



BROMSGROVE DISTRICT COUNCIL

PARISH COUNCILS' FORUM

TUESDAY, 30TH SEPTEMBER 2008, AT 6.30 P.M.

COUNCIL CHAMBER, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

Copies of the Parish Councils' Forum Agendas, Reports and Minutes are available on the Council's web-site at www.bromsgrove.gov.uk/pcf

AGENDA

1. Apologies for absence
2. Minutes of the last meeting of the Parish Councils' Forum held on 24th June 2008 and matters arising (Pages 1 - 4)
3. Upcoming Changes in Planning Procedures - Information for Parish Councils

Presentation by Mr. D. Birch, Area Planning Manager, to explain the changes to the General Development Order that are due to come into force on 1 October 2008.
4. Consultation with Parish Councils (Pages 5 - 12)
 - (a) on applications for Certificates of Lawfulness for an Existing Use or Development; and
 - (b) on public speaking at Planning Committee
5. Co-opted members of certain Parish Council Committees and application of Code of Conduct

Presentation by Mr. J. Cypher, Parish Councils' representative on Bromsgrove District Council's Standards Committee.
6. Parish Council Casual Vacancies (Pages 13 - 14)

7. Updates

- (i) on the Concordat and revised timetable; and
- (ii) Concurrent functions

8. Longbridge Development in the Current Economy (Pages 15 - 16)

K DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

23rd September 2008

Agenda Item 2

BROMSGROVE DISTRICT COUNCIL

PARISH COUNCILS' FORUM

Tuesday, 24th June 2008, at 6.30 p.m.

PRESENT: Councillors R. Hollingworth (Chairman)

Parish	Representative(s)
Barnt Green	Mrs. J. Jagger (Chairman)
Belbroughton	Mrs. C. Limm (Clerk)
Beoley	Mr. B. J. Somner (Chairman) Miss P. Harrison (Clerk)
Bournheath	Mrs. S. Davies (Chairman)
Catshill and North Marlbrook	Mr. G. F. Witcomb (Chairman) Mrs. G. Lungley (Clerk)
Cofton Hackett	Mr. B. Hodgson (Clerk) Mr. B. Bridgewater Mr. K. Duncan
Dodford with Grafton	Mrs. C. Limm (Clerk)
Hagley	Mr. S. R. Colella (Chairman)
Hunnington	Mr. J. Peeney (Chairman) Mrs. R. Mullett (Clerk)
Lickey and Blackwell	Mrs. J. A. Casey (Clerk) Mr. K. Woolford
Lickey End	Mr. C. W. Bateman
Romsley	Mr. I. A. Hodgetts (Chairman) Mrs. R. Mullett (Clerk)
Stoke	Mr. K. Strawbridge (Chairman) Mr. P. D. Callaway (Clerk)
Wythall	Miss P. Harrison (Clerk)

In attendance: Inspector D. Shaw and PC Stan Baker, West Mercia Constabulary; and Mr. R. Levett (County Association of Local Councils)

Officers: Mr. K. Dicks, Mr. H. Bennett, Mr. D. M. Birch, Mrs. S. Mould, Mr. A. C. Stephens

1.

APOLOGIES

Parish	Representative
Alvechurch	Mrs. Y. Goode (Clerk)
Barnt Green	Mr. R. Westbury (Executive Officer) Mr. D. A. Gilburn
Belbroughton	Mr. J. M. Bradley (Chairman) Mr. C. R. Scurrall
Clent	Mrs. P. A. Harris
Tutnall and Cobley	Mrs. H. Davies (Clerk)

2. **MINUTES AND MATTERS ARISING**

The minutes of the meeting of the Parish Councils' Forum held on 1st April 2008 were submitted.

It was **AGREED** that the minutes be approved as a correct record.

3. **PLANNING ENFORCEMENT**

Mr. D. Birch, Area Planning Manager (East), gave a brief update on the situation within the Enforcement Section following the reorganisation of the staffing levels within Development Control, and he referred to the letter dated 1st April 2008, sent by the Head of Planning and Environment Services to the parish councils, in respect of service provision. Mr. Birch reported how enforcement matters were prioritised, together with looking ahead to developing the role of the Section in the future.

In response to questions from members of the Forum, Mr. Birch informed the meeting of the processes relating to the issue of Certificates of Lawfulness. Mr. Dicks, Chief Executive, stated that procedures were in place whereby the Legal Section inform the relevant parish council of the issue of any Certificates of Lawfulness. Furthermore, he undertook to ensure that a presentation would be made to the next meeting of the Forum to explain the processes and procedures relating to Certificates of Lawfulness.

In conclusion, Mr. Birch stated that members of the Forum could raise individual queries with him after the meeting.

4. **"SMARTWATER" PRESENTATION**

The Chairman introduced Inspector D. Shaw and PC Stan Baker, Crime Risk Manager, to the meeting. Inspector Shaw addressed the meeting and gave a brief presentation on the SmartWater initiative. He outlined the background relating to the introduction of SmartWater, and how its use has helped meet the targets set in respect of reducing the number of burglaries within the Bromsgrove District.

Inspector Shaw informed the meeting that SmartWater, a colourless liquid solution with its own unique chemical 'code', was used by the Police in undercover operations to catch and convict criminals. He stated that it was issued to victims of burglary and could also be made available for sale to the parish councils.

He added that potential offenders who are aware of the use of SmartWater feared its power to forensically link them with the scene of a crime, and therefore act as an effective deterrent. He explained that SmartWater Technology, the development company, worked closely with UK Police Forces and partner agencies to develop proactive crime reduction and community improvement strategies, tailored to the needs

of each individual community. It was reported that signs were being erected in strategic locations within the district giving notice that SmartWater was being used in the area, and therefore acting as a further deterrent to potential offenders.

After answering a number of questions from members of the Forum, the Chairman thanked Inspector Shaw and PC Baker for their presentation.

5. **CO-OPTION OF PARISH COUNCILLORS / PARISH MEETINGS AND PARISH POLLS**

(a) Casual Vacancies

Mrs. S. Mould, Electoral Services Manager, addressed the Forum and stated that, in seeking to raise the profile of the Electoral Services Section, she intended to develop closer working links with the parish councils. Therefore, to provide help to the parishes, she reported that she intended to produce guidance notes and other useful procedural information. Mrs. Mould reported that one of the first documents to be published were guidance notes for parish clerks relating to 'Casual Vacancies in the Office of Councillor'.

In addition, Mrs. Mould stated that further relevant information would be added to the Electoral Services section of the Council's web-site in due course. She also reminded the parish councils that, upon the election or co-option of parish councillors, the Declaration of Acceptance of Office and Code of Conduct are required to be signed by the new councillor, together with a submission for the Register of Interests.

(b) Parish Meetings and Parish Polls

Mrs. Mould also reported on further guidance which had been prepared in respect of Parish Meetings and Parish Polls. She drew attention to new legislation under the Local Government and Public Involvement in Health Act 2007 which provided for community governance reviews. She stated that this was a new concept and that guidance notes for parish councils would be prepared in time for inclusion on the agenda for the next meeting of the Forum.

Mr. R. Levett, Acting Executive Officer for the County Association of Local Councils [CALC], commented on how useful the guidance notes were and stated that he would review the existing guides currently held by CALC to ensure that they are up to date and reflect recent changes in legislation.

After answering questions from members of the Forum, the Chairman thanked Mrs. Mould for introducing the new guidance notes.

6. **NEIGHBOURHOOD AREA COMMITTEES - UPDATE**

At the invitation of the Chairman, Mr. H. Bennett, Assistant Chief Executive, addressed the Forum and stated that he was still in the process of making arrangements for the future development of the Neighbourhood Area Committees. He stated that there were a number of issues relating to the division of the district for the proposed extension of the scheme.

He added that the Terms of Reference and initial correspondence had been drafted and that it was anticipated that this would be sent to the parish councils in the near future.

This was noted.

The Meeting closed at 7.55 p.m.

Chairman

BROMSGROVE DISTRICT COUNCIL

Parish Councils Forum

30th September 2008

Consultation with Parish Councils on Certificates of Lawfulness on Existing Use or Development (CLEUD)

Responsible Portfolio Holder	Mrs J. Dyer
Responsible Head of Service	D. Hammond
Non-Key Decision	

1. SUMMARY

- 1.1 To consider introducing a procedure to enable Parish Councils to be consulted on Certificates of Lawfulness on Existing Use or Development (CLEUD).

2. RECOMMENDATION

- 2.1 That a one year trial is undertaken by the Head of Planning and Environment Services to assess the implications of consulting Parish Councils on Certificates of Lawfulness on Existing Use or Development (CLEUD) in terms of resources and improvements to the decision making process.

3. BACKGROUND

- 3.1 A certificate of lawfulness (LDC) is a legal document rather than a planning permission. LDCs replaced the former planning procedure whereby it was possible to apply for a formal determination as to whether or not planning permission was required for a proposed development, and also the established use certificate system which formalised an immunity from enforcement for uses already carried out continuously, but unlawfully, since the end of the 1963. In a nutshell the provisions introduced a procedure whereby a developer may formally establish whether what is proposed to be done (CLOPUD) or what has already been done (CLEUD) is "lawful", in that no planning permission is required and no enforcement action may taken
- 3.2. This report relates to the procedures relating to CLEUDS
- 3.3 There is no formal duty for local authorities to consult on CLEUDS. This is because they are not planning applications but a legal document that is based upon the information provided to the authority and a consideration of

the evidence based upon the balance of probability. The applications are not subjective and therefore rely on factual evidence being presented.

- 3.4. At the present time the applications are dealt with by the Legal Services team who advise Ward Councillors that a CLEUD has been received. The Enforcement section of the Development Control section is also consulted to check records and the history of activity at a site. The decision as to whether or not to grant the CLEUD rests with the Council's Senior Solicitor after consideration of the evidence contained in the application and any comments made by the Enforcement section.
- 3.5. The purpose of this report is to assess the viability of introducing a consultation process with Parish Councils who may have historical knowledge which could assist in the evidence checking carried out by the Councils Enforcement Officer. It is therefore considered that consultations on CLEUDS should be undertaken by the Enforcement officer when he/she receives the initial consultation request from Legal Services rather than by Legal Services directly.
- 3.6. It is very important that Parish Councils are aware of what the Enforcement Officer will require. Comment must be limited essentially to evidence as to whether a use or form of Development has been operating for 10 years continuously or has been completely built for 4 years. Applicants for CLEUDS are now required to ensure that their evidence is in the form of a statutory declaration; whilst that may include hearsay (ie. second-hand) evidence, the weight attached to hearsay evidence is likely to be less than that attached to first-hand evidence. Parish Councils need to be aware, therefore, that similar consideration will be given to information provided by them. Therefore Parish Councils are encouraged to liaise with the Enforcement Officer to ensure that the appropriate weight can be attached to the information they hold.
- 3.7 Any response will form part of the consultation response to the Councils Solicitor who will make the formal determination. It would not therefore be appropriate for Parish Councils to liaise directly with the Legal Services team once they have been consulted on a matter.
- 3.8 The Enforcement officer will request the Parish Council to respond within a specific time period. Councils are encouraged to ensure that they have appropriate procedures in place to ensure that they are able to provide the information within the specified time scale.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications.

5. LEGAL IMPLICATIONS

- 5.1 There are no legal implications

6. COUNCIL OBJECTIVES

6.1 The information sheet would link to Council objective 2 - Improvement

7. RISK MANAGEMENT

7.1 None

8. CUSTOMER IMPLICATIONS

8.1 None

9. EQUALITIES AND DIVERSITY IMPLICATIONS

9.1 None

10. VALUE FOR MONEY IMPLICATIONS

10.1 None

11. OTHER IMPLICATIONS

Procurement Issues - None
Personnel Implications - None
Governance/Performance Management - None
Community Safety including Section 17 of Crime and Disorder Act 1998 - None
Policy - None
Environmental - None

12. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	No
Executive Director - Partnerships and Projects	No
Executive Director - Services	No
Assistant Chief Executive	No

Head of Service	
Head of Financial Services	No
Head of Legal, Equalities & Democratic Services	Yes
Head of Organisational Development & HR	No
Corporate Procurement Team	No

13. WARDS AFFECTED

All Wards

14. APPENDICES

None

15. BACKGROUND PAPERS

None

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BROMSGROVE DISTRICT COUNCIL

Parish Councils Forum

30th September 2008

Public Speaking at Planning Committee

Responsible Portfolio Holder	Mrs J. Dyer
Responsible Head of Service	D. Hammond
Non-Key Decision	

1. SUMMARY

- 1.1 To consider an amendment to the Councils Constitution to enable Parish Council representatives to speak at Planning Committee meetings on planning applications that are under consideration that fall within their Parish.

2. RECOMMENDATION

- 2.1 That a report is taken to the Council to consider recommending amending the Planning Committee Procedure Rules and the Councils Public Speaking Procedures to undertake a one year trial period to enable Parish Councils to speak at Planning Committee on planning applications that are under consideration that fall within their Parish.

3. BACKGROUND

- 3.1 The Council has been operating public speaking at planning Committee for over two years and it has been well received. Applicants/Agents, objectors/supporters and ward Councillors are able to speak directly to the members of the Planning Committee for 3 minutes on applications that are under consideration. From feedback from those involved it has been a positive experience.
- 3.2. Parish Councils are a statutory consultee within the planning application process and the comments that are received are incorporated within both delegated and Committee reports of the Head of Planning and Environment Services. Those comments are often summarised to just the main points due to the need to keep reports at manageable levels, although the original letter is available to Members to view if they wish.
- 3.3. Parish Councils do not at present have the opportunity to use the Public Speaking process to explain in detail their views to Members of the Planning Committee, although they are able to speak to a Ward Councillor to speak

on their behalf. It is apparent that the agenda's to the Planning Committee have shortened significantly over the last few years due to positive changes to the delegation schedule and therefore the Committee is not under pressure from the overall time that meetings are taking. Therefore in terms of trying to improve the decision making process within the Council it would appear that there is an opportunity to allow Parish Councils a 3 minute slot to speak to planning applications that are under consideration and fall within their ward. In order to monitor the impact of such a change, it could be introduced for a one year trial period to enable sufficient evidence to be gathered to make a formal decision thereafter.

4. FINANCIAL IMPLICATIONS

4.1 There are no financial implications.

5. LEGAL IMPLICATIONS

5.1 There are no legal implications

6. COUNCIL OBJECTIVES

6.1 The information sheet would link to Council objective 2 - Improvement

7. RISK MANAGEMENT

7.1 None

8. CUSTOMER IMPLICATIONS

8.1 Planning Committee would be more inclusive..

9. EQUALITIES AND DIVERSITY IMPLICATIONS

9.1 Planning Committee would be more inclusive

10. VALUE FOR MONEY IMPLICATIONS

10.1 None

11. OTHER IMPLICATIONS

Please include the following table and spell out any particular implications in the relevant box. If there are no implications under a particular heading, please state 'None':-

Procurement Issues - None
Personnel Implications - None

Governance/Performance Management - None
Community Safety including Section 17 of Crime and Disorder Act 1998 - None
Policy - None
Environmental - None

12. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	No
Executive Director - Partnerships and Projects	No
Executive Director - Services	No
Assistant Chief Executive	No
Head of Financial Services	No
Head of Legal, Equalities & Democratic Services	Yes
Head of Organisational Development & HR	No
Corporate Procurement Team	No

13. WARDS AFFECTED

All Wards

14. APPENDICES

None

15. BACKGROUND PAPERS

None

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BROMSGROVE DISTRICT COUNCIL

PARISH COUNCIL - CASUAL VACANCY SUMMARY

Date of Notice	Parish	Co-Option/Election Outcome	Appointment Notification
2008 9 Feb	Catshill & North Marlbrook/Marlbrook	Co-Option	Yes
12 Feb	Beoley	Co-Option	Yes
21 Feb	Wythall	Co-Option	Yes
24 Mar	Finstall	Co-Option	Yes
7 April	Alvechurch/Hopwood	Election	Yes
15 May	Wythall/Drakes Cross & Walkers Heath	Co-Option	Yes
20 May	Stoke/Stoke Prior	Co-Option	Yes
4 June	Catshill & North Marlbrook/Catshill Village	Co-Option	Yes
17 June	Catshill & North Marlbrook/Marlbrook	Co-Option	
25 June	Hunnington	Co-Option	
8 July	Hunnington	Co-Option	
23 July	Belbroughton Fairfield	Co-Option	
19 Sept	Lickey & Blackwell Shepley		

As at 22 September 2008

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BROMSGROVE DISTRICT COUNCIL

PARISH COUNCILS' FORUM

30TH SEPTEMBER 2008

Briefing note in respect of the current status of the Longbridge Development:

- Consulted over the last few years on the plan, with three specific consultation periods;
- The plan has now been submitted to the Secretary of State and has undergone its final period of statutory consultation;
- 113 representations were received on the final version of the plan;
- Officers have been meeting with as many of the 'representors' as possible to see if any agreement can be reached on the issues raised before the examination takes place;
- The Examination in Public (EIP) is scheduled to begin on the 14th October 2008, at the Innovation Centre on the A38. Only people who have made representations can take part, although members of the public are welcome to attend / observe;
- The EIP should last for approximately 2 weeks; full details of the arrangements and the hearing sessions will be on the website;
- Once the EIP is completed, the Inspector will produce her report, which we hope to get early in the new year. If the report is positive, then we can adopt the plan and it will become the active document for any Longbridge Regeneration proposals;
- The first planning applications have been submitted although we are not in a position to determine them until the plan has been through the EIP and the report has been received.

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