



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE OVERVIEW AND SCRUTINY BOARD

MONDAY 26TH MARCH 2012
AT 6.00 P.M.

COMMITTEE ROOM, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors S. R. Colella (Chairman), P. Lammas (Vice-Chairman), C. J. Bloore, J. S. Brogan, Dr. B. T. Cooper, Mrs. R. L. Dent, K. A. Grant-Pearce, Mrs. J. M. L. A. Griffiths, R. J. Laight, P. M. McDonald, S. P. Shannon, Mrs. C. J. Spencer and L. J. Turner

AGENDA

1. Apologies for Absence
2. Declarations of Interest and Whipping Arrangements
3. To confirm the accuracy of the minutes of the meeting of the Overview and Scrutiny Board held on 27th February 2012 (Pages 1 - 8)
4. Pre-scrutiny Longbridge Statement of Principles Affordable Housing Provision Report (Pages 9 - 18)
5. Quarter 3 Performance Monitoring Report (Pages 19 - 26)
6. Planning Policy Task Group Report (Chairman Councillor S. R. Colella) (Pages 27 - 62)
7. Forward Plan of Key Decisions (Pages 63 - 74)
8. Overview and Scrutiny Board Work Programme (Pages 75 - 76)
9. WCC Health Overview and Scrutiny Committee (for information) (Pages 77 - 94)

10. 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

16th March 2012



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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 OVERVIEW AND SCRUTINY BOARD

MONDAY, 27TH FEBRUARY 2012 AT 6.00 P.M.

PRESENT: Councillors S. R. Colella (Chairman), C. J. Bloore, J. S. Brogan, Mrs. R. L. Dent, K. A. Grant-Pearce, R. J. Laight, P. Lammas (Vice-Chairman), P. M. McDonald, S. P. Shannon, Mrs. C. J. Spencer and L. J. Turner

Observers: Councillor M. A. Bullivant, Councillor C. B. Taylor and Ms. J. Bayley

Officers: Ms. J. Pickering, Mrs. C. Felton, Mrs. A. Heighway, Ms. B. Houghton, Mr. C. Santoriello-Smith, Ms. A. Glennie and Ms. A. Scarce

89/11 **ELECTION OF CHAIRMAN**

RESOLVED that Councillor S. R. Colella be elected as Chairman of the Board for the remainder of the municipal year.

90/11 **APOLOGIES**

Apologies for absence were received from Councillors Dr. B. T. Cooper and Mrs. J. M. L. A. Griffiths.

91/11 **DECLARATIONS OF INTEREST AND WHIPPING ARRANGEMENTS**

There were no declarations of interest or whipping arrangements.

92/11 **MINUTES**

The minutes of the Overview and Scrutiny Board meeting held on 23rd January 2012 were submitted.

RESOLVED that the minutes be approved as a correct record.

93/11 **HOMELESSNESS GRANT 2012/13**

The Chairman welcomed the Portfolio Holder for Planning, Core Strategy, Regulatory Services and Strategic Housing and the Strategic Housing Officer who reminded Members that the Board had asked to receive this report following its inclusion on the Forward Plan and subsequent submission to Cabinet on 1st February 2012.

The Strategic Housing Officer provided Members with details of the funding received by the Council for 2011/12 and 2012/13, together with progress on schemes in place for 2011/12 and the methodology used in allocating the funds for 2012/13 and which had been recommended by the Homelessness Strategy Steering Group.

Members discussed the following in detail:

- The Economic Recovery Fund and how residents were made aware of the availability of the funds. This was only available in exceptional circumstances following advice and referral from Citizens Advice Bureau (CAB) specialist mortgage rescue adviser.
- The role of the Homelessness Strategy Steering Group – it had been in existence for 7/8 years, its members included CAB, Bromsgrove District Housing Trust (BDHT), Bromsgrove Youth Forum Newstarts Furniture Project, Fry Housing, Our Ways, St Basils and Registered Providers and met on a quarterly basis.
- The development of services year on year – Members raised concerns that scheme would become dependant on the funds provided by the Council.
- The Newstart Furniture Project and the services that were provided by this project.
- The New Homes Bonus (calculated on the number of new homes created over a period of time) – which had already been included in the main budget. It was confirmed that this Bonus had not been ring fenced.
- The National Home Swap Scheme – accessed by BDHT through Homeswapper.
- The Discretionary Housing Benefit scheme and work carried out in conjunction with the Housing Benefit Department.
- Lashbrook House – Members were provided with background information on this facility.
- The Night Assessment Centre – who this was available to and how this was accessed.
- The use of sheltered accommodation for those under the usual required age criteria and the flexibility of that age criteria.

Members raised concerns that a proportion of the Grant had been surrendered to the Council's balances. Officers informed the Board that this had been agreed by Members and the Grant for 2011/12 to which this referred was not ring fenced. For 2012/13 the full Grant would be made available, although not ring fenced.

The Board discussed the new Government Welfare Reforms and in particular raised concerns in respect of the "bedroom" tax. Officers informed Members that an impact assessment had been carried out to ascertain the affect of the changes, this included a "modelling" exercise on the supply of accommodation, the number of people affected by the private sector changes and other issues and it was likely that it would take 4/5 years for the changes to take full effect. It was confirmed that there were approximately 290 people

who would be affected by the changes at BDHT. It was confirmed that the legislation would come into force with effect from April 2013. Officers informed Members that BDHT were taking a pro-active approach to the changes and had already contacted those residents which would be affected. Members further discussed the “bedroom” tax and the age range of those residents it was most likely to affect and the changes to retirement age.

Members understood the need for houses with multiple occupations (HMOs) within the district but concerns were raised about the controls that were needed to ensure that the area surrounding such houses did not suffer as a consequence. This was noted by officers and the Board was informed that inspections were carried out to ensure that this was not the case.

RESOLVED:

- (a) that the report on Homelessness Grants 2012/13 be noted;
- (b) that the Strategic Housing Manager and Portfolio Holder provide the Board with an update report on the affect of the Government Reforms and the Impact Assessment carried out, at the meeting to be held on 23rd April 2012; and
- (c) that the Strategic Housing Manager and Portfolio Holder provide the Board with an update report on the progress of expenditure for 2012/13 at the meeting to be held on 10th September 2012.

94/11 **UPDATE REPORT ON DEALING WITH FLY-POSTING**

The Chairman welcomed the Head of Community Services, the Community Safety Manager and the Senior Community Safety Project Officer to the meeting.

The Senior Community Safety Project Officer provided Members with background information on fly-posting and advised that the current policy had been in place since December 2004 and did not reflect the complexity of tackling fly-posting. Members were informed of the legislation which could be used to tackle fly-posting and advised that the Community Safety Team together with Environmental Services and Planning were currently working with colleagues from Worcestershire County Council to identify the most effective options that could be used at a local level to successfully implement that legislation, in order to produce an updated policy and procedure for fly-posting. Members were informed that it was anticipated that the updated policy and procedure would be brought before the Board for comment at its meeting to be held on 18th June 2012.

It was confirmed to Members that three wardens and the Senior Community Safety Project Officer had completed the relevant training in order to issue fixed penalty notices. Members discussed the follow in more detail:

- The type of advertisement that could be classed as fly-posting.
- The consent required for different types of advertisements.
- The resources available to deal with fly-posting.

RESOLVED

- (a) that the Update report on dealing with Fly-posting be noted; and
- (b) that the Board receive the new Fly-posting policy and procedures for comment at the meeting to be held on 18th June 2012.

95/11 **APRIL TO DECEMBER 2011 - QUARTER 3 FINANCE MONITORING REPORT**

The Quarter 3 Finance monitoring report 2011/12 which set out the Council's financial position for the period April to December 2011 was considered by the Board. The Executive Director for Finance and Resources informed Members that Officers were aware of the financial pressures that the Council was under and were ensuring quality services were maintained, whilst minimising spend to essential items only.

Members discussed the following areas in more detail:

- Unfilled vacancies and the use of agency staff and external consultancy and professional advice.
- The necessity for the increase in the budget for Building Control (Executive Director for Finance and Resources to provide Board with further detail.)
- The budget estimates and the savings made.
- Environmental Services underspend - it was confirmed that no increase in complaints had been received following the restructure of Street Cleansing team.
- Installation of Solar panels – these should be in place by the end of the financial year and the feed in tariff rates.
- Regulatory Services – underspend from Environmental Health and savings made following the move of Regulatory Services to White House.
- Revenue and Benefits – shortfall due to benefit calculation, error rate and active recovery of overpayments.
- Elections and Electoral Services – the expected cost of the election of a Police Commissioner. (Executive Director for Finance and Resource to provide Board with details.)
- Sundry Debtors – Garden Waste, invoicing process and payment options.
- Write offs – approved by the Portfolio Holder for Finance and the Section 151 Officer and reported quarterly through the Audit Board and the Cabinet.
- Treasury Management – credit ratings of the companies used and investment rates.

The Executive Director Finance and Resources provided Members, as requested at a previous meeting, with details of the use of agency staff at the Depot (Environmental Services). The Board was also provided with an update in respect of Section 106 monies, which it was confirmed were agreed with the Legal and Finance Teams and in liaison with Planning and the

Leisure Team to ensure these were being used appropriately and within the required timescale.

After further discussion it was

RESOLVED that the Quarter 3 Finance Monitoring Report 2011/12 be noted and in future, where appropriate, the relevant Head of Service be invited to attend future meetings.

96/11 **SICKNESS ABSENCE PERFORMANCE AND HEALTH FOR PERIOD ENDED 31ST DECEMBER 2011**

The Chairman welcomed the Portfolio Holder for Policy, Performance, Communications, Customer Service, Legal, Equalities, Democratic Services and Human Resources and the Executive Director for Finance and Resources provided background information on the Sickness Absence Performance and Health Report.

The Board discussed the following in detail:

- The level of sickness and the comparative figures provided.
- The recording of sickness through the Shared Service regime – a review of the methodology had been requested by Human Resources to look at addressing this.
- Work being undertaken, particularly at the Depot, to manage sickness and support staff.
- The development of a revised report and supporting documentation
- The effectiveness of the Sickness Policy

RESOLVED that the Sickness Absence Performance and Health Report be noted.

97/11 **DISCOUNTED PARKING CHARGES - OVERVIEW AND SCRUTINY TOPIC PROPOSAL REPORT**

The Board considered the Overview and Scrutiny Topic Proposal put forward by a resident, Mr. Charles Bateman, in relation to discounted parking charges. As the Board had recently completed a Task Group in respect of the Recreation Road South Car Park and in light of the agreement at the Cabinet meeting held on 22nd February 2012 for a cross party review to be carried out in respect of car parking, Members agreed it was not appropriate to investigate the issues raised in this Topic Proposal until such time as that review had been completed.

RESOLVED that the Board receive, upon completion, the report on the Review of Car Parking before giving further consideration to the Topic Proposal in respect of Discounted Parking Charges.

98/11 **PLANNING POLICY TASK GROUP - INTERIM REPORT**

Members were informed by Councillor S. R. Colella, Chairman of the Planning Policy Task Group that the final report was nearing completion and would be formally presented to the Board at its meeting to be held on 26th March 2012.

Members discussed issues at the Marlbrook Tip site and officers confirmed that these were outside of the terms of reference of the Task Group. However, officers agreed to ask the Head of Planning and Regeneration for clarification as to whether an expert report on the condition of the site had been commissioned and if so, when the contents of that would be made available. The Board also discussed arrangements in respect of meeting the cost of such a report and Worcestershire County Council's involvement.

RESOLVED that the report be noted.

99/11 **FORWARD PLAN OF KEY DECISIONS**

The Forward Plan of Key Decisions was considered by the Board. Members discussed the item in respect of Longbridge Statement of Principles regarding Affordable Housing Provision in detail and raised concerns in respect of any implications this could have on the Council's current policy for the provision of affordable housing. The Board also discussed the inclusion of the Performance Monitoring Report within its Work Programme and officers confirmed that this should be a standing item and was included within the Board's terms of reference.

After further discussion it was

RESOLVED:

- (a) that a report in respect of Longbridge – Statement of Principles regarding Affordable Housing Provision be received at the Board meeting to be held on 26th March 2012; and
- (b) that the Quarter 3 Performance Monitoring Report be presented to the Board at its meeting to be held on 26th March 2012 and all future Quarterly Performance Reports be included within the Work Programme as a regular item.

100/11 **OVERVIEW AND SCRUTINY BOARD WORK PROGRAMME**

The Board considered the Work Programme and the Chairman asked Members to think about any areas suitable for scrutiny which could be put forward. It was noted that the Board would receive an update on Burglary and Vehicle Crime in Bromsgrove at the meeting to be held on 23rd April 2012. Officers undertook to confirm the date at which the Write Off of Debts Quarterly Report would be made available for consideration by the Board, as soon as possible.

RESOLVED that, subject to the above, the Work Programme be noted.

101/11 **WCC HEALTH OVERVIEW & SCRUTINY COMMITTEE**

Officers informed Members that this item was for information and that the Council's representative on the Worcestershire Health Overview and Scrutiny Committee (HOSC) was Councillor Dr. B. T. Cooper who would, on his return from annual leave, provide Members with regular updates of the work of HOSC and Members would be given the opportunity to ask Councillor Cooper to raise any relevant issues, where appropriate.

Members requested that Councillor Cooper feedback to the Board any matters that were discussed in respect of the Alexandra Hospital in Redditch and other services that were provided within the district.

The meeting closed at 8.38 p.m.

Chairman

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OVERVIEW & SCRUTINY BOARD 26th March 2012

STATEMENT OF PRINCIPLES REGARDING THE PROVISION OF AFFORDABLE HOUSING ON SITES AT LONGBRIDGE

Relevant Portfolio Holder	Cllr Kit Taylor
Portfolio Holder Consulted	Yes
Relevant Head of Service	Head of Community Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Key Decision - Yes	

1. SUMMARY OF PROPOSALS

- 1.1 The report proposes the adoption of a jointly agreed Statement of Principles regarding the provision of affordable housing at Longbridge.
- 1.2 The Statement is designed to guide the approach of Birmingham City Council and Bromsgrove District Council throughout the regeneration of Longbridge sites in respect of the provision of affordable housing. The guide covers issues including the proportion of affordable housing to be provided, the expected size, type and tenure and the way in which it will be allocated under nomination arrangements.
- 1.3 Members will be aware that our Strategic Planning Officers in partnership with Birmingham CC officers have for some time been negotiating with St Modwens to achieve a number of objectives for the Longbridge development sites including the 'on site' provision of affordable housing. Negotiation is ongoing with the viability of the site currently being considered, and appropriate planning contributions which includes affordable housing being sought.
- 1.4 Whilst Planning Officers have been undertaking this negotiation process, Strategic Housing officers have been working in liaison with Birmingham Housing Officers to identify what type, size and tenure the affordable housing should ideally form. The needs of Birmingham CC are for larger family houses whilst the needs of Bromsgrove are for a wider mix of all types of units with a strong need for 2 bed dwellings as identified by our recent housing needs and market assessments.
- 1.5 It was originally envisaged that BDC would have 100% nomination rights to any affordable housing developed on Longbridge sites within the Bromsgrove District Boundary (East Works) and Birmingham CC would have 100% nomination rights to any affordable housing developed within the Birmingham side of the boundary.
- 1.5 However, at this stage, there is no certainty as to what levels of affordable housing may ultimately be delivered within either sector as the density may vary depending upon location, and the type and size of affordable housing provided by developers may be governed by the

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surrounding development. Therefore the number of affordable units finally delivered each side of the boundary may not prove to be equally balanced and there is no guarantee that the type and size of affordable housing units provided, for example on the East Works will fully reflect the identified needs of Bromsgrove District.

- 1.6 To overcome any potential imbalance that may occur, a jointly developed Statement of Principles has been formulated to guide the approach of both local authorities throughout the regeneration of Longbridge in respect of the provision of affordable housing.
- 1.7 In short, the statement is proposing that instead of Bromsgrove having 100% nomination rights to whatever affordable housing is delivered on the East works (which could ultimately be less or more than 35% or of a type and size that does not match Bromsgrove District's housing needs), BDC would have 50% nomination rights to all of the affordable housing delivered on all of the Longbridge sites whether they be in Bromsgrove District or Birmingham. Likewise, Birmingham CC would also have 50% nomination rights to all affordable units irrespective of where they fall.
- 1.8 The Statement of Principles which is attached to this report at Appendix 1 comes forward for Member approval.
- 1.9 Whilst the delivery of affordable dwellings on Bromsgrove sites is possibly some way off, the first phase of affordable units on a Birmingham site to which BDC could have nomination rights is due for delivery this year. Birmingham CC are in the process of offering Bromsgrove DC 50% nomination rights to dwellings being delivered by Waterloo Housing on the Lickey Road / Lowhill Lane site which are due to be completed from April onwards. Nomination rights to 5 x 2 bed houses, 1 x 3 bed house and one 4 bed house are being made available to BDC.
- 1.10 To summarise, the key elements of the Statement are:
 - That 35% of housing across all housing sites is to be affordable.
 - The proportion of affordable housing may vary from site to site so long as the overall agreed level and mix of affordable housing is delivered for the development as a whole.
 - Affordable housing should not be concentrated together in excessive numbers.
 - The preference is for Birmingham City Council's requirements for affordable housing to be provided on the North and West Works and Bromsgrove District Council's requirements for affordable housing to be provided on the East Works.
 - However, the actual provision of affordable housing tenures, types and sizes may result in the two local authorities affordable housing requirements being built within the administrative boundaries of the other local authority. In this instance, the priority is to deliver the required total mix of affordable housing in preference to delivering specific tenures, types and sizes on particular sites.

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- Bromsgrove District Council and Birmingham City Council is to therefore each have 50% nomination rights to the total affordable housing provision irrespective of where its is provided.
 - The respective local authorities are to have first call upon the type and tenure of affordable units that they have individually identified as meeting their requirements.
- 1.11 The Statement of Principles is not intended to have any long term binding commitment on either authority if it is found to inappropriate to continue to operate. However, in such a case, the Statement does agree to a reciprocal number of nominations being made available where the one authority has already made available nominations to the other on existing sites.

2. RECOMMENDATIONS

- 2.1 **That the Members of the Overview and Scrutiny Board note the report and the following Recommendation that is to be made to Cabinet on the 4th April 2012:**
- 2.2 ***That Members resolve to approve the ‘Statement of Principles Regarding the Provision of Affordable Housing at Longbridge’, set out at Appendix 1 of the Report.***

3. KEY ISSUES

3.1. Financial Implications

- 3.2 There would be no significant financial implications upon the District Council associated with the approval of the ‘Statement of Principles Regarding the Provision of Affordable Housing at Longbridge’,

4. Legal Implications

The principles set out in the statement would be used to form the basis of the ‘affordable housing requirement’ sections of any Section 106 agreements imposed on developers upon the granting of planning permission. Consideration would also need to be given to the inclusion of any relevant planning conditions relating to the affordable housing elements of the scheme. In principle the arrangements for affordable housing provision would be no different to other developments in the District save for the added factor that some of the Bromsgrove nominations would relate to dwellings built within the Birmingham boundary. On this point there would need to be careful drafting of the agreement and processes for future monitoring put in place to ensure that the identity of the authority holding the nomination rights for the

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cross-boundary properties is clearly defined and maintained going forward.

5. Service/Operational Implications

- 5.1 The role of monitoring and managing the proposed agreement falls within the existing remit of the Strategic Housing Enabling Role of using planning policy and developing partnership working with providers from the social, charitable and private sectors to achieve the best outcomes for the District.

6. Customer / Equalities and Diversity Implications

- 6.1 The proposed 'Statement of Principles' will potentially provide housing customers with a greater choice of dwelling and location and the local authority with an increased ability to match housing needs with the dwellings delivered. By enabling access to the potentially broader range of size, type and tenure of affordable dwellings that will be developed across the whole of the Longbridge sites will ultimately improve the Council's ability to respond to the diversity of applicants seeking housing.

7. RISK MANAGEMENT

- 7.1 The risks associated with not embracing the proposed Statement of Principles may include:
- The possibility of a lower proportion or density of affordable housing being developed on Bromsgrove sites may lead to nomination rights being limited to a lower number of affordable units.
 - The possibility of the type, size and tenure of affordable units developed on Bromsgrove sites not fully reflecting the range of needs of Bromsgrove residents.
 - Not having access to the full range of dwelling type, size and tenure could lead to a reduced ability to meet the Council's homelessness duty and could ultimately contribute to increased temporary accommodation costs.

8. APPENDICES

Appendix 1 – Statement of Principles Regarding the Provision of Affordable Housing on Sites at Longbridge.

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9. BACKGROUND PAPERS

None.

10. AUTHOR OF REPORT

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Statement of Principles regarding Affordable Housing Provision

Birmingham City Council and Bromsgrove District Council are committed to working in partnership throughout the regeneration of the former Rover Works at Longbridge. The following is a jointly agreed statement of principles to guide the approach of the local authorities throughout the regeneration of Longbridge in respect of the provision of affordable housing.

1. Affordable Housing to be provided across all housing sites. It is the expectation of the local authorities that 35% of the total housing provision at Longbridge will be affordable. Whilst there is a requirement for affordable housing to be provided on all housing sites it is recognised that the proportion of affordable housing may vary from site to site – this is acceptable so long as the agreed level and mix of affordable housing is delivered for the development as a whole.
2. Affordable housing should be “pepper-potted” within all housing sites. This means that the affordable housing provision should not be concentrated together on particular parts of sites, but spread across each site. In terms of design, it should be difficult to distinguish between affordable and market housing.
3. The preference is for Birmingham City Council’s requirements for affordable housing to be provided on the North and West Works sites (as per the AAP).
4. The preference is for Bromsgrove District Council’s requirements for affordable housing to be provided on the East Works (as per the AAP).
5. In respect of paragraphs 3 & 4 it is recognised that the actual provision of affordable housing tenures, types and sizes may result in the two local authorities affordable housing requirements being built within the administrative boundaries of the other local authority. In this instance, the priority is to deliver the required total mix of affordable housing in preference to delivering specific tenures, types and sizes on particular sites.
6. Bromsgrove District Council and Birmingham City Council to each have 50% nomination rights to the total affordable housing provision
7. The respective local authorities are to have first call upon the type and tenure of affordable units that they have individually identified as meeting their requirements. This is subject to suitable provision being realised on the site and to the overriding principle stated in paragraph 6. Failure to nominate a suitable household will result in the nomination right defaulting to the other local authority.

8. A protocol for subsequent re-lets will be determined once the details of the actual affordable housing provision is known. However the local authorities will have nomination rights to 100% of re-lets in perpetuity.
9. The same principles as above (point 8.0) will apply for initial lettings.
10. The AAP states that all residential development will meet the following standards as set out in the Code for Sustainable Homes:
 - Level 4 on adoption of the Area Action Plan
 - A target of Level 5 by 2012
 - A target of Level 6 by 2016 (zero carbon)

While the standard for Affordable Housing should comply with level 4 of the Code it is recognised that the target of Code 5 will be dependant upon several factors such as advances in construction technology and commercial viability. Additional funding will be sought from the Homes and Communities Agency to meet the additional costs of compliance at the higher levels.
11. Lifetime homes standard for Market homes will be agreed as a percentage of house types. 100% of the Affordable Housing should be built to the standard. Note: the AAP states that "ALL new homes should be encouraged to meet the Lifetime Homes Standard."
12. For the purpose of clarity, any provision for retirement living (i.e. extra-care) will be treated as market housing, while any provision for Affordable housing within the retirement living development will be treated as Affordable housing.
13. The affordable housing requirement across the whole development (excluding extra-care) is attached as Appendix 1. The requirement proportions will remain under ongoing review and may be adjusted to meet changing needs and pressures. The local authorities will seek to work with the Developer to achieve this mix over the site as a whole rather than on individual phases of development. Such an approach will require a commitment from all parties to work together to develop a long term plan for housing provision at Longbridge.
14. The Statement of Principles will remain subject to ongoing review. In the event of either authority considering the statement to be no longer suitable or inappropriate there will be no long term binding commitment other than to reciprocate by offering in return, nominations to match any nominations already provided by the other authority.

APPENDIX 1: AFFORDABLE HOUSING REQUIREMENTS (LONGBRIDGE)

Table 1: Affordable Housing Needs by Local Authority

BIRMINGHAM REQUIREMENTS	TENURE	1 BEDROOM FLATS	2 BEDROOM FLATS	2 BEDROOM HOUSES	2 BEDROOM BUNGES	3 BEDROOM HOUSES	4 BEDROOM HOUSES	TOTAL
	SOCIAL RENT	0.0%	2.9%	8.6%	0.0%	8.6%	9.9%	30.0%
	INT RENT/SHARED OWN'P	0.0%	5.7%	9.5%	0.0%	4.8%	0.0%	20.0%
	SubTotal	0.0%	8.6%	18.1%	0.0%	13.4%	9.9%	50.0%
BROMSGROVE REQUIREMENTS	SOCIAL RENT	2.3%	7.6%	7.1%	3.8%	9.5%	2.7%	33.0%
	INT RENT/SHARED OWN'P	1.1%	4.8%	8.2%	0.0%	2.9%	0.0%	17.0%
	SubTotal	3.4%	12.4%	15.3%	3.8%	12.4%	2.7%	50.0%
<u>TOTAL</u>		3.4%	21.0%	33.4%	3.8%	25.8%	12.6%	100.0%

Table 2: Combined Affordable Housing Needs

TENURE	1 BEDROOM FLATS	2 BEDROOM FLATS	2 BEDROOM HOUSES	2 BEDROOM BUNGS	3 BEDROOM HOUSES	4 BEDROOM HOUSES	TOTAL
SOCIAL RENT	2.3%	10.5%	15.6%	3.8%	18.1%	12.6%	63.0%
INT RENT/SHARED OWN'P	1.1%	10.5%	17.7%	0.0%	7.6%	0.0%	37.0%
<u>TOTAL</u>	3.4%	21.0%	33.4%	3.8%	25.8%	12.6%	100.0%

Overview & Scrutiny Board

26th March 2012

PERFORMANCE REPORT

QUARTER 3, PERIOD ENDING 31 DECEMBER 2011

Relevant Portfolio Holder	Cllr Mark Bullivant, Portfolio Holder
Portfolio Holder Consulted	Yes at Leaders Group Meeting
Relevant Head of Service	Kevin Dicks, Chief Executive
Wards Affected	All Wards
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 This report provides Members with an opportunity to review the Council's performance for quarter 3 of the 2011/12 financial year and to comment upon it.

2. RECOMMENDATIONS

- 2.1 **That the Overview and Scrutiny Board notes the Quarter 3 Performance Report.**

3. KEY ISSUES

Financial Implications

- 3.1 Poor financial performance will be detrimental to any Council assessment and overall performance. Specific financial indicators included in the 2011/12 set are listed below:
- Time taken to process housing benefit / council tax benefit new claims and change events;
 - Percentage of invoices paid by the Council within 30 days of receipt or within the agreed payment terms;

Legal Implications

- 3.2 The Government announced that the former National Indicator set was to be reduced. At present there is no legal requirement for the local authority to produce specific performance data.
- 3.3 As the Council progresses with the transformation programme, Members and Senior Management Team may wish to challenge data requirements placed upon the Council by external organisations if it is felt that they do not contribute to the purposes of the organisation.

Overview & Scrutiny Board

26th March 2012

Service/Operational Implications

- 3.4 The current reduced number of indicators allows officers to focus on the areas that are of greatest importance and still require management for the remainder of the financial year.
- 3.5 The corporate performance report was agreed by Cabinet in June 2011 and, due to the change in strategic focus, the transformation programme and associated system thinking, targets were not required for the business plans 2011/12 and as such are no longer contained within the report. The corporate performance report compares the year to date outturn with the same period last year and shows those indicators from the Council Plan which were agreed by CMT for corporate reporting for quarter 3 and quarter 4, 2011/12 and whether they have improved, declined or remained static in performance.
- 3.5.1 In total, data has been provided for 15 indicators for quarter 3, 2011/12. Of these, 8 have improved in performance and 7 have declined when compared to the same period last year.
- 3.5.2 Of those indicators which have declined, there is one which may require further analysis (see section 3.5.4).
- 3.5.3 This report shows that of the 15 indicators reported this quarter, 50% have improved when compared to the same period last year (April to December). By way of example:
- The length of time taken to process Housing Benefit / Council Tax Benefit new claims and change events has reduced fallen from 12.5 days to 8.9 days when compared to the same period last year;
 - The number of people using the BURT and Shopmobility services during April to December has continued to rise with 167 and 254 additional users, respectively;
 - Usage of The Artrix has exceeded expectations rising from 51,005 users in the April – December 2010/11 period to 59,854 in the comparative period of 2011/12; an increase of 8,849.
- 3.5.4 There is one indicator giving rise to some concern:
- The number of households living in temporary accommodation has risen again, this quarter rising from 19 to 26 when compared to the same period last year, although it is reduced from quarter 2.
- 3.6 To maintain data quality, the Council uses an electronic data collection (EDC) spread sheet. This shows our current and historic performance against selected performance indicators.

Overview & Scrutiny Board

26th March 2012

- 3.7 The Council's current Council Plan makes a clear commitment to improve the way in which priority actions are planned and to improve the way in which performance is managed. Appendix 1 reports on the 2011/12 performance indicators agreed for by CMT for corporate reporting in quarter 3. The performance data contained in the attached report relates directly to the Council's priorities and objectives.
- 3.8 The performance indicator set includes one which reports on the number of working days / shifts lost to the local authority due to sickness absence per full time equivalent staff member. Quarter 3, 2011/12 shows a decrease in the amount of time lost due to sickness absence compared to the same period last year (April – December).
- 3.9 There are a total of 2 performance indicators that relate to air quality and climate change within the list of National Indicators all of which are included in the corporate set. These indicators are all reported annually.

Customer / Equalities and Diversity Implications

- 3.10 Customer service performance indicators included for 2011/12:
- Percentage of complaints handled within the agreed time frames.
- Performance for this indicator can be found in Appendix 1.
- 3.11 Enhanced performance will assist to improve customer satisfaction.
- 3.12 Information contained in the attached appendix will be communicated to both internal and external customers via the intranet/Internet following approval at committee.

4. RISK MANAGEMENT

- 4.1 Assessing the Council's performance forms part of the Council's approach to risk management.

5. APPENDICES

Appendix 1 – Quarter 3, 2011/12 Corporate Performance Report, period ending 31 December 2011

6. BACKGROUND PAPERS

The details to support the information provided within this report are held by the Policy Team and on the Electronic Data Collection (EDC) system.

AUTHORS OF REPORT

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The following pages provide a report for all corporate performance indicators which are contained in the Council Plan, for which data was expected and provided in quarter 3 (September - December) 2011/12 and where there is comparative data available; the data relates to a year to date (April - December) comparison.

		Finance & Corporate Resources (FR)		Leisure, Environmental & Community Services (LEC)		Area of Highest Need (AOHN)		Policy, Performance & Partnerships (PPP)		Planning, Regeneration, Regulatory & Housing Svcs (PRRH)		Total	
		3	%	8	%	0	%	0	%	4	%	15	%
Total number of corporate performance indicators providing outturn data for quarter 3 where comparative data is available		3											
Total number of indicators showing improvement compared to the same period last year	☺	3	100.0%	5	62.5%	NO COMPARABLE DATA AVAILABLE FOR THESE PIS		NO OUTTURNS EXPECTED THIS QUARTER		0	0.0%	8	53.3%
Total number of indicators showing a decline compared to the same period last year	☹	0	0.0%	3	37.5%					4	100.0%	7	46.7%
Total number of indicators showing no change compared to the same period last year	☹	0	0.0%	0	0.0%					0	0.0%	0	0.0%

Key Findings for Quarter 3

This report shows that of the 15 indicators reported this quarter, 53.30% have improved when compared to the same period last year. By way of example, the length of time taken to process Housing Benefit / Council Tax Benefit new claims and change events has fallen from 12.5 days to 8.9 days, and the number of people using BURT (Bromsgrove Urban Regeneration Transport) and the Shopmobility service has continued to rise. However there are indicators which give rise to some concern; for example, the number of households requiring temporary accommodation has risen from 19 to 26 when compared with the same period last year.

The table below shows a key to terms and symbols used throughout this report.

Key to Terms and Symbols		
Improving performance compared to same period last year	☺	Positive Trend +ve
Worsening performance compared to same period last year	☹	Negative Trend -ve
No change in performance compared to same period last year	☹	To be confirmed TBC
No data available for the period	#	Worcestershire Viewpoint Survey (WVP)
Not applicable for this indicator/period	NA	Customer Service Centre CSC
Data is provisional	*	Disabled Facilities Grants DFG's

Indicator Description	Current			History - Year End (where available)		Comments
	1 Apr 2010 - 31 Dec 2010	1 Apr 2011 - 31 Dec 2011	Direction of Travel (where applicable)	2009/10	2010/11	
Time taken to process Housing Benefit / Council Tax Benefit new claims and change events (days)	12.5	8.9	😊	TBC	TBC	Face to face contact is having a positive impact on the time taken to process new claims and change events, plus fewer new claims were made during the period.
% of invoices paid by the Council within 30 days of receipt	98.15%	98.55%	😊	98.18%	99.06%	Performance has remained consistent for a number of quarters showing our processes are effective.
Number of working days / shifts lost to the local authority due to sickness absence per FTE staff members (days)	6.37	5.72	😊	TBC	10.77	There is a decrease in sickness in Q3 (falling from 2.23 days in Q2, to 2.02 days in Q3), this was as a direct result of active sickness management of long term sickness cases previously identified.
% of complaints handled within the agreed time frames	69.18%	74.58%	Contextual	NA	71.51%	Performance slightly better than last year. The number of complaints received for waste and planning have increased.

Indicator Description	Current				History - Year End (where available)		Comments
	1 Apr 2010 - 31 Dec 2010	1 Apr 2011 - 31 Dec 2011	Direction of Travel (where applicable)		2009/10	2010/11	
Number of affordable homes delivered	55	121	Contextual		80	56	Delivery of affordable housing continues to be steady with no unexpected delays affecting performance.
Number of British Crime Survey comparator crimes reported	TBC	TBC			2,808	2,595	Data for this indicator is collected from iQuanta and won't be available until 24/01/12
Number of people using the BURT service	1,432	1,599	😊		NA	2,007	Christmas clubs/day centre closeds have reduced the monthly total, however there has been an increase in usage when compared with the same year to date period last year.
Number of people using the Shopmobility service	1,611	1,865	😊		TBC	2,157	The number of Shopmobility users has increased by 16% when compared to the same period last year, due to opening on Saturdays. In addition, weather conditions were significantly better than quarter 3 in 2010/11.
Artrix usage (community use)	51,005	59,854	😊		60,250	69,561	The in-service year to date target of 48,370 has been exceeded. The Artrix has exceeded expectations due to a consistent record in cinema attendance and a stronger increase in live performances. Workshop attendance needs to be improved and the management are looking at ways to address this.
Visitors to Dolphin Centre	274,509	294,624	😊		415,407	369,521	There has been an increase of 20,115 visitors to the Dolphin Centre primarily due to an increase in the number of gym members which has exceeded, 1000 for the first time. The numbers of swimmers has also increased and additional classes have been added.
Household waste collection (kg per head)	95.59	91.49	😊		NA	88.18	There has been a reduction of 4.1 kilograms of waste collected per head when compared to the same period last year. However, this needs to be seen in context with the following two indicators around residual waste and recycling.
Residual waste per household (kgs)	403.82	406.69	😞		581.00	539.15*	There has been a slight increase of 2.87kgs of waste collected per household.
% of household waste re-used, recycled or composted	44.71%	42.60%	😞		37.40%	42.54%	The amount of re-used, recycled or composted waste has decreased by 2.11 percentage points compared to the same period last year.
Town centre car park usage (avg per month)	1,141,631	1,095,879	😞		TBC	1,503,562	Free parking weekends were closer to Christmas than in previous years showing a 4% decrease on year to date car park usage, and a 0.6% decrease when compared to the same quarter last year.

Indicator Description	Current				History - Year End (where available)		Comments
	1 Apr 2010 - 31 Dec 2010	1 Apr 2011 - 31 Dec 2011	Direction of Travel (where applicable)		2009/10	2010/11	
Number of households living in temporary accommodation (Snapshot)	19	26	☹️		TBC	31	Although there is an increase in the amount of households living in temporary accommodation when compared to the same period last year, there has been a 30% decrease in the use of temporary accommodation when compared to quarter 2, 2011/12 (falling from 37 to 26).
Processing of major planning applications determined within 13 weeks	70.37%	64.29%	☹️		TBC	68.57%	2 applications went over time subject to committee decisions resulting in a slight reduction in performance when compared to the same year to date period last year. There has been reduced staff numbers over this quarter (sickness and secondment) and an increasing number of pre - application enquiries, meaning that it has taken longer to determine planning applications than we would like. Managers are now holding weekly meetings to support officers around their decisions on applications to allow early identification of possible issues which could result in last minute or out of time decisions. There has also been an improvement of communications with the Chair of committee.
Processing of minor planning applications determined within 8 weeks	89.19%	80.68%	☹️		TBC	89.69%	There has been a reduction in performance as 1 application was subject to committee decision. This is the lowest performance level on record for this category. There has been reduced staff numbers over this quarter (sickness and secondment) and an increasing number of pre - application enquiries, meaning that it has taken longer to determine planning applications than we would like. Managers are now holding weekly meetings to support officers around their decisions on applications to allow early identification of possible issues which could result in last minute or out of time decisions. There has also been an improvement of communications with the Chair of committee.
Processing of other planning applications determined within 8 weeks	94.24%	82.71%	☹️		TBC	93.61%	The number of applications received is 14% less than the equivalent quarter of previous year. However performance was nearly 23% lower during the current year. Compared to the previous quarter of the current year, where the number of application received was the same, performance has fallen 12.24%. There has been reduced staff numbers over this quarter (sickness and secondment) and an increasing number of pre - application enquiries, meaning that it has taken longer to determine weekly meetings to support officers around their decisions on applications to allow early identification of possible issues which could result in last minute or out of time decisions. There has also been an improvement of communications with the Chair of committee.

OVERVIEW AND SCRUTINY BOARD

26th March 2012

PLANNING POLICY TASK GROUP

Relevant Portfolio Holder	Councillor Kit Taylor
Portfolio Holder Consulted	Yes
Relevant Head of Service for Overview and Scrutiny	Claire Felton – Head of Legal, Equalities and Democratic Services
Wards Affected	All
Ward Councillor Consulted	All Ward Councillors were invited to join the Task Group
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 To consider the findings and recommendations from the Scrutiny investigation undertaken by the Planning Policy Task Group.

2. RECOMMENDATIONS

- 2.1 **Members are requested to:**
- (a) **consider and approve the report and recommendations attached at Appendix 1; and**
 - (b) **submit the report and recommendations to the Cabinet for approval.**

3. KEY ISSUES

Financial Implications

- 3.1 These are detailed within the attached report.

Legal Implications

- 3.2 These are detailed within the attached report.

Service/Operation Implications

- 3.3 Overview and scrutiny is a key part of the Council's democratic decision making process and enables non-executive Members of the Council to put forward recommendations for policy development, policy review and service improvement.

OVERVIEW AND SCRUTINY BOARD

26th March 2012

Customer / Equalities and Diversity Implications

3.4 N/A

4. RISK MANAGEMENT

4.1 N/A

5. APPENDICES

Appendix 1 – Planning Policy Task Group Report

6. BACKGROUND PAPERS

See attached report for details.

7. KEY

None

AUTHOR OF REPORT

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Strategy

Overview and Scrutiny Board

Planning Policy Task Group

FEBRUARY 2012

OVERVIEW & SCRUTINY BOARD

Supporting Officer: Amanda Scarce



Bromsgrove

District Council

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FOREWORD (BY THE CHAIRMAN)

One of the most important statutory duties that any council performs is in its role as the Planning Authority. The effectiveness of discharging this duty is measured on the impact on people's everyday lives, wider communities and the environment, as well as development plans of land owners. Whether it is an extension to a residential property or a major development the risks of getting it wrong can be far reaching and costly.

The National Planning Policy Framework directs many of the policies that a Planning Authority builds its local communities upon, whilst the use of planning conditions is a common form of mitigation and planning control. It is for these reasons that the Task Group was set up to investigate the effectiveness of planning conditions and the enforcement of breaches of these conditions.

The role of the Task Group was to look back, using existing case studies, in order to look forward at the effectiveness of planning conditions and the Council's enforcement policy.

Recognising how a service performs, in particular where its strengths and weaknesses are, builds greater confidence in its effectiveness and reputation. Where weaknesses are identified it presents an opportunity to introduce improvements quickly and effectively.

My sincere thanks are extended to the members of the Task Group who have shown a resolve to ensure that the investigations were robust and detailed. The result has been to make recommendations that they believe will improve the wider service delivered to the people of Bromsgrove District.

The willingness and commitment of the Officers should also be recognised in particular for their time and effort in helping the Task Group in its investigations. Their openness and willingness to recognise where services can be improved is appreciated. It is also recognised that where it was agreed that urgent action needed to be taken in some areas this work is already under way.

Finally and importantly, to members of the public who, despite the difficulties they have faced, recognised the scope of the Task Group's investigations in looking back in order to ensure lessons learnt are not ignored.

Councillor Steve Colella
Chairman of the Planning Policy Task Group

SUMMARY OF RECOMMENDATIONS

1. The Planning Application and Committee Process

The Task Group recommend:

Recommendation 1	That a mechanism be put in place to ensure that: (a) where conditions cannot be monitored within existing resources, an estimate of the resources required to monitor those conditions be clearly identified; (b) the applicant be made aware at the earliest possible stage of the need to ensure that these conditions are adhered to and properly monitored in line with the conditions applied; and (c) where the planning officer recommends refusal of a planning application and the Planning Committee go against the recommendation, sufficient time should be given within the Planning Committee meeting to discuss conditions.
Financial Implications	N/A
Resource Implications	Officers are confident that existing resources within the teams can support the new processes to ensure that an estimate of monitoring resources is made together with supporting the applicant to understand and comply with the conditions set.

Recommendation 2	That: (a) a review of the Bromsgrove Standard Planning Conditions be carried out as soon as practicably possible, but within six months of this report being presented to Cabinet; and (b) Planning officer training be formalised to ensure appropriate conditions are identified for routine and non-routine applications.
Financial Implications	£2k - £3k (estimate) for the condition training
Resource Implications	The review can be undertaken within existing staffing structures.

Recommendation 3	That monitoring groups are not used in the future. However, it is recognised that on occasion there may need to be some form of community engagement for larger more complex planning applications.
Financial Implications	N/A
Resource Implications	Any support required can be met from existing staffing as it will only be as needed.

2. The Planning Enforcement Process

The Task Group recommend:

Recommendation 4	That a detailed review of the Planning Enforcement Policy, which was adopted in April 2011 (as encouraged in Section 8 – Conclusion), be carried out giving particular attention to Sections 4 – Enforcement Procedures (Informal) and 7 – Council’s Commitment to Complainants.
Financial Implications	N/A
Resource Implications	Review to be undertaken within existing resources.

Recommendation 5	That a case officer be appointed and remain responsible as the point of contact for each enforcement case to ensure continuity and an electronic case file be set up and open to view by colleagues and management.
Financial Implications	N/A
Resource Implications	Resource can be met within existing staffing structures.

Recommendation 6	That a mechanism be put in place in order for control systems to be developed to ensure enforcement cases are recorded and available upon request to Ward Members.
Financial Implications	N/A
Resource Implications	Mechanism will be put in place to ensure cases are recorded and made available. This will be delivered within existing resources.

Recommendation 7	That the Planning Committee receives a quarterly report in respect of all new and outstanding planning enforcement cases.
Financial Implications	N/A
Resource Implications	Reports to be presented on a quarterly basis – no additional resource implications.

Recommendation 8	That through the Transformation programme a review and mapping exercise be carried out in respect of the process post planning application approval stage and that the results of this be shared with the Overview and Scrutiny Board.
Financial Implications	N/A
Resource Implications	Review to be undertaken within existing resources.

3. Internal Audit Ad Hoc Investigation Report: Marlbrook Tip

The Task Group recommend:

Recommendation 9	That the Internal Audit Report recommendations be supported and included within the Overview and Scrutiny Board's Quarterly Recommendation Tracker report to ensure that progress on the implementation is monitored in an appropriate and timely manner.
Financial Implications	N/A
Resource Implications	Officers will ensure that the recommendations are included in the tracker report and progress monitored regularly.

4. Customer Feedback Complaints Process

The Task Group recommend:

Recommendation 10	That a quarterly report be made available to the Overview and Scrutiny Board to enable Members and Officers to be aware of repeat or common themed compliments and complaints (in order to address such complaints).
Financial Implications	N/A
Resource Implications	Reports to be presented on a quarterly basis – no additional resource implications.

Recommendation 11	<p>That all Heads of Service ensure mechanisms are in place to ensure that when a service request escalates to the extent that there is or could be a critical failure of any nature, they are immediately made aware of the situation and</p> <ul style="list-style-type: none"> (a) that Heads of Service ensure all staff are made aware of and understand the definitions of a complaint; and (b) that the Head of Customer Service provides additional guidance in respect of recording service requests which may also be a valid complaint.
Financial Implications	N/A
Resource Implications	Officers will introduce a mechanism to ensure that complaints are reflected, captured and monitored in a timely and accurate way – no additional resource required.

Recommendation 12	<p>That the Head of Customer Service and Human Resources work together to establish a mandatory management training programme to:</p> <ul style="list-style-type: none"> (a) ensure that all managers of the Council are given support to enable them to respond, both verbally and in writing, to all customers in a timely and appropriate manner, with regular reviews of the success of such training carried out; and (b) the Overview and Scrutiny Board receive regular updates to ensure this has been implemented.
Financial Implications	To be identified within the corporate training budget (cost of training to be established but estimated to be up to £2,500).
Resource Implications	Resource of staff time - formal training to all managers to ensure officers have all the skills required to respond to our customers in a timely and considered manner.

BACKGROUND INFORMATION

An Overview and Scrutiny Topic Proposal Form into the planning process was submitted to the Board meeting held on 13th June 2011 with the request that it be included within the Work Programme of the Board for the coming year. The topic had been put forward by a Member of the Board as it was understood that the vast majority of complaints a Ward Member received from residents were in relation to some part of the planning process. After discussion it was agreed that it would be necessary to break the process down into specific areas of planning and to concentrate on the areas of most concern to both Members and residents in the first instance. It was further agreed that initially, a Board Investigation would be carried out into Planning Enforcement. An initial, informal meeting of the Board took place in July 2011.

At a subsequent meeting of the Overview and Scrutiny Board held on 27th September 2011 a further Topic Proposal Form (completed on behalf of the full Council) was received as a result of a number of planning failures being brought to the Council's attention, this included concerns which had been raised in respect of the Former Landfill Site, Alvechurch Highway, Lydiate Ash (more commonly known as Marlbrook Tip). It was agreed by the Board that a Task Group would be established to scrutinise matters relating to planning policy. As there was significant interest from Members on this particular issue it was also agreed that a special meeting of the Overview and Scrutiny Board would be held on 12th October 2011 in order to appoint a Chairman of the Task Group and to agree membership.

Following discussions at the Board meeting held on 21st November 2011 it was further agreed that the work of the Board Investigation in to Planning Enforcement would be amalgamated within the scope of the Planning Policy Task Group.

MEMBERSHIP OF THE TASK GROUP

Membership of the Task Group was confirmed at the Overview and Scrutiny Board meeting held on 12th October 2011 and included the following Councillors:

S. R. Colella (Chairman)
Mrs. R. L. Dent
S J. Dudley
Mrs. J. M. L. A. Griffiths
Mrs. C. J. Spencer
L. J. Turner

The Task Group wishes to acknowledge the assistance received from the Head of Legal, Equalities and Democratic Services and the Head of Planning and Regeneration and her team, who have assisted the Task Group from the start of the investigation, through to the end of the investigation when this report was finalised.

INTRODUCTION

The aim of the Task Group was to review the Council's planning process, in particular the setting and enforcement of conditions, in order to identify strengths and weaknesses and to make recommendations for improvement where deemed necessary.

Public Involvement

Residents from within the vicinity of the Former Landfill Site, Alvechurch Highway, Lydiate Ash were invited to attend a Task Group meeting as part of the evidence gathering process.

Witnesses

The Planning Policy Task Group worked closely with the Head of Planning and Regeneration, the following officers provided information on specific areas: The Development Control Manager (Operations), Planning Enforcement Officer, Customer First Officer and the Lead Auditor.

A full list of witness is provided at **Appendix 2** of this report.

Research

A full list of the documentation and written evidence used in compiling this report is provided in the Bibliography at **Appendix 3**.

Areas Covered

There were a total of ten Task Group meetings. During the first meeting a schedule of work was discussed and the scoping checklist considered, with the following areas of investigation being agreed:

- The planning process and the setting of specific conditions for planning applications and the role of the Planning Committee.
- Gaining an understanding of why conditions are set.
- The effectiveness of conditions and how the Council enforced such conditions.
- How the process could be improved.

The full terms of reference are attached at **Appendix 1**.

CHAPTER 1 PLANNING APPLICATION AND COMMITTEE PROCESS

At the initial meeting of the Task Group held on 1st November 2011, Members discussed the terms of reference and agreed it was important that they received basic background information in order to gain an understanding of the planning process (and the setting and enforcement of planning conditions), and to a lesser extent, the role of the Planning Committee. The Task Group subsequently received a presentation from the Head of Planning and Regeneration at a meeting held on 18th November 2011 which covered the following areas:

- The Planning Process (including Permitted Developments, Type of Planning Permission, Processing Applications)
- The Decision (approvals and refusals)
- Planning Conditions (what they were and what they covered)
- Enforcement of Conditions (what sort of thing does planning enforcement control, formal action to enforce)
- Retrospective Planning (what it is and when it is used)

The Task Group was provided with Circular 11/95 Use of Conditions in Planning Permission which is the definitive document used nationally by planners in setting conditions. It clearly sets out the criteria for the validity of planning conditions and the tests which need to be satisfied before applying those conditions. Conditions should be necessary, relevant to planning, relevant to the development to be permitted and “*enforceable, precise and reasonable*” in all other aspects. It was noted by Members that Circular 11/95 also states that “*in considering whether a particular condition is necessary, authorities should ask themselves whether planning permission would have to be refused if that condition were not to be imposed.*” Members also noted the circular stated that “*the sensitive use of conditions can improve development control and enhance confidence.*”

Circular 11/95 sets out in detail the use of planning conditions and refers to the compilation by local authorities of lists of model conditions and how these can improve the consistency of decisions. However, it also stresses that those standard conditions needed to be treated with caution as the need for conditions should be carefully assessed and not used as a matter of routine. It was also confirmed that these local conditions should be regularly updated as the national approach to planning changes overtime. This exercise could be achieved by comparing conditions with other authorities and looking at appeal decisions which often gave an idea of what conditions should be in place. Members were therefore also provided with a copy of the Bromsgrove Standard Conditions. Both documents were discussed in some detail at a later meeting held with the Development Control Manager (Operations).

Members noted that Circular 11/95 also made clear reference to taking extreme care before imposing unreasonable and numerous conditions in order to allow an application to be granted. It was clarified by the Development Control Manager (Operations) that allowing an application with an unreasonable amount of and detailed planning conditions to make the

application permissible was unacceptable and could be reason enough for it to be refused.

The Task Group was informed that the setting of conditions was delegated to the planning officers and where an application was submitted to the Planning Committee details of the conditions would be included within the report albeit in a coded format, but with a simple explanation provided for the Planning Committee Members. Members were informed that should an officer recommendation be overturned by the Planning Committee, then the Committee must spend time making it clear how the decision had been reached and setting any conditions deemed appropriate. Guidance would be provided in respect of this by the Development Control Manager (Operations) at the meeting where necessary.

Members showed particular interest in the area of Planning Conditions and Enforcement (Enforcement is covered in detail in Chapter 2 of this report), as it had been brought to their attention that concerns had been raised with regards to a specific application where conditions had been applied, but it was understood these had been breached and no enforcement action taken. The Task Group therefore requested further information on this specific application – the former Landfill Site, Alvechurch Highway, Lydiate Ash, (more commonly known as Marlbrook Tip). This application had received a great deal of publicity, much of which had been negative for the Council, over a number of years.

The Task Group received copies of the planning application for this site which had been submitted to the Planning Committee together with the Minutes of the relevant meeting and the subsequent decision notice which had been issued. This decision notice had some 24 conditions attached to it.

The Task Group considered written evidence from residents within the vicinity of this site, and which had also been considered in the preparation of the Internal Audit Report (see Chapter 3 of this report). From the correspondence it was apparent that those residents had raised concerns on numerous occasions in respect of the Planning Conditions being breached by the developer of the site. More recently and following the results of the A D Horner Ltd report into over tipping at the site, a public meeting had been arranged by the Council, which the Chief Executive and senior officers attended, in order to provide residents with the following:

- Some useful background information
- Provide information on the handling of the matter
- Respond to concerns and issues
- Discuss future action with regard to the site
- Ensure public involvement and communication.

The Chairman of the Task Group had also attended the public meeting and following feedback he had provided, Members of the Task Group agreed that in order to get a better understanding of how the process had impacted on those residents in the vicinity, a number of them should be invited to attend a meeting of the Task Group in order for Members to hear, first hand, how those

residents had been affected by the site over a number of years. This meeting took place on 11th January 2012. Prior to this meeting, Members of the Task Group undertook a site visit in order to familiarise themselves with the Marlbrook Tip site and in order to be able to gain a better understanding of how the residents living in close proximity to the site could have been affected. This took place on 5th January 2012 when Members were shown the surrounding areas of the site, where residents lived and inspected the site itself.

Some of the issues raised and discussed at the meeting with the residents are detailed in Chapter 4 of this report. However the overwhelming view of the residents was that despite numerous letters, emails and telephone calls to the Council over a number of years, they had not been listened to and their concerns had not been taken seriously. Reference was made to the role of the Marlbrook Tip Monitoring Group by residents, which Members understood was a condition agreed following the submission of the planning application and set out in the minutes of the Planning Committee meeting dated 7th November 2005.

The Task Group have been unable to find terms of reference or details of how the membership of this monitoring group was agreed. The details in the Planning Committee Minutes simply state *"the developer shall participate in a monitoring group that shall meet at least every two months and shall compromise representatives of the developer, the Parish Council, the highway authority, the Bromsgrove District Council and the Ward Councillors. The Group will receive progress reports and resolve site and access problems."*

Members noted that although officers from the Council had attended and facilitated meetings of the Monitoring Group, it was clear from the discussions with the residents and the notes of the meetings available to the Task Group Members that the residents and members of the group's understanding of the role it played were not clearly defined, and although residents believed that concerns raised at these meetings were being feedback to senior officers at the Council, this had not been the case. From the evidence received it was clear to the Task Group Members that the role of the Monitoring Group, albeit set up with the best intentions, had not been successful and had not been set up in an appropriate manner in order to ensure that information and concerns raised would be fed back to the relevant officers.

Members also asked for details of a more current planning application which had a number of conditions attached to it in order to have some form of comparison. The Development Control Manager (Operations) provided Members with similar information for the application at Longbridge East and Part River Arrow, Groveley Lane, Cofton Hackett, which also had 24 conditions attached to it and involved remediation work at the site.

It was immediately clear to Members when comparing the 2 applications that the more recent one contained much more detail in the conditions and referenced, on a number of crucial occasions, to specific plan references. Reasons for setting the conditions were also given in more detail and were set out in a much clearer detailed format. During the discussions with the Development Control Manager (Operations) it was explained that on this

occasion the Council have worked closely with the developer from the earliest stages of the application, for example topographical surveys (funded by the developer) have been undertaken and will continue throughout the stages of the application in order to ensure that the conditions have been adhered to. The plans for the development will be submitted in stages and it would therefore not be in the developer's interests to not comply with the conditions as the stages of the development are dependent upon each other. A time limit had also been set for completion of the "tipping" and the developer must give prior notice of the start date of that work to the Council. Members were appreciative that there was always an element of trust in such circumstances but agreed that from the evidence received, in this case the Council had ensured that a lot more tighter controls were in place than had previously been the case with the Marlbrook Tip application.

From the evidence received the Task Group was able to gain a good understanding of the setting of conditions and the enforcement process (Chapter 2 of this report provides full details of the enforcement process) in respect of 'everyday' planning applications and agreed that this approach had effectively provided Members with a "third" case study.

The Task Group Members therefore recommend the following:

<p><u>Recommendation 1</u></p> <p>That a mechanism be put in place to ensure that:</p> <ul style="list-style-type: none"> (a) where conditions cannot be monitored within existing resources, an estimate of the resources required to monitor those conditions be clearly identified; (b) the applicant be made aware at the earliest possible stage of the need to ensure that these conditions are adhered to and properly monitored in line with the conditions applied; and (c) where the planning officer recommends refusal of a planning application and the Planning Committee go against the recommendation, sufficient time should be given within the Planning Committee meeting to discuss conditions. 	
Financial Implications	N/A
Resource Implications	Officers are confident that existing resources within the teams can support the new processes to ensure that an estimate of monitoring resources is made together with supporting the applicant to understand and comply with the conditions set.

Recommendation 2

That:

- (a) a review of the Bromsgrove Standard Planning Conditions be carried out as soon as practicably possible, but within six months of this report being presented to Cabinet; and
- (b) Planning officer training be formalised to ensure appropriate conditions are identified for routine and non-routine applications.

Financial Implications	£2k - £3k (estimate) for the condition training
Resource Implications	The review can be undertaken within existing staffing structures.

Recommendation 3

That monitoring groups are not used in the future. However, it is recognised that on occasion there may need to be some form of community engagement for larger more complex planning applications.

Financial Implications	N/A
Resource Implications	Any support required can be met from existing staffing as it will only be as needed.

CHAPTER 2 – PLANNING ENFORCEMENT PROCESS

Task Group Members were provided with a copy of the Planning Enforcement Policy which had been considered by the Planning Committee on 28th March 2011 and adopted at Council on 20th April 2011. The Policy was effectively a customer charter for the planning enforcement service, giving details of legislation and the Council's commitment to complainants, including timescales for responding to complaints.

The aims and objectives of the Enforcement Policy are:

- To set out realistic achievable objectives on planning enforcement
- To define the range of options available to achieve objectives, having regard to statutory and non-statutory advice from Government.
- To provide a clear and accountable audit trail of decision-making processes
- To adhere to and implement best practice in terms of planning enforcement
- To remedy undesirable effects of unauthorised development
- To bring unauthorised activity under control to ensure the credibility of the planning system is not undermined.

Members were also provided with notes from an informal meeting which a number of Members of the Overview and Scrutiny Board had attended with the Head of Planning and Regeneration. At this meeting the Head of Planning and Regeneration had provided Members with details of the number of outstanding planning enforcement cases and discussed the Planning Enforcement Policy. The Task Group noted that the main areas of discussion covered at that meeting were the number of outstanding complaints, a system of prioritising current and future cases and staffing resources. It was explained to Members that the enforcement process was complex and multidirectional, with various routes a case could follow, to demonstrate this Members were provided with a flow diagram, which gave an overview of the system. The Task Group was informed that in some cases enforcement was discretionary and the decision not "set in stone", consideration had to be given as to what was in the public interest. When the Planning Enforcement Team was advised of a possible breach, negotiations would take place to see whether enforcement could be achievable and realistic – in some cases it is not always appropriate for the Council to carry enforcement through.

During the meeting with residents (referred to in detail in Chapters 1 and 4 of this report) reference was made on numerous occasions to what they felt had been a lack of response and support from the Enforcement Team. Examples of this were made in respect of requests for copies of the outstanding reports from Faber Maunsell Ltd (appointed by the developer of the Marlbrook Tip site). These reports collated the information, which had been provided to them by the developer, in respect of the number of vehicles making deposits at the site and the weight of the loads carried. The reports formed a crucial part of monitoring specific elements of the planning conditions which had been set. The written evidence the Task Group had examined supported the

concerns raised by residents and the inconsistent responses they had received from officers. It was also noted by Members that numerous officers had dealt with the concerns raised and that there did not appear to have been one single point of contact. Members agreed that it was likely that this had lead to officers not being aware of the number of residents that were contacting the Council with the same (or similar) concerns in respect of the site. If there had been one point of contact those concerns may well have been picked up at a much earlier stage. The Task Group discussed the provision of regular updates for Enforcement cases within each Ward, to enable Members to monitor any concerns and to ensure appropriate action that was being taken.

The Task Group questioned the Head of Planning and Regeneration on the points raised by residents; it was conceded that mistakes and errors of judgment had been made by officers, which together with staffing issues at that crucial time had exacerbated the situation. It was confirmed to Members that Planning Enforcement is re-active as opposed to being proactive in actions taken. The resources were not available to monitor the implementation of conditions; therefore only those breaches which were reported were actually, if it was deemed appropriate, enforced. The responsibility ultimately lies with the applicant to adhere to the conditions detailed within the decision notice. Members noted that the Head of Planning and Regeneration was not in post at the time the initial concerns in respect of the Marlbrook Tip application were raised.

The Head of Planning and Regeneration discussed with Members measures which had been put in place to ensure similar mistakes did not happen again. These included training of staff on the IT software (in order for it to be used to its full potential) by the Planning Enforcement Team and more detailed questions to be asked at the first stage of the process. Members received further evidence from the Development Control Manager (Operations) in respect of Planning Enforcement to support the view that lessons had already been learnt and although it was conceded that it was still “early days” improvements had been made within Planning Enforcement, including the logging of all service requests, holding weekly meetings with the Senior Enforcement Officer in respect of new and ongoing cases and a monthly meeting held to review all outstanding cases individually.

The Task Group Members therefore recommend the following:

<u>Recommendation 4</u>	
That a detailed review of the Planning Enforcement Policy, which was adopted in April 2011 (as encouraged in Section 8 – Conclusion), be carried out giving particular attention to Sections 4 – Enforcement Procedures (Informal) and 7 – Council’s Commitment to Complainants.	
Financial Implications	N/A
Resource Implications	Review to be undertaken within existing resources.

Recommendation 5

That a case officer be appointed and remain responsible as the point of contact for each enforcement case to ensure continuity and an electronic case file be set up and open to view by colleagues and management.

Financial Implications

N/A

Resource Implications

Resource can be met within existing staffing structures.

Recommendation 6

That a mechanism be put in place in order for control systems to be developed to ensure enforcement cases are recorded and available upon request to Ward Members.

Financial Implications

N/A

Resource Implications

Mechanism will be put in place to ensure cases are recorded and made available. This will be delivered within existing resources.

Recommendation 7

That the Planning Committee receives a quarterly report in respect of all new and outstanding planning enforcement cases.

Financial Implications

N/A

Resource Implications

Reports to be presented on a quarterly basis – no additional resource implications.

Recommendation 8

That through the Transformation programme a review and mapping exercise be carried out in respect of the process post planning application approval stage and that the results of this be shared with the Overview and Scrutiny Board.

Financial Implications

N/A

Resource Implications

Review to be undertaken within existing resources

CHAPTER 3 – INTERNAL AUDIT REPORT AD HOC INVESTIGATION: MARLBROOK TIP

The Marlbrook Tip planning application had been used as a case study for the Task Group and after receiving evidence from residents who lived in close proximity to that site (see Chapter 4 for further details), the Task Group agreed it was important that, as part of its investigation, they also examined the Internal Audit Report, which had been requested by the Head of Planning and Regeneration following the results of the findings of the A D Horner Ltd report.

As part of the Task Group's evidence gathering process the author of the report, the Lead Internal Auditor, attended a meeting to discuss the findings of the report. The Task Group also inspected the correspondence from residents referred to in the Internal Audit Report. Following discussions at that meeting, the Task Group Members agreed that from its own investigations and the evidence they had received, the recommendations in the Internal Audit Report were appropriate and should be implemented within the timescales given.

It should be noted that some of the Task Group's own recommendations duplicate or complement those in the Internal Audit Report. Members agreed that the issues raised in the Report were of such importance that this was a necessary and important duplication.

To ensure that the recommendations from the Internal Audit Report are carried through Task Group Members therefore recommend the following:

<u>Recommendation 9</u>	
That the Internal Audit Report recommendations be supported and included within the Overview and Scrutiny Board's Quarterly Recommendation Tracker report to ensure that progress on the implementation is monitored in an appropriate and timely manner.	
Financial Implications	N/A
Resource Implications	Officers will ensure that the recommendations are included in the tracker report and progress monitored regularly.

CHAPTER 4 – CUSTOMER FEEDBACK COMPLAINTS PROCESS

As previously detailed in this report, the Former Landfill Site, Alvechurch Highway, Lydiate Ash (Marlbrook Tip) planning application has been a contentious issue for all concerned. Members therefore agreed that it was appropriate when using it as a case study and after studying the correspondence that had been received over a number of years from residents, to invite a selection of those residents to attend a meeting of the Task Group. From the 8 residents invited 5 attended, together with the Councillor for Marlbrook Ward.

The following areas were discussed in detail at the meeting which was held on 11th January 2012:

- The effectiveness of the planning process and conditions in this case (see Chapter 1)
- The effectiveness of the monitoring group (see Chapter 1)
- The effectiveness of communications between all concerned
- The effectiveness of the Council's Complaints procedure and responses received from officers.

Following this meeting and discussions in respect of the correspondence examined, Members agreed it was important to receive background information on the Council's current Complaints procedure. The Customer First Officer was therefore invited to attend the Task Group meeting on 23rd January 2012, Members were also provided with copies of the relevant procedures, which were available to all staff.

The Customer First Officer informed Members that the current system had only been in place since 2008 and gave details of the various ways in which the iCase system could be adapted to suit the needs of the Council. It was noted that, currently, initial notifications in respect of planning enforcement were not recorded on this system as they were classed as "service requested". It became apparent to Members that this was an area which needed clarification in order to minimize the possibility of service requests escalating into complaints which were not captured on the system and therefore not monitored or responded to in the appropriate manner.

The Task Group acknowledged that the iCase system was not in place when the initial correspondence had been received from residents, however from the evidence they examined more recent correspondence had been received (since the inception of the iCase system). This correspondence had been dealt with again as service requests when it may have been more appropriate to have been recorded through the iCase system. If this had been the case, the issues raised would have been brought to the attention of the Head of Planning and Regeneration at an earlier stage.

The Internal Audit Report provided a breakdown of the correspondence received and the number of complaints in respect of the Marlbrook Tip site that had been handled through the Customer Feedback Complaints

procedure; this was a total of 9 complaints. There was a large number of letters and emails that had been received from residents and in some case correspondence from the local MP who had written in on behalf of residents.

When examining the written correspondence (both letters and emails) Members were concerned at both the time taken to respond and the tone (in some cases) of those responses, both of which were inappropriate and not acceptable. Members agreed that the situation which has now arisen could only have been exacerbated by the responses residents had received from officers of the Council. From the discussions held with residents at the meeting on 11th January 2012 it was apparent that the lack of a co-ordinated and timely response had led the residents to feel that the Council was not listening to or taking their concerns seriously. It was however, conceded by residents that since the appointment of a new Head of Planning and Regeneration in May 2010 their concerns had been responded to and they had been given an opportunity to discuss these in more detail, although they continued to be disappointed in so far as the issues raised had not yet been resolved. Residents also welcomed the use of public meetings as a forum for sharing information.

It became apparent from the evidence gathering process that not all officers were familiar with the iCase system and the process of recording service requests (these are not recorded on iCase, but are core business for which there are other systems in use), complaints and responding to residents in an appropriate and timely manner. Although evidence was only examined from the Planning Enforcement area Members agreed that to ensure a consistent approach was being taken throughout the Council any recommendations made should apply to all areas of the Council.

Following discussions with residents and from personal experiences the Task Group recognised that a measure of performance for any organisation was the number, content and manner of complaints or expressions of dissatisfaction received from its customers. Without this knowledge the organisation would be obviously unaware of the view its customers had of its services. In an open market economy the customer is king and has a choice. Whilst Council services are monopolistic, efficiency, value for money, reputation and confidence are major factors in the service delivery.

Taking into account the evidence provided, the Task Group therefore recommend the following:

<u>Recommendation 10</u>	
That a quarterly report be made available to the Overview and Scrutiny Board to enable Members and Officers to be aware of repeat or common themed compliments and complaints (in order to address such complaints).	
Financial Implications	N/A
Resource Implications	Reports to be presented on a quarterly basis – no additional resource implications.

Recommendation 11

That all Heads of Service ensure mechanisms are in place to ensure that when a service request escalates to the extent that there is or could be a critical failure of any nature, they are immediately made aware of the situation and

- (a) that Heads of Service ensure all staff are made aware of and understand the definitions of a complaint; and
- (b) that the Head of Customer Service provides additional guidance in respect of recording service requests which may also be a valid complaint.

Financial Implications

N/A

Resource Implications

Officers will introduce a mechanism to ensure that complaints are reflected, captured and monitored in a timely and accurate way – no additional resource required.

Recommendation 12

That the Head of Customer Service and Human Resources work together to establish a mandatory management training programme to:

- (a) ensure that all managers of the Council are given support to enable them to respond, both verbally and in writing, to all customers in a timely and appropriate manner, with regular reviews of the success of such training carried out; and
- (b) the Overview and Scrutiny Board receive regular updates to ensure this has been implemented.

Financial Implications

To be identified within the corporate training budget (cost of training to be established but estimated to be up to £2,500).

Resource Implications

Resource of staff time - formal training to all managers to ensure officers have all the skills required to respond to our customers in a timely and considered manner.

CONCLUSION

Having considered the evidence provided by all witnesses, the Task Group Members have gained a greater understanding of many aspects of the Planning process.

- By using two particular case studies Members were able to gain a good insight into improvements that have already been made following the Planning Application for the Former Landfill Site, Alvechurch Highway, Lydiate Ash and subsequent problems which had arisen from that particular application.
 - Although this Planning Applications was initially used as a case study the Task Group reiterate the concerns raised by the residents in respect of the safety of the Marlbrook Tip site and support the urgency and need of an expert report on the site.
- The Task Group acknowledged that the Council had made mistakes over the years in this case and although the application for Longbridge East and Part River Arrow, Groveley Lane, Cofton Hackett was at the earliest of stages Members were optimistic from the evidence they had received that lessons had already been learnt and this development would run much more smoothly.
- It has also been recognised that any development, irrespective of size, does have an effect on residents and should any conditions or enforcement be necessary all applications should be handled with the same level of importance.
 - The Longbridge application should be closely monitored in order to prevent the same mistakes being made again. There is however also a need for further improvement, to ensure that mistakes are not repeated and this is reflected in the recommendations contained within this report.
- Several important concerns have been raised within the Internal Audit Report and from the evidence received and investigations carried out by the Task Group, Members concurred with that report and the recommendations within it. For the process to move forward in an appropriate and timely manner it was important that those recommendations were implemented within the timescales given.
 - To ensure the recommendations within the Internal Audit Report are carried through, the Task Group recommends that the recommendations are included within the Overview and Scrutiny Board's quarterly recommendation tracker report.
- Members were concerned at the inconsistency of the recording of service requests and complaints in respect of Planning Enforcement issues. The Head of Planning and Regeneration informed Members that steps had already been taken to rectify this and staff would be

receiving training on the current system, which was not being utilized to its full potential.

- Following discussions with the Customer First Officer, Members requested that service requests also be included within the iCase Customer Feedback Complaints system to ensure that an audit trail was in place should these requests either escalate to customer complaint status or a large number of requests be received which referred to one particular area/planning application.
- In summary, lessons have been learnt and the investigation has raised a number of issues which impact on other areas of the Council's services and its reputation and performance which re-enforces the need to ensure services are pro-active and cost effective and not at risk to unnecessary additional cost and loss of reputation to the Council.
- The Task Group notes and supports the changes already implemented and the pro-active approach taken by the Head of Planning and Regeneration and the Customer First Officer in light of their own observations and critical analysis of the processes in place.
- Members wish to re-iterate that the outcomes of this report are to look forward and to ensure that systems are improved; for staff to receive appropriate training and processes to be tightened.

PLANNING POLICY TASK GROUP

TERMS OF REFERENCE OF THE TASK GROUP

The attached Overview and Scrutiny exercise scoping checklist, was completed by Task Group Members in consultation with both the Head of Planning and Regeneration and the Head of Legal, Equalities and Democratic Services and formed the basis of the investigations carried out and took into account the following specific areas:

- To review the remit of Planning Conditions and their effectiveness.
- To review the Council's activity in terms of Planning Enforcement, to identify strengths and weaknesses and to make recommendations for improvements where necessary.
- To review the way in which the Council responds to enforcement issues and where these can be improved.

OVERVIEW AND SCRUTINY EXERCISE SCOPING CHECKLIST

This form is to assist Members to scope the overview and scrutiny exercise in a focused way and to identify the key issues it wishes to investigate.

- Topic: **Planning Policy Task Group**

- Specific subject areas to be investigated:

- To review the remit of Planning Conditions and their effectiveness.
- To review the Council's activity in terms of Planning Enforcement, to identify strengths and weaknesses and to make recommendations for improvements where necessary.
- To review the way in which the Council respond to enforcement issues and where these can be improved.

- Possible key outcomes:

(i.e. please state what Members hope to achieve through this investigation):

- Recommendations which lead to a more rigorous and consistent implementation of the Enforcement Policy through out the District.
- Recommendations which lead to an improved process for setting realistic and enforceable Planning Conditions.
- A more robust process for managing public concern about enforcement issues.

- Should the relevant Portfolio Holder(s) be invited to give evidence? **YES**

- Which officers should be invited to give evidence?

(Please state name of officer and/or job title)

Head of Planning and Regeneration
Enforcement Officer
Member of Legal Team
Customer First Officer

- Should any external witnesses be invited to give evidence? **YES**
If so, who and from which organisations?

Ward and Parish Councillors
Local Residents (in respect of Marlbrook Tip area)

- What key documents/data/reports will be required?

Planning Enforcement Policy
Planning Conditions

- Is it anticipated that any site visits will be required? **YES ***
If so, where should members visit?

In respect of the Marlbrook Tip site.

- Should a period of public consultation form part of the exercise? **NO***
If so, on what should the public be consulted?

(Please Note: A separate press release requesting general comments/suggestions from the public will be issued in the normal way at the beginning of the investigation.)

- Have other authorities carried out similar overview and scrutiny exercises? **YES**
If so, which authorities?

Not recently, however Borough of Pendle carried out an exercise in March 2006 and Ealing in February 2006.

- Will the investigation cross the District boundary? **NO***
If so, should any other authorities be invited to participate? **NO***
If yes, please state which authorities:

- Would it be appropriate to co-opt anyone on to the Task Group/Board whilst the Overview and Scrutiny exercise is being carried out? **NO***
If so, who and from which organisations?

- What do you anticipate the timetable will be for the Overview and Scrutiny exercise?

Anticipated Task Group Report to be presented to February 2012 Overview and Scrutiny Board meeting.

PLANNING POLICY TASK GROUP

WITNESSES

The Task Group considered evidence from the following sources before making its recommendations.

External Witnesses

Written and/or verbal evidence was received from the following external witnesses:

Mr. Roy Hughes	Resident
Mrs. Sue Hughes	Resident
Mr. Tony Ormond	Resident
Mr. Paul Batchelor	Resident
Mr. Keith Woolford	Resident
Mr. Lyndon Essex	Environment Agency

Internal Witnesses:

Ms. Ruth Bamford	Head of Planning and Regeneration
Ms. Sharon Sharpe	Customer First Officer
Ms. Thelma Warwick	Lead Auditor (Worcestershire Internal Audit Shared Service)
Mr. Dale Birch	Development Control Manager (Operations)

Councillors:

Kit Taylor	Portfolio Holder for Planning, Core Strategy, Regulatory Services and Strategic Housing.
John Ruck	Ward Councillor (Marlbrook) and Vice Chairman of Planning Committee

PLANNING POLICY TASK GROUP

Bibliography and Research Documentation

Circular 11/95: Use of conditions in planning permission from the Department of Environment.

Highway Conditions

Bromsgrove District Council Standard Conditions

Town and Country Planning (Use Classes) Order 1987 (as amended)

Bromsgrove District Council Planning Enforcement Policy which had been considered by the Planning Committee on 28th March 2011 and adopted at Council on 20th April 2011.

Bromsgrove District Council Planning Committee Agendas and Minutes with reference to the Planning Application for Longbridge East and Part River Arrow, Groveley Lane, Cofton Hackett.

Bromsgrove District Council Planning Permission Decision Notice dated 25th October 2011 for Longbridge East and Part River Arrow, Groveley Lane, Cofton Hackett.

Bromsgrove District Council Planning Committee Agendas and Minutes with reference to the Planning Application for Former Landfill Site, Alvechurch Highway, Lydiate Ash.

Bromsgrove District Council Planning Permission Decision Notice dated 25th January 2006 for Former Landfill Site, Alvechurch Highway, Lydiate Ash.

Minutes from the Marlbrook Tip Working Group – October 2008 to June 2011.

Internal Audit Report Ad hoc Investigation: Marlbrook Tip 16th December 2011.

Summary of Findings of A. D. Horner Ltd at Former Landfill Site, Alvechurch Highway, Lydiate Ash dated 9th June 2011

Making Complaints Count – Bromsgrove District Council Complaints Procedure Guide.

Bromsgrove District Council Customer Feedback Policy

Notes from Public Meeting held on 29th November 2011 in respect of Marlbrook Tip (and attended by the Task Group Chairman)

Presentation on the Planning Process by the Head of Planning and Regeneration

Copy Correspondence from residents in respect of Marlbrook Tip

Written submissions by a resident from the vicinity Marlbrook Tip

Written response from the Environment Agency to questions from the Planning Policy Task Group



**This report can be provided in
large print, Braille, on audio CD or tape,
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**Bromsgrove
District Council**

www.bromsgrove.gov.uk



Legal, Equalities and Democratic Services

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e-mail: scrutiny@bromsgrove.gov.uk

FORWARD PLAN OF KEY DECISIONS

1 APRIL TO 31 JULY 2012

This Forward Plan lists the **Key Decisions** which it is proposed to take during the period 1 April to 31 July 2012. **Key Decisions** are executive decisions which must be taken or delegated by the Council's Cabinet and relate to matters which fall within the Council's agreed Budget and Policy Framework.

Key Decisions are those executive decisions which are likely to:

- (i) result in the Council incurring expenditure, foregoing income or the making of savings in excess of £50,000 or which are otherwise significant having regard to the Council's budget for the service or function to which the decision relates; or
- (ii) be significant in terms of its effect on communities living or working in an area comprising two or more wards in the district;

Key Decisions will include:

1. A decision which would result in any expenditure or saving by way of a reduction in expenditure of £50,000 provided the expenditure or saving is specifically approved in the Medium Term Financial Plan.
2. A virement of any amount exceeding £50,000 provided it is within any virement limits approved by the Council;
3. Any proposal to dispose of any Council asset with a value of £50,000 or more or which is otherwise considered significant by the Corporate Property Officer;
4. Any proposal to cease to provide a Council service (other than a temporary cessation of service of not more than 6 months).
5. Any proposal which would discriminate for or against any minority group.

Further details of each Key Decision are appended to the Forward Plan. To assist with internal forward planning, this Plan also lists other non-key decisions which the Cabinet is expected to make during the specified four month period. It also includes decisions to be taken over a longer period where these are known. The Forward Plan is updated and published on the Council's website on a monthly basis.

CABINET MEMBERSHIP

Councillor R. Hollingworth	Leader of the Council and Portfolio Holder for Finance, Partnerships and Economic Development
Councillor Mrs. M. A. Sherrey	Deputy Leader of the Council and Portfolio Holder for Community Services, Older People, the Young and Vulnerable People
Councillor M. J. A. Webb	Portfolio Holder for Leisure, Cultural Services, Environmental Services and Emergency Planning
Councillor Dr. D. W. P. Booth	Portfolio Holder for Business Transformation (including ICT) with special responsibility for the Town Centre Regeneration and Special Projects
Councillor C. B. Taylor	Portfolio Holder for Planning, Core Strategy, Regulatory Services and Strategic Housing
Councillor M. A. Bullivant	Portfolio Holder for Policy, Performance, Communications, Customer Services, Legal, Equalities, Democratic Services and Human Resources

CONSULTATION AND REPRESENTATIONS

For **Key Decisions** the summary document appended to the Forward Plan sets out details of any proposed consultation process. Any person/organisation not listed who would like to be consulted or who wishes to make representations on the proposed decision are encouraged to get in touch with the relevant report author as soon as possible before the proposed date of the decision. Contact details are provided.

Alternatively you may write to The Head of Legal, Equalities and Democratic Services, The Council House, Burcot Lane, Bromsgrove B60 1AA or email: committee@bromsgrove.gov.uk

Item No.	Decision Taker & Expected Date of Decision	Original Expected Date of Decision	Proposed Decision	Type of Decision (Key or Non-Key)	Lead Councillor/ Portfolio Holder	Comments
1	Cabinet 4 April 2012		Longbridge – Statement of Principles regarding Affordable Housing Provision	Key	Councillor C. B. Taylor	
2	Cabinet 4 April 2012		Worcestershire Extra Care Housing Strategy 2011- 2026	Key	Councillor C. B. Taylor	
3	Cabinet 4 April 2012		Overview & Scrutiny Board/Task Group Planning Policy Report	Non-Key	Councillor C. B. Taylor	
4	Cabinet 4 April 2012		Proposed Marketing Exercise – Inclusion of Council Owned Assets (Hanover Street Car Park, George House and Stourbridge Road Car Park) <i>(this report will contain exempt information and be considered in private session)</i>	Non-Key	Councillor R. Hollingworth	
5	Cabinet 4 April 2012		Performance Monitoring Quarter 3 2011/12	Non-Key	Councillor M. A. Bullivant	
6	Cabinet 4 April 2012		Bromsgrove Town Centre Townscape Heritage Initiative – Second Round Submission	Non-Key	Councillors Dr. D. W. P. Booth and C. B. Taylor	
7	Cabinet 6 June 2012		Land Disposal Policy	Non-Key	Councillor R. Hollingworth	
8	Cabinet 6 June 2012		Performance Monitoring Quarter 4 2011/12	Non-Key	Councillor M. A. Bullivant	

9	Cabinet 6 June 2012		Recycling Bank Provision in Bromsgrove	Non-Key	Councillor M. A. Webb	
10	Cabinet 6 June 2012		Review of RIPA Policy (annual operational review)	Non-Key	Councillor M. A. Bullivant	
11	Cabinet 4 July 2012 (or 5 September 2012		Parking Review (including Blue Badge Holders)	Non-Key*	Councillor M. J. A. Webb	*If any decisions require Council approval these will be referred to the next possible meeting of the full Council
12	Cabinet 4 July 2012	Cabinet 7 March 2012	Countywide Homelessness Strategy	Key	Councillor C. B. Taylor	Deferred by officers for further consideration
13	Cabinet 4 July 2012	Cabinet 6 June 2012	Tenancy Strategy	Key	Councillor C. B. Taylor	Deferred by officers for further consultation
14	Cabinet 4 July 2012		Financial Monitoring Quarter 4 2011/12	Non-Key	Councillor R. Hollingworth	
15	Cabinet 5 September 2012		Budget Preparation Guidelines 2013/14 and Initial Estimates / Budget Projections for 2014/15 to 2015/16	Non-Key*	Councillor R. Hollingworth	*Cabinet will make recommendations to the full Council on 12 September 2012
16	Cabinet 5 September 2012		Fly Posting Policy	Non-Key	Councillor Mrs. M. A. Sherrey	
17	Cabinet 26 September 2012		Statement of Accounts 2011/12	Non-Key*	Councillor R. Hollingworth	*Cabinet will make recommendations to the full Council on 26 September 2012

Note: There is no Cabinet meeting scheduled for May or August 2012

Item No.1

KEY DECISION

Proposed to be made by
the Cabinet on
4th April 2012

LEAD MEMBER/ PORTFOLIO HOLDER Councillor Kit Taylor	ITEM Statement of Principles regarding Affordable housing Provision at Longbridge.	WARDS AFFECTED ALL
DOCUMENTS TO BE CONSIDERED BY THE DECISION TAKER 'Report of the Head of Community Services' REPORT AUTHOR Head of Strategic Housing	SUMMARY The report proposes the adoption of a jointly agreed Statement of Principles regarding the provision of affordable housing at Longbridge. The Statement is designed to guide the approach of Birmingham City Council and Bromsgrove District Council throughout the regeneration of Longbridge sites in respect of the provision of affordable housing.	REASONS FOR BEING ON THE FORWARD PLAN Affects two or more wards within the District

CONSULTATION DETAILS	Method of Consultation The statement of Principles has been developed from ongoing discussions between Housing and Planning officers at Birmingham and the BDC Strategic Planning Manager and Strategic Housing Manager. At this stage the report is designed to seek Member views before further consultation is undertaken.	Consultation period or dates
DECISION TO BE MADE IN PARTNERSHIP WITH Birmingham City Council.		

KEY DECISION

Proposed to be made by
the Cabinet on
4th April 2012

LEAD MEMBER/ PORTFOLIO HOLDER Councillor Kit Taylor	ITEM Worcestershire Extra Care Housing Strategy 2011 - 2026	WARDS AFFECTED ALL
DOCUMENTS TO BE CONSIDERED BY THE DECISION TAKER 'Report of the Head of Community Services' REPORT AUTHOR Head of Strategic Housing	SUMMARY <p>Worcestershire CC with District and Borough Councils has developed a strategy setting out a framework for the development of Extra Care Housing that covers all areas of Worcestershire.</p> <p>The strategy estimates that an additional 4,651 units of extra care housing are required across Worcestershire by 2026 to reflect the growing population of older people and the desire for people to continue to live in their own homes rather than residential care.</p> <p>The strategy which aims to make Extra Care Housing an increasingly well known and chosen form of accommodation for people that want to buy or rent, identifies local authorities as taking the leading role in encouraging providers from the social, charitable and private sectors to deliver the extra care housing required across Worcestershire.</p> <p>The strategy comes forward for the endorsement and approval of Members.</p>	REASONS FOR BEING ON THE FORWARD PLAN <p>Affects two or more wards within the District</p>

CONSULTATION DETAILS	Method of Consultation	Consultation period or dates
Stakeholders District Councils County Council Commissioners with an interest in Extra Care. Supporting People RSLs Providers of Extra Care Groups of senior citizens with an interest in housing.	The strategy has taken 'The Housing and Support Needs of Older Persons Assessment' that was carried out in 2009/10 and been developed through the involvement of a broad range of partners and stakeholders which included two focus groups of older people that were held in Bromsgrove Town and Alvechurch.	Dec 2011 – April 2012
DECISION TO BE MADE IN PARTNERSHIP WITH All district and Borough Councils within Worcestershire.		

DECISION TO BE MADE IN PARTNERSHIP WITH

All six districts are adopting individual Tenancy Strategies. However an approach is being undertaken whereby there is a Countywide framework developed to achieve a degree of uniformity across the County but still allowing for individual authority strategies to reflect the more localised detail necessary. The Bromsgrove strategy is being developed in collaboration with Redditch BC to achieve maximum uniformity.

KEY DECISION

Proposed to be made by
the Cabinet on
4th July 2012

<p>LEAD MEMBER/ PORTFOLIO HOLDER</p> <p>Kit Taylor</p>	<p>ITEM</p> <p>COUNTY HOMELESSNESS STRATEGY</p>	<p>WARDS AFFECTED</p> <p>All</p>
<p>DOCUMENTS TO BE CONSIDERED BY THE DECISION TAKER</p> <p>The County Homelessness Strategy</p> <p>REPORT AUTHOR</p> <p>Andy Coel Strategic Housing Manager</p>	<p>SUMMARY</p> <p>The report introduces a revised and updated County Homelessness Strategy for approval.</p> <p>The Strategy sits under the County Homelessness Strategy and sets out the County's goals and aspirations for preventing homelessness or meeting the needs of those who become homeless.</p> <p>The Strategy will be in two parts – the Countywide element and then a series of local Action Plans for each partner local authority.</p>	<p>REASONS FOR BEING ON THE FORWARD PLAN</p> <p>The Strategy is relevant for anyone who is facing homelessness or actually homeless across this District.</p>

CONSULTATION DETAILS	Method of Consultation	Consultation period or dates
Stakeholders Service users, partners and other stakeholders	Paper and telephone survey of those who have accessed housing options services across the County. Interviews of homeless households. Countywide Home Truths event for stakeholders.	July – Sept 2011
	Draft report circulated to partners and stakeholders	Oct – Nov 2011

DECISION TO BE MADE IN PARTNERSHIP WITH

Other local authorities across the County.

KEY DECISION

Proposed to be made by
the Cabinet on 4th July 2012

LEAD MEMBER/ PORTFOLIO HOLDER Councillor Kit Taylor	ITEM A Tenancy Strategy for Bromsgrove and Redditch	WARDS AFFECTED ALL
DOCUMENTS TO BE CONSIDERED BY THE DECISION TAKER 'Report of the Head of Community Services' REPORT AUTHOR Head of Strategic Housing	SUMMARY <p>The Localism Act 2011 introduces a number of housing reforms including the ability for local authorities and social landlords to grant fixed term tenancies with limited security of tenure and changes to the allocation of housing and the law relating to homelessness.</p> <p>The Localism Act places a duty on the Local Authority to prepare and publish a Tenancy Strategy by November 2012.</p> <p>A Strategy has been developed collaboratively between Bromsgrove and Redditch Councils in their strategic role by working in close consultation with our Registered Providers, stakeholders and the Housing Management Department of Redditch Borough Council.</p> <p>The strategy will come forward, following the close of the consultation period, for approval by Members.</p>	REASONS FOR BEING ON THE FORWARD PLAN Affects two or more wards within the District

CONSULTATION DETAILS	Method of Consultation	Consultation period or dates
Stakeholders District Councils County Council Supporting People RSLs Homes and Communities Agency GOWM OT Service PCT	<p>A multi agency consultation event was hosted by Bromsgrove on the 18th November 2011 for authorities across Worcestershire that enabled all parties to contribute through a workshop approach.</p> <p>A draft Tenancy Strategy is being circulated to stakeholders for comments to be returned by the 29th February 2012.</p>	<p>Last week of January - 29th February 2012</p>
DECISION TO BE MADE IN PARTNERSHIP WITH <p>All six districts are adopting individual Tenancy Strategies. However an approach is being undertaken whereby there is a Countywide framework developed to achieve a degree of uniformity across the County but still allowing for individual authority strategies to reflect the more localised detail necessary. The Bromsgrove strategy is being developed in collaboration with Redditch BC to achieve maximum uniformity.</p>		

OVERVIEW & SCRUTINY BOARD

WORK PROGRAMME

2011-12

This Work Programme consists of two sections: Items for future meetings (including updates) and Task Group Reviews.

RECOMMENDATIONS:

(a) To consider and agree the work programme and update it accordingly.

ITEMS FOR FUTURE MEETINGS

Date of Meeting	Subject	Other Information
26th March 2012	Longbridge Statement of Principles regarding Affordable Housing Provision Report	
	Quarter 3 Performance Monitoring Report	
	Planning Policy Task Group Report	
	Forward Plan of Key Decisions	
	WCC Health Overview & Scrutiny Committee – Update	
	Overview & Scrutiny Work Programme 2011-12	

23rd April 2012	Enforcement and Fixed Penalty Notices for Environmental Services	Review following implementation of new scheme.
	Burglary and Vehicle Crime In Bromsgrove – 6 month update report from West Mercia Police/Community Safety Partnership	Update following initial report received 24th October 2011.
	Update report on the affect of the Government Reforms and the Impact Assessment carried out.	Requested at meeting 27th February 2012.
	Annual Review of Call In	
	Quarterly Recommendation Tracker	
	Forward Plan of Key Decisions	
	WCC Health Overview & Scrutiny Committee – Update	

Scrutiny of Crime & Disorder Partnership Meeting Dates
TBC

Reports not allocated

Write Off of Debts – Quarterly Report
Sustainable Community Strategy Annual Report (September 2012)

OVERVIEW & SCRUTINY TASK GROUP/INQUIRY REVIEWS 2011-12

Investigation/Task Group	Date of Review
Recreation Road South Car Park Task Group	September 2012
Reduction in Bus Services Task Group	October 2012



Health Overview and Scrutiny Committee Tuesday, 13 March 2012 (2.00pm), County Hall, Worcester

Membership

Worcestershire County Council Mr A C Roberts (Chairman), Mr M H Broomfield,
Mrs M Bunker, Mr B F Clayton, Mr A P Miller,
Mrs P J M Morgan, Mr J W Parish, Mr T Spencer.

Bromsgrove District Council Dr B T Cooper
Malvern Hills District Council Mrs J Marriott
Redditch Borough Council Mrs B Quinney
Worcester City Council Mr R Berry
Wychavon District Council Mr G O'Donnell
Wyre Forest District Council Mrs F M Oborski

Agenda

Item No	Subject	Page Nos
1	Apologies	-
2	Declarations of Interest and of any Party Whip	-
3	Public Participation <i>Members of the public wishing to take part should notify the Director of Resources in writing or by e-mail indicating the nature and content of their proposed participation no later than 9.00am on the working day before the meeting (in this case 12 March 2012). Enquiries can be made through the telephone number/e-mail address below.</i>	-
4	Confirmation of Minutes – 21 February 2012	Previously circulated
5	The Role of Clinical Commissioning Groups, Their Establishment in Worcestershire and Relationship with the Health Overview and Scrutiny Committee	1
6	The Role of Worcestershire Health and Wellbeing Board, its Establishment and Relationship with the Health Overview and Scrutiny	3

Agenda produced and published by the Director of Resources, County Hall, Spetchley Road, Worcester WR5 2NP

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or minicom: Worcester (01905) 766399 email: sconnolly@worcestershire.gov.uk

The above reports and supporting information can be accessed via the Council's website at
<http://www.worcestershire.gov.uk/cms/democratic-services/minutes-and-agenda.aspx>

Date of Issue: 2 March 2012

	Committee Supporting Information: <ul style="list-style-type: none"> • Worcestershire Health and Wellbeing Board, Terms of Reference – Appendix 1 	
7	Health Overview and Scrutiny Committee Round-up	11

Health Overview and Scrutiny Committee
21 February 2012, County Hall, Worcester – 2.00pm**Minutes****Present:**

Worcestershire County Council:
Mr A C Roberts (Chairman), Mrs M Bunker,
Mr B F Clayton, Mr A P Miller, Mr J W Parish,
Mr T Spencer

Malvern Hills District Council: Mrs J Marriott
Redditch Borough Council: Mrs B Quinney
Worcester City Council: Mr R Berry
Wychavon District Council: Mr G O'Donnell
Wyre Forest District Council: Mrs F M Oborski

Officer Support:
Suzanne O'Leary – Overview and Scrutiny Manager
Sandra Connolly – Overview and Scrutiny Officer

Available papers:

- A. The Agenda papers and appendices referred to therein (previously circulated);
- B. Health Overview and Scrutiny Committee's criteria / principles to underpin the Joint Services Review and Draft HOSC engagement in the JSR (circulated at the meeting)
- C. The minutes of the meeting held on 24 January 2012 (previously circulated).

A copy of documents A and B will be attached to the signed Minutes.

**Chairman's
Announcements**

The Chairman welcomed guests and members of the public in attendance.

**536. (Agenda item 1)
Apologies**

Apologies were received from Maurice Broomfield and Brian Cooper.

**537. (Agenda item 2)
Declarations of
Interest and of
any Party Whip**

Terry Spencer declared a personal interest that Dr Anthony Kelly, one of the meeting's attendees was his family's GP.

Roger Berry declared a personal interest that his daughter-in-law was employed by Worcestershire Acute Hospitals NHS Trust.

Brenda Quinney declared a personal interest as a member of Worcestershire Local Involvement Network.

**538. (Agenda item 3)
Public
Participation**

Fran Oborski declared a personal interest as a member of the Joint Services Review Stakeholder Reference Board as the representative of Wyre Forest District Council.

Brandon Clayton declared a personal interest as a member of the Joint Services Review Stakeholder Reference Board as the representative of Redditch Borough Council.

None.

**539. (Agenda item 4)
Confirmation of
Minutes**

The Minutes of the meeting held on 24 January 2012 were confirmed as a correct record and signed by the Chairman.

**540. (Agenda item 5)
Joint Services
Review – the
Future
Configuration of
Acute Services
in
Worcestershire**

Attending for this item were Christine Fearn, Director of Strategic Development, Worcestershire Acute Hospitals NHS Trust and Project Director for the Joint Services Review (JSR), Dr Bryan Smith, Chairman, JSR Project Steering Group and Dr Anthony Kelly, Chairman, Worcestershire Clinical Senate.

The Chairman advised that he proposed to structure the Health Overview and Scrutiny Committee's (HOSC) discussion around the Phases of the JSR but first provided an overview of work undertaken to-date by the HOSC. Members had held a workshop which had changed how they proposed to approach the JSR. Rather than simply receiving updates about the JSR, then looking at the outcomes, Members had agreed that they needed to be involved in the JSR from an early stage with the aim to be 'constructively unreasonable'. Members had also agreed that to be objective, the HOSC should keep its distance rather than be within the JSR process. The HOSC would commit to being objective and any objections to proposals would use JSR evidence as their base. The issue of predetermination was also noted, with Members reminded that in the HOSC's deliberations, Members would need to ensure they were objective and open-minded in considering evidence.

Members were advised that the JSR was currently in its setup phase and timelines previously stated were indicative at this stage. Work was ongoing on the complex activities to be undertaken and all the components of the JSR and it was recognised that these would be important to the HOSC as it determined its work programme. A commitment was given that in the next 2 weeks the JSR timetable would be finalised and would give clarity for all stakeholders about the activities and timescales.

Phase 1: Setup and Case for Change

Support had now been secured to undertake the vast modelling and analysis of activity, finance and estates of the Acute Trust as well as key aspects of community service provision, particularly access. Information requirements were currently being agreed to meet the needs of the JSR. Six stakeholder roadshows had been scheduled and had started which would launch the JSR publicly. The JSR would be clinically led and clinical governance and leadership was in place. The Clinical Senate would be the body where clinical decisions would be made and it was highlighted that the JSR needed to involve a huge number of clinicians and the necessary infrastructure to do this was being set up. JSR participants were also mindful of the challenging timetable. Weighted criteria would now be considered which would be used to score options later in the process. External support would be needed to set these, with the target date of mid-March, and these would be shared with the public.

During the ensuing discussion, the following main points were raised:

- it was questioned what the budget was for the JSR and particularly for communication and the engagement and consultation elements which were recognised as important. Members were advised that the resource plan was a work in progress and would be considered by the JSR Steering Group on 28 February. The Steering Group would need to be clear on the money required for engagement and communication, not just with the public but also with clinicians and partners. Members were advised that NHS Worcestershire (NHSW) and West Mercia Cluster had set money aside to support the JSR but no figures could be provided as the full resource plan needed to be signed off by the Steering Group. Members highlighted that the budget needed to be realistic;
- in response to a question, Members were advised that the estates review would include all the clinical estate currently up to standard belonging to Worcestershire Acute Hospitals NHS Trust, unless it was already earmarked for use;
- although the estates review would look at all of the estate in active use it was suggested that perhaps there was a 'sacred cow' and it was questioned whether anything significant could be done in relation to the Worcestershire Royal Hospital given its PFI situation. It was acknowledged that the PFI hospital did cause considerable limitations but Members were advised that a review of the contract was ongoing. Recognising that

PFI's did mean limitations and that the Worcestershire Royal Hospital was an important part of the Trust, the aim was to maximise its use;

- it was queried whether it was a pre-requisite of the JSR to retain a Worcestershire Acute Hospitals NHS Trust. Members were advised that it was not an absolute pre-requisite. Everyone wanted a Worcestershire focus on the health of Worcestershire people. If there was no Worcestershire based acute provider, services would be split between or taken over by other providers. However, this was not a favoured solution as GPs would need to deal with bodies providing services across bigger areas and which would possibly not prioritise the Worcestershire population;
- it was suggested that the reality was that a large number of Worcestershire's population already travelled outside the County to get care and given this and that the structure of Clinical Commissioning Groups (CCGs) was still under development, Worcestershire should not be tied to a model and rather than focussing on a JSR end-point of the Acute Trust achieving foundation trust status, all options should remain on the table. Members were advised that ballpark figures for secondary care in Worcestershire were approximately £350 million, with £250 million approximately going to Worcestershire Acute Hospitals NHS Trust and the remaining going to other acute trusts, such as the Dudley Group NHS Foundation Trust. Consideration would need to be given to whether this £350 million should be spent within Worcestershire or outside but it was suggested that it would be sensible to have a Worcestershire focus for secondary care, albeit possibly with Dudley or Gloucestershire acute trusts. It was recognised that it would not be easy to manage secondary care if there was not a Worcestershire focus. It was also highlighted that under patient choice, there would remain choice of provider based on which offered the best service. The aim of the JSR was for Worcestershire to produce high quality and safe services which patients wanted to use. The JSR needed to ensure facilities which patients across the County would see as better than travelling to alternative services;
- a view was expressed that there would not be significant concern if the JSR timescales slipped;
- it was confirmed that work was already underway to ensure that patients did not needlessly have to attend an acute hospital for a follow-up appointment if it could be provided closer to home. However, it was also noted that in certain specialities, patients needed their

follow-up with a specialist. Members were advised that localism was a key aim, as was seeing patients where they would be best treated. A key aspect of the review was how to maintain quality of services and key to this would be keeping specialist consultants together in groups;

- it was noted that HOSC would wish to review data showing who was treated where at present under the current model of acute care;
- concern was expressed about the public meetings held to-date and the lack of attendance by the general public. It was accepted that setting roadshows for the JSR's launch did risk not being able to give enough notice or widespread communication. However, the roadshows were a signal that the JSR did want to engage and very quickly there would be a communication and engagement plan and this would reflect feedback from the first 3 meetings held to-date. It was essential that the necessary resources were put in place. The HOSC Chairman advised that the HOSC would look for evidence that communication and engagement were effective. Members were assured that the JSR recognised the importance of communication and effectiveness and the establishment of the Stakeholder Reference Board (SRB) signalled this. Attendance at the roadshows had been disappointing so far, particularly in Malvern, but it was highlighted that these meetings were simply about the launch of the review and it would be more worrying if public interest remained low when tangible proposals were being discussed. Members were asked that they please help to stimulate interest in the JSR amongst the public when possible;
- Members suggested that the roadshow model was perhaps not the best way of engaging with the public although more creative ideas may emerge through the SRB and it was highlighted that the County Council had undertaken some innovative public engagement. Members were advised that lessons had been learned and the JSR would take advice and support had already been offered by Worcestershire County Council;
- Members highlighted the importance of the JSR engaging with people at an early stage to talk about their priorities and what was important to them. Members were advised that it was planned to 'chunk' the work in terms of the clinical debates, for example, looking at women's and children's services together given their clinical allegiances. Such a forum of people could have both early and ongoing input to the clinicians' debates as ideas emerged;

- it was noted that HOSC would wish to receive the JSR engagement and communication strategy and comment on it as well as auditing its effectiveness later in the process;

Phase 2: Modelling and Analysis

Members were advised that the JSR had to ensure that it had a clear specification of how this work was to be done. A paper would be going to the Acute Trust's 1 March Board to provide assurances on the rigour of the JSR modelling and analysis. It was noted that a lot of important decisions would be based on the data and information gathered so governance was essential. There would be clinical sign-off of the data so there would be clarity about the resulting assumptions and these would be shared.

During the ensuing discussion, the following main points were raised:

- it was highlighted that the South Worcestershire Development Plan would see changes in the population in as soon as 5-6 years' time and it was questioned whether account would be taken of this as Members considered it needed particular attention. Members were advised that work was being done with the local authorities and CCGs on population data and projections and broad demographics;
- Members questioned whether staff would be involved and consulted on the JSR on an ongoing basis or whether they would simply be informed of the impact on them of the outcomes at the end of the process. Members were assured that communication with Acute Trust staff had already started as well as with GPs, PCT staff and Clinical Directors and a meeting would be held on 7 March with over 100 clinicians. The communication plan for clinicians was as important as engagement with the public and engagement with staff would be ongoing throughout the JSR;
- the need for discussions with the relevant local authorities about public transport issues was also highlighted. It was noted that at the time when changes were being proposed to Kidderminster Hospital, statements were made about transport but now, some of that transport was no longer in operation. Members highlighted that transport could have a huge impact. Members were advised that transport issues had been raised early and Trish Haines, Chief Executive of Worcestershire County Council was on the JSR Steering Group and party to discussions about the importance of testing transport. Whilst it was not

possible to commit to having detailed work done in the next 4 months, high level issues would be looked at including what services would change and the impacts and a key factor would be transport;

- it was suggested that this vast project had an indecently tight timescale and concern was expressed that there was a danger in such projects of getting caught up in the mini objectives and details of each phase, losing sight of what the project was looking to achieve, namely the best care and good pathways. It was acknowledged that this would not be easy but the focus would be maintained and that issues around pathways and transport needed to be solved and also needed to be affordable;
- it was noted that the HOSC would want to discuss the JSR with the Clinical Senate. Whilst Members were aware that solutions needed to be affordable, there could be an underlying fear about finance being a key driver causing people to lose confidence in the review. The HOSC would therefore be looking for first-hand information about the review directly from clinicians. Members were advised that the 3 CCGs were very supportive of the JSR as GP leaders and as the future commissioners, were keen to see the review succeed and did not want non-sustainable services in Worcestershire. The Clinical Senate comprised 4 Acute Trust clinicians, 4 Health and Care Trust clinicians, 2 GPs from each CCG and Eddie Clarke, Director of Adult and Community Services from Worcestershire County Council. Members were advised that the County Council's Director of Children's Services had also been invited to join the Clinical Senate but the Director had decided that this did not feel appropriate. Concern was expressed about the importance of the Children's Services Directorate being on the Senate and it was suggested that the HOSC should follow this up;
- it was highlighted that the JSR could have implications for the County's local authorities and whilst recognising that it was important to work together, there could be cost implications for councils who were also experiencing difficult times financially;
- it was noted that the HOSC wanted to understand the evidence used to shape the JSR's options and ongoing involvement would help to ensure Members understood the evidence base. It was acknowledged that the Worcestershire population needed to be behind the decisions made and support the way forward;
- with the anticipated move towards more centralised

services and centres of excellence, it was questioned how the interests of the population would be safeguarded, particularly in terms of increased travel. Members were advised that the JSR did not have predetermined answers and open and honest conversations would be needed service by service. For example, in reviewing paediatric services, the JSR would need to clearly state the exacting standards and requirements demanded of the service and then look at how that service linked to other services. It was recognised that there would be trade-offs in how services were sited and it would be important to demonstrate how these were all weighed up and looking at the estate would be very important. The JSR had to talk with the public and it was recognised that if discussions were about losing a service from a locality, there would be difficult conversations. The best starting point was to look at the required standards for a service and evidence for a decision and then consider how those were weighed up. Locality would be considered after consideration of the evidence base and how the service should be run.

It was highlighted that medical practice would continuously move on. Twenty years ago, there would have been general surgeons covering Worcestershire. Now however, surgeons specialised and one problem with this model was the ability to have a full spread of all specialists across all sites and there was a view that specialists working together in a single specific location produced the best outcomes for patients. It was not clear how this would pan out under the JSR. It was noted that if current localities and the current spread of specialties could be maintained, there would not be a review. However, times were harder and more people were being treated and as it was not possible to get more from the same, a fundamental review needed to be undertaken;

- Members were advised that very little of the budget for specialist secondary care and tertiary care was spent within Worcestershire as the majority of such services did not exist locally. Much of this budget was spent on services provided by the Queen Elizabeth Hospital, Birmingham and University Hospitals Coventry and Warwickshire. Whilst it was acknowledged that some services for a population of 600,000 could not be provided in-county, there were other services which Worcestershire did not currently provide but could do so, for example radiotherapy. The JSR would also look at bringing services into the County and these would be based on clear evidence;

- it was noted that the JSR intended to have 'meaningful conversations' with the public. Members suggested that the project needed to be creative and smart to achieve this and should tap into local authorities' experience as well as considering using new social media in addition to going out into shopping centres. It was highlighted that the public would not be interested in the JSR process but would want to focus on their access to services. Members were advised that the JSR was going out to source advice from communications experts and from the Strategic Health Authority too;
- whilst Worcestershire may not have the large ethnic minority populations of somewhere like Birmingham, it was noted that there were significant Polish, Pakistani, Bangladeshi and Traveller populations in the County and assurances were sought about ensuring they were engaged in the JSR. Members were advised that the review needed to ensure all views were taken into account and in the next month a high level plan would be in place. It was still early days in the process. It was highlighted that the Stakeholder Reference Board had very good representation and the JSR was confident that the SRB would provide a good product which all could have confidence in;
- in response to a question about which specialised services were provided in Worcestershire which other areas bought into, Members were advised that there were a number of services where Worcestershire Acute Hospitals NHS Trust worked on larger populations than just Worcestershire, including for example vascular services and oncology. The Trust considered that there were a lot of services currently not provided in Worcestershire which could be and the JSR could provide opportunities to provide more specialist care in County. With the national move towards reducing patient stay in the acute setting, organisations needed to be maximised to undertake as much care as possible safely. There were already examples in Worcestershire of making full use of its specialists, for example expanding its cardiology services;
- it was questioned whether the principle of moving people out of acute beds as soon as appropriate would guarantee the future of the County's community hospitals. Whilst this was an issue for the County's commissioners, the Acute Trust's view was that the Acute Trust should treat patients for the optimal time and then be able to transfer them to the right services in the community. Members were advised that it was widely recognised that it is better for patients to receive care in their own homes unless they needed acute care

and it was cheaper too and the shift towards community based care was a national driver. Whilst a good future for community hospitals looked likely, it was not possible at this stage to predict how services would end up;

Phase 3: Option Appraisal / Development of Strategic Case for Change

Phase 4: Refine the Strategic Outline Case

Members were advised that the options generated under the JSR would be based on clinical outcomes. Clinicians would look at what was right for patients and the JSR would have support from independent people in assessing the clinical evidence. Once the review was clear on the early views about clinical outcomes, patient numbers and assumed levels of demand for acute services would be applied. Once demand was projected, consideration would be given to whether there was an evidence base for change and how a service could be organised. Finally, financial projections would be applied. Patient flows and catchments would be reviewed and there would be discussions about possible change of flows to other providers and was a key reason why commissioners and providers were undertaking the JSR together. This work would result in a much smaller list of options to take forward and these would be shared publicly after independent assessment of the clinicians' proposals by the National Clinical Advisory Team (NCAT).

The JSR wanted to have more independent review within the process prior to the NCAT's assessment and as each service option developed, not only would patient for a review them, but there would also be independent peer reviews led by Professor Bernard Crump, bringing in appropriate expertise dependent on the particular service under consideration. However, it was highlighted that ultimately the Government had a clear role in assessing any proposed reconfigurations through the NCAT, which would report formally before the proposed public consultation.

During the ensuing discussion, the following main points were raised:

- it was questioned how the JSR would engage with the public on the emergent case for change within phase 4 of the project when this was in advance of the independent peer review. Members were advised that the review wanted to ensure it worked with the public who had a lot of advice to give and did not want to finalise any options without talking to people. The review would engage with the public at every stage. It was clarified that the phase 4 engagement with the

public did not mean engagement with the wider public. Members were advised that only indicative timelines were available at this stage and a more detailed project plan would be available and would be shared with the HOSC, including details about how long each phase would take which would help to make more sense of the full process. Assurances were given that there would be informal engagement all the way through the review but proposals would not formally go to the public until after clinical review;

- Members welcomed that the timeline for the review would be refined and it was highlighted that there were local elections in May within the districts where the Trust's 3 hospitals were located and it would be key that the review did not become a political football before refined proposals were formally shared with the public;
- Members highlighted that, as demonstrated by the previous review and changes at Kidderminster Hospital, clinicians were critical to the review and all of the local medical profession would need to be behind proposals made under the review;
- it was queried whether the Health and Social Care Bill might impact on possible options identified under the JSR. Members were advised that this was not anticipated and whilst there was still a huge amount to be settled in the Bill, the 3 CCGs were already part of the JSR and were committed to it. Members were assured that the JSR was not linked to the Bill and, if passed, it would make no difference to the review. It was noted that there had been a lot of media turmoil about the Bill and the local JSR should not be tainted by this and whilst they may be running in parallel, they were not interconnected;
- it was noted that a lot of importance had been placed on the fact that nothing was ruled in or out of the review and it was questioned therefore whether the role and place of private service provision would be a consideration. Members were advised that the JSR aimed to achieve optimum services for the people of Worcestershire. If a provider option was a private service, so be it, but moving to private service provision was not a motivation or a driving force in the review;
- Members questioned whether the HOSC would also have to wait for information about emerging options until after consideration by the NCAT. Members were advised that a conversation would be needed about this as by that stage, the review would have a level of confidence in the strength of the evidence it had obtained but the independent process would give it the

further constructive challenge necessary;

- whilst Members had previously informally indicated that they would wish to have an input to the independent peer review, the Chairman considered that as this had not been raised further, it would not be requested;

Phase 5: Independent Peer Review

Phase 6: Finalise Strategic Outline Case and Produce Outline Business Case / Approval by Statutory Organisations

Members were advised that the role of the NCAT would hopefully be hugely helpful for the HOSC and the public as it would demonstrate the strength of the evidence base and the assumptions subsequently made about organising health care in Worcestershire. Phase 6 would bring together changes resulting from the independent peer review into the outline business case. Public consultation as currently indicated would hit the summer months and further consideration would be given to this and advice would be taken on the reasonableness of this before coming back with a more detailed timetable.

During the ensuing discussion, the following main points were raised:

- it was suggested that it would not be appropriate to consult the public on substantial service changes at a time when people are least likely to be available and that it was better if the latter phases of the review slipped rather than running a consultation over the summer;
- in response to a question about how a review of acute stroke services being undertaken separately from the JSR could be justified or rationalised, Members were advised that whilst the JSR was very important, local NHS organisations still had to tackle immediate issues relating to service quality or safety and if this meant reviewing a service outside the JSR timeline, this would happen. Any such service review would still subsequently need to be looked at in the round under the JSR too. It was important that the Acute Trust continued to also look at services provided today and tomorrow as well as undertaking the longer term JSR;
- Members highlighted that in considering Worcestershire Acute Hospitals NHS Trust's latest Quality Account, the HOSC had suggested the inclusion of stroke care within the Trust's priorities but the Trust had not done this. Concern was expressed that the JSR should not result in the review of stroke services being pushed to the back and skimmed. Members were assured that the

stroke review would be brought back to the HOSC and would be further reviewed under the JSR. If the JSR required the initial decision to be reviewed, that would just have to be dealt with;

- Members were advised that whilst it might be tempting to give the JSR the full responsibility to address the financial pressures facing Worcestershire's health services, it was only one aspect of the ongoing work to address the local financial challenge. Initiatives were also being undertaken by the CCGs, West Mercia Cluster and the Acute Trust and they were not all related to the JSR. The JSR would focus on those areas where all parties worked together and if people saw the JSR as the only action in town, they may not engage with other activities meaning those might not get the hearing they deserved;
- it was questioned whether, as the JSR would take most of the year and Worcestershire Acute Hospitals NHS Trust still needed to make savings in the short-term, there would be service changes prior to the JSR. Members were advised that the pressure on the NHS was not about reducing costs, but about improving productivity and making the same finances go further, recognising that there would be a £200 million gap in finances over 5 years in Worcestershire to cope with the increasingly elderly population, inflation pressures, technical advances, etc.

The Chairman highlighted that it would be necessary to bring the HOSC's activities in relation to the JSR and the JSR timetable together in the coming weeks. The HOSC's agreed activities prior to responding to the formal consultation were:

- engage with clinicians through the Clinical Senate;
- consider data and evidence underpinning the JSR;
- consider and comment on the JSR's engagement and communication plan;
- discuss emerging options and the NCAT report; and
- consider the independent peer review report.

When and how these would be undertaken would be considered outside the meeting and Members were assured that work would be undertaken to make sense of the high level evidence for non-clinicians' use.

The Chairman thanked all guests for their attendance and wished them luck for the forthcoming review.

541. (Agenda item 6) Health Overview

The Chairman updated Members on issues he had been involved in since the last meeting:

and Scrutiny Committee Round-up

- it was noted that the HOSC's cardiac rehabilitation scrutiny exercise had not yet progressed due to workload pressures, particularly the Joint Services Review;
- the annual Quality Accounts would be considered by the HOSC in May and the Chairman had given some thought to how the HOSC would handle these this year. An initial idea was that those Councillors who acted as 'lead members' for the NHS organisations could look at their Trust's Quality Account in advance of the HOSC and that this would give the HOSC meeting more structure and enable Members to be more searching. A proposed way forward would be circulated to Members for their consideration.

Ongoing issues around the County were discussed:

- in Malvern Hills, there was no health-related news to report;
- in Redditch, a piece of work was being undertaken in overview and scrutiny regarding access for the disabled and elderly looking at both public transport and roads. Cllr Quinney would share the outcome of the work with the HOSC. A new sports stadium had also now been opened in Redditch;
- in Worcester, the Overview and Scrutiny Committee had received a presentation on the Joint Services Review. The Council's budget was due to be considered by Council;
- in Wychavon, Cllr O'Donnell had given a presentation on the HOSC and would give regular briefings on the work of the HOSC to the Overview and Scrutiny Committee;
- in Wyre Forest, the process for feeding back from the HOSC had changed and rather than briefing scrutiny colleagues twice a year, Cllr Oborski would now update all Wyre Forest District Councillors twice a year at the Members' Forum. The Council's budget was also being considered and there were proposals to reconfigure leisure facilities;
- it was suggested that when a lead Member was unable to attend an NHS organisation's Board meeting, they should meet the Councillor who did attend to discuss the meeting;
- Cllr Oborski advised that she and Cllr Morgan, as lead Members for West Mercia Cluster would normally only attend the organisation's Board meetings held in

Worcestershire;

- The Chairman advised that he would be involved in interviews at Worcestershire Health and Care Trust.

The meeting ended at 3.45pm.

Chairman

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