

Open

Cabinet

Agenda

6pm
Tuesday, 17th July 2018
Council Chamber
Wyre Forest House
Finepoint Way
Kidderminster



Cabinet

The Cabinet Members and their responsibilities:-

Councillor M J Hart	Leader of the Council & Strategy
Councillor I Hardiman	Deputy Leader & Planning & Economic Regeneration
Councillor R J Vale	Operational Services
Councillor N J Desmond	Resources
Councillor J Smith	Culture, Leisure & Community Protection
Councillor C Rogers	Housing, Health & Well-being

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 27th July 2018.

Councillors wishing to "call in" a decision on this agenda should contact Mike Saunders, Electoral Services Manager, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF. Telephone: 01562 732762 or email mike.saunders@wyreforestdc.gov.uk

Urgent Key Decisions

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

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 Mike Saunders, Electoral Services Manager, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF. Telephone: 01562 732762 or email mike.saunders@wyreforestdc.gov.uk

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* Unless there are no reports in the open session.

Wyre Forest District Council

Cabinet

Tuesday, 17th July 2018

Council Chamber, Wyre Forest House, Finepoint Way, Kidderminster

Part 1

Open to the press and public

Agenda item	Subject	Page Number
1.	Apologies for Absence	
2.	Declarations of Interests by Members 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.	Minutes To confirm as a correct record the Minutes of the meeting held on the 12th June 2018.	8
4.	CALL INS a verbal update will be given on any decisions which have been "called in" since the last meeting of the Cabinet.	
5.	Items Requiring Urgent Attention To consider any item which, in the opinion of the Chairman requires consideration at the meeting as a matter of urgency.	
6.	Public Participation 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 . (See front cover for contact details).	
7.	Councillor N Desmond	
7.1	Council Tax Reduction Scheme Review To consider a report from the Corporate Director: Resources which provides information on the work undertaken by the Revenues, Benefits and Customer Services section on the redesign of the Council Tax Reduction Scheme for implementation by 1 st April 2019.	12

	To also consider recommendations from the Overview and Scrutiny Committee from its meeting on 5 th July 2018.	
7.2	Write off of Amounts Outstanding To consider a report from the Corporate Director: Resources to give consideration to writing off the sum of £168,916.91 in respect of debts that cannot be collected.	29
8.		
8.1	<p style="text-align: right;"><i>Councillor R Vale</i></p> The Environmental Offences (Fixed Penalties) (England) Regulations 2017 To consider a report from the Corporate Director: Community Well-being and Environment to highlight the revised Government arrangements that has been made within the Environmental Offences (Fixed Penalties) (England) Regulations 2017. In line with these changes to formally review and adjust the fixed penalty charging regime that is currently adopted and in place for Wyre Forest District Council To also consider recommendations from the Overview and Scrutiny Committee from its meeting on 5 th July 2018.	32
9.		
9.1	<p style="text-align: right;"><i>Councillor C Rogers</i></p> National “Make a Stand” Domestic Abuse Pledge To consider a report from the Head of Strategic Growth to approve the Council signing up to the national domestic abuse pledge being supported by the Chartered Institute of Housing (CIH), Women’s Aid and Domestic Abuse Housing Alliance (DAHA). To also consider recommendations from the Overview and Scrutiny Committee from its meeting on 5 th July 2018. <i>Please note that appendix 1 of the report has been circulated electronically.</i>	38
9.2	Recommendations from the Overview and Scrutiny Committee, 5 th July 2018 <ul style="list-style-type: none"> Recommendations from the Affordable Housing Review Panel 	44
10.		
10.1	<p style="text-align: right;"><i>Councillor I Hardiman</i></p> Lionfields Future Phases Development To consider a report from the Corporate Director: Economic Prosperity and Place which provides an update on the development proposals at Lion Fields (Parcels 1 and 2) and to set out the proposed redevelopment strategy for the current Bromsgrove Street Car Park (Parcel 4). To also consider recommendations from the Overview and Scrutiny Committee from its meeting on 5 th July 2018.	45

10.2	<p>Refresh of Kidderminster Local Development Order</p> <p>To consider a report from the Corporate Director: Economic Prosperity and Place to report the results of the public consultation on the revised Local Development Order (LDO) for the South Kidderminster Enterprise Park and to agree the adoption of the revised document (attached at Appendix 1) for a period of three years from 13th August 2018.</p> <p>To also consider recommendations from the Overview and Scrutiny Committee from its meeting on 5th July 2018</p> <p><i>Please note that appendix 1 of the report has been circulated electronically.</i></p>	55
10.3	<p>Worcester Street, Kidderminster – Regeneration Proposals</p> <p>To consider a report from the Corporate Director: Economic Prosperity and Place which updates Members on the progress of the Worcester Street regeneration proposals involving the opening up of the pedestrianised area to traffic and to agree an amendment to the Capital Programme for the Council’s contribution to the funding of the project.</p>	65
10.4	<p>Acquisition of Land in Blakebrook & Habberley South Ward</p> <p>To consider a report from the Corporate Director: Economic Prosperity and Place which requests that the Council consider acquiring a vacant parcel of land at Market Street in Kidderminster, using its compulsory purchase powers if necessary, to enable the bringing forward of a redevelopment of a vacant eyesore site at a prominent gateway position within Kidderminster town centre, should the current owner of the land fail to bring the site forward for redevelopment within a reasonable time period.</p> <p>To also consider recommendations from the Overview and Scrutiny Committee from its meeting on 5th July 2018</p>	69
11.	<p>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.</p>	
12.	<p>Exclusion of the Press and Public</p> <p>To consider passing the following resolution:</p> <p>“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”.</p>	

Part 2

Not open to the Press and Public

13.		
	<i>Councillor I Hardiman</i>	
13.1	Agenda Item 10.4 Acquisition of Land in Blakebrook & Habberley South Ward Appendix 2 – Valuation Report	-
13.2	Investment Proposal in Foley Park & Hoobrook Ward To consider a report from the Corporate Director: Economic Prosperity and Place to agree the business case for the Council to proceed with purchasing and converting an industrial unit with the purpose of working in partnership with the University of Wolverhampton to use it as the Wyre Forest Innovation and Incubation Centre supporting business growth and development. To also consider recommendations from the Overview and Scrutiny Committee from its meeting on 5 th July 2018	-
14.	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.	

WYRE FOREST DISTRICT COUNCIL

CABINET

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER

12TH JUNE 2018 (6PM)

Present:

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

Observers:

Councillors: H E Dyke and F M Oborski MBE.

CAB.1 Apologies for Absence

There were no apologies for absence.

CAB.2 Declarations of Interests by Members

Councillor R J Vale declared a Disclosable Pecuniary Interest (DPI) in Agenda Item 8.1 – Wyre Forest District Local Plan Review: Revised Local Development Scheme (Project Plan 2018-20), and would leave the room during consideration of the item.

CAB.3 Minutes

Decision: The minutes of the Cabinet meeting held on 27th March 2018 and the minutes of the meeting of the Cabinet Sub-Committee held on 2nd May 2018 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 Public Participation

There was no public participation.

CAB.7 Final Accounts Outturn 2017/2018

A report was considered from the Corporate Director: Resources to receive the provisional outturn position in relation to the Final Accounts for 2017/18.

The Cabinet Member for Resources presented the report and advised that it was excellent news that the provisional outturn position was far better than what had been reported to Cabinet for the second and third quarters of the year. He added that this was due to prudent budget management and he was extremely grateful to the Corporate Leadership Team and a myriad of Officers for their hard work in achieving this fantastic result.

The Cabinet Member for Resources explained that in addition to generating savings, increasing income was a priority and it was proposed to re-invest £350k back into the Council's Innovation Fund to further support the Wyre Forest Forward Programme of transformation work. He said that the funding from the Business Rate Retention Scheme had increased by circa £1m for this year which was good news. He added that one off gains had contributed to the increase and therefore may not be recurring; it was however, excellent news.

The Leader of the Council commented that it was welcome news to have achieved the significant total saving on the net revenue budget. He acknowledged the importance of the funding stream from the Business Rate Retention Scheme and seconded the proposals as set out in the report. He added that by 2020/21 the overall funding gap would increase to around £1.6m. He said it was a priority of the Council to continue to grow income and become more commercial in the way it operates, to protect services for the district's residents. He thanked the Corporate Leadership Team and the wider Management team for their savings at year end.

Decision: As detailed in Appendix 1 of the report, the Cabinet noted:

- 1.1 The most welcome news that a total saving of £443,950 has been achieved for 2017/18 reducing to £86,950 after the transfers to risk reserves as set out in 1.2 below. This has been achieved by prudent budget management, particularly in relation to Pay and General Administration budgets and includes a release of earmarked reserves of £233k compared to the planned £240k as set out in 3.7 of the report.**
- 1.2 That £350,000 from the 2017/18 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 4.6 of the report.**
- 1.3 That in addition to the Service savings above, £900,000 from the 2017/18 Business Rates surplus has been used to replenish the Business Rates Equalisation/Regeneration Risk Reserve to a level proportionate to assessed risk. This was planned in the Medium Term Financial Strategy (MTFS) as set out in 4.2.3 of the report. A further reserve of £100,000 to support the work of the Commercial Activity Programme Board has also been created out of surplus Business Rates.**

Councillor R J Vale left the meeting at this point, (6.14pm).

CAB.8 Wyre Forest District Local Plan Review: Revised Local Development Scheme (Project Plan 2018 – 20)

A report was considered from the Head of Strategic Growth which provided an update on the progress made in undertaking the Local Plan Review, sought agreement to revise the Local Development Scheme (Project Plan 2018 – 20) and to revise the process of pre-application in light of the amended timetable.

The Deputy Leader and Cabinet Member for Planning and Economic Regeneration outlined the report in detail. He explained that the finalisation of sites to be included in the Pre-Submission consultation could only be done when the technical evidence base studies were completed and consistent with other evidence base documents. He said that the key studies would be: Transport Modelling which was due to be completed in Summer 2018; Objectively Assessed Housing Need (OAHN) revision which was due to be completed over summer months when Government's standardised methodology figure were available; and Employment Land Review which was due to be completed in parallel with OAHN study. He emphasised the importance of keeping the LDS up-to-date to help provide certainty to local stakeholders, developers and communities to assist in district wide regeneration.

The Deputy Leader and Cabinet Member for Planning and Economic Regeneration said it was extremely disappointing that the Government had failed to adhere to the April 2018 timescale for confirming the standardised methodology for agreeing housing provision in the district. He said that the Council was reluctant to enter into a further round of public consultation on the Local Plan Pre Submission document without having unequivocal knowledge of the numbers of new houses that it had to plan for as this would simply create further uncertainty amongst its residents, businesses and statutory consultees.

The Leader of the Council expressed his frustration that the authority was having to delay its timetable for the next stages of the Local Plan Review. He said the revised timeline proposed adoption of the new Local Plan in Spring 2020. He seconded the proposal for the adoption of pre-application standing advice, he said without an adopted Local Plan the Council was in a vulnerable position from developers submitting hostile planning applications. He added that he had spoken to the local MP and written to the Secretary of State raising concerns over the delay in Government guidelines.

The Cabinet Member for Resources said he was equally frustrated that the Government had failed to keep to its deadline for confirming the exact methodology to be used for calculating housing need. He said delaying the timetable was the right thing to do as it was imperative that the Council had a robust Local Plan which conformed to the National Planning Policy Framework and other current guidance. He said that it would be wrong to continue with the process without the correct housing need figure.

The Chairman of the Local Plans Review Panel, Councillor F M Oborski MBE, echoed the concerns previously raised. She said the delay by the Government

was unacceptable. She expressed concern over the uncertainty for residents as a result of the amended timetable.

The Chairman of the Overview and Scrutiny Committee, Councillor H Dyke, advised Members that the Overview and Scrutiny Committee were happy to support the recommendations made in the report. She said that the Preferred Options consultation which took place last year had resulted in approximately 5000 written responses and had caused a lot of uncertainty for residents within certain wards across the district. She asked the Deputy Leader and Cabinet Member for Planning and Economic Regeneration if it would be possible for a summary of the consultation responses to be published before the next round of public consultation took place.

The Deputy Leader and Cabinet Member for Planning and Economic Regeneration agreed that in the interests of public relations the results should be published and agreed to discuss the request with Officers.

Decision:

1.1 The proposed revised Local Development Scheme Project Plan 2018 – 2020 as set out in Appendix 1 of the report be adopted.

1.2 The proposed pre-application standing advice for housing as set out in Appendix 2 of the report be adopted.

There being no further business, the meeting ended at 6.42pm.

WYRE FOREST DISTRICT COUNCIL**CABINET**
17th July 2018**Council Tax Reduction Scheme Review**

OPEN	
CABINET MEMBER:	Cllr. Nathan Desmond – Member for Resources
RESPONSIBLE OFFICER:	Corporate Director: Resources
CONTACT OFFICER:	Lucy Wright ext 2948 E-mail: Lucy.wright@wyreforestdc.gov.uk
APPENDIX	Appendix 1: Equality Impact Assessment

1. PURPOSE OF REPORT

- 1.1 This report provides information on the work undertaken by the Revenues, Benefits and Customer Services section on the redesign of the Council Tax Reduction Scheme for implementation by 1st April 2019.

2. RECOMMENDATION**Cabinet is asked to NOTE:**

- 2.1 the work undertaken in the preparation of a new scheme from 1st April 2019.

Cabinet is asked to AGREE:

- 2.2 to undertake a formal consultation with the Major Preceptors and the public on the proposed design of a revised scheme to take place for 10 weeks from 23rd July. The results of the consultation will be presented to Overview and Scrutiny and Cabinet in November when it will consider any recommendations that will go to full Council in December.

3. BACKGROUND

- 3.1. The Council Tax Reduction scheme replaced Council Tax Benefit with effect from 1 April 2013.
- 3.2. Under the Council Tax Reduction provisions, the scheme for pensioners is determined by Central Government and the scheme for working age applicants is determined by the Council. Pensioners broadly receive the same level of support that was previously available under the Council Tax Benefit scheme.
- 3.3. The current scheme for working age applicants is a means tested one, but has been amended since 2013 both to require a minimum payment from working age applicants of 20% and to update the scheme in line with changes to Housing Benefit that have occurred since its introduction.
- 3.4. The scheme has also been amended each year for general changes in applicable amounts (primarily in relation to disability premiums) and for non-dependant deductions.

- 3.5. In December 2015, Council agreed not to increase the minimum council tax contribution from working age claimants and the proposals set out in this report recommends this percentage remain at 20% for the lowest income households.
- 3.6. The introduction of Universal Credit in Wyre Forest from November 2018 will bring a number of challenges for the Council in terms of the administration of Council Tax Reduction Scheme as well as the collection of Council Tax.

Council Tax Reduction and the Full Service Roll Out of Universal Credit

- 3.7. The introduction of Universal Credit within the Wyre Forest district will, as experienced in all other areas, bring a number of challenges to both the administration of Council Tax Reduction and also the collection of Council Tax generally. Sites within Universal Credit full service areas have experienced the following:
- a. The reluctance of Universal Credit claimants to make a prompt claim for Council Tax Reduction leading to loss of entitlement;
 - b. A high number of changes to Universal Credit cases are received from the Department for Work and Pensions requiring a change to Council Tax Reduction entitlement. On average 40% of Universal Credit claimants have between eight and twelve changes in entitlement per annum. These changes result in amendments to Council Tax liability, the re-calculation of instalments, delays and the demonstrable loss in collection; and
 - c. The increased costs of administration through multiple changes resulting in the need for additional staff resource.
- 3.8. It is clear that the existing means tested Council Tax Reduction scheme, which is too reactive to change, will not be viable once Universal Credit has been rolled out fully within the district. The move to a new more efficient scheme from 2019 is now imperative to avoid additional staffing costs and simplify the administration scheme for both the Council and applicants.

The proposed 2019/20 Council Tax Reduction Scheme

- 3.9. In view of the problems being experienced with Universal Credit, it is proposed that the Council Tax Reduction scheme is fundamentally redesigned to address;
- a. The problems with the introduction of full service Universal Credit; and
 - b. The inevitable increase in administration costs due to the high level of changes received in respect of Universal Credit.
- 3.10. Work has been carried out on a proposed new scheme design, the main features of which comply with the original principles of the scheme that was set up in 2013 as follows:

- | | |
|--------------------|--|
| Principle 1 | Every household with working age claimants should pay something; |
| Principle 2 | The scheme should incentivise people into work; |
| Principle 3 | People with greater amounts of savings receive less support; |

- Principle 4** Protection will be provided through a Hardship Fund to those who are least able to pay; and
- Principle 5** The scheme will be in support of the Council's Corporate Plan Priorities of an increased supply of good quality and decent homes in which people can afford to live.

- 3.11. It is proposed that the current means tested scheme is replaced by a simple income grid model. An example of the approach is shown below but is **purely indicative to add context** at this early stage; actual figures Council will be asked to approve later in the year will almost certainly be different. Test profiling has been carried out on the existing Council Tax Reduction Scheme caseload with income bands which allows a greater tolerance of income levels. It should be noted that profiling will continue over the summer time to ensure that the scheme is still in line with budget expectations and also looks to minimise any losses to individual claimants.

Table 1 – Indicative Example of potential Grid Model Approach

Client Group		Example Weekly Income Band	Council Tax reduction %
Single	A	£0 - £74.99	80%
	B	£75 - £149.99	60%
	C	£150 - £224.99	40%
	D	£225 - £299.99	20%
Couple	A	£0 - £114.99	80%
	B	£115 - £189.99	60%
	C	£190 - £264.99	40%
	D	£265 - £339.99	20%
Family + 1 child	A	£0 - £164.99	80%
	B	£165 - £239.99	60%
	C	£240 - £314.99	40%
	D	£315 - £389.99	20%
Family 2 or more children	A	£0 - £214.99	80%
	B	£215 - £289.99	60%
	C	£290 - £364.99	40%
	D	£365 - £434.99	20%

- 3.12. The income levels in each grid will be based on:
- The overall expenditure of the scheme to remain as at present;
 - The changes have only been made to the working age scheme as the current scheme for pensioners is prescribed by Central Government;
 - Ensuring maximum number of applicants are protected wherever possible; and
 - Ensuring any losses to individual applicants are minimised.

- 3.13. Any change to the scheme will inevitably result in both winners and losers and the aim is to design a scheme that minimises both the number of losers and any financial loss incurred. As set out in paragraph 3.26 below, the Exceptional Hardship Policy will be available to minimise the impact and protect individuals where appropriate. Early indicative modeling suggests that up to around 20% of current claimants may be better off and around 10% to 15% may be worse off; further work continues on the modeling and will be included in detail in the November reports.

How the new scheme will address the problems of full service Universal Credit

- 3.14. Due to the simplicity of the proposed new scheme and by taking a more 'Council Tax discount approach', it will address the problems associated with Universal Credit as follows:
- a. **The scheme will require a simplified claiming process.** In the case of Universal Credit applicants *any* Universal Credit data received from the Department for Work and Pensions (DWP) will be treated as a claim for Council Tax Reduction. Where information is received from DWP, the entitlement to Council Tax Reduction will be processed without the need to request further information from the taxpayer. This will have the following distinct advantages namely:
 - i. **Speed of processing** – claims will be able to be calculated simply and promptly without the need to request further information which inevitably leads to delays;
 - ii. **Maximising entitlement to every applicant.** As there will be no requirement for Universal Credit applicants to apply, entitlement to Council Tax Reduction will be maximised with a reduced risk of loss of discount or the need for backdating;
 - iii. **Maintenance of collection rates** – the new scheme will avoid constant changes in discount, the need for multiple changes in instalments and therefore assist in maintaining the high collection rates currently achieved.
 - b. **The income bands will be wide avoiding constant changes in discount.** The current Council Tax Reduction scheme is very reactive and will alter even if the overall change to the person's liability is small. This is leading to constant changes in Council Tax liability, the need to recalculate monthly instalments and the requirement to issue a large number of Council Tax demands. The effect of this is that Council Tax collection is reduced. The new scheme, with its simplified income banding approach, will have the following advantages:
 - i. Only significant changes in income will affect the level of discount awarded;
 - ii. Council Taxpayers who receive Council Tax Reduction will not receive multiple Council Tax demands and adjustments to their instalments

- c. **A modern approach to changes in entitlement.** The current Council Tax Reduction scheme is based on a traditional but rather old-fashioned benefit approach which alters entitlement on a weekly basis when there is a variation in income. The amount households are asked to contribute to their council tax from their income is calculated by comparing their income with their 'applicable amount'. This is the minimum income set by Government which a household sharing the same circumstances is expected to live on. A taper is then applied for every additional £1 earned resulting in frequent changes every time a household income varies. The new scheme is designed to reflect a more modern approach, notwithstanding that the number of changes will be reduced. Where discount changes it will be effective from the day of the change rather than the Monday of the following week;
- d. **A simpler scheme** – the current Council Tax Reduction Scheme document is large, benefits based and will become unduly complex once Universal Credit is rolled out. The intention is to make the new scheme document simpler, reducing the level of complexity and making it more understandable to applicants.

- 3.15. The highest level of discount will remain at 80% and will be awarded to those in Band A of the table shown in 3.11. This will automatically apply to claimants that are in receipt of a passported benefit such as Income Support, Jobseeker's Allowance (income based) and Employment Support Allowance (income related) or the maximum award of Universal Credit.
- 3.16. The scheme allows for variation in the size of the household as the levels of income per band increase when an applicant has a partner and/or dependants.
- 3.17. The current scheme applies a deduction for non-dependants living in the household whereas the proposed scheme does not. This is a significant change which will benefit those with non-dependants living in the household while simplifying the scheme for administration purposes such as low income households with adult children living at home.
- 3.18. To encourage work the current earnings disregards which vary depending on circumstances, will be replaced with a standard £25 per week disregard for all claimants. The current range of earnings disregards is between £5.00 and £25.00 depending on the householders circumstances.
- 3.19. The current disability benefits such as Disability Living Allowance, Personal Independence Payment will continue to be disregarded for income purposes as well as Employment Support Allowance (support component) and Carer's Allowance.
- 3.20. War pensions and war disablement pensions will continue to be disregarded.
- 3.21. Child benefit and child maintenance payments will continue to be disregarded.
- 3.22. The capital limit will be set at £6,000. Any capital below this amount will not affect a claimant's entitlement to Council Tax Reduction.
- 3.23. Extended payment and student provisions will be removed.
- 3.24. Changes will be effective from the date of change rather than the Monday of the following week.

- 3.25. Test profiling shows that there will be some existing claimants that will benefit from an income banded scheme and some who will see a reduction in their award. The consultation document will provide examples of claimant types and how they might be affected.

Exceptional Hardship Policy

- 3.26. The current Council Tax Reduction scheme also contains provision for taxpayers to make an application for additional discounts where they experience exceptional hardship. It is proposed that the new scheme will contain the same provisions to protect individuals who experience exceptional hardship. Where any group of person is likely to experience hardship, this will be addressed as part of the overall scheme design. The Exceptional Hardship Policy will continue to be an integral part of the scheme for the foreseeable future

Consultation and Timeline

- 3.27. As the proposals are a fundamental change to the current approach full consultation is required with Major Precepting Authorities and with the Public. The approach to the consultation is to be agreed but it will be extensive and last over the summer time. Overview and Scrutiny will get the opportunity to look at the consultation results in November having already reviewed the initial proposal in early July.
- 3.28. Subject to consideration of this report, the timeline is shown below:

Consideration of the proposed scheme by Overview and Scrutiny and recommendations to Cabinet	5 th July 2018
	17 th July 2018
Public consultation (10 weeks)	23 rd July 2018 to 28 th September 2018
Consideration of consultation responses by Overview and Scrutiny and recommendations to Cabinet	1 st November 2018
Consideration of consultation responses by Cabinet and final recommendations to Council	13 th November 2018
Decision by Council on changes to council tax reduction scheme for 2019-20	12 th December 2018
Scheme takes effect	1 st April 2019

4. FINANCIAL IMPLICATIONS

- 4.1 The financial impacts for existing claimants will continue to be profiled and the final scheme presented as per the above timetable following the consultation period. It is proposed that the overall costs of the scheme itself will remain broadly within current expenditure and therefore there will be no significant financial impact to the Council and the Major Precepting Authorities (Worcestershire County Council, Fire Authority and Police).

- 4.2 The estimated current level of expenditure for the Council Tax Reduction Scheme for working age claimants only is approximately £3.1m. The changes proposed are primarily designed to prevent additional administration costs that will inevitably occur with the introduction of full service Universal Credit rather than reduce the costs of the scheme or make the less financially able to pay more council tax. The scheme will also be easier for the public to understand.
- 4.3 The income changes for claimants migrating to Universal Credit are unknown and therefore the profiling that has been carried out is based on existing legacy benefits across the current caseload. The predicted expenditure is therefore subject to change when claimants migrate from legacy benefits to Universal Credit.
- 4.4 Where an individual may suffer exceptional hardship, the scheme will include provisions to allow for additional support to be given.
- 4.5 There is a cost to upgrade the computer system in order to administer an income banded scheme. This includes a one off cost of approximately £40,000 and annual maintenance of approximately £8,000. The initial cost would be paid for from existing reserves.

5. LEGAL & POLICY IMPLICATIONS

- 5.1 Paragraph 5 of Schedule 1A to the Local Government Finance Act 1992 as amended requires local authorities to consider the following:
- 5.2 For each financial year, each billing authority must consider whether to revise its scheme or to replace it with another scheme. This report discharges that duty.
- 5.3 The authority must make any revision to its scheme, or any replacement scheme, no later than 11th March in the financial year preceding that for which the revision or replacement scheme is to have effect.
- 5.4 In addition, where there are changes to the scheme, the authority is obliged under paragraph 5(4) of Schedule 1A if any revision to a scheme, or any replacement scheme, has the effect of reducing or removing a reduction to which any class of persons is entitled, the revision or replacement must include such transitional provision relating to that reduction or removal as the authority thinks fit.
- 5.5 The new scheme will inevitably change the amount of discount for some applicants. The initial modelling suggests that, whilst a number will have an enhanced award, where any award is reduced applicants will be able to apply for an exceptional hardship payment.

6. EQUALITY IMPACT ASSESSMENT

- 6.1 Under the Public Sector Equality Duty (section 149 of the Equality Act 2010) the Council must have due regard to (i) eliminating unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advancing equality of opportunity between people from different groups, and (iii) fostering good relations between people from different groups.
- 6.2 A full equality impact assessment on the proposed Council Tax Reduction scheme has been produced and can be found in **Appendix 1**. This assessment will be reviewed and amended accordingly if required, following the consultation.

7. RISK MANAGEMENT

- 7.1 Any changes to the Council Tax Reduction Scheme must be consulted on. The consultation must be meaningful and allow an appropriate period of time as failure to do so could result in a challenge.
- 7.2 There is a risk of increased staffing resource requirements and/or deterioration of service levels due to increased variation/complexity in administration processes if the scheme is not revised to take into account Universal Credit changes.

8. CONCLUSION

- 8.1 Cabinet is asked to agree that consultation should be undertaken based on a proposed approach to the scheme as outlined in this report. The results and final scheme details will be reported to Overview and Scrutiny and Cabinet in November for final recommendation to Council in December. Whilst this will not increase council tax collected, it should ensure administration costs can be contained within current resource levels.
- 8.2 This report recommends no change to the current 20% minimum council tax contributed from working age claimants and proposals encompass the annual review of the scheme.

9. CONSULTEES

- 9.1 Cabinet, Corporate Leadership Team and Overview and Scrutiny Committee.

10. BACKGROUND PAPERS

- 10.1 Detailed information on the current council tax reduction scheme can be found at www.wyreforestdc.gov.uk/counciltax
- 10.2 Council Tax Benefit Reform, Overview and Scrutiny Committee 8th November 2012
Council Tax Benefit Reform, Cabinet 12th November 2012
Council Tax Benefit Reform, Council 21st November 2012
Welfare Support Fund, Cabinet 23rd June 2015
Review of Council Tax Reduction Scheme, Cabinet 10th November 2015
Council Tax Reduction Scheme Review 2016-17, Council 9th December 2015
Council Tax Reduction Scheme Review 2017/18, Cabinet 4th October 2016
Council Tax Reduction Scheme Review 2017/18, Overview and Scrutiny Committee 3rd November 2016
Council Tax Reduction Scheme Review 2017/18, Cabinet 22nd November 2016
Council Tax Reduction Scheme Review 2017/18, Council 14th December 2016

Full Equality Impact Assessment- EIA

An EIA is a way of finding out if:

- Our services are accessible to service users and employees.

An EIA helps us to make sure that:

- Our functions and policies do not have a negative impact or discriminate in any way against any members of our local community.

A Full EIA needs to work through the following stages:

- ↓ **Establish clear aims & objectives-** What is the purpose? Who will benefit? What are the intended outcomes?
- ↓ **Consideration of data & information-** National & local data; service data; satisfaction/feedback data; complaints; research
- ↓ **Assessing the impact-** Who does/does not use service? Have you consulted? Does it reflect varied needs of community?
- ↓ **Reviewing/Scrutinising the impact-** Is there a differential impact on different groups? Is it adverse? Is it directly or indirectly discriminatory? *Show justification if applicable*
- ↓ **Addressing the issues-** Measures to alleviate impact; alteration to policy; action plans
- ↓ **Formal consultation-** Use appropriate methods; consult those affected or with legitimate interest; consult widely; ensure consultation is open, inclusive & accessible
- ↓ **Making a decision-** Explain decision & intended effects/benefits; monitor any actions
- ⇒ **Publication of results-** Accessible & user friendly; add website & intranet; notify consultees

Name of service or policy being assessed	Proposals to make changes to the Council Tax Reduction Scheme to move from a means tested assessment to an income banded reduction scheme from 2019/20.		
Directorate	Resources	Is this a new or existing service or policy?	New/ Existing
Officers completing the assessment	Lucy Wright-Revenues, Benefits & Customer Services Manager	Director	Tracey Southall – Director of Resources
Date	June 2018	Relevant Cabinet Member	Cllr Nathan Desmond - Cabinet Member for Resources

<p>Establish clear aims & objectives</p> <p>What is the purpose and expected outcomes?</p>	<p>The Council Tax Reduction Scheme (CTRS) provides assistance to people on low incomes to help them pay their council tax.</p> <p>When council tax benefit was abolished and replaced by localised council tax schemes in 2013, central government protected pensioners with a view that they are unable to take advantage of employment and unable to alter their financial situation.</p> <p>The proposed alterations to the scheme will continue to protect pensioners who will get the same level of council tax support as they do now. The proposals to change the CTRS from 2019/20 are as follows:</p> <ul style="list-style-type: none"> • Move to an income banded scheme instead of a means tested benefit. Claimants will fall into one of 4 bands depending on their household income. The grid has been developed to include single people, couples, families with 1 child and families with 2 or more children. Each band has 4 income brackets which entitles the claimant to either a 80%, 60%, 40% or 20% reduction in their Council Tax. • The scheme allows for variation in the size of the household as the levels of income per band increase when an applicant has a partner and/or dependants. • The proposed scheme does not apply a deduction for non-dependants living in the household. This is a significant change which will benefit those with non-dependants living in the household while simplifying the scheme for administration purposes such as low income households with adult children who live at home. • A standard earnings disregard will be applied across all claimants of £25. This will encourage people to move into work. • Current income disregards will continue such as Disability Living Allowance, Personal Independence Payments, the support component of Employment Support Allowance, Carer's Allowance, war pensions, war disablement pensions, child benefit and child maintenance payments. • The capital limits before entitlement is stopped will be £6,000.
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	<ul style="list-style-type: none"> Extended payments and student provisions will be removed.
Will there be any effect on other council procedures or strategies e.g. Corporate Plan or the council's workforce?	None
Are there any statutory requirements or implications?	<p>The Local Government Finance Act prescribes details of the scheme to be used for pension age applicants under the Council Tax Reduction Scheme (Prescribed Requirements) Regulations 2012.</p> <p>Certain aspects of the scheme for working age applicants are also included within those regulations.</p>
Are there any other organisations/bodies involved?	None
Consideration of data & information National & local data; service data; satisfaction/feedback data; complaints; research that is being used	<p>Due to changes made by central government from 2013 all local authorities were required to create a local scheme to replace council tax benefit. If the Council wish to consider making any changes to the scheme, there is a legal requirement to undertake a consultation.</p> <p>If approved by Cabinet, the Council will consult on the proposed scheme from 23 July. The consultation will run for 10 weeks and the feedback received will be presented to Cabinet in November and Council in December. Any appropriate feedback will be incorporated into this equality impact assessment.</p>
Assessing the impact Who does/does not use service? Have you consulted? Does it reflect varied needs of community?	<p>All households are liable to pay council tax. However the level of financial support they receive is up to the Council to decide under their local scheme regulations.</p> <p>The current scheme provides 100% support for low income pension age claimants and 80% support for low income working age claimants, meaning all working age households have to pay a minimum of 20% of their council tax bill.</p> <p>The Cabinet stated that they were not minded to change the level of support for working age claimants before 2019/20 however central Government have made changes to housing benefit, tax credits and universal credit. The proposed changes will affect some claimants – 18% of households may see an increase in their entitlement while 13% may see a reduction due to their income levels.</p> <p>The current Council Tax Reduction Scheme working age caseload is approximately 4,414.</p>

What impact does the service/policy/project have on the nine protected characteristics as defined by the Public Sector Equality Duty 2010 – for definitions, please see overleaf.	
Reviewing/Scrutinising the impact	
Is there a differential impact on different groups? Is it adverse? Is it directly or indirectly discriminatory? Show justification if applicable	
1. Age	Negative/Positive <u>Evidence:</u> While the changes will impact negatively on some new working age claimants the majority will be affected positively as they will receive more entitlement whereas pensioners are protected so the impact is not considered to be significant. The retention of a discretionary exceptional hardship fund that will support low income working age claimants will mitigate the impact on working age households that are unable to pay the liability or who are detrimentally affected. Current caseload shows that 50% of our caseload is working age and 50% are pensioners .
2. Disability	Positive/Negative <u>Evidence:</u> The proposed changes to the scheme continues to disregard disability benefits
3. Gender Reassignment	Positive/Negative <u>Evidence:</u> No impact
4. Marriage and Civil Partnership	Positive/Negative <u>Evidence:</u> No impact
5. Pregnancy and Maternity	Positive/Negative <u>Evidence:</u> No impact
6. Race	Positive/Negative <u>Evidence:</u> No impact
7. Religion or belief	Positive/Negative <u>Evidence:</u> No impact
8. Sex	Positive/Negative <u>Evidence:</u> No impact

9. Sexual orientation	Positive/Negative <u>Evidence:</u> No impact		
Other e.g. Deprivation, health inequalities, urban/rural divide, community safety.	Negative <u>Evidence:</u> Council Tax Reduction is a discount that is available to low income households. It is on this basis that all working age recipients would be at a socio-economic disadvantage in particular lone parents, part-time workers and carers. The retention of a discretionary exceptional hardship fund that will support low income working age claimants will mitigate the impact on working age households that are unable to pay the liability or who are detrimentally affected by the proposed changes.		
Can any differential impact be justified? (e.g. promoting equality of opportunity)	Y	N	<u>Evidence</u> When creating the local scheme, the Council have given due regard to central government's stipulation that people of pension age must be protected. In a public consultation undertaken in 2012, the principle of 'Every household with working age claimants should pay something' was agreed by 84% of respondents and this became a principle embedded into our scheme. A further consultation was undertaken in 2015 and there were no objections raised to this principle which ensures a degree of fairness as it applies across all groups who are of working age. The scheme is devised to incentivise working age people to seek employment. For those who are in severe hardship or unable to increase their income, the Council manages a discretionary hardship fund to support them following a detailed review of the individual's and household's circumstances.
Does any adverse impact amount to unlawful discrimination?	Y	N	<u>Evidence</u> To be provided as the scheme progresses
What alternative actions could be taken to mitigate any adverse impact? (add these to the action plan)	Continuation of the exceptional hardship fund to support those in financial need.		

Addressing the issues				
<i>Measures to alleviate impact; alteration to policy; action plans</i>				
ACTION PLAN				
Impact	Action required	Lead Officer	Timescale	Comments
Financial pressure applied to low income families	Ensure all staff promote applications for the exceptional hardship fund to provide support to those in financial need	Lucy Wright	Ongoing	
	Continuously monitor the impact of the changes together with take up of the exceptional hardship fund.	Lucy Wright	Monthly	Monthly analysis of collection rates for CTRS caseload
	Report the number of applications/awards made against the exceptional hardship fund	Lucy Wright	Monthly	Data to include expenditure to date to ensure adequate financial provision is made
Action Plan to be reviewed:	Date November 2018			

Formal Consultation	
What formal consultation has been undertaken?	Public consultation held in 2012, 2015 and 2016 as detailed above. Further consultation with regard to the proposed change to an income banded scheme will take place from July 2018 for 10 weeks.
Making a Decision	
Explain decision & intended effects/benefits; Can the service/policy proceed?	The Council was required to replace council tax benefit with a local scheme with the requirement that pensioners are to be protected. It is inevitable that there will be negative equality impacts. As a result however this is mitigated by the creation and continued use of an exceptional hardship fund
How will the service/policy/actions be monitored and reviewed? <i>(please give timescale)</i>	Continuous and ongoing monitoring of council tax collection rates with specific reference to CTRS claimants, numbers of reminders & summonses issued and number of exceptional hardship applications
Publication of results	
Accessible & user friendly; add website & intranet; notify consultees	To be published following full Council decision in December 2018
Signed Lucy Wright – Revenues, Benefits & Customer Services Manager	Date 13th June 2018
Agreed by Director of Service Tracey Southall	Date 13th June 2018

Prior to the Equality Act 2010, there were 3 separate public sector equality duties covering race, disability and gender. The Equality Act 2010 replaced these with a new single equality duty covering the following protected characteristics:

Protected characteristics: definitions

Age - where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).

Disability - a person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

Gender reassignment - The process of transitioning from one gender to another.

Marriage and civil partnership - marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters.

Pregnancy and maternity - pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

Race - It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

Religion and belief - religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism).

Sex - a man or a woman.

Sexual orientation - whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes

WYRE FOREST DISTRICT COUNCIL

**Cabinet
Tuesday 17th July 2018**

**Overview and Scrutiny Committee
Thursday 5th July 2018**

Council Tax Reduction Scheme Review 2019/20

The Committee considered a report which provided information of the work undertaken by the Revenues, benefits and customer services section on the redesign of the Council Tax Reduction Scheme for implementation by 1st April 2019.

Members supported the proposals and looked forward to receiving the results of the consultation at a future meeting of the Committee.

Recommend to Cabinet:

To support the proposals to undertake a consultation with Major Preceptors and the public on proposed changes to the Council Tax Reduction Scheme from 1st April 2019

Background papers:

Report to the Overview and Scrutiny Committee, Thursday 5th July 2018

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

WYRE FOREST DISTRICT COUNCIL**CABINET MEETING****17th July 2018****WRITE OFF OF AMOUNTS OUTSTANDING**

OPEN	
CABINET MEMBER:	Cllr. Nathan Desmond
RESPONSIBLE OFFICER:	Corporate Director: Resources
CONTACT OFFICER:	Fiona Johnson Ext. 2661 E-mail Fiona.johnson@wyreforestdc.gov.uk
APPENDIX 1	Proposed Write-Offs

1. PURPOSE OF REPORT

- 1.1 To enable the Cabinet to give consideration to writing off the sum of £153,483.59 in respect of debts that cannot be collected.

2. RECOMMENDATION

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

- 2.1 The total of £153,483.59 as detailed in the Appendix to this report, be written off.

3. BACKGROUND

- 3.1 Part 4 of the Council's Constitution, Delegation to Officers, paragraph 1.13, authorises the Corporate Director: Resources as Chief Financial Officer to write off individual debts up to the value, in each case of £5,000. For values, between £5,000 and £9,999.99 write-offs can be made with the approval of the delegated Cabinet Member. The Cabinet is authorised to write off debts of £10,000 and over.
- 3.2 It is therefore necessary for Cabinet to give consideration to the cases scheduled on the appendix to this report. On this occasion, all the debts relate to non-domestic rates.

4. KEY ISSUES

- 4.1 National Non-Domestic Rates are demanded in accordance with the provisions laid down by The Local Government Finance Act 1988; the total annual sum collectible by this Council is circa £30 million, our overall collection rate for 2017/18 was 97.86%. Recovery action is taken in the event of non-payment under the various regulations made by this Act.
- 4.2 Every effort has been made to pursue the debts set out in the Appendix. This rigorous recovery work has been a prolonged exercise due to the necessary stages that must be followed for debt recovery.

Write off is only recommended when all recovery avenues have been fully explored, and this is the reason for the debts now presented for write off. All of the companies have now ceased trading making the prospect of recovery impossible.

5. FINANCIAL IMPLICATIONS

- 5.1 Under the current Business Rates Retention Regime the cost of non-collection of National Non-Domestic Rates is met both by the Government and the Worcestershire Business Rate Pool. Approval of the proposed write-offs detailed in the Appendix of £153,483,59 will be accounted for as part of the Worcestershire Business Rates Pool and result in a loss of income shared between the Pool members and the Government.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 None.

7. EQUALITY IMPACT NEEDS ASSESSMENT

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

8. RISK MANAGEMENT

- 8.1 The principal risk to the Council is loss of National Non-Domestic Rates (Business Rates) income which is a key funding source. However, the budgeting process includes an estimate each year for a small percentage of potential write-offs/provision for bad debts that are unfortunately inevitable given the total annual sum collectible of circa £30m. The Business Rates accounting regime and membership of the Worcestershire mitigates the risk of impact on this Council as the loss of income is shared between Pool members and the Government.

9. CONCLUSION

- 9.1 The amounts set out in the Appendix cannot be collected and should be written off.

10. CONSULTEES

- 10.1 Corporate Leadership Team
Cabinet Member for Resources

11. BACKGROUND PAPERS

- 11.1 None.

Appendix Open Companies

Debt Type	Payer	Address	Reason for Write-Off	Amount £
NDR	Flat Surface Design Ltd 00386979	Workshop and premises, Units 4 & 5 The Sealine Works, Whitehouse Road, Kidderminster. DY10 1HY	Initially, Business Rate debt related to occupied rates for the period 25/01/2017 to 28/02/2017. This assessment was originally part of the Sealine Ltd assessment, in October 2016 the new landlord informed the Valuation Office Agency that he had got new tenants in several areas of the site and needed the assessment to be split into eight new assessments. The Valuation Office Agency did not notify us of the new assessments and correct rateable values until 31st May 2017. However by this time the company had been dissolved at Companies House on 28th February 2017. So we were unable to even bill the company and Cabinet approved the write-off of £10,389.34 on 14/11/2017. However the landlord stated that the splits that the Valuation Office Agency had done were not correct. In February 2018 the Valuation Office Agency changed the start date of the assessment to 02/06/2016 creating a new period of liability from 02/06/2016 to 24/01/2017 which was £70350.69, but as before as the company has been dissolved at Companies House on 28th February 2017 there is no prospect of receiving payment.	70,350.69
NDR	Plastic and Metal Recycling Ltd 00361569	Warehouse & Premises, Unit 76 Barracks Road, Stourport-on Severn, DY13 9QB	Business Rate debt relates to occupied rates for the periods 01/04/2015 to 31/03/2016 and 01/04/2016 to 23/02/2017. Liability Orders were made by Kidderminster Magistrates Court on 20th November 2015 and 23rd September 2016. The instructions were passed to Enforcement Agents and the company did make a payment to them and also continued to make payments direct to us, but then payments stopped. The warrants were returned in February and May 2018 no trace. On checking the company at Companies House there is currently a proposal to strike off.	10,432.06
NDR	Mr J Singh 00358045	Shop & Premises, 23 Worcester Street, Kidderminster. DY10 1ED	Business Rate debt relates to void rates for the periods 29/10/2012 to 31/03/2013, 01/04/2013 to 31/03/2014, 01/04/2014 to 31/03/2015, 01/04/2015 to 31/03/2016, 1/04/2016 to 31/03/2017 and 01/04/2017 to 04/01/2018. The Landlord supplied a lease showing that Mr Singh was liable from 12th June 2012 for 15 years, we did originally have an away address for Mr Singh but correspondence soon started being returned gone away. Liability Orders were made by Kidderminster Magistrates Court on 28th June 2013, 26th July 2013, 4th July 2014, 3rd July 2015, 23rd September 2016 and 22nd September 2017. Instructions were passed to Enforcement Agents but they were unable to obtain payment and the warrants were returned no trace. Every effort has been made to locate the debtor but to date no trace has been found. The Council were about to start bankruptcy proceeding against Mr Singh in the hope of ending the lease, however the Landlord has now let the premises to a new tenant.	72,700.84
				153,483.59

WYRE FOREST DISTRICT COUNCIL

CABINET

Tuesday 17th July 2018

**The Environmental Offences (Fixed Penalties) (England)
Regulations 2017**

CABINET MEMBER:	Councillor Becky Vale, Cabinet Member for Depot Operational Services
RESPONSIBLE OFFICER:	Corporate Director: Community Well-Being & Environment Linda Draycott
CONTACT OFFICER:	Head of Operational Services Steve Brant
APPENDICES:	Appendix Environmental Offences – List of Current and Proposed Penalties

1. PURPOSE OF REPORT

- 1.1 To highlight the revised Government arrangements that has been made within the Environmental Offences (Fixed Penalties) (England) Regulations 2017.
- 1.2 In line with these changes to formally review and adjust the fixed penalty charging regime that is currently adopted and in place for Wyre Forest District Council.

2. RECOMMENDATION

The Cabinet is asked to DECIDE:

- 2.1 To establish a revised set of maximum penalty charges that will apply to relevant environmental offences within the District and being set within government parameters, as set out in the “proposed new penalty” column in the Appendix.
- 2.2 To establish a revised set of discounted penalty charges that will apply (pending early payment) to relevant environmental offences within the District and being set within government parameters, as set out in the “proposed new discounted penalty” column in the Appendix.

3. BACKGROUND

- 3.1 In April 2017 the government released its National Litter Strategy for England. This set in train a commitment towards improving standards of environmental cleanliness via Education, Enforcement and Infrastructure, all aligned to a 25 year environment plan.

- 3.2 With effect from April 2018, the Government amended the maximum level of fixed penalties that councils are able to impose for littering, the unauthorised distribution of free printed literature, graffiti and fly-posting from £80 to £150. The default penalty for these offences also increased from £75 to £100.
- 3.3 Councils and a number of other land managers are responsible for taking enforcement action against a range of “environmental offences” include littering, graffiti, fly-posting, and other offences which harm public spaces.
- 3.4 In most cases, these environmental offences attract a criminal penalty. However, councils and other enforcing authorities may choose to issue fixed penalty notices (on the spot fines) as an alternative to prosecution. This reduces burdens on the justice system by avoiding the need for the majority of these cases to be heard in court, and also enables offenders to avoid a criminal record.
- 3.5 It is up to councils to decide whether to issue a fixed penalty notice in any individual case, and up to the offender to decide whether to pay it, or to defend the case in court risking prosecution and conviction. By far the majority of enforcement activity against offences such as littering is via fixed penalty notices, rather than prosecution.
- 3.6 At its full Council meeting of July 2007 WFDC formally adopted a corporate Environmental Education & Enforcement Strategy based around the following key themes: Educate, Enforce and Eradicate. This strategy went on to establish the current fixed penalty regime.
- 3.7 Since April 2017 the income that Councils receive from these penalties has been (in most cases) ring-fenced for spending on their functions relating to the original offence. The following table shows the functions on which councils may spend this income:

Offence	FPN money can be spent on functions relating to:
Litter, graffiti, fly-posting, unauthorised distribution of free printed material on designated land	Litter and refuse (including keeping land and highways clear of litter and refuse, and enforcement against littering and littering from vehicles), graffiti and fly-posting, controlling and enforcing against the unauthorised distribution of free literature
Nuisance parking	Road traffic, litter and refuse
Abandoning a vehicle	Road traffic, litter and refuse
Fly-tipping	There are no restrictions on how councils can use this income
Failing to show waste documents	Waste on land

4. KEY ISSUES

- 4.1 The Council should use the opportunity establish and adopt a proportionate and legal environmental penalty charging regime in line with the amending legislation.
- 4.2 This revised regime should take account of and set penalty levels:
- Within the Government's minimum and maximum penalty range levels
 - Not lower than the Government's minimum discounted penalty range levels
 - where any discounted penalty charges depend on the early receipt of payments.
- 4.3 Generally, the approach in the proposals in the Appendix is to set the penalties at the maximum permitted level in each case. Where offered, discounts for early payment are at the rate of 33% i.e. the discounted penalties are 67% of the original penalty. However, there are no proposals to reduce penalties below their existing levels as this would reduce the current deterrent so, in some cases, the discount for early payment is less than 33%.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no capital or revenue increases required to fund the revised charges. There will be some minor incurred costs to revise existing penalty charge notices. However this can be met within existing budgets.
- 5.2 Income received during 2017/18 from the Council's environmental enforcement team amounted to £7,665. The outlined increases within this report should therefore see a small increase in income.
- 5.3 The proposals intend to support existing enforcement protocols to provide a proportionate and responsible approach towards effective enforcement against littering and other related environmental offences, so that it operates as an effective deterrent and retains support of the local community.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 The proposed penalties and discounted penalties comply with the requirements of the 2017 Regulations.
- 6.2 By taking the opportunity to revise the Council's current penalty charging regime in line with the recently introduced legislative changes, it would be appropriate at a later date to update and refresh the original Environmental Education and Enforcement Strategy document of January 2007. This policy statement supports the Council's two main priorities of *Contributing to a successful local economy and to live in clean green and safe communities*.

7. EQUALITY IMPACT NEEDS ASSESSMENT

- 7.1 Not required as penalty charges are applied equally to all offenders.

8. RISK MANAGEMENT

- 8.1 There is a risk that, by not updating the Council's current penalty charging regime, it will fall behind current Government strategic thinking and the wider raised profile of environmental enforcement within the local community.
- 8.2 A clean and healthy environment is good for the public, good for the local economy. It plays an important role in improving our well being and it promotes local businesses to be more successful. The proposals will allow a legal penalty charging regime to be enforced and help protect the environment and the community from loss of amenity due to environmental crimes and anti social behaviour.

9. CONCLUSION

- 9.1 Cabinet is recommended to adopt the proposed new penalty charges and the proposed discounted charges as set out in the Appendix. This will provide the Council with a more effective enforcement regime in the fight against environmental crime and anti social behavior.

10. CONSULTEES

- 10.1 WFDC Legal and Finance officers

11. BACKGROUND PAPERS

- 11.1 WFDC Environmental Education and Enforcement Strategy 2007
- 11.2 DEFRA Modification to the Code of Practice on Litter and Refuse April 2018
- 11.3 HM Government Litter Strategy for England April 2017
- 11.4 The Environmental Offences (Fixed Penalties) (England) Regulations 2017
<http://www.legislation.gov.uk/ukxi/2017/1050/contents/made>

Penalty Offence	Government Minimum Penalty	Government Maximum Penalty	Government Minimum Discounted Penalty	WFDC Current Penalty	WFDC Current Discounted Penalty	WFDC Proposed New Penalty	WFDC Proposed New Discounted Penalty
Littering	£50	£150	£50	£75	£50	£150	£100
	£65 (April 2019)						
Graffiti	£50	£150	£50	£75	£50	£150	£100
	£65 (April 2019)						
Fly Posting	£50	£150	£50	£75	£50	£150	£100
	£65 (April 2019)						
Unauthorised Distribution of Free Literature	£50	£150	£50	£75	£50	£150	£100
	£65 (April 2019)						
Nuisance Parking	£100	£100	£60	£100	Not Offered	£100	£100
Abandoning a Vehicle	£200	£200	£120	£200	Not Offered	£200	£200
Fly-tipping	£150	£400	£120	£400	£300	£400	£300
Failure to Produce Documentation	£300	£300	£180	£300	£200	£300	£200
Failure to Produce Authority	£300	£300	£180	£300	£200	£300	£200
Industrial & Commercial Waste Receptacle Offences	£75	£110	£60	£100	£75	£100	£75
Domestic Waste Receptacle Offences	£60	£80	£40	N/A New Legislation		£60	£40

WYRE FOREST DISTRICT COUNCIL

**Cabinet
Tuesday 17th July 2018**

**Overview and Scrutiny Committee
Thursday 5th July 2018**

The Environmental Offences (Fixed Penalties) (England) Regulations 2017

The Committee received a report which detailed the revised Government arrangements that had been made within the Environmental Offences (Fixed Penalties) (England) Regulations 2017. In line with the changes Members were asked to consider formally reviewing and adjusting the fixed penalty charging regime that is currently adopted and in place for Wyre Forest District Council.

The Committee supported the proposal and agreed that in line with the revised Government arrangements it would be timely to review the Council's Environmental Education and Enforcement Strategy 2007. The Chairman said this could be included in the review of civil enforcement issues which was on the Committee work programme for the latter part of the year.

Recommend to Cabinet that:

The results of a review that suggests amendments to the penalty charging regime as outlined below. This will provide the Council with a more effective enforcement regime in the fight against environmental crime and anti social behaviour.

- **To establish a revised set of maximum penalty charges that will apply to relevant environmental offences within the District and being set within government parameters, as set out in the "proposed new penalty" column in the Appendix of the report.**
- **To establish a revised set of discounted penalty charges that will apply (pending early payment) to relevant environmental offences within the District and being set within government parameters, as set out in the "proposed new discounted penalty" column in the Appendix of the report.**

Background papers:

Report to the Overview and Scrutiny Committee, Thursday 5th July 2018

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

WYRE FOREST DISTRICT COUNCIL**CABINET**
17th JULY 2018**Report on the national “Make a Stand” domestic abuse pledge**

OPEN	
CABINET MEMBER:	Chris Rogers
RESPONSIBLE OFFICER:	Kate Bailey
CONTACT OFFICER:	Kate Bailey
APPENDICES:	One: Presentation on levels of Domestic Abuse in Wyre Forest Two: Domestic Abuse pathway.

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to approve the Council signing up to the national domestic abuse pledge being supported by the Chartered Institute of Housing (CIH), Womens Aid and Domestic Abuse Housing Alliance (DAHA).

2. RECOMMENDATION

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

- 2.1 **Sign up to the “Make a Stand” Domestic Abuse Pledge.**
- 2.2 **For the Cabinet Member for Housing, Health and Wellbeing to be the champion for the Domestic Abuse pledge.**

3. BACKGROUND

- 3.1 The Make a Stand pledge was developed by CIH in partnership with the Domestic Abuse Housing Alliance (DAHA) and Womens Aid as part of the presidential appeal and launched at the end of May 2018.
- 3.2 The organisations wanting to commit to the pledge sign up to put in place four actions to support people who are experiencing domestic abuse who live and work in social housing. Whilst this is the pledge, the Council will support the commitments within the pledge across housing tenure.
- 3.3 The pledge has already been signed up to by 100+ organisations and has been raised at the Worcestershire Strategic Housing Partnership to encourage all councils and registered providers in Worcestershire to commit to the pledge.

4. KEY ISSUES

- 4.1 Domestic abuse is a significant issue in Wyre Forest (please see Appendix One). It has recently been identified as the topic for the Connecting Families systems thinking project in Wyre Forest and a strategic group, lead by the Chief Executive, has been established. Domestic abuse presents a significant challenge and cost not only to the

victims and their families but to the public sector particularly within the housing, health and criminal justice sector. In Wyre Forest it is the second most likely reason given for homelessness and is one of the causes of Adverse Childhood Experiences, which can have a long term affect on people's health and wellbeing.

4.2 The pledge has four commitments;

4.2.1 To put in place and embed a policy to support residents who are experiencing domestic abuse

4.2.2 To make information about national and local domestic abuse support services available on our website and in other places which are easily accessible to residents and staff

4.2.3 To put in place a HR policy and procedure on domestic abuse, or to incorporate this into an existing policy, to support members of staff who are experiencing domestic abuse

4.2.4 Appoint a champion in our organisation to own the activity we are doing to support people experiencing domestic abuse.

4.3 Organisations have until September 2019 to put the commitments in place. The Council is advanced in its preparations to meet these commitments as it already provides information on domestic abuse services through the website and Customer Service Centre, via our Domestic Abuse pathway leaflet (please see Appendix Two) and therefore meets the second commitment. In addition the Council has an HR policy and procedure on domestic abuse for staff and therefore meets the third commitment.

4.4 The Cabinet Member for Housing, Health and Wellbeing has indicated an interest in the pledge and acting as a champion for Wyre Forest District Council to oversee the activity officers undertake to support people experiencing domestic abuse. This would meet the fourth commitment if supported by Cabinet.

4.5 Officers, across the Directorates, would therefore need to develop a policy that would support residents who are experiencing domestic abuse and ensure this was embedded into the organisation.

4.6 This work would support the wider work of the Council and partners undertaking the Connecting Families project and the Police and Crime Commissioner's "Drive" pilot that will work with the perpetrators of domestic abuse.

5. FINANCIAL IMPLICATIONS

5.1 Work in relation to the pledge and policy will be undertaken by the current staffing resource and within existing budget.

6. LEGAL AND POLICY IMPLICATIONS

6.1 Not applicable

7. EQUALITY IMPACT NEEDS ASSESSMENT

- 7.1 An Equality Impact screening assessment will be undertaken when the policy for residents is devised.

8. RISK MANAGEMENT

- 8.1 The pledge will help support the Council in raising awareness of Domestic Abuse and in seeking to reduce levels within the District.

9. CONCLUSION

- 9.1 Signing up to the pledge will commit the Council to four actions that will help raise awareness of the issue of Domestic Abuse and help put in place measures to tackle it.
- 9.2 Supporting the pledge will also support the wider activities of the Council and its partners.

10. CONSULTEES

- 10.1 Corporate Leadership Team, Revenues, Benefits and Customer Services Manager and Community Safety and Partnerships Officer.

11. BACKGROUND PAPERS

- 11.1 Not applicable

Connecting Families

Prevent | Protect | Recover | Thrive

Working together to improve the lives of families

Wyre Forest Focus on Domestic Abuse

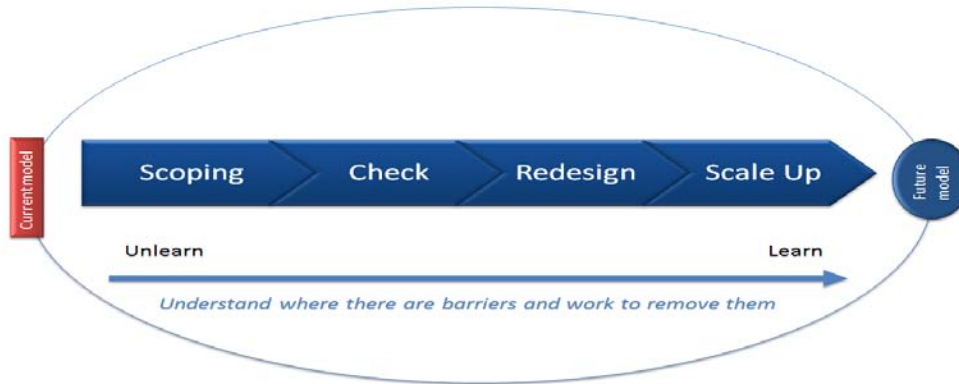
Connecting Families Approach

Connecting Families

Prevent | Protect | Recover | Thrive

Working together to improve the lives of families

- The Connecting Families Approach has 4 stages:



- Scoping** – Identify the local opportunity for change and scope what the project might look like to address this.
- Check** – Study the system in depth, including service user experiences. Does this support the original issue that was identified during scoping?
- Redesign** – experiment with a pilot project, testing out new ways of working together
- Scale Up** – scale up redesign

Connecting Families Approach

Scoping Phase	<ul style="list-style-type: none">• Data Analysis – District wide and within defined thematic/geographic area• Local ownership and discussion• Identification of key agencies to be involved• Prioritisation of key issue of focus• Partnership agreement and buy-in
Check Phase	<ul style="list-style-type: none">• 3 days learning activity - Commitment to learn/unlearn process by examining customer/service user experience• Pilot design - What focused piece of work can partners start on• Agree timeframe and evaluation framework, including reference to how ongoing work might be sustainable
Re-design	<ul style="list-style-type: none">• Test new way of working and set evaluation framework• Ensure mechanism to be able to examine and remove things that get in the way. (Tactical Officers was used in Redditch). This should run alongside project activity
Scale-Up Design	<ul style="list-style-type: none">• Run full evaluation of project impact and lessons learnt• Create proposal for next steps understanding any required system changes and workforce development• Sustainability of scale-up must be an important consideration

Area of focus

- Each district in Worcestershire has its own needs, issues and concerns – therefore the Connecting Families approach can be employed with a different focus in each district.
- Discussions in **Wyre Forest have identified Domestic Abuse** as the area of focus for the district.
- Now need to further define the focus of activity
- Information and intelligence has been collected to help inform decisions on what aspect of Domestic Abuse and which geographical areas should be considered initially.

Domestic Abuse

Domestic abuse - as any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass, but is not limited to, the following types of abuse:

- psychological
- physical
- sexual
- financial
- emotional

Domestic Abuse

Controlling Behaviour – a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

Coercive Behaviour – an act or pattern of acts or assaults, threats, humiliation and intimidation or other abuse that is used to harm, punish or frighten their victim.




About the Data

Some data is taken from a range of existing analysis documents.

- Domestic Abuse and Violence JSNA Needs Assessment, July 2016
- Safer Wyre Forest Data Update, November 2016
- Worcestershire Domestic Abuse Analysis 2015-16, June 2016
- Worcestershire Homelessness Review, 2016
- Domestic Abuse Needs Assessment, July 2014
- WFADA Domestic Abuse & Alcohol Profile, 2013

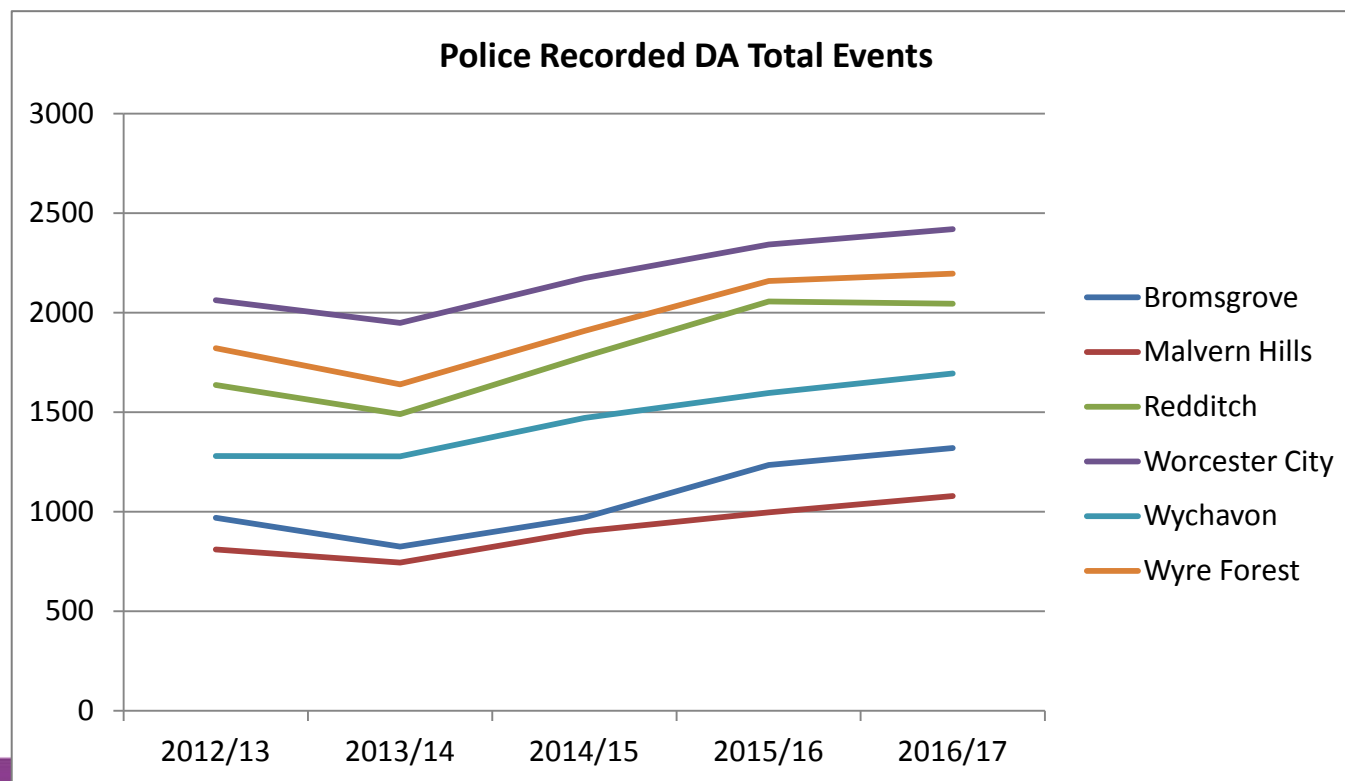
Therefore some of the analysis **may not be district specific** and **may not** be based on the most recent time period





What do we know?

- Upward trend in police recorded DA offences and incidents
- Wyre Forest – consistently second highest number recorded



Geographical Distribution

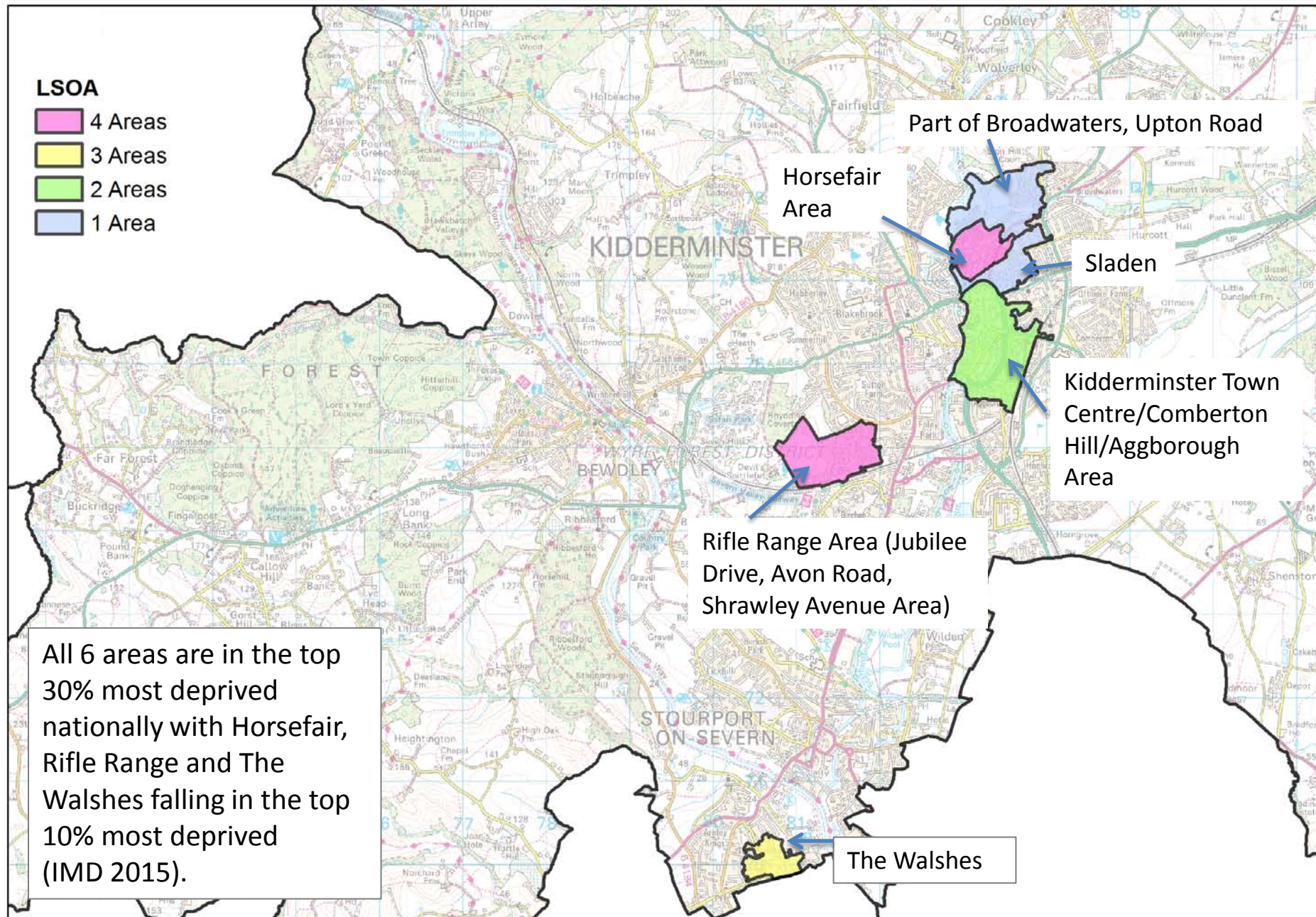
Rank out of a total of 364 LSOAs in Worcestershire (where 1 is worst)

LSOA Name	Rank of Incident Rate	Rank of Crime Rate	Rank of Victim Rate	Rank of SC Assessment Rate
Horsefair Area	2	1	1	2
Rifle Range Area (Jubilee Drive, Avon Road, Shrawley Avenue Area)	5	4	4	1
The Walshes		6	7	7
Kidderminster Town Centre/ Comberton Hill/ Aggborough Area		8	5	
Part of Broadwaters, Upton Road				6
Sladen				10

- Police Reported DA Incident Rate per 1,000 (based on location of incident)
- Police Reported DA Crime Rate per 1,000 (based on location of Crime)
- Police Reported DA Victims per 1,000 (based on home address of victim)
- Social Care Assessments where DA is a factor, per 1,000

LSOAs Featuring in Worcestershire Top 10 against 4 different measures

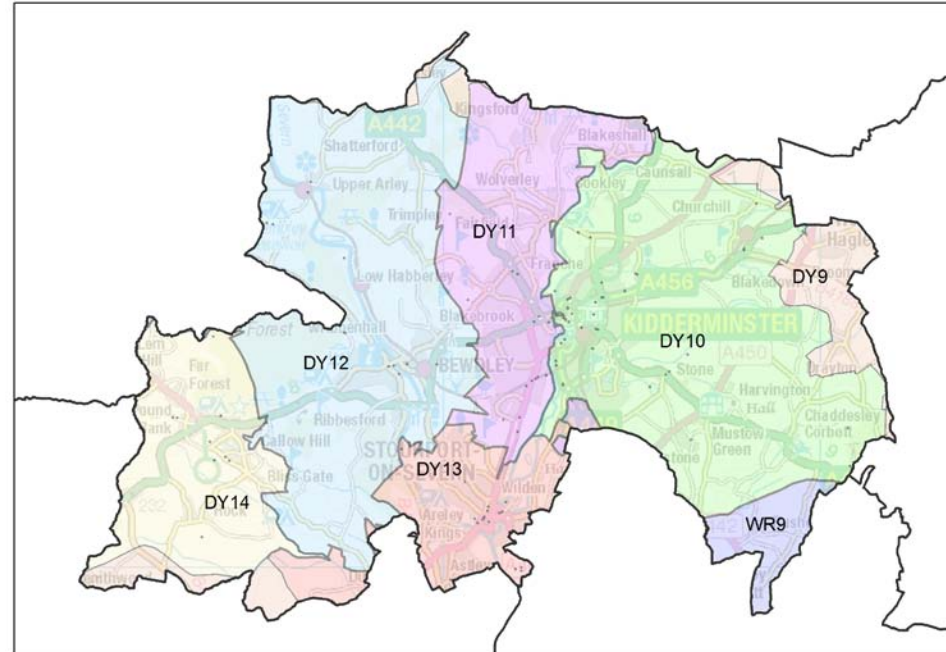
Agenda Item 9.1 Appendix 1



Geographical Distribution

Domestic Abuse Helpline calls

- Postcode **DY10** has the highest volume of calls (1,500) from 2012 to 2015 in Worcestershire (along with WR4)- Accounting for around 15% of the 9,798 total calls for the helpline.
- This area covers the eastern area of Kidderminster town and the more rural area to the east.
- 4 of the 6 LSOAs identified previously are within the DY10 postcode area



Domestic Abuse Helpline calls 2017

- Postcode **DY10** continues to have the highest volume of calls in 2017.

Postcode	Number of Helpline Calls 2017
DY10	833
DY11	358
DY13	273
DY14	52
Total	1516

- Helpline for both men & women
- But** - Only a very small % of calls are from men – perception that it is not for them as run by Women’s Aid.
- Considering having a separate helpline number for men

Helpline

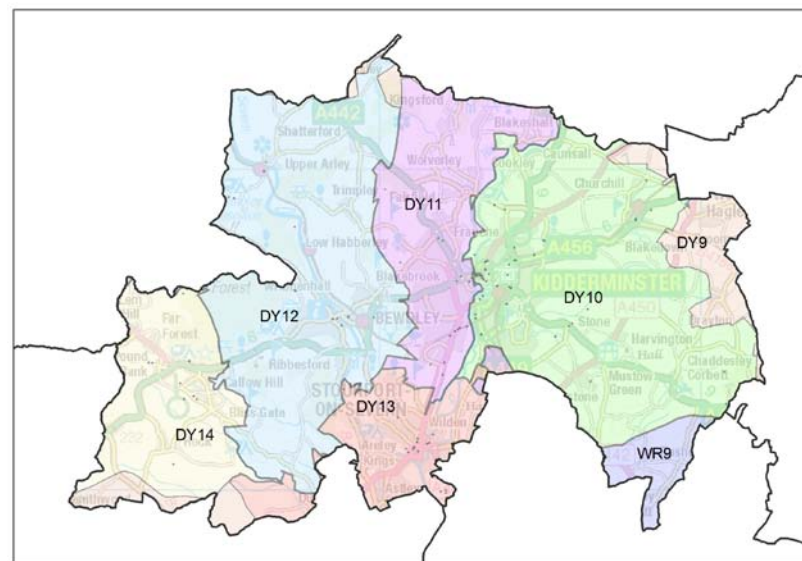
- Analysis, completed using 2015/16 data, compared numbers of police reports and numbers of calls to the Helpline.
- Found that in Wyre Forest there already seems to be a good awareness of the helpline in the DY10 postcode area.
- The **DY11** Postcode area has a lower than expected number of helpline calls and **may benefit from awareness raising**.

Independent Domestic Violence Advisors (IDVA)

Commissioned by the Police & Crime Commissioner

87 service users from Wyre Forest accessed IDVAs during 2017

Postcode	SUs accessing IDVAs 2017
DY10	38
DY11	32
DY13	15
DY14	2
Total	87



Characteristics— National Data

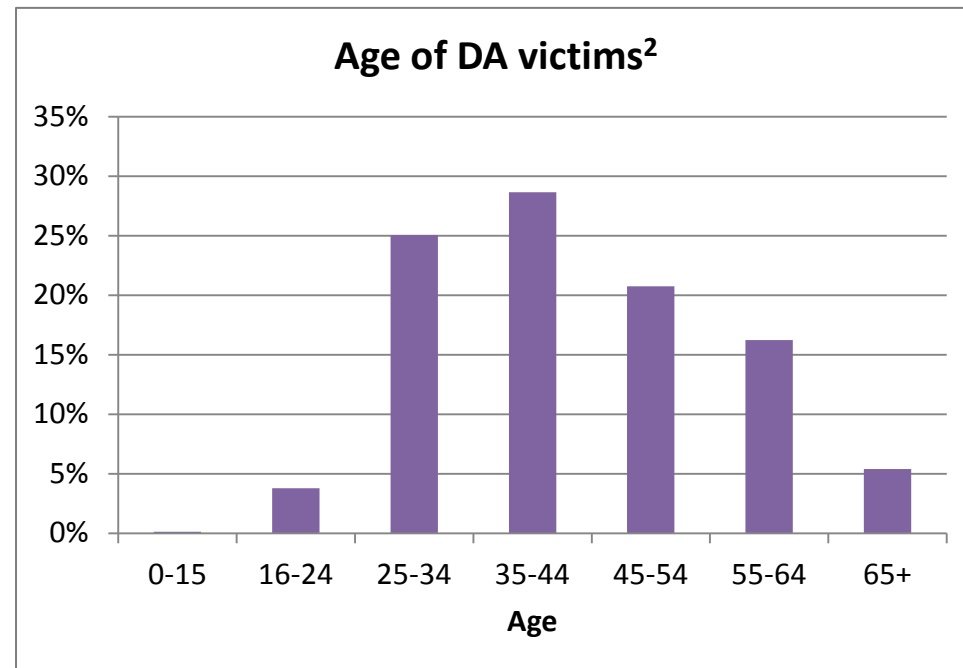
National evidence identifies characteristics more common in victims:

- **Gender:** Women are more likely than men to be victims.
- **Low income:** Women in households with an income of less than £10,000 were 3.5 times more at risk than those in households with an income over £20,000.
- **Age:** Younger people are more likely to be subject to interpersonal violence. The majority of high risk victims are in their 20s or 30s.
- **Pregnancy:** More than 30% of domestic abuse cases first start during pregnancy.
- **Separation:** Domestic violence is higher amongst those who have separated.
- **Previous criminality of perpetrator:** domestic abuse is more likely where the perpetrator has a previous conviction (whether or not it is related to domestic abuse).

Characteristics of victims

- 76% of DA victims in Wyre Forest were female¹
- There were over 250 male victims in Wyre Forest (24%)¹ (12 months)
Nationally in 2015 22% of victims reporting to the police were male³, however male victims are 3 times as likely not to tell anyone about abuse⁴.
- The most common age of a victim of DA reported to the police is 35-44.
- More than one fifth of victims are over 55.
- 25% of victims are repeat victims⁵

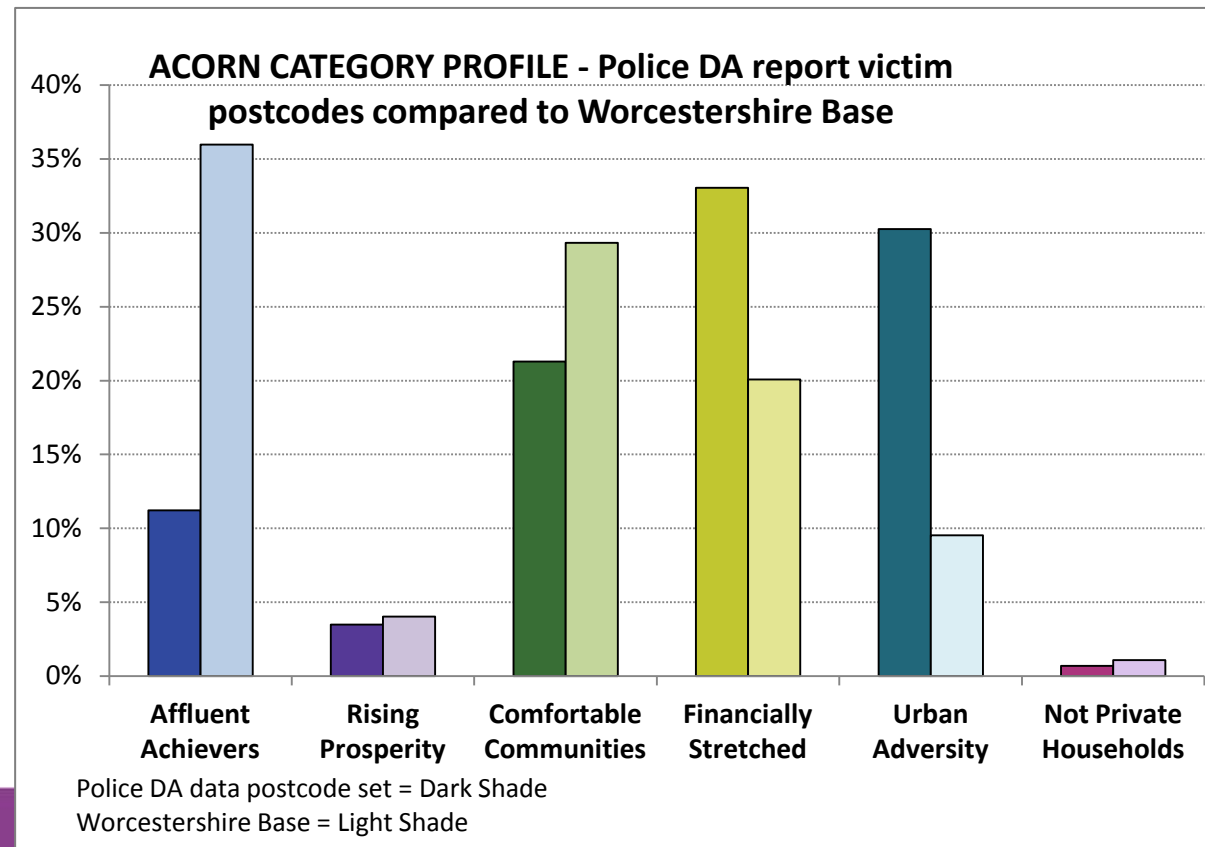
Age analysis is currently only available at a county level – district level analysis can be completed going forward
Repeat victims statistic – West Mercia Wide



Characteristics of victims

- Geodemographic profile based on postcodes of victims
- Both the 'Financially Stretched' and 'Urban Adversity' categories are significantly overrepresented in the DA victims set.
- The 'Affluent Achievers' and 'Comfortable Communities' categories are significantly underrepresented

Analysis is currently only available at a county level – district level analysis can be completed going forward

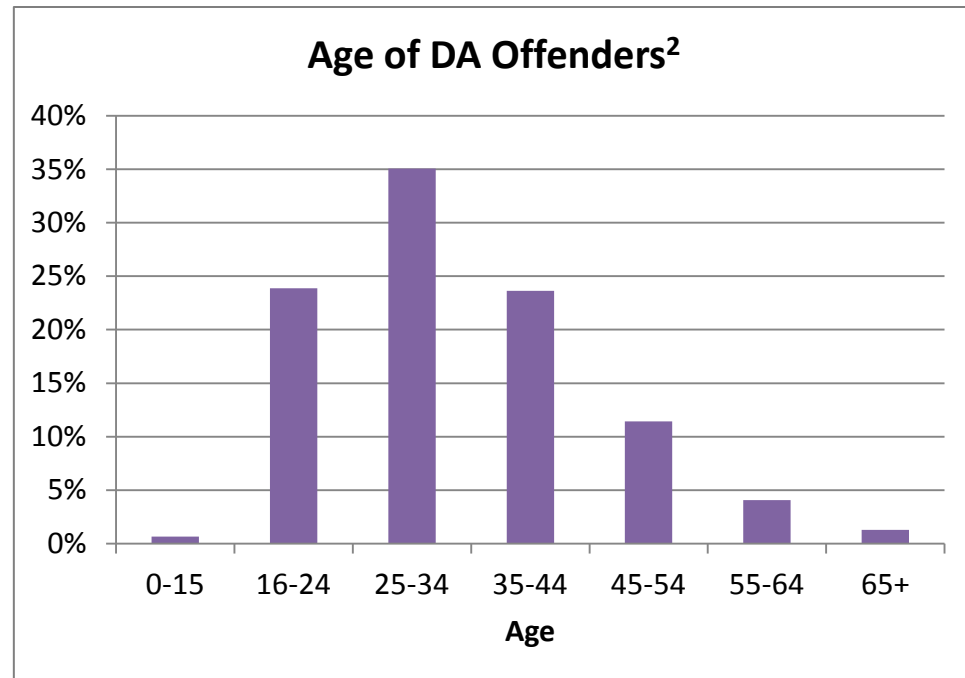


Characteristics of offenders

- 91% of DA offenders in Wyre Forest were male¹
- There were 26 female offenders in Wyre Forest¹ (12 months)
- The age profile of offenders is younger than that of victims
- The most common age of an offender of DA reported to the police is 25-34².
- There are very few offenders in the oldest age groups - over 55.
- 28% of perpetrators are repeat perpetrators³

Age analysis is currently only available at a county level – district level analysis can be completed going forward

Repeat victims statistic – West Mercia Wide



Perpetrators

Integrated Offender Management (IOM)

North Worcestershire currently have **2** active serial perpetrators in the IOM cohort

West Mercia Police Threat Assessment

- Focus on perpetrators – examines demand and harm
- Tackles a number of strategic issues as well as tactical

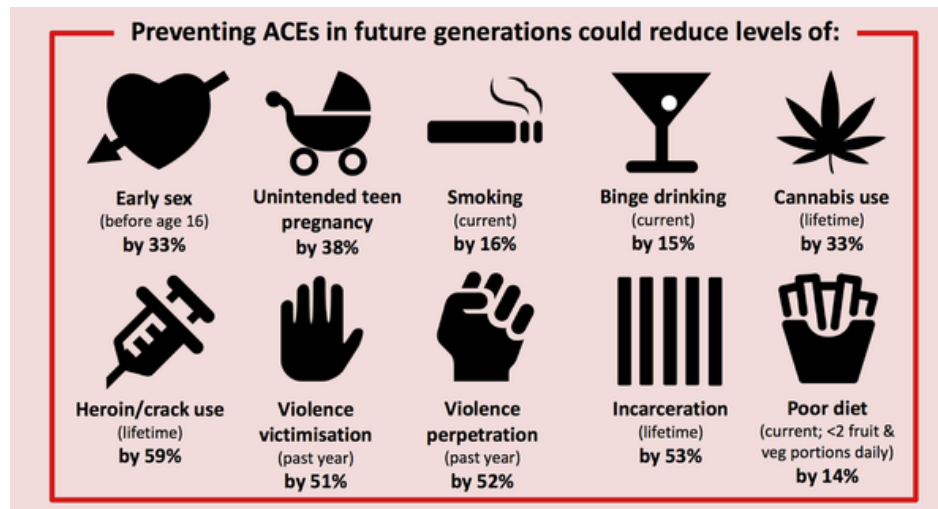
Adverse Childhood Experiences ACEs

Connecting Families

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Working together to improve the lives of families

- Research shows 10 negative childhood experiences are risk factors for accurately predicting a range of negative outcomes in adult life.
- One of these ACEs is 'witnessed abuse in the household'.



- People who experienced 4 or more ACEs are at least 7 times more likely to perpetrate violence in a year
- Public Health are currently leading on investigation of ACEs locally and what this might be able to tell us.

Multi-Agency Risk Assessment Conferences (MARAC)

Partnership response to high risk cases.
Held every 2 weeks

- **143** MARAC cases heard in Wyre Forest in 2017
- **237** Children involved
- **33** Repeat cases

Referred by:

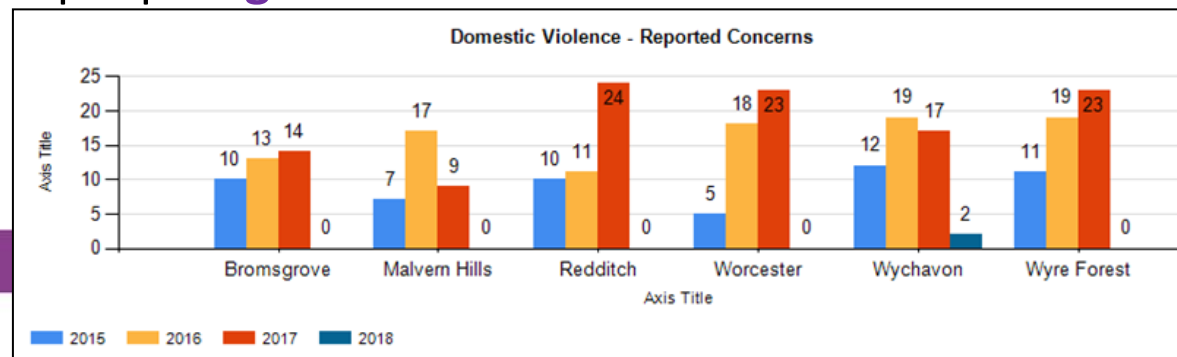
Police **114**, IDVA **8**, MARAC **7**, ChS **5**, WFDC **4**, Victim Support **3**,
Probation **2**



Adult Safeguarding

The Care Act 2014 (Section 42) requires local authorities make enquiries, or cause others to do so, if it believes an adult is experiencing, or is at risk of, abuse or neglect. An enquiry should establish whether any action needs to be taken to prevent or stop abuse or neglect, and if so, by whom.

- Since April 2015, **53 concerns have been raised** around 41 people for the reason of domestic violence **in Wyre Forest**. (this is the highest number of concerns for a Worcestershire district).
- There are a large number of reports of **partner/ family abuse** which would be classed as domestic abuse but have not been recorded as such. Includes physical, psychological or financial abuse, neglect or modern slavery.
 - more than two thirds of concerns are about **women**
 - more than three quarters are people **aged over 50**
 - around **400 concerns** raised annually for this in Worcestershire



Legal Options

Domestic Violence Protection Notices (DVPNs)

Notice issued by the police providing protection for a victim of domestic abuse for 48 hours while applying for a DVPO

- **41** DVPNs were issued during the first 9 months of 2017 in Worcestershire

Domestic Violence Protection Orders (DVPOs)

Civil order allowing protective measures for victims after a domestic violence incident where there is insufficient evidence to charge a perpetrator and provide protection through bail conditions.

Clare's Law – Domestic Violence Disclosure Scheme

Gives any member of the public the right to ask the police if their partner may pose a risk to them. Under Clare's Law, a member of the public can also make enquiries into the partner of a close friend or family member.

- **171** disclosures made in Worcestershire between Aug 2015 & Aug 2017

DA & Alcohol

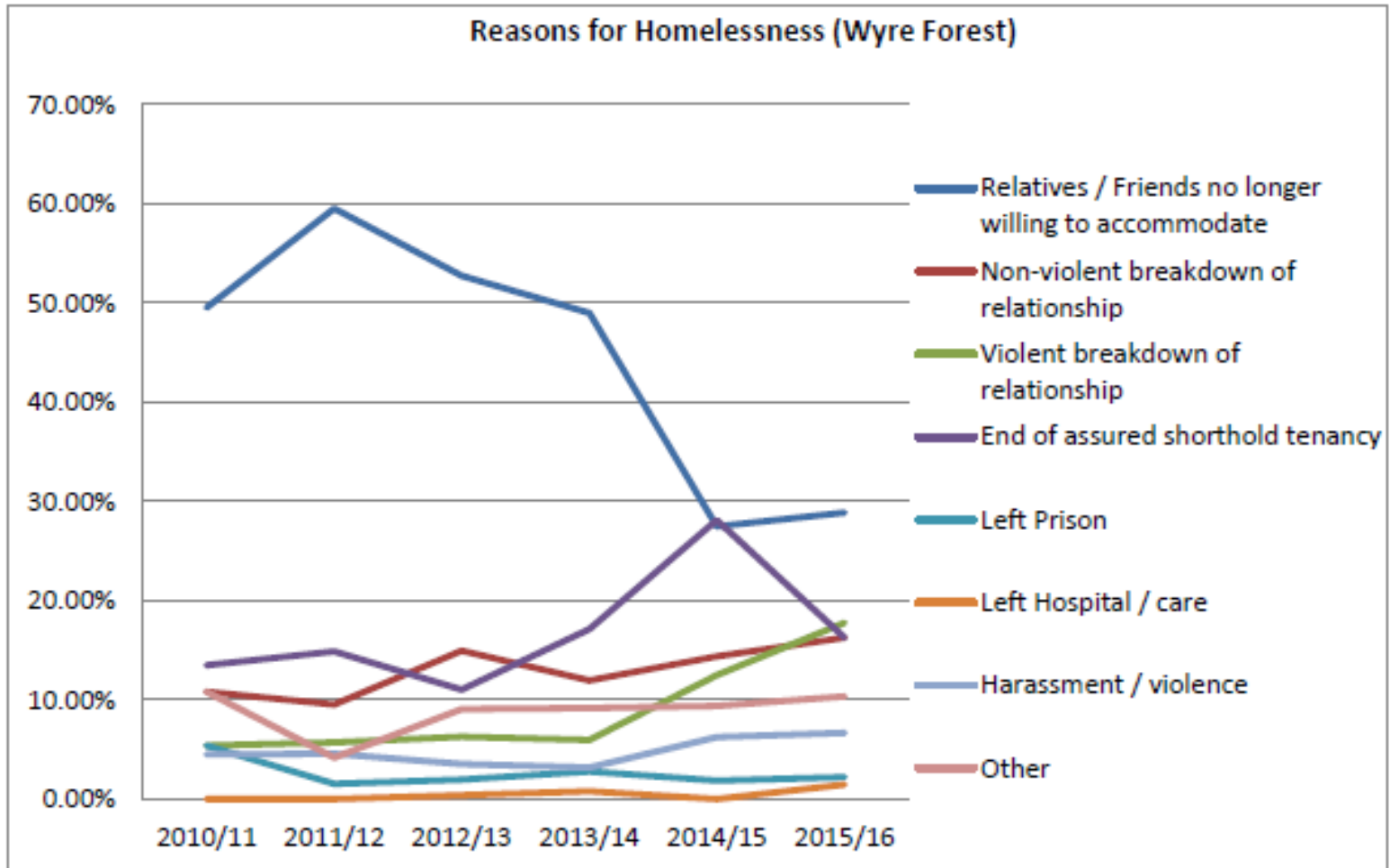
- Alcohol doesn't significantly affect the gender, age or socio-economic breakdown of victims or offenders of domestic abuse.¹
- However DA calls are **twice as likely to be violent** when alcohol is involved.¹
- 26.2% of all calls for service for which alcohol is involved are assaults compared with 13.2% when alcohol is not involved .¹
- Alcohol markers were applied to 6.97% of domestic abuse events in Wyre Forest² – the second highest proportion following Worcester City
- The same areas around Horsefair and Rifle Range feature a large number of alcohol related DA events (incidents & Crimes)
- Kidderminster town centre also shows a high number of DA events involving alcohol – impact of the night time economy².

DA & Homelessness

Homelessness can be a consequence of domestic abuse

- Violent breakdown of relationship was the **second biggest cause of homelessness** in Wyre Forest in 2015/16
- All other Worcestershire districts have a stable trend for this reason, whereas Wyre Forest has seen an increase and is now 11% higher.
- Not all domestic abuse is violent and some of the homelessness caused by non-violent relationship breakdown may also have involved domestic abuse.

DA & Homelessness



DA & Children

Children's Social Care record where domestic abuse is a factor in a child becoming Looked After (LAC) or on a Child Protection Plan (CP).

In Wyre Forest in January 2017:

	All Children	With DA as a factor	% with DA
Number of Looked After Children	106	31	29%
Number of Child Protection Plans	95	34	36%

Note that the proportion of LAC with DA as a factor countywide is 32% and CP with DA as a factor countywide is 46%

Commissioned Services

Domestic Abuse Advice & Support Service

West Mercia Women's Aid & Rooftop Housing – contract July 2017 – March 2021

- 24 hour helpline (provides single point of access to other linked services)
- Refuge/ Supported Accommodation
- 121 and group support programmes for adult victims e.g. Freedom Programme
- 121 and group support programmes for children & young people affected by Domestic Abuse
- Survivor Networks & Peer Mentoring/ volunteer roles
- Training for professionals
- Educational Programmes – delivered in schools – e.g. CRUSH

Domestic Abuse Helpline: Is the single point of access to services:- refuge / safe houses, support, recovery and educational programmes, Independent Domestic Abuse Advisors (IDVA's) and Peer support

Other Services

Independent Domestic Violence Advisors (IDVA)

Commissioned by the Police & Crime Commissioner

Multi-Agency Risk Assessment Conferences (MARAC)

Partnership response to high risk cases.

Worcestershire Forum Against Domestic Abuse & Sexual Violence

inter-agency partnership that brings together a range of voluntary and statutory organisations and individuals to work on tackling issues related to domestic abuse and sexual violence across Worcestershire.

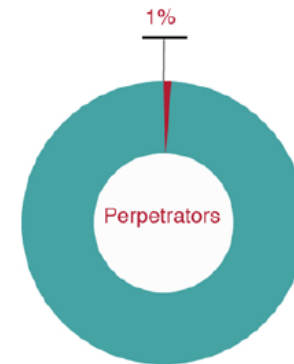


Development Areas

Drive Project – perpetrator programme

- Project to work with perpetrators to stop committing DV – piloted in 3 areas nationally.
- Currently tendering with PCC for funding
- Shropshire just started 12 week voluntary perpetrator project – watching the evaluation of this – provide agencies option to refer to without going through the criminal justice system

1 in 4 perpetrators are **repeat offenders**. Some have as many as six different victims



Fewer than **1%** of perpetrators receive any **specialist intervention** to change or be challenged

Development Areas

Housing Initiatives

- One workshop held with providers 2017
- Four master classes being delivered in March/ April by The Domestic Abuse Housing Alliance (DAHA)
- Conference being scoped for housing
- New domestic abuse training being commissioned

What next?

- Evidence suggests some specific geographical areas of focus but thematic element needs more work to identify where to focus.
- Have we generated a series of queries we want to investigate?

May need...

- Further data work – to answer arising questions or identified gaps in the data.
- More investigation of specific issues/ barriers/ focus points around DA in Wyre Forest.

Other useful numbers:

Adults / Childrens Services.: 01905 763763

National Domestic Violence helpline:

0808 200 0247

Victim Support: 01527 66462

West Mercia Rape and Sexual Abuse Support
centre:

01905 611655

Honour Network Helpline: 0800 599 9247



For further information please contact:

Housing Needs Team
Wyre Forest District Council
The Hub
Vicar Street
Kidderminster

Tel: 01562 732928

Out of Hours: 01562 850053

Email: HousingAdviceTeam@wyreforestdc.gov.uk



Wyre Forest
District Council



Agenda Item No. 9.1 Appendix 2

Domestic Abuse

**Are you homeless or threatened
with homelessness due to domestic
abuse?**

**Do you want to move but need some
help?**

**Can you stay in your home if it is
made more secure?**

What is Domestic Abuse?

Domestic Abuse includes any incident of threatening behavior, violence or abuse. The abuse can be psychological, physical, social, financial or emotional. Domestic Abuse can happen between two people who are or were intimate partners, family members, regardless of their gender or sexuality. If you are in fear of a partner, ex-partner or family member, you might be experiencing domestic abuse.

Get help now

You can contact the local Domestic Abuse helpline run by Womens Aid on 0800 9803331. There is also a Men's Advice Line on 0808 8010327.

These services can offer you a wide range of advice including on advocacy, support, emergency accommodation, safety measures in the home etc.

You can also approach the Housing Needs Team in the Hub for further advice and assistance. The Housing Needs Team will find out what help and support you need and help talk you through the various options. These might include remaining in your home, if we can help make it safe and secure, or exploring options around a move.

If you are at immediate risk?

Call the police on 999 if:

- Your personal safety (or that of your children) is threatened
- You are at risk of assault or injury
- In an emergency

If you need to leave your home immediately try to arrange a place to go that is safe and secure. This could mean staying with family or friends while you decide what to do next.

If you don't have anywhere to stay then contact the Housing Needs Team. The team may have a duty to help you find somewhere on an emergency basis and will assess your longer term housing and support needs. They may be able to help you with a refuge place or emergency accommodation. You will need to provide various information and supporting evidence if available.

If you do leave your home try to bring some essentials with you such as a change of clothes, toiletries, medication, proof of ID, bank or credit card and mobile phone.

If you can remain in your home?

If you are able to stay in your current home you can contact the Housing Needs Team to see if you are eligible for a "Sanctuary Scheme". This means undertaking some work to your home to make it more secure.

The Council will arrange for a specialist Police Officer to inspect your home and make recommendations on potential safety works that could be carried out.

Agenda Item No. 9.1 Appendix 2

If you need to move in the longer term?

If you are able to remain in your home but only for a short period of time, the Housing Needs Team will be able to explore other housing options with you including purchasing a property, renting in the private sector or applying for social housing.

Help for Male Victims of Domestic Abuse

If you have to leave your home due to Domestic Abuse, you can approach the Housing Needs Team for help and advice. Please also contact the Men's Advice Line or go onto the website

www.mensadviceline.org.uk

Help for Children and Young People

If you or someone in your family is being hurt in the home please start by telling someone about it. You can tell a teacher, a neighbour, a friend or friend's parent.

You can call Childline on 0800 1111 for free and they can tell you about places where you can get help.

WYRE FOREST DISTRICT COUNCIL

**Cabinet
Tuesday 17th July 2018**

**Overview and Scrutiny Committee
Thursday 5th July 2018**

Domestic Abuse Pledge “Make a Stand”

The Committee considered a report which raised awareness of the national domestic abuse pledge being supported by the Chartered Institute of Housing (CIH), Women’s Aid and Domestic Abuse Housing Alliance (DAHA).

There was unanimous agreement by Members for recommending to Cabinet that the authority supports the campaign by signing the pledge and appointing a pledge champion.

Recommend to Cabinet that they DECIDE to:

- 1.1 Sign up to the “Make a Stand” Domestic Abuse Pledge.**
- 1.2 Appoint the Cabinet Member for Housing, Health and Wellbeing as the pledge champion**

Background papers:

Report to the Overview and Scrutiny Committee, Thursday 5th July 2018

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

WYRE FOREST DISTRICT COUNCIL

**Cabinet
Tuesday 17th July 2018**

**Overview and Scrutiny Committee
Thursday 5th July 2018**

Affordable Housing Review Panel – Conclusions and Recommendations

The Committee considered the recommendations from the Affordable Housing Review Panel which was established in response to Members concerns regarding the acute shortage of suitable social and affordable rented accommodation within the District.

Recommend to Cabinet:

- 1. To continue to value the close working relationship with The Community Housing Group and Oakleaf Commercial Services as there are shared aims and visions and the opportunity to explore future joint ventures.**
- 2. To accept the offer of help from the Government appointed Help to Buy Agent Orbit to support future activities and events to raise awareness about shared ownership as a product and its availability in the district.**
- 3. That Cabinet gives serious consideration to the Councils role as a landowner and the use of Council owned sites for the delivery of Social Rent and Affordable Housing.**
- 4. That the affordable housing planning policy makes provision to cover sites that deliver in excess of the Local Plan threshold for affordable housing (currently 30%).**
- 5. As part of the Local Plan Review, officers in conjunction with the Viability Consultant continue to explore the potential of applying different affordable housing thresholds to different types of sites.**
- 6. Officers investigate the possibility of ensuring the full details of how the shared ownership scheme operates is made clear to people from the outset.**

Background papers:

Report to the Overview and Scrutiny Committee, Thursday 5th July 2018

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

WYRE FOREST DISTRICT COUNCIL**CABINET**
17th JULY 2018**Lion Fields Future Phases Development**

OPEN	
CABINET MEMBER:	Councillor Ian Hardiman
RESPONSIBLE OFFICER:	Corporate Director: Economic Prosperity & Place
CONTACT OFFICER:	Dean Piper, Ext. 2192 Dean.piper@nwedr.org.uk
APPENDICES	Appendix 1 – Parcel Four Site plan

1. PURPOSE OF REPORT

- 1.1 To provide an update on the development proposals at Lion Fields (Parcels 1 and 2) and to set out the proposed redevelopment strategy for the current Bromsgrove Street Car Park (Parcel 4).

2. RECOMMENDATION

Cabinet is asked to DECIDE:

- 2.1 **To agree to the proposed approach to developing proposals for Parcel 4 of Lion Fields as set out at paragraph 4.23 with further technical work to be commissioned by the Corporate Director: Economic Prosperity & Place;**
- 2.2 **That a further report outlining a delivery strategy for Parcel 4 will be brought back to Cabinet by November 2018.**

3. BACKGROUND

- 3.1 At its meeting on 12th July 2016, Cabinet approved a new vision and preferred development option for the Kidderminster Eastern Gateway area (now known as Lion Fields) as part of an overall Development Framework (produced with the assistance of Savills). The Development Framework is intended to guide and inform the comprehensive regeneration of the Lion Fields site.
- 3.2 The Development Framework splits the site up into six development parcels which could come forward to the market in phases and independently of each other, yet complementing each other to achieve the comprehensive redevelopment of the Lion Fields area as a whole. Cabinet agreed that the preferred development option for Lion Fields should be a mixed use scheme, anchored by a multi-screen cinema complex, with restaurant/café units and a multi-storey car park with the remainder of the scheme including residential accommodation, retail units and a conversion of the former Magistrates Court into creative workspace.
- 3.3 The report provides an update in relation to Parcel 1 (Former Glades) and Parcel 2 (Former Magistrates Court) and also sets out a proposed route to bring forward

Parcel 4: Bromsgrove Street for redevelopment. It is worth noting that Parcel 3 was identified in the Development Framework as the area covering the current Youth House and NHS facility. However, at this stage, there are no proposals to redevelop Parcel 3 and, in fact, the NHS are currently in the process of making some improvements to their facility on Bromsgrove Street. Therefore, the attention for the Council is now focussed on Parcel 4: the Bromsgrove Street Car Park.

- 3.4 Overview and Scrutiny Committee are considering a report at their meeting on 5th July setting out the emerging proposal for Parcel 4 and their recommendations will be reported at this meeting.

4. KEY ISSUES

Progress on Lion Fields – Parcel 1 and Parcel 2

Parcel 1

- 4.1 The first phase of the Lion Fields development is now underway. The Parcel 1 site comprises the area of land that was previously home to the Wyre Forest Glades Leisure Centre, along with the adjoining parcel of land that is owned by Worcestershire County Council and leased to the NHS. In order to improve the attractiveness of the site to the market, the Council took the pro-active decision in August 2016 to demolish the former Glades Leisure Centre building to prepare Parcel 1. In addition, the Council also entered into a landowner's agreement with Worcestershire County Council so that there was clarity for the developers regarding the land that was available and to agree the apportioned capital receipt for both parties.
- 4.2 Following a competitive procurement process, Cordwell Property Group Ltd (CPG) and Peveril Securities were appointed by the Council in December 2017 as its preferred developer to re-develop Parcel 1. The proposal from the developers is to deliver a mixed-use leisure scheme.
- 4.3 Since the procurement exercise concluded, officers have been holding regular meetings with the development partner in order to move forward the proposals. The developers have now undertaken Ground Investigations across the entire former Glades Site and the results from this survey work have now been provided. The survey work has identified that there is no contamination at the site or any concerns in relation to gas or buried obstacles. However, the report has identified the presence of 'made ground' across the site and this is likely to impact on the proposed development in relation to the foundation design of the new buildings. In addition to this, the land that is owned by Worcestershire County Council and leased to the NHS is currently in the process of being cleared so that it is available for the redevelopment. It is likely that Cordwell will want to fully analyse the implications of these investigations before completing the Development Agreement.
- 4.4 In terms of the scheme itself, the developers are currently concluding negotiations with a number of occupiers that have shown an interest in the development. Once these discussions have concluded then a final design will be produced and this will form the basis of a planning application. It is currently anticipated that a planning application will be submitted in autumn 2018.

Parcel 2

- 4.5 Parcel 2 of Lion Fields comprises the former Magistrates Court, the former covered market to the rear and the area of land in front of the building, which is currently laid out (temporarily) as an 'Urban Park'. The main building on the site is the former Magistrates Court which has a prominent frontage, which is included on the Local Heritage List. However, the building has been vacant for considerable time and its current condition is very poor. The remaining structures on the rest of the site have no architectural value and are an untidy mix of redundant buildings and vacant space. The site is identified in the Kidderminster Central Area Action Plan - July 2013 (KCAAP) as being suitable for a number of uses including retail, office and residential.
- 4.6 The Council is currently considering the redevelopment of Parcel 2 and Cabinet agreed a proposed way forward at its meeting in March 2018; and is aiming to commence a developer procurement exercise in summer 2018 to select a partner to deliver a redevelopment of the site. The Council has the option of using the Homes England Delivery Partner Panel 3 (DPP3) to select a suitable delivery partner and this may provide a more efficient route to inviting proposals from credible housing developers.

Worcester Street – Public Realm Scheme

- 4.7 Worcester Street marks the western boundary of the Lion Fields site and opening the currently pedestrianised street to traffic is seen as a key stimulus to support the Lion Fields regeneration by putting activity, footfall and on street parking back into the heart of the town and to act as a catalyst to redevelop the empty shops that have come to define this part of the town in recent years. The re-opening of Worcester Street to vehicular traffic will help to complement the regeneration at Lion Fields and ensure that the impact of the new investment feeds into the town centre.
- 4.8 The proposals are being led by Worcestershire County Council and are being funded in partnership between the County and District Councils. A public engagement exercise is planned in autumn 2018 and it is anticipated that work will begin on this project before the end of the year.

Parcel 4: Bromsgrove Street Car Park

- 4.9 Following the progress that has been made in relation to the other parcels of land at Lion Fields, the focus is now on the next main development opportunity, which is the area centred around Bromsgrove Street Car Park. Parcel 4 totals 3.63 acres and due to its elevated position benefits from vistas of the town centre.
- 4.10 The site area being considered is set out in the plan attached at Appendix 1 of this report. The site is currently dominated by a surface level car park that is owned by Wyre Forest District Council that provides 306 public car parking spaces, along with a number of access points that are to the rear of properties on Worcester Street.
- 4.11 In addition, the site has some private interests in the form of a retail shop (Fabric Direct) with residential flats above as well as the current Co-Op Funeral premises.

These areas will need to be considered in more detail as plans for the redevelopment of Parcel 4 are progressed.

- 4.12 The adopted Development Framework envisaged that this Parcel could provide for a mix of uses including community use/education/healthcare and/or residential. In addition, the Framework envisaged that some parking provision may also be required on the site.
- 4.13 Some of the key considerations for the redevelopment of this site are covered in more detail below.

Car Parking

- 4.14 The Council commissioned White Young Green in April 2018 to undertake a review of the car parks in Kidderminster, including Bromsgrove Street. The consultants have been asked to undertake a number of tasks, including:
- Undertake a supply and demand analysis of the current distribution of car parking within the town and whether this is sufficient in location and number of spaces to meet the needs of the town;
 - Report on any under/over capacity issues within the car parks;
 - Provide a supply and demand analysis based on future planned developments.
- 4.15 The report will provide a useful evidence base to allow the Council to consider the future of car parking within the town. This is especially important for a site such as Bromsgrove Street which has experienced significant change over the past couple of years and its future use as a car park needs to be considered.
- 4.16 The draft findings of the study identify that by 2026 the Bromsgrove Street Car Park would be a maximum of 48% full on a weekday and 47% full on a Saturday. The study goes on to state that if 85% occupancy is assumed to be the maximum (to provide capacity to cope with short term peaks and to ensure that drivers can find a space with ease), it means that approximately 130 spaces (out of 306) could be surplus to requirements for public parking, this equates to broadly 42% of the car park. In addition, if users of the Bromsgrove Street car park could be relocated to other car parks within the town centre then the amount of land that could be released could be higher. These draft findings help to provide a steer to the Council in considering how many car parking spaces should remain on this site in the future and this in turn will guide re-development plans for Parcel 4.
- 4.17 In terms of the Bromsgrove Street Car, income generated through car parking has declined since the closure of the Glades Leisure Centre. Table 1 below shows that the car park generated £102,172 of income in the last financial year 2017-18. It is anticipated that any development proposals for the car park will need to reflect the impact of lost income to the Council.

Table 1

Bromsgrove Street car park	2015/16	2016/17	2017/18
Income generated	£191,794	£134,836	£102,172

Links to Worcester Street

- 4.18 One of the key challenges relating to this site is the accessibility and permeability between Lion Fields and the rest of the Town Centre. The current main access point is via the 'Step Entry' which is a poor gateway to the town centre retail area and not an inviting thoroughfare for pedestrians currently and, due to the topography, excludes access for many people wanting to move between Bromsgrove Street and Worcester Street. Whilst access is slightly better along Prospect Hill or Bromsgrove Street this is not currently the pedestrian desire line and so is not as well used.
- 4.19 Through the engagement and feedback process associated with the production of the Development Framework, a common theme that arose was the need for Worcester Street to feel more accessible for pedestrians from the Bromsgrove Street area. One of the suggestions made through the Framework was to create a new pedestrian link through the partial removal of 1 Worcester Street (the former Woolworths Building) and using this site to provide a much more attractive and accessible route between the two areas. Crucially, the Framework suggests that improved linkages between Lion Fields and the Town Centre should enhance the marketability of the site and increase land values.
- 4.20 Given the importance of this improved link between Lion Fields and Worcester Street, it is recommended that this be explored further as part of the proposals to consider redeveloping Parcel 4. However, it is considered that the cost of delivering this aspect of the scheme will be significant due to the need for acquiring private sector land interests, demolishing and clearing existing buildings and re-grading of the levels to create an accessible and usable link. Whilst this should remain an aspiration of the Council, it is recognised that requiring a developer to install a new improved link may affect the viability of a development scheme and public sector intervention, such as funding from the Local Enterprise Partnerships, may be required to deliver such improvements.

Need for affordable housing

- 4.21 The Development Framework identified the potential for Parcel 4 to accommodate an element of residential development. The Council has a very clear affordable housing policy and requires developments in Kidderminster with ten or more dwellings to provide 30% affordable housing. The Affordable Housing Scrutiny Panel recently completed a review with one of its expected recommendations being that the Cabinet gives serious consideration to the Council's role as a land owner and the use of Council owned sites for the delivery of Social Rent and Affordable Housing. The Council will need to balance the requirement for affordable housing on Parcel 4 against the wider aspirations to achieve best value for the site and taking a commercial approach to delivering the site and delivering an improved link between Bromsgrove Street and Worcester Street.

Proposal

- 4.22 In terms of moving the project forward, the Council needs to further investigate options and consider the most effective way of enabling development and retaining control over the future of the site so that it can continue to deliver the wider

regeneration of Lion Fields in line with the ambitions laid out in its Development Framework. The Council also needs to consider how best it can position itself and use its influence to ensure that the development of Parcel 4 meets its stated ambitions and aims, including providing improved access between Lion Fields and the remainder of the Town Centre.

- 4.23 Whilst the Development Framework provided some high level concepts and proposals for Parcel 4, it is considered that in order to develop a detailed proposal and to maintain momentum with the delivery of Lion Fields further technical and investigative work is required as follows:
- Options appraisal identifying likely end uses for the land;
 - Linked to the above, architectural drawings to understand likely quantum of development that could be achieved and viability appraisals;
 - Market assessment including commentary on current market conditions;
 - Feasibility work to develop potential solutions to improve the linkages between Bromsgrove Street and Worcester Street outlining potential options, technical issues, cost implications;
 - Relevant surveys i.e. Topographical survey, Ground investigation works
 - Options for development delivery i.e. site disposal, joint venture agreement, development procurement process, direct Council investment and development;
 - Assessment of funding options;
 - Report incorporating the outputs from the above to enable the Council to develop a firm proposal for the future of Parcel 4.
- 4.24 Once this further work is undertaken then the Council will have a clearer understanding of the options that are available for redevelopment and a further report can be provided which will outline the proposed delivery route for the land. Given the complexity of the issues surrounding this parcel, it is considered that further technical work should be undertaken before any decision is taken by Cabinet in relation to the preferred end use for the site and delivery route.

Next steps

- 4.25 Subject to agreeing the recommendation at paragraph 2.1, officers will seek to procure further advice on the delivery of Parcel 4 and, following this exercise, a further report will be provided to Members which outlines the proposed delivery strategy for the site.

5. FINANCIAL IMPLICATIONS

- 5.1 It is anticipated that the additional technical work will cost approximately £20,000. It is proposed to cover the cost of this work through existing NWEDR / Regeneration budgets.
- 5.2 In relation to the future re-development of Parcel 4, the Council will seek best value for the site. However any proposed capital receipt will be weighed against the wider benefits of an individual proposal.
- 5.3 The potential for a new improved pedestrian link between Bromsgrove Street and Worcester Street is likely to come at a significant cost and the technical work that

will be commissioned will identify an indicative scheme and estimated price for the capital works. The cost of the scheme could potentially be covered by a developer but this could reduce the likely capital receipt received by the Council. Alternative funding streams such as securing LEP funding will be explored as part of the feasibility work.

- 5.4 The Bromsgrove Street car park generated £102,172 of car parking income in 2017-18, although revenues have declined over the last 2 years due to the closure of the former Glades Leisure Centre. The Council will need to consider how development proposals best reflect the loss of this income potentially by offering the Council an alternative revenue stream.
- 5.5 The re-development of Parcel 4 is likely to generate additional financial benefits such as potential business rates uplift and additional Council tax revenues.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 The Council has now adopted the Kidderminster Eastern Gateway Development Framework which sets the policy framework for the delivery of regeneration of the area and the proposed re-development of Parcel 4.
- 6.2 As there will be no certainty as to the scheme to be delivered until after the procurement exercise is complete, the legal documentation will need to be drawn up once the developer has been selected.

7. RISK MANAGEMENT

- 7.1 There is the risk that if the Council did not take this opportunity to develop a credible plan for the re-development of Parcel 4 that it could undermine confidence in the delivery of Lion Fields and the other Parcels of land that are currently more advanced.
- 7.2 The Council has ambitions to ensure that the development of this Parcel also considers wider issues such as the retention of car parking and improved the permeability between this site and the remainder of the town centre. Without undertaking further work there is a risk these opportunities would be lost and by just disposing of the site the market would dictate the eventual composition of the development.
- 7.3 There is a very high risk that the Council will not be able to achieve all of its ambitions within a reasonable affordable budget and will have to compromise on a final preferred option.

8. EQUALITY IMPACT NEEDS ASSESSMENT (EIA)

- 8.1 There are no immediate equality implications to be addressed at this stage.

9. CONCLUSION

- 9.1 Parcel 4 of Lion Fields offers an opportunity to link the Bromsgrove Street area with the wider area of the Town. In order to understand the potential for this site and to provide further clarity and certainty to the development industry in relation to what the Council expects to see delivered, it is proposed that further work is undertaken.

This further work will then help to inform the delivery strategy which will be considered by Members before a final decision is sought.

10. CONSULTEES

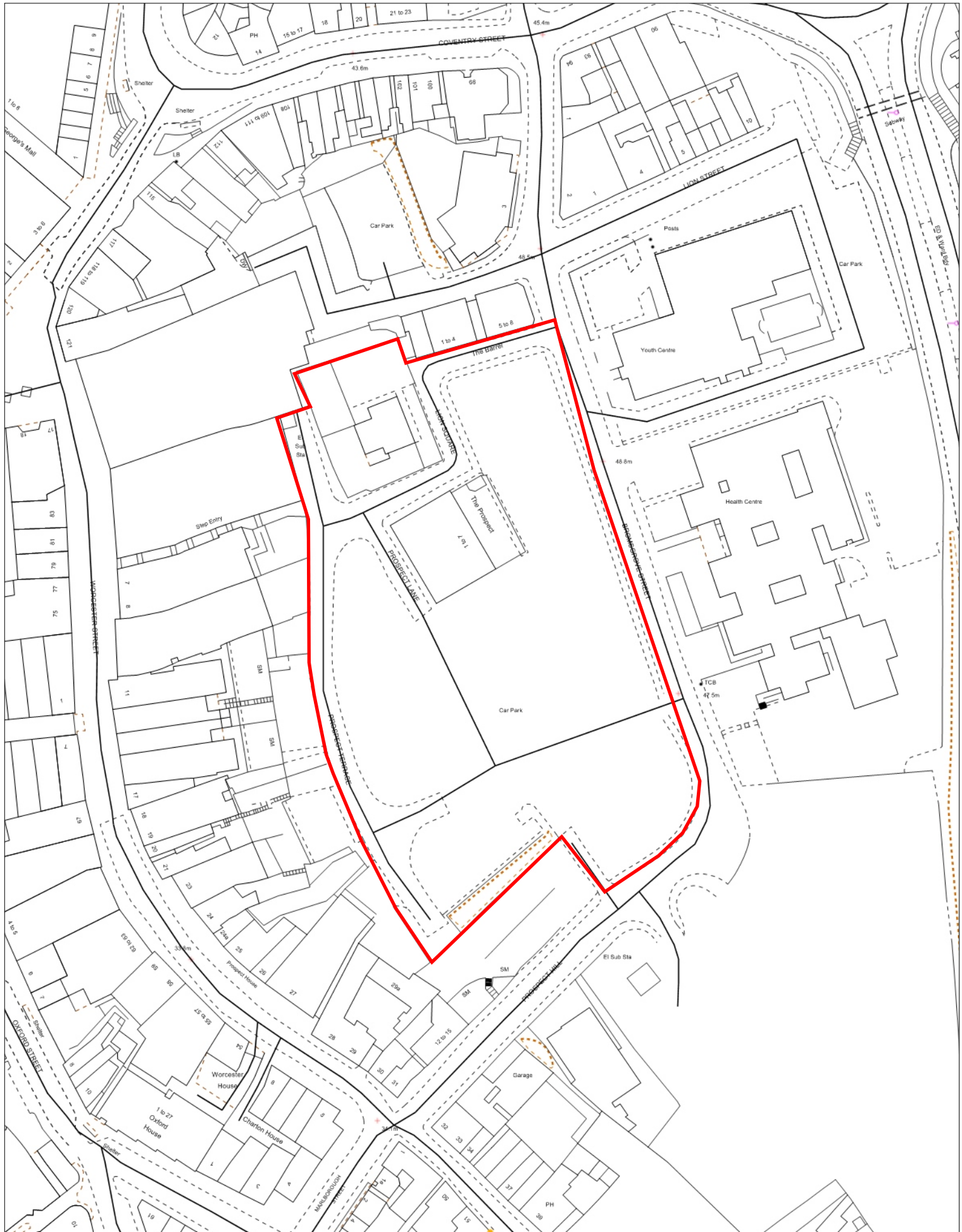
10.1 Corporate Leadership Team.

11. BACKGROUND PAPERS

- Cabinet Kidderminster Eastern Gateway report 12th July 2016
- Report to Cabinet, 16th December 2014 – ReWyre – Update on Progress over the last 5 years and a Strategic Action Plan for the Next 5 Years
- Cabinet report 22nd October 2013 – New Leisure Centre for Wyre Forest
- Cabinet Report 27th March 2018 – Lion Fields Parcel Two – Former Magistrates Court – Development Proposals (EXEMPT)
- Affordable Housing Review Proposal – Recommendations – May 2018

12. APPENDICES

Appendix 1 – Lion Fields Parcel 4: Site plan



WYRE FOREST DISTRICT COUNCIL

**Cabinet
Tuesday 17th July 2018**

**Overview and Scrutiny Committee
Thursday 5th July 2018**

Lion Fields Future Phases Development

The Committee considered the report which set out the next steps for the Council in bringing forward re-development proposals for 'Parcel 4' of Lion Fields, which covers the redevelopment of the Bromsgrove Street Car Park.

The Committee acknowledged the importance of the site and discussed the need for providing improved access between the site and the remainder of the Town Centre.

Members supported the proposal which would provide the Council with a clearer understanding of the redevelopment options available.

Recommend to Cabinet that:

Further work is commissioned as detailed in the report to the Overview and Scrutiny Committee.

Background papers:

Report to the Overview and Scrutiny Committee, Thursday 5th July 2018

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

WYRE FOREST DISTRICT COUNCIL**CABINET**
17th July 2018**South Kidderminster Enterprise Park: Revised Local Development Order,
August 2018**

OPEN	
CABINET MEMBER:	Councillor Ian Hardiman
RESPONSIBLE OFFICER:	Corporate Director: Economic Prosperity and Place
CONTACT OFFICER:	Jon Elmer Jonathan.Elmer@nwedr.org.uk
APPENDICES:	Appendix 1 – South Kidderminster Enterprise Park: Local Development Order, August 2018 Appendix 2 – Consultation responses and Officer Comments

1. PURPOSE OF REPORT

- 1.1 To report the results of the public consultation on the revised Local Development Order (LDO) for the South Kidderminster Enterprise Park and to agree the adoption of the revised document (attached at Appendix 1) for a period of three years from 13th August 2018.

2. RECOMMENDATION

Cabinet is asked to DECIDE:

- 2.1 **The revised Local Development Order for South Kidderminster Enterprise Park, as attached at Appendix One, is adopted for a period of three years from 13th August 2018**

3. BACKGROUND

- 3.1 A Local Development Order (LDO) is an Order created by a Local Planning Authority, through which permitted development rights additional to those granted nationally by Government, are granted for certain types of development within a defined area. In this particular instance, the LDO for the South Kidderminster Enterprise Park helps to provide a less restrictive planning regime for businesses within, and locating to, the defined area identified within the document attached at Appendix 1.
- 3.2 The South Kidderminster Enterprise Park LDO was first introduced by the District Council in August 2012. The Order was initially adopted for a 3 year period, before it was extended for a further 3 years in 2015. The Order is due to cease in August this year if it were not revised or renewed. If not renewed at that time, any development permitted by the LDO that has not commenced at that date will require a planning permission.

- 3.3 Overall, it is considered that the LDO has been a success for the District. The primary reason for this is that the Order has helped to attract further investment into the area and has been well received by the businesses and developers who have used it to date. The developments that have occurred through the Order since it was last renewed in 2015 are identified in the table below.

Reference Number	Address / Company Details	Development	Notes
15/0277/PNLDO & 15/0278/PNLDO	IGS / LOL (Specasavers) Former Romwire Site, Stourport Road	Development of two new warehouse buildings on the former Romwire Site, totalling 80,000sqft	Investment in the site is c. £12 million and will provide potentially 200+ new jobs within the District.
16/0098/PNLDO	Ratio Park, Finepoint,	Erection of dual Class Use B1(c) and B8 units with ancillary external works, landscaping and external lighting	The first phase of the development has been completed and two companies are currently operating from premises with other units still available. Overall investment value is circa £2 million.
16/3006/PNLDO	Arabond Limited, Summerfield House, Hoo Farm	New Windows to front elevation	N/a
16/3025/PNLDO	Wemico, Hoo Farm Industrial Estate	Creation of a covered walkway to link existing premises with newly acquired adjacent unit	This investment will create an additional 3 jobs within the business
16/3051/PNLDO	Vision Labs Ltd, Foley Business Park	Extension to premises	Creation of circa 10 jobs
16/3052/PNLDO	Law Plant & Tools, 114 Worcester Road	Change of use to car sales and repairs prior to sales	Creation of circa 11 jobs
17/3007/PNLDO	Unit 4, 19 Lisle Avenue	Change of use from manufacturing to trade showroom	N/a
17/3018/PNLDO	Unit 3 Oldington Trading Estate	Removal of existing cladding and re-cladding to front and part of side elevation	Potential to create circa 10 jobs once occupied by a new tenant
17/3045/PNLDO	Movianto, Unit 2, Finepoint Way	Lightening strike installation	Helped to ensure that the new company moving in to previously vacant premises could meet their requirements.

- 3.4 It is clear to see from the above table that development has been stimulated by the Order resulting in c. £15 million of investment into the District and helping to safeguard / create over 200 jobs.
- 3.5 It is also worth noting that developments through the Order between 2012-2015 also resulted in circa £8million of investment in the District, meaning that developments through the Order have provided circa £25 million of economic investment since its initial adoption in 2012.
- 3.6 This pro-active approach to helping businesses develop has been well received and it is for this reason that it is proposed to renew the Order for a further 3 years. It is also worth noting that, to date, no complaints have been made as a result of development coming through the LDO.

4. KEY ISSUES

- 4.1 In order to consider the renewal of the Local Development Order, the Council were required to consult on the proposals. The Council agreed to undertake a period of consultation on a slightly revised Local Development Order with the main revisions proposed being as follows:
- Identification of Redevelopment Sites: Since the Order was renewed in 2015, a number of the identified redevelopment sites have now been built upon. Therefore, changes were made to the sites in order to reflect these changes and ensure the document remained up to date; and
 - The ability for existing businesses to rebuild their premises subject to the size and scale of the unit being the same as the existing unit
- 4.2 The public consultation on the revised LDO was undertaken from Friday 18th May to Monday 18th June. Notification letters were sent to all addresses within the boundary of the LDO and statutory consultees such as the Environment Agency and Historic England were also contacted. A total of 8 site notices were also places throughout the boundary of the Local Development Order.
- 4.3 A total of 8 representations were received during the consultation period and a summary of the responses received, along with officer comments, are provided at Appendix 2 to this report.
- 4.4 A number of the responses received have resulted in some minor amendments being made to the Order but these largely relate to updated guidance or references to third party sources (i.e. Environment Agency guidelines) that required updating. The table in Appendix 2 of the report identifies where the changes to the document have been made.
- 4.5 A number of the responses were supportive of the Order and were pleased to see that it was proposed to be renewed for a further three years. Therefore, subject to the changes proposed above, and included in the revised document in Appendix 1, it is considered that the Order would be suitable for renewal until August 2021.

5. FINANCIAL IMPLICATIONS

The cost of adopting the revised LDO will be met from existing resources. However, there is a financial implication to the Council in terms of 'lost' planning fees as a result of the Order being in place. The loss of planning fees to the authority whilst the current Order has been in place (2015-18) is estimated to be approximately £42,000 and it is sensible to assume that a similar figure may be 'lost' as a result of extending the Order for a further three years. It is also worth noting that any development secured through the Order is exempt from S.106 contributions.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 The procedures for making a Local Development Order are set out in sections 61A to 61D and Schedule 4A of the Town and Country Planning Act 1990, as amended and article 38 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

7. RISK MANAGEMENT

- 7.1 The use of conditions and restrictions to ensure development is considered to be proportionate and appropriate and helps to minimise any risks that might arise through the implementation of the Order. The Council also has the power to revoke the Order if it so wishes before the expiry date and this also helps to manage the risk associated with its continued adoption.

8. EQUALITY IMPACT NEEDS ASSESSMENT (EIA)

- 8.1 An equality impact screening test was carried out when the Order was first introduced. This screening identified that the proposals will not have any negative impact on equality. It is considered that the updated Order is in broad conformity with the original document and therefore the same conclusions have been drawn, that the proposals will not have any negative impact on equality.

9. CONCLUSION

- 9.1 The Local Development Order has been well received by the local business community and developers since its introduction in August 2012 and following the renewal in 2015. There have been a number of successful developments that have used the Order and these have been identified in the main body of the report. Whilst there is a financial implication for the District Council in relation to extending the Order for a further three years, it is considered that this needs to be judged against the potential for new business development, the growth in business rates and job creation that the LDO could continue to support.

10. CONSULTEES

- 10.1 Corporate Leadership Team.
- 10.2 Development Manager

11. BACKGROUND PAPERS

- ReWyre Initiative: A Prospectus for Regenerating Kidderminster, September 2009
- Site Allocations and Policies Local Plan (Adopted July 2013)
- South Kidderminster Enterprise Park – Local Development Order (Adopted August 2015)

12. APPENDICES

Appendix 1 – South Kidderminster Enterprise Park – Local Development Order, August 2018

Appendix 2 – Consultation Responses and Officer Comments

South Kidderminster Enterprise Park: Local Development Order



August 2018

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Annexes

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Annex 4 – Contaminated Land Checklist

Appendices

Appendix 1 – Map of LDO Boundary and identified redevelopment sites

Appendix 2 – Constraints Map

Appendix 3 – Environmental Considerations Map

Statement of Reasons

1.1 Introduction to the South Kidderminster Enterprise Park

- 1.2 The South Kidderminster Enterprise Park area is a key employment and regeneration focus for Wyre Forest District. The area, which is formed of two key corridors of primarily business premises is identified, in part, within the Council's Adopted Core Strategy as being a key business and regeneration area. This is further supported by the work on the Council's Site Allocations and Policies Development Plan Document as well as forming a key part of the Council's regeneration work in terms of the ReWyre and ReWyre 'ReNewed' initiative. The Local Development Order (LDO) for this area provides a further incentive that will enable the ambitions for economic growth to be realised. A map of the LDO area is attached at Appendix 1.

The LDO was first introduced in August 2012 and it has resulted in a number of developments being brought forward within the corridor. Due to the success of the Order to date, the document was adopted for a further 3 years in 2015. The document continued to be used and valued by developers and businesses and it is therefore proposed to extend the lifetime of the Order for a further three years, which would see the document cease in 2021. Some minor amendments have been proposed to ensure the Order remains relevant and up to date.

2.0 Potential Benefits from the Implementation of a Local Development Order (LDO)

- 2.1 The LDO enables a simplified planning regime to be introduced, allowing the implementation of new development to come forward quicker, whilst providing added benefits to existing businesses through providing greater flexibility for the development of their existing assets.
- 2.2 The provision of a LDO within this location has already helped to provide an important stimulus for economic development in an area that has seen rapid decline and restructuring over the past 30 years. Companies that have benefited from utilising the Order since August 2012 are:

- All Electric
- Amada
- Arabond
- Beakbane
- Chase Commercial – Developers of Ratio Park
- Gemini
- Movianto
- Oakleaf
- Specsavers – IGS and Lens on Line
- WEMICO

3.0 Existing Planning Provisions

- 3.1 Support for the retention and enhancement of existing businesses as well as the development of new businesses within the Enterprise Park area is already provided for within the Adopted Core Strategy (December 2010) and the Site Allocations and Policies Local Plan (Adopted July 2013). This position has been further crystallised through the Local Plan review that is currently underway.

Although the LDO does not have to implement local planning policies, in this instance there is a clear synergy between the aims, ambitions and policies of the adopted statutory development plan and the proposals that are included within the draft LDO.

- 3.2 It should be noted that the LDO does not prevent development taking place that is not specifically covered by the Order. A planning application for such development would need to be made in the normal way and nationally existing permitted development rights within the area would remain unchanged.

4.0 Identified Constraints

- **HSE Zones** – There are a number of zones that surround potentially hazardous installations located within the LDO area. These include land surrounding Ashland Chemicals on the Stourport Road and land surrounding Flogas on the Hoo Brook Industrial estates. These zones have been identified by the Health and Safety Executive as areas where new development would need to be closely managed. Given the potential restrictions placed on development within these areas, developers and landowners must satisfy themselves that any potential development falls within the LDO restrictions. A guide to the limitations is included within the LDO at Annex C and the boundaries of the zones are also included in Appendix 2. Notably, there is also a HSE zone located around the existing Roxel factory and a condition has been attached to the LDO to ensure that development in close proximity to this area (at either Hoo Farm or Easter Park) requires consent from the HSE before development commences.
- **Contamination** – Given the ex-industrial nature of most of the area contamination issues could arise. Conditions are attached to the LDO to ensure that contamination is investigated prior to the commencement of any development.
- **Pollution Prevention** - The plan area overlies a principal (formally major) aquifer of regional strategic importance. The entire area falls within the combined total source protection zone (SPZ) of a number of public water supply boreholes. In addition, the northern extent of the area lies within the outer protection zone of a public water supply borehole. The depth to water table across the area is variable; however within the valley of the Stour the water table is shallow. The area is therefore located in a sensitive hydrogeological setting. The River Stour runs through the area. Under the Water Framework Directive (WFD) the River Stour is currently classified as poor ecological status. The ecological status includes chemical and biological data to give this overall classification. The Stour is currently failing on a number of parameters, including phosphates and invertebrates which has led to the overall poor classification. The WFD objective is to improve the status of the water body to achieve overall good status by 2027. It is therefore particularly important that any contamination is appropriately addressed and that measures are undertaken to protect the water environment. Conditions are attached to this order to protect the water environment.
- **Conservation Areas** – Part of the Staffordshire and Worcestershire Canal Conservation Area is located within the proposed LDO boundary. Therefore, safeguards have been put in place to ensure that development does not have a detrimental impact on the character of the conservation area, or the structural integrity of the Canal. There are currently no listed buildings or structures within the area. However, should any be identified and listed through the lifetime of the Order then the relevant permissions for any proposed changes would be required before any development occurred.

- **Flood Risk** – The area includes both the River Stour and the Hoo Brook and as such parts of the land within the LDO boundary are affected by Flood Risk (as identified at Appendix 2). These areas have been conditioned in accordance with the NPPF and the associated NPPG. The conditions have been included and amended in conjunction with the Environment Agency. In addition, other sources of flooding will need to be considered on a site by site basis.
- **Environmental Conservation**– The District Council has already undertaken a Habitats Regulations Assessment Screening Report for the adopted Site Allocations and Policies Development Plan Document (DPD). The results of this Screening Report, which were agreed by Natural England, were that the DPD would not result in likely significant effects upon a Natura 2000 site (this is a site of European significance). Given that the LDO follows the aims of the Site Allocations and Policies DPD for this area of the District it is considered that the same conclusions could be drawn from the implementation of the LDO, and this approach has also been supported by Natural England.
- **Sustainability Appraisal** - The Council have produced an Environmental Statement to accompany the LDO, which sets out further detail on the Sustainability Appraisal process. This includes an extract of the relevant Sustainability Appraisal for land within the LDO boundary, which has been undertaken to inform the Site Allocations and Policies DPD. Also included within the Statement is a copy of the Appropriate Assessment Screening report and conformation of its suitability from Natural England.

More information on the Sustainability Appraisal and the Appropriate Assessment can be viewed by looking at the accompanying Environmental Statement. Alternatively, the full Sustainability Appraisal reports can be viewed by visiting the Council's website (www.wyreforestdc.gov.uk)

5.0 Pre-Development Requirements

- 5.1 The LDO does not remove the need to comply with other legislative controls such as building regulations approval or environmental protection legislation. Appropriate safeguards are also provided to protect the character and structural integrity of the adjacent Canal together with the amenity enjoyed by the occupiers of those residential properties immediately adjacent to, or proposed to be built within, the South Kidderminster Enterprise Park Area. These conditions are provided at Annex 1.
- 5.2 **It is the responsibility of landowners and developers to ensure that all other statutory requirements beyond the scope of the planning system are adhered to. Failure to comply with any statutory requirements may result in appropriate enforcement action being taken by the Council and/or other agencies.**

6.0 The Order

Local Development Order for South Kidderminster Enterprise Park

Within the South Kidderminster Enterprise Park area planning permission is granted for new buildings on **redevelopment sites**, as identified in Appendix 1, for the following uses:

- B1a (offices);
- B1b (Research and Development);
- B1c (Light Industry);
- B2 (General Industrial);
- B8 (Storage and Distribution);
- Car/Vehicle Hire Business and the selling and displaying of motor vehicles; and
- Vehicular access to development

Furthermore, **for existing premises** that fall under use classes B1, B2, B8 and car vehicle hire businesses/displaying and selling of motor vehicles, within the area (as identified in Appendix 1) planning permission for the following development is granted:

- recladding of building exteriors including changes to roofing materials;
- Installation or replacement of windows or doors;
- Installation of solar panels and other renewable energy systems (such as biomass and combined heat and power boilers);
- sub-division of existing units (for B1a, b and c, B2 and B8 use);
- Extensions no more than 10 linear metres from the existing building, subject to extensions not being within 5 metres of the existing highway;
- The installation or replacement of plant or machinery not exceeding a height of 15 metres;
- The construction of ancillary buildings within the existing curtilage, not exceeding 100sqm Gross Floor Space; and
- Car parking - subject to meeting the requirements set out in condition 9 of Annex 1.
- The redevelopment of any existing building or structure subject to the floorspace of the replacement unit being of the same scale and size as the current building or structure

Change of use is also permitted as follows:

- B1 – to B2 or B8, where no more than 1,000sqm;
- B2 – to B1 or B8 where no more than 1,000sqm; and
- B8 – to B1 or B2 where no more than 1,000sqm.

Demolition, in conjunction with any redevelopment of existing premises within the identified use classes, is also permitted.

6.1 The Local Development Order is therefore split into two main component parts:

- Provisions relating to redevelopment sites within the boundary (as identified at Appendix 1)
- Provisions for existing business premises within the boundary (including change of use)

6.2 All development proposed through the Order must be in conformity with the uses identified as well as being in conformity with the conditions attached at Annex 1.

7.0 Restrictions

7.1 A number of restrictions to development are identified in the following table. No development is permitted if it falls under the following categories.

Restriction	Reason
Any development that is considered to require an Environmental Impact Assessment as set out by the Regulations (or any subsequent Regulations which replace the above with or without modification)	<p>Development that requires an Environmental Impact Assessment (EIA) would need to be assessed through a planning application.</p> <p>The scope of development proposed through the LDO is based on a broad spectrum of speculative industrial development. It is very difficult for the Council to screen and assess the scope/quantum of development coming forward without receiving definite proposals and plans in advance.</p> <p>Therefore if an EIA development is proposed it would not be suitable to be brought through the LDO route. A planning application would need to be submitted. For more information see Condition 1 in Appendix 1</p>
Any development where the planning application would normally be determined by the Secretary of State or a body other than the District Council	<p>The District Council can only consider allowing development through the LDO in an area where it has responsibility. This would exclude development relating to waste and minerals management such as all planning applications relating to the use of land (and buildings) or the erection of buildings, plant or machinery for the purposes of waste or minerals management, which are determined by the County Council. The following classes of operations and uses of land are considered to be 'county matters':</p> <ol style="list-style-type: none"> i. The use of land, the carrying out of building, engineering or other operations, or the erection of plant or machinery used or proposed to be used, wholly or mainly for the purposes of recovering, treating, storing, processing, sorting, transferring or depositing of waste; ii. Operations and uses ancillary to the purposes in (i) above, including development relating to access to highways.
Proposals for development that fall within other use classes of the 1987 Use Classes Order as amended.	<p>The LDO identifies the use classes that are considered to be appropriate within this area. No other use classes are considered as being suitable without planning permission. Furthermore, development falling into any of the following categories is not permitted through this Order:</p> <ul style="list-style-type: none"> • Storage of hazardous substances; • Retail linked trade operations; and • Rail freight proposals.
No development is permitted within the Green Belt or the SSSI that falls within the LDO Boundary	To ensure that the Order is in line with the national and local policy in relation to development within the Green Belt and SSSI's.
Flood Risk	Development is not permitted within 8m of the River Stour and Hoo Brook, in order to protect the watercourses and their associated floodplain.
Development that would affect a Public Right of Way	If it is necessary to divert/extinguish existing public rights of way, in order for development to proceed, then planning permission will be required.

Restriction	Reason
Development that would affect the Staffordshire and Worcestershire Canal	A buffer zone has been included around the Staffordshire and Worcestershire Canal in order to protect the Conservation Area designation and the structural integrity of the Canal. No development is permitted within this zone (as identified in Appendix 2). This exclusion zone has been derived in conjunction with Canal & River Trust, Historic England and the District Council's Conservation Officer.
Listed Buildings	Should any buildings or structures become listed during the lifetime of the Order then the buildings and associated curtilage would be exempt from the provisions of the Order and would require consent through the existing framework of listed building consent and/or a planning application.

8.0 Conditions

- 8.1 There are also a number of other conditions that are attached as part of the LDO to ensure that development is appropriate, which are included in Annex 1 as well as a constraints map that is attached at Appendix 2.

9.0 Justification for the Order

- 9.1 The Government is committed to boosting local growth and creating jobs to support the economic recovery of the country. It has embarked on a radical reform programme to support this, and has established enterprise zones to support and encourage private sector growth. Although the South Kidderminster Enterprise Park was unsuccessful in its bid for Enterprise Zone status it is considered that the implementation of an LDO would bring about some of the benefits that EZ status would have brought to the District.

10.0 Lifetime of the Order

- 10.1 The LDO will be active for a period of 3 years after the date of its adoption.
- 10.2 Development which has started under the provision of the LDO prior to its expiry will be allowed to complete in the event that the LDO is revoked or revised¹. The Council does have the ability to revoke the LDO at any time, should it lead to undesirable and unforeseen consequences.
- 10.3 Developments that have taken place under the LDO will be allowed to continue to operate in the event that the LDO is revoked or revised. However, no new development will be allowed under the terms of the LDO following its expiry without planning permission.
- 10.4 The conditions attached to this LDO will continue to apply to any development permitted during its lifetime.

¹ Commencement of development is defined as an undertaking of a material operation as defined in Section 56 (4) (a) – (d) of the Town and Country Planning Act 1990. A lawful commencement of development shall only be adjudged to have been carried out if the full notification process as set out in the Order has been completed to the satisfaction of the Local Planning Authority prior to any development commencing.

11.0 Policies that the Order will help to implement

11.1 National

- National Planning Policy Framework
- National Planning Policy Guidance

11.2 Local (Adopted Policy)

- Wyre Forest Core Strategy (Adopted December 2010)
- DS01: Development Locations
- DS02: Kidderminster Regeneration Area
- CP08: A Diverse Local Economy
- CP09: Retail and Commercial Development
- Site Allocations and Policies Local Plan (Adopted July 2013)
- Policy SAL.GPB1: Employment Land / Economic Development
- Policy SAL.CC5: Renewable Energy
- Policy SAL.SK1 – South Kidderminster Enterprise Park
- Policy SAL.SK2 – Former British Sugar Site
- Policy SAL.SK4 – Former Romwire Site

12.0 Monitoring the LDO

12.1 LDO monitoring needs to be appropriate to the ambition and circumstances of the development.

12.2 Conditions on the LDO will require that the developer notifies the local planning authority when undertaking development permitted by the LDO to ensure that an accurate record of development is maintained.

12.3 Notification of development will also be circulated to District Councillors, via the weekly planning application list, so that members are aware of development being delivered through the LDO.

12.4 The Order will be revisited at the end of the three year period where a decision will be made to continue the Order, amend and review the Order or abolish the Order.

Contacts:

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Worcestershire County Council

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Email: worcestershirehub@worcestershire.gov.uk.

Telephone: (01905) 765765

Annex 1 - Conditions

No	Condition	Reason
1	<p>EIA Development</p> <p>The permissions granted by this Order shall not apply if:</p> <ul style="list-style-type: none"> An application for planning permission for the proposed development would be a Schedule 1 application within the meaning of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. An application for the development would fall within the descriptions of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, <u>unless</u> the Local Planning Authority has, following the submission of a request for screening opinion, determined in accordance with the criteria within Schedule 3 of the same Regulations, that the development is unlikely to have significant effects on the environment by virtue of factors such as its nature, size or location and is therefore not EIA development. <p>Developers should therefore satisfy themselves that development would not fall within any of the above categories prior to work commencing. This condition will also be applied any subsequent EIA regulations which replace the above with, or without, modifications.</p>	<p>To ensure any new development is not an EIA development.</p>
2	<p>Development Height</p> <p>Development must not exceed 15 metres in height, inclusive of all development such as flue gas stacks and micro wind turbines</p>	<p>To protect the amenity of current and potential new occupiers/residents of the area.</p>
3	<p>Environmental Protection</p> <p>All development should conserve and, where appropriate, enhance the:</p> <ul style="list-style-type: none"> Statutory conservation sites (principally Wilden Marsh and Meadows SSSI and River Stour Floodplain SSSI) by mitigating any impacts that development adjacent to these sites might have on their ecological function/integrity Non-statutory nature conservation sites by mitigating any impacts that development adjacent to these sites might have on their ecological function/integrity <p>Development will need to have checked Natural England's SSSI Impact Risk Zones, which can be accessed here to ascertain whether or not their proposal requires consultation with Natural England.</p> <p>In addition development should have regard to all protected species and habitats and BAP species and habitats where identified</p> <p>The sites are identified at Appendix 3 of this Order.</p>	<p>To protect important Environmental habitats within the area.</p>
4	<p>Health and Safety Executive</p> <p>Development will need to be in line with the Health and Safety Executives advice on planning for developments near hazardous installations (PADHI). Please refer to Table 2 for further information. Any development above these thresholds would require planning permission.</p>	<p>To ensure development meet Health and Safety criteria.</p>

No	Condition	Reason
5	<p>Health and Safety Executive – Explosives</p> <p>Any development proposed on Easter Park or Hoo Farm (sites identified on Appendix 1) will need prior written approval from the HSE Explosives directorate. Developers must send their proposed plans to the HSE, who can be contacted at the following address:</p> <p>Specialised Industries, 5S.2 Redgrave Court, Merton Road, Bootle Merseyside, L20 7HS Tel: 0151 951 4000 Explosives.licensing@hse.gsi.gov.uk</p> <p>If planning permission is required then early consultation with the District Council is recommended.</p>	To ensure development meet Health and Safety criteria.
6	<p>Network Rail</p> <p>Any proposal within 10m of the operational railway boundary will require review and approval by Network Rail. Developers must secure prior written approval before any development commences, if located in this area. Network Rail can be contacted at the following address:</p> <p>Town Planning Team LNW, Network Rail, 1st Floor, Square One, 4 Travis Street Manchester, M1 2NY Email: TownPlanningLNW@networkrail.co.uk</p>	To protect the integrity of the railway infrastructure
7	<p>Traffic Generation</p> <p>Any development proposed that is greater than the following thresholds would require a Transport Assessment (TA):</p> <p>B1 – Gross Floor Area greater than 2,500sqm B2 – Gross Floor Area greater than 4,000sqm B8 – Gross Floor Area greater than 5,000sqm</p> <p>Should development be higher than these thresholds identified then a TA will need to be submitted and agreed in writing with Worcestershire County Council before any development commences. Where appropriate, mitigation measures may be required, which will need to be provided by the developer, within an agreed timescale.</p> <p>No development may commence until agreement has been reached with the Local Planning Authority</p>	To ensure that development does not have a detrimental impact on the adjoining Highway network.
8	<p>Highways / Access</p> <p>Access to the highway network will require the issue of a licence under Section 278 of the Highways Act, 1980. New accesses on to classified roads will require planning permission.</p> <p>Development must not reduce the amount of space available for vehicle turning or manoeuvring.</p>	<p>To ensure development meets highways standards.</p> <p>To ensure development does not adversely affect existing vehicular space.</p>
9	<p>Parking</p> <p>Car and cycle parking must be provided in line with the parking standards of</p>	To ensure development has

No	Condition	Reason
	Worcestershire County Council Highways Design Guide unless otherwise agreed in writing with the Local Planning Authority	sufficient parking available
10	<p>Flood Risk Development within Area A or B, as identified by Appendix 2, must comply with the following conditions to mitigate flood risk:</p> <p>Protection to buildings</p> <p>Area A (River Stour): Finished floor levels shall be set no lower than 30.67m AOD (<i>this level is based on 600mm freeboard above a 1% plus climate change flood level</i>) or flood proofing measures shall be incorporated into the building to this level.</p> <p>Area B (Hoo Brook): Finished floor levels shall be set no lower than existing ground levels and flood proofing measures shall be incorporated into the building to a level set at least 1 metre above the finished floor level of the building.</p> <p>Further information can be located on the Environment Agency's website here</p> <p>Protection to Occupiers Prior to the first occupation of the development, a Flood Evacuation Management Plan shall be submitted to and approved in writing by the LPA. In preparing the plan, regard should be had to the guidance on the Environment Agency's website as follows: https://www.gov.uk/prepare-for-flooding/future-flooding</p> <p>Development in Area A - The Applicant /future occupiers should contact 03708 506506 to be set up on the Environment Agency flood warning system for the River Stour.</p> <p>Development in Area B - The Applicant /future occupiers should contact 03708 506506 to be set up on the Environment Agency flood warning system for a Flood Alert for the Hoo Brook. Given that there is only a Flood Alert available for the Hoo Brook, any evacuation management plan will also need to consider other available data to inform timing for implementation of evacuation procedures. For example, a combination of met office data and local weather announcements.</p> <p>Developments must ensure that there is no significant adverse effect on local flood storage or flood flows.</p>	<p>To ensure adequate flood risk protection is provided.</p> <p>To protect the proposed development from flood risk for the lifetime of the development.</p> <p>To minimise the flood related danger to people in the flood risk area.</p>
11	<p>Surface Water and Drainage New developments should incorporate Sustainable Drainage Systems in line with the following guidance: https://www.gov.uk/government/publications/sustainable-drainage-systems-non-statutory-technical-standards</p> <p>Unless agreed in writing by the Local Planning Authority prior to the commencement of development.</p> <p>All foul drainage from new development must be connected to the mains foul sewer. If not, then planning permission will be required. For future reference, a record needs to be kept regarding the installed Drainage Strategy at any site</p>	<p>To ensure adequate drainage is provided and to ensure that the ground and surface waters are protected.</p> <p>In order to protect ground and surface waters.</p>

No	Condition	Reason
12	Water Quality Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there are multiple tanks, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.	To prevent pollution of the water environment.
13	Outside Storage Outside storage space is restricted to 10% of the total area of the curtilage and the overall height of any items stored shall not exceed 4 metres. Any development above these thresholds would require planning permission.	To protect the visual amenity of the area.
14	Infrastructure Developers should register with and use www.LineSearch.org . This will provide an instant response advising whether or not any of the 29 infrastructure providers have apparatus that may be affected through development. The development shall be carried out strictly in accordance with the advice and guidance given, and development shall not be commenced until written approval has been received from the relevant Authority.	To protect infrastructure within the area.
15	Noise All buildings, extensions, plant and machinery developed under the provisions of the Order will need to comply with the Worcestershire Regulatory Services 'Noise Technical Guidance': http://www.worcsregservices.gov.uk/media/448878/noise-technical-guidance-v-1-2-4.pdf	To protect the amenity of current and potential new occupiers/residents of the area.
16	Air Quality Worcestershire Regulatory Services should be consulted to determine if an air quality assessment is required, and/or if one has been produced in the following situations: <ul style="list-style-type: none"> Commercial/Industrial development >100 parking spaces; Biomass Boiler (50kW to 20MW) proposed* Large Vehicle Depot such as a Bus Station, Lorry Park or Park and Ride <p>* Note under the Clean Air Act 1993 approval from the LPA for the Chimney Stack Height for boilers burning >45.4kg/hr is also required</p> <p>If an assessment is required then the scope and detail of the assessment and any necessary mitigation measures, including a timescale for their implementation, will need to be agreed in writing with WRS, prior to the commencement of development and carried out in accordance with the agreed scheme.</p>	To ensure that no deterioration of the local air quality occurs.
17	Archaeology Where archaeological remains are discovered as a result of development commencing, the developer should notify the County Council's Historic Environment Team before proceeding any further.	To record and or protect historic features that may be discovered through development.
18	Contamination	To ensure that risks from land

Agenda Item No. 10.2 Appendix 1

No	Condition	Reason
	Unless otherwise agreed in writing by the Local Planning Authority development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until conditions 1 to 6 identified in Annex 3 have been complied with.	contamination to the environment and human health are minimised.
19	Development Notification 14 days before development starts the Local Planning Authority must be notified of the proposal so that a record of development provided through the LDO can be kept.	To ensure that an accurate record of development is maintained.

The responsibility for interpreting the requirements of the LDO and ensuring that development is compliant with the above conditions falls on the developer/landowner.

Annex 2 - Design Guide

Although not a conditional requirement of the LDO, it is desirable that new developments follow good urban design principles to contribute to a quality environment. Therefore, the following table provides a summary of the key design principles to take into consideration.

Provide innovative architecture	<ul style="list-style-type: none"> • Development should be based on function but should also be visually pleasing. • Materials, colour, massing, projections, set backs and variety in the sky line can all add more interest.
Provide a coordinated design	<ul style="list-style-type: none"> • Larger areas of colour on buildings should be sympathetic to the landscape • A limited palette of colours is generally preferred for buildings.
Provide a positive public frontage	<ul style="list-style-type: none"> • Greatest attention to design quality and investment should be focused onto public faces of main frontages • Entrance foyers and reception areas should be located on the primary public face of buildings, preferably onto surrounding streets. • Outdoor storage areas should be designed and located to be unobtrusive from the street, using screening and/or landscaping as appropriate.
Provide a sense of enclosure on to streets and spaces	<ul style="list-style-type: none"> • Buildings should be positioned close to highways to provide a positive relationship with the street. • Buildings set to the back of large plots of car parking or storage areas should be avoided.
Provide green infrastructure and landscaping	<ul style="list-style-type: none"> • New developments should incorporate green landscaping, encouraging biodiversity habitats and incorporating SUDS. • Landscaping can form part of open spaces and recreation areas for employees. • Landscaping areas are ideally located onto public areas close to front entrances of main frontages. • Development should take into account, where relevant, of the area's context being adjacent to the Canal Conservation Area.
Provide development that is Secured by Design	<ul style="list-style-type: none"> • Secured by Design principles should be followed where possible. • Particular focus should be on site layout, perimeter security, building design, physical security, and electronic security.
Provide sustainable developments	<ul style="list-style-type: none"> • New development should aim to score 'Good' or better on the BREEAM rating system. • Sustainable building design elements such as natural ventilation, passive solar gain, low energy lighting, water collection and storage, and on-site recycling facilities should be considered.

Informative - Flood proofing: Flood proofing measures can include, but are not limited to, removable barriers on building apertures such as doors and air bricks; flood resilient materials within the building; and providing electrical services into the building at a high level so that plugs are located above possible flood levels. Additional guidance, including information on kite marked flood protection products, can be found on the Environment Agency website at <https://www.gov.uk/prepare-for-a-flood>

Annex 3 – Contaminated Land Conditions

1. A preliminary risk assessment must be carried out. This study shall take the form of a Phase I desk study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources and receptors to determine whether a site investigation is required and this should be detailed in a report supplied to the Local Planning Authority. The risk assessment must be approved in writing before any development takes place.
2. Where an unacceptable risk is identified a scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"
3. Detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"
4. Where identified as necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
5. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
6. Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.

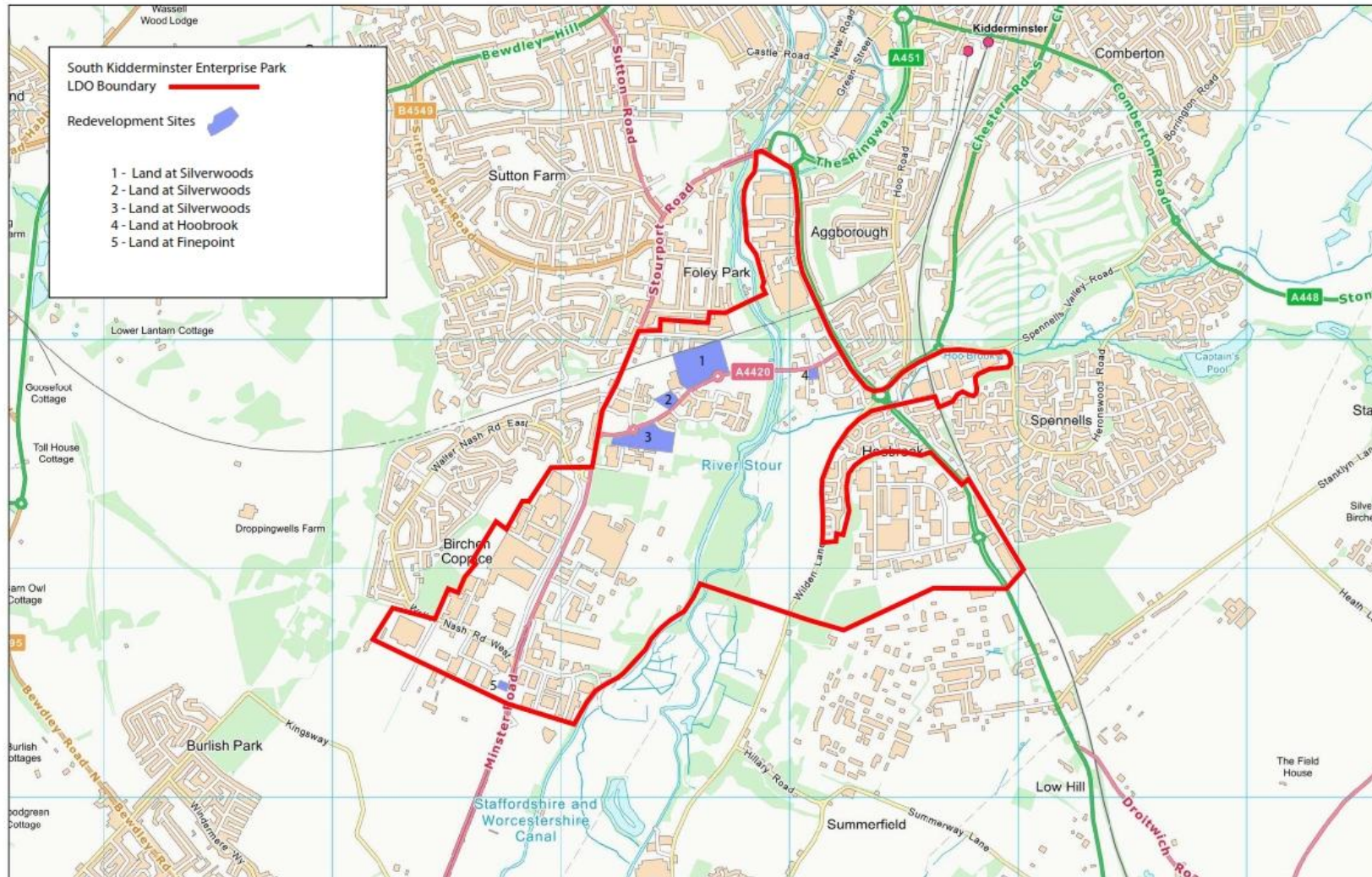
Annex 4 - Health and Safety Executive Advice

There are a number of areas within the Local Development Order boundary where there are buffer zones around potentially hazardous workplaces. Development near to these installations is controlled in order to minimise any potential risk. The Health and Safety Executive provide 'Planning Advice for Developments near Hazardous Installations' (PADHI). This advice is split into the inner, middle and outer zones that exist, and gives advice for development that may fall within the different zone areas. Developers should therefore satisfy themselves that their proposals are in line with the recommendations of the HSE. For workplaces, which are the focus of this Order, the following guidance is given.

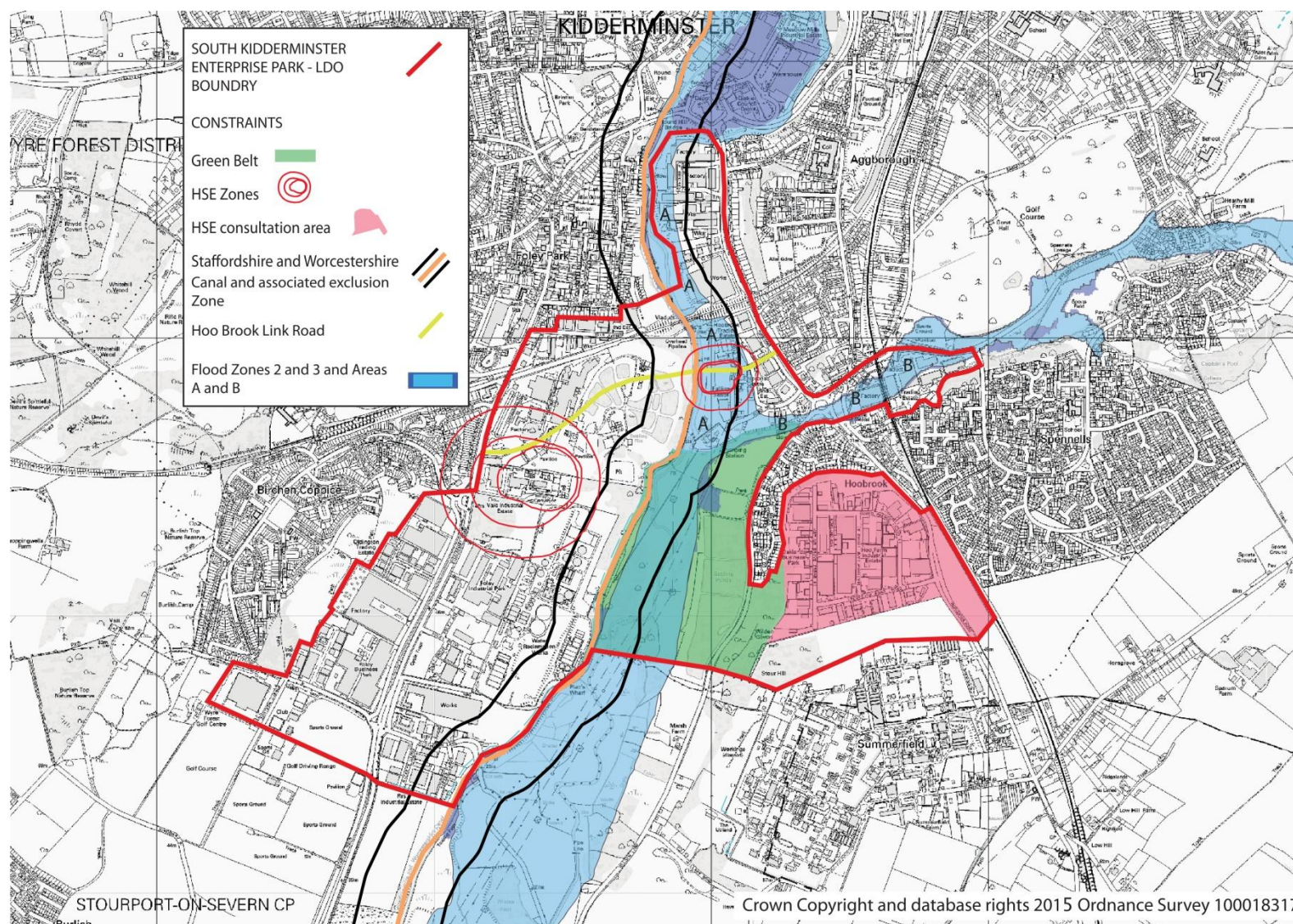
Development Type	Examples	Development detail and size	Justification	Sensitivity Level	Development in Inner Zone	Development in Middle Zone	Development in Outer Zone
Workplaces	Offices, factories, warehouses, haulage depots, builders yards	Workplaces at the major hazard site itself	Risks to workers, and others, at the workplace of the major hazard company are under control of that company	1	Don't Advise Against development	Don't Advise Against development	Don't Advise Against development
		Workplaces (predominantly non-retail) providing for less than 100 occupants in each building and less than 3 occupied storeys	Places where the occupants will be fit and healthy, and could be organised easily for emergency action. Members of the public will not be present or will be present in very small numbers and for a short time	1	Don't Advise Against development	Don't Advise Against development	Don't Advise Against development
		Workplaces (predominantly non-retail) providing for 100 or more occupants in any building or 3 or more occupied storeys in height	Substantial increase in numbers at risk with no direct benefit from exposure to risk	2	Advise Against Development	Don't Advise Against development	Don't Advise Against development
	Sheltered workshops. Remploy	Workplaces specifically for people with disabilities	Those at risk may be especially vulnerable to injury from hazardous events and/or they may not be able to be organised easily for emergency action.	3	Advise Against Development	Advise Against Development	Don't Advise Against development

Therefore, developers will need to be aware of which zone their site is located in and ensure that the thresholds meet the criteria set out by the Health and Safety Executive (The areas designated by the HSE are included on the constraints map attached at Appendix 4). Any development that would fall in the 'Advise Against Development' category is not be permitted by the Order.

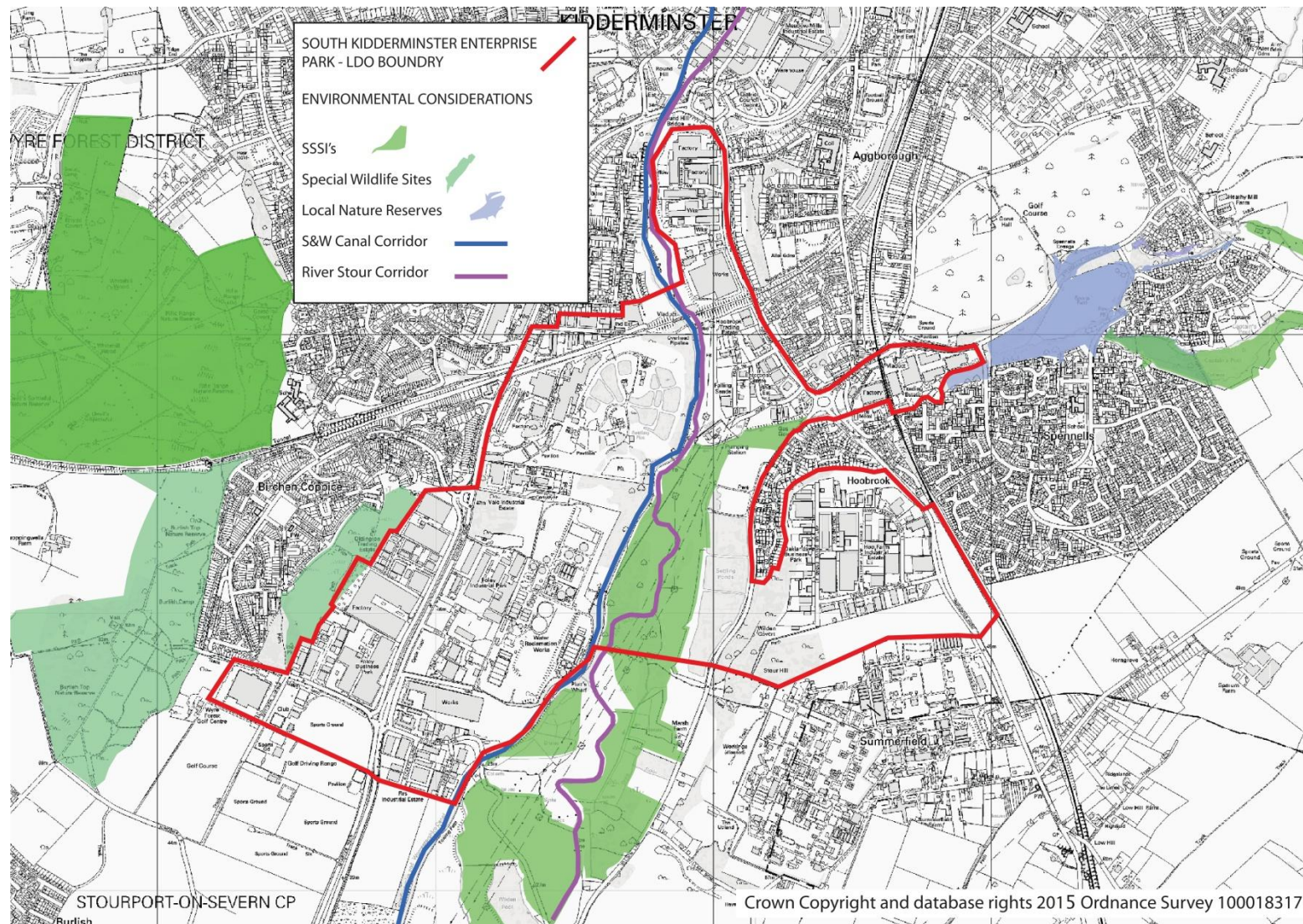
Appendix 1 - Map of LDO Area and Identified Redevelopment Sites



Appendix 2 - Constraints Map



Appendix 3 – Environmental Considerations Map



SOUTH KIDDERMINSTER ENTERPRISE PARK REVISED LOCAL DEVELOPMENT ORDER – TABLE OF RESPONSES
(CONSULTATION MAY 2018)

Respondent	Summary of Response	Officer Comments
Neil Morris OGL Computer	I think the revised LDO is a great idea. The initiative has already had a positive impact on the region. Anything to encourage and stimulate business growth should be supported.	Support is welcomed.
Local Resident	<p>Concerned about an increase in congestion in the area and existing problems at Hoo Brook Island will become exacerbated. Suggests removal of sites at Silverwoods from LDO;</p> <p>Wilden Marsh not identified as a SSSI in appendix 3;</p> <p>Concerned that areas of green belt are included in the LDO map in appendix 2, Would like to see a buffer zone for Wilden Marsh and exclude the wildlife corridor between Wilden Marsh and Spennells Valley.</p>	<p>Noted. The Order provides condition in relation to traffic impacts to mitigate this issue;</p> <p>Wilden Marsh is identified as a SSSI;</p> <p>The Green Belt land is specifically excluded from the Order as are the SSSI's and so a buffer zone is not considered to be required.</p>
North Worcestershire Water Management	<p>Page 5 – reference should be to the NPPF and NPPG.</p> <p>The flood risk paragraph only relates to fluvial flooding, all types of flooding should be included.</p> <p>Change wording on page 7 from 'no development within 8m' to "Development is not permitted within areas believed to be at risk of flooding or within 8m of the River Stour and Hoo Brook, in order to not increase flood risk elsewhere and to protect the watercourses and their associated floodplain."</p> <p>Condition 10 currently refers to a 'what's in your backyard webpage' which has now been updated and a new website link should be provided.</p> <p>Unable to check if the quoted finished floor level is still accurate.</p> <p>Condition 10 fails to take into account the effect that development could have upon the flood risk of others.</p>	<p>Noted and amendments made to the document accordingly;</p> <p>Noted. Document updated accordingly</p> <p>Noted. However, this is difficult to define and this condition is only in relation to fluvial flood risk.</p> <p>Noted. Website link updated.</p> <p>EA comments have provided an updated floor level</p> <p>Noted. Some amendments have been proposed to the document to reflect this.</p>

SOUTH KIDDERMINSTER ENTERPRISE PARK REVISED LOCAL DEVELOPMENT ORDER – TABLE OF RESPONSES
(CONSULTATION MAY 2018)

Respondent	Summary of Response	Officer Comments
	<p>Condition 10 requires a Flood Evacuation Management Plan to be compiled. I think that is fine. The reference should be changed to https://www.gov.uk/prepare-for-flooding/future-flooding</p> <p>Condition 11 uses the term 'Sustainable Urban Drainage'. It would be better to use the term 'Sustainable Drainage Systems (SuDS)'</p> <p>Condition 11 includes 'Unless agreed in writing by the Environment Agency or Local Planning Authority prior to the commencement of development.' change to "Unless agreed in writing by the Local Planning Authority prior to the commencement of development.'</p> <p>Include that for future reference a record will be kept regarding the installed Drainage Strategy</p> <p>If a company chooses to make use of the LDO, who does actually check that the development meets all the criteria and complies with all the conditions?</p>	<p>Noted. Document updated accordingly</p> <p>Noted. Document updated accordingly</p> <p>Noted. Document updated accordingly</p> <p>Noted. Document updated accordingly</p> <p>The initial notification is considered by Officers and a 'confirmation of compliance' notice provided to the applicant. The onus of meeting the conditions is on the developer.</p>
Environment Agency	<p>The majority of the flood risk issues remain the same as in 2015, however climate change allowances have been updated in 2016.</p> <p>For 'Less Vulnerable' development the FRA should use the 'central' climate change allowance (20%) as a minimum to inform built in resilience; but aim to incorporate managed adaptive approaches/measures for the 'higher central' allowance (25%) where feasible.</p> <p>Finished floor level The final finished floor level should be set at 30.67m AOD. A slight increase from the</p>	<p>Noted. Document updated accordingly</p> <p>Noted. Document updated accordingly</p>

SOUTH KIDDERMINSTER ENTERPRISE PARK REVISED LOCAL DEVELOPMENT ORDER – TABLE OF RESPONSES
(CONSULTATION MAY 2018)

Respondent	Summary of Response	Officer Comments
	current 30.62m AOD figure. Contaminated land Welcomes the addition of annex 3 and pleased with the details in Annex 1 section 4.	Noted. Support is welcomed.
The Coal Authority	No specific comments to make	Noted.
Natural England	Pleased to see that previous comments provided have been taken on board. Condition 3 annex 1 (page 11) remove the words “Where appropriate” in relation to enhancing biodiversity. Section 4.0 (pages 4-5) suggest that SSSI’s to be included on the list of identified constraints. Add the SSSI boundary to the constraints map in Appendix 2 Would like to discuss development around the SSSI which might trigger the need for an EIA. Appendix 3 – Environmental considerations map - Add in SSSI’s Wilden Marsh and Meadows SSSI River Stour Flood Plain SSSI	Noted. Support is welcomed Noted. However, it isn’t always appropriate to enhance biodiversity within the developments permitted in the Order and so no change is proposed. This is covered in Section 7.0: Restrictions The SSSI boundary is covered in Appendix 3 If development is EIA then it is not permissible through the Order. The map remains the same as previous iterations of the document and so no change proposed. More detailed mapping is available on WFDC’s GIS system which clearly identifies the boundaries, although it is appreciated this may not be as clear in document form.
Mr Nick Hughes Chair of Kidderminster	Environment The Stour to be given the highest possible protection from contamination. Would like to see ongoing monitoring relating to contamination.	A detailed contamination condition is included within the Order.

**SOUTH KIDDERMINSTER ENTERPRISE PARK REVISED LOCAL DEVELOPMENT ORDER – TABLE OF RESPONSES
(CONSULTATION MAY 2018)**

Respondent	Summary of Response	Officer Comments
Civic Society	<p>Flood Risk LA to carry out frequent checks in relation to flood risk</p> <p>Right of Way Loss of right of way not acceptable.</p> <p>Canal protection Welcome the canal buffer zone, would like to see the inclusion of buffer planting.</p> <p>Development Heights No concessions given – stick to a maximum 15 height.</p> <p>Archaeology The Civic Society would like to be notified of any remains discovered.</p>	<p>Noted. However, this is not something that would be undertaken via the Order.</p> <p>Noted and agreed. Sufficient protection is included.</p> <p>The buffer zone will remain but the landscaping is not something that is a requirement of the Order.</p> <p>Noted. The Order will only allow developments at this threshold. Anything higher would require separate planning consent</p> <p>This is a request that needs to be made to Worcestershire Archaeological Service.</p>
Local Resident	Feel the re-use of the Sugar Beet site has been excellent. Light industrial uses should be delivered on Silverwoods, as per the original plan.	Noted. Support is welcomed.

WYRE FOREST DISTRICT COUNCIL

**Cabinet
Tuesday 17th July 2018**

**Overview and Scrutiny Committee
Thursday 5th July 2018**

**South Kidderminster Enterprise Park: Revised Local Development Order,
August 2018**

The Committee considered a report which presented the results of the public consultation on the revised Local Development Order (LDO) for the South Kidderminster Enterprise Park.

Members welcomed the proposal to renew the Order. It was agreed that the pro-active approach to helping businesses develop had been well received and had provided circa £25m of economic investment since its initial adoption in 2012.

Recommend to Cabinet that:

The Local Development Order, as attached at Appendix 1 of the report, be adopted for a further 3 years.

Background papers:

Report to the Overview and Scrutiny Committee, Thursday 5th July 2018

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

WYRE FOREST DISTRICT COUNCIL**CABINET**
17th July 2018**Worcester Street, Kidderminster – Regeneration Proposals**

OPEN	
CORPORATE PLAN AIM:	Support you to contribute to a successful local economy
CABINET MEMBER:	Cllr Ian Hardiman – Member for Planning and Economic Regeneration
RESPONSIBLE OFFICER:	Corporate Director: Economic Prosperity and Place
CONTACT OFFICER:	Mike Parker ext 2500
APPENDICES	None

1. PURPOSE OF REPORT

To update Members on the progress of the Worcester Street regeneration proposals involving the opening up of the pedestrianised area to traffic and to agree an amendment to the Capital Programme for the Council's contribution to the funding of the project.

2. RECOMMENDATION

Cabinet is asked to DECIDE to RECOMMEND to Council:

- 2.1 **that the Capital Programme for the Worcester Street regeneration project be increased by £325k to £825k to be funded by either prudential borrowing and/or earmarked reserves as determined by the Corporate Director: Resources.**

3. BACKGROUND

- 3.1. As part of its State of the Area exercise undertaken in 2012 the Council made a commitment to investing in improvements to Kidderminster Town centre, recognising the importance that a successful town centre plays in supporting the local economy. Phase one of the improvements that the Council initiated was the £2m public realm improvement programme that upgraded the public realm in Vicar Street, High Street and Exchange Street which was carried out in partnership with Worcestershire County Council.
- 3.2. When the Council consulted on its wider proposals for the improvements to the Town Centre, as well as the phase one works the Council indicated its intention to carry out (at some point) a second phase of improvement to inject life back in to Worcester Street by opening it up to traffic. The benefits of this were seen as adding footfall and passing trade into this pedestrianised part of the town which had suffered most from the changing dynamics of town centre shopping and the increase in online retailing. Public transport would be channelled into Worcester Street and on street parking provided which would attract more footfall and dwell time in this part of the town

offering a better exposure to the retailers than they were otherwise experiencing with pedestrian footfall.

- 3.3. The further initiative announced by the Council to tackle the redevelopment of the eastern quarter of the town around the wider Bromsgrove Street car park, including the former leisure centre site and former Magistrates' Court, and branded as Lion Fields also highlighted the importance of Worcester Street which forms the western boundary of the Lion Fields area. .
- 3.4. Once again working in partnership, Worcestershire County Council and the district council announced plans for a £1m investment in the project (funded equally between the partners) to open up Worcester Street to traffic as part of its budget plans for 2016/17. As this is a highway project it is being led by Worcestershire County Council as the Highway Authority for the area. Originally the County Council had planned to commence works in the 2017/18 financial year and indeed work on designing the details of the scheme did commence. However the County Council encountered some significant design challenges, especially regarding the age of the services under Worcester Street and at the junction of Coventry Street, Blackwell Street and Worcester Street due to the significant change in levels at this point. More detailed plans have now been produced which have enabled the County Council to more accurately estimate the associated costs of the works.
- 3.5. A Traffic Regulation Order (TRO) consultation plan is being prepared and outline proposals indicate that traffic would be allowed to access Worcester Street at its southern end and travel in a south/north direction up to Coventry Street/Blackwell Street, this would include buses and taxis as well as general traffic. On street parking, including disabled parking, is provided at various points along the route. The TRO consultation will be the technical consultation and open to the public for comment; however it is the County Council's intention to undertake a further public engagement session in the autumn with a prospective commencement on site before the end of the calendar year, subject to the outcome of the TRO consultation.
- 3.6. Revised cost estimates based on the more detailed survey works carried out by the County Council as part of the detailed design works now project that the scheme will cost £2m. After much deliberation and investigation as to how the cost of the scheme could be value engineered back down to the original budget both parties have agreed that to begin paring back the proposal would undermine the integrity of the overall scheme and detract from the importance and economic added value of the project in the town centre. Both parties have therefore agreed to investigate the possibility of bridging the funding gap.

4. THE PROPOSAL

- 4.1 An expression of interest (EoI) has been submitted to the Greater Birmingham & Solihull Local Enterprise Partnership for £500k as the project meets their town and local centres regeneration programme. The EoI has been well received and has been considered favourably against the LEP's ambitions to deliver the growth anticipated within its Strategic Economic Plan (SEP). The County Council are currently preparing the Full Business Case (FBC) to secure the funding which will come from the LEP's Local Growth Fund budget. The money is not yet secure and will require the LEP to agree the FBC through its formal decision making processes; it is anticipated that the FBC will have been submitted by the time of this Cabinet meeting. If the funding from the LEP is not forthcoming then the funding package for the project will need to be reconsidered between the two partner councils.

- 4.2 The balance of the funding gap (£500k) is proposed to be split between the two partners equally (£250k) and for this district council this will require an amendment to the Capital programme, which will require a decision by Council at its meeting on 25th July 2018. The County Council is pursuing its contribution in a similar timescale. Contingency costs have been built into the County's cost estimates but based on previous project delivery experience it is recommended that the Council's adds a 10% contingency to its proposed £750k contribution and therefore to increase the Capital programme for this project by a further £325k
- 4.3 Whilst the significance of finding an additional contribution in the Council's current funding climate it is felt that the economic benefits for the town and the district as a whole outweigh the costs. Contextually this regeneration scheme is part of a suite of investments and interventions in the town centre - £2m on phase 1 public realm, £4.5m on improvements to the Rail Station, the cinema led regeneration of the former Leisure Centre, the redevelopment of the Magistrates' Court, the prospect of establishing a Business Improvement District (BID) – and the regeneration of Worcester Street sits at the heart of these and forms the very significant interface between the retailing edge of the town and the new Lion Fields redevelopment area. A study of the economic impacts of the phase 1 £2m investment in the public realm carried out for the Council by KADA Research demonstrated the economic benefits that can flow from investment in public realm; that showed that for every £1 invested in that project there can be expected to be £7.60 in economic value flowing back into the town. On this basis there can be expected to be similar economic benefits arising from the Worcester street proposal which makes bridging the funding gap to enable the scheme to proceed in full a good investment for the Council to make.

5. FINANCIAL IMPLICATIONS

The approved £500k in the Capital Programme for Worcester Street is funded from prudential borrowing. Worcestershire County Council are also providing £500k funding so the current overall capital funding is £1m

This proposal will require this Council's funding to increase by £250k to £750k matched by the same increase in the county funding. This will be supplemented by the GBSLEP funding of £500k taking the overall value of the scheme to £2m.

The additional £250k proposed to be contributed by this Council to match the additional funding from Worcestershire County Council can be funded from either further prudential borrowing or earmarked reserves if it is judged that these can be released when the scheme progresses. It should be possible to contain any costs of further prudential borrowing within existing budgets.

A project risk reserve would also be required. The county will undertake the procurement and works in their name but it is acknowledged that they will want us to work with them on unknown development risk. Officers have liaised with the county for an estimate of what the risk reserve should be, and based on technical survey reports and are advised that 10% of this Council's £750k contribution should be sufficient. Based on the assumption that Worcestershire County Council will make similar provision for project risk, this Council will need to allocate a further £75K to this Capital Scheme in addition to the base £250k; this can be funded from the General Risk Reserve. Therefore the overall increase to the capital programme proposed is £325k.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 There are no legal and policy implications flowing out of this proposal directly for the Council as the project is being led by Worcestershire County Council who will use their term contractor to carry out the works and will oversee the management of the project.

7. RISK MANAGEMENT

- 7.1 There is a risk that there are additional cost implications which arise once works have commenced but the County Council has undertaken as much detailed investigation and design costing work as is feasibly possible to ensure that all costs are well known and understood at this stage.
- 7.2 If the Council does not find an additional contribution to meet the funding gap the scheme will not proceed; in terms of the partnership with the County Council there is no further funding available from the County Council; there is no funding available from Worcestershire LEP, nor from GBSLEP (whose anticipated contribution to the scheme has yet to be formally agreed). The risk of the project not proceeding then undermines the other investments being made in the town and will detract from the economic benefits for the town.
- 7.3 As mentioned above there is no final agreement yet from either GBSLEP or the County Council that their expected contributions to the funding gap are secured; the Local Growth Fund programme at GBSLEP is already oversubscribed. Any failure to secure the LEP monies or the additional County Council monies would require the partners to reconsider the funding and content of the project.

8 CONCLUSION

- 8.1 The Council made a commitment to invest in the town centre economy as part of its State of the Area exercise in 2012 and has already demonstrated its commitment to that through investments in public realm improvements, improvements to the Rail Station and the proposed Lion Fields regeneration. The Council, in partnership with the County Council made a commitment to improve the Worcester street part of the town centre offer by opening it up to traffic and set aside £500k as part of the 2016/17 budget being an equal share of the costs with the County Council. As design work and detailed ground investigations have been undertaken by the County Council it is now estimated that the true cost of the full scheme is £2m. The partners are seeking to bridge that funding gap by seeking half from GBSLEP through its Local Growth Fund programme and half by making an equal contribution by each partner. This requires an amendment to the Capital programme to increase the Council's contribution to the scheme to £825k (including a 10% contingency).

9 CONSULTEES

Corporate Leadership Team.

10 BACKGROUND PAPERS

2016/17 Budget

WYRE FOREST DISTRICT COUNCIL**CABINET**
17th July 2018**Acquisition of Land in Market Street, Kidderminster**

OPEN WITH AN EXEMPT APPENDIX	
CORPORATE PLAN AIM:	Support you to contribute to a successful local economy
CABINET MEMBER:	Cllr Ian Hardiman – Member for Planning and Economic Regeneration
RESPONSIBLE OFFICER:	Corporate Director: Economic Prosperity and Place
CONTACT OFFICER:	Mike Parker ext 2500
APPENDICES	Appendix 1: Plan of land subject to proposed CPO Appendix 2 (Exempt) – Valuation Report

1. PURPOSE OF REPORT

To seek support for the Council to acquire a vacant parcel of land at Market Street in Kidderminster, using its compulsory purchase powers if necessary, to enable the bringing forward of a redevelopment of a vacant eyesore site at a prominent gateway position within Kidderminster town centre, should the current owner of the land fail to bring the site forward for redevelopment within a reasonable time period.

2. RECOMMENDATION

Cabinet is asked to **DECIDE** that if either of the following occur:

A. if a planning application for the redevelopment of the former British Heart Foundation land is not made within six months of the date of this report or if such an application is made, it is refused (and no appeal lodged) ; or

B if such a planning application is made and approved (either by the Council or on appeal) but development is not commenced on site within 12 months of the grant of the planning permission that:

2.1 the Council makes a Compulsory Purchase Order (“CPO”) under section 226(i) (a) of the Town and Country Planning Act 1990 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976 for the acquisition of the land and new rights within the areas shown edged on the attached Plan at Market Street, Kidderminster for the purpose of securing the redevelopment of the land

2.2 the Corporate Director: Economic Prosperity and Place in consultation with the Solicitor to the Council be authorised to:

2.2.1. Take all necessary steps to secure the making, confirmation and implementation of the Compulsory Purchase Order, including the publication and service of all notices and the presentation of the Council’s case at any Public Inquiry.

2.2.2. **Acquire interests in land and new rights within the Compulsory Purchase Order either by agreement or compulsorily.**

2.2.3. **Approve agreements with land owners setting out the terms for the withdrawal of objections to the Order, including, where appropriate, seeking exclusion of land from the Order and/or making arrangements for relocation of occupiers.**

2.3 **the Corporate Director: Economic Prosperity and Place in consultation with the Cabinet Member for Planning & Economic Regeneration be given delegated authority to determine the most appropriate method by which the site should be developed.**

3. **BACKGROUND**

- 3.1. The land to be redeveloped by the Owner or, failing that, to be included in the CPO ("the Order Land") extends to approximately 0.07Ha and is located to the south of Kidderminster town centre, bounded by Market Street and Bridge Street. The Order Land was the site of the former British Heart Foundation retail store and is described in paragraph 0 of this report, and a plan illustrating the land is provided as Appendix 1
- 3.2. The Council wishes to facilitate the redevelopment of the Order Land, which is located on a key gateway into Kidderminster from the south and has lain vacant for many years since the retail unit that previously occupied the site burned down in October 2011. The land has remained an eyesore since the fire and undermines the aesthetics of the area and depresses the economic viability of this part of the town. The adjoining site, the former Levines retail unit, was also destroyed by the fire and is also vacant and an eyesore, but that parcel has been purchased by Kidderminster College for use as part of their expansion plans and it forms part of a proposal which the Council has agreed in principle to swap with part of its Market Street car park where the College would like to build an extension to its current building. If the Order land is not addressed it will become sandwiched between the redevelopment of the former Levines site and the existing Iceland foodstore.
- 3.3. The Corporate Director: Economic Prosperity & Place has written to the registered owners of the land on 21st March 2018 to enquire about their intentions but did not receive a reply. A further letter was sent on 29th May 2018 which has prompted a telephone response from the owner in which it was indicated that there had been a delay with bringing forward plans for the redevelopment of the site due to the negotiations on the adjoining former Levines site, but that now plans for a mixed use commercial and residential development are in the course of preparation and it was his intention to instruct local architects to prepare a scheme.
- 3.4. Due to the length of time that the property has remained vacant since the fire damage was caused and save the recent telephone conversations, with no active promotion of the site since, there is concern that redevelopment proposals for the Order Land suggested in the telephone conversations by the present owner may not happen in a timely manner. Ideally a comprehensive redevelopment including the College's adjoining land holding would be the preferred outcome and the owner has indicated that they have an open dialogue with the College regarding their extension proposals. However, given that the Council has already agreed the principle of swapping part of the Market Street car park for the former Levines site (Cabinet 19th

December 2017), the Council is aware that the College's preferred plan is to extend their existing building rather than construct a stand alone building on the former Levines site which may prevent terms being agreed for a combined development of the 2 sites. Until plans are available from the owner of the Order land it is unclear how their stand alone proposal will work, although it is acknowledged that the site would appear large enough to accommodate some form of development.

- 3.5. It is important for the proper planning and comprehensive redevelopment of this key gateway site into the town that both the former Levines site and the Order land are redeveloped. The Council is already fully engaged with the plans the College has for the former Levines site, but much less so in terms of the Order land. Whilst the recent telephone conversations have indicated promise that there are plans being developed for the Order land, there is no certainty regarding the commitment to these plans and the timing of their delivery. For those reasons it is suggested that the Council proceeds to consider the proposal to compulsorily acquire the land if satisfactory progress is not made with the owner's plans for redevelopment in order to encourage continued momentum, and that the Corporate Director: Economic Prosperity & Place to continue to closely monitor and liaise with the owner but also be given delegated authority to commence CPO if there is no satisfactory progress. It is suggested that the owner be given a period of six months to make progress with plans for redevelopment, which should allow sufficient time to demonstrate by way of the submission of a planning application that the redevelopment intentions are genuine; and once planning permission is granted that the owner be given a further 12 months to commence the development on site; if these milestones are met then there will be no need for the Council to use its CPO powers.
- 3.6. Although the Order Land does not have an individual site allocation within the adopted Local Plan the land is within the area the Kidderminster Central Area Action Plan where it is designated as part of the Traditional Town Centre and part of the secondary retail frontage where policy KCA.GPB2 of the Local Plan applies. This policy allows for a mixture of retail and other town centres uses on such secondary retail frontage sites.
- 3.7. The Council remains committed to driving the redevelopment of this and the adjacent sites. Whilst it is encouraging to hear that the owner has redevelopment plans there is concern as to the commitment to see them through. In order to provide certainty this report proposes the authority to exercise the Council's compulsory purchase powers if demonstrable progress is not made to redevelop the Order Land. This report outlines what the Council needs to have regard to when making a Compulsory Purchase Order (CPO).

4. THE DEVELOPMENT PROPOSALS

- 4.1 The adjacent College owned land comprises a parcel of undeveloped land which fronts New Road, Market Street and Bridge Street and comprises 0.06 Ha. The two land parcels comprise a small vacant site which extends in total to 0.13 Hectares (0.32 acres).
- 4.2 There is significant merit in being able to consider a comprehensive approach to development encompassing both sites. The principle of a proposed land swap with the College was agreed by Cabinet in December 2017; the premise of this agreement is that the Council will agree to swap part of its public car park on Market Street for the former Levines site to enable the College to extend their existing building, in exchange the College will re-provide public car parking on the former Levines site. In isolation that proposal can be achieved without the Order land, the

risk is though that if the Order Land remained undeveloped it would then render the land a continued eyesore and sandwiched between what would be a car park and the existing Iceland store. It is important in the Council's view to ensure that the redevelopment of the Order Land is followed through and ideally that it be included in a comprehensive proposal including the former Levines site, but at least if it is developed in isolation that it is done so in a manner to coincide with the development of the former Levines site. If the College failed to progress its extension plans then further discussions will be required with the College about their intentions for the former Levines site and whether it can be joined to the Order Land for comprehensive redevelopment. If the owner of the Order Land fails to bring forward any redevelopment and the Council proceeds with compulsory purchase this would enable a more direct negotiation with the College regarding comprehensive redevelopment.

- 4.3 Depending on the progress the College make with their plans it is open to the Council's to bring forward proposals through the Council's Capital Portfolio Fund for the Council to undertake the redevelopment of the site and the intention would be that during the period which the Council maintains a liaison with the owner of the Order land that it progresses its own proposals for viability testing redevelopment of the Order land through the Capital Portfolio Fund, reporting any proposals separately to Overview and Scrutiny and Cabinet for consideration in the usual way .

5. THE ORDER LAND

- 5.1 The proposed CPO is to include all of the land edged in black on the indicative CPO Boundary Plan appended to this report as Appendix 1
- 5.2 In addition, if any other rights not referred to in the report come to light that impact development of the Order Land, the CPO will need to extinguish those rights.
- 5.3 The Order Land is located to the south of Kidderminster Town Centre. The land is bounded to the west by Market Street and to the east by Bridge street, to the north by the Iceland retail store and the south by the former Levines retail store site, now cleared and vacant.
- 5.4 The Order Land does not contain any statutorily listed buildings or locally listed buildings.
- 5.5 There are no existing residential uses within the Order Land.
- 5.6 A market valuation of the Order Land was prepared by Bruton Knowles in May 2018 (Appendix 2). The valuation basis was the comparable method taking the 'Market Value' of the land as existing and with redevelopment potential.
- 5.7 The owner of the Order Land was approached in March 2018 without reply and again in May 2018 which did elicit a reply by way of two telephone conversations and established that the owner was preparing plans for redevelopment; but the Council has concerns regarding the commitment to these proposals given the length of time the site has remained undeveloped since the fire.
- 5.8 Given the nature of the telephone conversations no offer has been made for the purchase of the Order Land yet and it is proposed to set milestones for the owner to demonstrate commitment to their redevelopment plans by way of the submission of a planning application and the commencement of development on site.

- 5.9 Based on previous lack of engagement, there remains concern the land owner may not make satisfactory progress with their redevelopment plans and that the Council may need to negotiate the purchase of the land or resort to the CPO process. The Council's commitment to use its CPO powers by the passing of a CPO resolution at this stage of the negotiations will show the seriousness of the Council's intentions and provide added focus to the owners development intentions.

6. THE COUNCIL'S POWERS AND USE OF COMPULSORY PURCHASE

- 6.1 The Council has the power under Section 226(1) of the Town and Country Planning Act 1990 to acquire land compulsorily for planning purposes. The relevant tests are set out in Section 226(1)(a). First, the local authority must think that the acquisition will facilitate the development, redevelopment or improvement of the land. The Council considers that this first test will be met by the implementation of the Scheme which will facilitate the development and improvement of the land.
- 6.2 Further Section 226(1A) requires local authorities utilising the powers under Section 226(1)(a) to show that the development, redevelopment or improvement is likely to contribute to the promotion or improvement of the economic, social or environmental well-being of the area. The Council should also have regard to the CPO Guidance published by the Government-currently the "Guidance on Compulsory purchase process and The Crichel Down Rules 2018" ("the Guidance")
- 6.3 The Council's preference is that if at all reasonably practicable, the interests will be acquired through private treaty negotiation and attempts to do this are being made and will continue to be made throughout the CPO process. The signalling of its intentions to use compulsory purchase powers if within three months of this report no satisfactory progress has been made will demonstrate that the Council is committed to the proposal. With a CPO timetable, meaningful negotiations will be easier to undertake.

7. REASONS FOR THE DECISION AND THE JUSTIFICATION FOR MAKING THE PROPOSED CPO

- 7.1 Paragraph 1 of the Guidance states "Compulsory purchase powers are an important tool to use as a means of assembling the land needed to help deliver social, environmental and economic change. Used properly, they can contribute towards effective and efficient urban and rural regeneration, essential infrastructure, the revitalisation of communities, and the promotion of business – leading to improvements in quality of life."
- 7.2 Paragraph 2 of the Guidance goes on to state "Acquiring authorities should use compulsory purchase powers where it is expedient to do so. However, a compulsory purchase order should only be made where there is a compelling case in the public interest" and that authorities "should be sure that the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected".
- 7.3 Compulsory purchase is intended as a last resort to secure land assembly. However, the CPO Guidance does acknowledge that given the length of time it can take to secure a CPO, it can be sensible to plan for and initiate the formal CPO process alongside the negotiation process.
- 7.4 A CPO requires confirmation from the Secretary of State unless no objections are made or are not withdrawn, in which event the Council can confirm the CPO itself. In

the event that the CPO is made and objections are made and not withdrawn, it is likely that a public inquiry will be held and a planning inspector appointed to consider the case and to make a recommendation to the Secretary of State who will decide whether or not to confirm the CPO.

- 7.5 The key matters that the Secretary of State will have regard to when considering whether to confirm a CPO and what an acquiring authority will need to demonstrate are, in particular:
- 7.5.1 whether the purpose for acquisition fits with the planning framework for the area;
 - 7.5.2 the extent to which the scheme will contribute to the achievement of the economic, social and/or environmental well being of the area;
 - 7.5.3 whether the necessary resources are available to achieve the purpose of the Order within a reasonable timescale;
 - 7.5.4 that the scheme is unlikely to be blocked by legal or physical impediments
 - 7.5.5 whether the purpose for which the Order land is to be acquired could be achieved by any other means.
- 7.6 The Council will need to demonstrate having regard to the above, and having particular consideration to the impact of the proposed CPO on Human Rights, and Section 149 of the Equality Act 2010, that there is a compelling case in the public interest for the making and confirmation of the CPO.

These matters are addressed in the balance of this report.

- 7.7 The Order Land comprises a prominent site, previously occupied by a retail unit forming part of the shopping frontage to Market Street. The building was destroyed by fire in 2011 and the site has remained cleared and derelict ever since. The site is a under-utilised brownfield town centre site.
- 7.8 There is concern that the present owner of the Order Land may not follow through plans to redevelop the subject site, having held the subject property as a derelict site for a considerable period of time and not having undertaken any works to redevelop it.
- 7.9 It is the Council's view that the significant public benefit which will be derived from these proposals outweighs the interference caused by the CPO with the human rights of those parties affected by the CPO.
- 7.10 The Council is content that there are no financial impediments to the Scheme proceeding. Funding of any proposed scheme can be by means of the Council's Capital Portfolio Fund budget. There are no physical impediments to the redevelopment of the site. The Council is satisfied that if the CPO is made and confirmed there is a good prospect that a redevelopment will proceed within a reasonable timescale.
- 7.11 A proposed re-development of the site will deliver a significant number of improvements for the benefit of the area. The existing site comprises under-utilised brownfield land with little architectural merit. The regeneration benefits are summarised as:

- 1.13.1 Redeveloping a prominent town centre site, which since fire damage has detracted from the wider retail area of Kidderminster.
- 1.13.2 Provide new town centre use(s) that serves the local area.
- 1.13.3 Enables comprehensive redevelopment of the site with the adjoining also fire damaged, cleared, vacant site.

7.12 In the event that the owner does not progress with their redevelopment plans in a timely manner the Council will need to step in with proactive measures to ensure the site does not remain vacant for any longer period than necessary. Although (depending on the owner's plans) it appears that the site has the potential to be developed in isolation, the development of the Order Land has enhanced deliverability prospects if the wider site encompassing the adjoining Council land is developed.

8. HUMAN RIGHTS ACT 1998 AND EQUALITIES ACT 2010 CONSIDERATIONS

Human Rights Act considerations

- 8.1 In reaching their decision, Members should take account of the provisions of the Human Rights Act 1998. As a public authority, the Council must not act in a way which is incompatible with a Convention right protected by the Human Rights Act 1998. As outlined above, in officers' view there are strong grounds on which to conclude that there is a compelling public interest sufficient to justify interfering with the human rights of those with an interest in the Order Land, in compulsorily acquiring the third party interests.

The proposed CPO does not include the acquisition of any residential properties.

- 8.2 The key provision of the Guidance is paragraph 2, quoted in section 5 above. This not only summarises the national policy and the need for there to be a "compelling case in the public interest" for compulsory acquisition, but also meets the requirements of the Convention. In relation to Article 1 of the First Protocol of the European Convention, a fair balance is required to be struck between the public interest and private rights and in relation to Article 8, any interference with the right to respect for a person's private and family life and home must be proportionate.
- 8.3 Human rights protected by the 1998 Act of particular importance to the decision on compulsory purchase are those under Articles 6 and 8 and Article 1 of the First Protocol of the Convention.

Article 6 provides:

"In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law."

The statutory procedures require that all those likely to be affected by the Order are notified and given an opportunity to object. If there are objections the Secretary of State will arrange a public local inquiry so that their objections can be heard (unless all parties agree to the written representations procedure). The legislation provides for statutory review in the event of challenge to the decision of the Secretary of State on confirmation of the Order. Disputes over compensation can be referred for hearing

by the Lands Chamber of the Upper Tribunal. Taken together, the availability of these procedures satisfies the requirements of Article 6.

Article 1 of the First Protocol provides:

"Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law."

Article 1 of the First Protocol again indicates that compulsory purchase must strike a fair balance between the public interest and the private rights protected by Article 1, equivalent to proportionality under Article 8. For the reasons set out above, it is considered that there is a compelling case in the public interest for the Order to be made and this satisfies the requirements of proportionality and fair balance.

Equality Act Considerations

- 8.4 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics namely: age, disability, gender re-assignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers. In particular the Council must pay due regard to the need to:
- 8.4.1 eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - 8.4.2 advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - 8.4.3 foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.5 The Council considers that the Scheme is fully compliant with the Equality Act. The Order required to facilitate the Scheme is not anticipated to have any additional effects. The Council will undertake an Equality Impact Assessment before making the CPO.

9. PROPOSALS

- 9.1 The Council proposes to continue to liaise with the owner of the site regarding their intentions for redevelopment, but if satisfactory progress is not made within six months of the date of this report by way of the submission of a planning application and within a further 12 months of the date of any grant of planning permission (or in the event that planning permission is refused and proposals not resubmitted) if work has not commenced on site that the Council proceeds with its plans to acquire this parcel of land to bring forward a comprehensive redevelopment of this and adjoining land which it owns. Should private treaty negotiations between the Council and the landowner not progress satisfactorily then the Council will use its compulsory purchase powers to seek to acquire the land interests.

10. FINANCIAL IMPLICATIONS

- 10.1 Should purchase of the Order Land be required it is intended that the proposed development scheme will be delivered by means of the Council's Capital Portfolio

Fund with a separate proposal being brought forward through the usual approval channels. A 'Market Valuation' of the Order land prepared by Bruton Knowles has provided the necessary guidance concerning valuation of the Order Land.

11. LEGAL AND POLICY IMPLICATIONS

- 11.1 The power to make a CPO and the necessary tests to consider is set out in the body of the report. The procedures for compulsory purchase under planning powers are mainly governed by the Acquisition of Land Act 1981, the Compulsory Purchase (Vesting Declarations) Act 1981 and the Compulsory Purchase Act 1965 and the Guidance.

Compensation for affected parties is governed by a number of statutes including, in particular, the Land Compensation Acts 1961 and 1973, the Compulsory Purchase Act 1965 and case law.

12. RISK MANAGEMENT

- 12.1 There is a risk that the owner does not proceed with their plans for redeveloping the site, in which case the Council proposes to take pro active ownership of the land to effect its redevelopment.
- 12.2 If the Council does progress with acquisition of the Order land there is a risk that the development scheme for the wider site does not progress post purchase of the Order Land if the College does not proceed with its plans. If that is the case and the Council is unable to make a viability case for leading redevelopment through its Capital Portfolio Fund then the Council will consider offering the site on the open market for a private development. There is a greater risk though that if the Council does continue to maintain pressure on the owners that the Order Land will remain an undeveloped eyesore located in a prominent town centre gateway position.

13. CONCLUSION

13.1 The Council is already working with Kidderminster College to bring forward the redevelopment of the former Levines retail store that was fire damaged and has been demolished and the site cleared. The Order Land lies adjacent and was similarly damaged by fire and cleared. The Council wishes to see both sites brought back into active use. Whilst the plans outlined by the owner for the Order Land offer some encouragement the Council recognises these are embryonic and that compulsory purchase of the Order land may become the only means by which comprehensive redevelopment could be achieved.

13.1.1 The acquisition of the Order land will enable this development and the regeneration of this prominent site.

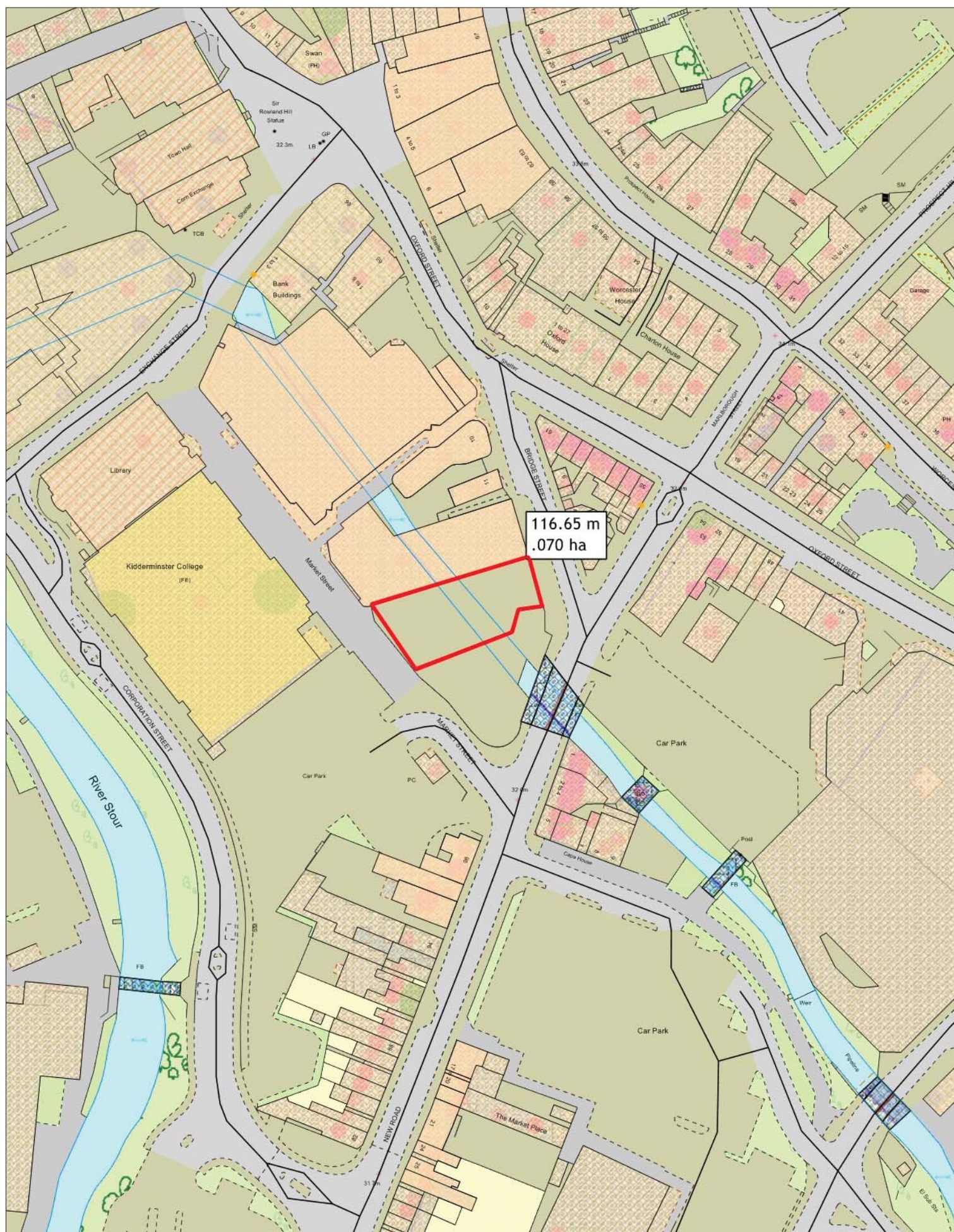
13.1.2 Negotiations with the land owner to date have not reached any concrete position, so the order may be required to deliver the redevelopment of the subject site at this prominent location. The Council is able to justify the use of CPO and meet the legislative and guidance tests for doing so.

13.1.3 The impact on the human rights of those likely to be affected by the proposed CPO and the impact of the Order in the context of the Equalities Act 2010 is considered in this report. In officers' view, there are considerable public benefits resulting in environmental, social and economic improvements to the local area to be derived from implementation of the scheme. It is considered that these benefits outweigh the harm caused by interference with the human and other rights of those likely to be affected by compulsory purchase. In officers' view, there is a compelling case in the public interest sufficient to justify the making of the CPO.

14. CONSULTEES

Corporate Leadership Team.

15. BACKGROUND PAPERS



WYRE FOREST DISTRICT COUNCIL

**Cabinet
Tuesday 17th July 2018**

**Overview and Scrutiny Committee
Thursday 5th July 2018**

Acquisition of Land in Market Street, Kidderminster

The Committee considered the proposal for the Council to acquire a vacant parcel of land at Market Street in Kidderminster, using its compulsory purchase powers if necessary, to enable the bringing forward of a redevelopment of a vacant eyesore site at a prominent gateway position within Kidderminster town centre, should the current owner of the land fail to bring the site forward for redevelopment within a reasonable time period.

Members fully supported the proposal, and the compulsory purchase powers were a useful tool for the Council to have in bringing the site forward for redevelopment.

Recommend to Cabinet that:

The Council makes a Compulsory Purchase Order ('CPO') to acquire 'The Order' land as detailed if the owner does not advance redevelopment of the site in a timely manner.

Background papers:

Report to the Overview and Scrutiny Committee, Thursday 5th July 2018

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