

**Open**

## **Cabinet**

## **Agenda**

**6pm**  
**Wednesday, 14th June 2017**  
**Council Chamber**  
**Wyre Forest House**  
**Finepoint Way**  
**Kidderminster**



## **Cabinet**

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

<b>Councillor M J Hart</b>	<b>Leader of the Council &amp; Strategy</b>
<b>Councillor I Hardiman</b>	<b>Deputy Leader &amp; Planning &amp; Economic Regeneration</b>
<b>Councillor R J Vale</b>	<b>Operational Services</b>
<b>Councillor N J Desmond</b>	<b>Resources</b>
<b>Councillor J Smith</b>	<b>Culture, Leisure &amp; Community Protection</b>
<b>Councillor C Rogers</b>	<b>Housing, Health &amp; Well-being</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 5pm on 26<sup>th</sup> June 2017.*

Councillors wishing to "call in" a decision on this agenda should contact Lynette Cadwallader, Committee Services Officer, Wyre Forest House, Finepoint Way, Kidderminster. Telephone: 01562 732729 or email [lynette.cadwallader@wyreforestdc.gov.uk](mailto:lynette.cadwallader@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.

### **Declaration of Interests by Members – interests of members in contracts and other matters**

Declarations of Interest are a standard item on every Council and Committee agenda and each Member must provide a full record of their interests in the Public Register.

In addition, alongside the Register of Interest, the Members Code of Conduct ("the Code") requires the Declaration of Interests at meetings. Members have to decide first whether or not they have a disclosable interest in the matter under discussion.

Please see the Members' Code of Conduct as set out in Section 14 of the Council's constitution for full details.

### **Disclosable Pecuniary Interest (DPI) / Other Disclosable Interest (ODI)**

DPI's and ODI's are interests defined in the Code of Conduct that has been adopted by the District.

If you have a DPI (as defined in the Code) in a matter being considered at a meeting of the Council (as defined in the Code), the Council's Standing Orders require you to leave the room where the meeting is held, for the duration of any discussion or voting on that matter.

If you have an ODI (as defined in the Code) you will need to consider whether you need to leave the room during the consideration of the matter.

### **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 Lynette Cadwallader, Committee Services Officer, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF. Telephone: 01562 732729 or email [lynette.cadwallader@wyreforestdc.gov.uk](mailto:lynette.cadwallader@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)

### **WEBCASTING NOTICE**

This meeting is being filmed\* for live or subsequent broadcast via the Council's website site ([www.wyreforestdc.gov.uk](http://www.wyreforestdc.gov.uk)).

At the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act 1998. The footage recorded will be available to view on the Council's website for 6 months and shall be retained in accordance with the Council's published policy.

**By entering the meeting room and using the public seating area, you are consenting to be filmed and to the possible use of those images and sound recordings for webcasting and or training purposes.**

If members of the public do not wish to have their image captured they should sit in the Stourport and Bewdley Room where they can still view the meeting.

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**If you have any queries regarding this, please speak with the Council's Legal Officer at the meeting.**

\* Unless there are no reports in the open session.

Wyre Forest District Council

Cabinet

Wednesday, 14th June 2017

Council Chamber Wyre Forest House, Finepoint Way, Kidderminster

Part 1

Open to the press and public

Agenda item	Subject	Page Number
1.	<b>Apologies for Absence</b>	
2.	<b>Declarations of Interests by Members</b>  In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any Disclosable Pecuniary Interests (DPI's) and / or Other Disclosable Interests (ODI's) in the following agenda items and indicate the action that they will be taking when the item is considered.  Please see the Members' Code of Conduct as set out in Section 14 of the Council's Constitution for full details.	
3.	<b>Minutes</b>  To confirm as a correct record the Minutes of the meeting held on the 23rd May 2017.	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 12 noon on 6 <sup>th</sup> June 2017. (See front cover for contact details).	

<b>7.</b>		
<b>7.1</b>	<p style="text-align: right;"><i><b>Councillor Rebecca Vale</b></i></p> <p><b>The Proposed Introduction of a Public Spaces Protection Order (PSPO) in place of Dog Control Orders</b></p> <p>To consider a report to seek progress a new Public Spaces Protection Order (PSPO) in the District to positively support the Council's corporate priority 'to keep the place safe, clean and looking good', using its powers to take positive action in response to local concern.</p>	12
<b>8.</b>		
<b>8.1</b>	<p style="text-align: right;"><i><b>Councillor Ian Hardiman</b></i></p> <p><b>Strategies for the Capital Portfolio Fund and Loans To Third Parties</b></p> <p>To consider a report which considers strategies to set out the details of how the Council will operate the capital portfolio fund and loans to third parties.</p> <p>To also consider recommendations from the Overview and Scrutiny Committee from its meeting on 1<sup>st</sup> June 2017</p>	17
<b>8.2</b>	<p><b>Churchill and Blakedown Neighbourhood Plan - Referendum</b></p> <p>To consider a report to agree that the Churchill and Blakedown Neighbourhood Plan be made part of the Development Plan for Wyre Forest District following the referendum which was held on Thursday 4<sup>th</sup> May 2017.</p> <p>To also consider recommendations from the Overview and Scrutiny Committee from its meeting on 1<sup>st</sup> June 2017</p>	35
<b>8.3</b>	<p><b>Wyre Forest District Local Plan Review (2016-2034): Preferred Options Consultation</b></p> <p>To consider a report to seek the Cabinet's endorsement of the consultation papers for the Local Plan Review Preferred Options. The Cabinet is also asked to agree the accompanying Consultation Plan.</p> <p><i>Appendix 1 to this report has been circulated electronically</i></p> <p>To also consider recommendations from the Overview and Scrutiny Committee from its meeting on 1<sup>st</sup> June 2017</p>	39
<b>9.</b>	<p><b>To consider any other business, details of which have been communicated to the Solicitor to the Council 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>10.</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>11.</b>		
<b>11.1</b>	<b><i>Councillor Ian Hardiman</i></b> <b>Bewdley Medical Centre and Library – Redevelopment</b>  To consider a report to update Members on progress with the redevelopment of the former Bewdley Medical Centre (BMC) and to agree to tender the works for the laying out of the new car park.	-
<b>12.</b>	<b>To consider any other business, details of which have been communicated to the Solicitor to the Council 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**

**COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER  
23RD MAY 2017 (6PM)**

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**Present:**

Councillors: M J Hart (Chair), N J Desmond, I Hardiman, C Rogers, J D Smith and R J Vale.

**Observers:**

Councillors: H E Dyke, N Knowles, F M Oborski MBE and J A Shaw.

**CAB.1 Apologies for Absence**

There were no apologies for absence.

**CAB.2 Declarations of Interests by Members**

No declarations of interest were made.

**CAB.3 Minutes**

**Decision: The minutes of the Cabinet meeting held on 14th March 2017 be confirmed as a correct record and signed by the Chairman.**

**CAB.4 Call Ins**

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

**CAB.5 Items Requiring Urgent Attention**

There were no items requiring urgent attention.

**CAB.6 Community Housing Group: Transfer of Engagements to Wyre Forest Community Housing**

A report was considered from the Chief Executive which considered instructions for the Council shareholder on Community Housing Group (CHG).

The Leader of the Council led Members through the report. He reminded Members that at its meeting on 10<sup>th</sup> May 2017 Council appointed Councillor Chris Rogers as its shareholder on CHG. He added that Council supported the significant governance changes which saw new governance rules adopted for CHG. He advised that the role of the Council had diminished over the years and Committee Members did not have any influence on decision making on behalf of the bodies they represented.

**Decision:**

**To mandate the Council shareholder to vote in favour of the merger of Community Housing Group with Wyre Forest Community Housing by the transfer of engagements process.**

**CAB.7 Business Rates: Scheme of Revaluation Support**

A report was considered from the Chief Executive to adopt a scheme which provided revaluation support to businesses facing significant increases in rates following the revaluation.

The Cabinet Member for Resources led Members through the report. He advised that this was a positive report that would help local businesses affected by the business rate revaluation that took effect on 1<sup>st</sup> April 2017. He added that the Government had given local Councils the freedom to devise their own schemes to support businesses most affected by the revaluation with the key objective to focus support to local businesses with a rateable value between £15,000 and £200, 000. He explained that in order to maximise the number of business in the district that would qualify, national chains have been deliberately excluded from the scheme. Support would automatically be provided for trading businesses who qualified for the scheme and they would not have to submit an application. He stated that relief would be provided at the rate of 85% of the increase in the bill and that this support would be phased out over three years.

The Leader of the Council acknowledged that the administration were pro small businesses and referred to the 3418 hereditaments in Wyre Forest. Of these, 1134 rateable values have stayed the same, 1335 rateable values have reduced and 949 rateable values have increased. He commented that the scheme was well thought out in directing the resource where it is needed.

The Cabinet Member for Operational Services commented that she was pleased that businesses do not have to make any application to benefit from the scheme and that it was readily accessible.

In answer to a Members question, the Cabinet Member for Resources explained that the consultation was carried out with Worcestershire County Council and Hereford and Worcester Fire and Rescue Authority, both of which responded positively.

**Decision:**

**The scheme of revaluation support set out in Appendix 1 of the report to Cabinet be adopted.**

**CAB.8 Report on Provisional Final Accounts Outturn 2016/17**

A report was considered from the Chief Financial Officer to receive the provisional outturn position in relation to the Final Accounts for 2016/17.



The Cabinet Member for Resources led Members through the report and advised that he was delighted to report a provisional outturn position of £1,112,540 savings, which was welcome news given the current financial landscape. He added that this was only possible due to prudent budget management and thanked Officers and The Corporate Leadership Team for their hard work. He explained that as well as generating savings, external income has been a key factor of the report, including increased income in Depot Services and increased income from Development Control.

The Cabinet Member for Resources acknowledged that part of the savings would be used to re-invest in the authority including £150,000 to top up the innovation fund and the replenishment of the Business Rates Equalisation / Regeneration Risk Reserve by £300,000. He added that the Council should be proud of its excellent record of generating efficiencies.

The Leader of the Council commented that it was welcome news to have a significant total saving on the net revenue budget and fully supported the allocations in terms of replenishing Business Rates Risk Reserve and contributing to our general reserves. He congratulated Service managers and their teams for their savings at year end.

**Decision:**

**The Cabinet Noted:**

- 1 The most welcome news that a total saving of £1,112,540 has been achieved for 2016/17 reducing to £662,540 after the transfers to risk reserves as set out in 2.2 and 2.3 of the report to Cabinet. This has been achieved by prudent budget management, particularly in relation to Pay and General Administration budgets together with a robust review and release of circa £310,000 earmarked reserves no longer required.**
- 2 That £150,000 from the 2016/17 savings has been used to increase the existing earmarked reserve for the Innovation Fund to continue to meet the costs of our challenging Wyre Forest Forward Programme as detailed in paragraph 4.6 of the report to Cabinet.**
- 3 That £300,000 from the 2016/17 savings has been used to replenish the Business Rates Equalisation/ Regeneration Risk Reserve to its previous level.**

**CAB.9 Industrial Unit Investment Business Case**

A report was considered from the Head of Economic Development and Regeneration which agreed the outline business case for the Council to proceed with investing in developing new small industrial units on a council owned site, and to proceed with the project subject to the satisfactory completion of a detailed business case.

The Cabinet Member for Planning and Economic Regeneration led Members through the report. He explained that the Council, as part of its Medium Term Financial Strategy, had agreed a proposal to use its prudential capability to create a new Capital Portfolio Fund of up to a maximum of £25million. He explained that the Council recognised that there was a strong demand for small industrial units of up to 6,000 square feet, which was not met by the private sector and that the most immediate opportunity available to the Council would be to develop a small parcel of vacant Council owned land off Silverwoods Way. This project would be funded using recycled capital receipts from the Council's Evergreen Investment Fund and prudential borrowing from the Public Works Loan Board.

The Cabinet Member for Planning and Economic Regeneration explained that the business case would also include further analysis on local market conditions and an assessment of project benefits, risk and timescales for delivery.

The Leader of the Council commented that this report was fantastic news, and explained that this was a shining example of good use of the Evergreen Fund. He advised that in addition to the Evergreen Fund, the Council's Capital Portfolio Fund would be utilised to enable the construction of the new industrial units. He added that this was the first in what he hoped was a long line of projects and business cases that will benefit the District, its residents and small businesses.

The Chair of the Overview and Scrutiny Committee commented that this was an exciting project and one that all members of the Overview and Scrutiny Committee at their meeting on 6<sup>th</sup> April unanimously voted to support.

**Decision:**

**In line with the recommendations from the Overview and Scrutiny Committee, 6<sup>th</sup> April 2017:**

- 1.1 The outline business case for the development of a new small industrial units scheme on Council owned land off Silverwoods Way in Kidderminster utilising borrowing capacity from the Council's Capital Portfolio Fund and funding from its Evergreen Investment Fund be agreed**
- 1.2 Delegated authority be granted to the Director of Economic Prosperity & Place, in consultation with the Chief Financial Officer, Solicitor to the Council and Cabinet Member for Planning and Economic Regeneration to:**
  - (i) Finalise and approve the detailed business case for the development of the new small industrial units scheme;**

**And subject to agreeing the detailed business case to:**

- (ii) Appointment of contractor(s) to design, develop and build the units and to project manage the delivery of them.**

**CAB.10 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.

**CAB.11 Capital Portfolio Fund: Proposed Acquisition**

A report was considered the Corporate Director: Economic Prosperity and Place which sought to agree the submission of an offer to acquire a property for the Capital Portfolio fund.

The Cabinet Member for Planning and Economic Regeneration led members in depth through the confidential report to Cabinet. He advised that the proposal would generate a new revenue stream which is line with the Council's strategic priorities and is therefore part of the Council's overall plan towards achieving financial sustainability.

**Decision:**

**Subject to the Overview and Scrutiny Committee meeting on 1<sup>st</sup> June 2017 agreeing a positive recommendation to proceed:**

**The recommendations for the steps to acquire a property for the Capital Portfolio Fund as set out in paragraphs 2.1 to 2.2.5 of the exempt report to Cabinet be agreed.**

There being no further business the meeting closed at 6.56 pm.

**WYRE FOREST DISTRICT COUNCIL****CABINET**  
**DATE 14 JUNE 2017****The Proposed Introduction of a Public Spaces Protection Order (PSPO) in Place of Dog Control Orders**

<b>OPEN</b>	
<b>CABINET MEMBER:</b>	Councillor Rebecca Vale, Cabinet Member for Operational Services
<b>RESPONSIBLE OFFICER:</b>	Linda Draycott, Corporate Director: Community Well-being & Environment
<b>CONTACT OFFICER:</b>	Robert Beeston, Ext 2543 <a href="mailto:robert.beeston@wyreforestdc.gov.uk">robert.beeston@wyreforestdc.gov.uk</a>
<b>APPENDICES:</b>	Appendix 1 – Existing Dog Control Orders

**1. PURPOSE OF REPORT**

- 1.1 This report seeks authority to progress a new Public Spaces Protection Order (PSPO) in the District to positively support the Council's corporate priority 'to keep the place safe, clean and looking good', using its powers to take positive action in response to local concern.
- 1.2 The Council will be required to consult on the introduction of a PSPO in the District. This is a power contained within the Anti-social Behaviour, Crime and Policing Act 2014. There will be a further report to Cabinet in September 2017 outlining the results of the consultation process so that Cabinet can decide if it wishes to introduce a PSPO in the District in light of the results.

**2. RECOMMENDATION**

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

- 2.1 **Delegated authority is given to the Corporate Director - Community Wellbeing and Environment in consultation with Councillor Rebecca Vale, Cabinet Member for Operational Services to undertake a 10 week public consultation exercise, commencing on 19 June 2017, about introducing a District wide Public Spaces Protection Order (PSPO) in October 2017.**
- 2.2 **The results of the consultation will be reported to a Cabinet meeting in September 2017 to determine whether a PSPO be made.**

**3. BACKGROUND**

- 3.1 The Council receives numerous complaints about dog fouling and dog control issues across the district and over a 12 month period (January to December 2016) the Council received over 218 reports of this nature. Furthermore, other partners, including West Mercia Police, Wyre Forest Community Housing, Safer Wyre Forest, Friends of Parks Groups, Countryside and Conservation, PACT groups as well as

Parish and Town Councils also receive numerous reports of dog fouling, dogs not under control, and irresponsible dog ownership each year.

- 3.2 PSPOs allow authorities to deal with a type of antisocial behaviour in a particular area where it is having, or is likely to have, a detrimental effect on the quality of life of those in the locality, is of a continuing or persistent nature and is unreasonable. It can prohibit certain things or require specific things to be done. A PSPO may be introduced **only** after a meaningful period of consultation and must be widely promoted and publicised if they are introduced. The Council must also consult the police, the Police and Crime Commissioner and other relevant bodies.
- 3.3 The Council's existing powers in relation to dog fouling are contained within its Dog Control Orders. These enable the Council to issue a fixed penalty notice set at £50.00 to dog owners for not picking up their dog's faeces. There are 30 Dog Control Orders in place across the District as attached in Appendix 1. These date back to the 1960s to 1990s and are in need of updating, particularly as they don't cover all areas in the District.
- 3.4 Since January 2014, eight fixed penalty notices have been issued for dog fouling. The low number of notices is mainly due to the fact that Council officers need to witness the offence before issuing the notice. It is possible to use information gathered from a third party under legislation within the Criminal Justice Act 1967, s 9, the Magistrates' Courts Act 1980, s5B and the Criminal Procedure Rules, r. 16.2 to support enforcement action. CCTV evidence may also be of use subject to identification of the individual involved.
- 3.5 The cost of cleaning dog fouling is passed on to tax payers. Recently, other local authorities, including neighbouring Malvern Hills District Council, have successfully enforced the new powers for dog fouling, which have included provision of a means, or a suitable receptacle, to pick up dog faeces. The proposed new powers enable Council Officers to require dog owners to produce the means by which they will pick up after their dogs. This has the potential to be contentious, as evidenced by similar consultation exercises undertaken as part of the process for introducing a PSPO. The consultation process will therefore give the public an opportunity to comment on the need for such powers and test their support for important local laws to control anti social behaviour arising out of irresponsible dog ownership.

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

- 4.1 It is proposed that a new PSPO covers:
  - Fouling on **all** publically accessible land in the administrative area of the Council
  - Exclusion of dogs from fenced off play areas, including splash parks
  - Requirement for provision of a means, or suitable receptacle, to pick up dog faeces.
  - Control of dogs by being kept on a lead in certain areas, such as Kidderminster Cemetery
  - Control of dogs by direction of an authorised officer on all publically accessible land in the administrative area of the Council.
  - Limit the number of dogs under the control of one person while on publically accessible land.

- 4.2 Unless specified, the PSPO will cover any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission (s 74(1) of the Act). This means that the measures will also apply to agricultural land and Nature Reserves.
- 4.3 There will however be exemptions. For example the measures will not apply to assistance dogs used by the blind or by persons who lack the physical ability to comply with the requirements of the PSPO.
- 4.4 It is intended that the powers will be carried out by the Council's Community and Environmental Protection team primarily as well as any other designated authorised officer.

Offences are dealt with by the issue of a fixed penalty notice requiring a set payment (currently set at £100). However, failure to comply with either a prohibition, or requirement, within the order is an offence upon summary conviction (offences heard within the Magistrates Courts) for which defendants can face a fine not exceeding level three on the standard scale (currently £1,000).

- 4.5 In accordance with the Act, the PSPO will cease to have effect after three years. However, that period can be extended for a further three years if, following a review, it continues to be necessary.
- 4.6 The Act is not specific on what constitutes an appropriate consultation; however it is clear that it requires that the local authority consult the following:
- Chief Officer of Police for the local area
  - Police and Crime Commissioner
  - Land Owners in the area
  - Any Community Representatives the local authority feels appropriate.

As the Order is proposed for the whole District, direct individual contact with all landowners would not be feasible. It is therefore proposed that an online consultation process is conducted. In order to ensure that the towns and parishes can consider these proposals within their meeting cycle the consultation period will be conducted over 10 weeks commencing 19 June 2017. The proposals will also be circulated to a wide variety of interested parties including residents, dog clubs, parks friends' groups, Wildlife Trust, community safety partners, health and well-being partners and neighbouring authorities. In order to maximise response rates to the consultation there will be a well publicised and sustained promotion of the consultation exercise through the Council's usual media channels.

- 4.7 The results of the consultation exercise will be used as the basis for a further report to Cabinet on the implementation of the PSPO.
- 4.8 Subject to approval of the order, for a period of three months after the introduction of the PSPO Council officers will use their discretion and adopt an informal/educational approach to the enforcement of the new legislation. During this period a communication and social media campaign will run aimed at alerting the public to the new laws and to engage with the parishes, particularly on the issue of replacement signage and patrolling of hotspots.

**5. FINANCIAL IMPLICATIONS**

- 5.1 The cost of the consultation process will be met from within existing resources within the Community and Environmental Protection service.

**6. LEGAL AND POLICY IMPLICATIONS**

- 6.1 Should Cabinet authorise the proposed PSPO, there is a requirement for publicity within the Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014. These require that where a local authority has made a PSPO, they must publish it on its website, social media accounts and erect such notices as it considers sufficient to advise members of the public that the PSPO has been made and the effect of such an order.

**7. EQUALITY IMPACT NEEDS ASSESSMENT**

- 7.1 This will be addressed in the report to Cabinet in September in light of any issues raised as part of the consultation process. However, there will be exemptions for protected characteristics identified within an initial Equality Impact Needs Assessment. For example the measures will not apply to assistance dogs used by the blind or by persons who lack the physical ability to comply with the requirements of the PSPO.

**8. RISK MANAGEMENT**

- 8.1 In a review of risks associated with the potential introduction of a PSPO it is considered that transparent communication with the public is essential to mitigate any risks of misinterpretation. It is also important to communicate the “soft” introduction of the new powers within the first three month period where officers will undertake educational activity and widespread promotion of the details of the PSPO.

**9. CONCLUSION**

- 9.1 Powers available within the Anti-social Behaviour, Crime and Policing Act 2014 give the Council the ability to tackle issues of community concern. Following a period of consultation the Cabinet will decide whether to use these powers so that Civil and Environmental Protection Officers have the necessary tools to undertake enforcement action where necessary and proportionate.

**10. CONSULTEES**

- 10.1 A full consultation exercise will be undertaken as set out in the body of the report.

**11. BACKGROUND PAPERS**

- 11.1 None

### **CONTROL OF DOGS ON ROADS ORDERS – M265**

<b>DATE</b>	<b>AREAS</b>	<b>TOWN</b>
17/09/73	FERNDAL AND HABBERLEY ESTATE ROADS	KIDDERMINSTER
30/03/85	FOLEY PARK AND RIFLE RANGE ESTATE ROADS	KIDDERMINSTER
07/03/86	SION HILL/BROADWATERS	KIDDERMINSTER
10/03/86	OFFMORE FARM ESTATE ROADS	KIDDERMINSTER
25/02/87	COMBERTON AND COMBERTON PARK ESTATE ROADS	KIDDERMINSTER
25/02/87	BIRCHEN COPPICE ESTATE	KIDDERMINSTER
25/02/87	HORSEFAIR AND FOXHOLES	KIDDERMINSTER
10/03/88	FOLEY PARK (NO. 2 ORDER)	KIDDERMINSTER
10/03/88	AGGBOROUGH AND POPLARS ESTATE ROADS	KIDDERMINSTER
10/03/88	SUTTON FARM	KIDDERMINSTER
10/03/88	SPENNELLS (NO. 1 ORDER)	KIDDERMINSTER
13/03/89	BLAKEBROOK	KIDDERMINSTER
13/03/89	BEWDLEY HILL	KIDDERMINSTER
05/03/91	FOREST GATE ESTATE (CHIRK CLOSE ETC)	KIDDERMINSTER
13/03/89	FRANCHE ESTATE	KIDDERMINSTER
13/03/89	FRANCHE	KIDDERMINSTER
13/03/89	MARLPOOL LANE	KIDDERMINSTER
13/03/89	MARLPOOL GARDENS	KIDDERMINSTER
13/03/89	PROUD CROSS	KIDDERMINSTER
05/02/90	OFFMORE ROAD/COMBERTON HILL	KIDDERMINSTER
05/02/90	OFFMORE ROAD/COMBERTON HILL	KIDDERMINSTER
05/02/90	BEWDLEY ROAD	KIDDERMINSTER
02/02/90	GREENHILL	KIDDERMINSTER
05/03/91	SPENNELLS (NO. 2 ORDER)	KIDDERMINSTER
05/03/91	FOREST GATE ESTATE (CHIRK CLOSE ETC)	KIDDERMINSTER
05/03/91	BARNETTS LANE	KIDDERMINSTER
15/07/91	SPENNELLS (NO. 3 ORDER)	KIDDERMINSTER
08/10/70	A456, B4190, B4194, B4195	BEWDLEY
05/03/73	VARIOUS ROADS	BEWDLEY

### **CONTROL OF DOGS ON ROADS ORDERS – M223**

<b>DATE</b>	<b>AREAS</b>	<b>TOWN</b>
09/01/63	VARIOUS ROADS	STOURPORT
03/03/71	VARIOUS ROADS	STOURPORT



**WYRE FOREST DISTRICT COUNCIL**

**CABINET**  
**14<sup>th</sup> June 2017**

**Strategies for the capital portfolio fund and loans to third parties**

<b>OPEN</b>	
<b>CABINET MEMBER:</b>	Councillor Ian Hardiman, Cabinet Member for Planning and Economic Regeneration
<b>RESPONSIBLE OFFICERS:</b>	Mike Parker, Corporate Director: Economic Prosperity and Place and Tracey Southall, Corporate Director: Resources
<b>CONTACT OFFICERS:</b>	Mike Parker Ext 2500 Tracey Southall Ext 2100
<b>APPENDICES:</b>	Appendix 1 Investment strategy for capital portfolio fund Appendix 2 Strategy for loans to third parties

**1. PURPOSE OF REPORT**

- 1.1 To consider strategies to set out the detail of how the Council will operate the capital portfolio fund and loans to third parties.

**2. RECOMMENDATION**

**The Cabinet is asked to ADOPT the strategies set out in Appendix 1 and Appendix 2.**

**3. BACKGROUND**

- 3.1 In February, Council approved the allocation of up to £35m in 2017-18, funded by borrowing, for investment in a capital portfolio fund (£25m) and loans to third parties (£10m). The capital portfolio fund will support both regeneration and economic growth allied to the Council's income generation/commercialism objectives. Loans to third parties will help deliver the Council's regeneration and economic development objectives in terms of both housing and commercial regeneration in accordance with the corporate plan priority "to support you to contribute to a successful local economy" whilst also potentially generating future income streams.
- 3.2 The recent LGA peer review endorsed the Council's approach. It commented that "There is broad support for the Council's plans to prudentially borrow up to £35million to create a Capital Portfolio Fund to increase its capital assets portfolio to generate revenue, and a fund from which to provide loans to third parties to help deliver regeneration and economic development projects. These investment programmes are a good illustration of the ambitious and innovative approaches now being adopted by the Council".

**4. KEY ISSUES**

- 4.1 The strategies in the appendices set out more detailed criteria and processes that will be followed in operating the capital portfolio fund and loans to third parties. They provide clarity for the Council and third parties on the priorities and the approach that will be followed.
- 4.2 A balance has to be sought between simplicity, minimising bureaucracy and speed of decision-making on the one hand and mitigation of risk for the Council in utilising substantial sums of money and securing reasonable financial returns on the other. It is considered that the strategies strike the right balance and will allow substantial progress to be made during the remainder of 2017-18.

**5. FINANCIAL IMPLICATIONS**

- 5.1 There are no additional financial implications for the Council arising from this report. The financial implications of borrowing up to £35 million were set out in full in the reports to Cabinet and Council mentioned below.
- 5.2 Whilst the strategies will provide a very welcome contribution towards balancing the budget over the medium and longer term, it is difficult to forecast the size of the contribution until specific business cases are considered. It should be possible to include a more accurate forecast as part of the next medium term financial strategy. It is clear that these strategies alone will not close the funding gap and that they will need to be progressed together with other cost reduction/income generation initiatives over the next 2 to 3 years.

**6. LEGAL AND POLICY IMPLICATIONS**

- 6.1 The Council has adopted policies for the capital portfolio fund and loans to third parties. The legal considerations were set out in depth in appendices 3/1 and 3/2 to the medium term financial strategy report, which was considered by Cabinet on 20 December 2016. There are no additional legal implications arising from this report.

**7. EQUALITY IMPACT NEEDS ASSESSMENT**

- 7.1 Not applicable.

**8. RISK MANAGEMENT**

- 8.1 The risks, and the steps to be adopted to mitigate them, were set out in depth in appendices 3/1 and 3/2 to the medium term financial strategy report, which was considered by Cabinet on 20 December 2016. There are no additional risks associated with the recommendation in this report.
- 8.2 In respect of speed of decision-making, individual business cases will be considered by the Overview and Scrutiny Committee before a decision is taken by Cabinet. The process will be kept under review if experience in practice demonstrates that the Council is not able to take advantage of worthwhile

investment opportunities and therefore needs to adopt swifter decision-making methods.

**9. CONCLUSION**

- 9.1 The Cabinet is invited to approve the strategies set out in the appendices.

**10. CONSULTEES**

- 10.1 Cabinet  
10.2 Corporate Leadership Team  
10.3 Capita Asset Services Treasury Solutions (the Council's treasury management advisors)

**11. BACKGROUND PAPERS**

- 11.1 Medium Term Financial Strategy, Cabinet, 20 December 2016  
11.2 Medium Term Financial Strategy, Council, 22 February 2017.  
11.3 Local Government Association Corporate Peer Challenge, 7<sup>th</sup> – 9<sup>th</sup> March 2017, Feedback Report

## **Capital Portfolio Fund Strategy**

### **Background**

1. As part of the Council's Medium Term Financial Strategy 2017-2020 the Council has established a Capital Portfolio Fund, initially of £25m sourced through borrowing from Public Works Loan Board (PWLb), to invest in assets that support its priority for regeneration and economic growth and to develop additional income streams.
2. One of the Council's Corporate Plan priorities for 2014-20 is to "support you to contribute to a successful local economy" and the Council sees its investment in assets through the Capital Portfolio Fund as one of the means by which it can actively deliver on this priority.
3. In 2016 the Council adopted a new Strategic Asset Management Plan (SAMP); of the stated objectives of the SAMP for the next 5 years, one is "to support business growth and economic development" which it is envisaged would include housing developments and another is to "maximise revenue potential from non-operational assets". The Capital Portfolio Fund is a key vehicle to deliver these objectives.
4. Also in 2016 the Council adopted a strategic approach to "Enabling Enterprise and Business Growth in Wyre Forest" which included strategic ambitions to provide flexible business accommodation as well as providing targeted financial assistance. Seen alongside the Council's proposed Loans to Third Parties initiative, the Capital Portfolio Fund will also enable the Council to support local businesses and help them to grow, as well as attracting new business into the district.
5. The Council's plans to invest in assets also sits alongside its longstanding ReWyre regeneration initiative which has been the cornerstone of the Council's support of regeneration of the district since its adoption in 2009.

### **The Investment Strategy**

6. The purpose of the Asset Investment Strategy is to guide the use of the Capital Portfolio Fund to make commercial property investments and investment in the Council's own assets (or the acquisition of assets) to support economic redevelopment or regeneration in the District, or for the purpose of income generation to support the continued delivery of Council services, or a mixture of both.
7. Currently the Council holds no assets for investment purposes under the current accounting procedures; clearly that will not be the case with any assets supported through the Capital Portfolio Fund that are held purely for income generation purposes.
8. Commercial property investment opportunities often arise unexpectedly and it is important to be nimble in order to take advantage of opportunities when they

arise. The Council's Property and Investment Manager will be responsible for identifying suitable opportunities and developing the viability appraisal and business case for the Council to invest; the Asset Investment Strategy is important to provide a framework to guide the Council in identifying appropriate investment opportunities. The Council will also need to be mindful that in some circumstances it will need to respond without delay when opportunities arise whether through the traditional route of a selling agent and bidding process, through auctions and even "off market" through direct approaches from prospective sellers who want to circumnavigate the formal marketing process in order to save time and risk of abortive costs. Receivers or administrators of distressed sellers may also seek offers for commercial property assets quickly. The Council therefore needs to be in a position to assess investment opportunities in a systematic manner but should also be able to move quickly when a compelling opportunity arises.

9. The Council is already well underway in assessing the development potential of its own assets and in developing business cases where there are opportunities to use its already established Evergreen Investment Fund or the Capital Portfolio Fund. What has become apparent in the early business cases is that viability is marginal if these investments are viewed only through the commercial lens i.e. they would be unlikely to appeal to the private investor as the returns are too low. However, the Council's interest also lies in supporting economic regeneration and improving housing opportunities for its residents and has therefore accepted the lower income returns as a trade off for acting in the market where private investors aren't. However, all the business cases have covered the costs of the Council's borrowing and minimum revenue provision and generated a predicted small revenue receipt.
10. In considering the use of the Capital Portfolio Fund going forward it is the Council's intention to continue to consider investment propositions within the district in its existing assets, in assets it might wish to acquire or working with partners where the principal consideration is to support economic regeneration in its widest sense which includes supporting new housing opportunities. Such investments will need to be justified on a business case by case basis and will need to generate a minimum level of net return for the Council (see later).
11. The Council also proposes to consider investing the Capital Portfolio Fund in existing investment opportunities for income generation purposes only; these too will require business case by case justification, but will be expected to achieve a net return at a higher level than those investments which support economic regeneration (see Table 1 below). Whilst it will always be the Council's preference to invest within the district area to support regeneration and local economic development, it is also considered that such commercial investment opportunities may be limited within the Wyre Forest District geography, so for income generation investment opportunities the Council will also consider those arising with the area of the two Local Enterprise Partnerships (LEP) which the district is a member of. The Council has an interest in supporting the growth of LEP areas it is a member of on the basis that it will benefit from the wider City-Region success. To that end therefore the Council's geography for investments that will be held as income generating investments will cover Worcestershire, Birmingham, Solihull, Cannock,

Lichfield, Tamworth and East Staffordshire areas (see map). The Council may also consider investing in capital property investment funds in order to broaden the investment portfolio, spread risk and utilise the expertise of fund managers. Any such proposals will involve a careful choice of fund to ensure the Council's objectives are met.

12. Each investment opportunity will be required to demonstrate through a robust business case that is proportionate to the level of investment that it meets or ideally exceeds the Council's minimum expectations for net return. Each business case will also recommend whether the investment is to be held by the Council or by a trading arm of the Council, recognising that returns to the Council on any asset held by a trading company will be through interest payments on loans made to it by the Council and/or in profit distribution by way of a dividend payment to the Council as shareholder.
13. It is necessary for the Council to take a prudent approach to the management of its financial affairs and when assessing investments the Council will need to carefully consider the balance of risk and reward and in doing so will consider such factors as the security against loss, the liquidity of the investment, the yield, affordability of the loan repayments, change in interest rates and property values (see Appendix 1 below).
14. Returns from investment in property can be by way of both income (rent) received and appreciation of the underlying value (capital growth) and consideration will need to be given to both of these factors to understand the total return on an investment. Property prices are a function of property type, location, age etc together with the lease arrangements and the covenant strength of tenants. Within the property investment market there can be a wide spread of returns (yields) relating to the characteristics of the asset investment in question. The yield represents the risk that investors associate with securing a long term income, including the potential for growth. So in Appendix 1 below, those investments on the left hand side of the table will be associated with lower yields and those on the right with higher yields. The range might be anything from 2-4% in prime retail locations to 12-20% in secondary and tertiary locations.
15. The experience of the Council's investment business case development so far indicates that a gross yield of upwards of 5% on the value of the investment will be necessary for the investment to be of interest to the Council, taking into account its borrowing costs and other overheads. The Council will work with an indicative minimum net return of 1.25% on capital invested taking into account the prevailing Public Works Loan Board (PWLb) rate for investments and all other relevant funding and management costs, it wishes to consider for economic regeneration purposes; and an target net rate of 2% return on capital for investments it wishes to consider for income generation purposes. These indicative rates are similar to those achieved by the many other Councils with developed property portfolios and whilst modest are thought to be realistic based on business case work so far. Officers will continue to modify them based on professional advice and prevailing market conditions. Table 1 in section 22 illustrates that this could make a contribution towards closing the funding gap of between £312,500 to £500,000 per annum.

16. In considering its costs against a gross return the Council will need to consider some or all of the following when developing the business case for investing:
- Finders Fees approx. (0.75%)
  - Legal Fees approx. (0.5%)
  - Survey and Valuation and due diligence fees approx. (0.5%)
  - Stamp Duty (5% on freehold purchases over £250K)
  - Finance Costs including minimum revenue provision (circa 5%)
  - Void Business Rates/Council Tax (tenants should be covering these in occupied units)
  - Repairs and maintenance (depending on lease type (probably covered in a service charge)
  - Running costs of building, including building management (depending on lease type again probably covered in a service charge)
  - Opportunity cost of alternative use or sale of the asset
  - Staff Costs to manage the portfolio (non-recoverable)
17. The Council may hold property assets either directly or indirectly. Direct property investment gives the Council full control over the property and responsibility for its management and the business cases brought forward so far for investment are envisaged to be held in this way. Indirect property investment is where the asset is held through an arms length trading company and will be necessary where the Council holds investments solely for income generation or where that is the most effective way for the Council to act in the private rented housing market. The Council is already in the process of establishing a Local Authority Trading Company for this purpose.

### **The Criteria For Investing**

18. The Council will select investments for the purpose of income generation, economic development (including housing) or a mixture of both. The Council may acquire and hold properties directly or through a trading company; all of these factors will be determined on a business case by case basis. The Council will prioritise investment opportunities within the district but will also retain the discretion to make investments outside the district within the geography of the LEP areas where it is a member. The Council may invest in the development of its own assets, acquire assets for development or invest in existing assets or invest via capital property investment funds.
19. Investment property acquisitions need to be subject to the agreed parameters of the Council's Asset Investment Strategy and will be led by the Council's Property & Investment Manager in consultation with the Senior Leadership Team. The initial selection of an asset will be assessed on two main criteria on a pass or fail basis:
- i. The Council will need to ensure a satisfactory level of return on its investments and may decide to evaluate purchases on a balance between income yield and economic redevelopment and

regeneration. In order to achieve the minimum evaluation requirement, the target net yield required from an income generation purchase should be 2% of the gross capital investment; for a redevelopment and regeneration purchase, the net yield required should exceed a minimum of 1.25% of the gross capital investment. In cases where a purchase may be partly for income generation and partly for redevelopment and regeneration purposes a 'blend' of the two will be adopted and a minimum of 1.625% used.

- ii. Leases should be classified, for accounting purposes, as an operating lease rather than finance lease, to ensure that all rental income can be treated as revenue income (rather than a mix of capital receipt and revenue income). Operating leases are those where the risks and rewards of ownership are retained by the lessor (the Council) and must meet certain criteria. The main criteria being that the lease term should not be for the major part of the property's economic life unless the price paid is underpinned by the sites redevelopment potential and at the start of the lease; the total value of minimum lease payments (rents) should not amount to a significant proportion of the value of the property.
20. As explained in section 15, officers will continue to monitor prevailing market conditions to enable the Council to reserve discretion to acquire assets that may fall outside the investment criteria outlined above if a strong case can be made that the investment provides an exceptional opportunity to promote the Council's main priorities and values as described in this report.
21. For investments that pass the first two criteria, further evaluation will then be undertaken against a comprehensive set of defined property specific criteria as set out in the table below. The Council will consider these criteria and seek to achieve the appropriate balance of risk and reward proportionate to the size of the investment being considered. The ideal property investment would be a freehold in the town centre, let to a tenant with a strong financial covenant for a long term on a full repairing and insuring lease.
22. Any direct asset acquisition would be subject to purchaser's costs, typically these would include legal fees, agent valuation and survey fees together with Stamp Duty Land Tax (SDLT), typically these will amount to 6-7% of the asset purchase price. In addition the Council will have to take into account the cost of borrowing through PWLB and an amount for minimum revenue provision. The following table illustrates the summary financial modelling that would be applicable to the Capital Portfolio Fund taking into account the outline financing and purchase costs as indicated above:



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**Appendix 1**

Table 1

<b>Simplistic Modelling of the Minimum Return Required from Capital Portfolio Fund Proposals assuming 3% PWLB rate (average over term) - Full Year Revenue Budget ongoing effect</b>	<b>Eventual Borrowing - 2% net return required</b>	<b>Eventual Borrowing - 1.25% net return required</b>	<b>Eventual Borrowing - 1.625% (average) net return</b>
Basic Investment before Stamp Duty and costs	£23,419,200	£23,419,200	£23,419,200
Acquisition Costs @ 6.75%	£1,580,800	£1,580,800	£1,580,800
<b>Total Capital Expenditure</b>	<b>£25,000,000</b>	<b>£25,000,000</b>	<b>£25,000,000</b>
<b>Minimum Return Required to Cover Funding Costs</b>			
Financing costs - PWLB Interest	£750,000	£750,000	£750,000
Financing costs - MRP 50 year basis	£500,000	£500,000	£500,000
<b>Total Funding annual costs</b>	<b>£1,250,000</b>	<b>£1,250,000</b>	<b>£1,250,000</b>
Administration Costs	80,000	80,000	80,000
<b>Total Costs</b>	<b>1,330,000</b>	<b>1,330,000</b>	<b>1,330,000</b>
Net Revenue Income required @2%, 1.25% & 1.625%	500,000	312,500	406,250
<b>Total Rent Required to meet return £</b>	<b>1,830,000</b>	<b>1,642,500</b>	<b>1,736,250</b>
<b>% Total gross return on £25m investment required</b>	<b>7.320%</b>	<b>6.570%</b>	<b>6.945%</b>
<b>Total return required to Break Even as % of £25m investment</b>	<b>5.320%</b>	<b>5.320%</b>	<b>5.320%</b>
<b>Difference is Net Return Required</b>	<b>2.000%</b>	<b>1.250%</b>	<b>1.625%</b>

23. In terms of management of risk it is understood that there are inherent risks associated with investments and each business case will be required to identify the risks associated with that investment proposal and the Council will need to balance risk and reward proportionate to the scale of the investment proposed. It is to be expected that some of the risks the Council will be expected to consider will be:
- Capital values and rental values can fall as well as rise.
  - Borrowing costs fluctuate and could increase.
  - Vacancies (voids) in the portfolio will reduce average yield. As well as lost rental income on vacant units, the Council could find itself liable for a share of on- going costs which a tenant would normally pay such as empty property rates.
  - Disputes with tenants. Common disputes include ongoing maintenance and repair costs of buildings and the ability to recover those costs from tenants.
  - Tenant default, and that financing costs could rise.
  - External factors. Property investment is subject to factors the Council cannot control, e.g. failure of tenants, poor building management, changes in perception of what is a good location, economic downturn etc.
  - Ease of market exit (sale)
  - Changes in government policy
24. The overall investment value and range of assets acquired needs to represent a good mix and spread of risk, size and location across differing sectors to ensure that the portfolio is resilient to change that might lie outside the Council's control. It is important that the Council maintains an adequate level of reserves and balances to ensure it can manage any down turn in the property market and limit the impact it will have on revenue income.

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25. It is also important that the Council actively manages the investment portfolio. At an operational level this will most likely fall to the Council's Estates Officer with the support of the Facilities Management Team. Such work will include issues include rent collection, service charge calculation and collection, building maintenance, security, dealing with tenants, re-letting empty units, negotiating terms of rent reviews, dilapidation claims and the general miscellany of property management. In terms of strategic management this will fall to the Property & Investment Manager to ensure that the portfolio is delivering the investment returns that were envisaged and to always act in the interests of the Council's financial interest which will also include appropriate disposal of investments that are underperforming or no longer meet the Council's objectives, as well as acquisition.
26. The Property & Investment Manager will also be responsible for providing regular reports on management issues and the performance of the Council's investment portfolio. The Council's Cabinet and Corporate Leadership Team will receive a report from the Property & Investment Manager bi-annually which will update on both the individual asset management plans as well as the overall asset investment portfolio against expectations at the time of purchase and performance against prevailing market conditions. These reports can be made available to other meetings of the Council as required.

**Appendix 1**

Criteria	4	3	2	1	0
	Excellent / very good	Good	Acceptable	Marginal	Unacceptable*
Location	Major prime	Micro prime	Major secondary	Micro secondary	Tertiary
Tenancy strength	Single tenant with strong financial covenant	Single tenant with good financial covenant	Multiple tenants with strong financial covenant	Multiple tenants with good financial covenant	Tenants with poor financial covenant strength
Tenure	Freehold	Lease 125 years plus	Lease between 75 & 125 years	Lease between 10 & 75 years	Lease less than 10 years
Occupiers lease length	Greater than 15 years	Between 10 and 14 years	Between 9 & 6 years	Between 3 & 5 years	Less than 2 years or vacant
Repairing terms*	Full repairing & insuring	Internal repairing - 100% recoverable	Internal repairing - partially recoverable	Internal repairing - non recoverable	Landlord
Building Quality/	Newly Built	Recently Refurbished	Average condition and	Aged property with	Nearing end of

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	4	3	2	1	0
Criteria	Excellent / very good	Good	Acceptable	Marginal	Unaccept able*
Obsolescence			likely to continue to be fit for current use for 25+ years	redevelopment potential	useful life/ use unlikely to continue when lease expires
Investment size	Between £10m & £15m	Between £5m & £10m	Between £2m & £5m	Between £250k & £2m	Less than £250k or more than £25m

*\* unless there is an overwhelming case for investment that exceeds the Council's expectations*

# WYRE FOREST DISTRICT COUNCIL

## Policy Parameters and Guidelines for Granting Loans to Third Parties

### Contents – Key issues and overview of policy parameters

1. Introduction
2. Considering a loan request
3. Loan agreement
4. Approval process

#### 1. Introduction

- 1.1 Loans to external organisations may be provided under the council's general power of competence, as contained within Section 1 of the Localism Act 2011, which allows councils to do "anything that individuals generally may do."
- 1.2 Council has available up to a maximum of £10m of loans to third parties to support our corporate priority of regeneration and economic development as part of its Budget Strategy approved by Council on the 22<sup>nd</sup> February 2017. A third party organisation could include a local authority trading company (LATC) that is wholly owned by the Council. Requests for loan finance will only be considered in the context of the council's wider strategic aims and objectives as set out in the detail of the 20th December 2016 Cabinet report on the Medium Term Financial Strategy 2017-20. As such, each proposal for loan finance will be judged on its own merit, which includes consideration of:
  - a. the purpose of the loan and its contribution to the achievement of the council's strategic objectives
  - b. the financial stability and viability of the organisation to which the loan is made
  - c. the nature/level of security an organisation can provide to support the loan amount.
- 1.3 Loans made to third party organisations under this policy do not form part of the council's investment or treasury management strategy. Decisions regarding the granting of loans are based on a wider concept of the strategic benefit of each proposal rather than narrower treasury management investment criteria which are driven by consideration of the security and liquidity of funds as well as financial yield. As such, decisions on the different levels of risk and financial return involved in each loan agreement may vary depending on the nature / purpose of the loan and its wider strategic impact. Factors that may affect the level of risk involved in a particular proposal include:

- a. Whether the council already has an interest in the asset/project (for example, owns the land / buildings to which the loan finance relates).
  - b. The type of organisation that the funding is provided to (for example, a private company, a not for profit organisation or other public body). It should be noted that this policy does not apply to loans to private individuals.
  - c. The level of security/collateral to support the loan.
- 1.4 This policy applies to all new loans to third parties considered by this Council.

## **2. Considering a loan proposal**

- 2.1 This new loan facility will be published on our website where full details of the application process will be available electronically. An overview of the key factors in the process is provided in the following sections.
- 2.2 When considering proposals for loan finance, the following factors should be taken into account:
- a. Applications will only be considered to support projects/initiatives within the Wyre Forest District Council area.
  - b. There should be an assessment of the degree of correlation of the loan purpose with the council's corporate priorities since all loans must support the council's corporate priority of regeneration and economic development and contribute to the regeneration economic growth of the district, including related housing supply.
  - c. The council should also consider whether it is appropriate to analyse total support given to an organisation or a single project. For example, the council may determine that it is inappropriate to lend monies where a grant from the council or any other organisation has been or may be agreed for the same project.
  - d. The relevant organisation requesting a loan must be able to demonstrate that it has sought funding from other sources and that loans from such sources are either not available or the terms are materially unfavourable or unaffordable and therefore detrimental to the project/initiative.
  - e. The request for a loan should be in relation to capital expenditure projects (the council will not consider applications for loans to support revenue expenditure). The definition of capital expenditure is set out in 2.4 below.
  - f. A detailed financial appraisal will be carried out by the council as part of the process of consideration of any loan request. This appraisal will also consider the financial standing of the relevant organisation and

will provide due diligence over the project's/initiative's business case.

- g. Specific exclusions to this policy include proposals that are outside the Councils corporate priorities are unlawful or unethical and/or fail to meet due diligence criteria.

2.3 The following information provides an overview of what will be required to be made available to the council alongside the request for a loan:

- a. Copy of the latest approved annual accounts (audited where applicable), plus two previous years' financial annual accounts plus current management accounts including, where relevant, an assessment of company structures, governance and management arrangements.
- b. Details of underlying debt liability/gearing of the applicant and the implications for existing borrowing where new loans taken out with a different lender/exposure to adverse change clauses.
- c. The business case for the project/initiative including project/initiative risks and deliverability.
- d. The cash flow profile/operating margins, including consideration of ability to pay interest from regular annual cash flow, or extent to which reliance may also be placed upon non- recurrent asset sales or additional borrowing.
- e. Information on proposed liquidity and security/collateral to support the loan, including evidence of security of tenure of land / buildings and nature of other calls upon the assets (for example, other secured bank loans).
- f. Adequacy of the relevant organisation's insurance arrangements, including insurance of assets offered as security.
- g. Details of how the project/initiative will be funded including details of all other loans/grants/support sought or given (including reasons for any refusal of funding and / or unacceptable terms offered).
- h. An assessment of each loan application should be carried out against the accounting code of practice criteria of a soft loan, that is, at lower than market rates loan, including consideration of any financial cost to the council and consideration against item i) below on state aid implications.
- i. An assessment of any state aid implications will be required to be carried out by the council on receipt of any loan request. Where State Aid applies the rate for the loan will need to be compliant with EU requirements. This will involve a review of the collateral/security and application of a market rate or suitable margin over Council source of funding. Specialist external advice would be taken to report on these

issues and ensure overall due diligence of each specific proposal is robust before presenting a business case to Cabinet.

- j. Consideration of any additional due diligence issues will be made by the Council including a review of the legal basis for the specific loan and a full risk assessment that will cover ongoing monitoring of covenants and credit rating/quality of the borrower.
- k. An assessment of the council's overall cash flow position, spending requirements and overall prudential controls will be carried out by the council on receipt of any loan application. The council must ensure that the issuing of any loan does not have any negative impact on its own cash flow and spending requirements.

2.4 "Capital expenditure" means expenditure on acquisition, construction or improvement of assets (property, plant and equipment) which have a value of more than one year eg land and buildings.

### **3. Loan agreement**

3.1 The granting of a loan will be subject to a written contractual loan agreement in a form approved by the Solicitor to the Council and entered into by the relevant organisation and the council. The loan agreement will include details of the agreed terms upon which the loan is granted, including:

- a. conditions of loan (for example delivery of the project/initiative)
- b. loan duration and repayment details, including repayment of principal, interest and other costs (as appropriate).
- c. loan security, including fixed and floating legal charges.
- d. insurance requirements.
- e. recovery and enforcement arrangements in case of default of loan terms and conditions.
- f. provision for recovery of any fees incurred for items including, but not limited to, validation of financials, legal advice on loan security arrangements and so on.

3.2 The period of the loan should be consistent with the loan purpose, with a maximum of 15 years; however the preference will be for shorter loan terms with a term of 5 -7 years.

3.3 A commercial rate of interest will be charged on loans and apply until the principal of the loan is fully discharged. The rate of interest to be charged should reflect the nature of the project/initiative for which loan finance is sought (including its contribution to the Council's strategic objectives), the outcome of the business case (including ability of the project/Initiative to generate financial return), the prevailing market rates (including rates of

return achieved on council investments and treasury management activities). The Council may offer either a fixed or variable rate facility, as determined by the council's Chief Financial Officer.

- 3.4 Where possible, loans should be secured via a fixed or floating charge over assets. Ideally loans should be secured via a fixed charge on substantive assets such as freehold land and buildings, but where this is not possible, a floating charge relating to a group of assets may also be considered, or other security including personal guarantees.

#### **4. Approval process**

- 4.1 Proposals for loans to third parties will be subject to specific approval of the business case by Cabinet following consideration by Overview and Scrutiny Committee and due diligence.
- 4.2 The report accompanying each application will include an officer recommendation in respect of acceptance or rejection of the loan application. Any resolution for the approval of a loan should also include an acknowledgement of any exceptional risks (for example, approval in spite of inadequate security) and also include clear written reasons for any approval given in spite of such risks associated with the proposed loan.
- 4.2 Requests from relevant organisations to materially change the terms of Loan Agreements (including applications for top up loans or repayment holidays) should also be considered by Cabinet.

#### **5. How to Apply**

- 5.1 Full details of how to apply, the application form and all related guidance will be available on the Council's website. Organisations who think they may meet the criteria for a loan from the Council can also contact either Dean Piper the Head of Economic Development & Regeneration - North Worcestershire or Steve Singleton Economic Development Manager in the first instance for an early discussion on your proposal [Steve.Singleton@nwedr.org.uk](mailto:Steve.Singleton@nwedr.org.uk) or [Dean.Piper@nwedr.org.uk](mailto:Dean.Piper@nwedr.org.uk)
- 5.2 If early indications are positive then the applicant will need to prepare and submit their business case to support the loan application together with all the supporting information detailed in this document and submit to the Council following the links on the website.

#### **6. Background Papers**

- 6.1 Cabinet Report 20<sup>th</sup> December 2017 Medium Term Financial Strategy 2017-19 Appendix 3  
<http://www.wyreforestdc.gov.uk/media/2688846/20161220financialstrategy2017-2020includingcover.pdf>
- 6.2 Council – Budget Report 22<sup>nd</sup> February 2017  
[http://www.wyreforest.gov.uk/council/docs/doc51663\\_20170222\\_council\\_agenda.pdf](http://www.wyreforest.gov.uk/council/docs/doc51663_20170222_council_agenda.pdf)



[http://www.wyreforest.gov.uk/council/docs/doc51664\\_20170222\\_council\\_report.pdf](http://www.wyreforest.gov.uk/council/docs/doc51664_20170222_council_report.pdf)

**Detailed website forms/information to be published when guidance launched will include the following web pages:**

- Front web page
- Eligibility and how to apply
- Expression of Interest Form
- Application Form Guidance Notes
- Due Diligence Requirement
- Interest Rates

Prepared by T Southall, Chief Financial Officer 27/03/2017 in consultation with CLT and NWEDR Team

**WYRE FOREST DISTRICT COUNCIL**

**Cabinet  
14<sup>th</sup> June 2017**

**Overview and Scrutiny Committee  
Thursday 1<sup>st</sup> June 2017**

**Strategies for the Capital Portfolio Fund and Loans to Third Parties**

The Committee considered the strategies which set out the detail of how the Council would operate the Capital Portfolio Fund and Loans to Third Parties.

The investment in a Capital Portfolio Fund of £25m and Loans to Third Parties of £10m was agreed by Council in February 2017. The Capital Portfolio Fund would support both regeneration and economic growth whilst the Loans to third parties would help deliver the Council's regeneration and economic development objectives in terms of both housing and commercial regeneration in accordance with the corporate plan priority "to support you to contribute to a successful local economy".

**Recommend to Cabinet:**

**The strategies for investing through the Capital Portfolio Fund and through Loans to Third Parties be adopted.**

**Background papers:**

Report to the Overview and Scrutiny Committee, Thursday 1<sup>st</sup> June 2017

<http://www.wyreforest.gov.uk/council/meetings/com193.htm#mt7616>

**WYRE FOREST DISTRICT COUNCIL**

**CABINET**  
**14<sup>th</sup> June 2017**

**Churchill and Blakedown Neighbourhood Plan – Referendum**

<b>OPEN</b>	
<b>CABINET MEMBER:</b>	Councillor Ian Hardiman, Cabinet Member for Planning & Economic Regeneration
<b>RESPONSIBLE OFFICER:</b>	Mike Parker, Corporate Director: Economic Prosperity and Place
<b>CONTACT OFFICER:</b>	Helen Wills, Ext. 2521 Helen.Wills@wyreforestdc.gov.uk

**1. PURPOSE OF REPORT**

- 1.1 To agree that the Churchill and Blakedown Neighbourhood Plan be made part of the Development Plan for Wyre Forest District following the referendum which was held on Thursday 4<sup>th</sup> May 2017.

**2. RECOMMENDATION**

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

2.1.1 **That the Churchill and Blakedown Neighbourhood Plan forms part of the Development Plan for Wyre Forest District Council.**

**3. BACKGROUND**

- 3.1 Churchill and Blakedown Parish Council, as the qualifying body, successfully applied for Churchill and Blakedown Parish to be designated as a Neighbourhood Area under the Neighbourhood Planning (General Regulations 2012) The Neighbourhood Area was designated on 2<sup>nd</sup> April 2013.
- 3.2 Following the submission of the Churchill and Blakedown Neighbourhood Plan to the District Council, it was publicised and comments were invited from the public and stakeholders. The publication period closed on 1<sup>st</sup> July 2016.
- 3.3 Wyre Forest District Council appointed an independent examiner; Ann Skippers BSc (Hons) MRTPI FHEA FRSA, to review whether the Neighbourhood Plan met the basic conditions required by legislation and whether it should proceed to referendum. The Examiner requested that the Neighbourhood Plan was withdrawn to allow for additional work to be undertaken by the Parish Council and following the completion this the Plan was resubmitted and a further publication period closed on 25<sup>th</sup> January 2017.
- 3.4 The Examiner's Report concluded that the Neighbourhood Plan met the basic conditions subject to the modifications which are proposed in her report and set out in

the Churchill and Blakedown Neighbourhood Plan Decision Statement of 27<sup>th</sup> February 2017; and that the Neighbourhood Plan should proceed to a referendum. This was agreed through the Strong Leader decision making process by the Cabinet Member for Planning & Economic Regeneration on 27<sup>th</sup> February 2017.

- 3.5 Overview and Scrutiny Committee will be considering the Neighbourhood Plan adoption at their meeting on 1<sup>st</sup> June 2017 and will make their recommendations known for this meeting of Cabinet.

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

- 4.1 With the Examiner's recommended modifications the Neighbourhood Plan meets the basic conditions set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990, is compatible with EU obligations and the Convention Rights and complies with relevant provision made by or under Section 38A and B of the Planning and Compulsory Purchase Act 2004 as amended.
- 4.2 The referendum was held on Thursday 4<sup>th</sup> May 2017 and met the requirements of the Localism Act 2011; it was held in the Parish of Churchill and Blakedown. It asked the question "Do you want Wyre Forest District Council to use the **Neighbourhood Plan for Churchill and Blakedown** to help it decide planning applications in the neighbourhood area?"
- 4.3 The count took place on 5<sup>th</sup> May 2017 and the results were conclusive with 455 residents supporting the plan and voting "yes" (87.8%) with 63 voting "no" (12.2%).

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

- 5.1 The District Council's costs relating to preparing the Neighbourhood Plan for Churchill and Blakedown and running the referendum have been met through Department for Communities and Local Government's (DCLG) Neighbourhood Planning Grant. A total of £30,000 will be received in grant money from DCLG to cover the District Council's costs associated with the Neighbourhood Plan. Making the Neighbourhood Plan will not lead to any costs over and above those already incurred.

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

- 6.1 Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 2004 as amended requires that the Council must make the neighbourhood plan if more than half of those voting have voted in favour of the plan. The council are not subject to this duty if the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).
- 6.2 Once made, the Neighbourhood Plan will become part of the Development Plan for the District and will be used to help determine planning applications within the parish.

#### **7. RISK MANAGEMENT**

- 7.1 If the referendum is in favour of the Neighbourhood Plan, the District Council must 'make' the Plan subject to it meeting all legal requirements. . Any decision which is not in accordance with this regulatory requirement could result in a legal challenge.

## **8. CONCLUSION**

- 8.1 A referendum was held in the Churchill and Blakedown Neighbourhood Area on Thursday 4<sup>th</sup> May 2017 to ask 'Do you want Wyre Forest District Council to use the **Neighbourhood Plan for Churchill and Blakedown** to help it decide planning applications in the neighbourhood area? Four hundred and fifty five people (87.8%) voted in favour of the Neighbourhood Plan with 63 (12.2%) voting against. As more than 50% voted in favour of the Neighbourhood Plan then it must be made part of the Development Plan for Wyre Forest District unless it breaches EU obligations or any Convention Rights.
- 8.2 Neighbourhood planning is part of the Government's Localism agenda and allows communities to have more control over the way their local areas develops. Churchill and Blakedown Parish Council have prepared a Neighbourhood Plan to provide more specific planning policies and land allocations for the Parish.

## **9. BACKGROUND PAPERS**

- 9.1 Churchill and Blakedown Neighbourhood Plan - Referendum Version –  
<http://www.wyreforestdc.gov.uk/media/2800093/Churchill-and-Blakedown-Neighbourhood-Plan.pdf>
- 9.2 Churchill and Blakedown Neighbourhood Plan Decision Statement  
<http://www.wyreforestdc.gov.uk/media/2800373/-Churchill-and-Blakedown-Decision-Statement.pdf>
- 9.3 Churchill and Blakedown Neighbourhood Plan Independent Examiners Report  
[http://www.wyreforestdc.gov.uk/media/2800087/Examiner\\_Report\\_ChurchillBlakedown\\_WFDC\\_Final.pdf](http://www.wyreforestdc.gov.uk/media/2800087/Examiner_Report_ChurchillBlakedown_WFDC_Final.pdf)
- 9.4 Churchill and Blakedown Consultation Statement  
<http://www.wyreforestdc.gov.uk/media/2509170/Churchill-and-Blakedown-Consultation-Statement-Nov16.pdf>

**WYRE FOREST DISTRICT COUNCIL**

**Cabinet  
14<sup>th</sup> June 2017**

**Overview and Scrutiny Committee  
Thursday 1<sup>st</sup> June 2017**

**Churchill and Blakedown Neighbourhood Plan**

The Committee considered a report which updated Members on the Churchill and Blakedown Neighbourhood Plan following the referendum which was held on 4<sup>th</sup> May 2017.

Members were advised the count took place on 5<sup>th</sup> May 2017 and the results were that 455 voted yes (87.8%) and 63 voted no (12.2%).

**Recommend to Cabinet:**

**The Churchill and Blakedown Neighbourhood Plan be made part of the Development Plan for Wyre Forest District.**

**Background papers:**

Report to the Overview and Scrutiny Committee, Thursday 1<sup>st</sup> June 2017

<http://www.wyreforest.gov.uk/council/meetings/com193.htm#mt7616>

**WYRE FOREST DISTRICT COUNCIL****CABINET**  
**14<sup>th</sup> June 2017****Wyre Forest District Local Plan Review (2016-2034):  
Preferred Options Consultation**

<b>OPEN</b>	
<b>CABINET MEMBER:</b>	Councillor Ian Hardiman, Cabinet Member for Planning and Economic Regeneration
<b>DIRECTOR:</b>	Mike Parker, Corporate Director: Economic Prosperity and Place
<b>CONTACT OFFICER:</b>	Helen Smith – Spatial Planning Manager Ext 2195, <a href="mailto:helen.smith@wyreforestdc.gov.uk">helen.smith@wyreforestdc.gov.uk</a>
<b>APPENDICES:</b>	Appendix 1 – Local Plan Review Preferred Options Consultation (circulated electronically) Appendix 2 – Consultation Plan

**1. PURPOSE OF REPORT**

- 1.1 To seek the Cabinet's endorsement of the consultation papers for the Local Plan Review Preferred Options. The Cabinet is also asked to agree the accompanying Consultation Plan.

**2. RECOMMENDATION**

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

- 2.1
- the Local Plan Review Preferred Options Consultation Paper be approved for the purposes of consultation in accordance with Regulation 18 of the Town & Country Planning (Local Planning) (England) Regulations 2012.
  - the Corporate Director: Economic Prosperity and Place be given delegated power in consultation with the Cabinet Member for Planning and Economic Regeneration to determine the final format and presentation of the papers.

and to **DECIDE** that:

- the public consultation on the Preferred Options Consultation be undertaken in accordance with the Consultation Plan attached at Appendix 2 to this report.

**3. BACKGROUND**

- 3.1 Consultation began on the Review of the current Local Plan, which was adopted in 2012, in 2015 with the Issues and Options consultation which set out the high level

strategic growth issues the district faces going forward over the Plan period to 2034. This Preferred Options consultation is the next stage in that review. The Project Plan anticipates that in spring 2018 the Council will move to the next stage, Pre-Submission consultation with a view to submitting the Plan to the Secretary of State later in 2018 with a view to an Examination in Public being held in autumn 2018 to enable the new Plan to be adopted in early 2019.

- 3.2 The Local Plans Review Panel has considered the Preferred Options Consultation Paper in detail at a series of meetings which have run from January to May 2017, the latest of them being 22<sup>nd</sup> May. The Panel's comments were discussed at the Overview and Scrutiny Committee Meeting on 1st June and recommendations will be provided for the Cabinet meeting.

#### **4. PREFERRED OPTIONS CONSULTATION PAPER**

- 4.1 The Preferred Options Consultation represents the second stage in the review of the District's Local Plan. The first stage was the Issues and Options Consultation in late 2015. The aim of the Preferred Options consultation is to seek views on:
- Consultees' preference for a more concentrated spatial strategy (Option A in the document) or a more dispersed spatial strategy (Option B in the document) with their inherent advantages and disadvantages;
  - The Strategic Policies that arise from the spatial strategy;
  - The Development Management Policies that will be required to support the implementation of the proposed Plan;
  - The sites proposed for allocation that will be required to support the implementation of the Plan.
- 4.2 Consultation at this stage provides an opportunity for local residents, businesses, key stakeholders, statutory consultees and Duty to Co-operate partners to comment on the progress made thus far by the District as it formulates its new plan. It also provides consultees opportunity to provide further evidence, options or sites for consideration.
- 4.3 The responses received to this consultation will be used to inform the development of the Pre-Submission Document which is scheduled for publication in early 2018. The Preferred Options Paper takes account of:
- the extensive evidence base that has been built up since 2015;
  - the Issues and Options consultation reported in November 2015 to Cabinet;
  - Duty to Cooperate conversations with neighbouring authorities, the County Council, relevant Statutory Organisations and key infrastructure providers;
  - Advice received from the Local Plans Review Panel;
  - Advice received from the Portfolio Holder and associated conversations with Cabinet.



- 4.4 The Wyre Forest Objective Assessment of Housing Need (OAHN) Report (April 2017) which has been prepared for the Council by specialist consultants Amion has identified that the OAHN should be 300 dwellings per annum or 5,400 dwellings for the plan period. This figure has been produced using recognised methodology utilising empirical evidence from the Office for National Statistics and Department for Communities and Local Government such as demographics, population projections and migration figures. The 300 units sits at the upper end of the dwelling requirements suggested by the various demographic and economic scenarios. It is considered to be technically robust as it takes account of a longer term migration trend that evens out the consequences of the economic cycle. It also provides for some recovery from the possible suppression of household formation rates due to undersupply and affordability issues. In addition to this the report separately identifies a need for 540 C2 units for communal residential provision (C2 is the Planning Use Class for residential institutions).
- 4.5 The additional employment land that will be required to support this level of growth is estimated by the Wyre Forest Employment Land Review (Nathaniel Lichfield, April 2016) to be 40ha through the plan period. Furthermore the view of the consultants who conducted the Wyre Forest Retail and Commercial Leisure Needs Study (Boyer, May 2016) was that no (ie zero) additional retail floor space was required during the plan period.
- 4.6 The key question arising in this consultation is likely to relate to how the required level of housing and employment growth should be accommodated. The Council is committed to protecting the landscape and heritage characteristics in the district, but it recognises that not all of the housing it needs to provide can be accommodated on brownfield (previously developed) land alone. Whilst the Council will ensure that all of the brownfield land available is exhausted for development purposes, whichever of the housing growth approaches is adopted, there has to be some release of green field land including some Green Belt land involved, however this will be minimal and represents around 2% of the Green Belt in the district as a whole.
- 4.7 The essential difference between the options revolves around whether it is chosen to concentrate additional development to the east/south east of Kidderminster in a Sustainable Urban Extension (Option A) or whether the growth should be more widely dispersed (particularly around Stourport-on-Severn and adjacent to Lea Castle) (Option B). Both options are based around a number of 'Core Sites' that are in the Green Belt and are common to both Options; Options A & B then propose alternative approaches to including more sites to meet the district's needs. It is also important to note that there are significant differences in the infrastructure implications of the two approaches, most notably in respect of Option A's ability to support the provision of an Eastern Relief Road to Kidderminster and the provision of the necessary educational requirements. At this strategic consultation stage the infrastructure provision is indicative only and further modelling and design will be required before any development actually takes place.

- 4.8 A summary of the housing requirement and the options set out in the proposed consultation is:

Number of dwellings required 2016-2034	6,000
Number of dwellings to be provided on brownfield land <ul style="list-style-type: none"> <li>• already completed or with planning permission</li> <li>• additional proposed by the Plan</li> </ul>	967 1,193
Number of dwellings to be provided on previously developed land in the Green Belt (includes 600 at Lea Castle)	796
Number of dwellings proposed on greenfield sites <u>not</u> in Green Belt	350
Number of dwellings proposed on Greenfield sites <u>in</u> the Green Belt in <u>both</u> consultation options (the Core Sites)	1,918
Consultation Option A - Additional sites in the Green Belt	1,080
Consultation Option B - Additional sites in the Green Belt	765
Consultation Option B – Additional dwellings on greenfield sites <u>not</u> in Green Belt	570
Percentage land in Green Belt as a whole of the Green Belt in the district <ul style="list-style-type: none"> <li>• Under Option A</li> <li>• Under Option B</li> </ul>	2.4% 1.9%

## **5.0 CONSULTATION ARRANGEMENTS**

- 5.1 An important factor in demonstrating the soundness of a Local Plan relates to being able to show wide public engagement in its development. Public consultation is required by regulation 18 of the Town & Country Planning (Local Planning) (England) Regulations 2012.
- 5.2 Consultation will be carried out in accordance with the District Council's Adopted Statement of Community Involvement (April 2013) and with specific and general consultation bodies as set out by the Town & Country Planning (Local Planning) (England) Regulations 2012.
- 5.3 A consultation plan has been developed (as attached at Appendix 2), which sets out the measures which will be taken in order to engage stakeholders and the wider community in the Preferred Options consultation. It includes specific details on the proposed dates, timescale and consultation methods that the Council intend to use. It is proposed to open the Preferred Options Consultation on 15<sup>th</sup> June for an 8 week period. The consultation will run from Thursday 15th June to Monday 14<sup>th</sup> August 2017.

## **6. SUSTAINABILITY APPRAISAL**

- 6.1 The Local Plan Review is subject to Sustainability Appraisal (SA). The purpose of SA is to promote sustainable development through the integration of social, environmental and economic considerations into the preparation of plans. The SA process tests the plans objectives and policies against an established SA Framework. All reasonable alternative policy options are tested to identify the differing sustainability implications of different policy approaches.

- 6.2 A draft Stage B Sustainability Appraisal Report has been prepared to inform the Preferred Options Papers. This will be published on the Council's website alongside the Preferred Options Papers.

**7. FINANCIAL IMPLICATIONS**

- 7.1 The costs of undertaking the consultation will be met from the existing Local Plans budget.

**8. LEGAL AND POLICY IMPLICATIONS**

- 8.1 Local Plans need to be prepared in accordance with the requirements of the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Development) (England) Regulations 2012.

**9. RISK MANAGEMENT**

- 9.1 The failure to secure timely progression adoption of the Local Plan Review and to meet the District's Objectively Assessed Housing Needs significantly increases the risk of ad hoc development through planning by appeal within the District.
- 9.2 Prior to its adoption, the Local Plan must be subjected to independent examination in order to check that it has complied with legislative requirements. As part of the examination, the Inspector must determine whether the plan is "sound" (i.e. that it is justified, effective and consistent with National Policy).
- 9.3 In order to minimise these risks it is important to publish the consultation papers for the next stages of the Local Plan in June 2017 to accord with the next major milestones as set out in the Revised Local Development Scheme (November 2016).

**10. EQUALITY IMPACT ASSESSMENT**

- 10.1 An Equality Impact Assessment has been undertaken as either neutral or positive.

**11. CONCLUSION**

- 11.1 The proposed consultation provides the basis for engaging and consulting with key stakeholders, consultees, the general public and other interested parties on the next stages of the Local Plan's development. They have been prepared in accordance with government guidance and regulations. Subject to Cabinet approval the Preferred Options Consultation Papers will be published for an 8 week consultation period commencing on 15<sup>th</sup> June 2017.

**12. CONSULTEES**

- 12.1 Corporate Leadership Team  
12.2 Local Plan Review Panel

**13. BACKGROUND PAPERS**

- Local Plan Review Issues and Options Consultation Paper (September 2015)
- Wyre Forest District Statement of Community Involvement (2013)
- Draft Stage B Sustainability Appraisal Report

**Wyre Forest District Local Plan Review Preferred Options**

**Consultation Plan**

**1.0 Background**

- 1.1 It is a cornerstone of the planning system that communities and stakeholders should be able to influence the matters addressed in planning policy. The National Planning Policy Framework (NPPF) published in March 2012 reinforces the importance of community involvement through the first of its Core Planning principles: “planning should be genuinely plan-led, empowering local people to shape their surroundings with succinct local and neighbourhood plans setting out a positive vision for the future of the area”. Between Thursday 15 June and Monday 14 August 2017 the District Council will undertake a consultation on the Preferred Options. The Preferred Options consultation is the second stage in the Local Plan Review process. Responses will be used to help develop the Pre-Submission Plan which will be put out for consultation in early 2018.

**2.0 Adopted Statement of Community Involvement Requirements**

- 2.1 The District Council first adopted its Statement of Community Involvement (SCI) in 2006. Following changes in legislation the SCI was updated, revised and adopted in February 2013. The SCI sets out the Council’s policy for involving the community in the planning process. It also details how the Council intends to involve all sections of the community and provides guidelines and minimum standards to involve the community, interest groups and stakeholders in the production of Local Development Documents. The statement provides guidance on:

- How people will have the chance to contribute their ideas, and the process for considering and responding to their views.
- How people will get the chance to participate in developing proposals and options.
- How the District Council will seek to provide feedback to keep the community informed on progress and outcomes.

- 2.2 The District Council places great emphasis on involving the community in planning issues and believes the following benefits can be achieved:

- It will help strengthen the evidence base for local plans and neighbourhood development plans.
- It will help foster community commitment to the future development of the area.
- It promotes a sense of ownership and strengthens the delivery of projects. The involvement of communities at an early stage helps to resolve issues.

### **3.0 The Duty to Cooperate**

- 3.1 The duty to cooperate was created in the Localism Act 2011, and amends the Planning and Compulsory Purchase Act 2004. It places a legal duty on local planning authorities, county councils in England and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters.
- 3.2 In order to fulfil the requirements of the Duty to Cooperate, all neighbouring authorities and consultation bodies covered by the Duty to Cooperate will receive a separate form to complete which will allow any concerns to be raised. Where there are no relevant issues the completed forms will provide an audit trail to demonstrate that the Duty has been fully considered and complied with. Where cross-boundary issues are identified, officers will offer to meet with each of the neighbouring authorities or organisations concerned to discuss the issues and how the Plan can best address them.

### **4.0 Targeting Consultation and Methods**

- 4.1 The District Council will actively seek to engage all community groups within the Wyre Forest District in preparing planning policy. Local planning authorities are required to consult specific consultation bodies which they consider may have an interest in the proposed planning policy document and the general consultation bodies which it considers are appropriate. A list of the specific consultees for Wyre Forest District is set out in Appendix A to this document.
- 4.2 It is proposed to consult in a variety of ways, examples include manned exhibitions in Kidderminster, Stourport on Severn, Bewdley and in areas most affected by the proposed developments, mini poster displays in a wide range of accessible locations throughout Wyre Forest District, a press release to the local newspaper as well as a leaflet distribution to all householders. All Town and Parish Council's will be sent a consultation notice and be asked to display it on parish council notice boards.

### **5.0 Involving Harder-to-reach Groups**

- 5.1 Within the District there are groups which are hard to reach through consultations. The District Council recognises that these groups in particular may have different levels of access to information and therefore may find it harder to get involved in the decision making process. In particular, the District Council will employ the following methods for engaging hard to reach groups: Leaflet distribution to all residents within Wyre Forest District, manned exhibitions at public locations (detailed at 6.2) and Twitter feeds.

## **6.0 Exhibition Specifics**

6.1 During the eight week public consultation on the Preferred Options Paper a number of exhibitions will be held. These will be manned at highly accessible public locations in the three main towns of Kidderminster, Stourport-on-Severn and Bewdley and in areas of impact of the proposals. Display boards will be erected at the exhibitions and copies of the Preferred Options papers will be made available for viewing along with other materials. The exhibition will allow the public to view the Preferred Options in more detail and post comments. Staff will also be on hand to answer any queries raised by the public.

### **6.2 Exhibition Plan**

<b>Date</b>	<b>Time</b>	<b>Venue</b>
Monday 10 <sup>th</sup> July 2017	3:45pm – 8:00pm	Heronswood Primary School, Spennells, Kidderminster
Wednesday 19 <sup>th</sup> July 2017	2.00pm - 7.00pm	The Wyre Room, St George's Hall, Load Street, Bewdley
Friday 21 <sup>st</sup> July 2017	1.00pm - 5:30pm	Rowland Hill Centre, Kidderminster
Saturday 22 <sup>nd</sup> July 2017	10.00am – 4.00pm	Offmore Evangelical Church Hall, Kidderminster
Wednesday 26 <sup>th</sup> July 2017	1:30pm - 6:30pm	Areley Kings Village Hall, Stourport
Friday 28 <sup>th</sup> July 2017	2.00pm – 7.00pm	Cookley Village Hall
Saturday 29 <sup>th</sup> July 2017	10.00am - 4.00pm	Stourport Civic Hall
Friday 4 <sup>th</sup> August 2017	2:00pm – 7:00pm	St Oswalds Church Centre, Broadwaters Drive, Kidderminster

### **6.3 Poster Displays**

Posters will be displayed at the following locations throughout the duration of the preferred options consultation.

- Kidderminster Library

- Stourport Library
- Bewdley Library

In addition, subject to each venue being willing to display a poster:

- Library van

KIDDERMINSTER

- Wyre Forest Hub/Town Hall
- Wyre Forest Leisure Centre
- Tesco
- Sainsburys
- Morrisons
- Asda
- Aldi
- Iceland
- Hodge Hill Garden Nurseries
- Barnetts Hill Garden Centre

STOURPORT

- Stourport Civic Hall
- Tesco
- Co-op
- Lidl
- Cooks Garden Centre

BEWDLEY

- Bewdley Museum
- Bewdley Leisure Centre
- Co-op
- Tesco
- Hopleys Farm Shop

RURAL AREAS

- Wyre Forest Discovery Centre
- Cookley – Tesco or Post Office
- Blakedown Post Office
- Chaddesley Corbett Post Office
- Wolverley Stores
- Fairfield Shop
- Upper Arley Post Office
- Rowberry Farm Shop
- Far Forest Post Office/stores
- Colliers Farm Shop or Clows Top Post Office.

**7.0 Awareness raising – Media**

- 7.1 To coincide with the launch of the consultation on the Preferred Options paper press releases will be organised for the Kidderminster Shuttle. An eye-catching publicity leaflet will be delivered to every household. The leaflet will detail the dates and times of the exhibitions and details of places where the Preferred Options Paper can be viewed/downloaded.

**8.0 Publishing on the Web**

- 8.1 An interactive version of the Preferred Options Paper will be made available to enable electronic representations to be made. The interactive response form can be downloaded and printed or filled in and submitted online. Representations will also be accepted by e-mail or post.
- 8.2 The District Council will also use social media (Twitter and Facebook) to promote the consultation period and the exhibitions. Twitter and Facebook will be used to raise key questions relevant to the consultation during the consultation period and comments made will be summarised.

**9.0 Formally Processing Comments – Procedures**

- 9.1 All responses submitted to the District Council online, by letter and email will be acknowledged within five working days of their receipt. The Planning Policy Team will carefully analyse all comments and suggestions and prepare a summary report detailing proposals for consideration at



the Pre-Submission Plan stage. This will be presented to and considered by the Local Plans Review Panel, Overview and Scrutiny Committee and Cabinet.

- 9.2 The summary report following Cabinet's consideration will be made available for public viewing at Council Offices and on the website.

## **Appendix A – List of Consultees**

### **Specific Consultees**

#### **Wyre Forest District Parish/Town Councils**

Bewdley Town Council  
Broome Parish Council  
Chaddesley Corbett Parish Council  
Churchill and Blakedown Parish Council  
Kidderminster Foreign Parish Council  
Kidderminster Town Council  
Rock Parish Council  
Rushock Parish Council  
Stone Parish Council  
Stourport on Severn Town Council  
Upper Arley Parish Council  
Wolverley & Cookley Parish Council

#### **Adjacent Parish Councils**

Abberley Parish Council  
Alveley and Romsley Parish Council  
Astley & Dunley Parish Council  
Bayton Parish Council  
Belbroughton and Fairfield Parish Council  
Clent Parish Council  
Cleobury Mortimer Parish Council  
Dodford with Grafton Parish Council  
Elmbridge Parish Council  
Elmley Lovett Parish Council  
Hagley Parish Council  
Hartlebury Parish Council  
Highley Parish Council  
Kinlet Parish Council  
Kinver Parish Council  
Lindridge Parish Council  
Mamble Parish Council  
Pensax Parish Council  
Upton Warren Parish Council

#### **Other Specific Consultees**

British Telecom  
Bromsgrove & Redditch DC  
Central Networks  
Directorate of Adult Services and Health (DASH)  
Dudley Metropolitan Borough Council  
EE  
Environment Agency  
Greater Birmingham and Solihull Local Enterprise Partnership  
Hereford & Worcester Ambulance Service

## **Appendix A – List of Consultees**

Hereford & Worcester Fire & Rescue Service  
Highways Agency  
Historic England  
Homes & Communities Agency  
Malvern Hills District Council  
National Grid  
Natural England  
Network Rail  
Office of Rail Regulation  
Oil and Pipelines Agency (The)  
Redditch and Bromsgrove CCG  
Severn Trent Water  
Shropshire Council  
South Staffordshire District Council  
South Staffordshire Water Plc  
South Worcestershire Development Plan  
Staffordshire County Council  
Staffordshire Police Authority  
The Coal Authority  
The Planning Inspectorate  
Three  
Transco West Midlands Local Distribution Zone  
Vodafone and O2  
West Mercia Police  
West Midlands Ambulance Service  
Western Power Distribution  
Worcestershire County Council  
Worcestershire Local Enterprise Partnership  
Worcestershire Partnership  
Worcestershire Regulatory Services  
Wychavon District Council  
Wyre Forest Clinical Commissioning Group

### **General Consultees**

Organisations and individuals registered in the Planning Policy database including:

Agents  
Business and Commerce Groups  
Conservation Interest Groups  
Developers  
Education and Youth Groups  
Housing Interest Groups  
Individuals  
Interest / Pressure Groups  
Land Owners  
Local Interest Groups

## **Appendix A – List of Consultees**

Local Resident Associations  
Registered Providers  
Service Providers

### **Hard to Reach Groups**

Age UK Wyre Forest  
Association of Retired and Persons over 50  
Big Local DY10  
Buddhist Community  
Derbyshire Gypsy Liaison Group  
Friends Families and Travellers  
Islamic Mosque  
Kidderminster & District Scout Group  
Madinatul Uloom Islamic College  
Meeting Deaf Community  
National Federation of Gypsy Liaison Groups  
National Travellers Action Group  
Offmore Comberton Action Group  
Our Lady of Ostra Brama Church  
PHAB Ltd  
The Showman's Guild of Great Britain Midland Section  
Wyre Forest Action Group for Older People  
Wyre Forest Women's Aid  
Wyre Forest Local Children's Trust

**WYRE FOREST DISTRICT COUNCIL**

**Cabinet  
14<sup>th</sup> June 2017**

**Overview and Scrutiny Committee  
Thursday 1<sup>st</sup> June 2017**

**Wyre Forest District Local Plan Review (2016-2034): Preferred Options  
Consultation**

The Committee received an update on the progress made with the Review of the Local Plan through the work of the Local Plan Review Panel. The Committee also considered the proposed documentation for the Preferred Options consultation due to be launched on 15th June 2017.

Members welcomed the 8 week public consultation period as it provided an opportunity for local residents and stakeholders across the District to express their views.

**Commend to Cabinet:**

The Preferred Options consultation document be approved.

**Background papers:**

Report to the Overview and Scrutiny Committee, Thursday 1<sup>st</sup> June 2017

<http://www.wyreforest.gov.uk/council/meetings/com193.htm#mt7616>