

**Portfolio Holder Report – Portfolio Holder for Planning and Regulatory Services**

Purposes, as detailed in the Bromsgrove District Council Plan 2019 – 2023.

This report provides an outline of services and activities within the remit of this particular Portfolio Holder. Information is included in relation to the Council's Strategic Purposes, relevant key activities, partnership working, projects and programmes and news stories.

A version of this report, focusing on each Portfolio Holder's remit in turn, will be considered at each meeting of Council (except for the Annual Council meeting).

Whilst services will be contributing information into this report it is worth noting that not all sections of the report will be relevant to all service areas. In this circumstance, some sections may not be completed by all services.

The report will be structured as follows:

- 1) Update on Strategic Purposes
- 2) Partnership working
- 3) Key activities and priorities
- 4) Good news stories and awards (if applicable)
- 5) Other

The Council has the following Strategic Purposes and Priorities:

Strategic Purposes	Council Priorities
Run and grow a successful business	Economic development and regeneration
Work and financial independence	Skills for the future
Living independent, active and healthy lives	Improving health & well being
Affordable and sustainable homes	A balanced housing market
Communities which are safe, well maintained and green	Reducing crime & disorder
The Green Thread runs through the Council Plan	Internal priorities
	Financial stability
	High quality services
	Sustainability



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Worcestershire Regulatory Services (WRS)

1. Update on Strategic Purposes

Run and grow a successful business:

All the work of the shared Regulatory Service, for which the portfolio holder leads, contributes to the success of the local economy. One of the key purposes of regulation, according to local businesses, is “Help me to trade well and ensure my competitors do the same”. Ensuring a level playing field for all businesses is a key part of local authority regulation.

Communities which are safe, well maintained and green:

A range of regulatory work contributes to the safety of our local communities. Licensing of business activities-whether taxis, alcohol and entertainment venues or gambling establishments-helps to ensure that those involved are fit and proper and that the businesses are run in a way that does not cause issues for individuals and communities. Statutory nuisance work addresses a range of issues in communities, and many other areas of work ensure that consumers, employees and some elements of the environment are protected. Work on air quality and contaminated land contributes to the wider maintenance and improvement of environmental standards.

Key activities since last report:

These are outlined in more detail below. The focus of work has varied across the teams. WRS took a leading role in the pandemic response, leading on the enforcement of business restrictions, and additionally:

- Embedded staff in the Local Outbreak Response Team,
- Ran the Covid Advisor scheme across the county,
- Managed the local contact tracing system,
- Supported Events Management to ensure safety as we emerged from controls,
- Worked with ED and local business engagement officers to support the business community

The team continues to be engaged with the Local Outbreak Response Team to provide support and to ensure there is preparation in case of another wave of Covid cases during the winter.



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As we have emerged from the pandemic, the shared regulatory service has been moving back to its business-as-usual activity. The Food Standards Agency suspended all routine food hygiene interventions for a significant period during the pandemic, and the service has been working through the Agency's 18-month long road to recovery programme for food law enforcement, which ends at the end of March 2023.

In Licensing a wide range of activities have been restarted with several policy consultations on-going and there has been one high-profile licence review in the town centre, with another one in the pipeline.

Air quality is another area of WRS work that has come to the fore in recent months, with plans for improved monitoring at various locations in the county including Bromsgrove.

2. Partnership Working

The Council works with a range of partner organisations to meet the needs of residents and businesses in the District. The following section details work delivered within the remit of this Portfolio Holder.

Partnership working examples:

Worcestershire Regulatory Services is a shared service constituted under the provisions of the Local Government Act 1972, reporting to a joint committee of the six district councils, making it constitutionally part of all six local authorities. All staff are employed by Bromsgrove District Council to act on behalf of the six partners, so the district effectively provides what might be called “pay and rations” for the service, for which the council is reimbursed.

The service discharges all the key statutory duties of the district council in relation to food law enforcement, infectious disease control, health and safety at work, statutory nuisance and related matters, air quality, contaminated land, environmental permitting, and many others.

Key activities since last report:

The authority adopted its new Licensing policy for the taxi trades, which came into force on 1st September 2022. The new policy has implemented the national standards produced by the Department of Transport and intended as a model for all local authorities to adopt. The new standards are very much aimed at addressing the safety of the travelling public and improving safeguarding. To support the trade coming out of the pandemic and at a time of increasing cost pressures, the council has agreed to increases in Hackney carriage tariffs twice during 2022.



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A new street collections policy has also been approved this year and the consultation process on a revised sex establishment licensing policy has commenced. One high profile review of license under the Licensing Act 2003 also took place, although the operator has appealed against the decision of the council's licensing sub-committee.

Former Fire Station, Windsor Street: WRS are working with the Environment Agency on a review of all information held concerning some very tricky contaminants associated with fire-fighting foam retardants which have been found on site.

Anticipated Activities/Key Milestones and Priorities For Next Period.

WRS will shortly be starting consultation on revised Hackney Carriage and Private Hire vehicle age limits and testing intervals, partly to try to incentivise the take up of less polluting vehicles and support the move to zero carbon.

3. Good News Stories and Awards

Air Quality bid submitted to DEFRA:

WRS has submitted a bid to Defra for funding of an enhanced Air Quality monitoring strategy to support wider behavioural change and reduction in air pollution. The result of the bid will be known towards the end of the financial year. In addition, work has commenced on an update to the countywide air quality action plan which has a significant Bromsgrove element due to the three Air Quality Management Areas in the district. Additional work will need to be undertaken to establish the current required reduction equivalent in each vehicle type in each area of concern

Former Covid Advisors support Homes for Ukraine scheme:

Much of the work of the COVID Advisors during the pandemic was to support businesses and members of the public with a variety of issues, concerns and worries. The Advisors were selected for their communication skills and drive to help people. This has served well in supporting Housing colleagues at Bromsgrove, Malvern Hills, Redditch, and Wychavon in delivering the work of supporting Ukrainians who have arrived in the county.

Our Housing colleagues have had to carry the burden of delivering this worthwhile work but a significant proportion has been delivered by former COVID Advisors on the ground. In April 2022, COVID Advisors were asked to assist with the Welfare and Safeguarding visits for our hosts and guests in the

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Bromsgrove and Redditch districts. Our in-house Duty Officer team were also utilised to assist with some of the administration work for the Homes for Ukraine scheme. Support for this scheme remains on-going.

Food Safety scores remain good

Officers have continued to visit premises to catch-up with inspections following the Food Standards Agency's suspension of work during the Covid pandemic, freeing up resource for response work.

Rating	5	4	3	2	1	0	Unrated	Total
No Premises	721	112	42	3	3	1	99	981

Although there has been some slippage, most premises remain at 3 or above, demonstrating they produce safe food. Unrated premises are generally the newly registered businesses which flow into WRS all year round from across the county at the rate of 800-1000 per year. They are entered on a database and then prioritised for inspection. When we say new businesses, many are changes to ownership at existing food premises rather than new outlets. Most are on the high street, but some are domestic premises with people producing food at home, while others could be schools, sports clubs, etc. There tends to be a relatively high turnover of ownership in hospitality, particularly in the takeaway trades, so many will fit into this description.

Beyond this, one business has been served with an emergency prohibition order, ratified by Magistrates, in relation to a hidden room, unsuitable for food work.

4. Other**Planning Enforcement Support:**

WRS continues to have the benefit of working alongside our County Council Trading Standards colleagues, which has enabled the high standard of enforcement practices to be developed and honed. Whilst the subject matters being enforced by each of the teams in the organisations may be different, the ability to investigate crime, collate evidence, produce witness statements, and prepare an enforcement file is the same. These are crucial skills in adherence to our Enforcement Policy and enable successful prosecutions to achieve our vision, "That Worcestershire is a healthy, safe and fair place to live, where businesses can thrive".



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WRS has been utilising the knowledge and skills we have in this area to support our partner authorities. During the Spring we trained former contact tracing staff where required (as some had considerable experience in enforcement previously) to deliver planning enforcement work on behalf of four of the Worcestershire District Councils including Bromsgrove.

Initially it was basic collation of evidence to assist the Planning Officer to make an informed decision in a timely manner. A significant backlog of casework had been created by COVID related restrictions and, in some cases, historically by capacity and recruitment issues. Whilst the work for Wychavon and Malvern Hills Districts ceased in June, we have continued to work alongside our Planning colleagues in Bromsgrove and Redditch Councils to deliver part of this service. Several cases have been difficult and challenging including those in Bromsgrove, where our Chair of Planning said in the most recent WRS Board meeting, how pleased she had been with the work carried out in this area by WRS. Having this enforcement work undertaken within the team has made it easier for liaison on other issues such as nuisance, where they are part of planning matters.

Enforcement

1. Update on Strategic Purposes

In terms of planning enforcement matters, the National Planning Policy Framework (2019) emphasises that planning enforcement is a discretionary activity and Local Planning Authorities should act proportionately in responding to suspected breaches of planning control.

The priority of the planning enforcement function is to protect amenities, safeguard the built environment and uphold local planning policy in the most effective way, thus contributing to the council's strategic purposes. Depending on the type of enforcement case, this contributes to strategic purposes.

Key activities since last report:

The aim of any enforcement action is to encourage compliance with the policies of the Council and seeks regularisation of the development if deemed acceptable. Any measure of enforcement action must recognise that the most desired outcome is compliance within an acceptable timeframe. The table below provides a summary of the main enforcement actions this year, to time of report writing.

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	1/04/22 – 30/09/22	1/10/22 – 10/11/22
New Planning Enforcement Cases	84	26
Warning letters issued (cases will not normally have been received in this time period)	5	4
Enforcement Notices (including Stop Notices)	3	6 (with an additional 5 being prepared)
Prosecution or injunctions (cases will not have been received in this time period)	0	1

2. Good News Stories and Awards**Successful prosecution:**

In November the outcome of a lengthy enforcement case was reported positively in the national planning press. An individual was found guilty of failing to comply with an Enforcement Notice leading the judge to sentence with a fine of £160,000, costs of £7,258 and a victim surcharge of £170.

Development Management

1. Update on Strategic Purposes

Development Management (DM) is the part of the service responsible for determining planning applications and defending associated appeals. The service also provides pre application guidance, maintains historical information and completes searches (normally associated with selling of property). The DM service integrates fully with the strategic planning and conservation team by making decisions on planning matters that are in accordance with the adopted plan for the area.

The scope of developments proposed through the DM process means that most areas of the Council's strategic purposes and the Council priorities are influenced by the service. In practice this may mean applications for expansion or relocation of businesses, new recreational activities and new homes of varying type and tenure. Some notable applications approved since January 2022 include



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- **21/00684/HYB** Bordesley Hall, The Holloway, Hybrid application consisting of a full application for the demolition of employment buildings and the conversion of Bordesley Hall into 3 apartments and an outline application (with all matters reserved with the exception of access) for the construction of up to 46 dwellings and all associated works.
- **19/00592/FUL** Blue Bird Confectionery Ltd, Romsley. Part demolition and site clearance of the former Blue Bird factory site for its redevelopment to provide 108 residential dwellings (Use Class C3), consisting of both new dwellings and conversion of the Welfare and Administration buildings, along with associated landscaping; drainage; engineering; highways and access works.

Part of providing a DM service is to provide timely decisions. Government assesses the time take to make decisions and require 60% of major applications to be decided within a specific timeline (Rolling two-year performance was 81.5%) and require 70% of smaller (Non-Majors) to be determined (Rolling two year performance was 78.6%).

Similarly, the quality of appeals decision is assessed. Since April 2022 there have been 21 non-major appeal decisions 16 have been dismissed and 5 allowed. These appeal numbers are pleasingly low in the context of the overall number of decisions made. (There have been no major appeal decisions made in this period to date).

2. Partnership Working

The Council works with a range of partner organisations to meet the needs of residents and businesses in the District. The following section details work delivered within the remit of this Portfolio Holder.

Partnership working examples:

Working with others is a key part of the DM (and as appropriate enforcement) process. Consultation with interested parties (the public, Parish Councils and consultees both statutory and general, including internal partners) is an integral part of the planning process. Subject to criteria the outcome may be that certain conditions are imposed on a development to make it acceptable. In the case of more major developments, and again subject to circumstances, financial contributions may be collected in order to mitigate the impact of developments. Examples may include Education or NHS contributions, or monies to ensure certain highway improvements are secured as part of a development.



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At the other end of the spectrum, being aware that development is being proposed gives businesses the opportunity to promote their services to applicants. Having information publicly available at to when planning permission is being applied for assists residents and businesses in this regard.

Anticipated milestones

Regeneration of key sites within Bromsgrove Town Centre will be a significant area of work for DM over the next 2-year period and early meetings with NWEDR have commenced. These developments will have a high public profile and will need to be delivered in a timely manner whilst working with key partners. This work will reflect the council priority of economic regeneration in particular.

Strategic Planning and Conservation

1. Update on Strategic Purposes

The strategic Planning and Conservation function contributes to a range of strategic purposes.

Affordable and sustainable homes

In relation to affordable and sustainable homes, the team commissioned and received the Bromsgrove District Housing and Economic Development Needs Assessment (HEDNA). This document gives the authority a much clearer indication of the housing needs of the district including the types and amounts of affordable housing that should be delivered by the Bromsgrove District Plan review.

Key activities since last report:

Significant progress on the review of the Bromsgrove District Plan has been made. As Council is aware, further infrastructure planning work is being undertaken.

Anticipated Activities/Key Milestones For Next Period

A key milestone for the next period will be to further progress the Bromsgrove District Plan review to its next consultation stage, and to respond to the planning reforms outlined in the Levelling Up and Regeneration Bill.



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2. Partnership Working

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Partnership working examples:

Significant partnership working with a number of key stakeholders in plan production, most notably Worcestershire County Council.

Building Control

1. Update on Strategic Purposes

Affordable and sustainable homes

Whilst the affordable element of this strategic purpose is not widely addressed within the scope of building regulations, the sustainability of new, and increasingly existing homes, is a strong factor in the design and construction of dwellings.

The role of Building Control within this field is critical in ensuring the real-world delivery of sustainable homes.

The building regulations and supporting Gov. guidance on this topic continue to evolve towards the 2025 Future Homes net zero targets. Matters encompassed within this include thermal efficiencies and new ways of heating homes moving away from grid gas connections. The new provision for EV charging points in dwellings and regulations addressing thermal over-heating as well as ensuring safe comfortable living spaces all contribute to ensuring the sustainable use of new dwellings.

It is likely the next tranche of regulation changes towards the Future Homes Standard will place more pressure on landlords to upgrade existing stock; again, Building Control will play a significant role in ensuring this work is undertaken correctly.

Living independent, active and healthy lives

As with affordable and sustainable homes, provisions within the building regulations call for a wide range of designed-in features allowing the use of new dwellings (and new commercial buildings) to be suitable for the access and use by disabled people.



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The role of building Control ensures these design features are created on site to assist in the independent occupation of such buildings.

Key activities since last report:

Addressing the consequences of recruitment issues in the industry.

Another key activity within the service has been the adoption of key relevant recommendations from the Grenfell Tower Hackett Review. Certain recommendations have created the new Building Safety Regulator (BSR) to oversee the profession. At the time of writing, the BSR, sitting within the Health and Safety Executive, is consulting on a wide range of changes within the profession.

2. Partnership Working:

The Council works with a range of partner organisations to meet the needs of residents and businesses in the District. The following section details work delivered within the remit of this Portfolio Holder.

Partnership working examples:

Other than working closely with local building firms, architects and other agents, Building Control does not have any formal partner organisation arrangements within the District.

3. Good News Stories and Awards

ISO 9001 Quality Management System

Via the industry-wide overarching body known as the LABC, each local authority has been audited under ISO 9001. Our audit provided no non-conformities.

The reputation of North Worcestershire Building Control remains high. The strong and effective work of the team continues to help both residents and business within the District deliver successful and compliant building projects.