



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE OVERVIEW AND SCRUTINY BOARD

MONDAY 19TH DECEMBER 2016
AT 6.00 P.M.

PARKSIDE SUITE - PARKSIDE

MEMBERS: Councillors L. C. R. Mallett (Chairman), S. A. Webb (Vice-Chairman), C. Allen-Jones, S. J. Baxter, S. R. Colella, B. T. Cooper, M. Glass, R. J. Laight, C. J. Spencer, P.L. Thomas and M. Thompson

AGENDA

1. Apologies for Absence and Named Substitutes
2. Declarations of Interest and Whipping Arrangements
To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.
3. To confirm the accuracy of the minutes of the meeting of the Overview and Scrutiny Board held on 28th November 2016 (Pages 1 - 6)
4. Review of CCTV - Briefing Paper (Pages 7 - 20)
5. Planning Delegations - Briefing Paper (Pages 21 - 22)
6. Bromsgrove District Local Plan - Verbal Update
7. Changes to Greenbelt Policy - Verbal Update
8. Finance and Budget Working Group - Update
(To include a written response from Cabinet to the Working Group's Recommendations – to follow)

9. Task Group Updates
Social Media Task Group – Councillor Rod Laight, Chairman
Staff Survey Joint Scrutiny Task Group – Councillor Steve Colella, Chairman
10. Worcestershire Health Overview and Scrutiny Committee - Update
11. Cabinet Work Programme (Pages 23 - 28)
12. Overview and Scrutiny Board Work Programme (Pages 29 - 34)
13. 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

Parkside
Market Street
BROMSGROVE
Worcestershire
B61 8DA

8th December 2016



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- Meeting Minutes
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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE OVERVIEW AND SCRUTINY BOARD

28TH NOVEMBER 2016 AT 6.00 P.M.

PRESENT: Councillors L. C. R. Mallett (Chairman), S. A. Webb (Vice-Chairman), C. Allen-Jones, S. J. Baxter, S. R. Colella, B. T. Cooper, M. Glass, J. M. L. A. Griffiths (Substitute), R. J. Laight and M. Thompson

Observers: Councillors K. J. May and C. B. Taylor

Officers: Ms. J. Pickering, Ms. A. Scarce and Ms. J. Bayley

54/16 **APOLOGIES AND NAMED SUBSTITUTES**

Apologies for absence were received on behalf of Councillors C. J. Spencer and P. L. Thomas and it was confirmed that Councillor J. M. L. A. Griffiths was attending as a substitute for Councillor Spencer.

55/16 **DECLARATIONS OF INTEREST AND WHIPPING ARRANGEMENTS**

There were no declarations of interest nor of any whipping arrangements.

56/16 **MINUTES**

The minutes of the meeting of the Overview and Scrutiny Board held on Monday 31st October 2016 were submitted.

RESOLVED that the minutes of the meeting of the Overview and Scrutiny Board held on 31st October 2016 be approved as a correct record.

57/16 **FINANCE AND BUDGET WORKING GROUP - REPORT AND RECOMMENDATIONS**

The Chairman presented the report and explained that it outlined the work of the Finance and Budget Scrutiny Working Group to date and contained a number of recommendations. These meetings had also been attended by the Executive Director of Finance and Corporate Resources as well as the Leader of the Council.

During the Group's meetings the following areas had been considered:

- The Council's Efficiency Plan. The Government had recently confirmed that the contents of the Council's Efficiency Plan had been approved.
- The reserves and capital programme.

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- The Council's asset register. During discussions Members had discovered that there were a number of low cost properties in which the local authority had a share.
- Fees and charges 2017/18.
- An initial investigation of budget savings. The Chairman advised that this would become an increasingly significant focus of the group in the build up to the budget setting process in February.

The Board was informed that the Government's approval of the Council's Efficiency Plan provided some certainty in respect of the revenue settlement for the Council. However, uncertainty remained about the future arrangements for provision of the New Homes Bonus and Business Rates funding to local authorities.

The group had proposed a number of recommendations which were designed to have a constructive influence on the Council's budget setting process. This included a proposal for the review of the management structure, which had been raised in the Efficiency Plan, to be brought forward in order to achieve savings at an earlier date. The group was also suggesting that more ambitious savings than had been originally anticipated could be achieved from this review.

At its next meeting the Group would consider a draft report outlining budget savings and pressures as well as an update on the New Homes Bonus.

RECOMMENDED that recommendations (a) to (l), as detailed in the group's report, be considered by Cabinet on 7th December 2017.

58/16

MEASURES DASHBOARD WORKING GROUP - UPDATE

The Chairman of the Measures Dashboard Working Group, Councillor S. A. Webb, explained that Members could now access the dashboard on their iPads. The system operated at a relatively slow speed though it was understood that the ICT team were working to address this problem. Unfortunately Councillor S. J. Baxter was struggling to attend meetings of this group and therefore another volunteer from the Board was urgently required to replace her.

RESOLVED that, subject to identifying a Member to replace Councillor Baxter, the Measures Dashboard Working Group recommence meetings in January 2017.

59/16

CABINET RESPONSE TO THE PREVENTING HOMELESSNESS TASK GROUP REPORT

Councillor C. Taylor, Portfolio Holder for Planning Services and Strategic Housing, presented the Cabinet's response to the Preventing Homelessness Task Group. On behalf of the Cabinet he welcomed the group's findings and thanked the Chairman of the review, Councillor C. Bloore, for his hard work.

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Following consideration of the group's report by Cabinet the Council had received notice about a significant reduction in funding for St Basils. This had occurred following a cut to the funding available from Worcestershire County Council (WCC) to St Basils, which would potentially have a negative impact its ability to continue to provide housing to young people who were homeless. Under these circumstances, whilst it was accepted that the proposed allocation of £15,000 to the Essential Living Fund (ELF), as detailed in the Task Group's fourth recommendation, was well intentioned it was suggested that this funding might more appropriately be used to support an organisation with an immediate need for financial assistance.

The purpose of recommendation 4 was subsequently discussed in detail. Members noted that the original intention of this proposal had been to provide financial assistance through the ELF to struggling families and individuals who might otherwise be at risk of becoming homeless rather than to assist those who were already homeless. The group had anticipated that over the next couple of years more people would request support from the ELF once further changes to the Benefits system had been implemented. Members noted that both cases were worthy of support and would benefit vulnerable individuals. However, St Basils and the young people the organisation served were considered to be in more immediate need.

The Board discussed the extent to which the £15,000 would help St Basils address their financial difficulties and whether additional funding would be required to support similar organisations in future as a result of the County Council's funding decisions. Relatively short notice had been provided to St Basils in this case, and it was possible that in future years the organisation would have more time to prepare to obtain funding from alternative sources. Members noted that the Council could also provide ongoing financial assistance to similar organisations if funding for groups that supported young people at risk of homelessness was recognised in the Council's budget as an unavoidable pressure.

Members expressed concerns that funding decisions taken by WCC were resulting in financial implications for Bromsgrove District Council. Whilst the Council had a statutory duty in respect of homelessness WCC had statutory responsibilities in relation to looked after children and it was suggested that many such children might need to access support from organisations such as St Basils. Members therefore concurred that it would be useful for the Leader of the Council to write to WCC to raise their concerns about the financial implications of their funding choices for the Council.

At the end of these discussions the Board

RECOMMENDED that

- (1) The £15,000 referred to in the Preventing Homelessness Task Group's fourth recommendation be reallocated to St Basils to support their ability to continue to provide services in the district in 2017/18;
- (2) Support for housing services for young people at risk of homelessness should be added as an unavoidable pressure for the Council; and
- (3) The Leader of the Council should write to Worcestershire County Council to express concerns about the impact of the County Council's funding decisions at a local level, including on Bromsgrove District Council.

60/16

TASK GROUP UPDATES

The Board was provided with updates on progress in respect of the following Task Group investigations.

- 1) Social Media Task Group – Chairman, Councillor R. J. Laight

The first meeting of the Task Group was due to take place on 30th November. Councillor Laight advised that he would welcome additional Members on the review.

- 2) Staff Survey Joint Scrutiny Task Group – Chairman, Councillor S. R. Colella

Members were informed that the first meeting of the Task Group had taken place at Parkside on 22nd November. During the meeting Members had agreed to take a structured approach to the review and would address the key objectives detailed in the topic proposal form. The investigation would provide a useful opportunity for Members from Bromsgrove District Council and Redditch Borough Council to review the Councils' organisational cultures and to influence working practices across shared services. A number of dates had been identified for future meetings, with the first of these due to take place in Redditch on 7th December.

61/16

WORCESTERSHIRE HEALTH OVERVIEW AND SCRUTINY COMMITTEE

The Council's representative on the Worcestershire Health Overview and Scrutiny Committee (HOSC), Councillor B. T. Cooper, explained that he had been unable to attend the latest meeting of the Committee. Based on the agenda for this meeting he advised that the following items had been discussed:

- The Herefordshire and Worcestershire Sustainability and Transformation Plan.
- An update in respect of Worcestershire Acute Hospitals NHS Trust (WAHT).
- Proposals for change in respect of funding for public health.

At the latest meeting of Council in Bromsgrove the Leader had expressed concerns about the removal of specialist stroke rehabilitation beds from the Princess of Wales Hospital and the move towards concentrating such services in Evesham. Subsequently Councillor Cooper had approached the Chairman of HOSC to request that this item be considered further by the Committee and it was understood that this would be debated at a forthcoming meeting.

During discussions about this item consideration was also given to the potential for the Overview and Scrutiny Board to pre-scrutinise the Herefordshire and Worcestershire Sustainability and Transformation Plan. The plan contained many proposals that would impact on future service delivery and concerns were raised that district Councils had not been consulted effectively in respect of the contents. Members noted that generally health scrutiny was performed by the Worcestershire HOSC on behalf of the district and this might be easier to influence through the Council's representative on that Committee, Councillor B. T. Cooper.

RESOLVED that the minutes of the meeting of HOSC held on 16th November 2016 be circulated for the consideration of members of the Board once they have been published.

62/16

CABINET WORK PROGRAMME 1ST DECEMBER TO 31ST MARCH 2017

The Board considered the contents of the Cabinet Leader's Work Programme covering the period 1st December 2016 to 31st March 2017. Members were advised that since the work programme was published the date of the January meeting of Cabinet had been postponed by a week. In addition, the review of CCTV, which had been scheduled for the consideration of Cabinet in December, had been withdrawn since the publication of the work programme, though the Chairman had requested that a report on the subject of CCTV still be presented for the consideration of the Board in December.

During consideration of the work programme Members identified the following items which they agreed would be suitable for pre-scrutiny:

- Review of Economic Priorities.
- The Sport and Physical Activity Strategy.
- Bromsgrove District Local Plan. In connection with this item Members suggested that it would also be useful for the Board to receive an update on progress in respect of the Council's Green Belt Review.

Consideration was also given to pre-scrutinising the Engagement Strategy, which was scheduled to be presented at Cabinet in February 2017. This strategy would address methods for engagement by the Council with local communities. Members noted that to an extent

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engagement with communities would also be addressed by the Social Media Task Group and that this strategy could therefore be reviewed as part of that investigation. During discussion of this matter Councillor J.M.L.A Griffiths indicated that she would be interested in participating in the Social Media Task Group exercise and it was agreed that she should be appointed to the review.

Members also discussed future arrangements for the distribution of New Homes Bonus Community Grants and the potential for this to be investigated further by the Board. Officers advised that one of the recommendations in the New Homes Bonus report, due to be considered by Cabinet in December 2016, was proposing a review of the process in the future and it was anticipated that this would lead to improvements in the long-term.

RESOLVED that

- (1) The Overview and Scrutiny Board's Work Programme be amended to include the items from the Cabinet Leader's Work Programme identified as being suitable for pre-scrutiny, as detailed in the preamble above.
- (2) Councillor J.M.L.A Griffiths be appointed to the Social Media Task Group.

63/16

OVERVIEW AND SCRUTINY BOARD WORK PROGRAMME

Officers advised that during the meeting of the Board in December Members would have an opportunity to consider a briefing report on the subject of planning delegations, which had been raised during a recent Council meeting. The Head of Planning and Regeneration would be presenting this report and Councillor P. McDonald had also been invited to attend this meeting because he had submitted a Notice of Motion on this subject at Council.

The meeting closed at 7.05 p.m.

Chairman

OVERVIEW & SCRUTINY BOARD – 19th December 2016

CCTV Update - Briefing Paper

Following an item being placed on the Cabinet Work Programme the Overview and Scrutiny Board, Review of CCTV in the District the Board requested an opportunity to pre-scrutinise the review. Although, this item has now been removed from the Cabinet Work Programme the Board requested that background information be provided together with an update on the current position.

Bromsgrove Community Safety Tasking Group received a request for additional CCTV in Bromsgrove covering a particular site.

This resulted in the group discussing other locations and how they should be compared.

Points discussed were:

- How to identify the problem to be resolved.
- What was the range of solutions to consider?
- Is a surveillance camera system considered to be the most effective way to solve the issues?
- How the surveillance camera system will be used to address the problems that may be identified.
- How success will be measured (i.e. evaluation: reduction in crime, reduction of fear, increased detection etc)

In addition, consideration must be given to the Surveillance Camera Commissioners Code of Practice and Data Protection legislation which requires the council to review proportionality, legality, accountability and necessity, as any interference by a public authority of an individual's rights must be justified.

Therefore the following questions must be considered as part of a Privacy Impact Assessment (PIA):

- Is the surveillance activity established on a proper legal basis and is it undertaken in accordance with the law?
- Is the surveillance activity necessary to address a pressing need, such as public safety, crime prevention or national security?
- Is it justified in the circumstances?
- Is it proportionate to the problem that it is designed to deal with?

If the answer to any of these questions is no, then the use of camera surveillance is not appropriate.

Further research and investigation should be completed and recorded:

- Consultation with local residents and businesses

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- What other solutions have been considered e.g.
 - Improved lighting
 - Interaction with Licensing
 - Diversionary activity
 - Reassurance from fear of crime... etc
- Record the benefits to be gained through adopting a CCTV solution
- What privacy issues may arise?
- Is sufficient funding available? Establish potential capital contributors and ongoing revenue costs.
- Confirm that the proposed solution will deliver the desired benefits.
- What is the pressing need to be addressed; public safety, crime prevention, national security?
- Is the camera justified and proportionate?
- Equality impact assessment.

A process was devised which could be used to assess the need for CCTV, alternative solutions, funding requirement and the impact on people's privacy, of any new CCTV scheme/camera proposal. Information can be formally submitted using a standardised application form from a third party and recoded in the CCTV Requirement Assessment and Privacy Impact Assessment

By adopting this assessment process it will ensure future identified and/or perceived issues can be evidenced and assessed against a set criterion.

(See the attached forms)

Rachel McAndrews
CCTV and Telecare Manager
6th December 2016

CCTV Requirement Assessment and Privacy Impact Assessment

Template for conducting a privacy impact assessment on surveillance camera systems (CCTV)

Principle 2 of the surveillance camera code of practice states that the use of a surveillance camera system must take into account the effect on individuals and their privacy, with regular reviews to ensure its use remains justified. The best way to ensure this is by conducting a privacy impact assessment before the system is installed and when a new camera is being added on to an existing system. This will assist in managing any privacy issues the use of the surveillance system might have.

A Privacy Impact Assessment looks at privacy in a wider context taking into consideration both the Data Protection Act and the Human Rights Act. The PIA should consider the pressing need that the system seeks to address and the impact it may have on individual's privacy. It is important to decide whether the proposed system can be justified as proportionate to the needs.

In undertaking a Privacy Impact assessment you must take into consideration your obligations under the Data Protection Act 1998 and follow the instructions issued in the ICOs CCTV code of practice.

This privacy impact assessment template is specifically for those organisations that must have regard to the surveillance camera code of practice under the PoFA. It also helps organisations to address their data protection and human rights obligations.

A PIA does not always have to be conducted as a completely separate exercise and it can be incorporated into project planning or other management and review activities.

In deciding whether to conduct a PIA and its scope, consideration must be given to the nature and scope of the surveillance camera activities and their potential to impact on the privacy rights of individuals.

A PIA should always be considered when you are reviewing your surveillance camera systems and when you are considering introducing new technology allied to them.

Assessment of requirement for surveillance camera

1.	Who has made the original request for CCTV or identified an issue(s) that needs to be addressed. (Record multiple requesters where applicable)	
2.	Where is the location being assessed?	
3.	What is the issue/crime that has occurred at that location?	
4	On how many occasions have the identified activities occurred according to local sources?	
5	<p>What type of location has been identified and give key features?</p> <p><i>E.G. Open space, play park, Car Park, residential, public building, shops (single or multiple), public house, public toilets, alleyway, night time economy activity, bank.</i></p>	
6.	Does Police data support that there is activity that is detectable using CCTV?	
7.	<p>What other Community safety and Police responses have been considered? Have these alternatives been employed? Give details...</p> <p>Have other less privacy-intrusive solutions such as improved lighting been considered?</p> <p><i>(There is a need to consider other options prior to the use of cameras. For example</i></p>	

	<p><i>could improved lighting deliver the same benefit? Does the camera operation need to be 24/7? Where these types of restrictions have been considered provide reasons for not adopting them and opting to use surveillance cameras as specified)</i></p>	
8.	<p>Why is a surveillance camera considered to be the most effective way to solve the issues?</p> <p>What are the benefits to be gained from using CCTV?</p> <p><i>(Give specific reasons why this is necessary compared to other alternatives. Consider if there is a specific need to prevent/detect crime in the area. Consider if there would be a need to reduce the fear of crime in the area and be prepared to evaluate)</i></p>	
9.	<p>How will the surveillance camera system will be used to address the problem?</p>	
10.	<p>How will success be measured (i.e. evaluation: reduction in crime, reduction of fear, increased detection etc)?</p>	
11.	<p>Is the surveillance activity established on a proper legal basis and is it undertaken in accordance with the law? (Yes / No)</p>	

12.	<p>Is the surveillance activity necessary to address a pressing need, such as public safety, crime prevention or national security? (Yes / No)</p>	
13.	<p>Is it justified in the circumstances? (Yes / No)</p>	
14.	<p>Is it proportionate to the problem that it is designed to deal with? (Yes / No)</p>	
15.	<p>Is there funding available; within budget, from other organisations or through the budget process? (Give details)</p> <p><i>(Consideration should be given as to how the revenue costs e.g. monitoring, transmission, are going to be met to ensure that the systems remains effective and justified over its projected lifespan. State how long funding has been secured for)</i></p>	
16.	<p>Are there technical resources available to support an additional camera within the scheme? (Yes / No)</p>	
17.	<p>What are the views of those who will be under surveillance?</p> <p><i>(Please outline the main comments from the public resulting from your consultation - Some consultation should be undertaken in the area being considered for a surveillance</i></p>	

	<p><i>camera scheme. This can often be achieved by existing local consultation mechanisms such as local area committees, police beat</i></p>	
<p>18.</p>	<p>What are the privacy issues arising from this surveillance camera system?</p> <p><i>(State the main privacy issues relating to this particular system. For example extent of information recorded, will it only be on those who are suspects or include those who are not, concerns arising from its use, retention and disclosure, likely expectations of those under surveillance and impact on their behaviour, level of intrusion into their lives, effects on privacy if safeguards are not effective)</i></p>	
<p>19.</p>	<p>What privacy design features will be adopted to reduce privacy intrusion?</p> <p><i>(State the privacy enhancing technical and other features that have been identified, considered and accepted or rejected. For example, has consideration been given to the use of technical measures to limit the acquisition of images such as privacy zones installed on cameras that overlook residential properties etc? If these have not been adopted, provide a reason)</i></p>	

	<p>What organisations will be using the CCTV images and who will take legal responsibility for the data under the Data Protection Act 1998?</p> <p><i>(List the organisation(s) that will use the data derived from the camera system and identify their responsibilities giving the name of the data controller(s). Specify any data sharing agreements you have with these organisations)</i></p>	
20.	<p>Do the images need to be able to identify individuals, or could the scheme use other images not capable of identifying individuals?</p> <p><i>(Explain why images that can identify people are necessary in practice. For example cameras deployed for the purpose of ensuring traffic flows freely in a town centre may not need to be able to record images of identifiable individual's whereas cameras justified on the basis of dealing with problems reflected in documents showing the current crime hotspots may need to capture images of identifiable individuals)</i></p>	
21.	<p>Will the particular system/equipment being considered deliver the desired benefit now and in the future?</p>	

	<p><i>(State how the system will continue to meet current and future needs including your review policy and how you will ensure that your system is up to date. It is recommended that you conduct a minimum of an annual review of your system in order to consider whether it is still appropriate and able to meet the specified need it was set up to deliver)</i></p>	
<p>22.</p>	<p>What future demands may arise for wider use of Images and how will these be addressed?</p> <p><i>(Consider whether it is possible that the images from the surveillance camera scheme will be used for any other purpose, e.g. traffic monitoring, enforcement, ANPR in future and how such possibilities will be addressed. Will the cameras have a future dual function?)</i></p>	
<p>23.</p>	<p>Is the system established on a proper legal basis and is it operated in accordance with the law?</p> <p><i>(State the statutory or other powers which provides the basis for the activity)</i></p>	
<p>24.</p>	<p>Is the system necessary to address a pressing need, such as public safety, crime prevention or national security?</p> <p><i>(Articulate the problem and why this is a pressing</i></p>	

	<i>concern)</i>	
25.	<p>Is it justified in the circumstances?</p> <p><i>(please provide the justification)</i></p>	
26.	<p>Is it proportional to the problem that it is designed to deal with?</p> <p><i>(Explain why the level of privacy interference is proportionate to the overall privacy impact)</i></p>	
27.	<p>Do any of these measures discriminate against any particular sections of the community?</p> <p><i>(Detail whether the proposed surveillance will have a potential discriminatory or disproportionate impact on a section of the community. For example establishing a surveillance camera system in an area with a high density of one particular religious or ethnic group)</i></p>	
28.	<p>What type of camera is being considered?</p>	
29.	<p>Is audio recording a feature?</p>	
30.	<p>Is ANPR, facial recognition, and/or movement analysis a feature?</p> <p>Give details of software and function.</p>	

Agenda Item 4

#	CCTV assessment conclusion.	
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Date of assessment:

Review date:

Name of person responsible:



CCTV Requirement / Application

1.	<p>This CCTV request is made by...</p> <p><i>(Please include all of your contact details, your name and your position if the request is made on behalf of a particular organisation)</i></p>	
2.	<p>Where is the location CCTV is required?</p> <p><i>(Give address including postcode)</i></p>	
3.	<p>What is the issue/crime that has occurred at that location?</p>	
4	<p>On how many occasions have the identified activities occurred according to local sources?</p>	
5	<p>Please give key details about the location</p> <p><i>E.G. Open space, play park, Car Park, residential, public building, shops (single or multiple), public house, public toilets, alleyway, night time economy activity, bank.</i></p>	

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6.	<p>Why is a surveillance camera considered to be the most effective way to solve the issues identified?</p> <p>What are the benefits to be gained from using CCTV?</p> <p><i>(Give specific reasons why this is necessary compared to other alternatives. If no other alternatives have been explored then please note this here.)</i></p>	
7.	<p>Is the surveillance activity necessary to address a pressing need, such as public safety, crime prevention or national security? (Yes / No)</p>	
8.	<p>Is there funding available?</p> <p><i>(Consideration should be given to both capital and revenue costs e.g. how are monitoring, transmission costs going to be met to ensure that the systems remains effective and justified over its projected lifespan. State how long funding has been secured for)</i></p>	
9.	<p>What are the views of those who will be under surveillance?</p> <p><i>(Please provide detail of any public consultation already carried out. Please give contact details of any groups, organisations or residents who may wish to be consulted regarding CCTV in the proposed area.)</i></p>	

Name of person making application: _____

Signature: _____ **Date:** _____

Please return to Rachel.mcandrews@bromsgroveandredditch.gov.uk

The Town Hall, Walter Stranz Square, Redditch. B98 8AH

OVERVIEW AND SCRUTINY BOARD – 19th December 2016

Planning Delegations

The Overview and Scrutiny Board were requested to investigate the Planning delegations within the Council's Constitution. This followed a notice of motion put forward by Councillor P. M. McDonald at the Council meeting held on 21st September 2016, as follows:

“We call upon the Council to create a Working Party to review Delegated Powers in relation to Planning matters.”

Following discussion at the Council meeting it was agreed that the item would be referred to the Overview and Scrutiny Board for further consideration. The matter was duly discussed at the Overview and Scrutiny Board meeting held on 31st October 2016 with Members agreeing that further information should be provided before making a decision as to whether an in depth investigation was necessary. The information detailed below sets out background information for this purpose.

Flexible options for planning permissions

How can a proposal that has planning permission be amended?

When planning permission is granted, development must take place in accordance with the permission and conditions attached to it, and with any associated legal agreements.

New issues may arise after planning permission has been granted, which require modification of the approved proposals. Where these modifications are fundamental or substantial, a new planning application under section 70 of the Town and Country Planning Act 1990 will need to be submitted. Where less substantial changes are proposed, there is the following option for amending a proposal that has planning permission:

Making a non-material amendment to a planning permission

Is there a definition of a non-material amendment?

There is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990.

Is consultation/publicity required?

As an application to make a non-material amendment is not an application for planning permission, the existing Town and Country Planning (Development

Management Procedure) (England) Order 2015 provisions relating to statutory consultation and publicity do not apply. Therefore local planning authorities have discretion in whether and how they choose to inform other interested parties or seek their views.

As by definition the changes sought will be non-material, consultation or publicity are unlikely to be necessary, and there are unlikely to be effects which would need to be addressed under the Environmental Impact Assessment Regulations 2011.

Is notification required?

As an application for a non-material amendment is not an application for planning permission, the normal provisions relating to notification do not apply.

Instead, before the application is made, the applicant must notify anyone who is an owner of the land which would be affected by the non-material amendment or, where the land comprises an agricultural holding, the tenant of that holding. The applicant must also record who has been notified on the application form. Anyone notified must be told where the application can be viewed, and that they have 14 days to make representations to the local planning authority. There is no prescribed form for this and no requirement for an ownership certificate or an agricultural holdings certificate to be provided. These requirements are set out in article 10 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

What does the local planning authority have to take into account when making its decision?

The local planning authority must have regard to the effect of the change, together with any previous changes made under section 96A. They must also take into account any representations made by anyone notified, provided they are received within 14 days of notification. As this is not an application for planning permission, section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply.

Can the local planning authority allow this form of application if they consider that the amendment sought is not non-material?

This procedure, which has no consultation requirements and minimal notification requirements, cannot be used to make a material amendment.

Ruth Bamford
Head of Planning and Regeneration

Reference: <http://planningguidance.communities.gov.uk/blog/guidance/flexible-options/making-a-non-material-amendment-to-a-planning-permission/>

CABINET LEADER'S WORK PROGRAMME

1 JANUARY 2017 TO 30 APRIL 2017

(published as at 1 December 2016)

This Work Programme gives details of items on which key decisions are likely to be taken in the coming four months by the Council's Cabinet

(NB: There may be occasions when the Cabinet may make recommendations to Council for a final decision e.g. to approve a new policy or variation to the approved budget.)

Whilst the majority of the Cabinet's business at the meetings listed in the Work Programme will be open to the public and media organisations to attend, there will inevitably be some business to be considered that contains confidential, commercially sensitive or personal information.. This is called exempt information. Members of the public and media may be asked to leave the meeting when such information is discussed.

If an item is likely to contain exempt information we show this on the Work Programme. You can make representations to us if you consider an item or any of the documents listed should be open to the public.

The Work Programme gives details of items on which key decisions are likely to be taken by the Council's Cabinet, or full Council, in the coming four months.

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.

The Work Programme is available for inspection free of charge at Parkside, Market Street, Bromsgrove, B61 8DA from 9am to 5pm Mondays to Fridays; or on the Council's web-site www.bromsgrove.gov.uk

If you wish to make representations on the proposed decision you 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, Parkside, Market Street, B61 8DA or e-mail: democratic@bromsgroveandredditch.gov.uk

The Cabinet's meetings are normally held every four weeks at 6pm on Wednesday evenings at Parkside. They are open to the public, except when confidential information is being discussed. If you wish to attend for a particular matter, it is advisable to check with the Democratic Services Team on (01527 881409) to make sure it is going ahead as planned. If you have any queries Democratic Services Officers will be happy to advise you.

The full Council meets in accordance with the Councils Calendar of Meetings. Meetings commence at 6pm.

CABINET MEMBERSHIP

Councillor G. N. Denaro	Leader of the Council and Portfolio Holder for Finance, ICT, HR and Enabling Services
Councillor C. B. Taylor	Portfolio Holder for Planning Services and Strategic Housing
Councillor R. D. Smith	Portfolio Holder for Environmental Services, Regulatory Services and Community Safety
Councillor K. J. May	Deputy Leader and Portfolio Holder for Health and Wellbeing, Economic Development and Regeneration
Councillor P. J. Whittaker	Portfolio Holder for Leisure and Cultural Services

Decision Including Whether it is a Key Decision	Decision Taker including Details of Exempt Information (if any)	Date of Decision	Documents submitted to Decision Maker / Background Papers List	Contact for Comments
Staff Survey Report and Actions	Cabinet	11 January 2017	Report of the Head of Business Transformation and Organisational Development	Deb Poole 01527 881256 Councillor G. N. Denaro
Council Tax Base 2016/17	Cabinet	11 January 2017	Report of the Executive Director Finance and Resources	Jayne Pickering 01527 881400 Councillor G. N. Denaro
Medium Term Financial Plan	Cabinet	11 January 2017	Report of the Executive Director Finance and Resources	Jayne Pickering 01527 881400 Councillor G. N. Denaro
Review of Capital Programme	Cabinet <i>(recommendations to Council)</i>	11 January 2017	Report of the Executive Director Finance and Resources	Jayne Pickering 01527 881400 Councillor G. N. Denaro
Bromsgrove District Local Plan (potential item)	Cabinet <i>(recommendations to Council)</i>	11 January 2017	Report of the Head of Planning and Regeneration	Ruth Bamford 01527 881202 Councillor C. B. Taylor

Decision Including Whether it is a Key Decision	Decision Taker including Details of Exempt Information (if any)	Date of Decision	Documents submitted to Decision Maker / Background Papers List	Contact for Comments
Medium Term Financial Plan	Cabinet <i>(recommendations to Council)</i>	1 February 2017	Report of the Executive Director Finance and Resources	Jayne Pickering 01527 881400 Councillor G. Denaro
Engagement Strategy	Cabinet	1 February 2017	Report of the Head of Business Transformation and Organisational Development	Deb Poole 01527 881256 Councillor G. Denaro
Review of Economic Priorities	Cabinet	1 February 2017	Report of the Chief Executive	Kevin Dicks 01527 881484 Councillor K. J. May
Review of Financial Regulations	Cabinet	1 February 2017	Report of the Executive Director Finance and Resources	Jayne Pickering 01527 881400 Councillor G. N. Denaro
Allocation of Homelessness Grant Funding	Cabinet	1 February 2017	Report of the Head of Community Services	Derek Allen Strategic Housing Manager 01527 881278 Councillor C. B. Taylor

Decision Including Whether it is a Key Decision	Decision Taker including Details of Exempt Information (if any)	Date of Decision	Documents submitted to Decision Maker / Background Papers List	Contact for Comments
Alvechurch Parish Neighbourhood Plan	Cabinet	1 February 2017	Report of the Head of Planning and Regeneration	Mike Dunphy/Helen Smith 01527 881325 Councillor C. B. Taylor

OVERVIEW & SCRUTINY BOARD

WORK PROGRAMME

2016/17

RECOMMENDATION:

That the Board considers and agrees the work programme and updates it accordingly.

ITEMS FOR FUTURE MEETINGS

Date of Meeting	Subject	Additional Information
19/12/16	Planning Delegations – Briefing Report Following Notice of Motion from Cllr Peter McDonald. (Head of Planning and relevant Portfolio Holder to attend)	Picked up from full Council on 21/09/16 and further information requested at 31/10/16 meeting.
	Review of CCTV	Picked up from the Cabinet Work Programme 27/06/16 meeting
	Finance and Budget Working Group – Update	
	WCC Health Overview & Scrutiny Committee – update from Representative	
	Cabinet Work Programme	
	Action List (if necessary)	
	O&S Work Programme	
16/01/16	Pre-scrutiny review of Economic Priorities	Picked up from the Cabinet Work Programme 28/11/16 meeting
	Finance and Budget Working Group – Update	
	? Measures Dashboard Working Group – Update	
	Quarterly Recommendation Tracker	
	WCC Health Overview & Scrutiny Committee – update from Representative	
	Cabinet Work Programme	
	Action List (if necessary)	
O&S Work Programme		
13/02/17	Dolphin Centre - Update on work with displaced Groups	

Agenda Item 12

Date of Meeting	Subject	Additional Information
	Planning Backlog Data up to 31/12/16	
	Finance and Budget Working Group – Update	
	Measures Dashboard Working Group – Update	
	WCC Health Overview & Scrutiny Committee – update from Representative	
	Cabinet Work Programme	
	Action List (if necessary)	
	O&S Work Programme	
27/03/17	Scrutiny of Crime & Disorder Partnership	
	Finance and Budget Working Group – Update	
	Measures Dashboard Working Group – Update	
	WCC Health Overview & Scrutiny Committee – update from Representative	
	Cabinet Work Programme	
	Action List (if necessary)	
	O&S Work Programme	
24/04/17	Overview & Scrutiny Board Annual Report and Review of the Work of the Board (including the role of the working groups).	
	Sports and Physical Activity Strategy	Picked up from the Cabinet Work Programme 28/11/16 meeting
	Quarterly Recommendation Tracker	
	WCC Health Overview & Scrutiny Committee – update from Representative	
	Cabinet Work Programme	
	Action List (if necessary)	
	O&S Work Programme	

Updates Received - Monthly

The Council's representative on the Worcestershire Health Overview and Scrutiny Committee (who must be a member of the Overview and Scrutiny Board) provides a verbal update to the Board each month.

Agenda Item 12

The Council's representative on any Joint Scrutiny Task Group's will be expected to provide an update (verbal or written) on the work of that Group at each Board meeting.

The Chairman of any Working Group or Task Group set up by the Board will be expected to provide a written or verbal update in respect of the work being carried out and progress of the investigation by the Group Members.

Reports to be Received by the Board (at its discretion)

Write Off of Debts Report	(last report received 27/06/16)
Sickness Absence Performance - biannually	(last report received 31/10/16)
Making Experiences Count	(last report received 27/06/16)
Summary of Environmental Enforcement	(last report received 08/08/16)

Artrix SLA Annual Report – 19/09/16

Planning Backlog Data

Received 6 monthly as follows:

31 st March	- to be received at May meeting
30 th September	- to be received at November meeting

Scrutiny of Crime & Disorder Partnership

The Board must hold at least one meeting at which it considers the scrutiny of Crime and Disorder Partnership.

Areas for further discussion and possible inclusion within the Work Programme carried forward from the 2015/16 Training Event

- Community Transport facilities
- Planning Issues – Particularly enforcement
- Local Plan Development
- Residential developments causing traffic problems
- Social Housing issues
- Lack of affordable social housing for young people
- BDHT addressing issues re sites.
- Youth provision
- Town Centre shops
- Town Centre Regeneration

When considering topics for investigations Members may wish to take into account the Council's Strategic Purposes as detailed below:

Our Strategic Purposes for Bromsgrove



Help me to live my life independently

Help me to be financially independent

Keep my place safe & looking good

Help me find somewhere to live in my locality

Provide good things for me to see, do & visit

Help me run a successful business

Support services enable us to deliver our purposes

 **Bromsgrove District Council**
www.bromsgrove.gov.uk

For more information view the Council Plan at:
<http://www.bromsgrove.gov.uk/cms/council-and-democracy/council-plan.aspx>

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