

**Open**

## **Cabinet**

## **Agenda**

**6.00 pm**  
**Tuesday, 22nd November 2011**  
**The Earl Baldwin Suite**  
**Duke House**  
**Clensmore Street**  
**Kidderminster**



## Cabinet

### **The Cabinet Members and their responsibilities:-**

<b>Councillor J-P Campion</b>	<b>Leader of the Council</b>
<b>Councillor M J Hart</b>	<b>Deputy Leader, Environmental Services</b>
<b>Councillor N J Desmond</b>	<b>Resources and Transformation</b>
<b>Councillor T L Onslow</b>	<b>Community Well-Being</b>
<b>Councillor J Phillips</b>	<b>Place-Shaping</b>

### **Scrutiny of Decisions of the Cabinet**

The Council has one Scrutiny Committee that has power to investigate policy issues and question members of the Cabinet who have special responsibility for a particular area of the Council's activities. The Cabinet also considers recommendations from this Committee.

In accordance with Section 10 of the Council's Constitution, Overview and Scrutiny Procedure Rules, and Standing Order 2.4 of Section 7, any item on this agenda may be scrutinised by the Scrutiny Committee if it is "called in" by the Chairman or Vice-Chairman of the Overview & Scrutiny Committee and any other three non-Cabinet members.

*The deadline for "calling in" Cabinet decisions is 2<sup>nd</sup> December 2011.*

Councillors wishing to "call in" a decision on this agenda should contact Sue Saunders, Committee/Scrutiny Officer, Civic Centre, Stourport-on-Severn. Telephone: 01562 732733 or email [susan.saunders@wyreforestdc.gov.uk](mailto:susan.saunders@wyreforestdc.gov.uk)

### **Urgent Key Decisions**

If the Cabinet needs to take an urgent key decision, the consent of the Scrutiny Committee Chairman must be obtained. If the Scrutiny Committee Chairman is unable to act the Chairman of the Council or in his/her absence the Vice-Chairman of the Council, must give consent. Such decisions will not be the subject to the call in procedure.

### **Declarations of Interest - Guidance Note**

#### **Code of Conduct**

Members are reminded that under the Code of Conduct it is the responsibility of individual Members to declare any personal or personal and prejudicial interest in any item on this agenda. A Member who declares a personal interest may take part in the meeting and vote, unless the interest is also prejudicial. If the interest is prejudicial, as defined in the Code, the Member must leave the room. However, Members with a prejudicial interest can still participate if a prescribed exception applies or a dispensation has been granted.

#### **Section 106 of the Local Government Finance Act 1992**

If any Member is two months or more in arrears with a Council Tax payment, they may not vote on any matter which might affect the calculation of the Council Tax, any limitation of it, its administration or related penalties or enforcement.

### **For further information: -**

If you have any queries about this Agenda or require any details of background papers, further documents or information you should contact Sue Saunders, Committee/Scrutiny Officer, Civic Centre, Stourport-on-Severn. Telephone: 01562 732733 or email [susan.saunders@wyreforestdc.gov.uk](mailto:susan.saunders@wyreforestdc.gov.uk)

Documents referred to in this agenda may be viewed on the Council's website - [www.wyreforestdc.gov.uk/council/meetings/main.htm](http://www.wyreforestdc.gov.uk/council/meetings/main.htm)

Wyre Forest District Council

Cabinet

Tuesday 22nd November 2011

The Earl Baldwin Suite, Duke House, Clensmore Street, Kidderminster

Part 1

Open to the press and public

Agenda item	Subject	Page Number
1.	<b>Apologies for Absence</b>	
2.	<b>Declarations of Interest</b>  In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any personal or personal and prejudicial interests in the following agenda items. Members should indicate the action they will be taking when the item is considered.  Members are also invited to make any declaration in relation to Section 106 of the Local Government Finance Act 1992.  (See guidance note on cover.)	
3.	<b>Minutes</b>  To confirm as a correct record the Minutes of the meeting held on the 18th October 2011.	7
4.	<b>CALL INS</b> a verbal update will be given on any decisions which have been “called in” since the last meeting of the Cabinet.	
5.	<b>Items Requiring Urgent Attention</b>  To consider any item which, in the opinion of the Chairman requires consideration at the meeting as a matter of urgency.	
6.	<b>Public Participation</b>  In accordance with the Council's Scheme for Public Speaking at Meetings of Full Council/Cabinet, to allow members of the public to present petitions, ask questions, or make statements, details of which have been received by 9 am on Friday 11 <sup>th</sup> November 2011. (See front cover for contact details).	

<b>7.</b>	<b>Leader of the Council</b>	<b>John-Paul Campion</b>
<b>7.1</b>	<b>Leader's Announcements</b>	
<b>7.2</b>	<b>Eastern Gateway: Concept Feasibility Report</b>  To consider a report from the Director of Planning and Regulatory Services which asks the Cabinet to endorse the Concept Feasibility Report and agree that it be used as evidence in support of the emerging Kidderminster Central Area Action. In addition, to consider the recommendations from the Overview and Scrutiny Committee on 3 <sup>rd</sup> November 2011.  <i><b>The appendix to this report has been circulated electronically and a public inspection copy is available on request. (See front cover for details.)</b></i>	13

<b>8.</b>	<b>Resources and Transformation</b>	<b>Nathan Desmond</b>
<b>8.1</b>	<b>Budget Monitoring Second Quarter 2011/12</b>  To consider a report from the Director of Resources that outlines the monitoring of the Revenue Budget and Capital Programme in accordance with the Local Government Act 2003.  <i><b>The appendices to this report have been circulated electronically and a public inspection copy is available on request. (See front cover for details.)</b></i>	17

<b>9.</b>	<b>Environmental Services</b>	<b>Marcus Hart</b>
<b>9.1</b>	<b>Worcestershire Regulatory Services - Enforcement Policy</b>  To consider a report from the Director of Planning and Regulatory Services which asks Cabinet to agree the adoption of the Worcestershire Regulatory Services Enforcement Policy and to consider the recommendations from the Overview and Scrutiny Committee on 3 <sup>rd</sup> November 2011.  <i><b>The appendices to this report have been circulated electronically and a public inspection copy is available on request. (See front cover for details.)</b></i>	21
<b>9.2</b>	<b>Review of the Current Arrangements for the Collection of Waste and Recycling</b>  To consider a report from the Director of Resources which asks Cabinet to recommend to Council that an amendment be made to the terms and conditions of the staff within the Waste and Recycling Service and to consider the recommendations from the Overview and Scrutiny Committee on 3 <sup>rd</sup> November 2011.  <i><b>The appendices to this report have been circulated electronically and a public inspection copy is available on request. (See front cover for details.)</b></i>	25

10.	<b>Place-Shaping</b>	<b>Julian Phillips</b>
10.1	<p><b>South Worcestershire Development Plan Preferred Options Response</b></p> <p>To consider a report from the Director of Planning and Regulatory Services which asks Cabinet to agree that the Draft South Worcestershire Development Plan Response be submitted to the South Worcestershire Authorities as the District Council's representations on the South Worcestershire Development Plan Preferred Options Consultation and to consider the recommendations from the Overview and Scrutiny Committee on 3<sup>rd</sup> November 2011.</p> <p><i><b>Appendix 2 to this report has been circulated electronically and a public inspection copy is available on request. (See front cover for details.)</b></i></p>	32
10.2	<p><b>Wyre Forest District Council Empty Property Strategy</b></p> <p>To consider a report from the Director of Planning and Regulatory Services that asks Cabinet to adopt the Wyre Forest District Council Empty Property Strategy and to consider the recommendations from the Overview and Scrutiny Committee on 6<sup>th</sup> October 2011.</p> <p><i><b>The appendix to this report has been circulated electronically and a public inspection copy is available on request. (See front cover for details.)</b></i></p>	37
11.	<b>Recommendations from Committees</b>	
11.1	<p><b>Recommendations from Overview and Scrutiny Committee, 3<sup>rd</sup> November 2011</b></p> <ul style="list-style-type: none"> <li><b>Future Community Safety Partnership Arrangements</b></li> </ul>	41
12.	<p><b>To consider any other business, details of which have been communicated to the Director of Legal and Corporate Services before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</b></p>	

<b>13.</b>	<b>Exclusion of the Press and Public</b>  To consider passing the following resolution:  “That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of “exempt information” as defined in paragraph 3 of Part 1 of Schedule 12A to the Act”.	
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Part 2

Not open to the Press and Public

<b>14.</b>	<b><i>Place-Shaping</i></b>	<b><i>Julian Phillips</i></b>
<b>14.1</b>	<b>Review of Homeless Contract with Community Housing Group</b>  To consider a report from the Director of Planning and Regulatory Services which considers the review of the homelessness; housing advice and housing register contract (the contract) prior to the third year end and considers possible options for the future of the service delivery and to consider the recommendations from the Overview and Scrutiny Committee on 3 <sup>rd</sup> November 2011.  <i>The appendix to this report has been circulated electronically.</i>	42
<b>15.</b>	<b>To consider any other business, details of which have been communicated to the Director of Legal and Corporate Services before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</b>	

**WYRE FOREST DISTRICT COUNCIL**

**CABINET**

**THE EARL BALDWIN SUITE, DUKE HOUSE, CLENSMORE STREET,  
KIDDERMINSTER**

**18TH OCTOBER 2011 (6 PM)**

**Present:**

Councillors: N J Desmond, M J Hart (Chairman), T L Onslow, and J Phillips.

**Observers:**

Councillor's G Ballinger, H Dyke, F Oborski, J Holden, M Salter, J Shaw and D Sheppard.

**CAB.39 Apologies for Absence**

Apologies were received from Councillor Campion.

**CAB.40 Declarations of Interest**

No declarations of interest were made.

**CAB.41 Minutes**

**Decision: The minutes of the Cabinet meeting held on 20th September 2011 be confirmed as a correct record and signed by the Chairman.**

**CAB.42 Call Ins**

No decisions had been called in since the last Cabinet meeting.

**CAB.43 Items Requiring Urgent Attention**

There were no items requiring urgent attention.

**CAB.44 Leader's Announcements**

In the Leaders absence, no announcements were made.

**CAB.45 Proposed North Worcestershire Emergency Planning and Business Continuity Shared Service.**

A report was received from the Director of Community and Partnership Services, which asked Cabinet to agree the proposal for a North Worcestershire Emergency Planning and Business Continuity Shared Service with Bromsgrove District Council and Redditch Borough Council from April 1<sup>st</sup> 2012.

Cabinet noted that this would deliver a cost saving whilst enhancing the emergency and business continuity service within the District. Cabinet welcomed the opportunity to host a shared service and the opportunity to work with District Council colleagues in North Worcestershire.

**Decision:**

- 1. Wyre Forest District Council host the Emergency Planning and Business Continuity Shared Service and delegated authority be given to the Director of Community and Partnership Services in consultation with the Director of Legal and Corporate Services and the Director of Resources to progress the implementation of the Emergency Planning and Business Continuity Shared Service and the terms of any necessary agreements, in conjunction with Redditch Borough and Bromsgrove District Councils and to conclude such agreements.**
- 2. The Cabinet Member for Community Well-Being be given delegated authority in consultation with Group Leaders to appoint the Council's representative to a joint management group which will be set up under the arrangements.**
- 3. That upon completion of the agreement referred to in paragraph 1, the delegations from Redditch Borough Council and Bromsgrove District Council of their Emergency Planning and Business Continuity functions be accepted from 1<sup>st</sup> April 2012.**

**CAB.46 Review of Safeguarding Children Policy**

A report was received from the Director of Community and Partnership Services, the purpose of which was to update the Safeguarding Policy for Children, Young People and Vulnerable Adults. Members were advised that there had been minor alterations to the circulated report and an amended report was tabled.

The Cabinet Member for Community Well-Being outlined the report advising Members that as the District Council was a partner in the Worcestershire Safeguarding Children and Adults Board, the policy had been revised to ensure that it was aligned to Worcestershire County Council policies, thus ensuring consistency in approach. Further, that the policy covered employees and contractors and delivered a comprehensive policy with regards to the protection of the young and vulnerable.

**Decision:**

- 1. The Safeguarding Policy for Children, Young People and Vulnerable Adults be approved.**

**The Cabinet RECOMMEND to Council that:**

- 2. The Safeguarding Children Policy be adopted**
- 3. The Constitution and Employee Code of Conduct be amended as outlined in 4.8 of the report to Cabinet.**

**CAB.47 Future Arrangements for the Management of Sports and Leisure Centres**

A report was received from the Director of Community and Partnership Services which asked the Cabinet to make some in principle decisions so further work could be progressed prior to a decision on the future arrangements for the management of the sports and leisure centres at a Cabinet Meeting in January 2012. The report also detailed the results of the customer consultation exercise that had been carried out during July – September 2011 which would be used to shape the final decision.

The Cabinet Member for Community Well-Being detailed the content of the report and advised Members of the key issues. Members were advised that maintaining the status quo was not an option and that the Council now needed to look at adding value to the leisure centre provision without added costs. Further, that the consultation responses, whilst valuable, were not representative of the demographic of Wyre Forest. Further that work was being undertaken to consider a Community Asset Transfer for the wet and dry facilities at Stourport and Bewdley Leisure Centres and an extension to the current DC Leisure contract was needed whilst the future arrangements were being considered.

Members were advised that a new build leisure centre in Kidderminster was the preferred option; however it was not possible at this point to comment on locations. It was agreed that an exempt appendix detailing the sites, which should have been included with the original report would be circulated following the meeting.

The Cabinet Member also wished to thank the Overview and Scrutiny Committee and Officers for the work to date on the Sports and Leisure Centres Review. Further debate ensued and clarification was given on the scheme of delegation and the ability of Cabinet to make future decisions on the Leisure Centres'.

**Decision:**

- 1. The facility mix and associated affordable capital costs as listed in section 4.25 of the report to Cabinet be noted.**
- 2. The Director of Community and Partnership Services, Director of Resources, the Director of Legal and Corporate Services and the Director of Planning and Regulatory Services be given delegated authority to work on an affordable new build option or options in consultation with the Cabinet Member for Community Well being. The option/s will be reported back to Cabinet for a final decision in January 2012.**
- 3. An extension to the management contract with DC Leisure be negotiated for a period of 2 years from April 2013 with an option to terminate at 6 months notice on either side.**

4. **The Director of Community and Partnership Services in consultation with the Cabinet Member for Community Well being be given delegated authority to progress a negotiated withdrawal from Bewdley Leisure Centre from April 2013 or soonest available date thereafter.**
5. **The ongoing discussions regarding Community Asset Transfers (CAT) for Stourport Sports Centre be concluded by January 2012 and the outcome be reported back to Cabinet.**
6. **The options to close (without a new build) or refurbish the sports and leisure centres be put on hold until further detailed work has been progressed on a new build facility which is affordable and will meet the needs of the District in terms of leisure centre provision (pursuant to the decision in paragraph 2 above).**

**CAB.48 Green Street Conservation Area Designation and Draft Character Appraisal and Management Plan**

A report was received from the Director of Planning and Regulatory Services that advised Members on the proposals to designate Green Street as a Conservation Area, to update Members on the content of the draft Conservation Area Character Appraisal and Management Plan and to seek approval to go out for public consultation on the draft documents.

The Cabinet Member for Place-Shaping outlined the content of the report and advised that the next stage of the conservation area designation was to begin a consultation exercise.

Members agreed that this was an important area of Kidderminster and should be secured as part of the area's local history. The recommendations of the Overview and Scrutiny Committee were noted.

**Decision:**

1. **Consultation be undertaken on the proposal to designate a Green Street Conservation Area.**
2. **Consultation be undertaken on the:**
  - **Proposed Conservation Area Designation: Green Street Area of Kidderminster: Volume 1: Draft Conservation Appraisal and Management Plan: October 2011.**
  - **Proposed Conservation Area Designation: Green Street Area of Kidderminster: Volume 2: Maps and Photographs: October 2011.**
3. **The Director of Planning and Regulatory Services be given delegated authority to determine the final format and presentation of the papers.**

**CAB.49 The Civic Centre and Civic Hall Stourport on Severn**

A report was received from the Director of Legal and Corporate Services that asked the Cabinet to consider the recommendations of the Project Board – Stourport on Severn Facilities.

The Cabinet Member for Place-Shaping advised Members of the content of the report explaining that the asset would be transferred at nil cost with provision for a £500,000 launch fund. This would be made up of £450,000/ £50,000 capital/revenue split as detailed in the business case in the appendix to the report.

Members were advised that the current business case was the outcome of nearly 12 months of partnership work by the Stourport Facilities Project where Councillors and Officers of Wyre Forest District Council, Worcestershire County Council and Stourport Town Council are working together with Stourport Forward, a small team of consultants and latterly members of the recently formed inter-arts group “The Civic” to develop an innovative partnership project proposals. Moreover, the business case “Stourport Live” has the potential to support the economic, social, cultural and environmental aspirations of the Stourport community.

Members discussed the revised value of the Civic Centre and were advised that the value of the building had been updated and that it was an allocated sum contained within the capital programme and contained within the budget and the disposal strategy.

The Chairman of the Project Board Stourport on Severn Facilities addressed the Cabinet and expressed his thanks for all the work carried out by the Board, Officers and volunteers involved in ‘The Civic’.

The recommendations of the Project Board – Stourport on Severn Facilities were noted.

**Decision:**

- 1. To provide in principle, agreement to the Community Asset Transfer of Stourport Civic Centre and Civic Hall to the Stourport Holding Body following the vacation of the site by the District Council in 2012. The transfer to be at nil cost with provision of a £500,000 launch fund (£450,000/ £50,000 capital/revenue split as per the business case in the appendix to the report to Cabinet).**
- 2. To note the Leader’s intention to delegate to the Cabinet Member for Place Shaping the decision to make the community asset transfer and provide appropriate funding subject to the necessary commitments from appropriate partners and after consultation with the Director of Resources and Director of Legal and Corporate Services.**

**CAB.50 National Non-Domestic Rates Write Off of Amounts Outstanding.**

Cabinet received a report from the Director of Resources asking that £36,714.51 be written off in respect of National Non-Domestic Rates.

**Decision: That the total of £36,714.51 relating in respect of National Non-Domestic Rates, also detailed in the Appendix to the report to Cabinet be written off.**

**CAB.51 Recommendations from Overview and Scrutiny committee 6<sup>th</sup> October 2011.**

Cabinet received the recommendations of the Overview and Scrutiny Committee meeting of 6<sup>th</sup> October 2011 regarding the Draft National Planning Policy Framework consultation response.

**Decision: The recommendations be noted.**

18:52 Councillor Ballinger and Councillor Sheppard leave the meeting.

**CAB.52 Exclusion of Press and Public**

**Decision: "Under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following items of business on the grounds that they involve the likely disclosure of "exempt information" as defined in paragraphs of Part 1 of Schedule 12A to the Act.**

The following proceedings were considered after the press and public had been excluded from the meeting. A summary of the minutes relating to these items has been made as "exempt information" would be disclosed if the minutes were published in full.

**CAB.53 National Non-Domestic Rates Write Off of Amounts Outstanding.**

The exempt appendix to the National Non Domestic Rates Write Off report was considered.

There being no further business the meeting closed at 18.53

**WYRE FOREST DISTRICT COUNCIL****CABINET**  
**22<sup>ND</sup> NOVEMBER 2011****Eastern Gateway: Concept Feasibility Report**

<b>OPEN</b>	
<b>SUSTAINABLE COMMUNITY STRATEGY THEME:</b>	Economic Wellbeing
<b>CORPORATE PLAN PRIORITY:</b>	Securing the Economic Prosperity of the District
<b>CABINET MEMBER:</b>	Councillor J-P Campion
<b>DIRECTOR:</b>	Director of Planning and Regulatory Services
<b>CONTACT OFFICER:</b>	Ken Harrison – Ext 2557 ken.harrison@wyreforestdc.gov.uk
<b>APPENDICES:</b>	Appendix 1 – Eastern Gateway Concept Feasibility: Consultants Report  <i>The appendix to this report has been circulated electronically and a public inspection copy is available on request. (See front cover for details.)</i>

**1. PURPOSE OF REPORT**

- 1.1 To seek the Cabinet's endorsement to the Concept Feasibility Report set out in Appendix 1. The Cabinet is also asked to agree that this be used as evidence in support of the emerging Kidderminster Central Area Action.

**2. RECOMMENDATION**

The Cabinet is asked to **DECIDE** that:

- 2.1 **The Eastern Gateway Concept Feasibility Report be adopted as informal planning guidance in support of the Kidderminster Central Area Action Plan and the Kidderminster Regeneration Prospectus / ReWyre Initiative. Cabinet are also asked to agree that Officers develop a land assembly and disposal strategy.**

**3. BACKGROUND**

- 3.1 Land at Bromsgrove Street, including the Kidderminster Health Centre, Wyre Forest Glades, Public Car Parks and Worcester Street former Magistrates Court buildings (KTC.3), emerged as a key site within the Preferred Options for the Kidderminster Central Area Action Plan (KCAAP). This report summarises the progress made in exploring the feasibility of the 'Eastern Gateway' site as the preferred site for a major retail store in line with the emerging policies. This is running in tandem with the Leisure Review.

**4. KEY ISSUES**

- 4.1 The Bromsgrove Street area is a first phase in the wider regeneration of what is termed the 'Eastern Gateway' in the KCAAP. There is a known demand within the retail sector for additional convenience shopping (supermarket) floorspace in Kidderminster. National planning policy requires the Council and developers to follow a town centre first policy approach in searching for suitable sites i.e. it must be demonstrated that a site(s) within the town centre or edge of centre cannot be delivered before out-of-centre sites are considered. This is a key strand of securing the future vitality and viability of town centres. This is particularly pertinent in the context of Worcester Street which currently has the highest vacancy rate in Kidderminster and the District as a whole.
- 4.2 The concept and feasibility report highlights the main constraints and opportunities presented by the site. It also provides precedents of supermarkets and their general expectations and requirements. The consultant team who have developed report have a track record of working for retail operators and this further adds credibility to the plans.
- 4.3 The document demonstrates that the site is physically capable of accommodating a supermarket and associated car parking.

**THE PROPOSAL**

- 4.4 Working with the geography and constraints of the site, the architect team have looked to optimise the development footprint to reflect known retailer requirements. The work has taken a due diligence approach through undertaking appropriate searches including below ground utilities. This highlights the route of a mains sewer running through the area and electricity sub-station. Even with these constraints remaining in situ the team have demonstrated that a 40,000 sq ft development can be satisfactorily achieved.
- 4.5 One of the key issues will be ensuring that the land can be assembled within a reasonable timeframe. The District Council will need to vacate the Glades Leisure Centre, which is one of the outcomes being considered through the Leisure Review. There are also active discussions with the other landowners which include the Primary Care Trust and Worcestershire County Council. However, this is subject to an on-going review within the PCT and NHS Trust. As per the Glades it is suggested that a new replacement medical centre could be developed in Worcestershire Street to free up the existing Bromsgrove Street for a retail store development. There are currently no known impediments to the land being assembled and it is suggested that the District Council, as the primary land owner, continues to lead discussions to secure the site with the other landowning partners.
- 4.6 The combination of the above will provide a robust evidence base in support of the Kidderminster Central Area Action Plan which is due to be published early in 2012. It will also need to be fully considered as part of the application of the sequential test conducted for retail planning applications for sites outside the town centre.

**5. FINANCIAL IMPLICATIONS**

- 5.1 The specific financial implications for the District Council are as yet unknown and will also relate to the outcome of the leisure review.

**6. LEGAL AND POLICY IMPLICATIONS**

- 6.1 Any action is likely to be subject to land and property agreements. It will also influence the publication stage of the KCAAP.

**7. EQUALITY IMPACT NEEDS ASSESSMENT**

- 7.1 There are considered to be no equality impacts emerging from this report.

**8. RISK MANAGEMENT**

- 8.1 There is an opportunity to secure major retail investment to bolster the eastern side of the town centre and without this the future of Worcester Street and its commercial vitality and viability looks even more challenging. The current commercial interest provides an opportunity to secure investment in the town centre.

**9. CONCLUSION**

- 9.1 Appendix 1 provides a robust evidence base in support of the Eastern Gateway first phase at Bromsgrove Street being suitable, capable and deliverable of development for a major supermarket with ancillary car parking. It is now proposed that this information be used to inform the planning process both Development Management, in terms of the consideration of planning applications, and Planning Policy in the form of Kidderminster Central Area Action Plan.

**10. CONSULTEES**

- 10.1 Director of Legal and Corporate Services.  
10.2 Director of Community and Partnership Services.  
10.3 Director of Resources.

**11. BACKGROUND PAPERS**

- 11.1 Kidderminster Central Area Action Plan DPD Preferred Options Paper (July 2011).

**WYRE FOREST DISTRICT COUNCIL**

**CABINET  
22<sup>nd</sup> November 2011**

**Recommendation from Overview and Scrutiny Committee  
3<sup>rd</sup> November 2011**

**Eastern Gateway: Concept Feasibility Report**

The Committee considered a report from the Head of Economic Development and Regeneration – North Worcestershire which sought Members' views on the Concept Feasibility Report.

The report is intended to be used as evidence in support of the emerging Kidderminster Central Area Action Plan.

**Recommend to Cabinet:**

**The Eastern Gateway: Concept Feasibility Report be approved.**

**WYRE FOREST DISTRICT COUNCIL****CABINET**  
**22<sup>nd</sup> NOVEMBER 2011****Budget Monitoring Second Quarter 2011/12**

<b>OPEN</b>	
<b>SUSTAINABLE COMMUNITY STRATEGY THEME:</b>	Stronger Communities
<b>CORPORATE PRIORITY:</b>	Delivering Together with Less
<b>CABINET MEMBER:</b>	Councillor N J Desmond
<b>DIRECTOR:</b>	Director of Resources
<b>CONTACT OFFICER:</b>	David Buckland Ext. 2100 david.buckland@wyreforestdc.gov.uk
<b>APPENDICES:</b>	<p>Appendix 1 - Wyre Forest District Council General Fund Total Requirements - District Council Purposes</p> <p>Appendix 2 - Budgetary Control Reports - Revenue</p> <p>Appendix 3 - Income Generation Projection Report</p> <p>Appendix 4 - Capital Programme 2011/12</p> <p>Appendix 5 - Cabinet Proposal Progress Report</p> <p>Appendix 6 - Budget Risk Matrix</p> <p><i>The appendices to this report have been circulated electronically and a public inspection copy is available on request. (See front cover for details.)</i></p>

**1. PURPOSE OF REPORT**

- 1.1 To monitor the Revenue Budget and Capital Programme in accordance with the Local Government Act 2003.

**2. RECOMMENDATION**

The Cabinet is asked to **DECIDE:-**

- 2.1 That the projected budget variations and comments outlined within this report and appendices 2 to 6 be noted.

**3. KEY ISSUES - BUDGET MONITORING 2nd QUARTER 2011/12**

- 3.1 The projected outturn at 31<sup>st</sup> March 2012 is a saving of £185,670. The forecast has improved from the Quarter 1 report due to further progress on the detailed work in preparation for the revised budget. The details are in **appendix 2** and the main variances are:

## Agenda Item No. 8.1

- £269,960 favourable: even though Base Rates are at historic lows, the returns for 2011/12 are likely to be £100,000 better than originally forecast; due in the main to slippage within the Capital Programme which results in deferment of borrowing;
- £152,540 favourable: due to the decreasing pay budgets the forecast expenditure for Corporate Pensions is lower than originally predicted. This is a short term saving as the county are likely to change the method of payment for historic deficits;
- £80,000 favourable: additional savings arising from the Worcestershire Enhanced Two Tier Working Regulatory Shared Service;
- £33,700 favourable: Savings in Members Allowances as a result of the scheme approved by Council from 18<sup>th</sup> May 2011;
- £31,220 favourable: Additional New Homes Bonus grant falling into reserves;
- £100,000 adverse: Housing Benefit subsidy reduction forecast, at present this is not confirmed and the position is unlikely to be fully resolved until March 2012. It is clear however, that DWP are insisting on a higher level of evidence than previous years to support claims. For information the total housing benefit subsidy is c. £40m pa;
- £74,000 adverse: Relating to the timing of savings from the Admin Review in 2011/12 due to timing of implementation of proposals. This is compensated for by additional savings in future years, as reported in the previous budget monitoring report;
- £65,000 adverse: NNDR refunds, this variance relates to refunds achieved early in 2010/11 Final Accounts, unfortunately this was not reported at Q1;
- £43,000 adverse: the Council has been unable to revise planning fees due to a delay in the implementation of the new scheme by central government. It is expected that further information will be available later in the year; however this does result in a reduction in income for 2011/12;
- £54,000 adverse: due to severe competition this Council has seen a reduction in income from Trade Waste. Working in partnership with the County Council options are being explored to provide further recycling options which would hopefully improve the situation;
- £40,000 adverse: Elections, increased contingency costs for Parish referendum, ethical investigations and personal indemnifiers.

- 3.2 A copy of the Income Generation Projection Report for the first quarter is enclosed as **Appendix 3**. Overall, income is projected to be broadly in line with the amounts assumed in the budget, the exception of the variances highlighted in 3.1 above.
- 3.3 The updated Capital Programme and Vehicle, Equipment and Systems Renewal Schedule for 2011/12, including slippage from 2010/11 is enclosed as **Appendix 4**. Spending for the first two quarters was generally in line with the budget. Payments to the contractor for the New Headquarters have now commenced.
- 3.4 A Progress Report of Cabinet Proposals approved at Council on the 23<sup>rd</sup> February for 2011/12 is shown in **Appendix 5**. Progress on most of these is satisfactory and savings are forecast to be achieved in line with targets, but in some cases progress is below target as noted in the progress report.
- 3.5 The Budget Risk Matrix has been reviewed to reflect the current assessment of risk. A copy is enclosed for information as **Appendix 6**.

- 3.6 The position on **investments** is as follows. At 30<sup>th</sup> September 2011, the Council had £16.210 m (excluding Icelandic Investments) on deposit with various institutions. This is monitored by the Treasury Management Review panel twice yearly, with additional reporting as necessary. During the first quarter of 2011 the Council's Treasury advisors Sector has revised its assumptions in relation to investment returns expected as the Bank Base Rate remains at the historic low of 0.5%. Based on current market indicators, the prediction is that this low rate may remain in place until mid 2012.
- 3.7 As reported to Cabinet on the 21<sup>st</sup> June, 2011, guidance for accounting for potential losses (impairment) from the Icelandic investments (update to LAAP Bulletin 82) was issued on the 17<sup>th</sup> May 2011. This statutory guidance resulted in a reversal of the potential principal loss (impairment) in relation to the KSF investment of £550,000. Further notification was received from the administrators of the Heritable Bank on the 28<sup>th</sup> July, 2011 reporting an improvement in the projected return for this £1m investment from a base case return to creditors of 79 to 85 pence in the pound, to 86 to 90 pence in the pound. We await accounting guidance to calculate the exact impact but this is likely to improve the predicted return on this investment by around £50K.
- 3.8 As reported at Council on 28<sup>th</sup> September, 2011, we and other local authorities has been awaiting the verdict of the Icelandic Supreme Court in relation to a challenge the preferred status that the Council currently has on the Landsbanki deposit of £3m. The Council was informed on Friday 28<sup>th</sup> October, that the appeal was successfully defended in respect of the Council continuing to enjoy "priority" status. This is excellent news and means that the Council is likely to receive a return of at least 95% on this investment. However, the claim for penalty interest on the deposit has been refused, at this time it is not possible to forecast the impact of this decision on the total repayments the Council can expect.
- 3.9 The position on recovery of the £9m of Icelandic investments that were frozen in October 2008 is that, at 30<sup>th</sup> September, a total of £3.506m had already been received (39%).

Financial Institution	Principal Invested £	Principal Repaid to Date £	% Recovery to Date	Estimated Total Recovery %
Landsbanki	3,000,000	0	0	94.85
Kaupthing Singer & Freidlander	5,000,000	2,900,000	58	82.00
Heritable bank	1,000,000	606,360	60.4	90.00
Overall Total	9,000,000	3,506,360	39	87.17

#### **4. FINANCIAL IMPLICATIONS - BUDGET MONITORING 2nd QUARTER 2011/12**

- 4.1 A copy of the Council's approved Revenue Budget is enclosed as **Appendix 1** for Members' information.

- 4.2 The continuing effects of the economic recession and the decline of the global economy may have an overall adverse impact on the budget, although this should be offset by savings in pay and administrative costs. While the report suggests that we will achieve an underspend overall, close monitoring by the Director of Resources and all Directorates will continue, with reports to Cabinet as part of the Budget process.

**5. LEGAL AND POLICY IMPLICATIONS**

- 5.1 The Local Government Act 2003 (sections 25–29) placed new duties on Local Authorities on how they set and prioritise budgets.
- 5.2 Section 28 places a statutory duty on an authority to review its budget from time to time during the year. If the Budget Monitoring Report shows that there has been deterioration in the Authority's financial position, the Authority must take such action as it concludes necessary. The Cabinet currently reviews the Budget on a quarterly basis.
- 5.3 The Audit Commission make an assessment based on the annual programme of external audit work. The focus is on ensuring there are proper arrangements in place for securing financial reliance and that the organisation has proper arrangements for challenging how it secures economy, efficiency and effectiveness.

**6. RISK MANAGEMENT**

- 6.1 The budget risk matrix in appendix 6 is regularly reviewed and updated. Regular monitoring of expenditure and other financial information mitigates risk for the Council.

**7. EQUALITY IMPACT ASSESSMENT**

- 7.1 This is a financial report and there is no requirement to undertake an Equality Impact Assessment.

**8. CONCLUSIONS/ACTION**

- 8.1 The information contained within Appendices 2, 3, 4, 5, and 6 provides Members with an overview of financial trends within the period to 30<sup>th</sup> September 2011.
- 8.2 A further report identifying the updated position for 2011/12 from the revised budget will be submitted to the Cabinet as part of the budget process.

**9. CONSULTEES**

- 9.1 Corporate Management Team.
- 9.2 Cabinet.

**10. BACKGROUND PAPERS**

Council 23<sup>rd</sup> February 2011.  
Cabinet Report on Final Accounts 2010/11 21<sup>st</sup> June 2011.  
Cabinet Financial Strategy 2011/2014 10<sup>th</sup> January 2011.  
Cabinet 20<sup>th</sup> September 2011 – Budget Monitoring First Quarter 2011/12.

WYRE FOREST DISTRICT COUNCIL

REVENUE BUDGET TOTAL REQUIREMENTS - DISTRICT COUNCIL PURPOSES

SERVICE	2011/12		2012/13			2013/14			2014/15			2015/16		
	Original Estimate £	Revised Estimate £	At Nov.11 Prices £	Inflation £	TOTAL £	At Nov.11 Prices £	Inflation £	TOTAL £	At Nov.11 Prices £	Inflation £	TOTAL £	At Nov.11 Prices £	Inflation £	TOTAL £
CHIEF EXECUTIVE	997,970	1,040,570	946,860	1,530	948,390	927,630	14,160	941,790	928,670	27,250	955,920	906,390	40,150	946,540
COMMUNITY AND PARTNERSHIP	3,984,360	4,325,680	3,970,910	30,780	4,001,690	3,999,950	84,060	4,084,010	4,003,960	138,610	4,142,450	3,929,340	193,890	4,123,230
LEGAL AND CORPORATE SERVICES	1,316,880	1,354,160	1,441,080	13,640	1,454,720	1,379,420	41,670	1,421,090	1,342,920	61,750	1,404,670	1,313,250	86,650	1,399,900
PLANNING AND REGULATORY SERVICES	3,693,870	3,487,910	3,341,670	26,470	3,368,140	3,166,620	87,300	3,253,920	3,170,020	150,970	3,320,990	3,109,420	215,180	3,324,600
RESOURCES	5,744,720	5,763,680	4,653,230	20,160	4,673,390	4,669,420	113,160	4,782,580	4,757,700	209,680	4,967,380	4,835,610	310,190	5,145,800
LESS: CAPITAL ACCOUNT	15,737,800	15,972,000	14,353,750	92,580	14,446,330	14,143,040	340,350	14,483,390	14,203,270	588,260	14,791,410	14,094,010	846,060	14,940,070
INTEREST RECEIVED	(1,289,490)	(1,407,500)	(1,222,340)	70	(1,222,270)	(1,232,910)	790	(1,232,120)	(1,167,260)	1,550	(1,165,710)	(970,080)	2,290	(967,790)
	(223,530)	(341,390)	(167,220)	0	(167,220)	(124,270)	0	(124,270)	(111,550)	0	(111,550)	(98,040)	0	(98,040)
<b>TOTAL NET EXPENDITURE ON SERVICES</b>	<b>14,224,780</b>	<b>14,223,110</b>	<b>12,964,190</b>	<b>92,650</b>	<b>13,056,840</b>	<b>12,785,860</b>	<b>341,140</b>	<b>13,127,000</b>	<b>12,924,460</b>	<b>589,810</b>	<b>13,514,150</b>	<b>13,025,890</b>	<b>848,350</b>	<b>13,874,240</b>
LESS: CONTRIBUTION (FROM) TO RESERVES	(883,730)	(698,060)			(395,410)			(717,300)			(1,226,520)			(1,399,860)
<b>NET BUDGET REQUIREMENT</b>	<b>13,341,050</b>	<b>13,525,050</b>			<b>12,661,430</b>			<b>12,409,700</b>			<b>12,287,630</b>			<b>12,474,380</b>
LESS: REVENUE SUPPORT GRANT	(1,474,240)	(1,474,240)			(5,391,290)			(5,071,200)			(4,766,930)			(4,766,930)
AREA BASED GRANTS	(109,270)	(293,270)			(109,270)			0			0			0
BUSINESS RATES	(4,769,440)	(4,769,440)			0			0			0			0
COLLECTION FUND SURPLUS	(50,650)	(50,650)			(50,000)			(50,000)			(50,000)			(50,000)
<b>GENERAL EXPENSES - DISTRICT COUNCIL PURPOSES</b>	<b>6,937,450</b>	<b>6,937,450</b>			<b>7,110,870</b>			<b>7,288,500</b>			<b>7,470,700</b>			<b>7,657,450</b>
<b>COUNCIL TAX LEVY</b>		<b>197.62</b>			<b>202.56</b>			<b>207.62</b>			<b>212.81</b>			<b>218.13</b>
<b>COUNCIL TAX BASE</b>		<b>35,105</b>			<b>35,105</b>			<b>35,105</b>			<b>35,105</b>			<b>35,105</b>

Note:- For the years 2012/2013 and 2013/2014 the split between the Revenue Support Grant and Business Rates is not known at this stage.

**BUDGETARY CONTROL REPORT**  
**MAJOR REVENUE VARIATIONS QUARTER TWO (TO 30th SEPTEMBER 2011)**

Total Original Budget 2011/12	14,224,780
Projected Savings on Original Budget	(1,670)
Total Quarter Two Projection to Year End 2011/12	<u>14,223,110</u>

Description of Estimated Major Variances	Extra Costs/ Reduced Income £	Savings/ Additional Income £
<b>Chief Executive</b>		
1. No Major Variations		
<b>Community &amp; Partnership Services</b>		
1. Local Service Support Grant Oldington and Foley Pathfinder extra years CLG funding now secured. Not shown in budget book due to timing (income to offset this expenditure shown with grant so no overall effect).	184,000	
2. Leisure Centre Management Fee Increase for higher RPI	28,080	
3. Parks and Open Spaces - additional costs of maintaining paddling pools	12,000	
<b>Legal and Corporate Services</b>		
1. Other Property - Reduced income due to vacant property	30,000	
2. Members Allowances - Savings from Changes to Scheme approved by Council from 18th May 2011		(33,700)
3. NNDR Refund £65k achieved against Car Parks in 2010/11 Final Accounts so balance of £35K in revised budget	65,000	
4. Elections - increased contingency costs for Parish referendums, ethical investigations and personal indemnifiers	40,000	
5. Administrative Buildings - Mainly energy savings		(30,000)
<b>Planning &amp; Regulatory Services</b>		
1. Civil Enforcement - Reduction in fine Income for on-street parking	30,000	
2. Under achievement of additional income from Planning Fees in Cabinet Proposal due to delay in Government approving new scheme.	43,000	
3. New Homes Bonus - additional sum received allocated to general reserves		(31,220)
4. WETT - Regulatory Services - additional savings		(80,000)
5. Car Parks - extra costs to reflect delayed implementation of new cash receipting system	14,000	
6. Building Control		(22,000)
<b>Resources</b>		
1. Waste - Overall net increase in costs	54,000	
2. Garage increase in direct materials not offset by extra income	10,000	
3. Housing Benefit Subsidy reduction forecast	100,000	
<b>Capital Account</b>		
1. Interest on External Borrowing and External Interest Receipts - External Borrowing costs are predicted to be lower than the budget forecast due to a delay in the payment of the Cemetery contribution, Capital Programme slippage and the use of internal rather than external borrowing. Income from external interest is also improved with a current forecast of around £110k to year end.		(269,960)
2. MRP Saving		(56,000)
<b>Corporate Variations</b>		
1. Admin Review - Relating to the timing of the implementation of savings in 2011/12 compensated by additional savings in 2012/13	74,000	
2. Corporate Pensions Decrease		(152,540)
3. Other minor variations		(10,330)
	684,080	(685,750)
<b>Increased/(decreased) Net Expenditure on Year</b>		<b>(1,670)</b>
<b>Less</b>		
Additional Area Based Grant (ABG) (See CAPS 1 above)		(184,000)
<b>Forecast net overall position</b>		<b>(185,670)</b>

**INCOME GENERATION PROJECTION STATEMENT 2011/2012 (QUARTER TWO SEPTEMBER 2011)**

Cost Centre Description	Cost Centre	Account Code	Description	2011/12 Original Budget	2010/11 Profiled Budget	2011/12 Actual To Date	Projection to Year End	Variance Projection Less Original Budget	Comments
<b>COMMUNITY AND PARTNERSHIP SERVICES</b>									
Cemetery	R040	87500	FEES AND CHARGES	-£41,000.00	-£20,508.19	-£33,123.33	-£41,000.00	£0.00	
Summer Playschemes	R055	87500	FEES AND CHARGES	-£6,150.00	-£3,076.26	-£7,331.49	-£5,646.00	£504.00	INCOME TRANSFERRED TO BEWDLEY MUSEUM/RANGERS/KAF
Bewdley Museum	R065	86550	FEES- Education & Instruction VAT Exempt	-£12,000.00	-£6,002.40	-£8,564.22	-£12,000.00	£0.00	
Bewdley Museum	R065	87600	LICENCES & REGISTRATION	-£9,400.00	-£4,701.88	-£6,510.82	-£9,400.00	£0.00	
Sports Pitches and Facilities	R095	86700	SPORTS FEES ETC - MISCELLANEOUS	-£28,190.00	-£14,100.65	-£5,272.23	-£24,640.00	£3,550.00	
Allotments	R155	87100	RENTS	-£13,470.00	-£6,737.69	£14.30	£0.00	£13,470.00	Now self managed
Parks & Green Spaces	R160	87110	PROPERTY RENTAL INCOME	-£23,160.00	-£11,584.55	-£10,612.39	-£36,440.00	-£13,280.00	Zonal parking effect
Nature Reserves	R163	84220	S.106/COMMUTED SUM FUNDING REVENUE CONTR	-£14,000.00	-£7,002.80	-£36,170.64	-£36,170.00	-£22,170.00	BALANCE BFWD FROM 2010/2011
Events	R175	87210	FEES AND CHARGES (DANCE FESTIVAL)	-£6,500.00	-£3,251.30	£0.00	-£6,500.00	£0.00	
Highways Mtce Of Verges	R205	88100	INCOME - EXTERNAL WORKS	-£33,000.00	-£16,506.60	-£36,427.25	-£36,430.00	-£3,430.00	
Grounds Maintenance	R236	84040	SPONSORSHIP INCOME	-£6,000.00	-£3,001.20	£0.00	-£6,000.00	£0.00	
Grounds Maintenance	R236	88100	INCOME - EXTERNAL WORKS	-£61,850.00	-£30,937.38	-£20,631.81	-£53,340.00	£8,510.00	
<b>TOTAL COMMUNITY AND PARTNERSHIP SERVICES</b>				<b>-£254,720.00</b>	<b>-£127,410.90</b>	<b>-£164,629.88</b>	<b>-£267,566.00</b>	<b>-£12,846.00</b>	
<b>LEGAL AND CORPORATE SERVICES</b>									
Management Of K. Town Hall	R216	87000	SALES	-£7,500.00	-£3,751.50	-£2,396.61	-£8,650.00	-£1,150.00	
Management Of K. Town Hall	R216	87100	RENTS	-£44,550.00	-£22,283.92	-£14,007.25	-£43,750.00	£800.00	
Management Of Stour Civic Hall	R221	87100	RENTS	-£19,520.00	-£9,763.92	-£3,769.00	-£16,840.00	£2,680.00	
Other Ind. Estates	R270	87110	PROPERTY RENTAL INCOME	-£170,800.00	-£85,433.92	-£99,917.54	-£186,040.00	-£15,240.00	
Hoobrook Ent.Centre	R285	87110	PROPERTY RENTAL INCOME	-£102,560.00	-£51,300.79	-£42,920.40	-£88,260.00	£14,300.00	Vacant properties
Hoobrook Ent.Centre	R285	87150	SERVICE CHARGES	-£27,950.00	-£13,980.69	-£11,684.26	-£26,430.00	£1,520.00	
Other Property	R290	87110	PROPERTY RENTAL INCOME	-£216,600.00	-£108,343.32	-£108,845.27	-£228,200.00	-£11,600.00	
Comberton Place	R291	87110	PROPERTY RENTAL INCOME	-£67,940.00	-£33,983.58	-£13,559.96	-£33,870.00	£34,070.00	Vacant properties
Comberton Place	R291	87150	SERVICE CHARGES	-£6,490.00	-£3,246.31	-£575.02	-£3,290.00	£3,200.00	
Legal & Dem - Land Charges	R510	87500	FEES AND CHARGES	-£162,590.00	-£81,327.53	-£80,012.55	-£170,670.00	-£8,080.00	Recharges fall in line with Expenditure £5,570 + EAM £2.5K
<b>TOTAL LEGAL AND CORPORATE SERVICES</b>				<b>-£826,500.00</b>	<b>-£413,415.48</b>	<b>-£377,687.86</b>	<b>-£806,000.00</b>	<b>20,500.00</b>	
<b>PLANNING &amp; REGULATORY SERVICES</b>									
Kidderminster Street Market	R030	87100	RENTS	-£10,000.00	-£5,002.00	-£10,058.34	-£10,060.00	-£60.00	
Car Parks General	R185	87400	PARKING FEES	-£370,080.00	-£185,114.05	-£149,345.80	-£385,680.00	-£15,600.00	Zonal parking effect
Surface Car Parks	R187	87400	PARKING FEES	-£875,520.00	-£437,935.12	-£485,101.37	-£880,600.00	-£5,080.00	Zonal parking effect
Market Street Car Park	R188	87400	PARKING FEES	-£67,740.00	-£33,883.54	-£26,067.52	-£72,000.00	-£4,260.00	Zonal parking effect
Weavers Wharf Car Park	R189	87290	MANAGEMENT FEE	-£105,000.00	-£52,521.00	-£59,124.00	-£115,000.00	-£10,000.00	Zonal parking effect
Stour.Spts. Ctre Car Park	R190	87400	PARKING FEES	-£30,380.00	-£15,196.06	-£5,310.59	-£16,000.00	£14,380.00	Effect of free first hour
Civil Enforcement	R193	87400	PARKING FEES	-£150,000.00	-£75,030.00	-£53,441.02	-£120,000.00	£30,000.00	Greater compliance (possibly due to free first hour)
Highways General Cleansing	R200	88100	INCOME - EXTERNAL WORKS	-£34,000.00	-£17,006.80	-£3,460.67	-£40,800.00	-£6,800.00	
Development Control	R605	86200	PLANNING APPLICATION FEES	-£404,300.00	-£202,230.86	-£184,197.50	-£330,000.00	£74,300.00	Revised income figures due to reduced no of applications and delay in government agreeing to local fee setting
Development Control	R605	86210	PLANNING ADVICE/ENQUIRIES FEES	-£18,370.00	-£9,188.67	-£9,338.47	-£18,370.00	£0.00	
Building Control Fee Earning	R625	86010	BUILDING NOTICE FEES	-£57,200.00	-£28,611.44	-£37,864.61	-£62,000.00	-£4,800.00	Increase in Income
Building Control Fee Earning	R625	86030	BUILDING CONTROL INSPECTION FEES	-£40,000.00	-£20,008.00	-£28,752.36	-£40,000.00	£0.00	
Building Control Fee Earning	R625	86060	BUILDING CONTROL FULL PLANS APPLICATION	-£87,000.00	-£43,517.40	-£72,310.87	-£100,000.00	-£13,000.00	Increase in Income
Environmental Health	R637	84400	Reimbursement of Costs	-£29,600.00	-£14,805.92	-£4,029.35	-£29,600.00	£0.00	
Environmental Health	R637	87300	PEST CONTROL FEES	-£15,370.00	-£7,688.07	-£10,253.99	-£15,370.00	£0.00	
Environmental Health	R637	87450	POLLUTION CONTROL FEES	-£18,960.00	-£9,483.81	-£15,571.88	-£16,000.00	£2,960.00	
Licensing Activities	R638	84400	Reimbursement of Costs	-£10,400.00	-£5,202.08	-£1,537.75	-£10,400.00	£0.00	
Licensing Activities	R638	87050	TAXI & PRIVATE HIRE LICENCES	-£76,020.00	-£38,025.11	-£82,231.69	-£76,020.00	£0.00	
Licensing Activities	R638	87600	LICENCES & REGISTRATION	-£110,430.00	-£55,236.99	-£38,719.75	-£110,430.00	£0.00	
Homelessness Hsg Advice & Access to Hsg	R685	86600	ADVERTISING INCOME	-£15,500.00	-£7,753.10	£0.00	-£10,200.00	£5,300.00	Less income due to downturn in social housing stock turnover
<b>TOTAL PLANNING &amp; REGULATORY SERVICES</b>				<b>-£2,525,870.00</b>	<b>-£1,263,440.02</b>	<b>-£1,276,717.53</b>	<b>-£2,458,530.00</b>	<b>67,340.00</b>	

# **INCOME GENERATION PROJECTION STATEMENT 2011/2012 (QUARTER TWO SEPTEMBER 2011)**

Cost Centre Description	Cost Centre	Account Code	Description	2011/12 Original Budget	2010/11 Profiled Budget	2011/12 Actual To Date	Projection to Year End	Variance Projection Less Original Budget	Comments
<b>RESOURCES</b>									
Domestic Waste	R002	88200	WASTE DISPOSAL INCOME	-£560,040.00	-£280,132.00	-£194,998.39	-£508,700.00	£51,340.00	Trade waste - very competitive market
Garden Waste Collection Service	R005	88200	WASTE DISPOSAL INCOME	-£113,050.00	-£56,547.58	-£63,355.00	-£74,400.00	£38,650.00	Shortfall of subscription - likely to pick up March 2012
Kerbside Recycling	R010	84150	COUNTY COUNCIL PAYMENTS	-£60,000.00	-£30,012.00	-£74,338.45	-£76,530.00	-£16,530.00	
Textiles	R017	88300	INCOME - Miscellaneous	-£6,000.00	-£3,001.20	£0.00	-£3,200.00	£2,800.00	Commodity prices
Paper	R018	85000	RECYCLING CREDITS	-£20,000.00	-£10,004.00	-£3,704.28	-£19,400.00	£600.00	Commodity prices
Garage Trading Account	R229	87500	FEES AND CHARGES	-£19,480.00	-£5,992.38	-£8,977.62	-£18,460.00	£1,020.00	MOTs
Garage Trading Account	R229	88100	INCOME - EXTERNAL WORKS	-£14,980.00	-£7,493.02	-£5,053.79	-£17,740.00	-£2,760.00	
Garage Trading Account	R229	89200	DSO INCOME -for TAXI INSPECTIONS	-£31,470.00	-£15,741.28	-£4,344.00	-£10,700.00	£20,770.00	Fewer annual inspections (MOTs)
<b>TOTAL RESOURCES</b>				<b>-£825,020.00</b>	<b>-£408,923.46</b>	<b>-£354,771.53</b>	<b>-£729,130.00</b>	<b>£95,890.00</b>	
<b>CAPITAL ACCOUNT</b>									
Interest Received	R805	88650	INTEREST RECEIVED	-£217,530.00	-£108,808.51	-£59,109.30	-£327,530.00	-£110,000.00	Capital slippage - more funds to invest
<b>TOTAL CAPITAL ACCOUNT</b>				<b>-£217,530.00</b>	<b>-£108,808.51</b>	<b>-£59,109.30</b>	<b>-£327,530.00</b>	<b>-£110,000.00</b>	
<b>OVERALL TOTAL</b>				<b>-£4,649,640.00</b>	<b>-£2,321,998.37</b>	<b>-£2,232,916.10</b>	<b>-£4,588,756.00</b>	<b>£60,884.00</b>	

**NOTE:**

This report only includes budgets that are £5,000 or above. It supplements Appendix 2 and should not be looked at in isolation.

<b>CAPITAL PROGRAMME DESCRIPTION</b>	<b>Revised Capital Programme 2011/12 £</b>	<b>Month 6 Expenditure 2011/12 £</b>	<b>Current Year Scheme Balance £</b>	<b>Comments</b>
<b>COMMITTED EXPENDITURE</b>				
<b>1. COMMUNITY AND PARTNERSHIP SERVICES</b>				
Bewdley Museum Improvement Works	3,250	0	3,250	Final claim to be completed.
Habberley Playing Fields Changing Rooms	1,110	753	357	Anticipated to be spent in Q3.
Improvements to Paddling Pools	1,250	0	1,250	Anticipated to be spent in Q3/Q4.
Brownwesthead Park Changing Rooms Refurbishment	2,470	2,468	2	Scheme complete.
St Georges Park Multi Activity Play Area	2,790	2,771	19	Scheme complete.
Play Equipment: Replacement/Repairs Programme	2,640	0	2,640	Anticipated to be spent in Q3.
Municipal Cemetery	1,253,320	0	1,253,320	Phase one of the project complete. Full completion due in Q3.
St Mary's Churchyard Boundary Wall	2,840	0	2,840	Small retention payment outstanding.
Liveability Scheme: Brinton Park	7,810	5,570	2,240	HLF application to be resubmitted. Anticipated to complete by Q4.
Stourvale - Stackpool	230	0	230	Anticipated to be spent in Q3.
Wyre Hill Play Area	1,000	698	302	Anticipated to complete by Q4.
Public Art in the Horsefair	12,000	11,155	845	Scheme complete.
Franchise Street S106 - Arts Development	9,330	0	9,330	HLF application to be resubmitted.
Franchise Street S106 - Countryside / Rangers	7,260	0	7,260	HLF application to be resubmitted.
Glensmore Street Play Area	1,350	1,251	99	Scheme complete.
Improvements to Coronation Gardens	28,890	20,697	8,193	Anticipated to complete Q3. Includes £5,000 virement from Community Safety.
Community Safety	15,000	0	15,000	Being reviewed as part of revised budget process.
CCTV - Stourport-on-Severn & Bewdley	5,600	0	5,600	Scheme complete, awaiting final invoices.
<b>2. LEGAL AND CORPORATE SERVICES</b>				
New Headquarters - Office Accommodation	5,046,910	312,253	4,734,657	Work progressing to programme. The Transformation Board continues to monitor this major project.
Contribution towards replacement of Civic Facilities in Stourport-on-Severn	10,000	10,000	0	Grant contribution towards Stourport facilities project now paid.

<b>CAPITAL PROGRAMME DESCRIPTION</b>	<b>Revised Capital Programme 2011/12 £</b>	<b>Month 6 Expenditure 2011/12 £</b>	<b>Current Year Scheme Balance £</b>	<b>Comments</b>
Boundary Wall at 49 Worcester Street	10,000	0	10,000	Still subject to an ongoing insurance dispute. We are pressing for a resolution - loss adjustors still to respond. May slip to 2012/13.
<b>3. PLANNING AND REGULATORY SERVICES</b>				
Public Conveniences - Infrastructure and Servicing	2,460	0	2,460	Final retention monies.
Parking Facilities: Payment under Contractual Agreement	159,280	0	159,280	Anticipated to be spent in financial year.
Parking Facilities: Improvements to Car Parks	19,860	0	19,860	Anticipated to be spent in financial year.
Housing Strategy: Disabled Facilities Grants	800,000	199,618	600,382	Measures have been taken to increase the performance of the Care and Repair Agency to ensure demand for DFGs is responded to. Demand exceeds available budget. Budget is anticipated to be fully spent.
Affordable Housing Grants to Registered Social Landlords	320,000	60,000	260,000	Purchase of additional 2 ESD's underway. East Street scheme completed in October. Development of Foyer (200k) subject to HCA funding. Other schemes being developed.
Housing Assistance (including Decent Homes Grant)	251,600	38,520	213,080	Split of finances between a number of schemes is being resolved. There is likely to be slippage to 2012/13 dependent upon outcome of discussions on schemes.
Community Alarm Equipment Grant	70,380	0	70,380	Final year of scheme. To be spent by 31st March 2012.
Stourport Development - STC4 (CPO 8 & 8a Bridge Street)	10,100	542	9,558	Anticipated to be spent in financial year.
Planning Delivery Grant Capital Projects	37,140	0	37,140	Anticipated to be spent in financial year.
Partnership Scheme in Conservation Areas (Stourport on Severn)	10,000	0	10,000	No more applications are scheduled to be processed. Scheme ends March 2012.
Flood Relief	63,390	13,880	49,510	Wribbenhall E.A. scheme soon to start. Contributions to Wribbenhall scheme expected in next 2 quarters.
WETT Programme - Regulatory Services	102,060	0	102,060	Anticipated to be spent in financial year.

<b>CAPITAL PROGRAMME DESCRIPTION</b>	<b>Revised Capital Programme 2011/12 £</b>	<b>Month 6 Expenditure 2011/12 £</b>	<b>Current Year Scheme Balance £</b>	<b>Comments</b>
<b>4. RESOURCES</b>				
Waste Strategy - Green Waste Containers	33,090	0	33,090	The latest draw down should meet our requirements for the coming medium term. Any outstanding commitments to the supplier SSI Schaefer need to be reviewed and then the remaining budget could potentially fall into balances.
ICT Strategy	1,425,890	275,615	1,150,275	Phone & LAN Switches now complete. EDRM on-going. Email Replacement decision due end of November to be actioned in Q4. Balance of expenditure for new Headquarters. Expenditure in line with project.
ICT Investment: ICT Consultants	15,000	0	15,000	Expenditure in line with the new Headquarters project.
<b>5. VEHICLE, EQUIPMENT &amp; SYSTEMS RENEWAL SCHEDULE</b>				
Vehicles & Equipment	610,420	310,027	300,393	Some procurement savings on vehicle renewals. Garage equipment could slip into 2012/13.
Financial Management System Replacement	77,470	0	77,470	Post implementation consultancy work for system improvements continues. This work complements other system thinking reviews to streamline processes and achieve further efficiencies.
Total Operational Management System	22,530	16,078	6,452	Project costs should be fully incurred by the end of Q4.
	<b>10,455,720</b>	<b>1,281,897</b>	<b>9,173,823</b>	

**BUDGET MONITORING 2011/2012 - QUARTER TWO (TO SEPTEMBER 2011)**  
**VEHICLE, EQUIPMENT AND SYSTEMS RENEWAL SCHEDULE 2011/2012**

Detail	Revised Capital Programme 2011/12 £	Month 6 Expenditure 2011/12 £	Cost Centre	Assigned Fleet Number	Comments
<b>1. <u>VEHICLES</u></b>					
Blitz Vehicle	34,000		R200	AV220	Tender has been received and opened 26/10/11.
Blitz Vehicle	34,000		R200	AV221	Tender has been received and opened 26/10/11.
Blitz Vehicle	34,000		R200	AV222	Tender has been received and opened 26/10/11.
Blitz Vehicle	34,000		R200	AV223	Tender has been received and opened 26/10/11.
Garage Equipment - Replacement (slippage)	23,420		R229	GARAGE2	Will slip into 2012/13 if not spent in 2011/12.
Mechanical Sweeper (Small)	15,000	19,080	R200	AV229	} Complete (replaced by one sweeper) - remainder of budget not required.
Mechanical Sweeper (Small)	15,000		R200	AV230	
Refuse Freightier	136,000	133,295	R002	AV245	Complete.
Refuse Freightier	136,000	133,295	R002	AV246	Complete.
Mowing Machine	33,000		R236	R370	Demonstrations have been undertaken. Specification nearing completion.
Transit Tipper	30,000	1,707	R229	AV215	To be replaced by AV063 - conversion works have been undertaken. Remainder of budget will not be spent.
Small Van - Low range electrical	25,000		R260	AV227	Currently looking at various options. Could be potential to slip into 2012/13.
Small Van	18,000		R200	AV229	Tender has been received and opened 26/10/11.
Small Van	18,000		R200	AV230	Tender has been received and opened 26/10/11.
Ransome Gang Mower	25,000	22,650	R236	AV240	Complete.
<b>2. <u>OTHER</u></b>					
(a) Financial Management System replacement	77,470		R430	FMS001	Post implementation consultancy work for system improvements continues. This work complements other system thinking reviews to streamline processes and achieve further efficiencies.
(b) Total Operational Management System	22,530	16,078	-	-	Project costs should be fully incurred by the end of Q4.
	710,420	326,106			

**CABINET PROPOSALS 2011/2012 ONWARDS**

Cost Centre	ACTIVITY AND DESCRIPTION OF SERVICE OPTION	KEY	CHANGES IN RESOURCES					Q2 2011/12 Budget Monitoring Forecast Achievement	Comments re Achievement
			2011/12 £	2012/13 £	2013/14 £	2014/15 £	After 31/03/2015 £		
R900	<b>COMMUNITY AND PARTNERSHIP SERVICES</b>								
	<b>Review of Directorate</b> Review of strategic projects and performance management	C R S	- 6,000 CR -	- 46,600 CR 1.00	- 70,000 CR 1.50	- 70,000 CR 1.50	- 70,000 CR 1.50	6,000 CR	In progress should be achieved
R055	<b>Rationalisation of Play, Sport and Leisure</b>								
R080	<b>Development</b>	C	-	-	-	-	-		
R085	Review Play Development, Leisure and Community	R	30,700 CR	30,800 CR	21,070 CR	21,350 CR	21,350 CR	30,700 CR	Achieved in full
R140	Development provision	S	0.50	0.50	0.50	0.50	0.50	0.50	
R055	<b>Play Development and other Related Budget Areas</b>								
R080	Following decision of Worcestershire CC to transfer	C	TBC	TBC	TBC	TBC	TBC	No savings	Local Children's partnership will be operational from April 2012. Work still in progress around how youth funding will be spent within the district
R085	£210k pa Youth Service budget to the Children and	R	TBC	TBC	TBC	TBC	TBC	for WFDC, any	
R140	Young People Theme Groups of the Local Strategic	S	TBC	TBC	TBC	TBC	TBC	Savings will be WCC	
	Partnership (which will become a Children's Partnership in due course), to consider partnership opportunities. This will include investigations with WCC/CHG.YMCA and other potential partners (including potentially the Wyre Forest GP Consortium) the savings to be made by pooling Youth Service, Play and other budgets targeted at Young People from 2012. Budgets localised from April 2011 when initial work will commence								
R060	<b>Bewdley Museum</b> Review of storage requirement and option for shared services with the TIC and HUB	C R S	- - TBC	- 15,000 CR TBC	- 15,000 CR TBC	- 15,000 CR TBC	- 15,000 CR TBC	-	Cabinet Proposal for Museum now revised and updated. Firstly it is not possible to relocate Bewdley Cash Office with TIC so this changes the proposal. Savings from alternative off-site shared storage for Bewdley Museum are progressing but as at Q2 it is assumed it is not possible to make this saving. Officers are still reviewing this and it will be reported at Q3.

**CABINET PROPOSALS 2011/2012 ONWARDS**

Cost Centre	ACTIVITY AND DESCRIPTION OF SERVICE OPTION	KEY	CHANGES IN RESOURCES					Q2 2011/12 Budget Monitoring Forecast Achievement	Comments re Achievement
			2011/12 £	2012/13 £	2013/14 £	2014/15 £	After 31/03/2015 £		
<b>R161</b>	<b><u>Transfer of Responsibility for Countryside Services</u></b>							-	
<b>R163</b>	Strategic review of the service to transfer responsibility for 13 Local Nature Reserves	C	-	-	-	-	-	-	Negotiations with Worcestershire Wildlife Trust and WCC complete but options are more costly. Other possibilities continue to be investigated
<b>R165</b>		R	-	TBC	TBC	TBC	TBC	-	
		S	-	TBC	TBC	TBC	TBC	-	
<b>R167</b>		S							
<b>R160</b>	<b><u>Parks and Green Spaces</u></b>	C	-	-	-	-	-	-	
<b>R162</b>	Strategic review of the service and transfer of responsibility for sports pitches/bowling greens and maintenance	R	71,750 CR	56,750 CR	57,600 CR	58,480 CR	58,480 CR	71,750 CR	Achieved in full
		S	2.00	2.00	2.00	2.00	2.00	2.00	
<b>R160</b>	<b><u>Parks and Green Spaces</u></b>	C	TBC	TBC	TBC	TBC	TBC	TBC	
<b>R162</b>	Investigate with Friends of Parks Groups whether they take over aspects of Parks Maintenance and work with Parks Department via Service Level Agreements	R	TBC	TBC	TBC	TBC	TBC	TBC	Still under review
		S	TBC	TBC	TBC	TBC	TBC	TBC	
<b>R080</b>	<b><u>Sports and Leisure Centres</u></b>	C	-	TBC	TBC	TBC	TBC	-	Consultation now ended, 11th. Cabinet report October, further work on options and reports expected in January/February 2012
<b>R085</b>	Option appraisal for management of sports and leisure centres (current contract ends in March 2013)	R	-	-	TBC	TBC	TBC	-	
<b>R140</b>		S	-	-	-	-	-	-	
<b>R732</b>	<b><u>Grants to Voluntary Bodies</u></b>	C	-	-	-	-	-	-	
<b>R740</b>	Review of current grants to align with reduction in Council's own grant funding	R	-	12,000 CR	13,000 CR	17,000 CR	17,000 CR	-	2012/13
		S	-	-	-	-	-	-	
<b>R740</b>	<b><u>Emergency Planning SLA</u></b>	C	-	-	-	-	-	-	Business Case has been agreed by Cabinet in October. Should be achieved
	Review of current Service Level Agreement with Worcestershire County Council. Current agreement ends 2011/12	R	-	10,000 CR	10,000 CR	10,000 CR	10,000 CR	-	
		S	-	-	-	-	-	-	
<b>R515</b>	<b><u>LEGAL AND CORPORATE SERVICES</u></b>								
	<b><u>Review of Directorate</u></b>	C	-	-	-	-	-	-	Achieved in full
	Review of the operations of the Directorate within facilities management, litigation and library/research facility	R	26,430 CR	28,840 CR	28,840 CR	28,840 CR	28,840 CR	26,430 CR	
		S	1.18	1.18	1.18	1.18	1.18	1.18	
<b>R505</b>	<b><u>Restructure of Committee Section</u></b>	C	-	-	-	-	-	-	Achieved
	Restructure of Democratic Services to enable savings following reduction in number of formal meetings of Council, Cabinet and Committees.	R	26,040 CR	28,410 CR	28,410 CR	28,410 CR	28,410 CR	26,040 CR	
		S	0.80	0.80	0.80	0.80	0.80	0.80	
<b>R035</b>	<b><u>PLANNING AND REGULATORY SERVICES</u></b>								
	<b><u>Public Conveniences</u></b>	C	-	-	-	-	-	-	Achieved
	Review of cleansing regime and review of street furniture budget (see Appendix 2 (part 2))	R	27,500 CR	30,000 CR	30,000 CR	30,000 CR	30,000 CR	27,500 CR	
		S	0.20	0.20	0.20	0.20	0.20	0.20	

**CABINET PROPOSALS 2011/2012 ONWARDS**

Cost Centre	ACTIVITY AND DESCRIPTION OF SERVICE OPTION	KEY	CHANGES IN RESOURCES					Q2 2011/12 Budget Monitoring Forecast Achievement	Comments re Achievement
			2011/12 £	2012/13 £	2013/14 £	2014/15 £	After 31/03/2015 £		
R035	<b>Public Conveniences</b> In line with "Localism" investigate whether WFDC could negotiate a contract with a mobile toilet provider which could be accessed on a cost recovery basis, by community groups organising public events in parks etc to achieve procurement saving. Collaborative working with other Councils to also be considered	C R S	- - -	TBC TBC TBC	TBC TBC TBC	TBC TBC TBC	TBC TBC TBC	- - -	2012-13 may not be achievable
R600	<b>Local Development Framework</b> Review of the use of consultants	C R S	- - -	- 35,000 CR -	- 35,000 CR -	- 35,000 CR -	- 35,000 CR -	- - -	2012-13
R605 R606	<b>Development Control Team</b> Restructure of the Service	C R S	- 96,000 CR 0.50	- 175,000 CR 1.00	- 175,000 CR 1.00	- 175,000 CR 1.00	- 175,000 CR 1.00	- 49,000 CR -	Additional Planning Appli Fees delay in Gov Scheme
R685	<b>Homelessness, Housing advice and Maintenance of Waiting List</b> Review of the contract with Community Housing Group	C R S	- 50,000 CR -	- 75,000 CR -	- 100,000 CR -	- 100,000 CR -	- 100,000 CR -	- 50,000 CR -	Achieved
R704 R705	<b>Regeneration and Economic Development</b> To provide for the continuing support for the ReWyre initiative	C R S	- 108,000 -	- 165,000 -	- 85,000 -	- 85,000 -	- 125,000 -	- 108,000 -	Growth
R200	<b>Review of Street Scene</b> Review of Street Scene management structure and cleansing frequency	C R S	- 36,670 CR 2.00	- 40,000 CR 2.00	- 40,000 CR 2.00	- 40,000 CR 2.00	- 40,000 CR 2.00	- 36,670 CR 2.00	Achieved
R680	<b>Review of Housing Services</b> Review of services provided, whilst protecting Fuel Poverty advisory services	C R S	- 23,830 CR 1.00	- 26,000 CR 1.00	- 26,000 CR 1.00	- 26,000 CR 1.00	- 26,000 CR 1.00	- 20,220 CR 1.00	Not achieved in full due to Maternity Leave
R001 R002 R005 R010	<b>RESOURCES</b> <b>Waste and Recycling Service</b> Review the delivery of Waste and Recycling Services	C R S	- TBD -	TBC 170,000 CR 6.00	- 170,000 CR 6.00	- 170,000 CR 6.00	- 170,000 CR 6.00	- TBD -	Some initial collaborative discussions commenced
R310	<b>LGA 2003 - Council Tax Discount</b> Reduction of the Council Tax Discount from 25% to minimum discount of 10%	C R S	- 30,600 CR -	- 30,600 CR -	- 30,600 CR -	- 30,600 CR -	- 30,600 CR -	- 30,600 CR -	Should be achieved
R310 R325	<b>Review of Revenues and Benefit Services</b> Review of the provision of Revenue and Benefit Services	C R S	- TBC -	TBC 150,000 CR 5.00	- 150,000 CR 5.00	- 150,000 CR 5.00	- 150,000 CR 5.00	- 35,930 CR -	£174,000CR agreed at Cabinet for 2012-13 onwards
R300 R301 R431	<b>Review of Directorate Structure</b> Review of Back Office Support	C R S	- 12,500 CR 0.40	TBC 50,000 CR 1.50	- 50,000 CR 1.50	- 50,000 CR 1.50	- 50,000 CR 1.50	- - -	Not yet commenced

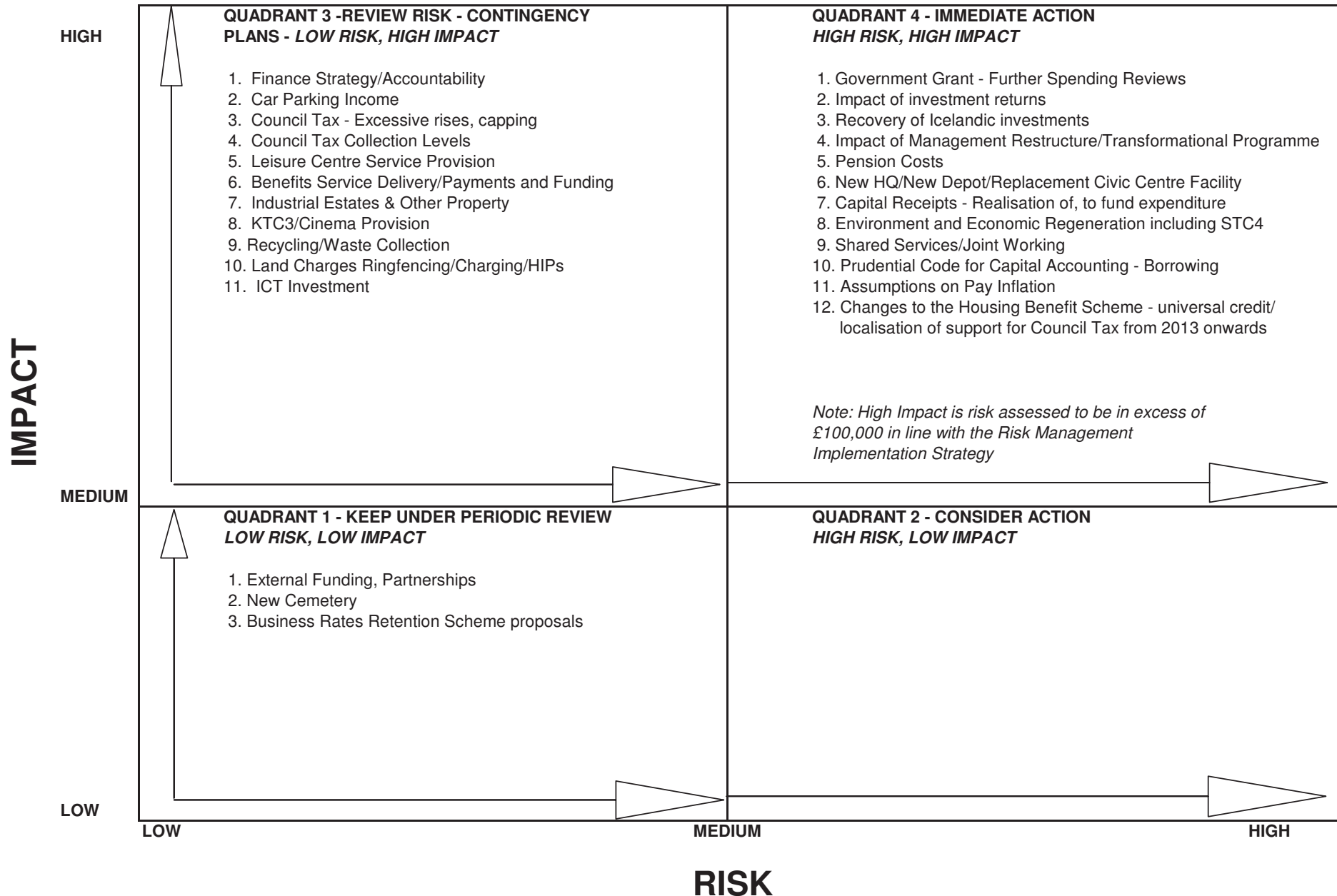
**CABINET PROPOSALS 2011/2012 ONWARDS**

Cost Centre	ACTIVITY AND DESCRIPTION OF SERVICE OPTION	KEY	CHANGES IN RESOURCES					Q2 2011/12 Budget Monitoring Forecast Achievement	Comments re Achievement
			2011/12 £	2012/13 £	2013/14 £	2014/15 £	After 31/03/2015 £		
R300	<b>Restructuring of Accountancy Services</b>	C	-	-	-	-	-	-	
	Re-organisation of Service Delivery	R	25,000 CR	25,000 CR	25,000 CR	25,000 CR	25,000 CR	25,000 CR	Achieved from 1st June but target will be met overall
		S	1.00	1.00	1.00	1.00	1.00	1.00	
	<b>Grant Aid to Parish Councils</b>	C	-	-	-	-	-	-	
	Continued Grant Aid to Parish Councils at 10%, of the value of Town/Parish Precepts	R	40,000	-	-	-	-	40,000	Growth item will be paid
		S	-	-	-	-	-	-	
	<b>CHIEF EXECUTIVE Fees and Charges</b>	C	-	-	-	-	-	-	
	Review of fees and charges	R	20,000 CR	50,000 CR	100,000 CR	100,000 CR	100,000 CR	20,000 CR	Should be achieved - to be reviewed
		S	-	-	-	-	-	-	
	<b>Management Structure</b>	C	-	-	-	-	-	-	
	Review of management structure of the council	R	-	9,000 CR	50,000 CR	50,000 CR	50,000 CR	-	2012/13 to align with New HQ
		S	-	TBC	TBC	TBC	TBC	-	
	<b>TOTALS</b>	C	-	-	-	-	-	-	
		R	335,020 CR	929,000 CR	1,140,520 CR	1,145,680 CR	1,105,680 CR		
		S	9.58	23.18	23.68	23.68	23.68		

**KEY - Changes in Resources**

- C Capital
- R Revenue
- S Staffing - Stated in FTEs
- (\*) Estimated awaiting Business Case

# BUDGET RISK MATRIX 2011/2014



**WYRE FOREST DISTRICT COUNCIL**

**CABINET**  
**22<sup>ND</sup> NOVEMBER 2011**

**Worcestershire Regulatory Services – Enforcement Policy**

<b>OPEN</b>	
<b>SUSTAINABLE COMMUNITY STRATEGY THEME:</b>	A Better Environment for Today and Tomorrow
<b>CORPORATE PLAN PRIORITY:</b>	Improving Community Well-Being
<b>CABINET MEMBER:</b>	Councillor M J Hart
<b>DIRECTOR:</b>	Director of Planning and Regulatory Services
<b>CONTACT OFFICER:</b>	Mike Parker – Ext. 2500 Mike.parker@wyreforestdc.gov.uk
<b>APPENDICES:</b>	Appendix 1 – Worcestershire Regulatory Services Enforcement Policy Appendix 2 – WFDC Environmental Health Enforcement Policy  <i>The appendices to this report have been circulated electronically and a public inspection copy is available on request. (See front cover for details.)</i>

**1. PURPOSE OF REPORT**

- 1.1 The purpose of this paper is to report a proposed new Enforcement Policy covering the services provided by the new Worcestershire Regulatory Services (WRS) and to agree its adoption as a replacement for the current Environmental Health Enforcement Policy.

**2. RECOMMENDATION**

**The Cabinet is asked to AGREE:**

- 2.1 the adoption of the Worcestershire Regulatory Services Enforcement Policy.**

**3. BACKGROUND**

- 3.1 The proposed policy (Appendix 1) applies to all actions in relation to all of the legislation enforced by WRS to ensure that businesses comply with the law. This policy will replace the Council's current Environmental Health Enforcement Policy which is available on the Council's website (Appendix 2).
- 3.2 As the adoption of policy is a matter reserved by Councils across the county, it will be necessary for Wyre Forest District Council to adopt this Enforcement Policy. The policy has already been considered at the WRS Joint Committee on 29th September when it was agreed to request all partners adopt it.

- 3.3 The Council's Overview and Scrutiny Committee will consider the policy at its meeting of 3rd November and will make a recommendation for Cabinet to consider at this meeting.

#### **4. KEY ISSUES**

- 4.1 The general principles behind the policy are prevention rather than cure, proactive engagement with customers and judging formal action on its merits. All enforcement decisions will be fair, independent and objective.
- 4.2 The aim of the policy is to promote efficient and effective approaches to regulatory inspection and enforcement to improve regulatory outcomes without imposing unnecessary burdens. The approach is a risk based one to ensure resources are targeted where they are most effective.
- 4.3 The current Wyre Forest District Council Enforcement Policy sets out in a similar way to the proposed Worcestershire Regulatory Services policy, the need for enforcement to be taken in certain cases where laws and regulations have not been complied with.
- 4.4 There is no difference between the two policies in their approach to undertaking risk based inspections, a focus on prevention rather than cure and ensuring that enforcement action is taken in a fair, equitable and consistent manner.
- 4.5 Matters reaching the prosecution stage are also guided by a similar approach in both policies, referring to the Code for Crown Prosecution.
- 4.6 Adoption of this Worcestershire Regulatory Services policy to replace the current Wyre Forest District Council Policy will not see any change to the approach that has always been taken in the Wyre Forest District. The Worcestershire Regulatory Services policy mirrors much of that in the district's policy and is more comprehensive.

#### **5. FINANCIAL IMPLICATIONS**

- 5.1 There are no financial implications arising from this report. Any enforcement matters leading to prosecution will be considered on their merits by each Council individually and the cost implications considered at that time.

#### **6. LEGAL AND POLICY IMPLICATIONS**

- 6.1 There are no legal or policy implications arising directly from this report and as stated in 5.1 above, any matter requiring legal action will be determined on its merits at that time.

#### **7. EQUALITY IMPACT NEEDS ASSESSMENT**

- 7.1 An Equality Impact Assessment was carried out by WRS when they developed their policy; no negative impacts arose.

**8. RISK MANAGEMENT**

- 8.1 Having a published enforcement policy is an essential tool to underpin the regulatory services undertaken by the team, not having such a policy exposes the service to complaint and criticism for lack of transparency in its enforcement activity.

**9. CONCLUSION**

- 9.1 A new county wide Worcestershire Regulatory Services Enforcement Policy will give a consistent level of service across the county. The proposed Enforcement Policy is a suitable replacement for the current Wyre Forest District Council Environmental Health Enforcement Policy and should be adopted accordingly.

**10. CONSULTEES**

- 10.1 Corporate Management Team.  
10.2 Worcestershire Regulatory Services Joint Committee.

**11. BACKGROUND PAPERS**

- 11.1 Wyre Forest District Council Environmental Health Enforcement Policy.

**WYRE FOREST DISTRICT COUNCIL**

**CABINET  
22<sup>nd</sup> November 2011**

**Recommendation from Overview and Scrutiny Committee  
3<sup>rd</sup> November 2011**

**Worcestershire Regulatory Services - Enforcement Policy**

The Committee considered a report from the Director of Planning and Regulatory Services which set out a proposed revised Enforcement Policy in respect of the Worcestershire Regulatory Services (WRS) which was hoped will be adopted consistently by Councils across the county.

**Recommend to Cabinet:**

**The proposed revised Enforcement Policy in respect of Worcestershire Regulatory Services be adopted.**



## **Worcestershire Regulatory Services Enforcement Policy**

### **1. Introduction**

In June 2010, seven Local Authorities in Worcestershire set up a Joint Committee under Section 101 of the Local Government Act 1972, comprising Members of the Authorities, to oversee the delivery of regulatory services across the County on their behalf, by a single body called "Worcestershire Regulatory Services".

The regulatory services to be provided include Trading Standards, on behalf of Worcestershire County Council and Health & Safety, Environmental Health and Licensing administration on behalf of Bromsgrove District Council, Malvern Hills District Council, Redditch Borough Council, Worcester City Council, Wychavon District Council and Wyre Forest District Council

This Enforcement Policy will be applied by Worcestershire Regulatory Services in relation to the services it provides on behalf of these Authorities and it has been adopted by each of them. It is distinct from the general Enforcement Policy of the individual Local Authority, which applies to any other service provided by them, for example, Planning.

The primary aim of Worcestershire Regulatory Services is to ensure compliance with the legislative framework within which they operate so that, consumers, businesses, employees, individuals and the environment are protected, and transactions are fair and equitable. Fair proportionate and effective enforcement is essential to protecting the health, safety and economic interests of all concerned, and there is a range of tools available to the Service to achieve this.

Generally we will provide advice and support those seeking to comply and at the same time tackle those who choose not to comply, using proportionate action. The detail on how and when action may be taken is outlined in the body of this policy.

The Service must also have regard to the various general duties imposed on the partner authorities e.g. section 17 of the Crime and Disorder Act, and the general powers given to local government for the promotion of well being under the Local Government Act. We are obliged to comply with the Human Rights Act 1998, so we will take its provisions into account when taking decisions relating to enforcement action.

This enforcement policy is a statement of how the Service will carry out its enforcement duties and, in addition, what business and citizens in Worcestershire can expect from our enforcement staff.

### **2. Policy Scope**

We are committed to providing an effective service with officers carrying out their duties in an equitable, practical and consistent manner. To achieve this we have adopted the principles of the following:

- The Regulators Compliance Code (BIS)
- Local Government Regulation's Home Authority Principle,

- Local Better Regulation Office's Primary Authority Principle.
- The Crown Prosecution Service Code for Crown Prosecutors (as amended.)
- The Food Safety Act 1990 Code of Practice
- Human Rights Act 1998 and the European Convention on Human Rights.

We will also comply with any statutory requirement placed upon us and seek to align our procedures with best practice.

The Policy applies to actions in relation to all of the legislation enforced by the Service. Enforcement action includes any action taken by officers aimed at ensuring that individuals or businesses comply with the law and goes beyond just formal enforcement action such as prosecution.

### **3. General Principles**

Prevention is better than cure and our role therefore involves actively working with businesses to advise on and assist with compliance. Where we consider that formal action is necessary each case will be considered on its own merits. However, there are general principles that apply to the way each case must be approached. These are set out in this Policy.

The majority of cases involving regulatory matters will relate to businesses, however, there will be some cases put before the Courts that relate to individuals, particularly those involving noise nuisance. These cases will be treated in the same way as those involving businesses and the general principles outlined around proportionality of action, for example trying informal approaches before resorting to formal action and the Courts, will be followed.

Enforcement decisions will be fair, independent and objective and will not be influenced by issues such as ethnicity or national origin, gender, religious beliefs, political views or the sexual orientation of the suspect, victim, witness or offender. Such decisions will not be affected by improper or undue pressure from any source. We will take into account the views of any victim, injured party or relevant person to establish the nature and extent of any harm or loss, and its significance, in making the decision to take formal action.

This enforcement policy helps to promote efficient and effective approaches to regulatory inspection and enforcement, which improve regulatory outcomes without imposing unnecessary burdens. We recognise the positive impact that the service can have on economic progress and growth in the local economy and see it as part of our role to encourage and support the growth of legitimate business activity within the legal framework provided by central government.

### **4. Risk**

We will ensure that our resources are targeted where they will be most effective. We will ensure that intelligence and risk assessment inform all aspects of our approach to regulatory activity, including:

- Data collection and other information requirements;
- Inspection programmes;
- Advice and support programmes;

- Enforcement activity and sanctions.

We will normally use the appropriate Government risk assessment scheme to inform any inspection programme, but, where these do not exist, we will consult and involve businesses and other interested parties in designing any risk methodologies that are created within the Authority, and publish the details. In the absence of other factors, when determining risk, we will consider:

- Compliance history and potential future risks
- The existence of effective management systems
- Evidence of recognised external accreditation
- Management competence and willingness to comply

We will also use intelligence to direct inspection based projects, targeting goods or business where there are known issues. Obviously, a complaint may also trigger a visit if that is the most appropriate response. We will review our approach to regulatory activities from time to time, in order to remove any unnecessary burdens from businesses.

## **5. Advice and Guidance**

We will provide general information, advice and guidance to make it easier for businesses to understand and meet their obligations. This will be provided promptly, in clear, concise and accessible language, using a range of appropriate formats and media. Information will cover all legal requirements relating to our regulatory activities, as well as changes to legal requirements. Where changes are of great significance, we will look at the best ways of informing businesses of the changes e.g. through newsletters, mail-shots or seminars.

We will provide targeted and practical advice through personal visits, telephone and promote self service via our website. We will try to maximise the accessibility and effectiveness of advice to ensure efficient use of resources and we will involve businesses in developing both the content and style of regulatory guidance to help ensure that it meets their needs.

When offering advice, we will clearly distinguish between statutory requirements and advice or guidance aimed at improvements above minimum legal standards. We seek to provide proportionate advice, the content of which will help achieve compliance but impose the minimum burden required on the business concerned. Advice will be confirmed in writing, if requested.

Where a business knows it has a problem and seeks advice to remedy the situation, it will not normally trigger enforcement action. Where appropriate we will seek to support the remedial action to prevent future problems, however, we must reserve the right to take enforcement action in serious cases.

Generally, we will provide our advisory services free of charge however we reserve the right to charge a reasonable fee for services beyond the basic advice and guidance necessary to help ensure compliance. We would take account of the needs and circumstances of smaller businesses and others in need of help and support in deciding whether or not to charge. Charging will be in line with any guidance issued by the Local Better Regulation Office in relation to the Primary Authority principle.

We will engage with local businesses to assess the effectiveness of our information and advice services by asking them how effective our work is in raising businesses' awareness and helping them to understand legal requirements, including the extent to which they incur additional costs from obtaining external advice in order to understand and comply with legal requirements.

## **6. Inspection**

We will ensure inspections and other visits to businesses only occur in accordance with a risk assessment methodology, except where visits are requested by businesses, or where we act on relevant intelligence. We will focus our efforts on businesses where intelligence and risk assessment shows there is a higher likelihood of non-compliance or which pose a more serious risk to regulatory outcomes. Some processes by their nature present a greater risk to health or the environment, or due to their complexity, may make it more difficult to ensure compliance. These are the areas where we will focus our inspection resources.

When we visit or carry out inspections, we will give feedback to businesses to encourage and reinforce good practice. We will also share information about good practice amongst businesses, and with other regulators.

Where we and another regulator have a shared interest in a business we will work together to ensure that our activities can be rationalised to minimise the burden on the business, where such action is both of benefit to the business and does not harm the standard of enforcement for either regulator.

We will also take account of the circumstances of small, businesses, including any difficulties they may have in achieving compliance.

## **7. Information Requirements**

Worcestershire Regulatory Services do not require large quantities of information from businesses on a routine basis. When determining what data we may require, we will consider the costs and benefits of data requests to businesses and,

- Limit the data that we request to that which is either appropriate, or required by statute e.g. food registration, licensing applications, etc,
- Minimise the frequency of collection and seek the information from other sources where relevant and possible.

We will work with our fellow local regulators to minimise the information we request from businesses, and we will seek to maximise our data sharing within the provisions of the Data Protection Act. We will seek to use compatible collection methods to give consistency.

We will involve businesses in vetting data requirements and form design for clarity and simplification. We will also ensure that, where possible, data can be returned electronically.

## **8.0 Enforcement Action**

In accordance with good practice, we will:

- Publish our Enforcement Policy;
- Report on our enforcement activities year on year to interested parties through an Annual Report;
- Follow-up enforcement actions where appropriate;
- Be transparent in the way in which we enforce requirements and, apply and determine penalties (when such powers are made available.)

When considering what action should be taken, we will look to:

- Be proportionate to the nature of the offence and the harm caused,
- Change the behaviour of the offender;
- Eliminate any financial gain or benefit from non-compliance;
- Address the harm caused by regulatory non-compliance, where appropriate;

- Deter future non-compliance,
- Be responsive and consider what is appropriate for the particular offender and regulatory issue, and
- Avoid perverse incentives that might influence the choice of sanctioning response.

When considering formal enforcement action, we will, when appropriate, discuss the circumstances with those suspected of a breach (usually by way of formal interview,) and take these comments into account when deciding on the best approach, (unless immediate action is required to prevent or respond to a serious breach or where to do so would be likely to defeat the purpose of the proposed enforcement action.)

We will ensure that clear reasons for any formal enforcement action are given to the person or entity at the time the action is taken. These reasons will be confirmed in writing at the earliest opportunity. Complaints and relevant appeals procedures for redress will also be explained at the same time.

### **8.1 Deciding what enforcement action is appropriate**

In assessing what enforcement action is necessary and proportionate, consideration will be given to:

- The seriousness of compliance failure;
- The business's past performance and its current practice;
- The risks being controlled;
- Legal, official or professional guidance;

There are a large number of potential enforcement options. The level of the action taken varies from no action through to proceedings in Court. Examples of the main types of action that can be considered are shown below:

- No action;
- Informal Action and Advice;
- Fixed penalty Notices;
- Penalty Charge Notices;
- Statutory Notice;
- Formal closure
- Seizure of goods/equipment;
- Injunctive Actions;
- Refusal/revocation of a licence;
- Simple Caution;
- Prosecution.

### **8.2 No Action**

There will be circumstances where a contravention may not warrant action, or it may be inappropriate. Many minor contraventions can be dealt with via advice and/ or assistance.

### **8.3 Informal Action and Advice**

For minor breaches of the law we will give advice on how to put them right, including a deadline by which this must be done. The time allowed will be reasonable, and take into account the seriousness of the contravention and the implications of the

non-compliance. Where the advice required is detailed, or there are potentially serious implications from the failure, the advice will be provided in writing. Failure to comply could result in an escalation of enforcement action.

Where ever possible we will advise offenders about 'good practice', but we will clearly distinguish between what they *must do* to comply with the law and what is recommended best practice.

#### **8.4 Statutory Notices**

Officers of the Service have the power under various pieces of legislation to issue notices that:

- Prohibit the sale or distribution of goods where relevant provisions may have been breached,
- Require a business to take specific actions to remedy an identified problem,
- Require a business to desist from particular activities that may not comply with legal requirements.
- Require any person to take action to ameliorate or stop nuisances being caused by their actions

Notices may require immediate action where, for example, there are risks to public health or safety, or an immediate risk of environmental damage or serious nuisance. In other circumstances, a reasonable amount of time will be given, depending on the circumstances, to rectify the problem.

Certain types of notice allow works to be carried out in default. This means that if a notice is not complied with (a breach of the notice) we may carry out any necessary works to satisfy the requirements of the notice ourselves. Where the law allows, we may then charge the person/business served with the notice for any cost we incur in carrying out the work.

In certain limited circumstances e.g. under the provisions of food safety legislation, where an authorised officer is satisfied that there is an imminent risk of injury to health from the condition of the premises, the officer may serve notice to close the premises. This would be immediately followed by an application to a Magistrates Court to confirm the closure.

All notices issued will contain details of any Appeals process that may be available to the recipient.

#### **8.5 Fixed Penalty Notices**

Certain offences are subject to fixed penalty notices where prescribed by legislation. These notices are recognised as a low-level enforcement tool and avoid the defendant obtaining a criminal record. Where legislation permits an offence to be dealt with by way of a Fixed Penalty Notice (FPN), we may chose to administer a FPN on a first occasion, without issuing a warning. They will be used in appropriate circumstances to give a fast and measured response to the situation.

#### **8.6 Penalty Charge Notices**

Penalty Charge Notices (PCNs) are prescribed by certain legislation as a method of enforcement by which the offender pays an amount of money in recognition of the

breach. Failure to pay the PCN will result in the offender being pursued in the County Court for non-payment of the debt. A PCN does not create a criminal record and we may choose to issue a PCN without first issuing a warning in appropriate circumstances.

### **8.7 Institution of Legal Proceedings**

Once an officer has completed his/ her enquiries, they will submit a case report to a senior officer, independent of the investigation, who will decide, using the criteria below, the most appropriate course of action.

Where the law has been broken, there is a range of enforcement options available to seek compliance with the law. Under normal circumstances, a process of escalation will be used until either compliance is reached or there is no option other than to instigate proceedings. Exceptions would be where there is a serious risk to public safety or the environment, or the offences have been committed deliberately or negligently or involve deception, or where there is significant economic detriment. Each case is unique and will be considered on its own facts and merits.

The senior officer will take into consideration the requirements of the Code for Crown Prosecutors and other relevant codes before deciding whether or not to authorise the institution of legal proceedings.

Firstly the senior officer will have to be satisfied that there is sufficient evidence to provide a realistic prospect of conviction against each defendant on each charge (i.e. that a jury or bench of Magistrates, properly directed in accordance with the law, is more likely than not to convict the defendant of the charge alleged). To this end, the senior officer will look at all the available evidence, reliability of witnesses, supporting documentation and any other matters relating to the investigation. Only when this evidential test has been satisfied will the public interest to proceed with the prosecution be considered.

In deciding whether a prosecution will serve the public interest, the senior officer will balance factors for and against the prosecution carefully, fairly and impartially. Some factors may increase the justification to prosecute whereas others may militate against. Below are some of the matters to be taken into consideration for and against criminal proceedings. This is not an exhaustive list and, as such, each case is taken strictly on its own individual merits:

#### **Factors in Favour of Prosecution.**

- The offender was in a position of control within the business,
- The offender acted dishonestly, wilfully or negligently.
- The product or service was aimed at a vulnerable group or person.
- The product or service has caused or had the potential to cause physical or mental injury or suffering, significant harm or loss.
- The offender has received advice or a warning concerning the circumstances of the offence or similar matters.
- The offender has previous convictions that are relevant.
- The offence, though not serious in its self, is widespread in the area where it was committed.
- There are grounds to believe that the offence is likely to be continued or repeated, for example by a history of recurring conduct.

- The outcome of a prosecution might serve an important, informative purpose or establish a legal precedent.

**Factors which would mitigate against the need for a prosecution**

- The offence was minor in nature and as a result of a genuine mistake or misunderstanding, which did not involve significant negligence.
- The offender is elderly, or was at the time of the offence suffering from significant mental or physical ill health, which contributed to the commission of the offence, and the offence was neither serious nor likely to be repeated.
- The loss or harm could be described as minor and was as a result of a single incident, particularly if it was caused by a failure of judgment.
- The offender put right the loss or harm caused prior to the intervention of the Service.
- Prior to the Service's intervention, the offender had introduced adequate steps to prevent further similar offences.
- The defendant was a youth at the time of the offence.
- There has been a long delay between the offence and any potential court action, unless either:
  - (i) The offence is serious,
  - (ii) The delay has been caused by the defendant or his/ her legal representatives,
  - (iii) The offence has only recently come to light, or
  - (iv) The complexity of the offence meant that there has been a long investigation.

**8.8 Proceeds of Crime Applications**

Some cases taken by the service can lead to applications being made under the Proceeds of Crime Act 2002 (POCA) for confiscation of assets. These are the most serious cases or where there is persistence of offending over a long period of time or where the offences are deemed to be "lifestyle crime" under POCA. Their purpose is to recover the financial benefit that the offender has obtained from his criminal conduct.

**8.9 The use of Simple Cautions**

Where the public interest justifies it, we will consider offering a Simple Caution (or Reprimand/ Final Written Warning if the offender is under 18.) In offering a Simple Caution, we will take account of the Home Office Guidelines in relation to the cautioning of offenders, and the Code for Crown Prosecutors. Where the offender is under 18 and a formal approach is being considered, appropriate bodies such as the Youth Offending Team will be consulted.

A Simple Caution requires an admission of guilt on behalf of the offender, however there is no sentence and there is no recorded conviction. A caution will remain on record for a period of 2 years and may be cited in Court should a further offence be committed and prosecuted during that time.

**8.10 Injunctions**

Some legislation includes provisions for obtaining enforcement orders against traders. This process involves the civil courts rather than the criminal courts. The purpose of these provisions is to prevent traders from continuing with conduct that harms the collective interests of consumers, but it is only available for specific criminal and civil legislation.

The enforcing authority is required to follow a procedure involving consultation with the trader and the Office of Fair Trading (OFT) before proceeding to formal action. An order can proceed without consultation where the OFT feels that action should be brought without delay, however, written permission is required from the OFT to instigate proceedings in all cases.

Generally, we will attempt to obtain undertakings that the offending conduct will cease before moving to the formal stage. The conduct will normally be identified from recurring complaints. In determining whether the number of complaints is sufficient for action, consideration will be given to the seriousness of the complaints, the size of business, and whether it trades locally, regionally or nationally. Action may also be considered after a single complaint where the conduct is seriously detrimental and repetition must be prevented.

Where the Service fails to gain written assurances from the trader, or where such assurances are breached, action to obtain an enforcement order through the civil courts will be considered, using a process similar to that described above for other formal actions.

#### **8.11 Anti Social Behaviour Orders and Criminal Anti Social Behaviour Orders**

This is a civil process. Where the non-compliance identified during an investigation amounts to antisocial behaviour such as persistent targeting of an individual or a group of individuals in a particular area then, following liaison with the relevant partner Council's Anti-Social Behaviour Unit where appropriate, an ASBO or CRASBO will be sought to stop the activity.

#### **8.12 Refusal, Suspension and Revocation of Licence**

Where there is a requirement for a business to be licensed by the local authority, the licence may be granted unless representations or objections are received against the application. In such cases the Licensing Committee or Sub-Committee will hear the case and decide to grant, grant with conditions, or refuse the licence application. In addition, in relation to the Gambling Act 2005, applications for premises Licence, the Licensing Committee can exclude a condition of licence.

In most circumstances, a license may be considered for suspension, revocation, or the application of further conditions, where officers become aware of either the commission of offences relating to the conduct of the business, or breaches of existing conditions or similar controls. These matters will be heard before the Licensing Committee (or a Sub-Committee,) of the relevant partner Authority, and the elected members will determine what action should be taken.

#### **9.0 Additional Information**

The Senior Managers involved in making the more serious decisions will also have regard to legal advice from the relevant partner Head of Legal Services. Once the Regulatory Service reaches a decision to prosecute, or to instigate civil proceedings, the relevant Partner Authority's Legal Services Department must authorise the action before implementation.

#### **9.1 Standards and Accountability**

We will, in consultation with businesses and other interested parties, set and publish clear standards and targets for our service and performance. These will include:

- Regulatory outcomes (e.g. proportions of businesses that comply,);
- Performance standards for contact with businesses;
- A commitment to ensuring costs to businesses of regulatory interventions are proportionate; and
- A commitment to dealing with any negative perceptions of businesses and other interested parties relating to these issues.

We will create effective consultation and feedback opportunities to ensure we have continuing cooperative relationships with businesses and other interested parties. We will ensure our officers provide courteous and efficient services to businesses. We will enable them to interpret and apply relevant legal requirements and ensure that they enforce requirements fairly and consistently between like-businesses in similar situations. We will take account of comments from businesses and other interested parties regarding the behaviour and activity of our staff.

### **9.2 Liaison with other regulatory bodies and enforcement agencies**

Where appropriate, enforcement activities within Worcestershire Regulatory Services activities will be coordinated with other regulatory bodies and enforcement agencies to maximise the effectiveness of any enforcement.

Where an enforcement matter affects a wide geographical area beyond the County boundaries, or involves enforcement by one or more other local authorities or organisations; where appropriate all relevant authorities and organisations will be informed of the matter as soon as possible and all enforcement activity coordinated with them.

Worcestershire Regulatory Services will share intelligence relating to wider regulatory matters with other regulatory bodies and enforcement agencies, and examples include:

- Government Agencies
- Police Forces
- Fire Authorities
- Other Statutory Bodies
- Local Authorities

### **9.3 Further Information**

Anyone requiring further information on this policy should contact Worcestershire Regulatory Services by writing to:

Worcestershire Regulatory Services  
PO Box 866  
Wyatt House  
Farrier Street  
Worcester  
WR1 9DP

Or by e-mail to:

[wrsenquiries@worcsregservices.gov.uk](mailto:wrsenquiries@worcsregservices.gov.uk)



Environmental Health

## Enforcement Policy



Wyre Forest District Council

## **Introduction...**

The Environmental Health and Licensing Section of Wyre Forest District Council carries out a wide range of legal duties under various acts and regulations. These are applied by carrying out risk based inspections of business premises, responding to complaints and offering service. This Policy outlines the approach we take when considering enforcement action. It is intended to ensure that we deal with everyone in a consistent way and applies to the following services:

- Environmental Health including food safety
- Licensing including taxis, public entertainment and retail sale of alcohol
- Environmental Protection including noise and air pollution
- Health and Safety

## **What is meant by 'Enforcement'?**

Enforcement is used to describe two of the functions which the Environmental Health and Licensing Section of the Council may carry out. These are:

- a) making sure that the various laws and regulations relating to environmental health are being complied with, and
- b) taking appropriate action against businesses or individuals when those laws are being broken or ignored.

### **Purpose...**

The Environmental Health and Licensing Section's aim is to protect the public, the environment, consumers and workers. It is committed to these objectives in its approach to enforcement action which is intended to:

- Ensure that we enforce the law in a fair, equitable and consistent manner
- Assist businesses and others in meeting their legal obligations without unnecessary expense
- Risk based visits/inspections
- Focus on prevention rather than cure
- Take firm action against those who flout the law or act irresponsibly.

Wyre Forest District Council is committed to carrying out its enforcement duties in accordance with guidelines issued by the Government in its Statutory Code of Practice for Regulators. This means that we will be:

- Accountable
- Open
- Helpful
- Fair
- Proportionate (choose appropriate enforcement action)
- Consistent
- Endeavouring to deliver high standard services and promote economic progress

### **Levels of Enforcement Action**

When circumstances indicate that the law may have been broken, there may be options open to the Council as to the actions available.

**a) Prevention**

We believe that the first step in enforcement is to help prevent contravention of the law by raising awareness and promoting good practice.

**b) Informal Action**

We still use our best efforts to resolve any situations where the law may have been broken without issuing formal notices, or referring the matter to the courts. A written warning will be issued explaining why any recommended remedial work is necessary and by when it must be completed. The warning will be retained on file for future reference.

**c) Formal Notice**

A notice may be served requiring specified actions to be taken, usually within a specified time. In most cases there is a right of appeal against the notice.

**d) Formal Caution**

This is a course of action which may be offered as an alternative to prosecution. Before issuing a caution the following conditions must be satisfied:

- There must be sufficient evidence to give a realistic prospect of conviction if the case were taken to court
- The offender must understand the significance of formal caution and consent to it
- The offender must admit the alleged offence by signing a formal caution form.

**e) Prosecution**

Reserved for the more serious or repeat cases. In some cases prosecution action can be taken immediately, whilst in others can only be taken if a formal notice is breached.

## Before Prosecuting

Whilst the circumstances warrant it and the alternative actions mentioned previously are considered inappropriate, then prosecution may result. Any decision to prosecute will take into account the criteria set down in the Code for Crown Prosecutions and Attorney General's Guidelines. Copies of the Code for Crown Prosecutions are available from HMSO Stationery Office. We will consider the following factors when deciding whether or not to prosecute:

- The seriousness and the effect of the offence
- The foresight of the offence, or the circumstances leading to it
- The intent of the offender
- The history of the offender
- The attitude of the offender
- The deterrent effect of a prosecution on the offender and others
- Whether there is enough evidence to prove the offence.

Even when the decision to prosecute has been made, it is kept under review and may be changed right up to the hearing.



### **Prosecution is the last resort...**

#### **Need more advice?**

Any of the staff within Environmental Health and Licensing will be happy to help you and a copy of the more detailed Enforcement Policy is available from the address below.

Some useful contact details for our service areas are given below:

#### **Environmental Protection**

(Noise, Air Pollution) 01562 732581

**Food Safety** 01562 732586

**Health and Safety** 01562 732586

**Licensing** 01562 732593

**Fax** 01562 732556

**email:** [mark.kay@wyreforestdc.gov.uk](mailto:mark.kay@wyreforestdc.gov.uk)

#### **You can write to us:**

Environmental Health and Licensing Section  
Wyre Forest District Council  
Duke House,  
Clensmore Street,  
Kidderminster,  
Worcs. DY10 2JX

**WYRE FOREST DISTRICT COUNCIL**

**CABINET**  
**22<sup>ND</sup> NOVEMBER 2011**

**Review of the Current Arrangements for the Collection of Waste and Recycling**

<b>OPEN</b>	
<b>SUSTAINABLE COMMUNITY STRATEGY THEME:</b>	A Better Environment For Today and Tomorrow
<b>CORPORATE PLAN PRIORITY:</b>	Delivering Together With Less
<b>CABINET MEMBER:</b>	Councillor M J Hart
<b>DIRECTOR:</b>	Director of Resources
<b>CONTACT OFFICER:</b>	Steve Brant, Ext. 2922 steve.brant@wyreforestdc.gov.uk
<b>APPENDICES:</b>	Appendix 1 - Medical Waste Supporting Paper Appendix 2 - Environmental Services Consultation Feedback  <i>The appendices to this report have been circulated electronically and a public inspection copy is available on request. (See front cover for details.)</i>

**1. PURPOSE OF REPORT**

As highlighted within the Cabinet Proposal approved by Council on 23<sup>rd</sup> February 2011, the Council is required to reduce the current cost of the Refuse and Recycling service by c. 10% or £170k per annum.

Three key methods have been considered as a strategy to achieve the Council's savings:

- Implement new efficient routes for the rounds using the Route Optimisation Software supported by Improvement Efficiency West Midlands.
- Review current working practices for staff.
- Review the current method of collection from those properties which receive "Special" collections.

**2. RECOMMENDATION**

**2.1 The Cabinet is asked to RECOMMEND to Council that:**

**2.2 The Council implement the recommendations from the Overview and Scrutiny Committee, via the Waste Management Review Panel:**

- To support the amendment to the terms and conditions of the staff within the Waste and Recycling Service in respect of the introduction of a 4 day working week.

- **On the grounds of improvements to the environment and the cost savings it would generate, the frequency of the collection of medical waste be amended to fortnightly, with additional capacity provided if required.**

**2.3 That the principal of a Four Day Waste Collection Service (Tuesday–Friday) be introduced utilizing the Route Optimisation Software.**

**2.4 That the Director of Resources be given delegated responsibility to undertake the review objectives in consultation with the Cabinet Member for Environmental Services.**

### **3. BACKGROUND**

- 3.1 On Thursday 6<sup>th</sup> October 2011, the Director of Resources presented a draft scoping document to the Overview and Scrutiny Committee in relation to the review into the future of the Council's Domestic Waste and Recycling Service. This follows the Cabinet proposal approved by Council on 23<sup>rd</sup> February 2011 to deliver £170,000 savings from the service.
- 3.2 The report noted that in July 2010, the Council implemented revised arrangements for the collection of recycling materials which effectively mirrored the arrangements in place for residual waste collections. These new arrangements have been extremely successful in delivering annual savings of £300,000 per annum along with significant improvements in the customer satisfaction for the service.
- 3.3 The report further recognised however that all areas needed to be constantly reviewed to ensure that the most cost effective arrangements were in place that Maximised value for money. Therefore a target saving equating to 10% of the cost of the service, or £170,000 was included as a Cabinet proposal within the Financial Strategy 2011/14, which was approved by Council on 23<sup>rd</sup> February 2011.
- 3.4 The Overview and Scrutiny Committee requested that a review panel be established to consider the proposal in detail and report back with its findings by November 2011.
- 3.5 The Waste Review Panel met on Wednesday 19<sup>th</sup> October 2011 with the following Members: Councillors J Baker, (Chair), I Hardiman, J Greener, V Higgs, J Hart, D Shepherd and R Bishop.
- 3.6 Following the review and consideration of the presented reports and evidence the following recommendations were made to the Overview and Scrutiny Committee: To support the amendment to the terms and conditions of the staff within the Waste and Recycling Service in respect of the introduction of a 4 day working week. On the grounds of improvements to the environment and the cost savings it would generate, the frequency of the collection of medical waste be amended to fortnightly, with additional capacity provided if required.
- 3.7 The present collection system operates over a 10 day cycle, with crews working Monday to Friday at 37 hours per week. In essence the public receive a residual waste collection one week and recycling the next. This allows a same day alternate weekly service to be offered. However, in terms of round operation crews are split between residual and recycling with the residual crews completing the 10 day black bin service and recycling the green bin service.

- 3.8 The waste collection fleet receives vital and important support from the Garage function in terms of ongoing planned maintenance, breakdowns and vehicle / equipment replacement programmes.

**4. KEY ISSUES**

- 4.1 The Council's Waste Management function provides an important and highly valued service to the local residents. Local people have strong views towards their rights to receive a satisfactory waste collection service and will often highlight this function as the only local service they use and receive.
- 4.2 As part of the Council's vision for future services, Wyre Forest Forward proposes some challenging service concepts. The provision for future Waste Management Services is at the heart of this to ensure that the section can rise to meet the increasing demands of financial pressures, legislative change, government reviews, environmental concerns and rising public expectations.
- 4.3 Like many other service functions, the Waste Management Section has a good record of flexibility, responding to change and rising to meet challenging situations.
- 4.4 The proposed strategy for adoption within Wyre Forest would be to revise all domestic collection rounds and operate these over a four day week commencing Tuesday – Friday. Although crews would continue to work a 37 hour week, domestic waste collections would no longer take place on Mondays, including bank holidays.
- 4.5 The adoption of this model has real benefits in terms of reducing costs, improving efficiencies and driving further all round advantage.
- 4.6 Some properties still receive weekly / multiple waste collections which are inefficient and contrary to the proposed four day weekly working, and fortnightly collection system. These collections will need to be revised; significant steps have already been undertaken to address this issue with the responsible Social Landlords.
- 4.7 Special collections, (Medical) should in fact be correctly termed as "Offensive Waste" (Health & Safety Executive). This has been fully considered by the Review Panel and the briefing paper presented to the Review Panel is attached.
- 4.8 The formal employee consultation period ran from Monday 3<sup>rd</sup> October to Friday 4<sup>th</sup> November 2011. In tandem with this, an employee focus group met and reviewed the potential issues, plus staff was exchanged with Bromsgrove DC where a four day working system is in operation. The results of an internal ballot revealed 63% (88% return) of staff in favour of adopting revised working times over four days.

**5. FINANCIAL IMPLICATIONS**

- 5.1 This will be determined as part of the review exercise utilizing the Route Optimisation Software. While this is difficult to fully predict, it is a prerequisite that revenue savings of at least £170k per annum are targeted for achievement.

**6. LEGAL AND POLICY IMPLICATIONS**

- 6.1 The Council recognise and consult collectively with trades unions to negotiate changes to Terms and Conditions of Employment under Schedule A1 of Trade Unions & Labour Relations (Consolidation) Act Section 178.

**7. EQUALITY IMPACT NEEDS ASSESSMENT**

- 7.1 An Equality Impact Assessment exercise will need to be completed for the Waste Section Employees affected by the review, together with an overall assessment of the service impact for local people within the District

**8. RISK MANAGEMENT**

- 8.1 The key risks surrounding this project are:
- 8.2 **Timescale** – The project has an ambitious commencement date of March/April 2012. This is to fully realise a 12 month period of any potential revenue savings generated from the review process. It may be necessary to slip the existing project plan timescales in order to maintain quality and full project control.
- 8.3 **Staff Morale** – The project includes the amendment to existing staff working arrangements. While these can be viewed in a positive manner, it always remains that change in any capacity can be difficult. Therefore a full staff consultation period was launched on Monday 3<sup>rd</sup> October to Friday 4<sup>th</sup> November 2011. Further, a special staff review group was also established to discuss potential working arrangements, along with a briefing visit to Bromsgrove District Council. Operational staff from Bromsgrove District Council have also visited and met with section Staff. Full team briefing sessions have also been conducted to raise employee concerns.
- 8.4 **Projected Revenue Savings** – 10% of the operational budget represents an ambitious target when considered against previous efficiency gains already delivered. The same number of households will still require servicing and the ability to generate any revenue savings will be driven by a number of key issue's. These are the engagement of the operational staff and the drive of the Waste Management Team. The section already has a good record of rising to meet difficult and challenging situations. The utilization of the Route Optimisation System has the potential to drive efficiency savings from 5-15%, and this will be a signification systems tool.
- 8.5 **Operational Staff Buy-In** – The smooth transfer to a revised work method would be greatly assisted by complete staff buy-in. This is fully recognised and the introduction of Zoned Working will engage all operational crews and promote team work, while re-balancing all rounds and sharing workloads. The engagement of staff as noted above is being employed to effect a preferred shared agreement from staff, as opposed to an instructed model. The switching of collections to All Refuse Week One and All Recycling Week Two will also have the effect of fully distributing work loads amongst the teams, and again promoting team work. The requirement for Management to increase the balance of Driving Staff allows for general employee promotion, increased skills, and greater job satisfaction.

- 8.6 **Effective Communication Campaign** – The impact to the public of four day waste collections will be negligible. Waste will still be collected along the existing frequencies, however crews would commence en masse 30 minutes earlier than at present, (some crews start 6.00am) and operate slightly later through the day. Early starts for waste collections are common practice throughout the industry to enable vehicles to clear busy roads, and are promoted by the Health & Safety Executive. Any change must however still be managed to ensure the correct message is conveyed. The issue of Special Collections (Medical) is misunderstood, as is the correct manner in how this waste should be contained and placed within the bin. The Waste Management Team will liaise closely with the Media and Marketing Team, and external agencies such as the Primary Care Trust, and GP Surgeries to develop an effective communications campaign that will manage the key messages around this important issue.

**9. CONCLUSION**

- 9.1 The previous reviews of the Council's Waste Management Function have left the service in a strong position. Within the two Counties, Wyre Forest led the way with the introduction of wheeled bins, and did not only the same with the Recycling Service, but in the manner that it utilised special Kerbside Recycling Vehicles that the other Districts went on to later follow. Wyre Forest led with the introduction of fortnightly residual waste collections at a time when only a small number of Local Authorities nationally had adopted the initiative. Again, within the two Counties, this went on to be the bedrock of the agreed operational collection policy within the Herefordshire and Worcestershire Joint Municipal Waste Management Strategy.
- 9.2 The review of 2010 saw the introduction of wheeled bins for recycling, thus allowing for the use of a unified waste collection fleet, and a significant reduction in annual operating costs.
- 9.3 This next phase starts to bring together some key investment initiatives. The Route Optimisation System will allow complex re-routing programmes to be developed as a desk-top exercise in a fraction of the normal manual method. In this manner a wide number of possible "what if" scenarios can be played out to reveal the most cost effective logistical solution. The introduction of the Resource Management System will bring the operation of the Waste Management Service into the 21<sup>st</sup> Century. The use of a computerised back office system linked into the existing CRM System, and importantly vehicle cabs will join up the three key functions of the service, with the customer aligned at the heart of this. Condensing operational rotas to three or four day working is not a new idea, but is only operated by less than 50 Local Authorities. That said, more Authorities are looking at this option as it has the ability to derive greater efficiencies by the cutting out of operational non productive time. This structure of rotas combined with the use of "Zoned" working has the ability to maximise this initiative and create a unique operating method.
- 9.4 The review and the proposed amendments have the ability to place the Council's Waste Management Function again at the leading edge of service delivery, both regionally and nationally. The project and its timescale present a challenging role to all staff involved; however the teams have a good record of rising to meet these situations.

**10. CONSULTEES**

- 10.1 Overview and Scrutiny Committee.  
Waste Management Review Panel.  
Specific consultation with medical waste users.  
Waste services employees.  
Councils Human Resources Section.  
Bromsgrove District Council and Redditch Borough Council.  
Worcestershire District Partners.  
Wider Local Authority Collection Schemes.  
Councillor M J Hart, Cabinet Member for Environmental Services.  
Corporate Management Team.  
Trade Unions.

**11. BACKGROUND PAPERS**

- 11.1 Overview and Scrutiny Committee Meeting 6<sup>th</sup> October 2011.  
11.2 Waste Management Review Panel Meeting 19<sup>th</sup> October 2011.

**WYRE FOREST DISTRICT COUNCIL**

**CABINET**  
**22<sup>nd</sup> November 2011**

**Recommendation from Overview and Scrutiny Committee**  
**3<sup>rd</sup> November 2011**

**Review of the current arrangements for the collection of Waste and Recycling**

The Committee considered a report from the Waste Review Panel on the future arrangements for the collection of Waste and Recycling.

In order to contribute to the savings identified within the Financial Strategy 2011-13, the Overview and Scrutiny Committee:

**Recommend to Cabinet:**

- 1. To support the amendment of the terms and conditions of the staff within the Waste and Recycling service in respect of the introduction of a 4 day working week.**
- 2. On the grounds of improvements to the environment and the cost savings it would generate, the frequency of the collection of medical waste be amended to fortnightly, with additional capacity provided if required.**



## **BRIEFING PAPER**

### **Scrutiny Waste Review Panel Medical Waste Collections**

#### **1. Background**

The current medical waste collection service was introduced during 2003 at the time of the introduction of kerbside recycling and the move of residual waste collections to a fortnightly service. It was specifically introduced by the then administration to head off some very high profile negative publicity surrounding the management of **human hygiene waste** from in particular incontinent and stoma patients.

While there was no direct statutory requirement to provide this service it was felt at the time that this would assist with the overall management and promotion of the revised service. Therefore a special weekly service was introduced termed "medical" collections so as not to be confused with healthcare "clinical" waste collections.

#### **2. Waste Definition**

Broadly speaking human hygiene waste fall into two separate categories:

- Healthcare Waste
- Offensive Hygiene Waste

##### **Healthcare Waste**

Some wastes from healthcare (also called "**clinical waste**") may prove hazardous to those that come into contact with them due to their infectious nature and as such are subject to stringent controls.

**If patients are treated in their home by a community nurse or a member of the NHS profession**, any waste produced as a result is considered to be the healthcare professional's waste. If the waste is non-hazardous, and as

Long as it is appropriately bagged, sealed, and contained; it is acceptable for the waste to be disposed of with household waste. This is usually the case with sanitary towels, nappies and incontinence pads (known collectively as Offensive / Hygiene Waste) which are not considered to be hazardous **when they originate from a healthy population.**

If the waste is classified as hazardous, (due to its infectious or hazardous nature) then the healthcare professional will arrange for removal and transportation of that waste back to the trust base for appropriate specialist treatment and disposal.

**If patients treat themselves in their own home** any waste produced as a result is considered to be their own.

Only where a particular risk has been identified (**based on medical diagnosis**) does such waste need to be treated as hazardous clinical waste. In these cases, local authorities are obliged to collect the waste separately when asked to do so by the waste holder, but may make a charge to cover the cost of collection.

In all other cases this waste can simply be disposed of in the normal manner with household waste.

**NB – This service has never been offered by the collection authorities within Worcestershire due in part to the lack of available disposal options provided by the County.**

**Where hypodermic needles are produced in the home** these should not be disposed of via the domestic waste stream. As above there is a duty on local authorities to collect and dispose of sharps waste and again the local authority may make a charge to cover the cost of collection.

**NB – This service is delivered throughout the County via a community PCT disposal point for used sharps, WFDC charged £3,746 p/a. Refer to appendix 1.**

### **Offensive/Hygiene Waste**

**Human hygiene waste** is not hazardous if considered **non infectious** or not requiring **specialist treatment or disposal.**

**Offensive / hygiene wastes** are the product of a **healthy population** (not known to be infectious), and in essence, will be offensive in terms of appearance and smell. In all cases this waste can simply be disposed of in the normal manner with household waste.

These wastes can include:

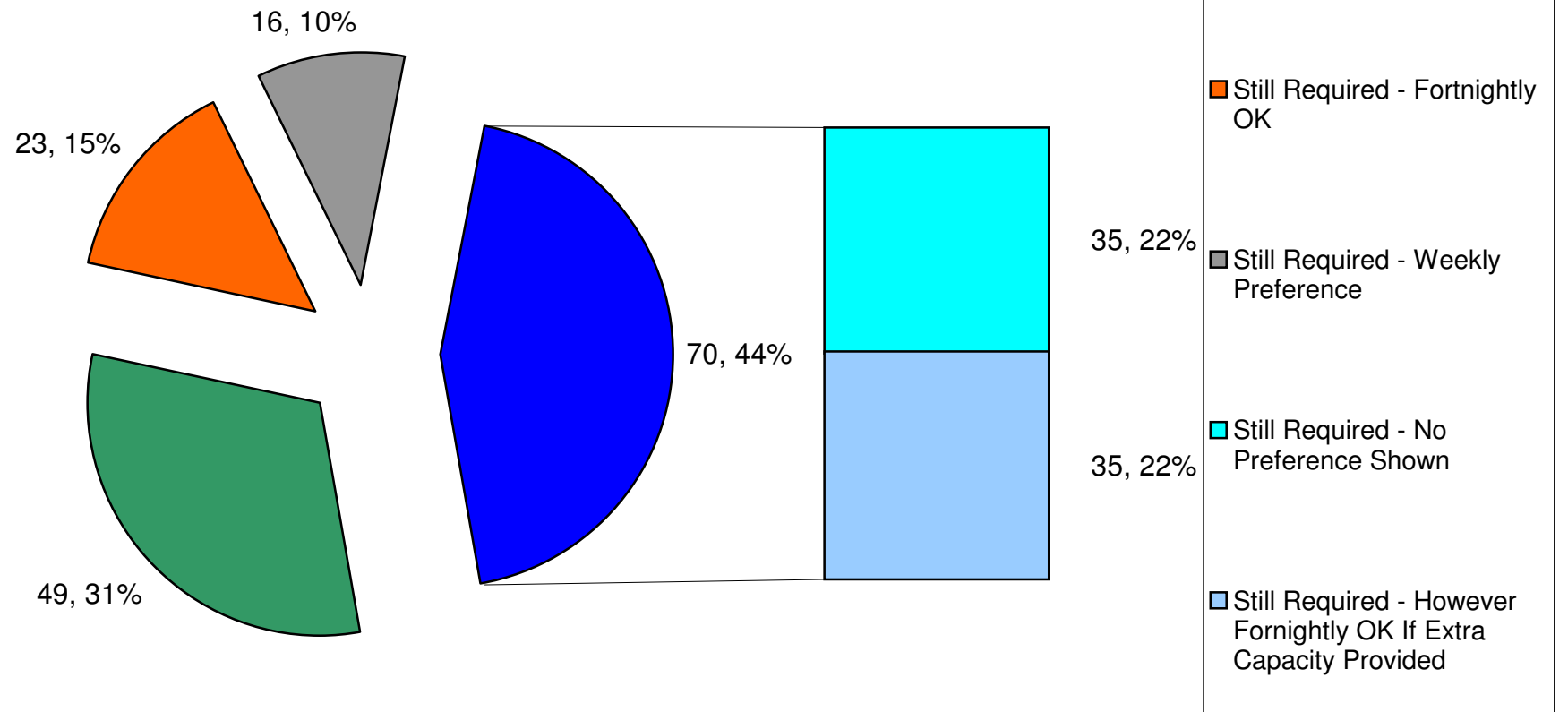
- Human and animal waste (faeces), incontinence pads, catheter and stoma bags, nappies, sanitary waste, nasal secretions, sputum, condoms, urine, vomit and soiled human bedding from a non-infectious source
- Medical/veterinary items of disposable equipment such as gowns, plaster casts etc;
- Plasters (minor first aid or self care) generated by personal use;
- animal hygiene wastes (animal bedding, dog faeces etc);
- Wastes from non-healthcare activities, for example wastes from body piercing or application of tattoos

**Healthcare waste generated from healthcare practices or produced by healthcare workers in the community should be considered infectious unless otherwise assessed by a healthcare practitioner.**

Comments
I have not used the service for a long time
I am not in need of this service
I do not need the collection - the previous lady died 2 years ago
Our waste is greatly reduced and we put the medical waste in the grey bin
My husband had this service and died 2 years ago
Have not used this service since moving in last April
The bin was used by the old resident of the house who has died
I only have small amounts of waste for my daughters diabetes
The lady that used to live here has moved
Our normal bin is adequate for us
We are new owners and do not need this service
Please collect the small bin - thank you
We have our medical waste removed by a private company
My mother has passed away and the house is going back to the Housing Association
The bin was for the previous owner and I no longer require this
Only have a few items that can go in the normal bin
The bin can be returned
My husband has died, but I still need my other bin emptying
Tenant moved away
Lady has moved away - we do not need the collection
New occupant - no medical problems
My legs are healed - but they may break out again anytime
Never used this service
No longer required
Husband deceased
Bin to be collected
What day is our recycling?
Have second small bin that is never used
This service is no longer required
My mother has passed away and we no longer need the service
We are new owners and do not need this service
Our normal bin is collected Wednesday and our medical bin is collected Friday
Quite happy with this proposal
Still require weekly
As long as the bin is removed regularly we are alright with the bin we have
I am profoundly deaf
I need sanitary briefs and towel but don't need a large bin for these
I dispose of [waste] daily - this needs to be collected weekly because of smell and flies
Once every 2 weeks would be required
One bin would be enough
If you could avoid reducing the frequency it would be greatly appreciated
I regularly forget to put my bin out and so I am glad of this service
Either a larger or additional bin is acceptable - whichever is the most cost effective
We have 2 bins as we have 2 doubly incontinent adults
Fortnightly collections would make the bin smell
Happy to change
All medical waste should be burnt - not put in landfill
What will happen on the weeks recycling is collected?
I still require the service and would like to keep the service the same if possible
At present our refuse is collected on Wednesday and medical on Friday
After talking to Steve Brant I feel that a larger bin might be the way forward
Sorry it's late - been on holiday
As I am young I don't like my waste hanging around and would like to keep this routine
You normally send it's label which we already have [??]
No sign, to separate bins

There is waste every day
I don't understand. Would it be only fortnightly if it is mixed with normal rubbish?
We manage at the moment, but would need a larger bin if we change
Will need another bin when we change
Weekly is vital for hygiene reasons - it makes no difference which day
I could do with an additional bin
We will need 2 bins when we change
If the bin is not emptied weekly it becomes smelly
My son is disabled
I only have a normal bin that my carer uses [& will need another] sorry for any trouble
The bin is full even with a weekly collection - there are always flies around
We worry about flies and maggots
Same day collection [fortnightly] would be great - thanks
If it is fortnightly I would require a further bin
I thought weekly collections were to keep the waste separate due to regulations
My requirements will still be adequately met
It would be inadequate for waste once every 2 weeks
Please close the gate
The smell would be bad in the Summer
Would rather keep collections as they are
A weekly collection is essential
The changes are not a problem for us and the current bin is adequate
Our bin is collected once a week on Friday
I am aware of the pressures you face and am willing to explore all measures
I appreciate the explanation, but would definitely need a larger bin
My medical is collected with my normal refuse
I thought that the whole point of the service is to collect bins weekly
We only have 1 bin, if we had another I could separate the waste
Good service - thank you
My husband had the bin, but died - I still need it for myself
Not sure if I need this service - I only use insulin needles which go into yellow containers
It would smell after 2 weeks - we don't want a second bin, nor a larger one
This is a vital service - thank you
I do not have a separate bin as I recycle everything and have a food disposal unit
Would need a separate bin for medical waste
We have a medical waste bin collected weekly
We could do with another recycling bin
Space for another bin would be tight, but we could manage
An additional bin would be better
No need to collect on Friday - it seems a waste when it's not full. Tricky isn't it?
I would find yellow bags helpful - bags would be better than a bin
A larger bin would be needed if only fortnightly
Very good service
I thought the idea was to keep medical waste from landfill sites
Please thank the collectors for me - I am grateful whatever happens

## Analysis of Medical Waste Investigation



**Environmental Services Consultation Feedback**

<b>Feedback</b>	<b>Response</b>
It is difficult to book holidays when working a 5 day week – how will it be possible to book holidays when working a 4 day week?	All employees are entitled to their annual leave entitlement, giving adequate notice for requests. This however, must be balanced with the needs of the service.
How can management get cover for holidays?	Management will allow a set number of employees to take leave per day and use Agency Workers if required.
Do we still get the same number of holidays?	Yes, as your contracted hours i.e. 37 per week will not change.
Trade waste crew will still work Mon – Fri and therefore work Bank Holidays and receive overtime and accrue a day in lieu. What about the rest of us who work hard?	In order to maintain a competitive commercial waste service it is important to still offer a 5 day service. Indeed some customers would like a 6 or 7 day service. The Waste Team as a whole benefit from a strong commercial waste service from the money that that it generates.
Payment for working bank holidays was a way to gain extra income as pay has been frozen for 3 years.	Payment for working bank holidays reflected the actual work on a statutory public holiday.
Overtime ban has been in place for several years except for the privileged few who seem to get the occasional Saturday and Sunday overtime	Accept that for general waste collections there is no overtime working. Some limited work has been offered to staff for road show / promotional activities to promote services. Happy to look at allocation of this.
Why 2 drivers per crew? What about the loaders?	2 drivers are required to comply with tacho-graph guidelines and the working time directive. After driving for 4½ hours driver should have 45 minute break, this would add time to the working day so it has been decided to have 2 driver/loaders per crew. When not driving the other driver/loader will load alongside the other loader.
Loaders carry on in all weathers in inadequate clothing. Suggest buying decent uniform that will last and be economically viable rather than purchasing inexpensive clothing	Noted. All PPE equipment should be 'fit for purpose'. This issue has already been addressed outside of the consultation and is being looked into.

**Agenda Item No. 9.2**  
**Appendix 2**

Regarding the proposed policy of two drivers per crew. Will this not make redundancies inevitable for a number of loaders as they will be surplus to requirements?	No, please refer to answer regarding 2 drivers. Also, the waste section establishment has a number of vacant posts that would be deleted before any compulsory redundancies.
If it is Task and Finish basis will this be written into the new contracts?	The contract of employment will state 37 hours per week.
Refuse/Recycling drivers requires re-evaluation as the level of responsibility has increased	There are no significant changes to the role of the driver.
The hours the loader will have to work will be very physical as not all drivers will be able to load due to bad backs	The drivers role is that of a driver/loader and when not driving will be required to load. All posts within Waste Services require substantial physical effort.
This will affect my home/work life balance i.e. childcare arrangements.	Acknowledged that in some individual cases this will affect some more than others. Although as Monday will be a non working day you will not incur childcare costs on that day.
It should be for a trial period.	We see changes to working hours as part of on going change. Within any changes the views of the staff will always be considered.
Flexibility of working hours following task and finish	The concept of task and finish does have flexibility as it allows staff to go home when the task is finished.
Is there a need for the hold back crew to remain until 5.00 pm?	The hold back crew is based around the needs of the customer. As mentioned before any changes will be in consultation with the staff.
What will the contracts state in relation to the working pattern, i.e. Mon – Fri or Tues – Fri	It is likely the contract will state 37 hours , Monday – Sunday.
Issue of trucks being in a useable condition	Noted. This will be part of the staff focus groups.
Concerns over lack of flexibility in the garage working hours	Noted. We would welcome any alternative rotas for discussion.
No need for garage to stay until 5.00 pm	See above response.
Garage staff should have final say on hours	As mentioned above, alternative rotas can be discussed with both management and staff agreeing rota.
What hours will we work on a Monday? (Garage)	As previously mentioned rotas for garage are up for discussion.
Will we work Good Friday? (Garage)	Yes, as this will be a working day for Waste Services.

**Agenda Item No. 9.2**  
**Appendix 2**

Will shift patterns take into account of child care arrangements? (Garage)	The rotas are designed to cover frontline services and reflect the needs of the service. Therefore may not suit all cases.
How do we go on a shift pattern when there only 3 of us? (Garage)	There are 4 posts on the garage establishment, with one post currently vacant.
What time do we start 6.15 am or 6.30 am? (Garage)	Whatever is agreed on the rota.
Garage staff have not been invited to any refuse meetings – kept in the dark	Garage staff attended the formal consultation briefing on 03/10/11 and have been invited to subsequent waste services briefings.
Would be ideal not to have working hours set in stone (Garage)	Garage staff currently work at set times
After initial settling in period certain crews and office staff won't work until 5.00pm (Garage)	The refuse office is currently covered until 5.00 pm.
As Waste Section will not be working Bank Holidays this effectively a pay and leave cut (Garage)	It is not a pay cut because you are not working the day. Enhanced pay is in recompense for working a bank holiday.
Is it necessary to change to a 4 day week when savings can be made on a 5 day week, with less impact on staff (Garage)	The option of a 4 day week is one of a number tried and tested initiatives which has the ability to offer savings.
With changes to working conditions should this also be time to re-evaluate jobs/ (Garage)	There is not a substantial change in the role of the job.
Is it necessary for the garage to have 45 minute lunch break?	Willing to look at this as part of alternative rotas.

Unison balloted members

88% return of which 63% were in favour of the changes to a 4 day working week.

GMB – did not respond as they do not have any members in this section.

**WYRE FOREST DISTRICT COUNCIL**

**CABINET**  
**22<sup>ND</sup> NOVEMBER 2011**

**South Worcestershire Development Plan  
Preferred Options Response**

<b>OPEN</b>	
<b>SUSTAINABLE COMMUNITY STRATEGY THEME:</b>	All
<b>CORPORATE PLAN PRIORITY:</b>	All
<b>CABINET MEMBER:</b>	Councillor J Phillips
<b>DIRECTOR:</b>	Director of Planning and Regulatory Services
<b>CONTACT OFFICER:</b>	Maria Dunn – Ext 2551 Maria.Dunn@wyreforestdc.gov.uk
<b>APPENDICES:</b>	Appendix 1 – Draft South Worcestershire Development Plan Response Appendix 2 – South Worcestershire Development Plan Preferred Options Paper  <b>Appendix 2 to this report has been circulated electronically and a public inspection copy is available on request. (See front cover for details.)</b>

**1. PURPOSE OF REPORT**

- 1.1 To seek Cabinet approval to submit the representations set out at Appendix 1 in response to the South Worcestershire Development Plan.

**2. RECOMMENDATION**

**The Cabinet is asked to AGREE:**

- 2.1 That the response set out at Appendix 1 to this report be submitted to the South Worcestershire Authorities as the District Council's representations on the South Worcestershire Development Plan Preferred Options Consultation.

**3. BACKGROUND**

- 3.1 Malvern Hills District Council, Wychavon District Council and Worcester City Council are working in partnership to produce the South Worcestershire Development Plan (SWDP). Members may recall that the District Council submitted representations to the South Worcestershire Joint Core Strategy Issues and Options Paper in December 2007 and the Preferred Options Paper in November 2008. In light of policy changes at the national level, the South Worcestershire Authorities are now progressing the SWDP which will perform the role of both a Core Strategy and Site

- 3.2 Allocations DPD. An eight week preferred options consultation on the SWDP commenced on 26<sup>th</sup> September. The full Preferred Options Paper is available at Appendix 2 to this report.

### **OVERVIEW OF THE SOUTH WORCESTERSHIRE DEVELOPMENT PLAN**

- 3.3 The SWDP will set out the development strategy and planning policy for South Worcestershire up until 2030. This will include the allocation of land for employment, housing and other land uses, and policies to guide infrastructure and service provision.
- 3.4 The SWDP is all about delivering sustainable development in South Worcestershire and guiding how planning applications will be determined in the future. It will set out where new homes and businesses will be located and how to ensure the strategic infrastructure which is needed, including schools community facilities and utilities such as water is provided. The plan is currently at Preferred Options consultation stage.

### **4. KEY ISSUES**

- 4.1 The settlement hierarchy is of relevance to Wyre Forest District as there are three settlements within the SWDP area where new development may impact on Wyre Forest District, namely, Clows Top, Hartlebury and to a lesser extent, Droitwich. Whilst the settlement hierarchy is generally supported, there are some concerns regarding the level of development which is targeted towards the villages. It is acknowledged that all of the villages will need to accommodate some modest growth to meet local needs, there is some concern about the sustainability of locating significant levels of growth in villages with limited access to services and facilities and poor public transport connections.
- 4.2 Droitwich is the largest of these settlements and is identified within the SWDP as a main town and can therefore expect a reasonable level of housing and employment development. There are a number of sites identified within Droitwich for residential development totalling approximately 410 dwellings. These sites are phased with a commitment to a brownfield first approach. In addition to this, land to the South of Droitwich which has previously been identified as an Area of Development Restraint in the Wychavon District Adopted Local Plan is identified for an urban extension suitable for accommodating approximately 740 homes together with employment and community uses and open space. In response to the SWJCS preferred options paper, Wyre Forest District Council made representations supporting growth at Droitwich providing that it was directed away from Green Belt land to the north of the town. Therefore, it is considered that the proposals for Droitwich should be supported.
- 4.3 Hartlebury is identified within the settlement hierarchy as a category one village. There is no indication of the number of dwellings that category one villages could accommodate, only that larger villages with more services and facilities will be capable of accommodating greater levels of development and that development is predominantly aimed at meeting locally identified housing and employment needs and supporting local services. One site is identified for residential development of up to 100 dwellings. Previously in the SWJCS, Hartlebury was also identified as being a category one village, however, these villages were then considered suitable for development of up to 50 dwellings which was supported by the District Council.

Consideration needs to be given as to how this increased level of development will affect services and facilities within Stourport-on-Severn.

- 4.4 Perhaps the most significant of the three settlements in terms of implications for Wyre Forest District, is Clows Top which falls partially into Wyre Forest District and partially into Malvern Hills District. Clows Top is identified within the settlement hierarchy as a category 3 village. Within the SWJCS Clows Top was identified as a category 2 village suitable for up to 30 dwellings. One site is identified within Clows Top for residential development of 25 dwellings. However, the District Council's own Site Allocations and Policies Preferred Options Paper identifies a possible development site within Clows Top village. Should both sites come forward this would represent a level of development greater than 30 dwellings within the District. It is questionable as to whether this level of development is appropriate for a category 3 settlement with limited local services. Therefore, it is suggested that representations be made suggesting that site allocations within the village of Clows Top be considered further as both authorities move towards Publication.
- 4.5 The settlement hierarchy sets out the policy for development outside of allocated areas. The policy seeks to protect the open countryside from development and also to safeguard the Green Belt. The Settlement Hierarchy policy also states that within settlement boundaries, preference will be given to brownfield sites before bringing Greenfield sites forward. These policy elements should be supported in order to safeguard the open countryside around the District boundary. It is also considered that this is of relevance to Clows Top, where as previously mentioned, Wyre Forest District are promoting a brownfield site for redevelopment whereas the site promoted by the SWDP is greenfield.
- 4.6 The villages of Great Witley and Abberley Common rely on Stourport-on-Severn for their services and facilities. These villages are identified for 35 and 33 dwellings respectively. Consideration needs to be given as to how this will impact upon service provision in Stourport-on-Severn.
- 4.7 The economic prosperity part of the document sets out a brief overview of the employment opportunities within each of the three Districts. It is considered that paragraph 19.6 relating to Wychavon District should make reference to the importance of Hartlebury Trading Estate within the local economy.

## **5. FINANCIAL IMPLICATIONS**

- 5.1 There are no financial implications to the Council arising out of this report.

## **6. LEGAL AND POLICY IMPLICATIONS**

- 6.1 There are no legal implications arising from this report. The recommended policy responses are in accordance with the Council's established priorities.

## **7. EQUALITY IMPACT NEEDS ASSESSMENT**

- 7.1 There are no risk management issues arising from this report.

**8. RISK MANAGEMENT**

- 8.1 The South Worcestershire Authorities will be required to undertake Equality Impact Assessment on the South Worcestershire Development Plan.

**9. CONCLUSION**

- 9.1 The South Worcestershire Development Plan Preferred Options Paper has raised some concerns for the District Council. The response set out at Appendix 1 to this report highlights the concerns and Cabinet are asked to approve the response for submission to the South Worcestershire Authorities.

**10. CONSULTEES**

- 10.1 None.

**11. BACKGROUND PAPERS**

- South Worcestershire Joint Core Strategy Preferred Options Paper (November 2008).

**Draft Response to South Worcestershire Development Plan**

Wyre Forest District Council support the settlement hierarchy which is set out, particularly the identification of Droitwich as a main town, Hartlebury as a category one village and Clows Top as a Category 3 village. However, the District Council has some concerns regarding the general distribution of development with many villages taking significant amounts of residential development. Whilst it is recognised that villages will need to accommodate new development to meet local need arising from within the settlement, the sustainability of locating significant new residential development within villages with limited services and facilities and poor public transport connections is questioned.

With reference to Droitwich, the District Council supports the commitment to adopting a brownfield first approach within the town and also supports the identification of the existing Area of Development Restraint to the South of the town as the preferred site for an urban extension.

With reference to Hartlebury, the District Council notes that within the previous Preferred Options Paper (November 2008) that Hartlebury was suggested as being potentially suitable for up to 50 dwellings. It is now noted that a site has been identified in Hartlebury for up to 100 dwellings. This represents a significant increase in development within the village and the District Council feel that consideration needs to be given as to how this will impact on services and facilities within Stourport-on-Severn.

With reference to Clows Top village, the District Council note that in the previous Preferred Options Paper (November 2008) Clows Top was identified as being potentially suitable for up to 25 dwellings. A site has now been identified within the village for up to 30 dwellings which alongside the potential development site which has been identified within the village by Wyre Forest District Council takes the level of development within the village significantly above the 25 dwellings. There is some concern regarding the capacity of the existing infrastructure, particularly drainage infrastructure to accommodate this level of development. It is felt that further discussions are needed between the two authorities in order to ensure that development within the village remains at an appropriate level. The Settlement Hierarchy commitment to giving preference to brownfield sites over Greenfield sites is of relevance to Clows Top as the site being promoted by Wyre Forest District is brownfield whereas the site promoted by the SWDP is Greenfield.

Wyre Forest District Council has some concerns relating to the development of 33 dwellings at Abberley Common and 35 dwellings at Great Witley. Residents of both of these villages rely on services and facilities in Stourport-on-Severn. Consideration needs to be given to the provision of services and facilities for these additional residents.

The economic prosperity part of the document sets out a brief overview of the employment opportunities within each of the three Districts. It is considered that paragraph 19.6 relating to Wychavon District should make reference to the importance of Hartlebury Trading Estate within the local economy.

**WYRE FOREST DISTRICT COUNCIL**

**CABINET  
22<sup>nd</sup> November 2011**

**Recommendation from Overview and Scrutiny Committee  
3<sup>rd</sup> November 2011**

**South Worcestershire Development Plan Preferred Options Response**

The Committee considered a report from the Senior Forward Planning Officer which set out the background to the South Worcestershire Development Plan and the implications for the District Council.

**Recommend to Cabinet:**

**The representations set out at Appendix 1 of the report to the Overview and Scrutiny Committee be approved by Cabinet for submission to the South Worcestershire Authorities**

**WYRE FOREST DISTRICT COUNCIL****CABINET**  
**22<sup>ND</sup> NOVEMBER 2011****Wyre Forest District Council Empty Property Strategy**

<b>OPEN</b>	
<b>SUSTAINABLE COMMUNITY STRATEGY THEME:</b>	Improving Health and Wellbeing
<b>CORPORATE PLAN PRIORITY:</b>	Improving Community Wellbeing
<b>CABINET MEMBER:</b>	Councillor J Phillips
<b>DIRECTOR:</b>	Director of Planning and Regulatory Services
<b>CONTACT OFFICER:</b>	Sally Horne, Ext 2561 sally.horne@wyreforestdc.gov.uk
<b>APPENDICES</b>	Appendix 1 - Wyre Forest District Council Empty Property Strategy  <b>The appendix to this report has been circulated electronically and a public inspection copy is available on request. (See front cover for details.)</b>

**1. PURPOSE OF REPORT**

- 1.1 The report presents the refreshed Wyre Forest District Council Empty Property Strategy for member's consideration.

**2. RECOMMENDATION**

**The Cabinet is asked to DECIDE:**

- 2.1 To adopt the Wyre Forest District Council Empty Property Strategy.**

**3. BACKGROUND**

- 3.1 The Empty Property Strategy replaces the 2008-2011 Empty Property Strategy and Action Plan.
- 3.2 The requirement to make more effective use of the housing stock in the County is a priority for action in the Worcestershire Housing Strategy, which includes returning empty properties to use.
- 3.3 Empty Properties, distinct from being a wasted resource that could be providing affordable housing, cause many problems to the communities affected including:
- Visual impact of run down properties.
  - Attraction of vandalism, burglary and anti social behaviour.
  - Loss of value of nearby properties.

- Difficulty in selling nearby properties.
- Can be hot spots for rats and mice.
- Psychological impact for the local community.
- Disrepair leading to the impact on neighbouring properties e.g. roof leak leading to damp to adjacent properties.
- Significant neglected properties becoming imminently dangerous.

3.4 The Council has a local performance indicator target of returning 20 empty properties to use annually. In 2010/11 the Council were involved in returning 38 properties to use. However, despite this, there are still 594 properties in the district which have been empty for longer than 6 months.

#### **4. KEY ISSUES**

- 4.1 The existing Empty Property Strategy (2008-11) is now out of date and needs to be refreshed.
- 4.2 Due to the right to buy sales of Community Housing stock over many years, there has been a net loss of affordable housing available. This trend is now levelling out but there is a rising need for affordable housing as the Councils waiting list continues to increase. Empty Properties are therefore a very valuable potential resource to assist meeting a local need.
- 4.3 This revised strategy builds from the achievements to date and provides a framework for the use of advice, assistance and enforcement powers to meet the overall aim of bringing empty properties back into use. The properties that have been empty for the longest period of time will be targeted first, along with those properties that are giving specific concerns to the local community.

#### **5. FINANCIAL IMPLICATIONS**

- 5.1 Financial resources will be required to implement the Wyre Forest District Council Empty Property Strategy. Although all costs with enforcement action are recharged to the property owner, there is a financial implication until this is paid. There is also a resource implication in terms of staffing. There is no longer a dedicated officer taking forward the actions of the strategy and therefore one of the actions in this strategy is to identify funding to provide that dedicated resource.

#### **6. LEGAL AND POLICY IMPLICATIONS**

- 6.1 Whilst not a statutory requirement to produce a strategy, the production of an Empty Property Strategy separate to the overarching Worcestershire Housing Strategy signals the importance of this issue.
- 6.2 The Council has a range of potential actions to encourage properties back into use. This can include advice and information, financial assistance, enforcement regarding public health or safety issues, improvement notices and Empty Dwelling Management Orders through which the Council can take over the management of a property. These options are able to be considered under the Housing Enforcement Policy and the Private Sector Housing Assistance Policy.

**7. EQUALITY IMPACT NEEDS ASSESSMENT**

- 7.1 Although, the delivery of an Empty Property Strategy is not a statutory obligation for the authority, if the strategy is not renewed and no action is taken, there are likely to be a number of implications. This could include an increase in the number of properties falling into disrepair and requiring enforcement action, an increase in complaints from members of the public, a negative impact upon the environment and the proposed regeneration of the district.

**8. RISK MANAGEMENT**

- 8.1 There are no implications.

**9. CONCLUSION**

- 9.1 If adopted, Wyre Forest District Council's Empty Property Strategy will continue to proactively tackle long term empty properties in the district. Since 2009, 58 properties have been returned to use through the intervention of the local authority and this has assisted in improving the environment of local residents and also helped the District Council in providing accommodation for people on the housing waiting list.

**10. CONSULTEES**

- 10.1 The Empty Property Strategy was taken to Community and Regeneration Scrutiny Committee on the 6<sup>th</sup> October and was recommended to Cabinet for approval.
- 10.2 Consultation has also been undertaken with:
- Director of Resources.
  - Director of Planning and Regulatory Services.
  - Principal Solicitor.
  - Development Control Manager.
  - Principal Building Control Officer.

**11. BACKGROUND PAPERS**

- 11.1 The Private Sector Housing Assistance Policy.
- 11.2 The Housing Enforcement Policy.
- 11.3 The Empty Property Strategy 2008-11.
- 11.4 The Worcestershire Housing Strategy.

**WYRE FOREST DISTRICT COUNCIL**

**CABINET  
22<sup>ND</sup> NOVEMBER 2011**

**Recommendation from Overview and Scrutiny Committee  
6<sup>th</sup> October 2011**

**Wyre Forest District Council Empty Property Strategy 2011-2014**

The Committee considered a report from the Strategic Housing Services Manager that presented the refreshed Wyre Forest District Council Empty Property Strategy 2011-2014.

The Committee agreed to send a letter to the MP, Mark Garnier, requesting more robust legislation to give greater powers to local authorities in tackling privately owned empty properties.

**Recommend to Cabinet:**

**The 2011-2014 Empty Property Strategy be adopted.**



**Wyre Forest District Council**

# Empty Property Strategy



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## Summary

Wyre Forest District is situated within North West Worcestershire. The District is comprised of three towns, Kidderminster, Bewdley and Stourport-on-Severn together with a rural hinterland which includes a number of small villages. It has a population of 98,600 which has grown at a modest rate since 1991. There are approximately 43,785 dwellings in the District. Below average wage rates result in substantial demand for affordable housing provision across the District. In particular there is an unmet demand for more affordable 2 and 4 bed dwellings. Evidence of the last five years suggests social re-lets will decrease; therefore extra pressure will be placed on increasing the supply of affordable housing. There are currently 5,159 people on Wyre Forest District Councils waiting list and as this increases year on year, the District Council will look to ensure that all housing stock is fully utilised.

At 1<sup>st</sup> April 2011, Wyre Forest District Council had 1087 empty properties, 594 of which were long term empties. Empty properties often have a negative impact upon the neighbouring area and at a time when the housing waiting list is increasing, the District Council needs to return properties in all sectors of the stock back to use.

This strategy is an update on the earlier 2008-2010 Empty Property Strategy and the purpose of this update is to report on the District Councils progress in tackling the problem of Empty Properties in the district and how it plans to continue this work from 2011 onwards.

We have identified four key objectives to help achieve this goal:

- To raise awareness of empty properties across the district and to promote the advice and assistance available.
- To reduce the number of homes becoming empty for more than six months by improving the process of identifying the appropriate action needed to address them.
- To establish and maintain an accurate database of empty properties in the district and gather other relevant up to date information to help establish trends and priorities for action.
- To work closely with partners to gain the necessary co-operation and commitment to tackle the issues associated with empty properties and to identify solutions.

These objectives will be achieved by engaging in positive dialogue with owners, effective partnership working and where necessary, the use of statutory action.

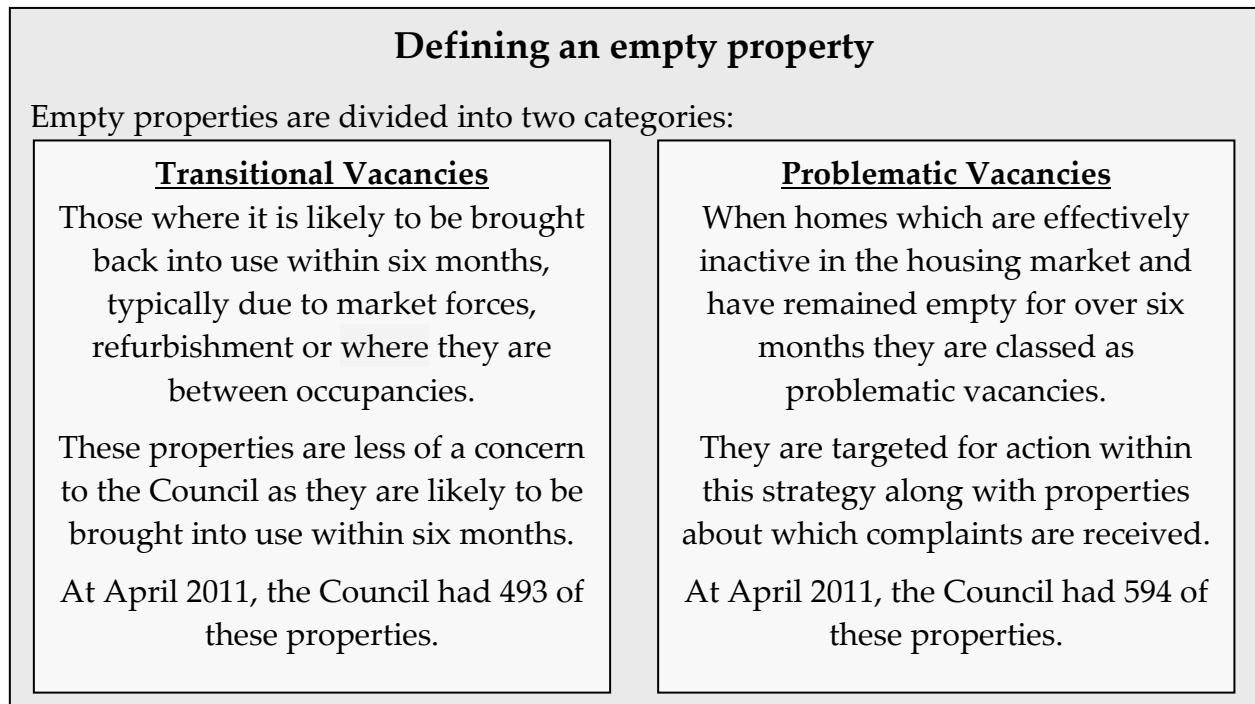
The strategy contains an action plan that sets out specific and measurable targets to achieve each of the priorities indicating which officer is responsible for taking appropriate action.

## Introduction

The Wyre Forest District Council Empty Property Strategy 2011-2015 states how the Council will continue to tackle the issue of empty properties in the District. This strategy provides an update on the previous strategy, providing information on its achievements and stating how the Council will continue to work alongside its partners to continue its work in returning empty properties to use.

### The Definition of an Empty Property

This Strategy uses the DCLG definition of an empty property which is stated in Figure 1 below:



**Figure 1: Source DCLG**

The concentration of this strategy is upon those empty properties defined as problematic vacancies which have been empty for longer than 6 months.

### Why do homes remain empty?

To effectively tackle problematic vacancies and for this strategy to be successful it is important to understand why the properties remain empty. There are a variety of reasons that contribute to this situation and a sound understanding of them and a sensitive and diplomatic approach to dealing with them is vital. The reasons include:

- A low market demand. The owner is unable to find an interested tenant or buyer.
- Over supply. In some circumstances there may be an oversupply of certain types of housing.
- Unresolved ownership.
- Bankruptcy of the owner

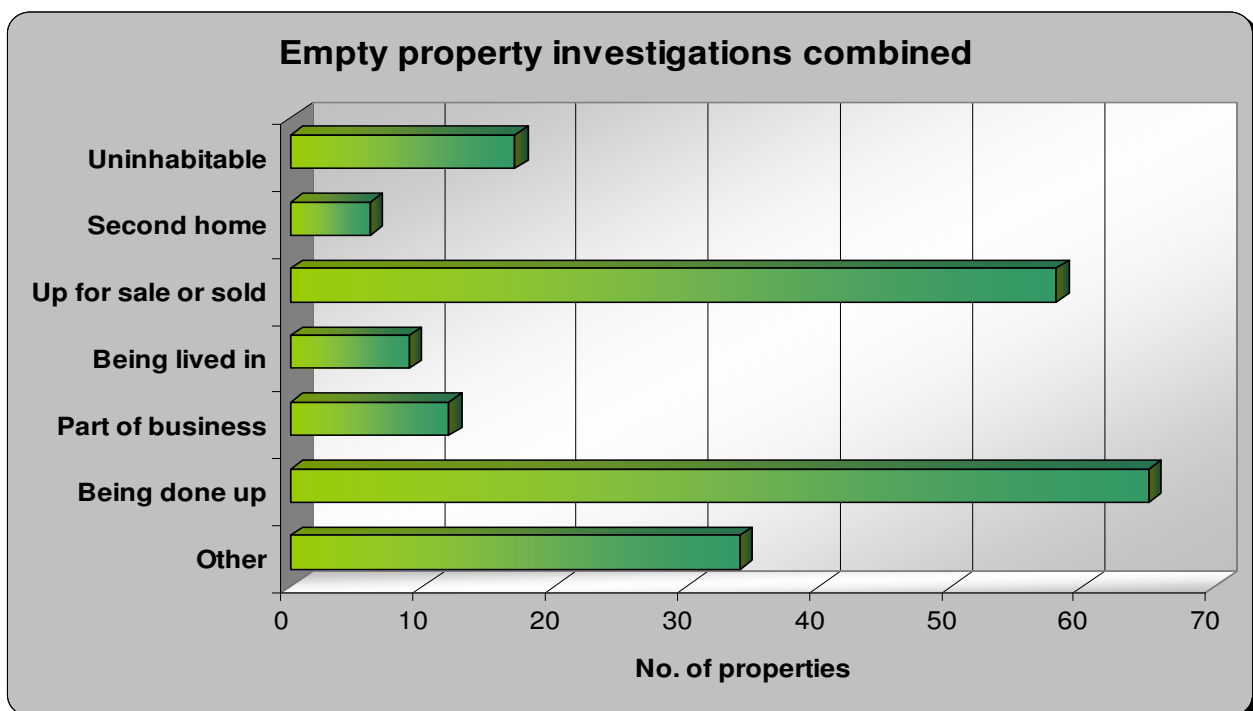
- Owner unaware of the property's existence.
- Acquired for investment purposes only.
- The owner has a lack of expertise or understanding.
- Repossession or negative equity
- The owner has a lack of funding to carry out maintenance or improvements.

Often a property may be empty or appear empty but it is not classed as empty.

A property is not classed as empty if it:

- is a second home or a holiday home;
- could be in the process of being developed or marked for demolition;
- has pending planning permission or is awaiting refurbishment or new occupants
- only appears empty due to an overgrown garden or through disrepair
- is in the process of being brought back into use
- is owned by someone who is living elsewhere to provide or receive personal care
- is owned by a serving member of the armed forces who is absent as a result.

In all of these scenarios, information is always sought to confirm the situation and monitoring is done where appropriate. The graph below shows the main reasons why properties have remained empty in the District over the last two years:



## Empty Property Strategy 2008-11: Achievements to Date

This strategy replaces the 2008-2011 Empty Property Strategy. The actions from the previous strategy along with comments on how the actions were met are in the table below:

Action	Comment
Identify ways in which empty properties can be brought back into use	Wyre Forest District Council are members of the West Midlands Empty Property Group and it is at this forum that best practice is shared regarding returning empty properties to use.
Actively encourage owners of empty properties to bring their properties back into use through a range of incentives	The District Council has worked with empty property owners in a range of ways to ensure properties have been brought back into use. These have included using grants to help owners improve their properties (in return for housing households from the waiting list), providing advice and assistance, which includes facilitating the sale of properties.
To raise awareness of empty property issues	All owners of long term empty properties have been contacted by the District Council to find out why properties are empty and offer advice and assistance.
To work with regularly updated information from the Council Tax System	Housing work with Council Tax on a regular basis. Officers use Council Tax data to identify long term empties and send out questionnaires to owners. The responses are then used to update Council Tax information where necessary.
To investigate the appropriate use of enforcement action	A range of enforcement powers have been considered for use, including no longer receiving a Council Tax exemption after 6 months.

During the period of the 2008-2011 Empty Property Strategy, 60 properties have been returned to use, through the direct intervention of Wyre Forest District Council. However, despite this work, at 1<sup>st</sup> April 2011, 594 were classed as long term empty (empty for more than 6 months). As a percentage of the overall stock (2.43% of the overall stock), Wyre Forest has the lowest level of empty properties in Worcestershire. However, at a time of significant housing need, the Local Authority needs to ensure that all existing housing stock is utilised.

# The Strategic Context

## The National Context

Policy at a national level underlines the need to utilise existing housing stock as much as possible. There are around 740,000 empty homes in England and local authorities are seen as having a key role in identifying them and working with their owners to bring them back into use. This figure equates to one empty property for every two families in need. The Homes and Communities Agency published an [Empty homes toolkit](#) in May 2011 with the aim of pulling together the skills and expertise of people experienced at bringing empty properties back to use to help end this situation.

The government has also introduced financial incentives:

**The Empty Homes Fund** is available to local authorities, house-builders and developers, affordable housing providers and local community groups, who can all bid for a share of the funding to bring long-term empty properties - which would not come back into use without intervention - to become homes once again.

**The New Homes Bonus** is designed to incentivise local authorities to facilitate housing growth. It works by matching council tax collected from a property that previously stood empty for six years, with the extra funding being spent to benefit the local community.

## The Regional Context

The following table shows how the percentage of empty properties in the West Midlands region compares with the other regions across England.

### Worcestershire

Worcestershire as a whole has a lower level of empty properties than the average for the West Midlands.

The following table shows how Wyre Forest currently compares with its Worcestershire neighbours both in terms of the number of vacancies and their percentage that these make up from the total dwelling stock.

North West	4.36%
Yorkshire & the Humber	4.02%
North East	3.94%
East Midlands	3.46%
West Midlands	3.17%
South West	2.97%
East of England	2.77%
London	2.40%
South East	2.09%
Source: Emptyhomes.com 2010 data	

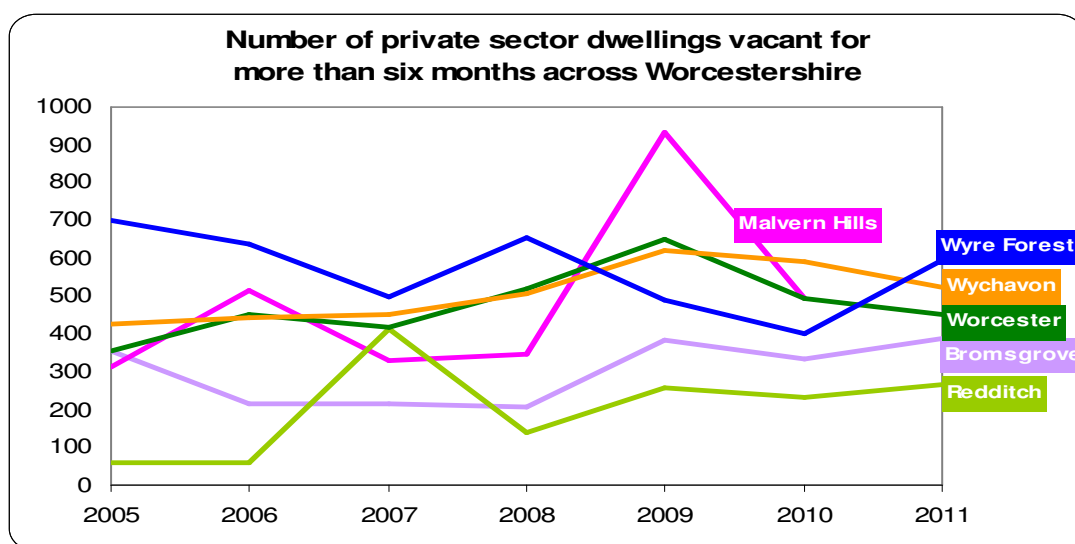
	Dwelling Stock	Vacant properties	Percentage of vacant properties from dwelling stock
Bromsgrove	39,164	992	2.53%
Malvern Hills	33,494	1122	3.35%
Redditch	35,281	885	2.51%
Worcester City	43,179	1274	2.71%
Wychavon	51,559	1326	2.58%
<b>Wyre Forest</b>	<b>44,777</b>	<b>1087</b>	<b>2.43%</b>
<b>TOTAL</b>	<b>213960</b>	<b>5564</b>	<b>2.60%</b>

Source: HSSA 2011 data.

The number of private sector dwellings vacant for more than six months in Wyre Forest has shown a decline over the last six years and this is shown below.

	2005	2006	2007	2008	2009	2010	2011
<b>Bromsgrove</b>	356	217	215	205	384	332	389
<b>Malvern Hills</b>	314	514	330	348	934	494	507
<b>Redditch</b>	60	60	415	138	257	231	265
<b>Worcester</b>	353	453	416	520	648	494	452
<b>Wychavon</b>	427	442	451	507	620	592	524
<b>Wyre Forest</b>	700	639	500	655	488	400	594

Source: HSSA 2011 data.



Empty properties is an issue that affects all areas of Worcestershire and at the 1<sup>st</sup> April 2011, Worcestershire had a total of 5564 empty properties of which 2731 were classed as long term empties.

## **The District Context**

The 2011-2015 Empty Property Strategy is set against a context of Corporate and Service Plans that it will contribute towards. This includes the Corporate Plan 2011-14, the Worcestershire Housing Strategy, the Private Sector Action Plan and the Temporary Accommodation Reduction Plan.

## **Wyre Forest District Council Corporate Plan 2011-2014:**

The Councils Corporate Plan sets out the strategic direction and its priorities for the period 2011-2014. It builds on the achievements of the previous plan for 2008-11 and draws from the Sustainable Community Strategy '[Making a Real Difference 2008–2014](#)' produced by the Local Strategic Partnership (LSP) Wyre Forest Matters.

The Plan sets out the Council's Vision and Values, together with the agreed priorities for improvement, what action will be taken and how it will be measured our success.

The Plan has three Priorities which represent what the Council wants to achieve for the social, economic and environmental well-being of the District.

They are:

1. Securing the economic Prosperity of the District
2. Delivering Together, With Less
3. Improving Community Well Being

Within these, there are a number of objectives and the Empty Property Strategy will assist in meeting a number of these as stated below:

### **1. Securing the economic prosperity of the district**

#### **Supporting regeneration and enterprise**

Making previously empty properties available once again for occupation will help to regenerate areas and encourage rental incomes and investment.

#### **Creating a cleaner and greener local environment**

Bringing properties back to use will mean they are no longer a focus for graffiti and other crime, helping to improve the local environment

#### **Promoting tourism**

A reduction in unsightly or derelict properties in the district will mean it is more attractive to visitors and will help promote a more vibrant and attractive place to visit.

### **2. Delivering together, with less**

#### **Maintaining the Council's financial viability**

Utilising an unused resource like empty homes will help to increase council tax revenue and reduce pressure on the housing waiting list. Any enforcement work will also be chargeable and so costs will be recovered.

### **3. Improving community well-being**

#### **Working towards meeting current and future housing needs**

The strategy will assist in increasing the supply of quality affordable homes in the district. Properties that can be let at a more affordable rent level will be prioritised for action.

#### **Addressing inequalities and deprivation**

Reducing empty properties helps to stop areas falling into decline

### **Worcestershire Housing Strategy**

Wyre Forest District Council is participating in a joint housing strategy with the 5 other local authorities within Worcestershire. The requirement to make more effective use of the housing stock in the County is a priority for action in the Worcestershire Housing Strategy. This follows a consultation exercise undertaken as part of the County Housing Strategy that found that 97.2% of respondents thought ensuring reuse of empty properties is of the highest importance.

### **The Private Sector Action Plan**

The Private Sector Action Plan prioritises bringing empty properties back into use in order to fulfil housing need in the District and sets a goal for the Local Authority in returning 20 empty properties per annum.

### **Temporary Accommodation Reduction Plan**

There are 5189 people currently on the Wyre Forest District Council Housing List, of which 989 people are in significant housing need. Significant housing need is defined as people who are homeless, at threat of homelessness or inappropriately housed due to a medical, social or overcrowding problem. As part of its statutory duty, the Local Authority provides interim accommodation when investigating a homelessness application. The type of accommodation used can include B&Bs which can be expensive for the authority and not the most appropriate accommodation for households. Therefore the aim is to reduce the use of Temporary Accommodation and one such aim is to do this through bringing empty properties back into use and encouraging property owners to let properties to people on the Councils waiting list. An example of how this has been achieved is in the case study below:

### **Case Study: Park Street Empty Properties**

Wyre Forest District Council has been working with owners of empty properties for a number of years.

Park Street is one of the success stories:



In June 2010, St Basils opened the 24 hour supported emergency housing project at Park Street. The 6 privately owned partially complete new build flats had been empty since 2004 and despite numerous attempts by the Council to bring them back into use over the years, it was not until 2009 when the Council and St Basils expressed an interest in leasing them from the landlord that the properties were completed and brought back into use.

In order to facilitate the completion of the works, WFDC committed capital funding for the installation of central heating and CCTV. The grant which was paid to the landlord was on the condition that the properties would be leased to St Basils for use as emergency accommodation for homeless young people (aged 16-25) and whom the Council were likely to have a statutory duty to house.

The intention being that the 8 bed spaces would be used to accommodate young people who would have previously been accommodated in Bed and Breakfast.

## Delivering the Strategy

Although Wyre Forest District Council has achieved much in tackling empty properties in the three years of the last strategy, long term problematic vacant properties continue to be an issue in Wyre Forest. This section of the strategy states how the District Council will continue its work.

The strategy has four objectives and they are as follows:

- To raise awareness of empty properties across the district and to promote the advice and assistance available.
- To reduce the number of homes becoming empty for more than six months by improving the process of identifying the appropriate action needed to address them.
- To establish and maintain an accurate database of empty properties in the district and gather other relevant up to date information to help establish trends and priorities for action.
- To work closely with partners to gain the necessary co-operation and commitment to tackle the issues associated with empty properties and to identify solutions.

## Delivering the objectives

### **1. To raise awareness of empty properties across the district and to promote the advice and assistance available.**

Publicity and direct communication with empty property owners have been some of the most effective tools that officers have used in tackling empty properties over the period of the last strategy. Work has included sending out questionnaires to empty property owners who have been identified through the use of the Council tax database, running articles in the local press, having a dedicated empty properties page of the Council's website and promoting the empty property work

at a range of events and meetings. This work needs to continue and specific actions around this theme are stated in the action plan at the end of this strategy.

A publicity campaign needs to be implemented; this is to include:

- Articles in the local press
- Meetings and presentations with landlords through the landlords' forum / awareness raising event
- An Empty Homes hotline.
- Dedicated empty homes area on the council website.
- Establishment of an Empty Property Grants Scheme.
- Establishment of an Empty Property Loans scheme
- Development and distribution of promotional material, including a series of 'Fact Sheets' detailing where and what support owners and landlords may receive.
- Survey owners of properties empty 6 months or more.

A key component to achieving success will be increased awareness amongst the public and property owners of our work in bringing empty homes back into use.

We will provide clear information on how residents can report empty homes in their area.

We will work with property owners to inform them about the advice and assistance available to them to ensure a property does not become or remain vacant for long periods.

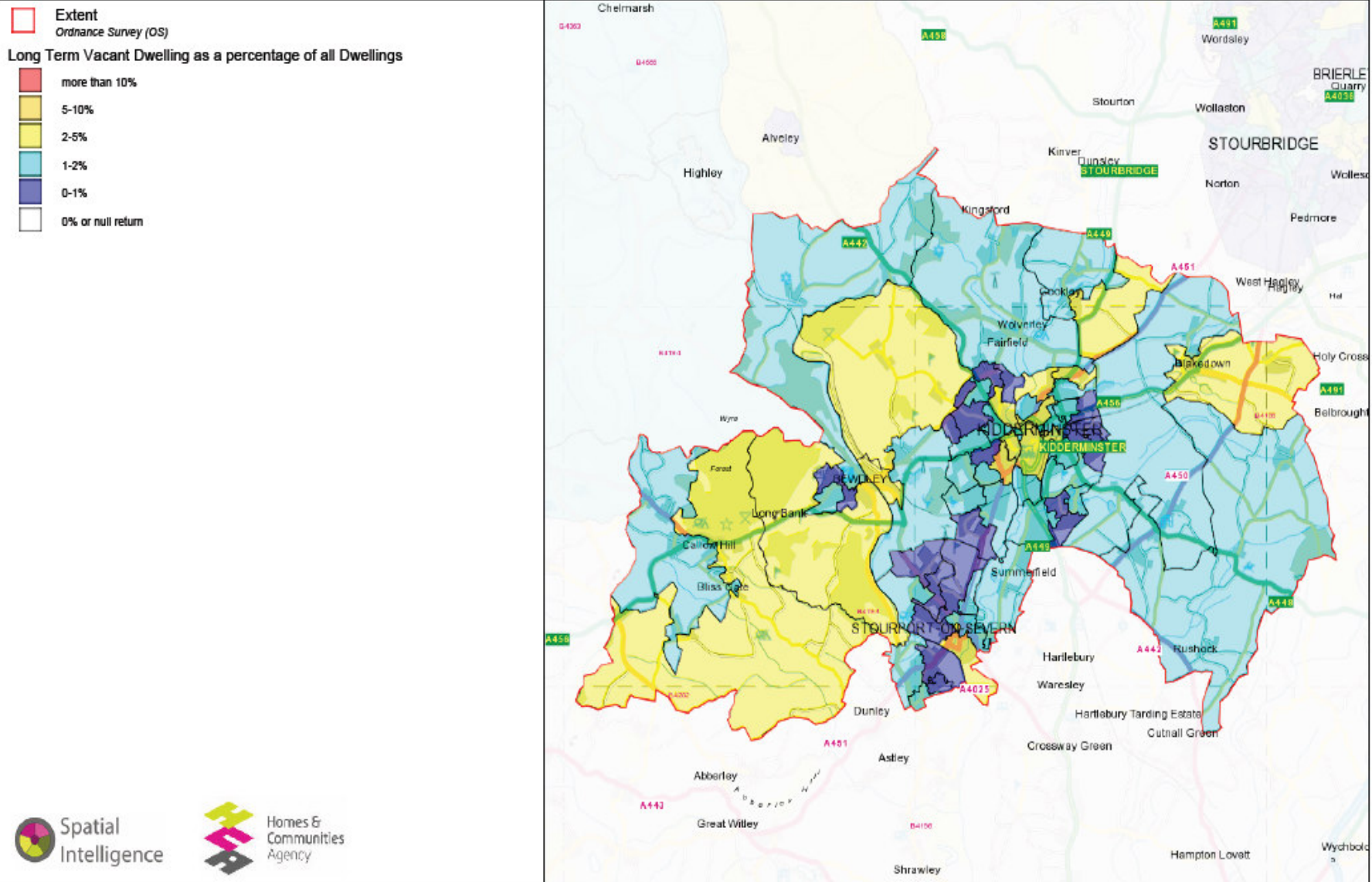
We will inform local residents of the range of actions we take to bring empty homes back into use in their neighbourhoods, highlighting the benefits for the local community.

## **2. To establish and maintain an accurate database of empty properties in the district and gather other relevant up to date information to help establish trends and priorities for action.**

The responses to the Empty Property questionnaires are being monitored, as are complaints received from the public about empty properties. However, the next stage of that work is to undertake analysis of the data to understand if there are particular areas of the district that have long term vacant properties and what the main reasons are for leaving properties empty so that action can be targeted at tackling those areas and/or issues.

Data obtained from the Homes and Communities Agency suggests that the main concentration of empty properties are within the wards that have the older stock in Kidderminster and some of the more rural outlying districts. See Figure xx below:

## Long Term Vacant Dwellings by LSOA, Wyre Forest



**3. To reduce the number of homes becoming empty for more than six months by improving the process of identifying the appropriate action needed to address them.**

The focus of the Council's action has been upon working in partnership with empty property owners to return their properties to use. This has been done by undertaking a proactive, firm and cost effective approach for bringing empty properties back into use by providing property owners with both reasonable time and support to take action in the first instance. Where required, work has been undertaken under the Home Repair Assistance part of the 2010 Housing Assistance Policy (the Home Repair Assistance is an interest free loan that can be used to bring properties back into a reasonable state of repair but where owners do not have the finances to undertake that work. The money is a charge against the property that is recovered once the property is sold). Whilst this approach has been successful in the main, there are owners who continue to resist the advice and assistance of the Council. Therefore where necessary, enforcement powers will need to be used to return these problematic vacants to use.

**4. To work closely with partners to gain the necessary co-operation and commitment to tackle the issues associated with empty properties and to identify solutions**

In order for this strategy to be successful the relationship between all partners involved is considered vital. Housing already works closely with Council Tax, Planning and the Health and Sustainability team. However, this needs to be extended to work with external agencies, including registered providers and the Home and Communities agency (HCA).

## **Enforcement Powers**

Wyre Forest District Council has a range of enforcement powers at its disposal in tackling empty properties, the use of which is informed by the Council's Enforcement Policy for Housing. Legislation that the Local Authority can use is as follows:

**Local Government (Miscellaneous Provisions) Act 1982**

Section 29 notices can be served on the owner in the event that the property has been broken into and needs securing.

**Town and Country and Planning Act 1990**

Section 215 notices can be served on owners for land or buildings where they affect the amenity of an area.

**Building Act 1984**

Provides powers to tackle 'dangerous and ruinous' structures.

**Housing Act 2004**

The Housing Act gives the Local Authority power to serve improvement notices upon the owner to ensure the property is in a habitable condition

**Compulsory Purchase (CPO)**

This option enables the local authority to acquire the property from the owner through a legal process. The owner is compensated and the legal costs are met by the Council. The property is sold onto a chosen partner – for example a registered provider – for redevelopment. This option can be a lengthy process and can take in excess of a year to complete.

**Enforced Sale**

Carried out under s.103 of the Law and Property Act 1925, this act of Parliament enables local authorities to force the sale of a property with a local land charge registered against it. It is a follow-on step from works in default action by the local authority (where the local authority has paid for works to be done in lieu of the owner who is unwilling to act or untraceable).

If the owner fails to repay the debt, the council may be able to enforce the sale by order of the court. The council does not acquire the property it is sold to a third party.

The procedure is considered to have a number of social and financial benefits and is considered more expedient than a compulsory purchase order.

**Empty Dwelling Management Orders**

This is a new enforcement tool introduced as part of the Housing Act 2004. It is also the first piece of legislation to specifically target empty homes. It provides a discretionary power for local authorities to take over the management of long-term privately owned empty properties.

It effectively allows local authorities to 'step into the shoes' of the owner of the 'unoccupied building and to secure occupation and the proper management of the privately owned dwellings that have been unoccupied for a specified period of time and where certain other conditions are met. Management costs and any refurbishment costs can be reclaimed from the rental income with any balance going to the owner.

Also Housing Act 2004 Improvement notices to require the owner to improve the property to a standard acceptable for occupation.

## Action Plan

**Objective One** - To raise awareness of empty properties across the district and to promote the advice and assistance available.

	Measured outcome	Resources	Lead
1.1	Develop a promotional campaign to increase awareness	Staff time Financial resources for leaflets and printing	Housing Services Officer
1.2	Have clear, effective information available to the public through a variety of different media channels.	Staff time Financial resources for leaflets and printing	Housing Services Officer
1.3	Continue with questionnaires to empty property owners on the Council tax waiting list	Staff time Financial resources for printing	Housing Services Officer

**Objective Two** - To reduce the number of homes becoming empty for more than six months by improving the process of identifying the appropriate action needed to address them. (Also speed up turnaround of short term empties)

	Measured Outcome	Resources	Lead
2.1	20 properties brought back into use through intervention on an annual basis	Staff time	Private Sector Housing
2.2	Develop and adopt an enforced sale policy to ensure recovery of cost incurred in resolving problems with empty and other properties.	Staff time	Principal Strategic Housing Officer
2.3	Investigate possible funding streams to take forward loans and grants to return empty properties to use.	Staff time	Strategic Housing Services Manager

**Objective Three** - To establish and maintain an accurate database of empty properties in the district and gather other relevant up to date information to help establish trends and priorities for action.

	Measured Outcome	Resources	Lead
3.1	Evaluate current accuracy of data and investigate alternate methods of collecting data	Staff time	Housing Services Officer
3.2	Map empty properties on GIS	Staff time	Housing Services Officer
3.3	Identify areas where empty homes are likely to be an issue through analysis of historical information	Staff time	Housing Services Officer

**Objective Four** - To work closely with partners to gain the necessary co-operation and commitment to tackle the issues associated with empty properties and to identify solutions

	Measured Outcome	Resources	Lead
4.1	Continue work with Council tax to access databases and provide updated information as and when it becomes available	Staff time	Housing Services Officer
4.2	Continue to attend the West Midlands Empty Property Officer Group	Staff time	Principal Environmental Health Officer (Housing)/ Principal Strategic Housing Officer
4.3	Seek to maximise funding streams	Staff time	Principal Strategic Housing Officer

## APPENDICES

### Enforcement Powers

The principal statutory enforcement powers available to local authorities are set out below:

Problem	Legislation	Power Granted
Dangerous or dilapidated buildings or structures	<i>Building Act 1984 ss77 &amp; 78</i> <i>Housing Act 2004 Part I</i>	To require the owner to make the property safe (Section 77) or enable the Local Authority to take emergency action to make the building safe (Section 78). Under the Housing Health and Safety Rating System local authorities can evaluate the potential risks to health and safety arising from deficiencies within properties and take appropriate enforcement action.
Unsecured properties (where it poses the risk that it may be entered or suffer vandalism, arson or similar).	<i>Building Act 1984, s78</i> <i>Local Government (Miscellaneous Provisions) Act 1982, s29</i>	To allow the Local Authority to fence off the property. To require the owner to take steps to secure a property or allow the Local Authority to board it up in an emergency.
Blocked or defective drainage or private sewers.	<i>Local Government (Miscellaneous Provisions) Act 1976, s35</i> <i>Building Act 1984, s59.</i> <i>Public Health Act 1961, s17.</i>	To require the owner to address obstructed private sewers. To require the owner to address blocked or defective drainage. To require the owner to address defective drainage or private sewers.

Vermin (where it is either present or there is a risk of attracting vermin that may detrimentally affect people's health).	<i>Public Health Act 1961</i> , s34. <i>Prevention of Damage by Pests Act</i> , s4. <i>Public Health Act 1936</i> , s83. <i>Environmental Protection Act 1990</i> , s80. <i>Building Act 1984</i> , s76.	To require the owner to remove waste so that vermin is not attracted to the site.
Unsightly land and property affecting the amenity of an area.	<i>Public Health Act 1961</i> , s34 (see above). <i>Town and Country Planning Act 1990</i> , s215. <i>Building Act 1984</i> , s79	To require the owner to remove waste from the property. (see above). To require the owner to take steps to address a property adversely affecting the amenity of an area through its disrepair. This would be enforced through planning enforcement and legal services. To require the owner to address unsightly land or the external appearance of a property

Source: House of Commons, Empty Housing Standard Note: Sn/SP/3012 – March 2011

**WYRE FOREST DISTRICT COUNCIL**

**CABINET**  
**22<sup>nd</sup> November 2011**

**Recommendation from Overview and Scrutiny Committee**  
**3<sup>rd</sup> November 2011**

**Community Safety Partnership Future Arrangements**

The Committee considered a report from the Director of Community and Partnership Services on a review of Community Safety Partnership working across Worcestershire.

The Committee endorsed the Safer Communities Board recommendation held by the majority of Responsible Authority representatives.

**Recommend to Cabinet:**

- 1. That Wyre Forest Community Safety Partnership (CSP) and Wyre Forest District Council Cabinet (as the responsible authority) agrees to the restructuring of the current CSP arrangements into two CSPs (North and South Worcestershire) and one county strategic Community Safety Board.**
- 2. The three North Worcestershire CSPs immediately progress the merger into a single North Worcestershire CSP. The responsible Authorities to progress to merger and obtain appropriate local approvals and Home Office agreement to the merger by 1 April 2012 or earlier.**
- 3. Agree to discussions commencing at the earliest opportunity with the Chairmen of Redditch and Bromsgrove CSPs, relevant portfolio holders and Community Safety co-ordinators to progress the merger.**
- 4. Support the continuation of locality based operational and responsive partnership working through the operational management group and appropriate local Wyre Forest representation on the merged North Worcestershire CSP.**