

**Members are reminded that they must declare all relevant pecuniary and non-pecuniary interests relating to any items of business to be discussed at this meeting**

**BIRMINGHAM CITY COUNCIL**

**JOINT CABINET MEMBER AND CHIEF OFFICER**

**WEDNESDAY, 18 JANUARY 2017 AT 00:00 HOURS**  
**IN CABINET MEMBERS OFFICE, COUNCIL HOUSE, VICTORIA**  
**SQUARE, BIRMINGHAM, B1 1BB**

**A G E N D A**

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**1 BIRMINGHAM INQUESTS 1974 - PUBLIC**

Report of Acting Strategic Director - Place

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**2 CENTENARY SQUARE PUBLIC REALM IMPROVEMENT SCHEME**

Item Description

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**3 BEECHES, BOOTHS AND BARR (3B'S) NEIGHBOURHOOD AREA AND NEIGHBOURHOOD FORUM DESIGNATIONS**

Item Description

**P R I V A T E   A G E N D A**

**4 BIRMINGHAM INQUESTS 1974 - PRIVATE**

Item Description

**5 CENTENARY SQUARE PUBLIC REALM IMPROVEMENT SCHEME PRIVATE**

Item Description



<b>Report to:</b>	<b>JOINT CABINET MEMBER AND ACTING STRATEGIC DIRECTOR OF PLACE</b>	
<b>Report of:</b> <b>Date of Decision:</b>	<b>ACTING STRATEGIC DIRECTOR OF PLACE</b> <b>12 th January 2017</b>	
<b>SUBJECT:</b>	<b>BIRMINGHAM INQUESTS (1974)</b>	
<b>Key Decision:</b> <b>No</b>	<b>Relevant Forward Plan Ref:</b>	
<b>If not in the Forward Plan:</b> <b>(please "X" box)</b>	<b>Chief Executive approved</b> <input type="checkbox"/> <b>O&amp;S Chairman approved</b> <input type="checkbox"/>	
<b>Relevant Cabinet Member(s) or Relevant Executive Member</b>	<b>Councillor Clancy, Leader</b>	
<b>Relevant O&amp;S Chairman:</b>	<b>Councillor Mohammed Aikhlaq, Corporate Resources and Governance</b>	
<b>Wards affected:</b>	<b>Not Applicable</b>	

<b>1. Purpose of report:</b>
1.1 To note the appointment of the Coroner, His Honour Peter Thornton QC by the Secretary of State as the Coroner for the Birmingham Inquests 1974.
1.2 To seek approval to use the Civil courts at Bull Street, Birmingham.
1.3 A private report contains further information to appoint the resources requested by the Coroner and for the payment of his fees.

<b>2. Decision(s) recommended:</b>
That the Leader jointly with the Acting Director of Place:-
2.1 Approves the use of the Civil Courts at Bull Street, Birmingham.
2.2 Notes the Public report.

<b>Lead Contact Officer(s):</b>	Alison Harwood, Acting Director, Regulation & Enforcement
<b>Telephone No:</b> <b>E-mail address:</b>	303 0201 alison.harwood @birmingham .gov.uk

<b>3. Consultation</b>
<p>3.1 <u>Internal</u></p> <p>The Chief Executive has been notified of the appointment of His Honour Peter Thornton QC by the Secretary of State as the Coroner for the Birmingham Inquests 1974. He has also been consulted on the proposed process of the Birmingham inquests 1974 and the necessary appointment of Counsel and Solicitors to the Inquest. They have also been consulted on the potential for the appointed solicitors to make an application to Central Government for funding the process.</p> <p>3.2 <u>External</u></p> <p>The Senior Coroner for Birmingham &amp; Solihull has been consulted on the process.</p>
<b>4. Compliance Issues:</b>
<p>4.1 <u>Are the recommended decisions consistent with the Council's policies, plans and strategies?</u></p> <p>Yes as this is a statutory requirement of the City Council under the Coroners &amp; Justice Act 2009.</p> <p>4.2 <u>Financial Implications</u></p> <p>There is a statutory obligation on the City Council to fund this inquest and it will be required to identify staff, accommodation and financial resources. There is no funding. In the current approved budgets for the Regulatory Services (Coroners Service) in 2016/17 and no provision in the proposed budget for 2017/18. Any costs incurred in the interim will have to be funded from corporate policy contingencies while the application for national resources is determined.</p> <p>In a letter dated 9<sup>th</sup> November 2016 from the Chief Executive to the Secretary of State for Justice and Lord Chancellor notice was given that the City council would be making a submission for financial assistance from central government. If the submission for financial assistance is not successful, the city council will be required to identify sufficient resource to cover the inquest.</p> <p>At this stage it is not possible to establish or estimate the financial implications to the City Council as the scope of the inquest has not been established. His Honour Peter Thornton QC has indicated that following his scoping of the inquest which is scheduled for February 2017 (although this may well be delayed as the families have yet to establish whether they will obtain legal aid) it should be possible to provide a meaningful estimate of the resources required.</p> <p>The appointment of a solicitor to the inquest would facilitate the submission of an application to central Government for funding. This application will require detailed costings and projections which His Honour Peter Thornton QC recommends be produced by an expert in the field.</p> <p>4.3 <u>Legal Implications</u></p> <p>The Coroners &amp; Justice Act 2009 places the city council under a duty to administer and fund these inquests.</p> <p>4.4 <u>Public Sector Equality Duty</u></p> <p>Not Applicable</p>

<b>5.</b>	<b>Relevant background/chronology of key events:</b>
5.1	Following submissions made by some families of the victims of the 1974 pub bombings in Birmingham to the Senior Coroner for Birmingham & Solihull, she was required to make a decision on re-opening the inquests into these deaths. These submissions were made due to the overturning of the convictions of those originally convicted of the offences which meant that the original inquests had not been concluded.
5.2	The Senior Coroner for Birmingham & Solihull, at a hearing on 1 June 2016, ordered that the inquests into these deaths should be resumed and inquest hearings conducted.
5.3	In October 2016, following a request from the senior coroner, the Lord Chief Justice after consultation with the Lord Chancellor and pursuant to Schedule 10 to the Coroners and Justice Act 2009 nominated His Honour Peter Thornton QC (formerly the Chief Coroner) as the judge (coroner) to conduct these inquests. The inquests will be conducted together in one set of proceedings.
5.4	On 1 <sup>st</sup> November 2016 His Honour Peter Thornton QC sent a letter detailing his proposed fees.
5.5	His Honour Peter Thornton QC has approached Birmingham City Council with a memorandum to local authority on funding on the 15 <sup>th</sup> November 2016 and a letter dated the 21 <sup>st</sup> November 2016 . These included the appointment of Counsel, Solicitors and the preparation of an application to central government for funding for these inquests.
5.6	His Honour Peter Thornton QC has identified that the Civil Courts, Bull Street Birmingham, would be a suitable premise to hold the inquests. The costs associated with this building are yet to be confirmed.
5.7	On the 21 <sup>st</sup> December 2016 His Honour Peter Thornton QC met with Senior Officers of the City Council to discuss the outline requirements for the inquests. This has been followed up with a letter dated 21 <sup>st</sup> December 2016 in which he explains his reasoning for the appointment of solicitors to the inquest. The City Council has a Statutory duty to provide the Coroner appointed to this inquest with the necessary resources to carry out his judicial function. As he highlights in his letter the kind of work required for this inquest is outside the experience of Birmingham City Council and will require expert assistance
5.8	Without a solicitor there is likely to be unavoidable delay which is not in the interests of any parties involved. In an Article 2 inquest of this kind, where the State has a duty to investigate and that duty is delegated to the coroner as an independent judicial office holder, the law says that there must be 'reasonable expedition' in completing the proceedings, even though the events were many years ago.
<b>6.</b>	<b>Evaluation of alternative option(s):</b>
6.1	There are no alternative options.

<b>7. Reasons for Decision(s):</b>
7.1 To prevent delay of the inquests into the deaths of 21 people in the Birmingham Pub Bombings 1974.
7.2 To avoid reputational damage to the City Council due to any delay.
7.3 To provide closure to this historic atrocity for the families and Birmingham.

<b>Signatures</b>	<b><u>Date</u></b>
Cabinet Member or Executive Member or Ward Committee Chairman	.....
Cllr Clancy, Leader	
Chief Officer	.....
Jacqui Kennedy, Acting Strategic Director of Place	

<b>List of Background Documents used to compile this Report:</b>

<b>List of Appendices accompanying this Report (if any):</b>

<b>Report Version</b>		<b>Dated</b>	
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**BIRMINGHAM CITY COUNCIL**

**PUBLIC REPORT**

<b>Report to:</b>	<b>Cabinet Member for Value for Money and Efficiency jointly with the Strategic Director for Major Projects.</b>
<b>Report of:</b> <b>Date of Decision:</b>	<b>Strategic Director of Economy</b> <b>6 January 2017</b>
<b>SUBJECT:</b>	<b>CENTENARY SQUARE PUBLIC REALM IMPROVEMENT SCHEME</b>
<b>Key Decision: No</b>	<b>Relevant Forward Plan Ref: N/A</b>
<b>Relevant Cabinet Member(s) or Relevant Executive Members</b>	<b>Councillor Majid Mahmood, Value for Money and Efficiency</b>
<b>Relevant O&amp;S Chairman</b>	<b>Councillor Mohammed Aikhlaq, Corporate Resources and Governance</b>
<b>Wards affected:</b>	<b>Ladywood</b>

<b>1. Purpose of report:</b>
1.1 To discharge the recommendations in the report presented to Cabinet on 19th April 2016.

<b>2. Decision(s) recommended:</b>
That the Cabinet Member for Value for Money and Efficiency jointly with the Strategic Director for Major Projects:
2.1 Notes that the Strategic Director for Major Projects in consultation with Deputy Leader and Cabinet Member for Transport and Roads approves the final design subject to the approval of the Social Value Action Plan submitted by the contractor, by the Cabinet Member for Value for Money and Efficiency (as noted within the accompanying private report)
2.2 Authorises the Strategic Director for Place in consultation with the Strategic Director for Major Projects to implement an effective management and maintenance plan, approved by the Cabinet Member for Value for Money and Efficiency and specific to Centenary Square, on completion of the development.

<b>Lead Contact Officers:</b>	<b>Jim Wilson – Project Delivery Manager</b>
<b>Telephone No:</b> <b>E-mail address:</b>	<b>0121 464 4340</b> <b><a href="mailto:jim.wilson@birmingham.gov.uk">jim.wilson@birmingham.gov.uk</a></b>

3.	<b>Consultation</b>
3.1	<p><b><u>Internal</u></b></p> <p>The development of the project has been overseen by the Centenary Square Project Board and its advisors with representation from Planning and Regeneration, Acivico, and Transportation.</p> <p>Officers from City Finance and Legal Services have been involved with the preparation of this report.</p> <p>Briefings were held with the Deputy Leader, the Cabinet Member for Transport and Roads, the Acting Strategic Director Place, and the Strategic Director Economy who are supportive of the scheme.</p>
4.	<b>Compliance Issues:</b>
4.1.	<p><b><u>Birmingham Business Charter for Social Responsibility</u></b></p> <p>As a provider on the Constructing West Midlands Framework the recommended contractor is already an accredited signatory to the Birmingham Business Charter for Social Responsibility. An action plan with commitments relevant and proportionate to this contract, including the provision of work placements, apprenticeships and a financial contribution towards the cost of cleaning the Hall of Memory, has been submitted by the contractor and its approval is now sought on the Private report.</p>
5	<b>Relevant background/chronology of key events:</b>
5.1	<p>The Centenary Square refurbishment project is part of a programme of schemes to transform the Westside of the City Centre. Featuring within the Big City Plan and the Enterprise Zone Investment Plan 2012, the site is centrally located, and once developed will be 'an attractive centrepiece' and key gateway to the expanding Central Business District, seamlessly connecting the Westside of the City Centre which includes the Paradise Forum, Arena Central, Baskerville Wharf, Symphony Hall, International Convention Centre, Repertory Theatre and the Library of Birmingham.</p> <p>The Square is part of the wider investment plan in the area by the City, following the completion of the Library of Birmingham. The project reflects the City's ambition for the location in attracting significant inward investment to the area bringing with it valuable economic benefits for the people of Birmingham and beyond. The scheme complements the Metro project and the design will be commensurate with the new Paradise Forum and Arena Central developments and HSBC's new headquarters.</p> <p>The project will deliver an outstanding world class public space for the City of Birmingham. The components of the new square combine to create a scheme which is creative and innovative and will become distinctively Birmingham; a place for people to visit, photograph and use, whether they live or work in or visit the City. The new space is also the finishing piece of the puzzle completing this area with a square that can unite all the surrounding new, existing and proposed developments.</p> <p>The Full Business Case (FBC) and Cabinet Report was approved by Cabinet on 19th April 2016 to progress with the scheme. However, as part of decision recommendations, it was noted that the award of the contract would be subject to the approval of the final design by the Strategic Director for Major Programmes and Projects in consultation with the Deputy Leader and Cabinet Members for Development, Transport and Economy and</p>



for Commissioning, Contracting and Improvement.

- 5.5 Following the Cabinet approval the preferred Contractor was instructed to progress with RIBA Stage 4 design works, including addressing the outstanding design issues set out in items (2.4) and (2.5) of Cabinet's decision ("the Design Decision");

"2.4 Requires the City Centre Public Realm Project Board to ensure that the final design includes the ability to accommodate concerts, the Christmas Fair, the Big Wheel, the Ice Rink and the Remembrance Day Service and Parade centered on the Hall of Memory."

"2.5 Delegates approval of the final design to the Strategic Director for Major Programmes and Projects in consultation with the Deputy Leader and Cabinet Members for Development, Transport and Economy and for Commissioning, Contracting and Improvement"

- 5.6 The scheme was submitted for approval by Planning Committee on 4<sup>th</sup> August 2016. However, the decision to approve was deferred in order for the project team to address a number concerns about the design that were raised by Committee members. Subsequently, the issues were addressed and design amended and the scheme gained approval [ by Planning Committee ] on 18<sup>th</sup> August 2016.
- 5.7 The Strategic Director – Major Programmes and Projects and Corporate Resources has reviewed the updated design and has confirmed that he is satisfied with final design.
- 5.8 A briefing meeting was held with the Deputy Leader and the Cabinet Member for Transport and Roads on Tuesday 23<sup>rd</sup> August 2016. The key issues and recommendations that were raised within the Design Decision were discussed. During the briefing, all concerns from Design Decision were satisfactorily addressed. It was agreed by the Deputy Leader that the requirements of the Design Decision were now satisfied and discharged.
- 5.9 A briefing meeting was held with the Cabinet Member for Value for Money and Efficiency on Tuesday 27 September 2016. The key issues and recommendations that were raised within the Design Decision were discussed. During the briefing, all concerns from the Design Decision were satisfactorily addressed. It was agreed that the requirements of Design Decision were now satisfied and discharged. Further assurances regarding the management and maintenance of Centenary Square were given and have now been incorporated into the recommendation.

**6. Reasons for Decision(s):**

- 6.1 To progress the implementation of the Centenary Square Public Realm Improvement Scheme.

**Signatures**

Date

Councillor Majid Mahmood  
Cabinet Member for Value for Money and  
Efficiency

Paul Dransfield  
Strategic Director Major Projects

List of Background Documents used to compile this Report: Centenary Square Report to Cabinet 19 April 2016
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Report Version	Final	Dated	06/01/17
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# BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>DEPUTY LEADER JOINTLY WITH STRATEGIC DIRECTOR FOR ECONOMY</b>
<b>Report of:</b> <b>Date of Decision:</b>	<b>Assistant Director, Development</b> <b>18<sup>th</sup> January 2017</b>
<b>SUBJECT:</b>	<b>Beeches, Booths and Barr (3B's) Neighbourhood Area and Neighbourhood Forum Designations</b>
<b>Key Decision: No</b>	<b>Relevant Forward Plan Ref:</b>
<b>If not in the Forward Plan: (please "X" box)</b>	<b>Chief Executive approved</b> <input type="checkbox"/> <b>O&amp;S Chairman approved</b> <input type="checkbox"/>
<b>Relevant Cabinet Member:</b>	<b>Councillor Ian Ward, Deputy Leader</b>
<b>Relevant O&amp;S Chairman:</b>	<b>Councillor Zafar Iqbal, Economy, Skills and Transport</b>
<b>Wards affected:</b>	<b>Perry Barr</b>

<b>1. Purpose of report:</b>
<p>1.1 This report seeks approval for the designation of the Beeches, Booths and Barr (3B's) Neighbourhood Area (identified in Appendix 1) and the 3B's Neighbourhood Planning Forum as the relevant body to prepare a Neighbourhood Plan (NP). The Forum has submitted applications to the Council (see Appendix 2) seeking the designation of the Neighbourhood Area and Neighbourhood Forum, which, when approved will enable the group to progress with the preparation of a NP.</p>

<b>2. Decision(s) recommended:</b>
That the Deputy Leader jointly with the Strategic Director for Economy:
<p>2.1 Designates the Beeches, Booths and Barr (3B's) Neighbourhood Area as shown on the map in Appendix 1.</p> <p>2.2 Designates the 3B's Neighbourhood Planning Forum as the relevant body to prepare a Neighbourhood Plan (NP) for the identified Neighbourhood Area, subject to the amendment set out in section 4.4.</p>

<b>Lead Contact Officer(s):</b>	Kelly Whitehouse, North-West Planning and Regeneration Team
<b>Telephone No:</b> <b>E-mail address:</b>	0121 464 9871 kelly.whitehouse@birmingham.gov.uk

### **3. Consultation**

#### **3.1 Internal**

- 3.1.1 Consultation has been carried out with the Ward Councillors for Perry Barr, along with the MP for Perry Barr and the District Chairman. Briefings were also undertaken with Council services on the applications, including Housing, Resilience Drainage and Flood Risk, Sports and Leisure, Birmingham Property Services, Strategic Transportation and Partnerships and Planning Strategy. Comments received are generally supportive and no objections have been submitted on the extent of the proposed Neighbourhood Area and 3B's Neighbourhood Forum as the body to prepare the NP.
- 3.1.2 The main consideration raised has been from the Sport and Leisure service in relation to the City's potential Commonwealth Games bid and the inclusion of the Alexander Stadium within the proposed Neighbourhood Area. This is assessed in section 5 of the report.

#### **3.2 External**

- 3.2.1 In accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended), the Council publicised the application for a 6 week period from Monday 24th October - Monday 5th December 2016. This provided people with an opportunity to comment on the proposed Neighbourhood Area and Forum. Consultation was carried out using a variety of methods, including a briefing at Perry Barr Ward Committee, articles in local publications (Perry Hall Community Association Newsletter and Great Barr Observer), site notices throughout the proposed Neighbourhood Area, a dedicated NP webpage on the Council website and details added to BeHeard (the Council's consultation portal). As part of the consultation, relevant statutory consultees were also informed about the application, as well as a number of key landowners within the proposed Neighbourhood Area.
- 3.2.2 Nine consultation comments were received, including comments from statutory consultees, local residents and the Council for British Archaeology (summarised in Appendix 3). The comments submitted are generally supportive and no objections have been received on the proposed Neighbourhood Area and Neighbourhood Forum.

### **4. Compliance Issues:**

#### **4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies?**

- 4.1.1 Neighbourhood Planning is a way for communities to decide the future of the places where they live and work, by identifying where new shops, houses and employment sites could be built. The NP will need to accord with adopted Council policies, including the Birmingham Development Plan (BDP), which will ensure that proposals have a positive social, economic and environmental impact. When prepared, the NP will contribute to key strategic objectives in the Council Business Plan and Budget 2016+ including 'A Strong Economy' and 'Thriving Local Communities'. The NP will be drafted by the local community, thereby reflecting local aspirations, and will explore potential development opportunities, which when brought forward will contribute towards a strong and inclusive economy.

#### 4.2 Financial Implications

(Will decisions be carried out within existing finance and Resources?)

- 4.2.1 Neighbourhood planning is part of the Government's reform to help local communities play a role in shaping the areas in which they live and work, and the Department for Communities and Local Government (DCLG) offers financial support for Councils dealing with NP. In 2016/17, Councils can claim £5,000 when designating a Neighbourhood Area and a further £5,000 when designating a Neighbourhood Forum. This funding is limited to the first five Neighbourhood Area and Neighbourhood Forum designations within the city.
- 4.2.2 The 3B's Neighbourhood Area and Neighbourhood Forum will be the third designation in Birmingham. It is intended that the funding secured (totalling £10,000) will be used to cover the costs of the examination of the NP when submitted to the Council. As it stands, a further £20,000 can be claimed by the City Council from DCLG when key milestones are achieved (designation of Neighbourhood Area / Forum and successful examination of NP). This allocation will be used to fund the referendum process, including the cost of polling stations in the Neighbourhood Area. There are no ongoing budgetary implications to the Council from the adoption of a NP.
- 4.2.3 The Council has an adopted protocol in place for Neighbourhood Planning, which outlines the key roles and responsibilities for both the Council and Neighbourhood Forums. The Council is committed to providing the necessary support to meet these requirements and will provide appropriate technical support to assist with the preparation of NPs. For the 3B's NP, this support will be met from existing staff resources in Planning and Regeneration. In addition, DCLG has made funding available to provide support and grants (up to £9,000) to designated Neighbourhood Forums, which is being coordinated by Locality (a national organisation supporting communities), and will assist with the plan preparation process.

#### 4.3 Legal Implications

- 4.3.1 The powers to designate a Neighbourhood Area and a 'relevant body' (in this case a Neighbourhood Forum) are contained within Sections 61F and 61G of the Town and Country Planning Act 1990. These are supplemented through the Neighbourhood Planning (General) Regulations 2012 (as amended).
- 4.3.2 In accordance with the Regulations, the Council must consider and determine applications within 13 weeks from the first day of publicising. Therefore the decision to designate the 3B's Neighbourhood Area and Neighbourhood Forum must be made by Tuesday 24<sup>th</sup> January 2017.

#### 4.4 Public Sector Equality Duty

- 4.4.1 An Equality Analysis Initial Assessment has been undertaken (Appendix 4) on the designation of the 3B's Neighbourhood Area and Neighbourhood Forum. The Forum's membership is open to those who live, work and / or are elected members within the Neighbourhood Area, and as such, the group can consist of a diverse range of individuals, who will input into the plan preparation process. The submitted information for the Forum suggested limiting membership to those over the age of 14, which raises equality considerations. However, the Chair of the Forum has no issues with this requirement being removed from the constitution, and this approach is supported City Council. On this basis, the designations do not raise any issues at this stage on the Council's equality duties. The Neighbourhood Forum will be made aware of the equality issues that the City Council will need to ensure are addressed as part of preparing the NP.

## **5. Relevant background/chronology of key events:**

- 5.1 Neighbourhood planning was introduced under the Localism Act 2011 as a new opportunity for local communities to come together and guide the future development and regeneration of their areas through NPs. These plans can deal with a range of social, economic and environmental issues, such as housing, employment and transport. The process for preparing a NP consists of a number of key stages including the formal designation of the Neighbourhood Area and Forum, consulting on the draft proposals, independent examination, referendum and adoption. When adopted, NPs form part of the statutory development plan and will shape future development within an area. The Balsall Heath NP was adopted by the Council in November 2015 and a NP is being prepared for the Jewellery Quarter.
- 5.2 In September 2016, the Beeches, Booths and Barr (3B's) Neighbourhood Planning Forum submitted an application to the Council to enable the group to progress the preparation of a NP (Appendix 2). The application seeks designation of the Forum as the relevant body to prepare the NP and contains the proposed Neighbourhood Area, which highlights the geographical boundary that the plan will cover. The Neighbourhood Area (Appendix 1) includes the A34 (Walsall Road) which runs through the centre of the Area, with Queslett Road to the north, the railway line and Old Walsall Road to the west. Regina Drive and River Tame to the south, and the M6 and Aldridge Road to the east, including Alexander Stadium and Perry Park.

### **Assessment of the Neighbourhood Area Application**

- 5.3 The Town and Country Planning Act 1990 and Neighbourhood Planning (General) Regulations 2012 (as amended) set out the criteria for determining Neighbourhood Area applications. The following requirements must be assessed when considering the application:
- The application must include the relevant information, including a map and statement.
  - The Neighbourhood Area must not overlap with other designated Neighbourhood Areas.
  - The Local Planning Authority (LPA) must have regard to the desirability of maintaining existing Neighbourhood Area boundaries, and consider whether the area should also be designated as a business area.

### **Comments submitted by respondents**

- 5.4 The Sport and Leisure service submitted comments on the inclusion of the Alexander Stadium within the proposed Neighbourhood Area. They are supportive of the emerging NP, however would not want the NP to adversely impact on potential development on the site which could be economically beneficial to both Perry Barr and the City. In addition, if the City is successful with its bid and hosts the Commonwealth Games, the Stadium will play an important role in the event, and should be considered when determining the Area application.

## Appraisal

- 5.5 The application contains the key elements of the Regulations, and there are currently no other Neighbourhood Areas designated in Perry Barr which would impact on the 3B's designation. As the proposed Neighbourhood Area is predominantly residential in nature, with concentrated areas of commercial and business activity, it should not be designated as a business area. However, the Forum will engage the business community throughout the plan preparation process.
- 5.6 In relation to the comments raised by the Sport and Leisure service, National Planning Practice Guidance (NPPG) states that the LPA must use its powers of designation to ensure that some or all of the area applied for forms part of the Neighbourhood Area, however, it can refuse to designate the area applied for if it considers the area is not appropriate (reasons must be provided). NPPG also states that when designating a Neighbourhood Area, the LPA should avoid pre-judging what a Forum may subsequently decide to put in its draft NP.
- 5.7 In relation to the Alexander Stadium, existing policies in the BDP will support enabling development at the Stadium, which potentially cover any developments associated with the planned outsourcing of its operation and its role in the Commonwealth Games. It is therefore considered appropriate that the proposed Neighbourhood Area can include the Stadium. The Sport and Leisure service is committed to engaging with the Forum as plans for the Stadium come forward. At this stage the Forum have not raised any concerns with development on the Stadium site.

## Conclusion

- 5.8 The application meets the legal requirements for the Neighbourhood Area to be designated as proposed. It is not considered that the area should be designated as a business area.

## Assessment of the Neighbourhood Forum Application

- 5.9 The Town and Country Planning Act 1990 and Neighbourhood Planning (General) Regulations 2012 (as amended) set out the criteria for determining Neighbourhood Forum applications. The following requirements must be assessed when considering the application:
- It must include the relevant information, including name of the Forum, contact details and written constitution.
  - The Forum must meet the following conditions:
    - It is established for the express purpose of promoting or improving the social, economic and environmental well-being of the area;
    - Its membership is open to individuals who live, work or are Elected Members in the Neighbourhood Area; and
    - Its membership includes a minimum of 21 individuals, each of whom live, work or are Elected Members in the Neighbourhood Area.
  - The LPA must have regard to the desirability of designating the Forum, including the extent of its membership, which should be drawn from different places within the Area.
  - The LPA can only designate one Forum for each Neighbourhood Area.

Comments submitted by respondents

- 5.10 No specific comments have been received on the Neighbourhood Forum as the relevant body to prepare a NP for the area.

Appraisal

- 5.11 The application contains the necessary information and it is clear that the Forum is seeking to promote the social, economic and environmental well-being of the Area. The written constitution includes details of membership, operation of meetings and consists of a minimum of 21 people. The current level of membership meets the legal requirements and no other applications have been received by the Council for a Neighbourhood Forum for this area.

Conclusion

- 5.12 The application meets the legal requirements for the Neighbourhood Forum to be designated, subject to the Neighbourhood Area also being designated.

**6. Evaluation of alternative option(s):**

- 6.1 Refuse to designate the Neighbourhood Area and Neighbourhood Forum applications. As the applications meet the legal requirements for designation, the Council is not in a position to refuse the applications.
- 6.2 Amend the Neighbourhood Area boundary to exclude the Alexander Stadium site and adjacent land. Given the legal requirements and national guidance on designating areas and existing policies in the BDP, there is not the justification in this case to amend the boundary of the proposed Neighbourhood Area.

**7. Reasons for Decision(s):**

- 7.1 When the Neighbourhood Area and Neighbourhood Forum designations are made, the 3B's Forum can progress with the preparation of a NP for the area identified.

**Signatures**

**Date**

Councillor Ian Ward,  
Deputy Leader

.....

Waheed Nazir,  
Strategic Director for Economy

.....



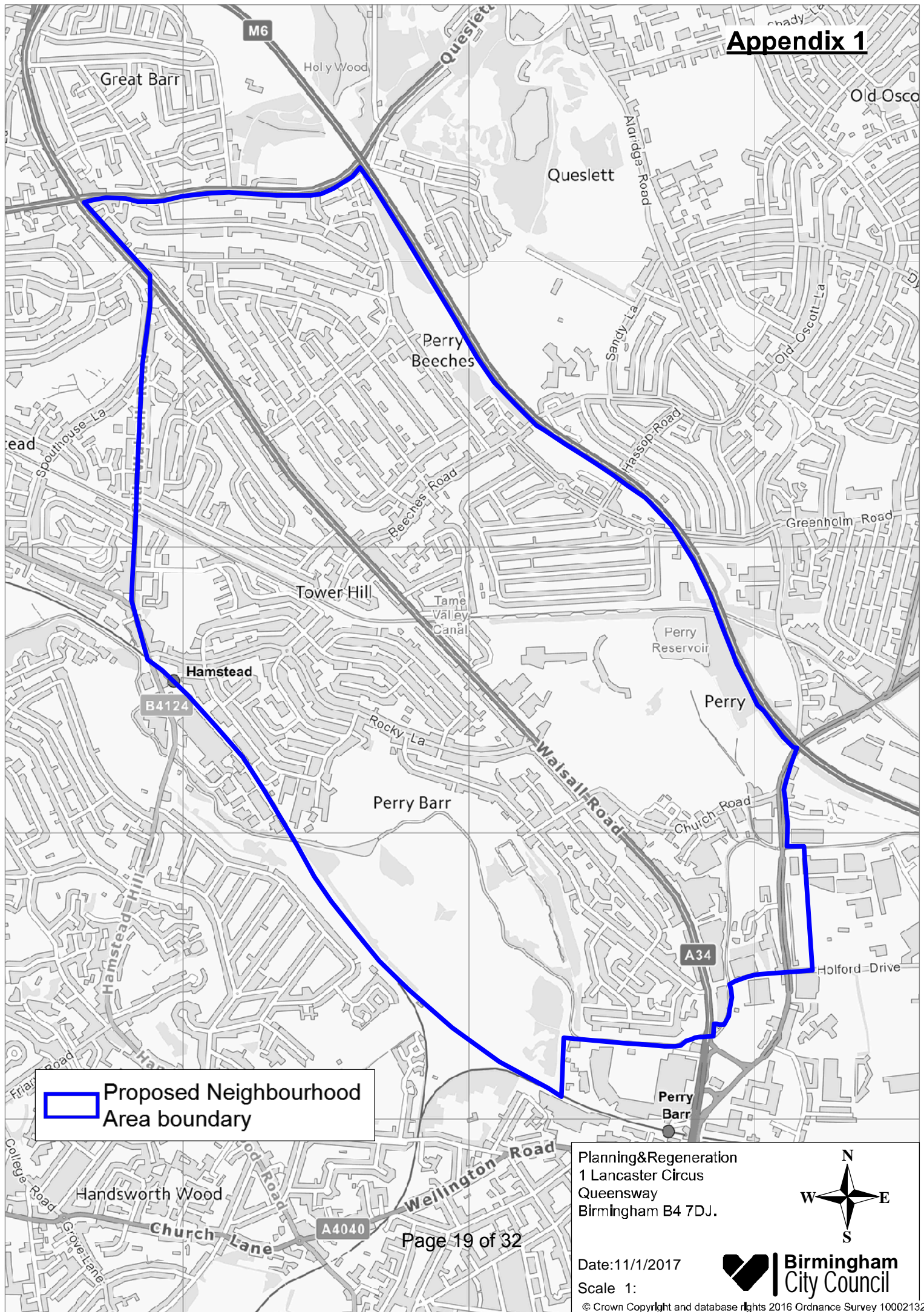
<b>List of Background Documents used to compile this Report:</b>
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Town and Country Planning Act 1990 (as amended) The Neighbourhood Planning (General) Regulations 2012 (as amended) National Planning Policy Framework and Guidance Balsall Heath Neighbourhood Development Plan – Adoption : Cabinet dated 8 <sup>th</sup> December 2015
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<b>List of Appendices accompanying this Report (if any):</b>
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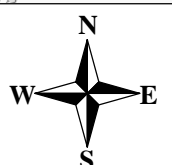
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| <ol style="list-style-type: none"><li>1. Designated 3B's Neighbourhood Area</li><li>2. 3B's Neighbourhood Area and Neighbourhood Forum application</li><li>3. Consultation comments on the application</li><li>4. Equalities Assessment for the designation of the 3B's Neighbourhood Area and Forum</li></ol> |
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 Proposed Neighbourhood Area boundary

Planning & Regeneration  
1 Lancaster Circus  
Queensway  
Birmingham B4 7DJ.



Date: 11/1/2017  
Scale: 1:





**Application to Birmingham City Council Local Planning Authority for:**  
**1/ Designation of the Beeches, Booths and Barr (3Bs) Neighbourhood Area and**  
**2/ Beeches, Booths and Barr (3Bs) Neighbourhood Planning Forum on July 5th 2016.**

The proposal for a neighbourhood plan emanated from the Perry Barr Ward Advisory Board, a consultation forum of community groups established by the city council.

It has been in development for almost a year, led by a steering group of members of the WAB, local councillors and other community activists, including a volunteer from Planning Aid.

We are now seeking formal designation in accordance with the Neighbourhood Planning Regulations (2012). The content of this application fulfils the requirements of the regulations and clearly highlights the extent of the proposed Neighbourhood Area and the Forum's desire to produce the Neighbourhood Development Plan.

**The proposed Neighbourhood Area**

Appendix 1 highlights the proposed Neighbourhood Area, marked by a blue line. The A34 Walsall Road runs through the heart of the proposed area with Queslett Road to the north, the railway line and the Old Walsall Road to the west and the M6 and the Aldridge Road to the east. There are a number of local centres within the proposed boundary, including Tower Hill and Thornbridge Avenue, and there are a number of potential development sites.

**Why should Beeches, Booths and Barr be designated as a Neighbourhood Area?**

It is a suburban area with a growing, diverse and vibrant population. There are some development pressures as well as significant community aspirations.

The creation of the forum represents the increased cohesiveness of this part of the existing Perry Barr ward. Community organisations have worked closely together in recent years in support of local facilities and parks and on campaigns such as a successful bid to improve safety on the Walsall Road.

In the south of the area there is potential for considerable development. The forum and the plan will enable community involvement in how this takes place and will help ensure development contributes to a sustainable and vibrant neighbourhood.

The residential areas are mostly built on sloping hillsides and folds; this has created a significant challenge in managing groundwater. In the storms of June 2016, at least 100 properties within the Neighbourhood Area suffered internal flooding. At the same time many homes are in need of modernisation and property owners understandably seek to invest in their homes. A neighbourhood plan will balance the aspirations of individual property owners with the needs of the community.

The forum has established five working groups to explore the following issues:

- Housing and employment
- Flooding and drainage
- Open spaces and green spaces
- Local centres
- Safe spaces and local design.

Producing a statutory spatial framework will provide clear guidance and direction to investors and developers as to the way local people wish to see the area move forward and thrive in the future. It will become the basis for a long-term delivery plan, for implementation by a variety of partners.



## **How does the Beeches, Booths and Barr (3Bs) Neighbourhood Planning Forum meet the requirements of the Neighbourhood Planning Regulations?**

The Neighbourhood Planning Forum has been created for the purpose of preparing a Neighbourhood Development Plan for the Area. The Forum is a relevant body for the purposes of section 61G of the Town and Country Planning Act 1990 and has a written constitution (Appendix 2) specific to the preparation of a Neighbourhood Development Plan.

The Forum meets the conditions contained in section 61F(5) of the Town and Country Planning Act 1990, as required by the regulations as follows:

- It seeks to promote and improve the social, economic and environmental well-being of the area, specifically the proposed Neighbourhood Area.
- Its membership is open to:
  - I) Individuals who live in the Neighbourhood Area concerned;
  - II) Individuals who work in the Neighbourhood Area concerned;
  - III) Voluntary organisations operating mainly in the Neighbourhood Area;
  - IV) elected members of Birmingham City Council whose wards fall within the Beeches, Booths and Barr Neighbourhood Area.
- The Forum consists of at least 21 individuals, each of whom fulfils at least one of the above conditions. At the time of the application membership is more than 100.
- The Forum has a written constitution, adopted at a general meeting on June 16th 2016. At the same general meeting a full committee was elected.

Forum members have been recruited through information circulated to all households, through community organisations, through the local press and at events such as:

A stall at the Perry Hall Park Fun Day on July 23rd 2016;

A stall at the Big Birthday Bash on June 11th 2016 at Tower Hill;

The public Perry Barr ward meeting attended by 80 people on March 10th 2016. The meeting voted, from a number of choices, to adopt the name of the Forum.

The chair of the forum, Cllr Jon Hunt, and the secretary, Mrs Janet Summers, will be the main points of contact for the plan.

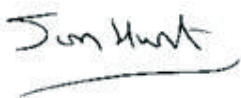
They can be contacted as follows:

Cllr Hunt [jon.hunt@birmingham.gov.uk](mailto:jon.hunt@birmingham.gov.uk) 0121 240 9689

Mrs Summers [jsumm0121@aol.com](mailto:jsumm0121@aol.com)

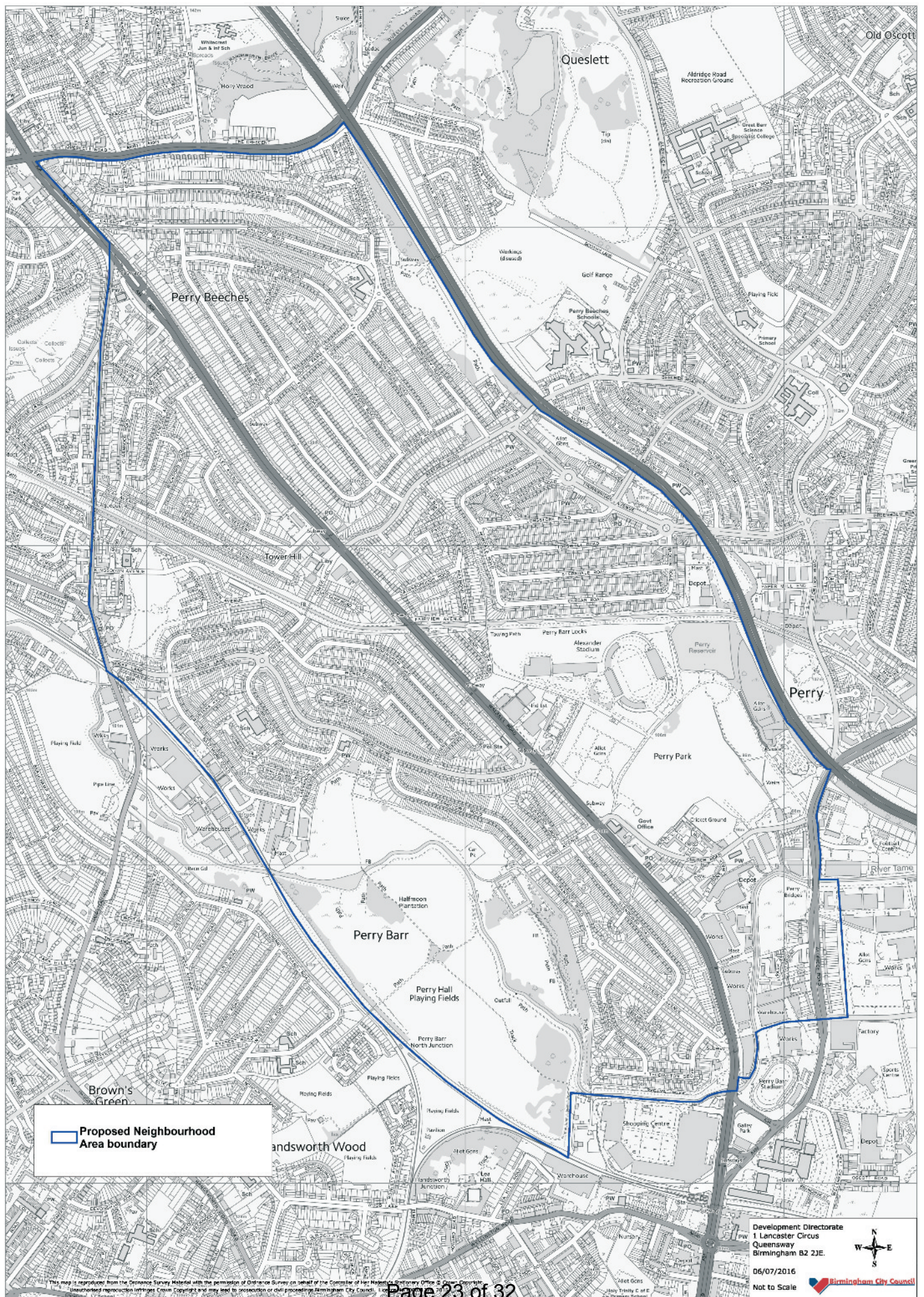
We trust that the information submitted meets the requirements set out in the Neighbourhood Planning Regulations. We look forward to formal designation to enable us to progress with the plan, helping to realise our regeneration aspirations for this area.

Yours sincerely



Cllr Jon Hunt  
chair







## **Constitution of the Beeches, Booths Farm and Barr(3Bs) Neighbourhood Planning Forum.**

**The name of the group shall be the Beeches, Booths Farm and Barr (3Bs) Neighbourhood Planning Forum hereafter referred to as the forum.**

The forum shall cover an area within the Perry Barr ward of Birmingham - as defined in 2016 - and bounded by the city boundaries of Birmingham, the railway line from Hamstead station to Perry Barr station, Regina Drive, the River Tame, the Aldridge Road from the river to the line of the M6, the M6 motorway so far as Queslett Road.

The forum shall hold an annual general meeting once a year.

### **Aims of the Forum**

The purpose of the forum is to draw up a neighbourhood development plan and steer it to a local referendum. The forum will seek to organise extensive consultation with the local community.

It will aim to:

1. develop strategies that contribute to the social, economic and environmental well-being of the Neighbourhood Plan Area, helping to make it a healthy and safe place to live, work and visit;
2. identify local centres and prepare strategies for their enhancement and improvement;
3. identify key environmental issues, including the role of green and open spaces and the problem of ground-water flooding and prepare strategies for their enhancement and improvement;
4. identify key opportunity sites and buildings that are suitable to accommodate new housing, commercial, retail and leisure developments and provide guidance on their development;
5. identify, as appropriate, neighbourhoods which will benefit from a local design framework;
6. Prepare local policy guidance documents to improve and enhance the Neighbourhood Plan Area;
7. Identify the relevant organisations, groups and individuals that will contribute to the preparation and implementation of the Neighbourhood Plan;
8. Identify the relevant mechanisms and sources of direct and in-kind funding to help implement the Neighbourhood Plan.

The work of the forum shall be completed by June 17<sup>th</sup> 2021 but may be extended by a vote of a general meeting.

Once the neighbourhood development plan is adopted by Birmingham City Council, members shall be given the option of winding up the forum and deciding how to distribute any remaining monies or assets.

### **Membership**

Membership is open to residents within the forum area, people working in the forum area, voluntary organisations operating wholly or mainly in the area (one representative per organisation), elected members of Birmingham City Council representing wards falling within the area of the Forum.

Membership shall be regardless of race, religion, gender, disability, ability or sexuality and is open to anyone over the age of 14.

The secretary will maintain a register of members and will abide by data protection legislation.

The Forum will have no less than 21 members. Any member may resign membership by providing the secretary with written notice.



## **The committee**

A committee will be elected to oversee the development of the plan for a duration of three years.

Forum members shall be elected, using the single transferable vote method (this requires voters to number their choices in order):

A chair

A vice-chair

A secretary

A treasurer

A steering committee of up to ten members.

The steering committee shall co-opt or invite members as is needed.

It may also appoint the following officers or allocate their roles to existing officers:

a social media officer

a press officer

a data protection officer

a safeguarding officer.

Nominations for posts must be delivered 48 hours in advance to the honorary secretary or returning officer. Nominations may be signed or sent using a recognised email address. In the event of no nominations being received for a post or not all committee posts being filled nominations may be taken from the floor of the meeting.

The committee may coopt further members, in particular to represent established community groups and to ensure diversity of representation.

The secretary will be responsible for taking minutes of annual meetings and of resolutions proposed at general meetings. For all other purposes the secretary will record action notes.

The secretary will be responsible, in conjunction with the chair, for ensuring that all members are invited to members' meetings.

The data protection officer in conjunction with the secretary will be responsible for safe storage.

The treasurer shall maintain accounts, arrange for bank accounts, make payments as approved by the committee and present annual accounts to an AGM. There shall be two approved signatories on cheques and three members approved to sign cheques.

The chair shall chair meetings and seek to represent the forum in public announcements. In the chair's absence, the vice-chair will take on the chair's duties.

The committee shall meet at least eight times a year.

It shall be empowered to set up working groups.

The quorum for the committee will be a minimum of six members.

A committee member who fails to attend or participate in meetings of the forum for a full year may be deemed to have vacated their position.

## **Meetings of members:**

Members will be given at least two weeks notice of meetings and annual general meetings.

Should members wish to move formal resolutions or amendments at a meeting, such proposals must have a seconder.

There should be at least two meetings of members a year, including an AGM, and preferably four. In the event of meetings not being held quarterly, the committee should seek to use other means, such as social media and email, to enable members to participate in the compilation of the plan.

No individual shall cast more than one vote in an election or during a vote at a meeting. A resident may represent a business or a voluntary group but cannot acquire extra votes by that means.

The quorum for a general meeting shall be 20% of the membership.

### **Code of Conduct**

Committee members will abide by the following code of conduct:

- Work with mutual trust and respect and combine their expertise;
- Be clear and open when their individual roles or interests are in conflict;
- Inform the committee when they are unable to deliver agreed actions;
- Treat everyone with dignity, courtesy and respect regardless of their age, gender, sexual orientation, ethnicity, ability or religion and belief;
- Actively promote equality of access and opportunity.

In situations where interests and role are in conflict, they must be declared before the business is discussed and the committee member should leave the room for that item.

**Appendix 3: Comments received on Beeches, Booths and Barr (3B's) Neighbourhood Area and Neighbourhood Forum application for designation**

Organisation	Summary of comments
Sport and Leisure Services – Council Department	Supports the application but has concerns over the potential affect the future Neighbourhood Plan may have on the Alexander Stadium and its development.
Resilience Drainage and Flood Risk – Council Department	No objection but Forum must ensure they are following Council's drainage and flooding guidance when considering policies for the Plan.
Natural England	No objection - Neighbourhood plans provide an opportunities to enhance the natural and local environment. However, they can also be a risk to the natural environment, therefore it is important for policies to be in line with paragraph 109 of the NPPF.
Highways England	Based on their assessments, Highways England are content for the designation process to continue without further input from Highways England however they encourage the forum to continue a dialogue with Highways England.
Environment Agency	No objections to designation, however, recommend inclusion of providing an 8m easement from main watercourse and development away from higher risk flood zones 2 and 3.
Canals and River Trust	No objections to proposed area but there is 1.3 miles of the Tame Valley Canal in the proposed area. The development plan offers the opportunity to ensure that the canal is integrated into the area's development. Suggest proposals for enhancement/improvements include: hedge laying, woodland management, planting and measures to reduce anti-social behaviour.
Local Resident	Fully supports the application and hopes to see Neighbourhood Area and Neighbourhood Forum designated.
Council for British Archaeology	No objections to the application, however, stress the importance of Historic Environment being conserved within the Neighbourhood Plan.
Local Resident/Forum Secretary	Fully supports the application.



# Equality Analysis

## Birmingham City Council Analysis Report

<b>EA Name</b>	3 B's Neighbourhood Area And Neighbourhood Forum Designation
<b>Directorate</b>	Economy
<b>Service Area</b>	P&R Planning And Development
<b>Type</b>	New/Proposed Policy
<b>EA Summary</b>	A community group in Perry Barr, known as the 3B's (Beeches, Booths and Barr) Neighbourhood Planning Forum, wish to prepare a Neighbourhood Plan for the majority of Perry Barr Ward. The first stage of the Neighbourhood Planning process is the designation of the Neighbourhood Area and Neighbourhood Forum. The 3B's community group has submitted an application to the Council seeking designation as a Neighbourhood Forum to prepare a Neighbourhood Plan for the Neighbourhood Area. The purpose of this EA is to ensure the designation of the Neighbourhood Area and Neighbourhood Forum is progressed in accordance with the objectives of the Public Sector Equality Duty.
<b>Reference Number</b>	EA001788
<b>Task Group Manager</b>	kelly.whitehouse@birmingham.gov.uk
<b>Task Group Member</b>	
<b>Date Approved</b>	2017-01-17 00:00:00 +0000
<b>Senior Officer</b>	craig.rowbottom@birmingham.gov.uk
<b>Quality Control Officer</b>	richard.woodland@birmingham.gov.uk

### Introduction

The report records the information that has been submitted for this equality analysis in the following format.

#### **Initial Assessment**

This section identifies the purpose of the Policy and which types of individual it affects. It also identifies which equality strands are affected by either a positive or negative differential impact.

#### **Relevant Protected Characteristics**

For each of the identified relevant protected characteristics there are three sections which will have been completed.

- Impact
- Consultation
- Additional Work

If the assessment has raised any issues to be addressed there will also be an action planning section.

The following pages record the answers to the assessment questions with optional comments included by the assessor to clarify or explain any of the answers given or relevant issues.

## 1 Activity Type

The activity has been identified as a New/Proposed Policy.

## 2 Initial Assessment

### 2.1 Purpose and Link to Strategic Themes

#### **What is the purpose of this Policy and expected outcomes?**

Neighbourhood Plans are community-led plans for guiding the future development and regeneration of an area. Neighbourhood Plans are prepared by designated Neighbourhood Forums for a designated Neighbourhood Area.

The 3B's Beeches, Booths and Barr community group have submitted an application for designation as a Neighbourhood Forum to prepare a Neighbourhood Plan for the majority of the Perry Barr ward. The recommended outcome is to designate the 3B's Neighbourhood Area and designate the 3B's Neighbourhood Planning Forum as the relevant body to prepare a Neighbourhood Plan.

**For each strategy, please decide whether it is going to be significantly aided by the Function.**

Children A Great City To Grow Up In	No
Health - A Great City To Grow Old In	No
Housing - A Great City To Live In	Yes
Jobs And Skills - A Great City To Succeed In	Yes

### 2.2 Individuals affected by the policy

Will the policy have an impact on service users/stakeholders?	Yes
Will the policy have an impact on employees?	No
Will the policy have an impact on wider community?	Yes

### 2.3 Relevance Test

Protected Characteristics	Relevant	Full Assessment Required
Age	Not Relevant	No
Disability	Not Relevant	No
Gender	Not Relevant	No
Gender Reassignment	Not Relevant	No
Marriage Civil Partnership	Not Relevant	No
Pregnancy And Maternity	Not Relevant	No
Race	Not Relevant	No
Religion or Belief	Not Relevant	No
Sexual Orientation	Not Relevant	No

### 2.4 Analysis on Initial Assessment

The process for preparing a Neighbourhood Plan consists of a number of key stages, the first of which requires the City Council to consider whether to designate the Neighbourhood Area. The proposed Neighbourhood Area boundary has been deemed appropriate because it follows the Perry Barr Ward boundary including the railway line, motorway, District Centre boundary and existing road network which define a clear boundary for the

Neighbourhood Area.

The next stage of the Neighbourhood Plan process requires the City Council to consider whether to designate the 3B's (Beeches, Booths and Barr) community group as a Neighbourhood Forum. The council must consider whether the 3B's community group meets the legal and policy requirements expected of a Neighbourhood Forum.

The requirements of a Neighbourhood Forum are set out in 61F(5) of the Town and Country Planning Act 1990 contained within the Localism Act 2011 which states that membership of the Neighbourhood Forum should be open to all those who live and work in the area. The Council also needs to have regard to its equalities duties.

The Forums constitution has been reviewed and meets the requirements of the Town and Country Planning Act 1990. The constitution as submitted does have a limit on age, however the Forum have agreed to take this out. Therefore on this basis, the constitution will be inclusive and not raise any concerns around the protected characteristics.

### **3 Full Assessment**

The assessment questions below are completed for all characteristics identified for full assessment in the initial assessment phase.

### **3 Concluding Statement on Full Assessment**

This EA has demonstrated that at this stage of the Neighbourhood Plan process a Full Equality Assessment is not needed since it is the first stage of the process and the proposed 3B's Neighbourhood Forum is in line with Neighbourhood Planning Regulations and does not raise any concerns for protected characteristics.

The Neighbourhood Forum are required to engage with and consult all those living and working in the Neighbourhood Area. The Neighbourhood Forum will be made aware of the equality issues that the City Council will need to ensure are addressed as part of preparing the Neighbourhood Plan. Consideration of equality issues will be made during development of the plan through consultation and engagement.

### **4 Review Date**

05/01/17

### **5 Action Plan**

There are no relevant issues, so no action plans are currently required.