

BROMSGROVE DISTRICT COUNCIL

PARISH COUNCILS' FORUM

Tuesday, 21st June 2005, at 6.30 p.m.

PRESENT: Councillor D. C. Norton (Chairman)

| Parish | Representative(s) |
|------------------------------|--|
| Barnt Green | Mrs. E. M. Buckett (Chairman) Mr. R. Westbury (Clerk) |
| Belbroughton | Mr. R. E. Copley (Clerk) Mr. C. R. Scurrrell |
| Bentley Pauncefoot | Mr. R. M. M. Boss (Chairman) Mr. C. M. W. Sansom |
| Beoley | Mrs. J. D. Luck (Chairman) Miss P. Harrison (Clerk) Mr. B. J. Somner |
| Catshill and North Marlbrook | Mr. P. J. Baker (Chairman) |
| Clent | Mrs. P. A. Harris (Clerk) Mr. S. H. Malek |
| Cofton Hackett | Mrs. P. Foxall (Clerk) Mr. B. Bridgewater |
| Dodford with Grafton | Mrs. C. E. Limm (Clerk) Mr. V. S. Dawson |
| Finstall | Mrs. S. Reynolds (Clerk) |
| Hagley | Mr. A. G. Lewis |
| Lickey and Blackwell | Mrs. J. A. Casey (Clerk) |
| Romsley | Mr. I. A. Hodgetts (Chairman) |
| Stoke | Mrs. T. Roll (Chairman) |
| Tutnall and Cobley | Mrs. S. Reynolds (Clerk) |
| Wythall | Miss P. Harrison (Clerk) Mr. L. J. Turner |

1. **APOLOGIES**

Apologies for absence were received from:-

| Parish | Representative |
|----------------------|------------------------------|
| Belbroughton | Mr. P. Shotton |
| Bentley Pauncefoot | Mrs. T. Green (Clerk) |
| Lickey and Blackwell | Mr. R. Brown (Chairman) |
| Romsley | Mrs. P. L. Taylor (Clerk) |
| Stoke | Mrs. J. Birmingham |
| Wythall | Mrs. S. J. Baxter (Chairman) |

2. **MINUTES OF MEETING HELD ON 16TH DECEMBER 2004, AND MATTERS ARISING**

The Minutes of the Meeting of the Parish Councils' Forum held on 5th April 2005 were submitted.

Mr. C. R. Scurrrell raised a question concerning the progress made in connection with the creation of a Parish Charter for either the district of Bromsgrove by the District Council, or a joint Charter for Worcestershire as a whole by the County Council.

In reply, Mr. V. Harrison informed the Forum that, although the Countywide Charter had been reported to be operating in other areas of Worcestershire, he was not yet in a position to make comparisons between the two draft parish charters and stated that a report to a future Meeting of the Forum would be presented in due course.

It was **AGREED** that the Minutes be approved as a correct record and signed by the Chairman.

3. **CRIME AND DISORDER ACT 1998 - SECTION 17**

Mr. G. Roche, Community Safety Officer, addressed the Meeting and introduced PC S. Baker, Crime Risk Officer for Bromsgrove Police. They gave a combined presentation on the scope of Section 17 of the Crime and Disorder Act 1998, how it related to local authorities and its partner agencies, and explained how the legislation was intended to help prevent crime and disorder with the intention of creating a safer environment for residents of, and visitors to, the District.

PC Baker referred to how Parish Councils would also have to consider the repercussions of any decisions they make as a result of the legislation, especially in relation to planning and licensing matters. Mr. Roche informed the Meeting that initial training courses had been held for Members of the District Council and staff, adding that further service specific training may be provided in the near future by representatives from Northumberland County Council, one of the leading authorities in promoting awareness of Section 17. PC Baker stated that, if necessary, he could be contacted on (01527) 586222 to respond to any questions relating to the implications of the legislation.

This was noted and the Chairman thanked PC Baker and Mr. Roche for their presentation.

(The presentation "slides" used during this item are attached at Appendix 1).

4. **PARISH PLANS AND VILLAGE DESIGN STATEMENTS - ASSIMILATION INTO THE LOCAL DEVELOPMENT FRAMEWORK**

Mr. P. Crysell, Head of Local Plans, addressed the Meeting and explained the background to the new planning policy system, the differences between Parish Plans and Village Design Statements and how they fitted within the Local Development Framework. He stated that, as different parishes within the District were at differing stages of work in relation to these matters, he could only give a summary as to the current planning policy position.

Mr. Crysell explained that the intention of Parish Plans was to identify key planning issues at a local level in order to link-in with the statutory planning system, and influence the wider Community Strategy and the new Local Development Framework (the "Local Plan" replacement). He continued by outlining how Village Design Statements were a much more limited document relating to topics such as the local character of a village and how the influence of the design of buildings and landscape created local distinctiveness. Furthermore, Mr. Crysell stated that, whilst provisions exist in order for a Village Design Statement to continue as a separate planning policy document, an adopted Parish Plan would feed into the statutory planning processes.

After answering a number of questions from the floor which, amongst other things, raised issues concerning the working arrangements and co-operation between the District Council and Parish Councils, sources of grant funding and the deadlines laid down by the Government/planning legislation, the Chairman thanked Mr. Crysell for his presentation. Mr. Crysell added that he, and his Officers in the Local Plan

Division, anticipated that they would be able to provide advice to, and co-operate with, the parishes to assist in their Parish Plan/Village Design Statement process.

This was noted.

(The presentation "slides" used during this item are attached at Appendix 2).

5. **WASTE MANAGEMENT / EMPLOYMENT OF WASTE CONTRACTORS**

Mr. Harrison circulated and read out a response to the waste management questions referred to on the Agenda. The information, some of which he had obtained from the Environment Agency, is attached at Appendix 3.

Mr. Harrison also gave a telephone number for Mr. K. Blackburn, Refuse Manager at the Council's Depot, as quoted on the response circulated, adding that, if the parish councils had any further queries, they should contact Mr. Blackburn direct.

This was noted.

6. **CONCURRENT FUNCTIONS**

Miss J. Pickering, Corporate Finance Manager, reported that, further to the information given at the last Meeting of the Forum, the Executive Cabinet was continuing to assess the areas of expenditure for the services provided by the Council. She anticipated that this would lead to a review, in consultation with the Parish Councils, as to how the services could be best delivered across the district whilst at the same time ensuring an equitable division of resources. Miss Pickering anticipated that the revised approach would form the basis of the 2006/2007 budget and a report presented to the next Meeting of the Forum in September.

In conclusion, Miss Pickering stated that the balance for 2004/2005 would be paid when the final schedules of the actual spend had been received, together with the adjusted second payment for 2005/2006.

This was noted.

7. **STAFFING LEVELS IN PLANNING ENFORCEMENT AND THE PURSUANCE OF ENFORCEMENT ACTION**

Concern was expressed by the parish councils as to the level of service currently provided by the District Council's Enforcement Section within the Development Control Service.

In response, Mr. D. Hammond, the Council's Development Control Manager, stated that a severe staff shortage within the Development Control Section, and particularly within the Enforcement Section where a post had been removed from the staffing structure due to corporate budgetary restrictions, had resulted in a large accumulation of matters to be investigated.

Mr. Hammond added that, at present, enforcement issues reported to the Council had to be prioritised as to the severity of any breach of planning control. However, he anticipated that, as the staffing problems were resolved with the employment of new part-time and full-time staff in the future, the planning enforcement service would soon catch up with the backlog of work.

In support of Mr. Hammond, Mr. M. Griffiths, Director of Planning Services, stated that the Council was very supportive of its Planning Services and that the current unfortunate issues had occurred as a result of budget problems coinciding with staff turnover.

This was noted.

8. **GROUNDS MAINTENANCE - RESPONSIBILITY**

In response to a question raised by the Area Committee of the County Association of Local Councils (CALC), Mr. Harrison advised that if any parish council had any problems with areas of land which the Council or Bromsgrove District Housing Trust (BDHT) would normally maintain, the Council would need to know the location of the piece of land in question. He added that, although several areas of land on the housing estates that were transferred with the housing stock, the Council retained responsibility for various other areas which would be maintained in accordance with the Depot's planned system.

Mr. Harrison stated that, if the land was in the ownership of the housing trust and not being regularly maintained, the parish councils would need to first contact BDHT to seek a solution, before contacting the Housing Strategy Section at the Council for further assistance.

This was noted.

9. **PARISH REVIEWS**

Mr. Harrison reported that four requests had been received from parish councils seeking to reduce their number of parish councillors and stated that a Meeting of the Electoral Matters Committee had been arranged on 12th July 2005 to consider the proposals.

Mr. Harrison advised that, if any other parish councils were considering a review of their membership, he would be grateful if he could be informed as soon as possible.

This was noted.

10. **DEMOCRACY GUIDE**

Mr. Harrison referred to the recent publication of the Council's new Democracy Guide and stated that supplies of the booklet could be made available to parish councils upon request.

This was noted.

11. **DATE OF NEXT MEETING(S)**

The Chairman referred to the date of the next Meeting, which was scheduled for 27th September 2005.

The Meeting closed at 8.00 p.m.

Chairman

What does it say?

Section 17: Without prejudice to any other obligation imposed upon it, it shall be the duty of each authority... to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area.

It applies to the following

- Every Council, including District, Unitary authority or County.
- Police Authorities including Chief Officer of Police.
- Primary Care Trusts.(To follow)
- Fire and Rescue Authorities.

I don't deal with Crime and Disorder!

Whilst not directly your actions or policies could impact on crime and disorder

Impact of section 17.

- Contributing to an inter agency approach on crime and reduction strategies could reduce demand on your agencies resources.
- Resource sharing.
- Reduces the risk to staff, clients and assets of the organisation.

How can it be implemented?

- Corporate approach.
- Individual service areas.
- Committee

Committee Decisions(reports endorsed)

- Least effective.
- Miss out on cost savings.
- Requires staff and members to have wide knowledge of the principles of crime and disorder reduction.

Individual Service Areas

- This is the mid-level approach.
- Often referred to mainstreaming community safety.
- Having strategies and policies in place to identify and reduce the risk to staff, local communities and property.
- Including community safety objectives in service plans.
- Building community safety into consultation.

The corporate approach

Treating crime and disorder reduction as a whole organisation activity and supporting it at corporate level

Getting started, carrying out a review.

- What can individual services do to reduce the risks to their staff and other assets?
- What can they do to reduce crime and disorder and improve community safety in their communities?
- What are they doing already?

Audit trails

- It is advisable to include a section at the end of policies, strategies and action plans to indicate that consideration has been given Section 17(CDA) and the duty it imposes and there are no implications arising from it.
- This provide transparency for audit trails.
- There are no assumptions about the consideration.

Examples of section 17 inputs

| Service | Department specific actions | What is it for me? | Common constraints |
|----------|---|---|---|
| Housing | Crime prevention training for staff. Tenancy enforcement. Allocations policy. Neighbourhood wardens(accredited). Civil law remedies. Media strategy. | Reduced repairs to housing stock Community inclusion Improved quality of life for tenants | Funding Demands on staff Apally from tenants |
| Planning | Neighbour Justice Consult Police on planning applications Consideration of using secured by design as base standard for applications Consider crime and disorder within local plans and strategic planning | Improve design quality. Support from partners(police) when dealing with applications below standard. Alternative view point when reviewing local and strategic plans. | Conflicting policies Interpretation of primacy of planning guidance and crime and disorder issues. |
| Schools | Targeted work with persistent truant and excluded students. Address hate crime. Support students affected by domestic violence. Promote crime prevention within staff and students. | Reduction policy Staff able to focus on primary role. Higher student attainment. Resources directed at student learning rather than repairs. | |

We live in a litigation society and it will not be long before an individual, business or group initiate legal proceedings against an authority for neglect in relation to crime and disorder.

It is therefore best practice to record that the impact on crime and disorder was considered for that area of business.

Parish Plans

- identify key issues at the local level
- provide a strategy for local area action
- inform other agencies of objectives at parish level
- act as a linking document with the statutory planning system

Parish Plans & Village Design Statements

Village Design Statements

- Describes local character of a village
- Shows how landscape, settlement form and building structures are key aspects of local distinctiveness
- Sets down design principles based on character
- Can form part of a parish plan
- Can link with the statutory planning process

Parish Plans & Village Design Statements

Planning & Compensation Act 2004

- Introduced new planning system
- Requires changes in way in which plans are produced
- Gives increased weight to supplementary plans
- Necessitates more rigorous approach to 'plan' work

Parish Plans & Village Design Statements

Key Aspects

- Parish Plans & VDS must conform with Core Strategy and any other plans (including RSS)
- PPs & VDS have to conform with regulations on consultation processes [Reg 17(1)]
- Can be challenged through courts within 3 months of adoption
- Requires close cooperation between District and Parish Councils

Parish Plans & Village Design Statements

What to Do

- Decide what parts of the Parish Plan are to be adopted
- Make sure PP conforms with all other plans
- Carry out proper consultation, record responses and how they are dealt with
- Ensure District Council has all available information if it has to carry out final consultation process
- Be patient

Parish Plans & Village Design Statements

What We Do

- Produce a Core Strategy against which all other plans are associated
- Review plans to be produced annually
- Have confidence that any external plans can be delivered on time
- If necessary, carry out final consultation processes for Supplementary Planning Documents
- Try not to be surprised by changes to the system

Parish Plans & Village Design Statements

Parish Councils' Forum - 21st June 2005

Waste Contractors

The query has been raised as to the extent of liability for a Parish Council, which is having waste from its land disposed of by a private contractor. The following information has been obtained from the Environment Agency:

In an organisation is employing a contractor to take waste away from its land, it has a duty of care to see that the contractor is properly licensed to do the work. A contractor doing this work has to have a Waste Carrier's Licence, issued by the Environment Agency. These licences last for 3 years and cost the contractor £130.00 on the first occasion and £90 - £100 on renewal. The Environment Agency carry out periodic roadside checks on vehicles carrying waste and any company which owns such a vehicle and does not have a licence is likely to be prosecuted. The organisation from which the waste was collected could also be prosecuted in these circumstances but the Environment Agency is more likely to opt for a letter giving them a ticking off on the first occasion.

The advice to a Parish Council which is considering employing a contractor to take away waste is: ask to see their Waste Carrier's Licence (a national company like Biffa will probably have to produce a copy s they'll only have one original for the whole country). Alternatively, a telephone call can be made to the Environment Agency on 08708 506506 to check whether a particular company or individual has an up-to-date Licence - ask for the Section dealing with Waste Collection Licences for the Bromsgrove Area.

The question has also been asked as to what assistance Bromsgrove District Council can provide. Bromsgrove District Council already empties dog and litter bins for some Parish Councils. The charge made (per emptying) is £11.48 for the first bin and £4.60 for each other bin. To make arrangements for this service, please contact Keith Blackburn on 01527 881702.