

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE CABINET

WEDNESDAY, 7TH NOVEMBER 2012 AT 6.00 P.M.

PRESENT: Councillors R. Hollingworth (Leader), Mrs. M. A. Sherrey JP (Deputy Leader), Dr. D. W. P. Booth JP, M. A. Bullivant, C. B. Taylor and M. J. A. Webb (Minute no. 75/12 to 82/12)

Officers: Ms. S. Hanley, Mrs. S. Sellers, Ms. S. Morgan, Mrs. S. Jones, Mr. D. Allen and Ms. R. Cole.

67/12 **APOLOGIES**

An apology for late arrival was received from Councillor M. J. A. Webb.

68/12 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

69/12 **MINUTES**

The minutes of the meeting of the Cabinet held on 3rd October 2012 were submitted.

RESOLVED that the minutes be approved as a correct record.

70/12 **AUDIT BOARD**

The minutes of the meeting of the Audit Board held on 20th September 2012 were submitted.

Members noted the recommendation contained in minute 22/12 in relation to the delivery of the Internal Audit Plan. It was felt in future it would be useful where possible for the Chairman of the Audit Board to attend Cabinet when there was a recommendation from the Board.

The Leader stated that the Chairman of the Audit Board had in fact discussed the reason for the recommendation with him and whilst he had also had some concerns, following a discussion with the Director for Finance and Resources these had been alleviated to some extent. It was recognised that this issue would need to be kept under review.

Arising from the discussion on the Audit Board minutes Members requested that when declarations of interest were recorded in the minutes of any meeting

the minutes should be as clear as possible with regard to the nature of the interest declared.

RESOLVED:

- (a) that subject to the discussion referred to above the recommendation contained in minute 22/12 be noted; and
- (b) that the remainder of the minutes be noted.

71/12 **WORCESTERSHIRE SHARED SERVICES JOINT COMMITTEE**

The minutes of the meeting of the Worcestershire Shared Services Joint Committee held on 25th September 2012 were submitted.

RESOLVED that the minutes be noted.

72/12 **SHARED SERVICES BOARD**

The minutes of the meeting of the Shared Services Board held on 11th October 2012 were submitted.

The Leader referred to some of the valuable work being undertaken as part of the "Joined up Working" project. It was envisaged the outcomes of the project would benefit the many organisations involved and more importantly greatly improve the experience of the individual residents concerned.

RESOLVED that the minutes be noted.

73/12 **OVERVIEW AND SCRUTINY BOARD**

The minutes of the meeting of the Overview and Scrutiny Board held on 22nd October 2012 were submitted.

RESOLVED that the minutes be noted.

74/12 **REVISED STATEMENT OF GAMBLING PRINCIPLES**

The Cabinet considered a recommendation from the Licensing Committee held on 29th October 2012 in relation to a consultation which had been undertaken in respect of a revised Statement of Gambling Principles 2013 - 2016. It was noted that the Statement had to be reviewed and revised at least every three years.

RECOMMENDED that the outcome of the consultation exercise be noted and that the revised Statement of Gambling Principles 2013 – 2016 be adopted.

75/12 **VERBAL UPDATES FROM THE LEADER AND/OR OTHER CABINET MEMBERS ON ANY RECENT MEETINGS ATTENDED IN AN EX-OFFICIO CAPACITY**

There were no verbal updates on this occasion.

76/12 **MEMBER INVOLVEMENT IN PRE PLANNING APPLICATION DISCUSSIONS - POLICY**

The Cabinet considered a report on a revised protocol for the involvement of Members in pre application discussions for planning applications.

The proposed re-introduction of a protocol following review was welcomed, together with the requirement for any Members wishing to become involved in the pre application discussions to have undertaken the appropriate training.

There was detailed discussion on the criteria set out in Appendix 1 to the report which would trigger the offer of Member Involvement in pre application discussions.

Overall in relation to the page headed "Criteria for Member Involvement in Pre - Application Planning Discussions" it was noted that the wording describing the process could be clarified. It was also felt that in respect of the section on "Criteria for the Site" it would also be appropriate for the Leader of the Council and the Portfolio Holder for Planning to be invited to participate in pre application discussions in respect of sites which fell into Category 1 – "Major Applications" in addition to those sites which fell into Categories 2 and 3.

In addition, it was felt there needed to be clarification in respect of the definition of adjacent wards, for instance where the red line around an application site just touches the ward boundary at one point rather than say following the line of a road, whether this should be classed as an adjacent ward.

RECOMMENDED:

- (a) that subject to the amendment and clarification referred to above, the Member Protocol for involvement in pre application discussions as set out in Appendix A to the report be approved and implemented from 1st January 2013;
- (b) that any Member wishing to become involved in pre application discussions under the Member Protocol be required to have completed the appropriate training; and
- (c) that delegated authority be granted to the Head of Legal, Equalities and Democratic Services to make the consequential amendments to the Council's constitution.

77/12 **BROMSGROVE MONUMENT**

Members considered a report seeking approval for the contribution of £20,000 from balances towards the cost of provision of a monument in Bromsgrove to the armed services. It was noted that planning permission had recently been granted for the structure in respect of Council owned land in Crown Close, Bromsgrove. The Memorial would include those still serving in the armed forces and those injured in the course of their service.

It was reported that the total cost of the monument was £45,000 and that the majority of this sum had been raised by the Bromsgrove Armed Forces

Memorial Fund. In addition, local businesses and organisations had agreed to provide some of the necessary materials and labour either free of charge or at a reduced cost. The Charity involved intended to continue with their fundraising campaign and it was intended that any funds raised would be utilised to provide for future maintenance of the monument which would be undertaken by this Authority on an on-going basis.

Members raised the issue of the possible inclusion of recognition for other Emergency Services on the monument. The Leader undertook to discuss this further with the Chairman of the Charity involved with a view to seeking the agreement of the Charity. It was noted however that the funds raised thus far had largely been on the basis of a memorial to the armed services.

Following discussion it was

RECOMMENDED that the sum of £20,000 be released from balances as this Council's contribution towards the cost of the Bromsgrove Monument.

(During the course of this discussion Councillor C. B. Taylor declared an other disclosable interest as a member of the Fire Authority)

78/12 **HOUSING STRATEGY OPTIONS AND INITIATIVES**

(Prior to discussion of this item Councillor M. J. A. Webb requested that it be noted that whilst the report referred to housing issues generally it did not deal specifically with Bromsgrove District Housing Trust (BDHT). In relation to his involvement with BDHT he stated that he had been nominated as a Council representative to the Board of BDHT but that he was not yet a Member of the Board.)

The Cabinet considered a report on the key strategic, legal and policy issues driving the Government's plans in respect of the national and local housing market.

The report also highlighted some key strategic actions which the Council could take in the light of the changes implemented or forthcoming, to ensure the Authority is in a position to meet and manage the future housing needs of residents. Of particular importance was the need to support the availability of affordable housing and flexible tenure within the District.

Members welcomed the report and felt it gave options to maximise opportunities locally and to achieve balanced communities. There was a need to take a flexible and site by site approach in relation to affordable housing on new sites and in terms of splits by tenure type. Reference was also made to the possible need in future to reconsider the densities of sites.

RESOLVED:

- (a) that the District Level Housing Strategy Action Plan be refreshed to ensure that the latest changes and developments in national housing policy and practice are fully incorporated at a local level;

- (b) that the Private Sector Housing Strategy be refreshed to ensure it drives the supply of good quality private sector options for local communities;
- (c) that the Home Choice Plus Choice-Based Letting Scheme Allocations Policy be reviewed in conjunction with other key partners across the County with a view to establishing balanced communities and a housing pathway for local people. This would be in line with the framework for a Gold Standard housing advice service set out in the Department of Communities and Local Government report “Making Every Contact Count – a joint approach to preventing homelessness”;
- (d) that this Authority adopts the power available under sections 148 and 149 of the Localism Act 2011 to discharge homelessness duties into the private rented sector as part of its broader approach to housing allocations;
- (e) that the new Tenancy Strategy be utilised to support Registered Housing Providers in implementation of flexible tenure across the Bromsgrove District;
- (f) that this Authority continues to aim to secure up to 40% affordable housing on new developments in the Bromsgrove District and to this end adopts a site by site approach to splits by tenure type, with a strong focus on providing opportunities for local people to access a wide variety of home ownership options and assisting as many households as possible to get onto the housing ladder.

79/12 **THE LOCALISM ACT - CHANGES TO ACCESS TO INFORMATION RULES**

The Cabinet considered a report on proposed changes to the Council’s Access to Information Rules within the Council’s Constitution in view of the need to comply with recent Regulations issued under the Localism Act.

It was reported that the main changes were in relation to arrangements in respect of the Cabinet. Whilst it was no longer a requirement to produce a Forward Plan of Key Decisions published 4 months in advance it was intended to continue to maintain a Work Programme looking ahead to the next 4 months in order to maintain a transparent approach and to assist with agenda planning.

It was noted that the Regulations had introduced a new requirement that executive decisions delegated to officers be recorded and published and that it was proposed that the cut off point for this be set at £50,000 bearing in mind that all expenditure over £500 is already published. Attention was drawn to paragraph 19.2 of the procedure rules attached as an appendix to the report where the cut off figure needed to be amended.

The Cabinet also considered the proposal in the report that the tape recording of meetings be discontinued. It was noted that there was no requirement in the Regulations to record meetings and the cessation of the practice would result in a saving of officer time and resources.

It was also drawn to Members’ attention that there was a drafting error in the report which made reference to the members of Overview and Scrutiny having

the right of access to documents in draft form. In fact the exemption of documents in draft form had been maintained in the new Regulations.

For the purposes of clarity Officers undertook to provide a revised version of the Rules to be submitted to Council.

Following discussion it was

RECOMMENDED:

- (a) that the revised Access to Information Rules be approved for inclusion in the Council's constitution; and
- (b) that the proposal to discontinue recording meetings of the Council, Cabinet and Committees be noted.

80/12 **COMMUNITY RIGHT TO BID - ASSETS OF COMMUNITY VALUE**

Members considered a report on the provisions of the Localism Act 2011 relating to the Community Right to Bid together with the Assets of Community Value Regulations 2012.

The report contained details of the provisions of the Act which were intended to enable communities to have a right to identify a building or land which they believe to be of importance to their community's social well being and to afford them the opportunity of purchase should the building or land be put up for sale.

It was noted that the Council was required to hold a List of Assets of Community Value and that the report put forward a proposed decision making process for the listing of community assets. The assets to be listed could include both publically and privately owned assets and there was a provision for compensation to be paid to owners of properties who successfully claimed for costs or loss incurred as a result of complying with the listing procedures.

It was reported that there would be a need to include an appropriate provision within the Medium Term Financial Plan to cover compensation payments. It was noted that any individual or total payments totalling over £20,000 within a financial year would be funded by the Government. There would also be some funding to Authorities to cover the costs of administering the scheme.

RESOLVED:

- (a) that the process for listing and sale of community assets and the provisions relating to compensation as set out in the report and appendices; and
- (b) that the delegations set out within the report to the Head of Planning and Regeneration and to the Executive Director for Planning and Regeneration, Regulatory and Housing Services be approved and that delegated authority be granted to the Head of Legal, Equalities and Democratic Services to update the Scheme of Delegations accordingly.

RECOMMENDED that the new responsibility placed on Local Authorities to pay compensation to affected land owners under the Assets of Community

Value Regulations be noted; and that the Section 151 Officer be requested to make appropriate provision within the Medium Term Financial Plan to accommodate future requests for compensation.

81/12 **NEIGHBOURHOOD PLANNING**

The Cabinet considered a report on the introduction through the Localism Act 2011 of Neighbourhood Development Plans and Neighbourhood Development Orders. In addition the report referred to the first two applications received for designation as a Neighbourhood Area and considered how these applications together with any subsequent applications should be administered.

There was consideration of the implications of Neighbourhood Planning including the staged process which Parish Councils or Neighbourhood Forums (where there was no Parish Council) would need to go through in order to develop a Neighbourhood Plan. This was likely to be a fairly costly process and whilst there was some Government funding available, this appeared to be focussed on covering some of the District Council's costs in terms of officer support for the process. The process for developing a Neighbourhood Development Order was similar.

It was noted that if a Neighbourhood Plan was successfully prepared and agreed by the community in a referendum it would become part of the Development Plan for that area and would be used in the determination of planning applications. A Neighbourhood Development Order could grant planning permission for certain types of development without the need to submit a planning application to the Council.

Members were concerned that it was difficult to estimate the District Council's costs in respect of the process particularly in terms of officer time. It was suggested that Cabinet consider an update report about this aspect in 6 months time.

It was reported that the first stage in the Neighbourhood Planning process was an application for designation as a Neighbourhood Area and that applications had been received in respect of this from Alvechurch Parish Council and Barnt Green Parish Council. It was intended in the future that the power to determine applications such as this would be delegated to officers in accordance with an agreed procedure rather than coming before Members for decision each time.

Following discussion it was

RECOMMENDED:

(a) that the following applications for designation as a Neighbourhood Area be publicised by the Council for a consultation period of 6 weeks in accordance with Regulation 6 of the Neighbourhood Planning (General) Regulations 2012:

- Alvechurch Parish Council
- Barnt Green Parish Council

- (b) that the following decisions (including determination and publication of applications) be delegated to the Head of Planning and Regeneration, in consultation with the Ward Member(s) for the area affected and the Portfolio Holder for Planning:-
- decisions on whether to accept and designate a Neighbourhood Area;
 - decisions on whether to designate a community organisation as a Neighbourhood Forum;
 - decisions on the validity and acceptance of submissions for a Neighbourhood Development Plan or a Neighbourhood Development Order, including assessing the compliance of the Plan/Order with other relevant policies and legislation;
 - decisions on whether to decline to accept repeat proposals for Neighbourhood Development Plans or Neighbourhood Development Orders; and
 - the appointment of an Examiner for a Neighbourhood Development Plan or Order;
- (c) that the Scheme of Delegations be amended to reflect the new delegations in respect of Neighbourhood Planning; and

RESOLVED that the cost of implementing the process in respect of the first two applications be closely monitored and a report detailing the resource implications be submitted to Cabinet in six months time.

82/12 **CONTRIBUTION TO NEWSTARTS VEHICLE**

The Cabinet considered a report on a proposed contribution of up to £20,000 of funds from balances to the Local Strategic Partnership to support the purchase of a new vehicle for NewStarts Charity to enable them to continue their work supporting vulnerable people by way of the provision of free furniture and other household goods.

The Leader detailed the valuable work undertaken by NewStarts and reported that it was likely that other partnership organisations would be making a contribution towards the cost of the vehicle.

Following discussion it was

RECOMMENDED that the Council approve the release of up to £20,000 from balances to assist NewStarts Charity with the purchase of a new vehicle to be used for the collection and delivery of furniture.

The meeting closed at 8.10 p.m.

Chairman