing of the land can be registered against the title unless the instrument giving effect to it contains a certificate complying with section 37(2) of the Charities Act 1993. As an easement is a disposition and would need to be registered against the title, the deed of easement would need to contain the necessary certificate to comply with section 37(2). In order to comply with section 37(2) the certificate would need to state that the trustees have power under the trusts of the charity to

effect the disposition and that they have complied with the provisions of section 36(3) of the Charities Act 1993 so far as it is applicable to the disposition.

6.9 In order to comply with section 36(3) the trustees must (before entering into an agreement for the disposition of the charity's land):

- Obtain and consider a written report on the proposed disposition from a qualified surveyor instructed by the Trustees and acting exclusively for the charity;
- Advertise the proposed disposition for such period and in such manner as the surveyor has advised in his report (unless he has there advised that it would not be in the best interests of the charity to advertise the proposed disposition); and
- Decide that they are satisfied, having considered the surveyor's report, that the terms on which the disposition is proposed to be made are the best that can reasonably be obtained for the charity.
- A surveyors report would also cover the issue of how much consideration could properly be charged for the granting of the easement

7. POLICY IMPLICATIONS

7.1 There are none directly associated with this report

8. COUNCIL OBJECTIVES

8.1 This section of the report is used to set out the relevant Council Objectives which would apply to the decision being taken. Members are asked to note that in this instance they are taking the decision as bare trustee and accordingly the relevant factors are those set out in paragraph 6.3 of the report. It is these matters that members must have regard to as opposed to the Council objectives.

9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

9.1 The risks associated with this report are in relation to the Council in its capacity as Bare Trustee which are set out above in the main body of the report.

10. CUSTOMER IMPLICATIONS

10.1 There are none directly associated with this report e

CABINET

8th September 2010

11. EQUALITIES AND DIVERSITY IMPLICATIONS

11.1 There are none directly associated with this report

12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

12.1 There are none directly associated with this report

13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

13.1 Modern buildings are much more efficient to run than old buildings and the rationalisation of 2 stations into one will reduce the ongoing carbon footprint of both services in Bromsgrove

14. HUMAN RESOURCES IMPLICATIONS

14.1 There are none directly associated with this report

15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

15.1 There are none directly associated with this report

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

16.1 There are none directly associated with this report

17. HEALTH INEQUALITIES IMPLICATIONS

17.1 There are none directly associated with this report

18. LESSONS LEARNT

18.1 There are none directly associated with this report

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

19.1 There are none directly associated with this report

20. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	yes
------------------	-----

BROMSGROVE DISTRICT COUNCIL

CABINET

8th September 2010

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

21. WARDS AFFECTED

St Johns

22. APPENDICES

Appendix 1 Plan of proposed egress

Appendix 2 Police and Fire Service responses to questions raised by the Bromsgrove Arts Centre Trust.

23. BACKGROUND PAPERS

Minutes of the Artrix Holding Trust and Operating Trust

AUTHOR OF REPORT

Name: Claire Felton

E Mail: c.felton@bromsgrove.gov.uk

Tel: 01527 881429

This page is intentionally left blank

Spatial Planning **peer review**

Bromsgrove District Council
October 2009

Table of contents

Executive summary and key recommendations	2
Background.....	5
Achieving Outcomes.....	9
Integration and Collaboration.....	14
Leading and engaging the community.....	17
Management.....	20
Innovation, learning and excellence.....	23
Shared knowledge and evidence.....	26

Executive summary and key recommendations

Summary

Bromsgrove District Council has gone through a difficult period since Comprehensive Performance Assessment (CPA) judgement of 'poor' in 2004.

The recent CPA inspection acknowledged that the council's vision and priorities had been "refined and now better reflect customer, stakeholder and staff ambitions." Spatial planning has a key role to deliver the council vision and priorities, which includes the Longbridge site, affordable housing, town centre regeneration and development of the town's railway station. If these represent opportunities then the challenges for planning future development are formidable with ninety-one per cent of the district being green belt.

Having made strong progress in recent years the council is moving into a new phase of improvement. This will require addressing a number of spatial planning issues. These include:

- o How to manage the green belt to accommodate future growth?
- o The council has developed a strong local vision for Bromsgrove. However, what is less clear is the council's role in the region and sub-region.
- o Joint working with Redditch is moving towards shared management teams and services. This is still at an early stage but in due course it will be important to consider the Bromsgrove-Redditch axis as a sub-regional entity and what this will mean in how it is presented to the wider region.
- o This Bromsgrove-Redditch axis provides clear opportunities for spatial planning to consider pooling resources, developing joint policy documentation and working more closely to produce council Core Strategies.
- o How will the council want to establish relationships with its regional partners, for example the Government Office West Midlands, the Regional Development Agency and the Regional Improvement and Efficiency Partnership? What will the council want from these relationships and who will lead on these?
- o Partnership working should ensure that planning is not to be viewed as a solution by itself. Complex issues such as economic development, the needs of elderly persons, affordable housing have a number of principal partners able to contribute resources and expertise to understanding the issues and developing solutions. The council and planning should be at the centre of promoting such discussions.
- o Members are central to 'place shaping' for Bromsgrove. How will the council ensure that councilors are supported to assume this role with understanding and confidence?

- o Training and development for officers and members is vital for moving the authority forward during the next phase of improvement. This could include developing a regional vision, developing officer and member champions for specific subjects, for example Longbridge and the town centre, and giving consideration to moving towards development management approach for the planning service.
- o Some of the issues confronting the council are challenging. Addressing these internally might be difficult because of internal tensions and/or a lack of resource, for example making a policy breakthrough on ADRs. External facilitation could be an option for negotiating areas of difficulty.
- o There has been a recent history of tension at Bromsgrove of tension between officers and members. The next phase of improvement for the council is concerned should seek to address this. Staff development to develop a more positive culture should be considered. Peer mentoring for officers and members – providing support and challenge on issues and working arrangements – could also help the council move through this phase.

Key recommendations

The recommendations of the peer review team are set out under the headings of the benchmark of the 'ideal' authority. The peer review team recommends that the council:

Achieving outcomes

- i. Considers this report with a view to making the planning service one which is overtly supportive of and key to delivery of the council's objectives
- ii. Formally lifts the housing moratorium based on the RSS Phase Two Revision figures and the recent experience of successful planning appeals and Ombudsman report findings against the council
- iii. Develops a policy position for the development of larger sites on the edge of Bromsgrove Areas of Development Restraint (ADR), which would permit a mix of housing including affordable housing and other uses located in the most sustainable locations [The Advisory Team for Large Applications (ATLAS) has been engaged by the council, since the peer review, to assist on strategic site allocations.]
- iv. Produces a masterplan for designated ADR sites to encourage quality design and development on more sustainable sites
- v. Develops Supplementary Planning Documents (SPDs) for planning obligations and affordable housing that clearly states council intentions for these areas
- vi. Undertakes an assessment, with Redditch, of the resources needed for both councils to work together to develop their Core Strategies for simultaneous submission

Integration and collaboration

- vii. Ensures the emerging Core Strategy incorporates a vision describing Bromsgrove and its role within the region
- viii. Considers engagement with Birmingham City Council and Worcestershire County Council at strategic director level given the importance of the Longbridge and Bromsgrove town centre/railway station development for the council [Such engagement has commenced since the peer review.]

Leading and engaging the community

- ix. Monitors the usage of the website and survey users to obtain feedback on the website 'useability' to inform future development
- x. Continues to monitor the Customer First priority. A good start has been made but for the planning service it is at an early stage. This should be regularly monitored and reviewed by the Head of Planning and Regeneration and the Executive Director.
- xi. Reviews the current member / officer working arrangements so that members are able to discharge their community leadership role, informed by professional officer advice

Management

- xii. Produces a project plan (that is a revised Local Development Scheme – LDS) for the work needed to complete the Core Strategy by June/July 2010.
- xiii. Develops planning resource capacity. These could include: moving to development management* and encouraging the resource flow from development control to policy planning and vice versa; and combining resources with Redditch, from secondments to joint investment in specialist resources e.g. urban design, planning obligation (S106) negotiations, joint planning arrangements and joint policies.

[*Development management (DM) constitutes the assessing and determining of applications more strategically and moves away from a 'plan-led system'. DM is a change in planning culture – away from reactive control of development to a more positive and proactive role for planning.]
- xiv. Addresses the practice within the council of attaching blame to the planning service. This practice needs to be carefully opened up by senior managers, with HR and possibly with external support, to fully understand the issues, how they came about and the actions needed to address these.

Innovation, learning and excellence

- xv. Should ensure maximum gain from S106 negotiations from developers in the future development of ADRs. This could be assisted by considering the appointment of a specialist negotiating officer (perhaps shared with Redditch) or of buying in this expertise when required.
- xvi. The chief executive, executive director and Leader of council actively encourage members to attend the one hour time slot provided before Planning Committee for members to discuss planning issues with officers

Shared knowledge and evidence

- xvii. Considers and develops opportunities for sharing the cost of joint studies with other local government partners in the region
- xviii. Develop better ways to capture and transfer learning. This is so the council is able to identify good practice elsewhere, to understand how this is achieved and considers application in other service areas.

Background

The visit to Bromsgrove District Council planning service was part of a programme of reviews undertaken by the Improvement and Development Agency for local government (IDeA) and the Planning Advisory Service (PAS). A peer review is designed to help the service assess its current achievements and its capacity to change, and continue to improve.

The peer review is not an inspection; rather it offers a supportive approach, undertaken by friends – albeit ‘critical friends’ – and aims to help a council identify its current strengths as much as what it needs to improve. The planning service produced a Self Assessment using the benchmark, in advance of the review; this provided key areas for the team to focus their research.

The basis for this review is the benchmark of the ‘ideal’ authority. The benchmark is divided up into the following sections:

- Achieving outcomes
- Integration and collaboration
- Leading and engaging the community
- Management
- Innovation, learning and excellence
- Shared knowledge and evidence

The members of the peer review team were:

- David Evans, Director of Planning and Environment, West Dorset District Council
- Councillor Claire Denman, Portfolio Holder, Planning and Economic Development, Crawley Borough Council
- Richard Probyn, Planning Policy and Implementation Manager, Huntingdonshire District Council
- Deborah Hogan, Consultant, the Planning Advisory Service

- Andrew Winfield, IDeA Review Manager

The team was on site 12-14 October 2009. The programme for the onsite phase was organised in advance and included a variety of activities designed to enable us to meet and talk to a range of internal and external stakeholders. Our activities included:

- interviews and discussions with councillors, officers, service users and partners
- focus groups with middle managers and frontline staff
- a tour of the district
- reading documents provided by the authority, including the self-assessment.

We appreciated the warm welcome and hospitality provided by the council and would like to thank everybody we met for their time and contributions. The supportive way our needs were taken care of while on site deserves particular mention.

The feedback we gave the council on the last day of the review provided an overview of the key messages structured around the benchmark of the 'ideal' authority. This report builds on the initial findings and gives a detailed account of the review.

Context

BACKGROUND

Bromsgrove District covers a large area of nearly 84 square miles in north Worcestershire. The district is 14 miles from the centre of Birmingham.

Ninety-one percent of the district is greenbelt, which presents issues for regeneration and housing. Four radial routes pass through the district, each served by railway lines and major roads, including the M5 running north and south, the M42 running east and west, with further links to the M40 and M6.

The district's principal settlements are: Bromsgrove, Hagley, Rubery, and Wythall. It is estimated that 16,643 people travel into the district for work, with 26,112 of the population travelling out, a net commute out of 9,469. The district has no wards in the top 20 per cent most deprived in England.

THE COUNCIL

The council had been viewed as a 'poor' council for some time. This was recognised by the council and in 2004 it was given a comprehensive performance

assessment (CPA) rating of 'poor' and entered into voluntary engagement with CLG. This was followed by changes in senior management and political leadership.

In 2006 the council requested a further assessment to judge improvement progress. The CPA 2007 rated the council as 'Poor' but acknowledged that considerable progress had been made. The current chief executive took up post in April 2007.

The council underwent a further CPA in 2009 and was judged as 'Fair'. The council's Annual Audit and Inspection letter (March 2009) stated that, "Since the last CPA, the Council has made significant progress in addressing the weakness previously identified. Much of the work has focused on putting the processes and 'building blocks' in place that were absent in early 2007 and these are now starting to make an impact."

A new Leader was appointed in October 2005 and the council has a majority Conservative administration, with 26 Conservatives, 6 Labour, 4 Independents, 2 Wythall Residents' Coalition and 1 unaffiliated.

The council operates a Leader/Cabinet model; supported by three non-executive boards - audit board, scrutiny steering board and performance management board - as well as standards and licensing committees. There is an officer corporate management team (CMT).

Since August 2008 the chief executive has been acting joint chief executive of Bromsgrove District Council and Redditch Borough Council. The purpose of this initially year-long project was to explore opportunities for joint working and the provision of shared services. A review led to extending the Joint Chief executive arrangement (September 2009). This is a 3 ½ year fixed term contract with a specific brief to oversee the recruitment of a single management team, to serve both authorities, and the potential sharing of all services (excluding the Housing Revenue Account).

The overarching vision for the district is 'Working together to build a district where people are proud to live and work, through community leadership and excellent services.'

The council has a good strategic framework for delivering priorities. Strategic priorities are set out in a three year Council Plan, which drives the service planning process and the annual improvement plan. Improvement Plan progress is monitored monthly through exception reporting to senior officers and elected members.

The Council Plan is the key overarching document listing council vision, values, objectives and priorities, the measures of success, together with a Strategic Action Plan and a Performance Management Framework. The Council Plan is updated in April each year and for 2009-2012 sets out four objectives:

- Regeneration

- Improvement
- Sense of community and well being
- Environment.

The council and its partners on the LSP agreed to give particular focus between 2007 and 2010 to three priorities: Bromsgrove town centre redevelopment; Longbridge regeneration; and affordable housing.

The council has a net revenue budget of £11.984 million (2009/10). The Council employs 368 staff.

REGENERATION AND HOUSING

The economic picture of the district is generally positive despite the current economic downturn. Unemployment levels increased to 3.7 per cent at June 2009.

The mean household income is £38,690 is the highest in the county (the county average is £35,656*).

There are three major areas of economic regeneration within the district: the Longbridge site, Bromsgrove town centre and Bromsgrove railway station.

The population of the district is 92,300 and the Office for National Statistics project that this will increase by 20.5 per cent to 111,200 by 2031. The over 65 population totals 17,000 and is predicted to expand significantly as a proportion of the overall population with the over 80s population estimated to increase by 132 per cent by 2031.

There are 37,492 households in the district. The current iteration of the Regional Spatial Strategy is likely to require 3,000 - 7,000 households to be built in the district over the next 25 years and it is proposed that Bromsgrove district will be required to take some of Redditch Borough Council's housing allocation.

A big issue facing the district is affordable housing. The average house price is £240,867* and 83.4 per cent of households are owner occupied, the 11th highest figure in England and Wales.

The council is operating [at the time of the peer review] a planning moratorium with only affordable housing developments being built. The Housing Strategy has a target of 80 units of affordable housing a year for the next three years.

*These statistics were from before the economic downturn.

Achieving Outcomes

Strengths

- ✓ Completion of the Core strategy held up by RSS but the council made a persuasive case for increased housing allocation
- ✓ Completed work on Longbridge AAP, progress with town centre AAP
- ✓ Research studies completed and underway (SHLAA, employment, green infrastructure etc.)

Areas for consideration

- Spatial planning needs to be at the heart of the authority
 - Core Strategy would benefit from stronger links to the SCS and Council Plan
 - Development can be promoted now that there is increasing certainty over RSS allocations
 - SPD on affordable housing and planning obligations needed to deliver council vision
 - Develop strong and ambitious programme to deliver the Core Strategy and other related policy documents
 - Take the opportunity to channel members' aspirations into planned new housing opportunities (ADRs)
-
1. The council has worked on developing a draft Core Strategy since 2005. This provides a spatial vision and objectives that cross reference with the Sustainable Community Strategy and the Council Plan.
 2. The development of the Regional Spatial Strategy (RSS) has been delayed and this has impacted on the council in preparing a draft Core Strategy, particularly on the future housing numbers for the district.
 3. Despite the RSS delay progress has been made. The earlier RSS iterations did not allow the housing growth, in particular affordable housing, the council believed was needed. The RSS Examination in Public (EIP) was held in Spring 2009 and the Panel's report published in September 2009. The council was successful in arguing for housing numbers to be increased to 4,000. The council input led to recent Panel recommendations which now provide clarity for the Core Strategy to be progressed quickly as a key priority (RSS Panel Report, September 2009 Chapter 8 paras. 8.85 - 8.87).
 4. The centrality of spatial planning for delivering council priorities is clear in the council's Council Plan which includes the Longbridge site and town centre redevelopment as council priorities.

5. In April 2005, parts of Phoenix Venture Holdings (PVH), most significantly MG Rover and PowerTrain entered administration, resulting in the closure of the Longbridge car plant. These elements employed around 5,850 people in the West Midlands and an estimated £410m was spent with supply chain firms in the region. Regeneration is progressing with a Longbridge Area Action Plan (LAAP) developed in association with Birmingham City Council and Worcestershire County Council.
6. The LAAP was examined by the Government Inspector and found to be 'sound' subject to minor amendments in February 2009. The LAAP was adopted by the council as a Development Plan Document (DPD) in April 2009 and will guide site redevelopment over the coming 15-20 years. The LAAP includes an infrastructure tariff to fund a range of physical and community infrastructure projects, for example new park and ride stations and supporting bus services to serve south Birmingham.
7. Longbridge is important as a large site of 468 acres of which 1/3 lies within Bromsgrove district. It is proposed that up to 750 homes will be built on the Bromsgrove area and this will go some way to address housing and affordable housing needs in the district.
8. Similarly the town centre is a high priority project for the council. Bromsgrove town centre needs a major overhaul to encourage local shopping and to be able to compete with neighbouring shopping centres. The Bromsgrove Area Action Plan (AAP) was published in July 2008 following a thorough consultation programme. Taking forward the AAP will be through a Development Plan Document (DPD).

The council's Annual Audit and Inspection letter (March 2009) states that:

"The regeneration of the town centre is at an early stage and it remains a difficult and challenging project. An area action plan has been developed, and an issues and option paper completed. A joint County and District Council Project Board has been established for the town centre and a town centre project manager appointed. Negotiations to relocate the various emergency services to a new site thus freeing up sites in the town centre are underway although progress has been hampered by the listing of Parkside School."

9. Bromsgrove railway station is associated with the town centre development. The current station facilities are considered inadequate and a feasibility study is being carried out on the possible redesign of the station so that it can take bigger trains, more passengers and increased car parking spaces. This would help 'future proof' the station against any changes to transport charges that may affect Birmingham city centre. Negotiations between Network Rail and other partners are currently taking place to put together the funding package for these works. It is envisaged that this will have significant effect on Bromsgrove due to the planned Cross City Line electrification being extended to the town and will bring it closer to the economic orbit of Birmingham.
10. Research studies have been completed or are underway. These will be important for informing the final Core Strategy document and associated policy development. A green infrastructure study is being undertaken. A

joint Strategic Housing Land Availability Assessment (SHLAA) has been completed with Redditch. An employment land study and a retail study have been undertaken. A transport study is being considered for options appraisal.

11. Despite this the peer review team do not feel that planning was yet at the heart of the council. This could be explained by a number of factors:

- the moratorium on housing since 2003 [the council intends to formally end this moratorium]
- the delay in progressing the RSS
- there is often not a senior officer presence at Planning Committee and the elected members may miss this visible service lead
- the Strategy Manager is the council lead on planning policy and has led for the council at meetings on Longbridge and on the RSS. The review team consider that given the importance of these matters to the council a director lead might offer greater strategic authority and demonstrate that planning matters are led from the most senior officers of the council
- the LDF Working Group has not met since March this year. A view was expressed by some members that the LDF was not clearly prioritised within the council as a key programme to deliver council priorities.

Whatever the reasons it is essential that spatial planning moves to the centre of the council's working arrangements as it is planning that will be required to deliver many of the council's priorities, for example the Longbridge site and town centre redevelopment. The Core Strategy will provide the planning land use levers for future housing and economic development to deliver the objectives of the SCS, the Local Area Agreement (LAA) as well as the council's own priorities.

12. With the increasing certainty over the likely housing numbers for Bromsgrove set out in the RSS Phase Two revision there is a clear opportunity for planning officers and the council to plan ahead. However, with the revised figures the council no longer has a five year supply of land that is suitable, available and achievable i.e. deliverable and could end up with planning by appeal, as highlighted in a recent precedent. In that appeal for five two-storey dwellings (37 Western Road, Hagley) the Planning Inspector stated that, "...the Council's approach to the question of housing land supply is unnecessarily cautious in...continuing to base its requirements solely on the adopted RSS" (September 2009). [Appeal decision reference APP/P1805/A/09/2101976.] Development should now be promoted by lifting the housing moratorium and taking the opportunity of producing a masterplan for designated ADRs to encourage quality design and development on more sustainable sites.

13. The policy as currently applied in the Local Plan encourages the development of exception housing, particularly with the moratorium on development of other types of housing. Developing larger sites on the

edge of Bromsgrove (ADR) would be preferable to building in rural areas in the green belt and lead to less friction and criticism from residents. Sites in ADRs would permit a mix of housing, including affordable housing. This could be 'pepper potted' throughout a site, instead of in one large tranche on the edge of a village, and be located in the most sustainable locations. This would go some way to satisfy member aspirations to build affordable housing and avoid the criticism, highlighted in the recent Ombudsman (Complaint number 07B13868, June 2009) and appeal cases (see paragraph 12 above). The current ADR allocations were developed in the late 1990s so may need to be reviewed for soundness as part of the development of the Core Strategy.

14. Supplementary Planning Documents (SPDs) on planning obligations are needed to ensure that social infrastructure (schools, open space and community facilities) and affordable housing are provided on masterplanned sites. This is important to avoid negotiating planning obligations where affordable housing is not provided on site as part of mixed development. Some money from previous planning obligations was commuted for off site provision of affordable housing that would have produced less affordable housing than if provided on site. The value of land without affordable housing on site increases considerably and a developer /landowner would profit from this if other obligations were not sought.
15. Planning obligations should also be sought from smaller developments and from developers in the town centre to provide environmental enhancements such as new floorscape and seating.
16. The council recognises that it has not made the best use of planning powers to deliver affordable housing (Housing Strategy 2006-2011, p56) and is committed to developing Supplementary Planning Guidance (SPG) to introduce, "lower affordable housing thresholds and more demanding levels of affordable housing contribution." [The review team had sight of a draft SPD on Affordable Housing so it should be relatively straightforward to present this to council for speedy adoption.]
17. Now that the RSS detail is emerging the council should move to develop a strong and ambitious programme to deliver the Core Strategy and other related policy documents
18. The Government Office West Midlands (GOWM) was critical of aspects of the draft Core Strategy and the council will have to address this. GOWM has indicated the council cannot ignore the 3,000 homes for Redditch to be provided in the district (allocated by the RSS) nor can Redditch push on their core strategy before further joint work is done to agree where this growth is to be located. Discussions have been held with Redditch to set up a joint board, involving members, to take a strategic overview of cross border developments. Momentum is also being generated by the shared chief executive arrangement, across the two councils, and the push to share management teams and services. Both councils should undertake an assessment of resources needed for both councils to work together to develop their Core Strategies for simultaneous submission and examination

by the same Inspector. This should lead to the development of a joint project plan (LDS) that would identify how the town centre AAP, and the SPDs will be achieved

Integration & Collaboration

Strengths

- ✓ Joint working with Redditch, Stratford-on-Avon and Worcestershire CC (and Birmingham) – able to build on
- ✓ Joint Chief executive with Redditch offers opportunity for improved collaboration over future development proposed by RSS on boundary with Redditch
- ✓ Council is trying to bring forward vision of development at Longbridge
- ✓ Good relations at senior level between council and BDHT
- ✓ HMA (with BDHT) to understand housing demand and need for future development

Areas for consideration

- Not convinced council has a clear view of its role in the region
- Council appears not to be effectively engaged – and less able to influence - with key regional partners (AWM, GOWM etc.)
- Bromsgrove had difficulty engaging with Birmingham due to different size and scale – importance given to the Longbridge development
- Danger that Redditch Core Strategy moves forward out of sync with Bromsgrove Core Strategy and ‘potentially unsound’
- External partners not always clear on planners’ professional position on affordable housing – need to develop understanding/relationships

19. The joint working with neighbouring councils on the RSS, Longbridge and the town centre development provides a firm foundation for developing the identity of Bromsgrove within the region. This will be enhanced by the proposals for the northern arc of three councils (Bromsgrove, Redditch and Wyre Forest) in Worcestershire to work together on economic development and develop a North Worcestershire Economic Strategy. The council has established good working arrangements with Birmingham City Council on the Longbridge AAP and also with Worcestershire County Council on this and the LAA. This record of partnership working with neighbouring councils provides a firm platform for developing future partnership initiatives, regional working arrangements and shared services/resources. This is also recognised in the CPA report (March 2009) with the council, “...playing a more positive role in local and regional partnerships from which it was previously absent.”

20. The joint chief executive arrangement with Redditch offers both councils an opportunity for improved collaboration on developing Core Strategies and the future development proposed by the RSS on the boundary with Redditch. The latter will be important to resolve for both councils.

21. The council is working to bring forward a vision of development at Longbridge. This is important as Longbridge is one of the council's priorities. An Area Action Plan (AAP) has been developed in association with Birmingham City Council and Worcestershire County Council. (See paragraphs 5 and 6 above.)
22. The council's housing stock was transferred to Bromsgrove District Housing Trust (BDHT) in 2004. BDHT are the largest social landlord in the district managing over 3,000 dwellings. The team were told that relations between the council and BDHT had been strained but, as a result of council efforts and senior meetings between the two organisations, these have greatly improved. This was confirmed by BDHT and the council. These are supported by ongoing quarterly meetings held between the chief executive, Leader and BDHT.
23. There is a RSL Liaison Group that meets every month, which includes BDHT, West Mercia RSL, Worcestershire County Council, strategic housing and planning officers and members. This group considers strategic housing needs and opportunities for land use with support from the Homes and Communities Agency for rural development.
24. The council developed a Housing Market Assessment (HMA) with BDHT and the South Housing Market Partnership (April 2007), which includes planning and housing authorities. The council also commissioned a HMA for the district which was produced in October 2008. The council acknowledges in its Housing Strategy 2006-2011 that this had been an area of weakness but is now committed to conducting future survey work on a regular basis with partners. The HMA provides the council – and partners – with invaluable information to understand housing demand and need to plan for future development. This was put to practical effect to inform an amendment to an existing planning approval at Perryfields Road to provide appropriate scale and type of dwellings the HMA identified as being needed.
25. However, the review team was not convinced the council has a clear view of its role in the region. For example, what should the district's relationship be with Birmingham, what is it that Bromsgrove will offer the region as a 'unique selling point'? Bromsgrove's LDF Vision in the draft Core Strategy (p8 October 2008) clearly set out a district-wide vision for Bromsgrove by 2026. While this is understandable in terms of the LDF it does seem to the review team to miss the opportunity of describing a vision of Bromsgrove within the region. The review team recommend that this be developed for the Core Strategy.
26. The council appeared to the review team not to be effectively engaged at a senior level with key regional partners, for example the Regional Development Agency - Advantage West Midlands (AWM), GOWM etc. In an interview it became apparent that the council was not "knocking on the door of AWM". Similar views became apparent in an interview with GOWM who stated that the council appeared, "reluctant to engage with Government Office – this may be due to issues with members who appear to want to have flexibility about where development goes" and appear reluctant to deal with cross boundary issues adjoining Redditch.

27. The council needs to continue engaging with Birmingham. With the importance of the Longbridge development it is essential that high level strategic engagement is achieved. This is in the interests for both councils, not least in terms of employment and commuting, with Bromsgrove having the largest single direction movement to the city in the county. The Local Transport Plan 2006-2011 (Worcestershire County Council) makes clear the importance of transport links, and the county council commitment to support enhancing Bromsgrove Railway Station and Bromsgrove town centre. The review team recommend that the council consider engagement with Birmingham City Council and Worcestershire County Council on these matters at strategic director level.
28. There is a possibility that the development of the Redditch Core Strategy progresses with Bromsgrove Core Strategy some way behind. It would be clearly preferable for the two authorities to work in tandem to the same timetable with a view to simultaneous submission. This 'joined up working' also is likely to be expected by the Planning Inspectorate. However, Redditch is keen to press ahead and may not wait for Bromsgrove. The council should ensure that both councils work together to ensure their timetables are aligned and that Bromsgrove has the resources to deliver to this.
29. On the site visit it was apparent that some significant affordable housing schemes had been delivered. However, some partners and members expressed the view that the council planners were not supportive of affordable housing. This appeared to be focused on proposed development of affordable housing sites in the green belt that did not meet the "very special circumstances" test in PPG2 (Green Belts). The review team raise this because it is a perception held in some quarters that the council may wish to seek to correct.

Leading and engaging the community

Strengths

- ✓ The roles and responsibilities of members have been reinforced through the Code on Conduct, member/officer protocol, training
- ✓ Improved working relationship between members and officers.
- ✓ The council are taking positive steps towards engaging with communities (SCS quantitative analysis, LDF Statement of Community Involvement)
- ✓ Recent introduction of public speaking at Planning Committee is welcomed by the community
- ✓ The website has provided new opportunities for residents to engage with the planning service.

Areas for consideration

- Planning needs to become an enabling service
- Need to monitor recent customer interface arrangements to ensure that they meet community engagement needs
- The council should review the current member / officer working arrangements so that members are able to discharge their community leadership role with a clear understanding of professional officer advice
- There is a perception that a small minority of councillors are behaving in a “disruptive or confrontational way”

30. The roles and responsibilities of members have been clarified through recent provision of core documentation, for example: a Code of Conduct; a Description of Councillors Roles; and a member: officer protocol. Specifically on planning there is now a ‘Code of Practice – Planning Services’, contained within the council’s constitution. Planning Committee members are now required to undergo specified training. The review team were told by members that they now had a clearer understanding of spatial planning and their role in decision making.

31. Members and officers interviewed believe that there is a good working relationship and that this has improved in recent times. The most recent Audit Commission Annual Audit and Inspection Letter (March 2009) states, “Member capacity continues to improve.” The council has been active in promoting this. In addition to the training described above there are: briefing sessions involving the chair of Planning Committee with officers from Development Control and the legal team. The Head of Service meets regularly with the portfolio holder to discuss service matters. The council’s portfolio holder also encourages members to raise planning issues or potential interests with planning/legal officers.

32. The council are taking positive steps towards engaging with communities, informed by the council’s Community Engagement Strategy 2008-2009

and means the council is better able to ensure priorities meet residents' needs. The quantitative analysis of the district, which informed the development of the Sustainable Community Strategy (SCS) and the LDF Statement of Community Involvement Work, underpins this. The council have used various methods to engage with the community, including: a Quality of Life survey conducted in 2008, building on previous customer panel surveys; working with partners such as the Town Centre Regeneration Steering Group; active engagement with Town and Parish Councils at Partnerships and Communities Together (PACT).

33. The council ran its first children and young people's convention in 2007. It uses a community bidding approach for the equalities and diversity forum, and runs a budget jury, enabling local people to decide how delegated money should be spent. Key issues, to emerge from involving the equalities and diversity forum, are the regeneration of the town centre with suitable disabled access, extended hours of the shop mobility service, the need for a community transport scheme and the redevelopment of the railway station.
34. Community leadership is developing well. The council funded two pilot area committee schemes or local neighbourhood partnerships (LNP) during 2007/08, and allocated £4,000 to each. During 2008/09 this was increased to £15,000 each. A third LNP was proposed for the Hagley and Rural area. [Budget pressures have since led to ending LNP funding for financial year 2010-2011.]
35. The council trialled public speaking at Planning Committee in 2006. This was well received and welcomed by the community and formally adopted in 2007. It was mentioned positively by a service users' focus group, some parish councils, and members.
36. The website has provided new opportunities for residents to engage with the planning service and members commented positively on this. The review team found it easy to navigate and use. . The parish council focus group generally thought this was an improvement. The planning service users' focus group also supported it. The website is complemented by good quality information leaflets and brochures including: contacting Development Control, obtaining planning advice from the Customer Service Centre and a planning guide for householders. It is recommended that the council monitor the usage of the website and survey users to obtain feedback on the website 'useability' to inform future development.
37. However, planning is not currently viewed – rightly or wrongly - as an enabling service. The review team received a number of comments from focus groups and members of staff. A not untypical comment was that, "planning is dragging its feet" in corporate working and delivery. An example was alleged advice from planning suggesting that an AAP for Bromsgrove Town Centre could not be developed in advance of the Core Strategy when subsequent officer and member research resulted in examples of such AAPs. This has contributed to concern on being able to trust and rely on officer advice. A frequent comment made to the review

team was that Planning appeared to be hiding behind their regulatory function. To illustrate this many members want new SPDs to reflect changing community need, for example extensions to nursing homes in the green belt to reflect demographic changes. However planners are seen to be 'hiding' behind the RSS, Planning Policy Statements (PPSs) and LDF requirements. Correct or not, this is a very damaging perception for a planning service and is symptomatic of underlying cultural strains that need to be better understood. More on this is contained in paragraph 48.

38. Customer First is a priority for the council. However, the CPA report stated that, "customer focus is not embedded throughout the council" and that, "specific needs of customers are not being met consistently by all services." Information gathered by the team suggests that this is an area for further work for Planning. More needs to be done to understand the customer service requirements, to monitor customer contact and to ensure the council and service users are in ongoing dialogue. Some of this work is contained in the Planning and Environment Services Business Plan but this tends to set performance response targets and not qualitative measures. None of the Corporate Customer Standards in the business plan are reported in the monthly Performance Report. There may be benefit in the Executive Director and head of service having more involvement in this area and by the service capturing more qualitative information, for example spot surveys of planning users.
39. The review team picked up a deep sense of member frustration at being unable to champion and deliver community priorities and their feeling that planning service was constraining them. This became palpable when members spoke of feeling that the council has been talking about town centre development for more than 5 years and they are still talking about it. Another concern of members picked up during the review was around controlling the growth in numbers of takeaway food outlets. The council should give consideration to this growth, how this is managed elsewhere and whether control in this area is required by a Supplementary Planning Document (SPD). Around the broader issue of political frustration senior officers and elected members are recommended to give consideration to reviewing current working arrangements and the member community leadership role in relation to delivery of council priorities.
40. There is a perception that a small minority of councillors are behaving in a disruptive manner. This was picked up in the Audit Commission's CPA report (March 2009). This was referred to in focus groups and interviews during the peer review. A recent example was the police being called to a council meeting in July to restore order. This is damaging to the council's public image, especially in light of the council's sign up to the LGA's Reputation campaign. Much work has been conducted by the council to improve behavioural issues, in particular by training and development. This is an area of importance for the council and needs to be worked on continuously by the chief executive, the Leader, group leaders and the CMT. This might be usefully supported by the provision of peer mentoring.

Management

Strengths

- ✓ Considerable improvement achieved – now moving to the next phase of this journey
- ✓ Clear strategic framework (SCS, Council Plan, the LSP linking to the LAA)
- ✓ The LDF is developing to a point of enabling the council vision
- ✓ Major increase in delegated authority over the last 5 years
- ✓ Successful implementation of Customer Service Centre and Surgery arrangements

Areas for consideration

- Develop clarity on member : officer roles and responsibilities
- Resources needed to develop Core Strategy and deliver quality new development
- CMT support for spatial planning to assume 'place shaping' role
- Use partnerships to gain understanding, consensus and support delivery

41. The council has made significant improvement. Progress is acknowledged in the recent Audit Commission CPA and Annual Audit and Inspection Letter (both dated March 2009) which refers to the processes and "building blocks" being in place that were previously absent. The council is now moving into a new improvement phase. This is supported by managerial and political leadership that understands the importance of planning for Bromsgrove and has a clear vision for the future.

42. The council was designated a 'Standards Authority' for 2007-2008 due to Best Value Performance Indicator (BVPI) underperformance. In response it has worked to an Improvement Plan with progress reported to CMT and Cabinet. Since then service Business Plans have been used to set out national targets for processing planning applications, complemented by local performance indicators.

43. The strategic planning framework and the hierarchy of plans are clear, as are their references across. The SCS 2008 to 2011 was developed by the council, working with partners. Its vision is: 'We will make Bromsgrove District a better place to work, live and visit by driving forward change'. The SCS was updated in October 2008 to ensure a fit to the new LAA. The SCS priorities include Town Centre redevelopment (including transport: railway station redevelopment, housing and Longbridge regeneration. The Bromsgrove Partnership (the LSP) has adopted the six LAA objectives.

44. Progress on RSS has been slow and this has impacted on the council's ability to progress the Core Strategy. In addition there have been some tensions with neighbouring councils (Redditch and Stratford-on-Avon) and

Government Office West Midlands (GOWM). The pace has been a source of frustration for the council; especially it depends on spatial planning to enable the delivery of the council's vision. However, progress is picking up and the RSS is approaching finalisation. This means that the council can now look to the Core Strategy being completed by June/July 2010. The review team recommend that a project plan (that is a revised Local Development Scheme – LDS) is developed for the work needed to complete the Core Strategy to this timetable.

45. The council has successfully managed a major shift in delegated authority over the last 5 years. This is important to balance the respective roles of officers and members and will assist the processing of applications and the resources required for this. Just as important this rebalancing means that the planning service can involve members in more important and controversial applications. The team picked up that some members were not entirely content with this shift. This is understandable as the former role was seen as more actively involved in 'shaping Bromsgrove'. However, the shift in delegated authority is positive and officers should work to support members to understand their new role and the importance of this.
46. Staff spoke positively of the new Customer Service Centre (CSC), which the planning service migrated to on 1 October 2009, and the Planning Surgery. This provides an opportunity to both better manage workloads and give face to face time to applicants. The early signs are that this service is valued by customers. A survey of planning users was used to inform the offer of support provided by the CSC. It will be important to monitor CSC activity and user feedback and to build on this for the future.
47. The council has a very clear vision for Bromsgrove and this is articulated in the SCS, the Council and the LAA. However, this is a more inward looking vision and does not position the council in the wider sub-region/region context. For example, this might describe Bromsgrove in relation to: its relationship to Birmingham, its 'fit' within the wider county council area, the 'use' of the greenbelt (the "lungs" of the West Midlands), the district's view of itself on economic development and regeneration etc.
48. Member and officer roles have changed. This has happened nationally since the implementation of the Local Government Act 2000. These changes need to be understood and supported so that officers and members can adapt to new roles and responsibilities and new ways of working together. The team picked up blame being attached to planning but this was not being opened up for better understanding and resolution. This contributed to an unhealthy atmosphere and internal sniping. This was one of the key features of the review and this is potentially highly damaging to the service, the council and its officers and members. It is essential that this is opened up by senior managers, with HR and possibly with external support, to fully understand and to seek to correct it this.
49. A top council priority should be to finalise the Core Strategy, which will provide the platform for many council objectives to be delivered. There is a clear opportunity to link with Redditch to combine resources (there are already staff secondments taking place), to consider joint investment in

specialist resources e.g. urban design, joint planning arrangements, joint policies. In the future this could lead to a joint Core Strategy across the two councils.

50. If the council decides that the Core Strategy is a priority then it must ensure that resources can deliver this. The head of service's view is that resources are sufficient for Bromsgrove's housing RSS allocation of 4,000 new homes but not enough for this and the Redditch 3,000 allocation in Bromsgrove. An added difficulty is that it appears planning resources have reduced in recent years. For example, the team were told that the housing moratorium led to a turnover of planners leaving to be involved in "real planning work" with other councils. The recent job evaluation had a negative impact and contributed to staff moving to other authorities in the area. The review has recommended a project planning approach via a revised LDS to inform the council on the resources required.
51. Council uncertainties, frustration and attaching of blame needs to be addressed. The team believe that this should come from corporate support for spatial planning to assume a 'place shaping' role. There is an emerging timeline to support such a move. It is intended to establish a shared Bromsgrove/Redditch SMT by 1 April 2010. This could lead to shared heads of service by July-September 2010 with a signed off RSS by June/July 2010. The council should consider establishing a programme to submit a Core Strategy by June 2010 and incorporate within this corporate support for spatial planning to assume a corporate 'place shaping' role. This is an organisation cultural issue that is also picked up in paragraphs 37 and 48.
52. Development management may help move spatial planning to a more prominent 'place shaping' role. Development management (DM) constitutes the assessing and determining of applications more strategically and moves away from a 'plan-led system'. DM is a change in planning culture – away from reactive control of development to a more positive and proactive role for planning. It would necessitate changes in structure and the allocation of resources but would provide a freer interplay between traditional development control and policy teams. With the RSS now entering the final stages and able to inform the Core Strategy, this may be an opportune time for the council to consider a service shift to development management.
53. Members informed the team of concerns for future services, for example care villages. The team felt the approach has tended to prematurely ask the planning service to arrive at planning solutions. Instead a partnership approach may be more appropriate. For example, the council has set up Partnership Board to look at housing for older people involving representatives of the council, BDHT and the county council. This is a useful model to consider. Different organisational perspectives; demographic and geographic data projections; projected care needs etc. will be best understood by involving principal partners, including Primary Care Trust (PCT), Social Care, Age Concern etc. Such partnerships are well placed to arrive at a collective understanding and ownership of the issue and its resolution. It is at this point to then ask planning how it might contribute towards this.

Innovation, learning and excellence

Strengths

- ✓ DC staff run regular training sessions for members covering areas such as General Permitted Development and probity
- ✓ Planners have supported the council in achieving level 3 of the Equality Framework for local government
- ✓ The council/service has been exposed to external support through voluntary engagement with CLG, IDeA and other local authorities = support and challenge

Areas for consideration

- The planning service needs to be supported to assume an more enabling and politically aware role
- S106 work will need skills/expertise to maximise benefits for the council
- Members should take advantage of the 1 hour slot allocated prior to Planning Committee
- Learning from customer engagement e.g. answers to complaint letters are reportedly not always satisfactory and lead to further complaints
- Improved consultation arrangements Parish councils to better in participate in the planning process
- Progress could be made on peripheral, short-term improvement work in the town centre prior to the adoption of the AAP

54. The council's Management Development Strategy (2006) commits management development to, "...deliver service improvement by creating a knowledgeable and highly skilled management team..." This is reinforced by the Modern Manager Framework that sets standards for managerial performance.

55. Training provision seems well developed for officers and members. Members confirmed they are happy with the training received to date and that this is making them more informed on planning matters. Recent training has been run in-house by staff for members. The CAPS Uniform system has recently been introduced and all staff have received training on this. The council has supported staff training at the University of Central England (UCE) and continuing professional development (CPD) via County and Districts Planning Officers Group (CADPOG).

56. Personal development reviews (PDRs) are undertaken every six months for staff and form an integral part of the business system by assessing work loads, performance against targets and identifying training needs. Following PDR interviews a training and development plan is produced. Most of the staff we talked to could identify the 'golden thread' in

understanding how their specific role and objectives contribute to the service plan and up through to the SCS and Council Plan.

57. There is currently no planning enforcement expertise in the council's legal team. The new enforcement officer is in the process of putting together a formal procedure pack with the aim of providing a legal framework. This will help to speed up the enforcement process and provide officers with clarity. A draft Enforcement Policy has been prepared. Members are keen to see enforcement available to the planning service. The council are recommended to establish the above arrangements and monitor their application. In view of member concern on enforcement it may be worth reporting to CMT and cabinet.
58. Equalities represent one of the council's four key values. Planning was commended by internal colleagues as actively supporting equality and diversity. The council has achieved Level 3 of the Equality Framework for local government in April 2009 and is working with other councils in Worcestershire on this. The newly designed, more accessible website content management system (Ameda C) has been implemented which improves website use but also gathers user feedback for continuing design and development. The location of the new Customer Service Centre offers easier customer access to the planning service.
59. The council acknowledges that it used to be inward looking but this has changed and it is receptive to the opportunities of support, learning and challenge from other organisations. When in voluntary engagement the CLG lead was permanently located within the authority. The council invited a team from Walsall to act as a critical friend in 2006. The IDeA has been involved in providing a range of improvement support, including a peer review of customer services. The council has wholeheartedly engaged with partnership working through the LSP and LAA formal arrangements and on areas of importance, for example Longbridge and the town centre development.
60. Planners are perceived in some quarters as not being innovative and being risk averse. This view was expressed by members, officers and one developer. Members have described the system as an "obstacle course" put in the way of development. An example offered was the case of Mouldsley Hall old peoples' home development where applications were repeatedly refused. The perception was that planners were determinedly not allowing development that, through persistence, was eventually approved. This point relates to those made in paragraphs 37, 48 and 51 above and points to cultural issues that need to be addressed. These negative perceptions are being reinforced over time, with planning staff describing a "heads down" bunker outlook.
61. The view was expressed that the council had not been successful in obtaining the most gain from developers in S106 negotiations. This is an area of expertise often missing in councils and with the prospect of housing moratorium coming to an end it may be worth considering the appointment (perhaps shared with Redditch) of a designated Planning Obligations S106 officer with negotiation experience. A view was

expressed to the team that the council had not been good at publishing information about how the S106 monies are spent. It may be worth the council considering a publicly available system to provide information on S106 funded schemes.

62. The council has recently introduced a one hour time slot before Planning Committee for members to discuss planning issues with officers. Unfortunately so far no members have taken up this offer. This is a good opportunity to clear matters before going into a public arena and can be valuable preparation for the smoother running of a planning committee. The peer review team recommend that members be encouraged by the chief executive, executive director and Leader of council to attend these sessions. Further support might come from group leaders, the portfolio holder and the chair of planning committee.
63. Comments were made to the review team that responses to complaint letters are not satisfactory and provoke further complaints. One comment made was that the handling of complaints was managed in a "high handed" manner and that the service should show more customer sensitivity. The review team have no evidence to confirm or deny this but it may be an area for further consideration.
64. The review team were told that there was a lack of formal training given to parish councils on the online planning system. The online consultation process was felt not to be user friendly and parish councillors, who are required to comment on multiple applications and plans, found it frustrating having to re-enter their contact details for each submission. Further discussions with parish councils on training support would go some way to maintaining good relations.
65. Peripheral works for the town centre, such as replacement of paving and street furniture, have been suggested by a number of sources, including Worcestershire County Council, pending the commencement of full scale redevelopment. This would provide a 'quick win' for members and members of the public following the stalling of the town centre development and listing of Parkside School.

Shared knowledge and evidence

Strengths

- ✓ Strategic Housing Market Assessment provides comprehensive picture of housing needs in the sub regional context
- ✓ SCS and Council Plan are underpinned by the Bromsgrove profile
- ✓ SHLAA in place, AMR published annually
- ✓ Exploring potential for joint planning documents with Redditch

Areas for consideration

- Sharing of joint studies with other local government partners
- More systematic way of gathering learning so that it can be shared across the organisation

66. The Strategic Housing Market Assessments are a positive step to providing the council with an understanding of housing need and the location for this. The council is committed to ensuring the HMAs are kept up to date and they will be invaluable for the Core Strategy and the council's Housing Strategy.

67. The council's Sustainable Community Strategy and Council Plan are directly linked to the spatial planning vision set out in the draft Core Strategy. The strength of these key strategies is confirmed by the Audit Commission in the CPA report stating that, "Community ambitions link well with and support county wide ambitions."

68. The Strategic Housing Land Availability Assessment (SHLAA) has been completed (April 2009) and identifies potential areas for future housing development. [Local authorities are required to identify broad locations and specific sites that will enable continuous delivery of housing for at least 15 years from the date of adoption of the LDF. Authorities are expected to provide this robust information in the form of a SHLAA, which will form a key component of the LDF evidence base. This evidence is needed to help support the delivery of sufficient land for housing to meet district housing requirements, as determined by the RSS. This will be important for ongoing development of the Core Strategy and local discussions with residents, landowners and developers.] The RSS Phase Two Revision (September 2009) may mean the council has to review the SHLAA in view of changing housing numbers.

69. Working relations have already been established with Redditch Borough Council from the LDF preparations and responses to the RSS. This has been consolidated by the shared chief executive arrangements. This provides a platform for further joint service working and developing joint planning documents.

70. There are also important opportunities to share in the cost of joint studies with other local government partners such as the county council, neighbouring district councils, the Regional Improvement and Efficiency Partnership and the Regional Development Agency (Advantage West Midlands) on matters such as economic development, development economics and the development and assessment of alternative sites for development. This could also include specific subject areas such as the SHLAA (see paragraph 66 above), a Strategic Flood Risk Assessment, and Employment Land Review etc.
71. This report has acknowledged the improvement progress made by the council in a short time. The priorities of improvement suggest to the review team that there has been less work conducted to systematically gather learning so that it can be shared across the organisation. While this is entirely understandable given the priorities of the council it is recommended that for the next phase of improvement that attention is given to this.

Contact details

For further information concerning the peer review of planning in Bromsgrove District Council please contact Andrew Winfield, the IDeA's peer review manager:

Email: andrew.winfield@idea.gov.uk

Telephone: 07786 542754

More information on peer reviews and the work of the Improvement and Development Agency and Planning Advisory Service please visit www.idea.gov.uk or www.pas.gov.uk.

If you would like to receive this report in large print, Braille or another format please email guy.head@idea.gov.uk

This page is intentionally left blank

July 2010 Position Statement and Action Plan from October 2009 Spatial Planning Peer Review

Key Recommendation	Officer Comments	Suggested Actions	Who is Responsible	Timescale	Challenge
<p>The recommendations of the peer review team are set out under the headings of the benchmark for the 'ideal' authority. The peer review team recommends that the Council:</p> <p>Achieving outcomes</p> <p>i. Considers this report with a view to making the planning service one which is overtly supportive of and key to delivery of the council's objectives</p>	<p>Officer agree</p>	<p>Remind officers of the importance in the role of Planning Services in the delivery of Council objectives to include reminder from HoS that Planning policy prep. and the D.C. process are key tools for implementing the Council Plan and Sustainability Community Strategy</p> <p>Alterations to format of Planning Committee reports so that, where applicable, the proposal is presented in the context of the Council Plan or Sustainable Community strategy (SCS)</p> <p>Ensure synergies between SCS vision and objectives and those of</p>	<p>Ruth Bamford</p>	<p>HoS to meet with Director</p>	

		emerging planning policy		of Policy, Performance and Partnerships quarterly		
		Planning service to be actively engaged in early stages of SCS evidence collection and preparation.				
ii.	Formally lifts the housing moratorium based on the RSS Phase Two Revision figures and the recent experience of successful planning appeals and Ombudsman report findings against the council	Officers agreed and this has already been achieved via Report to LDF working Party, delivered on the 15 th April 2010	N/A	Mike Dunphy	N/A	
iii.	Develops a policy position for the development of larger sites on the edge of Bromsgrove Areas of Development Restraint (ADR), which would permit a mix of housing including affordable housing and other uses located in the most sustainable locations [The Advisory Team for Large Applications (ATLAS) has been engaged by the council, since the peer review, to assist on strategic site allocations.]	The revocation of the RSS has created huge uncertainty in the planning system, particularly with regard to housing targets and the current policy position on ADRs. Officers currently continuing with work to justify site allocations in preparation for the imposition of a new planning system.	Ensure Council engages fully in consultation processes of new planning legislation. Publish policy position for ADRs in Draft Core Strategy.	Mike Dunphy Mike Dunphy	TBC November 2010	To influence the content of the new planning system To ensure development of the ADRs benefits the district as much as possible
iv.	Produce a masterplan for designated ADR sites to encourage quality design and development on more sustainable sites	Indicative masterplans already prepared by developers; further advice to be sought from key stakeholders.	Consult urban designer on the content of the indicative masterplans, and if necessary commission independent master plan to be prepared.	Mike Dunphy	Draft Core Strategy 2 to be published in November for consultation	Ensure new developments are high quality and sustainable but also deliverable. New residential development needs to be delivered in order to begin to address

					the imbalance in the housing market	
v.	Develops Supplementary Planning Documents (SPDs) for planning obligations and affordable housing that clearly states council intentions for these areas	Affordable housing SPD prepared and consulted on although not adopted due to the consultation responses questioning the legitimacy of the SPD	Seek legal advice on the adoption of the affordable housing SPD and the creation of a planning obligations SPD ahead of core Strategy. Supplement existing local plan policies.	Ruth Bamford Mike Dunphy	July 2010	To find a way to create new policy quickly to fill gaps and update old planning policies.
vi.	Undertakes an assessment, with Redditch, of the resources needed for both councils to work together to develop their Core Strategies for simultaneous submission	Initial work with RBC undertaken, however unclear at this stage if emerging planning system will require close working on planning policy with RBC	Through the Joint HoS both Councils will monitor the appropriateness of working together on planning policy preparation.	Ruth Bamford	Ongoing	To ensure the Core Strategy is found sound and approved by the Planning Inspectorate
Integration and collaboration						
vii.	Ensures the emerging Core Strategy incorporates a vision describing Bromsgrove and its role within the region	Core Strategy already contains a vision although not specific to region. Abolishment of regional planning likely to diminish importance of stating regional position.	Redraft Core Strategy vision, and ensure all Core Strategy policies clearly deliver this vision	Mike Dunphy	November 2010	To ensure the Core Strategy is found sound and approved by the Planning Inspectorate
viii.	Considers engagement with Birmingham City Council and Worcestershire County Council at strategic director level given the importance of the Longbridge and Bromsgrove town centre/railway station development for the council [Such engagement has commenced since the peer review.]	Engagement already implemented	N/A	N/A	N/A	N/A

<p>Leading and engaging the community</p> <p>ix. Monitors the usage of the website and survey users to obtain feedback on the website 'useability' to inform future development</p>	<p>When Peer review visited (Oct 2009), changes had <u>just</u> been undertaken to website to reflect County-wide approach.</p>	<p>Planning and regeneration service to review structure and content of Webpages</p> <p>Work with Communications dept, ICT to set up user survey.</p> <p>Use website to advertise department more – explain our regulatory function and promote our achievements. (S106)</p>	<p>Helena Plant Dale Birch Mike Dunphy</p>	<p>Meeting in Quarter 2.</p> <p>Survey in Quarter 3.</p>	<p>Survey annually</p>
<p>x. Continues to monitor the Customer First priority. A good start has been made but for the planning service it is at an early stage. This should be regularly monitored and reviewed by the Head of Planning and Regeneration and the Executive Director.</p>	<p>Since the peer review, Development Control has undertaken a customer satisfaction survey, and Strategic planning have completed their customer first action plan.</p>	<p>Implement Customer First Action Plan.</p> <p>Piggy back Agents' Forum idea in order to learn agents' views as customers.</p> <p>Improve qualitative rather than quantitative measures for customers.</p> <p>Explore training opportunities that may be available corporately for Customer actions in Regulatory environment may be available Corporately.</p>	<p>Helena Plant</p>	<p>Customer First Action Plan Q2. Hold Agents' forum end Q2.</p> <p>Liaise with Chairman and seek support from Legal Services</p> <p>Explore alternative measures of success</p>	<p>Seek to hold Agents' Forum quarterly</p>
<p>xi. Reviews the current member / office working arrangements so that members are able to</p>	<p>Officers agree that there is a need for good systems of working arrangements with</p>	<p>Introduce pre-app protocol to enable Members to be involved.</p>	<p>Helena Plant</p>	<p>Report to CMT and Cabinet Q3.</p>	

discharge their community leadership role, informed by professional officer advice	Members. Furthermore officers could review information that is available to Members and identify possible gaps and advise members of information availability	Maintain monthly meetings of HoS Portfolio holder and Leader Officers to review information that is available to Members and identify possible gaps and advise members of information availability	Ruth Bamford		
Management					
xii. Produces a project plan (that is a revised Local Development Scheme - LDS) for the work needed to complete the Core Strategy by June/July 2010.	New LDS submitted prior to change of government, GOWM have confirmed timetable is acceptable	Prepare Core Strategy in line with published LDS	Mike Dunphy	Draft to be published November 2010	To ensure the Core Strategy is found sound and approved by the Planning Inspectorate
xiii. Develops planning resource capacity. These could include: moving to development management* and encouraging the resource flow from development control to policy planning and vice versa; and combining resources with Redditch, from secondments to joint investment in specialist resources e.g. urban design, planning obligation (S106) negotiations, joint planning arrangements and joint policies. [*Development management (DM) constitutes the assessing and determining of applications more	Consideration of DM approach is included as Key Deliverable in Business Plan. Work associated with this KD will underpin this benchmark.	Implement KD in service plan re. development management Under current working arrangements for both Councils, HoS should encourage resource plan.	Ruth Bamford	Ongoing	

	strategically and moves away from a 'plan-led system'. DM is a change in planning culture - away from reactive control of development to a more positive and proactive role for planning.]					
xiv.	Addresses the practice within the council of attaching blame to the planning service. This practice needs to be carefully opened up by senior managers, with HR and possibly with external support, to fully understand the issues, how they came about and the actions needed to address these.	New HoS has not experienced planning service being blamed although has included actions to ensure it does not happen.	Maintain monthly meetings of HoS Portfolio holder and Leader Introduce Members' involvement in pre-applications discussions Planning reports altered to include SCS and corporate plan issues where applicable Encourage early informal Member rapport with case officers / managers about planning applications	Ruth Bamford		
Innovation, learning and excellence						
xv.	Should ensure maximum gain from S106 negotiations from developers in the future development of ADRs. This could be assisted by considering the appointment of a specialist negotiating officer (perhaps shared with Redditch) or of buying in this expertise when required.	Legal Advice sought on ability to prepare planning obligations SPD. Planning officers have attended negotiation skills training.	To have appropriate planning policy in place to receive S106 obligations Investigate appointment of specialist negotiator for significant planning applications	Ruth Bamford Mike Dunphy Mike Dunphy Helena Plant Dale Birch	Subject to legal advice As required	To ensure viable development takes place in difficult financial circumstances which contributes fully to the aims of the Council
xvi.	The Chief Executive, Executive	This is well promoted by	Promote pre committee	By officer	ASAP	To have good

<p>Director and Leader of Council actively encourage Members to attend the one hour time slot provided before Planning Committee for Members to discuss planning issues with officers</p>	<p>officers – need Members to understand the role of the pre-Committee meeting as an aid to focussed discussion.</p>	<p>site visits</p> <p>Actively encourage Chair to promote attendance before formal committee starts .</p> <p>Draw out examples from the meeting that could have been addressed at the pre-Committee meeting</p>	<p>leading site visits.</p> <p>Planning Chairman.</p> <p>Planning Chairman</p>		<p>attendance at this pre-meeting slot.</p>
<p>Shared knowledge and evidence</p> <p>xvii. Considers and develops opportunities for sharing the cost of joint studies with other local government partners in the region</p>	<p>Already happens to some extent (training shared with other LPA's) via groups such as DC Forum</p> <p>Joint Strategic Flood risk assessment commissioned for BDC and RBC</p> <p>BDC have worked closely with BCC on Longbridge APP for past 5 years sharing costs where necessary</p>	<p>When joint studies required – first consideration to be potential for sharing with local government partners</p>	<p>All to note.</p>	<p>When situation arises</p>	<p>To identify savings as a result.</p>
<p>xviii. Develop better ways to capture and transfer learning. This is so the council is able to identify good practice elsewhere, to understand how this is achieved and considers application in other service areas.</p>	<p>Officers do share knowledge informally in the office, but the process could be improved and formalised.</p>	<p>To provide a framework for understanding the characteristics of an excellent planning authority and to promote learning and implementation with officers and members</p>	<p>Ruth Bamford</p>		

This page is intentionally left blank

This page is intentionally left blank

DEVELOPMENT OF REDNAL BLOCK AND ADJOINING SPORTS FIELD Information

- The following report from West Mercia Police was tabled at the May 2010 Trust meeting in response to concerns raised by the Trust at its February meeting:

Proposed Police and Fire Station, Bromsgrove: Response to questions raised by the Bromsgrove Arts Centre Trust

Before addressing the points I just wish to set this proposal in context. Both West Mercia Police and Hereford and Worcester Fire and Rescue Service (HWFRRS) have a pressing need to replace their existing stations in Bromsgrove to provide modern facilities which will enable them to respond to incidents and serve the local community. A combined Police and Fire station will be unique in this country. A joint facility will enable both services to achieve economies in construction and operation at a time of limited public finance. The period within which funding is available to deliver this facility is limited; if it cannot commence this financial year the opportunity will be lost indefinitely. The development of a combined station is also integral to the planned enhancement of the public sector estate in Bromsgrove and wider regeneration of the town centre. It is intended that the broad context of the planned enhancement to the estate and town centre will be explained at the meeting.

The proposed egress from the combined station is intended only as a secondary means of exit, to be used by exception when operational circumstances demand. In most cases the main exit onto the A38 will be used.

As to the points raised:-

- **IMPACT OF NOISE FROM SIRENS FROM FIRE ENGINES IN THE AUDITORIUM.**
Standard procedure dictates that sirens are not to be used in urban areas where they are likely to cause a nuisance. Blue lights are the primary means of alerting the public to the presence of fire engines in urban areas.
- **DISPLACEMENT OF PARKING.**
- **VEHICLE LOADING AND ACCESS AROUND THE BUILDING.**

The attached drawing has been produced in accordance with the site meeting brief provided by Andrew Woods. The design proposes an egress running around the loading area and parallel to the existing access off School Drive to the Theatres' parking and loading area. Based upon the dimensions of Fire Service vehicles a small part of the loading area needs to be incorporated in the egress route, but on the whole the access road off School Drive, parking, loading and access around the building will be unaffected.

- **IMPACT ON SCHOOL DRIVE.**
In early consultation the Highways Department have indicated that they wish to see the footpath along School Drive re-surfaced as part of the proposal and this has been incorporated in the feasibility plan. Currently students and Artrix visitors are forced into the carriageway by the state of the pavement adjacent to the School. The proposed pavement reinstatement will therefore actually make School Drive safer for pedestrians than currently is the case.
As this part of School Drive is un-adopted, so without the proposed Police and Fire Station, it is very unlikely that the pavements would be reinstated by any other party.
The use of School Drive as the alternative egress route is likely to be limited given the number of incidents – please refer to the response below regarding the frequency of use. Aside from the improvement to the pedestrian access to the School and College, it is anticipated the impact on School Drive will not be significant.
 - **DANGERS OF USING A MINI ROUNDABOUT.**
Fire service drivers are trained and tested to an exacting standard. Their driving competency is tested regularly and drivers are trained thoroughly on any new vehicles introduced into service. Drivers encounter numerous highway structures and problems on a daily basis e.g. roundabouts, speed bumps, narrow streets etc. and are trained to safely respond to incidents. The College have not expressed a concern regarding the mini-roundabout. Ultimately the Highways Authority will comment on the acceptability of the proposal and safety of the mini-roundabout as a statutory consultee in the planning process.
 - **POTENTIAL FLOODING PROBLEMS IF EARTH IS MOVED AROUND THE THEATRE.**
Consultant Civil/Structural engineers will be involved in the detailed design of the egress route to ensure this is not a problem. The Environment Agency (EA) will be involved as a statutory consultee in the planning process and planning consent will not be granted if the EA believe the proposed egress will cause a flooding problem.
 - **FREQUENCY OF USE.**
The Fire Service in Bromsgrove attend, on average, around one incident per day. This is low by comparison with other HWFRS large town and city Fire Stations. The route onto the main highway will be through Slideslow Drive, the route through School Drive will be for egress only and it is anticipated this route will be used less frequently as it is essentially a secondary route.
 - **CONFLICT WHEN COLLEGE AND BROMSGROVE NORTH SCHOOL STUDENTS ARE ARRIVING.**
As mentioned, the number of incidents attended average around one per day, and the egress on to School Drive is only a secondary alternative route to the main egress on to Slideslow Drive and therefore it's use will be infrequent. The likelihood of the need to use School Drive during the same period as students are arriving and departing is therefore remote.
- In addition to this Fire service drivers are highly trained and on every call out have to drive in accordance with what is safe in a particular environment. The College have not expressed a concern with this proposal and the school will be invited to comment through the planning process. Any safety concerns the school may have will have to be addressed before planning consent can be granted.
- **REGULARITY OF THE A38 BEING BLOCKED AND AMOUNT OF USE THE EGRESS WILL GET.**
HWFRS are proposing that automated traffic light controls are installed at the Station, know as a 'Green Wave' facility. This control will automatically turn the traffic lights green on the A38 response route, thereby freeing up traffic to move and allowing fire engines to get to incidents within the required response time. The 'Green Wave' Control is installed at other Stations in the County e.g. Worcester, and is a proven system.
Given that the number of incidents average around one per day, and that Slideslow Drive is the principle route to the A38, use of the School Drive egress is likely to be infrequent (as mentioned above).
 - **PERCEPTION OF ARTRIX BY THE COMMUNITY.**
This is a matter for the Trustees to consider. However, by supporting the emergency services in carrying out their duties to save lives and protect the community, the Artrix will no doubt be recognised for it's supportive stance.
 - **ELDERLY PEOPLE IN SHELTERED HOUSING ALONG THE ROUTE.**
Hopefully this concern will have been addressed in the earlier responses regarding noise from sirens and the frequency of use. In addition it is hoped that the elderly will feel more assured by having a police station in the locality.
 - **NO FINANCIAL INCENTIVE FOR ARTRIX.**
- At a time of limited public finance and increasing uncertainty over the future of funding for public sector projects, the window of opportunity to undertake this proposal is limited. Given the requirements already identified by the local planning authority such as resurfacing the pavement on School Drive, there is little contingency within the project budget. As previously stated, the Artrix will be seen to support the emergency services in carrying out their duty to save lives and protect the community and support the wider enhancement of Bromsgrove town centre.
- **VIBRATION OF HEAVY FIRE ENGINES ALONG THE ROUTE.**
Consultant civil/structural engineers will be engaged to ensure the route is constructed to mitigate any vibration transferring to the theatre building and the design will be specific to the use of the route by fire engines.
HGV's already load and unload at the theatre, in addition coaches park adjacent to the theatre. Both these types of vehicle are longer and heavier than fire engines and presumably there has not been an issue with vibration. The project engineers and architect will therefore address this issue through the design specification of the route.
 - **IMPACT ON LOCAL WATER SUPPLIES**
- The water authority will be consulted as part of the design process to ensure the local water supply has sufficient capacity. It must be borne in mind that fire engines do not fill up their tanks repeatedly on a daily basis and can, if necessary, fill up from hydrants in the town or elsewhere.
The water authority are a consultee in the planning process and will have to be satisfied that water pressure will not be affected in order for planning consent to be granted.

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

Document is Restricted

This page is intentionally left blank