



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE CABINET

WEDNESDAY 4TH JULY 2012
AT 6.00 P.M.

COMMITTEE ROOM, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

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

AGENDA

1. To receive apologies for absence
2. Declarations of Interest
3. To confirm the accuracy of the minutes of the meeting of the Cabinet held on 6th June 2012 (Pages 1 - 4)
4. Minutes of the meeting of the Overview and Scrutiny Board held on 18th June 2012 (To Follow)
 - (a) To receive and note the minutes
 - (b) To consider any recommendations contained within the minutes
5. Minutes of the meeting of the Audit Board held on 21st June 2012 (To Follow)
 - (a) To receive and note the minutes
 - (b) To consider any recommendations contained within the minutes
6. To receive verbal updates from the Leader and/or other Cabinet Members on any recent meetings attended in an ex-officio capacity
7. Planning Policy Task Group Response to Cabinet (Pages 5 - 6)
8. Local Development Scheme (Pages 7 - 10)

9. Financial Outturn 2011/2012 (Pages 11 - 18)
10. Income Management and Payment Card Industry Compliance (Pages 19 - 22)
11. Upgrade of the Public Realm - Bromsgrove Town Centre (Appendices to Follow) (Pages 23 - 28)
12. Localism Act - Community Right to Challenge (To Follow)
13. Annual Review of Regulation of Investigatory Powers Act (Pages 29 - 34)
14. Corporate Performance Monitoring Quarter 4 (Pages 35 - 38)
 - Appendices For Item 7 - Planning Policy Task Group Response To Cabinet (Pages 39 - 46)
 - Appendix For Item 8 - Local Development Scheme (Pages 47 - 60)
 - Appendices For Item 11 - Upgrade Of Public Realm - Bromsgrove High Street (To Follow)
 - Appendices For Item 14 - Corporate Performance Monitoring Quarter 4 (Pages 61 - 68)
15. 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
16. To consider, and if considered appropriate, to pass the following resolution to exclude the public from the meeting during the consideration of item(s) of business containing exempt information:-

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

| <u>Item No.</u> | <u>Paragraph(s)</u> | |
|-----------------|---------------------|---|
| 17 | 3 | " |

17. Development Birmingham Road/Stourbridge Road (Pages 69 - 96)

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

26th June 2012



INFORMATION FOR THE PUBLIC

Access to Information

The Local Government (Access to Information) Act 1985 widened the rights of press and public to attend Local Authority meetings and to see certain documents. Recently the Freedom of Information Act 2000 has further broadened these rights, and limited exemptions under the 1985 Act.

- You can attend all Council, Cabinet and Committee/Board meetings, except for any part of the meeting when the business would disclose confidential or “exempt” information.
- You can inspect agenda and public reports at least five days before the date of the meeting.
- You can inspect minutes of the Council, Cabinet and its Committees/Boards for up to six years following a meeting.
- You can have access, upon request, to the background papers on which reports are based for a period of up to six years from the date of the meeting. These are listed at the end of each report.
- An electronic register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees etc. is available on our website.
- A reasonable number of copies of agendas and reports relating to items to be considered in public will be made available to the public attending meetings of the Council, Cabinet and its Committees/Boards.
- You have access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned, as detailed in the Council’s Constitution, Scheme of Delegation.

You can access the following documents:

- Meeting Agendas
- Meeting Minutes
- The Council’s Constitution

at www.bromsgrove.gov.uk

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

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Agenda Item 3

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE CABINET

WEDNESDAY, 6TH JUNE 2012 AT 6.00 P.M.

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

Invitees: Councillor S. R. Colella

Officers: Mr. K. Dicks, Ms. S. Hanley, Ms. J. Pickering, Mrs. S. Sellers and
Ms. R. Cole.

1/12 **APOLOGIES**

An apology for absence was received from Councillor Mrs. M. A. Sherrey JP.

2/12 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

3/12 **MINUTES**

The minutes of the meeting of the Cabinet held on 4th April 2012 were submitted.

RESOLVED that the minutes be approved as a correct record.

4/12 **SHARED SERVICES BOARD**

The minutes of the meeting of the Shared Services Board held on 19th April 2012 were submitted.

RESOLVED that the minutes be noted.

5/12 **OVERVIEW AND SCRUTINY BOARD**

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

RESOLVED that the minutes be noted.

6/12 **VERBAL UPDATES FROM THE LEADER AND/OR OTHER CABINET MEMBERS ON ANY RECENT MEETINGS ATTENDED IN AN EX-OFFICIO CAPACITY**

Councillor M. J. A. Webb reported that he had attended a meeting of the North Worcestershire Flood and Water Management Board.

Councillor M. A. Bullivant reported that he had attended a meeting of the Joint Health and Safety and Well Being Committee.

Councillor C. B. Taylor reported that he had attended an Ageing Well event.

7/12 **FINANCIAL RESERVES STATEMENT - 2011/2012**

The Cabinet considered a report on proposed earmarked reserves and capital carry forward requests for the year 2011/2012. The report also included proposals for the creation of new reserves in order to support the future plans of the Authority.

It was noted that one of the earmarked reserves proposed would provide funding for 3 apprenticeships within the Authority over the next 12 months.

Following discussion it was

RECOMMENDED

- (a) that the establishment of new reserves of £582,000 as set out in appendix 1 to the report be approved;
- (b) that the release of reserves of £612,000 which reflects the approval required for January - March 2012 as set out in appendix 1 to the report be approved;
- (c) that the addition to existing reserves of £497,000 which reflects the approval required for January – March 2012 as set out in appendix 1 to the report be approved; and
- (d) that the carry forward of capital budgets of £812,000 to be utilised in 2012/2013 as set out in appendix 2 to the report be approved.

8/12 **STREET NAMING AND NUMBERING POLICY**

The Cabinet considered a report on a revised policy for Street naming and Numbering. It was reported that the revised policy would allow for a more streamlined process than at present which would be of benefit to individual homeowners, businesses and developers.

Following discussion it was

RESOLVED that the revised policy on Street Naming and Numbering as set out in appendix 1 to the report be approved.

9/12 **LOCAL DEVELOPMENT SCHEME 2012**

Members considered a report on the Local Development Scheme. It was noted that a revised scheme was required to update the programme of preparation of planning policy documents. In addition the revised scheme reflected the requirements of the Localism Act 2011 and the National Planning Policy Framework published in March 2012.

Members noted the proposed timetable but queried the timings for the Town Centre Area Action Plan in relation to the Bromsgrove District Plan. The Portfolio Holder undertook to raise this with officers.

It was therefore

RESOLVED

- (a) that further consideration of the Local Development Scheme be deferred until the next meeting of the Cabinet; and
- (b) that officers be requested to clarify the timetable in relation to the Town Centre Area Action Plan.

The meeting closed at 6.45 p.m.

Chairman

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CABINET

4th July 2012

OVERVIEW & SCRUTINY BOARD – 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 The purpose of this report is to provide Cabinet with a response to its Interim Response in respect of Recommendations 1(a), 3 and 6 of the Overview and Scrutiny Board’s Planning Policy Task Group Report.

2. RECOMMENDATIONS

- 2.1 The Cabinet is requested to:
- (a) consider the attached Overview and Scrutiny Board’s response (Appendix 1) and the amended recommendations contained within it;
 - (b) to either agree, amend or reject Recommendations 1(a), 3 and 6;
 - (c) provide an Executive Response to the Overview and Scrutiny Board Planning Policy Task Group report and recommendations, which may include an Action Plan to summarise how and when each of the agreed recommendations will be implemented.
 - (d) request the relevant Portfolio Holder in consultation with appropriate officers to indicate the expected implementation dates, as appropriate.

3. KEY ISSUES

- 3.1 Following a request from full Council, at the Overview and Scrutiny Board meeting held on 27th September 2011 it was agreed that a Task Group would be established to investigate the Council’s Planning and Enforcement Policies. Full details of the Task Group’s terms of reference and investigations are detailed in the attached report.
- 3.2 The report and recommendations were agreed by the Overview and Scrutiny Board at its meeting on 26th March 2012 and referred to Cabinet for consideration.

Financial Implications

- 3.3 The estimated Financial and Resource implications of the recommendations are detailed in the Summary of Recommendations of the Planning Policy Task Group report provided to Cabinet on 4th April 2012.

Legal Implications

- 3.4 These were detailed within the full report received by Cabinet on 4th April 2012.

Service/Operation Implications

- 3.5 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.

Customer / Equalities and Diversity Implications

- 3.6 N/A

4. RISK MANAGEMENT

- 4.1 N/A

5. APPENDICES

Appendix 1 – Planning Policy Task Group's Response to the Cabinet's Interim Response.

Appendix 2 – Cabinet Interim Response to the Overview and Scrutiny Task Group Planning Policy Report

6. BACKGROUND PAPERS

Planning Policy Task Group Report

7. KEY

None

AUTHOR OF REPORT

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CABINET

4th July 2012

LOCAL DEVELOPMENT SCHEME 2012

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

1. SUMMARY OF PROPOSALS

- 1.1 The Local Development Scheme (LDS) is a revised and updated version of the Local Development Scheme adopted by Bromsgrove District Council in July 2010. This revised scheme is required to update the programme of preparing planning policy documents but it also reflects the requirements of the Localism Act 2011 and the National Planning Policy Framework, published March 2012. The purpose of the Local Development Scheme is to provide a programme for the adoption of Local Planning Policy Documents to adoption.

2. RECOMMENDATIONS

- 2.1 That the members note the contents of this report and the proposed amendments to the Local Development Scheme.
- 2.2 That appendix A is approved by members as Bromsgrove District Council's forthcoming programme for planning policy documents from 4th July 2012.

3. KEY ISSUES**Financial Implications**

- 3.1 Whilst there are no immediate direct financial implications of submitting the revised Local Development Scheme, the costs to progress planning policy documents through an independent Examination and associated evidence gathering should be noted.

Legal Implications

- 3.3 The LDS is produced under the Localism Act 2011, Part 6, Chapter 1, Paragraph 111. The legislation states that Councils must prepare and maintain a local development scheme specifying:

*The documents which are to be development plan documents,
The subject matter and geographical area of each document,
Any matter or area in respect of which the authority have agreed; and,
The timetable for preparing and revising the documents.*

- 3.4 The Localism Act 2011 removes the requirement to submit the LDS to the Secretary of State. It is important for Councils to publish up to date information on their progress of the local development scheme. Bromsgrove District Council thus have flexibility to decide how best to present this information to the public.

Service / Operational Implications

- 3.5 The Local Development Scheme sets out the key Development Planning Documents (DPDs) to be progressed by Bromsgrove District Council. The LDS outlines that Bromsgrove District Council are progressing a District Plan and Town Centre Area Action Plan which are based on supporting evidence.
- 3.6 Bromsgrove District Plan and Proposals Map DPD
- 3.7 Following the successful completion of the Draft Core Strategy 2 consultation period, on 15th April 2011, the Council seeks to produce a Publication version of the Core Strategy by September 2012. This document will set out the long-term spatial vision and the strategic policies and priorities to deliver that vision. It is intended to cover the 15 year period from 2011 - 2030.
- 3.8 The Bromsgrove District Plan will not repeat national guidance but will provide a spatial strategy specific to the needs of Bromsgrove. It will contain a set of primary policies for delivering the strategic priorities and will identify strategic allocations for development through the production of a proposals map. This map will illustrate all the policies designations and proposals contained in development plan documents.
- 3.9 Town Centre Area Action Plan DPD
- 3.10 The Town Centre Area Action Plan will set out a strategy to guide the regeneration of the whole of the Town Centre and adjoining areas. This document will be in conformity with the Bromsgrove District Plan.
- 3.11 It is considered the Town Centre AAP is clearly justified as it seeks to ensure the vitality of the town centre, promote a competitive town centre environment and set out policies for the management and growth of centres over the plan period. Such objectives are supported within the National Planning Policy Framework. The Town Centre AAP has been deliberately scheduled to follow the Core Strategy in order to reduce the risk of it being found unsound in the event of the Core Strategy being found unsound. There are also resource implications of preparing and submitting both plan together.
- 3.12 LDS Timetable
- 3.13 The LDS timetable (see appendix A) indicates the schedule for the production of the Development Plan Documents. The chart identifies the key dates in the process although the dates are only an indication at this stage, further information will be provided on the publication consultation as the process moves

on. The examination date is subject to consultation with the Planning Inspectorate, the body responsible for holding examinations into local plans.

Customer / Equalities and Diversity Implications

- 3.7 The Local Development Scheme has no direct impact on the Council's Equalities and Diversity policies. Notwithstanding the publication of the LDS will allow residents and stakeholders of Bromsgrove District to identify how they can become involved in the various stages of progressing the development planning documents.

4. RISK MANAGEMENT

- 4.1 The most significant risk is without an up to date and sufficiently Local Development Scheme the Council would not be fulfilling its statutory obligations. In addition, a Local Development Scheme is essential to set the overall programme and identify how the documents will be managed and progressed.
- 4.2 Without an up to date Local Development Scheme the Development Plan Document could be found unsound as the authority would have failed to respond to a statutory duty within the Localism Act 2011.

5. APPENDICES

Appendix A - Local Development Scheme June 2012

6. BACKGROUND PAPERS

Local Development Scheme 2010-2013

7. KEY

AAP – Area Action Plan
DPDs – Development Plan Documents
LDS – Local Development Scheme
NPPF – National Planning Policy Framework

AUTHOR OF REPORT

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CABINET

4th July 2012

FINANCIAL OUTTURN REPORT - 2011/12

| | |
|---------------------------|---|
| Relevant Portfolio Holder | Councillor Roger Hollingworth, Portfolio Holder for Finance, Partnerships and Economic Development |
| Relevant Head of Service | Jayne Pickering, Executive Director Finance and Corporate Resources |
| Non-Key Decision | |

1. SUMMARY OF PROPOSALS

To present members with the financial information for the year ended 31st March 2012. This includes:

- a) Financial Outturn Information 2011/12 for Revenue and Capital Spend.

2. RECOMMENDATIONS

- 2.1 **That Cabinet note the outturn financial position on Revenue and Capital as detailed in this report and the transfer to balances of £683K.**

3. KEY ISSUES

Financial Implications

Financial Position For The Year

- 3.1 The Finance Budget Monitoring Report has been presented to Members on a quarterly basis during 2011/12. This report presents a summary of the final financial position for the financial year. This ensures Members have a full financial position statement of the Council's activities before the formal Statement of Accounts document is approved.

Revenue Budget

- 3.2 The Revenue Account produced a year end surplus of £661K compared to a revised budgeted deficit of £389k, an improvement of £1,050K. This is due to a number of factors detailed in this report. In addition during 2011/12 officers were requested to ensure that any expenditure on general non-essential items was reviewed to ensure that the balances position for the Council was protected in light of the severity of the cuts anticipated. The significant underspend has enabled the Council to increase the amount transferred to balances to support future one off budget pressures.
- 3.3 The increase in balances has resulted in a current position of £2.585m of available for one off items of expenditure (minimum approved level £850K).
- 3.4 Within the financial position statement the Council has set aside a number of reserves to ensure sufficient finances are available to fund future commitments including any transition costs associated with shared services and transformation which may be needed to ensure savings are delivered in the future. These will be recommended to Council during July 2012.

BROMSGROVE DISTRICT COUNCIL

CABINET

4th July 2012

3.5 The Council Revenue Summary is detailed below:-

| Service Head | Revised Budget 2011/12 £'000 | Actual spend April - Mar £'000 | Variance to date April - Mar £'000 |
|--|------------------------------|--------------------------------|------------------------------------|
| Environmental Services | 4,105 | 3,826 | (279) |
| Community Services | 2,069 | 1,707 | (362) |
| Regulatory Services | 879 | 668 | (210) |
| Leisure & Cultural Services | 2,033 | 1,845 | (188) |
| Planning & Regeneration | 1,223 | 1,319 | 96 |
| Customer Services | 50 | 6 | (44) |
| Finance & Resources | 2,165 | 2,155 | (10) |
| Legal & Democratic Services | 1,375 | 1,272 | (103) |
| Policy, Performance & Partnerships | 69 | 25 | (44) |
| Business Transformation | 195 | 42 | (153) |
| Corporate Services | 225 | 386 | 161 |
| SERVICE TOTAL | 14,388 | 13,251 | (1,136) |
| Exceptional Income (Fleming VAT) | (271) | (271) | 0 |
| Capital Expenditure charged to Revenue | 207 | 207 | 0 |
| Other Non-service Income | 0 | (46) | (46) |
| Interest on Investments | (68) | (99) | (31) |
| General Transfer to earmarked reserves | 134 | 297 | 163 |
| COUNCIL SUMMARY | 14,390 | 13,340 | (1,050) |

Financial Commentary

3.6 The table shows an under spend of £1,050k against the revised budget of £14,390.

CABINET

4th July 2012

- 3.7 Contributory factors to the overall under spend include:
- a) Significant savings from vacancies across the Council.. A number of vacancies have been held open due to the potential redeployment opportunities for staff as part of the shared service restructures.
 - b) Savings from previous year anticipated costs from concessionary travel as this is now transferred to the County Council (£156k)
 - c) Savings arising from only undertaking urgent repairs and maintenance on the Council House together with a refund from Business Rates (£110k)
 - d) Shortfalls in income from planning fees, land charges and building control fees (£96k)
 - e) Refunds from the underspends realised from the Countywide Regulatory Services arrangement (£226k)
 - f) Savings resulting from having National Referendum and District Elections on the same day (£56K)
 - g) Renegotiation of contracts for IT expenditure (£196k)
 - h) An increase in investment income from the anticipated £68k to £99K.
 - i) Additional income was generated from the cemeteries (£43K)
 - j) The cost of street cleaning was reduced due to efficiencies in the working patterns being introduced (£105K)
 - k) The budget for Car Park income has not been achieved during this financial year resulting in an overspend in the service (£73K)
 - l) Staffing costs have been reduced on the Waste Services after a reduction in Sickness levels (£48K)
 - m) Transformation & IT- this underspend is due to renegotiation of contracts and a reduction in anticipated spend due to a review of general non-essential expenditure (£153K)
 - n) An underspend in Customer Services is due to vacancies within the department and essential only spend (£44K)

CABINET

4th July 2012

- o) An underspend in CCTV and Lifeline has been achieved due to efficiencies within the shared service (£146K)
- p) Policy and performance savings are a result of the shared service (£22K)

Capital Budget

3.8 The Capital Budget relates to assets purchased or improvements to Council facilities.

3.9 Capital Summary 2011/12

| Department | Revised Budget 2011/12 £'000 | Actual spend 2011/12 £'000 | Variance £'000 | Approved Carry Forward £'000 |
|--|-------------------------------------|-----------------------------------|-----------------------|-------------------------------------|
| Legal, Equality & Democratic Services | 4 | 18 | 14 | - |
| Business Transformation | 187 | 208 | 21 | 10 |
| Environmental Services | 977 | 864 | (113) | 66 |
| Regulatory Services | 493 | 207 | (286) | 425 |
| Planning & Regeneration | 53 | 66 | 1 | - |
| Community Services | 888 | 606 | (282) | 201 |
| Leisure & Cultural Services | 226 | 84 | (142) | 132 |
| TOTAL | 2,828 | 2,053 | (787) | 834 |

3.10 The carried forwards were requested at Cabinet on 6th June 2012 and will be recommended to Council in July 2012.

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4th July 2012

Financial Commentary

- 3.11 The main variance areas on Capital Schemes are:-
- a) New software was purchased by the Elections Service which has been funded via revenue underspends.
 - b) Items purchased by IT Services using Revenue budget allocation
 - c) Regulatory Services have received Grant Funding which has financed £141k of expenditure; this was not included in the Capital Budget.
 - d) Savings have been achieved in Environmental Services in the purchase of plant.

Treasury Management

- 3.12 For the year to 31st March 2011 the Council received net investment income amounting to £99K against budgeted receipts of £68K. This income arises on interest earned on in-house managed funds (cash currently surplus to cash flow requirements that is placed on short-term deposit).
- 3.13 Due to advice received the Council is maintaining its stance of depositing in ultra low risk investments. In our recent Investment Updates we have been advised to use named UK incorporated institutions as investment counterparties whose long-term ratings are currently in the 'double-A' category.
- 3.14 All funds are now managed internally within the Finance department with support from our advisors Arlingclose.

Revenue Balances

- 3.15 The revenue balances brought forward at 1st April 2011 was £1.918m. The revised estimate assumed that £389K would be transferred from balances as part of 2011/12 final position. The increased level of savings as detailed in this report has meant that an increased addition to balances of £661K has been made. The new level of balances is £2.579m, which can be utilised to fund one off items to deliver the priorities of the Council.

Legal Implications

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4th July 2012

3.16 None.

Service/Operational Implications

3.17 The effective management of financial arrangements ensures the Council objectives can be met.

Customer / Equalities and Diversity Implications

3.18 The effective use of our resources, as detailed in the statement ensures funds are appropriately utilised to meet customer demand.

4. RISK MANAGEMENT

The Financial Services risk register includes the preparation of the accounts and the controls in place to ensure the accounts are closed within the deadline and are accurate and transparent.

5. APPENDICES

None

6. BACKGROUND PAPERS

None.

AUTHOR OF REPORT

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CABINET

4TH July 2012

INCOME MANAGEMENT SYSTEM AND PAYMENT CARD INDUSTRY COMPLIANCE

| | |
|----------------------------|---|
| Relevant Portfolio Holder | Councillor Bullivant |
| Portfolio Holder Consulted | |
| Relevant Head of Service | Teresa Kristunas, Head of Finance & Resources |
| Wards Affected | All |

1. SUMMARY OF PROPOSALS

- 1.1 There is a need to upgrade/replace the current income management system in order to ensure that the system used by the Council is PCI PA-DSS compliant. This will require investment.

2. RECOMMENDATIONS

Cabinet is requested to RECOMMEND that:

Funding up to £25k is approved for the upgrade/replacement for the Civica ICON system in order to achieve compliance with the PCI PA-DSS standards. This is to be included in the Capital Programme 2012/13 and funded from £10k revenue and up to £15k capital receipts and

that a joint procurement exercise is undertaken with Redditch Borough Council.

3. KEY ISSUES

- 3.1. The Council needs to make changes to its income management system in order to comply with the Payment Industry Data Security Standard (PCI PA-DSS). The Standard relates to the environment in which card transactions take place in particular the storage and accessibility of card details. It will no longer be appropriate for organisations to hold card details on site. Therefore going forward the Council will be required to use either a bureau service for card transactions or consider a hosted solution. A decision on the way forward needs to be made by July 2012, although implementation can be much later. Due to the number of customers that need to make changes migration to a new solution could take another 18 to 24 months.
- 3.2. In addition Civica have advised that the ICON software currently used for income management, which is in need of upgrading, will shortly cease to be supported. A notice to this effect was received in December 2011.

- 3.3. A budget of £10,000 was made available for the system to be upgraded based on a quote obtained from previous representatives but the PCI compliance standards have since been significantly enhanced hence the increased costs.
- 3.4. Malvern Hills, Worcester City and Worcestershire County Council have recently tendered for a shared hosted solution for income management that will deliver enhanced functionality and be PCI PA-DSS compliant. The new contract with Civica will deliver ongoing revenues savings for each authority.
- 3.5. Redditch Borough Council are in a similar position to Bromsgrove in that they need to move to a bureau or hosted service in order to have an income management system that is PCI PA-DSS compliant. Redditch current use Northgate's PARIS system. Entering into a joint procurement exercise could be beneficial to both authorities.

Financial Implications

- 3.6. There is a need to upgrade/replace the Civica ICON income management system in order to be PCI PA-DSS compliant and this will require capital investment estimated to be in the region of £25k. It is proposed that this be funded from the existing £10k provision together with £10k of capital receipts.

Legal Implications

- 3.7. There are no legal implications.

Service / Operational Implications

- 3.8. If card payment facilities were to be withdrawn this would impact on service delivery and have operational implications. A number of Council service are based on being able to accept card payments.

Customer / Equalities and Diversity Implications

- 3.9. Not being able to accept card payments would have implications for customers. Not being able to accept card payments would have implications for customers.

4. RISK MANAGEMENT

There is risk of card payment facilities being withdrawn or a find if the Council does not move to either a bureau or hosted solution that is PCI PA-DSS compliant.

CABINET

4TH July 2012

5. APPENDICES

None.

6. BACKGROUND PAPERS

There are no background papers with this report.

AUTHORS OF REPORT

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DRAFT

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CABINET

6TH JULY 2012

UPGRADE OF THE PUBLIC REALM

| | |
|---------------------------------|--------------------------------------|
| Relevant Portfolio Holder | Del Booth |
| Portfolio Holder Consulted | Yes |
| Relevant Head of Service | John Staniland |
| Wards Affected | St Johns |
| Ward Councillor Consulted | Yes (via Town Centre Steering Group) |
| Key Decision / Non-Key Decision | |

1. SUMMARY OF PROPOSALS

- 1.1 The proposals involve the upgrade of the public realm along Bromsgrove High Street, Worcester Road and other parts of the Town Centre.
- 1.2 The design has been commissioned from Leonards Design Architect and follows the Design Principles and Policies as set out in the Town Centre Area Action Plan. The design also takes into account comments from stakeholders and the public received during the consultation period carried out earlier this year.
- 1.3 The works are scheduled to be carried out by Worcestershire County Council to commence Summer/Autumn 2012 over a phased programme of discrete projects covering a period of 12 – 48 months.
- 1.4 The areas proposed to be included in the works package, subject to final costs, include (non-exhaustive):
 - School Drive
 - Worcester Road
 - High Street South – Street Café Area (East Side)
 - High Street
 - Church Street
 - Mill Lane
 - Strand Pavement widening
 - Birmingham Road (East Side)
 - Lower end of Stratford Road (North Side)
 - Market Street ASDA / Bus Station Area

2. RECOMMENDATIONS

- 2.1 The design drawings in Appendix One are approved to be taken forward to construction phase.

CABINET

6TH JULY 2012

- 2.2 Delegated authority is given to the Director of Planning & Regeneration, Regulatory and Housing Services (DPRRH) and the Town Centre Regeneration Programme Manager (TCRPM) to agree the costing of scheme elements and to agree any revisions to the design in consultation with the Portfolio Holder as long as they do not fundamentally alter the nature of the agreed scheme.

3. KEY ISSUES

Financial Implications

- 3.1 The cost of scheme elements will be agreed with Worcestershire County Council by the DPRRH and the TCRPM.
- 3.2 The DPRRH and TCRPM will be advised in respect to the costings by Leonards Design Architects.
- 3.3 Funding is currently available within the 2012/12 Capital Programme in relation to the improvements to the public realm. The total funding requirement of £2m is to be met from:
- £500k from the sale of the industrial units at Sherwood Road
 - £500k funding from Worcestershire County Council (to fund works between High Street South and the Housman Statue)
 - £500k from negotiated S106 contributions (to fund works North of the Housman Statue). It is anticipated that this funding will be realised in 2012/13 from the Sainsburys and West Mercia Police S106 payments once their individual projects construction commences.
 - £500k from further S106 contributions from future developments within the Town.

Legal Implications

- 3.8 Agreements are required with Worcestershire County Council in respect of their role as the Highways Authority for the public realm areas in question and their role in executing the works.
- 3.9 An agreement is required to pass the maintenance of replacement High Street Trees to the Tree Department of Bromsgrove and Redditch Councils from Worcestershire County Council.
- 3.10 The use of the WCC funding as match for the THI Heritage Lottery Fund application means that work on the High Street can not start prior to the decision on the THI funding for Bromsgrove being made in

September this year. Other restrictions placed by the Lottery should be reviewed.

- 3.11 Preliminary work has started to draft and introduce a new licensing policy to regulate the siting and appearance of street cafes on the High Street. This is being worked on in conjunction with County Highways, the Legal Department at Bromsgrove District Council and Worcestershire Regulatory Services, to ensure common design standards are introduced and can be enforced. A further issue under preliminary review is what steps the Council might be able to take to regularise the use of A boards on the High Street.

Service / Operational Implications

- 3.12 Heads of Service and their nominated staff members have been consulted on the design and are being involved in the choice of Street Furniture etc.
- 3.13 The Street Market will suffer some disruption as stalls are moved temporarily to facilitate the works. Regular stall holders may also be placed in new permanent locations after works are completed. The North Worcestershire EDR Markets Team is being closely involved with designing the detail of the new market layout, the selection of new stalls, the implementation of new market trading terms and conditions and liaison with Stall Holders. There will need to be an on-going dialogue with shopkeepers and other business premises so they are aware of the time-table and possible periods of disruption.
- 3.14 The trees along the High Street which were hung with Christmas Lights have been felled in readiness for the new Public Realm so new Christmas Lights displays are being designed with the Leisure Department. This includes the incorporation of interim displays in advance of the introduction of more permanent Christmas lighting infrastructure as different public realm sections are completed.
- 3.15 Replacement trees will be maintained by the Trees Department of Bromsgrove and Redditch Councils.
- 3.16 The positioning of CCTV towers is being reviewed in conjunction with the CCTV manager to improve coverage in the Town Centre and where possible remove street clutter, particularly in the case of the large CCTV tower at the Junction of Mill Lane and Housman Square.

Customer / Equalities and Diversity Implications

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6TH JULY 2012

- 3.17 The design has been the subject of extensive public consultation. This started with the Area Action Plan Issues and Options Consultation in 2008, continued with the Draft Area Action Plan in 2011, which set out Design Principles and concluded with the Public Realm Consultation in February and March 2012. A copy of the summary of the Public Realm Consultation is attached and the final design has been created in line with its outcome.
- 3.18 The final design has incorporated feedback from extensive consultation throughout the design period with the disabled access group and the equalities and diversity forum. The Design was also informed by an Accessibility Audit commissioned from the Worcestershire Association of Service Users.
- 3.19 The upgraded Public Realm utilises distinct linear zones which are different in a tactile sense and also visually to help the navigation of the High Street for those with some visual impairment. Clear lines of sight and unfettered movement along the High Street will also be possible on Market Days.

4. RISK MANAGEMENT

- 4.1 The Public Realm budget will be reviewed on an ongoing basis against the agreed costs of the schemes, completed elements, contingency elements and the availability of additional third party funding. Further reports will be brought to Cabinet accordingly.
- 4.2 The Regeneration Programme Manager will continuously monitor works planning, stakeholder consultation, construction progress and completion certification in order to constantly review and agree the ongoing programme to ensure the works programme is expedited efficiently with no un-necessary delays.

5. APPENDICES

Appendix 1 – Public Realm Drawing(s)

6. BACKGROUND PAPERS

Public Realm Consultation Report
Public Realm Brief
Town Centre Area Action Plan

7. KEY

CABINET

6TH JULY 2012

AUTHOR OF REPORT

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BROMSGROVE DISTRICT COUNCIL

CABINET

04 July 2012

Regulation of Investigatory Powers Act (RIPA) - Annual Review

| | |
|----------------------------|---------------------|
| Relevant Portfolio Holder | Cllr Mark Bullivant |
| Portfolio Holder Consulted | |
| Relevant Head of Service | Claire Felton |
| Wards Affected | All |
| Ward Councillor Consulted | n/a |
| Non-Key Decision | |

1. SUMMARY OF PROPOSALS

- 1.1 Arrangements are in place under the Council's RIPA policy for Members to receive an annual report on the operation of the policy and any relevant issues which have arisen in the preceding year. Members are asked to note the information contained in this report relating to the administration of the Council's RIPA scheme since April 2011.

2. RECOMMENDATIONS

It is recommended that:

- 2.1 **Cabinet considers and notes the contents of the report.**

3. KEY ISSUES

Financial Implications

- 3.1 There are no direct financial implications arising from this report. The work involved in supporting the RIPA policy forms part of the main duties of the officers involved. There is a monetary cost attached to providing annual training for staff but this is a necessary requirement in order for the Council to continue to rely on the RIPA legislation.

Legal Implications

- 3.2 The primary legislation under which covert surveillance is regulated is the Regulation of Investigatory Powers Act 2000. This legislation enables local authorities to undertake covert surveillance and imposes a requirement for any surveillance to be authorised in accordance with that Council's RIPA

policy. As set out in paragraph 3.10 an additional stage of approval of RIPA authorisations by Magistrates has been introduced in the Protection of Freedoms Act although the parts relating to RIPA have not yet come into force.

Service/ Operational Implications

- 3.3 The Regulation of Investigatory Powers Act 2000 is the legislation which allows local authorities to undertake covert surveillance. For District Councils the need to rely on RIPA powers will arise relatively infrequently, and the use of those powers is limited to circumstances where the Council in carrying out a regulatory role in investigating whether a criminal offence may have been committed. For example, in cases where the Council is investigating suspected benefit fraud.
- 3.4 The RIPA legislation covers covert surveillance activities. In other words situations where observations and evidence are being gathered of which the subject of the investigation is unaware. As by implication this type of activity could be intrusive and involve interference with individual's private and family lives, the RIPA legislation imposes a system of checks and balances which local authorities must comply with. The purpose of this is to ensure that any interference is necessary and proportionate. Members will be aware that a small number of local authorities have been criticised in the past for using RIPA powers in a disproportionate way. For example, to assist in investigating the validity of school entry applications and to prosecute for dog fouling. Members should also note that a considerable amount of observations carried out by Council employees are performed as "overt surveillance", such as car parking enforcement or planning enforcement. These activities fall outside of RIPA and do not need to be authorised.
- 3.5 The Council's RIPA policy was extensively revised and updated in November 2007 to bring it into line with the relevant legislation. At that time Council granted a delegation to the Head of Legal Services to allow the policy to be updated and this has been carried out from time to time as required. The policy was last updated in March 2012 to cover changes to job titles and contact details for staff. As reported previously the policy covers not only Bromsgrove District Council activity but also any covert surveillance activity carried out by Worcestershire Regulatory Services for which Bromsgrove is the host authority.

Applications made in year ending December 2011

- 3.6 The records for 2011/12 show that a total of 7 applications for RIPA authorisations were made. The applicant on each matter was the Trading Standards Team from Worcestershire Regulatory Services. No applications were made by BDC departments in 2011/12. The typical activities being authorised were operations to target sales of alcohol to under age purchasers and investigations into sale of counterfeit goods. For comparison purposes in the previous 12 month period there were a total of 13 applications all of which related to Trading Standards investigations.

Other issues in last 12 months

- 3.7 As can be seen the level of RIPA activity has continued very much following the same pattern as was reported to members in last years annual report. Having last been inspected in October 2012 the Council has not been inspected in the last 12 months. Officers are continuing to meet on a quarterly basis to review what RIPA applications made in the previous quarter, to ensure all processes under the policy are operating properly and to co-ordinate staff training.
- 3.8 One issue that has received clarification relates to the status of Bromsgrove District Council as host authority for Worcestershire Regulatory Services. As reported in 2011 this was being investigated by officers as the Office of Surveillance Commissioners which oversees the RIPA regime had raised an issue regarding the fact that WRS is a shared service. This has now been resolved with the Commissioner for the OSC who has confirmed that the current arrangements meet the requirements of the RIPA legislation on the basis that Bromsgrove is acting as host authority for WRS.

Training

- 3.9 In accordance with best practice the Council organises regular training on RIPA for staff. This enables officers to keep up to date with current practice and any changes in legislation. The next scheduled training is due to take place in July 2012 and will be open to staff working for Bromsgrove District Council and also staff based at WRS.

Future changes

- 3.10 Legislation has now been introduced whereby Councils will have to obtain a Magistrate's approval for use of covert directed surveillance, covert human intelligence sources (informants) and access to communications data. The Protection of Freedoms Act received the royal assent on 01 May 2012 but the provisions relating to RIPA have not yet been enacted and at this stage it is not clear what the practical impact on local authorities is going to be.

Customer / Equalities and Diversity Implications

- 3.11 The Council's use of covert surveillance will impact on those customers who are subject to investigation. However, all activity is properly managed under the policy which has built in safeguards to ensure minimal interference with private lives. This has to be balanced against the benefit to the community derived from the Council carrying out its regulatory role and bringing prosecutions where it is believed that criminal offences have been committed.

4. RISK MANAGEMENT

- 4.1 The main risks associated with the details included in this report are:
- Failure to operate in accordance with the RIPA legislation resulting in the inadmissibility of evidence submitted to the court in support of Council prosecutions.
 - Misuse of RIPA powers resulting in negative publicity/ complaints from residents
- 4.2 These risks are being managed through the operation of the Council's RIPA policy and maintaining high standards of compliance to the terms of the policy. As can be seen from this report the policy is updated regularly in addition to which officers receive annual training to ensure that all RIPA activity is appropriate and properly authorised.

5. APPENDICES

None

BROMSGROVE DISTRICT COUNCIL

CABINET

04 July 2012

6. **BACKGROUND PAPERS**

None

7. **KEY**

N/A

AUTHOR OF REPORT

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CABINET

Date: 4th July 2012

CORPORATE PERFORMANCE REPORT

QUARTER 4, PERIOD ENDING 31 MARCH 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 also provides Members with an opportunity to review the Council's performance for quarter 4 of the 2011/12 financial year and to comment upon it.

2. RECOMMENDATIONS

- 2.1 **The Cabinet is asked to RESOLVE that:**

- i. **the update on key performance indicators for the period ending 31 March 2012 be considered and commented upon.**

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.

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 16 indicators for quarter 4, 2011/12. Of these, 10 have improved in performance and 6 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 16 indicators reported this quarter, 62.5% have improved when compared to the same period last year (April to March). By way of example:
- The length of time taken to process Housing Benefit / Council Tax Benefit new claims and change events has continued to reduce showing a reduction of 2.2 days when compared to the same period last year (9.7 days in 2010/11 and 7.5 days in 2011/12);
 - The number of people using the BURT and Shopmobility services during April to March continues to rise with 136 and 323 additional users, respectively;
 - Visitors to the Dolphin Centre has increased by 47,940 users when comparing April to March 2010/11 (369,521 users) and the same period 2011/12 (417,461 users);
 - Usage of The Artrix also continues to rise with an additional 8,194 users over the 12 months between April 2011 and March 2012.
- 3.5.4 There is one indicator giving rise to some concern:
- The number of people using town centre car parks continues to fall with a reduction of 62,828 users in the twelve months

between April 2011 and March 2012, falling from 1,503,562 users to 1,440,734 users. However work is to be undertaken to develop a marketing campaign with Wychavon District Council; this campaign is expected to be ready for consideration in June 2012.

- 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.
- 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 4. 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 4, 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.

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 4, 2011/12 Corporate Performance Report, period ending 31 March 2012.

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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OVERVIEW AND SCRUTINY BOARD

PLANNING POLICY TASK GROUP

REVISED WORDINGS IN RESPONSE TO CABINET INTERIM RESPONSE

Recommendation 1

That a mechanism be put in place to ensure that:

- (a) where conditions have been attached to a planning application and monitoring is required then the Planning and Enforcement team should allow for this to be discharged fully to the required level of detail that the condition(s) specify within their work. This should be carried out, irrespective of the cost, to ensure that the conditions are met and where appropriate, enforced.

(N.B. The lack of resources to enforce a condition on a planning application would not be sufficient to either refuse the application or to not include the condition if it was deemed a necessary part of the planning permission. It may be prudent to estimate the cost of monitoring or enforcement before a decision on an application is made, in order that a decision as to who meets that cost can be determined and to ensure that any monitoring is carried out effectively.)

Recommendation 3

It is recognised that on occasion there will be need for some form of community engagement for example a public meeting(s). This will act as a forum to improve lines of communication and is to be developed between senior officers and residents in respect of larger more complex planning applications. This would be a recommendation from the Planning Committee and reviewed periodically by that Committee.

Recommendation 6

That a mechanism be put in place to ensure that enforcement cases are recorded and regularly up dated with a audit trail of actions and documents and correspondence on the electronic system accessible via the Council's 'Orb'.

Planning Policy Task Group Members
11th May 2012

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Cabinet Interim Response to the Overview and Scrutiny Task Group Planning Policy Report

Introduction

At the Cabinet meeting on 4th April 2012 consideration was given to the report of the Planning Policy Task Group. The Leader welcomed the Chairman of the Task Group, Councillor S. R. Colella to the meeting and invited him to introduce the report.

Councillor Colella gave background information on the purpose of the Task Group and explained that it had been set up to investigate the effectiveness of planning conditions and the enforcement of breaches of these conditions. The Task Group had used existing case studies to look at the effectiveness of planning conditions and the Council's Enforcement Policy and to suggest where improvements could be made.

The Cabinet considered each of the recommendations in turn. The Cabinet's response to some of the recommendations would require further consideration from the Overview and Scrutiny Board and therefore a final response, including implementation dates, was deferred. It was felt appropriate however to provide this interim report to the Overview and Scrutiny Board.

Response to recommendations

Please find below responses to the recommendations contained within the scrutiny report:

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.

Cabinet Response

- (a) there was concern that it may often be difficult to decide what additional resources would be appropriate and therefore to estimate that cost. In addition, whilst an estimate may be made the Council may not then have the resources to meet that cost. It was therefore felt that that this part of the recommendation should be referred back to the Overview and Scrutiny Board for further consideration;
- (b) this was agreed;
- (c) this was agreed;

Recommendation 2

- (a) that 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 the Cabinet; and
- (b) that Planning officer training be formalised to ensure appropriate conditions are identified for routine and non-routine applications.

Cabinet Response

- (a) this was agreed; and
- (b) this was agreed but in addition it was felt that a suitable level of Member training in this regard should also be undertaken to assist Members in understanding the appropriateness of conditions.

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.

Cabinet Response

It was felt that there may be a place for monitoring groups in some circumstances and that in the past confusion had been caused because of the lack of proper terms of reference and reporting lines. This recommendation was therefore referred back to the Overview and Scrutiny Board with a request that consideration be given as to how any future monitoring group could be set up to work more effectively.

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.

Cabinet Response

This was agreed.

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.

Cabinet Response

This was agreed.

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.

Cabinet Response

It was queried whether this information was already available and what advantage there would be in establishing a further mechanism. This recommendation was therefore referred back to the Overview and Scrutiny Board for further consideration.

Recommendation 7

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

Cabinet Response

This was agreed.

Recommendation 8

That thorough 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.

Cabinet Response

This was agreed.

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.

Cabinet Response

This was agreed.

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).

Cabinet Response

This was agreed

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.

Cabinet Response

This was agreed.

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) ensure that the Overview and Scrutiny Board receive regular updates to ensure this has been implemented.

Cabinet Response

This was agreed.

The Leader thanked the Task Group for their work to date in producing the report which had provoked a good discussion and some worthwhile recommendations. The Cabinet looked forward to receiving the further comments of the Overview and Scrutiny Board on the issues the Cabinet had referred back for further consideration.

Councillor Kit Taylor - Portfolio Holder for Planning.

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Local Development Scheme

Planning in Bromsgrove 2012-2015



JUNE 2012



Bromsgrove
District Council

www.bromsgrove.gov.uk



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Introduction

The Local Development Scheme (LDS) is a programme management plan, which sets out details of all planning policy documents which the local authority seeks to produce. The LDS outlines opportunities for public and stakeholder involvement.

The LDS has been updated to reflect:

- ▶ Localism Act 2011,
- ▶ National Planning Policy Framework 2012,
- ▶ Progress on development plan documents.

The LDS is produced under the Localism Act 2011. The legislation states that Councils must prepare and maintain a local development scheme specifying:

- ▶ the documents which are to be local development documents and development plan documents,
- ▶ the subject matter and geographical area of each document,
- ▶ any matter or area in respect of which the authority have agreed; and,
- ▶ the timetable for their preparation and revision of the documents.

The Localism Act removes the requirement to submit the LDS to the Secretary of State. It is important for Councils to publish up to date information on their progress of the LDS. Councils have flexibility to decide how best to present this information to the public.

The LDS will come into effect on 7 June 2012 by resolution of Cabinet Meeting on 6 June 2012. Figure 2 (see page 7) outlines an indicative timetable for the preparation of documents within the LDS.



Existing Policy Base

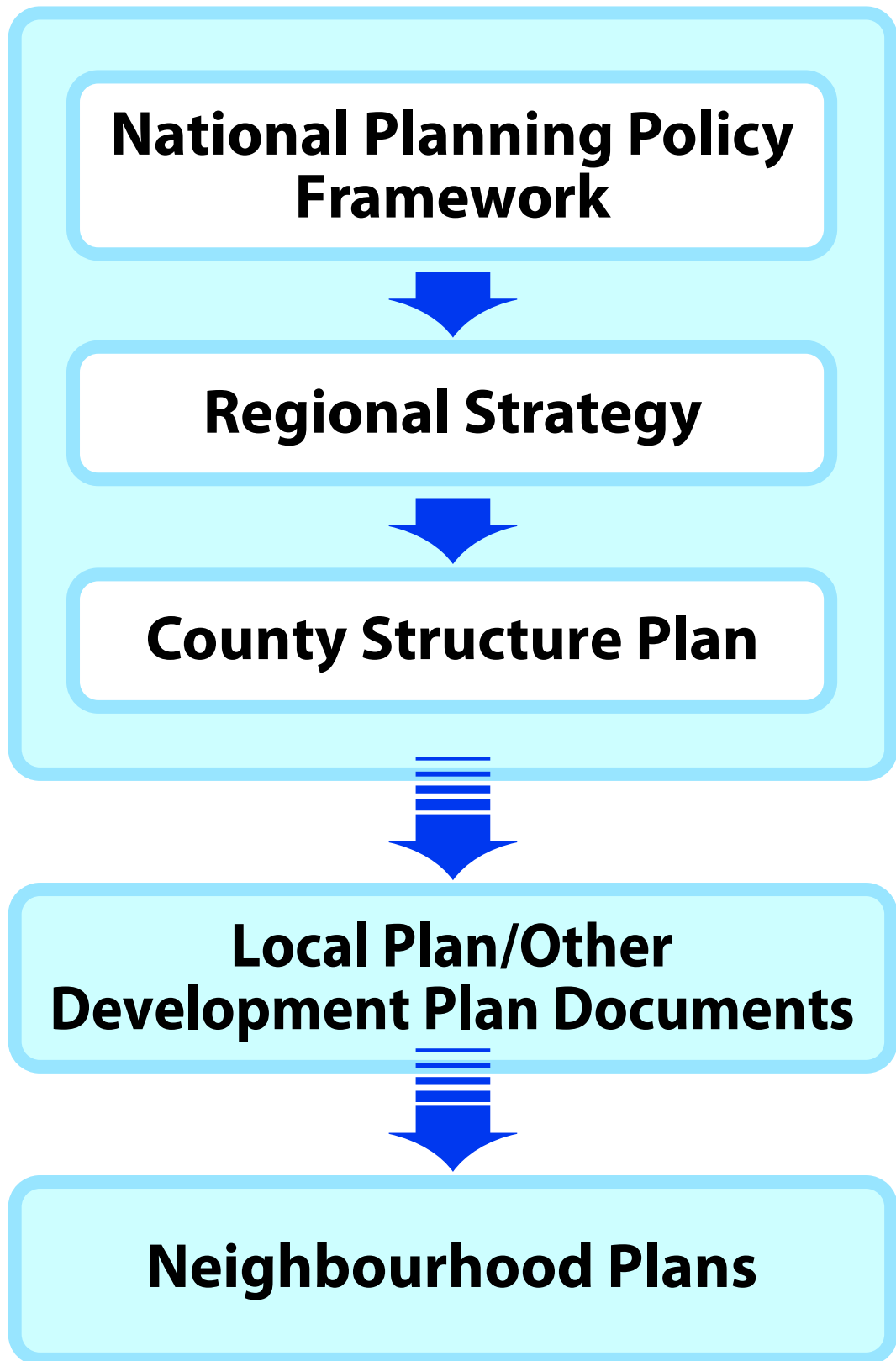
Major changes have been made to the planning system through the introduction of the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF is a framework which sets out how local planning authorities should produce planning documents that will guide the development and use of land within a local authority's boundary. The NPPF requires each Local Authority to produce a local plan for its area. Any additional development plan documents should only be used where clearly justified (NPPF, para 153).

The new chain of conformity is shown in figure 1 (see page 4) where all plans must be in conformity with the NPPF. The Localism Act (2011) set the framework for revoking existing regional strategy and structure plan policies as soon as possible, subject to the outcome of environmental assessments by the Department for Communities and Local Government (CLG). Until Orders to revoke these are approved they remain part of the statutory development plan.

Due weight should be given to relevant policies in the Bromsgrove District Local Plan 2004 according to their degree of consistency with this framework (NPPF para 215). The Secretary of State issued a direction of saved local plan policies in September 2007 which are 'relevant policies' until appropriately replaced; a list can be found on the Council's website (www.bromsgrove.gov.uk/strategicplanning). The Council's existing Supplementary Planning Documents, see website, are still relevant as they provide additional design guidance for Bromsgrove District. Although not formally adopted they should be applied when consistent with the policies in the NPPF.

Under the Localism Act 2011, Neighbourhood Plans can be produced by a parish council, or an organisation or body designated as a neighbourhood forum to provide detailed guidance on specific issues. These will be subject to independent examination and a local referendum. If approved at the referendum then the Council will bring the neighbourhood plan into force. As it is parish councils or neighbourhood forums that will decide to produce Neighbourhood Plans it is not appropriate for the LDS to specify when, or for where, they will be produced.

Figure 1 - Chain of Conformity





Proposed Development Planning Documents

Bromsgrove District Council are progressing a District Plan and Town Centre Area Action Plan which are based on supporting evidence. The evidence base can be accessed on the council's website (www.bromsgrove.gov.uk/strategicplanning).

Bromsgrove District Plan 2011-2030 and Proposals Map DPD

Following the successful completion of the Draft Core Strategy 2 consultation period, on 15th April 2011, the Council seeks to produce a publication version by September/October 2012. This document will set out the long-term spatial vision and the strategic policies and priorities to deliver that vision. It is intended to cover the 15 year period from 2011-2030.

The Bromsgrove District Plan will not repeat national guidance but will provide a spatial strategy specific to the needs of Bromsgrove. It will contain a set of primary policies for delivering the overall strategy and identify strategic allocations for development through the production of a proposals map. This map will illustrate broad locations for strategic development and land-use designations.

Town Centre Area Action Plan DPD

The National Planning Policy Framework seeks to ensure the vitality of centres, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. The need for a specific document to provide a comprehensive regeneration strategy for the Town Centre area is thus clearly justified. The Town Centre AAP will set out a strategy to guide the regeneration of the whole of the Town Centre and adjoining areas. This document will be in conformity with the Bromsgrove District Plan 2011-2030.

Document profiles of the development plan documents are in appendix 1.
A Community Infrastructure Levy needs to be considered as a possible future plan once the Bromsgrove District Plan 2011 is in place.

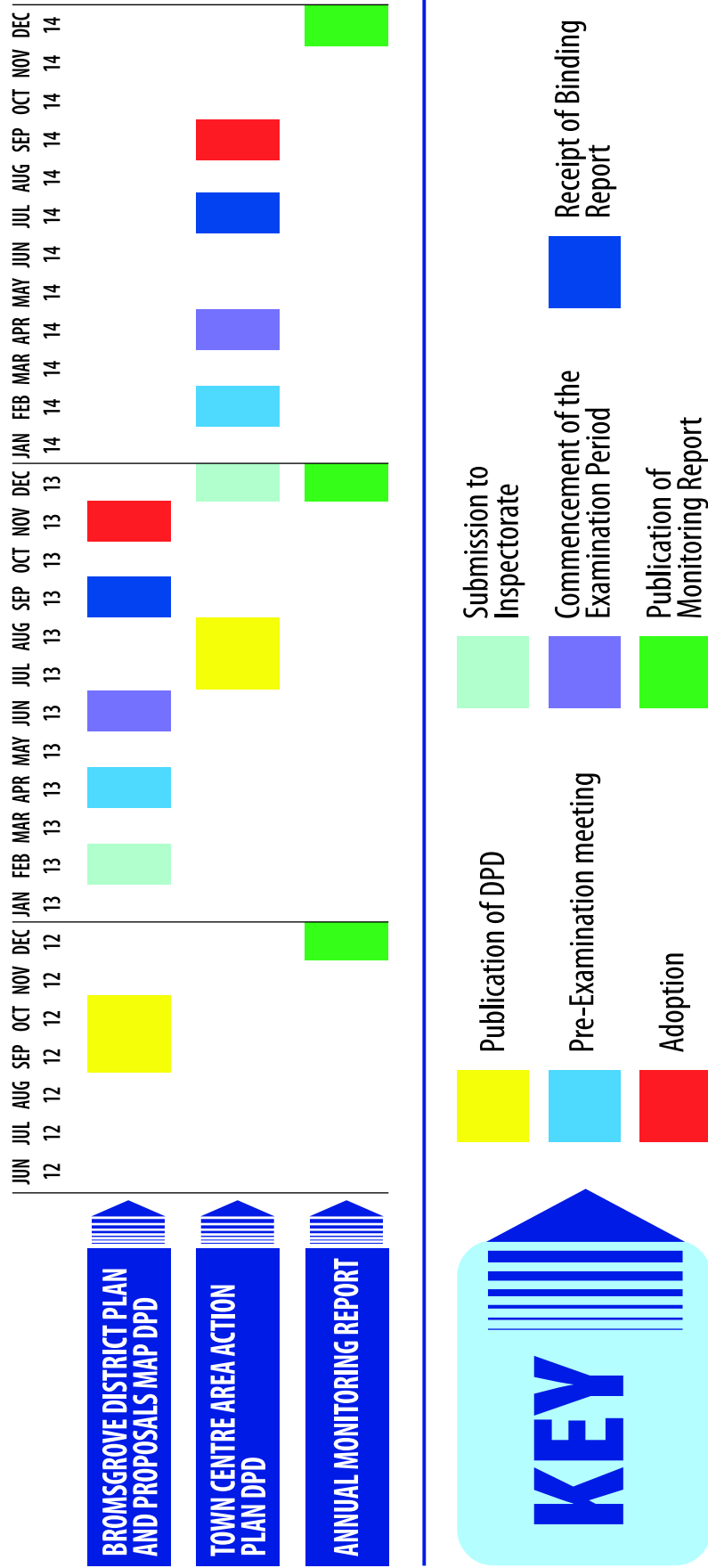


Timetable

The chart (Figure 2, see page 7) indicates the timetable for the production of the Development Plan Documents. Further profiles on the documents are contained in Appendix 1.

The chart identifies the key dates in the process although the dates are only an indication at this stage, further information will be provided on the publication consultation as the process moves on. The Examination date is subject to consultation with the Planning Inspectorate, the body responsible for holding examinations into local plans.

Figure 2 - Timetable for production of Development Plan Documents





Appendix 1

Document Profiles

Bromsgrove District Plan and Proposals Map DPD

| | | |
|-----------------------------|---|--|
| Document Details | <p>Role and Content</p> <p>Status</p> <p>Position in chain of conformity</p> <p>Geographic coverage</p> | <p>Will set out the vision, spatial strategy and core policies for the spatial development of the District including strategic allocations.</p> <p>Development Plan Document.</p> <p>Conforms with National Planning Policy Framework.</p> <p>District Wide.</p> |
| Indicative Timetable | <p>Publication of Bromsgrove District Plan</p> <p>Submission of Bromsgrove District Plan to Secretary of State</p> <p>Pre Examination meeting</p> <p>Examination Hearings</p> <p>Receipt of Binding Report</p> <p>Adoption date</p> | <p>September 2012</p> <p>February 2013</p> <p>April 2013</p> <p>June 2013</p> <p>September 2013</p> <p>November 2013</p> |

Town Centre Area Action Plan AAP

| | | |
|-----------------------------|---|---|
| Development Details | <p>Role and Content</p> <p>Status</p> <p>Position in chain of conformity</p> <p>Geographic coverage</p> | <p>This document will provide a comprehensive land use strategy for Bromsgrove Town Centre.</p> <p>Development Plan Document.</p> <p>Conforms with Bromsgrove District Plan.</p> <p>Bromsgrove Town Centre</p> |
| Indicative Timetable | <p>Publication of AAP</p> <p>Submission of AAP to Secretary of State</p> <p>Pre Examination meeting</p> <p>Examination Hearings</p> <p>Receipt of Binding Report</p> <p>Adoption date</p> | <p>July 2013 (TBC)</p> <p>December 2013 (TBC)</p> <p>February 2014 (TBC)</p> <p>April 2014 (TBC)</p> <p>July 2014 (TBC)</p> <p>September 2014 (TBC)</p> |



Appendix 2 Jargon Guide

Adoption: The point at which the final agreed version of a document comes into use.

Area Action Plan: A type of Development Plan Document (DPD) which covers a specific area in need of improvement and/or conservation.

Core Strategy (or Local Plan): The plan for the future development of the local area, drawn up by the local planning authority in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. Current core strategies or other planning policies, which under the regulations would be considered to be development plan documents, form part of the Local Plan. The term includes old policies which have been saved under the 2004 Act.

County Structure Plan: The Structure Plan remains part of the development plan until they are abolished by Order using powers taken in the Localism Act. It establishes a strategic policy framework for development and land use planning.

Department for Communities and Local Government: The Department sets policy on supporting local government; communities and neighbourhoods; regeneration; housing; planning, building and the environment; and fire.

Development Plan Documents: The complete suite of planning documents at the local level subject to independent examination.

Examination: Independent inquiry into the soundness of a draft Local Plan chaired by an Inspector appointed by the Secretary of State.

Localism Act 2011: An Act to make provision about the functions and procedures of local and certain other authorities.

Local Development Scheme: This document is a project plan for the production of local planning policy documents.

National Planning Policy Framework: Document setting out the Government's economic, environmental and social planning policies for England, published 27 March 2012.

Neighbourhood plans: A plan prepared by a Parish Council or Neighbourhood Forum for a particular neighbourhood area (made under the Planning and Compulsory Purchase Act 2004).

Proposals Map: A map that shows the spatial extent of adopted planning policies and proposals affecting Bromsgrove District.

Publication: Point at which a draft Local Plan is issued for consultation prior to its submission to the Secretary of State for examination.

Regional Strategies: Regional strategies remain part of the development plan until they are abolished by Order using powers taken in the Localism Act. It is the government's clear policy intention to revoke the regional strategies outside of London, subject to the outcome of the environmental assessments that are currently being undertaken.

Saved policies: Adopted policies which remain in force pending their replacement by the Local Plan.

Submission: Following the publication and ensuing consultation the point at which a draft Local Plan is submitted to the Secretary of State along with representations the received for examination.

Supplementary Planning Documents: A Local Development Document which adds detail to policies and proposals contained within Development Plan Documents. Documents must be clearly justified.

Supplementary Planning Guidance: Documents, which supplement policies within the Local Plan and have been produced and adopted through public consultation. SPGs will continue to have status until they are reviewed and replaced by new Supplementary Planning Documents. They are capable of being a material consideration in planning decisions.

Strategic Environmental Assessment: A procedure (set out in the Environmental Assessment of Plans and Programmes Regulations 2004) which requires the formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment.



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"ইংরেজির জন্য সাহায্য চাই?" 01527 881288 নম্বরে উস্টাশায়ার হাব [HUB] ব্রমসগ্রভ [Bromsgrove]-এ টেলিফোন করুন

"ਅੰਗਰੇਜ਼ੀ ਵਿਚ ਮੱਦਦ ਚਾਹੁੰਦੇ ਹੋ?" ਵੁਰਸੈਸਟਰਸ਼ਾਇਰ ਹੱਬ [HUB] ਨੂੰ ਬਰੋਮਸਗਰੋ [Bromsgrove] ਵਿਖੇ 01527 881288 'ਤੇ ਟੈਲੀਫੋਨ ਕਰੋ

"انگریزی میں مدد چاہتے ہیں؟" ورسیسٹر شائر ہب [HUB]، برومزگرو [Bromsgrove] میں 01527 881288 پر رابطہ کریں



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Bromsgrove District Council Corporate Performance Report
Quarter 4, 2011/12 - Period Ending March 2012

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 4 (January - March) 2011/12 and where there is comparative data available; the data relates to a year to date (April - March) comparison.

| | Finance & Corporate Resources (FR) | | Leisure, Environmental & Community Services (LEC) | | Planning, Regeneration, Regulatory & Housing Svcs (PRRH) | | Total | |
|---|------------------------------------|-------|---|-------|--|-------|-------|-------|
| | | % | | % | | % | | % |
| Total number of corporate performance indicators providing outturn data for quarter 4 where comparative data is available | 3 | | 9 | | 4 | | 16 | |
| Total number of indicators showing improvement compared to the same period last year | 2 | 66.7% | 7 | 77.8% | 1 | 25.0% | 10 | 62.5% |
| Total number of indicators showing a decline compared to the same period last year | 1 | 33.3% | 2 | 22.2% | 3 | 75.0% | 6 | 37.5% |
| 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 4

This report shows that of the 16 indicators reported this quarter, 62.5% have improved when compared to the same period last year. By way of example, the time taken to process Housing Benefit / Council Tax Benefit new claims and change events (days) has continued to improve with the number of days taken falling from 9.7 days to just 7.5 days, and the number of people using BURT (Bromsgrove Urban and Rural Transport) has continued to be well used with the number of users increasing from 2,007 to 2,143. Likewise, the number of people using the Dolphin Centre has shown a good increase in numbers rising by 47,940 when compared to the same period last year. However there are indicators which give rise to some concern; for example, the number of people using the car parks has continued to fall, dropping by 62,828 users over the last 12 month (April 2011-March 2012). There are plans to develop a marketing campaign with a view to increasing these numbers.

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

| <u>Key to Terms and Symbols</u> | |
|--|-----------------------------------|
| Improving performance compared to same period last year | ☺ Positive Trend |
| Worsening performance compared to same period last year | ☹ Negative Trend |
| No change in performance compared to same period last year | ☺ To be confirmed |
| No data available for the period | # Worcestershire Viewpoint Survey |
| Not applicable for this indicator/period | NA Customer Service Centre |
| Data is provisional | * Disabled Facilities Grants |

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| Indicator Description | Current | | | History - Year End (where available) | | Comments |
|---|----------------------------|----------------------------|--|--------------------------------------|---------|---|
| | 1 Apr 2010 - 31 March 2011 | 1 Apr 2011 - 31 March 2012 | Direction of Travel (where applicable) | 2009/10 | 2010/11 | |
| Time taken to process Housing Benefit / Council Tax Benefit new claims and change events (days) | 9.7 | 7.5 | ☺ | NA | 9.7 | Further improvement on processing times as a result of more "1 day decisions" being made. The improvement is as a result of the transformational work; customers present face to face, their claims and changes are being processed there and then and not being passed to the "back office" to process. A new relaxed approach to the evidence requirements has also contributed to quicker processing times. |
| % of invoices paid by the Council within 30 days of receipt | 99.06% | 98.34% | ☹ | 98.18% | 99.06% | There have been some issues with invoices not being returned within the required time period. The finance team is just commencing their new shared service and further training is going to be offered to staff where required. |
| Number of working days / shifts lost to the local authority due to sickness absence per FTE staff members (days) | 9.85 | 8.25 | ☺ | TIC | 9.85 | There has been a decrease in sickness absence in Q4 and when compared to the same period last year; this was expected to have occurred following on from the active sickness management of long term sickness cases. A review of the sickness absence policy is a priority for Human Resources in the coming months. The implementation of shared services has impacted on the comparative data. |
| % of complaints handled within the agreed time frames | 71.51% | 76.03% | Contextual | NA | 71.51% | There has been a steady increase in the percentage of complaints handled within the time frame over the year and an overall improvement on the same period last year. However, this quarter has seen a fall in recorded complaints and the reason for this cannot be established. Heads of Service and managers are reminded to have mechanisms in place to ensure complaints are properly recorded and further training is available if required. Additionally there will be further training for all managers in respect of complaints handling and escalating issues to the complaints system. |

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| Indicator Description | Current | | | History - Year End (where available) | | Comments |
|---|----------------------------------|----------------------------------|--|---|-----------|---|
| | 1 Apr 2010 - 31 March 2011 | 1 Apr 2011 - 31 March 2012 | Direction of Travel (where applicable) | 2009/10 | 2010/11 | |
| Number of affordable homes delivered | 56 | 161 | Contextual | 80 | 56 | Good progress in 2011-12 with no unexpected delays affecting performance during quarter 4. |
| Number of British Crime Survey comparator crimes reported | 2,595 | 2,331 | ☺ | 2,808 | 2,595 | Performance in Bromsgrove has been excellent throughout 2011/12. The end of year outturn is 10% lower than that of 2010/11 – a reduction of 264 crimes. There was a slight increase in offending in March 2012, (mainly due to very slight increases in assaults, criminal damage, non-dwelling burglary and theft of motor vehicle offences) but overall performance has been very good. |
| Number of people using the BURT service | 2,007 | 2,143 | ☺ | NA | 2,007 | Good progress in 2011-12 with an increase in overall passengers during the year, this was despite vehicle breakdowns. It is anticipated that the figures will increase again in 2012/13 following the hiring of a more reliable vehicle from WCC. |
| Number of people using the Shopmobility service | 2,157 | 2,480 | ☺ | TBC | 2,157 | There has been an increase of 323 users during 2012/13 possibly as a result of extending the opening times to include Saturdays and additional word of mouth promotion. |
| Artrix usage (community use) | 69,561 | 77,755 | ☺ | 60,250 | 69,561 | Despite a small drop in the number of people at live events in quarter 4, there has been an increase of 8,194 attendances over the year when compared to the same period in 2010/11. |
| Visitors to Dolphin Centre | 369,521 | 417,461 | ☺ | 415,407 | 369,521 | Good performance showing an improvement on the previous month, comparative quarter last year and at year end. |
| Household waste collection (kg per head) | 88.18 | *87.75 | ☺ | NA | 88.18 | As expected, a seasonal variation in the collection of garden waste reduces the overall amount of household waste collected. A final audited figure from Waste Data Flow is expected within 6 months of the year end. |
| Residual waste per household (kgs) | 539.15 | *535.35 | ☺ | 581.00 | 539.15 | There has been an decrease of 3.8kg per household in the amount of residual waste collected. This is a provisional outturn. A final audited figure from Waste Data Flow is expected within 6 months of the year end. |
| % of household waste re-used, recycled or composted | 42.54% | *41.3% | ☹ | 37.40% | 42.54% | Bring bank tonnages are yet to be confirmed therefore this percentage will increase slightly, resulting in a figure very similar to that achieved in 2010/11. A final audited figure from Waste Data Flow is expected within 6 months of the year end. |
| Town centre car park usage (avg per month) | 1,503,562 | 1,440,734 | ☹ | TBC | 1,503,562 | With the price rise and economic climate the reduction in numbers of people using the car park is not unexpected. However work will be undertaken as agreed with Wychavon District Council to develop a marketing campaign. It is expected that the marketing campaign will be ready for consideration in June 2012. |

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Bromsgrove District Council Corporate Performance Report
Quarter 4, 2011/12 - Period Ending March 2012

Planning and Regeneration,
 Regulatory and Housing Services

| Indicator Description | Current | | | History - Year End (where available) | | Comments |
|--|----------------------------|----------------------------|--|--------------------------------------|---------|---|
| | 1 Apr 2010 - 31 March 2011 | 1 Apr 2011 - 31 March 2012 | Direction of Travel (where applicable) | 2009/10 | 2010/11 | |
| Number of households living in temporary accommodation (Snapshot) | 31 | 26 | ☺ | NA | 31 | The number of households in temporary accommodation has remained consistent over the last two quarters and shows a 16% decrease in quarter 4 (Jan-Mar) when compared to the same quarter in 2010/11. |
| Processing of major planning applications determined within 13 weeks | 68.57% | 61.90% | ☹ | TBC | 68.57% | 3 applications went over time subject to committee decisions. Performance is down slightly when compared with the same quarter of previous year (57.14% in 2011/12 and 62.50% in 2010/11). The reduction in performance is as a result of a combination of factors including staff involved in transformation and a more relaxed approach to targets with a view to improving customer service in the round. The role of targets in the planning system will be considered as part of the transformation process. |
| Processing of minor planning applications determined within 8 weeks | 89.69% | 79.63% | ☹ | TBC | 89.69% | There has been a significant downturn in performance when compared to the same period last year, however there has been an increase in applications of 11% over the same period of the previous year. The reduction in outturn is due to a combination of factors including staff illness, staff involved in transformation and a more relaxed approach to targets with a view to improving customer service in the round. The role of targets in the planning system will be considered as part of the transformation process. |
| Processing of other planning applications determined within 8 weeks | 93.61% | 82.10% | ☹ | TBC | 93.61% | There has been a significant downturn in performance when compared to the same period last year, however there has been an increase in applications of 25% over same period of the previous year. The reduction in outturn is due to a combination of factors including staff illness, staff involved in transformation and a more relaxed approach to targets with a view to improving customer service in the round. The role of targets in the planning system will be considered as part of the transformation process. |

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