



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE OVERVIEW AND SCRUTINY BOARD

MONDAY 13TH MARCH 2023

AT 6.00 P.M.

PARKSIDE SUITE - PARKSIDE

MEMBERS: Councillors C.A. Hotham (Chairman), J. Till (Vice-Chairman), S. J. Baxter, A. J. B. Beaumont, S. R. Colella, R. J. Deeming, R. J. Hunter, H. J. Jones, A. D. Kriss, C. J. Spencer and Vacant Seat

AGENDA

1. Apologies for Absence and Named Substitutes

2. Declarations of Interest and Whipping Arrangements

To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.

3. Overview & Scrutiny Board Report - Damp & Mould (Pages 7 - 16)

4. Bromsgrove 2040 Vision - pre-scrutiny

This report will be published in a Supplementary Papers Pack once the report has been published for consideration of the Cabinet.

5. Finance and Budget Working Group - Update

6. Task Group Updates

7. Worcestershire Health Overview and Scrutiny Committee - Update

8. **Cabinet Work Programme** (Pages 17 - 22)
9. **Overview and Scrutiny Board Work Programme** (Pages 23 - 30)
10. **To consider, and if considered appropriate, to pass the following resolution to exclude the public from the meeting during the consideration of item(s) of business containing exempt information:-**

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

<u>Item No.</u>	<u>Paragraph(s)</u>
11	3
12	3

11. **Former Market Hall Site Proposal - pre-scrutiny** (Pages 31 - 68)
12. **To confirm the accuracy of the minutes of the meeting of the Overview and Scrutiny Board held on 17th January 2023** (Pages 69 - 80)

K. DICKS
Chief Executive

Parkside
Market Street
BROMSGROVE
Worcestershire
B61 8DA

4th April 2023

**If you have any queries on this Agenda please contact
Mat Sliwinski**

Parkside, Market Street, Bromsgrove, B61 8DA

Tel: (01527) 64252 Ext: 3095

Email: matuesz.sliwinski@bromsgroveandredditch.gov.uk

GUIDANCE ON FACE-TO-FACE MEETINGS

At the current time, seating at the meeting will be placed in such a way as to achieve as much space as possible for social distancing to help protect meeting participants.

If you have any questions regarding the agenda or attached papers, please do not hesitate to contact the officer named above.

GUIDANCE FOR ELECTED MEMBERS ATTENDING MEETINGS IN PERSON

Members and Officers who still have access to lateral flow tests (LFTs) are encouraged to take a test on the day of the meeting. Meeting attendees who do not have access to LFTs are encouraged not to attend a Committee if they have if they have common cold symptoms or any of the following common symptoms of Covid-19 on the day of the meeting; a high temperature, a new and continuous cough or a loss of smell and / or taste.

The meeting venue will be fully ventilated, and Members and officers may need to consider wearing appropriate clothing in order to remain comfortable during proceedings.

PUBLIC ATTENDANCE AT COMMITTEE MEETINGS

Members of the public will be able to access the meeting if they wish to do so. Seating will be placed in such a way as to achieve as much space as possible for social distancing to help protect meeting participants. It should be noted that members of the public who choose to attend in person do so at their own risk.

Members of the public who still have access to lateral flow tests (LFTs) are encouraged to take a test on the day of the meeting. Meeting attendees who do not have access to LFTs are encouraged not to attend a Committee if they have any of the following common symptoms of Covid-19 on the day of the meeting; a high temperature, a new and continuous cough or a loss of smell and / or taste.

Notes:

Although this is a public meeting, there are circumstances when Council might have to move into closed session to consider exempt or confidential information. For agenda items that are exempt, the public are excluded and for any such items.



INFORMATION FOR THE PUBLIC

Access to Information

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

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

You can access the following documents:

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

at www.bromsgrove.gov.uk

Bromsgrove District Council

Overview & Scrutiny Board Report – Damp & Mould

13 March 2023

1. Introduction

This report has been prepared for the Council's Over & Scrutiny Board and provides details on damp and mould in the district and what powers the Council has regarding property standards and how BDHT, a local registered provider, are dealing with this issue. BDHT have approx. 86% of the social housing stock and there are several other providers within the district that will have the same responsibilities to the tenants of their stock in the District.

2. Background

The recent case and inquest into the death of Awaab Ishak found that the property rented by the family and its condition had brought about his death because of 'prolonged exposure he had to mould in his home environment'.

The Secretary of State for Levelling Up, Housing and Communities wrote to all local authorities on the 19th November 2022 regarding housing standards in rented accommodation. A letter was also sent by the Secretary of State on the 19th November to all providers of social housing regarding quality in social housing.

The Regulator of Social Housing also wrote to all social housing providers on 22nd November 2022 seeking assurance that they "have a clear understanding and strong grip on damp and mould issues" in their housing stock.

Census 2021 tenure data

	Owned	Social Rented	Private Rented	Owned (%)	Social Rented (%)	Private Rented (%)
Bromsgrove	32,452	4,417	4,395	78.7	10.7	10.7

The causes of damp and mould in both the private and social rented sectors are complex, and individual but some of the issues are:

- In a small number of cases, persistent leaks that penetrate the fabric of a building or poor build quality, allow moisture in that allows mould to grow
- In most cases, condensation from normal family living (cooking, bathing, drying clothes, occupancy levels) will result in seeing surface moisture within the home, and enabling mould growth

- Poor ventilation doesn't allow air movement or moisture to escape, compounding the issues. Also, the addition of thermal improvements within the home such as double glazing, external insulation, uPVC doors, and modern heating systems has seen more homes becoming 'sealed' homes creating more condensation problems
- Overcrowding is also an issue as more people living in a property produce more moisture
- The cost-of-living crisis means homes may be colder, and people will be even more reluctant to use heating systems or open windows and ventilate

There is no additional government funding at this point for issues of damp and mould. There is funding available through the Sustainable Warmth Competition to retrofit energy efficiency measures in properties to increase the energy performance of properties.

3. Housing Standards Enforcement

The Private Sector Housing Team are responsible for housing standards complaints and enforcement action for all private rented and social housing properties under the Housing Act 2004 and the Housing Health and Safety Rating System (HHSRS). Having detailed information regarding private sector is difficult to obtain as there is no requirement for landlords to register properties as private rented. The Census 2021 data identifies that there are 4,417 social rented properties and 4,395 private rented properties in Bromsgrove. The English Housing survey data shows that within the West Midlands region around 10% of PRS properties suffer with damp and mould issues. Using this data would suggest that in Bromsgrove 440 properties in the private sector suffer with damp and mould.

Initial checks of our records show that the Private Sector Housing Team complete on average 62 HHSRS inspections per year in Bromsgrove.

2019/2020: 68

2020/2021: 49

2021/2022: 69

This shows that there are likely far more issues with damp and mould that are not reported to the Private Sector Housing Team and officers believe that standards are not reported due to fear of landlords serving notice and a lack of awareness of the service the team provides.

4. Enforcement of property standards

The Housing Act 2004 and associated secondary legislation is the primary legislation that sets out the duties and powers that the Council has in relation to regulating property standards in its capacity as Local Housing Authority.

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Powers are also contained in the Housing Act 1985 as amended and other legislation.

The Council has the power of entry to properties at any reasonable time to carry out its duties under Section 239 of the Housing Act 2004. A notice is not required where entry is to ascertain whether an offence has been committed. If admission is refused, premises are unoccupied or prior warning of entry is likely to defeat the purpose of the entry then a warrant may be granted by a Justice of the Peace upon written application. A warrant under this section includes power to enter by force, if necessary. The Council also has power under Section 235 of the Housing Act 2004 to require documentation to be produced in connection with exercising its function and investigations as to whether any offence has been committed under Parts 1-4 of the Housing Act 2004. The Council also has powers under Section 237 of the Housing Act 2004 to use the information obtained above and Housing Benefit and Council Tax information obtained by the authority to carry out its functions in relation to these parts of the Act.

Particular regard must be made to the following 6 principles specified in the Statutory Code of Practice for Regulators made under Section 23 of the Legislative and Regulatory Reform Act 2006: -

- Regulators should carry out their activities in a way that supports those they regulate to comply and grow
- Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views
- Regulators should base their regulatory activities on risk
- Regulators should share information about compliance and risk
- Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply
- Regulators should ensure that their approach to their regulatory activities is transparent

Inspections - The Housing Act 2004 introduced the Housing Health & Safety Rating System (HHSRS). It is a calculation of the effect of 29 possible hazards on the health of occupiers and any visitors. These hazards are arranged in four main groups reflecting the basic health requirements. The four groups are sub-divided according to the nature of the hazards.

Hazard Groups

- A Physiological Requirements including – Hygrothermal conditions and Pollutants (non-microbial) – This group includes the damp & mould hazard
- B Psychological Requirements including – Space, Security, Light, and Noise
- C Protection against Infection including – Hygiene, Sanitation, and Water supply

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- D Protection against Accidents including – Falls, Electric shock, Burns and Scalds, and Building related Collisions

The legislation provides a range of actions to address these hazards. The process of a HHSRS is two staged, the inspection and the subsequent calculations. Officers inspect a property against all 29 hazards not just issues that have be raised. HHSRS calculation provides a combined score for each hazard identified, however it does not provide a single score for the dwelling as a whole.

The scoring of any hazard combines the likelihood of an occurrence taking place (within 12 months) and then the range of probable harm outcomes that may arise from that occurrence. A numerical value is then provided which is then converted into bands (from A to J).

Bands A to C (ratings of 1,000 points and over) are considered to be the most severe and are known as Category 1 hazards. The Council has a duty to take appropriate action in response to a Category 1 hazard. When a Category 1 hazard is identified, the Council must decide which of the available enforcement options is the most appropriate course of action.

Bands D to J, are less severe (rating less than 1,000 points) and known as Category 2 hazards. This process is repeated for each of the hazards present within the dwelling. The Council has a power to act in response to Category 2 hazards. If the Council decides to take action for category 2 hazards, it will consider taking action in the following circumstances: -

- Where a Category 2 hazard falls within Band D or E and there is one or more Category 1 hazards
- Where the case involves a vulnerable person that would benefit from having Category 2 hazards addressed
- Cases in which a premises suffers from multiple Category 2 hazards, which when considered together, create a more serious situation,
- Any other exceptional case determined by the Head of Community & Housing Services

The assessment is not based upon the risk to the actual occupant but upon the group most vulnerable to that particular risk. Once scored, any action that is then considered will consider the effect of that risk upon the actual occupant.

Enforcement Options – The guidance on enforcement is built around a process of escalation therefore we will only prosecute in serious circumstances such as a deliberate, negligent or persistent breach of legal obligations. The following levels of enforcement actions are available: -

Stage 1 – Informal Action

- **Prevention:** The first step in enforcement is prevention, through raising awareness and promoting good practice. Methods of achieving this include the provision of advice and information at the earliest opportunity.

- **Advice and Guidance:** Where appropriate officers seek to resolve situations without issuing formal notices or taking legal action. This is used to reinforce advice and guidance where minor defects have been discovered but it not considered appropriate to take formal action. Examples of such may be where the consequences of non-compliance do not impose a significant risk to health and safety of the occupants or visitors, or where there is confidence that informal action will achieve compliance. Information is provided in a clear manner detailing any works that are required and over what timescale these should be completed. The legal requirements are clearly distinguished from recommended works, where applicable. If a landlord or owner agrees to start work officer wait before serving a notice unless the landlord or owner fails to carry out the works within an agreed timeframe.
- **Formal Letters:** This course of action is given prior to formal enforcement action taking place and will detail what works are required within the specified timescales. Follow-up visits are made within an agreed time period to ensure the problems have been rectified. This may follow an informal letter where there remains some confidence that compliance may be achieved prior to resorting to formal enforcement.

Stage 2 – Formal Action

Where practicable, decisions to serve formal enforcement notices is taken by the authorised officer in consultation with the Private Sector Housing Manager/Strategic Housing Services Manager. If it is necessary to serve a formal notice under the Housing Act 2004 a reasonable charge is made to recover administrative and other expenses incurred.

The following formal notices are available to officers when dealing with substandard properties: -

- a) **Hazard Awareness Notices:** This is an informal notice that ensures the relevant person(s) are aware of the hazards that are present within the property, these Notices are often used where the landlord/owner is currently or proposing to undertake works. The service of this notice does not prohibit the Local Authority from taking additional action if works are not carried out.
- b) **Improvement Notices:** - These specify the contraventions and detail the works or actions required within a specified timescale. These notices are essential when considering the improvement of a property. Where the officer determines that an Improvement Notice should be served in respect of a Category 1 Hazard, it will require works to be undertaken to either remove the hazard entirely or reduce its effect.

If the Council determines that the hazard can only be reduced to a Category 2 hazard rather than it being removed, it will require works to be carried out as far as is reasonably practicable to reduce the likelihood of harm.

- c) **Suspended Improvement Notices:** We have the power to consider serving a suspended Improvement Notice. The following is a list of situations in which it may be deemed appropriate to suspend such Notices: -
- The need to obtain planning permission (or other appropriate consent) that is required prior to repairs and/or improvements being undertaken.
 - Works which cannot properly be undertaken whilst the premises is occupied and which a notice can be deferred until such time as the premises falls vacant or temporary alternative accommodation can be provided.
 - Personal circumstances of occupants, for example, temporary ill-health, which suggests that works should be deferred.

Suspended Improvement Notices will be reviewed after a maximum of 12 months and then at regular intervals, but the suspension of a notice will not normally exceed 6 months.

- d) **Prohibition Orders:** These are required where there is a significant risk to the health and safety of the occupant. They can be used in respect of either Category 1 or Category 2 hazards for prohibiting the use of all or part of a dwelling. This action is likely to be used if repairs and/or improvement are deemed inappropriate on grounds of practicality or excessive cost. An example of a Prohibition Order might include part or whole of a dwelling being prohibited as a result of inadequate escape in the event of a fire. The Council has the power to suspend a Prohibition Order once it has been served and we consider this course of action where it is reasonable to do so. A Suspended Prohibition Order will be reviewed after a maximum of 12 months and then at regular intervals, but suspension will not normally exceed 6 months.

- e) **Emergency Remedial and Prohibition Action:** There may be situations in which Emergency Remedial Action and Emergency Prohibition Orders are appropriate. The Council must be satisfied of the following: -

- A Category 1 hazard exists,
- The hazard poses an imminent risk of serious harm to health or safety of the occupant, and that;
- Immediate action is necessary

If these conditions are met the Council may take appropriate emergency action. Situations in which emergency action may be appropriate include where there is an imminent risk of electrocution, fire, explosion or collapse. The costs incurred for carrying out emergency remedial action including administrative charges are recoverable from the recipient.

- f) **Demolition Orders:** The Housing Act 2004 has retained the power to make Demolition Orders but has amended Section 265 of the Housing Act 1985 to align it with the HHSRS and enforcement provisions. Demolition Orders are considered as part of the enforcement process when dealing

with a Category 1 hazard (where they are judged the appropriate course of action). In determining whether to issue a Demolition Order the Council will take account of Government guidance and will consider all the circumstances of the case.

- g) **Clearance Areas:** The Council can declare an area to be a 'Clearance Area' if it is satisfied that each of the premises in that area is affected by one or more Category 1 hazards (or that they are dangerous or harmful to the health and safety of inhabitants.) In determining whether to declare a Clearance Area the Council will act only in accordance with Section 289 of the Housing Act 1985 (as amended), have regard to the relevant Government guidance on Clearance Areas and all the circumstances of the case.
- h) **Statutory Nuisance Notices Served under the Environmental Protection Act 1990:** The vast majority of statutory nuisances are eliminated using the enforcement provisions under the Housing Act 2004 and Housing Health and Safety Rating System. However, where this is not possible consideration is given to the service and enforcement of Section 80 abatement notices where a statutory nuisance exists.

Stage 3 – Non-Compliance

We always look to the relevant responsible person(s) to resolve matters of concern. Where a Formal Notice is served and the specified works have not been carried out in compliance with the notice, the Council has a variety of actions it may take to deal with non-compliance, these are as follows: -

1. **Works in Default:** This is considered where it is in the interests of the health and safety of the occupants. The works in default will be carried out only after the service of a notice e.g. Improvement Notice. Any works undertaken will be recharged or placed as a local land charge on the property.
2. **Simple caution:** This may be considered for less serious breaches of formal notices and statutory requirements. Under certain circumstances, a simple caution may be used as an alternative to prosecution and will usually be considered before making a decision to prosecute. The procedure adopted and the content of the caution will be in accordance with current LGR (Local Government Regulation) guidance and relevant Home Office Circular.

A caution is a serious matter and may be used to influence a decision as to whether or not to prosecute, should another offence be committed. Simple cautions remain on record for a period of 3 years. The decision whether to offer a formal caution will be made by the Head of Community & Housing Services in consultation with the Private Sector Housing Manager and Strategic Housing Manager. Cautions are intended to:-

- Deal quickly and simply with certain, less serious offences;
- Avoid unnecessary appearance in criminal courts;

- Reduce the chance of offenders re-offending.

Before issuing a caution the following matters are taken into account when deciding whether a caution is appropriate:-

- There must be evidence of sufficient guilt;
- The offender must understand the significance of the formal caution and admit the offence by signing a declaration.
- The seriousness of the offence. As a caution is not suitable for serious offences.

Where an individual chooses not to accept a formal caution the Council will automatically consider a prosecution. In instances where a caution is accepted the assessment of the premises is reviewed and the inspection frequency may be increased as a result. The decision to issue a caution will be notified to all known interested bodies, including tenants, managers, freeholders, leaseholders and mortgagees.

3. **Civil Penalties:** In April 2017 powers to impose civil penalties as an alternative to prosecution for certain specified offences came into force under Section 126 and Schedule 9 of the Housing and Planning Act 2016. A civil penalty may be imposed as an alternative to prosecution for the following offences under the Housing Act 2004:

- Failure to comply with an Improvement Notice (section 30);
- Offences in relation to licensing of Houses in Multiple Occupation (section 72);
- Offences in relation to licensing of houses under Part 3 of the Act (section 95);
- Offences of contravention of an Overcrowding Notice (section 139); and
- Failure to comply with Management Regulations in respect of Houses in Multiple Occupation (section 234).

4. **Prosecution:** The Council uses discretion in deciding whether to bring a prosecution and generally only commence proceedings when it is considered to be in the public interest. Before deciding to prosecute there must be sufficient evidence for a realistic prospect of conviction, taking account of any defence that may be available. In certain circumstances prosecution without prior warning may take place. The officer will ensure that a decision to prosecute and the results of any legal proceedings will be notified to all known interested bodies, including tenants, managers, freeholders, leaseholders and mortgagees. The decision to prosecute will be taken by the Head of Community & Housing Services in consultation with the Strategic Housing Services Manager with the support of the Council's Legal Officers.

5. Tenure

The HHSRS applies equally to all tenures, therefore all enforcement options are available to the Council regardless of whether the premise in question is owner occupied, privately rented or a Registered Providers (RP) property.

In the case of owner occupiers unless the hazard is deemed to pose an imminent risk of serious harm, the Council will contact the owner to explain the nature of the hazard and confirm the action intending to be taken by the owner. The use of Improvement Notices, Prohibition Orders and their emergency equivalents are only considered in the following circumstances:

- Vulnerable elderly people who are judged not-capable of making informed decisions about their own welfare
- Vulnerable individuals who require the intervention of the Council to ensure their welfare is best protected
- Hazards that might reasonably affect persons other than the occupants
- Serious risk of life-threatening harm such as electrocution or fire
- Any other exceptional case determined by the Head of Community & Housing Services in consultation with the Strategic Housing Services Manager.

Registered Providers of Social Housing (RP) role is to provide suitable and properly managed and maintained accommodation for their tenants. They are managed by Boards (which typically include tenant representatives) and their performance is also scrutinised by the Regulator of Social Housing and complaints regarding service comes under the remit of the Housing Ombudsman.

The Council will not normally take formal action against an RP unless it is satisfied that the problem in question has been properly reported and the RP has then failed to take appropriate action. If officers determine that it is appropriate to take action, they will notify the RP that a complaint has been received and will seek the RP's comments and proposed action. Only in cases where it has been deemed that an unsatisfactory response has been received will the Council take further action and review what enforcement options are available in order to determine the most appropriate course of action.

The English Housing Survey a continuous national survey commissioned by the Department for Levelling Up, Housing and Communities shows that tenants in the private rented sector are more likely to be in poorer quality housing. In dealing with complaints, the Council will have regard to all relevant guidance for enforcement action and guidance from the Residential Property Tribunal decisions. Action will be taken in accordance with the aforementioned duties and powers.

6. **Registered Providers - BDHT Information**

Officers contacted BDHT for confirmation of what action they were taking in relation to quality of accommodation and damp and mould issues. While they are the largest provider of social housing in the District, they are not the only

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provider and all providers are under the same duty to report to the Regulator of Social Housing their process for identifying and dealing with damp and mould.

BDHT introduced specific processes for damp and mould following the issuing of the Housing Ombudsman findings in relation to damp and mould complaints in 2021 before the coroner's report in the Awaab Ishak case and subsequent direction from the Government. BDHT take a holistic approach in the management of damp and mould cases. Surveyors are able to refer to the other teams within the organisation if they feel the customers require budgeting support, housing application assistance or other support services.

A presentation was made to the Board by the CEO at a strategic away day in November 2022 outlining BDHT's approach to damp and mould management. The Board provides a critical oversight to their damp, mould and condensation processes and updates and key performances indicators are reported at every Board meeting and Executive Team meeting.

Their process allows for customers to contact the organisation to report damp, mould and condensation issues within their properties and two way communication with the tenant plays a key part of this. It also allows for all bdht staff to report back into the organisation (appendix 1). Training sessions have been held with all staff on damp, mould and condensation ensuring all staff are aware of the processes and their responsibility to deal with the issue. A damp and condensation leaflet has been produced to advise tenants (appendix 2)

If a report is received and it is the first or second report within a period of 18 months then a repair is raised for an operative to attend, inspect and complete a damp and mould treatment, if required. If this is a third or more report, or if the operative upon first attendance thinks it is a larger issue such as extreme condensation, structural or penetrating damp a referral is made to surveyors to deal with as a case. The surveyor reviews the property history for previous repairs and information, and then arranges to inspect the issues with the customer and collect details on occupants vulnerabilities. Following the appointment, the surveyor organises the relevant works required at the property. If required, further independent expert advice is sought from a retained independent surveyor, who will provide a report and recommendations for improvements. A monthly a report is used to monitor cases of damp and mould and used for trend analysis to formulate programmes of works required to properties.

BDHT has engaged with all strategic partners and local GP practices explaining their approach to damp and mould management, how they can help and urging them to contact BDHT directly should they have any concerns. BDHT has been proactive in working in partnership with the Council's Private Sector Housing Team and meetings have taken place and our officers have conducted a review of a sample of BDHT cases using the HHSRS.

BDHT have advised that should members have constituents with damp and mould issues in their BDHT property that contact is made with BDHT without delay.

CABINET LEADER'S WORK PROGRAMME

1 APRIL 2023 TO 31 JULY 2023
(published as at 1st March 2023)

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

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

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

If you wish to make representations on the proposed decision you are encouraged to get in touch with the relevant report author as soon as possible before the proposed date of the decision. Contact details are provided, alternatively you may write to the Head of Legal, Democratic and Property Services, Parkside, Market Street, B61 8DA or e-mail: democratic@bromsgroveandredditch.gov.uk

The Cabinet's meetings are normally held every four weeks at 6pm on Wednesday evenings at Parkside. They are open to the public, except when confidential information is being discussed. If you wish to attend for a particular matter, it is advisable to check with the Democratic Services Team on (01527 64252 ext 3031) to make sure it is going ahead as planned. If you have any queries Democratic Services Officers will be happy to advise you. The full Council meets in accordance with the Councils Calendar of Meetings. Meetings commence at 6pm.

CABINET MEMBERSHIP

Councillor K J May	Leader of the Council and Portfolio Holder for Economic Development, Regeneration and Strategic Partnerships
Councillor G. Denaro	Deputy Leader and Portfolio Holder for Finance and Enabling
Councillor M. Sherrey	Portfolio Holder for Environmental Services and Community Safety
Councillor P. Thomas	Portfolio Holder for Planning, Regulatory Services and Climate Change
Councillor S. Webb	Portfolio Holder for Health and Well Being, Strategic Housing and Leisure and Culture

Decision including Whether it is a key Decision	Decision Taker Date of Decision	Details of Exempt information (if any) and information explaining why items have been postponed (where available)	Documents submitted to Decision Maker / Background Papers List	Contact for Comments
Bromsgrove Town Centre Regeneration - Land at the Dolphin Centre and at Windsor Street Key: Yes	Cabinet Not before 1st Jun 2023		Report of the Chief Executive	Kevin Dicks, Joint Chief Executive Tel: 01527 64252 Ext 3250 Councillor K. J. May
Council response to Local Plan Consultations; Birmingham Development Plan, South Staffordshire Local Plan and South Worcestershire Development Plan Key: No	Cabinet Not before 1st Jun 2023 Council Not before 1st Jun 2023		Report of the Head of Planning, Regeneration and Leisure Services	Mike Dunphy, Strategic Planning and Conservation Manager Tel: 01527 881325 Councillor P. L. Thomas
District Heat Network Revisions Key: Yes	Cabinet Not before 1st Jun 2023		Report of the Head of Community and Housing Services	Judith Willis, Head of Community and Housing Services Tel: 01527 64252 Ext 3284 Deputy Leader and Portfolio Holder for Finance and Governance, Councillor M. A. Sherrey

Decision including Whether it is a key Decision	Decision Taker Date of Decision	Details of Exempt information (if any) and information explaining why items have been postponed (where available)	Documents submitted to Decision Maker / Background Papers List	Contact for Comments
Overview and Scrutiny Annual Report 2022/23 Key: Yes	Council Not before 1st Jun 2023		Report of the Head of Legal, Democratic and Property Services	Joanne Gresham, Senior Democratic Services Officer Tel: 01527 64252 Councillor C. A. Hotham
Playing Pitch Strategy Key: No	Cabinet Not before 1st Jun 2023		Report of the Head of Planning, Regeneration and Leisure Services	Jonathan Cochrane, Development Services Manager Tel: 01527 64252 Councillor S. A. Webb
Quarterly Risk Update Key: No	Cabinet Not before 1st Jun 2023		Report of the Executive Director of Resources	Peter Carpenter, Interim Section 151 Officer Tel: 01527 64252 Councillor G. N. Denaro

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Decision including Whether it is a key Decision	Decision Taker Date of Decision	Details of Exempt information (if any) and information explaining why items have been postponed (where available)	Documents submitted to Decision Maker / Background Papers List	Contact for Comments
Worcestershire Housing Strategy 2040 Key: No	Cabinet Not before 1st Jun 2023 Council Not before 1st Jun 2023		Report of the Chief Executive	Judith Willis, Head of Community and Housing Services Tel: 01527 64252 Ext 3284 Councillor S. A. Webb
Decarbonisation of the Council Fleet Key: No	Cabinet Not before 1st Jul 2023 Council Not before 1st Jul 2023		Report of the Head of Environmental and Housing Property Services	Kevin Hirons, Environmental Services Manager Tel: 01527 881705 Councillor M. A. Sherrey
Parking Enforcement Service Level Agreement Key: Yes	Cabinet Not before 1st Jul 2023		Report of the Head of Environmental and Housing Property Services	Kevin Hirons, Environmental Services Manager Tel: 01527 881705 Councillor M. A. Sherrey

Decision including Whether it is a key Decision	Decision Taker Date of Decision	Details of Exempt information (if any) and information explaining why items have been postponed (where available)	Documents submitted to Decision Maker / Background Papers List	Contact for Comments
Carbon Reduction Strategy - Annual Review Key: No	Cabinet Not before 1st Sep 2023 Council Not before 1st Sep 2023		Report of the Head of Community and Housing Services	Judith Willis, Head of Community and Housing Services Tel: 01527 64252 Ext 3284 Councillor P. Thomas
Environment Act - Changes to Waste Services - Implications Key: No	Cabinet Not before 1st Sep 2023 Council Not before 1st Sep 2023		Report of the Head of Environmental and Housing Property Services	Guy Revans, Head of Environmental and Housing Property Services Tel: 01527 64252 ext 3292 Councillor M. A. Sherrey

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OVERVIEW AND SCRUTINY BOARD

WORK PROGRAMME

2022-2023

RECOMMENDATION:

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

ITEMS FOR FUTURE MEETINGS

Date of Meeting	Subject	Additional Information
8 th February 2023	North Worcestershire Community Safety Partnership	Officer contact: Bev Houghton
13 th March 2023	Bromsgrove 2040 Vision – pre-scrutiny	Ostap Paparega, Head of Economic Development & Regeneration, NWEDR
	Former Market Hall Site Proposal – pre-scrutiny	Naznin Chowdhury, Programme Delivery Manager, NWEDR
	Mould and damp – BDHT update – overview item	Matthew Bough, Housing Strategy and Enabling Manager
	Working Group Updates	
	WCC Health Overview & Scrutiny Committee – update from Representative	
	Cabinet Leader’s Work Programme	
29 th March 2023 (Wed)	Enforcement – Fly tipping – overview item	Guy Revans, Head of Environmental and Housing Property Services
	Electric Chargers in the District – overview item	Guy Revans, Head of Environmental and Housing Property Services
	Replacement Street Signs – overview item	Kevin Hiron, Environmental Services Manager Pete Liddington, Engineering Team Leader
	Working Group Updates	
	WCC Health Overview & Scrutiny Committee – update from Representative	
	Cabinet Leader’s Work Programme	
17 th April 2023	Overview and Scrutiny Board – Annual Report 2022-2023	Democratic Services – Councillor Hotham
	Overview and Scrutiny Recommendation Tracker - review	Democratic Services / Councillor Hotham
	Working Group Updates	

Agenda Item 9

	WCC Health Overview & Scrutiny Committee – update from Representative	
	Cabinet Leader’s Work Programme	
July 2023	Grass Verge Maintenance – pre-scrutiny	Matthew Austin, Environmental Services Manager

Outstanding items for 2022 – 2023 with no assigned date

2022/2023

- Decarbonisation of the Council Fleet – due for consideration not before April 2023
- Strategic Transport Assessment

To be carried forward to 2023/24

- Bromsgrove Town Centre Regeneration - Land at the Dolphin Centre - pre-scrutiny (June 2023) (Kevin Dicks)

Task Group Proposals

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



Run & grow a successful business

What does this mean to me?

Businesses choose to come to Bromsgrove & grow here, providing services & jobs.

Further development enhances the town & district centres as places that people want to visit.

Improved connectivity makes life easier, whether that's on the roads or online.

Why?

As an entrepreneurial area, supporting business is incredibly important for the District. Through North Worcestershire Economic Development & Regeneration we will continue to support new businesses. We will also work with established companies within the District to help them grow & flourish.

We are committed to making the Town & district centres places that residents & visitors can enjoy & that attract a variety of businesses.



Priority: Economic development & regeneration

We will:

Consult businesses to understand current needs & growth plans, working with partners to support business growth.

How we will measure it:

- Number of businesses engaged through the consultation
- Number of existing businesses supported to grow & develop

Work & financial independence



What does this mean to me?

There are more opportunities for young people, with the right skills for local businesses.

Money management support will help to reduce debt & increase financial confidence.

People get the benefits they are entitled to, when they need them.

Why?

The economic picture for Bromsgrove District is positive, with consistently low unemployment. However, the Indices of Multiple Deprivation 2015 (specifically income, employment & education indicators) show there were issues, particularly in parts of Charford & Sidemoor.

We will support our residents to access work opportunities in new industries, focusing on the skills agenda. We will also work with residents to help them manage their money & access the right benefits.



Priority: Skills for the future

We will:

Undertake a skills audit with partners & work together with them to address any gaps.

How we will measure it:

- Number engaged through the skills audit.



**Live independent,
active & healthy lives**

**What does this
mean to me?**

People are supported to maintain a healthy lifestyle.

Communities & individuals feel less isolated.

There are more positive things to do through improved access to sport & cultural activities.

Why?

Whilst the health of people in Bromsgrove District is generally good, health priorities include improving mental well-being, increasing physical activity & ageing well. Increasing numbers of people living with reduced mobility, dementia & diabetes are an issue for the District. Through the Bromsgrove Partnership, Bromsgrove District Council will continue to play its part in addressing these issues.

We also want to enhance sport & cultural opportunities in the District, which will have health & social benefits.



**Priority: Improving
health & well-being**

We will:

Support targeted activities for healthy lifestyles.

How we will measure it:

- Number of people accessing targeted activities
- Number of people with diabetes
- Number of people who have had a stroke

Affordable & sustainable homes



What does this mean to me?

More affordable & appropriate homes become available.

Private tenants have homes which are safe & tenancies which are secure & affordable.

Homes can adapt to changes in circumstances & are increasingly energy efficient.

Why?

Bromsgrove has the highest level of home ownership in Worcestershire, & the smallest private rented sector in the county; demand for housing within the district has had a significant impact on property prices.

Access to affordable housing is recognised as an issue, as is ensuring homes are sustainable into the future.



Priority: A balanced housing market

We will:

Develop & implement a District Housing Strategy.

How we will measure it:

- Number of affordable homes (commitments & completions)

Communities which are safe, well-maintained & green



What does this mean to me?

Crime & anti-social behaviour reduces even further & the fear of crime also starts to decrease.

The district is well-maintained & people feel involved in keeping it clean.

It's easier to recycle more & reduce waste going to landfill.

Why?

Bromsgrove District Council has committed to playing its part in addressing the impact of climate change; from work to increase recycling to support to reduce fuel poverty, a **green thread** runs throughout this Council Plan.

It is important to ensure that Bromsgrove remains attractive for everyone, & our Place Teams, in partnership with local communities, provide a strong service across the District.

The District is a low crime area; through the North Worcestershire Community Safety Partnership we continue to work hard to address the causes of crime & anti-social behaviour & to support victims.



Priority: Reducing crime & disorder

We will:

Target the causes of crime affecting the night-time economy.

How we will measure it:

- Anti-social behaviour reports in the Town & district centres
- Crimes in the Town & district centres

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Cabinet
2023

15th March

FORMER MARKET HALL PROJECT

Relevant Portfolio Holder		Councillor Karen May
Portfolio Holder Consulted		Yes
Relevant Head of Service		Ostap Paparega
Report Author Naznin Chowdhury	Job Title: Programme Delivery Manager Contact email: naznin.chowdhury@nwedr.org.uk Contact Tel: 07976707561	
Wards Affected		Sanders Park
Ward Councillor(s) consulted		
Relevant Strategic Purpose(s)		<ul style="list-style-type: none"> • Run & grow a successful business • Sustainability • Communities which are safe, well-maintained & green
Key Decision: No		
If you have any questions about this report, please contact the report author in advance of the meeting.		
This report contains exempt information as defined in Paragraph(s) 3 of Part I of Schedule 12A to the Local Government Act 1972, as amended		

1. RECOMMENDATIONS

That Cabinet ENDORSE :-

The proposed scheme for the redevelopment of the former Market Hall site detailed in appendices B and C. The information in this report and the attached appendices is for the purposes of submitting a planning application for a landmark office building with food and beverage offer and a separate community Pavilion building and interconnecting public realm.

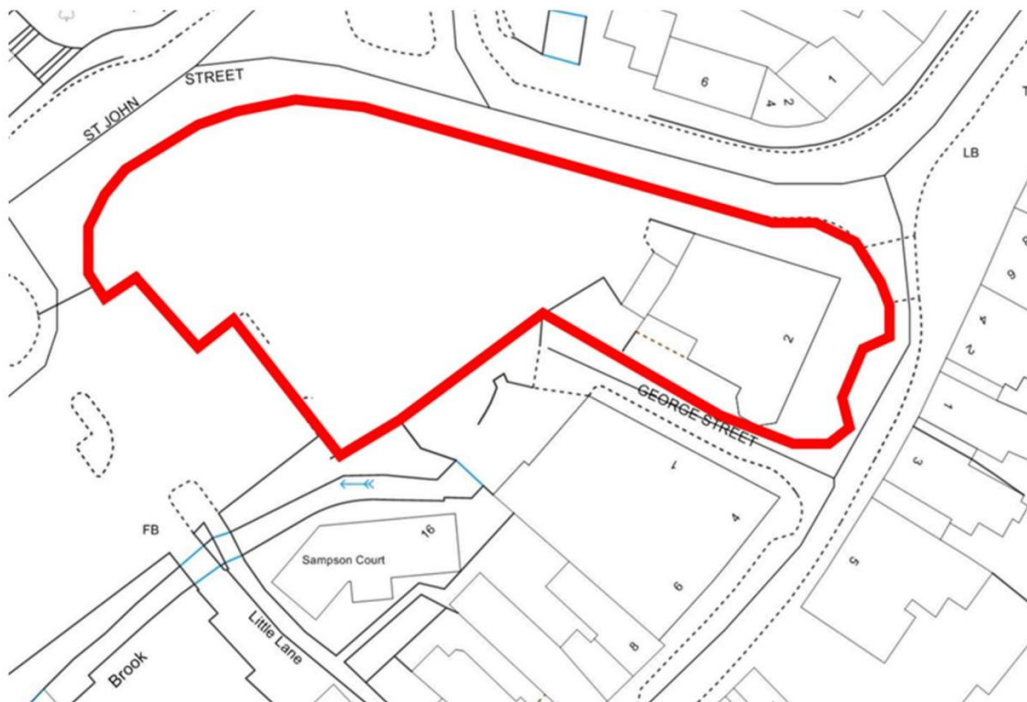
2. BACKGROUND

2.1 In November 2021, the Government's Department for Levelling Up Housing & Communities (DLUHC) approved a £14,492,000 grant for Bromsgrove District Council. The Levelling Up Fund (LUF) allocation for the former Market Hall project is £10,928,81 and this is the budget envelope. The deadline for expending the DLUHC monies is 31 March 2025. Although the original deadline for the completion of funded projects was extended by central government for all projects from March 2024 to March 2025, these remain very tight timescales within which to deliver the redevelopment of the Former Market Hall site. Applying for

and hopefully securing planning permission, is a key success factor in bringing forward the redevelopment within LUF timescales.

3. PROPOSED SCHEME

- 3.1 The proposed scheme is attached in appendix B&C will be submitted for planning permission in March 2023. Members are advised that because of tight timescales there may be further iterations of the scheme presented at Cabinet and possible further iterations between Cabinet and the actual submission of the planning application in March 2023.
- 3.2 Subsequent sections of this report describe the site and the project brief, and the core tasks undertaken by Officers and the project consultants to reach this stage of having a costed proposal appropriate for consideration to secure planning permission.
- 3.3 The project site is a council-owned, brownfield site in the heart of Bromsgrove Town Centre. It is currently the location of the 'Birdbox' temporary event space and public realm. The site comprises 0.26ha to the south of High Street at the junction of High Street, St. John Street and Worcester Road.



Site address: St. John Street, Bromsgrove, West Midlands. B61 7AF 52.333609, -2.063175

- 3.4 The project will deliver:
- 3.5 **Commercial Building:** a three to four storey development as the main building which will provide a mix of flexible workspaces and F&B (Food and Beverage) uses provided on the ground floor and top floor.
- 3.6 **Pavilion Building:** a double height 'pavilion-like' building, area to perform as a multi-purpose events space. The ground floor will be open plan and adaptable to allow a range of community events and seasonal festivals. It will include bi-folding doors to adjoin the indoor and outdoor space in to one event space.
- 3.7 **Public Realm:** high quality public realm, enhancing the green offer between the proposed buildings, building on the success of the BirdBox providing outdoor spaces and seating encouraging the social dimension of the current provision. Adequate lighting to be an essential element of the provision to encourage night-time economy while enhancing safety. The public realm interventions also involve the potential reopening of the Spadesbourne Brook culvert to improve the natural environment.

5. RIBA STAGE 3 DESIGN FOR PLANNING SUBMISSION

- 5.1 The design team ONE Creative Environment (ONE) was appointed in December 2022 via a competitive tender on a framework procurement. The Worcester based architects were appointed as the multi-disciplinary design team, bringing with them the disciplines of Lead/Principal designer, Landscape Architecture, Structural Engineering, Civil Engineering, MEP Design, Principal Designer, Fire Engineering and Sustainability. In their submission ONE displayed local knowledge, understanding of the site and are also the designers of the interim provision BirdBox.
- 5.2 The design team appointment is under a JCT contract, the agreement and fee quotation cover RIBA stages 3 to 6. However, after the Pre-Construction Services Agreement (PCSA) is let to a main contractor (during RIBA stage 4), the design team's appointment will be novated to the appointed main construction contractor.

- 5.3 The programme of activities for RIBA stage 3 consists of a design options review including a cost plan update, the emerging design itself, and commencement of site surveys. This is a steep set of activities to ensure the project meets the planning deadline of end of March 2023.
- 5.4 The proposed office building offers 1200sqm of floorspace arranged over ground plus three levels, as well as a food and beverage offer on the ground floor and level three equating to approximately 420sqm. The Pavilion building is 180sqm of multi-purpose events space provided in a double height building (visible from the High Street).
- 5.5 The proposed office building retains its curved ends following the VE exercise, the ground floor of the building is inset to accommodate an easement for a deep/large mains sewer, but the upper floors are cantilevered to maximise space.
- 5.6 The proposed Pavilion is double height but single storey in terms of the accommodation, the double height nature of the building ensures its prominence as you look along the high street. It offers the option for a 1st floor to be installed should this be required in the future. The draft floor plans are attached as appendix B. Proposed elevations 3D drawings are under appendix C.
- 5.6 At time of writing residents, businesses and community groups will have an opportunity to view and comment on the proposed plans through public consultation events which will be held in early March 2022. The consultation will include engagement with the Bromsgrove town centre businesses and representative groups, details of the events are:

Thursday 2nd March Business engagement and consultation @ Parkside	Saturday 4th March 10am -1pm @ the Birdbox for public consultation	Monday 6th March 4-7pm @ the Bromsgrove Library for public consultation
---	---	---

6. **DELIVERY**

- 6.1 A contractor will be appointed to deliver the scheme through a two-stage design and build procurement process. Site mobilisation is scheduled to start in November 2023 and the works in January 2024. Completion is scheduled to take place on 17 March 2025.
- 6.2 The detailed master programme is provided at Appendix A.

7. FINANCIAL IMPLICATIONS

- 7.1 The costs associated with the delivery of the scheme are covered by the LUF grant plus a 10% contribution from the council.
- 7.2 Arcadis, a design, engineering and project management company, has been appointed as technical advisor to provide project management and cost consultancy. The team is based at Arcadis offices in Birmingham, are RICS (Royal Institute of Chartered Surveyors) certified and provide project management, financial insight, cost analysis and monitoring throughout each RIBA stage of the project as the design progresses through to construction stage and completion. At the current stage the project costs fall within the budget envelope of the LUF.
- 7.3 The cost plan update and financial analysis of the emerging design is provided in appendix E. These are confidential documents marked as exempt provided by the Section 151 officer.

8. LEGAL IMPLICATIONS

- 8.1 There are legal implications arising from the contracts between the council and various with third parties (consultants and contractors). They are specific to each contract and assessed by the council's legal team. In addition, external legal support has been secured on specialist aspects such as the novation of the architect to the contractor.

9. STRATEGIC PURPOSES - IMPLICATIONS

Relevant Strategic Purpose

- 9.1 This project supports the following Strategic Purposes and Priorities:

Strategic Purposes: Run & grow a successful business: Communities which are safe, well-maintained and green

Priorities: Economic development and regeneration; a balanced housing market.

The regeneration project at the former market hall site provides work space and will enhance the vitality and viability of the town centre with the extra food and beverage offer and the community space.

Climate Change Implications

- 9.2 Through the redevelopment of the site, energy efficiency measures and Low and Zero Carbon technologies will be explored and may be introduced with a view to reduce operational energy consumption and the associated carbon emissions targets. Specific solutions and targets will be explored as the designs are progressed as well as a commitment to achieving a minimum BREEAM 'very good' rating on this site.

10. OTHER IMPLICATIONS

Equalities and Diversity Implications

- 10.1 There are no equalities and diversity implications.

Operational Implications

Project delivery (capital scheme)

- 10.2 NWedR provides overall programme management for the Bromsgrove LUF programme. Input is also provided from officers in finance, legal, planning, conservation, property, communications and town centre management.

Arcadis (external consultants) provide project management and cost consultancy services.

- 10.3 Commercial building operation

The commercial building will require property management services. These will be provided either by BDC property or by an external company.

- 10.4 Pavilion operation

It is envisaged that the pavilion will be operated by the BDC leisure team.

11. RISK MANAGEMENT

- 11.1 As part of the governance and reporting requirements a risk register has been produced for the project. This is attached as appendix D.

12. APPENDICES and BACKGROUND PAPERS

- Master Programme – appendix A

Cabinet
2023

15th March

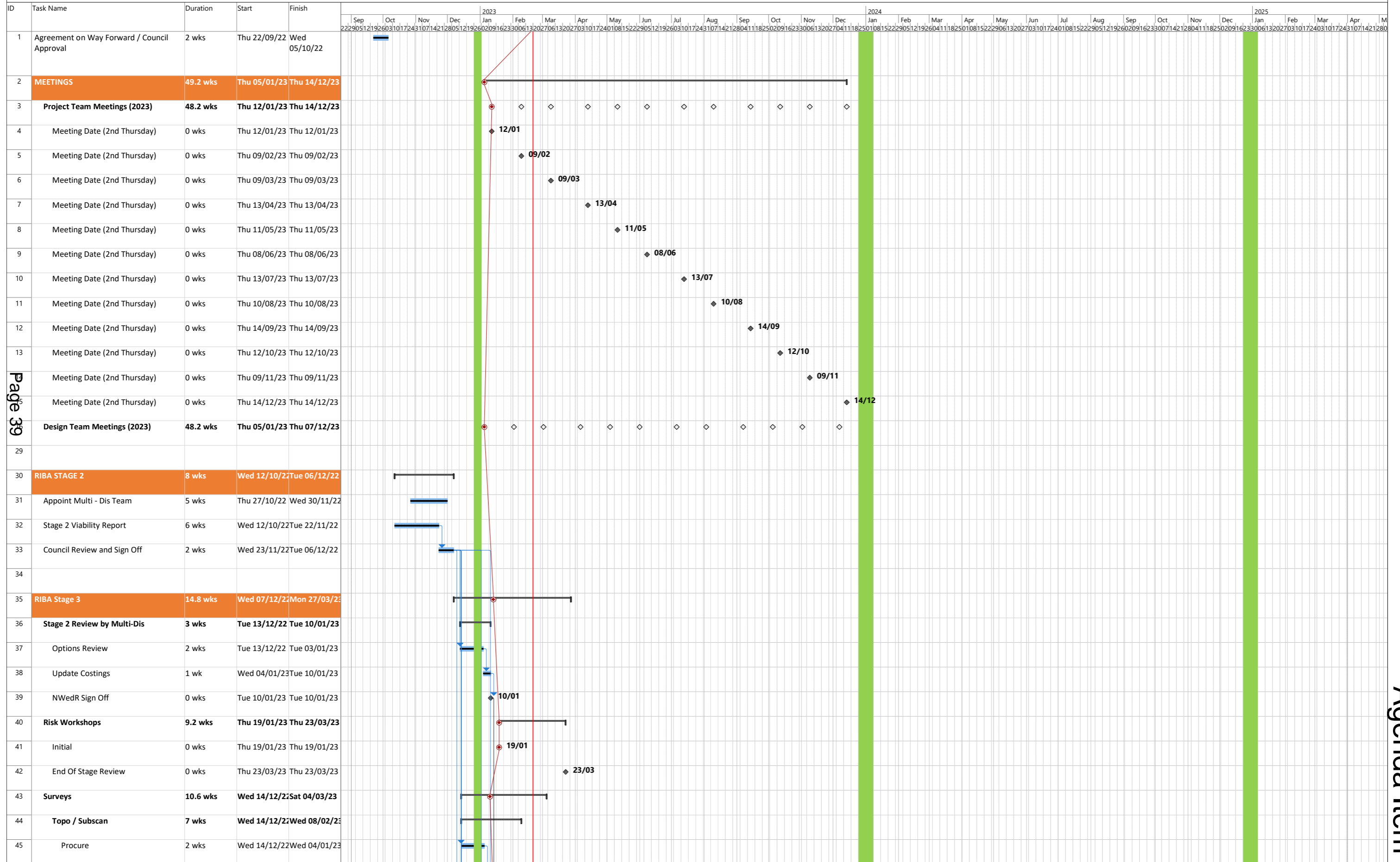
- Propose Design Floor Plans – appendix B
- Proposed Design Elevations – appendix C
- Risk Register – appendix D
- Financial and cost plan review – appendix E (exempt)

11. REPORT SIGN OFF

Department	Name and Job Title	Date
Portfolio Holder	Leader of BDC - Karen May	
Lead Director / Head of Service	Head of NWedR	
Financial Services	BDC S151 Officer – Peter Carpenter	
Legal Services	BDC Legal – Claire Green	
Policy Team (if equalities implications apply)	Rebecca Green	
Climate Change Officer (if climate change implications apply)	Judith Willis	

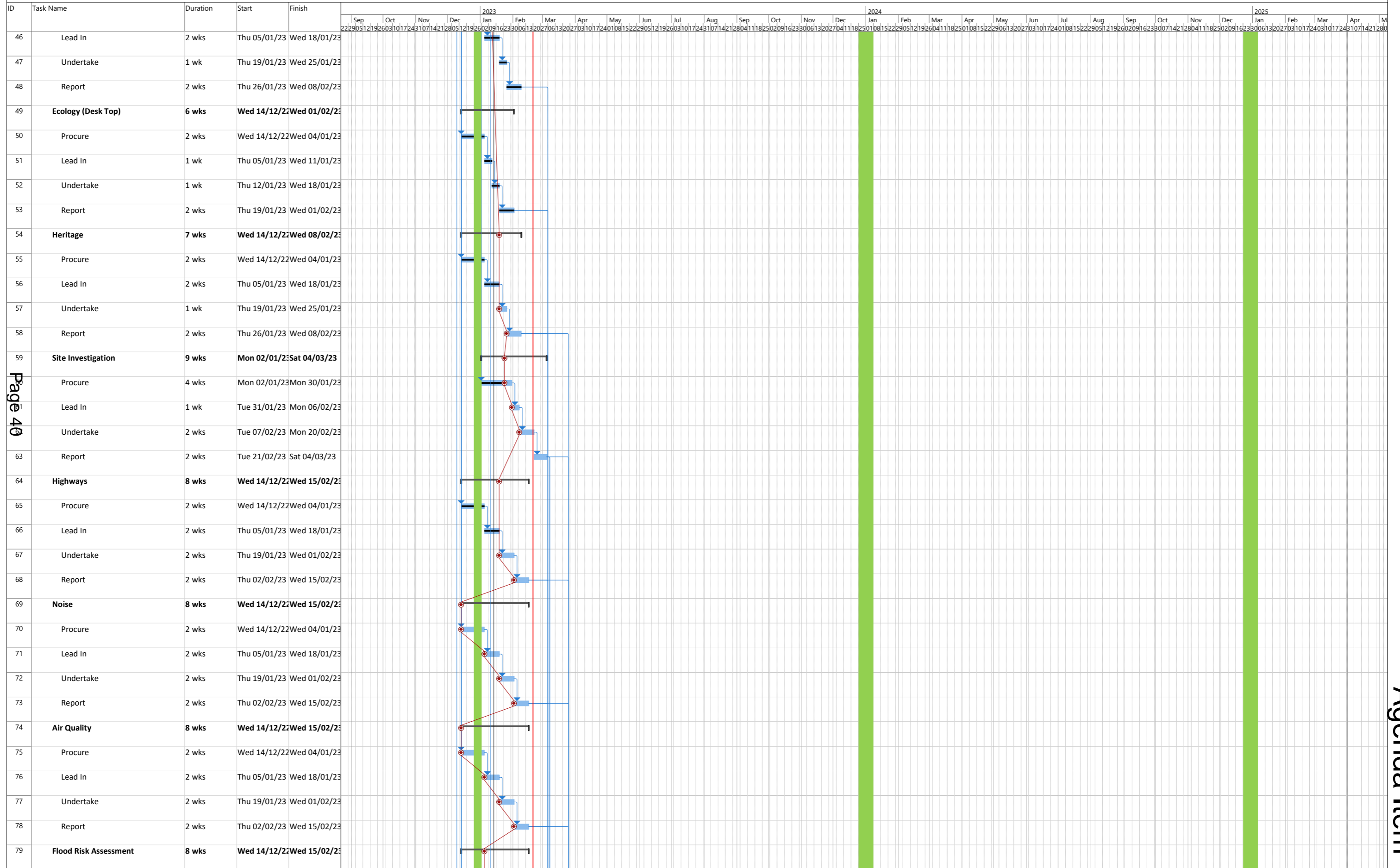
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**BROMSGROVE COUNCIL
FORMER MARKET HALL SITE
MASTER PROGRAMME**

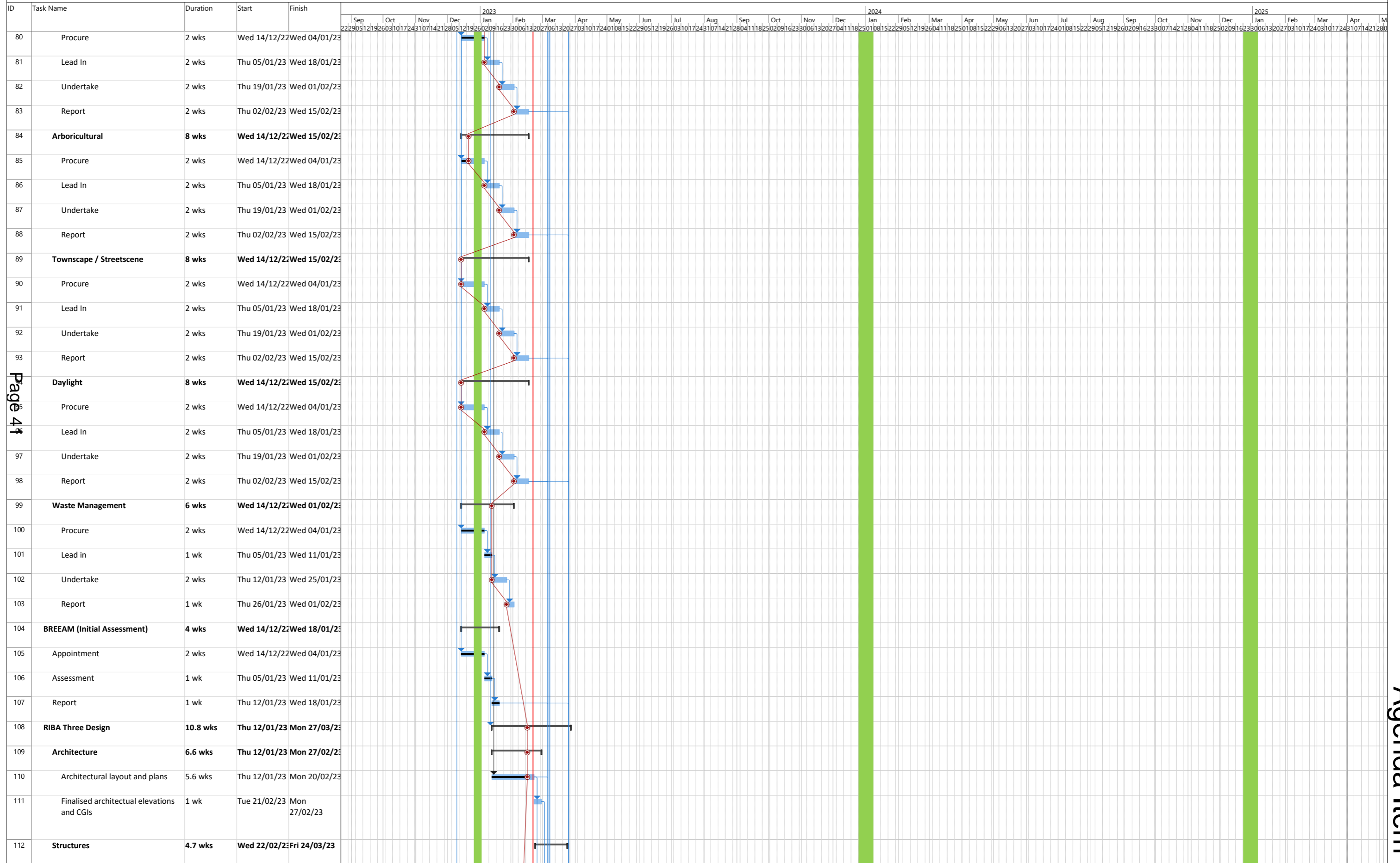


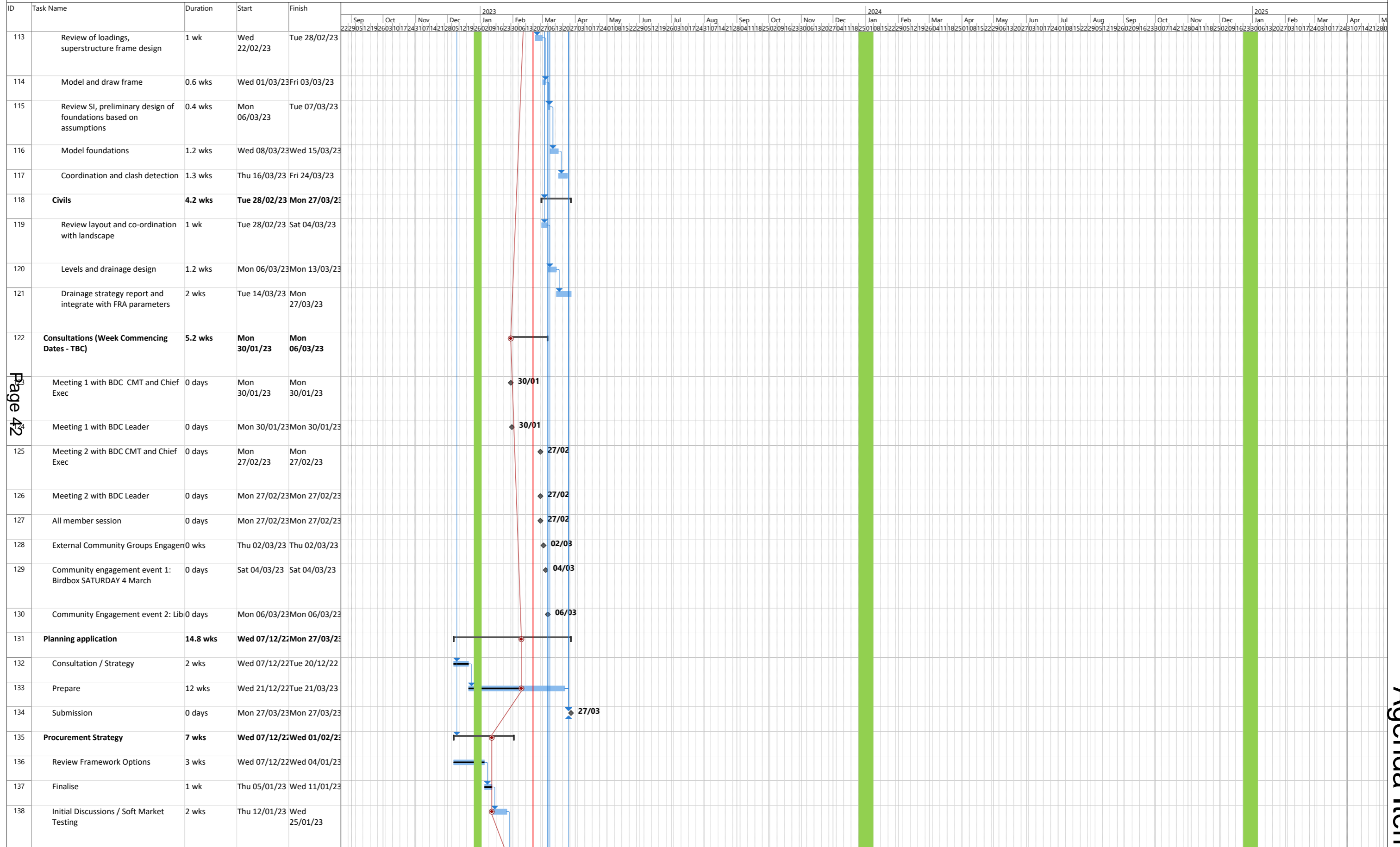
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**BROMSGROVE COUNCIL
FORMER MARKET HALL SITE
MASTER PROGRAMME**

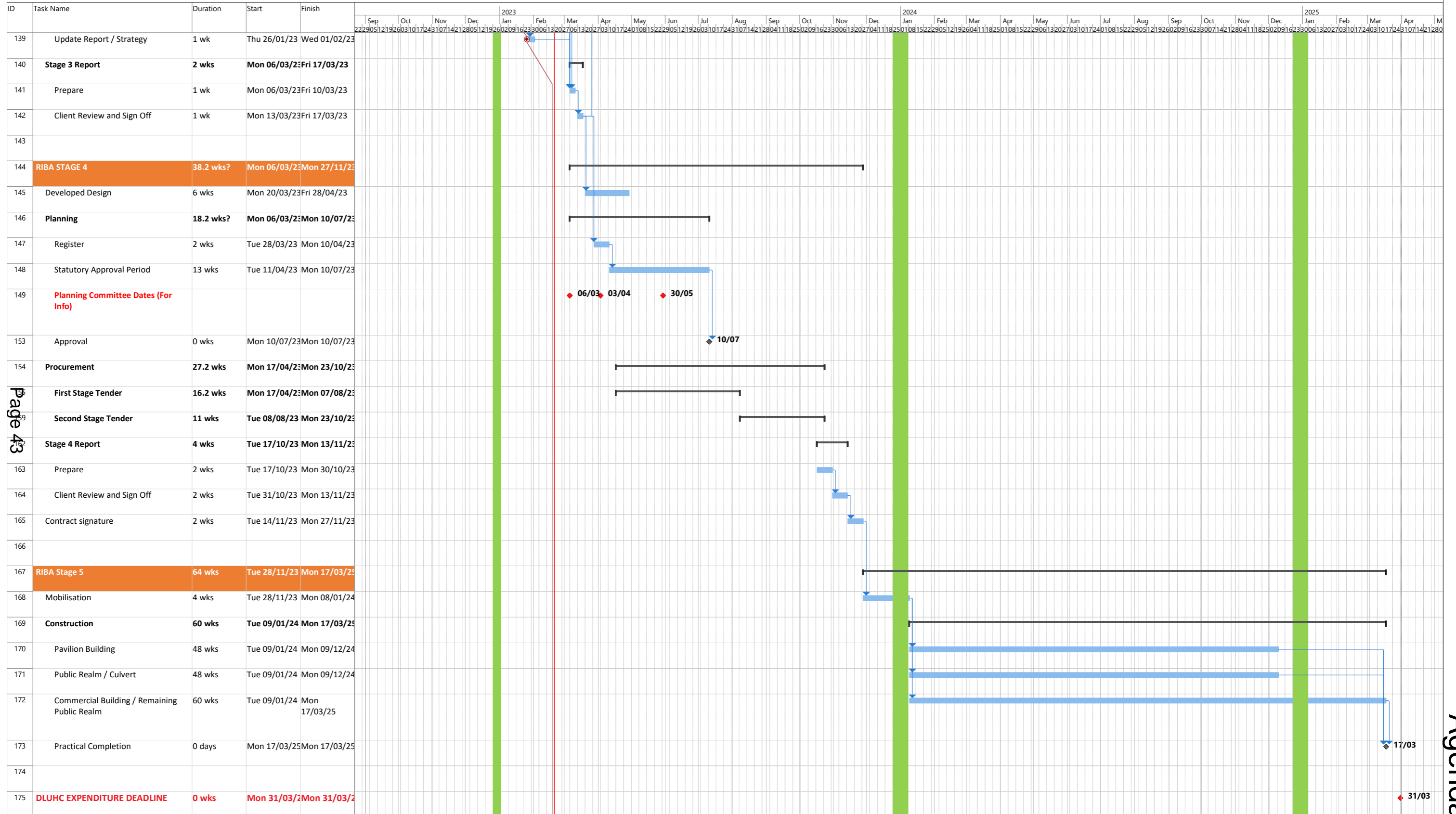


**BROMSGROVE COUNCIL
FORMER MARKET HALL SITE
MASTER PROGRAMME**





**BROMSGROVE COUNCIL
FORMER MARKET HALL SITE
MASTER PROGRAMME**

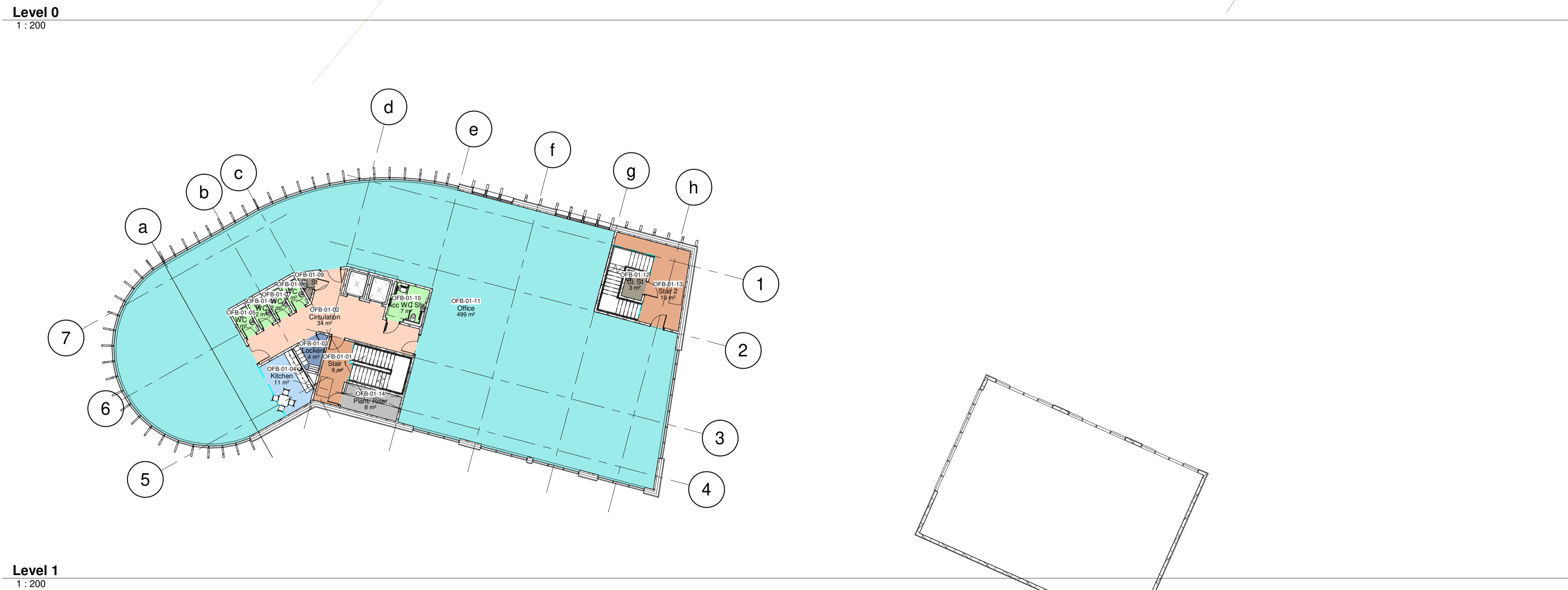


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P02	BUILDING FOOTPRINT AMENDED TO AVOID EXISTING SEWER. FLOOR PLAN DEVELOPED	20.02.23	JT
REV	DESCRIPTION	DATE	BY

DESIGNER

Worcester 01905 362 300
 Birmingham 0121 312 3876
 London 0208 059 6526
 one1td.com

CLIENT

North Worcestershire edR The natural environment for business

PROJECT NUMBER
P1313

PROJECT TITLE
OLD MARKET HALL SITE BROMSGROVE

DRAWN BY: Becki Smith	POSITION: Associate	DATE: 23/01/2023
CHECKED BY: Mark Martin	POSITION: Director	DATE: 20/02/2023
APPROVED FOR ISSUE BY: Mark Martin	POSITION: Director	DATE: 20/02/2023

DRAWING TITLE
GROUND & FIRST FLOOR PLANS OPTION 1A

DRAWING STATUS
S2 - SUITABLE FOR INFORMATION

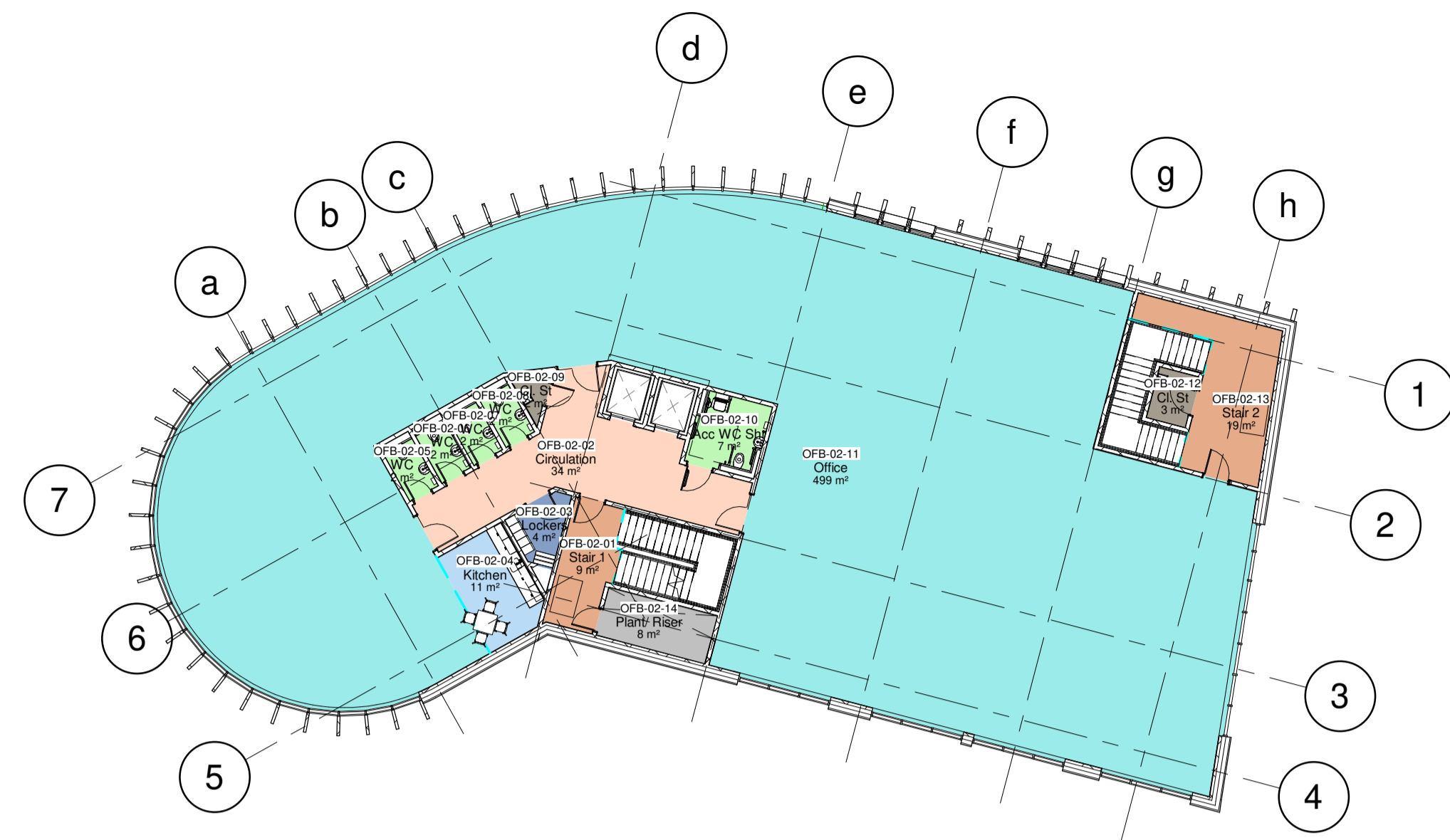
SCALE 1 : 200 DRAWING SIZE A1

DRAWING NUMBER OMH-ONE-OFB-ZZ-DR-A-101A P02 REVISION

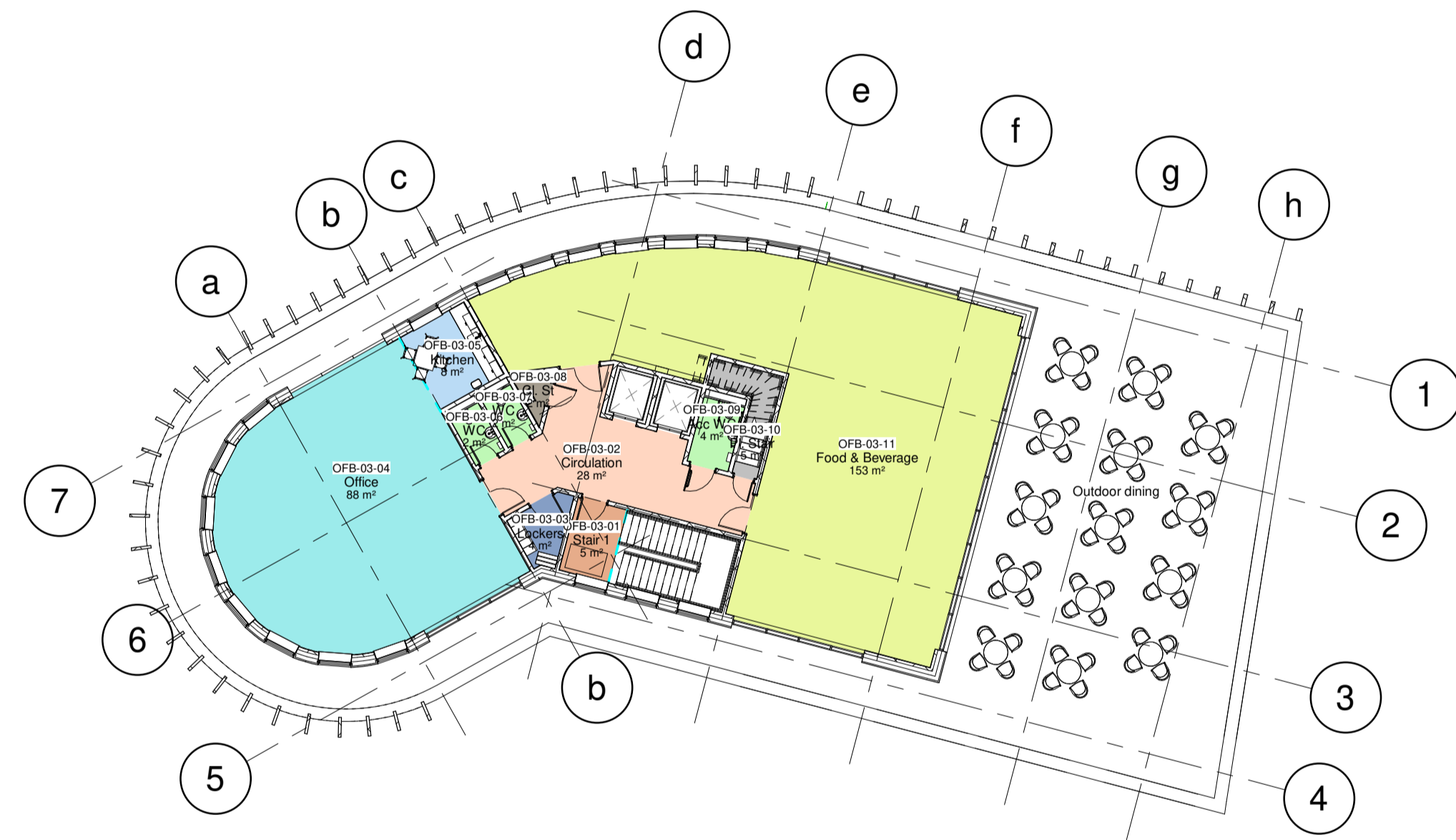
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Agenda Item 11

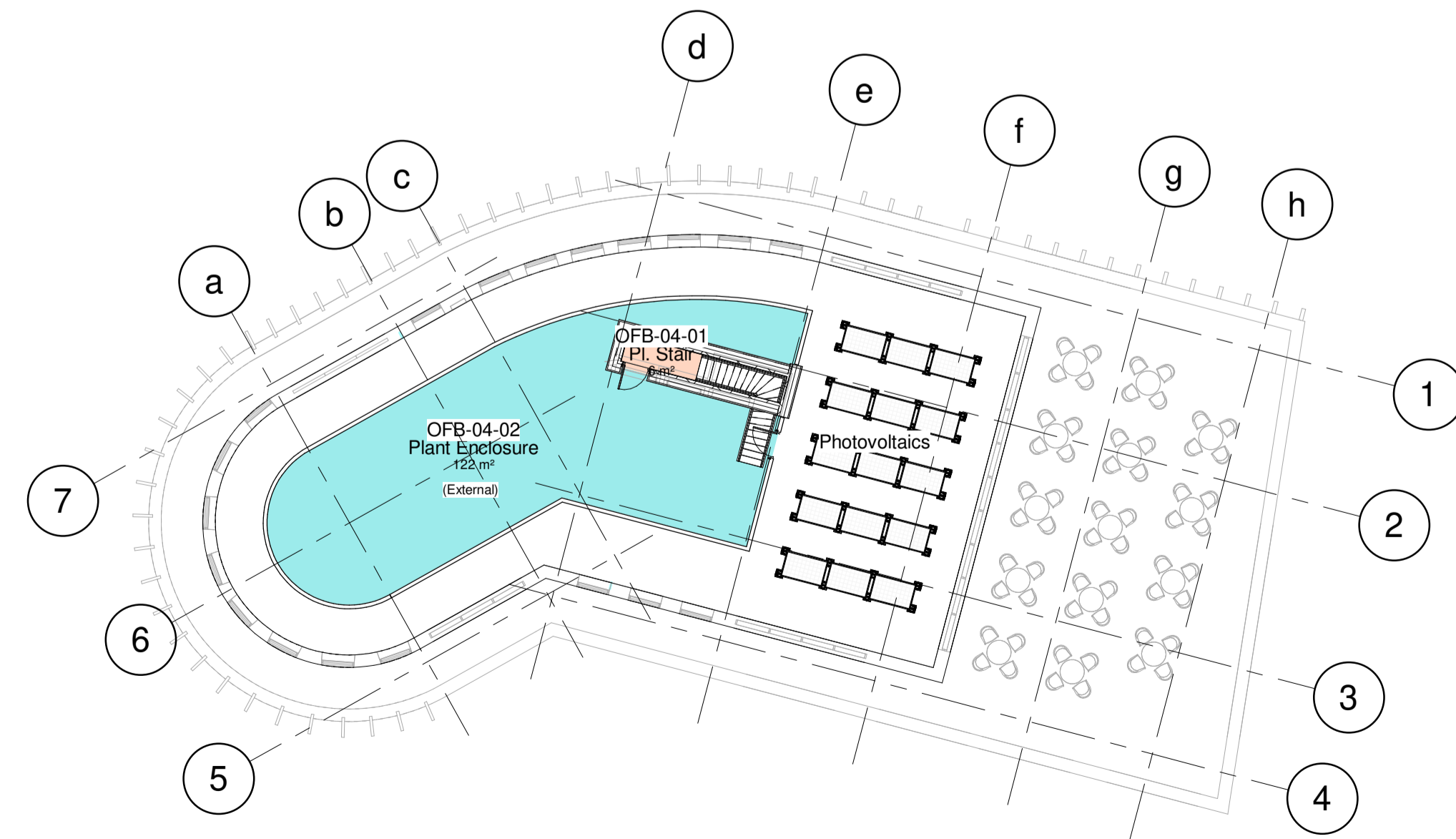
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Level 2
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Level 3
1 : 200



Level 4
1 : 200

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REV	DESCRIPTION	DATE	BY
P02	BUILDING FOOTPRINT AMENDED TO AVOID EXISTING SEWER. FLOOR PLAN DEVELOPED	20.02.23	JT

DESIGNER



Worcester 01905 362 300
Birmingham 0121 312 3876
London 0208 059 6526
one1td.com

CLIENT



PROJECT NUMBER

P1313

PROJECT TITLE

OLD MARKET HALL SITE BROMSGROVE

DRAWN BY:	POSITION:	DATE:
Becki Smith	Associate	23/01/2023
CHECKED BY:	POSITION:	DATE:
Mark Martin	Director	20/02/2023
APPROVED FOR ISSUE BY:	POSITION:	DATE:
Mark Martin	Director	20/02/2023

DRAWING TITLE

SECOND & THIRD FLOOR PLANS
OPTION 1A

DRAWING STATUS

S2 - SUITABLE FOR INFORMATION

SCALE 1 : 200
DRAWING SIZE A1

DRAWING NUMBER

OMH-ONE-OFB-ZZ-DR-A-111A P02

REVISION

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Market Hall Site, Bromsgrove

Board 6: 3D Visuals



Computer generated views facing north, from Waitrose carpark, towards proposed development.

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UP**

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Bromsgrove
District Council
www.bromsgrove.gov.uk

**Better
Bromsgrove
Regeneration**

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environments

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Market Hall Site, Bromsgrove

Board 5: 3D Visuals



Computer generated views facing south, from High Street, towards proposed development.



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Former Market Hall Risk Register Feb23 REV2

		PROBABILITY / IMPACT GRID				
PROBABILITY SCORE	5	5	10	15	20	25
	4	4	8	12	16	20
	3	3	6	9	12	15
	2	2	4	6	8	10
	1	1	2	3	4	5
		1	2	3	4	5
		IMPACT				

Reference Number	Date Raised	Risk/Issue	Type	Title	Description	Consequence	Pre-mitigated Impact / 5	Pre-mitigated Likelihood / 5	Pre-mitigated Risk Score / 25	Mitigation Strategy	Risk Owner - Organisation	Post Mitigated Impact / 5	Post Mitigated Likelihood / 5	Post Mitigated Risk Score / 25
RR-025	01/12/2022	Risk	Financial	Cost inflation	Inflation allowance are insufficient and estimated cost rises above available budget	Top up funding will need to be found from other sources OR the scheme scope/ costs will be need to be reduced	5	4	20	Continue to monitor market indicies and updated accordingly	Arcadis	4	4	16
RR-005	07/02/2023	Risk	Surveys and site	Flood risk mitigations	Pavillion building is within flood zone 3	Pavillion building requires further mitigations which will delay programme and increase cost	5	4	20	Flood Risk Assessment being undertaken by JBA, managed by OC. Initial risk assessment will be received before planning application however full modelling will be received after planning application is registered.	One Creative	4	4	16
RR-020	26/01/2023	Risk	Planning	Culvert	If culvert is unable to be opened within budget, there is a risk planning may not be granted	Rejection of planning application and downgrade of BREEAM status	4	4	16	Existing budget will allow for 50% of the culvert to be naturalised. If more funding is indentified the full length of the culvert can be exposed and planning application will be submitted on this basis	One Creative	4	4	16
RR-022	01/12/2022	Risk	Planning	Planning delay due to capacity shortage	Delays of planning determination due to lack of officer capacity	Planning determination delayed	4	5	20	Early engagement with Head of Planning and wider planning department. Targetting 23 March planning application for determination in 30 May committee meeting.	BDC	4	4	16
RR-034	01/12/2022	Risk	Financial	Fees and surveys cost inflation	Fees and surveys rise to above available budget	Changes in specification may be required reducing burden on professional fees or additional funding will need to be sought	4	4	16	Continue to monitor fees and surveys expenditure. Fees and surveys contingency Arcadis included in November cost estimate.	Arcadis	4	3	12
RR-040	26/01/2023	Risk	Financial	Tenants not identified for office building	Tenants cannot be found for commercial building	Financial and reputation impact for the council	4	4	16	NWEDR engaging with potential tenants and scoping requirements	NWEdR	4	3	12
RR-043	08/01/2023	Issue	Design	Sewer manhole	Existing Sewer manhole cover has been discovered on proposed main building location	Design changes to avoid building over manhole cover	4	4	16	OC investing if manhole cover is in use and making changes to existing design to ensure it is accessible	One Creative	4	3	12
RR-012	01/12/2022	Risk	Design	Providing access to the site off existing highways	If accessible parking is provided and/or servicing access needs to be provided from existing highway	No access for servicing/ emergency vehicles/ accessible parking will lead to objections from statutory consuitors	4	3	12	All hard landscaped public realm will be vehicle accessible. Control needs to be considered at later point (barriers etc.)	NWEdR	4	3	12
RR-016	01/12/2022	Risk	Statutory bodies	Incoming suppls from statutory authorities	There is insufficient capacity in water, power and gas networks to supply the development	Delays to construction and additional cost to faciliate utilities upgrades	4	3	12	Early engagement with all statutory utilities providers when RIBA 3 desigs are finalised	Arcadis	4	3	12
RR-001	26/01/2023	Risk	Surveys and site	Title constraints	Outstanding covenants within title	Restrictions on development within redline	4	4	16	Title is currently being reviewed by BDC legal team. RoW is not within the title register or plan.	BDC	3	4	12

Former Market Hall Risk Register Feb23 REV2

		PROBABILITY / IMPACT GRID				
PROBABILITY SCORE	5	5	10	15	20	25
	4	4	8	12	16	20
	3	3	6	9	12	15
	2	2	4	6	8	10
	1	1	2	3	4	5
		1	2	3	4	5
		IMPACT				

Reference Number	Date Raised	Risk/Issue	Type	Title	Description	Consequence	Pre-mitigated Impact / 5	Pre-mitigated Likelihood / 5	Pre-mitigated Risk Score / 25	Mitigation Strategy	Risk Owner - Organisation	Post Mitigated Impact / 5	Post Mitigated Likelihood / 5	Post Mitigated Risk Score / 25
RR-030	01/12/2022	Risk	Construction	Conflict with WCC high street south works	Access and working room is further reduced by adjacent WCC works on high street south	Delays and dependency on WCC works completing	4	4	16	Identify diversion route and early engagement with WCC	Arcadis / Main contractor	3	4	12
RR-018	01/12/2022	Risk	Planning	Stakeholder engagement	Very limited stakeholder engagement conducted through RIBA 2 and LUF bid	Scheme may be rejected at planning committee or receive political opposition if no substantive engagement takes place before planning application	4	4	16	Stakeholder engagement and consultation will be planned for February-March 2023 in advance of planning application. Monthly meetings with BDC Planning.	One Creative	4	4	16
RR-038	26/01/2023	Risk	Funding	LUF funding profile	Funding is not spent by March 2025 deadline	Funding clawback from DLUHC	4	4	16	Ensure spend profile of LUF funding is defrayed before funding end and spend profile held by DLUHC is up to date	NWedR/Arcadis	3	3	9
RR-039	01/12/2022	Risk	Stakeholders	Operator plan and model	No operator has been identified nor is there a plan for how the building will be operated.	Operator proposals may require BDC contributions towards fitout and/or specification changes. If no operator is found BDC will be responsible for maintenance and upkeep of the building	4	4	16	Currently assuming LUF monies will only deliver shell and public realm. BDC to confirm approach to operator model asap	NWedR	3	3	9
RR-019	01/12/2022	Risk	Planning	Site constraints	1/3 of the site is within a Conservation Area and level 3 flood risk zone. Current location of annex.	This will restrict permissible development and may lead to delays in gaining planning permission	3	4	12	BDC Planning officer being allocated to the project to provide early guidance. Mitigations will need to be made in the design to manage flood risk.	One Creative	3	3	9
RR-035	01/12/2022	Risk	Financial	Market viability of current configuration	Currently minimal evidence base for configuration. No operators or partners identified	If building is unoccupied BDC will be responsible for upkeep costs, potential funding clawback and reputational damage	4	4	16	NWedR are leading production of an Operational strategy. Bruton Knowles have completed a viability appraisal of the current scheme. Draft reports are positive with a residual land value of £3.868m	Arcadis	3	3	9
RR-041	26/01/2023	Risk	Stakeholders	Under use of the Pavillion building	Programme of events not fully developed for the pavillion building and asset is underutilised	Reputational and financial risk of the council	3	4	12	BDC leisure and events team attending monthly project team meetings. NWedR and TC manager developing operation strategy for Pavillion	NWedR	3	3	9
RR-032	01/12/2022	Risk	Construction	Supply chain delays	Materials delayed arriving to site due to supply chain issues. (CLT particularly)	Additional cost and time delays	3	3	9	Early engagement with supply chain via main contractor	Arcadis	3	3	9
RR-010	01/12/2022	Risk	Design	S.278 Highways works	Incorporation of highways works up to back of curb.	Objection froms highways statutory authorities	3	3	9	Early engagement with WCC highways, WCC rep added to Project Team meeting	One Creative	3	3	9
RR-011	01/12/2022	Risk	Design	Integration of High Street South Works	Co-ordination of High street south works led by WCC, also using LUF funding	Poor quality appearance of incongruent finishes or specifications	4	3	12	Early engagement with WCC highways, WCC rep added to Project Team meeting	Arcadis	3	3	9
RR-007	01/12/2022	Risk	Surveys and site	Right of way through the site	The project team have been advised there is a right of way through the site	This will restrict where development can take place, require a temporary stopping up order and/ permanent diversion of the right of way	3	3	9	Arcadis are in contact with Jo Chambers (BDC) who has shared the location of the right of way. This will be confirmed with WCC and incorporated into the design. A temporary stopping notice will be applied for with WCC	Arcadis	2	3	6

Former Market Hall Risk Register Feb23 REV2

		PROBABILITY / IMPACT GRID				
		1	2	3	4	5
PROBABILITY SCORE	5	5	10	15	20	25
	4	4	8	12	16	20
	3	3	6	9	12	15
	2	2	4	6	8	10
	1	1	2	3	4	5
		1	2	3	4	5
		IMPACT				

Reference Number	Date Raised	Risk/Issue	Type	Title	Description	Consequence	Pre-mitigated Impact / 5	Pre-mitigated Likelihood / 5	Pre-mitigated Risk Score / 25	Mitigation Strategy	Risk Owner - Organisation	Post Mitigated Impact / 5	Post Mitigated Likelihood / 5	Post Mitigated Risk Score / 25
RR-015	01/12/2022	Issue	Design	Culvert restricts developable area	Opening culvert will require remediation measures to water course and potential for required wayleave	Public realm designs drastically reduced and potentially size of building	4	3	12	Early engagement with North Worcestershire Water Authority who can enforce landowners responsibility to leave culvert open. However BDC is ultimately responsible for Culvert, consideration	BDC	2	3	6
RR-026	01/12/2022	Risk	Construction	Health and safety on site	Health and safety incidents on site	Harm to site operatives, liability of client to ensure H&S on site.	4	3	12	H&S strategy to be developed by Principal Designer and Main contractor and agreed by project team	Arcadis/ Main contractor	3	2	6
RR-027	01/12/2022	Risk	Construction	Health and safety of public	Incidents involving members of the public adjacent to site	Harm or injury to members of public, liability of client and contractors	4	3	12	H&S strategy to be developed by Principal Designer and Main contractor and agreed by project team	Arcadis/ Main contractor	3	2	6
RR-029	01/12/2022	Risk	Construction	Constrained site	Lack of space for welfare facilities, deliveries, deliveries, equipment etc.	Site operation is restricted, delays	3	3	9	Working area to be considered in RIBA stage three and defined in more detail at RIBA stage four.	One Creative/ Arcadis	3	2	6
RR-033	01/12/2022	Risk	Construction	Sub-contractor insolvency	Sub-contractor become insolvent due to challenging economic conditions	Cost and time delays caused by sourcing new sub-contractors	3	4	12	Assessing sub-contractor financials through contractor. Ensuring main contractor is paying sub-contractors promptly, to be assessed through quality criteria and incentivised through contract.	Arcadis	2	3	6
RR-036	26/01/2023	Risk	Financial	BDC PWLB funding application is delayed	Delay to match funding application	Delay to programme as funding application is made	4	3	12	Early engagement with BDC and regular updates received	BDC	3	2	6
RR-042	26/01/2023	Risk	Occupation and use	Viability and configuration of F&B uses	F&B provision needs to be of appropriate size and configuration to attract quality vendors	F&B space is unlet, loss of income and inactive frontage	3	4	12	Early market engagement with local vendors and ensure size is sufficient	NWedR	3	2	6
RR-004	01/12/2022	Risk	Surveys and site	Archeology during construction	Damage to archeologically significant land during construction	Loss of archeological importance	3	4	12	Heritage survey has been received and will be reviewed by OC	One Creative	3	2	6
RR-002	01/12/2022	Risk	Surveys and site	Ecology	Potential for disruption to wildlife and ecology including Water voles	Planning objections	3	2	6	Initial ecology survey has not identified risks to water voles. This report to be shared with BDC Planning colleagues to confirm no risk to wildlife.	NWedR	2	2	4
RR-006	01/12/2022	Risk	Design	Below ground obstructions and contamination	Any issues arising from SI, potential for remaining foundations from previous uses (before Birdbox)	Additional cost or delay caused by remediation and/or higher quality piling	3	3	9	Invasive site investigation to be completed in February and inform a Remediation Strategy and Validation Report at planning stage	Arcadis	2	2	4
RR-009	01/12/2022	Risk	Design	User/ stakeholder changes	Changes requested by users and stakeholders beyond the project brief	Programme delays/ cost overruns	3	2	6	Clear governance process, close/ coordinated cost and design management. Early stakeholder engagement, coordinated by Project Team meeting	Arcadis	2	2	4
RR-017	01/12/2022	Risk	Design	Secure by design - ASB and public safety	Design is not safe and secure in terms of encouraging ASB and hostile vehicles/ terrorism threats	Potential for future security incidents and ASB in operation	3	2	6	Risk assessment to be conducted with agreed RIBA III designs. Community safety team now included in Project Team meetings	One Creative	2	2	4

Former Market Hall Risk Register Feb23 REV2

		PROBABILITY / IMPACT GRID				
PROBABILITY SCORE	5	5	10	15	20	25
	4	4	8	12	16	20
	3	3	6	9	12	15
	2	2	4	6	8	10
	1	1	2	3	4	5
		1	2	3	4	5
		IMPACT				

Reference Number	Date Raised	Risk/Issue	Type	Title	Description	Consequence	Pre-mitigated Impact / 5	Pre-mitigated Likelihood / 5	Pre-mitigated Risk Score / 25	Mitigation Strategy	Risk Owner - Organisation	Post Mitigated Impact / 5	Post Mitigated Likelihood / 5	Post Mitigated Risk Score / 25
RR-023	01/12/2022	Risk	Procurement	Contractor interest	No contractors bid for the opportunity	No contractor to complete the work. Delay to conduct more SME	4	2	8	Soft market engagement and selection of framework enough contractors	Arcadis	4	1	4
RR-031	01/12/2022	Risk	Construction	Delays associated with diversion of footpath	Delays and additional costs of diverting existing footpath St.John street	Public safety compromised while following diversion. Cost associated with diversion measures	4	3	12	Ensure appropriate signage and barriers are place during construction	Arcadis / Main contractor	2	2	4
RR-024	01/12/2022	Risk	Procurement	High framework fees	Unnecessary additional costs incurred by using uncompetitive framework option	Additional cost	3	2	6	Framework is the most time- efficient route to market. Framework fees will be identified before selecting final framework.	Arcadis	2	2	4
RR-008	26/01/2023	Issue	Design	Lack of parking	Design is currently 100% car-free	Queries by Stat consultees Highways and Planning. Potential for planning refusal	4	2	8	Accessible travel plan, Early engagement with WCC highways dept.	One Creative	3	1	3
RR-037	01/12/2022	Risk	Funding	LUF funding requirements	LUF funding requirements and outputs/ outcomes stipulate design outcomes including sq. m uses. Building designs may not meet funding requirements	Funding clawback	4	2	8	Arcadis/NWedR and DLHUC to jointly monitor outputs with DLHUC monitoring requirements and ensure designs are in-line with project brief	NWedR/Arcadis	3	1	3
RR-003	01/12/2022	Risk	Surveys and site	Archeology protection during surveys	Potential archeological importance within the site has been identified through THI work. This may be damaged during invasive surveys	Planning risk and loss of archeological importance	3	2	6	Heritage survey has been received and will be reviewed by OC	One Creative	2	1	2
RR-013	01/12/2022	Risk	Design	Right to light	Residential apartments behind Shimla peppers will be impacted and assessed through planning submission	Potential planning rejection	2	2	4	Daylight assessment will be undertaken prior to planning	One Creative	2	1	2
RR-028	01/12/2022	Risk	Construction	Oversailing rights and cranes on site	Ensure required oversailing rights are in place over neighbouring properties	Neighbouring properties rights are infringed	2	2	4	To be identified in information provided to contractor and in contractor methodology	Arcadis	2	1	2
RR-021	01/12/2022	Risk	Planning	Urban design review by LA	BDC requires urban design review by an independent firm.	Negative comments from appointed urban design reviewer	2	1	2	Early investigation of urban design review	One Creative	1	1	1

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE OVERVIEW AND SCRUTINY BOARD

17TH JANUARY 2023, AT 6.00 P.M.

PRESENT: Councillors C.A. Hotham (Chairman), J. Till (Vice-Chairman), S. J. Baxter, A. J. B. Beaumont, S. R. Colella, R. J. Hunter, A. D. Kriss and C. J. Spencer.

Observers: Councillor Karen May (Leader of the Council), Councillor Geoff Denaro (Deputy Leader and Portfolio Holder for Finance and Governance) – (on Microsoft Teams)

Officers: Mr. K. Dicks, Mr P. Carpenter, Mrs. R. Bamford (on Microsoft Teams), Mr. M. Cox, Mr O. Paparega and Mr M. Austin (on Microsoft Teams), Ms. N. Chowdhury (on Microsoft Teams), Mrs. J. Newbon (on Microsoft Teams), Mr. C. Phillips (on Microsoft Teams) and Mr. M. Sliwinski.

57/22

APOLOGIES FOR ABSENCE AND NAMED SUBSTITUTES

Apologies for absence were received from Councillors R. Deeming and H. Jones.

58/22

DECLARATIONS OF INTEREST AND WHIPPING ARRANGEMENTS

There were no declarations of interest nor any whipping arrangements.

59/22

TO CONFIRM THE ACCURACY OF THE MINUTES OF THE MEETING OF THE OVERVIEW AND SCRUTINY BOARD HELD ON 21 NOVEMBER 2022

The minutes of the Overview and Scrutiny Board meeting held on 21st November 2022 were submitted for Members' consideration.

RESOLVED that the minutes of the Overview and Scrutiny Board meeting held on 21st November 2022 be approved as a true and correct record and signed by the Chairman.

60/22

PLANNING ENFORCEMENT UPDATE

The Technical Services Manager for Worcestershire Regulatory Services (WRS) presented a report on planning enforcement and in doing so highlighted that in making planning conditions on a planning permission, local planning authorities should be mindful of paragraph 55 of the National Planning Policy Framework (NPPF) which makes clear

that any planning conditions should be enforceable, precise, and reasonable.

The Technical Services Manager noted that the most desirable outcome in taking any measure of enforcement action was compliance by the offender within an acceptable timeframe. When there was a breach of planning conditions, the enforcement action taken on the part of the local planning authority was proportionate to the severity of the breach in question and a staged approach was adopted towards ensuring compliance, whereby a number of warning letters would be issued to the applicant, and if this did not lead to resolution, formal enforcement action would be taken, starting with Enforcement Notices (including Stop Notices) and prosecution or injunction if no compliance had been secured.

The Technical Services Manager advised Members of a typographical error in the table at paragraph 3.2 of the report in respect of the figure for the number of prosecutions or injunctions in 2021-22 that would be corrected.

Following the presentation, Members discussed the contents of the report, and the following was noted:

- It was highlighted that whilst Officers aimed to respond to any breaches of planning enforcement legislation in a timely manner, ideally on the same day, enforcement in relation to planning policy breaches was a discretionary function, and due to limited resources, the response timescales depended on the seriousness of the breach in question, with most serious breaches being prioritised.
- Members asked about the number of cases that had been closed during the 2021-22 municipal year through to 10 November 2022 and Officers undertook to compile and distribute this information to Members.
- It was explained that planning conditions had a primary purpose of making an otherwise unacceptable proposal acceptable in planning terms. Officers noted that breaches of conditions were managed through notices and a proportionate approach was adopted to dealing with casework.
- It was asked what civil enforcement parking powers were available to Civil Enforcement Officers (CEOs) with regards to parking and whether the Council's CEOs had the authority to deal with issues such as unlit skips left on public highways. Officers explained that CEOs only had very specific powers in the area of parking enforcement. Officers undertook to provide Members with a response outlining a full list of the CEO enforcement powers.
- The Board was advised that unlit skips on highways were a County Council matter as the County was the responsible authority for public highways.
- In terms of minimum standards, it was noted that the Council was bound by national targets for processing planning applications

within the statutory determination period, which was 8 weeks for non-major development applications and 13 weeks for applications for major developments. There were consequences for the local planning authority if the percentage thresholds for meeting the statutory determination period were not met (which were a minimum of 60 per cent of applications for major developments, and 70 per cent for non-major, to be determined within the statutory determination period).

- For planning enforcement there were no comparable minimum standards, although the authority would monitor its standards. It was noted that the Council was working with WRS on updating the joint enforcement concordat to set out the standards that could be expected in planning enforcement. It was underlined that the main issue was understanding what resource was required to deliver timely services in the context of limited budget availability.
- It was noted that the enforcement powers available to the local planning authority included authorising named officers with the rights of entry to land specifically for planning purposes, and also other enforcement tools such as the use of drones for monitoring. It was noted, however, that there was a host of complications with using monitoring tools and the need for such tools needed to be clearly evidenced.
- Officers were asked if the use of WRS Officers for the Council's enforcement work resulted in taking those WRS staff from their other duties. In response, Officers stated that WRS Officers were skilled in enforcement from their work across the enforcement spectrum (environmental health, licensing) and had experience of injunctions and as such it was advantageous for both the Council and WRS to utilise these enforcement officers in the planning enforcement work.
- It was stated that WRS had members of staff who were previously employed for undertaking contact tracing and Covid advisor roles and these officers had been trained and were now undertaking the planning enforcement duties for WRS.
- Members requested information about the number of planning enforcement cases that were closed in the period of 2021-22 and up to 10 November 2022, and Officers undertook to provide this information.

RESOLVED that the Planning Enforcement Update be noted.

61/22

FINANCE AND BUDGET WORKING GROUP - UPDATE

The Chief Executive introduced the item and reported that the Chairman of the Overview and Scrutiny Board had received a request for a vacancy on the Finance and Budget Working Group to be filled by an elected member who did not sit on the 'parent' Overview and Scrutiny Board and was not a Cabinet Member.

It was explained that under the legislation non- Overview and Scrutiny elected members (who were also not members of the Cabinet) were not

precluded from joining any of the working or task groups that had been set up by the parent Overview and Scrutiny Board. It was noted, however, that at the time this report was produced other Members of the Overview and Scrutiny 'pool' who did not sit on the parent Overview and Scrutiny Board had not been consulted about this vacancy.

It was further noted that under Section 15(5)(c) of the Local Government and Housing Act 1989, the political balance rules, in terms of the appointment of Members to Committees to reflect the authority's political balance, applied to "ordinary committees", or formal committees such as the Planning Committee. Working Groups, scrutiny Task Groups and advisory panels were not classified as ordinary committees and the political balance rules did not need to apply.

Following the presentation Members deliberated on the proposal and the majority of Members present expressed the opinion that membership of the Finance and Budget Working Group should be restricted to a sub-group of members of the Overview and Scrutiny Board unless this option had been exhausted and a long-term vacancy had been identified which necessitated a wider membership of the Overview and Scrutiny 'pool' to join the Working Group.

It was suggested that the Terms of Reference should also be amended to enable the Chairman of the Audit, Standards and Governance Committee to be allocated a place on the Working Group. It was reasoned that this member would add the necessary expertise and value to the work of the Finance and Budget Working Group.

It was agreed that the Terms of Reference of the Finance and Budget Working Group should be amended to the effect stated in the above preamble and that these amendments should be applied from the beginning of the municipal year 2023-24.

RESOLVED that the following amendments be inserted to the Terms of Reference of the Finance and Budget Scrutiny Working Group, which should apply from the start of the 2023-24 municipal year:

- 1) The Working Group shall comprise 7 Members, to be made up of 6 Members (who are Members of the Overview and Scrutiny Board) plus the Chairman of the Audit, Standards and Governance Committee.
- 2) Should a vacant post remain after Members of the Overview and Scrutiny Board had been approached, members of the Overview and Scrutiny "pool" (i.e. those who do not sit on the Overview and Scrutiny Board and are not Cabinet Members) may be appointed to fill the vacancy.

Councillor S. Baxter, the Council's representative on the Worcestershire Health Overview and Scrutiny Committee (HOSC) reported that two meetings of the Committee had taken place since the last update, on 1st December 2022 and 13th January 2023 respectively.

Councillor S. Baxter reported that on 1st December Members of the Worcestershire HOSC had a tour of the Emergency Department at the Worcestershire Royal Hospital, which was being redeveloped and expanded. It was commented that this redevelopment was positive news for residents living in the south of Worcestershire. However, it was still a considerable journey to this hospital for residents living in the northern districts of Worcestershire.

The rest of the HOSC meeting on 1st December, it was reported, had been taken up with discussion of ambulance delays and patient flow. Councillor S. Baxter reported that it was highlighted at the HOSC meeting that increased staffing was what would make the biggest difference to the Worcestershire Acute Hospitals Trust (the Acute Trust) and problems would remain until the staffing situation was resolved. A particular weakness with relevance to patient flow, it was reported, was the lack of consultants with expertise in care of the elderly and the problem was compounded by the fact that staff, especially those newly qualified staff, chose to work in hospitals where they would be part of a larger team.

With regards to the meeting of Worcestershire HOSC that took place on 13th January 2023, Councillor S. Baxter reported that the main issues discussed included the Public Health England (PHE) Ring Fenced Grant for the County Council and the item on health inequalities emerging from the Covid-19 pandemic.

Following the presentation, a discussion took place on the points raised and the following was noted:

- It was commented that Worcestershire Acute Hospitals Trust struggled to recruit consultants for various reasons with the proximity of the Queen Elizabeth Hospital in Birmingham being one of the factors.
- It was reported that actions were being taken by the Trust to facilitate safe patient discharge, including step down units to ensure patients were not released from hospital before they were ready.
- A problem with recruitment of nurses was highlighted, with a vacancy figure of 200 being reported. It was reported that there was an overseas recruitment drive in place, mainly from India, to fill some of these vacancies.
- It was highlighted that the new Emergency Department building was not funded as a private finance initiative (PFI) as public bodies were moving away from financing via PFI, and this was the case with this project.

RESOLVED that the Worcestershire Health Overview and Scrutiny Committee Update be noted.

63/22

CABINET WORK PROGRAMME

The Cabinet Work Programme was presented for Members' consideration.

RESOLVED that the contents of the Cabinet Work Programme be noted.

64/22

OVERVIEW AND SCRUTINY BOARD WORK PROGRAMME

The Board requested that an officer report be presented at the meeting on 13th March 2023 on the steps taken by the Bromsgrove District Housing Trust (BDHT) to tackle the issue of damp and condensation in the properties looked after by BDHT.

RESOLVED that, subject to the preamble above, the Overview and Scrutiny Board Work Programme be noted.

65/22

TO CONSIDER, AND IF CONSIDERED APPROPRIATE, TO PASS THE FOLLOWING RESOLUTION TO EXCLUDE THE PUBLIC FROM THE MEETING DURING THE CONSIDERATION OF ITEM(S) OF BUSINESS CONTAINING EXEMPT INFORMATION:-

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

<u>Item No</u>	<u>Paragraph</u>
10	3

66/22

LEVELLING UP FUND UPDATE - PURCHASE OF WINDSOR STREET SITE AND FORMER MARKET HALL SITE

The Board received an operational update with respect to progress in the delivery of the Levelling Up Fund (LUF) projects (LUF0297) in Bromsgrove Town Centre. The update covered the period September 2022 – January 2023 for the two projects taking place at Windsor Street and the former Market Hall site.

The Board was first updated on the Windsor Street Site (former Fire Station at Windsor Street). The Programme Delivery Manager for the projects reported that in October 2022 a positive response was received from the Environment Agency (EA) to the proposed remediation strategy. The EA provided approval in terms of the approach and remedial target values proposed for the soil and groundwater and gave a

green light to proceed with the preparation of a remediation specification and monitoring plan.

It was reported that the draft remediation specification and monitoring plan had been completed and would be reviewed by both the Council and North Worcestershire Economic Development and Regeneration (NWEDR) before it was submitted to the EA.

With regards to procurement of a suitable remediation contractor for the site, it was reported that the duration of soft market testing was extended following agreement from the Programme Board as two of the procurement frameworks approached, the Crown Commercial Services (CCS) and the Procure Partnership Frameworks, were deemed unsuitable due to concerns regarding the risk that there would be an inadequate number of returns following the tendering process.

The decision was thus taken to issue an expression of interest (EOI) to the Pagabo framework with a request that a reserve list of suppliers be made available to increase the overall pool of contractors. The project team was awaiting a response regarding this. It was explained that the tender process had been paused for the moment and would be extended by two weeks to enable contractors to have sufficient time to submit their EOIs. It was highlighted that this did not impact on the project timescales and it was expected that the contractor would be appointed in February 2023 and planning permission for the site secured in April 2023.

It was clarified that the project would proceed with two procurement frameworks going forward, the Pagabo framework and the Consortium Procurement Construction (CPC) framework.

The Board was then updated on the Former Market Hall project and Members were informed that following procurement in November 2023, One Creative Ltd were successful at the tender stage and would be appointed as the project's technical adviser and cost consultant.

The RIBA stage two closed in December 2022 with the brief for the design team including proposals for the Main Building to be a mix of open plan office spaces and adaptable workspaces with food and beverage provided on the ground floor and proposals for the Pavilion Building to provide a two-storey pavilion-style building with a covered area to perform as a market square and the ground floor to be adaptable to hosting a range of community events and festivals.

It was noted that following the next stages of RIBA and the assessment of the design team and the technical advisor, the specific designs and costs for the project might need to be revised. However, it was highlighted that there would be an extensive period of consultation with Elected Members before a planning application for the site was submitted.

Agenda Item 12

Overview and Scrutiny Board
17th January 2023

Following the operational update, the Board received an update in respect of the financial implications of the Levelling Up Fund (LUF) projects at Windsor Street (Former Fire Station) and Former Market Hall sites.

[The meeting was adjourned between 7.41 pm and 7.48pm]

(During the consideration of this item, Members discussed matters that necessitated the disclosure of exempt information. It was therefore agreed to move to exclude the press and public prior to any debate on the grounds that information would be revealed which related to the financial and business affairs of any particular person (including the authority holding that information)).

The meeting closed at 8.46 p.m.

Chairman

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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