

9. 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
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Worcestershire
B61 8DA

2nd April 2019



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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE CABINET

27TH MARCH 2019, AT 4.30 P.M.

PRESENT: Councillors G. N. Denaro (Leader), K.J. May (Deputy Leader),
B. T. Cooper, M. A. Sherrey, C. B. Taylor and P. J. Whittaker

Officers: Mr. K. Dicks, Ms. J. Pickering, Ms. C. Flanagan, Mr C. Forrester
and Ms. A. Scarce

88/18 **TO RECEIVE APOLOGIES FOR ABSENCE**

There were no apologies for absence on this occasion.

89/18 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

90/18 **MINUTES**

The minutes of the Cabinet meeting held on 13th March 2019 were submitted.

RESOLVED that the minutes of the Cabinet meeting held on 13th March 2019 be approved as a true record.

91/18 **ERP SYSTEM REPORT**

The Executive Director, Finance and Resources introduced the report and in so doing reminded Members that in July 2018 they had approved the procurement of a new system for the following services, Finance, Payroll, Human Resources, Creditors, Cash Receipting and Debtors. The aim was to put all of these areas into one Enterprise Resource Planning system. Following soft market testing the estimated cost had been £198k per Council. The report before Members detailed the financial arrangements in order to implement the Enterprise Resource Planning (ERP) System following the completion of the procurement exercise and was not about the system, as this had been agreed at the meeting in July 2018. Paragraph 3.2 of the report provided information on the procurement exercise, which had been done through the G-Cloud framework, which was an agreement between the government and suppliers to provide cloud-based services. A detailed specification was written and an officer project group and board established to undertake the procurement process, which was both robust and comprehensive.

The group was cross departmental with senior officers sitting on the board. This had resulted in the selection of a preferred supplier.

Paragraph 3.6 of the report highlighted that the initial cost estimates were lower than the final preferred bidder's price. The original estimate had been £198k approved per Council. However, the approved supplier's price was £736k (£368k per council) therefore an additional £170k per council was required. In addition it was thought prudent to include a contingency of 10%, which was a further £37k per council, making the total additional funding required was £207k per council. This additional funding would come from capital receipts. It was further confirmed that the system should take approximately 18 to 24 months to implement. Members were advised that should the implementation days be less than those estimated for then the Council had agreed with the supplier that there would be a consequential reduction in the implementation costs.

Members were informed that the Council provided a Payroll Service to Wyre Forest District Council and they had indicated that they would like this work to continue. There were two vacancies currently in the team which would be offset against the cost of the system and it was confirmed that currently there were no savings in the Medium Term Financial Plan in respect of the new system, although there would be new ways of working which would inevitably arise following this and the Council would look to see how staff could support the commercial direction it hoped to move towards.

Following presentation of the report Members discussed the following areas in more detail:

- Whether Wyre Forest District Council whether there was the option for them to be provided with other services to reduce the cost. The Executive Director, Finance and Resources confirmed that whilst they were keen to continue with the Payroll Service, but not for the rest of the system. This would be something that may be reconsidered at a later stage, once the system was embedded in.
- Members questions what would happen if Wyre Forest District Council chose to no longer require this service. It was confirmed that the capital costs would be reduced and the number of licensing and therefore the cost would also drop, as this had been written into the contract. However, Wyre Forest District Council was being asked to make a commitment before the system was finally put in place.
- Whether any other council were interested in this Council providing them with a service. It was confirmed that once the system was secured then the Council would look at this in more detail. It was suggested by Members that there could be a number of other councils who would be interested in this.
- What further potential capacity there was – officers advised that this would need to be looked at once the system was operational.

Agenda Item 3

Cabinet
27th March 2019

- Members questions the 50/50 split between Bromsgrove and Redditch Councils – the Executive Director, Finance and Resources explained that Redditch had its own housing stock and team and that they were investing in a new standalone system, but with the ability to feed into this new system and would be paying in full for the housing system.
- Whether the contract was based on the number of licensing and per computer. It was confirmed that the number of licenses was based on the population.

It was noted that the recommendation in the report referred to paragraph 3.4 of the report and that this should in fact be paragraph 3.6. This would be corrected in the recommendation put before Council.

RESOLVED that Cabinet notes the procurement exercise for the new Council enterprise system has been completed and that if the project is to be progressed additional funding is required.

RECOMMENDED that additional capital receipts to the value of £207k, as detailed at 3.6 of the report, be approved to fund the system in 2019/20 and that the Capital Programme be updated to reflect this expenditure.

The meeting closed at 4.43 p.m.

Chairman

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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE OVERVIEW AND SCRUTINY BOARD

4TH MARCH 2019, AT 6.00 P.M.

PRESENT: Councillors L. C. R. Mallett (Chairman), S. A. Webb (Vice-Chairman), C. Allen-Jones, S. R. Colella, M. Glass, C.A. Hotham, R. J. Laight, P.L. Thomas and M. Thompson

Observers: Councillor C. B. Taylor

Officers: Mrs. R. Bamford, Mr. D. M. Birch, Ms F. Mughal, Ms. J. Pickering and Ms. A. Scarce

112/18 **APOLOGIES FOR ABSENCE AND NAMED SUBSTITUTES**

Apologies for absence were received on behalf of Councillor R.J. Deeming and P.M. McDonald.

113/18 **TRANSPORT PLANNING REPORT - TO FOLLOW**

Members were informed that the consideration of the Transport Planning Review draft report had been deferred to the next meeting in April, 2019. The Chairman explained that the small sub group of Members (Councillors Mallett, Webb, Colella and Thomas) who had met with the officers from Worcestershire County Council would be meeting to discuss the draft final report, before it was brought before the Board.

114/18 **DECLARATIONS OF INTEREST AND WHIPPING ARRANGEMENTS**

There were no declarations of interest or whipping arrangements.

115/18 **TO CONFIRM THE ACCURACY OF THE MINUTES OF THE MEETING OF THE OVERVIEW AND SCRUTINY BOARD HELD ON 11TH FEBRUARY 2019**

The minutes of the Overview and Scrutiny Board meeting held on 11th February, 2019 were submitted for Members' consideration.

RESOLVED that the Minutes of the Overview and Scrutiny Board held on 11th February, 2019 be approved as an accurate record.

116/18

PLANNING ENFORCEMENT PROCESS

Members were reminded that at the Overview and Scrutiny meeting held on 14th January, 2019 a topic proposal form was submitted to review the Council's Planning Enforcement Department, in particular, to look at processes and breaches of Planning Policy and Regulations.

Members were advised that should the Board agree to establish a Task Group for an investigation of the work and processes of the Council Planning Department that the initial meeting would need to be arranged in the new municipal year.

The Development Management Manager and the Head of Planning and Regeneration gave a presentation in respect of the planning enforcement process and the breach of planning control. The key areas were highlighted as follows:

- What was a breach of planning control? A breach of planning control was defined in section 171A of the Town and Country Planning Act 1990. If there was a breach of planning control, the Council would initially try to resolve the matter locally, before resorting to any formal enforcement action.
- When should enforcement action be taken? Whilst the Council had powers to take enforcement action if there was a breach, enforcement was there to prevent inappropriate development that would not get planning permission. It was explained that a large number of breaches had no action taken against them because they caused no planning harm.
- What are the time limits for taking enforcement action? It was explained that there were set time limits as to when enforcement action could be taken.
- What happens with enforcement enquiries? The process of how an enquiry would be dealt with from the initial report was explained, including the allocation of an officer to each case.

Arising from the presentation Members made the following comments and raised a number of concerns. Officers provided responses as follows:

- With regards to enforcement cases, Members felt that the current mechanism in place, to inform Members of any cases in relation to enforcement, was not working. Members were advised that if an enforcement enquiry was made, they would be advised at the initial stage and would also be made available to the public. However, once enforcement action had started this would not be available as it became a criminal case and the sharing of information may impact on the Council's case. However, The Head of Planning and Regeneration confirmed that she would be happy to share some of this information, in confidence, with Members, upon request.
- Officers clarified that any orders made would be available to the public; however, the full details of the case would remain confidential.

- It was explained that the information would not be made available for public interest until a notice was served.

The Head of Planning and Regeneration emphasised that if Members had any concerns in relation to a particular site then they should contact her and she would be happy to discuss this with them.

The Head of Planning and Regeneration offered to meet with Members individually to go through any particular enforcement concerns they may have in relation to their Wards. Members also requested that the Council Enforcement Policy be made available to them.

The Portfolio Holder for Planning and Strategic Housing encouraged Members to talk to the Planners if they had any concerns regarding particular sites in their Wards. He accepted that it was difficult when legal enforcement action was being considered and that there was a need for confidentiality at some stages of that process.

Members asked for it to be noted, that whenever they had raised issues with the Planning Team, that they had been pleased with the support received, particularly in respect of any enforcement issues.

The Chairman asked Members to put forward any suggestions regarding any further steps to be taken in respect of the topic proposal and Members responded that it was felt that it was too broad. It was also recognised that a particular enforcement case could not be included within any review that was carried out.

Councillor S. Webb proposed that the presentation and the discussions simply be noted and that no further action be taken.

Councillor M. Thompson proposed that the topic proposal be added to the work programme of the Board for future consideration.

Members were reminded that the Board had previously carried out a detailed review with regard to the planning process and in particular enforcement processes and procedures was undertaken in 2011.

Members requested that the presentation be disseminated to them for their perusal.

RESOLVED that the presentation be noted and that no further action be taken.

117/18

WCC LTP4 ON THE DISTRICT OF BROMSGROVE

Members were reminded that at the last meeting, the Board considered a proposal that had been received from Councillor S. Colella, for a scrutiny review in respect of an investigation into the effect of WCC LTP4 on the District of Bromsgrove. Members had concluded that the Head of

Planning and Regeneration be invited to attend this meeting to discuss the subject matter further in order to determine whether this would be a suitable topic for further scrutiny.

Councillor S. Colella requested that, as the Transport Planning Report had been deferred, that the consideration of the review also be deferred pending the outcome of the report to be considered at the next meeting.

The Head of Planning and Regeneration provided a brief update to Members in respect of the transport infrastructure in Bromsgrove. She informed the Board that whilst the accuracy of the data used for the Local Transport Plan 4(LTP4) was a key issue, the transport review would underpin the Strategic Transport Assessment which Worcestershire County Council (WCC) would carry out, supported by this Council's officers and Mott MacDonald. Members were informed that WCC had commissioned Jacobs to carry out the work and confirmed that they were the current consultant at WCC.

Councillor S. Colella commented that following the meeting, which had been held with a number of officers from WCC he had felt that they had not fully appreciated or considered the traffic infrastructure in the District and he was concerned that there was no vision for the future of the District. Councillor Colella further reiterated that the issues raised had not been considered in the LTP4. He felt that the LTP4 did not support the population, development and economic growth for Bromsgrove.

In reviewing the plan it was felt that the 'Predict and Provide' methodology used was not fit for purpose for Bromsgrove District and this had been replaced with 'Vision and Validates'. It was felt that the new approach was more appropriate for Bromsgrove.

Following the discussions it was agreed that the item would be deferred until the next meeting of the Board in order for it to be discussed in conjunction with the draft Transport Planning Review Report.

118/18

FINANCE AND BUDGET WORKING GROUP - VERBAL UPDATE

Members were informed that the next meeting of this Group would take place on 4th March, 2019 when the working group would consider a number of reports including the Investment and Acquisition Strategy and that an update would be provided at the next meeting of the Board in April 2019.

119/18

CORPORATE PERFORMANCE WORKING GROUP - VERBAL UPDATE

Members were informed that the March 2019 scheduled meeting of the Group had been cancelled. The next performance report would be considered in June 2019, In light of this, the next meeting would be arranged to take place in the new municipal year.

120/18

TASK GROUP UPDATES

Councillor M. Thompson provided the following updates:

- Bromsgrove Sporting Football Club Task Group – The Group was yet to meet and an update would be provided once the first meeting had taken place;
- Business Rates Relief Short Sharp Review – as previously advised, the Group had held two meetings and the next meeting was due to be arranged. The Senior Democratic Services Officer (Bromsgrove) advised that she would contact the Chartered Accountant in order to invite him to the next meeting once this had been arranged and an update would be provided in due course.

121/18

CABINET WORK PROGRAMME - TABLED AT THE MEETING

Members considered the Cabinet Leader's Work Programme from the 1st April to 31st July, 2019 which was tabled at the meeting. The Senior Democratic Services Officer (Bromsgrove) provided the following update:

- Corporate Performance Reports would be considered by the Corporate Performance Working Group;
- Bromsgrove Enterprise Park – Build out was already on the Board's work programme and had been put back, so would now be considered at the Overview and Scrutiny Board in April, 2019.

Members agreed to pre-scrutinise the following items:

- Market Hall Site Redevelopment – Phase 2 – April, 2019
- North Worcestershire Economic Growth Strategy July, 2019

RESOLVED

- a) that the Cabinet Leader's Work Programme be noted; and
- b) that the following items be included in the Overview and Scrutiny Work Programme for pre-scrutiny as agreed:
 - Market Hall Site Redevelopment – Phase 2 – April, 2019;
 - North Worcestershire Economic Growth Strategy July, 2019.

122/18

OVERVIEW AND SCRUTINY BOARD WORK PROGRAMME

Members considered the Overview and Scrutiny Board Work Programme. As a number of items had been added and deferred to the next meeting, it was agreed that the following reports would be considered and/or moved to future meetings:

Agenda Item 4

Overview and Scrutiny Board
4th March 2019

- Bromsgrove Market update to be considered in April, 2019;
- Customer Services update to be considered in June, 2019;
- Staff Survey to be consider in June, 2019;

RESOLVED

- a) that the Overview and Scrutiny Board Work Programme be noted;
and
- b) that the Overview and Scrutiny Board Work Programme be
amended subject to the pre-amble, as detailed above.

The meeting closed at 7.00 p.m.

Chairman

MARKET HALL SITE REDEVELOPMENT – PHASE 2

Relevant Portfolio Holder	Councillor Karen May, Deputy Leader and Portfolio Holder for Economic Regeneration, Town Centres and Partnerships
Portfolio Holder Consulted	Yes
Relevant Head of Service	Ostap Paperega, Head of NWedR
Ward(s) Affected	Sanders Park
Ward Councillor(s) Consulted	Yes
Key Decision / Non-Key Decision	Non-Key

1. SUMMARY OF PROPOSALS

- 1.1 The report provides an update on the legal agreement with the Hinton Group, outlines the key site constraints and delivery options and the next steps for the Market Hall Phase 2 site.

2. RECOMMENDATIONS

Cabinet are asked to RESOLVE the following:

- 2.1 Notes the update with regards to the Market Hall Phase 2.
- 2.2 Notes that a termination notice has been served to end the legal agreement with the Hinton Group, in accordance with the agreement's termination clause.
- 2.3 Notes the submission of an Expression of Interest to the Future High Streets Fund that has the Market Hall Phase 2 site as its development focus.
- 2.4 Agrees for the Council to undertake soft market testing to assess developer and end occupier interest to inform a viable delivery route for the site.

3. KEY ISSUES

Background

- 3.1 The Former Market Hall / Hanover Street Car Park site has been a long standing regeneration opportunity for Bromsgrove Town Centre.
- 3.2 In 2012, Bromsgrove District Council ran a site disposal process to secure a developer to bring forward the redevelopment of this important gateway site. The site sale exercise resulted in Opus being successful with their offer. The proposal from Opus was to deliver a new development comprising a cinema with high quality retail and restaurant units. Unfortunately, the scheme suffered setbacks as Opus failed to conclude negotiations with the original anchor tenant and the detailed planning application that was expected to be submitted in 2013

CABINET

10th April 2019

failed to materialise. In 2014, Opus eventually pulled out of the sale, leaving the Council to re-consider its options.

- 3.3 Following the termination of the Opus deal, the Council went back out to the market to offer the site for sale again. The revised disposal exercise was successful and at its meeting on 3rd June 2015, Bromsgrove District Council's Cabinet agreed to the conditional sale of the former Market Hall Site and Car Park to locally based Hinton Group. The agreement to sell the site to Hinton Group was made following a presentation by the potential purchasers which allowed the Council to consider such issues as deliverability and wider economic benefits in its assessment of the "best value" consideration.
- 3.4 Hinton Group (HG) were successful in their bid for the site and they proposed to deliver a retail led redevelopment. The site sale involved HG signing up to a legal agreement with Bromsgrove District Council which included a number of conditions and milestones, as identified below.

Financial Implications

- 3.5 As the legal agreement has expired and the site returns to council ownership, there will be no capital receipt at this time. Members are advised that as this receipt has not been built into the Medium Term Financial Plan there will be no adverse financial impact to take account of at this time. There will be costs associated with site management and security. These costs will be quantified by the council's property team and will be funded by the retained deposit.

Legal Implications

- 3.6 Hinton Group (HG) have paid a deposit, as stipulated in the legal agreement, which is not repayable given Hinton Group's failure to meet the agreement's conditions.
- 3.7 There are restrictive covenants – 'Waitrose protection' – in favour of Waitrose that limit the type of end occupiers the Council will be allowed to sign up leases with for site occupation. These covenants will expire in February 2021.
- 3.8 Following the decision to dispose of the site to HG, Bromsgrove District Council entered in to a legal agreement with HG to develop the entire site. The agreement was subsequently amended on 12/02/2016 to allow a phased approach to development to take place. This was due to the fact that there was a clear occupier interest for part of the site (Waitrose) whilst the remaining part of the site did not have the occupiers secured. Therefore, in order to allow part of the development to proceed and be developed, it was agreed between the parties that a phased approach to development could occur.
- 3.9 This approach has been successful, in part, as the new Waitrose Store and associated Car Park opened on 11th May 2017. The store has been trading well since its opening and the development has been well received. The sale of this first phase resulted in a capital receipt for the Council of £550,000.

CABINET

10th April 2019

- 3.10 The second land parcel within the site has a value within the agreement of £2,151,000 and the pre-conditions to HG completing the Phase 2 site are as follows:
1. Completion and sale of Phase 1;
 2. The Phase 2 unconditional date occurring prior to the Phase 2 termination date
- 3.11 The Phase 2 unconditional date is reached when the Phase 2 conditions are satisfied; the termination date was the 11th February 2019 i.e. 3 years from the date of when the contract was signed. The Phase 2 conditions are:
- a) Completion of Phase 1;
 - b) Phase 2 occupier condition – i.e. Phase 2 units signed up as pre-lets;
 - c) Phase 1 tenant approval – i.e. Waitrose approved the identity of the Phase 2 tenants
- 3.12 The above conditions mean that the development would not occur on Phase 2 until occupiers had been secured on a pre-let and that these occupiers were accepted by Waitrose. However, it is worth noting that the purchaser (HG) has the right to waive any or all of the conditions, so can effectively call for the transfer of the land at any time (until the February 2019 end date). If HG were of the opinion that the transfer of the land at the agreed price was advantageous to them they could waive any outstanding conditions and require its transfer under the existing agreement (with no obligation to build out the scheme that they proposed). However, HG decided not to follow this approach and the reasons for this are outlined in the following section.

Phase 2 - Latest Situation

- 3.13 The current situation in relation to Phase 2 is set out as follows:
- 3.13.1 Since completing Phase 1, Hinton Group (HG) have been working to deliver a viable scheme for Phase 2 of the site speaking to a number of prospective occupiers;
 - 3.13.2 Initial progress was made with the Phase 2 site with the demolition of George House and the erection of hoardings around the perimeter of the Phase 2 area – although this work was undertaken as part of the Phase 1 of the site when Waitrose was developed;
 - 3.13.3 HG subsequently submitted a planning application to Bromsgrove District Council for the proposed development of the Phase 2 site in February 2016 (Planning Reference 16/0152). Since the submission of the original application, there have been a number of protracted discussions in relation to the design of the building with Bromsgrove Planning Officers and the Conservation Officer in order to try and reach agreement of the built form of the development.
 - 3.13.4 However, notwithstanding the issues in relation to the proposed design of the development, HG have struggled to secure a suitable 'anchor tenant' for the Phase 2 site although there has been a reasonable level of interest from

CABINET

10th April 2019

- occupiers for the food and beverage units; however without an anchor tenant, the site development cannot move forward, as it is unviable;
- 3.13.5 The progress in securing an anchor tenant has been impacted on by other retail developments that have occurred, or are in progress, within the town. Since HG signed up to the original agreement, developments such as the refurbishment of Bromsgrove Retail Park, the development of the Aldi Store on Birmingham Road and other town centre proposals have diluted the potential retailer interest in Phase 2 of the Market Hall Site;
- 3.13.6 In addition to Point 3.13.6, it is also worth noting that the retail market has changed considerably since the site was first offered for sale and this has impacted on the developers' ability to conclude deals with occupiers;
- 3.13.7 In order to try and progress the site, HG has considered a number of different options and potential occupiers. This has included the potential to consider a cinema at the site. However, all these options were likely to require a variation to the terms of the contract, would require the Council to remarket the site and would have probably resulted in a lower capital receipt being provided to the Council;
- 3.13.8 HG has indicated that they would be able to deliver a development on the site but on different terms to those currently set out within the legal agreement. Indeed, HG has indicated in informal correspondence that they would welcome the opportunity to re-bid for the site, if it were to be re-offered to the market. The reason that HG think that they could make the site work, if the Council were to offer the site for disposal again, is that they now know the site conditions and the current market for development.
- 3.13.9 HG has had the option to purchase the site and waive all the conditions associated with the contract, but has decided not to pursue that option.
- 3.14 It is clear from the above narrative that the redevelopment of Phase 2 has been a challenge for the developer to deliver. Despite protracted negotiations and attempts to secure various occupiers and amendments to schemes, it has not been possible to deliver a viable scheme based on the terms of the agreement signed with the council.
- 3.15 It was anticipated that the opening of the Waitrose store on Phase 1 would help to attract further occupiers to Phase 2 but, with the increased competition for sites in the town and the rapidly changing retail market, this has not materialised as all parties had hoped.
- 3.16 Whilst Phase 1 of the development has been a success, Phase 2 has remained boarded up before the long stop date outlined in the legal agreement of February 2019 was reached and triggered the issuing of the termination notice.

Site Context

- 3.17 From a development point of view, the site faces key constraints in terms of layout, access, vicinity to existing buildings and proximity to the conservation area, with potential implications to uses, cost and therefore viability.

CABINET

10th April 2019

- 3.18 From a location point of view, the site has the potential to play a key role in increasing High Street footfall and strengthen Bromsgrove town centre's vibrancy and viability. These economic benefits can be achieved by certain uses, such as a leisure led development anchored by a multiplex cinema. Such an occupier would attract complementary uses in the food & beverage (F&B) sector, which would increase and diversify the town centre's offer and increase its attractiveness as a destination. Indeed, there are vacant properties on the High Street (former restaurants) that could possibly accommodate F&B uses.

Delivery Options

- 3.19 Given the failure of the private sector developer to deliver a viable scheme, several delivery options have been appraised. They are outlined below and the advantages and disadvantages of each option summarised in Appendix 1.

Option A - Direct delivery of a redevelopment scheme by the Council

With this option, the Council would take direct control of the project and manage the process, right through from soft market testing (developers and end occupiers), designing the scheme, procuring contractors, gaining a planning consent and securing occupiers, ideally on a pre-let basis. The Council would be required to fund the development, utilising its prudential borrowing capacity and could potentially benefit from revenue generated from lettings or sale of the completed development. Whilst the Council is currently exploring the potential to invest in commercial opportunities, it does not have any direct experience of delivering major mixed use development projects and would also be taking all the risk associated with the development.

Option B – Development agreement

This option would involve the Council re-marketing Phase 2 to prospective developers through a conditional site sale process (conditional on granting of planning permission) under a simple marketing process. This is the route that was previously followed when Hinton Group were appointed.

The Council could seek to exert some control over the process by imposing restrictions or covenants with the aim to control the type of development that is built on the land but what can be achieved is extremely limited. The Council could also exert influence over the form of development in its role as the planning authority, but again, this is restricted as, provided an application is Local Plan policy compliant and technical requirements are met, refusal would be difficult, even if it did not deliver the Council's development aspirations.

Theoretically, this option could be the quickest way of securing a developer, as it is estimated that it could take between 8 and 12 weeks from placing the initial advert through to appointing a developer. However, this option does not provide the Council with the ability to specify what it wants to see developed on its land and exert influence on factors such as design and pace of delivery.

In effect, this option is a straight forward land disposal conditional only on planning permission. However, it is worth noting that this route was the route

CABINET

10th April 2019

previously undertaken when selecting the Hinton Group and has not resulted in the development coming forward as originally hoped.

Option C – Joint Venture

This option would involve the Council selecting and appointing a delivery partner through a competitive procurement process to deliver the scheme. In such a Joint Venture arrangement, the Council and the private developer would 'pool' resources and collaborate to deliver a shared vision and shared profit. Also the risk would be shared, reducing the Council's exposure to potential abortive costs.

Option C provides the most flexibility for the Council to deliver against its aspirations for the site, as it would retain some form of control whilst sharing development risk and development costs. In addition, by re-tendering the development opportunity, it allows the Council to re-consider what it wants to achieve from the development of this land with the knowledge it now has in relation to the site and the current market trends and with a view to re-aligning the development with the current aspirations of the Council i.e. to potentially seek a revenue stream rather than a capital receipt for the land.

Option D – Do nothing

This option would see the site kept in its current condition, empty and surrounded by hoardings. Although some 'meanwhile' uses / activities could be delivered on a temporary basis, an empty site would have a negative impact in terms of its appearance. Also, not developing the site would deprive the town centre from a development that could have positive impacts in terms of its attractiveness, viability and vitality.

Future High Streets Fund

- 3.28 In December 2018, the government launched the Future High Streets Fund, a £675m grant funding programme aimed at funding interventions that strengthen the vibrancy, vitality and attractiveness of the country's town centres. Grants will be allocated following a two-stage competitive bidding process. Expressions of Interest (stage 1) must be submitted by 22 March 2019 with the assessment results announced in the Summer 2019. The purpose of the Expressions of Interest is to understand the key challenges facing the town centre and vision proposed to address these challenges. Scheme details and costs are not required at this stage; they will be detailed in the full business case at Stage 2.
- 3.29 Successful applicants will be invited to submit a full business case by the end of the financial year and will benefit from revenue support to prepare it.
- 3.30 The government is looking to allocate between £5m-£10m per successful bid. Notwithstanding the competitive nature of the bidding process, this presents a significant opportunity to secure gap funding that would address potential viability issues and enable the scheme to be commercially viable.

CABINET

10th April 2019

Next Steps

- 3.31 Given that the site has reverted to Council ownership in February 2019, its constraints, challenging market conditions and the Council aspirations to strengthen the town centre's socio-economic role, the following next steps are recommended to be taken:
- a) It is clear that the original proposal to seek a retail based redevelopment of this site has proved to be challenging. Therefore, the Council needs to assess what uses may be more appropriate to be delivered on this site. Whilst there are a number of potential options that could be considered, including smaller scale retail, offices, residential etc, further consideration of the potential demand and how these uses could be delivered is required.
 - b) Once a decision on the preferred uses for the site is made, then a decision on what procurement process would be best placed to deliver this will need to be taken. The type of use being sought will ultimately shape the procurement process to be followed.
 - c) It is also worth noting that, despite which route is followed, Waitrose has control over the occupiers that can be delivered on Phase 2 of the site. This was protected by covenants in the Transfer of Phase 1. The Waitrose approval of tenants remains in place for five years from the Phase 1 transfer date (February 2016) regardless of whether Phase 2 is progressed under the Hinton's sale agreement or otherwise. Termination of the Hinton's sale agreement has no impact on these covenants and would potentially impact on the ability to deliver a redevelopment of the Phase 2 site. Therefore, it will be essential to open a dialogue with Waitrose once a firmer view of what the Council wishes to achieve on the site is formulated.

Meanwhile Uses

- 3.32 The current hoardings are in need of either improvement or replacement and it is felt that the site could provide some active 'meanwhile' uses that would be brought forward through the Centres Manager's work.
- 3.33 In order to progress this, work has been commissioned to understand the potential 'meanwhile' options for the site which could be delivered to provide an active use of the area whilst the longer term redevelopment of the site is considered. As part of this process, discussions would be held with Planning Officers to understand what could and couldn't be delivered on the site on a temporary basis.

Conclusion

- 3.34 This report has outlined why the site has not come forward through the agreement with the Hinton Group and the potential options in terms of what happens next.
- 3.35 In order to move forward the deliberations for the site, the following actions are recommended:

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10th April 2019

- Seek external funding from programmes including the Future High Street Funds, Heritage High Streets and the Stronger Towns Fund to help unlock the site for development
- Undertake soft market testing to assess developer and end occupier interest to inform a viable delivery route for the site
- Select a preferred delivery mechanism / vehicle e.g. direct delivery or Joint Venture
- Decide the appropriate procurement route(s) based on end use(s) chosen for the site and the delivery mechanism

Service / Operational Implications

- 3.36 The Council will have responsibilities in terms of site management, security and public safety, including during delivery of activities through 'meanwhile' uses.

Customer / Equalities and Diversity Implications

- 3.37 None

4. RISK MANAGEMENT

- 4.1 A risk log will be opened to identify and manage any financial, operational and other risks associated with the delivery of this project in accordance with the council's risk management procedures.

5. APPENDICES

Appendix 1 – Options Table

6. BACKGROUND PAPERS

AUTHOR OF REPORT

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10th April 2019

Appendix 1 Options Table

Option	Pros	Cons
Option A – Direct delivery	<p>Council retains control in terms of design, uses and lease options.</p> <p>Council retains 100% of any return, whether capital or revenue</p> <p>Possibility to improve the scheme's financial viability as:</p> <ul style="list-style-type: none"> - land cost nil (Council owns the land) - Council can set a lower level of return than a private developer <p>Ability to bid for external funding</p>	<p>Lack of development expertise</p> <p>Council is sole funder</p> <p>Council takes all the risk</p>
Option B – development agreement	<p>Private sector development partner</p> <p>Development expertise</p> <p>Developer takes all the risk</p>	<p>Development costs, land costs, market conditions and council restrictive covenants – difficulty to identify uses capable of generating the level of return sought by developer, as proven by the failed attempt of the Hinton Group to develop the site</p>
Option C – Joint Venture	<p>Private developer brings development expertise and knowledge / contacts of end occupiers</p> <p>Co-investment Council / private developer</p> <p>Shared risk</p> <p>Ability to bid for external funding</p>	<p>Shared decision making / control over scheme, which may lead to disagreements over uses, design, occupiers</p> <p>Shared return – the council will have to share the revenues generated with its partner.</p>
Option D – Do nothing	<p>Site could be made available for meanwhile uses / pop-up activities on an occasional basis</p>	<p>Empty site in the town centre surrounded by hoardings</p> <p>Missed opportunity to deliver interventions that would strengthen the town centre's viability and vibrancy.</p>

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CABINET

10th April 2019

Private Sector Housing Assistance Policy

Relevant Portfolio Holder	Cllr Kit Taylor
Portfolio Holder Consulted	Yes
Relevant Head of Service	Judith Willis – Head of Community Services
Wards Affected	All
Ward Councillor Consulted	No
Key Decision	

1. SUMMARY OF PROPOSALS

This report provides an overview of updates made to the Council's Private Sector Housing Assistance Policy (Appendix 1). The policy has been updated in line with a recommendation from Audit during 2017-18, which highlighted that the existing policy needed to be updated to reflect changes around loan limits for applicants and local land charge arrangements. These changes have now been made, and the policy has also been checked to ensure it accurately captures the changing nature of health and adult care services in the local community.

2. RECOMMENDATIONS

That Cabinet notes the changes made to the Private Sector Housing Assistance Policy and approves its implementation

3. KEY ISSUES

Financial Implications

- 3.1 There are no financial implications associated with updating this policy.

Legal Implications

- 3.2 The duties and powers to provide the suite of options available within the Private Sector Housing Assistance Policy are set out in various pieces of Housing Legislation. There is also a requirement to adopt and publish a policy in relation to these in the Regulatory Reform (Housing Assistance) Order 2002.

Service / Operational Implications

- 3.3 The changes made in light of the recommendation by Audit bring the policy up to date in terms of current procedure and practice in relation to two specific areas. The first of these changes updates the policy so that the Home Repairs Assistance loan limit is set at £10000 per

CABINET

10th April 2019

applicant. The second change makes it clear to applicants that charges are now registered as local land charges only.

- 3.4 More broadly, the policy aims to provide information to applicants about eligibility, products and funding streams into a single document and in as straightforward and transparent way as possible.

Customer / Equalities and Diversity Implications

- 3.5 The options available within the Private Sector Housing Assistance approach are an important way of helping vulnerable adults and children remain housed and living independently in the district.
- 3.6 These functions therefore play a role in meeting the Council's Strategic Purposes:
- Help me live my life independently
 - Help me find somewhere to live in my locality

4. RISK MANAGEMENT

Audit identified a risk associated with not updating the policy, which they classified as a medium priority. The risk focussed on correct practice, finances and reputation. So making the changes in line with the Audit recommendation removes this risk.

5. APPENDICES and BACKGROUND PAPERS

Appendix A – Bromsgrove District Council – Private Sector Housing Assistance Policy 2019

6. KEY

AUTHOR OF REPORT

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BROMSGROVE DISTRICT COUNCIL

PRIVATE SECTOR HOUSING ASSISTANCE POLICY 2019

CONTENTS

1 INTRODUCTION	2
2 KEY AIMS	2
3 TYPES OF ASSISTANCE AVAILABLE	3
3.1 MANDATORY DISABLED FACILITIES GRANT.....	3
3.2 DISCRETIONARY DISABILITIES ASSISTANCE	3
3.3 DISCRETIONARY HOUSING ASSISTANCE	4
4 GENERAL PROVISIONS.....	4
5 PERSONS ELIGIBLE FOR HOUSING ASSISTANCE.....	5
6 WHERE ASSISTANCE WILL BE RESTRICTED.....	5
7 SUPERVISION OF WORKS.....	8
8 PAYMENT OF ASSISTANCE	8
9 SECURITY & REPAYMENT OF ASSISTANCE.....	9
10 ENQUIRIES & APPLYING FOR HOUSING ASSISTANCE.....	9
11 ADDITIONAL CONDITIONS	11
12 BREACH OF UNDERTAKINGS	11
13 DEATH OF THE APPLICANT.....	12
14 DECISIONS, NOTIFICATIONS & REDETERMINATIONS.....	12
15 REVIEW OF THE COUNCIL'S DECISION.....	13
16 MANDATORY DISABLED FACILITIES GRANTS (DFG)	13
17 DISCRETIONARY DISABLED FACILITIES GRANT	15
18 MINOR ADAPTATIONS/HANDYPERSONS SERVICE TOP-UP.....	15
19 DEMENTIA DWELLINGS GRANT.....	16
20 HOSPITAL DISCHARGE SCHEME	17
21 CEILING TRACKING & HOISTS	18
22 HOME REPAIR ASSISTANCE LIFETIME LOANS (HRA LTL)	18
23 ENERGY EFFICIENCY SCHEME	19

1.Introduction

The Regulatory Reform (Housing Assistance)(England and Wales) Order 2002 requires all Councils to adopt and publish a policy outlining how they intend to exercise powers set out within the legislation , to include use of government funding received through the Better Care Fund, to meet both national aims , outcome measures, metrics and local needs in addition to locally funded forms of assistance.

The policy is designed to contribute towards the Council's strategic aims and objectives by assisting with:

- a) The improvement of housing quality in all tenures
- b) Enabling people to stay in their home as they get older and provide disabled persons with maximum ability around their homes
- c) Renovating unfit houses and bringing empty properties back into use
- d) Improving energy efficiency and eliminating fuel poverty
- e) Improvement of social care, health and social wellbeing

2.Key Aims

The key aims are to address the issue of vulnerable persons or persons on low incomes who either cannot afford to maintain their properties in good repair or who cannot fund essential adaptations required in order that they might fully utilise their home, benefit from safe and decent housing and retain their independence. This will include;

- Increasing the number of vulnerable persons who are able to live independently at home
- Reducing the number of persons and particularly vulnerable persons living in homes that have category 1 and serious category 2 hazards (as set out within the Housing Act 2004)
- Increasing the number of empty properties brought back into use , particularly where that accommodation can be used to reduce homelessness, or for use as temporary accommodation
- Reducing the number of households in fuel poverty

The Council will consider in all cases a person's ability to repay or contribute towards the assistance given whether under a mandatory requirement or as a criteria set within any

discretionary form of assistance. The council will provide in writing the conditions and any obligations to which any form of assistance provided is subject.

The Council will consider all applications for assistance on their merits however all cases will be assessed against the following criteria:

- All available options, including but not restricted to financial, have been fully explored
- Assistance through other means is not reasonably available or practicable
- The proposal fits the strategic aims of the council and/or national aims
- The proposal is economically viable considering the council resources available

The council will review this policy on a regular basis to changing policies at a national or local level or to reflect evidence concerning the conditions of housing within the District.

3.Types of Assistance Available

The types of financial assistance offered, are set out below and will remain so until a further Housing Assistance Policy is published. All are discretionary, except Mandatory Disabled Facilities Grant and are subject to the council having sufficient resources.

The Policy grants discretion to extend or amend eligibility criteria, level of grant or assistance and scope of works where the situation is exceptional and, in the opinion of the Head of Community Services assistance would help the Council meet its strategic housing objectives and/or Better Care Fund metrics.

3.1 Mandatory Disabled Facilities Grants :

These are mandatory grants to support the provision of adaptations to promote independent living within the home, subject to the provisions of the Housing Grants, Construction and Regeneration Act 1996.

3.2 Discretionary Disabilities Assistance:

The following are discretionary forms of assistance enabled through the central government Better Care Fund allocation, subject to the primary requirements of Mandatory Disabled Facilities Grant being firstly met:

- **Discretionary Disabled Facilities Grant-** To enable top-up funding to a DFG scheme that exceeds the Mandatory Disabled Facilities Grant maximum where the additional costing is considered justifiable.
- **Minor Adaptations Top Up**– Top-up funding to support adaptations exceeding the maximum assistance available through the Minor Adaptations/Handyman Service to reduce necessity for full Disabled Facility Grant application.

- **Dementia Dwellings Grant-** to assist persons with dementia with specialised living aids to enable independent and safe living.
- **Hospital Discharge Scheme** – For fast-tracked and non-means tested works to the home to enable earlier hospital discharge where problems in the home are identified as a possible reason for delayed discharge.
- **Ceiling Tracking & Hoists-** Top-up funding to support the provision of Ceiling Tracking and Hoist equipment required to meet the needs of a disabled person, administered through the Integrated Equipment Service.

3.3 Discretionary Housing Assistance:

The following are discretionary forms of assistance enabled through powers granted under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002, funded by the council own resources and subject to the availability of such funding:

- **Home Repair Assistance Lifetime Loans-** to assist homeowners with essential repairs to address category 1 and serious category 2 hazards
- **Bromsgrove Energy Efficiency Scheme** – to assist homeowners to address inefficient heating systems and improve the thermal performance of their homes.

4. General provisions

The provision of assistance other than Mandatory Disabled Facilities Grants is subject to the availability of funding. All applications will be considered based on the identified needs and circumstances of the applicant or household.

Housing Assistance may be offered in a variety of forms including, but not restricted to , financial assistance, advice, provision of materials, carrying out of works, and loans. Advice offered may include Housing Options advice to ensure the most appropriate option for the applicant or household is considered and may include advice on housing rights, benefits entitlement, repairs or improvements, energy efficiency, re-housing or signposting to other agencies or services.

The Council may enter into partnership or contractual arrangements with other organisations or agencies in order to deliver assistance in an effective and timely manner, such as a Home Improvement Agency or Energy Advice Service. The Home Improvement Agency is engaged to provide support to applicants throughout the process of seeking assistance and this may include identification of options, specifications, documentation, engagement of contractors, works supervision and monitoring through to completion.

Where assistance is provided the eligible costs will include necessary associated costs such as Building and Planning Fees, Architect and other professional fees and Home Improvement Agency/Energy Advice Service fees.

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

5. Persons Eligible for Housing Assistance

Only if assistance through other means is not reasonably available or practical will the council offer Housing Assistance.

Any person who makes an application for Housing Assistance must;

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

6. Where Assistance will be restricted

The following will not be eligible for assistance:

1. Where ownership of the property is disputed.
2. Where the owner(s) has a statutory duty to carry out the necessary works and it is reasonable in the circumstances for them to do so.
3. The Council will not consider an application for assistance in respect of premises built or converted less than 10 years prior to the date of the application, except where:
 - (i) The application relates to means of escape from fire and other fire precautions for Houses in Multiple Occupation.
 - (ii) The application is for a Disabled Facilities Grant.

4. No assistance will be given in respect of properties owned by Statutory Authorities or trusts. This includes properties owned by Registered Social Landlord, NHS Trusts and Police Authorities, except in the case of a Disabled Facilities Grant (Mandatory or Discretionary), Dementia Dwellings Grant, Minor Adaptations Top-Up or Hospital Discharge Scheme..
5. Where the residence is not regarded as permanent.
6. No assistance will normally be given for work started before formal approval of an application, except that:
 - (i) The Council may in exceptional circumstances exempt an application from this condition for example where a defect may present a serious risk to health and safety.
 - (ii) The Council may, with consent of the applicant, treat the application as varied so exclude any works that have been started before approval.
7. Grant assistance will not normally be provided for works covered by insurance. Where, before a grant for assistance is approved it is found that an applicant can make an insurance claim, the insurance company will be requested to confirm in writing the level of their liability, if any. The level of housing assistance will be reduced by an amount equivalent to the insurance company's liability. Where housing assistance is approved , a condition will be imposed requiring the applicant to pursue any relevant claim against an insurance company or third party for;
 - a) Claims for personal injuries where the works are required under a Mandatory Disabled Facilities Grant.
 - b) Claims on the applicant's property insurance or on a third party where the application where the application is in respect of works for which financial assistance has been given and to repay the financial assistance provided out of the proceeds of such a claim.
8. The Council will assess whether the scope of the works are reasonable and eligible, in particular having regard to the age, condition and structural layout of the property.
9. The Council will determine whether prices provided by contractors meet value for money. In determining this, the Officer will give consideration to similar jobs priced within the last year. The Officer may liaise with the relevant body or contractor to check the specification and any estimates, as part of the procurement procedure.
10. In the event that the Officer believes the price for contracts are too high and identifies an appropriate price for this work (which is lower) they will advise the client that the total eligible assistance will be the lower amount. The client is under no obligation to use the lower priced contractor but must be aware the Council will only make a grant or assistance payment up to the value of the lower price.
11. In the case of an application for Disabled Facilities Grant where the client chooses to pursue a different scheme of work's or an enhanced scheme of works the client will be advised the Council will only provide assistance to the value of the scheme of works the Officer has determined would otherwise satisfy the basic primary requirement(s)

- identified by the report of the Occupational Therapy Service, subject to the Officer being satisfied the clients preferred scheme will also satisfy the primary requirements.
12. The Council may refuse any application for assistance lacking the required information or documentation.
 13. Where the client deviates from the scheme of work(s) submitted and subsequently approved by the Council without prior consultation with, or agreement of, the Officer the Council may rescind the approval or refuse to make any further payment of assistance. The Council may also seek to recover any interim assistance payments previously made against the approved scheme.
 14. If the applicant is an owner of the dwelling in respect of which Housing Assistance has been approved and ceases to be the owner before the works are completed the applicant must repay to the Council on demand the total amount of Housing Assistance that has been paid.
 15. Where a grant condition imposes a liability to repay the Housing Assistance, or a part thereof, the condition will be registered by the Council as a Local Land Charge.
 16. Where Housing Assistance has been approved the works must be completed within 12 months of the approval date, except where an extension of time, not exceeding 6 months has been agreed by the Council. Where no extension is agreed the Council may rescind the approval or refuse to make any further payment of assistance. The Council may also seek to recover any interim assistance payments previously made against the approved scheme.
 17. In the case of common parts of a dwelling the Council will only consider assistance for the reasonable sum or proportion of the applicant's liability. The applicant must prove a repairing liability for the common parts.
 18. The Council may, where financial or operational demands dictate, defer payment of a Disabled Facilities Grant for a period not exceeding 12 months. Any deferment will be detailed in the approval notice.
 19. The provision of Housing Assistance is allowed for caravans and houseboats used as a main residence, subject to meeting other eligibility requirements. Holiday residencies, caravans on holiday sites or sites with restricted occupancy, second homes (as defined by Council Revenues criteria) and sheds, outbuildings or appurtenances will not qualify for Housing Assistance.
 20. The Council will include the costs of additional warranty years on specialised equipment to a maximum of two additional years beyond the standard warranty, however it reserves the right to exclude the provision of additional warranty at any time subject to the availability of finances.
 21. The Council recognises that this policy cannot cover every likely situation and there may be persons who genuinely are in need of some form of urgent support that are precluded from accessing Housing Assistance due to a specific aspect. In these situations the Council may consider offering assistance in exceptional circumstances, in

particular where support would help the Council meet its strategic objectives, as determined by the Head of Service in consultation with the relevant Portfolio Holder.

7. Supervision of Works

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

All work must be undertaken :

- a) In accordance with manufacturers recommendations and best practice.
- b) In accordance with and to the satisfaction of the Council .
- c) In accordance with building, planning and installation regulations where applicable and Health and Safety regulations.

Payment of grant/assistance will be made, in whole or by part payments, on receipt of contractors invoice following satisfactory completion of the eligible work as determined by the Council's Officer or its appointed Agent.

8. Payment of Assistance

The Housing Assistance will only be paid if

- (i) The assisted works are completed within 12 months from the date of the approval unless the delay was caused by the Council or its appointed Agency.
- (ii) The assisted works are carried out in accordance with the specifications set out in the formal approval or as varied with the prior agreement of the Council.
- (iii) The assisted works are carried out to the satisfaction of the Council or its appointed Agency and the applicant.
- (iv) The Council are provided with an invoice, demand or receipt for payment in an acceptable format.

Invoices must be addressed to the applicant c/o the Council or its appointed agency and must contain sufficient detail for the Council to identify in full, the works carried out, the price charges and any variations previously agreed with the Council or its appointed Agency, and must not be provided by the applicant or a member of his/her family.

The payment of the Housing Assistance to the contractor may be made via the applicant, or, where requested within the original application, paid directly to the contractor engaged by the applicant.

The Housing Assistance may be paid in one lump-sum on satisfactory completion of the works or by staged payments as the work proceeds. Stage payments (Interim payments) will only be made where the Council is satisfied that the value of work completed exceeds

the value claimed. A maximum of three stage payments and final payment will be considered,

The Council will not enter into any form of contract with a builder or contractor, and, in the absence of any Agency agreement with the applicant, it is a matter for the applicant to agree any contract with the builder or contractor. Whilst the Council's Standing Orders on procurement do not directly apply as no contract exists with the Council, the principles of the Standing Orders will be referred to for determining the administration of procedures regarding the obtaining of quotes, etc.

9. Security and Repayment of Assistance

Where a grant condition imposes a liability to repay the Housing Assistance, or a part thereof, the condition will be registered by the Council as a Local Land Charge.

The Council will recover grant/housing assistance monies in full if the relevant conditions of the assistance are not met. Where not already a requirement of the specific terms of the housing assistance granted, a local/legal land charge may be entered against the property for the purpose of debt recovery.

If an application is approved but it subsequently appears to the Council that the applicant (or one of two or more joint applicants) was not, at the time the application was approved, entitled to receive the assistance approved, then no payment, or further payments, of assistance will be made and the Council may seek to recover immediately any payments made together with interest accruing from the date of payment.

The Council may, at its discretion determine to require repayment of a lesser sum than the full amount of Housing Assistance.

10. Enquiries and Applying for Housing Assistance

Applicants are not obliged to use the services of the Council's appointed agent/home Improvement Agency.

All applications must be on a form provided by the council and must include the following documentation:-

- (i) Where the estimated cost of the works is between £0-£3000 two competitive quotations are required set out against the itemised schedule of works for which housing assistance is sought and submitted to the council. Where the estimated cost of the works is between £3001-£25000 three competitive quotations set out against the itemised schedule of works. However, where the application is being coordinated through the Council's appointed Home Improvement agency then the procurement frameworks approved by the council will be used.

- (ii) Particulars of the work to be carried out including, where appropriate, plans, specifications and specialist reports. This should include the complete scheme in cases where the whole scheme exceeds that which is eligible for Housing Assistance.
- (iii) Details of any professional fees or charges relating to the work and for which assistance is being sought.
- (iv) Proof of ownership of all land and buildings pertaining to the application from a solicitor or mortgagee, or copies of the title deeds/land certificate, or a copy of the tenancy agreement or licence to occupy in the case of a tenanted property.
- (v) Proof of occupation and/or tenancy where applicable.
- (vi) Proof of a qualifying pass-porting benefit is being claimed.
- (vii) Where no pass-porting benefit is received, full financial documentation including but not limited to income received, benefits received, savings, pensions and where applicable rental income from tenants and boarders.
- (viii) Where applicable, permission of co-owners and landlords
- (ix) A VAT exemption form where the applicant or relevant person is registered disabled or capable of being registered.
- (x) A signed conditions form accepting the obligation to repay the housing assistance in the event of any breach of the relevant conditions concerning future occupation, letting or ownership.
- (xi) If required, permission under any statute including but not limited to, planning permission, Building Regulation approval, Party Wall Act, etc.

Applications relating to the disabled or infirm will require an assessment report from the Occupational Therapy Service or similar medical professional.

An application will only be considered complete or valid when the council has all the information necessary in order to make a decision on the application.

Persons wishing to pursue Housing Assistance or a Disabled Facilities Grant where a test of resources applies, will be required to complete a means test assessment to confirm whether they are eligible or need to make a contribution towards the cost of the works. This can be conducted prior to submitting an application where the council's appointed agent/Home Improvement Agency is acting for the potential applicant.

Where a person decides to continue with an application, then an inspection of the property will be made and where appropriate to proceed a schedule of works drawn up. The schedule will specify the works to be carried out as a requirement for financial assistance and will be used by the applicant to obtain quotations from builders and/or specialist suppliers.

Where an applicant uses the councils appointed agent/Home Improvement Agency to undertake the application the relevant agency fee will be included in the eligible costs.

The council reserves the right not to assist the applicant in the same manner as it's appointed agent/Home Improvement Agency would provide where the applicant chooses not to utilise the appointed agency and to submit an application directly to the council.

Once approval has been given the applicant has 12 months from the date of the approval in which to complete the works, unless otherwise stated.

11. Additional Conditions

The Council reserves the right to impose additional conditions when making a grant/housing assistance approval. These may include but are not restricted to:

- (i) A contribution to the cost of the assisted works by the applicant.
- (ii) Housing accommodation being maintained in repair after completion of the assisted works.
- (iii) The right of the Council to recover specialised equipment when no longer needed.

12. Breach of Undertakings

Where an owner occupier has given a signed undertaking to occupy a property as his/her principle residence after completion of the assisted works for a period of time, and if they cease to do so during that time , they will repay on demand to the Council the total amount of Housing Assistance paid out.

Where a landlord (or owner) has given a signed undertaking that the property will be available for letting for a period specified after completion of the assisted works, and if the landlord ceases to make the relevant property available for letting during the specified period then the landlord will repay on demand to the Council the total amount of Housing Assistance paid out.

Where the Council has the right to demand repayment but extenuating circumstances exist, the Council may determine to waive the right to repayment or to demand a sum less than the full amount of Housing Assistance paid out.

In the case of a Disabled Facilities Grant where a 10 year conditional repayment obligation exists and the recipient intends to dispose of the property by sale, assignment, transfer or otherwise within the 10 year period , the charge must be repaid, unless the Council , having considered :

- i) the extent to which the recipient of the assistance would suffer financial hardship were he/she to be required to repay all or some of the grant or charge;
- ii) whether the disposal of the property is to enable the recipient to take up employment, or to change the location of his/her employment;

- iii) whether the disposal is made for reasons connected with the physical or mental health or well-being of the recipient of the assistance or of the disabled occupant of the property; and
- iv) whether the disposal is made to enable the recipient of the assistance to live with, or near, any person who is disabled or infirm and in need of care, which the recipient of the assistance is intending to provide, or who is intending to provide care of which the recipient of the assistance is in need of by reason of disability or infirmity,

is satisfied that it is reasonable in the circumstances to waive or reduce the repayable sum.

13. Death of the Applicant

If the applicant should die before the Housing Assistance is approved, the application will be treated as withdrawn.

If the applicant should die after approval of the Housing Assistance or whilst the approved works are in progress, the Council may, at its discretion agree to completion or making good of the works and pay the Housing Assistance in full, or an appropriate proportion of the approved sum relative to the works completed.

Where an applicant receiving Disabled Facilities Grant assistance dies following completion of the works but prior to the expiry of the ten year local land charge the Council will seek repayment of the sum on charge from the applicant's estate if a disposal by sale, transfer or other change in ownership or tenure takes place.

14. Decisions , Notifications and Redeterminations

The Council will notify the applicant in writing when their application has been approved or refused. The decision will be notified as soon as reasonably practical and in any event no later than six months after receipt of a full and valid application.

If the application is approved, the notification will specify the eligible works, the value of the assistance and the builder/contractor who will execute the works. In the case of a Disabled Facilities Grant the Council may, where financial or operational demands dictate, defer payment of the assistance for a period not exceeding 12 months. Any deferment will be detailed within the grant approval notice.

If the application for Housing Assistance is refused, the Council will give the reasons for the refusal and confirm the procedure for appealing the decision.

Where Housing Assistance has been approved and the Council are satisfied that through circumstances beyond the control of the applicant which could not have reasonably been foreseen, the cost of the assisted works has either increased or decreased, the Council may,

at their discretion re-determine the assistance given and notify the applicant accordingly by issue of a re-approval notice.

Additional works or deviations from the approved works carried out without prior approval of the Council will not be considered for any increased financial assistance and would remain the responsibility of the applicant to fund.

15. Review of the Councils Decision

Any person having made a valid application for Mandatory Disabled Facilities Grant or Discretionary Housing Assistance may request a review of the decision not to consider or to refuse an application.

A request for review of must be submitted to the Council with 21 days of the date of the decision letter. The request must be in writing and addressed to the Head of Community Services at Bromsgrove District Council, Parkside, Bromsgrove, B61 8DA. A review of the decision will be undertaken by the Head of Community Services in consultation with the relevant Portfolio Holder and the decision will be notified to the applicant in writing. If the person remains dissatisfied with the review decision they have the right to approach the Local Government Ombudsman.

Any departure from Policy will only be considered where the applicant can demonstrate both wholly exceptional circumstances to justify such a departure but also that the applicant does not have the means by which they could reasonably be expected to otherwise fund and undertake the work.

Complaints about service delivery rather than Policy must be made in writing to the Strategic Housing Manager at the aforementioned address who will investigate the complaint in accordance with the councils Corporate Complaints Procedure which is available on request.

16. Mandatory Disabled Facilities Grants (DFG)

These grants are mandatory under the Housing Grants, Construction and Regeneration Act 1996 and are subject to a statutory test of resources (means test) required to establish whether the applicant is financially able to contribute towards the costs of the eligible scheme.

Disabled Facilities Grants are awarded to enable applicants to have access to and around their homes, or to use essential facilities within the home to enable them to live safely and independently. Mandatory Disabled Facilities Grants can only be given for the purposes set out in the Act.

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

Whilst it is recognised that a Disabled Facilities Grant is a mandatory grant, it is the Council's intention where possible to investigate all housing options that might meet the needs of the applicant in the most cost effective and suitable way before awarding a Disabled Facilities Grant. This could include moving to a more suitable and/or adapted accommodation that may be available to the applicant.

The maximum amount of Mandatory Disabled Facilities Grant is currently £30,000 set by statute. Discretionary Disabled Facilities Grant for costs above £30,000 will not be made available except upon the agreement of the Council, in accordance with this policy and where justified to be the most satisfactory course of action in the circumstances or to have arisen through reasonable and unforeseeable additional works or costs.

The council will endeavour to determine all valid application within 2 weeks of receipt unless further information is required to enable that decision. Where further information or other factors necessitate further investigation of options the council will determine the application at the earliest opportunity within the statutory timescale of 6 months.

Eligible Applicants

- Any applicant registered or capable of being registered under the Chronically Sick & Disabled Persons Act 1970 and requires adaptations to be provided.
- Any disabled person, as described by Housing Grants, Construction and Regeneration Act 1996, s.100. Applicants can be property owners or tenants or some landlords may apply on behalf of tenants.

Qualifying Criteria

- A referral from the Community Occupational Therapist (COT) via Social Services confirming that the works are 'necessary and appropriate' is required. This referral will recommend works.
- Entitlement to a Disabled Facilities Grant is mandatory but before approval the Council has to be satisfied that the relevant works are both necessary and appropriate for the disabled person, and additionally that it is 'reasonable and practicable' to carry out the works.
- A permanent, or long-term in the case of fostering, and legal residence, including dwellings, mobile homes, caravans and houseboats. Second or holiday homes will not be considered for assistance.

Conditions

- Works must qualify as described in s23 of the Housing Grants, Construction and Regeneration Act 1996 (as amended).
- Works must be recommended by a Community Occupational Therapist and be necessary and appropriate to meet the needs of the disabled applicant.
- The works must be reasonable and practicable to carry out having regard to the age and condition of the dwelling or building.
- Applicant will be subject to a financial assessment of resources except where
 - i) the applicant (relevant person(s)) is in receipt of one or more of the following means tested benefits; -Housing Benefit, Income Support, Guaranteed Pension Credit, Income-based Employment Support Allowance (ESA), Income-based Job Seekers Allowance (JSA), Working/Child Tax Credit where income is less than set threshold, Universal Credit
 - ii) The application is in respect of a disabled child.
- Proof of title is required
- Landlord consent to the works is required where applicable.
- Conditions relating to the recovery of equipment in specified circumstances are applied.
- The Council will use its powers to place a local land charge against the property where the Mandatory Disabled Facilities Grant exceeds £5000. The charge may be up to a maximum of £10,000 and repayment of the sum on charge is required where the adapted property is sold, transferred or otherwise disposed of within a 10 year period from completion of the work.

Maximum Assistance

- £ 30,000 (once only)

17. Discretionary Disabled Facilities Grant

Subject to availability of funding the council may consider Discretionary Disabled Facilities Grant. Where Discretionary Disabled Facilities Grant is considered appropriate the discretionary assistance will not exceed £10,000, will be repayable to the Council in full on the sale transfer or disposal of the property and will be registered as a Local Land Charge.

Where works requested are in excess of £30,000 or considered to be unreasonable given the age, construction and/or condition of the property, alternatives to discretionary DFG funding including the following will normally be considered;

- a) Referral to Social Services for their consideration of providing additional resources.
- b) Alternative schemes of work.
- c) Assistance to enable a move to alternative accommodation, with funding for adaptations to the new accommodation.

Maximum Assistance

- £ 10,000 (once only)

18. Minor Adaptations /Handypersons Service Top-Up

Subject to availability of funding the council will consider providing top-up funding to adaptations provided by the AgeUK Handyman Service, for homeowners and private tenants. Work exceeding the Handyman Service maximum of £1000 may be topped-up to a maximum cost of £2000.

This discretionary assistance prevents minor schemes of adaptation to proceed without the need for an application through the Disabled Facilities Grant process which may be disproportionate to the scale of funding required and unduly delay provision of the required adaptations. A Local Land Charge is not applicable and only one application per household is allowed in any 5-year period.

Maximum Assistance

- £ 1000 (only one application per 5 year period)

19. Dementia Dwellings Grant

Subject to availability of funding the council will consider providing non means-tested assistance to provide aids and adaptations in the home designed to enable people with memory loss or a diagnosis of dementia to manage their surroundings, retain their independence and reduce feelings of confusion.

It is a free service which is run through AgeUK and provides a range of measures which can include such items as night lamps, touch lamps, dementia clocks, illuminated switches and key safes.

Eligible Applicants

- A referral from the Early Intervention Dementia Team Service (EDTS) or AgeUK Dementia Team.
- The grant offer will be a combination of standard and bespoke products based around an assessment of individual need.

Qualifying Criteria

To apply for this assistance you will need to:

- Have been diagnosed with dementia or suffering from recognised memory loss affecting day-to-day independence.

- Be referred by a Worcestershire GP, OT, EDTS, AgeUK or any Dementia Carers Association, to the Home Improvement Agency, regardless of tenure.
- Live at home.

Initial contact will be with AgeUK who will arrange for a visit by the Dementia Advice Service. The Dementia Advisor will survey the home and assess individual need. Products will be provided and those requiring installation will be installed via AgeUK Independent Living Service Handyperson.

Conditions

- Works must relate to the applicants dementia/memory loss needs.
- Assistance only available where it will aid the applicant to remain at home independently for a longer period.
- Only one application for assistance will be considered up to a maximum of £750 within any 2 year period. Exemption to this condition is at the discretion of the Head of Community Services subject to justifying circumstances.
- The works must be completed within 12 months of the date of approval.

Maximum Assistance

- £ 750.00

20. Hospital Discharge Scheme

Subject to availability of funding this assistance is intended to aid timely discharge from hospital and help avoid re-admission.

Eligible Applicants

- Recognised disabled persons as described by Housing Grants, Construction and Regeneration Act 1996, (as amended) and
- in receipt of one or more of the following means tested benefits : Income Support, Guaranteed Pension Credit, Income-based Employment Support Allowance (ESA), Income-based Job Seekers Allowance (JSA), Working Tax Credit, Universal Credit, Housing/Council Tax Support (not including single person or disabled person discount).

Qualifying Criteria

- The property is the applicant's permanent and legal residence.
- Urgent minor adaptations that qualify under the Housing Grants, Construction and Regeneration Act 1996, (as amended)

Conditions

- All works must relate to the applicants medical needs.
- Assistance will only be considered where a delay in provision of the necessary adaptations will cause and unreasonably delay release of the patient from primary care, or where an unreasonable delay in provision of the necessary works will cause a relevant person to be admitted to primary care.
- Assistance cannot exceed a maximum of £ 5000

Maximum Assistance

- £ 5000

21.Ceiling Tracking and Hoists

Subject to availability of funding this assistance is intended to meet the costs of providing fixed ceiling tracking and track –mounted hoists where these do not form part of a Mandatory Disabled Facilities Grant new-build scheme. Where costs are below £1000 this equipment is provided by Worcestershire County Council Adult Social Care. This assistance will apply where the equipment and installation cost exceeds £1000.

Ownership of equipment installed through this assistance is transferred to Worcestershire County Council Adult Social Care including future maintenance and servicing costs, and equipment can be removed and recycled when no longer required, including making good to ceilings and décor where equipment is removed .

This is discretionary assistance and funded will be via an annual sum transfer to Worcestershire County Council Adult Social Care / Integrated Community Equipment Service (ICES) based on projected demand.

22. Home Repair Assistance Lifetime Loans (HRA LTL)

This discretionary assistance is intended to ensure that vulnerable persons remain in their homes in safe, warm and healthy conditions. It is available to home owners that do not have sufficient financial resources to maintain their homes in a safe, health enabling condition free of serious defects or hazards. The assistance is repayable on sale, transfer or disposal of the property and does not accrue interest charges.

Eligible Applicants

- Owner occupiers or private tenants with a repairing responsibility, having savings of less than £16,000 and in receipt of one or more of the following means-tested benefits:- Income Support, Guaranteed Pension Credit, Income-based Employment Support Allowance (ESA), Income-based Job Seekers Allowance (JSA), Working Tax Credit, Universal Credit, Housing/Council Tax Support (not including single person or disabled person discount).

Qualifying Criteria

- The property is the applicant's permanent and legal residence.
- The property is in need of essential repairs as determined by the Housing Act 2004 to address Category 1 or significant Category 2 hazards as determined under the Housing Health & Safety Rating System, in order to make the property safe, warm, weatherproof and healthy for the occupants. In exceptional circumstances this may include works in default as part of enforcement action.
- No assistance will be granted in respect of properties built or converted less than 10 years prior to the application date.

Conditions

- Only one application for assistance will be considered up to a maximum of £ 10,000 within any 5 year period. Where exceptional circumstances exist this condition may be relaxed at the discretion of the Head of Community Services.
- Assistance is repayable in full to the council on sale, transfer or other disposal of the property. A Local Land Charge will be placed on the property for this purpose.
- The applicant must have lived at the property for a minimum of 12 months immediately prior to the application date as his/her sole permanent residence.
- The approved works must be completed within 12 months of the date of approval.
- Where the works are in respect of common parts or group repair assistance will only be considered to a reasonable sum or proportion of costs reflecting the applicant's liability.

Maximum Assistance

- £ 10,000 (within 5 year period)

23. Energy Efficiency Scheme

This discretionary assistance is intended to assist homeowners that are in or at risk of fuel poverty, to improve or maintain the energy efficiency of their property and heating system where other funding streams are not available or inappropriate to the needs of the homeowner. Application, installation and follow-up services are managed by the councils appointed Energy Advice Agency.

Eligible elements of work can include, but are not restricted to, the following;

- i) First-time central heating systems (not solid fuel)
- ii) Replacement of inefficient or defective heating systems including boilers, radiators, control elements, etc
- iii) Loft and/or cavity wall insulation

Eligible Applicants

- Any homeowner with inadequate or inefficient heating or loft or cavity wall insulation, where works to improve or enable improvement of the heating system and/or insulation of the loft and cavity wall are recommended by the councils appointed Energy Advice Agency.
- Any homeowner with broken or faulty heating that can be economically repaired, as recommended by the councils appointed Energy Advice Agency.
- Any homeowner with a heating appliance that has not been serviced within the last 12 months, where servicing is recommended by the councils appointed Energy Advice Agency.

Qualifying Criteria

- The household must meet criteria prescribed by the Council taking account of current national or local guidance in respect of both fuel poverty criteria and financial qualification criteria. Criteria may be reviewed annually or as required in line with changes to national or local guidance.
- Eligible criteria includes the following means-tested benefits; Income Support, Guaranteed Pension Credit, Income-based Employment Support Allowance (ESA), Income-based Job Seekers Allowance (JSA), Working Tax Credit, Universal Credit, Housing/Council Tax Support (not including single person or disabled person discount). In cases where there is proven fuel poverty and high vulnerability to cold and where exceptional circumstances exist specific criteria may be waived or varied at the discretion of the Head of Community Services.
- Financial eligibility does not take account of Personal Independence Payments or Disability Living Allowance.
- There must be no other funding available or appropriate to meet the needs of the household. Where alternative funding can be accessed but does not meet the full cost of eligible work Energy Efficiency Scheme funding may be granted to meet the funding shortfall.
- Should the household have savings, these should be used towards the cost of works subject to disregard of the first £6000 of savings. In such cases Energy Efficiency Scheme funding may be granted to meet the funding shortfall.
- To qualify for replacement, boilers must be F or G rated or broken beyond economic repair.

Conditions

- The applicant must have owned and occupied the property for at least 12 months prior to the application, except where occupation is by virtue of perpetuity without ownership, under testacy arrangements.
- A £250 contribution in the case of heating installation replacements or first-time central heating provision and a £50 contribution in the case of insulation works only is required. Where exceptional circumstances exist this condition may be waived at the discretion of the Head of Community Services.
- Carbon monoxide alarm to be included with all heating works where carbon monoxide poisoning is a recognised risk.
- The assistance to be paid directly to the contractor on behalf of the resident on receipt of proof of satisfactory completion of works via the councils appointed Energy Advice Agency.

Maximum Assistance

Agenda Item 6

- £ 5000.00 per property for heating replacements or first-time central heating and associated work.
- £300.00 per property for economic repairs to existing heating systems.
- £75.00 once-only grant for a heating system service.

The Private Sector Housing Assistance Policy 2019 shall apply from May 1st 2019 until such time as it is amended or superceded.

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Response of BDC on Solihull Draft Local Plan Supplementary Consultation

Relevant Portfolio Holder	Councillor Kit Taylor
Portfolio Holder Consulted	Yes
Relevant Head of Service	Ruth Bamford
Wards Affected	All Wards
Ward Councillor Consulted	No
Non-Key Decision	Yes

1. SUMMARY OF PROPOSALS

- 1.1.1 Solihull Metropolitan Borough Council (SMBC) have published the Solihull Local Plan Review supplementary consultation. It is requested that the officer response as summarised below and included in full at appendix A, is endorsed by BDC members. Due to the deadline of the representations period, the initial response has been submitted as an officer response.

2. RECOMMENDATION

- 2.1 That cabinet endorses the officer response to the Solihull Local Plan Review supplementary consultation (as attached at Appendix A)
- 2.2 That Cabinet recommends to Council, that the officer response to the Solihull Local Plan Review supplementary consultation, be approved by Council as its formal response, and that it is confirmed with SMBC as such.

3. KEY ISSUES

Financial Implications

- 3.1 There are no direct financial implications associated with this report.

Legal Implications

- 3.2 There are no direct legal implications associated with this report, although it is important that the Bromsgrove District Council respond to relevant consultations from other Local planning authorities, to ensure the Councils views are fed into all stages of the plan making process. In due course the Council will be required to agree a statement of Common Ground with SMBC over the content of their plan.

Service / Operational Implications

Cabinet

10th April 2019

Summary of Response - Solihull Draft Local Plan Supplementary Consultation

- 3.3 At this stage the response to SMBC focuses on two key areas, the wider contribution SMBC are making to the Birmingham and Black Country Housing Market Area (HMA), and the infrastructure provision required to support the allocations in the Plan. The response is very similar to a previous BDC response submitted in 2017
- 3.4 In simple terms SMBC haven't established their position with regards to the contribution they will be making over and above their own needs to the wider HMA, this decision has been left to the pre submission version of the plan. It is the view of BDC officers leaving a decision on such a key element of the plan to so late in the process is not appropriate, and should be addressed in advance of the pre-submission version.
- 3.5 With regards to the infrastructure provision at this stage, as at the previous stage, it is unclear what the infrastructure requirement and proposed provision will be to support the development sites included in the plan. This is a key concern to BDC as some sites are close to the BDC border in the Wythall/Hollywood area of the district. The response stresses the need for full information to be provided for the next stage of the plan process in order for BDC to understand how the impacts of any development will be mitigated.

Customer / Equalities and Diversity Implications

- 3.8 There are no Customer / Equalities and Diversity Implications associated with this report.

4. RISK MANAGEMENT

- 4.1 The risks associated with not submitting a representation is that BDCs views will not be taken into account by SMBC when preparing the next version of their plan.

5. APPENDICES

Appendix A – BDC response to SMBC

AUTHOR OF REPORT

Name: Mike Dunphy
Strategic Planning and Conservation Manager
E Mail: m.dunphy@bromsgroveandredditch.gov.uk
Tel: 01527 881325



Policy and Spatial Planning
Solihull MBC
Council House
Manor Square
Solihull
B91 3QB

strategicplanning@bromsgroveandredditch.gov.uk

15th March 2019

Dear Sir / Madam,

Solihull Draft Local Plan Supplementary Consultation

Bromsgrove District Council Consultation Response

Bromsgrove District Council (BDC) welcomes the opportunity to comment on the Solihull Draft Local Plan Supplementary Consultation. This response represents an informal view at this stage.

BDC has read the Supplementary Consultation (January 2019) with interest and wishes to comment on the parts of the draft plan that are relevant to the district and the wider Greater Birmingham Housing Market Area (GBHMA). Our comments draw on those made to your earlier Draft Local Plan (2016) consultation, which raised concerns over the consideration of the wider housing needs of the GBHMA and the allocation of sites in the vicinity of Bromsgrove District and the resulting potential cross boundary impacts of developing these areas.

Duty to Co-operate Issues

Paragraphs 25-29 of the consultation document relate to the Duty to Co-operate and we welcome recognition of this. However, it is noted that Paragraph 27 in particular acknowledges previous consultation representations that Bromsgrove District Council (amongst others) has submitted. This being that there is no clear justification as to why 2,000 dwellings was chosen as the figure Solihull could accommodate towards the GBHMA shortfall.

As we have stated previously, it is important to ascertain how any contribution, 2000 dwellings or otherwise, has been arrived at and how it has been concluded that this is an 'appropriate proportion'. This figure was not agreed by the Greater Birmingham and Black Country Authorities and therefore, the 2,000 dwellings contribution from SMBC cannot be considered to have been formally agreed and is not a firm basis on which to progress a sustainable development strategy and site allocations. This is a fundamental issue that would need to be set out within a Statement of Common Ground in accordance with the Duty to Co-operate Requirements within the Revised National Planning Policy Framework. Any contribution towards meeting the shortfall from the GBHMA should have support of the GBHMA authorities and should be based on an apportionment methodology.

Despite this, we note that Paragraph 29 of the consultation document still refers to Solihull's contribution towards the GBHMA shortfall as 2,000 dwellings, but with the potential for this to be revised at submission draft stage remaining. Furthermore, Paragraph 51 affirms that the consultation is not seeking views on any potential addition that the Council may make towards the GBHMA shortfall and that the Council will incorporate its response to the Strategic Growth Study at submission stage. We are concerned that there has been little change in this position over the 2016-2019 time period.

It is considered that submission stage is too late on in the process to address the Borough's contribution to the GBHMA housing shortfall as this will have significant connotations for the overall development strategy and could also have knock on effects on neighbouring areas. Furthermore, it is imperative that any increase in the overall dwelling figures is subject to options testing and sustainability appraisal. We therefore urge SMBC to progress a Statement of Common Ground to establish the appropriate figure to meet the GBHMA shortfall prior to submission stage.

Proposed Allocations and Site Selection Methodology

SMBC will be aware that BDP has previously raised a number of concerns relating to its proposed site allocations adjacent to the District's north eastern boundary and the potential cumulative impacts that this could have on settlements in Bromsgrove in particular Wythall and Hollywood. We wish to reiterate that these concerns still stand and again would request that these are fully addressed prior to submission stage under the Duty to Co-operate requirements.

It is noted that with regard to proposed site allocations at Blythe (Dickens Heath, Cheswick Green & Tidbury Green), Paragraph 118 states "As a whole the villages benefit from some key facilities and Whitlock's End Station has been upgraded with 3 services per hour to Birmingham and Stratford. However, the wider sub area suffers from poor public transport provision with limited bus services between settlements, which perpetuates travel by private car." (Our emphasis)

It is imperative that public transport improvements are sought as well as highway capacity improvements as this could have adverse impacts on the communities to the north east of Bromsgrove District such as Wythall & Hollywood. We have also previously cited concerns relating to the potential impact on other components of infrastructure for example schools and GP surgeries within these settlements. There appears to be little in the consultation document that begins to address these potential impacts, and it is considered that a great deal of evidence based work is still needed with regards to infrastructure requirements and provision.

Officers from the Council will be more than willing to meet with SMBC representatives to try and ensure that the issues outlined above are addressed through the progression of a Statement of Common Ground.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'R. W. J.', written in a cursive style.

Agenda Item 7

Ruth Bamford
Head of Planning and Regeneration
Bromsgrove and Redditch Councils

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CABINET

10 APRIL 2019

NOMINATION OF AN ASSET OF COMMUNITY VALUE

Relevant Portfolio Holder	Cllr Kit Taylor
Portfolio Holder Consulted	Yes
Relevant Head of Service	Ruth Bamford – Head of Planning & Regeneration
Wards Affected	
Key Decision – N/A	

1. SUMMARY OF PROPOSALS

To consider whether to support a nomination to list Wythall House and Park an Asset of Community Value [“ACV”].

2. RECOMMENDATIONS

That Cabinet, as consultee, consider the contents of the report and decide to either:-

- (a) Support the listing of Wythall House and Park as an Asset of Community Value; or**
- (b) Not support the listing of Wythall House and Park as an Asset of Community Value**

3. KEY ISSUES

- 3.1 As Members are aware from previous reports the Localism Act gave communities a right to identify a building or other land that they believe to be of importance to their community’s social well-being and nominate such land / buildings to be registered with the Local Authority as an “Asset of Community Value”.
- 3.2 Registration lasts for six years and if the property comes up for sale, the legislation allows a community group six weeks to express an interest in its purchase and if they do so, there is a six month period within which they can prepare their bid to buy the asset. The property in question can then be sold on the open market. Community groups have the same rights as any other bidders and there is no preference given to the local community bid.
- 3.3 The Council has received a nomination from Wythall Parish Council to list Wythall House and Park as an ACV. The nomination is attached at Appendix 1.
- 3.4 Whereas the regime has generally been to register properties in private ownership, this nomination is unusual in that the land is owned by a

CABINET

10 APRIL 2019

Charity, the Wythall Community Hall Trust and run by Trustees

- 3.5 It has been nominated by Wythall Parish Council, which is a qualifying community entity under the legislation, to make a nomination.
- 3.6 The Parish Council states in its nomination form that its “main aim is to preserve/safeguard Wythall Park by making this application on behalf of all residents of Wythall Parish”. However, nomination lasts for six years and will need to be re-nominated after that time to maintain registration on the ACV register.
- 3.7 The Wythall House and Park meet all of the statutory criteria for listing, as set out at 3.9 below.
- 3.8 Members are reminded that the final decision regarding whether to list an asset rests with the Head of Planning and Regeneration in consultation with the Portfolio Holder for Planning and Regeneration and Cabinet is being consulted by The Head of Planning and Regeneration as part of the consultation process.

Financial Implications

- 3.9 Property owners who believe they have incurred costs as a result of complying with these procedures can apply for compensation from the Council. As previously reported to Council, Government recognises this as a potential risk to local authorities and will provide a safety net whereby any verified claims of over £20,000 will be met by Government. The owners also have a right to appeal the decision made by the Council in agreeing that the building be included on the Assets of Community Value.

Legal Implications

- 3.8 The Localism Act 2011 made provision for a system to list “assets of community value”, giving community groups the right to make nominations, and requiring local authorities to maintain local registers. Detailed rules around the operation of assets of community value are set out in the Assets of Community Value Regulations 2012.
- 3.9 The test for listing an Asset of Community Value as set out in Section 88 (1) of the Localism Act 2011 is as follows:-

“A building or other land in a Local Authority’s area is land of community value if in the opinion of the authority:-

CABINET

10 APRIL 2019

- (a) an actual current use of the building or other land that is not an ancillary user furthers the social well-being or social interests of the local community, and
- (b) it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social well-being or social interests of the local community.”

Service/Operational Implications

- 3.11 There are no specific operational implications for the District. The list of nominated assets is maintained by Land Charges officers and is available on the Council’s Website.

Customer / Equalities and Diversity Implications

- 3.12 None from this report.

4. RISK MANAGEMENT

- 4.1 The ACV register is maintained by the Council to ensure that all assets nominated are included to mitigate any risks associated with assets not being included on the register. Consideration by officers and members will be undertaken at each nomination to ensure a consistent approach is taken.

APPENDICES

Appendix 1 – Nomination Form

AUTHOR OF REPORT

Name: Ruth Bamford
E Mail: r.bamford@bromsgroveandredditch.gov.uk
Tel: (01527) 881202

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BROMSGROVE DISTRICT COUNCIL
ASSETS OF COMMUNITY VALUE – THE COMMUNITY RIGHT TO BID
NOMINATION FORM

Section A: About your organisation

A1 Organisation's name and address

Name of organisation*	WYTHAM PARISH COUNCIL
Address including postcode	COUNCIL OFFICE BEAVINGDEAN ROAD HOLLYWOOD WORCS B47 5DP

**full name as written in your constitution or rules (if appropriate)*

A2 Contact details

Name	PATRICIA HARRISON
Position in organisation	EXECUTIVE OFFICER
Address including postcode	WYTHAM PARISH COUNCIL BEAVINGDEAN ROAD HOLLYWOOD WORCS. B47 5DP.
Daytime telephone no.	01564 823149
Email address	INFO@WYTHAM-PARISH-COUNCIL.ORG.UK
How and when can we contact you?*	WEEKDAYS - 10am - 2pm

**by email or phone, and days of the week and/or times of day you would prefer*

A3 Type of organisation

Description	Put a cross against all those that apply	Registration number of charity and/or company (if applicable)
Neighbourhood forum		
Parish Council	X	
Charity		
Community interest company		
Unincorporated body		
Company limited by guarantee		
Industrial and provident society		

A4 Number of members registered to vote locally (unincorporated bodies only)

In the case of an unincorporated body, at least 21 of its members must be registered to vote in the Bromsgrove District . If relevant, please confirm the number of such members. If they are registered to vote in the area of a neighbouring local authority, rather than in Bromsgrove , please confirm which area that is.

N/A

A5 Local connection

Your organisation must have a local connection, which means that its activities are wholly or partly concerned with the administrative area of Bromsgrove District Council or a neighbouring local authority. In some cases this will be obvious, eg. a parish council in Bromsgrove, or an organisation whose activities are confined to the district. If your connection may not be obvious to us please explain what your organisation's local connection is.

Parish Council within Bromsgrove District Council

A6 Distribution of surplus funds (certain types of organisation only)

If your organisation is an unincorporated body, a company limited by guarantee, or an industrial and provident society, its rules must provide that surplus funds are not distributed to members, but are applied wholly or partly for the benefit of the local area (ie. within the administrative area of Bromsgrove or a neighbouring local authority). If relevant, please confirm that this is the case, and specifically which area this applies to.

N/A.

A7 More about your organisation

What are the main aims and activities of your organisation?

AS A PARISH COUNCIL OUR MAIN AIM
IS TO PRESERVE/SAFEGUARD WYTHALL PARK
BY MAKING THIS APPLICATION ON BEHALF
OF ALL RESIDENTS OF WYTHALL PARISH

A8 Your organisation's rules

Please send us a copy of the relevant type of document for your organisation, and put a cross in the next column to indicate which one this is	X
Memorandum and Articles of Association (for a company)	X
Trust Deed (for a trust)	X
Constitution and/or rules (for other organisations)	X

SPENDING ORDERS OF WYTHALL
PARISH COUNCIL AS PER
CONFIRMATION WITH JAYNE PICKERING

✓

Part B: About the land or building(s) you are nominating

B1 Description and address

What it is (eg. pub, local shop)	COMMUNITY CENTRE / PARK
Name of premises (eg. Post office , Community Centre)	WYTHAM COMMUNITY ASSOCIATION
Address including postcode (if known)	52 SILVER STREET WYTHAM B47 6LZ

B2 Sketch plan

Please include (here or on a separate sheet) a sketch plan of the land. This should show:-

- The boundaries of the land that you are nominating
- The approximate size and position of any building(s) on the land.
- Any roads bordering the site.

B3 Owners and others with an interest in the building or land

You should supply the following information, if possible. If any information is not known to you, please say so.

	Name(s)	Address(es)
Names of all current occupants of the land	WYNHALL COMMUNITY ASSOCIATION	Same as B1.
Names and current or last known addresses of all those owning the freehold of the land (ie. owner, head landlord, head lessor)	Park Hall Trust	
Names and current or last known addresses of all those having a leasehold interest in the land (ie. tenant, intermediate landlord, intermediate lessor)	WYNHALL COMMUNITY ASSOCIATION	

B4 Why you think the building or land is of community value

Note that the following are not able to be assets of community value:-

- *A building wholly used as a residence, together with land "connected with" that residence. This means adjoining land in the same ownership. Land is treated as adjoining if it is separated only by a road, railway, river or canal.*
- *A caravan site.*
- *Operational land. This is generally land belonging to the former utilities and other statutory operators.*

Does it currently further the social wellbeing or social interests* of the local community, or has it done so in the recent past? If so, how?

SEE ATTACHED

Could it in future further the social wellbeing or social interests* of the local community? If so, how? (This could be different from its current or past use.)

**These could be cultural, recreational and/or sporting interests, so please say which one(s) apply.*

Wythall Park includes gardens, planted woodlands, children's playgrounds and areas for casual play and general use.

There are also areas for organised activities, these include the use of three Association football pitches and one Gaelic pitch, an archery range, tennis courts, a bowling green and a dog training area.

Wythall Park is the only park that is accessible to residents of Wythall and it plays a major part in the recreational welfare of the community.

The Park is owned by a Wythall Community Hall Trust, a Registered Charity (No.523212) and is managed by Wythall Community Association (Registered charity No.243332) for the benefit of the local community. The Park is managed and maintained by volunteers.

The buildings under the control of the Trust are Wythall House and Park Hall, both of which are available for and used by local community groups. Other buildings on the site include the Scout Hut, Tennis Pavilion and Archery building, all of which, we understand, are owned by the Trust but leased to the constituent organisations.

The reason for wishing to have the park listed as an asset of Community Value is to ensure that, if due to unforeseen circumstances, such as a lack of funds or volunteers, community action/funding could be investigated to ensure the continued existence of this important community asset.

Section C: Submitting this nomination

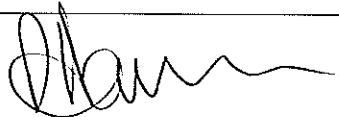
C1 What to include

- The rules of your organisation (question A8).
- Your sketch plan (question B2).

C2 Signature

By signing your name here (if submitting by post) or typing it (if submitting by email) you are confirming that the contents of this form are correct, to the best of your knowledge.

Signature

A handwritten signature in black ink, appearing to be 'J. Pickering', written over a horizontal line within a rectangular box.

C3 Where to send this form

You can submit this nomination:-

- **By post to:** Jayne Pickering , Executive Director Finance and Resources, Bromsgrove District Council , Council House , Bromsgrove B60 1AA
- **By email to:** j.pickering@bromsgroveandredditch.gov.uk

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