

**Open**

# **Overview & Scrutiny Committee**

## **Agenda**

**To be held remotely  
6pm  
Thursday, 2nd July 2020**



## Overview & Scrutiny Committee

### Members of Committee:

**Chairman: Councillor M J Hart**  
**Vice-Chairman: Councillor S J Chambers**

**Councillor N J Desmond**  
**Councillor S Griffiths**  
**Councillor T L Onslow**  
**Councillor S E N Rook**

**Councillor C Edginton-White**  
**Councillor S Miah**  
**Councillor M Rayner**  
**Councillor D R Sheppard**

**Would Members please note that, to ensure continuity in scrutiny, substitutes should only be appointed for the Scrutiny Committee in exceptional circumstances.**

### Information for Members of the Public:

**Part I** of the Agenda includes items for discussion in public. You have the right to inspect copies of Minutes and reports on this Agenda as well as the background documents used in the preparation of these reports.

**Part II** of the Agenda (if applicable) deals with items of “Exempt Information” for which it is anticipated that the public may be excluded from the meeting and neither reports nor background papers are open to public inspection.

1. The Overview & Scrutiny Committee meeting is open to the public except for any exempt/confidential items. These items are normally discussed at the end of the meeting. Where a meeting is held remotely, “open” means available for live or subsequent viewing.
2. Members of the public will be able to hear and see the meetings by a live stream on the Council's website:  
  
<https://www.wyreforestdc.gov.uk/streaming.aspx>
3. This meeting is being held remotely online and will be recorded for play back. You should be aware that the Council is a Data Controller under the Data Protection Act 2018. All streamed footage is the copyright of Wyre Forest District Council.

### **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.

### **Co-opted Members**

Scrutiny Committees may wish to appoint Co-Opted Members to sit on their committee in order to add value to the scrutiny process. To appoint a Co-Opted Member, a Committee must first agree to appoint either a specific

person or to approach a relevant organisation to request that they put forward a suitable representative (e.g. the local Police Authority). Co-Optees are non voting by default but Committees can decide to appoint voting rights to a Co-Optee. The Co-Option of the Member will last no longer than the remainder of the municipal year.

Scrutiny Committees can at any meeting agree to terminate the Co-Option of a Co-Opted Member with immediate effect. Where an organisation is appointed to put forward a Co-Opted Member, they are able to send a substitute in exceptional circumstances, provided that they notify Democratic Services in advance. Co-Opted Members must sign up to the Members Code of Conduct before attending their first meeting, failure to sign will mean that they are unable to participate. This also applies to substitute Co-Opted Members, who will need to allow sufficient time before a meeting in order to sign the Code of Conduct.

The following will apply:

- i) The total number of voting co-opted members on any Scrutiny Committee will not exceed 25% at any one time.
- ii) The total number of voting Co-opted Members on any Review Panel will not be limited.
- iii) Those Co-opted Members with voting rights will exercise their rights in accordance with the principles of decision making set out in the constitution.

### **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 Louisa Bright, Principal Committee and Member Services Officer, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF. Telephone: 01562 732763 or email [louisa.bright@wyreforestdc.gov.uk](mailto:louisa.bright@wyreforestdc.gov.uk)**

Wyre Forest District Council  
Overview & Scrutiny Committee

Thursday, 2nd July 2020

To be held remotely

Part 1

Open to the press and public

Agenda item	Subject	Page Number
1.	<b>Apologies for Absence</b>	
2.	<b>Appointment of Substitute Members</b>  To receive the name of any Councillor who is to act as a substitute, together with the name of the Councillor for whom he/she is acting.	
3.	<b>Declarations of Interests by Members</b>  In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any Disclosable Pecuniary Interests (DPI's) and / or Other Disclosable Interests (ODI's) in the following agenda items and indicate the action that they will be taking when the item is considered.  Please see the Members' Code of Conduct as set out in Section 14 of the Council's Constitution for full details.	
4.	<b>Minutes</b>  To confirm as a correct record the Minutes of the meeting held on the 11 <sup>th</sup> June 2020.	7
5.	<b>Consideration of the flooding motion from Council – Evidence Gathering from Worcestershire County Council, West Mercia Police, Hereford &amp; Worcester Fire and Rescue Service and Severn Trent</b>  To receive reports from:  Matt Maginnis, Flood Risk Manager, WCC Superintendent Mark Colquhoun, North Worcestershire Local Policing Area Nathan Travis, Chief Fire Officer - <i>(report to follow)</i> Tim Smith, Flooding & Partnerships Manager and Matthew Jeynes, Waste Network Manager, Worcestershire & Gloucestershire, Severn Trent - <i>(report to follow)</i>	12 14



6.	<b>Review of Public Space Protection Orders (PSPOs) and Results of the Consultation Process</b>  To consider a report from the Community Services Manager which outlines the results from the consultation process regarding the dog control PSPO and the restriction of alcohol consumption in Bewdley and Stourport-on-Severn PSPOs and outlines the implementation process if the Public Space Protection Orders are agreed.	15
7.	<b>Community Led Housing Policy Update</b>  To consider a report from the Head of Strategic Growth on the progress on Community Led Housing (CLH) and seeks approval for the updated CLH policy.	45
8.	<b>Property Flood Grants – Amendment to Capital Programme</b>  To consider a report from the Head of Strategic Growth which sets out the process for the Government funded Property Flood Grants to be distributed to affected residents and businesses. This will include the requirement to amend the capital programme.	55
9.	<b>Bromsgrove Street Car Park Developer Agreement</b>  To consider a report from the Corporate Director Economic Prosperity & Place which sets out the details of a proposed Agreement with the Council's former Glades Leisure Centre site development partner, Cordwell, in respect of the public car park at Bromsgrove Street and its usage in relation to the proposed cinema led leisure scheme planned for the former leisure centre site.	58
10.	<b>Treasury Management Review Panel</b>  To request nominations for membership of the Treasury Management Review Panel for the current municipal year.  Meeting dates: <ul style="list-style-type: none"> <li>• Wednesday 2<sup>nd</sup> September 2020 – 4pm Training for <b>all Members*</b>, 6pm meeting</li> <li>• Monday 2<sup>nd</sup> November 2020 – 6pm meeting</li> <li>• Tuesday 2<sup>nd</sup> February 2021 – 4pm Training for <b>all Members*</b>, 6pm meeting</li> </ul> <p><b>* The training is mandatory for those Members that sit on the Audit Committee and the Treasury Management Review Panel</b></p>	
11.	<b>Work Programme</b>  To review the work programme for the current municipal year with regard to the Corporate Plan Priority, Annual Priorities and the Forward Plan.	63

<b>12.</b>	<b>Press Involvement</b>  To consider any future items for scrutiny that might require publicity.	
<b>13.</b>	<b>To consider any other business, details of which have been communicated to the Solicitor of the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</b>	
<b>14.</b>	<b>Exclusion of the Press and Public</b>  To consider passing the following resolution:  “That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of “exempt information” as defined in paragraph 3 of Part 1 of Schedule 12A to the Act”.	

Part 2

Not open to the Press and Public

<b>15.</b>	<b>To consider any other business, details of which have been communicated to the Solicitor of the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</b>	
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**WYRE FOREST DISTRICT COUNCIL**  
**OVERVIEW & SCRUTINY COMMITTEE**  
**HELD REMOTELY**  
**THURSDAY, 11TH JUNE 2020 (6PM)**

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**Present:**

Councillors: M J Hart (Chairman), S J Chambers (Vice-Chairman), N J Desmond, C Edginton-White, S Griffiths, S Miah, T L Onslow, M Rayner, S E N Rook and D R Sheppard.

**Observers**

Councillors: G W Ballinger, A Coleman, R H Coleman, H E Dyke, P Dyke, I Hardiman, F M Oborski MBE, C Rogers, J W R Thomas and L Whitehouse.

**OS.01      Apologies for Absence**

There were no apologies for absence.

**OS.02      Appointment of Substitutes**

No substitutes were appointed.

**OS.03      Declarations of Interests by Members**

No declarations of interest were made.

**OS.04      Minutes**

**Decision: The minutes of the meeting held 5<sup>th</sup> March 2020 and the minutes of the meeting of the Overview and Scrutiny Sub-Committee held on 23<sup>rd</sup> March 2020 be confirmed as a correct record and signed by the Chairman.**

**OS.05      How Are We Doing? Performance Update**

The Committee considered a report from the Business Improvement Officer which updated Members on the performance of the Council for quarter 4, from 1<sup>st</sup> January to 31<sup>st</sup> March 2020.

The Business Improvement Officer presented the report and appendices which included detailed reports of performance against the Council's purposes of 'Planning' and 'Housing'. Members were advised that the Capital Projects and exception reports were from the 2020/21 Programme of Projects.

The Committee considered each page of the report and appendices in turn.

**Agreed: The progress in performance for quarter 4 be noted.**

Councillor T Onslow joined the meeting at this point, (6.09pm).

**OS.06**

**Consideration of the flooding motion from Council**

The Committee considered a briefing paper from the Chief Executive on how to approach the task that it had been set following the resolutions of Council at its February and May 2020 meetings.

The Chief Executive presented the paper which detailed the background to the storm and weather events in February that caused flooding and disruption across the country. He gave a summary of the main points of the impact of the storms on the District and outlined the response by Wyre Forest District Council and other agencies.

In addition to those listed in section 6 of the paper, the Chief Executive explained that Wyre Forest Rural Ward had also been affected as there had been a flood event in Wolverley.

The Chairman acknowledged that the Environment Agency was the principal witness and, in order to have ample opportunity to hear evidence from them, he suggested that a special meeting of the Committee be convened for that purpose.

The Committee discussed the scoping of the scrutiny exercise. Councillor Edginton-White thanked the Chief Executive for providing a very comprehensive report in such a short timescale and was delighted that an additional meeting had been proposed. She added that in addition to the potential witnesses listed in the report, the Committee should seek evidence from Severn Trent, as they have a lot of responsibility with the drainage systems which were compromised during the flood events. She said the management of the pumping and drainage during the flood events was a key consideration. She also suggested that feedback be sought from Wribbenhall Flood Group and Bewdley Community Flood Group.

Having discussed the proposed timeline, the Chairman said that if necessary, consideration would be given to holding an additional Committee meeting in September prior to finalising a report for Council on 23<sup>rd</sup> September.

**Decision: The Committee agreed the following timeline:**

- 1. A special meeting of the Committee be held on 25<sup>th</sup> June 2020 to receive input from the Environment Agency.**
- 2. The following agencies be invited to attend the meeting on 2<sup>nd</sup> July 2020:**
  - **Worcestershire County Council**
  - **West Mercia Police**
  - **Hereford & Worcester Fire and Rescue Service**
  - **Severn Trent**
- 3. The Committee to hear evidence at its meeting on 3<sup>rd</sup> September from members of the public and business; including a representative from both the Wribbenhall Flood Group and Bewdley Community Flood Group.**

Councillor J Thomas lost IT connection at 6.38pm and returned to the meeting at 6.45pm.

**OS.07**

**Car Parking Changes as of 1st June 2020**

At the request of the Chairman, the Committee were invited to consider the changes made to the way payment can be taken due to the Coronavirus Pandemic.

The Chief Executive presented a briefing paper which set out the background to what happened, what was announced and detailed a number of the other relevant issues.

The Committee considered the paper and a discussion ensued. Councillor Desmond said that he was certainly not questioning the integrity of Officers and Members of the Cabinet; he believed that the original decision to cease cash payments had been taken in the spirit of public health and was done for the right reasons. He added that it could be argued that the decision was discriminatory against a certain section of the community that did not have access to be able to pay via the JustPark methods. He asked whether there had been a full and frank discussion with the relevant Cabinet Member and the Cabinet on this with Officers or was it that the Cabinet were simply notified of the decision by Officers. Councillor Chambers spoke about the timing of the decision to re-introduce the car parking charges as she felt it was not supporting the town centres. Councillor Onslow asked if representations had been made from Members of the Progressive Alliance who were not happy with the decision to not accept cash and, with reference to paragraph 9 of the briefing paper, said she was not aware of how the health advice had changed.

The Cabinet Member for Operational Services addressed the Committee. In response to the points raised he advised Members that the original decision to suspend the payments by cash payment was taken in consultation with himself and the rest of the Cabinet. He added that they had a thorough discussion about it and had acted on advice from Officers and with full regard to the Government guidelines for keeping people safe in relation to the coronavirus. He said the virus is spread by droplets which are transmitted when you cough or sneeze and can be transmitted by touching surfaces. He said the Cabinet had looked to follow the guidelines to try to keep people safe, including the Council's own staff that have to deal with the situation on a daily basis. He said at that time this was the correct thing to do and that was the way it was decided to proceed. The current situation is an ever-changing picture and councillors can only go on advice that is given to them.

He acknowledged that, when the original decision to cease accepting cash had been made, representations had been received from members of the public as well as from elected Members from all parties; and indeed many comments had been received which welcomed the decision. He said that the Cabinet had taken heed of all the feedback received.

He further explained that as the Government advice changed and more shops were able to open and people were able to move around more freely, it was realised the authority needed to bring back in the facility to use cash. He said that at that time the authority also brought in plenty of signage to ensure that all people using the machines were informed about the social distancing rules and cleansing guidelines.

#### **Agenda Item No. 4**

He added that all Council employees had been provided with PPE to make sure that the whole of the situation was well contained.

The Cabinet Member for Operational Services said there was never going to be a good time to re-introduce the car parking charges. In fact, some neighbouring local authorities had taken the decision not to suspend charges in March. He said that the Cabinet had discussed many dates and, as the Government announced the easing of lockdown measure around the beginning of June, it was felt that would be a suitable time.

He further explained that the authority had lost a considerable amount of revenue from this initiative. The Cabinet realise that the authority is not going to recover that revenue and are not going to pull back from that for a long time. Therefore it was agreed to re-introduce the charges from 1st June.

The Chief Executive explained that car parking income was only one of many income streams that had being severely impacted or disappeared altogether for a period. He said that in the case of car parking it was a choice that was made partly in order to deliver the free parking for on duty NHS and social care staff which was announced in the latter part of March but also as a reflection of the reality that, when the lock down came into effect on 23<sup>rd</sup> March, there were very few people who were using any of the Council's car parks from that point onwards until such time as the lock down started to shift. He added that the government had given Councils significant sums of money to cover their costs and lost income: however it was not enough.

The Chief Executive explained that the evidence that had been produced from the most recent returns showed that District Councils have collectively been underfunded by the government to the tune of £200m up to the end of May. This was in respect of both extra costs they have occurred and income that they have lost. He added that it remains to be seen to precisely where Wyre Forest falls on that spectrum. Whilst in the short term authorities are coping, if the government doesn't come up with some further funding to address the needs of not just District but all Councils, it is very likely that some are going to face significant difficulties

In response to a Member question regarding the allocation of a proportion of the government funding to the Council's lost revenue, the Chief Executive confirmed that the Council would use the government grant to plug the budget; not only car parking lost revenue, but also things like trade waste and other income streams that had either disappeared altogether or been severely impacted. He explained that the budget assumes a certain level of income from various activities and clearly, if the authority has not achieved it, it was appropriate to charge it to the grant we have received.

**Agreed: The Committee noted the report and endorsed the decision that was announced in the 4<sup>th</sup> June 2020 press release.**

#### **OS.08**

#### **Work Programme**

The Committee reviewed the work programme for the current municipal year.

**Agreed: The work programme be noted.**

**OS.09 Press Involvement**

The Chairman requested that the Consideration of the flooding motion from Council item be flagged up with the Media Team as a future item requiring publicity.

There being no further business, the meeting ended at 7.15pm.

## **Overview & Scrutiny Committee – Thursday 2<sup>nd</sup> July 2020**

### **Consideration of the flooding motion from Council – Evidence Gathering from Worcestershire County Council, West Mercia Police, Hereford & Worcester Fire and Rescue Service and Severn Trent**

**Matt Maginnis, Flood Risk Manager, Worcestershire County Council**

#### **Specific questions asked of WCC**

1. What were the arrangements for signage when Bewdley bridge was shut?
  - A standard matrix for signage when Bewdley bridge is closed was deployed and maintained during the flood event – including vehicular and pedestrian diversion routes
2. What is WCC's view on the implications for bridge and traffic movement if permanent defences are constructed at Beale's Corner?
  - Permanent flood defences would almost certainly have a positive impact on the bridge and traffic and pedestrian movement
  - Investigation into the potential for a permanent flood defence is being led by the EA and supported by WCC
3. Is there a need for repair to the Beale's Corner / Stourport Road highway surface?
  - The highway surface was impacted to some extent by movement of the temporary flood defences
  - It was inspected during the flood event
  - It has been inspected again recently and assessed as being satisfactory until scheduled re-surfacing later in 2020
4. Is the riverbank being eroded such that it might potentially affect Stourport Road at some point in the future?
  - The riverbank has been inspected and no problems were identified
  - A more detailed survey will be carried out in due course

#### **Other WCC contributions to the flood event response & recovery effort include:**

- Fielding of and response to highway drainage issues
- Other road closures / diversions (and prompt re-opening) in Wyre Forest District
- Regular dissemination of flood event / road closure updates
- Provision of 24/7 Emergency Planning single point of contact for the north Worcestershire Districts to link with Local Resilience Forum partners through Command & Control arrangements
- Contribution to the West Mercia Local Resilience Forum Command & Control structure:
  - Bewdley Operational Co-ordination Group (Bronze Cell)
  - Tactical Co-ordination Group
  - Strategic Co-ordination Group
  - Communications Cell
- Operation of internal Gold, Silver and Bronze co-ordination structures



## **Agenda Item No. 5**

- Co-ordination of support to the community and professional partners from the County Volunteers Emergency Committee (CVEC) including 4 x 4 support / Search and Rescue
- Contribution of flood impact data to help direct multi-agency resources to vulnerable / impacted communities
- Data gathering and mapping of vulnerable and impacted people, premises and businesses
- Maintenance of the Emergency GIS platform
- Close liaison with all agencies including a range of WFDC functions
- Coordination, chairing and contribution to the Recovery Co-ordination Group - ongoing
- Establishment of and contribution to the delivery of community flood recovery virtual support sessions
- Support for the roll out of community support grants
- Support for the roll out of property flood resilience grants

**Superintendent Mark Colquhoun, West Mercia Police**

West Mercia Police's response to the 2020 flooding occurred within the framework of the West Mercia Local Resilience Forum (LRF) and the Worcestershire Tactical Co-ordination Group (TCG) chaired by local Superintendent Mark Colquhoun. The Worcestershire TCG met daily (and sometimes multiple times a day) from the 14th of February to the 6th of March. Within the TCG were representatives from Fire and Rescue, West Midlands Ambulance service, the Environment Agency, Highways agency, County and District Councils and NHS. Each TCG meeting would review the flood status and risks across the county, then agree a collective response. In practical terms, that meant being informed by the Met Office and Environment agency of likely river levels, potential flood impact and the identification of those premises and road networks under threat. In Bewdley specifically a 'Bronze' cell was established within the town where the emergency services and local authority could co-locate. The Bronze commander (fire service) could then direct activity on the ground and would report back to the TCG at regular intervals.

In general terms a phased response was implemented as follows:

- Environment agency installing pre-planned flood defences in line with their existing response plans.
- As river level predictions became available, utilising Environment agency mapping to identify premises at risk of flooding
- Instigating a warning and informing exercise to residents of all at risk premises
- Identifying vulnerable residents at direct risk of flooding or indirect impact (i.e. care homes) and putting in place appropriate support / alternative accommodation.
- Standing up refuge centres
- Where flooding occurred welfare checks on those residents who had chosen to remain / evacuation of those who now wished to leave.
- Safe rerouting of traffic as roads were cut off then reopened.

A particular challenge in this incident was the recurrent nature of the flooding over a period of three weeks. This necessitated flexing resources as the risk increased and decreased and also presented a number of challenges in supporting residents who had been flooded for an extended period of time.



## Overview & Scrutiny Committee

### Briefing Paper

Report of: Kathryn Underhill, Community Services Manager  
Date: Thursday, 2 July 2020  
Open

### Review of Public Space Protection Orders (PSPOs) and Results of the Consultation Process

#### 1. Summary

- 1.1 To outline the results from the consultation process regarding the dog control PSPO and the restriction of alcohol consumption in Bewdley and Stourport-on-Severn PSPOs and to outline the implementation process if the Public Space Protection Orders are agreed.

#### 2. Background

- 2.1 A Strong Leader report, on 30 April 2020, approved the undertaking of a review of the district wide Dog Control PSPO and PSPOs restricting alcohol consumption in Bewdley and Stourport-on-Severn and, subject to the findings, to commence consultation.

#### 3. Key Issues

##### 3.1 Consultation Process

Having reviewed the evidence, the Chief Executive approved the launch of a consultation process for each PSPO. The formal consultation process was launched on 19 May 2020 and closed on 15 June 2020. The Anti Social Behaviour, Crime and Policing Act 2014 does not specify what constitutes appropriate consultation. However it is clear that the local authority must consult with the following:

- Police and Crime Commissioner
- Chief Officer of Police for the local area
- Any Community representatives the Council feels appropriate
- Owner or occupier of land within the restricted area, such as local businesses.

Letters were sent to a wide range of stakeholders and the questionnaires were made available on the Council's website. Press releases and social media messages were issued during the period to solicit further responses.

##### 3.2 Key Consultation Findings

Individual surveys were undertaken regarding district wide dog control orders and restricting alcohol consumption in Bewdley and Stourport-on-Severn. The Summary of the Results are at Appendix 1, 2 and 3. Over 860 responses were received for the dog control order survey and over 600 responses in total for the alcohol related surveys (400 for Bewdley, 200 for Stourport-on-Severn). This compares with 927 responses on the dog control PSPO in 2017.

### **Dog Control Order Proposals**

The consultation on the district wide Dog Control Order proposed to continue various restrictions and conditions, and to introduce some new offences to be regulated under the Order, all of which were supported by a majority in the consultation as set out in the table. The strength of support varied with the proposed new offences generating lower levels of support, but in each case there was clear gap between those strongly supporting/supporting a proposal and those strongly opposing/opposing it. Even in the case of the proposal that received the lowest level of support, the proposed restriction to require a lead at or adjacent to Hurcott Pool had 51.4% of responses who strongly agreed/agreed but only 36.8% who strongly disagreed/disagreed

<b>Proposed offence to be covered by the PSPO (continuation from the 2017 Order)</b>	<b>Percentage support for the proposal (strongly support/support)</b>
Failure to pick up dog faeces when in control of dog	98.4%
Failure to carry a poop bag or other means to clean up after a dog	93.3%
Failure to keep a dog on a lead in a designated area (Kidderminster Cemetery and Queen Elizabeth II Jubilee Gardens, Bewdley)	Kidderminster Cemetery 90.8% QEII Jubilee Gardens 73.2%
Failure to place a dog on a lead when directed to do so	87.7%
Failure to exclude dogs from specified areas, including fenced off or enclosed children's playgrounds	Specified areas 92.1% Children's play area 99.2% Splash pad, water play area 95.2%
<b>Two new proposed offences to be covered by the PSPO</b>	
Walking more dogs than is permitted at a time	60.1%
Failure to keep a dog on a lead in a designated area – Stackpool, Springfield Park and Hurcott Pool, Hurcott Woods	Stackpool 54.7% Hurcott Pool 51.4%

In respect of limiting the number of dogs that one person is permitted to walk at one time, there was clear majority support in favour of introducing such a restriction. There was a mix of views about the maximum number of dogs in a person's control at one time: the most popular answer was "up to 3 dogs" (37.4%) with 36.1% supporting a lower number of "up to 2 dogs". Given that a very clear majority, over 73%, supported the limit being set at three dogs or less, the recommendation is that the PSPO should set the limit at three dogs.

### **Alcohol Restriction Orders**

The consultation on Alcohol Restriction Orders in Bewdley and Stourport-on-Severn proposed to continue various restrictions and conditions, all of which were supported by a majority in the consultation as set out in the table.

<b>Proposed offence to be covered by the PSPO (continuation from the 2017 Order)</b>	<b>Percentage support for the proposal (strongly support/support)</b>
<b>Bewdley</b>	
To provide the power for authorised officers of the Council, Police Officer or Police Community Support Officer to require a person drinking alcohol in public to surrender their alcohol (or anything which is reasonably believed to be alcohol)	90.86%
Failure to comply with the requirements of the PSPO by drinking alcohol in a public place will be an offence and people may result in a £100 fixed penalty notice	92.59%
<b>Stourport-on-Severn</b>	
To provide the power for authorised officers of the Council, Police Officer or Police Community Support Officer to require a person drinking alcohol in public to surrender their alcohol (or anything which is reasonably believed to be alcohol)	93.02%
Failure to comply with the requirements of the PSPO by drinking alcohol in a public place will be an offence and people may result in a £100 fixed penalty notice	91.6%

In the survey, some comments were made in relation to motorbikes, primarily on Severnside South, Bewdley. Nine comments were received directly from local residents by email. These were focused on noise and illegal parking obstructing the highway and pedestrian areas. These matters will be considered under other relevant legislative powers with Worcestershire County Council as highways authority and West Mercia Police.

### **3.3 Legal Conditions**

Local authorities have the power to make a PSPO if satisfied on reasonable grounds that two conditions are met.

The first condition is that –

- a) activities carried on in a public place within the Authority's area have had a detrimental effect on the quality of life of those in the locality, or
- b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

The second condition is that the effect, or likely effect, of the activities –

- a) is or is likely to be, of a persistent or continuing nature,
- b) is, or is likely to be, such as to make the activities unreasonable, and
- c) Justifies the restrictions imposed by the notice.

### **3.4 Public Space Protection Order Proposals**

In order to make each of the PSPOs, Members need to be satisfied that the legal conditions, laid out above, have been met.

The view of Officers is that the legal conditions have been met to enable all of the proposals consulted upon to be implemented. This is based on:

- Evidence gathered by the Council itself and from other partners and associated agencies including the Analyst and Intelligence Team at West Mercia Police, which has provided an anti social behaviour report. A Review of PSPOs – Key Findings was considered as part of the delegated decision to go ahead with consultation.
- Results from the consultation process.

### **3.5 Implementation**

For each PSPO, a communications plan is being developed and will be put in place ahead of the implementation of the PSPOs in October 2020.

For a period of three months after the introduction of any new offences in the PSPOs, Council officers will use their discretion and adopt an informal/educational approach to the enforcement of those aspects of the legislation. During this period a campaign will run aimed at alerting the public to the changes in the orders and to engage with the town and parish areas, particularly on the issue of replacement signage and patrolling of hotspots. No such "period of grace" is required for offences that are set out in the current orders as members of the public have had ample time to become familiar with them.

In order to meet the legislative requirements of the Anti-social Behaviour, Crime and Policing Act 2014 we must publish the order as made, extended or varied on our website. We also have to erect public notices to draw the

attention of any member of the public that the order has been made, extended or varied and the effect of that order being made, extended or varied. The intention is to publicise the orders, once agreed, through the use of signage in key locations. The publicity is intended to ensure that residents and visitors are aware of each of the PSPOs and the associated restrictions and conditions.

Each order will take effect for a three year period, unless the Council decides to discharge an order during this time.

**3.6 Boundaries**

A map of the proposed boundaries for each PSPO is at Appendix 4.

**3.7 Enforcement and Communications**

For each PSPO an enforcement plan is being developed and will be put in place ahead of the implementation of the PSPOs in October 2020.

The Dog Control PSPO will continue to be enforced by the Council's Community and Environmental Protection team.

The enforcement of the alcohol restriction orders in Bewdley and Stourport-on-Severn will be a shared responsibility between the Council's Community and Environmental Protection team and the Wyre Forest Safer Neighbourhood Team at West Mercia Police.

The PSPOs will be publicised on the Council's website, social media channels and press releases.

**3.8 Review of the Order**

The orders will be reviewed after a six month period by the Community Services Manager in conjunction with the Senior Community and Environmental Protection Officer and colleagues at West Mercia Police and reported to Cabinet. Annual reviews will take place thereafter.

**3.9 Other Matters**

The consultation has elicited a number of responses, which are regarded as unsuitable for inclusion in a PSPO. These have been collated and will be brought to the attention of Council Officers and Partners to ensure they are given due consideration and appropriate actions are implemented. These have been highlighted in the Summary of Consultation Responses.

**4. Risks and Challenges**

4.1 If the correct process to introduce a PSPO is not followed correctly this could lead to challenge, which will mean the Council could face legal costs and reputational damage.

4.2 There is also a risk that expectations will be raised by these orders which agencies may not be able to meet.

**5. Options**

- 5.1 A Public Space Protection Order regarding dog controls, within the specified area, outlined in Appendix 4, is implemented.**
- 5.2 A Public Space Protection Order to restrict the consumption of alcohol within the specified area of Bewdley, outlined in Appendix 4 is implemented.**
- 5.3 A Public Space Protection Order to restrict the consumption of alcohol within the specified area of Stourport-on-Severn, outlined in Appendix 4, is implemented.**
- 5.4 The Public Space Protection Orders are reviewed 6 months after their implementation.**
- 5.5 Council Officers and Partners to give due consideration and implement appropriate actions regarding issues that have been raised through the consultation but are not suitable for inclusion in a PSPO.**

**6. Consultation**

- 6.1 Cabinet Member for Culture, Leisure and Community Protection, Councillor Helen Dyke
- 6.2 Corporate Leadership Team
- 6.3 Principal Solicitor
- 6.4 Head of Community and Environment Services
- 6.5 Countryside and Parks Manager
- 6.6 Senior Community and Environmental Protection Officer

**7. Related Decisions**

- 7.1 None

**8. Relevant Council Policies/Strategies**

- 8.1 Wyre Forest District Council Corporate Plan 2019-23

**9. Implications**

- 9.1 Resources: Staff time and funding from internal and external budgets.
- 9.2 Equalities: An Equality Impact Needs Assessment will be undertaken.
- 9.3 Partnership working: Officers have and will continue to work in partnership with West Mercia Police and other relevant agencies on community safety issues.



9.4 Human Rights: When making a PSPO the Council must have particular regard to the rights of freedom of expression and freedom of assembly set out in the European Convention on Human Rights.

9.5 E-Government: No direct implications from this report.

9.6 Transformation: No direct implications from this report.

## **10. Equality Impact Needs Assessment**

10.1 An Equality Impact Needs Assessment will be undertaken in relation to each of the Public Space Protection Orders and will be made available on request.

## **11. Wards affected**

11.1 District wide, with specific impacts in Bewdley and Rock, Wribbenhall and Arley, Areley Kings and Riverside, Mitton, Broadwaters and Wyre Forest Rural

## **12. Appendices**

Appendix One: Summary of Consultation Responses Dog Control

Appendix Two: Summary of Consultation Responses Alcohol PSPO Stourport

Appendix Three: Summary of Consultation Responses Alcohol PSPO Bewdley

Appendix Four: Maps

Dog Control PSPO Map of Specified Area (District wide)

Dog Control PSPO Map of Specified Area (QEII Jubilee Gardens)

Dog Control PSPO Map of Specified Area (Kidderminster Cemetery)

Dog Control PSPO Map of Specified Area (Hurcott Pool)

Dog Control PSPO Map of Specified Area (Stackpool)

Alcohol PSPO Map of Specified Area - Bewdley

Alcohol PSPO Map of Specified Area - Stourport

## **13. Background Papers**

13.1 Strong Leader Report, 28 April 2020

13.2 Delegated officer decision, 18 May 2020

Officer Contact Details:

Kathryn Underhill

Community Services Manager

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**Dog Control Public Spaces Protection Order**  
**Summary of Responses June 2020**

**Summary**

Wyre Forest District Council consulted on the extension of the district wide dog control Public Space Protection Order between 12 May 2020 and 15 June 2020.

Over 860 responses to the consultation were received. Responses were received from a range of stakeholders including individuals, local organisations, town and parish councils and representative bodies.

The consultation on the district wide Dog Control Order proposed to continue the following the restrictions and conditions for a further three year period:

- Failure to pick up dog faeces when in control of dog
- Failure to carry a poop bag or other means to clean up after a dog
- Failure to keep a dog on a lead in a designated area (Kidderminster Cemetery and Queen Elizabeth II Jubilee Gardens, Bewdley)
- Failure to place a dog on a lead when directed to do so
- Failure to exclude dogs from fenced off or enclosed children's playgrounds

Two new offences were also consulted upon:

- Walking more dogs than is permitted at a time
- Failure to keep a dog on a lead in a designated area – Stackpool, Springfield Park and Hurcott Pool, Hurcott Woods

**Council Officers' Response**

The view of officers is that having analysed the consultation responses it remains appropriate that all existing restrictions and conditions should be continued for a further three year period. The two new offences should also be included in the PSPO and a limit of walking no more three dogs at a time should be imposed. Education, community engagement and effective signage will be important prior to the commencement of enforcement of the new offences.

**Other Matters**

Other matters raised through the consultation, such as drug dealing in parks and open spaces, are to be brought to the attention of relevant council officers and partner organisations, including the Countryside and Parks Service and Community and Environmental Protection Service.

**Consultation Question 1**

To what extent do you agree/disagree that the council should continue to have the power to make sure a person in charge of a dog cleans up after it?

**Consultation Responses**

877 responses were received for this question. 98.4% (N=863) strongly agreed/agreed that the council should continue to have the power to make sure a person in charge of a dog cleans up after it.

**Consultation Question 2**

To what extent do you agree/disagree that it should continue to be an offence under the PSPO that would mean dog walkers could receive a fine if they don't have the means (e.g. bags, poop scoop) to pick up their dog's poo?

**Consultation Responses**

871 responses were received for this question. 93.3% (N=813) strongly agreed/agreed that it should continue to be an offence under the PSPO that would mean dog walkers could receive a fine if they don't have the means (e.g. bags, poop scoop) to pick up their dog's poo.

**Consultation Question Q3a**

To what extent do you agree/disagree that dogs should continue to be kept on a lead in Kidderminster Cemetery?

**Consultation Responses**

863 responses were received for this question. 90.8% (N=784) strongly agreed/agreed that dogs should continue to be kept on a lead in Kidderminster Cemetery.

**Consultation Question Q3b**

To what extent do you agree/disagree that dogs should continue to be kept on a lead in QEII Jubilee Gardens?

**Consultation Responses**

855 responses were received for this question. 73.2% (N=626) strongly agreed/agreed

**Consultation Question 4**

To what extent do you agree/disagree that a dog owner should continue to be required to put their animal on a lead when asked to do so by an authorised person (e.g. a council officer) on any public land?

**Consultation Responses**

866 responses were received for this question. 87.7% (N=760) strongly agreed/agreed

**Consultation Question 5**

To what extent do you agree/disagree that dogs should continue to be excluded from certain areas, e.g. children's play areas?

**Consultation Responses**

866 responses were received for this question. 92.1% (N=798) strongly agreed/agreed

**Consultation Question 6a**

If you agree dogs should be excluded from certain areas, do you think they should continue to be excluded from Children's Play Areas?

**Consultation Responses**

796 responses were received for this question. 99.2% (N=790) strongly agreed/agreed.

**Consultation Question 6b**

If you agree dogs should be excluded from certain areas, do you think they should continue to be excluded from Splash pad/water play?

**Consultation Responses**

794 responses were received for this question. 95.2% (N=756) strongly agreed/agreed.

**Consultation Question 7**

Wyre Forest District Council suggests that the penalty for committing an offence under a PSPO should continue to be a £100 fine (the legislation says this is the maximum).

**Consultation Responses**

859 responses were received for this question. 84.4% (N=725) agreed this was about right.

**Consultation Question 8**

We are proposing that the council should continue to have the power to make sure a person in charge of a dog cleans up after it on all land in the district to which the public has access. This would continue to include nature reserves, agricultural land with rights of way and private land accessed by the public.

**Consultation Responses**

856 responses were received for this question. 92.2% (N=790) strongly agreed/agreed.

**Consultation Question 9**

If you disagree or strongly disagree – which areas of the district do you think it is ok for people not to clear up after the dog they're in charge of and why?

**Consultation Responses**

52 comments were received for this question. The majority of comments mentioned that the 'stick and flick' method should be adopted for rural areas of land, the countryside, agricultural land with public rights of way and nature reserves. Comments were made that this method is less harmful than people leaving plastic bags. Also suggested that areas where there are no bins or other provision to dispose of bags should be excluded. One comment also stated that Councils should only have powers to fine people on council owned land.

**Consultation Question 10**

We regularly receive concerns from the members of the public about the number of dogs one person has under control at once. This is not currently restricted in the existing PSPO. Do you think that the number of dogs one person may have under their control in a place to which the public have access should be limited?

**Consultation Responses**

853 responses were received for this question. 60.1% (N=513) agreed that the number of dogs one person may have under their control in a place to which the public have access should be limited.

**Consultation Question 11**

If Yes, how many dogs do you think one person should be allowed to have under their control at a time?

**Consultation Responses**

516 responses were received for this question. 37.43% (N=192) said up to 3 dogs.

Up to 2 36.06% (N=185)

Up to 3 37.43% (N=192)

Up to 4 21.64% (N=111)

Up to 5 4.09% (N=21)

More than 5 0.78% (N=4)

**Consultation Question 12a**

To what extent do you agree or disagree that dogs should be kept on leads by Stackpool Pool at Springfield Park?

**Consultation Responses**

849 responses were received for this question. 54.7% (N=465) strongly agreed/agreed. 32% (N=272) strongly disagreed/disagreed. 13.19% (N=112) were of no opinion/don't know.

**Consultation Question 12b**

To what extent do you agree or disagree that dogs should be kept on leads by Hurcott Pool, at Hurcott Woods SSSI?

**Consultation Responses**

847 responses were received for this question. 51.4% (N=436) strongly agreed/agreed. 36.8% (N=312) strongly disagreed/disagreed. 11.69% (N=99) were of no opinion/don't know.

**Consultation Question 13**

Do you have any other comments on the proposed order at Springfield Park and Hurcott Woods?

**Consultation Responses**

255 comments were received for this question. The key themes were:

- Owners to take responsibility to ensure their dogs are under control
- Effective and large numbers of signage should be erected.
- Reiteration of support for restrictions at the Stackpool and Hurcott Pool
- The need for places for dogs to be able to swim
- Importance of protecting wildlife
- Fencing off bodies of water
- Restrictions are unnecessary

**Consultation Responses Question 14**

Any other comments?

**Consultation Responses**

339 comments were received for this question. Similar comments were made to those already received for question 13. The key themes were:

- The lack of control a minority of owners have over their dogs

- Further support was demonstrated for the restrictions
- Fines should be even greater than £100. £500-£1000 suggested
- Reference to more bins being needed on Council owned land and areas which aren't, such as Blackstone and Hartlebury Common
- Suggestions to bring back dog licences
- people leave dog poo bags on the ground/in trees
- Dog fouling on residential streets, barking and noisy dogs in residential areas
- Effective enforcement and more enforcement officers needed
- Dogs should be on leads at all times
- Dogs should be allowed off leads for exercise purposes
- Designated exercise areas should be made available

Comments regarding problems with dog fouling were also made in relation to land which falls outside of the administrative boundaries of Wyre Forest District Council, in particular Hartlebury Common and Kinver Edge.

### **Consultation Question 15**

Are you a dog owner/dog walker?

### **Consultation Responses**

819 responses were received for this question. 68.38% (n=560) were dog owners. 27.47% (n=225) were not dog owners. 4.15% (n=134) preferred not to say.

### **Consultation Question 16**

How many dogs do you usually walk?

### **Consultation Responses**

819 responses were received for this question. The average number was one dog.

### **Consultation Question 17**

Which of the following applies to you? I walk my own dog, I walk a friend or family member's dog(s), I walk dogs as a business, none of the above.

### **Consultation Responses**

819 responses were received for this question. 63.49% (n=520) walk their own dog(s). 12.09% (n=99) I walk a friend or family member's dog(s). 1.10% (n=9) I walk dogs as a business. 29.67% (n=243) none of the above.

### **Consultation Question 18**

Where do you live? (Please select the first part of your postcode)

### **Consultation Responses**

819 responses were received for this question. The top three postcodes were DY10 44.32% (n=363). DY11 22.1% (n=181) and DY13 14.16% (n=116).

### **Formal Written responses**

In addition to the survey, formal written responses were received from Bewdley Town Council, West Mercia Police, a Worcestershire County Councillor and the Dogs Trust.

### **Bewdley Town Council**

Bewdley Town Council agreed with all the proposals and also commented that 'there have been issues with dogs not being on leads in Blackstone Meadows and the field

beyond the gas works house. These areas could be added to the list previously provided, if possible. It would also help if the signage was improved (i.e. larger signs) so all owners are aware of the need for a lead.'

**West Mercia Police**

The Dog control order seems sensible but checking our systems I can't see we have had any calls about this issue.

**Worcestershire County Councillor**

My ideas on dogs is that they should be kept on leads and under control of the owner at all times. My rationale for this statement is the incident that occurred in Baxter Gardens recently when a dog was attacked by another dog.

If the dogs are on leads then the owner has control and responsibility of the dog. I know years ago we had dog licences which the owner had to have. Times have changed but owners must take the responsibility for the behaviour of their dog. They have the right to owning a dog then they need to be aware of their responsibilities of owning a dog. I am aware of another incident in Springfield Park of a dog on a lead being attacked by a dog not on a lead. The dog on the lead needed a lot of veterinary surgery. The other owner ran away and left the responsible dog owner with a lot of fees.

**Dogs Trust**

Dear Sir/Madam,

Dogs Trust has been made aware that Wyre Forest District Council is planning to introduce a series of Public Space Protection Orders. As the UK's largest dog welfare charity, we would like to make some comments for consideration.

**Dogs Trust's Comments**

**1. Re; Fouling of Land by Dogs Order:**

- Dogs Trust consider 'scooping the poop' to be an integral element of responsible dog ownership and would fully support a well-implemented order on fouling. We urge the Council to enforce any such order rigorously. In order to maximise compliance we urge the Council to consider whether an adequate number of disposal points have been provided for responsible owners to use, to consider providing free disposal bags and to ensure that there is sufficient signage in place.
- We question the effectiveness of issuing on-the-spot fines for not being in possession of a poo bag and whether this is practical to enforce.

**2. Re; Dog Exclusion Order:**

- Dogs Trust accepts that there are some areas where it is desirable that dogs should be excluded, such as children's play areas, however we would recommend that exclusion areas are kept to a minimum and that, for enforcement reasons, they are restricted to enclosed areas. We would consider it more difficult to enforce an exclusion order in areas that lack clear boundaries.
- Dogs Trust would highlight the need to provide plenty of signage to direct owners to alternative areas nearby in which to exercise dogs.

**3. Re; Dog Exclusion and sport pitches:**

**Agenda Item No. 6**  
**Appendix 1**

- Excluding dogs from areas that are not enclosed could pose enforcement problems - we would consider it more difficult to enforce an exclusion order in areas that lack clear boundaries.
- We feel that exclusion zones should be kept to a minimum, and that excluding dogs from all sports pitches for long stretches of the year is unnecessary. In some cases sports pitches may account for a large part of the open space available in a public park, and therefore excluding dogs could significantly reduce available dog walking space for owners.
- We would urge the Council to consider focusing its efforts on reducing dog fouling in these areas, rather than excluding dogs entirely, with adequate provision of bins and provision of free disposal bags.

4. Re; Dogs on Leads Order:

- Dogs Trust accept that there are some areas where it is desirable that dogs should be kept on a lead.
- Dogs Trust would urge the Council to consider the Animal Welfare Act 2006 section 9 requirements (the 'duty of care') that include the dog's need to exhibit normal behaviour patterns – this includes the need for sufficient exercise including the need to run off lead in appropriate areas. Dog Control Orders should not restrict the ability of dog keepers to comply with the requirements of this Act.
- The Council should ensure that there is an adequate number, and a variety of, well sign-posted areas locally for owners to exercise their dog off-lead.

5. Re; Dogs on Lead by Direction Order:

- Dogs Trust enthusiastically support Dogs on Leads by Direction orders (for dogs that are considered to be out of control or causing alarm or distress to members of the public to be put on and kept on a lead when directed to do so by an authorised official).
- We consider that this order is by far the most useful, other than the fouling order, because it allows enforcement officers to target the owners of dogs that are allowing them to cause a nuisance without restricting the responsible owner and their dog. As none of the other orders, less fouling, are likely to be effective without proper enforcement we would be content if the others were dropped in favour of this order.

6. Re; Taking more than a specified number of dogs onto a land:

- The behaviour of the dogs and the competency of the handler need to be taken into consideration if considering this order. Research from 2010 shows that 95% of dog owners have up to 3 dogs. Therefore the number of dogs taken out on to land by one individual would not normally be expected to exceed four dogs.

The PDSA's ['Paw Report 2018'](#) found that 89% of veterinary professionals believe that the welfare of dogs will suffer if owners are banned from walking their dogs in public spaces such as parks and beaches, or if dogs are required to be kept on leads in these spaces. Their report also states that 78% of owners rely on these types of spaces to walk their dog.

I would also like to bring your attention to the similar recommendations stated in the Government's ['Anti-social behaviour powers -Statutory guidance for frontline professionals'](#) document, pages 52/53.



## **Agenda Item No. 6**

### **Appendix 1**

We believe that the vast majority of dog owners are responsible, and that the majority of dogs are well behaved. In recognition of this, we would encourage local authorities to exercise its power to issue Community Protection Notices, targeting irresponsible owners and proactively addressing anti-social behaviours.

Dogs Trust works with local authorities across the UK to help promote responsible dog ownership. If you are interested, I can send you a copy of our Services Guide, a document listing the ways in which we may be able to help with promoting responsible dog ownership in your community. Please do not hesitate to contact should you wish to discuss this matter.

We would be very grateful if you could inform us of the consultation outcome and subsequent decisions made in relation to the Public Space Protection Order.

## **Restriction of Alcohol in Stourport-on-Severn Public Spaces Protection Order Summary of Responses June 2020**

### **Summary**

Wyre Forest District Council consulted on the Public Spaces Protection Order to restrict alcohol consumption in Stourport-on-Severn between 12 May 2020 and 15 June 2020.

Over 200 responses to the consultation were received. Responses were received from a range of stakeholders including individuals, local organisations, town and parish councils and representative bodies.

The consultation on the Alcohol Restriction Order for Stourport-on-Severn proposed the following the restrictions and conditions for a three year period:

- To provide the power for authorised officers of the Council, Police Officer or Police Community Support Officer to require a person drinking alcohol in public to surrender their alcohol (or anything which is reasonably believed to be alcohol).
- Failure to comply with the requirements of the PSPO by drinking alcohol in a public place will be an offence and people may result in a £100 fixed penalty notice.

### **Council Officers' Response**

The view of officers is that having analysed the consultation responses it remains appropriate that all existing restrictions and conditions should be continued for a further three year period. The proposed boundary of the PSPO is regarded as appropriate and is supported through the review of the evidence. However, the boundaries will be reviewed six months after the implementation of the PSPO.

Education, community engagement and signage will be essential to the effective operation of the PSPO.

### **Other Matters**

The majority of comments were relevant to the remit of the PSPO. There were some comments that fall outside of the remit of the PSPO, for example issues that would be outside of the proposed PSPO boundary or were comments on organisations. These will be shared with the relevant council officers and partner agencies.

### **Consultation Question 1**

Stop people continuing to drink alcohol when asked to stop by an authorised officer in the area shown on the map.

### **Consultation Responses**

215 responses were received for this question. 93.02% (n=200) said yes. When asked to explain their answers there were 62 comments. All comments were in support of the power apart from one respondent.

**Consultation Question 2**

To require a person to hand over alcohol at the request of an authorised officer in the area shown on the map.

**Consultation Responses**

215 responses were received for this question. 91.6% (n=196) said yes. When asked to explain their answers there were 57 comments. All comments were in support of the power apart from one respondent.

**Consultation Question Q3a**

What impact do you think extending the PSPO will have on people living in the town?

**Consultation Responses**

215 responses were received for this question. 92.09% (n=198) agreed it would have a positive impact.

**Consultation Question Q3b**

What impact do you think extending the PSPO will have on people working in the town?

**Consultation Responses**

213 responses were received for this question. 91.55% (n=195) agreed it would have a positive impact.

**Consultation Question 3c**

What impact do you think extending the PSPO will have on people visiting the town?

**Consultation Responses**

214 responses were received for this question. 88.79% (n=190) agreed it would have a positive impact.

**Consultation Question 4**

Do you agree with the proposed boundaries of the PSPO being the town centre?

**Consultation Responses**

211 responses were received for this question. 82.46% (n=174) agreed and 17.54% (n=37) disagreed.

**Consultation Question 5**

If No, what would you change?

**Consultation Responses**

34 responses were received for this question. Some comments mentioned they wished the Memorial Park and the Riverside to be included but the proposed boundary already includes these areas. Some comments suggested the boundary should be the whole of Stourport, include the other side of the river, the whole of Vale Road and Hartlebury Common. Whereas a couple of comments suggested the boundary should actually be smaller or limited to only the High Street

**Consultation Question 6**

What best describes you?

**Consultation Responses**

206 responses were received for this question. 94.17% (n=194) were members of the public. 2.91% (n=6) were Parish Councillors/Councillors. 2.43% (n=5) were business owners.

**Consultation Question 7**

Your postcode

**Consultation Responses**

206 responses were received for this question. The top three postcodes were DY13 78.16% (n=161), DY10 10.19% (n=21) and DY11 6.31% (n=13).

**Consultation Question 8**

In the past 12 months have you been affected by alcohol related anti-social behaviour in Stourport?

**Consultation Responses**

206 responses were received for this question. 60.19% (n=124) said no, 30.10% (n=64) said yet and 9.71% (n=20) preferred not to say.

**Consultation Question 9**

If yes, please tell us where this happened? (e.g. street name, park name)

**Consultation Responses**

58 responses were received for this question. 42 of the comments referred to locations which are all within the proposed PSPO boundary. High Street, Stourport Riverside and the Memorial Park received the most mentions.

**Consultation Question 10**

How has it affected you?

**Consultation Responses**

58 responses were received for this question. Majority of comments stated that it made them feel reluctant to visit certain areas of the town centre, made them fearful upset or on other hand become aggressive. Comments were made about litter and noise nuisance. A few comments stated that they were not affected by the anti social behaviour.

**Consultation Responses Question 11**

Any further comments regarding the PSPO?

**Consultation Responses**

34 comments were received for this question. The key themes were:

- The PSPO is a good idea
- Effective enforcement and more police and council officers being on duty
- Planning ahead for when issues are at their peak at bank holidays and special events by the riverside
- Drinking should be kept within pubs and beer gardens
- Litter from discarded drink cans and bottles
- Will help to make the town more attractive

**Formal Written Responses**

In addition to the survey, a formal written response was received from West Mercia Police who agreed with all of the proposals.

**Restriction of Alcohol in Bewdley Public Spaces Protection Order**  
**Summary of Responses June 2020**

**Summary**

Wyre Forest District Council consulted on the Public Spaces Protection Order to restrict alcohol consumption in Bewdley between 12 May 2020 and 15 June 2020.

Over 400 responses to the consultation were received. Responses were received from a range of stakeholders including individuals, local organisations, town and parish councils and representative bodies.

The consultation on the Alcohol Restriction Order for Bewdley proposed the following the restrictions and conditions for a three year period:

- To provide the power for authorised officers of the Council, Police Officer or Police Community Support Officer to require a person drinking alcohol in public to surrender their alcohol (or anything which is reasonably believed to be alcohol).
- Failure to comply with the requirements of the PSPO by drinking alcohol in a public place will be an offence and people may result in a £100 fixed penalty notice.

**Council Officers' Response**

The view of officers is that having analysed the consultation responses it remains appropriate that all existing restrictions and conditions should be continued for a further three year period. The proposed boundary of the PSPO is regarded as appropriate and is supported through the review of the evidence. However, the boundaries will be reviewed six months after the implementation of the PSPO.

Education, community engagement and signage will be essential to the effective operation of the PSPO.

**Other Matters**

The majority of comments were relevant to the remit of the PSPO. There were some comments that fall outside of the remit of the PSPO or the proposed boundary, for example as litter, drug dealing/misuse and public disorder related matters. These will be shared with the relevant council officers and partner agencies.

In the survey, some comments were made in relation to motorbikes, primarily on Severnside South, Bewdley. Nine comments were received directly from local residents by email. These were focused on noise and illegal parking obstructing the highway and pedestrian areas. These matters will be considered under other relevant legislative powers with Worcestershire County Council as highways authority and West Mercia Police.

**Consultation Question 1**

Stop people continuing to drink alcohol when asked to stop by an authorised officer in the area shown on the map.

**Consultation Responses**

405 responses were received for this question. 92.59% (n=375) said yes. When asked to explain their answers there were 145 comments. All comments, apart from 8 were generally in support of the power.

**Consultation Question 2**

To require a person to hand over alcohol at the request of an authorised officer in the area shown on the map.

**Consultation Responses**

405 responses were received for this question. 90.86% (n=368) said yes. When asked to explain their answers there were 106 comments. All comments, apart from 11 were in support of the power.

**Consultation Question Q3a**

What impact do you think extending the PSPO will have on people living in the town?

**Consultation Responses**

404 responses were received for this question. 89.10% (n=360) agreed it would have a positive impact.

**Consultation Question Q3b**

What impact do you think extending the PSPO will have on people working in the town?

**Consultation Responses**

404 responses were received for this question. 88.11% (n=356) agreed it would have a positive impact.

**Consultation Question 3c**

What impact do you think extending the PSPO will have on people visiting the town?

**Consultation Responses**

403 responses were received for this question. 83.37% (n=336) agreed it would have a positive impact.

**Consultation Question 4**

Do you agree with the proposed boundaries of the PSPO being the town centre?

**Consultation Responses**

404 responses were received for this question. 85.89% (n=347) agreed and 14.10% (n=57) disagreed.

**Consultation Question 5**

If No, what would you change?

**Consultation Responses**

50 responses were received for this question. Key themes were:

- There should not be a PSPO at all with no restrictions in place
- Extend it but not specified where

- Widen the PSPO. Areas mentioned were the whole district, the Wyre Forest and its car parks, the whole parish of Bewdley, all residential areas, Wribbenhall, Pewterers' Alley, sports field behind Wyre Hill School, leisure centre playing field and all play areas

### **Consultation Question 6**

What best describes you?

### **Consultation Responses**

391 responses were received for this question. 92.83% (n=363) were members of the public. 2.81% (n=11) were Councillors. 2.55% (n=10) were business owners. 1.02% (n=4) were from a community group. 0.51% (n=2) were representative/employees in the alcohol licensing trade and 0.25% (n=1) was an employee of a business in Bewdley.

### **Consultation Question 7**

Your postcode

### **Consultation Responses**

391 responses were received for this question. The top three postcodes were DY12 74.16% (n=290), DY11 9.71% (n=38) and DY10 6.90% (n=27).

### **Consultation Question 8**

In the past 12 months have you been affected by alcohol related anti-social behaviour in Bewdley?

### **Consultation Responses**

391 responses were received for this question. 59.33% (n=232) said no, 35.29% (n=138) said yes and 5.37% (n=21) preferred not to say.

### **Consultation Question 9**

If yes, please tell us where this happened? (e.g. street name, park name)

### **Consultation Responses**

131 responses were received for this question. The majority of the comments referred to locations which are all within the proposed PSPO boundary. High Street, Load Street and Severnside received the most mentions.

### **Consultation Question 10**

How has it affected you?

### **Consultation Responses**

130 responses were received for this question. Majority of comments stated that it made them unsafe and reluctant to visit certain parts of the town centre. Comments were made about litter, noise nuisance and the impact on the town centre for visitors and residents.

### **Consultation Responses Question 11**

Any further comments regarding the PSPO?

### **Consultation Responses**

87 comments were received for this question. The key themes were:



- On the whole supportive of the PSPO
- Effective enforcement and more police and council officers being on duty
- Will help to make the town safer and more attractive
- Highway and noise issues caused by motorbikes

### **Formal Written Responses**

In addition to the survey, three responses were received from stakeholders who were invited to participate in the consultation.

#### **Bewdley Town Council**

Bewdley Town Council agreed with the proposals in principle.

However, concerns were raised with regard to the area covered by the PSPO. There have been a number of reported alcohol issues at the Wyre Hill Sand Park, Millennium Green, the Wyre Forest and the playing field adjacent the Bewdley School. The Police have been informed and have visited these sites on numerous occasions. Bewdley Town Council therefore requests that consideration be given to extending the PSPO to large open spaces such as parks and playing fields.

#### **West Mercia Police**

Agreed with the proposals. The PSPO for Bewdley is helpful on summer nights in dealing with the night time economy and serves as a prevention tactic when people try and takes drinks from licensed premises.

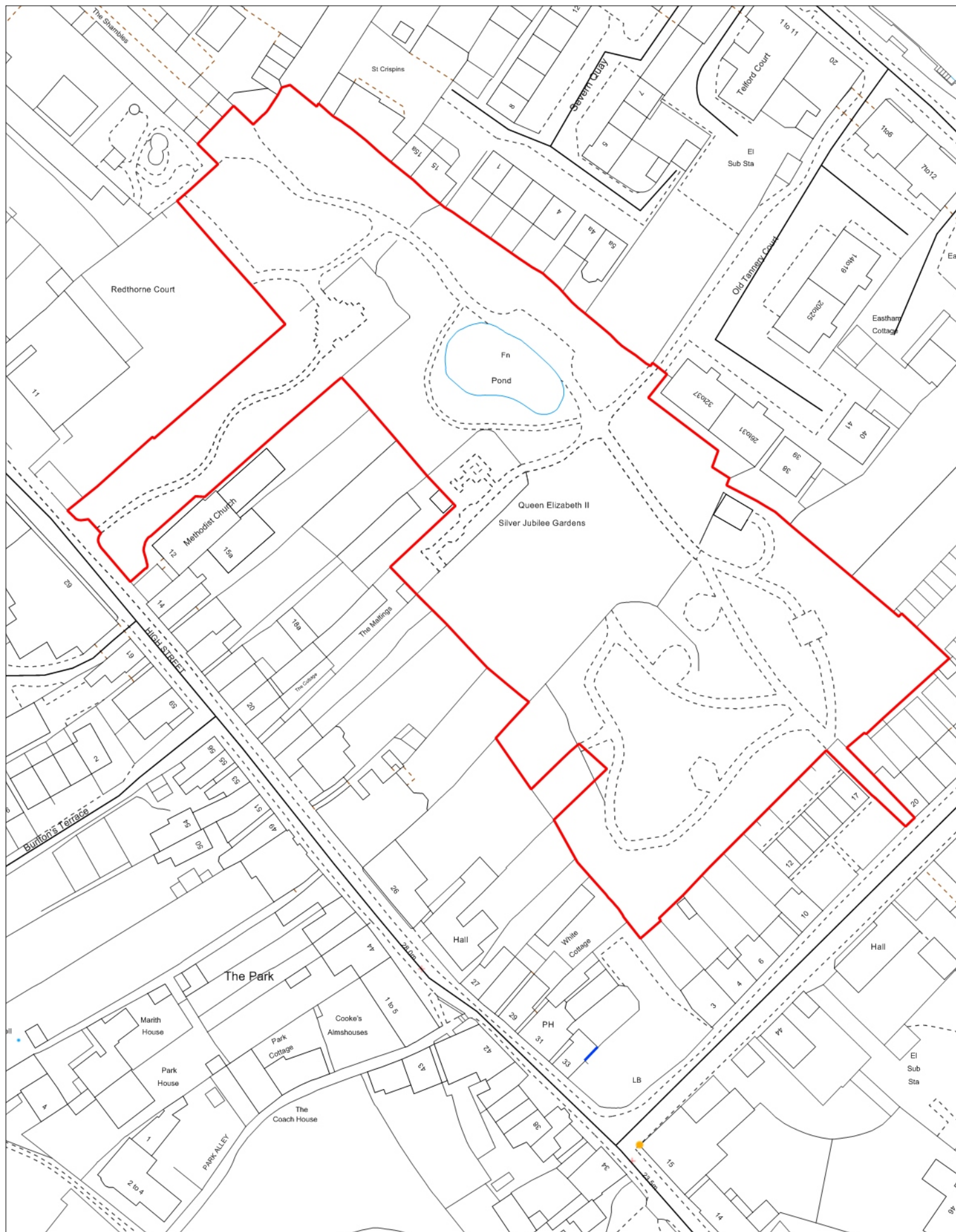
#### **Worcestershire County Councillor**

Agreed with the proposals.









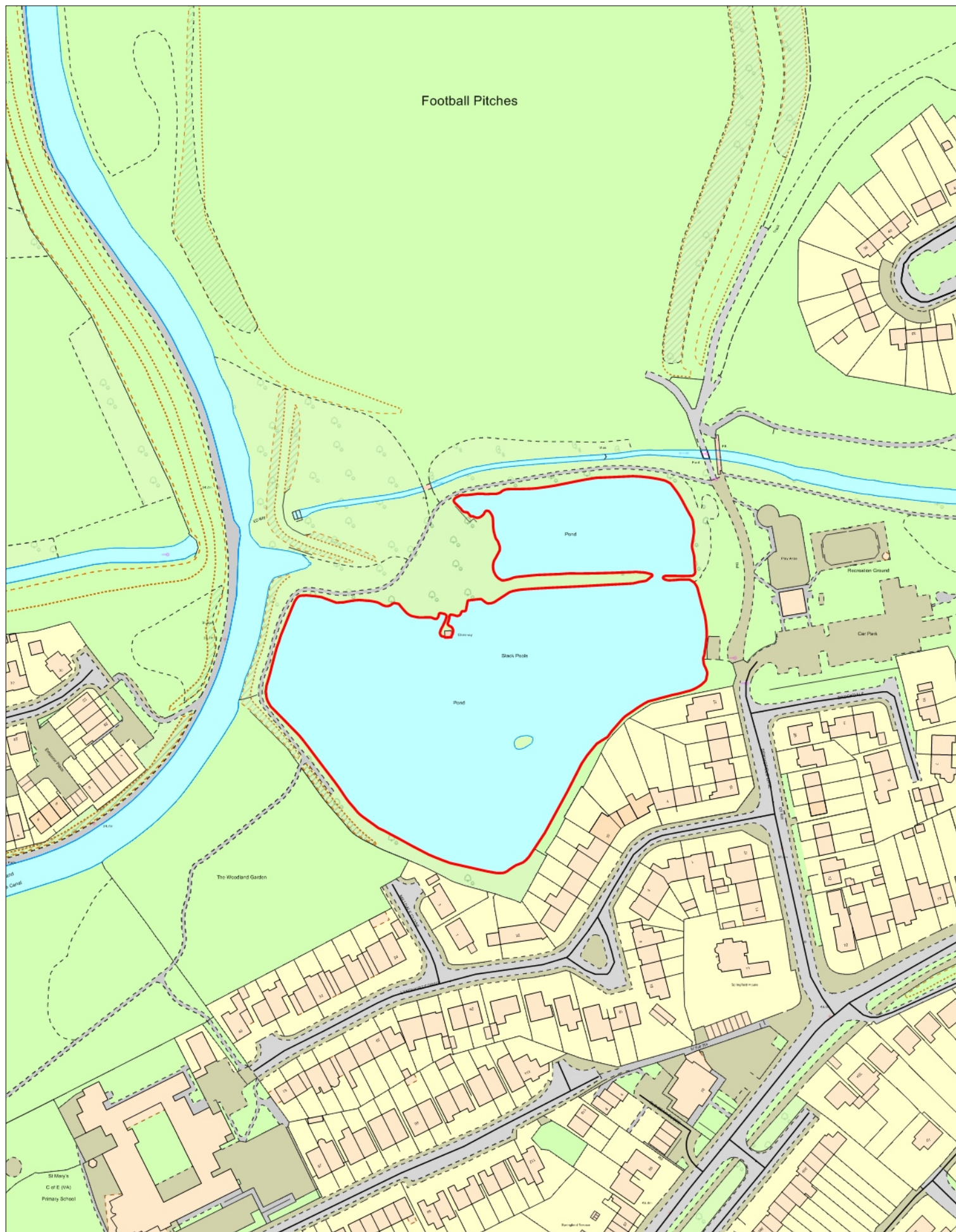




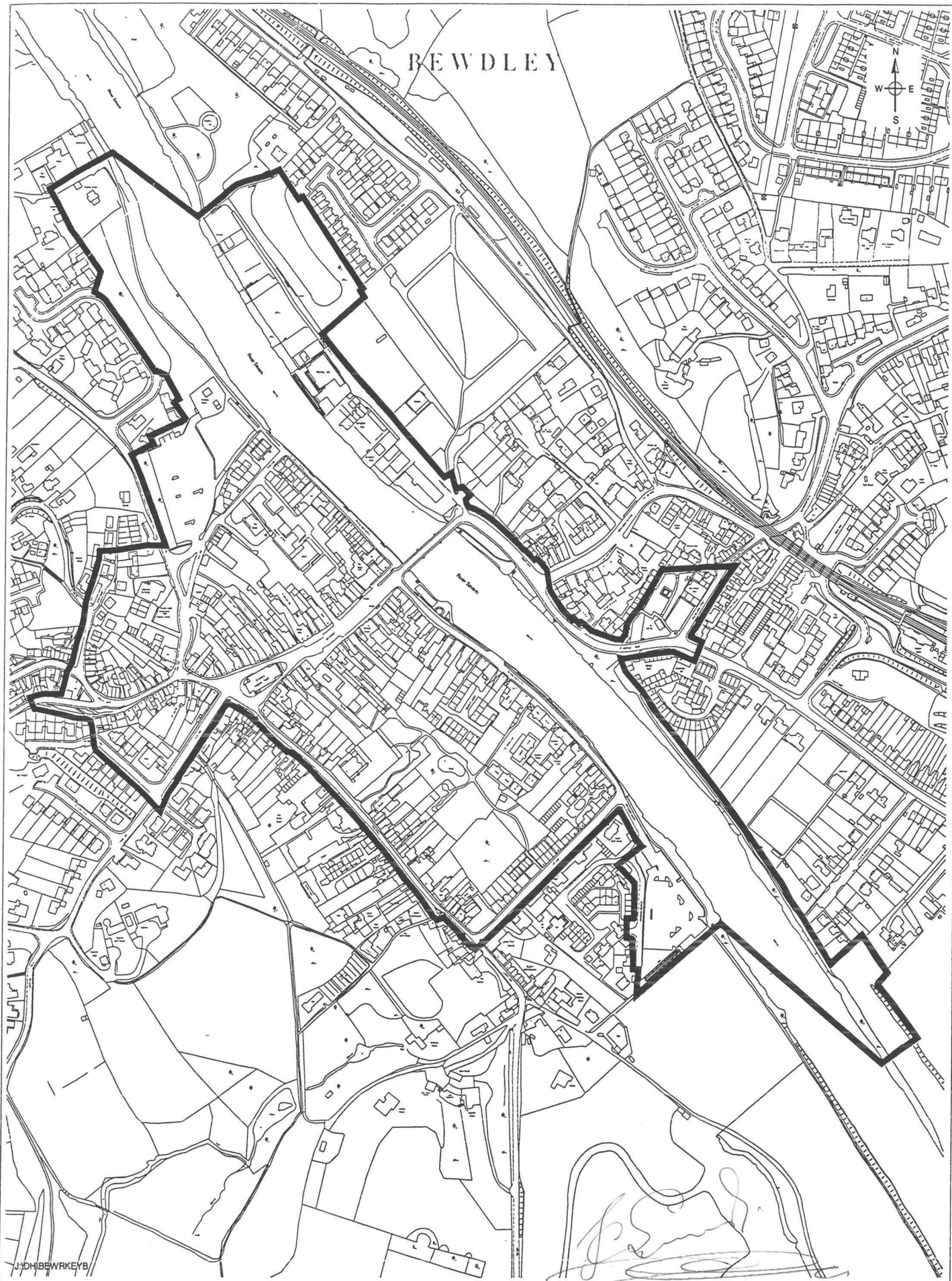




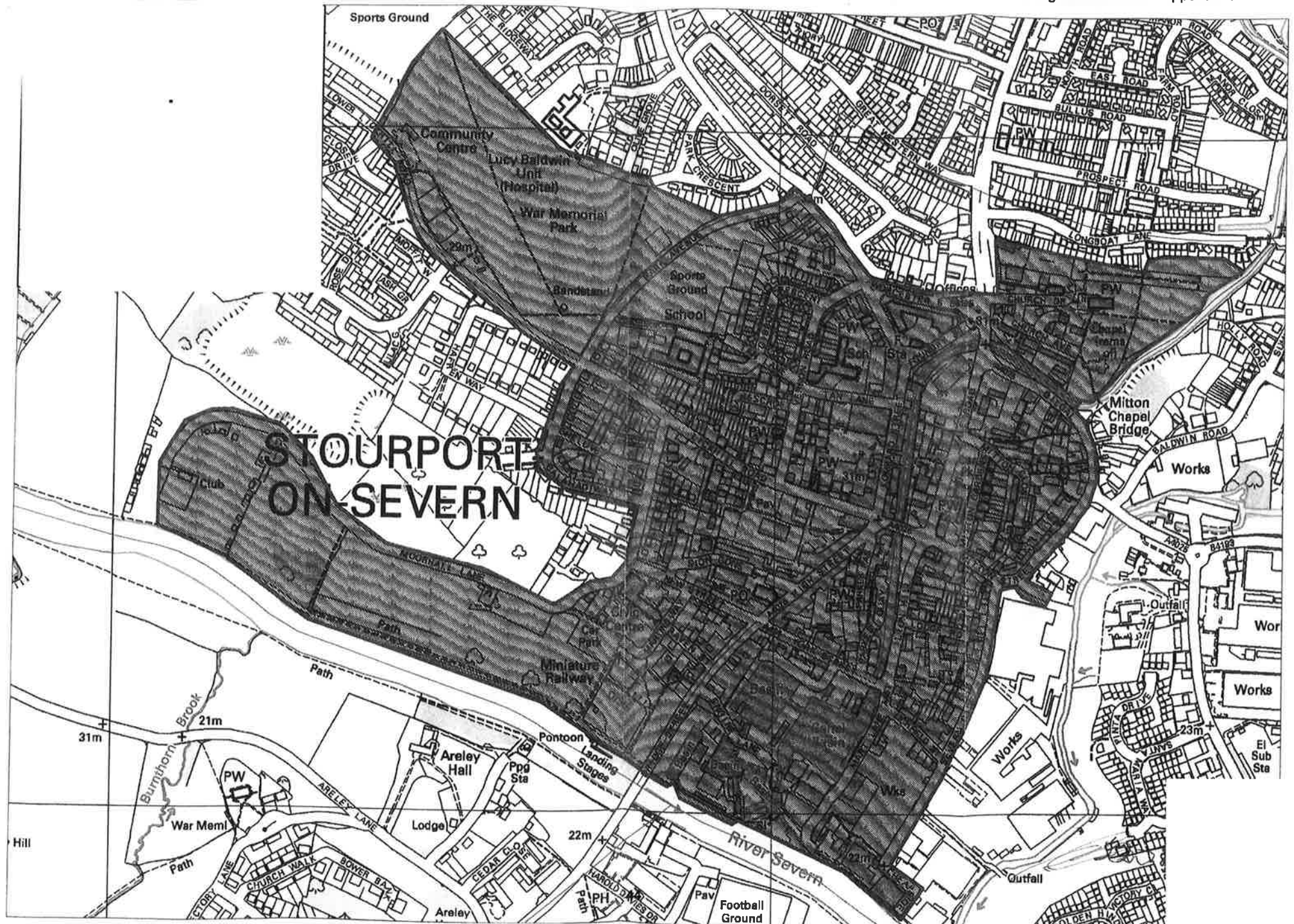
















## Overview & Scrutiny Committee

### Briefing Paper: Community Led Housing Policy Update

Report of: Kate Bailey, Head of Strategic Growth  
Date: 2 July 2020  
Open

#### 1. Summary

- 1.1 The purpose of this report is to share with Members progress on Community Led Housing (CLH) and to seek approval for the updated CLH policy.

#### 2. Background

- 2.1 The CLH policy and pledge was approved by Cabinet in February 2018. Since then, there has been significant work within the district and nationally, which has meant it is necessary to update the CLH policy.
- 2.2 The Council received a grant of £191,250 from the Department of Communities and Local Government (DCLG) in December 2016 and March 2017 called the Community Housing Fund, paid in two tranches. This fund was paid to 148 local authorities where there were issues of affordability and/or a high density of second homes. Within Worcestershire, Malvern Hills and Wychavon District Councils also received an allocation.
- 2.3 The Council developed a proposal of how to utilise the funding, which was agreed by the DCLG and recruited a Community Led Housing Co-ordinator in 2017 to develop a range of approaches to support the growth of CLH within the District. The resources were primarily aimed at promoting CLH, helping communities to undertake housing schemes and to provide them with the support they needed.
- 2.4 In February 2020, WFDC as part of a joint bid led by Redditch Cooperative Homes, applied for further funding to develop a Worcestershire Community Led Housing Hub. Redditch Cooperative Homes was successful in obtaining a funding award of £110,548 from the Ministry of Housing, Communities and Local Government (MHCLG). The funding will contribute to the continuation and extension of the Community Led Housing work across Worcestershire until 2021. This includes an allocation of £28,500 for Wyre Forest District Council as a salary contribution towards the post of the Community Led Housing Coordinator.
- 2.5 The Worcestershire Community Led Housing Hub is a partnership between Redditch Cooperative Homes, Malvern Hills and Wychavon District Councils, and Wyre Forest District Council. The aim of the hub is to pool resources and

expertise across the County, promoting Community Led Housing and increasing the number of affordable homes delivered for the Community, in partnership with the Community. The bid was also supported by the three remaining councils in the county and the officer resource will be used to support CLH in these areas as well.

2.6 To date the following work has been completed or is underway:

- The First Steps Grant has been made available to Community Led Organisations in Wyre Forest. Grants have been awarded to Wyre Forest Community Land Trust (CLT) and Wyre Forest Co-housing group. The money has been used to set up the groups, helping them to become legal entities, recruit members and publicise community led housing.
- The CLH coordinator is working with Wyre Forest CLT to look at a number of possible development opportunities across the Wyre Forest. This work includes:
  - coordinating partnerships between different organisations, including Homes England, Registered Providers and other CLT projects,
  - looking at the feasibility of sites,
  - identifying best practice design and build methods
  - identifying funding and available finance.
- Alongside this work, the Self Build and Custom House build regulations 2016 places a duty on local authorities in England to keep and have regard to a register of people who have an interest in self build and custom housing. There are currently 29 individuals and 1 association on the self build register in Wyre Forest. With the exception of 5 individuals, everyone else on the register has a local connection to the district.
- As per the Self Build and Custom House build regulations 2016 there is now also a specific policy in the emerging Local Plan 2016-36. Policy 8D on self and custom build states that the Council will support applications for small and custom build housing, as long as they are in keeping with the other policies in the plan. It also states that developers of 10 units or more will be expected to demonstrate how the needs of self builders have been taken into consideration and where plots are made available, market plots for at least 12 months.

### **3. Key Issues**

#### **Housing Growth**

- 3.1 Housing growth and home ownership continues to be a priority for the Government. In the paper, “Planning for the Future”, published in March 2020, the Government reiterated its commitment to supporting communities to deliver more homes for local people. It will do this through a number of reforms aimed at encouraging local authorities to take a more proactive approach to enabling home building and supporting local community and self build housing.

**3.2 The planned reforms include:**

- Requiring all local authorities to have an up to date local plan by December 2023.
- Incentivising local authorities to deliver on their local plans by increasing the housing delivery test threshold to 75% by November 2020.
- Reforming the New Homes Bonus to reward delivery of housing.

The paper also states that the Government will work with local authorities, small and medium sized enterprises, local groups and the construction industry throughout the spring and summer of 2020 to undertake a comprehensive review of the housing market and planning system. This will inform the forthcoming Planning White Paper and Housing Strategy.

**Funding for Community Led Housing**

- 3.3 Homes England has been the predominant source of finance for CLH development across the UK. In 2018, they announced a £60m fund but this finished in the early part of 2020. There was no further specific funding for Community Led Housing announced by the Government in the budget in March 2020. However, a package of £12bn was announced for affordable housing. Therefore, there maybe scope for CLH organisations to tap into this funding through Registered Provider partners and also to influence the spending of this funding through the comprehensive spending review, which is due to be published alongside the Planning White Paper later in 2020.
- 3.4 There is funding available from other sources; including grants from trusts/foundations, social enterprise loans and private equity finance from banks such as CAF venturesome and Unity Bank. The CLH coordinator will continue to work with the local CLH groups to identify potential finance models for the development of community led housing in the district.
- 3.5 Given the previous work undertaken by the Council to help bring forward Community Led Housing, the Council and CLT are well placed to meet the potential obligations and opportunities that will be offered in the Planning White paper, when it is published.

**Key changes to the CLH Policy**

- 3.6 The Policy now has an updated section 4 which clarifies the definitions and different types of CLH models available.
- 3.7 Section 5 has also been updated to be clearer on what the Council would expect of a CLH organisation it is supporting through accessing resources, provided either directly or indirectly.

**4. Options**

4.1 Overview and Scrutiny Committee are asked to:

Recommend to Cabinet that the updated Community Led Housing policy is approved.

Or

4.2 Recommend to Cabinet any other alternative recommendation or amendment to the policy.

**5. Consultation**

5.1 Corporate Leadership Team.

**6. Related Decisions**

6.1 The Community Led Housing policy and pledge was approved by Cabinet in February 2018.

**7. Relevant Council Policies/Strategies**

7.1 Worcestershire Housing Partnership Plan

7.2 Wyre Forest District Council Local Plan (2016-2036)

**8. Implications**

8.1 Resources: Any implications as a result of the policy will be met from within the existing budget.

8.2 Equalities: Not applicable

8.3 Partnership working: The principles of CLH are to work in partnership with individuals and groups who want to bring forward CLH

8.4 Human Rights: Not applicable

8.5 E-Government: Not applicable

8.6 Transformation: Not applicable

**9. Equality Impact Needs Assessment**

9.1 An equality impact assessment screening has been undertaken on the updated policy and this shows no detrimental affect.

**10. Wards affected**

10.1 All wards.

**11. Appendices**

11.1 Appendix 1: Wyre Forest Community Led Housing Policy 2020.

**12. Background Papers**  
None

**Officer Contact Details:**

Name: Sally Horne  
Title: Community Led Housing Coordinator  
Contact Number: 01562 732524

## **Wyre Forest District Council Community Led Housing Policy 2020**

### **1. General**

- 1.1 This policy updates the earlier adopted Wyre Forest Council Community Led Housing Policy, which was published in February 2018. The policy will next be reviewed in 2022 to ensure that it remains current and relevant.
- 1.2 The CLH Policy is relevant to all officers of the Strategic Housing and Planning Policy teams within the Economic Prosperity and Place Directorate. Although the Policy is essentially focused on the provision of housing, it is equally relevant to the Planning Policy team who are responsible for ensuring future housing needs are met and incorporated into the emerging Local Plan.
- 1.3 The Council recognises that there are many situations where there is a shared or complementary role with other agencies. Relevant officers within the Housing Section will seek to work collaboratively with national and regional organisations who are leading on the CLH agenda. Agencies including the National Community Land Trust Network and UK Co-housing Network will be working together as they disseminate information and policy updates from central government as well as taking a lead on national 'good practice' training and events for local authorities who have received Community Housing Fund grants. We will also work with local organisations including the Worcestershire Community Led Housing hub, community groups and Registered Providers.
- 1.4 The Council also recognises that it has to have a flexible policy that responds to government housing strategy. CLH is currently seen as a viable method of increasing the supply of housing and at the same time, making a real impact on the lives of the communities who are delivering it. As government priorities change in the future, CLH may not receive the same level of support, but the Council will endeavour to continue supporting any groups or individuals (self-build or custom-build) who have taken an interest in delivering their own housing.
- 1.5 The Council will also work closely with neighbouring Local Authorities to deliver housing numbers and will work particularly closely with those Local Authorities who have also received CLH grants from the Community Housing Fund within Worcestershire.

## **2. Links to Other Strategies**

2.1 The Council recognises that the CLH Policy will primarily work to meet the relevant objectives with the Worcestershire Housing Partnership Plan and will complement the Wyre Forest Empty Homes Strategy.

2.2 The CLH Policy supports the **Worcestershire Housing Partnership Plan** to:

- Maximise delivery of good quality housing of the right type and tenure by co-coordinating the activities of housing providers and support agencies to meet existing and future housing need in a sustainable way.
- To build new homes.
- To investigate alternative models of affordable housing delivery to meet the housing and support needs of specific groups and sectors of the housing market.

## **3. Purpose of the CLH Policy**

The Policy has been developed to:

- Alleviate issues around housing affordability in the District by contributing to the overall delivery of housing
- Enable our communities to realise their potential and take forward their own small scale housing schemes
- Recognise the self-build and custom build community and put in place mechanisms to support the housing aspirations highlighted in the District's Custom and Self-build Register
- Raise awareness of CLH and encourage its delivery through putting a range of support structures in place to enable schemes to progress from the earliest opportunity.

## **4. Principles – The definitions of CLH**

For the purpose of this policy, the Council recognises the following models of Community-led Housing:

- a) Self-build and custom-build housing  
Self-builders usually build their own homes or enlist somebody else to customise a build to meet their needs.
- b) Self-help Housing  
Bringing empty properties back into use. It usually involves people working together with a shared goal of solving a local housing issue. It

may also involve a renovation project where a redundant building is transformed into homes by an involved group of local people.

c) Community Land Trusts (CLTs)

CLTs are set up by local people in areas with a shortage of affordable housing. The local community take a lead role developing homes and other community assets. The CLT will work to ensure that the homes are genuinely affordable, based on average local earnings in the area.

d) Co-housing

These are intentional communities designed to live partially independently but with an element of shared resources/accommodation. By creating a more neighbourly community, the social benefits are thought to have a positive impact on quality of life.

e) Housing Co-operatives

A Housing Co-op is a housing organisation where members (tenants) democratically control and manage their homes. Co-ops often have an impact on the sense of a community in the area and this can lead to reduced anti-social behaviour and higher levels of satisfaction.

As can be seen above, there are a number of different models for community led housing. The following key principles in this policy however should be integral to schemes.

- The community should be involved throughout the process in key decisions such as what is provided, where, and for whom. The community does not have to initiate the proposals or build homes themselves.
- The benefits of the scheme to the community (whether that's a local area or specified group) should be clearly defined and legally protected in perpetuity if possible.

Community Led Housing is also not just about new build, it is about new models by which the community can have more of a stake in existing homes, and this can be achieved by the community having varying degrees of influence over how their homes are managed. Therefore, community led housing could encompass the following:

- Development of new homes
- Conversion of existing properties to support community led housing opportunities

## **5. Identifying and implementing solutions to increase Community Led Housing**



The Council's main objective for CLH is to encourage learning about CLH and increase provision of small scale affordable housing in the district by:

- Employing a designated officer to lead on CLH delivery. They will work in partnership with Registered Providers, Parish and Town Councils, Community Land Trusts, Cohousing projects and self builders to offer advice and support and encourage small scale CLH schemes within the District. This will be done by enabling groups to make contact with the niche social investment banks, building societies, solicitors and architects who have expertise in the field of CLH.
- Provision of the WFDC 'First Steps' grant to enable early stage financial support to check site viability and fund any surveys that may be required (subject to availability of resources).
- Supporting applications for funding to external grants and trusts. However in doing this, the Council needs to be satisfied of the following
  - the organisations ability to deliver and sustain any proposal
  - Key outcomes of the proposed scheme.
  - The creation of community led housing schemes;
  - The provision of greater empowerment for local communities and neighbourhoods; and
  - Increase in affordable/specialist housing to meet local needs.
  - Strong governance arrangements by operating through open and accountable, processes.That the skills and capacity exist within the organisation, or are available to the organisation or clear plans as to how this will be achieved to undertake the project

In addition, the Community Led Housing Co-ordinator will develop an effective communication strategy by;

- ensuring the Council's website content is updated to inform interested parties about the different models of community-led housing and current / forthcoming funding opportunities
- create an information leaflet as a brief reference guide for CLH and how to register interest
- utilise social media to promote CLH

The CLH Co-ordinator will oversee the ongoing development of the custom and self-build register through the Local Plan process, work closely with the Strategic Housing team to identify long term empty properties, housing needs and consider their viability as CLH sites and explore opportunities to support CLH through identification of resources if available.

The CLH Coordinator will consider the mechanisms by which allocations to CLH schemes, built with any form of public subsidy, are made – both in terms of first letting and also re-lets. The use of Local Letting Plans (LLP) for first lets should be considered in line with the current approved policy on LLPs. The approach to managing allocations is to be further developed in consultation with the Council and the relevant Community Led Housing organisation.

## **6. Related Policy Documents**

- The Worcestershire Housing Partnership Plan 2017
- Wyre Forest District Council Empty Properties Strategy 2017 – 2022

This Policy is available to the public on request and is also available on the council's website [www.wyreforestdc.gov.uk](http://www.wyreforestdc.gov.uk). Any comments about the Community-led Housing Policy can be made to the Head of Strategic Growth via the CLH Co-ordinator.



## Overview & Scrutiny Committee

### Briefing Paper: Property Flood Grants – Amendment to Capital Programme

Report of: Kate Bailey  
Date: 2<sup>nd</sup> July 2020  
Open

#### 1. Summary

- 1.1 The purpose of this report is to outline the process for the Government funded Property Flood Grants to be distributed to affected residents and businesses. This will include the requirement to amend the capital programme.

#### 2. Background

- 2.1 The district suffered flooding from storms Ciara, Dennis and subsequent swelling of the rivers Stour and Severn in February 2020. Approximately 80 Homes and 80 businesses were directly affected in Bewdley, Kidderminster and Stourport.
- 2.2 In response to the flooding, the Department for Environment, Food and Rural Affairs (DEFRA) has declared that affected districts can apply for funding to provide Property Flood Grants. Guidance has been issued and the grants for up to £5,000 to undertake work to help the properties resist water entry or make the property easier or quicker to recover from flooding. The grants are capital expenditure.
- 2.3 The North Worcestershire Water Management team has been in contact with the home and business owners known to be eligible to inform them of the grant and advise them of the process details. There has been collaboration with the Environment Agency in regard of properties that have already had works through a scheme they have been running in Wribbenhall to ensure those properties can benefit from measures to aid flood recovery under this scheme. There has also been collaboration with neighbouring councils to develop a consistent approach.
- 2.4 A Memorandum of Understanding has been signed by the Council and returned to DEFRA to register our intention to run the scheme in the district. Once the grant has been issued, DEFRA will reimburse the council.

#### 3. Key Issues

- 3.1 The exact number of applications that will be received and the amount of grant eligible in each case will is not known. It is estimated that approximately 130 out of the 160 affected businesses and homes could apply (one property hosting several businesses for example could only have one application for

the building itself). The likely financial implication based on the number of properties and businesses affected is in the region of £650,000. It is therefore proposed that the capital programme is amended to include the £650,000 estimated cost of this grant scheme; the exact expenditure will be dependent of the number of eligible applicants received. The Council will claim 100% of the costs of these grants back from DEFRA in line with the signed MoU so this scheme will be fully funded

- 3.2 The scheme will aim to complete all grants by end of March 2021, however some may run into the following financial year.
- 3.3 NWWM have identified the processes needed to administer the grants based upon the requirements of the MoU, the DEFRA guidance document and existing procedures used in the administration of other Grants awarded by the Council.

#### **4. Options**

- 4.1 That Overview and Scrutiny recommend to Cabinet to recommend to Council that there is an amendment to the Capital programme by £650k to provide Property Flood Grants (to be recovered by funding from DEFRA) noting that the exact level of expenditure will be dependent of the number of eligible applicants received OR
- 4.2 To put forward alternative or additional proposals to recommend to Cabinet.

#### **5. Consultation**

- 5.1 Discussions on the scheme have taken place with DEFRA to understand the mechanisms of funding and confirm our eligibility.
- 5.2 Discussions have been held with neighbouring councils and the county council to develop a consistent approach to the detail of the scheme and how it is applied.
- 5.3 CLT

#### **6. Related Decisions**

- 6.1 Not applicable

#### **7. Relevant Council Policies/Strategies**

- 7.1 Not applicable

#### **8. Implications**

- 8.1 Resources: capital funding for the works will be claimed from DEFRA under the scheme. Staffing resources to run the scheme within the existing budget.
- 8.2 Equalities: none

- 8.3 Partnership working: Positive joint working with Environment Agency, Worcestershire County Council and neighbouring authorities.
- 8.4 Human Rights: none
- 8.5 E-Government: none
- 8.6 Transformation: none

**9. Equality Impact Needs Assessment**

- 9.1 An Equality Impact Assessment Screening exercise has been undertaken and no adverse impacts were identified.

**10. Wards affected**

- 10.1 All

**11. Appendices**

- 11.1 Not applicable.

**12. Background Papers**

- 12.1 Details of the scheme are available at the web address:  
[https://collaborate.resilience.gov.uk/RDService/public/Property%20Flood%20Resilience%20\(PFR\)%20Recovery%20Support%20Scheme%20Guidance%20\(April%202020\).pdf?id=cf10fa08-a0b0-44ce-8f2f-eeb0f684714d](https://collaborate.resilience.gov.uk/RDService/public/Property%20Flood%20Resilience%20(PFR)%20Recovery%20Support%20Scheme%20Guidance%20(April%202020).pdf?id=cf10fa08-a0b0-44ce-8f2f-eeb0f684714d)
- 12.2 Flooding Briefing Paper, Overview and Scrutiny Committee 11<sup>th</sup> June 2020.

**Officer Contact Details:**

Name: Richard Osborne  
Title: Principal Environmental Health Officer  
Contact Number: 01562 732564



## Overview & Scrutiny Committee

### Briefing Paper

Report of: Mike Parker – Corporate Director Economic Prosperity  
& Place

Date: 2<sup>nd</sup> July 2020

Open

#### **Bromsgrove Street Car Park Developer Agreement**

### 1. Summary

- 1.1 This report set out the details of a proposed Agreement with the Council's former Glades Leisure Centre site development partner, Cordwell, in respect of the public car park at Bromsgrove Street and its usage in relation to the proposed cinema led leisure scheme planned for the former leisure centre site.

### 2. Background

- 2.1 The Council's former Glades Leisure Centre closed in 2016 and at their meeting in July 2016 the Cabinet agreed the Kidderminster Eastern Gateway Development Framework which subsequently became the Lion Fields Development Framework. As part of that Framework the redevelopment of the former leisure centre site was agreed and it was agreed by Cabinet in August 2016 to demolish the former leisure centre site. Cabinet had also agreed in February 2017 to procure a development partner to deliver a cinema led leisure redevelopment of the site. Having successfully run a procurement exercise to select a partner, the Cordwell Property Group Ltd (of Belbroughton) was appointed. They are funded by their partner Peveril Securities Ltd. The Development Agreement was finalised between the Council, Worcestershire County Council (which owns a small piece of the development site adjacent the health centre) and Cordwell in November 2019. Since then Cordwell have been working with a national cinema provider to secure them as anchor for the proposed development; whilst this work is yet to be finalised, it is ongoing but has been hampered by the Coronavirus epidemic.
- 2.2 The draft layout for the redevelopment site indicates that approximately 150 car parking spaces could be provided on the site of the former leisure centre. A planning application for the development has yet to be submitted and the final layout may change in respect of car parking numbers but is not expected to be wholly different than the draft. In discussion with potential cinema operators and food and beverage outlets that are expected might be the end user tenants, Cordwell advise that operators would be looking for an additional c170 parking spaces within close vicinity to the site and of course the Council's public car

park at Bromsgrove Street lies directly opposite the redevelopment site and would meet this requirement for the additional spaces.

- 2.3 In February 2019 as part of the ongoing release of redevelopment sites as part of the Lion Fields Development Framework, Cabinet agreed the vision for the redevelopment of part of the Bromsgrove Street car park at the northern end of the site (away from the former Glades site) for a residential redevelopment; this recognised that the car park was significantly underused since the leisure centre relocated and that part could now be released for redevelopment whilst retaining part to continue functioning as a town centre public car park.
- 2.4 In 2018 the Corporate Director: Economic Prosperity & Place commissioned White Young Green to undertake a strategic review of car parking provision in the wider Kidderminster Town Centre area to better understand how various redevelopment sites around the town affected the need for public car parking in the future. The report considered the impact of known redevelopment proposals on parking demand, such as the former leisure centre site. The conclusion reached in respect of Bromsgrove Street car park was that 130 spaces could be released for redevelopment purposes and that 176 should be retained for future town centre public parking needs. Fortunately this corresponds with the additional number of spaces required to support the cinema and leisure development.
- 2.5 During the course of their discussions with the intended cinema operator it has become apparent to Cordwell that it is essential in bringing forward the cinema development that some comfort is given to them that it is the Council's intention to retain the car park at Bromsgrove Street going forward and what is proposed is an Agreement between the Council, Cordwell and Peveril Securities to set out the proposed retention of the car park to enable use by visitors to the cinema development as well as the wider town centre.

### **3. Key Issues**

- 3.1 Attached at Appendix 1 is the potential reconfiguration of the Bromsgrove Street car park as was illustrated in the appendices to the report to Cabinet in 2019 when the vision for the release of land for development was agreed. This shows the retention of the 176 spaces as recommended by White Young Green.
- 3.2 The draft agreement is currently being finalised with Cordwell & Peveril Securities; currently the Council's Property Solicitor has an amended version out for their comment. There are a number of principles it is intended to resolve which reflect the heads of terms that Cordwell have agreed in principle with the cinema operator:
  - 3.2.1 That the car park will remain in use as a public pay and display car park;
  - 3.2.2 That the car park continues to operate with a minimum number of 170 spaces, other than for unforeseeable reasons or for such needs as maintenance requirements;

- 3.2.3 That the car park is open for thirty minutes either side of the trading hours of the cinema complex;
- 3.2.4 That the parking charges are consistent with other Council public car park charges in Kidderminster;
- 3.2.5 That the car park is maintained and lit;
- 3.2.6 That the Council will collaborate with the owners and occupiers of the development on any planned changes;
- 3.2.7 That the Council will not dispose of the car park for a minimum period of years.
- 3.3 Subject to negotiation with Cordwell and Peveril, none of these principles is considered unduly unreasonable and none should cause the Council to operate the car park in any other way than it has been operating as a public car park. The limit on the period the Council agrees to retain the car park and not dispose of it would be an impediment were the Council to be considering disposal, but in the light of the White Young Green report the Council can be confident that this amount of car parking will be necessary in the future as part of the strategic distribution of parking spaces across the town, so it should present no problem for the Council to offer this assurance to Peveril in order to facilitate the cinema proposal.
- 3.4 There are risks associated with both entering this Agreement and not entering it; entering the Agreement will place limitations on the Council's ability to dispose of the site (although this is part of the ongoing negotiation to limit the extent of this) and on the requirement to retain and maintain it for parking purposes. Not entering the Agreement risks the failure to deliver the cinema redevelopment and a key cornerstone of the Council's Lion Fields redevelopment plan, with consequential effects on the town centre and the Council's plans to re-balance the shift of the town centre to Weavers Wharf.

#### **4. Conclusion**

- 4.1 As can be seen from the above, there is a proposal for the Council to enter into an Agreement with Peveril Securities Ltd to assist with the delivery of the cinema led leisure development of the former Glades Leisure Centre site by offering a period of guarantee during which the Council will retain a minimum of 170 car parking spaces on its Bromsgrove Street public car park. This will supplement the car parking to be provided on the site of the cinema redevelopment, but which falls short of the numbers that such a development would normally expect to provide.

#### **5. Options**

- 5.1 The Overview and Scrutiny Committee has the following options:
  - 5.1.1 To recommend to Cabinet that the Council agrees to enter into the Agreement once a final version has been agreed between the Council and Peveril Securities Ltd;



- 5.1.2 To recommend to Cabinet that the Council does not enter into an Agreement with Peveril Securities Ltd;
- 5.1.3 To recommend to Cabinet that the Council only enters into an Agreement with Peveril Securities as long as certain criteria are met which the Overview and Scrutiny Committee may feel germane to the Agreement.

**6. Appendices**

Appendix 1 – Plan of potential car park layout following release of spaces to enable redevelopment of part of the existing car park site.

**7. Background Papers**

Cabinet reports July 2016, August 2016, February 2017, February 2019.

White Young Green Strategic Car Park review 2018

**Officer Contact Details:**

Name: Mike Parker

Title: Corporate Director: Economic Prosperity & Place

Contact Number: 2500

# Design Option B - Computer Generated Images



View from north-west

**Overview & Scrutiny Committee  
Work Programme 2020-2021**

**11<sup>th</sup> June 2020**

“How are we doing?” Q4 update (Housing and Planning)

Consideration of the flooding motion from Council

Car Parking Changes as of 1st June 2020

Information Items:

Recommendation Tracking 2019-2020

Feedback from Cabinet 31-03-2020

**25<sup>th</sup> June 2020 – Special**

Consideration of the flooding motion from Council – Evidence Gathering from the Environment Agency

**July 2020**

Consideration of the flooding motion from Council – Evidence Gathering from Worcestershire County Council, West Mercia Police, Hereford & Worcester Fire and Rescue Service and Severn Trent

Review of Public Space Protection Orders (PSPOs) and Results of the Consultation Process

Community Led Housing Policy Update

Property Flood Grants – Amendment to Capital Programme

Bromsgrove Street Car Park Developer Agreement

Nominations for Treasury Management Review Panel

**July 2020 (Date TBC)**

Capital Portfolio Fund Quarterly Performance Report – EXEMPT Appendix

**September 2020**

“How are we doing?” Q1 update (Enabling)

Consideration of the flooding motion from Council – Evidence from voluntary partners, affected residents and businesses.

Treasury Management Report

**November 2020**

“How are we doing?” Q2 update (Business and People)

Treasury Management Report

Capital Portfolio Fund Quarterly Performance Report – EXEMPT Appendix

**February 2021**

“How are we doing?” Q3 update (Place)

Treasury Management Report