



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE CABINET

WEDNESDAY 5TH OCTOBER 2011
AT 6.00 P.M.

COMMITTEE ROOM, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors R. Hollingworth (Leader), Mrs. M. A. Sherrey JP (Deputy Leader), Dr. D. W. P. Booth JP, M. A. Bullivant, C. B. Taylor and M. J. A. Webb

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 7th September 2011(Pages 1 - 8)
4. Minutes of the meeting of the Shared Services Board held on 29th September 2011 (to follow) (Pages 9 - 10)
5. Minutes of the meeting of the Worcestershire Shared Services Joint Committee held on 29th September 2011 (to follow) (Pages 11 - 12)
 - (a) To receive and note the minutes
 - (b) To consider any recommendations contained within the minutes
6. Minutes of the meeting of the Overview and Scrutiny Board held on 27th September 2011 (to follow) (Pages 13 - 14)
 - (a) To receive and note the minutes
 - (b) To consider any recommendations contained within the minutes

7. Overview and Scrutiny Task Group Report - Reduction in Bus Services (to follow) (Pages 15 - 16)
8. To receive verbal updates from the Leader and/or other Cabinet Members on any recent meetings attended in an ex-officio capacity (Pages 17 - 18)
9. Draft National Planning Policy Framework - Response to Consultation (Pages 19 - 28)
10. Affordable Housing - Support to Principal Preferred Partner Registered Providers (Pages 29 - 38)
11. Private Sector Housing Assistance Policy - Revision of Policy (Pages 39 - 44)
 - Appendix For Item 5 - Background Information On Recommendation From The Worcestershire Shared Services Joint Committee On Worcestershire Regulatory Services Enforcement Policy (Pages 45 - 54)
 - Appendix For Item 9 - Draft National Planning Policy Framework - Response To Consultation (Pages 55 - 74)
 - Appendix For Item 10 - Affordable Housing - Support To Principal Preferred Partner Registered Provider (Pages 75 - 76)
 - Appendix For Item 11 - Private Sector Housing Assistance Policy - Revision Of Policy (Pages 77 - 92)
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

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

27th September 2011



INFORMATION FOR THE PUBLIC

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Declaration of Interests - Explained

Definition of Interests

A Member has a **PERSONAL INTEREST** if the issue being discussed at a meeting affects the well-being or finances of the Member, the Member's family or a close associate more than most other people who live in the ward affected by the issue.

Personal interests are also things relating to an interest the Member must register, such as any outside bodies to which the Member has been appointed by the Council or membership of certain public bodies.

A personal interest is also a **PREJUDICIAL INTEREST** if it affects:

- The finances, or
- A regulatory function (such as licensing or planning)

Of the Member, the Member's family or a close associate **AND** which a reasonable member of the public with knowledge of the facts would believe likely to harm or impair the Member's ability to judge the public interest.

Declaring Interests

If a Member has an interest they must normally declare it at the start of the meeting or as soon as they realise they have the interest.

EXCEPTION:

If a Member has a **PERSONAL INTEREST** which arises because of membership of another public body the Member only needs to declare it if and when they speak on the matter.

If a Member has both a **PERSONAL AND PREJUDICIAL INTEREST** they must not debate or vote on the matter and must leave the room.

EXCEPTION:

If a Member has a prejudicial interest in a matter being discussed at a meeting at which members of the public are allowed to make representations, give evidence or answer questions about the matter, the Member has the same rights as the public and can also attend the meeting to make representations, give evidence or answer questions **BUT THE MEMBER MUST LEAVE THE ROOM ONCE THEY HAVE FINISHED AND CANNOT DEBATE OR VOTE.**

However, the Member must not use these rights to seek to improperly influence a decision in which they have a prejudicial interest.

For further information please contact Committee Services, Legal, Equalities and Democratic Services, Bromsgrove District Council, The Council House, Burcot Lane, Bromsgrove, B60 1AA

Tel: 01527 873232 Fax: 01527 881414

Web: www.bromsgrove.gov.uk email: committee@bromsgrove.gov.uk

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE CABINET

WEDNESDAY, 7TH SEPTEMBER 2011, AT 6.00 P.M.

PRESENT: Councillors R. Hollingworth (Leader), Mrs. M. A. Sherrey JP (Deputy Leader), Dr. D. W. P. Booth JP, M. A. Bullivant, C. B. Taylor and M. J. A. Webb

Observers: Councillor S. P. Shannon

Officers: Mr. K. Dicks, Ms. S. Hanley, Mr. J. Staniland, Mrs. C. Felton, Mr. G. Revans and Ms. R. Cole.

30/09 **APOLOGIES FOR ABSENCE**

No apologies for absence were received.

31/09 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

32/09 **MINUTES**

The minutes of the meeting of the Cabinet held on 20th July 2011 were submitted.

RESOLVED that the minutes be approved as a correct record.

33/09 **OVERVIEW AND SCRUTINY BOARD**

The minutes of the meeting of the Overview and Scrutiny Board held on 25th August 2011 were submitted. The Leader referred to the Review of the Recreation Road Car Park Task Group report and it was noted this would be dealt with as a recommendation to Cabinet.

RESOLVED:

- (a) that the minutes be noted; and
- (b) that the recommendation contained at minute no. 31/11 relating to the Marlbrook Tip be approved.

34/09 **OVERVIEW AND SCRUTINY TASK GROUP REPORT - RECREATION ROAD SOUTH CAR PARK**

The Leader invited the Chairman of the Recreation Road South Car Park Task Group, Councillor S. P. Shannon to introduce the report of the Task Group on the review of that car park.

Councillor Shannon gave background information on the purpose of the Task Group and the evidence which had been gathered during the investigation. Councillor Shannon also made reference to some additional information he had obtained following the completion of the report.

Councillor Shannon acknowledged that the Task Group Members had initially had a negative perception of the operation of the car park, particularly in relation to fixed penalty notices and appeals against these. As a result of the investigation this had largely been dispelled.

The Leader and the Portfolio Holder for Environmental Services, Councillor M. J. A. Webb responded to the points raised by Councillor Shannon and to the recommendations contained within the report. The Cabinet generally recognised the benefits of the recommendations from the Task Group although clearly timing and financial implications were issues which had to be addressed, particularly in terms of recommendations 3, 4 and 5.

The Leader thanked Councillor Shannon and the other Members of the Task Group for their work in producing the report which had provoked an interesting debate. The Leader also thanked Ms. A. Scarce, Committee Services Officer for her work in supporting the Task Group.

RESOLVED that the response to each of the recommendations within the report of the Review of the Recreation Road South Car Park Task Group be as set out below:

Recommendation 1

That a PR exercise be carried out to promote the Recreation Road South Car Park (and all other car parks) and to highlight the qualities of the car parks and the benefits of the Pay on Foot system.

Cabinet Response

That officers be requested to report back on the publicity and promotion currently planned over the next twelve months in relation to encouraging use of Council owned car parks together with the benefits Pay on Foot system. It was felt this programme could be reviewed and amended if necessary in the light of the findings of the Task Group.

Recommendation 2

That the standard letter templates used by the Car Parking Team be reviewed to ensure they are in line with the Customer Service Strategy Guidelines.

Cabinet Response

That the recommendation be agreed and as part of the review to be undertaken, and in line with best practice from other Authorities, an explanation for the issue of the Fixed Penalty Notice be provided to the recipient of the Notice in each case.

Recommendation 3

That the Pay on Foot system be expanded to other car parks wherever possible.

Cabinet Response

That the benefits of the Pay on Foot system be fully acknowledged, however in view of the Town Centre regeneration project which includes a comprehensive traffic management review, it would be premature to consider the introduction of a Pay on Foot system on other car parks at this stage.

Recommendation 4

That free car parking be provided (in all car parks) all day on a Sunday in order to encourage people to visit the Town Centre.

Cabinet Response

That the operation of the car parking service would be reviewed as part of the Shared Services and Transformation Programme and matters such as the structure of car parking fees would be considered as part of that review. It was acknowledged however that the financial implications of this recommendation would inevitably be a significant issue.

Recommendation 5

That free car parking be provided (in all car parks) after 7.00pm in order to encourage people to visit the Town Centre.

Cabinet Response

That the operation of the car parking service would be reviewed as part of the Shared Services and Transformation Programme and matters such as the structure of car parking fees would be considered as part of that review. It was acknowledged however that the financial implications of this recommendation would inevitably be a significant issue.

35/09 **VERBAL UPDATES FROM THE LEADER AND/OR OTHER CABINET MEMBERS ON ANY RECENT MEETINGS ATTENDED IN AN EX-OFFICIO CAPACITY**

Councillor C. B. Taylor reported he had recently attended a meeting with Bromsgrove District Housing Trust.

36/09 **TOWN CENTRE FRONTAGE IMPROVEMENT SCHEME**

The Cabinet considered a report which requested Members to consider an amendment to the existing Town Centre Frontage Improvement Scheme.

Members were reminded that a total budget of £70,000 had been allocated to the scheme which had been established to assist landowners and tenants within the Town Centre to improve the frontages of their properties as part of the Town Centre Regeneration Programme. It was noted that four applications had been approved so far totalling £15,460.

The original terms of the scheme had limited applications to £4,000 but it was now requested that this limit be removed in order to maximise the opportunities to improve the character and appearance of the High Street for instance by re-instating an historic shop front. This was also likely to be of benefit to the second stage of the Council's bid under the National Lottery Townscape Heritage Initiative.

RESOLVED:

- (a) that the current limit of £4,000 for applications under the Town Centre Frontage Improvement Scheme be removed; and
- (b) that the Executive Director of Regeneration, Regulatory and Housing Services be authorised to determine, in consultation with the relevant Portfolio Holders, the appropriate level of funding to be awarded in each case under the scheme.

37/09 **WASTE AND STREET SCENE PUBLICITY PLAN 2011/13**

The Cabinet considered a report on the Waste and Street Scene Publicity Plan 2011-2013. It was noted that the plan had been produced in co-ordination with Redditch Borough Council as much of the work in relation to publicity and information campaigns was applicable to both Councils.

Members were reminded that there was a range of actions available to officers in relation to enforcement of matters such as littering and dog fouling covered by the Environmental Protection Act 1990. It was felt however that during the periods of publicity campaigns, Fixed Penalty Notices should be issued as a matter of course where an enforcement officer was present.

RESOLVED:

- (a) that the Waste and Street Scene Publicity Plan 2011-2013 as set out in appendix 1 to the report be approved; and
- (b) that during publicity campaign periods Fixed Penalty Notices be issued in respect of all dog fouling and littering offences provided an enforcement officer is present.

38/09 **BUDGET PREPARATION GUIDELINES - 2012/13 INITIAL ESTIMATES AND PROJECTIONS FOR 2013/14 TO 2014/15**

The Cabinet considered a report on recommended guidelines for the preparation of the 2012/2013 estimates and the projections for 2013/2014 and 2014/2015.

Following discussion it was

RECOMMENDED that the Budget Preparation Guidelines as set out in appendix 1 to the report be approved.

39/09 **FINANCE MONITORING REPORT - QUARTER 1 2011/12**

Members considered a report on the Council's financial position for the period April to June 2011.

Following discussion it was

RESOLVED that the current financial position on both Revenue and Capital as set out in the report be noted and that officers be requested to consider measures to mitigate any predicted overspend.

40/09 **CORPORATE PERFORMANCE REPORT - QUARTER 1 2011/12**

The Cabinet considered a report on the Council's performance during the first quarter of 2011/2012. Members commented on the improved performance in a number of areas such as Council Tax and Housing Benefits and congratulated officers on the progress made. Whilst there were a few areas of concern the overall picture was very positive.

RESOLVED that the position on key performance indicators for the period April – June 2011 be noted.

41/09 **SHARED SERVICES BOARD**

The minutes of the meeting of the Shared Services Board held on 18th August 2011 were submitted.

RESOLVED that the minutes be noted.

42/09 **DEDICATION OF COUNCIL CAR PARK LAND TO HIGHWAY**

The Cabinet considered a report relating to highway improvements necessary at the crossroads of Stourbridge Road, Market Street and Birmingham Road, Bromsgrove in order to meet the requirements of one of the conditions included within the Planning Permission granted for the proposed new Sainsbury's supermarket on Birmingham Road, Bromsgrove.

It was noted that the highway improvements would require the incorporation within the highway of a strip of Council owned land at present forming part of the Market Street Car Park. It was reported that the proposal would result in the net loss of 4 car park spaces but that the company would fund the necessary resurfacing, levelling and relining of the car park and would pay to the Council the sum of £50,000 to offset the loss of the car park spaces and any loss of revenue during the necessary works.

Following discussion it was

RESOLVED:

- (a) that the dedication to highway land of part of the Market Street Car Park to enable improvements to be undertaken to the crossroads of Stourbridge Road, Market Street and Birmingham Road be approved and that the Council enter into an agreement under section 278 of the Highways Act 1990 for the sole purpose of dedicating the said land as public highway;
- (b) that Sainsbury PLC and their appointed representatives and contractors be permitted to carry out the agreed and necessary levelling, re-engineering and re-instatement works to the Market Street Car Park;
- (c) that Sainsbury PLC and their appointed representatives and contractors be permitted have such access to the Market Street Car Park for plant and storage that they shall need to execute the highway improvements, within defined limits and an agreed timescale; and
- (d) that the offer of £50,000 from Sainsbury PLC in consideration of the net loss of 4 car park spaces resulting from the dedication be accepted.

RECOMMENDED that the sum of £50,000 from Sainsbury PLC be allocated to the Town Centre Regeneration Programme Capital Budget 2011/2012.

43/09 **LOCAL GOVERNMENT ACT 1972**

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 item of business the subject of the following minute on the grounds that it involves the likely disclosure of "Exempt Information" as defined in Part 1 of Schedule 12A to the Act the relevant paragraphs of that part being as set out below and that it is in the public interest to do so.

<u>Minute No</u>	<u>Paragraphs</u>
44/11	1 and 4

44/09 **RECOMMENDATIONS OF THE SHARED SERVICES BOARD HELD ON 18TH AUGUST 2011 (RELATING TO CONFIDENTIAL ITEMS)**

Consideration was given to the recommendations of the Shared Services Board held on 18th August 2011.

Land Drainage and Watercourses – Business Case

RECOMMENDED:

- (a) that the shared Land Drainage Service proposals detailed in the Business Case (Option 3) be approved, in accordance with the previously agreed Project Initiation Document dated 22nd June 2011;
- (b) that it be agreed that this new service be known as the "North Worcestershire Land Drainage Service"; and
- (c) that all initial set up costs be met from existing budgets.

Single Business Case – Seven Services

RECOMMENDED:

- (a) that the Single Business Case proposals be approved in respect of shared services for the following seven services:
- Community Services
 - Customer Services
 - Environmental Services
 - Financial Services
 - Legal and Democratic Services
 - Planning and Regeneration
 - Secretariat and Directorate Support Services; and
- (b) that the detail within the Operational Shared Services Agreement be noted and that subject to the change of date in Section 14, which will remain blank until agreement has been reached by Full Council and the need for the appendices to be populated, the Agreement be endorsed and signed on behalf of the Full Council.

Car Parking – Business Case

RECOMMENDED:

- (a) that Option 2 (to “extend Wychavon District Council’s service to include Bromsgrove District Council”) be approved as the preferred option for the future delivery of the car parking shared service.
- (b) that the Council introduce Civil (Decriminalised) Parking Enforcement in partnership with Wychavon District Council;
- (c) that authority be delegated to the Head of Environmental Services to exercise the Council’s Civil Parking Enforcement powers within the District of Bromsgrove when Civil Parking Enforcement within the District comes into effect;
- (d) that the Council enter into a Deed of Arrangements with the Parking and Traffic Regulations Outside London Adjudication Joint Committee for the functions in relation to adjudicators under Part 6 of the Traffic Management Act 2004;
- (e) that authority be delegated to the Head of Legal, Equalities and Democratic Services to sign any necessary agreements or other documents to enable the introduction of Civil Parking Enforcement within the District; and
- (f) that up to £75,000 be made available within this Council’s budgets to meet the set up costs of Civil Parking Enforcement.

Emergency Planning

RECOMMENDED that the proposal in respect of an Emergency Planning shared service as detailed in the Business Case under Option 3 (for a North Worcestershire Shared Service) be approved.

Cabinet
7th September 2011

The meeting closed at 8.10 p.m.

Chairman

Agenda Item 4

ENCLOSURES FOR THIS ITEM WILL FOLLOW

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Agenda Item 5

ENCLOSURES FOR THIS ITEM WILL FOLLOW

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Agenda Item 6

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Agenda Item 7

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Agenda Item 8

THERE ARE NO ENCLOSURES FOR THIS AGENDA ITEM

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Cabinet

5th October 2011

Draft National Planning Policy Framework (NPPF)

Relevant Portfolio Holder	Councillor Kit Taylor
Portfolio Holder Consulted	Yes
Relevant Head of Service	Ruth Bamford
Wards Affected	All
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

1.1 The draft National Planning Policy Framework (NPPF) has been published for consultation; it proposes a simplified planning system with a presumption in favour of sustainable development as its focal point. The purpose of the presumption is to send a strong signal to all those involved in the planning process about the need to plan positively for appropriate new development; so that planning is proactive and creates opportunities to deliver sustainable development, rather than placing barriers in the way.

1.2 The NPPF places the onus on Local Planning Authorities to have an up to date and sufficiently detailed local plan to guide all forms of development, otherwise unless the policies in the NPPF apply the default position to development proposals should be “Yes.” The following report highlights the key content and issues for the Council contained within the NPPF, and appendix A details the Councils formal response to the consultation.

2. RECOMMENDATIONS

2.1 That the members note the contents of this report and the implications of the Draft National Planning Policy Framework

2.2 That appendix A is submitted to the Department for Communities and Local Government (CLG) as Bromsgrove District Council’s formal response to the consultation.

3. KEY ISSUES

Financial Implications

3.1 There are no direct financial implications associated with the recommendations contained within this report, although the ability of the district to benefit fully from development that takes place will be

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Draft National Planning Policy Framework

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affected by the contents of the draft NPPF, the Local Plan the Council prepares in accordance with it, and the Community Infrastructure Levy.

Legal Implications

- 3.2 Once adopted the NPPF will replace the significant amount of planning guidance that currently exists and deliver a number of the reforms outlined in the Localism Bill although, as with current regime the NPPF will not actually become legally binding and will remain as guidance only. The draft NPPF is already deemed to be a material consideration in determining planning applications, and as such the planning inspectorate have issued guidance to inspectors on how it should be applied. It will be important for Council committees to consider the NPPF when making decisions on all aspects of planning although, whilst the NPPF remains in draft form, the weight that can be associated to it will likely remain limited.

Service / Operational Implications

- 3.3 The Department for Communities and Local Government (DCLG) published the consultation draft of the National Planning Policy Framework (NPPF), together with its associated consultation document, Impact Assessment and media summary on 25 July 2011. The NPPF is intended to replace the existing series of Planning Policy Statements, Planning Policy Guidance Notes and some planning Circulars into a single consolidated document. The framework has been published in the context of the Localism Bill, which seeks to devolve greater powers to Councils and neighbourhoods and give local communities greater influence over development in their area.
- 3.4 Under the NPPF the planning system against which decisions are made will continue to be plan led. It will consist of national policies (contained within the NPPF), the Local plan for the area and any Neighbourhood plans. It is the responsibility of Local Planning Authorities to prepare and complete Local Plans in accordance with the NPPF. The emerging Core Strategy (or Local Plan as the NPPF suggests it can be called) would need to reflect the requirements of the NPPF. Simply using the existing Local Plan in the long term is unlikely to be acceptable, as it will need to comply with the emerging national guidance. The Council will need to seek a certificate of conformity with the framework; it is not clear at the moment if this only applies to newly produced plans, or if they can be sought for plans produced under difference circumstances. Whilst the draft NPPF is a consultation document and therefore subject to potential amendment, it nevertheless gives a clear indication of the Government's 'direction of travel' for planning. The draft NPPF is therefore capable of being a material consideration in planning decision making, as born out by

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Draft National Planning Policy Framework

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recent inspectors asking for information of how appeals could be affected by the NPPF.

- 3.5 The NPPF is split in 6 main sections titled
- Delivering Sustainable Development
 - Plan Making
 - Development Management
 - Planning for Prosperity
 - Planning for People
 - Planning for Places

The remainder of the report will attempt to summarise the key elements of each section, and also identify the key issues which the council faces as a result of the new policies. Appendix A contains more detailed comments on many issues which once approved will be sent to CLG as the Council's formal response to the consultation.

- 3.6 The most obvious point which is relevant to all sections of the NPPF is the lack of detail. The intention is to simplify the planning system, which is something to be supported although the NPPF contains only 58 pages, not all of which contains actual policy and as stated above it replaces the existing guidance which currently runs to over 1000 pages, with an additional 6000 pages of supporting information. This slimmed down policy document reduces the amount of guidance which will need to be considered in planning work, it could be argued it is slimmed down so far that too much decision making is now left to interpretation of vague policies. Consistency in policy formulation and decision making might be difficult to achieve nationally, and a huge burden is placed on local authorities to introduce considerable amounts of local policies. The document is intended to be interpreted as a whole although due to the way it is structured and the language used there does appear to be some significant contradictions within the document. This is nothing new in planning, and was always the case when comparing PPGs and PPSs which on the face of it were trying to achieve conflicting goals. The concern now is that the inclusion of contradictions within a single document, which is supposed to be read as a whole, again may lead to more confusion and debate rather than the simplified system the government is aiming for.

- 3.7 Delivering Sustainable Communities
This section of the NPPF sets out the Government's intentions for the planning system along with a set of 10 core planning principles, whilst most of the elements contained in this section are already well established in the existing UK planning system, there is one fundamental change which could have far reaching impacts across the

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country. The NPPF introduces a **presumption in favour of sustainable development**, which in itself isn't that radical as the planning system already operates a presumption in favour of development, the key difference is that the NPPF attempts to define specific circumstances whereby this presumption should be applied, it states (NPPF page 4, para 14) that;

Local planning authorities should plan positively for new development, and approve all individual proposals wherever possible. Local planning authorities should:

- *prepare Local Plans on the basis that objectively assessed development needs should be met, and with sufficient flexibility to respond to rapid shifts in demand or other economic changes*
- *approve development proposals that accord with statutory plans without delay; and*
- *grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date.*

All of these policies should apply unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

As can be seen the level of interpretation to be applied to policies in the NPPF is significant, particularly when trying to agree on whether a plan is absent silent or indeterminate or out of date on an issue. In simple terms the NPPF and the presumption in favour of sustainable development places a more positive obligation on local councils to be proactive in identifying and addressing development needs. the council will be required to prepare a plan which allows these needs to be met, and enable development proposals to go ahead unless they would clearly conflict with the key sustainable development principles set out in national policy. This means it is essential that the Council have an up to date plan in place, with sufficient policy coverage as soon as practicably possible, in order to ensure that the presumption in favour of sustainable development isn't used to try and force otherwise unacceptable development through.

- 3.8 The pro growth stance is further backed up throughout the 10 core planning principles and in particular with the following statement (NPPF page 5, para 19) '*Planning should proactively drive and support the development that this country needs. Every effort should be made to identify and meet the housing, business, and other development needs of an area, and respond positively to wider opportunities for growth. Decision-takers at every level should assume that the default answer to development proposals is "yes", except where this would compromise the key sustainable development principles set out in this Framework.*'

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3.9 Plan-making

Much has been made of the Governments intention to abolish the Regional Spatial Strategies which is again mentioned in the ministerial statement at the beginning of the NPPF. The section on plan making suggests further reforms to the plan making processes and in particular that of Local Development Frameworks (LDF). Whilst it doesn't appear to dismantle the legal apparatus which has been set up to support LDFs, there is no specific references to LDFs or Core Strategies, simply referring to local authorities preparing a Local Plan for their area, that additional development plan documents need to be clearly justified, and supplementary planning documents should only be necessary where their production can help to bring forward sustainable development at an accelerated rate. As part of the Councils formal response it is suggested that more guidance is provided on what is a suitable approach to preparing a local plan and/or other development plan documents, particularly those which are part way through the Core Strategy process, which encouraged the use of other documents rather than one single plan.

3.10 The process of preparing a plan based on evidence is not changed by the NPPF, and this section begins to demonstrate what evidence is likely to be needed for key areas such and housing and business, infrastructure, environmental assessment and delivery and viability. The process of examining plans is also likely to be similar, with only an additional element included within the tests of soundness by which the plans have to be judged against. This addition is significant for Bromsgrove though as it now means that the plan will be judged against the requirements of the localism bill, and the duty to cooperate with neighbouring authorities.

3.11 The NPPF contains specific guidance on planning strategically across local boundaries, inline with the duty to cooperate as mentioned above. Many of the decisions which previously would have been determined at the regional level through the RSS have now been transferred to local planning authorities to determine. This is a big challenge for the Council as many of the decisions that will need to be made could be controversial and on the face of it be directly opposed to the governments localism agenda.

3.12 *'Joint working should enable local planning authorities to work together to meet development requirements which cannot wholly be met within their own areas – for instance, because of a lack of physical capacity or because to do so would cause significant harm to the objectives, principles and policies of this Framework'* (NPPF page 12, para 47).

As can be seen above Councils are expected to be able to demonstrate evidence of successfully cooperating on planning where cross boundary issues are present. The previous conclusions of the

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Draft National Planning Policy Framework

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RSS that Bromsgrove District should provide land for some of the development needs of Redditch is a significant issue for both authorities, and without any resolution it potentially leaves the authorities vulnerable to the presumption in favour of sustainable development.

- 3.13 Within the plan making section, guidance on Neighbourhood plans is introduced (NPPF page 13, paras 49-50):

Parishes and neighbourhood forums can use neighbourhood plans to:

- develop a shared vision for their neighbourhood*
- set planning policies for the development and use of land; and*
- give planning permission through Neighbourhood Development Orders and Community Right to Build Orders.*

This provides a powerful set of tools for local people to ensure that they get the right types of development for their community. However, the ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area.

Neighbourhood planning can undoubtedly be a powerful tool, but it is very important to reiterate that any neighbourhood plans need to be in conformity with the plan set at the district level, and cannot promote levels of growth below levels identified in that local plan. Throughout the recent consultation on the Draft Core Strategy there was considerable confusion from communities with regards to what neighbourhood planning can achieve. It is envisaged this will be an ongoing issue as the NPPF progresses and one which will need to be handled sensitively in order to manage the expectations of local communities.

- 3.14 Development Management

The Planning Inspectorate has advised that the draft NPPF guidance is 'capable of being a material consideration' in planning decisions and will form part of the planning officers consideration in current and future planning assessments. The actual guidance for Development Management in the NPPF is very limited. In general terms it backs up the position of saying 'yes' to development, and making sure authorities do everything they can to support a smooth and transparent development management process. Of considerable concern is the complete lack of any mention/guidance for planning enforcement.

- 3.15 There are potentially serious implications for Development Management if a local plan is not in place quickly and with sufficient policy coverage. This will leave many difficult decisions at planning committee being made without full local policy advice, and requiring the

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fallback position of the NPPF being the determining factor. Refusals at planning committee where there is no Local policy in place could result in an increasing number of appeals being contested, costing the council both financially and in reputation, with no certainty for both developers and residents about what is or isn't suitable development in the district.

3.16 Planning for Prosperity

In most respects this chapter streamlines the previous advice of PPS4 'Planning for Sustainable Economic Growth,' with an added emphasis on the importance of increased levels of economic growth across the country. Within this part of the framework many of the existing economic development planning principles remain, such as the need to ensure the vitality and viability of town centres, the importance of different types of centres, and the need to be flexible to the requirements of existing and emerging business sectors. Within this though there appears to be two significant contradictions. The NPPF allows for office development to be located outside of town centres, without having to prove a need for locating in these areas, and a softening for the long term protection of employment land allowing other uses to locate in these areas. Whilst the need for increased flexibility in providing for economic development and jobs is important, it also needs to be balanced against the need to ensure centres remain viable in an increasingly competitive retail/leisure sector. The potential for large offices to locate away from established centres could have major impacts on the numbers of people using these centres, as well as promoting unsustainable travel patterns. In areas such as Bromsgrove where motorway connections are good developers may be tempted to locate new office development on out of centre/ Greenfield sites which take advantage of these links, rather than in the town centre and other established employment areas. This is in direct opposition to what the council is trying to achieve as part of its town centre regeneration program.

3.17 Planning for People

The planning for people section of the NPPF contains new guidance on planning for housing. As with the planning for prosperity section much of the guidance remains unchanged, albeit in a much reduced form and with a few notable inclusions and omissions in the new guidance. The stated objective is '*to increase significantly the delivery of new homes.*' The ways in which this is to be achieved appears to be simple, Local authorities must plan to meet the full requirements for affordable and market housing over the period of the plan, and also need to have more sites available as part of a rolling supply of housing, at least 6 years worth rather than the current 5 years.

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- 3.18 One of the most striking aspects of the guidance on housing delivery is the interchangeable way the words need and demand are used throughout the NPPF. In some instances only local needs are suggested as having to be met, whereas in other areas of the NPPF market demand and migration pressures from other areas are identified as needing to be met. It is essential that clarity on this issue is sought as it plays a fundamental role in setting the housing target to be contained in the Local Plan.
- 3.19 The 15-unit minimum site size national threshold requiring affordable housing to be delivered has been removed which gives complete control to planning authorities to set targets. This will allow greater flexibility for the council to seek the optimum solution, although in the short term with a significant amount of the country not having up to date plans overall affordable housing delivery could suffer, as developers take advantage of the presumption in favour of sustainable development and the current market conditions, which make affordable housing difficult to deliver on schemes where financial viability is an issue.
- 3.20 The previous rural exception site policy has been removed. Whilst this will give the council greater flexibility in delivering housing in rural areas, including allowing some market housing, where it would facilitate the provision of affordable housing, it (alongside the presumption in favour of sustainable development) could lead to further pressure on the green belt for additional housing in high value areas.
- 3.21 The NPPF contains a proposal to remove the brownfield target for housing development reflecting the Government desire to move away from a prescriptive designation of brownfield land towards a concept of “developable” land. Although the amount of brownfield land in the district remains low, the removal of the principle of brownfield first could put further pressure on Greenfield sites provided they can be demonstrated as sustainable.
- 3.22 Also within the planning for people section of the NPPF is revised guidance on the green belt, whilst much of the previous green belt policy remains intact, including the ability to change long term boundaries to allow for wider development needs to be met, there are a number of subtle differences. These are (NPPF page 40, para 144):
- the allowance of proportionate extensions to **all** types of buildings in the green belt, current guidance only allows extensions to dwellings,
 - the replacement of **any** building providing it is not materially larger than the one it replaces, current guidance is restricted to the replacement of dwellings only.

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- Infilling or redevelopment of **any** previously developed site, current guidance is restricted to major developed sites.
- 3.23 Whilst the green belt changes highlighted above may have an impact, perhaps the most significant risk to the long term protection of the green belt is how the relationship is viewed between green belt polices and the presumption in favour of sustainable development, and the increased need for housing and economic development, particularly where green belt development proposes significant economic benefits in line with the general stance of the NPPF.
- 3.24 Further limited guidance within the planning for people section focuses on design and sustainable communities, detailed comments on these sections have been included in appendix A.
- 3.25 Planning for places
- The final section of the NPPF 'Planning for Places,' contains guidance on the natural and historic environment. Whilst the general principles outlined in this section are to be supported, there again does remain a concern about the amount of detailed guidance lost, particularly with regard to development and flood risk, and development and the historic environment.
- 3.26 The Historic Environment sections of the NPPF has replaced 14 pages of detailed policies with 2 and half pages of guidance, resulting in the weakening of the protection with whole sections of the previous guidance being deleted. In addition in the document as a whole 'public benefit' is stressed but this is not defined in the context of the historic environment . Previously 'public benefit' meant large infrastructure projects or other large projects such as major regeneration schemes with an obvious overwhelming public benefit. The NPPF would appear to define 'public benefit' as any sustainable economic growth. This may result in the justification of the demolition of heritage assets which previous guidance would protect.
- 3.27 Although it has been stated that the NPPF will replace previous guidance, it is unclear whether the Historic Environment Planning Practice Guide, published in 2010, is also to be replaced or whether it will continue to be used, and if so how much weight should be attached to it.

Customer / Equalities and Diversity Implications

- 3.28 The Parish Councils in Bromsgrove have been written to making them aware of the NPPF and the consultation period, also a training session has taken place at the Parish Councils forum on the 28th September.

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Reaching the non parished areas of the district is more difficult although the forthcoming Together Bromsgrove magazine will make reference to the NPPF.

- 3.29 The consultation response to the core strategy demonstrated considerable opposition to development from all parts of the district, with many references to localism meaning that communities shouldn't have to accommodate new development. Whilst the localism bill does contain more opportunities for communities to get involved in planning at a local level, the provisions of the NPPF are very clear that the governments direction of travel with regards to planning is a system which allows for more development to take place more quickly. This is a difficult message to convey and one which will need to be handled carefully.

4. RISK MANAGEMENT

- 4.1 The most significant risk is without an up to date and sufficiently detailed plan, development across the district will take place in an ad hoc and unplanned way which could cause resentment from local communities, and undermine the solid planning principles the Council has with the current local plan and is developing in the production of the Core Strategy.

5. APPENDICES

Appendix A - Draft consultation response on NPPF

6. BACKGROUND PAPERS

Draft National Planning Policy Framework document

NPPF Consultation Document

NPPF Impact Assessment documents.

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SUPPORT TO PRINCIPAL PREFERRED PARTNER REGISTERED PROVIDERS IN THE DELIVERY OF AFFORDABLE HOUSING.

Relevant Portfolio Holder	Cllr C.B. Taylor
Portfolio Holder Consulted	Yes
Relevant Head of Service	Head of Community Services
Wards Affected	All wards
Ward Councillor Consulted	Yes
Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 In April 2011 a report was made to Executive Cabinet setting out how the Council's Principal Preferred Partners (BDHT and West Mercia Housing) were proposing to respond to Government's new framework for the delivery of affordable housing. The report provided an overview of the bid that BDHT/West Mercia were preparing to submit to the Homes and Communities Agency (HCA) in May 2011 in order to seek grant subsidy to develop up to 250 affordable dwellings over the next 4 years. The first part of this report provides an update upon progress in gaining HCA funding.
- 1.2 The second part of this report brings forward for Member approval two items under which the Council could assist and support BDHT to deliver affordable housing in the District and enhance the bid made to the HCA.
- The first item relates to the Council transferring a small piece of land at Housman Close Charford, formally used for recreation purposes, to BDHT for the development of affordable housing for older people.
 - The second item relates to the future application of the additional payment of £350 pa payable for 6 years, that local authorities are to receive upon the completion of each unit of affordable housing developed known as 'enhancement for affordable homes' under the New Homes Bonus on newly developed affordable housing units.

2. RECOMMENDATIONS

- 2.1 **That Members note the progress reported with regard to the BDHT/WM Housing's bid to the HCA Affordable Homes Programme.**

- 2.2 That Members approve the disposal of the recreation ground site at Housman Close, Charford (detailed at Appendix 1 of the report) to BDHT for a nil capital receipt subject to agreement being reached for the release of the covenant over the land in favour of Fields in Trust.
- 2.3 That Members approve 'in principle' and subject to budget process consideration, that the additional payments for affordable homes under the New Homes Bonus be ring fenced for re-investment into the provision of affordable homes in the District. Specifically that the amounts received in respect of the numbers of affordable homes built by each registered provider be donated to the registered provider concerned by way of grant funding to be used for the purpose of building additional affordable homes.

3. **KEY ISSUES**

Financial Implications

- 3.1 The Registered Provider bids to the HCA are expected to include a commitment of any resources the RP's and any other public or private bodies can make e.g. free or discounted land, local authority grant or the use of S106 contributions towards the delivery of affordable housing.
- 3.2 An up to date valuation of the land at Housman Close has been commissioned through the County Council Principal Valuer who advises that the land has no value if sold for the purpose of social housing to let and would recommend a sale price for a nominal £1. The land is in the ownership of Leisure and Cultural Services. The Head of Leisure and Cultural Services has indicated his agreement with the land being transferred as recommended.
- 3.3 The additional payment that local authorities are to receive upon the completion of each new unit of affordable housing developed, known as the 'enhancement for affordable homes' under the New Homes Bonus, amounts to of £350 pa, payable for 6 years. Based upon the Council and its partners having met its previous 5 year target of achieving an average of 80 additional units of affordable housing pa, the projected income from the 'enhancement for affordable homes' under the New Homes Bonus, from one year's delivery, could therefore be in the region of £28,000pa payable for 6 years. Over six years an affordable home would receive an enhancement of £2,100. It is estimated that based upon present and past

HCA grant rates, £28,000 would provide the subsidy required to enable a Registered Provider to develop one unit of affordable housing at Affordable Rent and approximately half of a unit at Social Rent levels.

Legal Implications

- 3.4 The site at Housman Close is subject to a Deed of Covenant entered into between the Council and an organisation known as “Fields in Trust”. The aims of Fields of Trust (which is the operating name for The National Playing Fields Association) are to preserve the use of certain playing fields as recreation areas for the benefit of the local community. The Deed of Covenant entered into in March 1957 prevents the Council from allowing the land to be used for any purpose other than as a playing field for the purposes of a children’s playground only.
- 3.5 In order for the planned disposal of the land to BDHT to go ahead it will be necessary for the Council to reach an agreement with Fields in Trust for the Deed of Covenant to be released. Negotiations in relation to this have been ongoing for some time. Fields in Trust initially indicated that they would require a payment of several thousand pounds in order to agree to release the covenant together with an assurance that the Council would find a replacement area to be subject to a similar covenant. Officers have identified a replacement area at the Lyttleton Avenue playing fields in Charford and are waiting for confirmation from Fields in Trust as to whether this will be acceptable. Negotiations over any payment for release of the covenant are continuing. If notwithstanding that the land is being disposed at a nil value Fields in Trust state that they require a payment for the release of the covenant then any costs arising will be passed on to BDHT, and will not be borne by the Council.
- 3.6 In terms of the Council agreeing to dispose of the land for nil consideration, under section 123 of the Local Government Act 1972 Councils are (subject to certain conditions) entitled to dispose of land held by them in any manner they wish. In 2003 the requirement set out in section 123 to obtain the consent of the Secretary of State for disposals of land at less than the best value reasonably obtainable was removed (Reference Circular 06/03: Local Government Act 1972 general disposal of land for less than the best consideration that can reasonable be obtained). Councils are now able to proceed with disposals where the difference between the value of the interest to be disposed of and the consideration accepted is below two million pounds. As referred to at 3.2 above, enquiries have been made as to what the valuation of the land would be on the open market and officers are satisfied that the Council can proceed with the disposal under the provisions outlined above on the

basis that the consideration for the land if best obtainable value was paid for it would be less than two million pounds. There is a further requirement under section 123 that the proposed disposal of the land must be advertised by the Council; this is because it is currently used as open space land. This requirement can be complied with by way of publication of a notice in the local press.

- 3.7 In preparing this report the writer has consulted with the Senior Solicitor as to the legal implications.

Service / Operational Implications

- 3.8 The Homes and Communities Agency (HCA) is the national housing and regeneration delivery agency for England. The HCA's Affordable Homes Programme Framework sought offers from RP's (formerly known as RSLs, e.g. BDHT, West Mercia Housing etc) to work with the Homes and Communities Agency (HCA) to deliver a new supply of affordable housing over the next four years - 2011 to 2015.
- 3.9 The Localism Bill and the Government's consultation paper 'Local Decisions: A Fairer Future for Social Housing' (November 2010) proposed far reaching changes to the nature and length of tenancies offered by social landlords and, in the case of Registered Providers (RPs), to the rents charged to a proportion of their new tenants when properties become available for re-letting. The basis of this new delivery model is to encourage RPs to use the potential to increase the rental stream from some of their existing stock to help reduce the amount of public funding (HCA Grant) that will be needed to deliver the supply of affordable housing.
- 3.10 The HCA has therefore sought a competitive bid from RPs who use the new flexibilities on the use of existing assets to generate additional financial capacity to support new supply based upon four broad funding streams:
- Additional borrowing capacity by conversion of Social Rent units to Affordable Rent.
 - Cross subsidy through surpluses, outright sale, shared ownership sales, recycled grant and stock disposals.
 - Free or discounted land.

- HCA Grant funding (but only where required to make a development viable).
- 3.11 In considering bids submitted by RPs nationally, the HCA has considered the strategic fit and overall value for money and evidence that RPs have worked closely with local authorities to develop schemes that deliver against local needs and priorities.
- 3.12 In April this year the Executive Cabinet considered and approved the basis of the bid submitted to the HCA by the Council's Principal Preferred Partners (BDHT and West Mercia Housing) to seek grant subsidy to develop up to 250 affordable dwellings in the Bromsgrove District over the next 4 years.
- 3.13 In accordance with DCLG / HCA guidance the bid submitted by BDHT/WM Housing to develop 200 dwellings included financial contributions from:
- Additional borrowing capacity by conversion of a proportion of Social Rent units to the new Affordable Rent.
 - Cross subsidy through surpluses, outright sale, shared ownership sales, recycled grant and stock disposals.
 - Free or discounted land.
 - The BDC approved capital grant budget for 2011/12 of £200,000.
- 3.14 **UPDATE UPON PROGRESS IN GAINING HCA FUNDING TOWARDS AFFORDABLE HOUSING DELIVERY 2011 – 2015.**
- 3.15 At the time of preparing this report (August 2011), the following information had been received from the HCA:
- Up to 80,000 new affordable homes are to be delivered nationally over the 4 year period from a £1.8bn investment. (Bids had been received amounting to 3.4bn).
 - The provisional allocation to the Midlands Region £286.5m equal to 17% of the national budget and will provide 13,500 homes.
 - The HCA has not yet been able to confirm allocations in each local authority area as allocations are subject to further contract negotiations with each of the Registered Providers across the Midlands to ensure the best possible outcome at a minimum geographic level to respond to local needs and Local Investment Plan (LIP) priorities.
 - Further news will not be announced before September 2011.

- 3.16 A verbal update will be made to the Cabinet at the meeting if further information is available from the HCA.
- 3.17 **COUNCIL ASSISTANCE AND SUPPORT TO PRINCIPAL PREFERRED PARTNERS IN THE DELIVERY OF AFFORDABLE HOUSING IN THE DISTRICT.**
- 3.18 The Council in its enabling capacity works closely with Registered Providers to support and assist the delivery of affordable housing to meet locally identified priorities. In doing so the Council has historically used its available resources to help fund affordable housing schemes through the contribution of local authority grant and the disposal of BDC land to RP's at below market value of for nil capital receipt.
- 3.19 Under the new delivery model arrangements it has become increasingly important for the Council to continue to support RP's in their bid to deliver affordable housing as the HCA expects development funding to be raised from a wide range of sources and sees a call upon HCA resources as a last resort.
- 3.20 When the Leader of the Council and the Chief Executive Officer met with senior officers of BDHT and WM Housing in March 2011 to discuss the basis of the proposed bid to the HCA, two potential sources of BDC assistance were identified and agreed in principle subject to approval of the Cabinet. The two sources of assistance identified are as follows:
- 3.21 **Disposal of land at Housman Close, Charford.**
- 3.22 Back in December 2006 the Executive Cabinet approved the disposal of land at Housman Close, Charford to BDHT for the development of affordable housing for older people. The land (Appendix 1) that is currently open space play facility falls within the boundary of the Charford Regeneration Scheme, an area that has since undergone extensive estate layout remodelling and refurbishment by BDHT.
- 3.23 The process of consultation and the development of draft plans had indicated the benefits of developing four or six additional units of affordable housing (bungalows) for older people on Council owned recreation land that is situated in close proximity to the OAP bungalows in Morris Walk. Feedback from residents and the Police indicated that the land in question was not suitable as a play area and not conducive to the

- overall improvements targeted through the wider Austin Road regeneration scheme. Over the years there had been a history of complaints by local residents of annoyance and nuisance emanating from the site.
- 3.24 Therefore, in 2006, the Executive Cabinet resolved that approval be granted for the Housman Close Site to be transferred to BDHT at a figure below market value, to be negotiated by the officers in consultation and agreement with the Portfolio Holder for Strategic Housing.
- 3.25 Progress in disposing of the land has since been delayed due to prolonged negotiations with The National Playing Fields Association and Fields in Trust who hold the benefit of a Deed of Covenant over the site as explained in more detail at paragraphs 3.4 and 3.5 above. Whilst discussions are continuing, the negotiations do appear to now be progressing towards a satisfactory conclusion. Accordingly, BDHT have included the development of 6 bungalows on the site within their recent development bid to the HCA.
- 3.26 At the meeting held between senior officers of BDHT and WM Housing with senior officers and the Leader of the Council in March it was identified that the bid to the HCA would be enhanced if the Council agreed to convey the land to BDHT for a nil capital receipt to show the commitment of the Council to a joint commissioning approach to the delivery of affordable housing.
- 3.27 Members are therefore recommended to approve the recommendation that the land as shown on the plan at Appendix 1 of the report be conveyed to BDHT for a nil capital receipt.
- 3.28 **Ring fencing of the affordable housing additional payment under the New Homes Bonus for the grant aiding of additional affordable housing units by the RSL that provided the units that generated the income.**
- 3.29 The New Homes Bonus is designed to create an effective fiscal incentive to encourage local authorities to facilitate housing growth and aims to ensure the economic benefits of growth are more visible within the local area, by matching the council tax raised on increases in effective stock. Sitting alongside the existing planning system it is intended to help deliver the vision and objectives of the community for the area. The scheme provides local authorities with a New Homes Bonus, equal to the national

average for the council tax band on each additional property and paid for the following six years as an un-ring fenced grant.

- 3.30 There will be an **enhancement for affordable homes** delivered to ensure that affordable homes are sufficiently prioritised within supply. It will be a simple and transparent enhancement of a flat rate £350 per annum, for 6 years, for each additional affordable home. This is about 25 per cent of the current average Band D council tax or 36 per cent of the average Band A council tax, and will be reviewed if council tax rises.
- 3.31 At the meeting held between senior officers of BDHT and WM Housing with senior officers and the Leader of the Council in March it was identified that the £350 per dwelling Enhancement element of the New Homes Bonus payable as an additional amount on affordable housing units developed could be 'ring fenced' and used for grant support funding of future affordable housing schemes.
- 3.32 Members are therefore asked to consider the recommendation that, subject to budget process consideration, 'in principle' approval be given to the ring fencing of the 'enhancement for affordable homes' additional payment under the New Homes Bonus for use in the grant aiding of additional affordable housing units by the Registered Provider (RP) that provided the units that generated the income.

Customer / Equalities and Diversity Implications

- 3.33 The actions set out within the document are designed to enhance the Council's response to the identified housing needs of the community and to assist Registered Providers and the HCA to invest in affordable housing that accords with the needs and priorities identified.
- 3.34 It has not been considered necessary to carry out an impact assessment on the proposals.

4. RISK MANAGEMENT

- 4.1 The implications of not supporting the recommendations would be an increased risk of not being able to meet affordable housing delivery targets which in turn could impact upon the Council's ability to meet housing need and its duty to homeless people and the ability to avoid the potential use of B&B.

5. APPENDICES

- 5.1 Appendix 1 – Plan of the Housman Close Site.

6. BACKGROUND PAPERS

- 6.1 New Homes Bonus – Final Scheme Design - CLG

7. KEY AUTHOR OF REPORT

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BROMSGROVE DISTRICT COUNCIL

CABINET

5TH OCTOBER 2011

REVISION OF PRIVATE SECTOR HOUSING ASSISTANCE POLICY

Relevant Portfolio Holder	Councillor C.B. Taylor
Portfolio Holder Consulted	Yes
Relevant Head of Service	Head of Community Services
Wards Affected	All
Ward Councillor Consulted	N/A
Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 When Members approved an updated version of the Council's Private Sector Housing Strategy in April 2011, they proposed a minor change to the Home Repair Assistance Policy relating to the award of Home Repair Assistance (HRA) Grants.
- 1.2 Members proposed that when a grant aided property is finally sold or transferred, the amount of grant awarded that then becomes repayable to the Council, should be index linked rather than being repayable based upon the original amount of grant awarded.
- 1.3 The report sets out reasons why the index linking of grant repayments would be impractical and makes recommendation that the original Home Repair Assistance Policy as presented to Members in the report of the 6th April be approved in its entirety, under which grant repayment would be the original amount awarded.

2. RECOMMENDATIONS

- 2.1 **That Members note the content of the report outlining the reasons why the previously proposed introduction of an index linked grant repayment policy would be inappropriate.**
- 2.2 **That the Home Repair Assistance Policy as set out at Appendix 1 of the report be approved for implementation under which grant repayment would be the original amount awarded.**

3. KEY ISSUES

Financial Implications

- 3.1 The budget available for Home Repair Assistance Grants is limited (£63,000 for 2011/12) and it is uncertain whether capital will be available to maintain the availability of grants in future years. Accordingly the potential loss of index linked increases upon HRA grants when repaid to the Council is of very limited scale and in circumstances of a declining property market could have a negative impact upon projected income. In the longer term, the recommended policy of clawing back whenever the property is sold is stronger than the Council's existing policy under which we only claw back grant if the property is sold within the first ten years. So there is a greater potential in the longer term to claw back a greater proportion of grant than under existing policy even if it is not index linked.

Legal Implications

- 3.2 As set out in the policy at Appendix 1, when a Home Repair Assistance Grant is given a charge is registered on the applicant's property to secure repayment of the grant. For the purposes of this report officers have investigated the implications associated with the proposed index linking of repayments. In particular whether it would be appropriate for the Council to impose this requirement on customers and what duties would apply in terms of ensuring that the customers received independent financial advice on the implications of what they would be agreeing to. It has been confirmed that following recent legislative changes local authorities are exempt from having to comply with the Financial Services Authority in this regard. However, as a matter of good practice officers are of the view that providing independent financial advice would be highly desirable as set out at para 3.7 below.. There would be significant risks attached to proceeding without this safeguard in place.

[The Senior Solicitor has been consulted regarding the legal implications in this report.]

Service / Operational Implications

- 3.3 In April 2011 Members approved an updated version of the Council's Private Sector Housing Strategy to reflect additional and improved housing

data that had become available since it was approved in April 2009, the current level of funding available and a more up to date action plan.

- 3.4 When considering the updated Strategy, Members were recommended to also approve a revised version of the Council's Private Sector Housing Assistance Policy to reflect the minor changes that had been identified as necessary to achieve uniformity of policy for the processing of Disabled Facility Grants and Home Repair Assistance across the six Worcestershire districts whose customers are now all served by the Worcestershire Care and Repair Service (Home Improvement Agency).
- 3.5 At the meeting, Members did not fully approve all elements of the policy that was recommended by officers. Members asked that when a property that has benefited from a Housing Repair Assistance Grant is sold, the repayment of grant (which is now to be effective whenever the property is sold or transferred) back to the Council should be index linked in preference to the repayment being based upon the original amount of grant awarded.
- 3.6 Members asked that the Strategic Housing Manager propose this revision to the Worcestershire Care and Repair Service and report back to Executive Cabinet upon the practicalities of introducing the index linking of grants when repayment becomes due.
- 3.7 The proposal has been considered in partnership with colleagues at the Care and Repair Service and BDC Senior Finance Officers. It is considered inappropriate to introduce the proposed index linking of HRA grant awarded for the following reasons:
- The uncertainty of what a client or their estate may have to repay is discouraging people in need of taking up assistance from doing so thus hampering the Council's efforts to improve and make safe the private sector housing stock.
 - Older and vulnerable applicants become concerned about the uncertainty of how much will have to be repaid and it is very time consuming for officers to explain.
 - The maximum grant offered is only £5,000 and prioritised to deal with emergency cases where there are significant hazards in the home or a major defect like a roof leaking or electrical installations in dangerous state.
 - Long term monitoring, valuation and calculation of an inflationary linked claw back would be resource intensive and incompatible and non cost effective to the potential additional amounts involved.

- The budget available for HRA Grants is currently £63,000 amounting to approx 15 grants pa limited to emergency cases with Category 1 hazards. Future funding of HRA grants is uncertain and will likely be phased out.
- The recommended policy of clawing back the base amount alone has been developed by officers from 5 districts to provide a uniform approach that gives consistency for both customers across Worcestershire and the Care and Repair Officers who project manage the applications and works carried out.
- The loss to the Council of not index linking claw back payments could be potentially outweighed in the longer term by the ability under the recommended policy to claw back whenever in the future the property is sold, rather than under the existing policy that restricts claw back to within the first 10 years.
- It would be good practice to arrange independent financial advice for clients accepting an index linked repayment grant but the cost of this may be incompatible with the potential increased in the claw back of index linking.

3.8 THE PRIVATE SECTOR HOUSING ASSISTANCE POLICY

- 3.9 In the light of the information set out above it is considered to be inappropriate to index link repayments and therefore, members are recommended to approve the Housing Assistance Policy as originally proposed in my report to Executive Cabinet on the 6th April 2011 which is attached as Appendix 1 of this report. Under this policy the original amount of grant awarded would be repayable upon sale or transfer of the property improved.
- 3.10 The policy was formulated through extensive work carried out by an officer working group across the County in partnership with OT's and Care and Repair colleagues. The policy has been developed to provide maximum consistency with neighbouring authorities across the County in order to enhance the customer experience when accessing services through the Countywide Home Improvement Agency.

Customer / Equalities and Diversity Implications

- 3.11 Alterations to the Home Repair Assistance Policy have been introduced to gain uniformity across the six Worcestershire district authorities who refer DFG and Home Repair Assistance customers to the Worcestershire Care and Repair Service.

- 3.12 The actions set out within the document are designed to enhance the Council's response to the identified housing needs of the community and to improve the quality, standard and accessibility of housing services provided.
- 3.13 The existing policy recommended by members back in April 2011 whereby grant redemptions are to be index linked is causing concern to prospective grant applicants who are being put off accepting a grant due to the uncertainty with the amount that they will have to pay back when their dwelling is sold, some of whom are older and vulnerable clients with significant hazards within their homes that require rectification.
- 3.14 The review and consultation process has been carried out in accordance with corporate equality and diversity policy and where appropriate, housing services undergo impact assessment.
- 3.15 The strategy and policy had been developed following the consultation events carried out with partners and stakeholders.

4. RISK MANAGEMENT

- 4.1 The main risks associated with the details included in this report are:
- The ability to retain suitably qualified and experienced staff to implement the policy.
- 4.2 These risks are being managed as follows:
- Risk Register: Environment and Planning
Key Objective Ref No: 4 - Effective, efficient and legally compliant Housing Service
Key Objective: 4.1 - Monitor, manage and implement the recommendations from the Audit Commission Housing Inspection Report and Housing Strategy Action Plan.
- 4.3 Property index prices can be seen to reduce as well as increase which may impact on the proportion of the grant that could be redeemed.

5. APPENDICES

- 5.1 Appendix 1 – Revised Private Sector Housing Assistance Policy

6. BACKGROUND PAPERS

- 6.1 Private Sector Housing Strategy 2011 - 2016
Private Sector Housing Policy
BRE Condition Survey

7. KEY AUTHOR OF REPORT

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Worcestershire Regulatory Services Enforcement Policy

1. Introduction

The primary aim of Worcestershire Regulatory Services is to ensure businesses comply with the legislative framework within which they operate so that, consumers, businesses, employees and the environment are protected, and transactions are fair and equitable. Fair proportionate and effective enforcement is essential to protecting the health, safety and economic interests of all concerned, and there is a range of tools available to the Service to achieve this.

Generally we will provide advice and support those businesses seeking to comply, thereby creating a level playing field for honest traders and at the same time tackle those who choose not to comply using proportionate action. The detail on how and when action may be taken is outlined in the body of this policy.

The Service must also have regard to the various general duties imposed on the partner authorities e.g. section 17 of the Crime and Disorder Act, and the general powers given to local government for the promotion of well being under the Local Government Act. We are obliged to comply with the Human Rights Act 1998, so we will take its provisions into account when taking decisions relating to enforcement action.

This enforcement policy is a statement of how the Service will carry out its enforcement duties and, in addition, what business and citizens in Worcestershire can expect from our enforcement staff.

2. Policy Scope

We are committed to providing an effective service with officers carrying out their duties in an equitable, practical and consistent manner. To achieve this we have adopted the principles of the following:

- The Regulators Compliance Code (BIS)
- Local Government Regulation's Home Authority Principle,
- Local Better Regulation Office's Primary Authority Principle.
- The Crown Prosecution Service Code for Crown Prosecutors (as amended.)
- The Food Safety Act 1990 Code of Practice
- Human Rights Act 1998 and the European Convention on Human Rights.

We will also comply with any statutory requirement placed upon us and seek to align our procedures with best practice.

The Policy applies to actions in relation to all of the legislation enforced by the Service. Enforcement action includes any action taken by officers aimed at ensuring that individuals or businesses comply with the law and goes beyond just formal enforcement action such as prosecution.

3. General Principles

Prevention is better than cure and our role therefore involves actively working with businesses to advise on and assist with compliance. Where we consider that formal action is necessary each case will be considered on its own merits. However, there are general principles that apply to the way each case must be approached. These are set out in this Policy.

The majority of cases involving regulatory matters will relate to businesses, however, there will be some cases put before the Courts that relate to individuals, particularly those involving noise nuisance. These cases will be treated in the same way as those involving businesses and the general principles outlined around proportionality of action, for example trying informal approaches before resorting to formal action and the Courts, will be followed.

Enforcement decisions will be fair, independent and objective and will not be influenced by issues such as ethnicity or national origin, gender, religious beliefs, political views or the sexual orientation of the suspect, victim, witness or offender. Such decisions will not be affected by improper or undue pressure from any source. We will take into account the views of any victim, injured party or relevant person to establish the nature and extent of any harm or loss, and its significance, in making the decision to take formal action.

This enforcement policy helps to promote efficient and effective approaches to regulatory inspection and enforcement, which improve regulatory outcomes without imposing unnecessary burdens. We recognise the positive impact that the service can have on economic progress and growth in the local economy and see it as part of our role to encourage and support the growth of legitimate business activity within the legal framework provided by central government.

4. Risk

We will ensure that our resources are targeted where they will be most effective. We will ensure that intelligence and risk assessment inform all aspects of our approach to regulatory activity, including:

- Data collection and other information requirements;
- Inspection programmes;
- Advice and support programmes;
- Enforcement activity and sanctions.

We will normally use the appropriate Government risk assessment scheme to inform any inspection programme, but, where these do not exist, we will consult and involve businesses and other interested parties in designing any risk methodologies that are created within the Authority, and publish the details. In the absence of other factors, when determining risk, we will consider:

- Compliance history and potential future risks
- The existence of effective management systems
- Evidence of recognised external accreditation
- Management competence and willingness to comply

We will also use intelligence to direct inspection based projects, targeting goods or business where there are known issues. Obviously, a complaint may also trigger a visit if

that is the most appropriate response. We will review our approach to regulatory activities from time to time, in order to remove any unnecessary burdens from businesses.

5. Advice and Guidance

We will provide general information, advice and guidance to make it easier for businesses to understand and meet their obligations. This will be provided promptly, in clear, concise and accessible language, using a range of appropriate formats and media. Information will cover all legal requirements relating to our regulatory activities, as well as changes to legal requirements. Where changes are of great significance, we will look at the best ways of informing businesses of the changes e.g. through newsletters, mail-shots or seminars.

We will provide targeted and practical advice through personal visits, telephone and promote self service via our website. We will try to maximise the accessibility and effectiveness of advice to ensure efficient use of resources and we will involve businesses in developing both the content and style of regulatory guidance to help ensure that it meets their needs.

When offering advice, we will clearly distinguish between statutory requirements and advice or guidance aimed at improvements above minimum legal standards. We seek to provide proportionate advice, the content of which will help achieve compliance but impose the minimum burden required on the business concerned. Advice will be confirmed in writing, if requested.

Where a business knows it has a problem and seeks advice to remedy the situation, it will not normally trigger enforcement action. Where appropriate we will seek to support the remedial action to prevent future problems, however, we must reserve the right to take enforcement action in serious cases.

Generally, we will provide our advisory services free of charge however we reserve the right to charge a reasonable fee for services beyond the basic advice and guidance necessary to help ensure compliance. We would take account of the needs and circumstances of smaller businesses and others in need of help and support in deciding whether or not to charge. Charging will be in line with any guidance issued by the Local Better Regulation Office in relation to the Primary Authority principle.

We will engage with local businesses to assess the effectiveness of our information and advice services by asking them how effective our work is in raising businesses' awareness and helping them to understand legal requirements, including the extent to which they incur additional costs from obtaining external advice in order to understand and comply with legal requirements.

6. Inspection

We will ensure inspections and other visits to businesses only occur in accordance with a risk assessment methodology, except where visits are requested by businesses, or where we act on relevant intelligence. We will focus our efforts on businesses where intelligence and risk assessment shows there is a higher likelihood of non-compliance or which pose a more serious risk to regulatory outcomes. Some processes by their nature present a greater risk to health or the environment, or due to their complexity, may make it more difficult to ensure compliance. These are the areas where we will focus our inspection resources.

When we visit or carry out inspections, we will give feedback to businesses to encourage and reinforce good practice. We will also share information about good practice amongst businesses, and with other regulators.

Where we and another regulator have a shared interest in a business we will work together to ensure that our activities can be rationalised to minimise the burden on the business,

where such action is both of benefit to the business and does not harm the standard of enforcement for either regulator.

We will also take account of the circumstances of small, businesses, including any difficulties they may have in achieving compliance.

7. Information Requirements

Worcestershire Regulatory Services do not require large quantities of information from businesses on a routine basis. When determining what data we may require, we will consider the costs and benefits of data requests to businesses and,

- Limit the data that we request to that which is either appropriate, or required by statute e.g. food registration, licensing applications, etc,
- Minimise the frequency of collection and seek the information from other sources where relevant and possible.

We will work with our fellow local regulators to minimise the information we request from businesses, and we will seek to maximise our data sharing within the provisions of the Data Protection Act. We will seek to use compatible collection methods to give consistency.

We will involve businesses in vetting data requirements and form design for clarity and simplification. We will also ensure that, where possible, data can be returned electronically.

8.0 Enforcement Action

In accordance with good practice, we will:

- Publish our Enforcement Policy;
- Report on our enforcement activities year on year to interested parties through an Annual Report;
- Follow-up enforcement actions where appropriate;
- Be transparent in the way in which we enforce requirements and, apply and determine penalties (when such powers are made available.)

When considering what action should be taken, we will look to:

- Be proportionate to the nature of the offence and the harm caused,
- Change the behaviour of the offender;
- Eliminate any financial gain or benefit from non-compliance;
- Address the harm caused by regulatory non-compliance, where appropriate;
- Deter future non-compliance,
- Be responsive and consider what is appropriate for the particular offender and regulatory issue, and
- Avoid perverse incentives that might influence the choice of sanctioning response.

When considering formal enforcement action, we will, when appropriate, discuss the circumstances with those suspected of a breach (usually by way of formal interview,) and take these comments into account when deciding on the best approach, (unless immediate action is required to prevent or respond to a serious breach or where to do so would be likely to defeat the purpose of the proposed enforcement action.)

We will ensure that clear reasons for any formal enforcement action are given to the person or entity at the time the action is taken. These reasons will be confirmed in writing

at the earliest opportunity. Complaints and relevant appeals procedures for redress will also be explained at the same time.

8.1 Deciding what enforcement action is appropriate

In assessing what enforcement action is necessary and proportionate, consideration will be given to:

- The seriousness of compliance failure;
- The business's past performance and its current practice;
- The risks being controlled;
- Legal, official or professional guidance;

There are a large number of potential enforcement options. The level of the action taken varies from no action through to proceedings in Court. Examples of the main types of action that can be considered are shown below:

- No action;
- Informal Action and Advice;
- Fixed penalty Notices;
- Penalty Charge Notices;
- Statutory Notice;
- Formal closure
- Seizure of goods/equipment;
- Injunctive Actions;
- Refusal/revocation of a licence;
- Simple Caution;
- Prosecution.

8.2 No Action

There will be circumstances where a contravention may not warrant action, or it may be inappropriate. Many minor contraventions can be dealt with via advice and/ or assistance.

8.3 Informal Action and Advice

For minor breaches of the law we will give advice on how to put them right, including a deadline by which this must be done. The time allowed will be reasonable, and take into account the seriousness of the contravention and the implications of the non-compliance. Where the advice required is detailed, or there are potentially serious implications from the failure, the advice will be provided in writing. Failure to comply could result in an escalation of enforcement action.

Where ever possible we will advise offenders about 'good practice', but we will clearly distinguish between what they *must do* to comply with the law and what is recommended best practice.

8.4 Statutory Notices

Officers of the Service have the power under various pieces of legislation to issue notices that:

- Prohibit the sale or distribution of goods where relevant provisions may have been breached,

- Require a business to take specific actions to remedy an identified problem,
- Require a business to desist from particular activities that may not comply with legal requirements.
- Require any person to take action to ameliorate or stop nuisances being caused by their actions

Notices may require immediate action where, for example, there are risks to public health or safety, or an immediate risk of environmental damage or serious nuisance. In other circumstances, a reasonable amount of time will be given, depending on the circumstances, to rectify the problem.

Certain types of notice allow works to be carried out in default. This means that if a notice is not complied with (a breach of the notice) we may carry out any necessary works to satisfy the requirements of the notice ourselves. Where the law allows, we may then charge the person/business served with the notice for any cost we incur in carrying out the work.

In certain limited circumstances e.g. under the provisions of food safety legislation, where an authorised officer is satisfied that there is an imminent risk of injury to health from the condition of the premises, the officer may serve notice to close the premises. This would be immediately followed by an application to a Magistrates Court to confirm the closure.

All notices issued will contain details of any Appeals process that may be available to the recipient.

8.5 Fixed Penalty Notices

Certain offences are subject to fixed penalty notices where prescribed by legislation. These notices are recognised as a low-level enforcement tool and avoid the defendant obtaining a criminal record. Where legislation permits an offence to be dealt with by way of a Fixed Penalty Notice (FPN), we may choose to administer a FPN on a first occasion, without issuing a warning. They will be used in appropriate circumstances to give a fast and measured response to the situation.

8.6 Penalty Charge Notices

Penalty Charge Notices (PCNs) are prescribed by certain legislation as a method of enforcement by which the offender pays an amount of money in recognition of the breach. Failure to pay the PCN will result in the offender being pursued in the County Court for non-payment of the debt. A PCN does not create a criminal record and we may choose to issue a PCN without first issuing a warning in appropriate circumstances.

8.7 Institution of Legal Proceedings

Once an officer has completed his/ her enquiries, they will submit a case report to a senior officer, independent of the investigation, who will decide, using the criteria below, the most appropriate course of action.

Where the law has been broken, there is a range of enforcement options available to seek compliance with the law. Under normal circumstances, a process of escalation will be used until either compliance is reached or there is no option other than to instigate proceedings. Exceptions would be where there is a serious risk to public

safety or the environment, or the offences have been committed deliberately or negligently or involve deception, or where there is significant economic detriment. Each case is unique and will be considered on its own facts and merits.

The senior officer will take into consideration the requirements of the Code for Crown Prosecutors and other relevant codes before deciding whether or not to authorise the institution of legal proceedings.

Firstly the senior officer will have to be satisfied that there is sufficient evidence to provide a realistic prospect of conviction against each defendant on each charge (i.e. that a jury or bench of Magistrates, properly directed in accordance with the law, is more likely than not to convict the defendant of the charge alleged). To this end, the senior officer will look at all the available evidence, reliability of witnesses, supporting documentation and any other matters relating to the investigation. Only when this evidential test has been satisfied will the public interest to proceed with the prosecution be considered.

In deciding whether a prosecution will serve the public interest, the senior officer will balance factors for and against the prosecution carefully, fairly and impartially. Some factors may increase the justification to prosecute whereas others may militate against. Below are some of the matters to be taken into consideration for and against criminal proceedings. This is not an exhaustive list and, as such, each case is taken strictly on its own individual merits:

Factors in Favour of Prosecution.

- The offender was in a position of control within the business,
- The offender acted dishonestly, wilfully or negligently.
- The product or service was aimed at a vulnerable group or person.
- The product or service has caused or had the potential to cause physical or mental injury or suffering, significant harm or loss.
- The offender has received advice or a warning concerning the circumstances of the offence or similar matters.
- The offender has previous convictions that are relevant.
- The offence, though not serious in its self, is widespread in the area where it was committed.
- There are grounds to believe that the offence is likely to be continued or repeated, for example by a history of recurring conduct.
- The outcome of a prosecution might serve an important, informative purpose or establish a legal precedent.

Factors which would mitigate against the need for a prosecution

- The offence was minor in nature and as a result of a genuine mistake or misunderstanding, which did not involve significant negligence.
- The offender is elderly, or was at the time of the offence suffering from significant mental or physical ill health, which contributed to the commission of the offence, and the offence was neither serious nor likely to be repeated.
- The loss or harm could be described as minor and was as a result of a single incident, particularly if it was caused by a failure of judgment.
- The offender put right the loss or harm caused prior to the intervention of the Service.
- Prior to the Service's intervention, the offender had introduced adequate steps to prevent further similar offences.
- The defendant was a youth at the time of the offence.

- There has been a long delay between the offence and any potential court action, unless either:
 - (i) The offence is serious,
 - (ii) The delay has been caused by the defendant or his/ her legal representatives,
 - (iii) The offence has only recently come to light, or
 - (iv) The complexity of the offence meant that there has been a long investigation.

8.8 Proceeds of Crime Applications

Some cases taken by the service can lead to applications being made under the Proceeds of Crime Act 2002 (POCA) for confiscation of assets. These are the most serious cases or where there is persistence of offending over a long period of time or where the offences are deemed to be "lifestyle crime" under POCA. Their purpose is to recover the financial benefit that the offender has obtained from his criminal conduct.

8.9 The use of Simple Cautions

Where the public interest justifies it, we will consider offering a Simple Caution (or Reprimand/ Final Written Warning if the offender is under 18.) In offering a Simple Caution, we will take account of the Home Office Guidelines in relation to the cautioning of offenders, and the Code for Crown Prosecutors. Where the offender is under 18 and a formal approach is being considered, appropriate bodies such as the Youth Offending Team will be consulted.

A Simple Caution requires an admission of guilt on behalf of the offender, however there is no sentence and there is no recorded conviction. A caution will remain on record for a period of 2 years and may be cited in Court should a further offence be committed and prosecuted during that time.

8.10 Injunctions

Some legislation includes provisions for obtaining enforcement orders against traders. This process involves the civil courts rather than the criminal courts. The purpose of these provisions is to prevent traders from continuing with conduct that harms the collective interests of consumers, but it is only available for specific criminal and civil legislation.

The enforcing authority is required to follow a procedure involving consultation with the trader and the Office of Fair Trading (OFT) before proceeding to formal action. An order can proceed without consultation where the OFT feels that action should be brought without delay, however, written permission is required from the OFT to instigate proceedings in all cases.

Generally, we will attempt to obtain undertakings that the offending conduct will cease before moving to the formal stage. The conduct will normally be identified from recurring complaints. In determining whether the number of complaints is sufficient for action, consideration will be given to the seriousness of the complaints, the size of business, and whether it trades locally, regionally or nationally. Action may also be considered after a single complaint where the conduct is seriously detrimental and repetition must be prevented.

Where the Service fails to gain written assurances from the trader, or where such assurances are breached, action to obtain an enforcement order through the civil

courts will be considered, using a process similar to that described above for other formal actions.

8.11 Anti Social Behaviour Orders and Criminal Anti Social Behaviour Orders

This is a civil process. Where the non-compliance identified during an investigation amounts to antisocial behaviour such as persistent targeting of an individual or a group of individuals in a particular area then, following liaison with the relevant partner Council's Anti-Social Behaviour Unit where appropriate, an ASBO or CRASBO will be sought to stop the activity.

8.12 Refusal, Suspension and Revocation of Licence

Where there is a requirement for a business to be licensed by the local authority, the licence may be granted unless representations or objections are received against the application. In such cases the Licensing Committee or Sub-Committee will hear the case and decide to grant, grant with conditions, or refuse the licence application. In addition, in relation to the Gambling Act 2005, applications for premises Licence, the Licensing Committee can exclude a condition of licence.

In most circumstances, a license may be considered for suspension, revocation, or the application of further conditions, where officers become aware of either the commission of offences relating to the conduct of the business, or breaches of existing conditions or similar controls. These matters will be heard before the Licensing Committee (or a Sub-Committee,) of the relevant partner Authority, and the elected members will determine what action should be taken.

9.0 Additional Information

The Senior Managers involved in making the more serious decisions will also have regard to legal advice from the relevant partner Head of Legal Services. Once the Regulatory Service reaches a decision to prosecute, or to instigate civil proceedings, the relevant Partner Authority's Legal Services Department must authorise the action before implementation.

9.1 Standards and Accountability

We will, in consultation with businesses and other interested parties, set and publish clear standards and targets for our service and performance. These will include:

- Regulatory outcomes (e.g. proportions of businesses that comply,);
- Performance standards for contact with businesses;
- A commitment to ensuring costs to businesses of regulatory interventions are proportionate; and
- A commitment to dealing with any negative perceptions of businesses and other interested parties relating to these issues.

We will create effective consultation and feedback opportunities to ensure we have continuing cooperative relationships with businesses and other interested parties. We will ensure our officers provide courteous and efficient services to businesses. We will enable them to interpret and apply relevant legal requirements and ensure that they enforce requirements fairly and consistently between like-businesses in similar situations. We will take account of comments from businesses and other interested parties regarding the behaviour and activity of our staff.

9.2 Liaison with other regulatory bodies and enforcement agencies

Where appropriate, enforcement activities within Worcestershire Regulatory Services activities will be coordinated with other regulatory bodies and enforcement agencies to maximise the effectiveness of any enforcement.

Where an enforcement matter affects a wide geographical area beyond the County boundaries, or involves enforcement by one or more other local authorities or organisations; where appropriate all relevant authorities and organisations will be informed of the matter as soon as possible and all enforcement activity coordinated with them.

Worcestershire Regulatory Services will share intelligence relating to wider regulatory matters with other regulatory bodies and enforcement agencies, and examples include:

- Government Agencies
- Police Forces
- Fire Authorities
- Other Statutory Bodies
- Local Authorities

9.3 Further Information

Anyone requiring further information on this policy should contact Worcestershire Regulatory Services by writing to:

Worcestershire Regulatory Services
PO Box 866
Wyatt House
Farrier Street
Worcester
WR1 9DP

Or by e-mail to:

wrsenquiries@worcsregservices.gov.uk

Appendix A

Bromsgrove District Council Draft Consultation Response

National Planning Policy Framework

Consultation questions

We are seeking your views on the following questions on the Government's proposal for a new National Planning Policy Framework.¹

Email responses to: planningframework@communities.gsi.gov.uk

Written responses to:

Alan C Scott
National Planning Policy Framework
Department for Communities and Local Government
Zone 1/H6, Eland House,
Bressenden Place
London
SW1E 5DU

(a) About you

(i) Your details

Name:	Mike Dunphy
Position:	Strategic Planning Manager
Name of organisation (if applicable):	Bromsgrove District Council
Address:	The Council House, Burcot Lane, Bromsgrove, Worcestershire, B60 1AA
Email Address:	m.dunphy@bromsgrove.gov.uk
Telephone number:	01527 881325

(ii) Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?

Organisational response



¹ (see: <http://www.communities.gov.uk/publications/planningandbuilding/draftframeworkconsultation>)

Personal views

(iii) Are your views expressed on this consultation in connection with your membership or support of any group? If yes please state name of group.

Yes

No

Name of group:

(iv) Please tick the *one* box which best describes you or your organisation:

Private developer or house builder

Housing association or RSL

Land owner

Voluntary sector or charitable organisation

Business, consultant, professional advisor

National representative body

Professional body

Parish council

Local government (i.e. district, borough, county, unitary, etc.)

Other public body (please state)

Other (please state)

(v) Would you be happy for us to contact you again in relation to this consultation?

Yes

No

DCLG will process any personal information that you provide us with in accordance with the data protection principles in the Data Protection Act 1998. In particular, we shall protect all responses containing personal information by means of all appropriate technical security measures and ensure that they are only accessible to those with an operational need to see them. You should, however, be aware that as a public body, the Department is subject to the requirements of the Freedom of Information Act 2000, and may receive requests for all responses to this consultation. If such requests are received we shall take all steps to anonymise responses that we disclose, by stripping them of the specifically personal data - name and e-mail address - you supply in responding to this consultation. If, however, you consider that any of the responses that you provide to this survey would be likely to identify you irrespective of the removal of your overt personal data, then we should be grateful if you would indicate that, and the likely reasons, in your response, for example in the comments box.

(b) Consultation questions

Delivering Sustainable Development

The Framework has the right approach to establishing and defining the presumption in favour of sustainable development.

1(a) – Do you agree?

- | | |
|---------------------------|-------------------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither agree or Disagree | <input type="checkbox"/> |
| Disagree | <input checked="" type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

1(b) Do you have comments? (please begin with relevant paragraph number)

Bromsgrove District Council supports the government's intention to maintain the plan led system, although the Council has some specific concerns over some of the changes which it fears could lead to unplanned and unsustainable development taking place.

Para 14

The presumption in favour of sustainable development already exists in the UK planning system as it has done for many years. The Council has concerns with the current changes being proposed, rather than encouraging sustainable development, there is potential that the imbalance of sustainability criteria now being suggested will encourage more unsustainable patterns of development. Sustainable development has always been viewed as a balance of social, environmental, and economic factors, by placing significant weight on the economic factors over the social and environmental, the balance of what is sustainable is altered. Therefore the core of the planning system is being focussed towards economic growth, which has very different spatial requirements when compared to planning for more environmental and social purposes.

Para 14 - 1st bullet point

Throughout the NPPF the terms needs and demand are used interchangeably when referring to development requirements with no one single approach seemingly preferred. The final version of the NPPF needs to clarify exactly what local planning authorities are expected to plan for, is it development local needs or demands, as these can be very different depending on the nature of the area you are planning for.

Para 14 - 3rd bullet point

Without further clarification determining whether a plan is absent, silent, indeterminate or out of date on issues will create uncertainty, inconsistency and confusion within planning decision making as these terms are loosely defined and very open to interpretation. If, as the draft NPPF indicates the position is to grant permission if these can be proven, then the meaning of these terms in the context of the NPPF needs to be defined, or planning appeal work and unclear decision making criteria will increase, further distancing communities from the planning process.

Para 18

The ability for national incentives to be a material consideration, which we understand to be the new homes bonus and other similar schemes presents a considerable threat to one of the fundamental principles the uk planning system, that planning permission cannot be bought and sold. At a local level the new homes bonus has been greeted with significant scepticism, particularly when discussed with communities who do not want further development in their areas. Further clarity should be provided on how incentives are to be used in relation to decision making.

Para 19 - 1st bullet point

The wholesale removal of the current planning policy statements and guidance to be replaced with the NPPF will affect the ability of LPAs to prepare **succinct local plans**, which as required by the NPPF also provide a practical framework for decisions to be made, with a high degree of certainty and efficiency. Whilst a rationalisation of the current guidance is welcomed, authorities have been working on plans which do not repeat national guidance, therefore with much of this guidance about to be deleted there will inevitably be policy gaps that need filling. The previous planning regime attempted to reduce the length of core strategies significantly, this proved to be a difficult task with many adopted core strategies being of considerable length, and/or with many policies found buried in other DPDs. These plans were prepared with the backup of the more detailed national guidance, without this back up and the threat of development being allowed because plans are absent, silent, or indeterminate will only encourage LPAs to introduce more plentiful, and rigorous policies to ensure that policy gaps don't exist and decisions can be made in line with the local policy.

Plan-making

The Framework has clarified the tests of soundness, and introduces a useful additional test to ensure local plans are positively prepared to meet objectively assessed need and infrastructure requirements.

2(a) Do you agree?

- | | |
|---------------------------|-------------------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input checked="" type="checkbox"/> |

2(b) Do you have comments? (please begin with relevant paragraph number)

Para 20

Objectively assessed development needs at a local level are often very different from the demands of the house building industry, clarification needs to be provided on whether or not it is only local generated needs which are required to be met, or are the demands of a wider region to be met in areas other than where the need originates.

Para 21

Clarity needs to be provided about the nature of the plans LPAs are required to produce. If more than a single plan can be produced if the additional plan is clearly justified, who, and at what point is it determined whether or not this plan is clearly justified. If it is at the point of inspection then the process undertaken to advance the plan to this point could have all been wasted if PINS see no need for the plan. This was an issue which was managed by the approval of LDS's by PINs and the Government offices previously.

SPDs are useful planning tools which can help respond to particular local issues, which would otherwise add to the already considerable length and complexity of local plans. SPDs which deal with local issues may not necessarily bring forward development at an accelerated rate but are an important part of local planning and in line with the Localism agenda, with this in mind SPDs should be encouraged rather than discouraged. Neighbourhood planning can in some instances fill the role of SPDs but due to the complexity of the neighbourhood planning process it is expected that not all communities will be able complete a neighbourhood plan.

Para 25

Local plan needs to reflect vision and aspiration of local community - recent experience in Bromsgrove is that the vision and aspirations of those who responded to consultation have a vision and aspiration for no further growth in the district. Difficult to convince some local communities that they need more housing and employment even with considerable engagement.

Para 26

Further guidance should be provided on the certificate of conformity especially the criteria for eligibility. The lack of any transitional arrangements is placing LPAs in a

very difficult position not knowing quite what the NPPF expects in terms policy preparation, but vulnerable to the presumption in favour of sustainable development whilst policies remain in production.

Para 27

The requirement for a proportional evidence base is welcomed, although acceptance from other agencies and stakeholders in this issue is critical. Too much time and money has been wasted on preparing studies because it is the default position of an agency to ask for it even without clear justification.

Para 28

The Council is committed to delivering more housing across the district particularly for the evidenced affordable and elderly needs, although it is important to point out that his paragraph is confusing when looking at it from local housing needs perspective. LPAs are required to *'to identify the scale and mix of housing and the range of tenures that the **local** population is likely to require over the plan period'*

This **local** requirement then has to include the need from migration and should also be able to cater for the demand of all types of housing, as pointed out in responses to other paragraphs the issues of whether housing need and or demand should be met is a significant issue in green belt areas such as Bromsgrove and clarity should be provided on exactly what is required.

Para 35

The need for SA/SEA within the planning process is one which clearly is still required by EU legislation. The relevant guidance on this should be confirmed, especially in light of the NPPF altering the focus of sustainable development towards economic functions. In order that LPAs are assisted in producing legally compliant plans the statutory requirements of different assessment processes should be clearly identified.

Para's 39 - 43

The council accepts that viability is an important factor in ensuring that sufficient development takes place, and welcomes the Community Infrastructure Levy as a means of ensuring that infrastructure is provided to support development. Concerns do exist that the tone of this policy could be seen to suggest that viable development is more important than appropriate development. A scheme which provides acceptable returns for the developer, may not provide acceptable returns for the community, it is important that viability is not used as an argument to force through otherwise unacceptable schemes. The NPPF should be amended to state this explicitly.

Para 48

The duty to cooperate being included within the tests of soundness is recognised, although further clarity on how this is to be examined and also how LPAs are expected to work across boundaries needs to be provided in order to ensure that

cross boundary issues are successfully and consistently planned for.

Para 49 - 52

As a district with a large number of parishes neighbourhood planning is welcomed, and seen as an important tool planning at the local level. The statement that neighbourhood planning is to support the wider planning activities of the LPA is noted. BDC consider further strengthening of this fact would be welcomed in order to ensure that local communities are fully aware of the role of neighbourhood planning, and don't simply see them as a tool for objecting to the strategic policies prepared by the LPA as has been the perception in some instances.

The policies for planning strategically across local boundaries provide a clear framework and enough flexibility for councils and other bodies to work together effectively.

2(c) Do you agree?

- | | |
|---------------------------|-------------------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input checked="" type="checkbox"/> |

2(d) Do you have comments? (please begin with relevant paragraph number)

Para 44

Whilst Bromsgrove District Council is aware of the importance of planning that takes into account areas beyond its own boundaries the current proposals for cross boundary working give rise to significant concerns. Without the wider overarching strategic policies contained in either the RSS or a structure plan, the strategic priorities of adjacent districts may well be very different. Therefore the requirement of the NPPF to prepare plans strategically across boundaries is potentially an insurmountable challenge for LPAs to overcome alone, and one which could lead to significant decisions being made by PINS at EIPs, further distancing communities from the planning process, or in extreme circumstances plans not even being progressed far enough to be considered by PINS. For instance with LPAs setting strategic objectives a position could arise where there are different strategic objectives in adjoining districts, areas that aren't of common interest and where there isn't a mutually beneficial outcome for the both authorities, in this situation it is difficult to see a positive planning outcome. Further guidance needs to be provided on these issues, and also the level of cooperation expected of authorities, particularly where one authority is in opposition to proposals stemming from an adjoining

district.

Clarity has been sought on this issue with senior politicians who have verbally confirmed that cross boundary development does not have to take place if it means releasing green belt land, if this is in fact the case then Bromsgrove District Council would not only like confirmation of this fact in writing, but would also like to see it become part of the policies contained within the NPPF.

Decision taking

In the policies on development management, the level of detail is appropriate.

3(a) Do you agree

- | | |
|---------------------------|-------------------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither agree or Disagree | <input checked="" type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

3(b) Do you have comments? (please begin with relevant paragraph number)

Para's 53 - 70

If the NPPF envisages a system of development management rather than more traditional development control, increased guidance will need to be provided specifically in relation to planning enforcement which isn't mentioned at all at the moment.

Para 67 - 70

If Circular 05/2005 is deleted in favour of the policies contained in these paragraphs a considerable gap would be left in policy on planning obligations, with considerable room for interpretation/disagreement and subsequently potential legal consequences for both LPAs and applicants.

Any guidance needed to support the new Framework should be light-touch and could be provided by organisations outside Government.

4(a) Do you agree

- | | |
|----------------|--------------------------|
| Strongly agree | <input type="checkbox"/> |
|----------------|--------------------------|

- Agree
- Neither agree or Disagree
- Disagree
- Strongly Disagree

4(b) What should any separate guidance cover and who is best placed to provide it?

As stated above in answers to other question the danger of having inadequate policy coverage is one of real concern, further guidance should be provided on specific more technical elements. Bromsgrove District Council agree that the NPPF should streamline the current system and would not welcome a return to multiple PPGs, PPSs often with companion guides running to hundreds of pages, which are then often used to introduce tick box planning rather than relying on planners using professional planning judgement, but it is felt that the level of unanswered questions left by this draft leaves gaps, and could led to a system of planning by appeal rather than the intended plan led system.

Business and economic development

The 'planning for business policies' will encourage economic activity and give business the certainty and confidence to invest.

5(a) Do you agree?

- Strongly agree
- Agree
- Neither agree or Disagree
- Disagree
- Strongly Disagree

5(b) Do you have comments? (please begin with relevant paragraph number)

Bromsgrove District Council supports the need to plan for increased levels of economic activity, as stressed in responses above this should not be at the expense of social and environmental planning principles.

Para 76

If the governments' intention is to secure more economic development the need to protect employment land is essential, allowing other uses to replace employment uses without very strong justification would undermine many other policies/ statements within the NPPF. Allowing non employment uses in traditional employment areas apart from reducing the overall amount of land

available for employment, could also affect the long term viability of these areas and the businesses in them. These areas may evolve into other uses which force the traditional employment uses to seek accommodation elsewhere where they are now more suitable, although which in many instances would be in locations which are more unsustainable than where the traditional employment areas developed.

Para 81

As a largely rural district Bromsgrove District Council support the rural economy section although, further guidance needs to be clarified in terms of the impacts of more economic development in rural areas when viewed against the protection of the green belt and rural life.

5(c) What market signals could be most useful in plan making and decisions, and how could such information be best used to inform decisions?

Traditional monitoring work alongside more detailed financial information will provide evidence of market changes, the importance of this monitoring work should not be overlooked. Whilst the requirement to produce AMRs which covered every aspect of planning work was to onerous on LPAs, the NPPF should make reference to monitoring work and which essential data should be recorded.

The town centre policies will enable communities to encourage retail, business and leisure development in the right locations and protect the vitality and viability of town centres.

6(a) Do you agree?

- Strongly agree
- Agree
- Neither agree or Disagree
- Disagree
- Strongly Disagree

6(b) Do you have comments? (please begin with relevant paragraph number)

Para 76

Continued support for the importance that town and other centres play is welcomed as are the vast majority of the policies for town centres. The requirement to define specific roles within the town centre such as the primary and secondary frontages is welcomed, although this is a level of detail that doesn't appear in other policies of the NPPF and would appear to suggest a

return to the production of 'old style' local plans, it is elements like this which create the uncertainty with LPAs as to exactly what level of detail plans should now contain.

Para 78

The omission of office/commercial development from this paragraph thus allowing out of town office development could have significant adverse effects on the role and vitality of Centres. Apart from the lack of activity within centres this policy will create, it will also promote unsustainable travel patterns as developers will look for cheaper edge of, and out of centre sites to provide new office developments. This policy approach on the face of it would appear to encourage more economic development, as it will be easier to find land for office development, although it is very important that this is not at significant cost to the long term success and in many cases regeneration of town centres.

Transport

The policy on planning for transport takes the right approach.

7(a) Do you agree?

- Strongly Agree
- Agree
- Neither Agree or Disagree
- Disagree
- Strongly Disagree

7(b) Do you have comments? (please begin with relevant paragraph number)

No comment - Worcestershire County Council are the Highways Authority

Communications infrastructure

Policy on communications infrastructure is adequate to allow effective communications development and technological advances.

8(a) Do you agree?

- Strongly Agree
- Agree
- Neither Agree or Disagree
- Disagree
- Strongly Disagree

8(b) Do you have comments? (please begin with relevant paragraph number)

No Comments

Minerals

The policies on minerals planning adopt the right approach.

9(a) Do you agree?

- Strongly Agree
- Agree
- Neither Agree or Disagree
- Disagree
- Strongly Disagree

9(b) Do you have comments? (please begin with relevant paragraph number)

No comment - Worcestershire County Council are the Mineral and Waste Authority

Housing

The policies on housing will enable communities to deliver a wide choice of high quality homes, in the right location, to meet local demand.

10(a) Do you agree?

- Strongly Agree
- Agree
- Neither Agree or Disagree
- Disagree

Strongly Disagree



10(b) Do you have comments? (please begin with relevant paragraph number)

The need for additional housing growth is recognised and supported by Bromsgrove District Council.

Para's 107 - 113

As mentioned above the issues surrounding providing for local housing needs and the market demands from a wider area has to be clarified in order to provide clear guidance, and ensure that development pressures are not focussed on only high demand areas which often serve other planning functions such as Green Belt.

Para 109

The Council has significant concerns about the requirement for an additional 20% land supply, whilst it may well provide more housing land and provide additional flexibility in the market, it could also prevent harder to develop brownfield sites coming forward as quickly, as developers are given more flexibility continue to cherry pick easier to develop greenfield sites.

Para 111

The removal of the national threshold for affordable housing provision is unwelcomed. Whilst the Council welcome the ability to set its own affordable housing policies, the removal of a national policy in a time when local policy preparation is adapting to a changing planning system, combined to the presumption in favour of sustainable development could lead to high numbers of sites not providing sufficient affordable housing, due to the lack of an up to date local policy. A national threshold should be re-established.

Para 112

More flexibility in providing housing in rural areas is welcomed, although more clarity is required as to what are appropriate levels of market housing allowable to support rural schemes. In Bromsgrove due to the proximity to the West Midlands conurbation the rural areas are also high demand areas in many instances. Without this further clarity there is a danger that market housing in rural areas will begin to be the driving force behind schemes, rather than simply being used to cross subsidise affordable housing.

Planning for schools

The policy on planning for schools takes the right approach.

11(a) Do you agree?

- Strongly Agree
- Agree
- Neither Agree or Disagree
- Disagree
- Strongly Disagree

11(b) Do you have comments? (please begin with relevant paragraph number)

No comment - Worcestershire County Council are the Education Authority

Design

The policy on planning and design is appropriate and useful.

12(a) Do you agree?

- Strongly Agree
- Agree
- Neither Agree or Disagree
- Disagree
- Strongly Disagree

12(b) Do you have comments? (please begin with relevant paragraph number)

Para's 114-123

The section seeks to plan positively to achieve a high quality and inclusive design for all development. The recommendation to use Design Codes (para 117) is supported by the council. It is noted that advertising control policy and decision making will continue to be assessed on the grounds of visual amenity and public safety (para 123).

Paragraph 118 states that local authorities should not imposing architectural styles, how does this relate to Historic Environment (paragraphs 176 – 191)? And which takes precedent in decision making?

Green Belt

The policy on planning and the Green Belt gives a strong clear message on Green Belt protection.

13(a) Do you agree?

- Strongly Agree
- Agree
- Neither Agree or Disagree
- Disagree
- Strongly Disagree

13(b) Do you have comments? (please begin with relevant paragraph number)

Para's 133 – 147

BDC welcomes the continued protection for the green belt as a district with currently 91% green belt coverage, which consistently is under pressure from development from surrounding districts and the west midlands conurbation.

Whilst the vast majority of the GB policies remain unaltered BDC has concerns about

- the allowance of proportionate extensions to **all** types of buildings in the green belt, current guidance only allows extensions to dwellings,
- the replacement of **any** building providing it is not materially larger than the one it replaces, current guidance is restricted to the replacement of dwellings only.
- Infilling or redevelopment of **any** previously developed site, current guidance is restricted to major developed sites.

The relationship between green belt and the presumption in favour of sustainable development needs to be clarified. As does whether or not green belt releases are acceptable if they help meet housing needs, the Planning Minister has said GB does not need to be sacrificed in order to meet the development needs of the district and or surrounding districts, clarification on this point would be welcomed.

Climate change, flooding and coastal change

The policy relating to climate change takes the right approach.

14(a) Do you agree?

- Strongly Agree
- Agree
- Neither Agree or Disagree
- Disagree
- Strongly Disagree

14(b) Do you have comments? (please begin with relevant paragraph number)

Para's 148 - 158

The general sentiments of this section are supported by Bromsgrove District Council.

The impacts of climate change also include higher risk of fire, subsidence and water shortage and these are not mentioned in para 148.

All planning applications, including sustainable buildings and infrastructure, are assessed against all relevant policies. Clarification is therefore needed for para 151 on whether zero/low carbon emissions buildings/ infrastructure should carry more weight than other social, economic and environmental factors or townscape should not carry any weight when assessing such proposals. If it's the latter, this can potentially conflict with the design code drawn up by a local authority.

The policy on renewable energy will support the delivery of renewable and low carbon energy.

14(c) Do you agree?

- | | |
|---------------------------|-------------------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input checked="" type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

14(d) Do you have comments? (please begin with relevant paragraph number)

No Comment

The draft Framework sets out clear and workable proposals for plan-making and development management for renewable and low carbon energy, including the test for developments proposed outside of opportunity areas identified by local authorities.

14(e) Do you agree?

- | | |
|---------------------------|-------------------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input checked="" type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

14(f) Do you have comments? (please begin with relevant paragraph number)

No comment

The policy on flooding and coastal change provides the right level of protection.

14(g) Do you agree?

- | | |
|---------------------------|-------------------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input checked="" type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

14(h) Do you have comments? (please begin with relevant paragraph number)

Para's 154 -158

PPS25 currently lists out the appropriate uses in different flood zones, provides a flood risk vulnerability classification table to help decide when exception test is appropriate. It is unclear if the local authorities will be left to decide the vulnerability class in each flood zone or the current flood risk vulnerability classification table in PPS25 will be followed as it is not referred to in para 156 and its footnotes.

Para 156 refers to the risk-based approach, it is unclear if this risk-based approach is the same as the flood risk management hierarchy in PPS25 Practice Guide.

Definition of minor development in para 158 is not provided. Clarification is needed to confirm if the definition remains the same as in PPS25.

There are many watercourses outside the model catchment size of Environment Agency's flood map and areas next to these un-modelled watercourses are in flood risk zone 1. Clarification is required on whether development next to these un-modelled watercourses smaller than 1ha would require FRA

Natural and local Environment

Policy relating to the natural and local environment provides the appropriate framework to protect and enhance the environment.

15(a) Do you agree?

- Strongly Agree
- Agree
- Neither Agree or Disagree
- Disagree
- Strongly Disagree

15(b) Do you have comments? (please begin with relevant paragraph number)

Para 166

Para 166 refers to “landscape areas” and it would be useful if tools that are used to identify landscape areas such as Landscape Character Assessment can be referred to in the paragraph.

Para 168

The fourth bullet point of para 168 states that “planning policies should aim to prevent harm to geological conservation interests”. There is no mention of promoting or enhancing geodiversity through developments.

Para 169 - 4th bullet point

The fourth bullet point of para 169 only refers to ancient woodland and veteran trees. Clarification is needed on what other habitats are counted as irreplaceable habitats, does it include other woodlands, species-rich hedgerows, acid grassland, hay meadows? Given that the bullet point covers **irreplaceable** habitats and that the Government has recently published “Biodiversity 2020: A strategy for England’s wildlife and ecosystem services” which aims “to halt overall biodiversity loss”

Para 173

only refers to the noise impacts on health and quality of life but not the impact on biodiversity.

Historic Environment

This policy provides the right level of protection for heritage assets.

16(a) Do you agree?

- Strongly Agree
- Agree
- Neither Agree or Disagree
- Disagree

Strongly Disagree



16(b) Do you have comments? (please begin with relevant paragraph number)

Paras 176 – 191

The Historic Environment section of the New Planning Policy Framework (NPPF) broadly covers the principles of Planning Policy Statement 5 (PPS5) but in a more concise fashion. PPS5, which was only introduced in the Spring of 2010 contains 14 pages of planning policy, whereas the historic environment section of the NPPF reduces this guidance down to 2 and half pages. This has resulted in the weakening of the protection, as whole sections of PPS 5 have been deleted while other sections have been watered down. For example when considering applications for consent relating to designated heritage assets, PPS 5 states in HE9.1 that 'there should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be'. In contrast section 183 of the NPPF merely states that 'when considering the impact of a proposed development on a designated heritage asset, considerable importance and weight should be given to its conservation'. Section HE7.5 of PPS5 states 'Local Planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment'. No reference is made to this in the NPPF.

Now that the policies protecting the Historic Environment are contained in one general planning document rather than a specific historic Environment document as before, it is unclear which policies are to carry most weight when considering a planning application. This is likely to result in more planning appeals until precedents are established and greater costs for local planning authorities.

In addition in the document as a whole 'public benefit' is stressed but this is not defined. Previously 'public benefit' meant large infrastructure projects or other large projects such as major regeneration schemes with an obvious overwhelming public benefit. The NPPF would appear to define 'public benefit' as any sustainable economic growth. This may result in the justification of the demolition of heritage assets which would never have been permitted under PPS5.

Although it has been stated that the NPPF will replace PPS5, it is unclear whether the Historic Environment Planning Practice Guide, also published in 2010, is also to be replaced or whether it will continue to be used, and if so how much weight should be attached to it.

Overall in terms of managing and protecting the historic environment this new document is not particularly helpful in comparison to PPS5 and has introduced a large number of uncertainties.

Bromsgrove District Council has focussed its comments specifically on the policies contained in the NPPF and does not wish to comment on the impact assessment element of the consultation.



Bromsgrove
District Council
www.bromsgrove.gov.uk

Department

Title: Housman Close

Scale: 1:1250



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PRIVATE SECTOR HOME REPAIR ASSISTANCE POLICY

1. Introduction

The Reform Order

In July 2002 the Government issued legislation, the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002, which requires all Councils to adopt and publish a policy as to how they intend to use the powers set out in this legislation.

The purpose of this document

This Housing Assistance Policy, which has been revised to commence on 1st April 2011, sets out the basis on which Bromsgrove District Council will offer financial assistance (“Housing Assistance”) for works of repair or renewal in the private housing sector.

All housing assistance approved under this policy is either discretionary (and subject to the District Council having sufficient funds) or mandatory Disabled Facility Grants.

The District Council will review this policy on a regular basis to take into account changing policies at national and regional level and all available information on the condition of private sector housing in the District.

The document outlines a range of financial assistance that are client and thematic based services, particularly focused on vulnerable people.

The aim of this policy

This policy supports the Council’s objective to secure health and community well-being and supports the Worcestershire Housing Strategy ‘*The Right Home at the right time in the right place*’ which has four primary goals, two of which are supported by this policy, - ‘Improving condition of existing homes and Making better use of existing homes. The policy supports the Council’s corporate values and objectives of Regeneration, Improvement, Sense of Community and Well Being and the Environment.

Discretionary financial assistance, advice and enforcement action that provides for energy efficiency and security measures to dwellings supports Community Strategy aims and assists vulnerable people achieve decent, suitable and affordable homes in sustainable communities and in particular aims to;

- Reduce the number of people living in homes in the private sector that have category one hazards.
- Reduce the number of vulnerable people living in non-decent homes.
- Reduce the number of households in fuel poverty.

- Increase the number of people who are able to live independently at home.
- Reduce the number of victims of domestic violence who are forced to leave their own accommodation because of a lack of alternative options.
- Increase the number of properties that are brought into to use particularly where that accommodation can then be used to reduce homelessness or the use of temporary accommodation.

The provision of mandatory grants and discretionary financial assistance will be subject to internal auditing and external auditing to ensure adequate procedures are in place and followed and that there is an appropriate use of public funds.

2. Purpose and Form of Housing Assistance

Housing Assistance may be offered by Bromsgrove District Council in accordance with this policy towards the cost of:

- (i) The improvement, repair or adaptation of existing living accommodation including permanent residential caravans and houseboats.
- (ii) Any other initiatives which are consistent with the aims and objectives of the District Council's Private Sector Housing Action Plan.

Housing Assistance may be offered in any form including but not restricted to financial assistance, advice, provision of materials, carrying out of works or loans. The Council may enter into partnership with other organisations or agencies to deliver financial assistance.

The specific types of Housing Assistance available at the time of this policy and the conditions for eligibility are specified in Part 9 of this policy.

The assistance will be focused primarily on particular clients e.g. disabled, elderly and vulnerable households across the District and on particular themes, for example to improve energy efficiency and eradication of fuel poverty.

Housing Assistance will be provided for not only eligible works but also necessary associated costs including Care and Repair Agency fees.

Assistance and enforcement are options used by the Council when considered appropriate to ensure standards in relation to housing matters. The provision of financial and other assistance will be considered as an alternative to enforcement when considered appropriate and the relevant parts of this policy apply. Factors that will affect the decision to assist or enforce include individual's capabilities, personal circumstances and responsibilities and the legal and social responsibilities of the Council.

3. Persons Eligible for Housing Assistance

Any person who makes an application for Housing Assistance must:-

- (i) be over 18 years of age at the date of the application, and
- (ii) live in the dwelling as his/her only main residence (except where the applicant is a landlord who intends to let the dwelling or where the housing assistance is in relation to an empty property), and
- (iii) have an owner's interest in the dwelling (other than an interest by virtue of being a Registered Social Landlord under Part 1 of the Housing Act 1996 or being eligible for such registration), or be a tenant or licensee of the dwelling, alone or jointly with others but not being a member of the landlord's family, with a tenancy or license permitting occupation of the dwelling for a minimum period of 12 months after approval of the housing assistance, and
- (iv) have the power or duty to carry out the works and where appropriate have the owner's consent in writing to carrying out the works, and
- (v) satisfy such test(s) of resources as the Council may from time to time have in place
- (vi) not be ineligible, by virtue of the Housing, Grants, Construction and Regeneration Act 1996, regulations made under the Act or any other enactment.
- (vii) homeowners have the primary responsibility for ensuring their homes are properly maintained but we will assist vulnerable homeowners to make sure they have the opportunity for achieving decent homes. Where available we will assist homeowners to take advantage of private finance to resolve their problems, thereby maximising the impact of available public funds.

4. Types of Assistance Available

- The provision of assistance other than mandatory disabled facilities grants is subject to the availability of funding.
- The type of assistance available to home owners and tenants will be based on a mixture of advice, private finance and public finance (if available) to priority cases. This is a hierarchy of assistance based on the need and circumstances of the applicant.
- The basic information, advice and "sign posting" service will cover repairs, maintenance and improvements including information on builders, energy efficiency, other re-housing options, etc.

- Advice to homeowners about where they might be able to access private finance. This includes the range of financial opportunities accessed via Worcestershire Care and Repair Agency and/or the Council
- A higher level of service, namely grant aided assistance and access to the Agency Service (for which a fee will be charged) for households to whom we have a mandatory duty and where they meet the means testing criteria.

5. Making a Formal Application

All applications must be on a form provided by the Council / Worcestershire Care and Repair Agency and must include the following original documentation:-

- (i) Where the estimated cost of the works exceeds £10,000, three quotations are required to be set out on the schedule of grant works/housing assistance provided by the Council. If the estimated works is below £10,000 then there can be either two quotes or one if a comparable costed schedule exists to ensure value for money.
 - (ii) Particulars of the work to be carried out including where appropriate plans, specifications and specialist reports.
 - (iii) Details of any professional fees or charges relating to the work and for which assistance is being sought.
 - (iv) Confirmation of planning and/or building control approval where appropriate.
 - (v) Proof of ownership from a solicitor or mortgagee, or copies of the title deeds/land certificate, or copy of the tenancy agreement or licence to occupy.
 - (vi) Where the application is the owner or landlord, a signed undertaking to repay the Housing Assistance if the conditions imposed by this policy with regard to future occupation, letting or ownership are not met or complied with.
- The application will only be considered complete when the Council has all the information it needs to be able to make a decision on the application.
 - Worcestershire Care and Repair have their own procurement process where they act as Agency role, as outlined in the Service Level Agreement.

6. Restrictions on Assistance

No assistance will normally be given for work started before formal approval of an application, except where:

- (i) The Council may in exceptional circumstances exempt an application from this condition for example where a defect may present a serious risk to health and safety.
 - (ii) The Council may, with consent of the applicant, treat the application as varied so exclude any works that have been started before approval.
- The Council will not consider an application for assistance in respect of premises built or converted less than 10 years from the date of the application, except in the case of an application for a disabled facility grant.
 - No assistance will be given in respect of properties owned by Statutory Authorities or trusts. This includes properties owned by Registered Social Landlord, NHS Trusts and Police Authorities except in the case of a disabled facilities grant.
 - The Council will assess whether the scope of works are reasonable and eligible, in particular having regard to the age and condition of the property.
 - The Council will assess whether prices given by contractors meet value for money. In determining this, the Officer will give consideration to similar jobs priced within the last year. The Officer may also choose to do a further check on the price by asking a regularly used contractor to price for the work.
 - The Officer should also give consideration to the procedure for identifying new contractors.
 - In the event that the Officer believes the price for contracts are too high and identifies an appropriate price for this work (which is lower), then they will advise the client that the total eligible grant or assistance will be the lower amount. The client is under no obligation to use the cheaper priced contractor but must be aware that the Council will only make a grant or assistance payment up to the value of the lower price.
 - Grant assistance will not normally be provided for works covered by insurance. Where, before a grant or assistance is approved, it is found that an applicant can make an insurance claim, the insurance company will be requested to confirm in writing the level of their liability, if any. The level of grant or assistance will be reduced by an amount equivalent to the insurance company's liability. Where a grant or assistance is approved, a condition will be imposed requiring the applicant to pursue any relevant claim against an insurance company or third party for: -
 - a) claims for personal injuries where the applicant is in respect of works required under a Mandatory Disabled Facilities Grant.
 - b) claims on the applicant's property insurance or on a third party

where the application is in respect of works for which financial assistance has been given and to repay the financial assistance provided out of the proceeds of such a claim.

- The Provision of grants/assistance is allowed for caravans and houseboats used as main residence, subject to meeting other eligibility requirements. It will not normally however be allowed for in the case of 'shacks' and chalet type structures. Holiday residences, caravans on holiday sites or those with restricted occupancy and second homes (as defined by Council Tax) will not be provided with grants/assistance.
- The Council recognises that these policies cannot cover every likely situation and there will be people who genuinely are in need of some form of urgent support that are precluded from accessing them due to a certain aspect. In these situations the Council may consider offering assistance in exceptional circumstances, in particular where support would help the Council meet its strategic objectives, as determined by the Service Manager or above.

7. Supervision of Works

In the absence of any agency agreement with the Council or Worcestershire Care and Repair Agency, the responsibility for supervision of the works rests with the applicant or with any suitably qualified and indemnified building professional or agent acting on the applicant's behalf and not with the Council.

8. Payment of Assistance

The Housing Assistance will only be paid if

- (i) the assisted works are completed within twelve months from the date of approval unless the delay was a result of requirements made by the District or County Council or Worcestershire Care and Repair, and
 - (ii) the assisted works are carried out in accordance with the specifications set out in the formal approval or as varied with the prior agreement of the Council, and
 - (iii) the assisted works are carried out to the satisfaction of the Council and the applicant, and
 - (iv) the Council are provided with an invoice, demand or receipt for payment in an acceptable format. Any such invoice must contain sufficient detail for the Council to identify in full the works carried out and the price charged and must not be provided by the applicant or a member of his/her family.
- The payment the Housing Assistance to the contractor may be made via the applicant or, if requested in writing by the applicant and agreed by

the Council, direct to the builder or contractor engaged by the applicant. The Housing Assistance may be paid in one lump sum on satisfactory completion of the works or in instalments (“stage payments”) as the work proceeds. Stage payments will only be made where the Council is satisfied the value of the work completed exceeds the value claimed. **A maximum of three stage payments will be considered, normally for 25%, 50% and then 100%.**

- No Housing Assistance will be given until binding agreements appropriate to the form of assistance have been formally executed.
- The Council will not enter into any Form of Contract with a builder or contractor and, in the absence of any agency agreement with the applicant, it is a matter for the applicant to agree any contract with the builder or contractor.
- Although not governed by Council Standing Orders in relation to procurement, as the payment of any assistance given is due principally to the applicant and not the builder but Standing Orders do act as a useful reference for determining the administration of procedures regarding obtaining quotes etc.

9. Types of Housing Assistance

The types of Housing Assistance offered from 1st April 2011, and the conditions applicable, are as follows and will remain so until a further Housing Assistance Policy is published. All are discretionary (except in the case of a Disabled Facilities Grant) and are subject to the Council having sufficient resources.

Mandatory Disabled Facility Grants

These grants are mandatory under the Housing Grants, Construction and Regeneration Act 1996 and are subject to statutory means test.

These grants are awarded to enable applicants to have access to and around their homes, or to use essential facilities in the home to enable them to live independently.

Ongoing maintenance and repair of adaptations and equipment provided under the grant will become the responsibility of the applicant or landlord as relevant.

No discretionary grant aid is payable towards the cost of aids and adaptations for Disabled Persons.

Whilst it is recognized that a DFG is a mandatory grant it is the council's intention where possible to investigate all housing options which could include moving to more suitable accommodation that may be available to the

applicant before awarding a DFG.

Eligible applicants	<ul style="list-style-type: none"> Any applicant registered or capable of being registered under the Chronically Sick and Disabled Persons Act 1970 and requires adaptations to be provided.
Qualifying criteria	<ul style="list-style-type: none"> A referral from the Occupational Therapist (OT) via Social Services confirming that the works are 'necessary and appropriate' is required. This referral will recommend works. Entitlement to a Disabled Facility Grant is mandatory but before approval the Council has to be satisfied that the relevant works are both necessary and appropriate for the Disabled Person, and also that it is reasonable and practicable to carry out the works.
Conditions	<ul style="list-style-type: none"> Subject to a financial assessment of resources The Council will use its powers to place a limited charge against the property where the DFG grant exceeds £5,000 up to a ceiling of £10,000. Repayment of the grant up to a maximum of £10,000 will be required if the property is sold within 10 years of the grant being awarded. A means test will not be applied to parents where adaptations are required for a disabled child Proof of title is required. Landlord consent would be required were applicable Conditions relating to the recovery of equipment in specified circumstances are applied
Maximum grant	<ul style="list-style-type: none"> £30,000.00

Disabled Facilities Grants are dealt with in a priority order based upon a points system used by Occupational Therapists to classify need into three categories. This system may be subject to further review.

A disabled persons housing need can be met in a number of different ways and all options will be investigated to identify which will meet the needs of the applicant in the most cost effective and suitable way, whilst acknowledging that DFGs are a mandatory grant.

Discretionary Disabled Facilities Grants for costs above £30,000 will not be made available except upon the agreement of the Council and where justified to be the most satisfactory course of action in the circumstances or to have resulted from reasonable and unforeseen additional works. Where works requested are in excess of £30,000 or considered to be unreasonable given the age and condition of the property, alternatives including the following will normally be considered:

- a) Referral to Social Services for their consideration of providing additional resources.
- b) Alternative schemes of work, including modular buildings.
- c) Provision of funding to enable a move to alternative accommodation with funding for adaptations to the new accommodation.
- d) Referral for consideration Equity Release scheme (if applicable).

Home Repair Assistance

This is a discretionary grant and subject to available resources, is available to carry out works to allow persons to remain in their home. A charge is placed on a property receiving Home Repair Assistance. If demand for assistance exceeds the budget available, the Council does not undertake to maintain a waiting list. This discretionary financial assistance will be provided in accordance with the hierarchy set out in Appendix A, where provision will only be considered after other avenues of funding have been considered and found not to be available.

Eligible applicants	<ul style="list-style-type: none"> • Owner-occupiers or private tenants with a repairing responsibility having savings of less than £16,000 and in receipt of one or more of the following means tested benefits:- <ul style="list-style-type: none"> ▪ Working Tax Credit (with an income, after tax, of less than £15,460) ▪ Income Support ▪ Council Tax Benefit (doesn't include single person or disabled person discount) ▪ Pension Guarantee Credit (not pension saving credit) ▪ Jobseekers allowance (income based only, in receipt for longer than 6 months) ▪ Employment Support Allowance (income related) ▪ Income support / job seekers allowance / working tax credit/housing benefit / council tax benefit / pension guarantee credit.
Qualifying criteria	<ul style="list-style-type: none"> • Property in need of essential repairs as determined by the Housing Act 2004 as a 'Category 1 Hazard' or significant category 2 hazard, in order to make the property healthy, safe, wind and weatherproof. Assistance may be prioritised based upon the hazard score or circumstances of the applicant. • Works to bring the property up to the Decent Homes Standard will be aimed for if practical, reasonable and sufficient funds are available.
Conditions	<ul style="list-style-type: none"> • Only one application for assistance will be considered up to a maximum of £5,000 within any 5-year period. (this condition is at the discretion of the Strategic Housing Manager and only in exceptional circumstances) • Grant repayable in full to the Council should the property be disposed of or sold. The charge will be registered as a local land charge where the costs are below £500 and as a national land charge where the costs are £500 or above. • Must have lived at the relevant property for at least 12 months. • Once approval has been given, the applicant has until 12 months from the date of approval to complete the works.
Maximum grant	<ul style="list-style-type: none"> • £5,000.00

Home Move Grant Assistance

This is a discretionary grant and subject to available resources is available to owner occupiers to assist with moving expenses and minor works (at LA discretion) to enable a Disabled Facilities Grant applicant to move to a more adaptable property.

Eligible applicants	<ul style="list-style-type: none"> • Owner- occupiers having savings of less than £16,000 and in receipt of one or more of the following means tested benefits:- <ul style="list-style-type: none"> ▪ Working Tax Credit (with an income, after tax, of less than £15,460) ▪ Income Support ▪ Council Tax Benefit (doesn't include single person or disabled person discount) ▪ Pension Guarantee Credit (not pension saving credit) ▪ Jobseekers allowance (income based only, in receipt for longer than 6 months) ▪ Employment Support Allowance (income related) ▪ Income support / job seekers allowance / working tax credit/housing benefit / council tax benefit / pension guarantee credit.
Qualifying criteria	<ul style="list-style-type: none"> • Existing home is unsuitable for improvement or adaptation and a move is the most cost effective and practical option. • Evidence of new property and inspection by Grants Officer and Occupational Therapist. • Subject to financial assessment.
Conditions	<ul style="list-style-type: none"> • Only one application for assistance will be considered up to a maximum of £2,500 within any 5-year period. (this condition is at the discretion of the Strategic Housing Manager and only in exceptional circumstances) • Grant repayable in full to the Council should the property be disposed of or sold. The charge will be registered as a local land charge where the costs are below £500 and as a national land charge where the costs are £500 or above. • Must have lived at the relevant property for at least 12 months. • Once approval has been given, the applicant has until 12 months from the date of approval to claim the expenditure.
Maximum grant	<ul style="list-style-type: none"> • £2,500.00

A charge is placed on a property receiving the Home Move Grant. If demand for assistance exceeds the budget available, the Council does not undertake to maintain a waiting list. This discretionary financial assistance will only be considered after other avenues of funding have been considered and found not to be available.

Empty Home Grant Assistance

This is a discretionary grant and subject to available resources is available to carry out works to enable an Empty Property to be bought back into use and encourage re-occupation. A charge is placed on a property receiving the Empty Property Grant Assistance. If demand for assistance exceeds the budget available, the Council does not undertake to maintain a waiting list.

This discretionary financial assistance will only be considered after other avenues of funding have been considered and found not to be available.

Eligible applicants	<ul style="list-style-type: none"> Owner-occupiers who have owned the property more than 3 years.
Qualifying criteria	<ul style="list-style-type: none"> Planning permission (if necessary) for any works prior to application. Property in need of essential repairs as determined by the Housing Act 2004 as a 'Category 1 Hazard' or significant category 2 hazard, in order to make the property healthy, safe, wind and weatherproof. Assistance may be prioritised based upon the hazard score or circumstances of the applicant. Works to bring the property up to the Decent Homes Standard will be aimed for if practical, reasonable and sufficient funds are available.
Conditions	<ul style="list-style-type: none"> Only one application for assistance will be considered up to a maximum of £5,000 within any 5-year period. (this condition is at the discretion of the Strategic Housing Manager and only in exceptional circumstances) Grant repayable in full to the Council should the property be disposed of or sold. The charge will be registered as a local land charge where the costs are below £500 and as a national land charge where the costs are £500 or above. Once approval has been given, the applicant has until 12 months from the date of approval to complete the works. For tenanted property subject to nomination rights being vested in the District Council for a period of 3years
Maximum grant	<ul style="list-style-type: none"> £5,000.00

10. Repayment of Housing Assistance

General

- Repaid grant/loan will be recycled into provision of future assistance.
- If an applicant is approved but it subsequently appears to the Council that the applicant (or one of two or more joint applicants) was not, at the time the application was approved, entitled to the assistance approved, then no payment shall be made (or no further instalments paid) and the Council may seek to recover immediately any payments made together with interest accruing from the date of payment.
- If the applicant is the owner of a dwelling in respect of which Housing Assistance has been approved and ceases to be the owner before the works are completed he/she shall repay to the Council on demand the total amount of Housing Assistance that has been paid.

Breach of Undertakings

- Where an owner occupier has given a signed undertaking to occupy a property as his/her principal residence after completion of the assisted works for a period of time, and if they cease to do so during that time, they shall repay on demand to the Council the total amount of assistance paid out.
- Where a landlord (or owner) has given a signed undertaking that the property will be available for letting for a period specified after completion of the assisted works, and if the landlord ceases to make the relevant property available for letting during the specified period then the landlord shall repay on demand to the Council the total amount of Housing Assistance paid out.
- Where the Council has the right to demand repayment but extenuating circumstances exist, the Council may determine to waive the right to repayment or to demand a sum less than the full amount of Housing Assistance.

Death of Applicant

- If the applicant should die before the before the Housing Assistance is approved, the application will be treated as withdrawn.
- If the applicant should die after approval of the Housing Assistance or whilst the approved works are in progress, the Council may at its discretion agree to completion or making good of the works and pay the Housing Assistance in full or, if the works originally agreed are not completed in full, an appropriate proportion of the Housing Assistance.
- Where an applicant dies after completion of the works but before the expiry of the ten year undertaking, the Council will seek repayment of the Housing Assistance from the applicant's estate if a disposal by sale or a change in ownership / tenure takes place.

Additional Conditions

- The Council reserves the right to impose additional conditions when making a grant approval. These may include but are not restricted to:
 - (i) A contribution to the cost of the assisted works by the applicant
 - (ii) The right to nominate tenants to housing accommodation available for rent
 - (iii) Housing accommodation being maintained in repair after completion of the assisted works.
 - (iv) The right of the Council to recover specialised equipment when no longer needed.
- Breach of any additional conditions gives the Council the rights to seek repayment of the Housing Assistance on demand.

Security and Repayment

- Where a grant condition imposes a liability to repay the Housing Assistance, the condition will be registered by the Council either as a local land charge or on the national land charge register.
- The Council may at its discretion determine to require repayment of a lesser sum than the full amount of Housing Assistance.

11. Enquires and Applying for Assistance

- Persons wishing to pursue a grant where a test of resources applies will be asked to complete a preliminary assessment form to confirm whether they are eligible and their financial status. After preliminary assessment, the Council or the Agency will give an initial indication of the assistance likely to be available before the enquirer decides if they wish to proceed further with an application.
- Where a person decides to continue with an application, then an inspection of the property will be carried out and where appropriate to proceed a schedule of works drawn up. The schedule will specify the works to be carried out as a requirement for financial assistance and will be used by the applicant to obtain quotations from builders and/or specialist suppliers.
- The Council will include in any housing assistance provided an Agency fee for the Worcestershire Care and Repair Agency who assist eligible persons with their applications etc.
- The applicant may then submit a formal application along with a priced schedule and any other document required (such as plans, building and planning consents, specialist reports, etc).
- Once approval has been given, the applicant has until 12 months from the date of approval to complete the works unless otherwise stated.
- For disabled facilities grants, the applicant has the right to apply direct to the Council rather than through an Agency. However the Council would

reserve the right not to assist the application process in the manner of an Agency in such circumstances.

12. Decision and Notification

- The Council will notify applicants in writing whether their application has been approved or refused. The decision will be notified as soon as reasonably practicable and in any event no later than six months after receipt of a valid application which includes all required supporting documentation.
- If the application is approved, the notification will specify the works that are eligible for assistance, the value of the assistance, the form the assistance will take and the builder/contractor who will carry out the works
- If the application is refused, the Council will give the reasons for the refusal and also confirm the procedure for appealing against the decision.

13. Re-determination of Amount of Grant

Where the Council is satisfied that because of circumstances beyond the control of the applicant which could not have reasonably been foreseen, the cost of the assisted works has either increased or decreased, the Council may at its discretion re-determine the assistance given in accordance with grant framework set out in this document and notify the applicant accordingly.

Additional works carried out without prior approval of the Council will not result in increased financial assistance being provided and would be the responsibility of the applicant to fund.

14. Appeals Against Decisions

- Any person who is aggrieved by a decision not to give financial assistance as a consequence of this policy may appeal to seek review of the decision.
- The appeal should first be made in writing to the Strategic Housing Services Manager. If the person appealing remains dissatisfied they have the right to go through the Council's Corporate Complaints procedure or approach the Local Government Ombudsman.
- Any possible departure from Policy will only be considered where the applicant can demonstrate both wholly exceptional circumstances to justify such a departure and also that the applicant has not means by which he or she could reasonably be expected to use for the work.
- Complaints about service delivery rather than policy should also be made in writing to the Strategic Housing Services Manager and will be

investigated in accordance with the Council's Corporate Complaints procedure, a copy of which is available on request.

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