

BIRMINGHAM CITY COUNCIL

CABINET

TUESDAY, 22 JANUARY 2019 AT 10:00 HOURS
IN COMMITTEE ROOMS 3 & 4, COUNCIL HOUSE, VICTORIA
SQUARE, BIRMINGHAM, B1 1BB

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

The Chairman to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Internet site (www.civico.net/birmingham) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2 DECLARATIONS OF INTERESTS

Members are reminded that they must declare all relevant pecuniary and non pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

3 APOLOGIES

To receive any apologies.

5 - 84

4 FINANCIAL MONITORING REPORT QUARTER 3 2018/19

Report of Corporate Director - Finance & Governance

85 - 94

5 COUNCIL TAX TAX-BASE FOR 2019/20

Report of Corporate Director - Finance & Governance

95 - 100

6 BUSINESS RATES INCOME 2019/20

Report of the Corporate Director - Finance & Governance.

101 - 150

7 WORKING TOGETHER IN BIRMINGHAM'S NEIGHBOURHOODS WHITE PAPER

Report of Assistant Chief Executive

<u>151 - 278</u>	8	<u>PRIVATE RENTED SECTOR ENFORCEMENT POLICY - AMENDMENT OF CIVIL PENALTIES CHARGING</u>	Report of Acting Corporate Director - Place
<u>279 - 300</u>	9	<u>TENDER STRATEGY FOR THE DEVELOPMENT OF THE ALEXANDER STADIUM SITE - PUBLIC</u>	Report of Acting Corporate Director - Place
<u>301 - 328</u>	10	<u>A CLEAN AIR STRATEGY FOR BIRMINGHAM</u>	Report of Acting Corporate Director - Place
<u>329 - 342</u>	11	<u>REFURBISHMENT OF THE FORMER SMALL HEATH LOWER SCHOOL SITE TO PROVIDE ACCOMMODATION FOR KEY STAGE 1 AND 2 PUPILS FROM AL - HIJRAH PRIMARY SCHOOL FOLLOWING ITS CONVERSION TO AN ACADEMY - FULL BUSINESS CASE AND CONTRACT AWARD - PUBLIC REPORT</u>	Report of Corporate Director Education & Skills
<u>343 - 372</u>	12	<u>YOUTH PROMISE PLUS - PROJECT EXTENSION</u>	Corporate Director, Economy
<u>373 - 662</u>	13	<u>DEVELOPMENT MANAGEMENT DEVELOPMENT PLAN DOCUMENT – PREFERRED OPTIONS DOCUMENT CONSULTATION</u>	Corporate Director for Economy
<u>663 - 704</u>	14	<u>PARADISE DEVELOPMENT SCHEME</u>	Report of the Corporate Director, Finance & Governance and the Assistant Director, Economy.
<u>705 - 714</u>	15	<u>PLANNED PROCUREMENT ACTIVITIES (MARCH 2019 – MAY 2019) - PUBLIC</u>	Report of Assistant Director of Commissioning and Procurement
	16	<u>OTHER URGENT BUSINESS</u>	To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.
<u>715 - 740</u>	16A	<u>ENABLEMENT SERVICE - PUBLIC</u>	Report of Corporate Director for Adult Social Care & Health

16B **WASTE MANAGEMENT PUBLIC DECISION, 15 JANUARY 2019**

Other Urgent Business raised orally.

17 **EXCLUSION OF THE PUBLIC**

That in view of the nature of the business to be transacted which includes exempt information of the category indicated the public be now excluded from the meeting:-

Exempt Paragraph 3

PRIVATE AGENDA

18 **TENDER STRATEGY FOR THE DEVELOPMENT OF THE ALEXANDER STADIUM SITE - PRIVATE**

Item Description

19 **REFURBISHMENT OF THE FORMER SMALL HEATH LOWER SCHOOL SITE TO PROVIDE ACCOMMODATION FOR KEY STAGE 1 AND 2 PUPILS FROM AL - HIJRAH PRIMARY SCHOOL FOLLOWING ITS CONVERSION TO AN ACADEMY - FULL BUSINESS CASE AND CONTRACT AWARD - PRIVATE REPORT**

Item Description

20 **PARADISE DEVELOPMENT SCHEME**

Item Description

21 **PLANNED PROCUREMENT ACTIVITIES (MARCH 2019 – MAY 2019) - PRIVATE**

Item Description

22 **OTHER URGENT BUSINESS (EXEMPT INFORMATION)**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.

22A **ENABLEMENT SERVICE - PRIVATE**

Item Description

22B **WASTE MANAGEMENT PRIVATE DECISION, 15 JANUARY 2019**

Item Description

Public Report

Birmingham City Council**Report to Cabinet****22ND JANUARY 2019**

Subject: FINANCIAL MONITORING REPORT QUARTER 3 (UP TO 31ST DECEMBER 2018)

Report of: CORPORATE DIRECTOR - FINANCE & GOVERNANCE

Relevant Cabinet Member: Councillor Ian Ward

Relevant O &S Chair(s): Councillor Sir Albert Bore

Report author: Clive Heaphy, Corporate Director – Finance & Governance

Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 5751/2019		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential :		

1 Executive Summary

- 1.1 This report forms part of the City Council's robust arrangements for controlling its revenue and capital expenditure.
- 1.2 Each Directorate's financial performance to date is shown, together with the risks and issues identified to date in the Corporate Revenue and Capital Budget Monitoring documents for Month 9, which are appended to this report as Appendices A and B.
- 1.3 The latest Treasury Management position is shown in the Treasury Management Report for Month 9, which is appended to this report as Appendix C.

2 Recommendations

That the Cabinet:-

- 2.1 Notes the City Council's 2018/19 forecast revenue budget position and the gross pressures identified as at 31st December 2018.
- 2.2 Notes the latest monitoring position in respect of the City Council's savings programme and the present risks identified in its delivery.
- 2.3 Approves the proposed allocation of General Policy Contingency related rebasing the Waste Management Services Budget in 2018/19 as proposed in paragraph 3.2 of Appendix A.
- 2.4 Approves the acceptance of the Winter Pressures Grant of £5.6m from the Department of Health and Social Care as proposed in paragraph 3.3.
- 2.5 Approves the acceptance of new funding to support children with special educational needs and disabilities as proposed in paragraph 3.4.
- 2.6 Approves the proposed uses of and contributions to Earmarked Reserves as proposed in paragraphs 6.44 to 6.52 of Appendix A.
- 2.7 Approves the writing off of debts over £0.025m as summarised in Annex 6 of Appendix A.
- 2.8 Approves the proposed Reserves Policy as outlined in Annex 7 of Appendix A.
- 2.9 Approves the revised 10 year capital programme of £3,181.6m.
- 2.10 Notes the forecast capital expenditure in 2018/19 of £416.8m.
- 2.11 Notes the Treasury Management report.

3 Background

- 3.1 At the meeting on 27th February 2018, the Council agreed a net revenue budget for 2018/19 of £855.2m to be met by government grants, council tax and business rates payers.
- 3.2 The base budget forecast variations in each Directorate are detailed in Section 2 and Annex 1 of the Corporate Revenue Budget Monitoring document attached as Appendix A. The position is summarised in tabular form in Annex 2 which incorporates the forecast year end pressures by Directorate.
- 3.3 Directorate risks relating to the Savings Programme and measures being undertaken to alleviate these are detailed in Section 2 and Annex 1 of Appendix A and the position is summarised in tabular form in Annex 3.
- 3.4 The meeting of the 27th February 2018 also agreed a 10 year capital programme of £2,726.3m.
- 3.5 During Quarter 3 the programme has been amended to £3,181.6m. The major budget changes and forecast variations are detailed in Appendices B1 to B6.

- 3.6 The latest treasury position is shown in Appendix C. During the quarter, the Council repaid a further £1.1m of Lender's Option Borrower's Option loan (known as LOBO loan), and refinanced it with a new loan from the Public Works Loans Board (PWLB), as set out in Appendix C3. The loan was repurchased at an advantageous rate compared to the PWLB borrowing. After taking account of the repurchase premium, savings arise in the longer term, and the Council's debt refinancing risks reduce due to the removal of the LOBO options. In addition, two £30m PWLB loans were taken as part of the overall long term borrowing strategy, to lock into current low rates compared to recent trends, and remove some of the risk of a large, variable rate, short term loan book.

4 Options considered and Recommended Proposal

- 4.1 Corporate Directors, in striving to manage their budgets, have evaluated all the options available to them to maintain balance between service delivery and a balanced budget.

5 Consultation

5.1 Internal

- 5.1.1 Cabinet Members, Corporate Directors, the City Solicitor, Human Resources and Assistant Directors of Finance have been consulted in the preparation of this report.

5.2 External

- 5.2.1 There are no additional issues beyond consultations carried out as part of the budget setting process for 2018/19.

6 Risk Management

- 6.1 The monitoring of the Council's budget and the identification of actions to address issues arising, as set out in this report, are part of the Council's arrangements for the management of financial issues.

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

- 7.1.1 The budget is integrated with the Council Financial Plan, and resource allocation is directed towards policy priorities.

7.2 Legal Implications

- 7.2.1 Section 151 of the 1972 Local Government Act requires the Corporate Director – Finance & Governance (as the responsible officer) to ensure the proper administration of the City Council's financial affairs. Budget control, which includes the regular monitoring of and reporting on budgets, is an essential requirement placed on Directorates and members of the

Corporate Management Team by the City Council in discharging the statutory responsibility. This report meets the City Council's requirements on budgetary control for the specified area of the City Council's Directorate activities.

7.3 Financial Implications

7.3.1 The Corporate Revenue and Capital Budget Monitoring documents attached give details of monitoring of service delivery within available resources.

7.4 Procurement Implications (if required)

7.4.1 N/A

7.5 Human Resources Implications (if required)

7.5.1 N/A

7.6 Public Sector Equality Duty

7.6.1 There are no additional Equality Duty or Equality Analysis issues beyond any already assessed in the year to date. Any specific assessments needed shall be made by Directorates in the management of their services.

8 Background Documents

8.1 City Council Financial Plan 2018+ approved at Council 27th February 2018

CORPORATE REVENUE BUDGET MONITORING REPORT 2018/19 MONTH 9

**(year to 31st December 2018)
Version 1.0**

Section

1.	Executive Summary	3
2.	Corporate Summary of the Savings Programme	7
3.	Resource Allocations	9
4.	Collection Fund	11

Annexes

1.	Detailed Revenue Commentaries by Directorate.....	13
2.	Financial Position analysed by Directorate	28
3.	Policy Contingency.....	30
4.	Overall Savings Programme	31
5.	Uses of Reserves.....	33
6.	Write offs.....	40
7.	Proposed Reserves Policy.....	47

1. Executive Summary

1.1 The City Council (BCC) set its net revenue budget of £855.2m on 27th February 2018. Included in this budget was an assumed use of £30.5m of reserves to support budgetary pressures and

- A savings¹ programme totalling £52.9m in 2018/19, growing to £117.0m in 2021/22.
- Deferred savings from 2017/18 of £15.7m (including where they were met on a one-off basis).

Total savings to be met in 2018/19 are therefore £68.6m.

1.2 At Month 9 (end of December 2018), a General Fund revenue overspend of £2.0m is forecast. This is made up of a forecast £6.3m underspend on the base budget and £9.7m of savings not deliverable in 2018/19, offset by partially accelerated achievement of £1.4m of the efficiency target of £5.7m.

1.3 The total forecast overspend of £2.0m is across the following Directorates :

- Children and Young People (£2.5m),
- Place Directorate (£7.6m),
- Economy (£0.4m),
- Corporate net overspends (£0.4m)
 - comprising the following overspends:
 - the Council's interests in associated companies (£3.6m)
 - savings forecast not to be delivered (£1.9m),
 - offset by the following savings
 - compensatory grant related to Business Rates (£2.2m),
 - a reduction in contribution to Business Rates Reserve required (£2.4m)
 - an improvement in dividend income forecast (£0.5m).

These are offset by underspends for Adult Social Care & Health (£5.2m), Strategic Services (£1.7m), Finance & Governance (£1.6m), and Human Resources (£0.3m). The Chief Executive's Directorate forecast a balanced position.

1.4 There is a reduction of £10.9m in the overall forecast overspend since Month 6. This relates largely to reductions in pressures for Adult Social Care & Health

¹ Savings refer both to cost reductions or additional income generated

(£4.7m), Strategic Services (£2.3m), Finance & Governance (£0.3m), Economy (£0.6m), Children & Young People (£0.8m), Place (£0.2m), and Corporate savings (£2.0m).

- 1.5 There is also a forecast overspend of £5.1m related to the Dedicated Schools Grant (DSG). At Month 6, this was estimated at £3.5m, as referred to in Section 5.10 of that report.
- 1.6 For 2018/19, the Council has adopted a financial framework that emphasises Cabinet Member/Chief Officer accountability for the delivery of their services within the resources allocated with no recourse to reserves and Directorates are expected to identify further strategic mitigations to recover the budget position.
- 1.7 This principle is being rigorously applied by the Cabinet Member for Finance and Resources and the Section 151 officer through a series of 'star chambers' aimed at ensuring that the forecast is brought back within budget.
- 1.8 Forecasts for individual Directorates, together with an explanation of the variances and proposed mitigations are shown in Annex 1.
- 1.9 In line with the Council Plan and Budget 2018+ agreed in February 2018, the Council was planning for the strategic use of £30.5m of Corporate Reserves in 2018/19, as shown in Table 1 below.
- 1.10 There has been a £4.0m reduction in the planned strategic use of Reserves to balance the budget

Table 1 Planned Use of Corporate Reserves

	Original Planned (Use) £m	Current Forecast (Use) £m	Variance £m
Use of Organisational Transition Reserve	(3.9)	(3.9)	0.0
Use of Financial Resilience Reserve	(11.6)	(11.6)	0.0
Use of one off resources from previous years	(13.2)	(9.2)	4.0
Other Corporate Reserves	(1.8)	(1.8)	0.0
Total	(30.5)	(26.5)	4.0

- 1.11 In addition, there are both planned uses of and contributions to Other Reserves. A net contribution of £1.9m to Other Reserves was assumed as part of setting the budget. This is now forecast to be a net contribution of £9.5m.
- 1.12 This is a £7.6m net decrease in the forecast use of Other Reserves. Further details of the use of Other Reserves are provided in Annex 5. Cabinet are requested to approve a number of uses of Earmarked Reserves as detailed in Annex 5.

- 1.13 Further analysis of the Base Budget position is shown in Annexes 1 and 2 and analysis of the Savings Programme is provided in Annexes 1 and 4.
- 1.14 Section 2 of this report details the summary position on the Savings Programme.
- 1.15 Section 3 of this report details Resource Allocations requested to be approved.
- 1.16 Section 4 of this report details the latest Collection Fund position.

Appendix A

Section 1

Table 2 - Summary forecast position of base budget and risks relating to savings programme

Directorate	Current Budget £m	Base Budget Overspend/(Underspend)			Savings not Deliverable			Efficiency Target			Total Forecast Overspend/(Underspend)		
		as at Month 9 £m	Month 6 £m	Movement £m	as at Month 9 £m	Month 6 £m	Movement £m	as at Month 9 £m	Month 6 £m	Movement £m	as at Month 9 £m	Month 6 £m	Movement £m
Adult Social Care & Health Directorate	336.068	(5.205)	(0.472)	(4.733)	0.000	0.000	0.000	0.000	0.000	0.000	(5.205)	(0.472)	(4.733)
Children & Young People Directorate	236.442	1.235	1.673	(0.438)	1.300	1.642	(0.342)	0.000	0.000	0.000	2.535	3.315	(0.780)
Place Directorate	136.514	4.908	4.838	0.070	2.710	2.940	(0.230)	0.000	0.000	0.000	7.618	7.778	(0.160)
Economy Directorate	97.073	(2.653)	(1.903)	(0.750)	3.792	3.642	0.150	(0.739)	(0.739)	0.000	0.400	1.000	(0.600)
Strategic Services Directorate	27.537	(1.463)	0.890	(2.353)	0.000	0.000	0.000	(0.276)	(0.276)	0.000	(1.739)	0.614	(2.353)
Human Resources	6.482	(0.253)	(0.253)	0.000	0.000	0.000	0.000	(0.078)	(0.078)	0.000	(0.331)	(0.331)	0.000
Finance & Governance Directorate	30.358	(1.356)	(1.014)	(0.342)	0.000	0.000	0.000	(0.244)	(0.244)	0.000	(1.600)	(1.258)	(0.342)
Chief Executive & Assistant Chief Executive	2.919	0.000	0.000	0.000	0.000	0.000	0.000	(0.025)	(0.025)	0.000	(0.025)	(0.025)	0.000
Sub-total Directorates Position	873.392	(4.787)	3.759	(8.546)	7.802	8.224	(0.422)	(1.362)	(1.362)	0.000	1.653	10.621	(8.968)
Policy Contingency	4.945	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Corporate Savings		0.000	0.000	0.000	1.858	1.509	0.349	0.000	0.000	0.000	1.858	1.509	0.349
Other Corporate Items	(23.148)	(1.503)	0.801	(2.304)	0.000	0.000	0.000	0.000	0.000	0.000	(1.503)	0.801	(2.304)
Sub-total Corporate Position	(18.203)	(1.503)	0.801	(2.304)	1.858	1.509	0.349	0.000	0.000	0.000	0.355	2.310	(1.955)
City Council General Fund	855.189	(6.290)	4.560	(10.850)	9.660	9.733	(0.073)	(1.362)	(1.362)	0.000	2.008	12.931	(10.923)
Housing Revenue Account (HRA)	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
City Council	855.189	(6.290)	4.560	(10.850)	9.660	9.733	(0.073)	(1.362)	(1.362)	0.000	2.008	12.931	(10.923)

2. Corporate Summary of the Savings Programme

- 2.1 The Month 9 analysis of the current Savings Programme 2018/19 shows that Corporate Directors consider that £59.0m (85.9%) of the savings forecast will be delivered in 2018/19 and £129.4m (94.5%) is still considered to be deliverable by 2021/22.
- 2.2 At this stage, £9.7m (14.1%) is forecast as not fully achievable in 2018/19 and alternative mitigations will need to be found. The overall Directorate position at Month 9 is summarised in Tables 3 and 4.

Table 3 – Analysis of Savings Programme for 2018/19

Directorate	On Track £m	One Off Mitigations £m	At Risk £m	Non-Delivery £m	Total £m
Adult Social Care & Health Directorate	13.367	1.690	0.000	0.000	15.057
Children & Young People Directorate	6.415	0.000	0.270	1.300	7.985
Place Directorate	9.758	0.469	0.000	2.710	12.937
Economy Directorate	5.219	0.715	0.403	3.792	10.129
Strategic Services Directorate	10.233	5.345	0.400	0.000	15.978
Human Resources	(0.155)	0.204	0.000	0.000	0.049
Finance & Governance Directorate	4.437	0.025	0.000	0.000	4.462
Chief Executive & Asst Chief Exec Dir.	0.037	0.000	0.000	0.000	0.037
Total Directorates	49.311	8.448	1.073	7.802	66.634
Corporate Savings	0.132	0.000	0.000	1.858	1.990
Grand Total	49.443	8.448	1.073	9.660	68.624

NB – Total savings figure includes savings delivered on a one-off basis in previous years. See paragraph 1.1.

Table 4 – Analysis of Savings Forecast Not Fully Achieved for 2018/19 – 2021/22

Directorate	2018/19 £m	2019/20 £m	2020/21 £m	2021/22 £m
Adult Social Care & Health Directorate	0.000	0.000	0.000	0.000
Children & Young People Directorate	1.300	1.754	1.974	1.974
Place Directorate	2.710	2.500	2.500	2.500
Economy Directorate	3.792	3.438	2.665	1.828
Strategic Services Directorate	0.000	1.000	1.000	1.000
Human Resources	0.000	0.000	0.000	0.000
Finance & Governance Directorate	0.000	0.000	0.000	0.000
Chief Executive & Asst Chief Exec Dir.	0.000	0.000	0.000	0.000
Total Directorates	7.802	8.692	8.139	7.302
Corporate Savings	1.858	0.206	0.271	0.271
Grand Total	9.660	8.898	8.410	7.573

- 2.3 The summary is based on a detailed review of each individual saving. An overview of forecast savings not fully achieved on an ongoing basis by project for each Directorate is shown at Annex 4.

- 2.4 There are £0.6m of cross cutting savings related to the planned review of senior structures that may not be fully achieved in 2018/19. **(Month 6 0.3m)**
- 2.5 There are also £1.1m of cross cutting savings related to Commercialism that are not anticipated to be achieved, and £0.2m of Workforce savings **(Month 6 £0.1m)** that were previously assumed to related to Children & Young People, but are not achievable as they relate to staff charged to the Dedicated Schools Grant (DSG)
- 2.6 £5.7m of the Financial Resilience Reserve (FRR) was identified as part of the budget pending the identification of detailed savings plans across all Directorates. To date, £1.4m has been identified and work is ongoing to identify the remaining £4.3m.

The current forecast position on delivering the efficiency target is summarised in Table 5 below:

Table 5- Summary of Efficiency Targets

Directorates	Budget		Forecast Achievability in 2018/19	Forecast Achievability in 2019/20
	2018/19 £m	2019/20 £m	Delivery £m	Delivery £m
Adult Social Care & Health Directorate	0.000	(2.391)	0.000	(2.391)
Children & Young People Directorate	0.000	(0.664)	0.000	(0.664)
Place Directorate	0.000	(1.248)	0.000	(1.248)
Economy Directorate	0.000	(0.739)	(0.739)	(0.739)
Strategic Services Directorate	0.000	(0.276)	(0.276)	(0.276)
Human Resources	0.000	(0.078)	(0.078)	(0.078)
Finance & Governance Directorate	0.000	(0.244)	(0.250)	(0.244)
Chief Executive & Assistant Chief Executive	0.000	(0.025)	(0.025)	(0.025)
Total	0.000	(5.665)	(1.368)	(5.665)

3. Resource Allocations

3.1 General Policy Contingency

General Policy Contingency for the year is £3.0m. The use of £1.2m has already been approved leaving a balance of £1.8m before the proposed use mentioned below.

It is proposed to utilise £1.5m of funds from General Policy Contingency to rebase the budget for Waste Management Services for 2018/19. This would leave a balance of £0.3m in General Policy Contingency.

3.2 Specific Policy Contingency

The Council Plan and Budget 2018+ approved by Council on 27th February 2018 reflected £8.4m for Specific Policy contingency in 2018/19. A breakdown by each specific contingency is reflected in Annex 3. It should be noted that the Directorate forecasts have already assumed the allocation of Specific Policy Contingency in year.

As part of the Council's simplification of processes, the Cabinet meeting of 31st July 2018, approved that the Section 151 Officer be given delegated authority for the verification and allocation of Specific Policy contingency to fund expenditure which is in line with the approval given as part of the Council Plan and Budget 2018+.

There have been no further releases of Specific Policy Contingency since Month 6.

3.3 Winter Funding Grant

On 2nd October 2018, The Secretary of State for Health and Social Care announced £240m of extra funding in 2018/19 for councils "to spend on adult social care service to help councils alleviate winter pressures on the NHS, getting patients home quicker and freeing up hospital beds across England". The Secretary of State informed Councils on 17th October 2018 of their allocations. The allocation for the City Council is £5.6m. The Secretary of State's letter stated that the money should be additional to current budgeted expenditure on adult social care. The Council is required to discuss its plans with health partners. The Council will be required to confirm that all the grant will be spent on providing adult social services, in addition to funding already planned: and that it has discussed this with local NHS partners, including local acute hospital trusts.

It is proposed that the funding be held as a Specific Policy Contingency until plans for how this is to be spent are developed.

3.4 New funding to support children with special educational needs and disabilities (SEND)

On 16th December 2018, The Secretary of State for Education announced that councils will receive £250m of extra funding over 2018/19 and 2019/20 "to provide much needed support for children and young people with complex SEND". This funding will be on top of that already provided in the high needs budget this year. The Secretary of State has also informed Councils of their allocations. The

allocation for the City Council in 2018/19 is £3.0m. This will increase the DSG allocation by £3.0m within the High Needs block.

Children & Young People plans to increase its budgeted grant income by £3.0m and increase its budgeted expenditure by the same amount.

Cabinet is requested to approve the acceptance of the Grant, and the increase in budgeted income and expenditure, as above.

3.5 Transfer of Service Areas

The Council continues to periodically review the Directorate Service responsibilities with the aim of securing the most appropriate service delivery arrangements to ensure that these are delivered effectively in a co-ordinated manner. The latest approved hierarchy is reflected in Annex 1.

4.1 Collection Fund

The monitoring arrangements for the Collection Fund include reporting on the in-year position for Council Tax and Business Rates. However, for the most part, the impact on the budget is as set out in the Council Plan and Budget 2018+, with any surplus or deficit being required to be carried forward and taken into account as part of the 2019/20 budget setting process.

Council Tax

The overall net budget for Council Tax income including Parish and Town Council Precepts is £329.2m in 2018/19. In addition, the Council collects the precepts on behalf of the Fire and Police Authorities. There has been no change in the anticipated break even position forecast for the year including an in year surplus of £0.1m offset by an equal and opposite deficit brought forward from 2017/18.

Business Rates

Under the 100% Business Rates Pilot that came into effect on 1st April 2017 the Council continues to retain 99% of all Business Rates collected under the Business Rates Retention Scheme with 1% being paid over to the West Midlands Fire Authority. The overall budgeted level of Business Rates in 2018/19 is £422.3m (excluding the Enterprise Zone), of which the Council's retained share is £418.1m.

Excluding the impact of appeals there is a deficit anticipated, in year, of which the Council's share is £2.1m (£0.2m at Month 6). This is due, in part, to additional reliefs for small businesses which will be compensated for via additional grants from Central Government plus additional charitable and empty property reliefs.

In addition, there is an appeals related surplus anticipated of which the Council's share is £13.5m. £5.2m (£8.6m at Month 6) of this is due to the anticipated volume of appeals relating to 2018/19 being lower compared with the assumed position when setting the budget. However, as this is only expected to be an issue of timing, it is anticipated that this element will be required to be set aside and used for appeals in future years. In addition, a further £8.3m net reduction in provisions brought forwards from previous years is anticipated. This is mainly as a result of valuation tribunal decisions against appellants in relation to appeals on Rateable Values in and around the Grand Central complex releasing £8.9m plus other dismissals of outstanding appeals releasing £1.8m less additional provisions forecast for the anticipated removal of ATM's from the ratings list throughout the City of £2.4m.

As a result of the above a total in year surplus of £11.4m (£8.4m at Month 6) is anticipated relating to the Council's share (£2.1m deficit offset by £13.5m appeals related surplus). However, it is proposed that this surplus will be set aside as a contribution to reserves as a contingency against future appeals.

In addition to the in-year position, a cumulative surplus was brought forward from 2017/18 (over and above that budgeted for) which has previously been reported in the 2017/18 Outturn Report. The Council's share is £1.3m.

An overall forecast surplus of £12.7m relating to the Council's share of Business Rates (£11.4m in year surplus plus £1.3m surplus brought forward) is anticipated. £1.1m of

this has been assumed to be taken into account in setting the budget for 2019/20. £11.6m (£11.4m in year plus £0.2m brought forward from previous years) is therefore available as a contribution to reserves as a contingency against future appeals, allowing planned contribution to be brought forward.

5. Detailed Revenue Commentaries by Directorate

The following paragraphs comment on the major financial issues identified at this point in the year. Detailed figures for each Directorate are shown in Annex 1.

5.1 Adult Social Care & Health – Net Underspend £5.2m (Net underspend £0.5m at Month 6)

The Directorate is forecasting an underspend of £5.2m at Month 9. This is an improvement of £4.7m since Month 6 largely related to an improved position on Packages of Care.

The Directorate senior management team have taken steps to accelerate some future years savings, mitigate the overspend reported early in the year, and review spend against a range of non-pay, non-package of care budgets. The Directorate is continuing to take a cautious approach in the light of the challenging savings agenda, uncertain position in relation to packages of care over the winter months, and delays in implementing some elements of the change agenda.

The Directorate continues its implementation of a wide ranging improvement programme for Older Adult Care. The impacts of some aspects of the ASCH change programme are starting to be seen in lower expenditure on packages of care than was expected at this stage in the year. In addition, work continues to review income due to the Council from health and service user contributions. A reduction has been made in the projected year-end position to reflect the overall reduction and further work is being done to identify the extent to which this reduction is sustainable. Due to the volatility in terms of demand and an ageing population with ever increasing acuity of need, the Directorate is taking a cautious approach to the improving picture. In order to be confident in being able to sustain this change the Directorate would need to see this trend continue over a significant period of time.

Processes have been put in place to assign budgets at a locality level with increased oversight and accountability for spend. This along with work to implement the changes in the implementation plan means that the Directorate is delivering on changes impacting on the staffing budget and overachieving on the packages of care budget. The Directorate therefore will not require any additional mitigation for non-delivery of savings above that assumed in the original budget.

Base Budget forecast

There is a net forecast underspend of £5.2m at Month 9. This relates to the following:

- **Adult Packages of Care – net £3.3m underspend (Month 6 £0.7m underspend)**
There is a gross overspend of 3.3m (Month 6 £1.9m) made up by pressures of £0.6m on Day Care Provision and £0.4m on Home Support payments. In addition there are provisions to increase bad debts of £2.3m. These pressures are mitigated by £1.1m additional income from Joint Funded Mental Health Placements, £1.4m on reduced projection of Residential Care costs, £2.7m on increased collection of Client Contributions and £1.4m recoupment of Direct Payments.
- **Specialist Care Services (SCS) - £0.1m underspend (Month 6 £1.0m overspend)**
There have been extensive challenges particularly around the Enablement Service reductions and the Day Care savings. There has been strike action and demonstrations which have delayed the processes. The ongoing disputes may have a £0.7m effect on

staffing with staff not being released from this area as planned and the impact of this has been included in the forecast. The improvement since Month 6 largely relates to bringing forward a saving proposed for 2019/20 which uses capital resources to fund expenditure on assistive equipment.

- Corporate Director - £1.2m underspend (Month 6 £0.4m underspend)
The cross Directorate budgets relating to central support costs, general management, and implementation of the improvement programme, are currently anticipated to be slightly under budget. Management have reviewed spending in this area and identified underspends in Supplies & Services and Premises budgets. The Directorate has also brought forward a saving proposed from 2019/20 which uses capital resources to fund expenditure on the Equipment Loans Store.
- Other minor variations - £0.6m underspend (Month 6 £0.4m underspend)
There are forecast underspends of £0.4m in Assessment and Support Planning and £0.2m in Adult Social Care and Health Commissioning.

Savings Programme forecast

Adult Social Care & Health is forecasting full delivery of the budgeted savings.

The Directorate's savings programme includes two savings which will not be delivered in the way originally anticipated: the changes to the School Health service commissioned by Public Health, and the reduced contribution to the bad debt provision.

It was originally planned that the School Health Advisory Service would be re-modelled and a procurement exercise was run earlier in the year on this basis. This was unsuccessful and a revised proposal was brought to Cabinet in December. This means that the original reduction in the budget will not be delivered in 2018/19, and also only partially in 2019/20. This will be mitigated within the Public Health account from reduced activities levels in other services and higher than anticipated vacancy levels.

In addition the changes planned to the debt collection activity in the Directorate have been delayed and so the saving in the contribution to the bad debt provision will not be achieved. Furthermore, the level of income has risen across the Directorate and so the level of outstanding debt has increased proportionately. The shortfall in the saving is mitigated by additional income, particularly around joint funded packages of care.

Efficiency Target forecast

Adult Social Care & Health has not been able to identify a way of bringing forward the delivery of the £2.4m share of efficiency savings.

5.2 Children & Young People Net Overspend £2.5m (Net Overspend £3.3m at Month 6)

The Directorate is forecasting a net overspend of £2.5m. This is made up of £1.2m (Month 6 £1.7m) base budget pressures and £1.3m (Month 6 £1.6m) savings not deliverable.

The improvement of £0.8m since Month 6 primarily relates to reductions in the overspend on Travel Assist and workforce savings being fully delivered in 2018/19.

Base Budget forecast

The base budget overspend of £1.2m relates to the following:

- There is a shortfall of £1.8m (£2.2m at Month 6) on Travel Assist (which when combined with the £1.3m savings non delivery results in a total deficit of £3.1m). The reduction in the shortfall is mainly due to forecast reductions in the costs of vehicle hire and guides, following a detailed review of costs and projections. The required changes to deliver sustainable recurrent savings will require a change in policy and a new commissioning procurement strategy both of which will require Cabinet approval and appropriate consultation and will not be in place this year to deliver a full year impact. Options are currently being considered to reduce the overspend pressure carrying over into 2019-20 and will be considered by Cabinet as part of the 2019+ Budget Consultation.
- Day nurseries £0.5m (no change since Month 6) - A Cabinet report was planned for June 2018 to seek approval to the recommendations for the day nurseries following consultations and reviews of alternatives – prompted by the fact that the day nurseries are not financially sustainable. It was agreed in October that an alternative option for day nursery provision, which was put forward by GMB union, should be considered. This meant that the report to Cabinet, originally anticipated for October, was delayed until December. It is likely that any change to services will not be implemented this financial year.
- A one off saving of £0.6m (No change since Month 6) has been identified by deferring repayment to school balances in respect of monies borrowed from school balances a number of years ago to help fund a Business Transformation programme.
- Other miscellaneous savings £0.5m (Month 6 £0.4m) – including funding the asset management pressure from capitalisation (as in previous years).

Savings Programme forecast

There are forecast savings not fully achieved in 2018/19 of £1.3m (Month 6 £1.6m). The improvement primarily relates to WOC savings being fully delivered.

- £1.3m Travel Assist. The savings shortfall on Travel Assist with the issues as set out as above.

Efficiency Target forecast

Children & Young People has not been able to identify a way of bringing forward the delivery of the £0.7m share of efficiency savings.

5.3 Place (excluding Housing Revenue Account) – Net overspend £7.6m (Net overspend £7.8m at Month 6)

The Directorate is reporting a forecast overspend of £7.6m at Month 9 which represents a reduction of £0.2m since Month 6. This includes base pressures of £4.9m (£4.8m Month 6) and forecast non-delivery of savings of £2.7m (£3.0m Month 6).

Base Budget forecast

A base budget pressure of £4.9m (£4.8m Month 6) is forecast at Month 9 comprising:

- Waste Management Services – £5.4m (£5.5m Month 6) pressure relating to:
 - The delay in the implementation of the 5 day working week until September 2018 (£1.7m)
 - On-going commercial volatility and lower paper market prices (£1.2m)
 - Lower fleet services recharge income due to reduced demand from internal Council customers (£0.7m)
 - Residual matters relating to external contractors commissioned during the industrial dispute in 2017/18 (£1.8m)
- Markets – £1.2m pressure (£1.1m Month 6)
 - The pressure substantially relates to transitional costs arising from the relocation of the wholesale market. This includes part year costs of additional non domestic rate expenditure relating to the old wholesale market at Pershore Road and an increased level of bad debt provision required, the latter of which is the reason for the movement since month 6.
- £0.2m (no change) overspend on Equalities and Community Cohesion/CCTV
 - There have been a number of budget reductions in previous years that have not been fully implemented. This has meant that the budget is not sufficient to support all of the existing cameras. A proposal is being prepared related to removing some of the cameras, which would reduce the annual overspend. However there will be significant one-off costs for removing the cameras and making good the highways / pavements.
- Homelessness Service - A number of key risks remain however (not reflected in this year-end projection), principally relating to continuing and increasing pressures on the Homeless Service

Offset by

- £1.9m underspend (£1.8m underspend Month 6) due to a number of mitigations in a number of individual service areas comprising:
 - Private sector housing (£0.5m),
 - Bereavement Services (£0.4m)
 - Neighbourhood & Community Services (£0.5m)

- Adult Education Services (£0.2m)
- Support Costs (£0.2m)
- Parks and Nature (£0.1m)

Savings Programme forecast

The 2018/19 Savings Programme has savings of £2.7m (Month 6 £3.0m) that are not expected to be delivered at Month 9. These are summarised below.

- £0.4m Waste Services (no change since Month 6) – Capacity Fee and Overrun Agreement (pending the procurement of the new contract from January 2019). This is the element that may not be realisable from the total of £1.8m based on the current position on the negotiation of the agreement. This assessment will be further reviewed and refined to reflect the outcome of negotiations.
- £0.3m on Parks (no change since Month 6) – A previously anticipated pressure relating to the disposal of parks land (expected 8 acres per year subject to approval by Property Board) has now been alleviated leaving an undeliverable prior year saving relating to Cofton Nursery of £0.3m.
- £0.7m Asset and Property Disposal Programme (no change since Month 6) – Sales of £8m per annum to generate a revenue saving subject to approval by Property Board. These have been delayed due to extended consultation on sites affected.
- £1.2m Cross Cutting Workforce Savings (£1.4m Month 6) – £1.3m is achieved from the total of £2.5m (the non-delivery of £1.2m includes £0.8m for Waste Services). Plans are in development for a refreshed approach to delivery that will take a whole Directorate view rather than pro-rating savings to individual service areas.
- £0.1m (£0.2m Month 6) of pension strain costs from previous years.

Efficiency Target forecast

Place Directorate has not been able to identify a way of bringing forward the delivery of the £1.2m share of efficiency savings.

5.4 Economy – Net overspend £0.4m (Net overspend £1.0m at Month 6)

Economy is forecasting a net overspend of £0.4m (Month 6 £1.0m overspend). This includes forecast non-delivery of savings of £3.8m, offset by base underspends of £2.7m and by accelerated achievement of the Efficiency Target of £0.7m.

This is an improvement of £0.6m since Month 6. Savings non-delivery has worsened by £0.2m. This is offset by a £0.8m improvement in the Base Budget forecast.

Base Budget forecast

The Directorate is reporting an underspend of £2.7m (Month 6 £1.9m underspend) on the base budget position which includes:

- Council Administration Buildings (CAB) Income £0.5m shortfall (No change since Month 6): This largely relates to a reduction of income due to the relocation of previous CAB clients.
- Facilities Management (FM) £0.3m pressure (No change since Month 6): FM provides a range of 'security and curatorial' services across the Council and became the management responsibility of Birmingham Property Services (BPS) at the start of 2018/19, having previously been managed on behalf of the Council by Acivico. Over recent years FM's year-end outturn position has been one of deficit, with the position for 2017/18 totalling £0.3m.
- Other minor in year overspend of £0.8m including £0.5m (Month 6 £0.5m) Street Lighting, £0.2m (Month 6 £0.2m) shortfall on Licences and Permit income, and £0.1m deficit on Local Engineering and Car Parking (Month 6 balanced).

These have been more than offset by the following:

- Civil Parking Enforcement £0.7m Surplus (Month 6 £0.7m)
- Prudential borrowing £0.4m Underspend (Month 6 £0.5m)
- Planning Application Fee Income £0.6m Surplus (Month 6 £0.4m)
- Developers Fee Income £0.6m Surplus (Month 6 £0.4m)
- HMMPFI Superannuation £0.3m Underspend (Month 6 £0.3m)
- Pre-application Fee Income £0.3m Surplus (Month 6 £0.3m)
- £0.5m savings from part funding the West Midlands Passenger Transport Levy relating to concessionary fares from in-year Bus Lane Enforcement surplus (Month 6 balanced)
- Other minor underspends totalling £0.9m comprising: Highways & Infrastructure £0.2m (Month 6 £0.2m), Planning £0.2m (Month 6 £0.2m), Business & Customer Support £0.2m (Month 6 £0.2m), Car Parking Related Income £0.1m (Month 6 £0.1m), and other underspends £0.2m (Month 6 £0.1m).

Savings Programme forecast

Savings not anticipated to be fully achievable in 2018/19 of £3.8m are set out below:

- InReach £1.6m (Month 6 £1.6m): This is made up of three elements: There is under-achievement of £0.4m on the Embankment Development and delays of £0.5m on the

Further Market Rent Homes Scheme, including Key Hill and Brasshouse, and £0.3m delays on the HRA Voids Scheme. The HRA Voids Scheme was subject to approval from the Secretary of State, and due to delays in approval, this scheme is now forecast to commence with effect from 2019/20.

- CAB £1.7m (no change since Month 6): An underachievement of £2.0m after a one-off planned use reserves of £0.4m is planned to be partially mitigated by £0.3m on-going revenue benefit from property disposals used to repay debt.
- City Centre On-Street Parking £0.5m (no change since Month 6): The scheme was originally planned to be in operation for a full year in 2018/19. However, due to a lengthy consultation process the scheme is not now expected to generate income until April 2019. As a result there will be a shortfall against the income budget in 2018/19. At Month 6, it was assumed to deliver savings from February 2019. However this has been delayed further, largely due to the complexity in preparing Traffic Regulations Orders (TROs) for several sites.

Efficiency Target forecast

Economy has accelerated its efficiency savings to cover its target of £0.7m in the current year as required

5.5 Strategic Services – Net underspend £1.7m (Net overspend £0.6m at Month 6)

The Directorate is forecasting a net underspend of £1.7m (Net overspend £0.6m at Month 6) representing an improvement of £2.3m since Month 6. This includes a net underspend on the base budget of £1.4m (£0.9m base pressure at Month 6) plus an accelerated achievement of the Efficiency Target of £0.3m (no change).

Base Budget forecast

The Directorate is reporting a net underspend of £1.4m (£0.9m overspend at Month 6) on the base budget position which includes:

- A net shortfall in digital advertising income of £1.1m (Month 6 £1.3m) due to build delays, the impact of traffic disruption especially around the Paradise roadworks, and the challenging economic position which is impacting on the ability to sell advertising slots. The service will continue working with the contracting partner to try to expedite the advertising site build programme to assist in the income delivery and potentially develop further income raising proposals. Careful monitoring of the income continues.

Offset by

- £1.0m underspend (zero at Month 6) for Information Communication Technology & Digital Services (ICT&D) – This is mainly due to lower Prudential Borrowing costs than budgeted for and an underspend on Microsoft Licences.
- A £1.0m (zero at Month 6) underspend on Revenues and Benefits. There is a one-off budget to repay £1.0m use of Housing Benefit Subsidy Reserve that was expected to be utilised in

2017/18. The £1.0m was not drawn down as anticipated in 2017/18, and therefore there is no requirement to repay this. To date, this has been assumed as part of the overall Housing Benefit Subsidy budget and outturn forecast. It is now considered that this can be returned corporately.

- A £0.5m (£0.4m at Month 6) underspend on Business Improvement – The consolidation of budgets and staff is nearing completion resulting in a much clearer position on the forecast for the year.

Efficiency Target forecast

Strategic Services has accelerated its efficiency savings to cover its target of £0.3m in the current year as required, which is unchanged since Month 6.

5.6 Human Resources – Net underspend £0.3m (no change since Month 6)

The Directorate is forecasting a net underspend of £0.3m. This includes a base budget underspend of £0.2m plus an accelerated achievement of the Efficiency Target of £0.1m.

Base Budget forecast

An underspend of £0.2m is forecast on the base budget due to the anticipated pension fund strain being funded centrally.

Savings Programme forecast

HR has savings targets of £0.2m (no change) of WOC savings it considers unachievable in the current year while the new service model is implemented. However, these are expected to be mitigated in the short term through vacancy management.

Efficiency Target forecast

Human Resources have accelerated their efficiency savings to cover their target of £0.1m in the current year as required. This has been achieved, again, through vacancy management.

5.7 Finance & Governance – Net underspend £1.6m (Net underspend £1.3m at Month 6)

The Directorate is forecasting a net underspend position of £1.6m at Month 9. (Month 6 £1.3m underspend).

This is a £0.3m improvement, made up by improvements of £0.1m related to Business Transformation, £0.1m forecast additional income for Legal and Governance, and £0.1m other minor variations.

Base Budget forecast

There is a forecast underspend of £1.3m (£1.0m at Month 6) made up of the following:

- SAP Development £0.9m underspend (no change since Month 6)

- Business Transformation £0.2m underspend (£0.1m at Month 6)
- Legal and Governance £0.1m underspend (Balanced at Month 6)
- Other minor variations £0.1m underspend (Balanced at Month 6).

Savings Programme forecast

The budgeted savings are expected to be fully achieved.

Efficiency Target forecast

Finance and Governance has accelerated its efficiency savings to cover its target of £0.3m in the current year as required.

5.8 Chief Executive and Assistant Chief Executive – net underspend £0.025m (no movement since Month 6)

The Directorate is forecasting a net underspend position of £0.025m at Month 9. This has not moved since Month 6.

Base Budget forecast

The base budget is forecast to be balanced at Month 9.

Savings Programme forecast

The budgeted savings are expected to be fully achieved.

Efficiency Target forecast

The Directorate has accelerated its efficiency savings to cover its target of £0.025m in the current year as required.

5.9 Housing Revenue Account

A balanced HRA Budget was approved for 2018/19 (expenditure of £277.2m funded by equivalent income). The budget was based on the continuing national rent policy of -1% that will be implemented in each year from 2016/17 to 2019/20.

A balanced overall revenue position is forecast, with any net overspends or underspends to be managed by corresponding adjustments to the level of HRA borrowing repaid.

Key areas of financial uncertainty relate to levels of tenants' Right To Buy activity, housing repairs contractors' performance (reflecting performance related payment elements of contracts) and tenants' arrears / rent payment levels as Universal Credit continues to be rolled out. These will continue to be closely monitored through the year.

The forecast year-end financial position is summarised in the table below:

Table 6: HRA Forecast Position

	£m
Repairs & Maintenance	(4.2)
Estate Services	(0.2)
Local Offices/Housing Management	(0.3)
Rental Income & Arrears	0.8
Capital Financing/Debt Repayment	3.9
Total	0.0

Capital Financing represents an increased repayment of HRA borrowing in order to deliver a balanced overall HRA, in order to minimise interest payments in the longer term. Consideration will continue to be given to the need to balance increased debt repayment with additional capital investment in the housing stock as the year progresses and any additional investment needs are identified.

It appears unlikely that any government support will be forthcoming to contribute to the costs of the installation of sprinklers and other fire prevention works. Work is continuing to assess the investment need in Birmingham, in order to identify any reprioritisation of works or resource utilisation to ensure the safety of our tenants.

Other key risks relate to impacts of the continuing rollout of Universal Credit (which may increase levels of tenants' rent arrears), uncertainty over the level of future annual rent increases (currently anticipated to be calculated as CPI + 1% from April 2020) and potential pricing risks from the extension or retendering of repairs contracts to come into effect from April 2020.

5.10 Dedicated Schools Grant (DSG) net overspend £5.1m (Net overspend £3.5m at Month 6)

The Dedicated Schools Grant (DSG) is a highly prescribed and ring-fenced grant which is currently budgeted at £661.7m. It is the primary source of funding that is delegated /allocated to schools and other educational providers for their revenue costs as well as funding certain prescribed centrally managed provision. The funding is shown in Table 8 below. The total funding for Birmingham is £1,169.7m, of which £508.0m is currently recouped by the Education Funding Authority (EFA) to directly passport funds to academies and free schools, leaving £661.7m to be funded by the City Council.

Table 8	Funding	Less Recoupment	BCC Funding	Forecast M9	Over/ (Under) M9
	£m	£m	£m	£m	£m
Schools Block	908.5	(479.5)	429.0	429.0	0.0
High Needs Block	152.6	(28.5)	124.1	129.2	5.1
Early Years Block	90.7		90.7	90.7	0.0
Central Services Block	17.9		17.9	17.9	0.0
Total	1,169.7	(508.0)	661.7	666.8	5.1

The key issues for 2018/19 are as follows:

Schools Block

The Directorate is supporting schools with deficits to either come out of deficit and/or stop them increasing. As at 31/3/2018 the net balance on schools was £49m, which comprised £60m surplus balances and £11m deficit balances. The latest estimate of schools in deficit is £13.1m, though this will depend if there are any further academy conversions in the current year. The growing level of deficit is an increasing concern since where those deficits are not addressed and schools are directed to become academies due to poor educational performance BCC is required to fund the deficits. Within the schools which are expected to transfer to academy status in the remainder of 2018/19, there are two schools which have a deficit of £1.5m and £0.6m respectively, which could transfer to academies. An amount of £0.5m would be covered by DSG contingency, which would mean an amount of £1.6m which would need to be funded by BCC through capital receipts.

High Needs Block

- The level of spend on High Needs is the second main area of concern, which is a concern nationally. At the end of 2017/18 the cumulative deficit on High Needs was £13.8m. The forecast net overspend for the current year is £5.3m, which has increased from that reported at Month 6 by £1.8m, due in particular, to increased costs of High Needs provision in Colleges / FE settings and Independent Schools.
- The current projected overspend of £5.3m in the High Needs Service largely relates to £1.3m in special schools as a result of additional place changes to top-up funding and ESN payments to reflect increased complexity of need, £1.8m in post 16 placements and £1.2m in independent placement provision primarily due to savings not achievable, £0.9m in Resource Base provision and £0.7m in mainstream primary, secondary and early year settings. There are also other overspends of £0.4m for placements in other LAs due to

growth and shortage of places and £0.2m in alternative provision. This has been partially offset by savings of £1.2m due to unrealised liabilities from 2017/18 for independent placements (£0.8m) and Post 16 Placements (£0.4m).

- Other minor underspends of £0.2m in this block have been identified.
- The Directorate is considering the utilisation of part of the under spend brought forward from 2017/18 on other DSG blocks prescribed activities to reduce the deficit. The directorate is also reviewing planned commitments and other funding sources.
- In view of national pressures on special educational needs, the Government have, recently announced additional funding for High Needs of £3.0m in 2018-19 the same amount for 2019-20. This will have a beneficial impact on the financial position, though the precise impact of the funding will require discussion at the School Forum and consideration of the recently agreed Written Statement of Action on High Needs agreed with partners, following the Ofsted review of SEND in Summary 2018. There is likely to be a case for some additional investment to address the underlying deficit on High Needs over a longer-term as part of its recovery plan.
- The DFE Consultation on the implementation of new arrangements for reporting deficits of the dedicated schools grant will require all local authorities with a cumulative overspend on DSG provision to produce recovery plans detailing the steps they plan to take to provide statutory services within the annual funding envelope. These recovery plans should be discussed with, and if possible, agreed with, the local schools forum and should look to bring the overall DSG account into balance within a maximum of three years. This will be set out in the Financial Plan 2019+.

Other DSG variances

- Within other DSG spend areas, there is a forecast balanced position. This comprises forecast underspends on Admissions (£0.2m), offset by over spends on Strategic Leadership (£0.1m) and Schools Centrally Managed Budget (£0.1m).

5.11 Corporate Position - Net overspend £0.4m (Net overspend £2.3m at Month 6)

There is a forecast net overspend of £0.4m in Corporate. This includes non delivery of savings of £1.9m offset by a base budget underspend of £1.5m.

This is an improvement of £1.9m since Month 6.

Base Budget forecast

There is a Corporate underspend of £1.5m (Month 6 £0.8m overspend) on the base budget position which includes:

- Non-achievement of income of £0.7m related to budgeted Acivico profit share that, to be prudent, is being treated as unachievable, and a further £0.1m forecast costs for charges such as archiving and unfunded Highbury Hall costs (no change since Month 6).
- Following the report to Cabinet on 11th December regarding Acivico, it is considered that there will be pressure of £2.0m historic issues identified as part of the accounts process, and a forecast pressure of £0.8m relating to the transitional process to move Acivico out of a deficit position.

These have been more than offset by the following:

- As a result of the Government refining calculations relating to compensatory grants due for additional Business Rates Reliefs brought in as part of the Budget and Autumn Statement 2016, the Council will receive a further £2.2m of extra section 31 grants in 2018/19 which can be used to mitigate the corporate pressures described above. The Government made this announcement on 31st October 2018.
- It is forecast that the Council's dividend income will be £0.5m higher than budgeted.
- The Council has identified that it can reduce the contribution to the Business Rates Reserves by £2.4m compared to the budget, thus reducing the corporate pressures.

Savings Programme Forecast

Savings not anticipated to be fully achievable in 2018/19 of £1.9m are set out below:

- Commercialism £1.1m (no movement since Month 6): There is a target of £1.2m from Commercialism savings. The template only expects £0.1m to be achieved in year as planned. There was a plan for the remainder to be achieved by one-off mitigations. However, the latest assessment is that it would not be prudent to assume that £1.1m of these will be achieved. This will continue to be monitored. The benefits from the actions currently undertaken will show in 2019/20.
- Review of Senior Structure £0.6m (Month 6 £0.3m): There is a target of £0.6m from the planned review of senior structures. It has been assumed that none of the savings are achieved. It is anticipated that this will be fully delivered in future years.

- Workforce Savings £0.2m (Month 6 £0.1m): There is non-achievement of £0.2m of Workforce savings that were previously shown against Children and Young People Directorate. It has been established that these savings relate to staff funded by the DSG and therefore cannot be achieved.

5.12 Movements since Month 6

The Council has each month produced a forecast year end position. This report compares to the position at Month 9 to the position at Month 6. Below is a summary of the position in the months in between the quarterly Cabinet Reporting cycle

Directorate	Total Forecast Overspend/(Underspend)			
	as at			
	Month 6 £m	Month 7 £m	Month 8 £m	Month 9 £m
Adult Social Care & Health Directorate	(0.472)	(2.877)	(4.986)	(5.205)
Children & Young People Directorate	3.315	3.184	2.897	2.535
Place Directorate	7.778	9.124	7.788	7.618
Economy Directorate	1.000	0.900	0.400	0.400
Strategic Services Directorate	0.614	(0.398)	(1.659)	(1.739)
Human Resources	(0.331)	(0.331)	(0.331)	(0.331)
Finance & Governance Directorate	(1.258)	(1.250)	(1.250)	(1.600)
Chief Executive & Assistant Chief Executive	(0.025)	(0.025)	(0.025)	(0.025)
Sub-total Directorates Position	10.621	8.327	2.834	1.653
Policy Contingency	0.000	0.000	0.000	0.000
Corporate Savings	1.509	1.858	1.858	1.858
Other Corporate Items	0.801	(1.431)	(1.503)	(1.503)
Sub-total Corporate Position	2.310	0.427	0.355	0.355
City Council General Fund	12.931	8.754	3.189	2.008
Housing Revenue Account (HRA)	0.000	0.000	0.000	0.000
City Council	12.931	8.754	3.189	2.008

Financial Position analysed by Directorate - budget pressures (including budget savings)

Division of Service Area	FULL YEAR BUDGET			YEAR END			
	Original Budget	M'ments	Revised Budget	Base Budget Pressures / (Savings)	Savings Programme not Deliverable	Efficiency Target	Total
	£'m	£'m	£'m	£'m	£'m	£'m	£'m
Corporate Director	37.222	0.000	37.222	(1.165)			(1.165)
Adult Packages of Care	197.179	(0.400)	196.779	(3.161)			(3.161)
Assessment & Support Planning	35.817	0.781	36.598	(0.397)			(0.397)
Specialist Care Services	31.036	0.400	31.436	(0.241)			(0.241)
Adult Social Care & Commissioning	34.979	(0.945)	34.034	(0.241)			(0.241)
Public Health	0.000	0.000	0.000	0.000			0.000
Adults Social Care & Health Directorate Total	336.232	(0.164)	336.068	(5.205)	0.000	0.000	(5.205)
Education and Skills	76.408	1.112	77.520	0.113			0.113
Schools Budgets	(156.117)	(3.480)	(159.597)	0.100			0.100
Children With Complex Needs	108.201	3.103	111.304	1.808	1.300		3.108
Early Help & Childrens Soc Care	0.000	0.000	0.000	(0.192)			(0.192)
Business Change	23.055	(0.708)	22.346	(0.507)			(0.507)
Birmingham Children' Trust	183.304	1.565	184.869	(0.087)			(0.087)
Children and Young People Directorate Total	234.850	1.591	236.442	1.235	1.300	0.000	2.535
Community Sports & Events	5.781	0.212	5.993	0.036	0.125		0.161
Fleet and Waste Management	57.237	1.093	58.330	5.373	0.496		5.869
Parks and Nature Conservation	11.600	0.497	12.097	(0.118)	0.495		0.377
Bereavement Services	(3.404)	0.000	(3.404)	(0.456)	0.056		(0.400)
Markets	(1.190)	(0.570)	(1.760)	1.222			1.222
Business Support	1.044	0.000	1.044	0.000			0.000
Equalities, Cohesion & Safety	0.277	0.000	0.277	0.176	0.004		0.180
Resilience and Services	1.107	0.085	1.192	(0.030)	0.030		0.000
Regulatory Services	8.125	0.025	8.150	(0.118)			(0.118)
Private Sector Housing	(0.147)	0.000	(0.147)	(0.500)			(0.500)
Neighbourhood Community Services	27.641	0.140	27.781	(0.469)			(0.469)
Birmingham Adult Education	(0.365)	0.000	(0.365)	0.000			0.000
Central Support Costs	14.532	(0.788)	13.744	(0.192)	1.488		1.296
Housing Revenue Account	0.000	0.000	0.000	0.000			0.000
Culture & Visitor Economy	8.463	0.010	8.473	0.000			0.000
City Centre Management	0.041	0.052	0.093	0.000			0.000
Housing Options	5.106	0.000	5.106	0.000			0.000
Shelforce	(0.164)	0.071	(0.093)	(0.016)	0.016		0.000
Other funds	0.000	0.000	0.000	0.000			0.000
Place Directorate Total	135.687	0.827	136.514	4.908	2.710	0.000	7.618
Planning & Development (City Centre, EZ & BDI)	2.842	0.293	3.135	(0.220)			(0.220)
Planning & Development (Strategy & Planning)	2.541	(0.384)	2.158	(0.920)			(0.920)
Business and Customer	8.008	2.068	10.076	(0.161)		(0.739)	(0.900)
Transportation and Connectivity	46.246	0.383	46.629	(0.600)			(0.600)
Housing Development	(1.343)	0.000	(1.343)	(0.104)	1.644		1.540
Highways and Infrastructure	40.834	(0.085)	40.749	(1.063)	0.463		(0.600)
Birmingham Property	(6.899)	0.586	(6.313)	0.415	1.685		2.100
Employment Services	0.535	1.448	1.983	0.000			0.000
GBSLEP Executive	0.000	0.000	0.000	0.000			0.000
Economy Directorate Total	92.764	4.309	97.073	(2.653)	3.792	(0.739)	0.400

Appendix A

Annex 2

Division of Service Area	Original Budget £'m	M'ments £'m	Revised Budget £'m	Base Budget	Savings	Efficiency	Total £'m
				Pressures /	Programme not	Target	
				(Savings)	Deliverable		
	£'m	£'m	£'m	£'m	£'m	£'m	£'m
Corporate Strategy	0.231	0.000	0.231	0.079		0.000	0.079
Procurement	(2.387)	(0.027)	(2.414)	1.122		(0.022)	1.100
Revenues & Benefits	1.216	(0.001)	1.215	(1.000)		(0.038)	(1.038)
Core ICT	7.485	(0.844)	6.642	(1.000)	0.000	(0.017)	(1.017)
Customer Services	10.015	0.276	10.291	0.000		(0.065)	(0.065)
Communications	1.595	(0.000)	1.594	(0.128)		(0.010)	(0.138)
Business Improvement	12.131	0.082	12.213	(0.536)		(0.124)	(0.660)
Cityserve	(2.231)	(0.004)	(2.235)	(0.000)			(0.000)
Strategic Services Total	28.055	(0.518)	27.537	(1.463)	0.000	(0.276)	(1.739)
Human Resources	6.572	(0.090)	6.482	(0.253)		(0.078)	(0.331)
Human Resources Total	6.572	(0.090)	6.482	(0.253)	0.000	(0.078)	(0.331)
City Finance	8.898	0.391	9.288	0.000			
Birmingham Audit	1.679	0.045	1.724	(0.905)		(0.095)	(1.000)
Business Transformation	39.756	0.072	39.828	(0.024)			(0.024)
Directorate Wide Rec	(30.882)	(0.091)	(30.974)	(0.266)			(0.266)
Shared Services Centre	0.036	(0.092)	(0.056)	0.000			0.000
Insurance	0.095	0.000	0.095	0.000			0.000
ACIVICO Profit Share	0.497	0.000	0.497	0.000			0.000
Legal & Democratic Services	5.148	0.000	5.148	0.000	0.000		(0.100)
Elections Office	1.618	0.000	1.618	(0.100)			0.000
Charities & Trusts	0.051	0.000	0.051	0.000			0.000
Corporate Resources	1.087	2.236	3.322	0.000		(0.149)	(0.210)
Major Projects	0.064	0.000	0.064	(0.061)			0.000
Business Loans & Other	(0.548)	0.300	(0.248)	0.000			0.000
Finance & Governance Total	27.497	2.860	30.358	(1.356)	0.000	(0.244)	(1.600)
Chief Executive & Assistant Chief Executive	3.174	(0.255)	2.919	0.000		(0.025)	(0.025)
Chief Executive & Assistant Chief Executive Total	3.174	(0.255)	2.919	0.000	0.000	(0.025)	(0.025)
Total Directorate Gross Spending	864.832	8.560	873.392	(4.787)	7.802	(1.362)	1.653
Policy Contingency	11.481	(6.536)	4.945	0.000	0.000	0.000	0.000
Acivico Overspend Funded Corporately	0.000	0.000	0.000	3.595			3.595
Other Corporate Items	(21.124)	(2.025)	(23.148)	(5.098)	1.858		(3.240)
Centrally Held Total	(9.643)	(8.560)	(18.203)	(1.503)	1.858	0.000	0.355
Net Budget Requirement	855.189	0.000	855.189	(6.290)	9.660	(1.362)	2.008
Housing Revenue Account	0.000	0.000	0.000	0.000	0.000	0.000	0.000
City Council (inc HRA & DSG)	855.189	0.000	855.189	(6.290)	9.660	(1.362)	2.008

Policy Contingency Month 9 Monitoring to 31st December 2018

	Original Budget 2018/19	Approvals / Adjustments in Voyager	Revised Budget 2018/19	Approvals / Allocations not yet in Voyager as at 31st December	Proposals awaiting approval at 31st December	Remaining Contingency if proposals approved
	£'000	£'000	£'000	£'000	£'000	£'000
Car Park Closure Resources	252		252			252
Carbon Reduction	1,056		1,056			1,056
National Living Wage	101		101			101
Autoenrolment in Pension Fund	300		300			300
Inflation Contingency	5,275	(1,057)	4,218			4,218
Highways Maintenance	589		589			589
Apprenticeship Levy	869		869	(869)		0
Commonwealth Games Project Team Costs	1,000	(1,000)	0			0
Future Council Improvement Funding	682		682			682
WOC2 Implementation Costs	69		69			69
ASCH Winter Pressure					5,601	5,601
Subtotal Specific Contingency	10,193	(2,057)	8,136	(869)	5,601	12,868
General Contingency	3,038	(660)	2,378	(538)	(1,500)	340
Total Contingency excluding savings	13,231	(2,717)	10,514	(1,407)	4,101	13,208
Corporate Structures - savings to be allocated	(600)		(600)			(600)
Commercialism - savings to be allocated	(1,150)		(1,150)			(1,150)
WOC savings incorrectly charged to DSG		(153)	(153)			
Total Contingency including savings	11,481	(2,870)	8,611	(1,407)	4,101	11,458

Directorate Savings Programme – Position at Month 9**Adult Social Care & Health savings not forecast to be achieved ongoing**

Savings Reference	Service Area	One off Mitigations £m	2018-19 Non-Delivery £m	2019/20 Shortfall/ (Surplus) £m	2020/21 Shortfall/ (Surplus) £m	2021/22 Shortfall/ (Surplus) £m
	Bad Debt	0.350	0.000	0.000	0.000	0.000
	Contracts -PH	1.340	0.000	0.000	0.000	0.000
Grand Total		1.690	0.000	0.000	0.000	0.000

Children & Young People savings not forecast to be achieved ongoing

Savings Reference	Service Area	One off Mitigations £m	2018/19 Non-Delivery £m	2019/20 Shortfall / (Surplus) £m	2020/21 Shortfall / (Surplus) £m	2021/22 Shortfall / (Surplus) £m
CH4 17+ / MIA3 16+	Education travel	0.000	1.300	1.754	1.974	1.974
Grand Total		0.000	1.300	1.754	1.974	1.974

Place savings not forecast to be achieved ongoing

Savings Reference	Service Area	One off Mitigations £m	2018/19 Non-Delivery £m	2019/20 Shortfall / (Surplus) £m	2020/21 Shortfall / (Surplus) £m	2021/22 Shortfall / (Surplus) £m
SN6 16+	Waste Disposal Contract	0.000	0.400	2.500	2.500	2.500
SN24 16+	Provide above ground mausoleums and vaults	0.209	0.000	0.000	0.000	0.000
PL004	Bereavement Services	0.060	0.000	0.000	0.000	0.000
HN7 17+	Asset and property disposal programme	0.000	0.700	0.000	0.000	0.000
WOC1	Allocation of workforce savings	0.200	1.208	0.000	0.000	0.000
PFS	Corporate Funding of Pension Fund Strain	0.000	0.096	0.000	0.000	0.000
SN32 (16/17)	Income Generation from Cofton Nursery	0.000	0.306	0.000	0.000	0.000
Grand Total		0.469	2.710	2.500	2.500	2.500

Economy savings not forecast to be achieved ongoing

Savings Reference	Service Area	One off Mitigations	2018/19 Non-Delivery £m	2019/20 Shortfall / (Surplus) £m	2020/21 Shortfall / (Surplus) £m	2021/22 Shortfall / (Surplus) £m
MYR4/HN11/SN40	InReach Housing Programme	0.000	1.644	1.604	1.121	0.442
SN35 16+	Expansion of City Centre on-street parking, concessions and restrictions	0.000	0.463	0.000	0.000	0.000
CC26 16+	Council administrative buildings reduction	0.715	1.685	1.834	1.544	1.386
Grand Total		0.715	3.792	3.438	2.665	1.828

Appendix A

Strategic Services savings not forecast to be achieved ongoing

Annex 4

Savings Reference	Service Area	One off Mitigations £m	2018/19 Non-Delivery £m	2019/20 Shortfall / (Surplus) £m	2020/21 Shortfall / (Surplus) £m	2021/22 Shortfall / (Surplus) £m
CC1 17+ / CC23 16+ / E23 16+	Implementation of ICT & D strategy	4.529	0.000	0.000	0.000	0.000
CC4 17+	Increase advertising income from pavement advertising	0.500	0.000	0.000	0.000	0.000
SS002	Corporate Procurement Services	0.030	0.000	0.000	0.000	0.000
SS002A	Commissioning and Procurement - Bus & Comm Development Team	0.286	0.000	1.000	1.000	1.000
Grand Total		5.345	0.000	1.000	1.000	1.000

Human Resources savings not forecast to be achieved ongoing

Savings Reference	Service Area	One off Mitigations £m	2018/19 Non-Delivery £m	2019/20 Shortfall / (Surplus) £m	2020/21 Shortfall / (Surplus) £m	2021/22 Shortfall / (Surplus) £m
WOC1	Allocation of workforce savings	0.204	0.000	0.000	0.000	0.000
Grand Total		0.204	0.000	0.000	0.000	0.000

Finance & Governance savings not forecast to be achieved ongoing

Savings Reference	Service Area	One off Mitigations £m	2018/19 Non-Delivery £m	2019/20 Shortfall / (Surplus) £m	2020/21 Shortfall / (Surplus) £m	2021/22 Shortfall / (Surplus) £m
CC13 17+	Impact of reduced numbers of councillors	0.025	0.000	0.000	0.000	0.000
Grand Total		0.025	0.000	0.000	0.000	0.000

Chief Executive & Assistant Chief Executive Directorate: All savings are forecast to be achieved ongoing

Corporate savings not forecast to be achieved ongoing

Savings Reference	Service Area	One off Mitigations £m	2018-19 Non-Delivery £m	2019/20 Shortfall/ (Surplus) £m	2020/21 Shortfall/ (Surplus) £m	2021/22 Shortfall/ (Surplus) £m
CC001	Review of senior structures	0.000	0.600	0.000	0.000	0.000
SS012	Commercialisation	0.000	1.105	0.000	0.000	0.000
WOC1	Workforce Costs	0.000	0.153	0.206	0.271	0.271
Grand Total		0.000	1.858	0.206	0.271	0.271

6. Use of Reserves

- 6.1** In line with the Council Plan and Budget 2018+ agreed in February 2018, the Council is planning for the strategic use of £30.5m of Corporate Reserves in 2018/19.
- 6.2** In addition, there are both planned uses of and contributions to Other Reserves. A net contribution of £1.9m to Other Reserves was assumed as part of setting the budget.
- 6.3** There has been a £4.0m reduction in the planned strategic use of Reserves to balance the budget.
- 6.4** Overall, there is a £11.6m net reduction in the forecast use of Reserves, as can be seen in Table 7 below. It is made up by the following:
- £4.0m reduction in use of one-off Reserves from previous years
 - £0.5m use of the Capital Fund
 - £2.3m reduction in contribution to Business Rates Appeals Reserve
 - £1.5m use of Commonwealth Games Reserve
 - £2.5m reduction in use of Grant Reserves
 - £25.4m increase in contributions to Grant Reserves
 - £16.0m increase in use of other Earmarked Reserves
 - £0.6m increase in Contribution to Other Earmarked Reserves
 - £0.6m reduction in Repayment of Schools Balances.

Further details are provided below:

Strategic Reserves (£4.0m net reduction in Use)

- 6.5** As part of the Financial Plan 2018+ Cabinet approved one off use of resources of £4.0m in relation to the Construction Cost Dispute Reserve as these were anticipated to be received in 2017/18. However, the Council received the £4.0m this Financial Year. This therefore means that the Council does not need to use these Reserves in 2018/19 and is instead using the income received in 2018/19.

Capital Fund (£0.5m Use) (as reported at Month 6)

- 6.6** Revenue costs of £0.5m related to the sale of Innovation Birmingham Group agreed by Cabinet 8th March 2018 are to be met by the capital fund, as agreed by Cabinet on 8th March 2018.

Business Rates Appeals (£2.3m Reduction in Contributions)

- 6.7** As part of the Financial Plan 2018+ Cabinet approved the contribution of £9.3m in relation to Business Rates Reserves. Following a review, the Council now considers it needs to contribute £7.0m Reserves, and is therefore contributing £2.3m less than was budgeted

Commonwealth Games Reserve (£1.5m Use) (as reported at Month 6)

6.8 There is a lower than anticipated contribution to the Commonwealth Games Contingency Reserve of £1.5m, following the decision of Cabinet on 26th June 2018 to approve a Revenue budget of £1.5m funded from the Commonwealth Games Reserve.

Use of Grant Reserves (£2.5m net reduction in Use) (£0.6m increase in use at Month 6)

6.9 Adult Social Care & Health is planning to use £6.5m less Improved Better Care Fund (iBCF) Reserves than budgeted (£2.5m at Month 6).

6.10 Economy is planning to use £2.6m of Grant Reserves (as reported at Month 6).

6.11 Economy is planning to use £0.3m less of Grant Reserves than budgeted related to the Duddeston Parking Scheme (part of the Clean Air Zone). This will be needed in 2019/20 instead, due to slippage in work timescales.

6.12 Economy is planning to use £0.2m of Grant Reserves relating to the continuous Clean Air programme to support the carbon reduction agenda.

6.13 Finance & Governance is planning to use £0.4m of Grant Reserves related to Individual Electoral Registration.

6.14 Children & Young People plans to use £0.1m of Grant Reserves related to the Assessed & Supported Year in Employment (ASYE). This reserve relates to the Birmingham Children's Trust (BCT) and is included in their contract sum for 2018/19.

6.15 Place plans to use £0.5m of Housing Trailblazer Options Grant Reserve to set up a Modern Slavery Victim Pathway Pilot.

6.16 There is a net other additional use of £0.5m of Grant Reserves (as reported at Month 6).

Contributions to Grant Reserves (£25.4m net increase in Contributions) (£19.1m at Month 6)

6.17 Economy is contributing £19.2m to Grant Reserves (£19.1m at Month 6).

6.18 Finance and Governance is contributing £0.2m to Reserves related to the Individual Electoral Registration Grant.

6.19 Adult Social Care & Health plan to contribute £5.7m to iBCF Reserves for additional investment in projects that are now likely to be required in 2019/20, rather than 2018/19.

6.20 There is a net contribution of £0.3m to Section 106 reserves.

Use of Other Earmarked Reserves (£16.0m net increase in Use) (£10.3m at Month 6)

- 6.21** Place plan to use reserves of £1.0m relating to the Local Investment Fund (LIF). Expenditure on projects in relation to this, which include conditions of grant aid, will be completed in 2018/19 for which this funding has been specifically set aside, (as reported at Month 6).
- 6.22** At outturn there was a £2.1m corporate contribution to reserves relating to Business Rates compensatory grants which will be used to offset a shortfall as a result of downwards adjustments to these grants by Central Government in 2018/19 as a result of a calculation error on their part. This shortfall became apparent after the budget for 2018/19 was set. (This was reported at Month 6).
- 6.23** Business Rates Top Up Grant that was used in setting the budget for 2017/18 was based on estimated Business Rates Rateable Values used in the Government Calculations for the Final settlement for that year. The 2017/18 Business Rates Top Up Grant was adjusted by Central Government and was included as part of the Final settlement for 2018/19. The Council was made aware of this additional grant of £1.8m towards the end of the year. The Council elected to carry this additional grant forwards to be used in setting the budget for 2018/19. (This was reported at Month 6).
- 6.24** Economy plan to use Policy Contingency underspends from Outturn 2017/18 of £3.9m in total. This relates to the Mobile Investment Fund (£2.1m), Youth Strategy (£0.3m), Youth Promise (£0.1m), HS2 (£0.3m), and Birmingham Jobs Fund (£1.1m). (This was reported at Month 6).
- 6.25** Children & Young People plan to use £1.2m Ring Fenced Reserves related to Special Educational Needs. (This was reported at Month 6).
- 6.26** There is a proposed appropriation from Other Earmarked Reserves of £0.2m in relation to the Collective Investment Fund held on behalf of the WMCA whilst the WMCA awaited receipt of borrowing powers. (This was reported at Month 6).
- 6.27** There is a proposed use of Policy Contingency underspends brought forward from Outturn 2017/18 of £0.2m in relation to the Community Investment Tax Relief (CITR) / Social Investment Tax Relief (SITR) - Arts Fund. This was approved by Cabinet in October 2016. (This was reported at Month 6).
- 6.28** Economy is planning to use £1.0m of other Earmarked Reserves. (This was reported at Month 6).
- 6.29** Children & Young People plans to use £5.6m of Ringfenced Reserves relating to BCT. This is a **£4.5m** net increase on the budgeted total. These are included in the BCT contract sum for 2018/19.

- 6.30** Place plans to use £0.2m of Proceeds of Crime Act (PoCA) reserve to partly fund the expenditure on community and crime prevention projects. The use of this reserve has been approved in November 2018 at the Licensing and Public Protection Committee (LPPC).
- 6.31** Economy plans to use £0.3m of Reserves related to the Clean Air programme to support the carbon reduction agenda.
- 6.32** Children & Young People plans to use £0.4m of Reserves set up using Government funding for the set up, transition, and early stages of the operation of the Children's Trust.
- 6.33** Finance & Governance plan to use £0.2m of the Insurance Reserve to fund the forecast excess of claims in year. This will leave £3.2m in this Reserve.
- 6.34** There is planned use of £0.1m of the Future Council Programme Reserve to fund the costs of the Improvement panel, which is jointly funded by BCC and the Government.
- 6.35** There is a net additional £0.1m use of other Earmarked Reserves.

These uses of Reserves are partially offset by the following:

- 6.36** Finance & Governance is not using a budgeted appropriation from Reserves of £0.9m for the phased introduction of the new structure or a budgeted appropriation from Reserves of £0.3m for Audit, thus reducing its underspend by £1.2m. (This was reported at Month 6).

Contributions to Other Earmarked Reserves (£0.6m net increase in Contributions) (£0.9m at Month 6)

- 6.37** Economy is contributing £1.6m to other Earmarked Reserves (as reported at Month 6).
- 6.38** Strategic Services is not making a planned contribution of £0.7m to the World Indoor Athletics (WIA) Negative Reserve in order to mitigate lower than anticipated outdoor advertising income. The Directorate is expected to generate extra income on outdoor advertising or find alternative ways to make repayment to the negative reserve. (This was reported at Month 6).
- 6.39** £1.0m one-off funding was provided for in the Benefits Service (Housing Benefit Subsidy) to repay £1m use of Subsidy reserve that was expected to be utilised in 2017/18. This was generated by additional Single Person Discount income and this use was agreed by the Interim Chief Financial Officer in 2017/18. However, the £1.0m was not drawn down as anticipated in 2017/18 due to other solutions being identified. As the budget was contingent on repaying the reserve, it is considered that this can be returned corporately, and improve the revenue position by £1.0m.
- 6.40** There is a £0.3m contribution to reserves for insurance monies received in response to a claim for the historic barn that burnt down at Manor Farm Park in order to procure replacement.

6.41 Children & Young People plans to contribute £0.2m to the Schools Financial Services Restructure Reserve to be appropriated to support future pressures on the service and offset potential litigation charges.

6.42 Strategic Services plans to contribute £0.2m to the Benefits Transformation Restructure Reserve to cushion the impact of reductions in the grant for administration of Benefits.

Schools Balances (£0.6m reduction in Contribution) (as reported at Month 6)

6.43 Children & Young People is deferring budgeted repayment of £0.6m to schools balances.

Requests for use of or contribution to Reserves:

It is proposed that Cabinet approve the following uses of Earmarked Reserves:

6.44 The use of £0.03m from the National Indoor Arena (NIA) Track Replacement Reserve to provide towards the 2018/19 costs of Indoor Sports Track Subvention at the NIA for the National Indoor Athletics Championships.

6.45 The use of £0.02m from the Replacement Booking System Reserve to provide for the costs of maintaining the Leisure Flex booking system whilst another system is being procured.

6.46 The use by Economy of £0.3m of Reserves related to the Clean Air programme, as referred to in paragraph 6.31.

6.47 The use of £0.4m of Reserves set up for the early stages of the Children's Trust, as referred to in paragraph 6.32.

6.48 The use by Finance & Governance of £0.2m of the Insurance Reserve, as referred to in paragraph 6.33.

6.49 The use of £0.1m of the Future Council Programme Reserve to fund the costs of the Improvement panel, as referred to in paragraph 6.34.

It is proposed that Cabinet approve the following contribution to Earmarked Reserves:

6.50 To contribute £0.3m to reserves for insurance monies received for the historic barn that burnt down at Manor Farm Park, as referred to in paragraph 6.40.

6.51 To contribute £0.2m to the Schools Financial Services Restructure Reserves, as referred to in paragraph 6.41.

6.52 To contribute £0.2m to the Benefit Transformation Restructure Reserve, as referred to in paragraph 6.42.

Table 7 below shows the forecast use of Reserves in 2018/19 and Table 8 shows the forecast impact on Reserves balances. Both tables assume the reserves movements identified above are approved.

Table 7 (Use of)/Contribution to Reserves as at Month 9

	Planned Base Budget £m	Year End Forecast as at Month 9 £m	Variance £m
Corporate Reserves			
Use of Organisational Transition Reserve (PFS)	(3.902)	(3.902)	0.000
Use of Financial Resilience Reserve	(11.575)	(11.575)	0.000
Use of One Off Resources from Previous Years	(13.250)	(9.250)	4.000
Treasury Management	(1.815)	(1.815)	0.000
Strategic Use of Reserves	(30.542)	(26.542)	4.000
Contribution to Capital Fund	3.326	2.821	(0.505)
Business Rates Appeals	9.349	7.000	(2.349)
Cyclical Maintenance	2.540	2.540	0.000
Commonwealth Games Contingency Reserve	4.746	3.254	(1.492)
Other (Use of)/Contribution to Reserves	19.961	15.615	(4.346)
Sub Total (Use of)/Contribution to Reserves	(10.581)	(10.927)	(0.346)
Repayments - Borrowing Highways PFI	0.985	0.985	0.000
Total Corporate (Use of)/Contribution to Reserves	(9.596)	(9.942)	(0.346)
Other Reserves			
Use of Grant Reserves	(17.894)	(15.403)	2.492
Contribution to Grant Reserves	1.477	26.949	25.472
Use of Other Earmarked Reserves	(5.548)	(21.565)	(16.017)
Contribution to Other Earmarked Reserves	2.364	2.936	0.572
Repayment of Schools' Balances	0.600	0.000	(0.600)
Use of Carry Forward Balances	(0.025)	(0.025)	0.000
Total Other (Use of)/Contribution to Reserves	(19.027)	(7.108)	11.919
Total (Use of)/Contribution to Reserves	(28.623)	(17.049)	11.574

Table 8 Forecast Impact on Reserve Balances

	Outturn 2017/18 £m	Planned Base Budget (Use)/Contribution to Reserves £m	(Use)/Contribution to Grant Reserves Approved at Outturn £m	Further (Use)/Contribution to Reserves Approved in Year £m	Forecast Balance as at 31 March 2019 £m
Organisational Transition Reserve	41.486	(3.902)	0.000	0.000	37.584
Financial Resilience Reserve	98.283	(11.575)	0.000	0.000	86.708
General Fund Balance	28.944	0.000	0.000	0.000	28.944
Carry Forward Balances	1.755	(0.025)	0.000	0.000	1.730
Schools' Reserves	35.827	0.600	0.000	(0.600)	35.827
Strategic Other Earmarked Reserves	74.344	4.896	0.000	(0.346)	78.894
Other Earmarked Reserves	56.513	(3.185)	(14.378)	(1.066)	37.884
Grant Reserves	171.984	(15.432)	6.743	21.221	184.515
	509.136	(28.623)	(7.635)	19.209	492.087

Write-offs**a. Sundry Debt Write-off**

Cabinet is requested to approve the writing off of debts greater than £0.025m due to the Council, totalling £0.735m. Table 1 details the nature of the debt.

Table 1: Sundry Debt Write-off

Directorate/ Service Area	Invoice Date(s) or	Amount (£)	Nature of the Debt
Place / Shelforce	Jan 2018- Mar 2018	121,587.60	Supply of PVCU windows for the period
Adult Social Care and Health / Client Financial Services	Feb 2015 – Dec 2018	87,015.07	Social care charges for home support
Adult Social Care and Health / Client Financial Services	Aug 2015 – Dec 2018	80,803.29	Social care charges for residential care
Adult Social care and Health / Client Financial Services	Dec 2015 – Nov 2018	64,222.73	Social care charges for residential care
Adult Social Care and Health / Client Financial Services	Dec 2015 - Dec 2018	54,954.54	Social care charges for residential care
Economy Directorate/ BPS	Dec 2016 – March 2018	41,075.34	Commercial Rent
Adult Social Care and Health / Client Financial Services	Jan 2015 - Mar 2016	39,497.14	Social care charges for home support
Place Directorate / Markets	Sep 2017 - May 2018	38,793.94	Market rent charges
Adult Social Care and Health / Client Financial Services	May 2015 - Dec 2018	34,339.51	Social care charges for residential care
Adult Social Care and Health / Client Financial Services	Mar 2016- Sep 2018	31,891.90	Social care charges for home support
Adult Social Care and Health / Client Financial Services	Oct 2016 – Dec 2018	31,546.59	Social care charges for home support
Adult Social Care and Health / Client Financial Services	Sept 2015 - Jul 2018	28,531.41	Social care charges for residential care
Adult Social Care and Health / Client Financial Services	July 2011 – June 2015	27,312.77	Social care charges for home support
Adult Social Care and Health / Client Financial Services	Jun 2015 - Jun 2018	26,852.15	Social care charges for residential care
Adult Social Care and Health / Client Financial Services	Oct 2014 – July 2016	26,769.16	Social care charges for home support

b. Irrecoverable Housing Benefit

In circumstances where Housing Benefit overpayments are identified as not being recoverable, or where recovery is deemed uneconomic, the City Council's Financial Regulations and delegated powers allow for these overpayments and income to be written off. All possible avenues must be exhausted before such write offs are considered. Amounts already written off will still be pursued should those owing the Council money eventually be located or return to the city.

The cost to the Council of writing off these irrecoverable sums will be charged to the City Council's provision set up for this purpose, which includes sums set aside in previous years to meet this need. There is no direct effect on the revenue account.

In 2018/19, from 1st October up to 31st December 2018, further items falling under this description in relation to Benefit overpayments have been written off under delegated authority. The table below details the total approved gross value of these amounts written off of £0.7m, which Members are asked to note.

Age analysis	Up To 2012/13	2013/14 to 2015/16	2016/17 to 2018/19	Total
	£m	£m	£m	£m
Benefit Overpayments	0.017	0.104	0.557	0.689
Total	0.017	0.104	0.557	0.689

Section (e) of this Annex gives a more detailed age analysis of overpayments and income written off.

c. Irrecoverable Council Tax & Business Rates

All Council Tax and Business Rates are due and payable. However, there are certain instances where the amount of the bill needs to be either written off or reduced (e.g. where people have absconded, have died, have become insolvent or it is uneconomical to recover the debt).

If an account case is subject to this, then consideration is given to write the debt off subject to the requirement to consider all options to recover the debt, prior to submitting for write off. However, once an account has been written off, if the debtor becomes known to the Revenues Service at a later date, then the previously written off amount will be reinstated and pursued.

In respect of Business Rates, where a liquidator is appointed, a significant period of time is taken to allow for the company's affairs to be finalised and to subsequently determine if any monies are available to be paid to creditors. Once it is established this is not to happen, a final search of Companies House is undertaken to confirm the company has been dissolved.

Cabinet are requested to approve the writing off of business rates debts to the Council which are greater than £0.025m, totalling £1.74m as detailed in Section (d) of this Annex. Further information in respect of these is available on request.

Annex 6

In 2018/19, from 1st October 2018 to 31st December 2018, further items falling under this description have been written off under delegated authority. The table below details the total approved gross value of these amounts written off of £3.1m for Council Tax and £1.3m for Business Rates, which Members are asked to note.

Age analysis	Up To 2012/13	2013/14- 2015/16	2016/17- 2018/19	Total
	£m	£m	£m	£m
Council Tax	0.403	1.915	0.765	3.083
Business Rates	1.261	-	-	1.261
TOTAL	1.664	1.915	0.765	4.344

Section (f) of this Annex gives a more detailed age analysis of overpayments and income written off.

d. Write OffsBusiness Rates

Case No.	Supporting Information	Total Debt
	<u>Business Rates</u> Further information in respect of the Business Rates Write Offs listed below is available on request.	
1	Liability Period(s)/Account Ref Number(s) Business Rates due for the period 01/04/09 to 20/11/11 – 6004108847	£28,403.63
2	Liability Period(s)/Account Ref Number(s) Property 1 - Business Rates due for the period 12/02/10 to 20/01/11 - 6004580710 - £31,172.74 Property 2 - Business Rates due for the period 01/02/11 to 04/04/12 - 6004809823 - £37,713.07	£68,885.81
3	Liability Period(s)/Account Ref Number(s) Property 1 - Business Rates due for the period 05/08/09 to 04/10/12 – 6004622079 - £17,826.69 Property 2 Business Rates due for the period 05/08/09 to 09/03/13 – 6004622080 - £27,153.08	£44,979.77
4	Liability Period(s)/Account Ref Number(s) Business Rates due for the period 01/11/09 to 31/07/11 – 6004695598	£48,801.44
5	Liability Period(s)/Account Ref Number(s) Business Rates due for the period 01/07/09 to 22/05/11 – 6004695690	£35,653.28
6	Liability Period(s)/Account Ref Number(s) Business Rates due for the period 02/09/09 to 19/12/12 – 6004710698	£30,407.30
7	Liability Period(s)/Account Ref Number(s) Business Rates due for the period 15/01/10 to 23/02/12 – 6004728732	£36,641.86
8	Liability Period(s)/Account Ref Number(s) Property 1 - Business Rates due for the period 09/11/09 to 12/05/11 – 6004798116 - £19,483.12 Property 2 - Business Rates due for the period 20/09/09 to 04/05/10 – 6005172843 - £62,847.09	£82,330.21
9	Liability Period(s)/Account Ref Number(s) Property 1 - Business Rates due for the period 22/07/09 to 31/01/12 – 6004730049 - £25,571.27 Property 2 - Business Rates due for the period 23/07/09 to 31/01/12 – 6004729699 - £7,862.16	£33,433.43
10	Liability Period(s)/Account Ref Number(s) Business Rates due for the period 01/10/09 to 01/10/11 - 6004820766	£25,828.52
11	Liability Period(s)/Account Ref Number(s) Property 1 - Business Rates due for the period 01/12/09 to 30/04/13 – 6005584092 - £17,061.99 Property 2 - Business Rates due for the period 01/12/09 to 30/04/13 – 6005598065 - £57,508.89	£74,570.88
12	Liability Period(s)/Account Ref Number(s) Business Rates due for the period 06/08/09 to 16/02/14 – 6005243849	£60,568.29
13	Liability Period(s)/Account Ref Number(s) Business Rates due for the period 09/01/10 to 14/08/12 – 6005319011	£113,330.97
14	Liability Period(s)/Account Ref Number(s) Business Rates due for the period 01/04/09 to 05/01/14 – 6005438146 - £36,587.54 Business Rates due for the period 24/01/11 to 14/10/14 – 6005477321 - £18,427.26	£55,014.80

Annex 6

15	Liability Period(s)/Account Ref Number(s) Property 1 - Business Rates due for the period 01/04/09 to 30/06/12 – 6004849625 - £96,587.05 Property 2 - Business Rates due for the period 01/04/14 to 07/01/15 – 6005031269 - £71.69	£96,658.74
16	Liability Period(s)/Account Ref Number(s) Property 1 - Business Rates due for the period 09/10/09 to 18/11/12 – 6004810239 - £280,583.12 Property 2 - Business Rates due for the period 01/04/13 to 06/07/13 – 6004405718 - £15,417.22	£296,000.34
17	Liability Period(s)/Account Ref Number(s) Business Rates due for the period 01/07/08 to 31/05/10 - 6004611196	£25,837.07
18	Liability Period(s)/Account Ref Number(s) Property 1a - Business Rates due for the period 25/03/10 to 04/04/11 – 6004888253 - £57.97 Property 2a - Business Rates due for the period 25/03/10 to 04/04/11 – 6004888286 - £12,429.99 Property 3a - Business Rates due for the period 25/03/10 to 04/04/11 – 6004888297 - £27,928.13 Property 4a - Business Rates due for the period 25/03/10 to 04/04/11 – 6004888344 - £5,357.39 Property 5a - Business Rates due for the period 25/03/10 to 04/04/11 – 6004888355 - £15,020.95 Property 6a - Business Rates due for the period 25/03/10 to 04/04/11 – 6005768825 - £40.22 Property 1b - Business Rates due for the period 04/04/11 to 31/03/12 – 6004939193 - £5,350.28 Property 2b - Business Rates due for the period 04/04/11 to 11/03/13 – 6004939160 - £22,904.63 Property 3b - Business Rates due for the period 04/04/11 to 11/03/13 – 6004939159 - £50,920.04 Property 4b - Business Rates due for the period 04/04/11 to 11/03/13 – 6004939182 - £10,774.13 Property 5b - Business Rates due for the period 04/04/11 to 11/03/13 – 6004939115 - £27,433.21 Property 6b - Business Rates due for the period 04/04/11 to 11/03/13 – 6005845765 - £7,319.66	£185,536.90
19	Liability Period(s)/Account Ref Number(s) Business Rates due for the period 09/01/10 to 30/11/11 - 6005065649	£26,734.89
20	Liability Period(s)/Account Ref Number(s) Property 1 - Business Rates due for the period 14/08/10 to 15/09/15 – 6004911351 - £16,208.64 Property 2 - Business Rates due for the period 10/06/09 to 09/03/14 – 6005043963 - £13,803.13 Property 3 - Business Rates due for the period 01/09/12 to 15/09/15 – 6005043952 - £34,371.84 Property 4 - Business Rates due for the period 01/04/14 to 30/06/14 – 6005438340 - £821.99	£65,205.60
21	Liability Period(s)/Account Ref Number(s) Business Rates due for the period 18/08/10 to 24/07/12 - 6004677110	£39,860.03
22	Liability Period(s)/Account Ref Number(s) Business Rates due for the period 03/09/10 to 28/02/12 - 6004619010	£75,269.74
23	Liability Period(s)/Account Ref Number(s) Business Rates due for the period 15/01/10 to 31/03/14 – 6004598525	£35,140.27
24	Liability Period(s)/Account Ref Number(s) Business Rates due for the period 01/02/11 to 02/08/12 – 6004920921	£25,013.57
25	Liability Period(s)/Account Ref Number(s) Business Rates due for the period 23/03/11 to 11/01/13 – 6004697594	£64,899.93
26	Liability Period(s)/Account Ref Number(s) Business Rates due for the period 08/11/10 to 03/08/11 – 6004684273	£63,984.76
TOTAL		£1,738,992.03

e. Age analysis of Overpayments and Debts written off under delegated authority by Revenues and Benefits Division

Detail	Pre 2008	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	Total	No of Debtors
Housing Benefit debts written off under delegated authority	£3,379	£3,468	£219	£2,243	£2,220	£6,943	£25,265	£31,577	£57,023	£94,849	£129,830	£331,985	£689,001	1262
TOTAL	£3,379	£3,468	£219	£2,243	£2,220	£6,943	£25,265	£31,577	£57,023	£94,849	£129,830	£331,985	£689,001	1262

Debt Size							
Small		Medium		Large		Total	
Cases	>£1,000	Cases	£1,001- £5,000	Cases	£5,000- £25,000	Cases	
1110	£225,954	133	£295,492	19	£167,555	1262	£689,001

f. Age analysis of overpayments and debts written off under delegated authority by Revenues and Benefits Division

Detail	1997-2006/7	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	Total
Council tax written off under delegated authority	£21,551	£6,621	£10,144	£18,373	£41,726	£51,401	£253,195	£556,980	£739,190	£618,732	£493,685	£268,754	£2,665	£3,083,017
Business rates written off under delegated authority	£202	£15,099	£53,711	£35,767	£110,062	£432,910	£612,973	-	-	-	-	-	-	£1,260,725
TOTAL	£21,753	£21,720	£63,855	£54,140	£151,788	£484,311	£866,168	£556,980	£739,190	£618,732	£493,685	£268,754	£2,665	£4,343,742

Debt size analysis of overpayments and debts written off under delegated authority by Revenues and Benefits Division

Grouped by value	Small (<£1,000)		Medium (£1,000 - £5,000)		Large (>£5,000)		TOTAL	
	Value	Cases	Value	Cases	Value	Cases	Value	Cases
Council Tax written off under delegated authority	£2,646,024	6,574	£436,993	346	-	-	£3,083,017	6,920
Business Rates written off under delegated authority	£66,291	163	£522,996	198	£671,438	73	£1,260,725	434
TOTAL	£2,712,315	6,737	£959,989	544	£671,438	73	£4,343,742	7,354

Reserves Policy

1. Background

- 1.1 The purpose of this policy is to set out how the City Council will determine and review its overall level of reserves and how it uses them.
- 1.2 The Council is required to maintain adequate financial reserves for meeting unknown and potential estimated future expenditure when calculating the Council Tax requirement.
- 1.3 All planned use of reserves must be for a specific purpose in order to ensure there is a sustainable budget. They should not be used to mitigate the need for ongoing savings. Reserves will only be released upon relevant approval from the Section 151 officer or Cabinet. See table 2 below for details.
- 1.4 The Council has usable reserves and unusable reserves on its Balance Sheet. The unusable reserves are as a result of accounting adjustments and are not therefore available to spend. This policy will concentrate on usable reserves.

2. General Policy

2.1 Usable reserves can be split into the following categories:

- General Reserves and Balances
- Earmarked Reserves
- Revenue Grant Related Reserves
- Ring-fenced Reserves
- Capital Reserves

2.2 The Council maintains usable reserves primarily for the following reasons:

- The need to put aside sums in case of unexpected exceptional future expenditure
- To smooth out the impact of payments on the revenue account
- To cover timing differences such as grant money received in any given year where expenditure takes place in a later year
- To provide pump prime funding for projects to deliver changes in working practices using Invest to Save Reserves. Any approved use must include an agreed repayment plan.

2.3 Reserves can only be used on a one-off basis which means that their application does not offer a permanent solution to the requirement to deliver significant reductions in the future level of Council expenditure.

2.4 Reserves are not to be used to avoid the necessity to make or the failure to deliver ongoing savings

3. Managing the level of reserves

3.1 The City Council must maintain sufficient general reserves and working balances to cover the key financial risks and contingencies.

3.2 An assessment will be carried out annually as part of the budget setting process to consider the risks the Council is exposed to and the level of general reserves that are appropriate.

3.3 As part of the budget setting process the Section 151 Officer will consider and assess the level of general reserves. Consideration will be given to the strategic, operational and financial risks facing the Council.

3.4 Major factors to be considered when evaluating the level of reserves, including but not limited to the following:

Budget Assumptions	Issues to Consider
Inflation and Interest rates volatility	The overall financial standing of the Council
Estimates of the level and timing of Capital Receipts	The trend of the Council's financial management and the robustness of the Long Term Financial Plan
The financial risks inherent in any significant new funding partnerships, major contractual arrangements or major capital programme	The Council's end of year close down procedures relating to budget under/overspend.
The availability of other funds to deal with major contingencies and the adequacy of provisions	The adequacy of the Council's arrangements to cover major unforeseen risks.

4. Usable Reserves:

4.1 General Reserves and Balances

4.1.1 These are funds that do not have restrictions as to their use. The Council can use them for any purpose within the General Fund. The purpose of general reserves is to manage the impact of exceptional emergencies and unforeseen events. Without such reserves the potential financial impact of these unforeseen events could cause a financial deficit in the General Fund, which would be severely disruptive to the effective operation of the authority. General Reserves held include:

4.1.2 General Fund Balance and Carry Forward Balances:

- These reflect the accumulated surpluses of income over expenditure from previous years and any resources set aside as general contingency against adverse future events.

4.1.3 Financial Resilience Reserve (FRR)

- This is a reserve created in 2017/18 from the backdated application of a consistent Minimum Revenue Provision (MRP) policy of 2007/08
- The change in policy has created additional revenue costs. The Council plans to release some of this reserve in line with the Council Plan and Budget 2018+ to phase in the ability to meet the additional costs as shown in the table below. The balance of this reserve is to provide contingency fund in case the Council faces financial difficulties in the future.

Table 1: Planned use of FRR to meet additional revenue costs

2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27
£5.9m	£5.9m	£5.0m	£4.0m	£3.0m	£2.0m	£1.0m	Nil

4.1.4 Invest to Save Reserve

- To make funding available to assist in making changes to the way services are provided and ultimately reduce costs in the long term
- This reserve is held centrally and operated on an invest to save basis with the agreement that the usage of this fund will be repaid in the future through a planned repayment profile linked to specific savings proposals.

4.2 Earmarked Reserves

4.2.1 Earmarked Reserves enable the Council to set aside sums to meet specific future liabilities. These include:

4.2.2 Capital Fund:

- This is a revenue reserve which has arisen from revenue contributions set aside to fund budgeted capital expenditure, Equal Pay Settlements and associated costs in line with the Council's Capital Financing and Equal Pay funding claims

4.2.3 Insurance reserve:

- The Council self-insures against all bar the most catastrophic business risks other than where insurance cover is a legal requirement. A budget is held to cover insurance losses in-year and the Insurance Fund exists to act as a buffer should losses exceed budgeted expectations in any given financial year. The fund increases in those years where losses incurred do not exceed the budget.

4.2.4 Highways PFI Reserve

- This reserve has been earmarked to support the Highways PFI Business Model.

4.2.5 Other Earmarked Reserves

- There are some reserves which cover a wide range of services that have been set aside to support future years' service delivery. These include, for example, resources earmarked for special educational needs reform, a local innovations fund, highways initiatives, subvention for major events, replacement IT systems and repairs and maintenance for specific service chargeable buildings. These reserves are monitored at Directorate level and can only be used for a particular purpose
- During the annual review if it is determined earmarking is no longer necessary the reserves will be allocated to general reserves

4.2.6 The request to use these funds or contribute to reserves must be approved by Cabinet and the allocation of Earmarked Reserves will be made when services can demonstrate that the funding is required for that particular purpose.

4.3 Revenue Grant Related Reserves

4.3.1 These reserves relate to the unused element of grant support for which the conditions of the grant are expected to be met. The reserves will be used to meet future years' expenditure for the service for which the grant was awarded.

4.3.2 These are managed by the Directorates. The reserves will only be released following the Directorate requests being approved by the Section 151 Officer to use funding in line with grant conditions

4.3.3 The Council holds various Section 106 reserves which were contributed by private companies to improve the local community. The fund must be used for the specific scheme and within the agreed timescale. If funds are not used they need to be returned back to the contributors.

4.3.4 In addition the Council also received Highways PFI grant in advance of required payments. These funds are taken to reserves to be utilised in years when annual maintenance expenditure exceeds the annual government grant income, in line with the PFI model.

4.3.5 Ring Fenced Reserves:

4.3.6 Reserves that are required to be used for specific activities undertaken by the Council with little or no flexibility. These are mainly for schools or for the Housing Revenue Account and cannot be used to support general Council activity. These include:

4.3.7 Schools reserves:

- The reserves are the net cumulative balances held by Council maintained schools. Under national school funding regulations, the schools are entitled to retain these balances for unexpected commitments and/or for planned school curriculum/infrastructure improvements and investment.

4.3.8 Housing Revenue Account (HRA)

- The HRA is a statutory account, ring-fenced from the rest of Council funds, so that rents charged to tenants in respect of dwellings cannot be subsidised from General Fund. Similarly, rents collected from HRA tenants cannot be used to subsidise the General Fund. The balances on the HRA reflect the accumulated surpluses of income over expenditure.

4.3.9 HRA Major Repairs Reserve

- The Council is required by The Accounts and Audit Regulations 2015 to maintain the Major Repairs Reserve. The reserve controls an element of the capital resources required to be used on HRA assets or for capital financing purposes.

4.4 Capital Reserves:

4.4.1 These are reserves that have been set aside to finance capital schemes and cannot be used to support revenue expenditure without the consent of the Secretary of State. These reserves comprise:

- Capital Receipts Reserve: reflects the income received from the disposal of capital assets prior to being used to fund future capital expenditure or for the redemption of debt. Capital receipts cannot

be used to fund revenue expenditure except where allowed by statute. The Council will allocate resources from the Capital Receipts Reserve in line with its priorities.

- **Capital Grants Unapplied:** reflects the unused element of capital grants or capital contributions awarded to the Council, for which the conditions of the grant support are expected to be met or for which there are no conditions. The reserve will be used to meet future years' capital expenditure in a way which best fits with the Council's priorities.

4.5 Borrowing

4.5.1 The Council will also face temporary large costs for which ongoing savings are not required, for example, pension fund strain costs. In these instances it is prudent to borrow temporarily from reserves and identify smaller ongoing savings from which to repay the reserves. However, this will only be agreed if there is a clear plan for how repayment can be made.

4.5.2 Temporary borrowing can be made from general reserves, earmarked reserves, schools reserves and grant related reserves.

4.5.3 Borrowing is approved by the Council as part of the budget. However amendments can be approved by Cabinet in year.

5. Reserves Approval

5.1 The table below shows the level of approval required to use or contribute to usable reserves.

Table 2: Level of approval required for requested use of or contribution to reserves

Type of Reserves	Level of Approval Required
General Reserves and Balances	Cabinet*
Earmarked Reserves	Cabinet*
Revenue and Capital Grant Related Reserves	Section 151 Officer
Other Earmarked Reserve-Ring Fenced	Section 151 Officer
Capital Receipts Reserves**	Cabinet*

* Unless previously approved by Full Council as part of approval of the budget

** Approval required for contribution from reserves only

5.2 There may be end of the year adjustments to reserves required by Audit.

6. Governance and Review

6.1 The Council recognises the need to hold and maintain adequate reserves that meet the needs of the organisation. However, there is an opportunity cost as a result of the Council allocating resources away from other potential uses. It is

therefore, critical for the Section 151 Officer to regularly review the purpose and level of reserves.

- 6.2 All anticipated use of reserves should be understood and recognised as part of the budget setting process and agreed when Council approves the budget.
- 6.3 Any identified use of, or contribution to, reserves after the budget has been set should be approved by Cabinet or the Section 151 Officer in the case of grant reserves, prior to the budget being changed. Uses should be for specific purposes for which reserves have been set aside and not to address savings non-delivery or budget pressures. Contributions to reserves should be for specific costs expected to be incurred in the future.
- 6.4 The reserves position is reported monthly as part of the revenue monitoring process. The planned usage of reserves is also included as part of the budget setting process. In addition the level and use of reserves is reported and reviewed during the closedown process.
- 6.5 The reserves policy will be reviewed annually as part of the budget setting process.

Overview

Appendix No	Description	Page
B1	<u>Overview</u>	1
B2	<u>Capital Monitoring Summary</u>	2
B3	<u>Capital Budget Changes</u>	3 - 4
B4	<u>Capital Budget Changes Commentary</u>	5 - 7
B5	<u>Capital Forecast Variations</u>	8 - 9
B6	<u>Capital Forecast Variations Commentary</u>	10 - 13
B7	<u>Prudential Borrowing - Additions or Reductions Quarter 3</u>	14
B8	<u>Capital Expenditure Plan - Forecast 2018/19 Quarter 3</u>	15 - 16

This report takes each Directorate in turn, in the format :

- a) capital budget changes
- b) forecast variations from budget
- c) commentary on major variations

The capital budget is a resource and expenditure planning tool and does not confer approval for individual budget items to proceed. Individual approvals are sought through Business Case reports under the Gateway process

Capital Monitoring Summary

Expenditure

	2018/19 £000	2019/20 £000	2020/21 £000	Later Years £000	Total Plan £000
Quarter 2 Approved Budget	537,706	472,682	587,623	1,779,582	3,377,593
New Resources Quarter 3	(31,901)	(21,034)	(159,699)	16,685	(195,949)
Revised Budget Quarter 3	505,805	451,648	427,924	1,796,267	3,181,644
Forecast Slippage - Quarter 3	(116,510)	87,882	(12,372)	41,000	0
Forecast Overspend (Underspend)	27,485	4,793	7,191	(4,156)	35,313
Forecast Outturn at Quarter 3	416,780	544,323	422,743	1,833,112	3,216,957

Resources

Use of Specific Resources:

Grants & Contributions	(184,870)	(216,842)	(129,063)	(210,188)	(740,962)
Earmarked Capital Receipts - RTB & Revenue Reform	(66,546)	(83,647)	(50,271)	(253,599)	(454,063)
Revenue Contributions - Departmental	(6,843)	(4,269)	(5,238)	(118)	(16,468)
Revenue Contributions - HRA	(47,264)	(54,344)	(59,993)	(446,241)	(607,842)

Use of Corporate or General Resources:

Corporate Resources	(10,089)	(573)	(150)	(13,535)	(24,347)
Unsupported Prudential Borrowing - General	0	0	0	0	0
Unsupported Prudential Borrowing - Corporate	(416)	(1,291)	(776)	0	(2,483)
Unsupported Prudential Borrowing - Directorate	(100,753)	(183,357)	(177,252)	(909,431)	(1,370,793)
Forecast Use of Resources	(416,780)	(544,323)	(422,743)	(1,833,112)	(3,216,957)

Directorate	Ref	Current Year			All Years		
		Quarter 2 Budget £000	Current Budget £000	Change £000	Quarter 2 Budget £000	Current Budget £000	Change £000
Directorate: Adult Social Care & Health							
Property Schemes	A1 ●	513	513	0	1,456	1,456	0
IT Schemes		790	790	0	1,545	1,545	0
Improvements to Social Care Delivery		0	1,314	1,314	5,651	6,965	1,314
Independent Living		4,897	4,897	0	4,897	4,897	0
Total Directorate Capital programme		6,200	7,514	1,314	13,549	14,863	1,314
Directorate: Children's, Young People & Families							
Devolved Capital Allocation to Schools	C1 ●	2,790	2,790	0	4,566	4,566	0
Schools Condition Allowance		12,785	12,785	0	21,180	21,180	0
Basic Need - Additional School Places		21,839	21,839	0	152,027	152,027	0
Early Years		941	941	0	2,071	2,071	0
IT Investment		1,594	1,594	0	3,586	3,586	0
Universal Infant Free School Meals		0	0	0	0	0	0
Other Minor Schemes		50	647	597	50	647	597
Total Directorate Capital programme		39,999	40,596	597	183,480	184,077	597
Directorate: Place							
Place Other							
Sport & Swimming Pool Facilities	P1 ●	6,886	6,904	18	8,584	8,684	100
Waste Management Services		6,015	6,015	0	53,063	53,063	0
Parks		3,102	3,518	416	5,973	8,456	2,483
Bereavement Services		349	349	0	349	349	0
Markets		1,815	1,815	0	1,815	1,815	0
Community Initiatives		0	0	0	392	392	0
Regulation and Enforcement		323	323	0	323	323	0
Highways - Land Drainage and Flood Defences		11	11	0	11	11	0
Adult Education & Youth		171	171	0	171	171	0
Strategic Libraries		210	210	0	210	210	0
Museums & Arts		70	70	0	70	70	0
Community Development & Play		34	3	(32)	34	3	(32)
Community Chest		0	0	0	0	0	0
Community Libraries		783	783	0	783	783	0
Private Sector Housing		621	621	0	1,718	1,718	0
Bringing Properties Back Into Use		9,925	9,925	0	9,925	9,925	0
Total Place Other		30,317	30,719	403	83,421	85,972	2,552
Housing HRA							
Housing Improvement Programme		68,754	68,754	0	609,102	609,102	0
Redevelopment		64,186	64,186	0	451,400	451,400	0
Other Programmes		4,809	4,809	0	46,922	46,922	0
Total HRA		137,749	137,749	0	1,107,424	1,107,424	0
Total Directorate Capital programme		168,066	168,468	403	1,190,845	1,193,396	2,552
Directorate: Economy							
Planning & Regeneration Schemes							
Major Projects:							
Enterprise Zone - Investment Plan	E1 ●	0	0	0	347	347	0
Enterprise Zone - Paradise Circus		15,359	15,359	0	18,518	18,518	0
Enterprise Zone - Site Development & Access		2,500	2,500	0	8,045	8,045	0
Enterprise Zone - Connecting Economic Opportunities		1,000	1,000	0	95,691	95,691	0
Enterprise Zone - Southern Gateway Site		1,000	1,000	0	34,530	34,530	0
Enterprise Zone - LEP Investment Fund		0	0	0	20,000	20,000	0
Enterprise Zone - HS2 Interchange Site		0	0	0	20,000	20,000	0
Enterprise Zone - Southside Links		80	80	0	278	278	0
Enterprise Zone - Southside Public Realm		0	0	0	0	0	0
EZ Phase II - HS2 Station Environment		1,814	1,814	0	60,000	60,000	0
EZ Phase II - HS2 Site Enabling		1,000	1,000	0	101,500	101,500	0
EZ Phase II - Local Transport Improvements		0	0	0	104,800	104,800	0
EZ Phase II - Connecting Economic Opportunities 2		0	0	0	52,900	52,900	0
EZ Phase II - Social Infrastructure		0	0	0	109,900	109,900	0
EZ Phase II - Metro Extension to E Bham/Solihull		0	0	0	183,300	183,300	0
Jewellery Quarter Cemetery		1,829	1,829	0	1,829	1,829	0
Unlocking Housing Sites		4,619	4,619	0	7,169	7,169	0
East Aston RIS		4,830	4,830	0	4,830	4,830	0
Life Sciences		973	973	0	973	973	0
Other (Major Projects)		32	32	0	32	32	0
Public Realm:		0	0	0	0	0	0
Metro Centenary Square		4,026	4,026	0	4,026	4,026	0
Making the Connection		373	373	0	403	403	0
Longbridge		1,178	1,178	0	1,178	1,178	0
Other (Public Realm)		299	34	(265)	299	34	(265)
Infrastructure:		0	0	0	0	0	0

Directorate	Ref	Current Year			All Years		
		Quarter 2 Budget £000	Current Budget £000	Change £000	Quarter 2 Budget £000	Current Budget £000	Change £000
One Station		251	251	0	251	251	0
A34 Corridor Perry Barr		246	246	0	281	281	0
Grants/Loans:		0			0	0	0
Grand Hotel Development		1,000	1,000	0	1,000	1,000	0
Minor Projects		0	0	0	0	0	0
Housing Development	E2	55,873	15,053	(40,820)	259,239	52,659	(206,580)
Total Planning & Regeneration Projects		98,280	57,195	(41,085)	1,091,318	884,473	(206,845)
Employment & Skills							
National College for HS2		203	203	0	203	203	0
ERDF Business Growth & Property Investment	E3	5,450	5,450	0	5,918	12,155	6,237
Total Employment & Skills		5,653	5,653	0	6,121	12,358	6,237
Highways							
Safer Routes to Schools		617	617	0	2,117	2,117	0
Section 106 & 278	E4	19	94	75	19	94	75
Network Integrity	E5	1,452	1,275	(178)	4,288	4,111	(178)
Road Safety	E6	839	729	(110)	3,464	3,354	(110)
Other Minor Schemes		1,259	1,352	93	1,259	1,352	93
Total Highways		4,186	4,067	(119)	11,147	11,028	(119)
Transportation							
Major Schemes:							
Ashted Circus		4,215	4,215	0	5,745	5,745	0
Metro Extension		207	207	0	207	207	0
Iron Lane		1,930	1,930	0	12,197	12,197	0
Minworth Unlocking	E7	2	180	178	2	180	178
Battery Way Extension		3,749	3,749	0	5,288	5,288	0
Longbridge Connectivity		3,500	3,317	(183)	3,754	3,571	(183)
A457 Dudley Road	E8	500	500	0	33,734	29,191	(4,543)
Peddimore	E9	80	133	53	80	133	53
Journey Reliability		439	439	0	810	810	0
Tame Valley Phase 2 & 3	E10	1,027	1,027	0	81,737	86,280	4,543
Selly Oak New Road Phase 1B		1,655	1,655	0	8,762	8,762	0
Wharfdale Bridge	E11	50	60	10	2,550	2,743	193
Snow Hill Station		1,000	1,000	0	8,846	8,846	0
Other (Major Schemes)	E12	929	1,124	195	1,735	1,880	145
Inclusive & Sustainable Growth:							
Holloway Circus		165	165	0	165	165	0
Clean Air Zone Measures	E13	11	250	239	11	2,771	2,760
Southside / Hurst Street		106	106	0	106	106	0
Clean Air & Hydrogen Buses		11,000	11,000	0	11,000	11,000	0
Journey Reliability		279	279	0	279	279	0
Other (Inclusive & Sustainable Growth)	E14	5,139	3,074	(2,065)	20,911	12,371	(8,540)
Walking & Cycling	E15	17,563	19,213	1,650	26,586	28,236	1,650
Local Measures		0	0	0	0	0	0
Infrastructure Development		845	842	(3)	5,109	5,106	(3)
Section 106 & 278	E16	84	410	326	84	410	326
Funding to be allocated	E17	193	0	(193)	7,071	4,025	(3,046)
Total Transportation		54,668	54,875	207	236,769	230,302	(6,467)
Birmingham Property Services							
Arena Central	E18	1,249	0	(1,249)	1,249	0	(1,249)
Attwood Green Projects		239	239	0	239	239	0
Council House Complex Development Costs		546	546	0	546	546	0
Lee Bank Business Centre		135	135	0	135	135	0
NEC Hotels WOC		165	165	0	165	165	0
Other (BPS)	E19	7	507	500	7	507	500
Total Birmingham Property Services		2,341	1,592	(749)	2,341	1,592	(749)
Total Directorate Capital programme		165,129	123,382	(41,747)	1,347,696	1,139,752	(207,944)
Directorate: Finance & Governance							
Revenue Reform Projects		26,318	26,318	(0)	42,945	42,945	(0)
Gateway / Grand Central Residual Costs	F1	2,678	9,069	6,391	2,678	9,069	6,391
Capital Loans & Equity Funds	F2	5,495	6,637	1,142	13,737	14,879	1,142
SAP New Developments		400	400	0	4,062	4,062	0
Commonwealth Games		114,688	114,688	0	527,888	527,888	0
Total Directorate Capital programme		149,579	157,112	7,533	591,309	598,842	7,533
Directorate: Strategic Services							
Corporate ICT Investment		8,039	8,039	0	49,994	49,994	0
Digital Birmingham		288	288	0	313	313	0
IT Projects		407	407	0	407	407	0
Total Directorate Capital programme		8,733	8,733	0	50,714	50,714	0
Total BCC		537,706	505,805	(31,900)	3,377,593	3,181,644	(195,949)

Directorate: Adult Social Care & Health

Ref	Comments	2018/19 increase / (decrease) £000	All years increase / (decrease) £000
A1	Improvements to Social Care Delivery Additional funding announced by the Chancellor in the 2018 Budget. This is for the Disabled Facilities Grant (DFG) and will help deliver more home adaptations to enable more disabled people to live independently in their own homes	1,314	1,314
	Total directorate over / (under)	1,314	1,314

Directorate: Children's, Young People & Families

Ref	Comments	2018/19 increase / (decrease) £000	All years increase / (decrease) £000
C1	Other Minor Schemes The budget increase relates to the Schools Energy Efficiency Programme which installs energy efficiency measures in Birmingham schools in order to reduce expenditure on energy and maintenance. This funding reflects an interest free loan from Salix Finance, with the loan costs met in full by schools. Approval to enter into the Energy Efficient Loan Scheme was approved by the Strategic Director of Finance & Legal on 6th July 2016.	597	597
	Total directorate over / (under)	597	597

Directorate: Place

Ref	Comments	2018/19 increase / (decrease) £000	All years increase / (decrease) £000
P1	Parks New Corporate resources approved by cabinet on 13th November for safety works to Birmingham Parks Pools and Reservoirs.	416	2,483
	Total directorate over / (under)	416	2,483

Directorate: Economy

Ref	Comments	2018/19 increase / (decrease) £000	All years increase / (decrease) £000
E1	Other (Public Realm) Minor underspends on various S106 funded projects.	(265)	(265)
E2	Housing Development This proposal relates to the disposal of Housing Revenue Account void properties to InReach. Consent to enable the project to proceed has now been received in part from the Secretary of State. The budget and forecast will be reviewed to take this into account.	(40,820)	(206,580)

E3	<u>ERDF Business Growth & Property Investment</u> New approval to accept ERDF grant that will provide an assistance programme targeted at up to 285 existing Small/Medium Enterprises (SMEs), specifically supply chain businesses benefitting from HS2 and Commonwealth Games investment opportunities. Approved by cabinet 13th November 2018.	0	6,237
E4	<u>Section 106 & 278</u> This is a new approval for a Zebra Crossing Scheme to improve safety for road users accessing the new children's nursery on Cole Hall Lane. The scheme is funded by a residual grant and S78 funding.	75	75
E5	<u>Network Integrity</u> The budget adjustment relates to a change in project management responsibility. The Minworth Unlocking project has transferred from the Highways Programme to Transportation Programme.	(178)	(178)
E6	<u>Road Safety</u> The budget transfer relates to a budget transfer of project responsibility for the Ring Road Camera Safety scheme which now transferred from Highways to Transportation.	(110)	(110)
E7	<u>Minworth Unlocking</u> This is the contra budget entry for the above change in project management responsibility (E5).	178	178
E8	<u>A457 Dudley Road</u> The budget adjustment relates to a reanalysis to the future years budget allocation for Tame Valley Phase 2 & 3, which was previously included in the A457 Dudley Road future years allocation (see E10 below).	0	(4,543)
E9	<u>Peddimore</u> This is a new approval for contribution from Sutton Coldfield Town council to assist Birmingham City Council in carrying out traffic modelling works.	53	53
E10	<u>Tame Valley Phase 2 & 3</u> This is the contra budget entry for the above budget correction (E8).	0	4,543
E11	<u>Wharfedale Bridge</u> The budget adjustment relates to an approved budget adjustment to mitigate a project overspend. The addition funding has been transferred from an underspending project within the Transportation Programme.	10	193
E12	<u>Other (Major Schemes)</u> The increase in budget relates to delegated approvals for the for Sprint Bus Rapid Programme, the development of scheme is being carried out by TfWM and their consultants. The City Council's officer time for development of the scheme will be funded by a contribution from TfWM.	195	145
E13	<u>Clean Air Zone Measures</u> The increase in budget relates to successful bid to undertake physical measures to support the implementation of the main Clean Air Zone, which is proposed to be operational in January 2020. This is a new grant from the 'Early Measures Fund for Local NO2 Compliance' awarded by the Joint Air Quality Unit (JAQU).	239	2,760

E14	<u>Other (Inclusive & Sustainable Growth)</u> The budget adjustments relates to a change in project management responsibility for the Parking Measures Project (see below E16), Priory Road Project (see below E15) and the Clean Air Measures (see above E13), which have all now transferred responsibility from the Inclusive and Sustainable Growth Programme. A budget transfer (£4.025m) for future years is for schemes to be developed from 2020-21 to 2023-24, this has now moved to the central contingency code until the FBC's are developed.	(2,065)	(8,540)
E15	<u>Walking & Cycling</u> The budget adjustment relates to a change in project management responsibility. The Priory Road project (£1.5m) and the Ring Road Safety project (£150k) has now moved to the Walking & Cycling Programme.	1,650	1,650
E16	<u>Section 106 & 278</u> The transfer is for a change in responsibility for the Parking Measures Project which has transferred to the Section 106/278 Programme.	326	326
E17	<u>Funding to be allocated</u> The current year transfer relates to funds held in contingency for Integrated Transport Block grant from previous years. This has now been reanalysed to match the grant funding for 2018-19. The future years budget change is and reanalysis of the ITB grant and one of the contra entries for the above Inclusive and Sustainable Growth (E14) budget transfer.	(193)	(3,046)
E18	<u>Arena Central</u> The original budget related to a loan facility for Arena Central which has now repaid its previous loans in full. The budget has been removed as the loan facility for 2018/19 is no longer required.	(1,249)	(1,249)
E19	<u>Other (BPS)</u> Report approved by Cabinet February 2018 for essential works at Highbury Estate.	500	500
	Total directorate over / (under)	(41,654)	(207,851)

Directorate: Finance & Governance

Ref	Comments	2018/19 increase / (decrease) £000	All years increase / (decrease) £000
F1	<u>Gateway / Grand Central Residual Costs</u> Report approved by Cabinet 18th September to provide an update on matters of legacy relating to the disposal of Grand Central Shopping Centre and its associated car park	6,391	6,391
F2	<u>Capital Loans & Equity Funds</u> Capital Loans & Equity £1.142m - of Prudential Borrowing Resources added for Collective Investment Fund Loans paid on behalf of the West Midlands Combined Authority as approved by Cabinet on 22/03/2017.	1,142	1,142
	Total directorate over / (under)	7,533	7,533

Directorate	Ref	Current Year				All Years			
		Current			Quarter 2 variation £000	Revised			Quarter 2 variation £000
		Budget £000	Forecast £000	Variation £000		Budget £000	Forecast £000	Variation £000	
Directorate: Adult Social Care & Health									
Property Schemes	A1 ●	513	343	(170)	0	1,456	1,456	0	0
IT Schemes		790	790	0	0	1,545	1,545	0	0
Improvements to Social Care Delivery		1,314	1,314	0	0	6,965	6,965	0	0
Independent Living		4,897	4,897	0	0	4,897	4,897	0	0
Total Directorate Capital programme		7,514	7,344	(170)	0	14,863	14,863	0	0
Directorate: Children's, Young People & Families									
Devolved Capital Allocation to Schools	C1 ●	2,790	2,790	0	0	4,566	4,566	0	0
Schools Condition Allowance		12,785	14,785	2,000	0	21,180	21,180	0	0
Basic Need - Additional School Places	C2 ●	21,839	28,839	7,000	0	152,027	152,027	0	0
Early Years	C3 ●	941	941	0	0	2,071	2,071	0	0
IT Investment		1,594	1,294	(300)	0	3,586	3,586	0	0
Universal Infant Free School Meals		0	0	0	0	0	0	0	0
Other Minor Schemes		647	647	0	0	647	647	0	0
Total Directorate Capital programme		40,596	49,296	8,700	0	184,077	184,077	0	0
Directorate: Place									
Place Other									
Sport & Swimming Pool Facilities	P1 ●	6,904	8,121	1,216	1,216	8,684	10,264	1,581	1,581
Waste Management Services		6,015	1,057	(4,958)	(3,888)	53,063	53,063	0	0
Parks	P2 ●	3,518	3,297	(220)	0	8,456	8,456	0	0
Bereavement Services		349	349	0	0	349	349	0	0
Markets		1,815	1,815	0	0	1,815	1,815	0	0
Community Initiatives		0	0	0	0	392	392	0	0
Regulation and Enforcement		323	52	(271)	(271)	323	323	0	0
Highways - Land Drainage and Flood Defences		11	11	0	0	11	11	0	0
Adult Education & Youth		171	171	0	0	171	171	0	0
Strategic Libraries		210	210	0	0	210	210	0	0
Museums & Arts		70	70	0	0	70	70	0	0
Community Development & Play		3	3	0	0	3	3	0	0
Community Chest		0	0	0	0	0	0	0	0
Community Libraries		783	640	(143)	(143)	783	783	0	0
Private Sector Housing		621	779	158	0	1,718	1,718	0	0
Bringing Properties Back Into Use		9,925	9,925	0	0	9,925	9,925	0	0
Total Place Other		30,719	26,501	(4,218)	(3,086)	85,972	87,553	1,581	1,581
Housing HRA									
Housing Improvement Programme	P3 ●	68,754	74,154	5,400	1,737	609,102	617,502	8,400	1,737
Redevelopment	P4 ●	64,186	28,269	(35,917)	(28,963)	451,400	451,104	(296)	(426)
Other Programmes	P5 ●	4,809	6,118	1,309	0	46,922	48,272	1,350	0
Total HRA		137,749	108,541	(29,208)	(27,226)	1,107,424	1,116,878	9,454	1,311
Total Directorate Capital programme		168,468	135,042	(33,426)	(30,312)	1,193,396	1,204,431	11,035	2,892
Directorate: Economy									
<u>Planning & Regeneration Schemes</u>									
Major Projects:									
Enterprise Zone - Investment Plan	E1 ●	0	0	0	0	347	347	0	0
Enterprise Zone - Paradise Circus		15,359	12,687	(2,672)	(2,672)	18,518	18,518	0	0
Enterprise Zone - Site Development & Access		2,500	0	(2,500)	0	8,045	8,045	0	0
Enterprise Zone - Connecting Economic Opportunities		1,000	515	(485)	(485)	95,691	89,313	(6,378)	0
Enterprise Zone - Southern Gateway Site	E2 ●	1,000	0	(1,000)	(1,000)	34,530	34,530	0	0
Enterprise Zone - LEP Investment Fund		0	0	0	0	20,000	20,000	0	0
Enterprise Zone - HS2 Interchange Site		0	0	0	0	20,000	20,000	0	0
Enterprise Zone - Southside Links		80	0	(80)	198	278	278	0	0
Enterprise Zone - Southside Public Realm	E3 ●	0	0	0	0	0	6,378	6,378	0
EZ Phase II - HS2 Station Environment		1,814	2,096	282	946	60,000	60,000	0	0
EZ Phase II - HS2 Site Enabling		1,000	500	(500)	0	101,500	101,500	0	0
EZ Phase II - Local Transport Improvements		0	0	0	0	104,800	104,800	0	0
EZ Phase II - Connecting Economic Opportunities 2	E4 ●	0	0	0	0	52,900	52,900	0	0
EZ Phase II - Social Infrastructure		0	0	0	0	109,900	109,900	0	0
EZ Phase II - Metro Extension to E Bham/Solihull		0	0	0	0	183,300	183,300	0	0
Jewellery Quarter Cemetery		1,829	50	(1,779)	(1,629)	1,829	1,829	0	0
Unlocking Housing Sites	E5 ●	4,619	1,619	(3,000)	0	7,169	7,169	0	0
East Aston RIS		4,830	4,830	0	0	4,830	4,830	0	0
Life Sciences		973	0	(973)	(973)	973	973	0	0
Other (Major Projects)		32	32	0	0	32	32	0	0
Public Realm:									
Metro Centenary Square	E6 ●	4,026	4,026	0	0	4,026	4,026	0	0
Making the Connection		373	102	(270)	(270)	403	403	0	0
Longbridge		1,178	1,178	0	0	1,178	1,178	0	0
Other (Public Realm)		34	34	0	(265)	34	34	0	(265)
Infrastructure:									
One Station		251	10	(241)	(241)	251	10	(241)	(7)

Directorate	Ref	Current Year				All Years			
		Current Budget £000	Forecast £000	Variation £000	Quarter 2 variation £000	Revised Budget £000	Forecast £000	Variation £000	Quarter 2 variation £000
A34 Corridor Perry Barr		246	246	0	0	281	281	0	0
Grants/Loans:					0				0
Grand Hotel Development		1,000	0	(1,000)	(1,000)	1,000	1,000	0	0
Minor Projects		0	0	0	0	0	0	0	0
Housing Development	E7 ●	15,053	8,357	(6,696)	(47,516)	52,659	52,659	0	(226,000)
Total Planning & Regeneration Projects		57,195	36,281	(20,914)	(54,908)	884,473	884,232	(241)	(226,272)
Employment & Skills									
National College for HS2		203	203	0	0	203	203	0	0
ERDF Business Growth & Property Investment		5,450	5,450	0	0	12,155	12,155	0	0
Total Employment & Skills		5,653	5,653	0	0	12,358	12,358	0	0
Highways									
Safer Routes to Schools	E8 ●	617	250	(366)	0	2,117	2,117	0	0
Section 106 & 278	E9 ●	94	19	(75)	0	94	94	0	0
Network Integrity	E10 ●	1,275	227	(1,048)	0	4,111	4,111	0	0
Road Safety	E11 ●	729	425	(304)	0	3,354	3,354	0	0
Other Minor Schemes	E12 ●	1,352	660	(692)	0	1,352	1,352	0	0
Total Highways		4,067	1,582	(2,485)	0	11,028	11,028	0	0
Transportation									
Major Schemes:									
Ashted Circus	E13 ●	4,215	4,847	632	632	5,745	5,745	0	0
Metro Extension		207	207	0	0	207	207	0	0
Iron Lane		1,930	1,930	0	0	12,197	12,197	0	0
Minworth Unlocking	E14 ●	180	77	(103)	0	180	180	0	0
Battery Way Extension		3,749	3,676	(73)	0	5,288	5,288	0	0
Longbridge Connectivity		3,317	3,317	0	0	3,571	3,571	0	0
A457 Dudley Road	E15 ●	500	250	(250)	0	29,191	29,191	0	0
Peddimore		133	133	0	0	133	133	0	0
Journey Reliability	E16 ●	439	200	(239)	(100)	810	810	0	0
Tame Valley Phase 2 & 3		1,027	1,027	0	0	86,280	86,280	0	0
Selly Oak New Road Phase 1B	E17 ●	1,655	1,455	(200)	0	8,762	8,762	0	0
Wharfedale Bridge		60	60	0	0	2,743	2,743	0	0
Snow Hill Station		1,000	1,000	0	0	8,846	8,846	0	0
Other (Major Schemes)	E18 ●	1,124	36	(1,088)	0	1,880	1,880	0	0
Inclusive & Sustainable Growth:					0				0
Holloway Circus		165	165	0	0	165	165	0	0
Clean Air Zone Measures		250	250	0	0	2,771	2,771	0	0
Southside / Hurst Street		106	106	(0)	(0)	106	106	(0)	(0)
Clean Air & Hydrogen Buses	E19 ●	11,000	20	(10,980)	0	11,000	11,000	0	0
Journey Reliability		279	258	(21)	0	279	279	0	0
Other (Inclusive & Sustainable Growth)	E20 ●	3,074	947	(2,127)	(102)	12,371	12,371	0	0
Walking & Cycling	E21 ●	19,213	12,953	(6,260)	0	28,236	28,236	0	0
Local Measures		0	0	0	0	0	0	0	0
Infrastructure Development	E22 ●	842	686	(156)	0	5,106	5,106	0	0
Section 106 & 278	E23 ●	410	184	(226)	0	410	410	0	0
Funding to be allocated		0	0	0	0	4,025	4,025	0	0
Total Transportation		54,875	33,783	(21,092)	430	230,302	230,301	(0)	(0)
Birmingham Property Services									
Arena Central		0	0	0	(1,249)	0	0	0	(1,249)
Attwood Green Projects		239	239	0	0	239	239	0	0
Council House Complex Development Costs		546	546	0	0	546	546	0	0
Lee Bank Business Centre		135	135	0	0	135	135	0	0
NEC Hotels WOC		165	165	0	0	165	165	0	0
Other (BPS)		507	507	0	0	507	507	0	0
Total Birmingham Property Services		1,592	1,592	0	(1,249)	1,592	1,592	0	(1,249)
Total Directorate Capital programme		123,382	78,890	(44,491)	(55,727)	1,139,752	1,139,511	(241)	(227,521)
Directorate: Finance & Governance									
Revenue Reform Projects	F1 ●	26,318	21,968	(4,350)	1,690	42,945	52,846	9,901	9,901
Gateway / Grand Central Residual Costs		9,069	9,069	0	0	9,069	9,069	0	0
Capital Loans & Equity Funds	F2 ●	6,637	20,974	14,337	0	14,879	29,216	14,337	0
SAP New Developments	F3 ●	400	200	(200)	0	4,062	4,062	0	0
Commonwealth Games	F4 ●	114,688	90,888	(23,800)	0	527,888	527,888	0	0
Total Directorate Capital programme		157,112	143,099	(14,013)	1,690	598,842	623,080	24,238	9,901
Directorate: Strategic Services									
Corporate ICT Investment	S1 ●	8,039	2,257	(5,782)	(6)	49,994	49,994	0	0
Digital Birmingham		288	182	(106)	(124)	313	331	19	0
IT Projects	S2 ●	407	670	263	0	407	670	263	0
Total Directorate Capital programme		8,733	3,108	(5,625)	(130)	50,714	50,995	282	0
Total BCC		505,805	416,780	(89,025)	(84,479)	3,181,644	3,216,957	35,313	(214,729)

Directorate: Adult Social Care & Health

Ref	Major capital variations and associated key issues	2018/19		All years
		Reported Quarter 2 £000	Reported Quarter 3 £000	Quarter 3 variation £000
A1	<u>Property Schemes</u> Original contractor pulled out delaying the programme. Project has now been reassigned and work on site is expected to start in March 2019.	0	(170)	0
Total directorate over / (under)		0	(170)	0

Directorate: Children's, Young People & Families

Ref	Major capital variations and associated key issues	2018/19		All years
		Reported Quarter 2 £000	Reported Quarter 3 £000	Quarter 3 variation £000
C1	<u>Schools Condition Allowance</u> The forecast increase of £2m relates to co-location of Acivico at Lancaster Circus which has also had a beneficial impact resulting in decisions being progressed quicker and leading to projects being delivered on site more efficiently. Acivico have also appointed a lead officer which has had a positive impact as there is now one point of contact and as a result projects are moving forward at a much quicker pace. It should be noted that there are no adverse financial implications and funding will be accelerated to match this revised forecast.	0	2,000	0
C2	<u>Basic Need - Additional School Places</u> The forecast increase of £7m relates to the latest mini competition which has led to the appointment of two contractors which has enabled Education Infrastructure to progress projects quicker than originally anticipated. Co-location of Acivico at Lancaster Circus has also had a beneficial impact resulting in decisions being progressed quicker and leading to projects being delivered on site more efficiently. It should be noted that there are no adverse financial implications and funding will be accelerated to match this revised forecast.	0	7,000	0
C3	<u>IT Investment</u> Following review of the business case for investment into a new IT system for SENAR a decision was made not to proceed at this stage. Further work will now be carried out to form a future plan for development of the system.	0	(300)	0
Total directorate over / (under)		0	8,700	0

Directorate: Place

Ref	Major capital variations and associated key issues	2018/19		All years
		Reported Quarter 2 £000	Reported Quarter 3 £000	Quarter 3 variation £000
P1	<u>Waste Management Services</u> Depot re-development slipped due to target costs exceeding the budget. Awaiting revised quotes.	(3,888)	(4,958)	0
P2	<u>Parks</u> Lordswood Girls School Artificial Pitch has slipped by the final payment of £0.220m due to a Planning issue.	0	(220)	0
P3	<u>Housing Improvement Programme</u> The forecast overspend of £5.4m relates to Housing Improvement Capital Programme – due mainly to increased Structural Repair costs and changes in specifications to Multi Storey blocks and additional Fire Protection works (removing flammable panels) as advised by MHCLG. This will be funded from existing capital reserves.	1,737	5,400	8,400
P4	<u>Redevelopment</u>			

	BMHT (£30,512m): the variation is due to delays in obtaining materials for certain sites, adverse weather and labour supply issues, delays during the tender process for new schemes, delays on obtaining highways approval for works, and estimated spend forecasts being amended as schemes are approved. Clearance (£5,405m) slippage due to slower than anticipated rehousing of larger families and voluntary acquisition of owner occupied properties. Specific delays in Druids Heath due to protracted consultation on master planning.	(28,963)	(35,917)	(296)
P5	Other Programmes Housing Adaptations Capital Programme – new cases other than urgent works have ceased since August, however a decision has been made to re start works as concerns have been raised about the impact of delaying work for vulnerable tenants and the corporate impact if this increases demand on other services (especially Adult Services). the increase in costs is due to higher costs per case due to more expensive complex cases presenting than previously. These cases impact both vulnerable adults and children. This is funded by HRA reserves.	0	1,309	1,350
Total directorate over / (under)		(31,114)	(34,386)	9,454

Directorate: Economy

Ref	Major capital variations and associated key issues	2018/19		All years
		Reported Quarter 2 £000	Reported Quarter 3 £000	Quarter 3 variation £000
E1	Enterprise Zone - Site Development & Access This relates to Eastside Locks, ongoing protracted negotiations with the developer mean that spend is not going to happen in 2018/19. This has been 'slipped' into 2019/20.	0	(2,500)	0
E2	Enterprise Zone - Connecting Economic Opportunities The original budget was based upon the GBSLEP's EZ Investment Plan which gave an indicative profile for spend on the Metro Digbeth Public Realm scheme. Since then, Cabinet has approved the PDD report on 26th June 2018 for £0.515m which recognises that design works needs to be fully developed before seeking approval for the Full Business Case by both GBSLEP and City Council. This has led to a reprofiling of the budget. £6,378 has been allocated to Southside Public Realm, see below.	(485)	(485)	(6,378)
E3	Enterprise Zone - Southside Public Realm As above	0	0	6,378
E4	EZ Phase II - HS2 Station Environment The programmed spend for this scheme has been reviewed and the associated design works (for Paternoster Place, Curzon Metro Stop and Curzon Promenade and Square) will be accelerated to 2018/19.	946	282	0
E5	Jewellery Quarter Cemetery Project slipped due to tenders in excess of budget and a necessity to value engineer the project.	(1,629)	(1,779)	0
E6	Unlocking Housing Sites The Unlocking Stalled Housing project provides grant aid to housing developers to bring forward financially unviable projects, however following a robust due diligence process, the approved grants are paid out retrospectively in stages during construction and for this reason, the project deadline has been extended to 31 st March 2020 to allow committed spend to be fully defrayed.	0	(3,000)	0
E7	Housing Development This proposal relates to the disposal of Housing Revenue Account void properties to InReach. Consent to enable the project to proceed has now been received in part from the Secretary of State. The budget and forecast will be reviewed to take this into account.	(47,516)	(6,696)	0
E8	Safer Routes to Schools Safer Routes to Schools is a City wide programme which contains many small schemes. As the selection of schemes is robust and involves consultations with a wide range of stakeholders such local schools, residents, ward Councillors, Emergency Services (Police, Fire and Ambulance services) etc., and also involves lengthy Traffic Regulation Orders legal processes, it takes long time to finalise, develop, design, seek approval and implement selected schemes within a financial year and therefore it warrants slippage of resources.	0	(366)	0
E9	Section 106 & 278			

	Due to the delay in the completion of consultation, detail design and contractor availability, this scheme is scheduled to be completed in May 19.	0	(75)	0
E10	<u>Network Integrity</u> Network Integrity Programme contains Ward Minor Transport Measures and Grass Verge Protection Measures small schemes which are prioritised by 101 elected Ward Councillors of 69 wards of the City, in consultation with the local residents, Local Engineers and Emergency Services etc. The consultation, introduction of legal Traffic Regulation Orders, development and design, approval and implementation of selected schemes is long process and therefore it warrants slippage of resources. In addition, some ward Councillors have specifically asked their Local Engineers to slip allocations to combine with the next year's allocation to deliver larger schemes to meet aspirations of their local residents.	0	(1,048)	0
E11	<u>Road Safety</u> Due to the delay in the selection of schemes, completion of consultation, detail design and contractor availability, schemes in this programme are planned to be completed in mid 19/20.	0	(304)	0
E12	<u>Other Minor Schemes</u> This includes a number of small Highways projects (£202k) that have slipped due to the delay in the completion of consultation, detail design and contractor availability, these scheme are scheduled to be completed in June/July 19. It also includes Flood risk defence (£490k), The project is being managed by the Environment Agency and due to the delay in contract administration and the planned implementation, scheme is scheduled to be completed in the mid part of 19/20.	0	(692)	0
E13	<u>Ashted Circus</u> The Project start date slipped by 7 months, delays due to upcoming works including the installation of temporary signals and infilling of subways, expected completion date is February 2019. Actions; improved contractor efficiency on site has meant the works are catching up & should complete sooner.	632	632	0
E14	<u>Minworth Unlocking</u> The slippage relates to the forecast being lower than the actual expenditure of the project, the resources slipped into 2019-20 will be used to carry out any possible remedial work.	0	(103)	0
E15	<u>A457 Dudley Road</u> The Project had originally earmarked £250k for contractors to carry out surveys under the Early Contractor Involvement process, this project activity has now altered. To ensure a competitive tender the City Council will now procure the surveys at start of 2019-20.	0	(250)	0
E16	<u>Journey Reliability</u> The slippage is due to delays in receiving approval of the Business Case from the Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP). The project approval has slipped into 2019-20.	(100)	(239)	0
E17	<u>Selly Oak New Road Phase 1B</u> The statutory undertaker actual expenditure was lower than original forecast for this financial year, the resources have been slipped into 2019-20 to deliver the project.	0	(200)	0
E18	<u>Other (Major Schemes)</u> This includes a number of projects (£888k) that are legacy schemes that are all complete. Studies are being carried out to check the effectiveness of the works carried out and the slipped resources will be used to carry out any remedial works that are identified. Also included is the 'Sprint' Bus Rapid Transit Programme (£200k), the approval for the options appraisals had been delayed and will now be completed in 2019-20.	0	(1,088)	0
E19	<u>Clean Air & Hydrogen Buses</u> In order to achieve efficiencies through economies of scale the vehicles are to be purchased utilising TfL's procurement contract. The procurement process has delayed the raising of a Purchase Order and it is anticipated that it will be February 2019 at the earliest before it can be placed. The procurement would include staged payments so it is unlikely that the budget can be expended in the current financial year. The conditions of grant require 20% (£2.2m) to be expended by 31st March 2019. Officers are in discussion with the funders to reprofile the grant payments to reflect the revised delivery programme.	0	(10,980)	0

E20	<u>Other (Inclusive & Sustainable Growth)</u> This includes a lot of different projects that have all been delayed and will be delivered during 2019-20. Some of the big projects include, Electric Vehicle Charge Point Network (£791k) due Official Journal which will now be placed next financial year. Birmingham City Centre Retail Core Public Realm (£425k) there have been delays in producing the and approving the full business cases for projects funded from the Transforming Cities funding, which have now slipped into 2019-20. Hospital and University Parking Management Measures (£226k), the project has been delayed and will be completed in 2019-20. Other smaller projects (£685k) have all been delayed and will be reprofiled and delivered in future years.	(102)	(2,127)	0
E21	<u>Walking & Cycling</u> The slippage is mostly unspent contingency/risk pot which is not required in 2018/19, and therefore will be used for other measures in future years. There has also been a delay to delivery of last canal access due to design issues on constrained sites.	0	(6,260)	0
E22	<u>Infrastructure Development</u> This mainly contingency funding that wasn't required during 2018-19 and will be used for future projects during 2019-20.	0	(156)	0
E23	<u>Section 106 & 278</u> Delays in consultation and approval process have delayed these projects, the projects will now be delivered in 2019-20.	0	(226)	0
Total directorate over / (under)		(48,254)	(37,661)	0

Directorate: Finance & Governance

Ref	Major capital variations and associated key issues	2018/19		All years
		Reported Quarter 2 £000	Reported Quarter 3 £000	Quarter 3 variation £000
F1	<u>Revenue Reform Projects</u> As the IT and Digital Services transition programme has progressed it has become clear that there is no need to initiate projects at the pace that was originally envisaged within the March 2018 Cabinet report.	1,690	(4,350)	9,901
F2	<u>Capital Loans & Equity Funds</u> Transactions as part of the sale of Innovation Birmingham to Bruntwood, this was approved by Cabinet in March 2018 and funded by grants unapplied, prudential borrowing and revenue contributions.	0	14,337	14,337
F3	<u>SAP New Developments</u> The new ERP scheme is being prioritised and as a result SAP updates are being deferred apart from essential upgrades	0	(200)	0
F4	<u>Commonwealth Games</u> Village Accommodation Scheme - Lead Contractor now appointed and Planning Consent obtained, with substantial works commencing from April 2019	0	(23,800)	0
Total directorate over / (under)		1,690	(14,013)	24,238

Directorate: Strategic Services

Ref	Major capital variations and associated key issues	2018/19		All years
		Reported Quarter 2 £000	Reported Quarter 3 £000	Quarter 3 variation £000
S1	<u>Corporate ICT Investment</u> As the IT and Digital Services transition programme has progressed it has become clear that there is no need to initiate projects at the pace that was originally envisaged within the March 2018 Cabinet report.	(6)	(5,782)	0
S2	<u>IT Projects</u> Capitalisation of Revenue and Benefits System Upgrades, funded by revenue contributions.	0	263	263
Total directorate over / (under)		(6)	(5,519)	263

Prudential Borrowing - Additions or Reductions Quarter 3 (October to December) 2018

This Appendix reviews changes in the Council's proposed borrowing to finance capital expenditure to show whether the Council's underlying indebtedness increases or decreases. The Council needs to consider carefully the affordability and sustainability of any increase in debt.

Description	#	2018/19 £'000	2019/20 £'000	Later Years £'000	Total £'000
Borrowing Needing Budget Support					
Place:					
Waste Management Services	A	(70)	70	0	0
Adult Ed & Youth	A	0	0	0	0
TOTAL BORROWING NEEDING BUDGET SUPPORT		(70)	70	0	0
SELF SUPPORTED					
People:					
Capital Maintenance Grant	A	597	0	0	597
Place:					
Sport	A&N	0	0	0	0
Strategic Parks	A	416	1,291	776	2,483
Markets	A	0	0	0	0
Regulation & Enforcement	A	(24)	0	0	(24)
Strategic Libraries	A	0	0	0	0
Community Libraries	A	0	0	0	0
Economy:					
Enterprise Zone Investment Plan Phases 1 & 2	A	(4,054)	(1,044)	5,275	176
Housing Development	A	0	(1,270)	20,690	19,420
Strategic Services:					
ICT Infrastructure	A	(5,776)	3,574	2,202	0
Finance & Governance					
Capital Loans & Equity	A	15,156	0	0	15,156
SAP Investments	A	(200)	200	0	0
Major Projects		6,391	0	0	6,391
Commonwealth Games	N	0	0	0	0
TOTAL SELF SUPPORTED BORROWING		12,506	2,751	28,943	44,200
TOTAL ADDITIONS / (REDUCTION) IN PRUDENTIAL BORROWING		12,436	2,821	28,943	44,200

Note: This includes some re-phasing between years and excludes slippage brought forward from 2017/18

A - Amendment to existing project spend or resources.

N - New projects or programmes added in the quarter.

CAPITAL - CAPITAL EXPENDITURE PLAN - FORECAST 2018/19 QUARTER 3

Appendix B8

This appendix shows capital plans over the ten year Long Term Financial Plan period, for those projects where longer term plans have been developed. Long term plans will be subject to ongoing review to ensure that any expenditure plans are within a prudent forecast of resources. Please note that many projects do not have such long term planning horizons, and the absence of forecasts does not mean that no spend is anticipated, just that it cannot yet be reasonably quantified.

	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28 & Later Years	Total
	Quarter 3 Forecast £'000's	Quarter 3 Forecast £'000's	Quarter 3 Forecast £'000's	Quarter 3 Forecast £'000's	Quarter 3 Forecast £'000's	Quarter 3 Forecast £'000's	Quarter 3 Forecast £'000's	Quarter 3 Forecast £'000's	Quarter 3 Forecast £'000's	Quarter 3 Forecast £'000's	Quarter 3 Forecast £'000's
ADULT SOCIAL CARE & HEALTH DIRECTORATE	7,344	2,763	2,872	1,884	0	0	0	0	0	0	14,863
CHILDREN, YOUNG PEOPLE & FAMILIES DIRECTORATE	49,296	28,170	27,696	78,914	0	0	0	0	0	0	184,077
PLACE DIRECTORATE											
Private Sector Housing	779	467	472	0	0	0	0	0	0	0	1,718
Housing-Bringing Properties Back to Life	9,925	0	0	0	0	0	0	0	0	0	9,925
Other - General Fund	15,797	58,570	1,152	392	0	0	0	0	0	0	75,910
HRA	108,541	149,343	126,347	99,959	107,276	109,697	106,887	106,536	104,543	97,749	1,116,878
	0	0	0	0	0	0	0	0	0	0	0
TOTAL CAPITAL - PLACE DIRECTORATE	135,042	208,380	127,970	100,351	107,276	109,697	106,887	106,536	104,543	97,749	1,204,431
ECONOMY DIRECTORATE											
Regeneration											
Enterprise Zone Investment Plan	0	0	0	0	0	0	0	0	0	347	347
Paradise Circus Redevelopment	12,687	5,831	0	0	0	0	0	0	0	0	18,518
Site Development & Access		2,500	0	0	0	0	0	0	0	5,545	8,045
Southern Gateway Site (Smithfield)	0	0	7,142	12,683	10,000	4,705	0	0	0	0	34,530
LEP Investment Fund	0	0	0	0	0	0	5,000	5,000	5,000	5,000	20,000
HS2 - Interchange Site	0	0	0	0	0	0	5,000	5,000	5,000	5,000	20,000
Southside Links	0	278	0	0	0	0	0	0	0	0	278
One Station	10	0	0	0	0	0	0	0	0	0	10
Making the Connections	79	0	0	0	0	0	0	0	0	0	79
Centenary Square	3,820	0	0	0	0	0	0	0	0	0	3,820
HS2 Station Environment	2,096	1,500	3,149	14,237	18,018	4,500	10,500	6,000	0	0	60,000
Site Enabling Works	500	1,750	1,250	2,000	2,000	2,000	11,800	12,900	16,250	51,050	101,500
Local Transport Improvements	0	0	0	0	4,300	4,400	4,600	4,800	5,000	81,700	104,800
Curzon Connecting Economic Opportunities	515	485	500	500	10,500	12,000	18,000	15,000	15,000	66,300	138,800
Social Infrastructure	0	0	0	0	0	0	0	0	0	109,900	109,900
Metro Extension to East Birmingham/Solihull	0	0	0	0	48,100	46,200	44,500	44,500	0	0	183,300
Other Regeneration Schemes	16,573	18,247	25,386	10,307	0	0	0	0	0	9,791	80,304

Total Planning & Regeneration	36,281	30,591	37,427	39,727	92,918	73,805	99,400	93,200	46,250	334,633	884,232
	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28 & Later Years	Total
	Quarter 3 Forecast	Quarter 3 Forecast	Quarter 3 Forecast	Quarter 3 Forecast	Quarter 3 Forecast	Quarter 3 Forecast	Quarter 3 Forecast	Quarter 3 Forecast	Quarter 3 Forecast	Quarter 3 Forecast	Quarter 3 Forecast
	£'000's	£'000's	£'000's	£'000's	£'000's	£'000's	£'000's	£'000's	£'000's	£'000's	£'000's
Total Employment & Skills	5,653	6,705	0	0	0	0	0	0	0	0	12,358
Total Transportation	33,783	52,643	56,742	46,505	30,425	10,203	0	0	0	0	230,301
Total Highways	1,582	4,146	1,325	3,975	0	0	0	0	0	0	11,028
Total Property Services	1,592	0	0	0	0	0	0	0	0	0	1,592
TOTAL CAPITAL - ECONOMY DIRECTORATE	78,890	94,085	95,494	90,208	123,343	84,008	99,400	93,200	46,250	334,633	1,139,511
FINANCE & GOVERNANCE DIRECTORATE	143,099	202,965	164,317	112,700	0	0	0	0	0	0	623,080
STRATEGIC SERVICES DIRECTORATE	3,108	7,960	4,393	35,534	0	0	0	0	0	0	50,995
TOTAL CAPITAL PROGRAMME	416,780	544,323	422,743	419,590	230,619	193,705	206,287	199,736	150,793	432,382	3,216,957

Resources

Use of Specific Resources

Grants & Contributions	184,870	216,842	129,063	169,596	24,877	11,073	1,873	250	250	2,269	740,962
Use of earmarked Capital Receipts	66,546	83,647	50,271	54,922	36,068	36,499	36,942	37,398	37,867	13,903	454,063
Revenue Contributions - Departmental	6,843	4,269	5,238	118	0	0	0	0	0	0	16,468
- HRA	47,264	54,344	59,993	27,951	65,542	67,785	68,072	68,888	66,426	81,577	607,842
	0	0	0	0	0	0	0	0	0	0	0
Total Specific Resources	305,522	359,102	244,565	252,587	126,487	115,357	106,887	106,536	104,543	97,749	1,819,335

Use of Corporate or General Resources

Corporate Resources	10,089	573	150	392	8,600	4,543	0	0	0	0	24,347
Unsupported Prudential Borrowing - General	0	0	0	0	0	0	0	0	0	0	0
Unsupported Prudential Borrowing - Corporate	416	1,291	776	0	0	0	0	0	0	0	2,483
Unsupported Prudential Borrowing - Directorate	100,753	183,357	177,252	166,611	95,532	73,805	99,400	93,200	46,250	334,633	1,370,793
Total Corporate Resources	111,258	185,221	178,178	167,003	104,132	78,348	99,400	93,200	46,250	334,633	1,397,623
Forecast Use of Resources	416,780	544,323	422,743	419,590	230,619	193,705	206,287	199,736	150,793	432,382	3,216,957

TREASURY MANAGEMENT MONITORING DASHBOARD: DECEMBER 2018

	value	comparator	difference
1 gross loan debt	£m	£m	£m
at month end (actual)	3,280		
year end Forecast (vs Plan)	3,456	3,539	-83
year end Forecast (vs Pru Limit for loan debt*)	3,456	3,851	-395
<i>*monitoring of the full set of prudential indicators is reported quarterly to Cabinet</i>			
2 short term borrowing			
at month end (vs Guideline)	378	500	-122
interest rate year to date on outstanding deals (vs assumption)	0.91%	0.75%	0.16%
3 Treasury investments			
at month end (vs Guideline)	78	40	38
interest rate year to date on outstanding deals (vs assumption)	0.75%	0.45%	0.30%
4 Long term loans taken			
year to date (vs plan for year)	145	180	-35
ave. interest rate obtained (vs assumption)	2.38%	2.90%	-0.52%
£81.75m PWLB Loans taken to refinance £60m LoBo's plus premium, so net increase in L/T loans is £21.75m			
£3.25m PWLB Loans taken to refinance £1.250m LoBo's plus premium, so net increase in L/T loans is £2.0m			
5 Assurance			
were Credit criteria complied with?	yes		
were investment defaults avoided?	yes		
was the TM Code complied with?	yes		
were prudential limits complied with?	yes		

Treasury Management: portfolio overview

This appendix summarises the council's loan debt and treasury management investments outstanding

	this quarter £m 31/12/2018	last quarter £m 30/09/2018
PWLB	2,371	2,328
Bonds	373	373
LOBOs	101	102
Other long term	56	56
Salix	1	0
Short term	378	472
Gross loan debt	3,280	3,331
less treasury investments	-78	-65
Net loan debt	3,202	3,265
Budgeted year end net debt	3,499	3,499
Prudential limit (gross loan debt)	3,851	3,851

Treasury investments by source

£m

UK Government	
Money Market Funds	57
Banks and Building Societies	5
Supply Chain finance	1
Local Authorities	14
	78

Treasury investments by credit quality

£m

AAA	
AAAmmf	57
AA	2
A	3
N/A	15
	78

Investments as Accountable Body

These are investments made as Accountable Body on behalf of on behalf of others, and are not the Council's own money

	Growing Places Fund £m	AMSCI ¹ £m	Regional Growth Fund £m	Local Growth Fund £m	Total £m
UK Government	46	10			56
Birmingham City Council ²				5	5
Government Money Market Funds	6	6	0		12
Banks and Building Societies					0
	52	16	0	5	72

¹ Advanced Manufacturing Supply Chain Initiative

² These funds have been lent to the Council by agreement at a commercial rate

Treasury management: summary of delegated decisions in the quarter

This appendix summarises decisions taken under treasury management delegations to the Corporate Director of Finance and Governance during the quarter

1. Short term (less than 1 year)	borrowing	investments
	£m	£m
opening balance	472	-65
new loans/investments	385	-507
loans/investments repaid	-479	494
closing balance	378	-78

These loans and investments are for short periods from one day up to 365 days. There is therefore a rapid turnover of new loans.

2. Long term borrowing:

date	lender	£m	rate	maturity
23/11/2018	PWLB	3.25	2.56	23/11/2033 15 years
06/12/2018	PWLB	30.00	2.48	06/12/2033 15 years
12/12/2018	PWLB	30.00	2.44	12/12/2035 17 years

3. Long term loans prematurely repaid:

date	lender	£m	rate	maturity	repurchase rate
23/11/2018	State Street LOBO	1.25	11.125	23/11/2050	3.139

4. Long term treasury investments made:

date	borrower	£m	rate	maturity
no long term investments made				

Public Report

Birmingham City Council**Report to Cabinet****22ND JANUARY 2019**

Subject: Council Tax Tax-base for 2019/20
Report of: CORPORATE DIRECTOR - FINANCE & GOVERNANCE
Relevant Cabinet Member: Councillor Brett O'Reilly
Relevant O &S Chair(s): Councillor Sir Albert Bore
Report author: Ian Harris, Senior Business Analyst

Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 5750/2019		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential :		

1 Executive Summary

- 1.1 This report seeks approval to the Council Tax base for 2019/20 for the City Council, New Frankley in Birmingham Parish Council and Royal Sutton Coldfield Town Council. This forms an important part of the calculation of next financial year's income from Council Tax.
- 1.2 The report sets out the basis of the calculation and the assumptions which have been included.

2 Recommendations

That the Cabinet:-

- 2.1 Approves the implementation of a change permitted by legislation as stated in the Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018, that allows the Council to charge a premium on long term empty properties of 100% of Council Tax from 1st April 2019. This compares to the current scheme which provides for a 50% premium.
- 2.2 Approves a Council Tax base for Birmingham of 251,580 Band D equivalent properties, for 2019/2020, as calculated in Appendix 2, in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012.
- 2.3 Approves a Council Tax base for the New Frankley in Birmingham Parish Council of 1,352 Band D equivalent properties for 2019/2020, as calculated in Appendix 3.
- 2.4 Approves a Council Tax base for the Royal Sutton Coldfield Town Council of 37,056 Band D equivalent properties for 2019/2020, as calculated in Appendix 4.

3 Background

- 3.1 The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, requires local authorities to determine their tax base for Council Tax setting purposes before 31 January each year. This means that billing authorities, like Birmingham, must calculate the number of properties where Council Tax is payable and inform other precept bodies (in our case the West Midlands Police & Crime Commissioner, the Fire and Rescue Authority, New Frankley in Birmingham Parish and Royal Sutton Coldfield Town Councils) and other levying bodies, by 31 January, of this figure for precept/levying purposes.
- 3.2 The City Council is required to determine the tax base for tax setting purposes for 2019/20. The calculation in this report is based upon the valuation list as at 30th November 2018 and also takes into account forecasts of discounts, exemptions and other changes likely to affect the number of properties on which full Council Tax will be payable and is inclusive of those changes which are predicted to happen by the end of 2019/20 e.g. successful appeals against valuation bands. Details of these factors are included within Appendix 1.
- 3.3 There has been a net increase of 2,442 (0.6%) in the total number of domestic properties in the past year to 30th November 2018, compared with an increase of 2,742 (0.6%) during the previous 12 month period. The table in Appendix 1 shows the number of properties by band in Birmingham as at 30th November 2018 and highlights the changes since November 2017. The valuation list shows that 82.7% of all domestic properties in Birmingham have been allocated to “below average value” categories (i.e. Bands A-C), a marginal reduction from last year (82.8%), indicating that there has been no real overall change in the average banding of properties.

- 3.4 The final part of the calculation is the application of the anticipated tax collection rate. A budgeted eventual composite collection rate of 97.1% was approved for 2018/19. This consisted of an assumed collection rate of 98% for the majority of taxpayers but lower rates for those in receipt of Council Tax Support (CTS) discounts, (in accordance with previous decisions). It is recommended that the overall eventual composite rate of collection should remain unchanged at 97.1% in 2019/20. On this basis, the tax base for setting Council Tax for 2019/20 will be 251,580 Band D equivalent properties. However, whilst being prudent in its planning assumptions, the Council will seek to maximise the rate of collection. In the event that collection performance exceeds the assumed rate, the resultant surplus will become available to be taken into account in setting future years' budgets.
- 3.5 Before taking account of allowances for non-collection, the 2019/20 Council Tax base is an increase of 2,825 (1.1%) Band D equivalent properties from 2018/19. The main reasons for this are net increases of 2,370 (0.9%) for new Band D equivalent properties forecast for the period up to 31st March 2019, plus a further 1,265 Band D equivalent properties (0.5%) primarily due to a combination of the expected level of CTS discounts to be awarded and empty property premiums of 100% chargeable on properties that remain empty and unfurnished for 2 years or more. These have been offset by a reduction of 810 Band D equivalent properties (0.3%) due to an increase in exemptions relating, mainly, to students.
- 3.6 The expected level of CTS discounts reflects the analysis included within the Review of Birmingham's Council Tax Support Scheme 2018/19 report, presented to Council on Tuesday 15th January 2019 which recommended that, overall, the scheme remains unchanged for 2019/20.
- 3.7 The table below provides a breakdown of the total number of discounts including Empty Homes Premiums included within line vi of Appendix 2.

Line vi Appendix 2 - Total no. of discounts (including Empty Homes Premiums)

Discount	Total	Band D Equiv.
Council Tax Support	(87,805)	(64,878)
Support for Care Leavers	(86)	(64)
Single Person Discounts	(35,990)	(28,081)
*Discount Disregards	(1,341)	(1,141)
Empty Homes Premium	1,888	1,450
Total	(123,334)	(92,714)

*All but one person in the household is disregarded for CTAX

- 3.8 Cabinet is asked to approve the tax base for Birmingham of 251,580 Band D equivalent properties. Once formally determined, this tax base cannot

subsequently be altered, and will be used when the City Council sets the Council Tax for 2019/20.

3.9 Cabinet is asked to approve the tax base for the New Frankley in Birmingham Parish Council which, after applying the collection rate described above, produces a tax base figure of 1,352 Band D equivalent properties. This is an increase of 13 on the Band D equivalent properties for 2018/19.

3.10 Cabinet is asked to approve the tax base for the Royal Sutton Coldfield Town Council which, after applying the collection rate described above, produces a tax base figure of 37,056 Band D equivalent properties. This is an increase of 9 on the Band D equivalent properties for 2018/19.

4 Options considered and Recommended Proposal

4.1 Not Applicable

5 Consultation

5.1 Internal

5.1.1 Officers in the Strategic Services Directorate have been consulted in determining the Council Tax Base. The Assistant Director – Revenues and Benefits and the Cabinet Member for Finance and Resources have been consulted in the preparation of this report.

5.2 External

5.2.1 No public consultation is required on the Council Tax base. It is a statement of fact supplemented by the City Council's forecast of likely changes to the tax base in 2019/20.

6 Risk Management

6.1 The setting of the Council's budget which includes the setting of the Council Tax Base, as set out in this report, is part of the Council's arrangements for the management of financial issues.

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

7.1.1 The completion of the Council Tax base does not have any direct implications for the City Council's Corporate Policy Priorities other than the fact that the change in Empty Property Premiums is anticipated to bring long term empty properties back into use in order to supplement additional housing provision in the City.

7.2 Legal Implications

7.2.1 The Council is required to set the tax base under the Local Government Finance Act 1992. The tax base is a factor in the determination of the planned level of Council Tax income which can be collected next year. The Local Government Act 2003 removed the requirement for this to be a matter reserved for approval by Full Council.

7.3 Financial Implications

7.3.1 The Council Tax base in conjunction with the Council Tax level (to be approved at the Council meeting on the 26th February 2019) will determine the total income from Council Tax in 2019/20 to be included in the approved budget for next year.

7.4 Procurement Implications (if required)

7.4.1 Not Applicable

7.5 Human Resources Implications (if required)

7.5.1 Not Applicable

7.6 Public Sector Equality Duty

7.6.1 There are no specific Equality Duty or Equality Analysis issues relating to the proposals set out in this report.

8 Background Documents

8.1 Calculation of Council Tax Base (CTB October 2018) form (Ministry for Housing, Communities and Local Government - MHCLG)

Further details of the Council Tax base Calculation

The calculation of the tax base for 2019/20 commences with the total number of properties on Valuation Office Agency (VOA) valuation list at 30th November 2018, as follows:

Band	2019/20				2018/19		Annual Movement	
	No. Properties 2019/20	Proportion in Band %	Cumulative Proportion %	No. Band D Equivalent	No. Properties 2018/19	No. Band D Equivalent	No. Properties	No. Band D Equivalent
A	158,491	35.8%	35.8%	105,661	157,972	105,314	519	347
B	129,219	29.2%	65.0%	100,504	128,643	100,056	576	448
C	78,355	17.7%	82.7%	69,649	77,653	69,025	702	624
D	39,696	9.0%	91.7%	39,696	39,324	39,324	372	372
E	21,089	4.8%	96.5%	25,775	20,889	25,531	200	244
F	8,834	2.0%	98.5%	12,760	8,797	12,707	37	53
G	5,825	1.3%	99.8%	9,708	5,791	9,652	34	56
H	878	0.2%	100.0%	1,756	876	1,752	2	4
Total	442,387	100.0%		365,509	439,945	363,361	2,442	2,148

The following additional factors have been then taken into account and have to be calculated for each of the property bands (A to H):

- An estimate of the number of properties which will be exempt from Council Tax;
- An estimate of the number of properties that will be reallocated to a lower tax band under the “disabled relief” scheme;
- An estimate of the number of appeals against valuation that are likely to succeed;
- An estimate of the number of new properties which will become liable for tax before 1 April 2020, together with any properties which will cease to be liable - and the proportion of the year for which that liability is likely to exist;
- An estimate of the number of properties for which discounts will apply, and the number of discounts for each property. This includes the Council Tax Support Scheme which includes a discount of up to 80%. The number of Council Tax Support recipients has been assumed to fall by 1,475 Band D equivalents compared with the budgeted figure for 2018/19. This takes account of an assessment of the expected number and level of Council Tax Support discounts, drawing on experience of discounts awarded in 2018/19 and previous years.
- An estimate of the number of properties which will be classed as long term empty and therefore will attract a premium of 100%.

The calculations for the assumptions above are set out in Appendix 2 to this report. The information for New Frankley in Birmingham Parish Council is shown in Appendix 3 and for Royal Sutton Coldfield Town Council Appendix 4. These also show how the number of taxable properties in each band has to be adjusted to arrive at an equivalent number of “Band D” properties, as required by legislation.

Council Tax Base - Birmingham 2019/20											
											Band D
											Equivalent
Property Band	Band AR	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H	Total Properties	Properties
i) Dwellings on valuation list	0	158,491	129,219	78,355	39,696	21,089	8,834	5,825	878	442,387	365,509
ii) Estimated Exemptions	0	(5,896)	(4,823)	(2,723)	(2,672)	(1,199)	(160)	(86)	(28)	(17,587)	(14,670)
iii) Net adjustment in respect of estimated disabled relief	275	286	(74)	(176)	(114)	(108)	(8)	(37)	(44)	0	(278)
iv) Net adjustment in respect of estimated successful appeals and other adjustments	0	(576)	(598)	(339)	(160)	(84)	(24)	(15)	(3)	(1,799)	(1,479)
v) Net adjustment in respect of estimated new properties	0	1,182	964	584	296	157	66	43	7	3,299	2,726
No. of chargeable dwellings	275	153,487	124,688	75,701	37,046	19,855	8,708	5,730	810	426,300	351,808
vi) Total no. of discounts (including Council Tax Support)	(93)	(65,915)	(35,159)	(14,692)	(4,923)	(1,690)	(547)	(285)	(30)	(123,334)	(92,714)
Equivalent no. of chargeable dwellings net of discounts	182	87,572	89,529	61,009	32,123	18,165	8,161	5,445	780	302,966	259,094
Statutory proportion	5/9	6/9	7/9	8/9	1	11/9	13/9	15/9	18/9		
Equivalent Band D properties (the "Relevant Amounts")	101	58,381	69,634	54,230	32,123	22,202	11,788	9,075	1,560	TOTAL =	259,094
ALLOWANCE FOR NON-COLLECTION (2.9%)	(3)	(1,693)	(2,019)	(1,573)	(932)	(644)	(342)	(263)	(45)	TOTAL =	(7,514)
TOTAL	98	56,688	67,615	52,657	31,191	21,558	11,446	8,812	1,515	TOTAL =	251,580

Council Tax Base - New Frankley in Birmingham Parish Council 2019/20												Band D
											Total	Equivalent
Property Band		Band AR	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H	Properties	Properties
i)	Dwellings on valuation list	0	1,557	1,591	104	58	1	0	0	1	3,312	2,429
ii)	Estimated Exemptions	0	(16)	(6)	(1)	0	0	0	0	0	(23)	(16)
iii)	Net adjustment in respect of estimated disabled relief	3	4	(6)	(1)	0	0	0	0	0	0	(1)
iv)	No. of chargeable dwellings	3	1,545	1,579	102	58	1	0	0	1	3,289	2,412
v)	Total no. of discounts (including Council Tax Support)	(2)	(828)	(572)	(16)	(6)	0	0	0	0	(1,424)	(1,019)
	Equivalent no. of chargeable dwellings net of discounts	1	717	1,007	86	52	1	0	0	1	1,865	1,393
	Statutory proportion	5/9	6/9	7/9	8/9	1	11/9	13/9	15/9	18/9		
	Equivalent Band D properties (the "Relevant Amounts")	1	478	783	76	52	1	0	0	2	TOTAL =	1,393
	ALLOWANCE FOR NON-COLLECTION 2.9%	0	(14)	(23)	(2)	(2)	0	0	0	0	TOTAL =	(41)
	TOTAL	1	464	760	74	50	1	0	0	2	TOTAL =	1,352

Council Tax Base - Sutton Coldfield Town Council 2019/20												Band D	
												Total	Equivalent
Property Band		Band AR	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H	Properties	Properties	
i)	Dwellings on valuation list	0	3,315	5,518	7,562	9,470	8,602	4,142	2,591	374	41,574	44,257	
ii)	Estimated Exemptions	0	(76)	(72)	(107)	(121)	(81)	(24)	(13)	(1)	(495)	(480)	
iii)	Net adjustment in respect of estimated disabled relief	3	14	21	13	35	(47)	(9)	(20)	(10)	0	(50)	
iv)	No. of chargeable dwellings	3	3,253	5,467	7,468	9,384	8,474	4,109	2,558	363	41,079	43,727	
v)	Total no. of discounts (including Council Tax Support)	(2)	(1,551)	(1,478)	(1,239)	(1,009)	(602)	(233)	(105)	(11)	(6,230)	(5,564)	
	Equivalent no. of chargeable dwellings net of discounts	1	1,702	3,989	6,229	8,375	7,872	3,876	2,453	352	34,849	38,163	
	Statutory proportion	5/9	6/9	7/9	8/9	1	11/9	13/9	15/9	18/9			
	Equivalent Band D properties (the "Relevant Amounts")	1	1,135	3,103	5,537	8,375	9,621	5,599	4,088	704	TOTAL =	38,163	
	ALLOWANCE FOR NON-COLLECTION 2.9%	(0)	(33)	(90)	(161)	(243)	(279)	(162)	(119)	(20)	TOTAL =	(1,107)	
	TOTAL	1	1,102	3,013	5,376	8,132	9,342	5,437	3,969	684	TOTAL =	37,056	

Public Report
Birmingham City Council
Report to Cabinet
22ND JANUARY 2019



Subject: Business Rates Income 2019/20
Report of: CORPORATE DIRECTOR - FINANCE & GOVERNANCE
Relevant Cabinet Member: Councillor Brett O'Reilly
Relevant O &S Chair(s): Councillor Sir Albert Bore
Report author: Ian Harris, Senior Business Analyst

Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 5749/2019		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential :		

1 Executive Summary

- 1.1 This report seeks approval to the City Council's Business Rates income projection for 2019/20 for submission to the Government. This forms the calculation of next financial year's income from Business Rates.
- 1.2 The report sets out the basis of the calculation and the assumptions which have been included.

2 Recommendations

That the Cabinet:-

- 2.1 Approves the 2019/20 Business Rates income for Birmingham as shown in Appendix 1.

3 Background

- 3.1 The Valuation Office Agency (VOA) provided the City Council with an updated version of the valuation list as at 30th November 2018. This has been used in calculating the Business Rates income projection. The Government continues to set the Business Rates multiplier which determines the level of Business Rates that each business pays. The City Council has forecast the levels of growth, appeals and non-collection that are expected to occur in 2019/20. This forecast is based on developments that are ongoing, planning approvals that are in place and expected to be completed in 2019/20 and further growth from the identification of additional rateable value as a result of external partnership work being carried out in order to maximise Business Rates Income.
- 3.2 In any year a proportion of the billed Business Rates cannot be collected, for example due to businesses going into liquidation. The City Council has made an assumption of 2% for non-collection in line with local historical experience. Should this collection rate be improved, the resulting surplus will become available to assist in budget setting in future financial years.
- 3.3 Each year appeals are made against the rateable value of properties as determined by the Valuation Office Agency. Appeals that are upheld are backdated to the beginning of the ratings list period, or when the change in circumstances came into existence if later than this date. It is prudent for the City Council to make an assumption about the level of successful appeals that will be made each year and set aside adequate provision for repaying appeals.
- 3.4 In its previous budget announcements the Government provided a package of measures designed to cushion the impact of revaluation that came into effect on 1st April 2017. These measures, which have been implemented since the beginning of 2017/18, provide additional relief to small businesses that would have suffered significant increases in Business Rates as a result of revaluation and will continue in 2019/20. In its 29th October 2018 budget announcement the Government introduced a further measure in order to provide relief, specifically, to retail premises classed as small businesses (under £51,000 in Rateable Value). These changes impact both on the level of retained Business Rates generated along with the general unringfenced grants paid to compensate local authorities for loss of income.
- 3.5 After allowing for these changes, the City Council's total projected retained income for 2019/20 from Business Rates is expected to be £437.069m. This is an increase of £19.005m when compared with 2018/19. In addition the City Council expects to receive compensatory grants of £46.832m which is an increase of £11.163m compared to 2018/19. Taking this into account, overall income from Business Rates related funding is expected to be £483.901m as summarised in the table below. This is an increase of £30.168m or 6.6% when compared with 2018/19 and is a combination of an increase in the Business Rates multiplier of 2.4% and associated compensation of 0.9% for the use of CPI instead of RPI, plus a forecast increase of 3.3% that reflects both the net real terms growth and the impact of work to ensure the rating list is fully up to date.

Retained Income	Outside the Enterprise Zone	Enterprise Zone
Total Resources before Funded Reliefs	437,068,989	3,933,223
Enterprise Zone Relief retained in full (included in discretionary relief above)	0	886,357
Section 31 Grants:		
Small Business Relief	26,006,311	549,849
Supporting Small Business Relief	530,016	2,731
Local Discretionary Relief	536,687	0
New Retail Relief (30%)	3,813,002	80,869
Inflation (Multiplier Cap)	14,242,574	128,170
Additional Compensation for Small Business Relief Parameter Changes	1,703,331	50,010
Total	46,831,921	811,629
Total Resources Including Funded Reliefs	483,900,910	5,631,209

- 3.6 The value of Business Rates growth over and above a pre-determined baseline expected to be collected from the Enterprise Zone is required to be calculated separately from the City Council's element of total income as this resource is ring fenced in its entirety to the Enterprise Zone.

4 Options considered and Recommended Proposal

- 4.1 Not Applicable

5 Consultation

5.1 Internal

- 5.1.1 Officers in the Strategic Services Directorate have been consulted in determining the forecast for Business Rates in 2019/20. The Assistant Director – Revenues and Benefits and the Cabinet Member for Finance and Resources have been consulted in the preparation of this report.

5.2 External

- 5.2.1 No public consultation is required on the Business Rates Income projection. It is a statement of fact supplemented by the City Council's estimate likely growth and other changes in Business Rates in 2019/20.

6 Risk Management

- 6.1 The setting of the Council's budget which includes the Business Rates Income projection, as set out in this report, is part of the Council's arrangements for the management of financial issues.

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

7.1.1 The completion of the Business Rates Income projection does not have any direct implications for the City Council's Corporate Policy Priorities.

7.2 Legal Implications

7.2.1 As a result of the introduction of the Business Rates Retention Scheme through the Local Government Finance Act 2012, each billing authority is required to give formal approval to the Business Rates income projection due to its strong links with the budget setting process. The calculation and approval of the Council Tax Base will similarly be considered by Cabinet elsewhere on this agenda.

7.3 Financial Implications

7.3.1 This Business Rates income projection will determine the income retained from Business Rates in respect of 2019/20, and will feed into budget calculations for next year. The City Council calculates the level of Business Rates in the City based on the latest information available from the Valuation Office Agency (VOA) and also projects forward the level of additional Business Rates that will be collected up to 31 March 2020. Under the Business Rates Pilot, which will now be in its third year, the City Council will be able to plan for the retention of 99% of this income (£437.069m) in 2019/20 when setting its budget.

7.4 Procurement Implications (if required)

7.4.1 Arrangements for the procurement of a contract to support the identification of additional Rateable Value are included within the Planned Procurement Activity Report (PPAR).

7.5 Human Resources Implications (if required)

7.5.1 Not Applicable

7.6 Public Sector Equality Duty

7.6.1 There are no specific Equality Duty or Equality Analysis issues relating to the proposals set out in this report.

8 Background Documents

8.1 None.

Calculation of Business Rates Income		
	Outside the Enterprise Zone	Enterprise Zone
Number of hereditaments on the rating list 30th November 2018	45,141 £	2,162 £
Aggregate rateable value on the rating list 30th November 2018	1,095,369,508	30,403,315
Small Business Non-Domestic Rating Multiplier	0.491	0.491
Gross Calculated Rate Yield	537,826,428	14,928,028
Less: Mandatory Reliefs	(88,237,856)	(4,188,243)
Less: Discretionary Reliefs	(5,673,445)	(956,437)
Plus: Forecast for Growth	15,237,576	6,379,406
Gross Rate Yield after Reliefs and Growth	459,152,703	16,162,754
Less : Estimate of Losses in Collection for Current Year at 2%	(9,409,995)	(96,314)
Less : Allowance for Cost of Collection	(1,843,987)	0
Enterprise Zone Baseline	11,347,031	(11,347,031)
Less: Estimate of Rates to be Retained due to Renewable Energy Schemes	0	0
Net Rate Yield	459,245,752	4,719,409
Less: Allowance for Appeals and Prior Years Adjustments	(17,761,925)	(786,186)
Net Rate Yield after Allowance for Appeals to be distributed	441,483,827	3,933,223
0% of Business Rates to be paid over to Central Government	0	
99% of Business Rates to be retained by Birmingham	437,068,989	
1% of Business Rates to be retained by West Midlands Fire and Rescue Authority	4,414,838	
100% of Business Rates to be retained by GB&S Local Enterprise Partnership		3,933,223
Total Business Rates Redistributed through Rates Retention Scheme	441,483,827	3,933,223

Public Report

Birmingham City Council

Report to Cabinet

22nd January 2019



Subject: Working Together in Birmingham's Neighbourhoods, White Paper

Report of: Jonathan Tew, Assistant Chief Executive
Chris Jordan, Assistant Director Neighbourhoods & Communities

Relevant Cabinet Member: Cllr Sharon Thompson, Cabinet Member for Homes & Neighbourhoods

Relevant O & S Chair(s): Cllr John Cotton, Co-ordinating O & S Chair

Report author: Tony Smith, Policy Executive

Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 005737/2018		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential :		

1 Executive Summary

- 1.1 A Green Paper on Working Together in Birmingham's Neighbourhoods was approved by cabinet in March this year. This paper set out proposals for working in partnership with people in their local area to make services more responsive to local needs and preferences and to improve local neighbourhoods.
- 1.2 Approval was given at this Cabinet meeting for a consultation exercise to take place on the proposals outlined in the Green Paper. This consultation took place over the summer and the findings have now been reviewed, analysed and reflected in the White Paper.

2 Recommendations

- 2.1 That Cabinet approve the White Paper and endorse the policies it sets out.

3 Background

- 3.1 Working Together in Birmingham's Neighbourhoods sets out the council's approach to working more closely with neighbourhoods to enable active citizens and effect improvements in local areas.
- 3.2 A number of options/models to facilitate this are included in the paper (outlined in the Framework of Relationships), one being to create new parish, town or neighbourhood councils. This is the most formal model of neighbourhood governance, but there are many other possibilities that the City Council will wish to support.
- 3.3 These proposals were consulted on over the summer via a Be Heard Consultation and a number of consultation events. The findings have been reviewed and taken into account to develop the White Paper.
- 3.4 The approach included in the White Paper has not changed significantly from that outlined in the Green Paper since 54% of the consultation respondents supported our overall approach to working with neighbourhoods and only 31% were opposed. The main changes are to refine the proposals, incorporating some of the many useful suggestions put forward in the consultation.

4 Options considered and Recommended Proposal

- 4.1 Following the decision of Cabinet in March, the City Council was committed to consulting on the Green Paper and producing a response to that consultation. The recommended policies set out in the White Paper reflect the views received in the consultation.

5 Consultation

- 5.1 See information included in background.
- 5.2 Cllr O'Reilly, Cabinet Member for Finance & Resources, has also been consulted on this paper given the potential procurement implications.

6 Risk Management

- 6.1 There are some reputational risks associated with the consultation and the policies presented. It is important that the City Council responds positively to the many views given in the consultation and respects the time and effort that residents have put in to giving their views. It is also important that the City Council follows through on the commitments made in both the green and white papers.
- 6.2 Some of the policies set out in the White Paper will carry their own specific risks when implemented in specific neighbourhoods, for example in the proposed devolution of services to parishes and the need to ensure proper accountability

and probity in neighbourhood arrangements. As indicated in the White Paper these will be assessed and mitigated as policy is implemented.

- 6.3 Other specific risks may include ensuring we have sufficient resources to enable the relevant changes in the digital platform (public facing) and the commissioning processes, managing the potential for changes in our contract prices, the need to ensure value for money and legal compliance.

7 Compliance Issues:

- 7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

7.1.1 Proposals are consistent with the Localism in Birmingham: A Framework for Future Policy that was approved by Cabinet in March this year, they will also support the outcomes included in the Birmingham City Council Plan: 2018 – 2022.

7.2 Legal Implications

7.2.1 There are no immediate legal implications of this report. There will be specific legal implications to do with governance structures and service delivery with taking forward some aspects of the White Paper and again these will be addressed as arrangements are developed in specific neighbourhoods.

7.3 Financial Implications

7.3.1 There are no specific financial implications of the policies in the White Paper. Although the White Paper does refer to a partnership based resources review, the City Council has not built any additional costs into its own future financial plans at this stage. Therefore the interim assumption is that any new way of working does not add to the City Council's costs.

7.3.2 If there are financial implications in taking forward some of the proposals, such as devolved services, they will be considered as these initiatives are developed. There are also wider resource pressures in this policy area and those will be assessed as part of the partnership based review referred to in the White Paper.

7.4 Procurement Implications (if required)

7.4.1 There are no immediate procurement implications in this report. However, there will be procurement implications for future projects in terms of stakeholder consultation; possibly extending to existing contracts subject to their period, scope and terms.

7.4.2 There will likely be a need to have appropriate mechanisms built into contracts to trigger changes when required, as well as further developing the City Council's website in order to improve transparency of contract information and enable the appropriate interaction of citizens and providers.

7.5 Human Resources Implications (if required)

7.5.1 The implementation of the policies in the White Paper will require some human resource input from the City Council, however this will be dependent on the take up of the policies. The policies will be delivered within a partnership based approach and within existing staff resources.

7.6 Public Sector Equality Duty

7.6.1 Assessment to be completed. We do not anticipate any adverse impact on protected groups.

8 Background Documents

8.1 The White Paper Working Together in Birmingham's Neighbourhoods attached.



Working together in Birmingham's Neighbourhoods

Policy Statement (White Paper)

January 2019

Contents

Foreword	2
Our Commitment to Working Together in Birmingham's Neighbourhoods	4
Our Overall Approach to Working with Neighbourhoods	12
A Framework of Relationships	13
Neighbourhood Charters	14
Creating New Parish, Town or Neighbourhood Councils	16
Local Devolution Deals.....	18
Conclusion: Delivering on our New Vision for 2022	21
Appendix 1: The Different Types of Neighbourhood Organisation	23
Appendix 2: The Framework of Relationships	25
Appendix 3: Case Studies	33
Appendix 4: Foxwood Neighbourhood Agreement in York.....	43
Appendix 5: Creating a Town or Parish Council	44

Foreword

I am grateful to the many organisations and individuals who responded to our green paper *Working Together in Birmingham's Neighbourhoods* and held local meetings to discuss the issues it raises. A separate report summarises the feedback we received in detail.

The responses to the consultation demonstrate yet again that Birmingham is blessed with a rich diversity of community organisations and many passionate and creative community leaders doing amazing things for their neighbourhood.

The Green Paper and this White Paper build on the work carried out by the Corporate Resources and Governance Overview and Scrutiny Committee, which provided the foundations for our policies and the valuable work of the four Assistant Leaders and the Cabinet Committee Local Leadership which concluded in 2017.

In this new paper we set out our commitment to neighbourhoods and the policies that we will now take forward to improve neighbourhood working in general and to help those areas that are interested to create new neighbourhood organisations or a parish council.

The City Council remains as committed as ever to the goal of helping local neighbourhoods and communities to have more influence over the services and the decisions that affect their lives. But this policy statement marks a new beginning and sets a new direction for delivering on this commitment. For the first time we have set out in this paper a framework for a truly bottom-up approach to localism. It is not about a top-down, one-size-fits-all blueprint or council structures and decision making. It is about how we can all work together to liberate the energy, creativity and innovation within our neighbourhoods and empower our communities to achieve their ambitions.

We have seen a number of big changes in recent years, including the removal of the old system of district committees (which held budgets for some council services) and ward committees. We have also switched to having elections every four years instead of each year and seen an increase in the number of wards from 40 to 69, with smaller wards electing one or two councillors instead of three.

These changes to the City Council are permanent. We now need to build a new vision for localism in the city and this policy statement is the beginning of that process. We want to work together with all the communities of the city to develop this vision over the months to come, but we have kicked off that discussion in this paper by setting out the direction we want to take. Our overall aim is to move from focusing

on the city council and its structures to a citizen focused approach, working with neighbourhoods to make things work better from the point of view of local residents. Our commitment is to work hard to make Birmingham a localist city and to transform the culture of the City Council to support that.

However, we must also be honest about the difficult times in which we are seeking to achieve this change. There is far less public money available than before and many communities are stretched, both within families and in their local organisations. So, we need to avoid making promises we cannot keep.

We also recognise that we will have to work hard to build stronger relationships between the City Council and neighbourhood organisations and to grow confidence and trust in those relationships. As someone said in their response to the consultation, the City Council needs to become a more “can do” organisation when it comes to helping residents solve the problems they face. This is a strong message we have heard loud and clear from the consultation.

This has also been a period when the City Council's own performance has been rightly challenged. But, with our new political arrangements in place we have set ourselves on a clear course towards improvement. As the city as a whole looks forward to hosting the Commonwealth Games in 2022 and the arrival of HS2 in 2026 we will strive to ensure that the benefits are felt across the City. We also look forward to creating a modern, efficient city council that is focused more than ever before on the needs of Birmingham people and on helping you to achieve your goals.

Working better together in neighbourhoods is absolutely central to that vision.

[Insert pic]

Cllr Sharon Thompson

Cabinet Member for Homes and Neighbourhoods

Our Commitment to Working Together in Birmingham's Neighbourhoods

The green paper set out three key principles:

- We recognise the value of all the different types of neighbourhood organisation, which all have different strengths. The diversity of such groups is a great asset to the city.
- Local residents need to be able to develop their own ways of getting involved in their local area.
- The democracy of the city needs strong participation as well as elected representation.

There is no “one size fits all” when it comes to residents working together to improve their neighbourhood (see Appendix 1). Each neighbourhood will be on its own journey towards stronger community engagement. For some this road will lead to them setting up more formal structures such as neighbourhood forums and even parish or town councils. Others will be happy with a more informal approach that can achieve their aims just as well. The section on the Framework of Relationships below sets out in more detail how we will work with neighbourhoods at different stages in their journey.

We also understand that neighbourhood boundaries are defined by their residents and community groups and not by the City Council. In some instances these may be the same as ward boundaries (especially now that these are smaller) but not necessarily.

Our commitment to neighbourhoods also means we will work to:

- Make the services that matter most to local neighbourhoods more responsive to their needs and priorities
- Redesign council jobs so that staff are free to work with residents to make a difference
- Support ward councillors to focus on local issues and represent their residents more effectively
- Develop Ward Forum meetings and Ward Plans to make them more effective
- Modernise key local services
- Tackle priority issues such as jobs, health and housing at the local level

What you told us

In the consultation, there was wide support for this overall approach to working with neighbourhoods. However there were also a number of concerns which included:

- **Representation and equality.** It is important that neighbourhood organisations include and represent the whole community, rather than merely giving a louder voice to those already influential. We also need to take care that neighbourhood structures benefit the less well-off areas of the city as well as the wealthier areas
- **Flexible approach.** A one size fits all approach will not work for Birmingham where the needs of each neighbourhood differ. Not every neighbourhood aspires to be a parish council, a flexible approach must be adopted so that each neighbourhood can work in a way that suits their needs best
- **Funding and support.** There were concerns that there are insufficient resources available to support local organisations and that funding tends to be short term. There is a need for adequate training and coaching and stronger neighbourhood infrastructure. The withdrawal of resources from neighbourhood working in recent years has undermined community engagement and networks
- **Community focus.** There needs to be better engagement between services and the community and a clearer focus on their needs, rather than the structures that are set up. We need to reduce “red tape” and not create further bureaucracy
- **A genuine commitment to working together.** Services need to undertake conversations with local residents in planning future changes and communications need to improve. Commitment must be sustainable over the long term.

People suggested that improvements were needed in:

- The use of ward plans - by making them more practical and action based
- The support and training available for neighbourhood groups, including peer support, so that they can learn from and share good practice with others
- The provision of support for unblocking problems and taking co-ordinated action across different services – the City Council needs to be more joined up

- Communications with neighbourhood groups - ensuring they have the information they need, This should include information on projects occurring within the local area and service delivery standards
- Funding available for wards and local groups to support small but innovative local projects.

There were a lot of people who called for better sharing of best practice across local areas and projects. One idea was that we identify and recognise a number of “Pioneer Wards” that are making progress in developing their local arrangements and could provide learning for other areas.

Setting a new vision for localism in Birmingham

The City Council has changed forever over recent years and there can be no going back to previous structures and ways of working. Previous models are now unaffordable, but they are also not appropriate to the more bottom-up, flexible way we want to operate in future.

The overall direction of change will be away from the structures of the City Council towards a diverse pattern of neighbourhood and community groups and organisations taking on more power and more assets to enable them to deliver their own solutions to the challenges in their area. What is needed is a change of culture not necessarily a change of council structure.

At the same time there are enormous changes taking place in the way we create and sustain the various communities we belong to and how we communicate and organise to get things done. The internet revolution and digital technology have changed the landscape completely. Communities of identity and interest now often seem as important as those of place. We need to listen to social media and to new voices and not just rely on traditional forms of engagement.

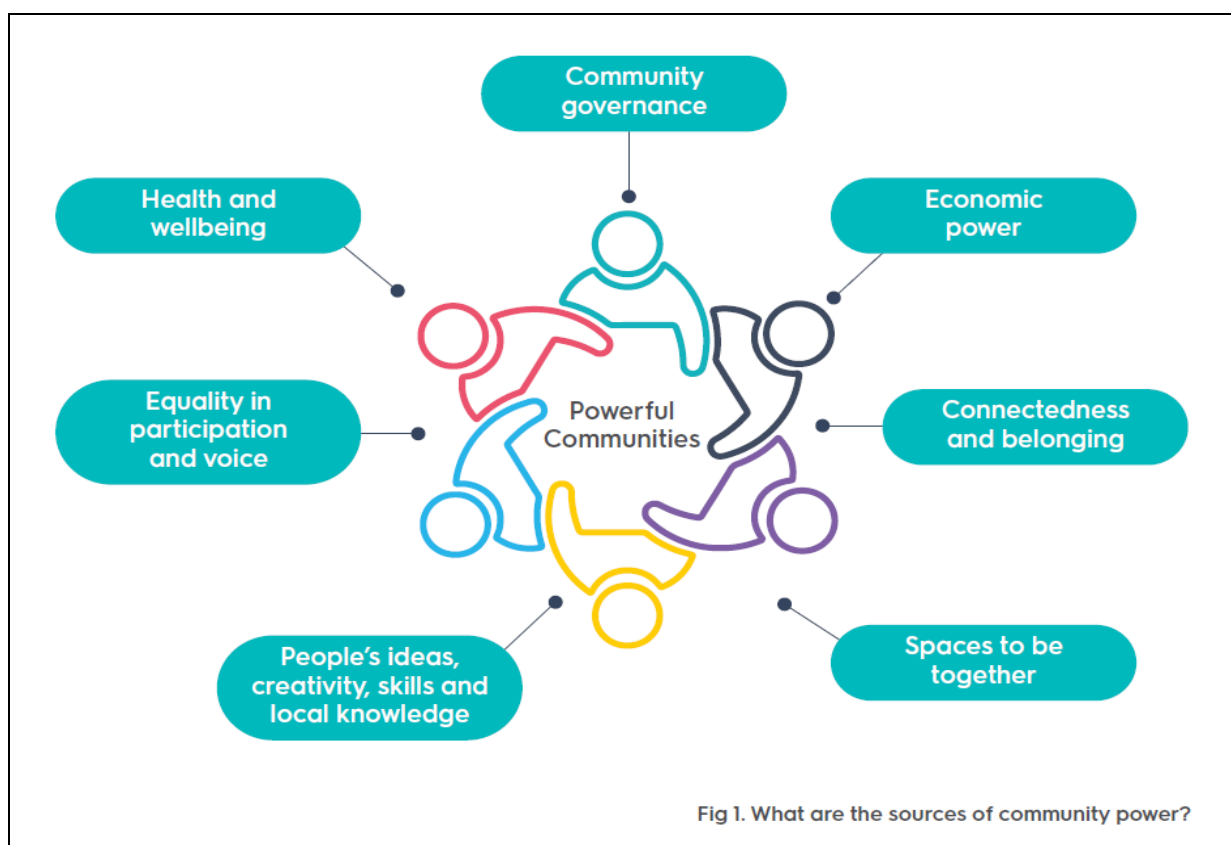
But ‘Place’ will remain at the centre of our work. We will continue to have a representative democracy based on ‘place’ and ‘place’ matters enormously in all our lives.

As we develop the work on localism and think about what replaces the previous structures and ways of working we need to develop a new vision, which takes account of these changing trends and is clear about how we will move from top-down to bottom-up. How do we listen to the quiet voices of the many communities in the city on a permanent basis and make sure that policy and service delivery is guided at all times by those voices?

Things are changing on the ground – ward forum meetings have replaced ward committees, meetings are shifting from “top table” to “round table” with local residents and groups often leading the meetings (see examples in Appendix 3). Many councillors are now experimenting with new ways of operating. This needs to be supported and built upon.

We want to develop this vision through dialogue with communities and groups across the city and build it from the experience of the people of the city. This paper can only set a direction and show how we want to change the City Council’s approach. It is for communities and neighbourhoods themselves to bring it to life through their actions and their energy.

In setting the direction of change we want to make use of the approach suggested by Locality in their recent publication *People Power: Findings from the Commission on the Future of Localism*¹. The box overleaf and the diagram below summarise their view of community power and the areas of action and principles they recommend.



¹ Locality is an organisation that supports local community organisations to unlock the power in their community, to build a fairer society. It has a network of 550 organisations that it supports through advice and peer-to-peer learning. The Commission on the Future of Localism was chaired by Lord Kerslake and the report can be found here: <https://locality.org.uk/wp-content/uploads/2018/03/LOCALITY-LOCALISM-REPORT-1.pdf>

Locality: People Power

The sources of community power (see diagram above):

- Connectedness and belonging
- People's ideas, creativity, skills and local knowledge
- Equality on participation and voice
- Community governance – giving influence and links into other levels
- Economic power – control of assets and devolved budgets
- Health and wellbeing.

Four key domains for action:

1. Institutions for localism – neighbourhood forums, parish councils and strong relationships between all local organisations
2. Powers and mechanisms for localism – building on the rights in the Localism Act
3. Relational Localism – removing hierarchies, embracing risk, co-production and communities in the lead
4. Capacity for Localism – supporting community development, sustainable spaces for participation, support to under-represented groups, involvement in service delivery.

Six principles of Localism:

1. People are the end goal of localism
2. Equality in local participation
3. Dynamic local accountability – valuing participation as much as voting and consultation
4. Local leadership is built around place
5. Localism requires meaningful powers and integrated structures
6. Economic power must support community responsibility.

Resources

We recognise that more or different resources are needed to strengthen neighbourhood activity and engagement and to enable people to make vital small investments in their area. But we also know that City Council resources are very tight and that, in any case people do not want to be dependent on the City Council. Imaginative ways forward that empower communities are more likely to come from engaging with partners and external funders and looking at the resources of communities themselves.

So, our approach to resources will be partnership based and will look at all of the resources available to neighbourhoods – from other public agencies, within the community, local businesses and social enterprises and from wider funding sources such as central government, trusts, foundations and the National Lottery.

What we will do

We will take the following actions to strengthen the overall approach to working together in neighbourhoods:

We will share and celebrate good work in neighbourhoods

- **Work with interested community organisations and social enterprises to create an online resource** where good practice, great ideas and common challenges can be shared and where we will celebrate the great work being done in Birmingham's neighbourhoods
- **Recognise "Pioneer Wards or Neighbourhoods" and facilitate them working together to share best practice with others.** These will provide a focus for practical experimentation and "making it real" – we recognise that further conversations with other neighbourhoods will be based on practical challenges and not on theoretical policies.

We will strengthen ward partnership working and Ward Planning

- **Work to ensure that all ward forums are moving towards the practice of the best** and are able to innovate and experiment with new methods. This will include events and other ways of sharing good practice and strengthened guidance and support. Ward Forums should be effective partnerships between different public sector agencies and local residents, organisations and businesses

- **Encourage innovations in community engagement in wards** - enabling the “quieter voices” to be heard
- **Help elected members** to become more effective local leaders who can empower others, through development and coaching opportunities
- **Work with local and strategic partners** such as the police and health to ensure our local work is closely aligned
- **Ensure that every ward produces a good Ward Plan** (one which reflects the priorities of local residents in a realistic and action-oriented way whilst still capturing the long term ambitions of the ward) and most importantly that Ward Plans can be effectively delivered. We will also look to improve the publication and circulation of the Plans
- **Build on the arrangements already put in place to work with Royal Sutton Coldfield Town Council** and extend them to New Frankley in Birmingham Parish Council
- **Encourage services and the City Council as a whole to make more use of neighbourhood conversations** and rely less on top down consultations.

We will review and strengthen neighbourhood resources

- **Establish a partnership based review of the resources available to support neighbourhood working.** The review will be completed by autumn 2019 and will look at:
 - The infrastructure of support to local engagement – including Ward Forums but also development support for community groups and elected members
 - External funding sources for local projects and access to support on fundraising, including looking at the potential for a new local areas small grant fund
 - Data resources for neighbourhoods to support engagement, ward planning and performance monitoring. We need to equip wards and neighbourhoods with open data that can unlock opportunities for change. This will include improving ward based information on the council’s website
 - The community hubs policy and how this can bring benefits for community groups
 - Improving City Council support to Community Right to Challenge, Right to Bid and Neighbourhood Planning
 - The use of the Community Infrastructure Levy

- Greater integration with partners – e.g. hosting service design sessions with partners, including the Citizen’s voice, to model increased integration and to anticipate changes to local practice.

In the short term we have established a package of flexible support for Ward Forums, so that wards are able to hold six meetings per year. However, in the long term we want our resources to focus less on administrative support to meetings and more on a wider role in strengthening local organisations.

We will make services more responsive to local neighbourhoods.

- **Establish a cross-service (and partnership) review to explore ways to make services more responsive to neighbourhoods**, including:
 - Extending the role of Relationship Managers who provide a point of contact for wards in each key local service
 - Service redesigns, using the example of Neighbourhood Networks in our Adult Social Care service
 - Job design in public facing roles to enable more flexibility and responsiveness
 - How service managers and senior management can engage with neighbourhoods
 - Identify and implement ways to reduce “red tape” that prevents local groups from addressing local issues. This will include considering: ensuring conditions of grant aid are proportionate; the requirement for public liability insurance for all organisations and a “Citizens Right to Challenge Bureaucracy”
 - Contracts and procurement (including engaging the community more in commissioning).

We will address other issues raised in the consultation through setting up working groups led by senior managers which will engage with community groups and elected members. These will focus initially on:

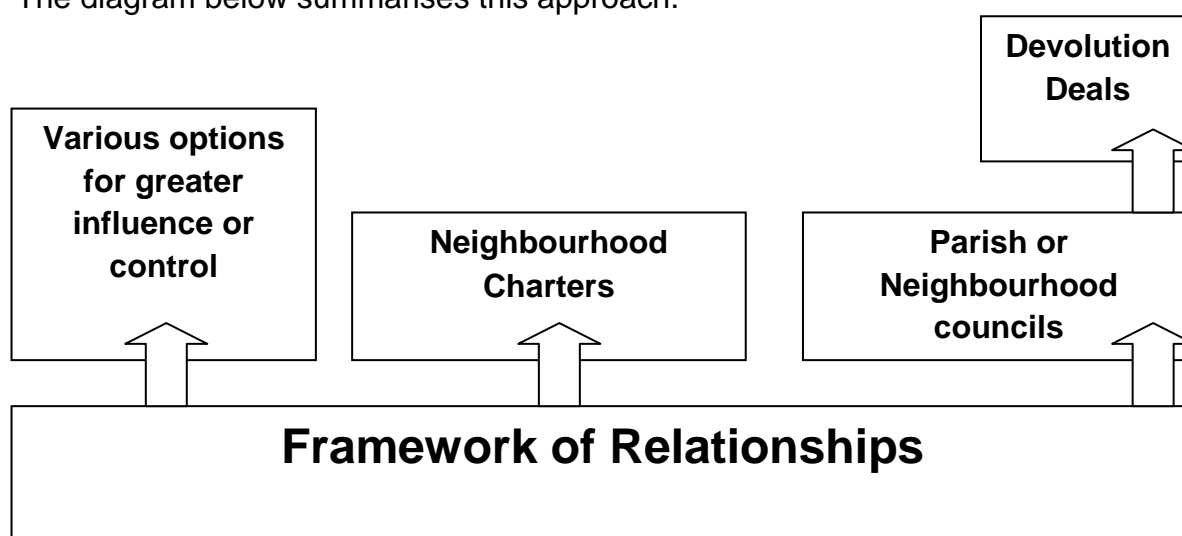
- Devolution deals – the detailed prospectus proposed later in this paper for publication in summer 2019
- Innovations in community engagement – potentially linked to external funding bids for pilot activities
- Development and support for councillors

Our Overall Approach to Working with Neighbourhoods

The overall approach set out in the Green Paper was broadly welcomed. We will therefore take forward the following:

- **A Framework of Relationships.** This will set out the range of different roles that neighbourhoods can have in service delivery and in influencing the future of their area, on a scale from influence to devolved control of services. It will provide the framework for all of our work with neighbourhoods and its principles will apply to the whole city
- **Neighbourhood Charters.** These will be agreed between the City Council and specific neighbourhoods, where they are wanted by the local community. They will specify in more detail the relationship between the council and that neighbourhood and the commitments each makes to the other
- **Fast track creation of new parish councils.** Where a local area is interested in exploring this option we will work with them to go through the process and agree the activities that their new council will carry out
- **Devolution deals.** For parish councils who want to take on the delivery of a range of services or the management of community assets, we will offer a comprehensive agreement on services and assets that will be transferred. This will not preclude specific asset transfer or local service delivery arrangements with other neighbourhood organisations (as set out in the Framework of Relationships).

The diagram below summarises this approach.



A Framework of Relationships

There are many different forms of neighbourhood governance and to more thoroughly engage localities the City Council will need to embrace different models.

To encourage greater participation and to provide guidance to those neighbourhoods wishing to become further involved, the Green Paper suggested the introduction of a Framework of Relationships. This would set out the range of options for greater neighbourhood involvement and governance the City Council supports and was well received by consultation respondents.

An outline of the proposed framework is included in Appendix 2. This framework allows for the varying needs and aspirations of neighbourhoods to be met, starting from an influencing role and scaling up to actual service delivery. Neighbourhood organisations are free to choose the level that suits them best and can progress to higher levels of devolution if and when they wish to do so.

Examples of organisations that already fulfil responsibilities similar to the options included in the framework are detailed in Appendix 3.

By working together within this framework the City Council aims to:

- Clarify the approach to more local control of services and the options available
- Provide greater local influence over services
- Improve local service delivery, increasing effectiveness by tailoring it to better suit local needs
- Maintain access to local services that might otherwise be at risk and where possible enhance services
- Ensure that, where services or assets are transferred to local control or management, the necessary resources are in place to make them sustainable.

What we will do

- We will publicise the framework widely and use it to support discussions with interested neighbourhoods about their ambitions and the support they may need
- We will carry out a review of the legal boundaries and options related to our procurement process, to ensure as much flexibility as possible in adopting new contracts and amending existing ones.

Neighbourhood Charters

Getting relationships right between the City Council and local neighbourhood groups or parish councils will be critical to successful neighbourhood governance. It's important to develop a mutual understanding of respective roles and the added value that greater neighbourhood involvement brings.

To help foster good relationships, the City Council will seek to adopt more formal agreements which set out the principles of how it and the neighbourhood will work together. The agreement must be sustainable, realistic and deliverable. This is an approach adopted by councils elsewhere and one which again received overall support by consultation respondents.

Each Charter will be individually negotiated with a neighbourhood organisation or consortium of organisations although there will be common areas covered in each. Charters will generally be agreed where a neighbourhood organisation has expressed an interest in having one; however, the City Council may also propose using this approach in cases where a neighbourhood organisation is seeking control of services or assets.

Charters will be primarily used by geographically specific neighbourhood groups such as forums and parishes, however they can also be adapted for groups delivering functions or services in a local neighbourhood.

Reflecting on the consultation feedback, common areas will include:

- The agreed role and responsibilities of the City Council and the neighbourhood
- Where responsibilities of the neighbourhood include service delivery, there will need to be requirements around:
 - standards of service
 - demonstration of value for money
 - performance monitoring
 - arrangements regarding unacceptable performance or service failure
- Support offered by both parties including resources and use of local assets
- Communication and consultation requirements, between each other and other stakeholders including the local community. This must allow for ongoing communications between all parties so that a common understanding continues to develop

- Promotion of equality and respecting diversity within neighbourhoods
- Other working protocols including the process for resolving issues, gaining approval for new projects and initiatives, and negotiating changes to the existing agreement
- Expected standards of conduct and the arrangements for investigating any alleged breach in standards.

Charters will be signed off by City Council Cabinet and a senior council officer as well as a representative of the neighbourhood group.

An example of a similar Neighbourhood Agreement used in York can be found in Appendix 4.

What we will do

We will discuss with neighbourhoods whether or not they wish to enter into a Charter Agreement. As stated earlier each agreement will be individually negotiated, relevant common areas and other appropriate content will be included to reflect the needs of the neighbourhood.

Creating New Parish, Town or Neighbourhood Councils

As outlined in the Framework of Relationships, one form of neighbourhood governance a local area may wish to introduce is a parish, town or neighbourhood council. We recognise the enormous potential to create more parish councils across the city, given that outside Sutton Coldfield only Frankley currently benefits from one, and will work with any area that is interested in exploring the possibility.

Local councils offer the potential to:

- Focus more on improvement in smaller areas of the city
- Bring more people into local civic leadership and improve local decision making
- Raise additional public money within their area to support local needs.

Local councils are also legally able to take on service delivery functions (other organisations can take on service delivery but only at the discretion of the City Council).

The process for creating a parish, town or neighbourhood council must be in line with the relevant legislation and government guidance (see Appendix 5) and will be as follows:

- The process can be triggered by a petition from residents, setting out the suggested area (boundaries) of a parish council. The government guidance includes rules about such petitions, what they should include and the number of signatures that must be secured. The City Council will be happy to receive such petitions through a variety of community groups, but they must conform to the guidance
- The City Council can also start a review without a petition and will do so if we think there is strong enough support for the idea in the local area. This could be indicated, for example, by the views of local community organisations or a vote of residents at a well-attended Ward Forum. There will also be a presumption in favour of creating a parish council where a neighbourhood forum with an agreed Neighbourhood Plan has expressed support. However, no parish council will be created without the consultative ballot mentioned below, to ensure there is widespread support in the community
- The City Council will conduct a formal Community Governance Review, which must assess various issues such as the proposed boundaries, other proposals in the same area, the strength of community identity and the impact on community cohesion. We will do this well within the statutory maximum period of 12 months and ideally within six months

- The City Council will then publish its conclusions and recommendations including boundaries, the grouping of parishes and electoral arrangements
- A consultative ballot will be held to enable every elector in the proposed area to say whether they support the proposal for a new parish council. The Green Paper asked for views on whether there should be a ballot threshold for support and turnout. There was no consensus in the responses on the level of thresholds, however we will set a threshold for turnout to ensure the ballot is reasonably representative of the area. A simple majority of those that vote will be sufficient to decide the issue
- We recognise that effective communication of this process will be essential to ensure common understanding and to maximise turnout in the ballot. A communication plan must be developed for each proposal for a new parish council
- If the proposal is supported by residents, and has the confidence of the City Council, it must then be approved by the government
- The City Council will then work with local residents to establish the parish council and organise elections.

What we will do:

We will work with areas that express an interest in exploring this option, supported by input from the National Association of Local Councils.

Local Devolution Deals

The Green Paper proposed the idea of innovative “devolution deals” between the City Council and parish councils (and possibly other appropriate local organisations) which would set out an agreement on services that could be transferred and managed locally. There was broad support for this idea, so we will now develop the policy further.

Royal Sutton Coldfield Town Council (RSCTC) is providing a test bed for this idea and discussions are already under way to identify further functions that the Town Council could take on. At the same time we need to develop a consistent framework so that, in time, other parts of the city will be able to agree devolution deals.

The aim of devolution deals is to take a comprehensive approach to devolution where a parish or town council is ready to take that step. In some cases a range of specific transfers of assets or services could be brought together into a devolution deal. There are already many examples of transfer of assets to neighbourhood bodies and groups in the city (for example through the Community Asset Transfer process).

Initially we will make the full process available to parish councils only, though there is plenty of scope within the Framework of Relationships and Neighbourhood Charters for other sorts of neighbourhood organisation to develop specific proposals for the transfer of community assets, the management of services under agreement or the provision of new bottom-up services.

What you told us

The principles for devolution deals and the process for agreeing them were supported, but respondents to the consultation made valuable suggestions for further issues that we should address or points we should strengthen. The most frequently raised issues concerned equalities and inclusion in service delivery, standards of communications and engagement in devolved services and ensuring strong accountability and probity, with ways for the City Council to intervene in the event of service failure. But other respondents emphasised the need to enable risk taking and innovation. Arrangements for income generation should also be included in the deals.

The amended principles and process are set out below.

Principles

- Parishes proposing devolution of services must have been in existence and functioning effectively for at least a year (this means that they are engaging widely in the community, managing their finances well and being inclusive and open in their approach). The City Council will be particularly concerned to ensure strong accountability and probity, including regular council elections and contingency plans which will be agreed in the event of service failure or failure to meet standards of good governance
- Proposals for devolution of services must set out how they will be managed to ensure effective engagement with all service users and diverse communities, including a communications strategy to ensure service users and residents are informed and can access services easily. This should also set out the service data to be made available to the public, including performance data
- Services considered for devolution must be things that a parish council can legally provide
- The City Council will indicate which services may be appropriate for devolved management or funding and which must remain at a larger scale. We intend to exclude child protection and care, some education and special needs services, adult social care, road maintenance and street lighting, strategic procurement, financial management and corporate administration from the process
- Proposals can include joint service delivery and management arrangements as well as full transfer of services and they can be made by a collaboration of more than one parish council
- Services considered for devolved management must be capable of being delivered at the scale proposed, either through the parish council's own resources or a management arrangement with the City Council. The City Council will also consider any detrimental effect devolution may have on other areas or the service as a whole
- Proposals should demonstrate that the service will be provided reasonably efficiently, compared to central provision
- Proposals should demonstrate that the service will be more responsive to local needs or provide different, tailored aspects of the service not currently provided centrally. The City Council will be seeking to encourage innovation and well managed risk taking to achieve better service outcomes

- The parish council will have to demonstrate sound business cases for all devolution proposals, including the management and other resources that will be put in place. This should include income generation from the service
- The parish council will have to show how the community will be engaged in the delivery of the service and how their views on the service will be monitored and performance managed
- Proposals for assets to be transferred to a parish council will have to demonstrate the capacity to manage the asset independently and to put the asset to good use for the community. Assets will generally be transferred on a leasehold basis and not freehold.

The process

- Submission of initial proposals for the devolved management of services and assets by the parish or town council to the City Council
- An initial analysis by relevant officers will be drawn up and returned to the parish council
- Detailed discussions on the different proposals made, including the relevant officers mentioned above and consultation with relevant Cabinet Members and Chief Officers
- Officers will focus on the sort of conditions outlined above and will be concerned to ensure that the devolution of the service in one part of the city does not have a detrimental impact on efficiency and quality in other areas. Different options for local delivery of the service will be explored
- Submission of a signed agreement to the Cabinet for formal decision
- Planning and then implementation to agreed timescales.

What we will do

- We will continue to work with RSCTC to develop a devolution deal and we will seek to learn from this process to develop a more detailed framework for wider use
- A wide range of city council services will work together to develop a **prospectus for devolution deals** which will set out in detail the options and limitations for further deals and guidance on the process, providing maximum clarity on what is available to parishes. This will be published in summer 2019.

Conclusion: Delivering on our New Vision for 2022

As we stated at the beginning of this paper, it is not a blueprint or top down plan. However, we will develop an action plan to guide the delivery of the actions the Council needs to take and the changes we want to achieve over the next few years.

Our overall measures of success in this process will be those set out in the Policy Statement on Localism in Birmingham in March 2018:

- Services being different, better suited to the area, and more efficient
- Officers working for “one council”, putting shared outcomes and local places first, not their service or directorate
- Local councillors having more influence on services
- Residents feeling they are more in control of their services and their local area.

Summary of Key Actions:

Delivery date	Action
By end of March 2019	Communicate the new approach to working with neighbourhoods Publicise the Framework of Relationships and Neighbourhood Charters widely and use it to support discussions with interested neighbourhoods.
By end of March 2019	Identify Pioneer Wards Identify wards across the city to pilot the approach to working with neighbourhoods and to further develop neighbourhood working. Learning will help to finesse ways of working in order to benefit other wards and neighbourhoods.
Ongoing	Strengthen ward partnership working and ward planning Support provided to ward forums to enable more effective working, including developing innovations in community engagement and making ward plans more action focused.
By spring 2019	Review the council's Procurement process To review of the legal boundaries and options to ensure as much

	flexibility as possible in adopting new contracts and amending existing ones.
By summer 2019	Develop online resource Create an online resource to facilitate the sharing of good practice amongst neighbourhood groups and to celebrate the great work being done.
During 2019	Agree a Devolution Deal with Royal Sutton Coldfield Town Council Apply learning to the development of the prospectus for devolution deals.
By summer 2019	Develop a prospectus for devolution deals Council services to work together to develop the options and limitations for devolution deals and guidance on the process.
By autumn 2019	Carry out a partnership based review of the resources to support neighbourhood working To consider funding and resources available for neighbourhoods including for infrastructure, projects, community engagement and data.
By autumn 2019	Establish a cross-service (and partnership) review to explore ways to make services more responsive to neighbourhoods. Looking at all our local services and learning from other places to find ways of redesigning services, the roles of staff and our procurement processes. Finding ways to reduce 'red tape'..
Ongoing	Create new Parish Councils Work with areas that express an interest in Parish Councils with input from the National Association of Local Councils.

Appendix 1: The Different Types of Neighbourhood Organisation

Type of organisation	What they're good at
Neighbourhood (Parish) Council	<p>Providing some local services</p> <p>Power to raise local Council Tax precept</p> <p>A further representative voice for the area</p>
Ward Forum or Partnership	<p>Bringing together local councillor(s), residents and other public agencies to focus on how to solve problems in the area.</p>
<p>Neighbourhood Forum</p> <p>Note: Birmingham has a long tradition of local neighbourhood forums which adhere to local ways of working. The Government has created a specific definition and requirements which must be met before some powers are taken up.</p>	<p>Resident led organisations which may have elections to a committee.</p> <p>Power to initiate a Neighbourhood Planning process. This is where communities come together to prepare plans that will guide the type of development in their area. Birmingham City Council offers technical guidance and assistance but the local community has responsibility for writing a Neighbourhood Plan document.</p> <p>Once ideas and proposals have been generated by a recognised Neighbourhood Forum or Parish Council, and consulted on locally, an independent examiner will check that the proposals follow local and national policy and that they are deliverable. The plan will then be put to a referendum, and people on the local electoral register in the plan area can vote on the proposals.</p> <p>If the majority of people vote in favour, the council will approve the proposals as a Neighbourhood Development Plan. It will then be used to determine planning applications for development in the area.</p> <p>Some Forums provide additional voluntary services.</p>
Community Development Trust	<p>Focused on the regeneration and improvement of the local area.</p> <p>Can raise money from trusts and foundations and apply</p>

	for grants for specific projects.
Residents Association	<p>Similar to a Neighbourhood Forum but without the legal powers for neighbourhood planning.</p> <p>Many associations work closely with local services and the police, for example running neighbourhood watch schemes.</p>
Social Enterprise	Take a variety of forms and are set up to provide a variety of services (such as leisure, retail, social care or health related) but all are not-for-profit businesses that re-invest income in the local community.
Local groups and charities with a specific interest	A wide diversity of informal groups provide additional local services, support particular groups in the community and campaign on specific issues. They may also raise money as charities.
Faith groups and religious centres	Religious communities, leaders and places of worship also make a major contribution to many communities and raise money for charitable activities.
Business Improvement Districts	<p>Business Improvement Districts (BIDs) are partnerships between local authorities and local businesses which are intended to provide additional services or improvements within a defined geographical area e.g., improving security or cleaning.</p> <p>A BID must be agreed by ballot and is funded in whole or in part by a levy on nondomestic ratepayers.</p>

Appendix 2: The Framework of Relationships

A framework for neighbourhood groups and local councils to have an increased influence in their local area.

Background

Birmingham City Council is committed to helping local neighbourhoods and communities to have more influence over the services and the decisions that affect their lives. We want to move from being focused on the City Council and its structures to a more citizen focused approach, working with and supporting neighbourhoods to make things work better for local residents.

The City Council recognises that there are many different forms of neighbourhood organisations and in order to more thoroughly engage localities the City Council will be flexible in working with a variety of organisations rather than adopt a one size fits all approach.

The way we work with the different organisations will differ according to their preferred level of involvement.

How BCC will work with different types of organisation

All neighbourhood groups – the City Council will discuss this framework (and possibly Neighbourhood Charters) with groups, it will provide relevant information e.g. on service delivery standards within the locality, and will support ward forum partnership working. In addition a wide variety of neighbourhood groups will be able to exercise rights under the 2011 Localism Act² and the Council's Community Asset Transfer Protocol (see box overleaf). Business Improvement Districts are also playing an increasingly important role in localities.

Neighbourhood Forums – the City Council will provide specific support according to the forum's responsibilities, support their rights under the Localism Act 2011 and fast track any parish council proposals.

² See a summary of the provisions of the Act here:
<https://www.gov.uk/government/publications/localism-act-2011-overview>

Parish councils – the City Council will discuss this framework with Parish Councils (and possibly devolution deals), will provide a named contact officer as support as well as meeting with them regularly and consulting on planning applications and other relevant issues including the City Council budget. Options 5 – 9 below apply mainly to parish Councils.

Community Asset Transfer (CAT) Protocol

Since 2011 there has been an agreed Community Asset Transfer Protocol for Birmingham City Council owned assets (buildings and land). This means for voluntary and community groups in Birmingham there is a consistent and transparent pathway from the initial expression of interest in an asset to any agreed point of transfer. Community Asset Transfer is not an automatic right like those in the Localism Act but is considered according to each individual business case and not all buildings are available for transfer. In Birmingham Community Asset Transfer means:

- Transfer of buildings and/or land
- Leasehold not freehold – generally on a full repairing lease and up to 25 years (negotiable)
- Economic Rent offset by Valuing Worth
- to “not for profit” community organisations e.g. charities and social enterprises

The new Property Strategy recently approved by the Council’s Cabinet recognises that community assets are an important element of the city’s public property portfolio. A review is underway to improve our approach to CAT and this work will be progressed during 2019.

Purpose and aims of the Framework

The framework sets out a range of options for greater neighbourhood involvement and governance the City Council supports; it provides the framework for all of our work with neighbourhoods and its principles will apply to the whole city.

Neighbourhood organisations are free to work at a level that suits them best and can progress to higher levels of devolution if and when they wish to do so. They can also join with other organisations to put together proposals around the options included in the framework.

By working together within this framework the City Council aims to:

- Clarify the approach to more local control of services and the options available
- Provide greater local influence over services
- Improve local service delivery, increasing effectiveness by tailoring it to better suit local needs
- Maintain access to local services that might otherwise be at risk and where possible enhance services
- Ensure that, where services or assets are transferred to local control or management, the necessary resources are in place to make them sustainable.

These options are consistent with the Council's commissioning approach.

Options

Option 1: Influencing local priorities by contributing to the development of the Ward Plan.

Each ward has a Ward Forum which focuses on the issues, priorities and decisions important to people in their local area. Ward Forums also:

- make comments on behalf of ward residents on significant planning applications which affect the ward;
- enable community engagement, debate and action by coordinating the work of councillors with neighbourhood forums, residents associations and neighbourhood, community or parish councils;
- work with other wards to engage with partners, such as the police;
- develop a ward plan setting priorities for the local area and planned actions to progress these.

Most wards will hold up to 6 ward forum meetings each year. The Ward's councillors sit on the ward forum as do members of other public service organisations e.g. the police and representatives from other local organisations. Any resident or neighbourhood group can attend their local Ward Forum meeting and can suggest agenda items, raise issues of local concern, use the forum for consultation, contribute to ward planning and priority setting, share good practice, receive and comment upon feedback on service updates and project delivery etc., provide feedback when the forum is used for consultation and engagement. This list is not exhaustive and each meeting is unique so the format may vary.

The ward planning process usually starts around November time and will run through until the end of March when a draft plan should be available. A dedicated meeting (where possible) will be held to agree 3-6 key local priorities using previously gathered intelligence from ward data plus elected member, resident and stakeholder input. A further meeting or working group can be established to develop the associated Action Plan and progress is reviewed at subsequent ward meetings.

Option 2: Influencing local service delivery levels through monitoring delivery performance against agreed standards.

Groups monitor and report on the delivery of services within their local area, highlighting good performance and issues to responsible teams. The City Council will provide relevant information to groups to assist them e.g. the agreed service delivery standards and commit to feeding back on how issues raised have been progressed.

Option 3: Influencing the commissioning of local services by helping to identify local need and desired outcomes, appraising delivery options, and helping to evaluate bids.

Groups highlight local need and support responsible teams throughout the commissioning of new contracts. This can include the identification of the outcomes against which performance will be measured, considering the potential delivery options and evaluating bids.

The City Council can explore requests for change of existing contracts with contractors but only within legal boundaries. (We will undertake a review of our current approach to setting contracts to ensure that it is as flexible as possible particularly with regard to the variation of future contracts; however there may not always be scope for changes in existing contracts).

Option 4: Communities developing their own service models

Neighbourhood groups can also work independently to identify and deliver services to meet local need which complement City Council services. For example Social Enterprises providing services such as skills training, youth work, housing and employment support, environmental projects.

The City Council will seek to work closely with such groups to look at how they work with existing contractors and to minimise duplication.

The following options apply mainly to Parish Councils, however we will consider their application to other groups.

Option 5: Joint delivery or service enhancement, where local councils choose to enhance an existing service by funding work that exceeds the base level provided or deliver additional services not currently provided.

This option is more likely to apply to Parish councils. They can choose to enhance a service provided by Birmingham City Council by funding work that exceeds the level of service provided or deliver services not provided.

There will be some legal considerations relating to this option and a form of authorisation document or delegation agreement will need to be put in place.

Examples where services could be enhanced include street cleaning and other environmental maintenance work, parking enforcement, winter maintenance. There are other possibilities and the City Council is happy to consider suggestions.

Please refer to assessment criteria below.

Option 6: Agency Agreements, Management Agreements, Licences and Sponsorship between Birmingham City Council and a parish council.

Under this option Birmingham City Council would make an agreement with a Parish council on the delivery of a service. The agreement sets out standards and conditions and includes a lump sum payment to the Parish Council based on the minimum level of service Birmingham City Council requires. The local council can choose to invest more or enhance this service locally.

Please refer to assessment criteria below.

Option 7: Delegation of service delivery to a local council where they take on responsibility for that service on behalf of Birmingham City Council.

Parish councils may wish to take on the delivery of a local service on behalf of Birmingham City Council. The City Council will still be ultimately responsible for the service and therefore will have to set delivery standards, value for money considerations and monitor performance however the day to day management would pass to the Parish Council. The Parish Council will be required to provide regular reports on performance delivery and highlight any areas of concern.

A legal agreement will need to be put in place for this option between the City Council and the Parish Council to ensure the necessary safeguards are in place, including provision for alternative arrangements where there are performance issues.

Examples where services could be delegated include ground maintenance including of parks and gardens, libraries, street cleaning and environmental improvement, sports and leisure facilities.

Please refer to assessment criteria below.

Option 8: Transfer of a single service.

Parish Councils can use their local income to provide a range of additional or enhanced services through the mechanisms outlined above. They may also take over the delivery of an existing council service, shaping it to better suit local needs.

Parish councils are consulted and offered the opportunity to take on full responsibility for the delivery of the service, if the parish council agree the full responsibility for the service will pass to them and the transfer of any relevant asset(s) may also be part of the discussion.

Option 9: Devolution Deals

Where a Parish Council wants to explore a wider package of devolved services the transfer would be included in a Local Devolution Deal with the City Council. This is an agreement about what services will be run by the parish council and what assets they will manage. Supplementary legal agreements regarding this transfer of services will also be required.

Please refer to assessment criteria below.

Exclusions

There are some services that Birmingham City Council will not consider transferring to local councils, however neighbourhoods can still influence the monitoring and commissioning of these service as outlined above. These services are not being considered either because there are legal or practical restrictions or because there are significant advantages to keeping them under central management e.g. economies of scale.

Excluded services are child protection and care, some education and special needs services, adult social care, road maintenance and street lighting, strategic

procurement, financial management and corporate administration. Others will be identified in the Prospectus for Devolution Deals to be published in the Spring.

Assessment criteria for options involving service delivery or enhancement of a service by local councils (options 5 to 9 above)

When considering service delivery or enhancement to service delivery by local councils Birmingham City Council will apply the following principles:

- Parish councils must have been in existence and functioning effectively for at least a year. The City Council will be particularly concerned to ensure strong accountability and probity, including regular council elections and contingency plans which will be agreed in the event of service failure or failure to meet standards of good governance.
- Proposals must set out how services they will be managed to ensure effective engagement with all service users and diverse communities, including a communications strategy to ensure service users and residents are informed and can access services easily. This should also set out the service data to be made available to the public, including performance data.
- Services considered must be things that a parish council can legally provide.
- Services must be capable of being delivered at the scale proposed, either through the parish council's own resources or a management arrangement with the City Council.
- The service must be provided reasonably efficiently, compared to central provision.
- The service must be more responsive to local needs or provide different, tailored aspects of the service not currently provided centrally. The City Council will be seeking to encourage innovation and well managed risk taking to achieve better service outcomes.
- The parish council should deliver additional social value for citizens, setting out a policy that is at least comparable to the City Council's.
- The parish council will have to demonstrate sound business cases for all proposals, including the management and other resources that will be put in place. This should include income generation from the service.
- The parish council will have to show how the community will be engaged in the delivery of the service and how their views on the service will be monitored and performance managed.

- Proposals for assets to be transferred to a parish council will have to demonstrate the capacity to manage the asset independently and to put the asset to good use for the community. Assets will generally be transferred on a leasehold basis and not freehold.

Appendix 3: Case Studies

Ward Forums

Ward forum arrangements are developing to be more inclusive and responsive to local need. Examples of this include:

- Meetings are being held in new venues and at different times to allow more people to attend. For example, Sparkhill and Hall Green North wards are both holding occasional afternoon meetings to allow more older people, parents and carers to attend. The agendas of these meetings will be tailored to include items relevant to those groups
- Meetings are becoming less formal with more time given for more two way conversation
- Agendas are increasingly reflecting what residents want to discuss as well as ward priorities
- In Stirchley the ward councillor held a series of informal meetings in micro neighbourhoods before the first ward forum meeting to get a full picture of priorities. The location of future ward forum meetings will be rotated across these neighbourhoods
- There are many more meetings chaired by non-councillors and in some cases by community members.

Cheswick Green Parish Council

Cheswick Green is a village and civic parish within the Metropolitan Borough of Solihull. It is one of the four new civic parishes formed on 1st April 2009 when the large parish of Hockley Heath was abolished. Cheswick Green is funded by a precept. It is an example of a smaller parish council that takes on a more limited oversight and monitoring role.

In addition to managing the local allotments, Cheswick Green Parish council:

- Monitors and has the right to be consulted on planning applications within its borders
- The council is also consulted on various issues by Solihull Council including on their green spaces strategy, their housing and land availability consultation, and issues around flooding

- The parish council have had the ability to influence and input into the ground management's contract for their local parks. This includes a new provision for the grounds staff to pick litter when the contract was retendered.

Website: <http://www.cheswickgreen-pc.gov.uk/>

Stirchley Baths

Stirchley Baths was built in 1910 when Stirchley was a small village and most of the homes in the village lacked bathrooms. It was closed in 1988 following falling attendance and severe structural problems with the building.

In 2012, Birmingham Council developed a plan to restore the building and turn it into a multi-purpose community hub. From the start of the renovation in 2014 there have been high levels of community involvement:

- Local residents were involved in co-producing aspects of the building design, working with contractors, and in planning and programming
- Residents, community groups, public sector employees and councillors acted as an informal wider stakeholder group, and a small number were directly involved as a steering group
- Residents were directly involved in the naming of the community hub as "Stirchley Baths" through a community competition.

The building is owned and managed by Birmingham City Council but a very successful volunteer programme has run since its opening in January 2016. Volunteers provide general support including acting as weekend supporters, a maintenance task force, events volunteers, daytime "meet and greet" volunteers and a newsletter coordinator

Website: http://www.social-life.co/publication/changing_places_stories_innovation_tenacity

Moseley Community Development Trust

Moseley Community Development Trust was founded in 2001 by The Moseley Society and the Central Moseley Neighbourhood Forum with help from Moseley & District Churches Housing Association. It is a community led organisation whose aim is to improve the neighbourhood through a combination of social, economic and environmental projects for Moseley's diverse communities. It looks for practical answers to local problems.

The Trust developed Moseley's Big Plan (a supplementary planning document) which sets out how Moseley's character can be protected whilst still allowing it to develop. Local residents were asked to submit their ideas for improving the area, ideas were considered and incorporated wherever possible.

Moseley Regeneration Group is part of the Trust and is made up of a number of neighbourhood representatives. They share information about local issues and work out collective responses. They monitor planning and licensing applications that impact Moseley, meeting with council officers as necessary to understand the impact of proposals on the neighbourhood.

Website: <https://moseleycdt.com>

Soho First Community Development Trust

The Soho First Community Development Trust is a local initiative made up of community groups, statutory services, and individuals. Its trustees include residents and representatives from third sector and statutory organisations. Every trustee is fully committed to and passionate about the work of the Trust and give voluntarily of their time.

Their mission is to promote a sense of community across the Soho ward and they are currently working in three main areas:

- Environment – providing a clean, safe place to live, work and play
- Bringing People Together - building a stronger community cohesion
- Thriving Soho - working to grow the local economy and tackle issues such as unemployment and other related challenges. They have dedicated task groups working on each of these areas.

In 2017 the Trust secured funding through the Birmingham City Council 'Local Innovation Fund' which has helped them to fund activities, events, and local initiatives.

Newbigin Community Trust

Newbigin Community Trust is a charity which aims to provide a place of welcome, inclusion and social cohesion for families in Winson Green in order to reduce social isolation and support people in times of need.

Based in Newbigin House they offer a place where neighbours come together to meet each other, plan and run community events, and share life together. They promote inclusion and

participation by all, and actively try to connect with those who are often excluded from mainstream society.

They take an asset based approach using the skills and experience of local residents in the delivery of programmes and services to help others. Examples of services offered, all of which use local volunteers, include:

- Provision of community meals
- Cooking exchange programme where residents from different cultures come together to share recipes and cook together;
- Mental health group
- Afterschool and youth clubs;

They also run two social enterprises again serving the local community.

Website: <https://newbigintrust.uk/>

Norton Hall Children & Family Centre

Norton Hall Children & Family Centre is a registered charity and voluntary organisation based in Washwood Heath, East Birmingham. Their vision is for 'a community where children and young people are able to fulfil their potential and where parents and guardians are enabled to support their families'.

They listen and respond to the needs of their neighbourhood and work with the local authority, colleges, schools, housing associations and other voluntary organisations and partners to provide services which improve the lives of children and families. Services provided include:

- A day nurser;
- Out of School and After School Care
- Positive Activities for young people who are at risk of being excluded from school or drawn into anti-social behaviour
- Sports Activities and classes.

The Hall was transferred to the organisation from Birmingham City Council in March 2010 under its Community Asset Transfer protocol.

Website: <http://www.nortonhall.org.uk>

Balsall Heath:

Balsall Heath is served by a number of neighbourhood groups including Balsall Heath Neighbourhood Forum and St. Paul's Community Development Trust.

The Neighbourhood Forum started as a few residents campaigning to build a better Balsall Heath. For example, they organised a street watch campaign which reduced crime levels in the area within 6 months. In 1992, all the efforts of the Forum were voluntary. Today, the forum employs 20 people including a youth worker, neighbourhood wardens who liaise between the police and residents and provide some additional resident services e.g. mending locks and solving low level crime and a 'park keeper' type role responsible for maintaining parks and public areas.

There are still lots of opportunities for volunteers, these include street stewards who help to organise and support fellow residents to gain better living conditions in the street and home where they live; monitoring CCTV cameras and staffing the front desk of the police station, answering residents' enquiries.

Balsall Heath Neighbourhood Planning Forum prepared the Balsall Heath Neighbourhood Development Plan which was adopted in November 2015.

Website: <https://balsallheathforum.wordpress.com/history/>

St. Paul's Community Development Trust is a charity that was established by three small groups also working with the community of Balsall Heath. The Trust works with and alongside children, young people, and adults in Balsall Heath and the wider neighbourhood to enhance the provision of education, recreation, and life-long learning.

The Trust provides a number of services, including an independent school, Early Years Services, nurseries, St Paul's City Farm, and the Ellen Gee canal boat. Across these different services, the Trust delivers and facilitates a wide range of events and activities including:

- **#GetBalsallHeathReading** – a literacy campaign in partnership with [Smartlyte](#) which aims to improve the skills of parents to enable them to better support their child's development, enhance their own social mobility, and create a more integrated community
- **Coffee mornings** – an opportunity for people aged over 50 to have refreshments, socialise, and take part in activities at the Trust's farm
- **Housing, benefit and debt advice** – working in partnership with [Narthex](#) to offer free advice for local families
- **Talking Together Stay and Play** – sessions for parents/carers and their children to learn English through play and fun activities.

The Trust is dedicated to working for and with the local community to help secure better opportunities and better quality of life for people who are disadvantaged in a deprived area of the city.

Website: <https://stpaulstrust.net/>

Witton Lodge Community Association (WLCA)

Witton Lodge Community Association is a Community Association and Community Landlord, based in Perry Common, north Birmingham. The association:

- Has built 187 properties on land given to them by Birmingham City Council that they rent out directly
- Has refurbished and extended Perry Common Community Hall which is a focal point for the local community, with different clubs and events being held throughout the week (this was a successful asset transfer from Birmingham City Council who also paid 50% of the costs of refurbishment)
- Provides help with Jobs and Skills, promote local good health and wellbeing through their Living Well work and have a wide range of Environmental Projects.

WLCA have also recently received funding from the Birmingham City Council 'Local Innovation Fund' which has helped them to add value to library resources.

Website: <http://wittonlodge.org.uk/>

Warley Woods Community Trust

Warley Woods Community Trust was set up in 1997 to restore and manage Warley Woods Park as an asset for the local community. This made it the first urban park in the United Kingdom to be managed by a community trust.

Warley Woods Community Trust is a registered charity and is committed to the long term improvement, maintenance and management of the park. The Trust plans to restore historic features and develop new facilities by working with charities, community enterprises, local partners and volunteers. The Trust intends that the park should be a true People's Park and so local people are involved in every aspect of the park from its management and maintenance, to developing educational materials and organising events.

The Trust formally took over running the site in 2004 from Birmingham City Council.

Website: <https://www.warleywoods.org.uk/>

Castle Vale Community Housing Association

Castle Vale estate has undergone a transformation over recent years which has seen 32 of the area's 34 tower blocks demolished and replaced with low rise, mainly terraced housing.

The process of regenerating Castle Vale began in 1993 with the introduction of a Housing Action Trust (HAT) approved by a resident ballot. HATs were public bodies designed to oversee improvements to deprived neighbourhoods over a time limited period. Each was governed by a board which included active residents, representatives of resident organisations and members of the local authority.

The HAT existed for 12 years until 2005 when it was replaced by a number of organisations including Castle Vale Community Housing Association (CVCHA) which now manages much of the areas housing stock (which was transferred to it) and community initiatives.

Castle Vale Community Housing (CVCH) is a community-led organisation where the customer and community is at the heart of everything they do. With input from the Neighbourhood Partnership, all policies and values are strongly resident/tenant influenced.

As well as housing provision CVCH also manages the repairs and maintenance of the housing stock, provides advice and support to residents and is responsible for graffiti removal and communal gardens.

Website: <https://www.cvch.org.uk/>

New Frankley in Birmingham Parish Council

New Frankley in Birmingham Parish Council is in the South West of Birmingham and serves nearly 10,000 residents and is funded by a precept.

The Parish's main functions are to provide advice, guidance, and information to local people, and to provide funding to local groups and facilities in the area. Some of the projects and activities the Parish supports include:

- **Frankley Street Champions** – local volunteers collecting rubbish and fly tipping from the streets, as well as dealing with other environmental issues in the Parish
- **Frankley Carnival** – an annual carnival organised by local residents, community groups, and other organisations.

The Parish has made huge strides on issues like the local environment and community cohesion through its events.

Website: www.newfrankleyinbirminghamparishcouncil.gov.uk

Broadstairs and St. Peter's Town Council

70 miles from London, Broadstairs is a seaside town in the South East of England. The town's architecture, from Edwardian, Victorian and earlier periods is a draw for tourists and is seen as a community asset, however low levels of investment in those community assets has left them in a state of disrepair.

Broadstairs and St. Peter's Town Council decided to step in and acquire two buildings when they went on Thanet District Council's asset disposal list and these now play an important community role:

- Pierremont Hall is currently a hub for cultural and community services
- Retort House is the only indoor sports facility in Broadstairs.

The town council believes that the community benefits offered by the purchase of both buildings more than justify the price paid.

Website: <http://mycommunity.org.uk/wp-content/uploads/2016/09/PTC-COMA-Case-Study.pdf>

Royal Sutton Coldfield Town Council (RSCTC)

RSCTC is civil parish created in 2015 by consultative postal ballot in which 70% of the votes cast supported the establishment of a town council. The town council is funded by a precept which is paid by the residents of Sutton Coldfield to commission and provide certain local services. The town council represents around 95,000 residents living in around 41,000 households.

The town council takes on responsibility for certain local services, which include:

- provision of allotments and cemeteries
- the award of grants to the community
- the promotion of entertainment and the arts
- planning (where the Town Council is a statutory consultee)
- recreation
- traffic calming
- the care of war memorials.

Birmingham City Council is working closely with RSCTC to explore further delegation and transfer of services.

Website: <https://www.suttoncoldfieldtowncouncil.gov.uk/>

Northfield Community Partnership

Northfield Community Partnership is a charity which helps people and community groups in South Birmingham. It delivers a range of services from its Hub in Northfield which contribute to the overall wellbeing of the local community. Services include job support, health and financial services and it offers a range of volunteering opportunities for local residents.

The Hub has become an integral part of Northfield, providing an accessible and prominent high street location for the provision of services that improve people's life chances, whilst providing facilities and support to groups who deliver opportunities to the wider community.

Website: <https://www.northfieldcommunity.org/about>

Abram Ward Community Cooperative, Wigan

The Cooperative develops capacity building within the Abram Ward area and works in partnership with all community groups in the Ward to help provide services to address the needs of the community. They believe in locally grown businesses, that trade for the benefit of local communities.

Their aims are:

- To promote the growth of Community Businesses and help to shape a vision for Abram Ward via a Neighbourhood Plan, utilising Community Businesses as a way to deliver the vision
- To provide 'backroom support' and Business advice for Social Enterprises within the Wigan Borough. This includes Business Incubation space
- To support a Community Hub network and Community Assets building within Abram Ward, via the provision of services which reflect local needs and demands within Abram Ward and the Wigan Borough
- To support the health and wellbeing of the local communities via innovative services.

Website: <http://www.abramwardcooperative.org/about-us>

Birmingham Community Homes

In order to diversify the housing that is built in Birmingham a group of experienced and expert practitioners from across a range of housing and community focused organisations has come together to form Birmingham Community Homes. It aims to promote the benefits of community led housing approaches like Community Land

Trusts, recognising the contribution they can make in addressing the city's affordable housing shortage, and is founded on a belief in genuine collaborative working, striving for equality of outcomes and community focused objectives. The long-term goal is to see 5% of the 80,000 homes needed in Birmingham by 2031 to be community led.

Partnership members include representatives from emerging citizen led organisations, anchor institutions such as University of Birmingham and Birmingham City Council, Impact Hub Birmingham and national organisations Confederation of Cooperative Housing, National Federation of Tenant Management Organisations and Locality.

Website: <https://www.birminghamcommunityhomes.com/>

Appendix 4: Foxwood Neighbourhood Agreement in York

The Foxwood Neighbourhood Agreement began life as a community safety and crime initiative resulting from concerns about vandalism and lack of adequate youth provision in the Foxwood area. The neighbourhood agreement was initially developed and later monitored by a formal partnership of residents, service providers and elected members.

Services initially covered by the neighbourhood agreement included community policing, street and environmental cleaning and refuse collection, jobs, training and enterprise support and housing. Agreements for welfare benefits and services for young people were added a year later in response to identified needs.

Individual service agreements were produced from a network of meetings and discussions between residents and service providers. The meetings would work through ideas and formulate proposals that were then agreed by the project steering group. The agreements were succinct statements of background information, targets, response times and contact points.

Monthly monitoring statements from the service providers and performance against targets or commitments are reviewed at meetings of the Foxwood Community Action Group.

Appendix 5: Creating a Town or Parish Council

The Government and the Local Government Boundary Commission has set out guidance on the creation of a new parish council.³

In addition The National Association of Local Councils (NALC) provides lots of guidance on the subject and how community groups can set up a campaign for a parish council.⁴

Extract from Government and National Association of Local Councils (NALC) Guidance on Creating a Town or Parish Council

To establish a local council a Community Governance Review needs to be triggered. This can be by either the principal authority themselves or by the community, through the submission of a petition*.

The petition must state exactly what it proposes: creating a parish or town council for a defined area. The number of minimum signatures required varies according to the size of the population. If the petition area:

- Has fewer than 500 local government electors, the petition must be signed by 37.5% of the electors
- Has between 500 and 2,500 local government electors, the petition must be signed by at least 187 electors
- Has more than 2,500 local government electors, the petition must be signed by at least 7.5% of the electors.

Once the petition gathers the required number of signatures, it can be submitted to the principal authority, who will validate the signatures and, provided that the minimum threshold is met, will conduct a Community Governance Review within 12 months of submission.

During this time, the principal authority will launch a consultation, asking residents to state whether they are in favour or against the establishment of a local council. At the end of the consultation period, the council will review residents' responses before reaching a decision. If the principal authority decides in favour of a parish council, it will also set the date for the first election.

*A neighbourhood forum that's had a neighbourhood development plan passed at referendum can trigger a community governance review without needing a petition.

³ Guidance can be found here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/8312/1527635.pdf

⁴ See: <http://www.nalc.gov.uk/our-work/create-a-council>

Public Report

Birmingham City Council

Report to Cabinet

22 January 2019



Subject: Private Rented Sector Enforcement Policy – Amendment of Civil Penalties Charging

Report of: Acting Corporate Director - Place

Relevant Cabinet Member: Councillor Sharon Thompson, Cabinet Member Homes and Neighbourhoods

Relevant O &S Chair(s): Councillor Penny Holbrook, Housing and Neighbourhoods Overview and Scrutiny Committee

Report author: Jim Crawshaw
Tel: 0121 675 2154
Email: jim.crawshaw@birmingham.gov.uk

Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 005461/2018		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential :		

1 Executive Summary

- 1.1 This report proposes an amended Enforcement Policy for the Regulation of the Housing Standards in the Private Rented Sector (PRS) and for the Licensing of Houses in Multiple Occupation (HMO), including an amended Civil Penalty Charging Policy for private landlords and property agents.

2 Recommendations

- 2.1 The Cabinet approves the updated policy for Enforcement (Appendix 1)

- 2.2 That Cabinet receive a further report in 12 months on the use of the amended Enforcement and Civil Penalties policy, including consideration of the level of financial penalty.

3 Background – Enforcement

- 3.1 The purpose of this Enforcement Policy is to set out the principles that will be applied by Birmingham City Council when considering what, if any, enforcement action to take under its jurisdiction for the regulation of housing standards in the PRS and for the licensing of HMOs.
- 3.2 Where the law has been contravened, there are a range of enforcement options available to ensure compliance. As listed below, these range from taking no action through to prosecution:
- No Action
 - Informal Action And Advice
 - Formal Notices And Orders
 - Default
 - Injunctive Actions
 - Simple Cautions
 - Civil Penalty
 - Prosecution
- 3.3 The policy outlines the procedures, principles and delegations which have built up over a number of years in relation to changes to legislation within the PRS. The report consolidates the existing policy, procedures and delegations and updates those policies in line with current working practices.
- 3.4 See appendix 1 for the full Enforcement Policy.

Civil Penalties

- 3.5 The Council has developed a PRS enforcement policy which sets out how statutory powers will be used to improve standards in the PRS. Under the Housing and Planning Act 2016, the Government introduced powers for local authorities to use Civil Penalties as an alternative to prosecution.
- 3.6 Civil Penalties can be used for the following offences under the Housing Act 2004:
1. Failure to comply with an improvement notice (section 30).
 2. Offences in relation to licensing of HMOs (section 72);
 3. Offences in relation to licensing of houses under Part 3 of the Act (section 95);
 4. Offences of contravention of an overcrowding notice (section 139(7))
 5. Failure to comply with management regulations in respect of HMOs (section 234).

- 3.7 The policy sets out the updated principles to be adopted when using this power. The City Council will seek to use this power to impose a penalty as an alternative to prosecution for the above offences in line with its Enforcement Policy.

4 Consultation

Internal

Officers have consulted on the framework for Civil Penalties with other local authorities in the West Midlands and through national groups including the Houses in Multiple Occupation Network and Private Sector Housing Officer Group. This was completed in the original proposal to Cabinet on 29 November 2017. The amendments proposed in this report have been discussed with the relevant staff within the PRS Team and with Legal Services. The Enforcement Policy has also gone through consultation with staff in the PRS team, legal services and Counsel has also advised on the report.

External

The original Civil Penalties policy was subject to discussion with other local authorities and the Department of Communities and Local Government (DCLG), who issued guidance (Civil penalties under the Housing and Planning Act 2016). The proposal to introduce a policy on use of Civil Penalties has been discussed with the Birmingham Landlord Forum Steering Group (LFSG). The LFSG was supportive of proposals to tackle irresponsible landlords in order to improve standards in the PRS.

5 Compliance Issues:

5.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

The proposal is consistent with the Council Plan priority 'Birmingham is a great city to live in' and directly contributes to the objectives of the City Councils Housing Strategy in regard to improving standards in the PRS.

Council Plan Outcome 4, Priority 2: We will have appropriate housing to meet the needs of our citizens measured through:

Number of properties improved in the Private Rented Sector as a result of Local Authority intervention.

5.2 Legal Implications

The Housing Act 2004 was amended by the Housing and Planning Act 2016 to allow local authorities to use enforcement powers and impose a financial penalty as an alternative to prosecution for certain housing offences. The law allows a maximum financial penalty of £30,000 to be imposed per offence. The use of Civil

Penalties is restricted to tackling irresponsible private rented sector landlords and agents.

5.3 Financial Implications

The use of Civil Penalties will result in the Council imposing a financial penalty on Private Landlords or property agents. Based on the current level of legal action against irresponsible landlords and the potential increase in HMO licensing, from 1 October 2018 it is estimated the level of activity on Civil Penalties would not exceed 20-30 cases per year. Experience suggests that most cases would fall within the minor/medium category so it is estimated that penalties imposed would not exceed a total of £100,000 per year. This will be re-invested into the PRS service.

Landlords or property agents can appeal against a Civil Penalty to the First Tier tribunal. Where the landlord or agent fails to pay a civil penalty, the local housing authority may refer the case to the county court for a Court Order. If necessary, the local housing authority can use county court bailiffs to enforce the order and recover the debt. These processes will incur costs and so will reduce the amount secured.

5.4 Procurement Implications (if required)

Not applicable

5.5 Human Resources Implications (if required)

Not applicable

5.6 Public Sector Equality Duty

An Equality Assessment was completed for the full report in November 2017, the outcomes of which have not been affected by the proposed amendments to the charging policy.

6 Background Documents

Appendix 1. Full Enforcement Policy

Appendix 1

Birmingham City Council Place Directorate Private Sector Housing

Enforcement Policy for the Regulation of Housing Standards in the Private Rented Sector and for the Licensing of Houses in Multiple Occupation.

2018 revision

INDEX

INTRODUCTION

PART A

GENERAL ENFORCEMENT POLICIES AND PRINCIPLES

A1.1 POLICY STATEMENT

A1.2 EQUALITIES STATEMENT

A1.3 ENFORCEMENT CONCORDAT AND REGULATORS' COMPLIANCE CODE

A1.4 PROPORTIONALITY

A1.5 CONSISTENCY

A1.6 THE HUMAN RIGHTS ACT

A1.7 DELEGATED AUTHORITY AND COMPETENCY OF OFFICERS

A1.8 ENFORCEMENT ACTION

A2.0 ENFORCEMENT OPTIONS

A2.1 NO ACTION

A2.2 INFORMAL ACTION AND ADVICE

A2.3 FORMAL NOTICES AND ORDERS

A2.4 DEFAULT

A2.5 INJUNCTIVE ACTIONS

A2.6 SIMPLE CAUTIONS

A2.7 CIVIL PENALTY

A2.8 PROSECUTION

A2.9 PROCEEDS OF CRIME APPLICATIONS

A3.0 INTERVENTION POLICY

A3.1 REACTIVE

A3.2 PROACTIVE

A4.0 CHARGING POLICY AND DEBT RECOVERY

A4.1 CHARGES FOR THE SERVICE OF STATUTORY NOTICES AND ORDERS

A4.2 CHARGES FOR CARRYING OUT WORK BY DEFAULT

A4.3 DEBT RECOVERY

A5.0 APPEALS AND CONSULTATION

PART B

IMPLEMENTATION POLICIES WITH RESPECT TO THE HOUSING ACT 2004

B1.0 THE HOUSING HEALTH AND SAFETY RATING SYSTEM (HHSRS) AND ASSOCIATED ENFORCEMENT POWERS UNDER THE HOUSING ACT 2004.

B1.1 INTRODUCTION

B1.2 PROPERTY INSPECTION and KEEPING OF RECORDS

B1.3 DUTY TO TAKE ACTION WITH RESPECT TO CATEGORY 1 HAZARDS

B1.4 DISCRETIONARY POWER TO DEAL WITH CATEGORY 2 HAZARDS

B1.5 STANDARD OF REMEDIAL WORK REQUIRED

B1.6 COST OF REMEDIAL WORK

B1.7 POWERS OF ENTRY

B1.8 VACATION OF A PROPERTY FOLLOWING STATUTORY ACTIONS

B2.0 HOUSES IN MULTIPLE OCCUPATION (HMOs) AND MANDATORY HMO LICENSING UNDER PART 2 OF THE HOUSING ACT 2004

B2.1 INTRODUCTION

B2.2 THE MANDATORY LICENSING OF HMOs

B2.3 LICENCE FEES

B2.4 REFUND OF LICENCE FEES

B2.5 DURATION OF LICENCES

B2.6 THE LICENSING PROCESS

B2.7 LICENCE CONDITIONS (see appendix 4)

B2.8 TEMPORARY EXEMPTION FROM LICENSING

B2.9 HMO DECLARATIONS

B2.10 RENT REPAYMENT ORDERS

B2.11 REFUSAL TO GRANT A LICENCE

B2.12 ENFORCEMENT OF LICENSING

B2.13 MANAGEMENT ORDERS

B2.14 DISCRETIONARY LICENSING UNDERS PARTS 2 and 3 OF
THE HOUSING ACT 2004

B2.15 JOINT WORKING PROTOCOL BETWEEN THE COUNCIL AND WEST
MIDLANDS FIRE SERVICE with respect to THE ENFORCEMENT OF FIRE
SAFETY STANDARDS IN HMOs

B2.16 OVERCROWDING ON NON-LICENSABLE HMOs

PART C

OTHER SERVICES AND LEGISLATION

C1.0 EMPTY PROPERTIES

C1.1 OVERCROWDING

C1.2 IMMIGRATION ENQUIRIES

C1.3 OTHER LEGISLATION

C1.4 THE PRIVATE TENANCY UNIT

APPENDICES

Appendix 1 – Birmingham City Council's Civil Penalty Charging Policy

Appendix 2 - Summary of the Housing Health and Safety Rating System (HHSRS) plus the Enforcement Powers Available Under Part 1 of the Housing Act 2004 to deal with Category 1 and Category 2 Hazards.

Appendix 3 - Property and Management Standards Applicable to Houses in Multiple Occupation – a Guide for Property Owners, Landlords, Managing Agents, Tenants and Other Stakeholders with Interests in the Private Rented Housing Sector”

Appendix 4 – HMO Licence Conditions, Schedule 1

Appendix 5 - Birmingham City Council's Empty Property Strategy

PART A

GENERAL ENFORCEMENT POLICIES AND PRINCIPLES

A1.1 POLICY STATEMENT

The purpose of this Enforcement Policy is to set out the principles that will be applied by Birmingham City Council when considering what, if any, enforcement action to take under its jurisdiction for the regulation of housing standards in the private rented sector and for the licensing of houses in multiple occupation.

Enforcement action with respect to other forms of tenure may also be taken where appropriate.

The Council is not able to take enforcement action with respect to its' own housing stock.

A1.2 EQUALITIES STATEMENT

Enforcement decisions will be fair, independent and objective and will not be influenced by issues such as ethnicity or national origin, gender, religious beliefs, political views or the sexual orientation of the suspect, victim, witness or offender. Such decisions will not be affected by improper or undue pressure from any source.

A1.3 ENFORCEMENT CONCORDAT AND THE REGULATORS' COMPLIANCE CODE

(i) The Enforcement Concordat

The 1998 Enforcement Concordat sets out six principles of 'good enforcement' these are:

- performance will be measured against published standards;
- there will be openness in dealing with businesses and others;
- enforcement officers will be helpful, courteous and efficient;
- complaint procedures will be published;
- enforcement decisions will be proportionate to the circumstances; and
- Enforcement officers will strive for high standards of consistency.

Although the Enforcement Concordat is a voluntary code, it has been adopted by Birmingham City Council and the above principles are taken into account in developing the underlying principles of this enforcement policy.

(ii) The Regulators' Compliance Code

Birmingham City Council must follow the Regulators' Compliance Code. The Code provides a framework for how regulators should engage with those that they regulate.

The requirements of the Code do not apply where it can be demonstrated that immediate enforcement action is required to prevent or respond to a serious breach or where compliance with the Code would be likely to defeat the purpose of the proposed enforcement action.

Any departures from the Code will be properly reasoned, documented and based upon material evidence.

The Code does not apply to actions under Part 1 of the Housing Act 2004 relating to the Housing Health and Safety Rating System (HHSRS), by reason that the HHSRS is a risk-based approach to assessing property condition.

Further details about the HHSRS are contained in the attached Appendix 2.

The six sections of the Code that have been followed in the development of this Enforcement Policy are as follows:

1. Regulators should carry out their activities in a way that supports those they regulate to comply and grow.

Birmingham City Council will have regard to the growth duty and guidance. This means that it will only take enforcement action or impose a sanction when it considers it needs to and in a proportionate way.

The Council will promote the health, safety, welfare and rights of tenants in the private rented sector.

The Council will not allow persons or organisations to pursue economic growth at the expense of protecting people and compliance with the law.

The Council will deal with non-compliant activity and behaviour appropriately.

The decision to start a prosecution and any decisions that are made during proceedings are not subject to the growth duty.

Regard will be had to the cost of compliance in relation to the benefits achieved. Regard will also be had to the burden any intervention may place upon small businesses. It is anticipated that most private landlords will be considered as a small business in this context.

2. Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views.

The PRS Team engages in consultation with landlords, tenants and others who have an interest in private sector housing issues, and provides effective feedback. This is achieved principally through the holding of regular landlord forums and a landlord steering group.

Suggestions and comments may also be made through the Departmental website.

3. Regulators should base their regulatory activities on risk.

The PRS Team uses risk assessment to precede and inform all aspects of its approach to regulatory activity.

The PRS Team will mainly direct its regulatory effort:

- Towards those whose activities cause or could cause the greatest risk to those persons intended to be protected from regulation of the private housing sector;
- Where the risks are the least well controlled;
- Where a breach undermines the regulatory framework;
- Where it suspects deliberate criminal activity.

In evaluating risk, consideration will be given to, amongst other things:

- The past history of the business;
- The competence of the management; and
- A willingness to comply.

4. Regulators should share information about compliance and risk.

In order to minimise the burden on businesses, regulatory activity, including visits or inspections conducted by the PRS Team, will, where possible, be kept to a minimum through joint or co-ordinated action and data sharing arrangements with other agencies with enforcement responsibilities in relation to private sector housing.

5. Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply.

The PRS Team will provide advice on the appropriate housing standards, good practice, legislation and legal procedures to the best of its' ability and knowledge to landlords, tenants, contractors, and others who have an interest in private sector housing issues. The PRS Team is unable to give any legal advice on any particular matter.

The provision of advice is regarded as an essential element in the Department's overall objective of raising standards and promoting confidence in the Private Rented sector.

Advice given will be as up-to-date and relevant as possible, having regard to Government guidance, legislation, officially recognised technical guidance and standards, plus reports and findings of other professional organisations.

The PRS Team will work with other Local Authorities, partner organisations (such as HomeStamp, West Midlands Fire Service, and West Midlands Police) and as part of the City Housing Partnership to ensure that advice is disseminated as widely as possible.

We will provide advice through any of the following methods:

- telephone or face-to-face, which may be followed in writing as appropriate;
- the production and/or dissemination of good quality printed material (booklets, leaflets etc.);
- the provision of training for landlords, letting agents and managing agents, which may be in support of the Midland Landlord Accreditation Scheme;

- the posting of information on the Department's website;
- holding regular landlord forums and supporting other landlord events;
- attending meetings of professional organisations representing landlords, letting agents, tenants, etc.;
- attending meetings of residents' groups and Ward Committee meetings;
- attending housing fairs and open days for students at any of the city's universities or colleges who are planning to live in privately-rented accommodation.

We will advise landlords and tenants on the availability of any financial assistance, for example Energy Efficiency Grants through the Warm Front programme. All statutory notices and informal letters requiring the installation of improved heating and/or insulation will include such advice.

Any advice will distinguish between what is a statutory requirement and what is advice aimed at improving minimum standards in the private rented sector.

6. Regulators should ensure that their approach to their regulatory activities is transparent.

The PRS Team will make it clear to those that it regulates:

- What they have to do to comply with the law;
- What they can expect from the PRS Team;
- What breach or offence we consider has been or is being committed;
- Why it is intended to take or have taken enforcement action;
- Their right to make representations or to appeal.

A1.4 PROPORTIONALITY

Birmingham City Council will act proportionately when it applies the law. It will take account of and balance the:

- Risks posed;
- Seriousness of the breach of the law;
- Impact on people and legitimate businesses;
- Cost of taking enforcement action against the benefit of taking it;
- Impact on economic growth

A1.5 CONSISTENCY

Consistency means taking a similar approach in similar circumstances to achieve similar ends. The PRS Team aims to be consistent in:

- The advice it gives;
- Its response to breaches of the law;
- The use of its powers and decisions on whether to prosecute;
- How it chooses what sanction is appropriate in similar factual circumstances.

That does not mean that every enforcement decision on what action to take will be exactly the same, as each set of circumstances may differ. The PRS Team will use its professional judgment and discretion.

A1.6 THE HUMAN RIGHTS ACT

Birmingham City Council is a public authority for the purposes of the Human Rights Act 1998. The principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms will therefore be applied.

A1.7 DELEGATED AUTHORITY AND COMPETENCY OF OFFICERS

All officers involved with the enforcement of legislation will have been assessed as being competent to perform the duty in accordance with the legislation and agreed internal procedures. Officers will be expected to be familiar with any appropriate official government guidance, codes of practice, and British and/or European Union standards.

All officers who are required to carry out inspections or visits to any premises will carry with them at all times a means of identification, plus a written form of authority which specifies their powers of entry.

A1.8 ENFORCEMENT ACTION

Any enforcement action taken by the PRS Team will aim to achieve the following outcomes (as identified in the Macrory Review):

- Change the behaviour of the offender;
- Eliminate any financial gain or benefit from non-compliance; and
- Restore the harm caused by regulatory non-compliance to deter future non-compliance.

Before any decision is made to begin a prosecution case, the PRS Team must:

- Meet the test in the Code for Crown Prosecutors – this means that the PRS Team must be satisfied there is a realistic prospect of securing a conviction; (see https://www.cps.gov.uk/sites/default/files/documents/publications/code_2013_accessible_english.pdf)
- Be sure that it is the most appropriate enforcement action to take based on the evidence in the case and that it is in the public interest;
- Consider the resulting implications and consequences.

A2.0 ENFORCEMENT OPTIONS

Where the law has been contravened, there are a range of enforcement options available to ensure compliance. These range from taking no action, through to prosecution. The range of enforcement options are explained in further detail below:

A2.1 NO ACTION

Circumstances will arise from time-to-time whereby a matter brought to the attention of the PRS Team will be assessed, either at the point of referral or following a visit to the property in question, as being one which cannot be resolved by the range of powers available to the PRS Team. In such cases the person raising the matter will be advised, and the decision to take no action will be confirmed in writing.

If appropriate the person will be directed to another Department of the Council or agency, such as a solicitor or law centre, who may be able to assist further.

Where contraventions of the law are identified which can be enforced by the PRS Team, it may be considered that it is not in the public interest to enforce, and that it does not

warrant any action. In all such cases the parties will be advised, subject to The Data Protection Act, of the reasons for taking no action.

A2.2 INFORMAL ACTION AND ADVICE

Informal action can include verbal advice and advisory letters. Circumstances that will be considered to determine whether informal action and/or advice include:

- where the deficiency or omission is not serious enough to warrant formal action;
- from the individual and/or company's past history or from assurances given, that it can be reasonably expected that informal action will achieve compliance;
- the consequences of non-compliance will not pose a significant risk to health and safety of the tenants or others.

Any letters or informal notices sent to individuals/companies will:

- indicate the legislation contravened and the measures to be taken to ensure compliance with any legal requirements;
- contain all the information necessary to understand what work is required and why it is necessary;
- give individuals and/or companies the opportunity to contact the appropriate officer to discuss the matter further.

Officers giving verbal or written advice will ensure that they clearly differentiate between those items which are legal requirements and those which are recommended as good practice. Verbal advice will generally also be confirmed in writing.

A2.3 FORMAL NOTICES AND ORDERS

A decision regarding when to serve statutory notices or orders depends on whether there is a power or duty to serve such a notice or order. Any such decision will take into account the following factors:

- Where informal action has not achieved or is not considered to be likely to achieve the desired effect;
- Where there is a lack of confidence that the individual and/or company will respond to an informal approach;
- Where there is a history of non-compliance with informal action;
- Where standards are generally poor with little management awareness of their statutory requirements;
- Where the consequences of non-compliance could potentially have a serious effect on the health and safety of individuals or the public;
- Where the circumstances of the breach or breaches are of the requisite seriousness to justify the service of a statutory notice or order.

Officers serving statutory notices or orders will be prepared to discuss any works specified with the individuals and /or company representatives, and will fully consider the availability and suitability of alternative solutions. The notice or order will explain what is wrong, what is required to put things right, and what will happen if the notice or order is not complied with.

Statutory notices and orders are important legal documents. Once served, failure to take follow-up enforcement action has serious implications having regard to the contents of this Policy. Failure to comply with a statutory notice or order will normally result in seeking authority to either issue a civil penalty or to prosecute, and/or the carrying out of works in default.

Any extension of time for compliance with a statutory notice or order, once served, must be justified and recorded. The recipient of any such notice or order, plus any other relevant persons in receipt of copies, will be informed in writing of the extension of time.

A2.4 DEFAULT

Several statutory notices contain provisions for the Council to carry out works in default, where the person responsible has failed to comply with the notice. The undertaking of works in default is a discretionary power and can be carried out either instead of issuing a civil penalty or a prosecution, or in addition to these courses of action.

Despite the ability to recover costs, experience has shown that the default procedure is often lengthy and entails significant staff resources. In view of this, works in default is likely to be limited to those situations where there is an imminent risk to the health and safety of the occupiers, visitors or the public, and where the remedy is relatively straightforward to achieve.

The Council is under a duty to ensure that the works are carried out at a fair price and to an adequate standard. In addition, due to the fact that the Council is likely to have to carry out works to short timescales, this can be expensive as contractors carrying out emergency works often do so at a premium rate. It will usually be cheaper for those responsible to arrange to undertake the work themselves.

In cases where default action is found to be necessary, consideration will also be given, where the legislation permits, to taking other enforcement action as detailed below.

It is also recognised that the undertaking of work by default where there is no imminent risk, remains an option open to the Council, particularly where occupiers may be left for long periods in unacceptable living conditions.

Each case will be assessed on its' own merits and a decision whether or not to proceed with default work will be subject to the agreement of a senior Officer, in accordance with Birmingham City Council's delegated powers.

A2.5 INJUNCTIVE ACTIONS

In certain circumstances it is open to the Council to take injunctive action. Factors that will be taken into account in any decision to take injunctive action include:

- Where the offender is a repeat offender;
- Where the circumstances present an unacceptable risk to the health and safety of occupiers or other persons;
- Where there is a significant detriment to the public.

Where the matter of non-compliance under investigation amounts to anti-social behaviour, such as the persistent targeting of an individual or a group of individuals in a particular area, then, following liaison with the Council's Anti-Social Behaviour Unit, an ASBO (Anti - Social Behaviour Order) or CRASBO (Criminal Anti-Social Behaviour Order) may be sought to stop the activity.

A2.6 SIMPLE CAUTIONS

A Simple Caution is an admission of guilt, but is not a form of sentence, nor is it a criminal conviction.

For a Simple Caution to be issued a number of criteria must be satisfied:

- The PRS Team must consider that there is sufficient evidence available to prove the case;
- The offender must admit the offence;
- The use of a Simple Caution is considered by the PRS Team to be in the public interest;
- The offender must be 18 years or over; and
- The offender should not have received a Simple Caution for a similar offence within the last two years.

A record of the Caution will be held by the Council's PRS Team, and will be kept on file for two years. If the offender commits a further offence, the Caution may influence the Council's decision whether to commence prosecution proceedings as an alternative to issuing a civil penalty. If, during the time the Caution is in force, the offender pleads guilty to, or is found guilty of, committing another offence anywhere in England and Wales, the Caution may be cited in court, and this may influence the severity of the sentence that the court imposes.

Simple Cautions will not be used as a substitute for prosecutions which would otherwise be defective.

Simple Cautions may not be appropriate where it would prevent a Compensation Order from being made through the Courts.

Where an individual or company declines a Simple Caution, the PRS Team will initiate legal proceedings.

Simple Cautions will only be administered in the Council's offices, except where the offender is elderly, infirm or otherwise vulnerable. Simple Cautions will be issued by a senior Officer, in accordance with Birmingham City Council's delegated powers.

A2.7 CIVIL PENALTY

A civil penalty is a financial penalty that may be imposed by the Council as an alternative to prosecution.

A civil penalty can be imposed where the Council is satisfied, beyond reasonable doubt, that the person's conduct amounts to a breach of one or more of the following offences in the Housing Act 2004:

- section 30 (failure to comply with an improvement notice);
- section 72 (offences in relation to licensing of Houses in Multiple Occupation);
- section 95 (offences in relation to licensing of houses under Part 3 of the Act);
- section 139 (failure to comply with an overcrowding notice); or
- section 234 (failure to comply with management regulations in respect of a House in Multiple Occupation)

Only one financial penalty may be imposed on a person in respect of the same offence, however, a civil penalty can be issued for each separate breach of the HMO Management Regulations.

In deciding to issue a civil penalty, the Council must satisfy itself that:

- There is sufficient evidence to provide a realistic prospect of a conviction;
- That an offence has been committed beyond reasonable doubt.

The Council will consult the evidential and public interest tests in the Crown Prosecution Service Code for Crown Prosecutors in making this decision.

The amount of the civil penalty will be determined according to the Council's Civil Penalty Charging Policy (see below). The Council will take into account the following factors:

- the severity of the offence;
- the culpability and track record of the offender;
- the harm caused to the tenant;
- the punishment of the offender, in that, the penalty should be proportionate to reflect both the severity of the offence and to ensure that it has a real economic impact on the offender to demonstrate the consequences of not complying with their responsibilities;
- the deterrence to the offender from repeating the offence;
- the deterrence to others from committing similar offences; and
- the removal of any financial benefit the offender may have obtained as a result of committing the offence

The level of the financial penalty will be authorised in accordance with the Birmingham City Council's scheme of delegations.

Within six months of the Council obtaining sufficient evidence, the Council will give the person a "Notice of Intent to Impose a Financial Penalty" setting out:

- the amount of the proposed financial penalty;
- the reasons for proposing to impose the penalty; and
- information about the right of the person to make representations

The person to whom the notice relates will be given 28 days to make written representations to the Council about the proposal to impose a financial penalty. Representations can be made against any element of the proposed action.

If the landlord challenges the level of the civil penalty, it will be for them to provide appropriate and satisfactory documentary evidence to support their submission. Failure to provide such evidence will mean that the Council may not be able to consider any representation against the level of penalty imposed. The representations will be considered by a person who is a Team Leader and independent from the original investigation.

At the end of the 28 days, the Council will decide whether to impose a penalty. If the Council decides to impose a penalty a "Final Notice of a Civil Penalty" will be given setting out:

- the amount of the financial penalty;
- the reasons for imposing the penalty;
- information about how to pay the penalty;
- the period for payment of the penalty (28 days);
- information about rights of appeal; and
- the consequences of failure to comply with the notice.

The Final Notice will be authorised in accordance with the Birmingham City Council's scheme of delegations.

The person who receives the final notice can appeal to the First Tier Tribunal.

The Council can withdraw either the Notice of Intent to Impose a Financial Penalty or the Final Notice of a Civil Penalty at any time, or reduce the amount specified in a notice of intent or final notice.

Where a person fails to pay a civil penalty, the Council may refer the case to the county court for an Order of the Court, and may use the county court bailiffs to enforce the order and recover the debt. In addition the Council may pursue their powers to carry out works to the property in default.

Where a person receives two or more civil penalties over a 12-month period, the Council may include that person's details in the database of rogue landlords and property agents.

A2.8 PROSECUTION

Prosecution will be considered as the most appropriate course of action in the most severe cases. The following factors will be considered in determining whether a prosecution is the most appropriate course of action:

- The seriousness of any threat or actual harm to the safety of the occupants or members of the public;
- the level of culpability of the suspect, including the level of their involvement, the extent to which the offending was premeditated and/or planned, whether they have previous criminal convictions and/or out-of-court disposals, and whether the offending was, or is likely to be, continued, repeated or escalated;
- The harm caused to the occupants. The greater the vulnerability of the occupants the more likely a prosecution is to be required;
- The degree of co-operation with the Council in improving the physical conditions in the property, in particular consideration will be given to whether the individual(s) or company have deliberately, negligently or persistently ignored written warnings, formal notices and/or orders;
- If an Officer has been threatened, assaulted or obstructed in the course of their duties;
- The views expressed by the occupants about the impact that the offence has had on them;
- Whether a prosecution is a proportionate response to the likely outcome.

The Council will apply the evidential and public interest tests in the Crown Prosecution Service Code for Crown Prosecutors in making this decision. Any decision to authorise a prosecution will be made in accordance with the Birmingham City Council's scheme of delegations.

The Council may publicise the results of any prosecution on a case by case basis.

A2.9 Proceeds of Crime Applications

The PRS Team, either through its own Officers, or in co-operation with the Police, may make application(s) under the Proceeds of Crime Act 2002 to restrain and/or confiscate the assets of an offender where it is considered appropriate and proportionate to do so.

A3.0 INTERVENTION POLICY

The PRS Team will intervene in housing issues on both a reactive and pro-active basis.

A3.1 Reactive

We will respond to requests for assistance concerning unsatisfactory housing conditions and private tenancy issues. Referrals may be made either directly by a tenant or through another Department or agency.

In cases where the tenant has been unable to resolve the matter themselves, we will liaise directly with the landlord or agent in an attempt to get the remedial work completed before undertaking formal action.

Upon receipt of an enquiry or referral, the level of intervention by Council Officers will be decided having regard to:

- the vulnerability of any occupant;
- the effect that the problem has on the occupants, neighbourhoods or the surrounding area;
- the relevant legislation, particularly whether there is a duty to investigate certain matters; and
- any relevant history of the owners, neighbours, tenancy or landlord, particularly the owners' and/or landlords' history of carrying out repairs either informally or following the service of a notice.

A Duty Officer system is operated whereby requests for assistance are prioritised according to these criteria.

A3.2 Proactive

The PRS Team will carry out pro-active inspections of HMOs, and take appropriate action to ensure compliance with the relevant legislation and the Council's standards.

Inspection programmes will be subject to available resources based upon the following criteria:

- an assessment of the risk to the occupants
- inspection of licensed HMOs to assess for hazards under the HHSRS;
- inspection of licensed HMOs to assess for compliance with licence conditions;
- inspection of licensed HMOs for compliance with the HMO Management Regulations;
- area surveys to identify licensable HMOs;
- inspection of all private sector homes and hostels that are funded, supported or procured for use by the City Council (whether licensable or not) to ensure compliance with relevant standards;
- inspection of property portfolios in the ownership or management of any landlord where serious concerns over management standards have been identified in any one of the properties in the portfolio;
- inspection of multi-occupied properties owned or managed by Registered Providers or public sector organisations such as the NHS, Police, Probation Service, etc. Although such properties are exempt from the definition of an HMO, action may still be taken with respect to hazards identified under the HHSRS. It is appropriate that such properties should meet equivalent standards to those in the private sector; and

- proactive inspections will also be carried out in priority areas of the City as identified in the Private Sector Housing Strategy, and any subsequent area-based action to support the regeneration of key areas.

A4.0 CHARGING POLICY AND DEBT RECOVERY

A4.1 Charges for the Service of Statutory Notices and Orders Private Rented Sector, Registered Providers and other Public Sector Landlords (excluding the Local Authority).

Local Authorities are able to recover the costs incurred in serving certain notices and orders under Part 1 of the Housing Act 2004 with respect to housing related hazards under the HHSRS.

Such costs can include the time spent on inspecting the property, scoring the hazards, paying for any specialist reports (such as electrical and gas safety reports), preparing the notice or order and schedule of works, plus the typing of the notice and/or order, the associated administrative tasks, and postal charges.

The charges to be made will be based upon the hourly pay rate of the officers involved with any particular case inclusive of all associated overheads (such as office accommodation, power, transport, stationery, Information Technology, etc.). The hourly rate will be rounded to the nearest fifteen minutes.

As a general rule, the Council will seek to recover its full costs, particularly where the property in question is large or complex, or where there are numerous hazards requiring greater officer resources to assess. The Council retains discretion on the level of costs that it will seek to recover.

Owner Occupiers

In the case of notices or orders served upon owner occupiers, there will be no charge made unless the PRS Team considers that the deficiency is affecting an adjoining property or endangering public safety, and the person concerned has failed to take appropriate action.

Where a charge is being considered for action against an owner occupier, hardship factors will be taken in to consideration and the fee may be waived at the discretion of a Senior Manager.

A4.2 CHARGES FOR CARRYING OUT WORK BY DEFAULT

As well as recovering the actual capital cost of carrying out work by default where a statutory notice has not been complied with, the Council will ordinarily make a charge to cover the costs incurred in arranging a contractor, supervising the work, and all associated administrative procedures. The charge will be based upon the same officer hourly rates as those for the service of statutory notices above.

A4.3 DEBT RECOVERY

The Council will actively pursue such debts incurred in all cases, including the use of enforced sale procedures under the Law of Property Act 1925 as a last resort where other methods of recovery have not been successful.

Where the debt incurred is small or where there are exceptional circumstances, the advice of the Council's Legal Services Department will be sought as to whether it is financially worthwhile or in the public interest to pursue the debt.

Until cleared, all outstanding debts will be registered with the Local Land Charges Registry as a financial charge. Once registered, the charge will accrue compound interest.

A5.0 APPEALS AND CONSULTATION

A5.1 Formal appeals

Where a statutory notice is served or an order or licensing decision is made, the method of appealing against the notice, order or decision will be included within the documentation provided. Appeals are made either to the County Court, Magistrates Court or to the First Tier Tribunal, depending upon the legislation employed.

All formal appeals will receive a response in accordance with the statutory time limits, and acting in accordance with the advice of the Legal Services Department.

A5.2 Consultation

Prior to the service of any statutory notice or order, the person responsible will, wherever possible, be given the opportunity to put forward their views to the Officer concerned (either in writing or verbally). The Officer will fully consider the availability and suitability of alternative solutions.

Where agreement cannot be reached with the case Officer, the matter may be referred to the Officer's line manager for further consultation.

Informal consultation will not be available where the matter is such that the health and safety of occupiers is at serious and imminent risk and/or where urgent statutory action is required.

PART B

IMPLEMENTATION POLICIES WITH RESPECT TO THE HOUSING ACT 2004

B1.0 The Housing Health and Safety Rating System (HHSRS) and associated Enforcement Powers under Part 1 of the Housing Act 2004.

B1.1 Introduction

The Housing Act 2004 introduced the HHSRS as a replacement for the housing fitness standard (formerly Section 604(1) of the Housing Act 1985). HHSRS is a method of identifying hazards in any dwelling and assessing the risk that such hazards pose to the health and safety of any occupiers.

A range of enforcement powers is available to remove or reduce any hazards identified to an acceptable level. A more detailed explanation of the HHSRS is provided together with a summary of the powers available in Appendix 2.

The HHSRS applies to all dwellings and all tenures, although the Council is unable to enforce its provisions with respect to its own housing stock.

When taking action to remedy or reduce hazards identified following a property inspection, there should be regard to the Enforcement Guidance issued by the Government (the Ministry of Housing, Communities and Local Government) under Section 9 of the Housing Act 2004, in addition to the policy decisions described in Part A above relating to the service of statutory notices and orders.

The circumstances under which the various enforcement options will be used are a matter for individual assessment.

B1.2 Property Inspection and Keeping of Records

Where there is reason to enter a property, either on a reactive or pro-active basis, the Council Officer will, as far as possible, inspect the whole property, both internally and externally, in accordance with the HHSRS Operating Guidance.

Where there is a particular problem requiring urgent action, a partial inspection may initially be undertaken. Once action to deal with the urgent problem is in hand, a follow-up inspection of the whole property will be undertaken to assess for other hazards, unless the case officer is satisfied that the property is free from significant hazards, as assessed during the initial partial inspection.

Local Authorities are required by the HHSRS Regulations to keep an accurate record of all inspections undertaken, either in paper or electronic form. The PRS Team will undertake inspections using an Inspection Report form.

B1.3 Duty to take action with respect to Category 1 Hazards

Under Section 5 of the Housing Act 2004, Local Authorities are under a duty to take appropriate enforcement action with respect to Category 1 Hazards (see Appendix 2 for the types of enforcement action that can be taken).

It remains acceptable for the Council to take an informal approach following the inspection of a property. No time limit is specified in the Housing Act 2004 within which formal action must be taken following identification of the hazard(s). The National Enforcement Guidance also supports this approach. The Council is under an obligation to take action within a reasonable period; however this will vary depending upon individual circumstances.

Where it is proposed that informal action will be taken, unless there are indicators to the contrary, such as a previous poor record of compliance with either statutory or informal action, or where it is known that the person responsible for the premises in question has been aware of the hazard for an appropriate period and taken no action, then officers of the PRS Team will confirm in writing the action that is needed to remedy the hazard(s), which will specify a time period for compliance. Consultation may also have taken place verbally, but this will always be confirmed in writing.

Informal action may be replaced by a statutory notice or order at any time, if it appears that satisfactory progress in remedying the hazard(s) is not being made.

In the case of Category 1 hazards which pose a serious and imminent risk of harm to the occupier(s) or members of the public, then the informal approach is unlikely to be appropriate. However, if contact can be made with the person responsible, and a written assurance is given that remedial action will be taken within a period equivalent to the period within which the Council could take action, then, subject to the agreement of a senior Officer, it may be acceptable to withhold action for that period.

Owner Occupiers

Occasions will arise whereby Category 1 Hazards are identified in owner-occupied properties. The duty to take one of the forms of action described in Appendix 2, as required under Section 5 of the Housing Act 2004, still applies. However, as a general rule, it is unlikely to be in the public interest to enforce compliance, unless the hazard in question is adversely affecting an adjoining property, or is endangering the health and safety of the public or visitors to the property.

Where it appears that there would otherwise be little prospect of such a hazard(s) being remedied within the forthcoming twelve months, then the hazard(s) will be brought to the attention of the owner by the service of a Hazard Awareness Notice. No charge will generally be made for the service of such a notice.

B1.4 Discretionary Power to deal with Category 2 Hazards

Under Section 7 of the Housing Act 2004, Local Authorities have a power, as opposed to a duty, to take enforcement action with respect to Category 2 hazards (see Appendix 2 for the types of enforcement action that can be taken).

As with category 1 hazards, the Council has the power to require that category 2 hazards are removed or reduced to an acceptable level. The same types of notice and order are available, except for emergency remedial action and emergency prohibition orders. The power to make a demolition order or to declare a slum clearance are included in section 7 of the Housing Act 2004 as options to deal with category 2 hazards, but only in circumstances prescribed by Order of the Secretary of State. To date the Government has not made such an Order.

Whilst there is no obligation for the Council to take action with respect to category 2 hazards, it cannot fetter its' discretion. To this end the Council has determined that it is appropriate for enforcement action to remain available in the following circumstances:

- any Category 2 hazard assessed as falling within Band D;
- Any Category 2 assessed as falling within Bands E, F or G within a designated area for the purpose of achieving a strategic objective such as a Burglary Reduction Initiative.

Cases falling outside the policy may arise from time-to-time, where the Officer considers that there are justifiable reasons for taking action. The decision to proceed in these cases must be agreed by a Senior Manager.

The enforcement of Band D Category 2 hazard will be subject to consideration of the following factors:

- the nature of the complaint and the extent of the deficiencies;
- the multiplicity of hazards present in the dwelling;
- the vulnerability of the occupants;
- the health of the occupants
and
- a hazard in an HMO which affects the means of escape from fire, or the kitchen and bathroom facilities.

Where it is identified that action could be taken to remedy category 2 hazards in line with this policy, then the initial informal approach and any subsequent formal action will be as for described for Category 1 hazards above.

B1.5 Standard of Remedial Work Required

As a minimum, Category 1 hazards must be reduced to a Category 2 to the average, or below average, condition for the particular age and type of property in question.

Regard will be given to the extent of work that is reasonable in order to reduce the hazard(s) significantly, without incurring excessive costs.

The work must be substantial, and a 'patch and mend' approach should be avoided.

Generally the work specified will be effective for a minimum of five years before further work to remedy the same deficiency is required.

Works will not be specified which, in remedying one hazard, will create another hazard, unless the resulting hazard can also be addressed at the same time.

B1.6 Cost of Remedial Work

The cost of compliance will be minimised, although there will be cases which will require substantial works and associated high cost.

In all cases, before taking any of the available courses of action, an assessment of the likely cost of compliance will be undertaken using the current Departmental unit rates.

Regard will also be had to the Neighbourhood Renewal Assessment Guidance (NRA) issued by the Government in 2004, as well as the HHSRS Enforcement Guidance.

B1.7 Powers of Entry

Authorised Officers have powers of entry to carry out a survey or examination of any residential premises to determine whether any action under Part 1 of the Housing Act 2004 should be exercised, or whether any offence has been committed with respect to an Improvement Notice or Prohibition Order.

This power will be used with appropriate discretion and with regard to any relevant Code of Practice. Occupiers and owners will be given at least 24 hours' notice, usually in writing, of any intended inspection.

B1.8 Vacation of a Property following Statutory Action

In general, the following action will be taken, according to the circumstances:

- When a property becomes vacant following the service of an improvement notice relating to Category 1 hazards and the Notice has not been complied with;
 1. If the landlord confirms in writing that s/he intends to use the house for their own self, or their own family's use, then the Improvement Notice will be revoked and replaced by a Hazard Awareness Notice.
 2. If the landlord fails to give any indication regarding his/her future proposals for the property, or if it appears that the property is likely to remain vacant, then the Improvement Notice will continue to be enforced, since the operation of an Improvement Notice is not dependent upon tenure.
 3. Where a landlord gives an undertaking, in writing, that the required remedial work will be completed prior to any new tenant moving in, then the Improvement Notice may be suspended until the house is reoccupied, or some other stated date. The situation will be reviewed every six months.
- Where the property becomes vacant following the service of an Improvement Notice relating to Category 2 hazards, the notice will be revoked and replaced by a Hazard Awareness Notice. Suspension of the Notice, as in the case for Category 1 hazards, may be appropriate where it appears that there is a likelihood that the property will be re-let.

B2.0 HOUSES IN MULTIPLE OCCUPATION (HMOs) AND MANDATORY HMO LICENSING UNDER PART 2 OF THE HOUSING ACT 2004

B2.1 Introduction

Privately-rented accommodation in HMOs is recognised as an essential source of housing for persons who may be unable to purchase their own home, or who prefer to rent accommodation as a short-term solution to their housing needs.

In many cases, HMOs are the only viable source of housing for vulnerable persons in terms of their ability to adequately control their own safety and well-being.

The Council recognises the important role that HMOs play within the overall housing market, and wishes to ensure that this role is maximised.

B2.2 The Mandatory Licensing of HMOs

The Government and Council's aim in the mandatory licensing of HMOs is to ensure that the highest-risk properties in the private sector are identified, that they meet the minimum standard, and are properly managed.

The Housing Act 2004 places the following duties on all local housing authorities with respect to HMOs that fall within the mandatory licensable regime:

SECTION 55(5)(a): To effectively implement a licensing regime.

The Council will introduce a fully electronic application process to ensure the speedy and effective issuing of HMO licences

SECTION 55(5)(b): To determine licence applications within a reasonable time.

The Council aims to determine all HMO licence applications within 56 days of an effective licence application being received.

To be regarded as effective application an application must comprise the following minimum elements:

- a fully completed application form;
- a reasonably accurate plan of the property indicating room dimensions, the position of the standard amenities, the location of any smoke detectors, and the location of any fire doors;
- a copy of the current gas safety record, if the property has a gas supply; and
- payment of the correct licence fee

The Council also wishes to receive copies of the following certificates where appropriate:

- the current electrical installation condition report;
- the current Fire Alarm test certificate;
- the current Emergency Lighting test certificate; and
- the current Portable Appliance test certificate, if portable electrical appliances are provided
- a Disclosure and Barring Service record.

SECTION 61 (4) : To take all reasonable steps to ensure that applications for licences are made in respect of HMOs which are required to be licensed but are not currently licensed.

The Council will continue to actively seek compliance with the mandatory licensing regime through a range of activities including:

- direct mailings to known landlords;
- area-based surveys;
- advertising and publicity aimed at both landlords and tenants;
- liaison with professional organisations representing landlords, managing agents, and letting agents, as well as large-scale accommodation providers such as Universities and NASS procured landlords;
- landlord forums;
- a website with extensive information about licensing standards, and an application form that can be completed electronically;
- working in partnership with other Council departments and external agencies to identify potentially licensable properties.

B2.3 Licence Fees

Section 63 (3) of the Housing Act 2004 enables local authorities to charge a fee to cover the costs incurred in undertaking all duties involved in the administration of the licensing process.

In setting a reasonable fee, regard is taken to the method recommended in a licence fee toolkit developed by the Local Government Association in consultation with the Chartered Institute of Public Finance Accountants (CIPFA).

With the introduction of a fully electronic application process, the licence fee will be £950 for a new application, with a discount of £250 for landlords who are a member of the Midland Landlord Accreditation Scheme.

The fee for the renewal of an existing licence, where the current licence has not expired, will be £650, with a discount of £250 for landlords who are a member of the Midland Landlord Accreditation Scheme. This discounted fee will also be available for a period of up to two weeks after the current licence has expired.

Where an Additional Licensing scheme or Selective Licensing scheme is introduced, for a period of six months from the introduction of the scheme, the licence fee will be set at £500, with a discount of £250 for landlords who are a member of the Midland Landlord Accreditation Scheme. Thereafter the fee will be set at £950, with a discount of £250 for landlords who are a member of the Midland Landlord Accreditation Scheme.

Where an incomplete application is received, the Council will charge an additional fee of £100 for checking the application, advising the applicant of the missing information, and for the additional administration involved in processing that application. The licence period will be reduced accordingly to reflect the delay, the licence being granted from the date that the property first became licensable.

See section B2.5 below for the duration period for a licence.

The current licence fee can be found in our document “HMO Licensing – how much do I pay?” at www.birmingham.gov.uk/hmo.

The Licence fee will be reviewed regularly.

Variation of Licences

A licence may be varied, either by agreement with the licence holder, or by the Local Authority if there has been a material change in circumstances since the licence was granted (Section 69 of the Housing Act 2004).

A variation to an existing licence includes changes to the manager of the property, a change to the permitted number of persons or households, or an alteration to the layout of, or provision of, amenities in the property.

The cost of any variation that is requested by the existing licence holder is included within the cost of the licence fee.

A property that is not being occupied in accordance with the permitted number of persons or households for the licence is a breach of the licence, which is a criminal offence.

The failure of the Licence Holder to comply with any licence conditions imposed when the licence was granted is a criminal offence.

In these cases, the Council will undertake an investigation, the result of which may be to take No Action, offer a Simple Caution, impose a Civil Penalty, or to seek Prosecution.

B2.4 Refund of Licence Fees

Where it is found that a property was not licensable at the date of application, and where the licence fee was fully paid, then the Council is obliged to refund the fee in full, whether or not the licence was subsequently granted.

In certain cases, a property will have been licensable at the date of application but circumstances may have changed before the licence has been granted, for example, the

occupation may have been reduced to less than five persons and the landlord has no intention of re-letting the property to five or more persons.

In other cases, the property may be sold prior to the licence being granted, or the name of the proposed Licence Holder may change.

In such cases, a partial refund of the licence fee will be made to the applicant, apportioned to reflect the work undertaken in the processing the application. The amount of refund will be as follows:

Application received and acknowledged but not yet allocated to a Licensing Officer for processing	90% refund
Application allocated to a Licensing Officer, but prior to the service of the Notice of Intention to Grant a Licence under Schedule 5 (1)	75% refund
Notice of Intention under Schedule 5(1) served but the final licence and Notice of Decision to Grant a Licence under Schedule 5 (7) not yet served	50% refund

There will be no entitlement to a refund after the licence has been granted and all associated documentation has been appropriately served.

B2.5 Duration of Licences

Section 68 (4) of the Act provides that a licence may be granted for a maximum of five years. The majority of applications will be granted for this period.

Properties held by an applicant under a lease with an unexpired term of less than five years will be granted a licence for no more than the remaining unexpired term.

A one-year licence will be granted where:

- an application is made following an investigation made by the Council;
 - the application follows a request made by the Council;
 - the property should have been licensed previously;
 - there is evidence of previous poor management of an HMO
- or
- the planning status for use of the property as an HMO is unconfirmed.

This will ensure equity for those landlords who have complied with the requirements of the legislation.

B2.6 The Licensing Process

The licensing process is lengthy and complex, the legal procedures and requirements being set out in Part 2 and Schedule 5 of the Housing Act 2004, along with any the associated regulations and amendments. Written procedures have been developed to ensure compliance and consistency for all licence applications.

Licensing decisions will, wherever possible, be based upon an assessment of the licence application form, the accompanying property plan, and any other documents provided by the applicant.

Guidance issued by the former Office of the Deputy Prime Minister in the period leading up to the introduction of licensing in 2006 means that it is not considered necessary to undertake a physical inspection of the property prior to the granting of a licence.

An application for an HMO Licence is now a fully-electronic application process, containing all the information legally required, plus sufficient additional information in order to assess whether the required standard in terms of property condition and management practice are being met, and for the form to generate a worksheet within the Council's Licensing system.

Having considered the information provided, the Council must grant a licence if it is satisfied that:

- the HMO is reasonably suitable for occupation by the number of persons requested in the application, having regard to the number and suitability of facilities available, or that it can be made suitable for occupation subject to the imposition of licence conditions;
- the proposed licence holder is the most appropriate person to hold the licence;
- the proposed licence holder is a fit and proper person;
- the proposed manager, if applicable, is a fit and proper person;
- the proposed management arrangements are satisfactory;
- that any person involved in the management of the house is competent, including confirmation by provision of a Disclosure and Barring Service certificate or Disclosure Scotland declaration where the property will house vulnerable persons; and
- that the financial structures are in place for the proper management of the property.

Assessing Suitability for Occupation

Under section 65 of the Housing Act 2004, the Council must be satisfied that licensable premises are reasonably suitable for occupation by the specified maximum number of persons or households.

In making this assessment, the Council must consider The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 and 2007 (as amended). These regulations require that the following matters must be taken in to account when assessing suitability for occupation:

- the provision of an adequate means of space heating in each unit of living accommodation;
- the provision of adequate and sufficient toilet facilities, plus facilities for personal washing and bathing;
- the provision of adequate and sufficient kitchen facilities; and
- the provision of appropriate fire precaution facilities and equipment.

It is generally for the Council to set their own standards, based upon these general headings.

From 1 October 2018 the Government have introduced minimum bedroom sizes as follows:

- no room may be occupied as sleeping accommodation if the floor area of the room is less than 4.63m²;
- a room with a usable floor area between 4.64m² and 6.5m² may be occupied by a child under the age of ten, provided the room is let or occupied in connection with the letting or occupation of a room with a usable floor area of or in excess of 6.51m² to a parent or guardian of the child
- a room with a usable floor area between 6.51m² and 10.21m² may only be occupied as sleeping accommodation by one person;
- a room with a usable floor area of 10.22m² or more may be occupied as sleeping accommodation by two persons;

- For the purpose of calculating the usable floor area of a room, any area of the room in which the distance between the lowest part of the floor and the ceiling measuring less than 1.5m is to be disregarded.

However, Birmingham City Council has adopted its' own standards document, entitled "Property and Management Standards Applicable to Houses in Multiple Occupation – a Guide for Property Owners, Landlords, Managing Agents, Tenants and Other Stakeholders with Interests in the Private Rented Housing Sector", which is attached as Appendix 3. The Council will therefore continue to enforce its' own higher requirements for minimum room sizes.

The standards in this document are derived from the licensing regulations, the Chartered Institute of Environmental Health Code of Practice "Amenity Standards for Houses in Multiple Occupation" and the experience of Officers. It is reviewed in line with changes in legislation, and in consultation with landlords and other organisations that have an interest in the private rented sector.

Where a property does not comply with the prescribed standard, then compliance will be achieved either through the setting of licence conditions (where the property is licensable), which will require work to be undertaken within a specified period of time, or through the Housing Health and Safety Rating System.

The fire precaution standards are in accordance with the guidance given by the Local Authority Coordinators of Regulatory Services (LACoRS), developed in association with the Chief Fire Officers Association and the Chartered Institute of Environmental Health "Housing – Fire Safety" and in liaison with the HomeStamp consortium. This sets out the recommended fire precaution schemes according to the type, size, height and layout of the premises.

HomeStamp is a consortium of Midlands Local Authorities, West Midlands Fire Service, West Midlands Police, the National Landlords Association (Midlands), the Residential Landlords Association, and local Universities, who work together to improve standards in the private rented sector. Birmingham City Council is a member of the consortium. The revised HomeStamp guidance is available on the website at www.homestamp.com.

When a licence is agreed, a letter is sent to the licence holder and any other relevant person, which draws their attention to the required standards.

Fit and Proper Person Assessment

The City Council must undertake checks to ensure that the proposed licence holder (and the manager, if different) is a fit and proper person. In deciding whether a person is fit and proper they must take into account:

- any previous convictions involving fraud or other dishonesty, violence, drugs or specified sexual offences;
- contraventions of housing or landlord and tenant law;
- whether the person has practised unlawful discrimination; and
- whether the person has acted otherwise than in accordance with any applicable code of practice approved under section 233.

The licensing regulations specify the information that the licence applicant and manager must declare on the licence application form with respect to their personal circumstances in relation to the matters listed above. The application form requests this information in the form of questions which the applicant must complete, and declare that it is correct to the

best of their knowledge. To provide false or misleading information is an offence under section 238 of the Housing Act 2004. The licence applicant will also sign the form on behalf of all joint licence holders and the manager, and must ensure that those persons do not have any offences that must be declared. Where no issues are identified, a self-declaration will be accepted as sufficient evidence of all relevant persons' fit and proper status.

Where an applicant indicates that one or more issues applies to them, or where other information comes to light, then further information must be disclosed in order for the Council to assess whether this is of relevance to that person's ability to be regarded as being fit and proper. Applicants may be contacted by the Licensing Team by telephone, in writing, or by invitation to attend the office with a view to establishing the exact circumstances of the matter.

If it appears that the matter is not of relevance to their status as a fit and proper person, then the application may proceed for approval.

If it is established that the matter is of relevance to their status as a fit and proper person, then the licence may be refused or the licence applicant may nominate another, more suitable, person. Wherever possible, applicants who are assessed as not being fit and proper will be encouraged to propose an alternative person or company, who has no personal connection with the refused person, to act as the licence holder on their behalf. The Licensing Team will actively work with the initial proposed licence holder to assist in this process wherever possible. The final decision as to whether a person is to be regarded as not being fit and proper will be made by the Place Directorate Management Group. Applicants will be invited to attend the Management Group meeting to state their case as appropriate.

If a licence is refused, then the Council must make an Interim Management Order.

Where accommodation is to be occupied by vulnerable persons, the applicant will be required to support their declaration by obtaining a basic disclosure certificate from the Disclosure and Barring Service (DBS) or Disclosure Scotland. Existing certificates to this or a higher level will be acceptable, provided they are no more than twelve months' old. This applies to supported accommodation housing persons with a background of dependency issues, mental illness, on probation, those under the age of 18, and any other persons considered to be vulnerable.

The proprietors of Supporting People schemes which fall within the mandatory licensing requirements will need to produce a disclosure certificate in connection with their Supporting People contract.

Disclosure certificates are obtainable through the Disclosure and Barring Service or Disclosure Scotland.

In certain cases, particularly larger hostel-type premises accommodating persons with drug/alcohol dependency, or persons who are still under supervision by the Probation Service, there may be other agencies who would wish to have their views or concerns taken in to account as part of the licensing process, such as the Police, WMFS, Probation Service, Community Safety Team, or the Drug Intervention Team. Such concerns may indicate that the proposed licence holder is failing to take reasonable steps to control the behaviour and activities of the occupiers, and this may have an impact upon the local community. As such, the competency of the proposed licence holder or manager may be questioned, even though they may not have declared any outstanding issues and may

have a clear DBS Disclosure. The Licensing Team will actively work with all such agencies, and will consider their views as part of the decision-making process in considering the licence application, and whether any specific licence conditions should be identified.

In all cases, the proposed licence holder must have a permanent address within the United Kingdom before they can be regarded as being suitable to hold a licence.

Assessment of Management Arrangements

Licence applicants are required to complete a detailed questionnaire as part of the application form, giving details of how they propose to manage the property, and how essential repair work and routine maintenance is undertaken and funded.

In the majority of cases, from this information, it will be possible to make an informed decision as to whether or not satisfactory management arrangements are in place.

B2.7 Licence Conditions

All the licences that are granted are subject to conditions, and the licence holder must either comply with those conditions either immediately or within a specified period of time. Breach of any licence condition is an offence, for which the offender could be prosecuted or a civil penalty could be imposed. A significant or persistent breach of a licence condition may be grounds for the licence to be revoked.

Certain conditions, as detailed in Schedule 4 of the Act, are mandatory and must be included in every licence granted. These mandatory conditions require the licence holder to:

- produce an annual gas safety certificate (if gas is supplied to the property);
- keep electrical appliances and furniture in a safe condition and to supply, on demand, a declaration as to their safety;
- ensure that smoke and heat alarms are installed and maintained in proper working order, and to supply, on demand, a declaration as to their condition and location; and
- supply to the occupiers of the house a written statement of the terms on which they occupy it.

The Council can also impose discretionary conditions that are considered to be necessary for regulating the management, use and occupation of the premises concerned, plus its' condition and contents. In particular such conditions include:

- imposing restrictions or prohibitions on the use or occupation of particular parts of the house by persons occupying it;
- requiring the licence holder to take reasonable and practicable steps to prevent or reduce anti-social behaviour by persons occupying or visiting the house;
- requiring facilities and equipment to be made available in the house for the purpose of meeting standards prescribed under section 65;
- requiring such facilities and equipment to be kept in good repair and proper working order;
- requiring that any work that is needed in order for any such facilities or equipment to be made available or to meet any such standards are completed within a period specified in, or determined under, the licence;
- requiring the licence holder or the manager of the house to attend training courses in relation to any applicable code of practice approved under section 233.

Further licence conditions have been introduced which are attached to every licence as Schedule 1. These standard conditions may be subject to variation where the premises requires particular management control and where increased security is necessary in order to control access to the building by unauthorised persons.

Where specific works or actions are required, these are detailed in a Schedule 2, with a timescale for compliance, which varies according to the type, and size of the premises.

B2.8 Temporary Exemption from Licensing

If a landlord or a person in control of a property that is currently licensable intends to cease operating as an HMO, or to reduce the number of occupants below five persons, and can give clear evidence of this, then they may apply for a Temporary Exemption Notice (TEN).

Where occupation levels are to be reduced, the tenants being displaced must confirm (in writing if possible) that they intend to vacate the property of their own free will, and not as a result of being issued with a notice to quit under section 21 of the Housing Act 1988.

Where a property ceases to be let in multiple occupation, the landlord must be able to provide evidence that any existing tenants have made suitable alternative housing arrangements and that they will have vacated the premises within three months from the date of application for the TEN.

In some cases, landlords will wish to apply for a TEN where they are proposing to convert a licensable HMO into self-contained flats, thereby excluding the premises from any licensing requirements under the mandatory scheme. In such cases, evidence that the proposed conversion has Planning Consent and Building Regulation approval must be produced before consideration will be given to granting a TEN.

If necessary, consideration can be given to issuing a further TEN for a further three months. No more than two consecutive TENs may be granted under any circumstances.

A person who applies for a TEN but is refused may appeal to HM Courts and Tribunals Service, Property Chamber, Midland Residential property, First-tier Tribunal (FTT) within 28 days of the TEN being served.

Upon expiry of a TEN, the property must either be licensed, cease to be an HMO, be no longer licensable, or become subject to an Interim Management Order.

B2.9 HMO Declarations

The Council may declare a building, or part of a building, to be an HMO if it is used for some other purpose, but the living accommodation is also occupied by persons as their main residence, who do not form a single household, and this constitutes a significant use of that accommodation. This includes premises operating as hotels or bed-and-breakfast establishments, where a number of rooms are used to house people who would otherwise be homeless.

Such use will be deemed as significant if 25% or more of the total number of sleeping rooms are regularly occupied by persons who have no other permanent place of residence, are in receipt of housing benefit, or are paying a weekly or monthly rent, as opposed to an overnight charge. Such use will also be deemed as significant where a hotel or bed-and-breakfast establishment is occupied by more than two households for a continuous period of 30 days or more as their only or main residence.

B2.10 Rent Repayment Orders

Local Authorities can apply to the FTT to reclaim any housing benefit (up to a maximum of 12 months) that has been paid during the time that a licensable property was operating without a licence, and where a landlord has been found guilty of the offence of failing to obtain a licence, or if the Local Authority has sufficient evidence that an offence has been committed. This is known as a Rent Repayment Order (RRO).

An application to the FTT will be made by the Council for a RRO, following a successful prosecution, where housing benefit has been paid during the period that the property was not licensed. Any applications for a RRO will be at the discretion of a senior Manager, because it may not be cost-effective to reclaim housing benefit amounts below £500.

Any tenant living in an HMO that should have been licensed, but was not licensed, can also apply to the FTT for an RRO to reclaim any rent that they paid during the unlicensed period (up to a limit of 12 months). The FTT can, however, only agree to such an order if the landlord has been found guilty of the offence of failing to obtain a licence, or where an order has already been made in favour of a Local Authority to reclaim housing benefit payments.

Tenants of any HMO where the landlord has been prosecuted for failing to obtain a licence, or where a RRO has already been made enabling the Council to reclaim housing benefit, will be advised of this to ensure that they may pursue a RRO themselves.

B2.11 Refusal to Grant a Licence

The refusal to grant a licence is serious for both the landlord and the Council, because the Council has a duty to take on the management of the property by making an Interim Management Order.

A full option appraisal must be undertaken before any decision to refuse to grant a licence is made, and the making of a Management Order should be regarded as a last resort.

Where a proposed licence holder or manager is assessed as not being a fit and proper person, the Licensing Team will work with that person to agree an alternative person who is considered to be a fit and proper person.

B2.12 Enforcement of Licensing

Failure to Apply for a Licence

Under section 72 (1) of the Housing Act 2004, it is an offence, punishable by prosecution or a civil penalty, for a person having control or managing a licensable HMO to do so without a licence and without reasonable excuse.

Where a local housing authority considers that any premises need to be entered for the purpose of ascertaining whether an offence has been committed under section 72, 95 or 234(3) of the Housing Act 2004, an inspection of the property may be undertaken, without prior warning, for that purpose.

Any person involved in the business of renting-out a multi-occupied property is expected to ensure that the property meets all the appropriate standards and associated legislation.

The receipt of an effective or complete application once an investigation has commenced, will not automatically be regarded as a reason to cease the investigation or to withdraw proceedings, although it may be taken into account in the context of any representations. It is most likely to be considered as a mitigating factor.

Permitting Excess Occupation

Under section 72 (2) of the Housing Act 2004, it is an offence, punishable by prosecution or civil penalty, for a person having control of, or managing, a licensed HMO to knowingly permit it to be occupied by any additional person or persons so as to exceed the maximum number of persons or households authorised by the licence.

Cases may arise where other persons move into a licensed HMO at the invitation of existing occupiers (usually as friends or relatives), and the licence holder or manager may have no knowledge that this has taken place. In such cases, the situation will be brought to the attention of the licence holder or manager, and a period of 28 days will be permitted to allow the licence holder or manager adequate time to take appropriate action to require the additional person or persons to vacate the premises. The PRS Team will provide assistance and advice on alternative housing options to those persons affected.

A person who has no tenancy or licence agreement will be regarded as an occupier for these purposes once they have remained in continuous occupation for a period of 28 days or more.

If work is undertaken to extend the property, or to increase the number of occupiers, then a variation of the licence will be required to increase the permitted numbers. The responsible person will normally be given adequate opportunity to apply for a variation to the HMO licence before an investigation is commenced. This will typically take the form of at least two written invitations to apply for a variation to the HMO licence.

Failure to respond to the letters will result in a visit being made to the property, in order to verify the number of occupants, and to ensure compliance with the conditions of the licence. Continued failure to apply for a variation will result in the commencement of an investigation, which may lead to legal proceedings being pursued.

Breach of Licence Conditions

Under section 72 (3) of the Housing Act 2004, it is an offence punishable by an unlimited fine or civil penalty if the licence holder, or a person on whom restrictions or obligations are imposed under the terms of a licence, fails, without reasonable excuse, to comply with any condition of the licence.

Failure to comply with the licence conditions will result in a letter being sent to the Licence Holder requesting immediate compliance. Any continued failure to comply will result in legal proceedings being pursued.

A serious breach, or repeated breaches of licence conditions, may also be grounds to revoke the licence. Legal proceedings will be considered in all cases where a licence is revoked on these grounds.

Incomplete Applications

Applicants who have failed to provide the full details required to make their application an effective, or complete, application will be given adequate opportunity to provide the missing information or documentation. This will be in writing, requesting the missing information or documentation. A reminder letter will allow a further period where there has been no, or an inadequate, response to the first letter.

Continued failure will be regarded as a failure to apply for a licence, and legal proceedings may be commenced in line with the prosecution policy.

Failure to pay the licence fee in full will mean that the licence application is not considered to be an effective, or complete, application.

Where an incomplete application is received, the Council will charge a fee of £100 for checking the application, advising the applicant of the missing information, and for the additional administration involved in processing that application. The licence period will be reduced accordingly to reflect the delay, and in accordance with B2.5 above.

B2.13 Management Orders

Management Orders under Part 4 of the Act enable the Council to take over the control of a privately rented property where there are serious concerns over management standards, such that the health, safety and welfare of the occupiers or other residents in the vicinity may be at risk. These concerns may relate to the physical condition of the property or to the behaviour of the landlord or the occupiers.

Once such an order is made, the Council must take all necessary action to remove the immediate risks to health and safety, and to make arrangements for the proper management of the property. The Council would take on the role and responsibilities of the landlord, but it will not have any rights of ownership.

The initial action, known as an Interim Management Order (IMO), lasts for a maximum of twelve months. It can be replaced by a Final Management Order (FMO), which can last for a maximum of five years, where long-term management is required.

There is a duty to make an IMO where there is no reasonable prospect of a licensable property becoming licensed, where an existing licence is revoked and no alternative licence holder can be identified, or where the health, safety and welfare of occupiers is placed at serious and imminent risk (known as the 'health and safety condition').

There is a discretionary power to apply to the First Tier Tribunal for an IMO to be made in the case of non-licensable properties, where the health and safety condition applies, or where there are significant and persistent problems of anti-social behaviour with respect to a particular property.

The Council will make full use of the range of Management Order powers in appropriate cases, but this will always be regarded as a last resort, when all other methods of achieving compliance with the legislation have failed. The PRS Team will work in partnership with other Council departments, as well as other statutory enforcement agencies and voluntary organisations as necessary, in order to secure improvements to property management standards, with the aim of protecting the health, safety and well-being of residents.

Upon the making of a Management Order, the Council may call upon its' own Housing Management resources to implement its' duties under the Order or may enter into a contract with a partner housing organisation or company to take on this role on its behalf.

B2.14 Discretionary Licensing under Parts 2 and 3 of the Housing Act 2004

Discretionary powers are available to extend the scope of licensing within the private rented housing sector beyond the mandatory scheme for HMOs.

Under the heading of discretionary licensing, there are two distinct types:

Additional HMO Licensing (Part 2 of the Housing Act 2004)

Section 56 of the Act gives powers to Local Housing Authorities (LHAs) to designate areas, or the whole of the area within their district, as being subject to additional licensing in respect of some, or all, of the HMOs in its' area that are not already subject to mandatory licensing. An additional licensing area can only be made where widespread and significant problems of ineffective management can be identified.

Selective Licensing (Part 3 of the Housing Act 2004)

Section 80 of the Act a Local Housing Authority can designate the whole or any part or parts of it's' area as subject to selective licensing. Where a selective licensing designation is made, it applies to all privately rented property in the area. Subject to certain exemptions specified in the Selective Licensing of Houses (Specified Exemptions)(England) Order 2006, all properties in the private rented sector which are let, or occupied under a licence, are required to be licensed by the Local Housing Authority, unless the property is a House in Multiple Occupation and is required to be licensed under Part 2 of the Act. A Local Housing Authority will need to apply to the Minster for Housing, Communities and Local Government for confirmation of any scheme which would cover more than 20% of their geographical area or that would affect more than 20% of privately rented homes in the Local Authority area.

B2.15 Joint Working Protocol between the Council and West Midland's Fire Service with Respect to the Enforcement of Fire Safety Standards in HMOs

The duties of Local Housing Authorities (LHAs) under the Housing Act 2004, and those of Fire and Rescue Authorities (FRAs) under the Regulatory Reform (Fire Safety) Order 2005, are inter-connected in relation to fire safety matters in HMOs.

LHAs have duties and powers to take action with respect to hazards identified under the HHSRS with respect to fire in any residential premises, plus the power to impose licence conditions with respect to fire precautionary facilities and equipment in any licensable HMO. There is a duty under section 10 of the Housing Act 2004 for the LHA to consult with the FRA before taking any enforcement action under Part 1 in relation to any HMO, or the common parts of a building containing flats.

FRAs have powers under the Fire Safety Order to ensure that appropriate fire safety measures are in place in the communal areas of any HMO. This includes a requirement that the proprietor of the HMO carries out a fire safety risk assessment.

The overlap of these powers has created some confusion and concern amongst the enforcing authorities and landlords. The former Department for Communities and Local Government (DCLG) commissioned a national working document entitled "Protocol between Local Housing Authorities and Fire and Rescue Authorities to Improve Fire Safety", which was published in May 2007.

The Council recognises the authority of the National Protocol and has worked in partnership with the West Midland's Fire Service to adopt the principles contained, and further adapt them to take in to account local circumstances in order to achieve the following:

- an agreement as to which enforcing authority will take the lead role in certain premises. This will ensure that duplication of enforcement action by the two respective enforcement authorities is avoided;
- agreement as to the required standards in different types of HMO;
- agreement on consultation procedures and the exchange of information; and
- the production of regular monitoring reports.

A joint working protocol between Birmingham City Council and West Midlands Fire Service was formally adopted by both Authorities in February 2009. It has since been reviewed on a regular basis by both authorities.

Following the publication of national guidance in August 2008 by the Local Authority Coordinators of Regulatory Services (LACoRS) for fire safety in housing, entitled "Housing – Fire Safety", Birmingham City Council will generally follow that guidance when considering the required fire precautions in all domestic properties, including both licensable and non-licensable Houses in Multiple Occupation, unless a Fire Safety Risk Assessment has been undertaken at the property that recommends alternative fire precaution works.

Where a property is complex, non-standard, or where the Fire Safety Risk Assessment Sleeping Accommodation guide is applicable (published by HM Government in 2006), then the Local Authority will liaise with the Fire Safety Officers from West Midlands Fire Service before determining the appropriate required fire precautions.

B2.16 Overcrowding in Non-Licensable HMOs

Under Chapter 3 of Part 4 of the Housing Act 2004, an Overcrowding Notice may be served on a relevant person having control of, managing, or having an estate or interest in, an HMO, to either not permit an excessive number of persons to sleep in the house, or to not admit new residents if the number of persons is already excessive.

This power does not apply to HMOs which are required to be licensed under Part 2 of the Act, or to HMOs subject to an Interim or Final Management Order.

Contravention of an Overcrowding Notice without reasonable excuse is an offence punishable by an unlimited fine.

In deciding whether or not an HMO is overcrowded, or is likely to become overcrowded, regard will be had to the space standards specified in the standards document attached as Appendix 3.

PART C

Other Services and Legislation

C1.0 Empty Properties

Owners of privately-owned empty properties will be encouraged to bring the houses back into residential use through informal action. Where this is not successful or appropriate, then a range of enforcement measures are available to the Council to address the problems caused by problematic empty properties. These include the use of:

- Empty Dwelling Management Orders under Part 4 of the Housing Act 2004;
- Compulsory Purchase Orders under Part 2 of the Housing Act 1985;
- enforced sales under the Law of Property Act 1925;
- action under the Local Government (Miscellaneous Provisions) Act 1982 to ensure that empty dwellings are properly secured against unauthorised access; and
- action under section 215 of the Town and Country Planning Act 1990 for empty properties which are causing an eye-sore to the detriment of the amenity of the neighbourhood.

The approach that the City Council is taking to address these issues is provided in Appendix 5, Birmingham City Council's Empty Property Strategy

C1.1 Overcrowding

HHSRS introduced a risk-based methodology for assessing hazards, including crowding and space. The HHSRS Operating Guidance describes the relevant matters to be considered during the assessment and an 'ideal', which is the optimum to prevent a crowding and space hazard.

Councils can choose to enforce under Part 1 of the Housing Act 2004 or use alternative powers by continuing to enforce Part 10 of the Housing Act 1985. Part 10 of the Housing Act 1985 contains a prescriptive standard which includes living and dining rooms as being suitable for use as sleeping rooms.

The Government's HHSRS Enforcement Guidance states that the statutory overcrowding provisions in Part 10 of the HA1985 remain in force, and provide Local Authorities with certain powers to act, although Local Authorities are advised to use HHSRS rather than Part 10.

Local Authorities have a statutory duty to take enforcement action to tackle category 1 crowding and space hazards. However, the use of enforcement action under the HA2004 could lead to occupiers becoming displaced from their homes into temporary accommodation, if there is no settled home immediately available. Whilst most temporary accommodation is self-contained, and of a reasonable standard, temporary accommodation can mean that families find it hard to put down roots or settle children in school.

C1.2 Immigration Enquiries

Where an existing UK resident wishes a family member who is currently residing in a Commonwealth Country to enter and reside with them permanently in the UK, the British High Commission in that country will usually require evidence that the addition of the person or persons concerned will not create any statutory overcrowding, and that the proposed accommodation is in a reasonable condition.

The evidence required by the High Commission may be obtained either from the Local Authority or from an independent housing consultant or solicitor. This service is not a statutory duty, and the Council have withdrawn their assistance with this service.

Sponsors can seek the help of a solicitor specialising in immigration matters or contact the [Chartered Institute of Environmental Health's website](#). This contains a list of independent environmental health officers, under housing consultants, who may provide this service.

C1.3 Other Legislation

The Housing Act 2004 has repealed much of the former principle housing legislation under the Housing Act 1985, and is now the predominant legislation governing housing conditions in England and Wales. Nevertheless, other legislation relating to housing matters remains in force, and is available for officers to use according to the particular circumstances and their professional judgement.

Where other legislation carries powers of prosecution and default, the general prosecution and default policy detailed in Part A of this document will be applicable.

The legislation currently still available is as follows:

- **Public Health Act 1936**

- **Section 45**

- A Notice requiring the repair of closet accommodation deemed to be in such a state as to be prejudicial to health, or a nuisance. This Notice carries powers of default and prosecution for failure to comply.

- **Prevention from Damage by Pests Act 1949**

- **Section 4**

- This is a Notice requiring the owner of land to take appropriate steps to rid the land of rats or mice. This can be by:

- carrying out an appropriate treatment;
 - undertaking work to prevent access; or
 - removing accumulations of refuse providing harbourage.

- This Notice is likely to be used where there are holes or gaps in the fabric of a dwelling allowing access, or drainage defects allowing rats to escape from the drains into a dwelling.

Parallel powers under the HHSRS (Domestic Hygiene, Pests and Refuse) now exist.

- **Public Health Act 1961**

- **Section 17**

- A Notice requiring work to unstop a blocked WC, drain, private sewer, or soil pipe.

A local agreement exists to the effect that the PRS Team will deal with drainage and WC obstructions above ground in privately-rented accommodation only, and that Regulatory Services will deal with below ground drainage obstructions in all tenures.

Failure to comply with the Notice can result in work being carried out in default, but there is no power to prosecute.

- **Building Act 1984**

- Section 59**

- A Notice requiring the provision of satisfactory drainage to a building. This also applies to the cleansing or repairing of cesspools, sewers, drains, pipes, etc.

- This Notice carries powers of default and prosecution for failure to comply.

- Section 64**

- A Notice requiring the provision of adequate closet accommodation in any dwelling, or the reconstruction of such closet accommodation where it is in such a state as to be prejudicial to health or a nuisance, where it cannot be made satisfactory without reconstruction.

- This Notice carries powers of default and prosecution for failure to comply.

- Section 70**

- A Notice requiring the provision of suitable accommodation for the storage of food in a dwelling house.

- This Notice carries powers of default and prosecution for failure to comply.

- Section 76**

- This type of Notice is similar to an Abatement Notice under section 80 of the Environmental Protection Act, in that it relates to any premises in such a state as to be prejudicial to health, or a nuisance.

- The Local Authority can carry out works in default, but there are no powers of prosecution for failure to comply.

- **Local Government (Miscellaneous Provisions) Act 1976**

- Section 16**

- This is a notice requiring the production of information about the ownership of a property and details of other persons with an interest in a property.

- Failure to comply by the specified date is an offence. A similar power requiring a responsible person to provide any information or documentation to enable a Local Authority to carry out any of its duties under the Housing Act 2004 now exists under section 235, and the use of Section 16 notices to obtain information about ownership is likely to diminish.

- Section 33**

- This is a power which enables the Local Authority to pay a statutory undertaker where the landlord has failed to pay a gas, electricity or water bill, and that failure has resulted in the service being disconnected, or there is a threat of disconnection. The costs incurred can be recovered through rental payments.

- Where such a disconnection has occurred within an HMO, and it can be proved that the landlord's failure to pay was a deliberate act, or was through gross neglect of their management responsibilities, then consideration will be given to commencing legal proceedings for a breach of the HMO Management Regulations.

- **Environmental Protection Act 1990 (EPA)**

- Section 80 Abatement Notice**

- An Abatement Notice must be served where any premises is deemed to be prejudicial to health or a nuisance. Although this is a statutory duty, it may still be considered more appropriate to take action under Part 1 of the Housing Act 2004 where the defect also relates to a hazard under the HHSRS.

Non-compliance with an Abatement Notice is an offence, and can also result in the work being undertaken in default.

C1.4 Private Tenancy Unit (PTU)

Introduction

The Private Tenancy Unit delivers a service that provides accurate, appropriate and specialist advice to tenants and landlords on all aspects of renting and living in the private rented sector. The PTU protects tenants from harassment and unlawful eviction through intervention, negotiation and mediation, and prosecutes criminal landlords who break the law, for example under the Protection from Eviction Act 1977 and Landlord and Tenant Act 1985. PTU is a front line service for tenants reporting poor and unsafe housing conditions and are involved in enforcing the legislation to ensure homes are maintained in a decent and safe standard. PTU also aims to promote and improve the private rented sector as a safe and healthy place to live.

Legislation

The PTU has power to investigate and take criminal prosecutions under the following legislation:

- **Protection from Eviction Act 1977**

- This Act contains measures to protect residential occupiers from illegal eviction and harassment. The Act makes it a criminal offence for a landlord to evict a residential occupier without having followed the stated legal procedure to bring the tenancy or licence to an end.

The Act also makes it a criminal offence for a landlord or a person acting on the landlord's behalf to carry out acts of harassment to force a tenant to give up or leave their tenancy.

Upon conviction there is a maximum penalty of two years in prison and/or an unlimited fine.

- **Landlord and Tenant Act 1985**

- This Act contains measures to assist tenants in the conduct of their tenancies.

Landlords are required to:

- provide rent books to tenants who are charged a weekly rent;
 - provide an address at which they can be contacted; and/or
 - to inform the tenant if the property in which they live is sold.

Where the landlord is a company, the tenant must be informed of the names of the company's directors and secretary.

Managing Agents are required to provide annual service charge accounts to leaseholders.

Should landlords and Managing Agents not comply with requests for this information, they will be committing a criminal offence. Upon conviction, there is a maximum penalty of a fine not exceeding level 4 on the standard scale.

- **Accommodation Agencies Act 1953**

Prospective tenants searching for accommodation are entitled to view lists of available accommodation at letting agent without charge.

Letting agents must not make a charge for registering a potential tenant's personal details, and must not offer a property for letting without the owner's consent.

It is a criminal offence for a letting agent not to comply with these requirements. Upon conviction a maximum penalty of a fine not exceeding level 4 on the standard scale can be imposed.

- **Protection from Harassment Act 1997**

This Act makes it a criminal offence for a person to commit acts of harassment against another.

Whilst not specifically designed to protect private tenants it can be used as an enforcement tool for cases where the available evidence does not allow for a prosecution under the Protection from Eviction Act 1977.

Upon conviction, a maximum penalty of six months in prison and/or an unlimited fine can be imposed.

- **Housing Act 1996**

This Act contains measures to assist tenants to obtain details of their tenancy from their landlord.

Landlords who fail to provide written confirmation of the terms of the tenancy will commit a criminal offence.

Upon conviction a maximum penalty of a fine not exceeding level 4 on the standard scale can be imposed.

- **Rent Act 1977**

It is a criminal offence for a landlord to make false entries in a rent book showing a tenant to be in arrears.

A further offence is committed if the landlord fails to erase these entries when challenged.

Upon conviction a maximum penalty of a fine not exceeding level 3 on the standard scale can be imposed.

- **Housing Act 2004**

The PTU is often the first agency to response to complaints of disrepair, and they start the process of enforcing the Housing Health and Safety Rating System (HHSRS).

- **The Enterprise and Regulatory Reform Act 2013 - Letting Agents Redress Scheme**

Relevant persons involved in letting agency work or/and property management work in the private rented sector, are required to be registered with a Secretary of State Approved Redress Scheme.

The Local Authority, where it is satisfied, on the balance of probabilities, that a person who is required to register, has not registered with a redress scheme, may apply a monetary penalty up to a limit of £5,000.

Description of the PTU Service

PTU is primarily a reactive service. Referrals are received via a Duty Desk, and an assessment is made of each referral.

If the request for assistance is outside current policy, customers are signposted to another service or agency.

If the request is within policy, a desk study is undertaken to establish previous contacts, past history and relevant details.

In cases of requests for advice, the Duty Officer will deal with the enquiry.

Other referrals will be prioritised and allocated to an Environmental Health Officer or similar. In these cases proposed actions will be agreed with the enquirer.

Cases are currently allocated to Officers under one of 12 case types:

- eviction;
- threatened eviction;
- harassment;
- Landlord and Tenant Act enquiries;
- Accommodation Act enquiries;
- Section 33 enquiries;
- possession procedure advice;
- rent enquiries;
- deposits;
- succession;
- landlord advice; and
- homeless prevention.

All referrals and requests for assistance will be handled in an impartial way, in an attempt to resolve disputes by guidance, advice and negotiation. This action will include a warning of the possibility of enforcement action should the matter not be resolved.

In each case, contact will be made with all parties by letter, telephone call, or visit. Where it is apparent that a criminal offence has been committed, the Officer will commence a formal investigation with a view to bringing legal proceedings. Potential prosecutions will be investigated and brought to prosecution in line with the overall prosecution policy detailed in Part A

On completion we will record whether the agreed action at the start of the case with the enquirer was successful or not.

We will also ask customers for feedback on the service provided. We will take account of the results and comments and use them to help improve our service.

Multi-agency working

The PTU is not able to assist with some inquiries received at the Duty Desk. This may be because the needs of the enquirer can be met by another service or organisation:

- the City Council e.g. teams dealing with anti-social behaviour, homelessness and housing benefits;
- by another agency e.g. the Police;
- by a voluntary sector advice agency e.g. Shelter, Citizens Advice Bureau; or
- by a solicitor, e.g. civil law matters

Information about these services will be available on the web site, and customers will be signposted to the appropriate services. PTU will foster and maintain working relationships with these organisations, and will support actions they take on behalf of customers as appropriate.

An example would concern a tenant who has been illegally evicted. PTU would refer the tenant to a solicitor and could support the tenant's claim for compensation in the civil courts. This could be in addition to any legal proceedings being taken by the Council in relation to the matter.

Pro-active work

PTU will continue to support pro-active initiatives to raise the issues of tenants' rights and good practice. This includes attendance at landlord forums, and University housing fairs, production and/or distribution of advice leaflets, training for Neighbourhood Office advisors, other relevant staff, and publicity regarding new legislation.

Appendix 1

Civil Penalty Charging Policy

Civil Penalties under the Housing Act 2004 (as amended by the Housing and Planning Act 2016)

The Housing and Planning Act 2016 section 126 and Schedule 9 amended the Housing Act 2004 and introduced the ability for Local Housing Authorities to allow financial penalties (civil penalties) of up to £30,000 per offence to be imposed as an alternative to prosecution for the following offences under the Housing Act 2004:

- failure to comply with an Improvement Notice (Section 30);
- offences in relation to Licensing of Houses in Multiple Occupation (Section 72);
- offences in relation to Licensing of houses under Housing Act 2004 Part 3, (Section 95);
- offences of contravention of an Overcrowding Notice, (Section 139(7));
- failure to comply with management regulations in respect of HMOs. (Section 234).

The Council will seek to impose Civil Penalties in accordance with this Enforcement Policy for the Regulation of Housing Standards and the Licensing of Houses in Multiple Occupation where that is considered to be both an appropriate and proportionate response, having had regard to all relevant Guidance. Prosecution will remain the most appropriate option where the offence is particularly serious or where the offender has committed similar offences in the past.

The decision to issue a civil penalty comprises 2 stages:

- to determine whether a civil penalty is an appropriate and proportionate sanction in accordance with this Enforcement Policy, and, if appropriate
- to determine the level of the proposed civil penalty.

If the decision is taken to impose a civil penalty, a notice of intent must be served stating the amount of the proposed penalty, the reasons for its imposition and information about the right to make representations.

After the expiry of the period for representations the matter must be reviewed and a decision taken whether to impose a civil penalty and if so the amount of the penalty.

Statutory guidance issued by the Ministry of Housing Communities and Local Government in April 2017 sets out the following factors which must be taken into account when deciding on the appropriate level of penalty:

- a) **Severity of the offence.** The more serious the offence, the higher the penalty should be.
- b) **Culpability and track record of the offender.** A higher penalty will be appropriate where the offender has a history of failing to comply with their obligations and/or their actions were deliberate and/or they knew, or ought to have known, that they were in breach of their legal responsibilities. Landlords are running a business and should be expected to be aware of their legal obligations.

- c) **The harm caused to the tenant.** This is an important factor when determining the level of penalty. The greater the harm or the potential for harm (this may be as perceived by the tenant), the higher the amount should be when imposing a civil penalty.
- d) **Punishment of the offender.** A civil penalty should not be regarded as an easy or lesser option compared to prosecution. While the penalty should be proportionate and reflect both the severity of the offence and whether there is a pattern of previous offending, it is important that it is set at a high enough level to help ensure that it has a real economic impact on the offender and demonstrates the consequences of not complying with their responsibilities.
- e) **Deter the offender from repeating the offence.** The ultimate goal is to prevent any further offending and help ensure that the landlord fully complies with all of their legal responsibilities in future. The level of the penalty should therefore be set at a high enough level such that it is likely to deter the offender from repeating the offence.
- f) **Deter others from committing similar offences.** While the fact that someone has received a civil penalty will not be in the public domain, it is possible that other landlords in the local area will become aware through informal channels when someone has received a civil penalty. An important part of deterrence is the realisation that:
- (a) the local housing authority is proactive in levying civil penalties where the need to do so exists, and
 - (b) that the level of civil penalty will be set at a high enough level to both punish the offender and deter repeat offending.
- g) **Remove any financial benefit the offender may have obtained as a result of committing the offence.** The guiding principle here should be to ensure that the offender does not benefit as a result of committing an offence, i.e. it should not be cheaper to offend than to ensure a property is well maintained and properly managed.

The Council will determine the level of civil penalty from a review of the case and, having regard to the statutory guidance, will apply the following five step approach:

Step 1 – Determining the offence category

To determine the financial starting point, the Council will consider the culpability and harm factors in the lists below and where the offence falls in that list. Where an offence does not fall squarely into a particular category, individual factors may require a degree of weighting to make an overall assessment.

Culpability

Very High

- Deliberate or intentional breach, or flagrant disregards of legal obligations

High

- Knew or ought to have known that they were in breach of their legal responsibilities but risk nevertheless taken;

- Wilful blindness to the risk of offending;

Medium

- Offence committed through an act or omission which a person exercising reasonable care would not commit

Low

- Offence committed with little fault, for example, because:
 - a) Significant efforts were made to address the risk although they were inadequate on this occasion, and/or
 - b) Failings were minor and occurred as an isolated incident.

Harm

High

- The property conditions pose a high risk of serious adverse effects to the occupants and/or visitors;
- Vulnerable individuals were put at risk.

Medium

- The property conditions pose medium risk of serious adverse effects to the occupants and/or visitors.

Low

- The property conditions pose a low risk of serious adverse effect to the occupants and/or visitors.

Step 2 – Starting point

Having determined the culpability and harm levels, the appropriate offence matrix should be referred to in order to calculate the starting point for the civil penalty.

		HARM		
		LOW	MEDIUM	HIGH
CU LPA BILI TY	LOW	£500	£1000	£2000
	MEDIUM	£1000	£2000	£4,000
	HIGH	£2,000	£4,000	£10,000
	VERY HIGH	£4,000	£10,000	£20,000

Step 3 – Consider factors to increase or reduce fine

The Council should then consider further adjustment from the starting point to take into account aggravating and mitigating features. Set out below is a non-exhaustive list of factual elements providing the context of the offence and factors relating to the offender. Identify whether any combination of these or other relevant factors should result in an upward or downward adjustment from the starting point.

Factors increasing seriousness:

Aggravating factors include:

- Non-compliance over a long period
- Ignoring concerns raised by regulators, tenants or others
- History of failing to comply with obligations
- Motivated by financial gain

- Deliberate concealment of illegal nature of activity
- Established evidence of wider/community impact
- Obstruction of justice
- Landlord or agent of multiple properties which may include licensed HMOs

Factors reducing seriousness or reflecting personal mitigation:

- Steps taken to remedy the problem
- High level of co-operation with the investigation, beyond that which will always be expected
- A history of good communication and compliance regarding work as a landlord
- Co-operation and acceptance of responsibility
- Mental disorder or learning disability, where linked to the commission of the offence
- Serious medical conditions requiring urgent, intensive or long-term treatment
- Age and/or lack of maturity where it affects the responsibility of the offender

Step 4 – Case and penalty review

The level of the penalty should reflect the extent to which the offender fell below the required standard. The penalty should meet, in a fair and proportionate way, the objectives of punishment, deterrence and the removal of gain derived through the commission of the offence; **it should not be cheaper to offend than to take the appropriate precautions.**

The Council may increase or reduce the proposed penalty reached at the end of step three

Step 5 - Review offender's financial means – prior to any Final Notice

The level of civil penalty must be proportionate to the seriousness of the offence and the financial circumstances of the offender.

The Council may conclude that the offender is able to pay any penalty imposed unless the offender has supplied financial information to the contrary. It is for the offender to disclose to the council such data relevant to his/her financial position on the representations form attached to the "Notice of Intention".

Appendix 2

Summary of the Housing Health and Safety Rating System (HHSRS) and the Enforcement Powers Available Under Part 1 of the Housing Act 2004 to deal with Category 1 and Category 2 Hazards.

1. The Housing Health and Safety Rating System

The HHSRS lists 29 different types of hazard that may be found in residential property. It prescribes a 'risk assessment' methodology for local housing authorities to carry out in order to determine the degree of severity of the prescribed hazards.

The basic theory behind the system is that all dwellings should provide a safe and healthy environment for all occupiers, potential occupiers or their visitors. The system relies upon an assessment of the whole dwelling to identify any deficiencies which could pose a risk to health and safety (health in this context includes both physical and mental wellbeing) and then relating any identified deficiencies to a prescribed hazard.

In undertaking the assessment, the effect of certain hazards is considered against the most vulnerable age group who may occupy the property i.e. an age range of people for whom the risk arising from the hazard is greater than for any other age group. Some hazards, for example excess cold, will affect the elderly (over 60) in particular whereas other hazards, for example structural collapse, will affect all age groups equally.

The assessment is made disregarding the current occupiers (if any) but is based upon the potential effect of any hazards on a member of any relevant vulnerable age group. The assessment will therefore not be affected by a change of occupier and a vacant property can also be assessed.

To score a hazard, the assessor must determine the likelihood of harm occurring during the forthcoming twelve months taking in to account average likelihoods for that type and age of property and then assess the range of potential harm outcomes taking in to account averages based upon national accident ill health and accident statistics. These average likelihoods and harm outcomes are defined in the Operating Guidance document issued by the Government (DCLG) under Section 9 of the Housing Act 2004.

By application of a prescribed formula contained in the HHSRS (England) Regulations 2005, hazards are given a numerical score. The scores have been divided in to bands ranging from A to J for ease of comparison.

Hazards which have a score in the top three bands (A, B and C) are prescribed by these regulations as Category 1 Hazards. Those which fall within the lower bands (D to J) are prescribed as Category 2 Hazards.

Under Section 5 of the Housing Act 2004, local authorities are under a duty to take appropriate enforcement action with respect to Category 1 Hazards.

Under Section 7 of the Housing Act 2004, local authorities have a power to take particular kinds of enforcement action with respect to Category 2 hazards

2. Range of Enforcement Options

(i) Improvement Notices to deal with premises affected by category 1 and category 2 hazards

An Improvement Notice under section 11 or 12 Housing Act 2004 may be served in response to a category 1 or category 2 hazard respectively. Under section 11, action must, as a minimum remove the category 1 hazard but may extend beyond this.

An improvement notice must specify whether the notice is served under section 11 or 12, the nature of the hazard and the residential premises on which it exists, the deficiency giving rise to the hazard, the premises in relation to which remedial action is to be taken in respect of the hazard and the nature of that remedial action, the date when the remedial action is to be started and the period within which the remedial action is to be completed or the periods within which each part of it is to be completed. The notice must also contain information about the right to appeal and the period within which an appeal may be made.

In certain circumstances, the Council may suspend the action specified in the notice and can specify an event or period that triggers the end of the suspension.

Failure to comply with the requirements of an improvement notice without reasonable excuse is an offence punishable by a fine up to level 5 on the standard scale (currently an unlimited fine for offences committed after 28 May 2014 (see section 85 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012)).

(ii) Prohibition Order to deal with premises affected by category 1 and category 2 hazards.

A prohibition order under section 20 or 21 Housing Act 2004 may be served in response to category 1 or category 2 hazards respectively. It may prohibit the use of part or all of the premises for some or all purposes, or occupation by particular numbers or descriptions of people. The housing needs of the occupier(s) will always be assessed and suitable alternative accommodation secured before they are displaced by the making of a prohibition order.

A prohibition order must specify whether the order is made under section 20 or 21, the nature of the hazard concerned and the residential premises on which it exists, the deficiency giving rise to the hazard, the premises or part of the premises in relation to which prohibitions are imposed by the order and any remedial action which the authority consider would, if taken in relation to the hazard, result in the order being revoked. The order must also contain information about the right to appeal and the period within which an appeal may be made and specify the date on which the order is made.

In certain circumstances, the Council may suspend the action specified in the order and can specify an event or situation that causes the order to be fully operative some time after it is served.

Failure to comply with the requirements of a prohibition order (including an emergency prohibition order) without reasonable excuse is an offence punishable by a fine up to level 5 on the standard scale (currently an unlimited fine for offences committed after 28 May 2014 (see section 85 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012)). An additional penalty of up to £20 per day may be imposed for every day or part of a day where a premise is permitted to be occupied in contravention of a prohibition order.

(iii) Emergency Remedial Action to deal with premises affected by category 1 hazards

The Council has the discretion to take emergency remedial action against category 1 hazards which present an imminent risk of serious harm to the health and safety of any of

the occupiers if those or any other residential premises. The action will consist of whatever remedial action the Council considers immediately necessary to remove the imminent risk or serious harm. Attempts will always be made to contact the responsible person prior to carrying out any such emergency works, but the risk to the health and safety of the affected person or persons will be the overriding concern of the council in such a case

The Council must serve a notice of emergency remedial action within seven days of taking action. The notice must specify the nature of the hazard and the residential premises on which it exists, the deficiency giving rise to the hazard, the premises in relation to which emergency remedial action has been (or is to be) taken by the authority and the nature of that remedial action, the power under which that remedial action has been (or is to be) taken by the authority and the date when that remedial action was (or is to be) started. The notice must also contain information about the right to appeal and the period within which an appeal may be made.

(iv) Emergency Prohibition Order to deal with premises affected by category 1 hazards

The Council has the discretion to make an emergency prohibition order in relation to category 1 hazards that present an imminent risk of serious harm to health and safety of any of the occupiers of those or any other residential hazards. The order may prohibit the use of all or any part of a premise with immediate effect.

Attempts will always be made to contact the responsible person prior prohibiting the use of any dwellings in this way, but the risk to the health and safety of the affected person or persons will be the overriding concern of the Council in such a case. Occupiers of premises that become subject to an emergency prohibition order may have to vacate the premises at short notice. The housing needs of the occupier(s) will always be assessed and appropriate advice given on where to seek assistance in securing suitable alternative accommodation.

The Order must specify the nature of the hazard concerned and the residential premises on which it exists, the deficiency giving rise to the hazard , the premises in relation to which prohibitions are imposed by the order and any remedial action which the authority consider would, if taken in relation to the hazard, result in the order being revoked. The order must also contain information about the right to appeal and the period within which an appeal may be made and specify the date on which the order is made.

(v) Hazard Awareness Notice to deal with premises affected by category 1 and category 2 hazards

A hazard awareness notice must specify the nature of the hazard and the residential premises on which it exists, the deficiency giving rise to the hazard, the premises on which the deficiency exists, the authority's reasons for deciding to serve the notice, including the reasons for deciding that serving the notice is the most appropriate course of action and details of any remedial action which the Council considers would be practicable and appropriate to take in relation to the hazard.

This procedure does not require further action by the person served with the notice and therefore there is no appeal provision.

A Hazard Awareness Notice is not declared on Local Land Charges so a new purchaser may be unaware of the hazard.

Although a Hazard Awareness Notice has no provision for subsequent enforcement, it is still a formal response and can be replaced by one of the other forms of action if circumstances should change.

(vi) Demolition Orders to deal with premises affected by category 1 hazards

Demolition orders are available under part 9 of the Housing Act 1985 (as amended by the Housing Act 2004) as a possible response to a category 1 hazard. A demolition order requires the property to be vacated within a specified time and subsequently demolished. It is a criminal offence to allow premises to be occupied after a demolition order has come into effect. Should the building not be demolished the Council may demolish it and recharge the person upon whom the notice was served. This power cannot be used for listed buildings.

(vii) Clearance Areas to deal with premises affected by category 1 hazards

A clearance area is an area to be cleared of all buildings. A clearance area under Part 9 of the Housing Act 1985 (as amended by the Housing Act 2004) can be declared if the Council is satisfied that each of the residential buildings in the area contains one or more category 1 hazards (or that the buildings are dangerous or harmful to the health or safety of the occupiers as a result of their bad arrangement or the narrowness or bad arrangement of the streets) and any other buildings in the area are dangerous or harmful to the inhabitants. The Council is required to consult on the declaration of a clearance area and publish its intentions. Account must be taken of the availability of accommodation for rehousing, the local demand for accommodation and the possible future use of the cleared site.

Appendix 3

Property and Management Standards Applicable to Houses in Multiple Occupation – a Guide for Property Owners, Landlords, Managing Agents, Tenants and Other Stakeholders with Interests in the Private Rented Housing Sector”

BIRMINGHAM CITY COUNCIL PLACE DIRECTORATE

Housing Act 2004

**Property and Management Standards Applicable
To Privately Rented Properties,
Including Houses in Multiple Occupation (HMOs)**

**A Guide for Property Owners, Landlords, Managing Agents,
Tenants and Other Stakeholders with Interests in the Private
Rented Housing Sector**

Section 1: Legal Definitions and Procedures

1.10 Introduction

- 1.20 What is an HMO?
- 1.30 What is a household?
- 1.40 Which HMOs need a licence?
- 1.50 How do I work out how many storeys there are?
- 1.60 Types of House in Multiple Occupation
- 1.70 How will the standards be applied to Licensable HMOs?
- 1.80 How will the standards be applied to Non-Licensable HMOs and other privately-rented properties?

Section 2: Physical Property Standards

2.10 Single family housing (houses and flats)

- 2.11 Definition
- 2.12 General principles of occupation
- 2.13 Room sizes and permitted occupation
- 2.14 Kitchen facilities
- 2.15 Personal washing and bathing facilities
- 2.16 Toilet facilities
- 2.17 Fire precautions
- 2.18 Heating

2.20 Category A HMOs – bedsit-type accommodation

- 2.21 Definition
- 2.22 General principles of occupation
- 2.23 Room sizes and permitted occupation
- 2.24 Kitchen facilities
- 2.25 Personal washing and bathing facilities
- 2.26 Toilet facilities
- 2.27 Fire precautions
- 2.28 Heating

2.30 Category B HMOs - shared houses and shared flats

- 2.31 Definition
- 2.32 General principles of occupation
- 2.33 Room sizes and permitted occupation
- 2.34 Kitchen facilities
- 2.35 Personal washing and bathing facilities
- 2.36 Toilet facilities
- 2.37 Fire precautions
- 2.38 Heating

2.40 Category C HMOs - Halls of Residence

This section is no longer used

2.50 Category D HMOs – supported accommodation, also known as hostels and bed and breakfast establishments

2.51 Definition

2.52 General principles of occupation

2.53 Room sizes and permitted occupation

2.54 Kitchen facilities

2.55 Personal washing and bathing facilities

2.56 Toilet facilities

2.57 Fire precautions

2.58 Heating

2.60 Category E – Care Homes

This section is no longer used

2.70 Category F HMOs - self-contained flats

2.71 Definition

2.72 General principles of occupation

2.73 Room sizes and permitted occupation

2.74 Kitchen facilities

2.75 Personal washing and bathing facilities

2.76 Toilet facilities

2.77 Fire precautions

2.78 Heating

2.80 Mixed Category A and F - bedsits and flats

2.90 Temporary accommodation for seasonal or migrant workers

Section 3: General specification applicable to amenities and associated services in all categories of HMO

3.10 Kitchens

3.20 Bathrooms and shower rooms

3.30 Cold water supplies

3.40 Hot water supplies

3.50 Disposal of waste water and drainage

Section 4: Property and tenancy management standards

4.10 The Management of Houses in Multiple Occupation (England) Regulations 2006

4.20 Management arrangements and competency of the manager

4.30 Terms of occupation

4.40 Temporary Exemption Notices

4.50 HMO Declarations

4.60 Regulatory Powers

4.70 Rent Repayment Orders

Section 1: Legal Definitions and Procedures

1.10 Introduction

The provisions of the Housing Act 2004 came into effect on 6 April 2006. This legislation has important implications for the private rented sector in particular with the introduction of mandatory licensing of certain higher risk Houses in Multiple Occupation (HMOs), discretionary licensing other privately rented housing in specific circumstances, and a new system of assessing housing conditions known as the Housing Health and Safety Rating System, which replaced the former housing fitness standard.

The standards for HMOs in Birmingham have been applied for many years in terms of fire precautions, amenities, room sizes and property management.

With the extension of Mandatory HMO Licensing, this is an opportunity for the City Council to issue revised standards for all privately rented housing in the city, and this document will act as a code of practice to which property owners, landlords and managers should be working in order to achieve compliance.

Most of the accommodation arrangements commonly encountered are described, however it is recognised that there will always be circumstances which do not match those given. If this is the case then it is always advisable to contact Private Rented Services for guidance.

This document also provides basic information about the definition of a House in Multiple Occupation, and which properties need to be licensed. Further details about licensing can be found on the City Council's website www.birmingham.gov.uk/hmo.

This standards document was formally adopted by the Cabinet of Birmingham City Council in November 2018 as part of the overall Private Sector Housing Enforcement Policy.

1.20 What is an HMO?

Under the Housing Act 2004, if you let a property which is one of the following types, it is a House in Multiple Occupation:

- An entire house or flat which is let to three or more tenants, who form two or more households and who share a kitchen, bathroom or toilet
- A house which has been converted entirely into bedsits or other non-self-contained accommodation, and which is let to three or more tenants who form two or more households, and who share a kitchen, bathroom or toilet facilities.
- A converted house which contains one or more flats which are not wholly self-contained (i.e. the flat does not contain within it a kitchen, bathroom and toilet) and which is occupied by three or more tenants who form two or more households.
- A building which is converted entirely into self-contained flats, if the conversion did not meet the standards of the 1991 Building Regulations, and more than one-third of the flats are let on short-term tenancies.

In order to be an HMO the property must be used as the tenant's only or main residence, and it should be used solely or mainly to house tenants.

Properties let to students and migrant workers will be treated as their only or main residence and the same will apply to properties which are used as domestic refuges.

1.30 What is a household?

A household is:

- Couples married to each other, or living together as husband and wife, and couples in same sex relationships
- Relatives living together, including parents, grandparents, children and step-children, grandchildren, brothers, sisters, uncles, aunts, nephews, nieces or cousins. Half-relatives are treated as full relatives.
- A foster child living with his or her foster parent is treated as living in the same household as his/her foster parent.
- Any domestic staff are also included in the household if they are living rent-free in accommodation provided by the person who they are working for.

Household examples:

- Three friends sharing together would be considered as three households
- A couple sharing with a third person would be classed as two households
- A family renting a property is a single household. If that family had an au pair to look after their children, that person would be included in their household.

1.40 Which HMOs need a licence?

Under the **national mandatory licensing scheme** any HMO must be licensed if it has five or more tenants living as two or more households **and** there are shared facilities such as a kitchen, bathroom and toilet.

The Government has recognised that problems of poor management and facilities in an HMO are not confined to those subject to mandatory licensing, and it also recognises that poor management and associated problems exist elsewhere in the private rented sector, and that these are not simply a phenomenon of HMOs. For this reason the Housing Act gives local authorities powers to require certain other rented accommodation to be licensed in specified circumstances.

Additional HMO licensing (Section 56 of the Act) gives powers to a local authority to designate areas, or the whole of the area within their district, for additional licensing in respect of some or all of the HMOs in its area that are not already subject to mandatory licensing.

In Birmingham there are proposals to declare an additional licensing scheme in the former Selly Oak ward, but no declaration has yet been published.

Selective licensing (Section 80 of the Act) gives powers to local authority to designate areas, or the whole of the area within their district, for selective licensing in respect of some or all privately rented accommodation, provided certain conditions are met.

In Birmingham there are proposals to declare selective licensing schemes in the former Stockland Green and Soho wards, but no declarations have yet been published.

Before declaring an additional or selective licensing, the City Council would need to consult extensively with landlords and tenants organisations, local residents and advertise in the local newspapers. You should therefore become aware of any licensing scheme before it comes into operation.

1.50 How do I calculate how many storeys there are?

When you count the number of storeys in a building you need to include:

- Basement and attics, if they are occupied or have been converted for occupation, or are in use by residents
- Any storeys which are occupied by you and your family, if you are a resident landlord
- All storeys in residential occupation, even if they are self-contained
- Any business premises or storage space on the ground floor or any upper floor.

You do not need to count basements used for business or storage unless the basement is the only, or principal, entrance to the HMO from the street.

1.60 Types of House in Multiple Occupation

A wide variety of properties fall within the definition as being houses in multiple occupation (HMOs). It is however possible to identify characteristics common to the manner in which they are occupied.

A system of categorisation has been in operation for many years throughout the country based upon a code of practice issued by Chartered Institute of Environmental Health. Although the law applicable to HMOs has changed, the types of property remain broadly the same and it is therefore intended that same system of categorisation will be used as the basis of this standards document.

The categories of HMO can be summarised as:

- CATEGORY A - bedsit-type accommodation
- CATEGORY B - shared houses
- CATEGORY C - Halls of Residence, which is no longer in use
- CATEGORY D – supported accommodation, also known as hostels and bed and breakfast establishments
- CATEGORY E - Care Homes, which are no longer classified as HMOs as these are now fully regulated by the Care Quality Commission.
- CATEGORY F - self-contained flats

Details of the standards applicable to each Category of HMO are given in section 2

1.70 How will the standards be applied to licensable HMOs?

In order to issue a licence, the City Council must be satisfied, amongst other things, that the property is reasonably suitable for occupation by a specified maximum number of persons and/or households.

To be able to make an assessment as to what counts as reasonable for occupation a set of regulations entitled 'The Licensing and Management of Houses in Multiple occupation and other Houses (Miscellaneous provisions) (England) Regulations 2006' have been issued which prescribe the minimum standards every local authority must have regard to in terms of:

- Washing and toilet facilities
- Kitchen facilities
- Heating
- Fire precautions

Each local authority is able to set its own standards, but these must not be to a lesser standard than as specified in these regulations.

These regulations were amended in October 2007 by 'The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007' which, amongst other things, had the effect of giving local authorities more discretion over required standards with respect to the provision of bathrooms, toilets and wash hand basins.

The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018 introduced the following conditions:

- to ensure that the floor area of any room in the HMO used as sleeping accommodation by one person aged over 10 years is not less than 6.51 square metres
- to ensure that the floor area of any room in the HMO used as sleeping accommodation by two persons aged over 10 years is not less than 10.22 square metres
- to ensure that the floor area of any room in the HMO used as sleeping accommodation by one person aged under 10 years is not less than 4.64 square metres
- to ensure that any room in the HMO with a floor area of less than 4.64 square metres is not used as sleeping accommodation.
- The regulations also include a condition that landlords of licensed HMOs must comply with any relevant local authority waste scheme

Whilst the Government have set minimum sizes for room for sleeping accommodation, Birmingham will maintain its' current space standards, since it is considered that this is an important factor when setting maximum occupancy levels.

A property which fails to meet the standards as specified would not normally be refused a licence, and in these cases it is intended that a licence would be issued with conditions attached requiring that the property be brought up to standard over a period of time.

Properties which are clearly well below the minimum prescribed standard, and where there appears to be little prospect of work being carried out within a reasonable period of time, or where the health, safety or welfare of the occupiers is at imminent risk, may result in the refusal to grant a licence.

Where a licence is issued with conditions, it is an offence to fail without reasonable excuse to comply with any such conditions within the specified time limit(s) and may

result in a civil penalty or an unlimited fine upon conviction.

1.80 How will the standards be applied to Non-Licensable HMOs and other privately-rented properties?

The Regulations only apply to licensable HMOs, that is, those HMOs which fall within the mandatory licensing description or within any additional or selective licensing scheme.

There are many HMOs throughout the city which do not fall within any licensing requirements at the present time. In these cases it is considered important that appropriate standards of amenity provision, fire precautions and room size should be achieved wherever possible.

Part 1 of the Housing Act 2004 introduced a new method of assessing housing conditions known as the Housing Health and Safety Rating System (HHSRS) plus associated enforcement powers to deal with any hazards identified. Part 4 of the Housing Act 2004 contains provisions for dealing with overcrowding in HMOs.

By application of these new powers, similar standards may be achieved in non-licensable HMOs and other privately-rented properties as those required for licensable HMOs.

Landlords and managers of non-licensable HMOs and privately-rented houses and flats will be required to comply with these standards to lessen the possibility of any enforcement action being taken under the provisions of the Housing Act 2004.

2.10 Single family housing (houses and flats)

2.11 Definition

A family property is one where the whole property, be it a house or a flat, has been rented out to one single family, where all the occupants are related. Family members means any child, stepchild, grandchild, parent, stepparent, grandparent, spouse, former spouse, sibling, niece, nephew, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law

2.12 General principles of occupation

Children below the age of 10 years count as a whole person.

It is recommended that no room be occupied by more than two persons.

Persons of the opposite sex over the age of 10 should not share the same room for sleeping purposes unless they are of marriageable age and are either married or living as partners.

Circulation spaces such as hallways, landings and other rooms such as kitchens, bathrooms or cellars, roof spaces etc. are unsuitable for use as sleeping and/or living accommodation.

2.13 Room sizes and permitted occupation

The following are the minimum floor areas required:

- (a) bedroom for a child under the age of 10 - 4.64m²
- (b) bedroom for one person - 6.51m²
- (c) bedroom for two persons - 10.22m²

2.14 Kitchen facilities

It is important that there is adequate space for all of the facilities to be installed and properly arranged so that food can be safely and hygienically prepared and cooked. The overall floor area of a kitchen may not be so important as the usable space available. For instance a large kitchen with three or four doorways opening into it may have less usable space than a smaller kitchen with only one or two doorways.

As a general guide the following minimum overall floor areas are:

- up to 5 persons - 6.5 m²
- 6 persons - 7.5 m²
- 7 persons - 8.5 m²
- 8 persons - 9.5 m²
- more than 8 persons - 10.5 m²

Cooking Facilities

The kitchen must be provided with sufficient suitably located cooking appliances to enable food to be cooked and prepared safely and hygienically. In particular:

- There should be a conventional gas or electric cooker with at least 4 burners/hobs, oven and grill.
- It is also recommended that, for larger families, there should be a microwave oven of minimum 20 litres capacity, in addition to a conventional cooker.

Sinks

There must be a kitchen sink with a draining board, complete with hot and cold water supplies and trapped waste.

For up to and including 7 persons a double bowl sink and drainer is recommended

Alternatively, a standard sink plus an electric dishwasher will be acceptable

Food Preparation

There must be sufficient fixed work surfaces to enable the family to prepare food safely and hygienically. A 0.5 metre run of work surface for each occupier is recommended

There should be at least 2 twin switched power sockets set at a convenient height and safe position in relation to the kitchen facilities and work surfaces, in addition to any dedicated sockets serving major appliances such as dishwashers, washing machines and refrigerators.

Food Storage

Adequate refrigerated food storage must be provided either within the kitchen or within a room directly adjacent to the kitchen if space is a particular problem.

There should be a standard domestic refrigerator of at least 100 litres capacity, with a freezer compartment of at least 15 litres capacity. For the larger family, a tall upright fridge freezer is acceptable, usually with a fridge capacity of around 140 to 180 litres and a freezer capacity of around 70 to 90 litres.

Adequate dry/canned food storage and utensil storage cupboards must also be provided. A half standard base unit or standard single wall unit per person will be acceptable for this purpose. The space beneath a sink is not acceptable for food storage purposes.

Ventilation

All kitchens must be provided with adequate mechanical extract ventilation of minimum 60 litres/second flow rate.

Dining kitchens

Where a kitchen is large enough for it to be also used as a dining room, it is important that there is sufficient space for the family to be able to sit around a table without impinging upon the working area of the kitchen. The overall shape, layout and positioning of doorways may influence the amount of usable space available.

As a general guide the following minimum floor area will apply:

- up to 5 persons - 11.5 m²
- an additional 1 m² for every additional person thereafter.

Combined Living Rooms and Dining Rooms

There must be sufficient space for the majority of occupiers to sit and eat a meal together, and for other social activities such as watching television, etc. As a general guide, the following floor areas will apply:

- up to 5 persons 11 m²
- an additional 1m² for every additional person thereafter.

Combined Living/Dining Room/Kitchens

It is recognised that this is a growing trend. The kitchen facilities within the open plan room must be suitably arranged such that food preparation and cooking activities are safely separated from the adjoining dining/living area.

As a general guide, a combined living/dining/kitchen for up to 5 persons should be around 17m² in floor area
an additional 1.5m² for every additional person thereafter.

Irrespective of overall floor area, consideration will be given to the shape and usable living space within the room when determining its suitability for occupation. No account will be taken of any part of a room where the ceiling height is less than 1.525 m (5ft).

2.15 Personal washing and bathing facilities

Baths and Showers

A bathroom containing a bath or shower shall be provided on a ratio of at least one bath or shower for every five persons sharing. A shower facility installed over a bath will not count as an additional shower.

Shared bathrooms must be accessible from a communal area within the property (i.e. not through a bedroom) and must be of sufficient size to enable users to dry themselves and get dressed safely and conveniently.

Wash Hand Basins

All bathrooms or separate compartments containing a WC must be provided with a wash hand basin together with constant supplies of hot and cold water, trapped waste pipe and a tiled splashback.

2.16 Toilet facilities

Toilet facilities shall be provided on a ratio of at least one WC per five persons sharing where the WC is separate from the bathroom (and is accessible from a communal area without going through the bathroom)

One WC per four persons sharing where the WC is located within the bathroom

NUMBER OF PERSONS SHARING	FULL SUITE	BATH ONLY	SEPARATE WC
Up to 4	1		
5	1		1
5		1	1
6, 7, or 8	2		

2.17 Fire precautions

1. Single household occupancy of no more than two storeys

No requirement for full 30-minute protected route, but the escape route should have sound, conventional construction and should not pass through risk rooms.

No requirement for fire doors but sound, well-constructed and close-fitting conventional doors are required

Alternatively, provide suitable escape windows from bedrooms and living rooms

- i. Fire separation

No requirement for additional fire resistance, but walls and floors should be of sound, conventional construction. If a basement/cellar is present, 30-minute separation between the cellar and the ground floor escape route is the ideal
- ii. Fire detection and alarm system

Grade D, LD3 system:

 - interlinked mains wired smoke alarms with integral battery back-up located in the escape route at ground and first floor levels; and
 - additional interlinked smoke alarms with integral battery back-up located in any cellar
- iii. Lighting of escape routes

No requirement for emergency escape lighting, but conventional artificial lighting is required

- iv. Fire-fighting equipment
It is recommended good practice to provide a fire blanket in the kitchen
- v. Fire safety signs
No requirement
- vi. Surface finishes & floor coverings
No requirement
- vii. Management and maintenance of fire safety
It is recommended that all doors are kept closed at night

2. Single household occupancy of three or four storey

- i. Escape routes
No requirement for full 30-minute protected route, but the escape route should have sound conventional construction and the travel distance should not be excessive

No requirement for fire doors, but sound, well-constructed and close-fitting conventional doors are required
- ii. Fire separation
No requirement for additional fire resistance, but walls and floors should be of sound, conventional construction. If a basement/cellar is present, 30-minute separation between the cellar and the ground floor escape route is required
- iii. Fire detection and alarm system
Grade D, LD3 system:
 - interlinked mains wired smoke alarms with integral battery back-up located in the escape route at all floor levels; and
 - additional interlinked smoke alarms with integral battery back-up located in any cellar
- iv. Lighting of escape routes
No requirement for emergency escape lighting, but conventional artificial lighting is required
- v. Fire-fighting equipment
It is recommended good practice to provide a fire blanket in the kitchen
- vi. Fire safety signs
No requirement
- vii. Surface finishes & floor coverings
No requirement
- viii. Management and maintenance of fire safety
It is recommended that all doors are kept closed at night

3. Single household occupancy of five or six storeys

It is recommended that you undertake a fire risk assessment or seek the advice of the Fire Service.

2.18 Heating

There must be an adequate fixed form of heating to all habitable rooms.

Within the main living room the heating appliance must be capable of achieving a room temperature of at least 21°C within one hour of turning on when the air temperature outside is -1°C.

Within any separate bedroom a room temperature of 18°C will be sufficient.

For heating to be properly used by the tenants, it must be affordable. Central heating is the preferred option but electric night storage heaters and balanced flue gas heaters are also satisfactory. Heaters which use full price electricity are not acceptable as the main form of heating.

Paraffin heaters, LPG heaters and freestanding plug-in electric heaters are not acceptable.

Where open-flue gas fires are provided in a room used for sleeping purposes, they must be of modern design and fitted with an automatic oxygen depletion cut-off device. The room must also have a carbon monoxide detector.

All heaters, other than water filled radiators, must be suitably positioned such that there is at least two metres between the heater and any bedding, and such heaters must also not be located where curtains are likely to catch fire.

Whichever form of heating is installed it must be controllable by the occupants at all times. Where heating is provided to any communal rooms or areas, the running costs must be met out of general rental charges or general energy charges rather than any type of prepayment meter.

All heating appliances must be fixed to either the wall or the floor and be provided with an appropriate base or surround if one is specified by the appliance manufacturer.

All gas heaters or boilers of any type must be properly serviced and maintained in a safe condition in accordance with the manufacturer's recommendations and the Gas Safety (Installation and Use) Regulations 1998 (as amended).

All bathrooms, whether for exclusive or shared use must also be provided with adequate heating. Electric fan or radiant wall heaters are acceptable in bathrooms provided they are designed to operate in moist atmospheres.

2.20 Category A HMOs – bedsit-type accommodation

2.21 Definition

Bedsit accommodation are houses that are occupied by a number of unrelated persons living as more than one household, where there is little interaction between the occupiers.

Within this overall category, there are broadly two sub-categories as follows:-

Bedsit accommodation with cooking facilities within the let

Houses occupied as individual rooms where there is some exclusive occupation (usually the bedroom/living room) and some sharing of amenities (bathrooms and/or toilets). Cooking and food preparation facilities are provided within the individual units of accommodation. There is usually no communal living room, and each occupant lives otherwise independently of all others.

Bedsit accommodation with shared kitchen facilities

Houses occupied as individual rooms where there is some exclusive occupation (usually the bedroom/living room) and some sharing of amenities (bathrooms, toilets and kitchens). Cooking and food preparation facilities are provided within a communal shared kitchen. A communal living room may also be provided in some cases. Bedroom doors will usually be lockable. Initially there may be little or no social interaction amongst the residents although this may change over a period of time, particularly where there is a communal living room.

2.22 General principles of occupation

Children below the age of 10 years now count as a whole person.

No room be occupied by more than two persons.

Persons of the opposite sex over the age of 10 will not be permitted to share the same room for sleeping purposes unless they are of marriageable age and are either married or living as partners.

The sharing of a room for sleeping purposes by persons who are neither related or living as a married couple is not permitted.

No unit of accommodation shall be occupied on the basis of a divided or shared tenancy or licence. This is to avoid the situation arising whereby a unit of accommodation may be occupied by different persons at different times of the day or different days of the week (for instance shift workers or seasonal/migrant workers who occupy a property in connection with their employment.)

Only rooms designated as a living room, bedroom or bed/sitting room may be used for living or sleeping purposes.

Each separate bedroom within a shared house is regarded as a unit of accommodation for the purpose of assessing amenity standards.

Circulation spaces such as hallways, landings and other rooms such as kitchens, bathrooms or cellars, roof spaces etc. are not suitable for use as sleeping/living accommodation.

Irrespective of overall floor area, consideration will be given to the shape and usable living space within the room when determining its suitability for occupation. No account will be taken of any part of a room where the ceiling height is less than 1.5m.

2.23 Room sizes and permitted occupation

The following minimum floor areas are required:

1. **Bedsit accommodation with cooking facilities within the let**

One person unit of accommodation

(i) One room unit

- A single room including kitchen facilities - 13m²

(ii) Two or more rooms

- Each bedroom - 6.51m²
- Each living room (without kitchen facilities) - 9m²
- Each combined living room/kitchen - 11m²

(b) Two or more person unit of accommodation

(i) One room unit

- A bed sitting room including kitchen facilities - 20m²

(ii) Two or more rooms

- Each single bedroom - 6.51m²
- Each double bedroom – 10.22m²
- Each bed /sitting room - 15m²
- Each living room - 12m²
- Each combined living room/kitchen - 15m²
- Each separate kitchen for exclusive, use of up to three occupants, living as one household - 4.5m²

2. **Bedsit accommodation with shared kitchen facilities**

One person unit of accommodation

- Each bedroom where the occupants have access to a separate communal living room - 6.51m²
- Each bedroom where the occupants do not have access to a separate communal living room - 10m²

Two person unit of accommodation

- Each bedroom where all occupants have access to a separate communal living room - 11m²
- Each bedroom where all occupants do not access to a separate communal living room - 15m²

3. **Communal Rooms**

Kitchens

Communal kitchens will be intensively used with perhaps several people all attempting to prepare their own separate meals at the same time. It is therefore important for there to be adequate space for all of the facilities required to be installed and properly arranged so that food can be safely and hygienically prepared and cooked.

The overall floor area of a kitchen may not be so important as the usable space available. For instance a large kitchen with three or four doorways opening into it may have less usable space than a smaller kitchen with only one or two doorways.

The following minimum overall floor areas for communal kitchens apply:

- Kitchen for 2 to 5 persons - 6.5m²
- Kitchen for 6 persons - 7.5m²
- Kitchen for 7 persons - 8.5m²
- Kitchen for 8 persons - 9.5m²
- Kitchen for 9 to 10 persons - 10.5m²

- Kitchen for 11 persons - 11.5m²
- Kitchen for 12 persons - 12.5m²
- Kitchen for 13 to 15 persons - 13.5m²

A single kitchen would not normally be suitable for use by more than 15 persons regardless of its' size.

Dining Kitchen

Where a kitchen is large enough for it to be also used as a dining room, it is important that there is sufficient space for the majority of the intended number of users to sit around a table without impinging upon the working area of the kitchen. The overall shape, layout and positioning of doorways may influence the amount of usable space available.

As a general guide the following minimum floor area will apply:

- Dining kitchen for 2 to 5 persons - 11.5m²
- an additional 1m² for every additional person thereafter.

Combined Living Room and Dining Room

In the majority of shared houses there is a communal living room which also serves as a dining room. There must be sufficient space for the majority of occupiers to sit and eat a meal and also for other social activities, such as watching television etc.

As a general guide, the following floor areas will apply:

- Living room and dining room for 2 to 5 persons - 11m²
- Living room and dining room for 6 persons - 13m²
- an additional 1m² for every additional person thereafter.

Combined Living/Dining Room/Kitchen

In response to a demand for open-plan living, the kitchen facilities within the open plan room must be suitably arranged such that food preparation and cooking activities are safely separated from the adjoining dining/living area.

As a general guide:

- a combined living/dining/kitchen for 2 to 5 persons should be a minimum of 17m²
- an additional 1.5m² for every additional person thereafter.

Creating an open plan living/dining/kitchen in a three-storey house may increase the overall risk of harm from fire where the stairs rise directly from such an open-plan room. Suitable fire precautions are required in these circumstances.

2.24 Kitchen facilities

Bedsit accommodation with cooking facilities within the let

Each unit of accommodation must be provided with adequate facilities for the storage, preparation and cooking of food, and the disposal of waste water.

The required kitchen facilities are:

Bedsitting room with kitchen in the room

The facilities shall comprise:

- *For a single person
a gas or electric cooker with two burners/hobs, oven and grill*

- *For two persons
a gas or electric cooker with four burners/hobs, oven and grill
A microwave oven may be substituted for one or two of the burners/hobs*
- *A metal or ceramic kitchen sink and drainer with a constant supply of hot and cold water*
- *Sufficient fixed work surface to enable the user to prepare food safely and hygienically. A minimum of 500mm clear run of work surface will be required for a single person and 1000mm for two persons.*
- *A suitable refrigerator of sufficient size to store an average person's dietary requirements on a day-to-day basis. A freezer compartment is desirable but not essential for a single person.*
- *Sufficient storage cupboard space for dry and canned food goods plus cooking utensils, crockery and cutlery.*
- *Two twin switched power sockets set at a convenient height and safe position in relation to the kitchen facilities.*
- *The kitchen area must be provided with an easily cleansable non-slip floor covering to an adequate extent and separated from any adjoining carpeted floor area by suitable dividing strips securely fixed in position.*
- *Cookers must be safely positioned within the room such that they do not compromise escape in the event of a fire associated with the cooker i.e. they must not be positioned adjacent to the exit doorway – in particular gas cookers must not be positioned directly adjacent to openable windows where flames are likely to be extinguished by excessive draughts or where curtains are likely to catch fire.*

Separate kitchen off the bedsitting room

The kitchen must be of sufficient size and layout to enable food to be prepared safely and hygienically. A minimum floor area of 3.5m² for a single person, and 4.5m² for two people is required. The facilities to be provided are as those for kitchens within the bedsitting room.

Separate kitchen for exclusive use, but accessed outside the unit of accommodation

The facilities are as for separate kitchens off a bedsitting room. The kitchen is to be not more than one floor distant from the unit of accommodation.

Communal kitchen

A shared kitchen should not be more than one floor distant from any unit of accommodation. It is however, acceptable for a kitchen to be a maximum of two floors distant where there is a communal room adjacent to the kitchen suitable for dining purposes or where the kitchen is of sufficient size to serve as a kitchen/dining room.

Each shared kitchen shall comprise as a minimum:

i. Cooking Facilities

The kitchen must be provided with sufficient cooking appliances suitably located to enable users to cook food safely and hygienically and to minimise waiting time when more than one person wishes to cook food at the same time. In particular:

- *For every five persons there must be a conventional gas or electric cooker with at least 4 burners/hobs, oven and grill.*

- Up to and including 7 persons, a microwave oven of minimum 20 litres capacity, suitably located on a fixed worktop, may be provided in place of an additional conventional cooker.
- For 8 to 10 persons there must always be at least 2 conventional cookers, whether or not any supplementary microwave ovens are provided.
- For 11 to 15 persons at least 3 conventional cookers, whether or not any supplementary microwave ovens are provided.

ii. Sinks

- For every 5 persons there must be a kitchen sink complete with hot and cold water supplies and trapped waste.
- Up to and including 7 persons, a bowl-and-a-half sink and drainer will be regarded as adequate in place of providing an additional sink. Alternatively, a standard sink plus an electric dishwasher will be acceptable.
- For 8 to 10 persons there must always be at least two standard sinks
- For 11 to 15 persons at least three standard sinks whether or not any supplementary dishwasher is provided.

iii. Food Preparation

- There must be sufficient fixed work surfaces to enable each user to prepare food safely and hygienically. A 0.5 metre run of work surface for each user will generally be sufficient for this purpose, although minor variations of up to 20% shortfall is acceptable, provided there is still a good practical working area.
- For properties with more than 10 occupants sharing the same kitchen, a reduction in this standard may be appropriate as it is unlikely that all persons in the group will be preparing food at the same time.
- At least 2 twin switched power sockets set at a convenient height and safe position in relation to the kitchen facilities and work surfaces must be provided for every 5 persons.
This is in addition to any dedicated sockets serving major appliances such as dishwashers, washing machines and refrigerators.

iv. Food Storage

Shared kitchens should not be used for communal food storage purposes (either refrigerated or dry food storage). This is due to the fact there may be little interaction between each occupancy and this could result in poor storage practice and the likelihood of conflict between residents.

A suitable refrigerator and food storage cupboard must be provided within each unit of accommodation. The refrigerator within the individual unit of accommodation must be of sufficient size to store an average person's dietary requirements on a day-to-day basis. A freezer compartment is desirable but not essential in a single person bedsit.

viii. Ventilation

All shared kitchens must be provided with adequate mechanical extract ventilation of minimum 60 litres/second flow rate.

2.25 Personal washing and bathing facilities

Baths and showers

Where some or all of the units of living accommodation do not contain bathing facilities for the exclusive use of each individual household, there must be an adequate number of suitably located bathrooms to enable those facilities to be used on a shared basis.

Either a shower or a bath is suitable for this purpose, however a shower facility installed over a bath will not count as an additional shower. Baths must be provided with constant supplies of hot and cold water and showers with thermostatically controlled warm water.

Such bathroom facilities must be provided not more than one floor distant from any intended user and must be accessible from a common area.

The extent to which such shared bathroom facilities need to be provided will be dependant upon the availability of personal washing facilities within the individual units of accommodation:

- Where there is a wash hand basin within the unit of accommodation, a readily accessible bathroom containing a bath or shower shall be provided not more than one floor distant from any user on a ratio of one bath or shower to every 5 persons sharing.*
- Where the unit of accommodation does not have a wash hand basin, a readily accessible bathroom containing a bath or shower shall be provided not more than one floor distant from any user on a ratio of one bath or shower to every 4 persons sharing.*

Wash Hand Basins

Where some or all of the units of living accommodation do not contain personal washing facilities for the exclusive use of each individual household, there must be an adequate number of suitably located full sized (min. 500mm x 400mm) wash hand basins, together with constant supplies of hot and cold water to enable those facilities to be used on a shared basis.

Shared wash hand basins may be located within a bathroom, or other suitable room and must be provided on a ratio of one wash hand basin to every 4 persons sharing. Small wash hand basins or corner wash hand basins, such as those fitted only for hand washing purposes within WC compartments will not be counted for these purposes.

Every room containing a WC must be provided with a wash hand basin. Small wash hand basins or corner wash hand basins within separate WC compartments are acceptable.

For those units of accommodation having an en-suite bathroom containing a WC for the exclusive use of the occupants, but where there is no wash hand basin within the bathroom, it is acceptable for a wash hand basin to be provided within the adjoining bed sitting room.

2.26 Toilet facilities

Toilet facilities shall be provided on a ratio of at least:

- One WC per five persons sharing, where the WC is separate from the bathroom, and is accessible from a communal area without going through the bathroom*
- One WC per four persons sharing where the WC is located within the bathroom*

Wherever possible, WCs should be located not more than one floor distant from any bedroom

NUMBER OF PERSONS SHARING	FULL SUITE	BATH ONLY	SEPARATE WC
Up to 4	1		
5	1		1
5		1	1
6, 7 or 8	2		
9	1	1	1
9 or 10	2		1
11 or 12	3		
13, 14 or 15	3		1
16	4		
17,18,19 or 20	4		1

2.27 Fire precautions

The main fire protection requirements can be summarised as follows:

Bedsit-type HMO of no more than two storeys

- i. Escape routes
30-minute protected route note 9 is required, including 30-minute fire-resisting construction and FD30S doors to all risk rooms. Travel distance must not be excessive
- ii. Fire separation
No requirement for additional fire-resisting separation between units, but walls and floors should be of sound, traditional construction
- iii. Fire detection and alarm system
A mixed system:
Grade D, LD2 system
 - interlinked mains wired smoke alarms with integral battery back-up located throughout the escape route

Where cooking facilities are sited within the bedsits:

- interlinked heat alarms with integral battery back-up located in each bedsit; and
- additional non-interlinked smoke alarm with integral battery back-up located in each bedsit (Grade D LD3).

Where cooking facilities are sited in shared kitchen:

- interlinked smoke alarms with integral battery backup located in each bedsit;
- interlinked heat alarms with integral battery back-up located in each communal kitchen; and
- additional interlinked smoke alarms with integral battery back-up located in any cellar.

- iv. Lighting of escape routes
Emergency escape lighting required only if the route is long or complex or where there is no effective borrowed light. Conventional artificial lighting required
- v. Fire-fighting equipment
Fire blanket to be provided in each bedsit with cooking facilities and in shared kitchens. A simple multipurpose extinguisher on each floor in the common parts is recommended
- vi. Fire safety signs
Signage along escape route if the escape route is complex

- vii. Surface finishes & floor coverings
See paragraphs 28-29 of LACoRS "Housing – Fire Safety"
- viii. Management and maintenance of fire safety
A full 30-minute protected route is the preferred option. However, in two-storey, normal risk HMOs the provision of suitable escape windows from all bedsit rooms may be acceptable in lieu of a fully protected route.

Bedsit-type HMO of three or four storeys

- i. Escape routes
A 30-minute protected route is required, including 30-minute fire-resisting construction and FD30S doors to all risk rooms. Travel distance must not be excessive
- ii. Fire separation
No requirement for additional fire-resisting separation between units, but walls and floors should be of sound, traditional construction
- iii. Fire detection and alarm system
A mixed system:
Grade A, LD2 system
 - smoke detectors located throughout the escape route

Where cooking facilities are sited within the bedsits:

- interlinked heat detectors located in each bedsit; and
- additional Grade D, non-interlinked smoke alarm with integral battery back-up located in each bedsit.

Where cooking facilities are sited in shared kitchen

- interlinked smoke detectors located in each bedsit;
- heat detectors located in each kitchen; and
- additional interlinked smoke detectors located in any cellar.

- iv. Lighting of escape routes
Conventional lighting is required.
Emergency escape lighting maybe appropriate if the route complex or there is no effective borrowed light
- v. Fire-fighting equipment
Fire blanket to be provided in each bedsit with cooking facilities and in shared kitchens
A simple multi-purpose extinguisher on each floor in the common parts is recommended
- vi. Fire safety signs
Final exit sign and signage along the escape route if the escape route is complex
- vii. Surface finishes & floor coverings
See paragraphs 28-29 of LACoRS "Housing – Fire Safety"
- viii. Management and maintenance of fire safety
See paragraph 32 of LACoRS "Housing – Fire Safety"

2.28 Heating

All units of accommodation must be provided with an adequate fixed form of heating to all habitable rooms.

Within the main living room (which in the case of a bedsit will usually be the only room), the heating appliance must be capable of achieving a room temperature of at least 21°C within one hour of turning on when the air temperature outside is -1°C.

Within any separate bedroom a room temperature of 18°C will be sufficient.

For heating to be properly used by the tenants, it must be affordable. Central heating is the preferred option but electric night storage heaters and balanced flue gas heaters are also satisfactory. Heaters which use full price electricity are not acceptable as the main form of heating.

Paraffin heaters, LPG heaters and freestanding plug-in electric heaters are not acceptable.

Where open-flue gas fires are provided in a room used for sleeping purposes, they must be of modern design and fitted with an automatic oxygen depletion cut-off device. The room must also have a carbon monoxide detector.

All heaters, other than water filled radiators, must be suitably positioned such that there is at least two metres between the heater and any bedding, and such heaters must also not be located where curtains are likely to catch fire.

Whichever form of heating is installed it must be controllable by the occupants at all times. Where heating is provided to any communal rooms or areas, the running costs must be met out of general rental charges or general energy charges rather than any type of prepayment meter.

All heating appliances must be fixed to either the wall or the floor and be provided with an appropriate base or surround if one is specified by the appliance manufacturer.

All gas heaters or boilers of any type must be properly serviced and maintained in a safe condition in accordance with the manufacturer's recommendations and the Gas Safety (Installation and Use) Regulations 1998 (as amended).

All bathrooms, whether for exclusive or shared use must also be provided with adequate heating. Electric fan or radiant wall heaters are acceptable in bathrooms provided they are designed to operate in moist atmospheres.

2.30 Category B HMOs - shared houses and shared flats

2.31 Definition

Shared houses and flats are where the whole property has been rented out by an identifiable group of sharers, such as students, work colleagues or friends, as joint tenants. Each occupant normally has their own bedroom but they share the kitchen, dining facilities, bathroom, WC, living room and all other parts of the house. All the tenants will have exclusive legal possession and control of all parts of the house, including all the bedrooms. There is normally a significant degree of social interaction between the occupants and they will, in the main, have rented out the house as one group. There is usually a single joint tenancy agreement. In summary, the group will possess many of the characteristics of a single family household, although the property is still legally defined as a HMO because the occupants are not all related.

2.32 General principles of occupation

Children below the age of 10 years now count as a whole person.

No room be occupied by more than two persons.

Persons of the opposite sex over the age of 10 will not be permitted to share the same room for sleeping purposes unless they are of marriageable age and are either married or living as partners.

The sharing of a room for sleeping purposes by persons who are neither related or living as a married couple is not permitted.

No unit of accommodation shall be occupied on the basis of a divided or shared tenancy or licence. This is to avoid the situation arising whereby a unit of accommodation may be occupied by different persons at different times of the day or different days of the week (for instance shift workers or seasonal/migrant workers who occupy a property in connection with their employment.)

Only rooms designated as a living room, bedroom or bed/sitting room may be used for living or sleeping purposes.

Each separate bedroom within a shared house is regarded as a unit of accommodation for the purpose of assessing amenity standards.

Circulation spaces such as hallways, landings and other rooms such as kitchens, bathrooms or cellars, roof spaces etc. are not suitable for use as sleeping/living accommodation.

Irrespective of overall floor area, consideration will be given to the shape and usable living space within the room when determining its suitability for occupation. No account will be taken of any part of a room where the ceiling height is less than 1.5m.

2.33 Room sizes and permitted occupation

The following are the minimum floor areas required:

- i. One Person Unit of Accommodation
 - i. A bedroom/study where all occupants of the house have access to a separate communal living room – 6.51m²

- ii. A bedroom/study where all occupants of the house do not have access to a separate communal living room – 10m²

ii. Two Person Units of Accommodation

- i. A bedroom/study where all occupants have access to a separate communal living room - 11m²
- ii. A bedroom/study where all occupants do not have access to a separate communal living room - 15m²

iii. Communal Rooms

i. Kitchen

Communal kitchens within shared houses will be intensively used, with perhaps several people attempting to prepare their own separate meals at the same time. It is therefore important for there to be adequate space for all of the facilities to be installed and properly arranged so that food can be safely and hygienically prepared and cooked.

The overall floor area of a kitchen may not be so important as the usable space available. For instance a large kitchen with three or four doorways opening into it may have less usable space than a smaller kitchen with only one or two doorways.

As a general guide the following minimum overall floor areas for communal kitchens will apply:

- Kitchen for 2 to 5 persons - 6.5m²
- Kitchen for 6 persons - 7.5m²
- Kitchen for 7 persons - 8.5m²
- Kitchen for 8 persons - 9.5m²
- Kitchen for 9 to 10 persons - 10.5m²
- Kitchen for 11 persons - 11.5m²
- Kitchen for 12 persons - 12.5m²
- Kitchen for 13 to 15 persons - 13.5m²

A single kitchen would not normally be suitable for use by more than 15 persons, regardless of its' size.

(ii) Dining Kitchen

Where a kitchen is large enough for it to be also used as a dining room, it is important that there is sufficient space for the majority of the intended number of users to sit around a table without impinging upon the working area of the kitchen. The overall shape, layout and positioning of doorways may influence the amount of usable space available.

As a general guide the following minimum floor area will apply:

- Dining kitchen for 2 to 5 persons - 11.5m²
- an additional 1m² for every additional person thereafter.

(iii) Combined Living Room and Dining Room

In the majority of shared houses there is a communal living room which also serves as a dining room. There must be sufficient space for the majority of occupiers to sit and eat a meal and also for other social activities, such as watching television etc.

As a general guide, the following floor areas will apply:

- Living room and dining room for 2 to 5 persons - 11m²
- Living room and dining room for 6 persons - 13m²
- an additional 1m² for every additional person thereafter.

(iv) Combined Living/Dining Room/Kitchen

In response to a demand for open-plan living, the kitchen facilities within the open plan room must be suitably arranged such that food preparation and cooking activities are safely separated from the adjoining dining/living area.

As a general guide:

- a combined living/dining/kitchen for 2 to 5 persons should be a minimum of 17m²
- an additional 1.5m² for every additional person thereafter.

Creating an open plan living/dining/kitchen in a three-storey house may increase the overall risk of harm from fire where the stairs rise directly from such an open-plan room. Suitable fire precautions are required in these circumstances.

2.34 Kitchen facilities

A shared kitchen should not be more than one floor distant from any unit of accommodation having use of it. It is acceptable for a kitchen to be a maximum of two floors distant where there is a communal dining room adjacent to the kitchen or where the kitchen is of sufficient size to serve as a kitchen/dining room.

Each shared kitchen shall comprise as a minimum:

(a) Cooking Facilities

The kitchen must be provided with sufficient suitably located cooking appliances to enable the users to cook food safely and hygienically and to minimise waiting time when more than one person wishes to cook food at the same time.

- i. For every five persons there must be a conventional gas or electric cooker with at least 4 burners/hobs, oven and grill.
- ii. For up to and including 7 persons a microwave oven of minimum 20 litres capacity, suitably located on a fixed worktop, may be provided in place of an additional conventional cooker.
- iii. For 8 to 10 persons there must always be at least 2 conventional cookers, and for 11 to 15 persons at least 3 conventional cookers, whether or not any supplementary microwave ovens are provided.

(b) Sinks

- i. For every 5 persons there must be a kitchen sink complete with hot and cold water supplies and trapped waste.
- ii. Up to and including 7 persons, a bowl-and-a-half sink and drainer will be regarded as adequate in place of providing an additional sink. Alternatively, a standard sink plus an electric dishwasher will be acceptable.
- iii. For 8 to 10 persons there must always be at least two standard sinks
- iv. For 11 to 15 persons at least three standard sinks whether or not any supplementary dishwasher is provided.

(c) Food Preparation

There must be sufficient fixed work surfaces to enable each user to prepare food safely and hygienically:

- i. 0.5m run of work surface for each user will generally be sufficient for this purpose although up to a 20% shortfall is acceptable, provided there is still a good practical working area.
- ii. For properties with more than 10 occupants sharing the same kitchen, a reduction in this standard may be appropriate.
- iii. At least two twin switched power sockets set at a convenient height and safe position in relation to the kitchen facilities and work surfaces must be provided for every 5 persons, in addition to any dedicated sockets serving major appliances such as dishwashers, washing machines and refrigerators.

(d) Food Storage

Adequate refrigerated food storage must be provided either within the shared kitchen or within a room directly adjacent to the kitchen if space is a particular problem.

- i. For every 3 persons, there must be a standard domestic refrigerator of at least 100 litres capacity and a freezer compartment of at least 15 litres capacity.
- ii. A tall upright fridge freezer will be acceptable for every 5 persons, with a fridge capacity of around 140 to 180 litres and a freezer capacity of around 70 to 90 litres.
- iii. A combination of separate larder refrigerators and freezers will be acceptable, provided they give an approximate equivalent standard.
- iv. Adequate dry/canned food storage and utensil storage cupboards must be provided. A 500mm base unit or 1000mm wall unit per person will be acceptable for this purpose. The space beneath a sink is not acceptable for food storage.

In shared kitchens where there is communal living, it is a requirement for refrigerators or storage cupboards to be locked.

(d) Ventilation

All shared kitchens must be provided with adequate mechanical extract ventilation of minimum 60 litres/second flow rate.

2.35 Personal washing and bathing facilities

(a) Baths and Showers

- i. A bathroom containing a bath or shower shall be provided on a ratio of at least one bath or shower for every five persons sharing. A shower facility installed over a bath will not count as an additional shower.

Shared bathrooms must be accessible from a communal area within the property and must be of sufficient size to enable users to dry themselves and get dressed safely and conveniently.

Bathrooms should, wherever possible, be situated not more than one floor in distance from any bedroom. However, as many terraced houses have already have bathroom facilities installed within a ground floor rear extension, it will be acceptable for the bathroom to be situated up to two floors in distance.

(b) Wash Hand Basins

- i. All bathrooms or separate compartments containing a WC must be provided with a wash hand basin together, with constant supplies of hot and cold water, trapped waste pipe and a tiled splashback.

2.36 Toilet facilities

Toilet facilities shall be provided on a ratio of at least:

- i. One WC per five persons sharing where the WC is separate from the bathroom and is accessible from a communal area without going through the bathroom
- ii. One WC per four persons sharing, where the WC is located within the bathroom

Wherever possible, WCs should be located not more than one floor distant from any bedroom. Since many terraced houses have already have bathroom and toilet facilities installed within a ground floor rear extension, it will be acceptable for the WC to be situated up to two floors in distance.

NUMBER OF PERSONS SHARING	FULL SUITE	BATH ONLY	SEPARATE WC
Up to 4	1		
5	1		1
5		1	1
6, 7 or 8	2		
9	1	1	1
9 or 10	2		1
11 or 12	3		
13, 14 or 15	3		1
16	4		
17, 18, 19 or 20	4		1

2.37 Fire precautions

1. Shared house of no more than two storeys

i. Escape routes

No requirement for full 30-minute protected route, but the escape route should have sound, traditional construction and should not pass through risk rooms.

No requirement for fire doors, but sound, well-constructed and close-fitting conventional doors are required. Alternatively, provide suitable escape windows from bedrooms and living rooms

ii. Fire separation

No requirement for additional fire resistance, but walls and floors should be of sound, traditional construction. If a basement/cellar is present, 30-minute separation between the cellar and the ground floor escape route is the ideal

iii. Fire detection and alarm system

Grade D, LD3 system:

- interlinked mains wired smoke alarms with integral battery back-up located in the escape route at all floor levels;
- additional interlinked heat alarm with integral battery back-up located in the kitchen;
- additional interlinked smoke alarm with integral battery back-up located in the lounge; and
- additional interlinked smoke alarms with integral battery back-up located in any cellar.

iv. Lighting of escape routes

No requirement for emergency escape lighting, but conventional artificial lighting is required

v. Fire fighting equipment

- Fire blanket to be provided in the kitchen
- Simple multi-purpose fire extinguisher in the hallway is recommended

vi. Fire safety signs

No requirement

vii. Surface finishes & floor coverings

No requirement

viii. Management and maintenance of fire safety

It is recommended that all doors are kept closed at night

Where construction standards are poor, travel distances are long or other higher risk factors are present, a 30-minute protected route may be required.

2. Shared house of three or four storeys

i. Escape routes

30-minute protected route is required, including 30-minute fire-resisting construction and FD30 doors to all risk rooms, without smoke seals. Travel distance must not be excessive

ii. Fire separation

No requirement for additional fire resistance, but walls and floors should be of sound, traditional construction. If a cellar is present, 30-minute separation is required between the cellar and the ground floor escape route

iii. Fire detection and alarm system

Grade D, LD3 system:

- interlinked mains wired smoke alarms with integral battery back-up located in the escape route at each floor level;
- additional interlinked heat alarm with integral battery back-up located in the kitchen;

- additional interlinked smoke alarm with integral battery back-up located in the lounge; and
- additional interlinked smoke alarms with integral battery back-up located in any cellar.

iv. Lighting of escape routes

Emergency escape lighting required only if the route is long or complex or where there is no effective borrowed light. Conventional artificial lighting required

v. Fire-fighting equipment

Fire blanket to be provided in the kitchen

Simple multi-purpose fire extinguisher on each landing is recommended

vi. Fire safety signs

Signage only required if the escape route is complex

vii. Surface finishes & floor coverings

No requirement

viii. Management and maintenance of fire safety

Three-storey properties only - the ideal situation is for the escape route to be enclosed in 30-minutes fire resisting construction and FD30 fire doors. However, in existing three-storey shared houses of low risk it may be possible to accept existing walls and partitions if 20-minutes fire resistance can be achieved. This is likely to be met if walls and partitions are of sound, conventional construction. Sound lath and plaster construction should meet this requirement.

Doors onto the escape route may be acceptable if they are of sound, solid construction, are close fitting and self-closing.

2.38 Heating

All units of accommodation must be provided with an adequate fixed form of heating to all habitable rooms.

Within the main living room (which in the case of a bedsit will usually be the only room), the heating appliance must be capable of achieving a room temperature of at least 21°C within one hour of turning on when the air temperature outside is -1°C.

Within any separate bedroom a room temperature of 18°C will be sufficient.

For heating to be properly used by the tenants, it must be affordable. Central heating is the preferred option but electric night storage heaters and balanced flue gas heaters are also satisfactory. Heaters which use full price electricity are not acceptable as the main form of heating.

Paraffin heaters, LPG heaters and freestanding plug-in electric heaters are not acceptable.

Where open-flue gas fires are provided in a room used for sleeping purposes, they must be of modern design and fitted with an automatic oxygen depletion cut-off device. The room must also have a carbon monoxide detector.

All heaters, other than water filled radiators, must be suitably positioned such that there is at least two metres between the heater and any bedding, and such heaters must also not be located where curtains are likely to catch fire.

Whichever form of heating is installed it must be controllable by the occupants at all times. Where heating is provided to any communal rooms or areas, the running costs must be met

out of general rental charges or general energy charges rather than any type of prepayment meter.

All heating appliances must be fixed to either the wall or the floor and be provided with an appropriate base or surround if one is specified by the appliance manufacturer.

All gas heaters or boilers of any type must be properly serviced and maintained in a safe condition in accordance with the manufacturers recommendations and the Gas Safety (Installation and Use) Regulations 1998 (as amended).

All bathrooms, whether for exclusive or shared use must also be provided with adequate heating. Electric fan or radiant wall heaters are acceptable in bathrooms provided they are designed to operate in moist atmospheres.

2.40 Category C HMOs – Halls of Residence

This section is no longer used

2.50 Category D HMOs - Supported Accommodation (Hostels and Bed and Breakfast Establishments)

2.51 Definition

Properties providing supported accommodation are also known as 'hostels', 'guest houses' and 'bed and breakfast hotels'. They provide accommodation for people with no other permanent place of residence, as distinct from hotels which provide accommodation for visitors to an area.

This category includes establishments used by local authorities to house homeless families or persons, pending permanent placement, and similar establishments which provide accommodation for people who would otherwise be homeless. It also includes bona-fide hotels which used on a casual basis, and hotels housing a mixture of homeless households and visitors.

Each occupant (or family) usually has exclusive use of a room, but generally share bathroom and toilet facilities, although in some cases there may be en-suite facilities.

Some meals may be provided on a catered basis, although some supported accommodation operate on as self-catering. There is usually a communal living room and dining room.

2.52 General Principles of Occupation

- i. The sharing of a room for sleeping purposes by persons of the opposite sex over the age of 10 years, who are neither related nor living as a married couple or partners, will not be permitted.
- ii. Generally, no bedroom shall be occupied by more than two persons. All children count as one person.
- iii. Family rooms may only to be used as temporary accommodation, and for a maximum of four persons. Occupation must be limited to a maximum of 30 nights unless there are exceptional circumstances, which must be agreed by the local housing authority. Family includes married couples, or couples living as husband and wife or equivalent same sex relationship, parent, grandparent, child, step-child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin.
- iv. Rooms containing cooking facilities are not suitable to accommodate families with children below the age of five years.
- v. No unit of accommodation shall be occupied on the basis of a divided or shared tenancy or licence.
This is to avoid the situation arising whereby a unit of accommodation may be occupied by different persons at different times of the day or different days of the week (e.g. shift workers or seasonal/migrant workers who occupy a property in connection with their employment).
- vi. Only rooms designated as bedrooms or living rooms may be used for sleeping purposes.
Circulation spaces such as hallways, landings and other rooms such as kitchens, bathrooms, cellars, roof spaces etc., are unsuitable for use as sleeping/living accommodation.

Irrespective of overall floor area, consideration will be given to the shape and usable living space within the room when determining its suitability for occupation. No account will be taken of any part of a room where the ceiling height is less than 1.5 metres.

- vii. Rooms that can only be accessed by residents having to go into the external air in order to gain access to the communal facilities within the main part of the premises are not permitted.

2.53 Room sizes and permitted occupation

The following are the minimum floor areas required:

- i. Bedrooms where kitchen facilities are provided separately, and there is a separate communal living space of adequate size for the proposed number of occupiers:
 - 1 person - 6.51m²
 - 2 persons - 10.22m²
 - 3 person family room - 15m²
 - 4 person family room - 19m²
- ii. Bedrooms where kitchen facilities are provided separately, but where there is no separate communal living space of adequate size for the proposed number of occupiers:
 - 1 person - 10m²
 - 2 persons - 15m²
 - 3 person family room - 20m²
 - 4 person family room - 24m²
- iii. Bedrooms where kitchen facilities are provided within the room, and there is a separate communal living space of adequate size for the proposed number of occupiers:
 - 1 person - 10m² (13 m²)
 - 2 persons - 14m² (20 m²)
 - 3 person family room - 18.5m² (24 m²)
 - 4 person family room - 23m² (28 m²)
- iv. Bedrooms where kitchen facilities are provided within the room, but where there is no separate communal living space of adequate size for the proposed number of occupiers:
 - 1 person - 13m²
 - 2 persons - 20m²
 - 3 person family room - 24m²
 - 4 person family room - 28m²
- v. Communal Rooms
In short-term accommodation there must be a communal living room or rooms provided, of at least 15m² for the first four persons in occupation plus 1m² for each additional person thereafter, unless the bedrooms meet the higher room area standard as detailed above.

In long-term accommodation, where the occupiers are likely to reside for periods of more than six months, there must be a communal living room or rooms provided, of at

least 15m² for the first four persons in occupation, plus 2m² for each additional person thereafter, unless the bedrooms meet the higher room area standard as detailed above.

2.54 Kitchen facilities

(a) Catered accommodation

Where meals are provided for residents, all food must be stored, handled, prepared and served in accordance with the provisions of the Food Safety Act 1990 and associated regulations (in particular the Food Hygiene (England) Regulations 2006).

All persons who are employed to handle food must have received the appropriate and approved food hygiene training, and the operation must be registered as a food business with the Regulatory Services Department.

Kitchens must be adequately equipped according to the number of meals expected to be served on a daily basis.

The following general principles apply to catered accommodation:

- i. Meals must be served and consumed on the premises in which the occupants reside.
- ii. An appropriate dining room must be provided, together with sufficient tables and chairs for the number of users. Meals may be served on a sitting basis.
- iii. Where there are insufficient catering facilities within a particular premises, meals may be prepared elsewhere and brought in, provided the food is prepared in a food safety compliant kitchen and transported in hygienic conditions under proper temperature control.
It is acceptable for hotels which have an annexe building within the same curtilage to serve meals in the main building, provided that there is safe and well-lit access between the buildings.
- iv. In some properties it is permitted for residents to prepare meals within the catering kitchen which is also used for catering purposes, provided such meals are prepared under the supervision of a person having undertaken appropriate food hygiene training. This will normally be where residents are assisted to gain skills which may help them to live independently in the community.
- v. All residents must have access to adequate kitchen facilities (separate from any catering kitchen) in order to prepare their own food. The following separate kitchen facilities shall be provided for use by residents according to the predominant characteristics of the catering operation:

1. **Two or three meals provided - breakfast and evening meal or breakfast, lunch and evening meal**

Snack kitchen facilities must be sufficient for residents to prepare their own light meals and hot drinks as follows:-

- i. One set of facilities shall be provided for every **fifteen** persons consisting, as a minimum, of:
 - A minimum floor area of 7m² per set of kitchen facilities.
 - One kitchen sink complete with hot and cold water supplies and trapped waste.
 - A conventional four burner/hob cooker with oven and grill or a combination microwave oven/grill of minimum 20 litres capacity,
 - A minimum two metre run of fixed work surface (minimum 500mm depth).

- A standard work top domestic refrigerator incorporating a freezer compartment.
- Two twin 13 amp switched power sockets suitably sited in relation to the work surface and in addition to any sockets serving major appliances.
- Adequate storage for cooking utensils, crockery and cutlery etc.
- A kettle for making hot drinks or a vending machine if considered appropriate.
- *Mechanical extract ventilation with a minimum 60 litres/second flow rate*

Such facilities may be located within a communal room, but should preferably be located within a separate kitchen or kitchens.

ii. **One meal provided per day, usually breakfast**

One set of kitchen facilities shall be provided for every **seven** persons, consisting as a minimum of:

- A minimum kitchen floor area of 7m² per set of such kitchen facilities
- One kitchen sink complete with hot and cold water supplies and trapped waste.
- A conventional four burner/hob cooker with oven and grill or two combination microwave ovens/grills of minimum 20 litres capacity each.

The use of microwave ovens may be more appropriate if there are any concerns over the ability of residents to prepare hot food safely.

- A minimum two metre run of fixed work surface (minimum 500mm depth).
- Two twin 13 amp switched power sockets suitably sites in relation to the work surface and in addition to any sockets serving any major appliances.
- Adequate storage for cooking utensils, crockery and cutlery etc.
- *Mechanical extract ventilation with a minimum 60 litres/second flow rate*

For food storage purposes a refrigerator plus adequate storage for dry/canned foods and utensils/crockery/cutlery shall be provided within each unit of accommodation.

(b) Self-catering accommodation

In supported accommodation providing self-catered accommodation, food preparation facilities may be located either within each unit of accommodation or within shared kitchens.

1. Food Preparation Facilities within the Unit of Accommodation

The facilities shall comprise as a minimum:

- For a single person, a gas or electric cooker with two burners/hobs, oven and grill
- For two persons, or in a family room, a gas or electric cooker with four burners/hobs, oven and grill. A microwave oven may be substituted for one or two of the burners/hobs respectively and a combination microwave oven / grill in place of a conventional oven.
- A kitchen sink and drainer with a constant supply of hot and cold water.
- Sufficient fixed work surface to enable food to be prepared safely and hygienically.
- A suitable refrigerator of adequate size according to the number of occupants. A family room would require a standard work top height refrigerator with freezer compartment.
- Sufficient storage cupboard space for dry and canned food goods plus cooking utensils, crockery and cutlery.
- Two twin switched power sockets set at a convenient height and safe position in relation to the kitchen facilities.

The kitchen area must be provided with an easily cleansable non-slip floor covering, separated from any adjoining carpeted floor area by suitable dividing strips securely fixed in position.

Cookers must be safely positioned within the room such that they do not compromise escape in the event of a fire associated with the cooker, i.e. they must not be positioned adjacent to the exit doorway. In particular gas cookers must not be positioned directly adjacent to openable windows where flames are likely to be extinguished by excessive draughts or where curtains are likely to catch fire.

2. Shared Kitchens

One set of kitchen facilities shall be provided for every five persons, consisting as a minimum of:

- A minimum kitchen floor area of 7 m² per set of kitchen facilities.
- A kitchen sink complete with hot and cold water supplies and trapped waste.
- A conventional four burner/hob cooker with oven and grill.

The use of microwave ovens may be more appropriate if there are any concerns over the ability of residents to prepare hot food safely.

- A minimum two metre run of fixed work surface, minimum 500 mm depth.
- Two twin 13 amp switched power sockets suitably sited in relation to the work surface and in addition to any sockets serving any major appliances.

For food storage purposes, a refrigerator plus adequate storage for dry/canned foods and utensils/crockery/cutlery shall be provided within each unit of accommodation.

2.55 Personal washing and bathing facilities

1. Baths and showers

If some of the units of living accommodation do not contain bathing facilities for the exclusive use of each individual person or household, then there must be an adequate number of suitably located bathrooms to enable those facilities to be used on a shared basis.

Either a shower cubicle or bath is suitable, but a shower installed over a bath will not count as an additional shower. Baths must be provided with constant supplies of hot and cold water. Showers must have thermostatically controlled warm water.

Bathroom facilities must be provided not more than one floor distant from any intended user and must be accessible from a common area.

Where there are wash hand basins within the units of accommodation, a readily accessible bathroom containing a bath or shower shall be provided, not more than one floor distant from any user, on a ratio of one bath or shower to every 5 persons sharing.

Where the units of accommodation do not have wash hand basins, a readily accessible bathroom containing a bath or shower shall be provided not more than one floor distant from any user on a ratio of one bath or shower to every 4 persons sharing.

Only one set of facilities is permitted in any communal bathroom

2. Wash hand basins

If some of the units of living accommodation do not contain personal washing facilities for the exclusive use of each individual person or household, there must be an adequate number of suitably located, communal wash hand basins, together with constant supplies of hot and cold water to enable those facilities to be used on a shared basis. Such shared wash hand basins may be located either within a bathroom, a separate WC compartment or other suitable room and must be provided on a ratio of one wash hand basin to every 4 persons sharing.

Small wash hand basins or corner wash hand basins (such as those fitted only for hand washing purposes within WC compartments) will not be counted for communal personal hygiene purposes.

Every room containing a WC must be provided with a wash hand basin. Small wash hand basins or corner wash hand basins in separate WC compartments are acceptable, but such wash hand basins will not be counted towards the total number of communal wash hand basins for personal washing purposes.

Where a unit of accommodation has an en-suite bathroom containing a WC for the exclusive use of the occupants, there must be a wash hand basin within the bathroom or within the adjoining bedroom.

2.56 Toilet facilities

Toilet facilities shall be provided on a ratio of at least one WC per five persons sharing, where the WC is separate from the bathroom and accessible from a communal area without going through the bathroom.

Otherwise, one WC per four persons sharing where the WC is located within a communal bathroom

NUMBER OF PERSONS SHARING	FULL SUITE	BATH ONLY	SEPARATE WC
Up to 4	1		
5	1		1
5		1	1
6,7 or 8	2		
9	1	1	1
9 or 10	2		1
11 or 12	3		
13, 14 or 15	3		1
16	4		
17, 18, 19 or 20	4		1

2.57 Fire precautions

The required fire precautions are detailed in the document “Fire Safety Risk Assessment, Sleeping Accommodation”, commonly known as the fire sleeping guide. You should contact the Fire Service for advice or undertake a fire risk assessment, and complete all the recommended works.

2.58 Heating

All units of accommodation must be provided with an adequate fixed form of heating to all habitable rooms.

Within the main living room (which in the case of a bedsit will usually be the only room), the heating appliance must be capable of achieving a room temperature of at least 21°C within one hour of turning on when the air temperature outside is -1°C.

Within any separate bedroom a room temperature of 18°C will be sufficient.

For heating to be properly used by the tenants, it must be affordable. Central heating is the preferred option but electric night storage heaters and balanced flue gas heaters are also satisfactory. Heaters which use full price electricity are not acceptable as the main form of heating.

Paraffin heaters, LPG heaters and freestanding plug-in electric heaters are not acceptable.

Where open-flue gas fires are provided in a room used for sleeping purposes, they must be of modern design and fitted with an automatic oxygen depletion cut-off device. The room must also have a carbon monoxide detector.

All heaters, other than water filled radiators, must be suitably positioned such that there is at least two metres between the heater and any bedding, and such heaters must also not be located where curtains are likely to catch fire.

Whichever form of heating is installed it must be controllable by the occupants at all times. Where heating is provided to any communal rooms or areas, the running costs must be met out of general rental charges or general energy charges rather than any type of prepayment meter.

All heating appliances must be fixed to either the wall or the floor and be provided with an appropriate base or surround if one is specified by the appliance manufacturer.

All gas heaters or boilers of any type must be properly serviced and maintained in a safe condition in accordance with the manufacturers recommendations and the Gas Safety (Installation and Use) Regulations 1998 (as amended).

All bathrooms, whether for exclusive or shared use must also be provided with adequate heating. Electric fan or radiant wall heaters are acceptable in bathrooms provided they are designed to operate in moist atmospheres.

2.60 Category E – Care Homes

This section is no longer used

2.70 Category F HMOs – Self-Contained Flats

2.71 Definition

These are buildings which have been constructed, or converted into, self-contained flats. Access to the house or building is through a communal entrance doorway and hallway but thereafter the entrance to each individual flat is through a single doorway.

All amenities (WC, wash hand basin, bath or shower and kitchen facilities) must be accessible from within each individual flat, and the flat must be occupied by a single household to be regarded as self-contained.

Houses which have been converted in to self-contained flats to a proper standard in accordance with the 1991 Building Regulations or equivalent are exempt from the definition of an HMO.

Houses which were converted prior to this date, or which have been subsequently converted to a lesser standard not in accordance with Building Regulations, are not included within the mandatory licensing requirements. However such properties could become subject to licensing if the City Council were to declare any additional or selective licensing scheme in the future.

Larger individual flats which are occupied by groups of 3 or more unrelated persons are regarded as houses in multiple occupation in their own right, and those standards relevant to Category B HMOs - shared houses, would be applicable within each such flat.

2.72 General Principles of Occupation

The sharing of a room for sleeping purposes by persons of the opposite sex over the age of 10 years, who are neither related nor living as a married couple or partners, will not be permitted.

Generally, no bedroom shall be occupied by more than two persons. All children count as one person.

Family rooms may only to be used as temporary accommodation, and for a maximum of four persons. Occupation must be limited to a maximum of 30 nights unless there are exceptional circumstances, which must be agreed by the local housing authority. Family includes married couples, or couples living as husband and wife or equivalent same sex relationship, parent, grandparent, child, step-child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin.

Rooms containing cooking facilities are not suitable to accommodate families with children below the age of five years.

No unit of accommodation shall be occupied on the basis of a divided or shared tenancy or licence.

This is to avoid the situation arising whereby a unit of accommodation may be occupied by different persons at different times of the day or different days of the week (e.g. shift workers or seasonal/migrant workers who occupy a property in connection with their employment).

Only rooms designated as bedrooms or living rooms may be used for sleeping purposes.

Circulation spaces such as hallways, landings and other rooms such as kitchens, bathrooms, cellars, roof spaces etc., are unsuitable for use as sleeping/living accommodation.

Irrespective of overall floor area, consideration will be given to the shape and usable living space within the room when determining its suitability for occupation. No account will be taken of any part of a room where the ceiling height is less than 1.5 metres.

Rooms that can only be accessed by residents having to go into the external air in order to gain access to the communal facilities within the main part of the premises are not permitted.

All bedrooms, living rooms, bathrooms and kitchens must be accessible directly from a lobby or hallway within the flat and not through another room, except one room flats, in which case access is usually directly off a communal hallway or landing.

Each flat shall be provided with a lockable post box situated on the ground floor in a lobby or hallway accessible to the postal delivery service, unless the flat has its own front door accessible directly from the exterior.

2.73 Room Sizes and Permitted Occupation

The minimum room sizes are:

One person, four room flat

Bedroom - 7m²

Living room - 11.5m²

Kitchen - 5.5m²

One person flat with separate kitchen

Bed/living room - 14m²

Kitchen - 5.5m²

One person flat with separate bedroom

Bedroom - 7m²

Kitchen/living room - 14.5m²

Two person, one bedroom flat

Bedroom - 10.5m²

Living room - 13m²

Kitchen - 5.5m²

Three person, two bedroom flat

Main bedroom - 10.22m²

Secondary bedroom - 7m²

Living room - 16m²

Kitchen - 7m²

Four person, three bedroom flat

Main bedroom - 10.22m²

Second bedroom - 7m²

Third bedroom - 7m²

Living room - 18m²

Kitchen - 7m²

2.74 Kitchen facilities

Kitchen facilities should be provided in a separate kitchen or clearly defined kitchen area within any flat, and consist of the following minimum provisions:

Single person - a gas or electric cooker with two burners/hobs, oven and grill

- Two or more persons - a gas or electric cooker with four burners/hobs, oven and grill

A microwave oven may be substituted for one or two of the burners/hobs

□

A metal or ceramic kitchen sink and drainer with a constant supply of hot and cold water

Sufficient fixed work surface to enable each user to prepare food safely and hygienically – usually 500mm per person

A suitable refrigerator of sufficient size according to the number of occupants, A standard worktop height domestic refrigerator with freezer compartment or equivalent is required in most cases.

Sufficient storage cupboard space for dry and canned food goods plus cooking utensils, crockery and cutlery.

Electric power sockets: two twin switched power sockets set at a convenient height and safe position in relation to the kitchen facilities.

Cookers must be safely positioned within the room such that they do not compromise escape in the event of a fire associated with the cooker i.e. they must not be positioned adjacent to the exit doorway – in particular gas cookers must not be positioned directly adjacent to openable windows where flames are likely to be extinguished by excessive draughts or where curtains are likely to catch fire.

2.75 Personal Washing and Bathing Facilities for Flats

i. Baths and Showers

Each flat must be provided with its' own bath or shower, together with constant supplies of hot and cold water. Wherever possible the bath or shower should be provided in a separate bathroom. Shower cubicles are permitted within a bedroom or the bed/living room of a one room single person flat, provided that precautions are taken to avoid condensation dampness within the room and electrical hazards

The room containing the shower must be provided with an automatic humidistat-controlled extractor fan of minimum extract capacity 60 litres per second.

Any electrical switches, sockets or equipment must be safely positioned in relation to the shower in accordance with current IEE Regulations and Part P of the Building Regulations.

ii. Wash hand Basins

Each flat must have its' own wash hand basin, together with constant supplies of hot and cold water. The wash hand basin should be provided within the bathroom but may be located within a bedroom.

Each room or compartment containing a WC must be provided with a wash hand basin.

2.76 Toilet Facilities for Flats

Each flat must be provided with its' own WC, which must be located either within a bathroom or in a separate compartment.

2.77 Fire Precautions in Flats

Two-storey building converted into self-contained flats

i. Escape routes

30-minute protected route is required, including 30-minute fire-resisting construction and FD30S doors to rooms opening onto escape route. No requirement for fire doors within flats, but sound, well-constructed and close-fitting conventional doors are required. Travel distance must not be excessive

It may be possible to accept an existing lower standard of protection in the protected route if there are suitable escape windows from bedrooms and living rooms

ii. Fire separation

30 minutes fire resistance between flats throughout is the ideal, but on risk assessment there may be no requirement for additional fire-resisting separation between units providing walls and floors are of sound, traditional construction and additional compensatory detection is fitted.

iii. Fire detection and alarm system

A mixed system:

- Grade D: LD2 coverage in the common areas and a heat detector in each flat in the room/lobby opening onto the escape route (interlinked); and
- Grade D: LD3 coverage in each flat (non-interlinked smoke alarm in the room/lobby opening onto the escape route) to protect the sleeping occupants of the flat

iv. Lighting of escape routes

Conventional artificial lighting is required. Emergency escape lighting required if the route is long or complex or where there is no effective borrowed light

v. Fire-fighting equipment

A fire blanket is to be provided in each kitchen

A simple multi-purpose extinguisher on each floor in the common parts (ground floor hallway only if no first floor common parts) is recommended

vi. Fire safety signs

No requirement

vii. Surface finishes & floor coverings

See paragraphs 28-29 of LACoRS Housing – Fire Safety

viii. Management and maintenance of fire safety

See paragraph 32 of LACoRS Housing – Fire Safety

Where the fire risk assessment identifies a higher than normal risk, the BS 5839: part 6, LD2 interpretation of “rooms or areas that present a high fire risk to occupants” may include living rooms, bedrooms and kitchens within the flats, thereby providing automatic detection in these rooms in addition to the common parts and internal entrance hall/lobby within flats.

Where this is the case, this additional detection would be an additional grade D system within the flat (i.e. a mixed system overall) so as to avoid whole-house false alarms.

Three- or four-storey building converted into self-contained flats

- i. Escape routes
30-minute protected route is required, including 30-minute fire-resisting construction and FD30S doors to rooms opening onto escape route. No requirement for fire doors within flats, but sound, well-constructed and close-fitting conventional doors are required. Travel distance must not be excessive
- ii. Fire separation
30 minutes fire resistance between flats throughout is the ideal, but on risk assessment there may be no requirement for additional fire-resisting separation between units providing walls and floors are of sound, traditional construction and additional compensatory detection is fitted
- iii. Fire detection and alarm system
A mixed system
 - Grade A: LD2 coverage in the common areas and a heat alarm in each flat in the room/lobby opening onto the escape route (interlinked); and
 - Grade D: LD3 coverage in each flat (non-interlinked smoke alarm in the room/lobby opening onto the escape route) to protect the sleeping occupants of the flat, subject to adequate fire separation
- iv. Lighting of escape routes
Conventional artificial lighting required. Emergency escape lighting required if the route is long or complex or where there is no effective borrowed light
- v. Fire-fighting equipment
A simple multi-purpose extinguisher on each floor in the common parts
A fire blanket is to be provided in each kitchen
- vi. Fire safety signs
Final exit sign and signage along escape route if the escape route is complex
 - i. Fire safety signs
No requirement
 - ii. Surface finishes & floor coverings
See paragraphs 28-29 of LACoRS Housing – Fire Safety

Where the fire risk assessment identifies higher than normal risk, the BS 5839: part 6, LD2 interpretation of “rooms or areas that present a high fire risk to occupants” may include living rooms, bedrooms and kitchens within the flats, thereby providing automatic detection in these rooms in addition to the common parts and internal entrance hall/lobby within flats.

Where this is the case, this additional detection would be an additional grade D system within the flat (i.e. a mixed system overall) so as to avoid whole-house false alarms.

2.78 Heating

All units of accommodation must be provided with an adequate fixed form of heating to all habitable rooms.

Within the main living room, the heating appliance must be capable of achieving a room temperature of at least 21°C within one hour of turning on when the air temperature outside is -1°C.

Within any separate bedroom a room temperature of 18°C will be sufficient.

For heating to be properly used by the tenants, it must be affordable. Central heating is the preferred option but electric night storage heaters and balanced flue gas heaters are also satisfactory. Heaters which use full price electricity are not acceptable as the main form of heating.

Paraffin heaters, LPG heaters and freestanding plug-in electric heaters are not acceptable.

Where open-flue gas fires are provided in a room used for sleeping purposes, they must be of modern design and fitted with an automatic oxygen depletion cut-off device. The room must also have a carbon monoxide detector.

All heaters, other than water filled radiators, must be suitably positioned such that there is at least two metres between the heater and any bedding, and such heaters must also not be located where curtains are likely to catch fire.

Whichever form of heating is installed it must be controllable by the occupants at all times. Where heating is provided to any communal rooms or areas, the running costs must be met out of general rental charges or general energy charges rather than any type of prepayment meter.

All heating appliances must be fixed to either the wall or the floor and be provided with an appropriate base or surround if one is specified by the appliance manufacturer.

All gas heaters or boilers of any type must be properly serviced and maintained in a safe condition in accordance with the manufacturer's recommendations and the Gas Safety (Installation and Use) Regulations 1998 (as amended).

All bathrooms, whether for exclusive or shared use must also be provided with adequate heating. Electric fan or radiant wall heaters are acceptable in bathrooms provided they are designed to operate in moist atmospheres.

2.60 Mixed Category A and F HMOs - bedsits and flats

In many cases houses are converted to a combination of bedsits, where occupants may share some amenities, and self-contained flats.

Such houses will always fall within the HMO definition and may be subject to mandatory licensing. The relevant standards for Category A and Category F houses would be applied as appropriate.

2.70 Temporary accommodation for seasonal or migrant workers

This type of accommodation is more likely to be prevalent in rural areas, and is not known to be widespread in Birmingham.

The standards for this type of accommodation is likely to be that of either Category B - shared houses or Category D – supported accommodation.

Section 3: General specification applicable to amenities and associated services in all categories of HMO

3.10 Kitchens

i. The room

All kitchens, whether for exclusive or shared use, must have floor coverings which are impervious, reasonably smooth and easily cleansable. Ideally floor coverings should be slip resistant. Walls and ceilings must also be reasonably smooth such that they can be kept clean and easily redecorated.

ii. Ventilation

In addition to any natural means of ventilation, all shared kitchens must be provided with adequate mechanical ventilation. Extractor fans with an extract rate of 60 litres per second, venting directly to the external air is required.

Kitchens for exclusive use may also need to be provided with mechanical extract ventilation where there is inadequate natural ventilation, or where a gas cooker is provided and opening a window would lead to excessive draughts, which might extinguish the burner flames.

iii. Lighting

Adequate ceiling mounted electric lighting must be provided to the working area of the kitchen.

iv. Layout

Kitchens must be arranged such that hot food can be prepared and handled safely. In particular, cookers must be located away from any door which might open on to, and collide with, a person standing in front of the cooker.

There must be adequate space in front of any cooker for persons to retrieve hot food from the oven.

There should be fixed work surfaces either side of any cooker to shield any overhanging panhandles and so that hot foods and utensils can be placed down quickly and safely.

v. Sinks

A sink must be stainless steel or have a comparable impermeable, easily cleansable surface. They must be provided with a drainer, overflow, supplies of constantly available hot and cold water and all requisite drainage. The sink top (or surface into which it is inset) must be a minimum 900mm x 500mm.

Sinks must have a tiled or similar waterproof splashback. Where the sink abuts a window reveal, the sill of the window must be clad in waterproof tiles or similar, extending to a minimum height of 150mm above the sink top. There must be a flexible waterproof joint between the sink and the splashback.

vi. Food Preparation Surfaces

Work surfaces must be of impermeable, heat resistant, durable and easily cleansable materials. Where these are fixed, the joint between the food preparation surface and any abutting units or the wall must be watertight, and a tiled splashback provided, clad in waterproof tiles or similar, extending to a minimum height of 150mm above the sink top. There must be a flexible waterproof joint between the sink and the splash back.

vii. **Food Storage Cupboards**

The internal and external surfaces of all cupboards must be of durable and easily cleansable materials and, where wall mounted, must be fixed securely to take the weight of stored tinned/bottled foods. Food storage underneath a sink is not acceptable.

viii. **Cooking Appliances**

Cookers must be installed according to the manufacturer's instructions and, in particular, electric cookers must be connected via an appropriately rated switch and fuse. Gas cookers must be fitted with a safety restraint to prevent tipping over.

ix. **Compact Domestic Kitchens**

Compact domestic kitchens in a modular layout may be provided in bedsits and flats. Provided such kitchen facilities are installed in accordance with the manufacturer's recommendations, and give an equivalent level of provision to that required, then their use is acceptable.

3.20 Bathrooms and shower rooms

i. **The Room**

Bathrooms must be of adequate size to enable users to dry themselves and get dressed without undue restriction. Showers fitted in to small restricted spaces such as understairs cupboards may not be suitable.

Floors to bathrooms must be impervious, reasonably smooth, and easily cleanable. Ideally floor coverings should be slip-resistant.

Walls and ceilings must also be reasonably smooth, such that they can be kept clean and be easily redecorated.

Obscured glazing must be provided to bathroom windows and doors as appropriate, and all shared bathrooms to be fitted with a privacy lock/bolt.

ii. **Ventilation**

All bathrooms and shower rooms must be adequately ventilated. Mechanical extract ventilation giving an extract rate of at least 15 litres per second must be fitted where there is no openable window to provide natural ventilation.

Any extractor fan installed in a bath or shower room must be provided with an "overrun" device which is connected to the artificial lighting circuit in the room and ensures that the fan continues to operate for 20 minutes after the artificial room lighting is switched off. This helps to remove moisture from the room, which might otherwise lead to condensation and black mould growth.

Alternatively a humidistat controlled extractor may be provided.

iii. **Baths and Showers**

Baths should be a minimum 1.67m in length and be provided with a tiled splashback to a height of at least 150mm where they abut walls. A waterproof seal between the bath must be provided using a flexible silicon mastic sealant or a sealant gasket with a similar degree (high) elasticity.

Where showers are provided, they must either be purpose-designed waterproof shower cubicles, or be formed from a proper shower base with waterproof wall tiling and associated waterproof screen/doors. Seals between the shower base and walls must be provided with

elastic mastic sealant as specified for baths. Shower trays should be minimum 800 mm x 800 mm
Showers which rely on a curtain to contain the water spray are not permitted above the ground floor.

Baths or showers shall not be provided in kitchens.

All baths and showers must be provided with an adequate supply of constantly available hot and cold water and adequate drainage. Hot water to showers must be capable of being delivered at a thermostatically controlled temperature.

iv. **Wash hand basins**

All wash hand basins must be provided with supplies of constantly available hot and cold water, plus adequate drainage. Wash hand basins must be firmly and securely anchored to the wall which they abut or surface in which they are inset.

Unless there are space constraints, the minimum dimension of wash-basins shall be 500mm x 400mm.

All washbasins must be provided with an overflow and splashback with a minimum height of 150mm where they abut a wall and be sealed to the splashback using a flexible silicon mastic sealant.

v. **Water closets**

Every separate room or compartment containing a WC must have:

- an easily cleansable impervious floor covering
- reasonably smooth wall and ceiling surfaces which can be easily cleaned and redecorated
- adequate natural or mechanical extract ventilation supplemented by permanent background ventilation in the form of an air brick or trickle vent
- obscured glazing to windows and doors as appropriate
- a privacy lock fitted to the door

WC pedestals must be securely fixed to the floor and properly connected to the drainage system in accordance with current building Regulations. They must have a high or low level cistern fitted with an efficient flushing mechanism.

WCs accessed from outside do not count towards the overall number of WCs available for use in a property.

3.30 Cold Water Supplies

All HMOs must be provided with an adequate water supply via a proper service connection from the public supply provided by the statutory undertaker.

The supply of water for drinking purposes must be taken from the rising main. Where there is any doubt as to whether a supply point is suitable for drinking water it shall be conspicuously marked accordingly.

All water supply pipes and any water control valves, apparatus and fittings connected with a supply of water must be protected from frost where they are vulnerable to freezing.

The water supply must be capable of being turned off in case of emergency or to enable repair works to be carried out – stop valves should therefore be provided to isolate individual units of accommodation or each floor within the HMO as appropriate.

3.40 Hot Water Supplies

All systems supplying hot water must be designed and installed so that hot water is available at wash hand basins, sinks, baths or showers at all reasonable times. Electric batch boiling appliances are not acceptable as a means of heating water. Electric instantaneous type heaters are only acceptable for sinks if they are rated at 5 Kw or above, and are fitted with a proper hot water delivery arm.

The cost of supplying hot water to wash-basins, sinks, baths or showers which are exclusive to particular lets may be met out of general rental charges, or may be charged for by meter, as long as the occupier of the let has total and exclusive control over the use of that hot water.

Any hot water storage tank must be provided with an accessible stop cock to the down service pipe, and be adequately insulated.

Hot water to showers must be capable of being delivered at a thermostatically controlled temperature.

3.50 Disposal of waste water and drainage

All waste pipes serving sinks, wash hand basins, baths and showers must be of the appropriate diameter and fitted with a trap. Waste pipes must be adequately supported along their entire length to prevent sagging and to maintain proper drainage falls. Waste water must be discharged in to the correct drainage system in accordance with current Building Regulations and Water Authority Bye-Laws.

Section 4: Property and Tenancy Management Standards

4.10 The Management of Houses in Multiple Occupation (England) Regulations 2006

These regulations apply to most HMOs, whether licensable or not, but do not apply to HMOs comprising properties converted into self-contained flats – these will become subject to a separate set of management regulations due to come in to force in October 2006. In the meantime, houses converted entirely into self-contained flats will continue to be subject to The Housing (Management of Houses in Multiple Occupation) Regulations 1990 which were previously in force. The new regulations detail the management standards to be met and require the manager of the premises to carry out certain duties to maintain their property, taking account of the age, character, locality and prospective life of the house. The Regulations are summarised below but a full copy may be obtained by clicking on the link www.opsi.gov.uk. Follow the links to *legislation*; *statutory instruments*; *year 2006*; *statutory instrument number 372*. They may also be purchased from The Stationery Office Limited.

The duties of the manager are as follows:

i. **To display their contact details** (Regulation 3)

The manager's name, address and contact telephone number must be clearly displayed in a prominent position. On the wall in the entrance hall is usually the best place.

ii. **To maintain all means of escape from fire** (Regulation 4)

All fire doors must be maintained in a good condition, free from damage and fully self-closing into the rebates of the frame.

The main routes of escape e.g. exit doors, landings, staircases and hallways must be kept free from obstruction.

Escape routes must be clearly indicated by fixing notices in appropriate places in all HMOs having five or more occupants.

The fire detection and warning system and emergency lighting system must be tested regularly. For most small and medium sized HMOs, a monthly test by the landlord should suffice, in addition to a thorough annual test by a suitably competent person (such as a qualified electrician or specialist fire alarm engineer). For larger HMOs, more regular testing may be required.

Fire-fighting equipment, where provided, must also be maintained in good working order.

iii. **To take safety measures** (Regulation 4)

All necessary measures must be taken to protect the occupiers from injury, having regard to the design, the structural condition and the number of occupiers in an HMO. In particular this relates to the prevention of accidents associated with access to any roof or balcony and any low window sill

- iv. **To maintain the water supply and drainage system** (Regulation 5)
The water supply or drainage system must be maintained in a good, clean and working condition. It must not be unreasonably interrupted from use by any occupier, and any water storage tank must be covered and kept clean. Any water fitting which is liable to damage by frost must be suitably protected

- v. **To maintain gas and electrical supplies and to provide safety certificates** (Regulation 6)
The gas installation, and any appliances, must be tested annually by a Gas Safe registered engineer who will issue a gas safety record. This must be supplied to the local authority within 7 days of any written request to do so.

The electrical installation must be inspected and tested at least every five years by a qualified electrician who must issue a test certificate. Again, this must be supplied to the local authority within 7 days of a written request to do so.

Neither the gas or electricity supplies must be unreasonably interrupted.

- vi. **To maintain all common parts and installations within the property** (Regulation 7)
All common parts of the HMO e.g. entrance hallways, entrance doors, porches, steps, staircases, landings, shared bathrooms and communal kitchens, plus all shared fittings and appliances must be maintained in a good state of repair and safe and working condition and kept clear from obstruction. Communal areas must also be kept clean and well decorated.

In HMOs where the occupants are previously acquainted with each other and rent the house under the terms of a single tenancy agreement, for example a student shared house, it may be acceptable to expect the tenants to undertake the cleaning of the common areas on a group basis. The manager should visit from time to time, by prior appointment, to ensure that the common areas are being maintained to a satisfactory standard of cleanliness.

In all other types of HMO, cleaning of communal areas will normally be the responsibility of the manager

- vii. **To maintain in good order and repair any outbuildings, yards, gardens or boundary fences** (Regulation 7)
Any outbuilding, yard, forecourt, boundary wall, fence or railing belonging to the HMO must be maintained in good and safe repair so as not to constitute a danger to the occupiers. Any yard or garden belonging to the HMO must be kept in a safe and tidy condition

- viii. **To maintain each unit of accommodation** (Regulation 8)
Each unit and any furnishings must be clean at the beginning of a person's occupation. The internal structure, any fixtures, fittings or appliances, any window or other means of ventilation must be maintained in good repair, as long as the tenant has treated the accommodation properly in accordance with the conditions contained within his lease or tenancy agreement

- ix. **To ensure refuse is stored and disposed of adequately** (Regulation 9)

or larger hostel type premises (10 or more occupiers), a trade refuse contract with the local authority would be expected. This may also be necessary for smaller premises, particularly where meals are provided

x. **The duty on all occupiers of an HMO** (Regulation 10)

The regulations place a duty on all occupiers of an HMO to:

- Conduct themselves in a way that will not hinder or frustrate the manager in the performance of his duties.
- Allow the manager at all reasonable times to enter any living accommodation to enable him to carry out any duty. Except in the case of emergencies, at least 24 hours' notice, either in writing or by phone, of any intended visit should be given to the occupiers.
- Provide the manager with any information requested to enable him or her to carry out their duties.
- Take reasonable care to avoid causing damage to the property and its' contents.
- Store and dispose of refuse in accordance with the arrangements made by the manager.
- Comply with the reasonable instructions of the manager in respect of any means of escape from fire, the prevention of fire and the use of fire equipment.

Under Regulation 11, the manager is not expected to carry out any works or actions with respect to the supply of water, gas or electricity or to the drainage of the house where responsibility for a particular fault or problem lies with either the local authority or the supply company. The manager is however expected to bring any such faults or problems to the attention of the appropriate person, authority or company as necessary as soon as he becomes aware of the matter (for example a blocked sewer or power failure)

It is an offence not to comply with these Regulations. A person who is found to be in contravention of these Regulations may be subject to a civil penalty or to an unlimited fine upon conviction.

This applies to both the manager of a property and to the occupiers as appropriate.

4.20 Management arrangements and the competency of the manager

i. **Management Arrangements**

Before issuing a licence, the Council must be satisfied that the management arrangements for the property are satisfactory, and that the person involved in the management is a fit and proper person, and competent to do so. Where there are any concerns over the competency of the manager, the Council can require that s/he attends an approved training course as a condition of a licence.

Management arrangements will differ for each property, depending upon the age, size and type of house, the number and the type of tenants and the type of accommodation provided.

The issues for which arrangements should be in place are:

- A procedure for tenants to report any repairs.
- A procedure for ensuring that any repair work or general maintenance work is carried out.
- To ensure that sufficient funds are available to enable emergency repairs to be carried out.

- A procedure for checking that the emergency lighting and the fire detection and warning devices are in good working order.
- To ensure that all tenants are made aware of the fire safety procedures and the proper use of fire safety installations.
- A procedure for ensuring that the escape routes are kept free from obstructions.
- Arrangements to ensure that the gas installation and all appliances are kept in safe and good working order.
- Arrangements to ensure that the electrical installation and appliances are kept in a safe and good working order.
- To ensure that tenancies are created and terminated in accordance with the law.
- To ensure that the common areas, such as communal kitchens, bathrooms, entrance hallway and stairwells, are kept clean and in good order.
- To ensure that satisfactory arrangements are in place for the storage and collection of refuse.
- To ensure that the front and rear yards, gardens and fencing are kept in good order.

ii. **Financial arrangements**

The Council must ensure that suitable financial arrangements are in place, before a licence can be issued. These arrangements will vary from property to property but, in the majority of cases, the manager will need to demonstrate that arrangements have been made for the following:

- Financing the cost of repairs and general maintenance
- Receiving rents
- Receiving and handling deposits
- Paying the mortgage if appropriate
- Paying the Council Tax if appropriate
- Paying utility bills, if they are the owner's responsibility

For supported accommodation, further financial arrangements may need to be in place, such as to hire and pay staff such as caretakers, cooks, cleaners etc. and to purchase food and other supplies

4.30 Terms of Occupation

When a licence is issued by the Council, it will contain a number of conditions, some of which are mandatory for all licences (Schedule 1 conditions), and others will be specific to that particular property (Schedule 2 conditions).

It is a requirement for the licence holder to supply to the occupiers of the house, a written statement of the terms on which they occupy it. In many cases the landlord may already have fulfilled this requirement by the provision and signing of a Tenancy Agreement at the start of each tenancy. It is important that any such statement or tenancy agreement contains certain information, as listed below:

- Name of tenant(s) or licensee and address of property
- Name and address of landlord(s)
- Name and address of agent (if any)
- Tenancy or licence start date
- Amount of deposit paid, how held and terms of return
- Inventory of items supplied by landlord e.g. furniture
- The length of the tenancy, if a fixed term tenancy
- The amount of rent and how often it is due
- Arrangements for payment/collection of rent
- Recording of rent i.e. rent book or receipt
- How and when the rent can be increased
- Who is responsible for payment of Council Tax, water rates and fuel bills
- The repairing obligations for both parties
- Arrangements for reporting repairs
- A statement as to expected standards of behaviour of tenants and their visitors and the consequences of failing to abide by these prohibited behaviours.
- The tenants' right to quiet enjoyment of the property.
- Ending a tenancy – the notice requirements on both parties, including the need for a Possession Order and a Warrant before eviction. Procedure for ending a term of occupation under a licence.
- The landlord's right of access into the property
- The duty of the tenant to enable the landlord to perform his or her management responsibilities
- The duty of the tenant to avoid causing unnecessary damage to the property and its contents
- The duty of the tenant to store and dispose of refuse as arranged by the landlord and in accordance with local authority arrangements for refuse collection.

- The duty of the tenant to comply with the landlord's reasonable instructions in respect of any means of escape from fire, the prevention of fire and the use of fire equipment

There is a procedure to be followed to terminate any tenancy. It is a criminal offence to either illegally evict or to harass a tenant so as to cause them to leave a property, for example threatening them or cutting off supplies of fuel or water.

The Council will take legal action against anyone committing harassment or illegal eviction. In addition, the HMO licence may be revoked and a Management Order may be made whereby the Council will take over the day to day management of the property, including receipt of the rent.

4.40 Temporary Exemption Notices

If a landlord or a person in control of a licensable property intends to stop operating as an HMO, or reduce the number of occupants, and can give clear evidence of this, then he or she can apply for a Temporary Exemption Notice (TEN).

Where occupation levels are to be reduced, the tenants being displaced must confirm (in writing if possible) that they intend to vacate the property.

Where it is intended that a property will cease to be in multiple occupation, the landlord must be able to provide evidence that any existing tenants have made suitable alternative housing arrangements and that they will have moved out within 3 months from the date of application for the TEN.

If necessary, consideration may be given to issuing a further TEN for another 3 months but each case will be considered separately. A person who applies for a TEN but is refused may appeal to HM Courts and Tribunal, First-tier Tribunal (Property Chamber) Residential Property within 28 days.

Upon expiry of a TEN, the property must either be licensed, cease to be an HMO, be no longer licensable or become subject to an Interim Management Order.

4.50 HMO Declarations

The Council may declare a building or part of a building to be an HMO if it is used for some other purpose, but the living accommodation is also occupied, by persons who do not form a single household, as their main residence and this constitutes a significant use of that accommodation.

This may be most commonly used for premises operating as bed & breakfast type Establishments, where a number of rooms are also used to house people who would otherwise be homeless.

Such use will be deemed as significant if 25% or more of the total number of sleeping rooms are occupied by persons in receipt of housing benefit or paying a weekly or monthly rent as opposed to an overnight charge.

In order to make such a declaration, the Council must serve a notice on the owner and/or manager of the premises who will have the right to appeal to HM Courts and Tribunal, First-tier Tribunal, (Property Chamber) Residential Property within 28 days. If no appeal is made the premises will be deemed to be an HMO and may require to be licensed. If circumstances change and the premises is no longer occupied in a similar manner, the Council may revoke the declaration, either by its own initiative or on application by the owner or manager.

4.60 Regulatory Powers

i. Offences

It is an offence if a landlord or the person in control of a property either fails to apply for a licence for a licensable property, or allows a property to be occupied by more people than are permitted under the licence without reasonable excuse. A civil penalty or unlimited fine upon conviction may be imposed.

It is also an offence to break any of the licence conditions without reasonable excuse and a civil penalty or unlimited fine upon conviction may be imposed.

ii. **Interim Management Orders**

Where the condition of a property is such that it presents an imminent risk to the health and safety of the occupiers, or if a landlord fails to apply for a licence, or to bring an HMO up to the required standard, or fails to meet the fit and proper person criteria, the Council can issue an Interim Management Order (IMO), which allows it to step in and manage the property. The owner keeps their rights as an owner, but the rental income will be collected by the Council and can be used to fund repairs and other charges incurred in managing the property.

The order can last for a year but, once it has expired, the Council must decide whether a licence can now be issued, or whether to make a Final Management Order (FMO).

An IMO can also be issued if the Council intends to revoke a licence and it is necessary to make the order to protect the health, safety and welfare of the occupants of the property.

iii. **Final Management Orders**

A Final Management Order (FMO) cannot be made unless immediately beforehand an IMO or another FMO was in force.

A Final Management Order lasts for a maximum of five years, but can be renewed. It transfers the management of the house to the Council for the duration of the order. As with an IMO the owner retains rights as an owner, but the Council will collect the rental income to fund repairs and other charges incurred in managing the property and may also create new tenancies without the owner's agreement.

The Council would need to produce a written management scheme detailing how it would intend to manage the property during the period the FMO was in force.

A person who is aggrieved by the making of a FMO may appeal to HM Courts and Tribunal, First-tier Tribunal, (Property Chamber) Residential Property within 28 days.

4.70 Rent Repayment Orders

A tenant living in a HMO that should have been licensed, but was not, can apply to the HM Courts and Tribunal, First-tier Tribunal, (Property Chamber) Residential Property to claim back any rent they have paid during the unlicensed period, up to a limit of 12 months. HM Courts and Tribunal, First-tier Tribunal, (Property Chamber) Residential Property must make such an order if the landlord has been found guilty of the offence of failing to obtain a licence or where an order has already been made in favour of a local authority to claim back housing benefit payments.

Councils can also reclaim any housing benefit that has been paid during the time the property was without a licence, where a landlord has been found guilty of the offence of failing to obtain a licence, or if the Council has sufficient evidence that an offence has been committed.

SCHEDULE 1 LICENCE CONDITIONS

**CONDITIONS FOR REGULATING THE CONDITION, MANAGEMENT, USE AND
OCCUPATION OF HOUSES REGULATED BY BIRMINGHAM CITY COUNCIL UNDER
MANDATORY, ADDITIONAL AND SELECTIVE LICENSING SCHEMES.**

**ANY PARTICULAR WORKS OR ACTIONS REQUIRED TO COMPLY WITH THE
CONDITIONS CONTAINED IN THIS SCHEDULE ARE SPECIFIED IN SCHEDULE 2
ATTACHED**

1. GENERAL MANAGEMENT, OCCUPATION AND PROVISION OF INFORMATION

The Licence Holder must:

- clearly display a copy of the licence within a suitable common part of the house where it can be seen by all occupiers. The schedule of licence conditions must also be provided to any occupier upon request or may be displayed adjacent to the licence.
- supply to all occupiers of the house a written statement of the terms of occupation. This may take the form of a tenancy agreement or a separate written statement.
- ensure that the correct legal procedure is followed when bringing any tenancy to an end.
- protect any tenancy deposit taken under an assured shorthold tenancy by placing it in a statutory tenancy deposit scheme, and must advise the tenants where it has been placed.
- not permit the house to be occupied by more than the number of households or persons specified in the licence.
- comply with any direction issued by the Council restricting or prohibiting the use or occupation of any particular part or parts of the house.
- consult with the Council before making any material changes to the property layout or occupation limits of the house.
- inform the Council of any changes to the ownership or management of the house.
- ensure that the common areas of the house, including shared living rooms, kitchens, hallways and landings etc. are not used for sleeping purposes either by any of the occupiers or their guests.
- ensure that all outhouses, garages and sheds are kept secured and used for their intended purpose. The Licence Holder must not allow them to be occupied as individual habitable rooms, kitchens or bathrooms.

- ensure that the house is properly managed at all times and in particular that the requirements of the Management of Houses in Multiple Occupation (England) Regulations 2006 are complied with.
- ensure that any person or persons involved with the management of the house are to be best of their knowledge “fit and proper persons” for the purposes of Section 66 of the Act.
- notify the Council within 10 working days of any changes in circumstances that will adversely impact on their status to act as a ‘fit and proper person’.
- ensure that appropriate procedures are put in place to respond to emergency repairs within a period of 24 hours of any initial notification and that sufficient funds are available at all times to finance such emergency repair work. Emergency repairs work shall include rainwater penetration, water leaks, faulty fire alarms, disruption to the electric, gas or water supplies, heating failure, insecure windows or doors and blocked drains.
- ensure that procedures are in place to respond to general repairs within an appropriate period according to the nature and extent of the reported defect.
- make regular inspections (at least every 6 months) of the property to ensure that the property is in a decent state of repair and that the occupiers are not in breach of tenancy terms and conditions.
- allow any Authorised Officer of the Council access to the premises at all reasonable times for the purposes of carrying out any duties under the Housing Act.
- not knowingly discriminate against any occupier or potential occupier of the Premises on the grounds of sex, colour, race, religion, ethnic or national origins or disability. (Any house that operates on the basis of accommodating a specific gender would not be regarded as being in breach of this condition on the grounds of sex discrimination).
- if required by the Council attend a training course in relation to any applicable code of practice approved under Section 233 of the Act.

2. MINIMUM SLEEPING ROOM SIZES

The licence holder must:

- ensure that the floor area of any room used as sleeping accommodation by one person aged over 10 years is not less than 6.51m²
- ensure that the floor area of any room used as sleeping accommodation by two persons aged over 10 years is not less than 10.22m²
- ensure that the floor area of any room used as sleeping accommodation by one person aged under 10 years is not less than 4.64m² (NOTE: Only applicable to houses in single family occupation)
- ensure that any room with a floor area of less than 4.64m² is not used as sleeping accommodation.

NOTE: Any part of the floor area of a room where the ceiling height is less than 1.5metres is not to be taken into account in determining the floor area of the room.

3. FIRE PRECAUTIONARY FACILITIES AND EQUIPMENT

The Licence Holder must:

- carry out a fire risk assessment to identify the fire hazards, reduce the risk of those hazards and to decide what physical fire precautions and management arrangements are needed and provide a copy to the Council upon request.
- ensure that the premises are provided with a satisfactory means of escape from fire according to the size, layout and type of accommodation provided.
- ensure that an automatic fire detection and warning system is installed in the premises in accordance with the appropriate category and grade of British Standard 5839.
- ensure that the automatic fire detection and warning system is maintained in proper working order and provide to the Council, on demand, a test certificate or report stating the condition of the automatic fire detection and warning system issued by a suitably qualified person stating that the system is installed in accordance with the appropriate British Standard.
- ensure that an emergency lighting system is installed within the communal fire escape route of the house in accordance with British Standard 5266.
- ensure that the emergency lighting system is maintained in proper working order and provide to the Council, on demand, a test certificate or report stating the condition of the emergency lighting system issued by a suitably qualified person stating that the system is installed in accordance with the appropriate British Standard.
- ensure that all fire-fighting equipment, where provided, is maintained in accordance with the manufacturer's recommendations and that replacement or refilled equipment is provided without delay after use.
- ensure that all upholstered furniture supplied by them for use by any occupier of the house is compliant with the Furniture and Furnishings (Fire)(Safety) Regulations 1988 (as amended in 1989 and 1993). The Licence Holder must on demand provide to the Council a declaration as to the safety of such furniture.

4. PROVISION OF STANDARD AMENITIES

The Licence Holder must:

- ensure that the house is provided with sufficient standard amenities for use by the current or intended number of occupiers according to the type of accommodation offered.
- ensure that all standard amenities and equipment provided for use by the occupiers of the house are maintained in good repair and proper working order.

5. PROVISION OF ADEQUATE MEANS OF SPACE HEATING

The Licence Holder must:

- ensure that the house including all bathrooms, whether shared or for exclusive use, are adequately heated in accordance with the Council's approved standards for Privately Rented Accommodation.

6. GAS SAFETY

The Licence Holder must:

- if gas is supplied to the premises, provide to the Council a Landlord's Gas Safety Record issued in accordance with the Gas Safety (Installation and Use) Regulations 1998 (as amended) with respect to all gas appliances, fittings, flues and pipework. Such a Gas Safety Record must have been obtained from a competent person and be dated within the 12 months prior to the date of application for this licence.
- have a valid gas safety record in place for the duration of the licence.
- install a carbon monoxide detector in any room which contains a solid fuel burning appliance.

7. ELECTRICAL SAFETY AND PORTABLE APPLIANCES

The Licence Holder must:

- ensure that the fixed electrical installation of the premises is inspected and tested at intervals not exceeding five years by a person qualified to undertake such inspection and testing and must provide to the Council on demand a current Electrical Installation Condition Report for the premises in accordance with British Standard 7671.
- ensure that all recommendations for urgent attention and improvement (Codes 1 and 2) on the report are carried out within 28 days.
- ensure that all portable electrical appliances supplied by them for use by any occupier of the premises are maintained in a safe condition and must provide to the Council, on demand, a declaration as to the safety of such electrical appliances issued by a suitably qualified person with respect to each item of electrical equipment so supplied.

8. ENERGY PERFORMANCE CERTIFICATE

The Licence Holder must:

- hold a valid Energy Performance Certificate (EPC) with a minimum energy performance rating of E for any house that is let to a single family, is let as self-contained flats or is let as a shared house. A copy must be made available to all new tenants and to the Council on demand.

9. CONTROL OF ANTI-SOCIAL BEHAVIOUR

The Licence Holder must:

- take reasonable steps to prevent or where appropriate, reduce anti-social behaviour by persons occupying or visiting the house. This would include notifying the appropriate authority of any problems of anti-social behaviour which may be beyond the licence holder's reasonable capability to control and to reasonably co-operate with any action being taken in respect of the matter.
- ensure that any written tenancy agreement or licence contains a clause holding the occupants responsible for any anti-social behaviour by themselves and/or their visitors and that all occupants are aware of the existence of this clause by advising them upon taking up residence.
- respond to complaints of anti-social behaviour that concern occupiers of the premises or their visitors. Where anti-social behaviour is discovered, the Licence Holder must inform the tenant of the matter within 14 days and of the consequences of its continuation.
- keep records of any correspondence and written notes relating to anti-social behaviour for the premises for a period of 5 years.
- if requested by the Council, the Licence Holder and/or their nominated agent must provide details of investigations undertaken in relation to their tenants and/or their visitors, providing the names of all involved persons.

10. DISPOSAL OF HOUSEHOLD WASTE

The Licence Holder must:

- make the necessary arrangements with the Council to ensure that a suitable sized wheelie bin is provided to allow the occupants of the house to adequately dispose of their household refuse. The wheelie bin sizes available are 180L for a household of up to six persons, 240L for a household of six or more persons and 360L for a household of nine or more persons.
- state in any written agreement with the tenant that no refuse (or rubbish) must be kept in the front or rear gardens (other than in the storage facilities provided).
- ensure that any items of bulky waste from the licensed property, such as furniture, mattresses, refrigerators etc. are properly disposed of either by taking them to an authorised waste disposal site or presenting them for collection by prior arrangement with the City Council's Waste Management Department. Such items must never be placed on the public footpath or highway other than in accordance with an arrangement made with the City Council.

11. ENVIRONMENTAL AND NEIGHBOURHOOD MANAGEMENT

The Licence Holder must:

- ensure that the exterior of the house is maintained in a reasonable decorative order and in reasonable repair.

- ensure that all outbuildings, yards, forecourts and gardens surrounding the house and alleyways within the property curtilage are maintained in reasonable repair. They must also be kept in a clean, tidy and safe condition, and free from infestations.
- visit the property, if the occupier misses a rent payment, no later than one month from the date the payment was due. This is to ensure that the property is secure and has not been abandoned.
- if the property becomes empty, ensure the property is fully secure and maintained for the period that it remains empty.

12. ADDITIONAL CONDITIONS FOR HOUSES USED AS SUPPORTED ACCOMMODATION

The Licence Holder must:

- ensure that a written register is maintained containing the names and date of birth of all the occupants and the date they moved in and moved out. The register must be updated within one day of each new occupant moving in and must be made available for inspection at all reasonable times, on demand, by any Officer authorised under the Housing Act 2004 or any West Midlands Police Officer.
- ensure that an appropriate security system is maintained to check the identity of all persons entering the house and to ensure that access is given only to authorised persons who have a legitimate reason to be in the house. Any person employed to maintain security and prevent unauthorised access must be registered with the Security Industries Agency (SIA)
- ensure that access to the house is made available at all reasonable times to any health professional such as a GP, Community Psychiatric Nurse, District Nurse, Drug Intervention worker etc., any officer of the West Midlands Probation Service or any voluntary sector worker whose aims are to assist with the rehabilitation or recovery from alcohol or drug addition of any resident or the resettlement of any resident in to long term settled accommodation and that a system is put into place to inform any resident whenever a person of such a description is on the premises who wishes to see them
- ensure that the needs of all new residents who arrive at the house are properly assessed to ensure they receive an appropriate level of support and supervision.
- ensure that all new residents are given advice and instruction with respect to the fire alarm drill and evacuation procedure, laundry arrangements, complaints procedure and how to access support services.
- ensure that any person employed as a manager be appropriately trained to deal safely with persons who may be intoxicated due to drugs or alcohol or who may be ill and in need of medical attention.
- ensure that any tenancy or licence agreement includes a clause expressly forbidding the bringing of illegal drugs into the house and the consequences to the occupier for a breach of this requirement.

Appendix 5

Private Sector Empty Property Strategy 2013-2018

1. Foreword

Like many major cities in Britain, Birmingham is faced with an acute and ongoing housing shortage. This gives rise to increased homelessness and housing affordability problems for many people.

Empty properties seriously affect the lives of people in the vicinity and have a direct and adverse impact economically driving down values in and around the problematic property. They are a magnet for anti-social behaviour and an unnecessary drain on public services.

Though empty property numbers have declined since Birmingham published its first proactive Empty Property Strategy in 2003, there are still approximately 7,700 empty homes in the private sector in the city. Birmingham has a high need for affordable housing.

This strategy aims to bring more of the remaining empty homes back into use and provide good quality, affordable housing to meet that need.

At a time when local government resources are reducing and will continue to do so, it is imperative we position ourselves to make best use of available resources. The strategy and action plan that supports it outlines how we propose to do this.

Empty homes are not the whole answer to the current housing crisis, but government and local authorities cannot ignore their potential and the need to ensure that owners are both encouraged, and where appropriate, required to unlock the potential of this wasted resource.

The success Birmingham has had in tackling empty properties has been considerable. Birmingham's 2007-2012 Empty Property Strategy has been identified as a model of good practice, and the city has been commended nationally by the Empty Homes Agency for its proactive stance in dealing with problematic and long term empty homes.

We aim to continue to build on this, to ensure the city has the largest, highest quality stock possible to accommodate both its existing and future citizens.

2. Key Objectives

In developing the strategy we have identified a number of clear objectives we wish to achieve:

- Have a coordinated approach to empty property work to ensure the broadest corporate ownership of the need to address the blight of empty homes
- Ensure delivery of the Empty Property Strategy is linked with the City Council Leader's Policy Statement and the Birmingham Development Plan
- Use information and publicity to raise awareness of empty property initiatives
- Provide encouragement and support to empty property owners
- Develop and adopt enforcement procedures
- Enhance our approach to returning empty homes to use by continuing to work and share experiences with other local authorities
- Utilise funding available to bring empty homes back into use and provide affordable housing solutions across the city for people in housing need.

3. National Context

Nationally, 2012 saw an increasing acknowledgement of the wasted resource empty properties represent and the problems associated with them.

A Channel 4 series highlighted the two million families who lack adequate housing while nearly one million homes stand empty.

The Coalition Government's Housing Strategy identified the importance of returning empty homes stating *"We are committed to bringing empty homes back into use as a sustainable way of increasing the overall supply of housing and reducing the negative impact that neglected empty homes can have on communities"*

Launched in April 2011, the New Homes Bonus is a grant paid by central government to local councils for increasing the level of housing. This bonus is for every additional home paid each year for six years. The bonus is based on the amount of extra Council Tax Revenue raised for new build homes, conversions and long term empty homes brought back into use. There is also an additional payment for providing affordable homes.

The Department for Communities and Local Government has set aside almost £1 billion over the Comprehensive Spending Review period for the scheme.

The scheme is intended to act as an incentive for local authorities to have effective empty homes strategies. Rewards will only be paid for a net increase in housing, meaning that local authorities could miss out on rewards for new homes built if empty property levels are allowed to increase.

At October 2013, Birmingham's New Homes Bonus payments had totalled in excess of £15M.

It is clear that at a time when local government resources are diminishing, the potential financial benefits BCC can accrue from the New Homes Bonus remain significant.

Tackling empty homes forms part of the Homes and Communities Agency's 2011-15 Affordable Homes Programme.

As part of the Comprehensive Spending Review in October 2010, the Government announced a first round funding programme of £100m fund to bring more empty homes back into use.

In November 2012 HCA announced a second round of empty property funding with an emphasis on boosting local centres where there is evidence of decline.

As well as tackling empty homes this bid round had an additional emphasis on the refurbishment of empty commercial and non-residential properties as affordable housing.

4. Local Context and Analysis

Published in July 2013, the Birmingham City Council Leader's Statement acknowledges that good quality housing is a fundamental requirement for health, wellbeing and prosperity.

The statement identifies 'Birmingham's Strategic Housing Challenge'. The challenge being 'to make individuals and families proud to live in Birmingham in a decent home at a price they can afford, enjoying good standards whether they rent or buy'.

In terms of increasing the supply of houses, returning empty homes to use is the quickest and most cost effective means of meeting this challenge. To meet the challenge effectively BCC must ensure it adopts a corporate/cross directorate approach to securing funding and supporting empty property initiatives.

Birmingham's Development Plan sets out the statutory planning framework to guide decisions on development and regeneration in Birmingham until 2031. It sets out how and where the homes, jobs and services will be delivered in the city.

By 2031, Birmingham's population is projected to grow by 150,000. This level of growth, based on recent trends, is greater than previously anticipated and presents a significant challenge in addressing future housing and employment needs in the city.

If Birmingham is to achieve its ambitions and prosper, it is vital that a positive and proactive approach is taken to plan for these homes and jobs in a sustainable and deliverable way.

The Birmingham Strategic Housing Market Assessment was undertaken to inform the Core Strategy by providing an understanding of how the city's housing market operates and changes.

The SHMA is a comprehensive study of the nature and dynamics of Birmingham's housing market and estimates the scale and characteristics of housing need and demand.

The SHMA projects a total of 80,000 additional homes are required in the city by 2031 to meet the needs of its current and future population.

Returning the city's existing empty homes to use can make a valuable contribution towards providing these homes. Although Birmingham has about 7,730 registered empty homes in the private sector, given it is the largest authority in the UK this number is a relatively low one.

Within any conurbation, churning of the housing market will result in a proportion of property being empty for a period of time. This period of time is usually relatively short.

Council Tax records indicate that at December 2013 there were 7,730 empty homes in the private sector in Birmingham. This represents 2.48% of the total private sector properties in the city. At December 2013, 2,862 of Birmingham's empty properties had been unoccupied for less than six months. This figure represents 37% of the total number of properties empty and 0.9% of the city's total private housing stock. A further 2,945 had been empty for less than two years, and as a cumulative total, 81.5% had been empty for less than three years.

Numbers continue to drop off steadily after three years. Numbers only rise again where properties empty for nine years or longer have been banded together. This figure includes cases where ownership of empty homes is unknown and difficult to establish.

Birmingham is the largest metropolitan authority in the country with a diverse housing market divided into ten districts. The level of privately owned housing stock varies considerably between districts so it is useful to look at empty properties in individual districts as a percentage of their overall private housing stock.

At December 2013 the average citywide private sector empty property rate was 2.48%. Five of the city's ten districts (Ladywood, Hall Green, Perry Barr, Edgbaston and Erdington) had an above average empty property rate. These five districts contain 48.9% of the city's private housing stock but account for 60% of its privately owned empty properties.

In general areas of the city the city with higher than average levels of private sector rental properties will also have above average empty property levels.

To inform Birmingham's 2007-12 Empty Property Strategy, the city commissioned the MORI Social Research Institute to conduct a survey of empty private sector properties in Birmingham. Headline findings included:

- 64% of empty properties were houses
- 17% were flats above commercial premises
- 54% of owners rated the condition of their property as very good or fairly good
- 23% described the condition as very poor or fairly poor

When asked how they came to own the empty property, 73% had purchased it; 33% of those lived in themselves, and 43% of owners had a mortgage or loan on their property.

In 2012, Birmingham made a successful bid for HCA funding to bring empty homes back into use. To gain a greater understanding of why owners leave properties standing empty and to inform targeting of the funding received, 300 questionnaires were sent out to owners of properties identified as being unoccupied for over six months.

The results identified two main reasons for continued non-occupation:

- An inability to afford the refurbishment to realise an acceptable sale price or rent level was the single biggest reason for properties standing empty.
- Owners lacking the knowledge, confidence or energy to overcome the inertia of dealing with the property were also common.

Owners were also asked to estimate how much would need to be spent on improving their property prior to letting, the results being as follows:

- Less than £10K - 37%
- Less than £10K to £15K - 17%
- Less than £15K to £20K - 22%
- £20K+ - 22%

5. Achievements 2007 to 2012

Empty Property Team efforts have been particularly focussed on affordable, family size properties in areas of the city where a high dual incidence of empty homes and overcrowding has been identified. Targets included:

- Reducing the number of problematic and long term empty properties in the city by 1,250
- Ensuring 60% of properties returned to use citywide were family sized homes (three or more bedrooms) in the more affordable Council Tax bands A-C
- Ensuring 40% of all properties returned to use were in East Birmingham and North West Birmingham – areas of the city where both overcrowding and empty property levels are known to be disproportionately high
- Investigation of all reported empty properties and proactive investigation of all identified long term empty properties.

The team has exceeded strategy targets, returning close to 1,500 problematic and long term empty homes that are unlikely to have been returned to use without sustained intervention. The team have used enforcement powers to secure over 300 dwellings to prevent unauthorised entry to them.

The value of partnership working in effective local government is well known. In addition to exceeding strategy targets the team have been successful in developing strong links with community groups, the Police, and emergency services.

Birmingham has also played a leading role in the West Midlands Empty Property Officers' Group, the National Association of Empty Property Practitioners, and the Empty Homes Network.

To further incentivise the occupation of empty homes, Birmingham has introduced a number of changes in the way its council tax charges operate in relation to empty properties. Discounts relating to unfurnished properties or properties in need of structural repair have been abolished. In addition, where a property has been empty and unfurnished for two years, a council tax charge of 150 per cent is now applied.

Birmingham City Council has been successful in securing £500k funding to bring empty homes back into use. This provides the opportunity to offer a solution to empty property owners rather than taking enforcement action. We are proposing to rent properties on behalf of owners as affordable housing.

Our aim is to return at least 15 homes, which have been empty for more than 6 months, back into use as affordable housing. The proposal is to:

- Lease empty properties from private owners on an average lease of ten years, with a minimum of five years
- Undertake any necessary repairs to improve them to the BCC Decent Homes Standard
- Manage them as affordable rent properties for the length of the lease, letting them to people on our waiting list
- Return the property to the owner at the end of the lease in a condition that meets the BCC Decent Homes

In January 2012, DCLG published guidance for Community and Voluntary groups applying for funding to bring empty homes back into use through the government's Empty Homes Programme. Six agencies operating in Birmingham were successful in securing funding to act as managing agents of empty private sector properties for allocation to service users on BCC's housing waiting list - St Basils, YMCA, Springfield Residents Group, Nishkam, Start Again, and New Servol were successful in their proposals to bring 127 properties empty for an average of two years back into use as affordable homes to serve a client group that are a high priority for the City Council.

Using all the powers and resources at its disposal, Birmingham City Council remains committed to bringing empty homes back into use to provide affordable housing solutions for as many people as possible. To do this we will use a combination of existing programmes and new initiatives.

The City Council has a number of measures it can use to assist in returning empty properties to use. These range from offering advice and assistance to enforcement.

Where the council considers enforcement action to be appropriate the approach will be fair, equitable and incremental. The primary function of central and local government enforcement work is to protect the public and the environment. There is a need to carry out enforcement functions in a consistent, proactive and equitable manner, which, in turn will help promote thriving local communities.

Where appropriate, owners of homes that are long term empty or problematic are contacted and asked about their future intentions for the dwelling. General advice is offered including signposting to resources to support the owner.

We will update empty property pages on the City Council website with links to other relevant websites and an enquiry and reporting facility for all people with concerns about empty property.

We will continue to develop our use of social media to advertise and disseminate advice and information on empty property issues to customers and partners.

As already outlined, BCC considers enforcement action to be appropriate only as a last resort where lower level interventions have made no impact. Powers at our disposal include:

- Town & Country Planning Act 1990 (Section 215) – A notice can be served on the homeowner where a home is considered to be ‘detrimental to the amenities of the neighbourhood’
- Local Government (Miscellaneous provision) Act 1982 – Under Section 29 the Council has the power to secure empty homes against access, where there is considered to be a danger to public health
- Enforced Sale (Law of Property Act 1925) – The use of enforcement actions on empty properties can result in the gradual build-up of debt if the work is carried out in default of the owner failing to comply with the enforcement notice. Where a reasonable charge has been registered against the property it is possible to force the sale of the property to recover that debt
- Compulsory Purchase Order (CPO) S17 Housing Act 1985 – where owners cannot be traced, or are unwilling to bring their property back into use, the Council can seek to compulsorily purchase a property and then sell it on the open market
- Empty Dwelling Management Orders (EDMOs) Housing Act 2004 – The Housing Act 2004 gives local authorities the power to apply to the Residential Property Tribunal for an interim management order, which may lead to compulsory leasing of the property for a fixed period of time.

BCC's Empty Property Team has a strong record in returning long term and problematic empty homes to use. For the lifetime of the 2013-18 Strategy we aim to ensure a minimum of 200 empty properties are returned to use each year.

As in the 2007-12 Strategy the team will place emphasis on some specific, strategic areas and property types.

- Tackling Overcrowding
The Survey of English Housing uses a ‘bedroom standard’ as an indicator for occupation density, allocating a number of bedrooms to each household according to the age, sex and marital status composition coupled with the relationship of the members to one another. Using the bedroom standard measurement, Birmingham's 2010 Private Sector House Condition Survey revealed that with scores of 22.8% and 20.5% respectively, Hodge Hill and Ladywood districts are the only two districts with a score in excess of the 6.9% city

average. For this reason we will ensure that at least 40% of all properties returned to use are in these two districts.

- Affordable and Family Sized Homes

As part of a wider, citywide focus on delivering affordable, family sized homes, Empty Property Officers will continue to ensure that a minimum of 60% of properties returned to use have three or more bedrooms and are in the most affordable (A-C) Council Tax bands.

- Empty Property Website - Review and develop empty property pages on the Council's website with links to other relevant websites and an enquiry and reporting facility for people with concerns about empty properties
- Social Media - Continue to develop use of social media to advertise and disseminate advice and information on empty property issues to customers and partners
- Hand held technology – To be introduced if cost effective, to support officers delivering the programme.

PUBLIC REPORT

Report to:	CABINET
Report of:	Acting Corporate Director - Place
Date of Decision:	22nd January 2019
SUBJECT:	TENDER STRATEGY FOR THE DEVELOPMENT OF THE ALEXANDER STADIUM SITE
Key Decision: Yes	Relevant Forward Plan Ref: 005910/2019
If not in the Forward Plan: (please "X" box)	Chief Executive approved <input type="checkbox"/>
Relevant Cabinet Member(s) or Relevant Executive Member:	O&S Chair approved <input type="checkbox"/>
	Councillor Ian Ward, The Leader of the Council
	Councillor Brett O'Reilly, Cabinet Member for Finance and Resources
Relevant O&S Chair:	Councillor Sir Albert Bore – Resources
	Councillor Tahir Ali – Economy and Skills
Wards affected:	All

REPORT

*** To be completed for all late reports, ie. which cannot be despatched with the agenda papers ie. 5 clear working days' notice before meeting.**

Reasons for Lateness

Following corporate clearance clarification was required by the Leader on elements of the report. A briefing was produced immediately, however, this was not signed off in time for the report to be posted.

Reasons for Urgency

The delivery of the construction programme for Alexander Stadium is essential to deliver the Commonwealth Games in 2022, any delays to the procurement process will severely jeopardise the programme and create significant risk to the delivery of the Games.

Public Report

Birmingham City Council

Report to Cabinet

22nd January 2019



Subject: TENDER STRATEGY FOR THE DEVELOPMENT OF THE ALEXANDER STADIUM SITE
Report of: CORPORATE DIRECTOR, PLACE
Relevant Cabinet Member: Councillor Ian Ward, The Leader of the Council
 Councillor Brett O'Reilly, Cabinet Member for Finance and Resources
Relevant O &S Chair(s): Councillor Sir Albert Bore – Resources
 Councillor Tahir Ali – Economy and Skills
Report author: Dave Wagg,
 Project and Client Manager, Strategic Sport
 Telephone No: 0121 464 0939
 Email Address: dave.wagg@birmingham.gov.uk

Are specific wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s): Perry Barr		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 005910/2019		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential :		

1 Executive Summary

- 1.1 This public report provides details of the tender strategy and of the procurement process for the development of the Alexander Stadium site in preparation for the Commonwealth Games 2022. The private agenda report contains any confidential market information which could impact on the tender process.

2 Recommendations

- 2.1 That Cabinet approves the tender strategy and procurement process outlined in Option 3 at para 4.3 of the report.

3 Background

- 3.1 In December 2017 the Commonwealth Games Federation announced Birmingham as the host city for the Commonwealth Games 2022.
- 3.2 A key component of the successful bid and therefore the games programme will be the development of Alexander Stadium. Based in Perry Barr the Stadium will host the opening and closing ceremonies along with the athletics competition.
- 3.3 Alexander Stadium currently consists of 12,700 permanent seats housed in 4 stands. The Back Straight Stand built in 2011 with a capacity of 5,000 will remain for the games period. The remaining 3 stands (Knowles, Main & Nelson) will be demolished and rebuilt for the games. The construction of a new stand will increase the permanent capacity post games to approximately 20,000. For the games period temporary structures will be put in to create a 40,000 seat stadium for the opening, closing ceremonies and athletics competition. In addition to the construction of a new stand, a 400m, 6 lane outdoor practice running track will be permanently housed at the High Performance Centre on site and will form part of the legacy of the games.
- 3.4 In order to proceed to a full business case, a design for the development of the stadium has to be established that meets both games mode and legacy mode requirements. The Legacy requirement is for a sustainable community sports facility. The design will need to include a facility mix that provides a financially sustainable sports stadia facility.
- 3.5 An Outline Business Case was approved at Cabinet on 26th June 2018 detailing the process and expenditure required to proceed to a Full Business Case in May 2019. This included the appointments of a Consultant to deliver a Master Plan for the Stadium site along with Project Management Services and Design Team appointments.
- 3.6 Mace Ltd was appointed as the Project Manager for the Stadium redevelopment in September 2018. They were instructed to commence an In depth programme and procurement options review to establish risk and opportunities on the programme including a soft market testing with construction companies to gauge the appetite within the market for procurement options.
- 3.7 Their findings and recommendations were considered by CWG Stadium Project Board and CWG Capital Programme Board in November 2018 and have been used to inform the proposed procurement strategies as set out in this report.
- 3.8 The strategies for the procurement of the various requirements for the development of the Alexander Stadium site are detailed in appendices 1-3.
 - Appendix 1 – Demolition of the Main Straight Grandstands at Alexander Stadium and the Remediation of the Site
 - Appendix 2 – Construction of a Warm-Up Track
 - Appendix 3 – Construction of the Main Grandstand, Track and In-Field

4 Options considered and Recommended Proposal

- 4.1 Option 1 – To Do Nothing. To do nothing is not an option as will not enable the Council to develop the Alexander Stadium site into a 21st Century international stadium ready to host the Commonwealth Games 2022 opening and closing ceremonies and the athletics events and a modern community facility in post-games legacy mode.
- 4.2 Option 2 – To Undertake One Procurement Exercise for the Site Whilst this may prove to be a solution that results in lower costs overall, the specialist packages and programme timescales for elements of work would not allow for a single procurement exercise for the site whilst still ensuring that the critical timeline for completion of the works is protected, due to the development of the design being on-going during a number of required enabling work packages. Therefore this option was discounted.
- 4.3 Option 3 – To Undertake Separate Procurement Exercises for each Work Package This solution will provide a programme which is deliverable to the Council's requirements enabling the work to commence earlier than option 2, and offers a competitive route for the various packages.

5 Consultation

5.1 Internal

- 5.1.1 Relevant Ward Members will be consulted as part of the planning process. Perry Barr Councillors will also be consulted on an on-going basis as the proposals evolve and prior to submission of the Final Business Case to Cabinet.
- 5.1.2 The Corporate Director, Place has been consulted and is agreement with the contents of the report.
- 5.1.3 City Finance, Legal and Governance and Corporate Procurement Services officers have been involved in the preparation of this report.

5.2 External

- 5.2.1 Sport England, UK Athletics and the Department of Digital, Media, Culture and Sport are represented on the Project Board.
- 5.2.2 Acivico Ltd is providing the cost consultancy service for the project. Acivico (Building Consultancy) Ltd has been consulted with regard to the proposed route for the demolition and remediation element of the development.

6 Risk Management

- 6.1 Risks will be identified, evaluated and controlled in line with the Birmingham City Council Risk Management Methodology 2017. The initial risks and opportunities are detailed in the Strategic Outline Business Case. A full risk

register has been developed on all aspects of the Commonwealth Games including those specific to the development of the Alexander Stadium site.

- 6.2 Project risks are presented and monitored through the CWG Stadium Project Board and the CWG Capital Programme Board.

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

- 7.1.1 The decision within this report will contribute greatly to Birmingham's reputation as a global sporting power and city of international reputation.

- 7.1.2 The decisions within this report will help contribute to tackling health inequalities across the city, by inspiring more people to become active either through taking part in physical activity or being a volunteer for the Commonwealth Games (CWG), improving both their physical and mental health and general wellbeing.

7.1.3 Birmingham Business Charter for Social Responsibility (BBC4SR)

- 7.1.4 Compliance with the BBC4SR is a mandatory requirement that will form part of the conditions of these contracts. Tenderers will be required to submit an action plan with their tender that will be evaluated in accordance with criteria stated in appendices 1 – 3 and the action plan of the successful tenderers will be implemented and monitored during the contract periods.

7.2 Legal Implications

- 7.2.1 Under Section 1 of the Localism Act 2011, the Council has the power to enter into the arrangements set out in this report, which are within the remit and limits of the general power of competence in Sections 2 and 4 of the Localism Act 2011.

7.2.2 Pre-Procurement Duty under the Public Service (Social Value) Act 2012

Consideration of whether to undertake a consultation exercise was discussed during the planning stage and it was agreed that this would not be required as tenderers will be asked how their bid addresses social value as part of the evaluation and no additional stakeholder consultation was required. This consideration also included how this procurement exercise might improve the social and economic well-being of the city and will be addressed by evaluating social value.

7.3 Financial Implications

- 7.3.1 The costs of the redevelopment of the Stadium will form a part of the Council's 25% contribution to the overall cost of the Commonwealth Games. Confidential

or commercially sensitive details are contained in the accompanying Private Report.

- 7.3.2 A further report will be presented to Cabinet to seek approval for the full business case for the development of the Alexander Stadium site. The report will provide a detailed whole-life cost of the preferred operational and financing model for the development of the site, and highlight the capital and revenue implications to the Council's budget.

7.4 Procurement Implications (if required)

- 7.4.1 This report concerns the procurement strategy for the development of the Alexander Stadium site and the implications are detailed in the throughout the report.

7.4.2 Human Resources Implications (if required)

- 7.4.3 The procurement activity and the subsequent contract management will be undertaken by Council staff with pre-approved external support..

7.5 Public Sector Equality Duty

- 7.5.1 A relevance test to decide whether the planned procurement for the development of Alexander Stadium has any relevance to the equality duty contained in Section 149 of the Equality Act 2010 of eliminating unfair/unlawful discrimination and to promoting equality and human rights was conducted on 3rd May 2018, reference EA002844. The screening identified that there was no requirement to assess this further and completion of an Equality Assessment form was not required.

8 Background Documents

- 8.1 Commonwealth Games – Alexander Stadium Outline Business Case to Cabinet dated 26th June 2018.

- 8.2 List of Appendices accompanying this Report (if any):

1. Procurement Methodology – Demolition of the Main Grandstand and the Remediation of the Site.
2. Procurement Methodology – Construction of the Practice Track.
3. Procurement Methodology – Construction of the Grandstand.

APPENDIX 1

Demolition of the Main Straight Grandstands at Alexander Stadium and the Remediation of the Site

1 Service Requirements

1.1 The demolition of the main straight grandstands and the remediation of the site

2 Procurement Options

The following options were considered:

- Tender this contract on an individual basis - there are benefits as prices will reflect current market conditions and the latest corporate requirements can be included for each tender exercise. For these reasons, this is the proposed route.
- Use a Collaborative Framework Agreement - there is not a collaborative framework agreement awarded by the Council or any other public sector body in place for the services required.
- Utilising the Constructing West Midlands Framework Agreement - this option was discounted as the framework agreement does not cover demolition.

3 Procurement Approach

3.1 Duration and Advertising Route

The contract will be for a period of approximately 20 weeks for the site. This period reflects the proposed delivery programme for the project. This is a works contract which is below the OJEU threshold of £4,551,413 and therefore the tender will be advertised via www.finditinbirmingham.com and Contracts Finder only.

3.2 Procurement Route

The requirement will be tendered using the 'open' route on the basis that:

- There are sufficient suppliers in the market place that can provide all the required services
- The service can be clearly defined
- Tenderers' prices will be fixed for the term of the contract.

3.3 Scope and Specification

The scope and specification for the site is as follows:

- Preliminaries in preparation for the works to commence
- Demolition including;

- Demolition including foundations to a depth of 2m below existing ground levels
- Removal of communication lines
- Removal of any fly tipped and surplus materials
- Identification and disposal of asbestos and toxic waste
- Site protection
- Erect temporary security fencing
- Grade site to match surrounding ground levels
- Remediation
- Site utility diversions and disconnections as required

3.4 Tender Structure (Including Evaluation and Selection Criteria)

The quality / social value / price balances below were established having due regard for the corporate document 'Evaluating Tenders' which considers the complexity of the services to be provided. The tender documents will include the form of contract; National Federation of Demolition Contracts (NFDC) with Council amendments, specification and standard details.

Tenders will be evaluated against the specification in accordance with a pre-determined evaluation model.

The evaluation of tenders will be assessed as detailed below:

Assessment A

The criteria below, based on the PAS91:2013 Construction Prequalification Standard, will be assessed on a pass / fail basis:

Criteria	Evaluation
STAGE ONE - Selection Stage	
Company Information	Pass / Fail
Financial Information (including Insurance)	Pass / Fail
Health and Safety	Pass / Fail
Compliance with Equalities	Pass / Fail
Quality Management	Pass / Fail
Grounds for Mandatory Exclusion	Pass / Fail
Grounds for Discretionary Exclusion	Pass / Fail
Birmingham Business Charter for Social Responsibility (BBC4SR)	Pass / Fail
Supplier Portal	Pass / Fail
Modern Slavery Act 2015	Pass / Fail
Technical and Professional Ability	Pass / Fail
Declaration	Pass / Fail

Those organisations that pass all sections of Assessment A will proceed to the next stage.

Assessment B - Quality (30% Weighting)

Criteria	Overall Weighting	Sub-Weighting
Technical Competence and Capacity	100%	40%
Organisation and Resources		20%
Project Methodology		40%

An interview with tenderers may take place if required to clarify their understanding of the requirements and the scoring adjusted accordingly, as appropriate.

Tenderers who score more than the quality threshold of 60% i.e. a score of 300 out of a maximum quality score of 500 marks will proceed to Assessment C – Social Value.

Assessment C – Social Value (Weighting 10%)

Criteria	Overall Weighting	Sub-weighting
Local Employment	100%	20%
Buy Local		10%
Partners in Communities		45%
Green and Sustainable		25%

Tenderers who score more than the quality threshold of 40% i.e. a score of 200 out of a maximum quality score of 500 marks will proceed to Assessment D – Pricing.

Assessment D – Pricing (Weighting 60%)

Tenderers will submit a fixed price tender with the demolition and remediation of the site.

Overall Evaluation

The evaluation process will result in comparative quality, and price scores for each tenderer. The maximum score will be awarded to the tender that demonstrates the highest for quality. Similarly the maximum price score will be awarded to the lowest acceptable price. Other tenderers will be scored in proportion to the maximum scores in order to ensure value for money with the recommendation for the contract to be awarded to the first ranked tenderer.

3.5 Evaluation Team

The evaluation of the tenders will be undertaken by representatives from Strategic Sport, and the Project Managers, Mace Ltd, supported by Corporate Procurement Services.

4 Indicative Implementation Plan

The implementation plan below has been produced by Mace Ltd, the project managers to meet the overall deadlines for the development of the Alexander Stadium.

Cabinet Approval (Strategy)	22 nd January 2019
ITT Issued	February 2019
ITT Return	March 2019
Evaluation Period	March 2019
DPR Approval (Award)	April 2019
Contract Award	April 2019
Contract Start	April 2019
Demolition Complete	September 2019

5 Service Delivery Management

5.1 Contract Management

Mace Ltd has been commissioned as the project managers for the procurement and delivery of the demolition and remediation contract.

5.2 Performance Measurement

The following Key Performance Indicators will be included to ensure the delivery of the works is in accordance with the requirements of the contract with appropriate default measures.. These include the delivery of the:

- Project delivered to agreed milestones
- Project delivered to agreed scope

APPENDIX 2

Construction of a Warm-Up Track

1 Service Requirements

1.2 The construction of a new 6-lane warm up track to the rear of the existing High Performance Centre

2 Procurement Options

The following options were considered:

- Tender this contract on an individual basis - there are benefits as prices will reflect current market conditions and the latest corporate requirements can be included for each tender exercise. For these reasons, this is the proposed route.
- Use a Collaborative Framework Agreement - There are no frameworks available that cover these works due to the specialist nature of the construction. .

3 Procurement Approach

3.1 Duration and Advertising Route

The contract will be for a period of approximately 20 weeks. This period reflects the proposed delivery programme for the project. This is a works contract which is below the OJEU threshold of £4,551,413 and therefore the tender will be advertised via www.finditinbirmingham.com and Contracts Finder only.

3.2 Procurement Route

The requirement will be tendered using the 'open' route on the basis that:

- There are sufficient suppliers in the market place that can provide all the required services
- The service can be clearly defined
- Tenderers' prices will be fixed for the term of the contract.

3.3 Scope and Specification

The scope and specification for the construction is as follows:

- To construct a warm-up track in line with the requirements of the Commonwealth Games Federation, the International Athletics Federation (IAAF) and the legacy master plan.

3.6 Tender Structure (Including Evaluation and Selection Criteria)

The quality / price balances below were established having due regard for the corporate document 'Evaluating Tenders' which considers the complexity of the services to be provided.

Tenders will be evaluated against the specification in accordance with a pre-determined evaluation model.

The evaluation of tenders will be assessed as detailed below:

Assessment A

The criteria below, based on the PAS91:2013 Construction Prequalification Standard, will be assessed on a pass / fail basis:

Criteria	Evaluation
STAGE ONE - Selection Stage	
Company Information	Pass / Fail
Financial Information (including Insurance)	Pass / Fail
Health and Safety	Pass / Fail
Compliance with Equalities	Pass / Fail
Quality Management	Pass / Fail
Grounds for Mandatory Exclusion	Pass / Fail
Grounds for Discretionary Exclusion	Pass / Fail
Birmingham Business Charter for Social Responsibility (BBC4SR)	Pass / Fail
Supplier Portal	Pass / Fail
Modern Slavery Act 2015	Pass / Fail
Technical and Professional Ability	Pass / Fail
Declaration	Pass / Fail

Those organisations that pass all sections of Assessment A will proceed to the next stage.

Assessment B - Quality (30% Weighting)

Criteria	Overall Weighting	Sub-Weighting
Technical Competence and Capacity	100%	40%
Organisation and Resources		20%
Project Methodology		40%

An interview with tenderers may take place if required to clarify their understanding of the requirements and the scoring adjusted accordingly, as appropriate.

Tenderers who score more than the quality threshold of 60% i.e. a score of 300 out of a maximum quality score of 500 marks will proceed to Assessment C – Social Value.

Assessment C – Social Value (Weighting 10%)

Criteria	Overall Weighting	Sub-weighting
Local Employment	100%	20%
Buy Local		20%
Partners in Communities		20%
Good Employer		10%
Green and Sustainable		20%
Ethical Procurement		10%

Tenderers who score more than the quality threshold of 40% i.e. a score of 200 out of a maximum quality score of 500 marks will proceed to Assessment D – Pricing.

Assessment D – Pricing (Weighting 60%)

Tenderers will submit a fixed price tender for the construction of the warm-up track.

Overall Evaluation

The evaluation process will result in comparative quality, and price scores for each tenderer. The maximum score will be awarded to the tender that demonstrates the highest for quality. Similarly the maximum price score will be awarded to the lowest acceptable price. Other tenderers will be scored in proportion to the maximum scores in order to ensure value for money with the recommendation for the contract to be awarded to the first ranked tenderer.

3.7 Evaluation Team

The evaluation of the tenders will be undertaken by representatives from Strategic Sport, and the Project Managers, Mace Ltd, supported by Corporate Procurement Services.

4 Indicative Implementation Plan

The implementation plan below has been produced by Mace Ltd, the project managers to meet the overall deadlines for the development of the Alexander Stadium.

Cabinet Approval (Strategy)	22 nd January 2019
ITT Issued	February 2019
ITT Return	March 2019
Evaluation Period	March 2019
DPR Approval (Award)	April 2019
Contract Award	April 2019
Contract Start	April 2019
Practical Completion	September 2019

5 Service Delivery Management

5.1 Contract Management

Mace Ltd has been commissioned as the project managers for the procurement and delivery of the contract with Acivico Ltd providing cost consultancy.

5.2 Performance Measurement

The following Key Performance Indicators will be included to ensure the delivery of the works is in accordance with the requirements of the contract with appropriate default measures.. These include the delivery of the:

- Project delivered to agreed milestones
- Project Delivered to agreed cost
- Project delivered to agreed scope

APPENDIX 3

Construction of the Main Stand

1 Service Requirements

- 1.1. The construction of a new 15,000 stadium which will include a new West Stand and seating to the North and South of the site including platforms for the temporary seating for games mode.
- 1.2. The installation of a new IAAF Category 1 running track and in-field.

2. Procurement Options

The following options were considered:

- Carry out a procurement process open to the market- there are benefits as prices will reflect current market conditions and the latest corporate requirements can be included for each tender exercise. For these reasons, this is the proposed route.
- Use a Collaborative Framework Agreement - there are collaborative framework agreements in place for the works required. However this option was discounted for the following reasons after soft marketing testing:
 - Opening up the opportunity to the whole market rather than using a collaborative framework agreement is likely to result in more competitive tenders for both cost and programme
 - The framework agreements in place do not have a full range of suppliers that could undertake the works either by their experience or ability to manage the project to enable satisfactory completion.

3. Procurement Approach

3.1 Duration and Advertising Route

The contract will be for a period of 2 years. This period reflects the proposed delivery programme for the project. This is a works contract above the OJEU threshold of £4,551,413 and therefore the tender will be advertised via OJEU, www.finditinbirmingham.com and Contracts Finder.

3.2 Procurement Route

The following procurement procedures were considered:

- **Open Procedure:** This is a single stage process and all bidders' tender responses have to be evaluated. There is no negotiation permitted beyond clarifications and design solution and specification should be fully completed at the tender issue.
 - This is not suitable for a construction project of the size and timescale of the Alexander Stadium site. This procedure does not allow a down selection of

- bidders or permit any negotiations to be entered into in shaping the final solution.
 - Informal market consultation has indicated that construction companies would be unlikely to bid due to the lengthy and costly work required to complete the tender documentation where the number of competitors is unknown.
 - The evaluation of tenders is labour intensive as every response has to be evaluated
- **Restricted Procedure:** This is a 2 stage process the first stage where bidders are de-selected to a pre-agreed number with an Invitation to Tender stage leading to the appointment of one contractor. All bidders' tender responses have to be evaluated. There is no negotiation permitted beyond clarifications and design solution and specification should be fully completed at the tender issue. This option was discounted on the basis that the design solution will be not be fully completed to meet the timescales to commence a tender process.
- **Competitive Procedure with Negotiation (CPN):** This procedure allows shortlisting of bidders, a series of commercial and legal negotiation sessions together with the submission of initial, detailed and final tenders. The process also allows for de-selection during the various tender stages.
 - The number of stages can be reduced and it is suggested that if this route is selected, that a 2 stage process is followed
 - Although this route is more time-consuming and labour-intensive than the restricted procedure it allows for negotiation during the process to optimise the final solution..
 - This is the recommended option on the basis that it offers the flexibility to work in line with the budget and programme restrictions and to develop the current design solution produced by Arup Ltd at the time of tendering.
- **Competitive Dialogue Procedure:** This is a more complex and time consuming procurement route involving multiple dialogue meeting, which was considered not to be the most appropriate solution given that the development and delivery strategy was is clear.
- **Innovation Partnership Procedure:-**This route was discounted on the basis that although the project is complex, the market place exists and there is no requirement for an innovative and specialised outcome to be developed.

3.3 Scope and Specification

The scope and specification for the construction is as follows:

- A new c15,000 capacity grandstand to increase the overall capacity to 20,000 in legacy. This includes a new main West Stand, and seating to the North and South of the site
- Platforms to enable the Commonwealth Games Organising Committee to construct the temporary seating to meet the 40,000 capacity requirements for the games
- Installation of a new Category 1 IAAF running track and in-field

3.4 Tender Structure (Including Evaluation and Selection Criteria)

The quality / social value / price balances below were established having due regard for the corporate document 'Evaluating Tenders' which considers the complexity of the services to be provided.

Tenders will be evaluated against the specification in accordance with a pre-determined evaluation model.

3.5 Stages of CPN

Stage One:	Selection Questionnaire (SQ). SQ issued into the market based upon an assessment of financial standing, track record and capability. A maximum of 6 parties would be shortlisted to proceed to the next stage and submit initial tenders.
Stage Two:	Invitation to Submit Initial Tenders (ISIT). 6 parties invited to submit initial tenders in response to issuing the ISIT. 2 parties to be shortlisted to proceed to the final tender stage.
Stage Three:	Invitation to Submit Final Tenders (ISFT). 2 parties to submit final tenders in response to issuing of the ISFT. At this stage following final evaluation and moderation, a recommendation to award a contractor will be identified for approval.

3.6 **Evaluation Criteria and Methodology**

3.6.1 **Stage 1 - Supplier Selection Questionnaire (SQ) Stage**

The evaluation criteria used at the Selection Questionnaire stage (SQ) is shown in table 1.1

Table 1.1 – SQ evaluation criteria

SQ EVALUATION CRITERIA		EVALUATION METHOD
Stage 1	Preliminary Compliance	
Stage 2	Pass / Fail Assessment	
Part 1	Potential Supplier Information	Pass / Fail
Part 2	Exclusion Grounds	Pass / Fail
Part 3	Selection / Additional Questions:	
Part 3 S 5	Group Structure	Information Only
Part 3 S 6	Technical and Professional Ability	Pass / Fail
Part 3 S 7	Modern Slavery Action 2015	Pass / Fail
Part 3 S 8.1	Insurance	Pass / Fail
Part 3 S 9.3	Health and Safety	Pass / Fail
Part 3 S 9.4	Compliance with Equalities Duties	Pass / Fail
Part 3 S 9.5	Birmingham Business Charter for Social Responsibility (BBC4SR)	Pass / Fail

Stage 3	Technical Assessment	
Part 3 S 9.1	Project Specific Questions – Past Performance	Scored
Part 3 S 9.2	Project Specific Questions - CVs	Scored
Part 3 S 9.3	Project Specific Experience	Scored
Stage 4	Financial Technical Assessment	
Part 3 S 4	Economic and Financial Standing	Pass / Fail

The top 6 suppliers after Stage 1 scoring who meet all of the mandatory criteria in Stage 1 assessment will progress onto Stage 2 of the assessment.

3.6.2 Stage 2 – Invitation to Submit Initial Tenders (ISIT)

The evaluation criteria that will be used at the ISIT stage is shown in Table 1.2.

Table 1.2 – ISIT evaluation criteria

Weighting		Sub-Criteria	Maximum	Sub-Weighting
55%	QUALITY	Team Structure and Governance	100%	15%
		Health and Safety		5%
		Methodology and Delivery		35%
		Programme and Phasing		25%
		Innovation and Added Value		10%
		Risk Management		5%
		Commissioning, Client Training and Handover		5%
Tenderers who score more than the quality threshold of 60% i.e. a score of 300 out of a maximum quality score of 500 marks will proceed to the social value assessment. The Council may, at its discretion, permit suppliers that score below this threshold to proceed to the social value assessment.				
15%	SOCIAL VALUE	Local Employment	100%	20%
		Buy Local		15%
		Partners in Communities		20%
		Good Employer		15%
		Green and Sustainable		20%
		Ethical Procurement		10%
30%	PRICE	Price		100%

If bids are deemed acceptable by the Council on the basis of the quality, social value and price evaluation following Stage 2 and that carrying out the additional stage will not realise any additional qualitative or quantitative benefit to the project where the recommended tenderer scores significantly above the quality and social value thresholds, then the Council reserves the right to award a contract without proceeding to Stage 3.

In the event that the Council deems that no acceptable bids have been received following Stage 2 then the Council reserves the right to invite the two highest scoring tenderers to participate in negotiation and thereafter proceed to Stage 3, Invitation to Submit Final Tenders.

3.6.3 Stage 3 – Invitation to Submit Final Tenders (ISFT)

Weighting		Sub-Criteria	Maximum	Sub-Weighting
55%	QUALITY	Team Structure and Governance	100%	15%
		Health and Safety		5%
		Methodology and Delivery		35%
		Programme and Phasing		25%
		Innovation and Added Value		10%
		Risk Management		5%
		Commissioning, Client Training and Handover		5%
Tenderers who score more than the quality threshold of 60% i.e. a score of 300 out of a maximum quality score of 500 marks will proceed to the social value assessment. The Council may, at its discretion, permit suppliers that score below this threshold to proceed to the social value assessment.				
15%	SOCIAL VALUE	Local Employment	100%	20%
		Buy Local		15%
		Partners in Communities		20%
		Good Employer		15%
		Green and Sustainable		20%
		Ethical Procurement		10%
30%	PRICE	Price		100%

3.6.4 Price Evaluation

Tenderers will be expected to submit a price to include a pre-construction fee, OH&P/Prelims and cost plan. Evaluation on all these elements will be conducted by Mace Ltd and Acivico.

The tenderer with the lowest price is given the maximum possible weighted price score. The other tenderer's weighted price score will be calculated on a pro rata basis.

3.6.5 Overall Evaluation

The evaluation process will result in comparative quality, social value and price scores for each tenderer. The maximum score will be awarded to the tender that demonstrates the highest for quality as will the tender that scores highest for social value. Similarly the maximum price score will be awarded to the lowest acceptable price. Other tenderers will be scored in proportion to the maximum scores in order to ensure value for money.

The contract will be awarded to the first ranked tenderer, subject to a final risk assessment.

3.7 Evaluation Team

The evaluation of the tenders will be undertaken by representatives from Strategic Sport, Finance, Acivico Ltd and the Project Managers, Mace Ltd, Arup Ltd supported by Corporate Procurement Services.

4. Indicative Implementation Plan

The implementation plan below has been produced by Mace Ltd, the project managers to meet the overall deadlines for the development of the Alexander Stadium.

Event	Date
Publish contract notice	31 st January 2019
Deadline for receipt of SQs (" SQ Deadline ")	28 th February 2019
Notify Bidders of outcome of SQ evaluation process and invite shortlisted Bidders to submit initial tenders (" ISIT ")	28 March 2019
Deadline for receipt of initial tenders to select	14 May 2019
Invitation to submit final tenders (" ISFT ") issued to bidders	29 May 2019
Deadline for receipt of final tenders	October 2019
Delegated Award Report	October 2019
Notification of winning tender	October 2019
Closure of standstill period	November 2019
Contract award	November 2019
Start on Site	January 2020
Completion	August 2021

5. Service Delivery Management

5.1 Contract Management

Mace Ltd has been commissioned as the project managers for the delivery of the stadium project.

5.2 Performance Measurement

The following Key Performance Indicators will be included to ensure sufficient performance management of the contract. These include the delivery of the:

- Project delivered to agreed milestones
- Project delivered to agreed scope

Public Report

Birmingham City Council**Report to Cabinet**Date: 22nd January 2019

Subject: **A CLEAN AIR STRATEGY FOR THE CITY OF BIRMINGHAM**

Report of: **CORPORATE DIRECTOR, PLACE**

Relevant Cabinet Member: **Councillor Waseem Zaffar, Transport and Environment**

Relevant O &S Chair(s): **Councillor Liz Clements, Sustainability & Transport Overview & Scrutiny Committee**

Report author: Mark Wolstencroft, Operations Manager Environmental Protection

Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 005909/2019		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential :		

1 Executive Summary

- 1.1 The purpose of this report is to introduce a Clean Air Strategy for the City of Birmingham to Cabinet and to seek approval to take this forward to further engagement and consultation with the intention of returning a final working version to Cabinet for approval.
- 1.2 The Clean Air Strategy proposed is for the City of Birmingham and as such will be influenced by input from partner organisations and key stakeholders. The current version focuses on priorities and pledges suggested by Birmingham City Council, but these may change with engagement.

- 1.3 The Clean Air Strategy seeks to go beyond our legal duties and to tackle air pollution at levels below the legal limits using existing powers and resources. This will allow for clear action in all neighbourhoods across the city and not just those with air quality exceedences.
- 1.4 Through engagement with partner organisations and key stakeholders other action may present and the resource implications will need to be carefully considered at that stage.

2 Recommendations

- 2.1 That the principle of going beyond legal duties be approved.
- 2.2 That Cabinet approve the draft strategy to progress to consultation and engagement.
- 2.3 That Cabinet require a working version be returned following consultation and engagement.

3 Background

- 3.1 The BrumBreathes air quality programme is designed to be the overarching Council programme to direct air quality interventions with the aim being to deliver health improvements to citizens, workers and visitors to Birmingham, all within the context of sustainable growth. Appendix 1 details the current (as of November 2018) programme outline within the Brum Breathes programme. A specific project within the AQ Policy Environment sub-programme is that of the Clean Air Strategy.
- 3.2 The purpose of the Clean Air Strategy is to overarch all clean air / air quality / air pollution related workstreams across all City Council Directorates to ensure air quality considerations are contained within decision making processes, and to provide a roadmap to deliver cleaner air across all communities in Birmingham to and ultimately beyond 2030. In terms of timeline this aligns with the Government's national Clean Air Strategy 2018 (currently under consultation).
- 3.3 From a legislative perspective the City Council's duties around air quality stem from the Environment Act 1995 and the Public Health Outcomes Framework and these have compliance targets around nitrogen dioxide (NO₂) and fine particles (PM_{2.5}) respectively. Whilst other pollutants exist, they do not have the same health burden as NO₂ and PM_{2.5}, and as the City Council does not breach any legal limit around them, in the context of direct action the focus is on NO₂ and PM_{2.5} and this is represented within the Clean Air Strategy.
- 3.4 The Clean Air Strategy affords the Council the opportunity to go beyond our legal duties to deliver and/or support and/or enable interventions based on current priorities and relevance to local communities. The focus on local communities is a key point within the strategy and it recognises both the health impacts at sub-legal levels and the role the Council can play in reducing pollutant concentrations in these neighbourhoods. In this sense the actions within the Clean Air Strategy can be as ambitious as the Council and partners desire.

- 3.5 An important aspect of the Clean Air Strategy is that of partnership working. The desire is to have a Strategy which is owned by the City of Birmingham as opposed to Birmingham City Council, although we will likely have a strong leadership role to play. It is envisaged that this will generate external buy-in and engender a city-wide culture which will see improvements in air quality both with and independent of Council leadership.

4 Options considered and Recommended Proposal

- 4.1 The Clean Air Strategy has undergone a number of iterations to reach the current form. The Strategy is designed to be high level and seeks to provide broad principles that can be developed as the partners deem fit. It provides an introduction to the air quality issues and the impacts arising, and introduces a number of priorities for tackling air quality. Based on these priorities, there are a number of pledges comprising actions to be considered.
- 4.2 The focus of the pledges has been drawn from input from colleagues across a range of services and some focus on what we are doing already such as the Clean Air Zone, others on things we know citizens would like us to consider such as dealing with pollution around schools. Despite the apparent detail these are at this stage examples of what we can focus upon and to date are Council derived.
- 4.3 The Strategy is presently unfinished yet sufficiently detailed to provide a framework upon which to build. There has been some engagement to date (see section 5 below) and further engagement to follow, the outputs from which will be used to further refine the strategy. It is important to appreciate that the pledges may change as a consequence of this engagement.
- 4.4 This format of Strategy is the kind being considered by other local authorities i.e. going beyond legal duties to direct interventions across all communities and not just those affected by the greatest pollution concentrations, engaging with communities and external partners to scope priorities, and providing an holistic approach to air quality and carbon agendas to avoid the pendulum swing between carbon and health. The pledges within the Strategy align well with interventions suggested by other organisations.
- 4.5 The Strategy will overarch Council legal duties such as those identified at 3.3 and work plans will be developed / maintained to progress identified actions, either through the statutory Air Quality Action Plan or via defined projects under the Brum Breathes programme.
- 4.6 The intention is to have a working Strategy which is reviewed every 18 to 24 months to maintain currency and direction given any developments within this field. The governance around updating the Strategy will be determined through a returned version to Cabinet.
- 4.7 It is recommended that Cabinet endorse the principle of going beyond legal duties, that the draft Strategy be approved for consultation and engagement, and that an updated version be returned to Cabinet following consultation and engagement.

5 Consultation

- 5.1 The broad approach to the Clean Air Strategy was discussed as part of a Clean Air Summit held early October at KPMG offices. This was a perfect example of how partnership working could develop. It was well attended by local and regional business representatives including the Greater Birmingham Chamber of Commerce, local government and civil service officers, representatives of educational establishments, charities and also by a representative from ClientEarth, the environmental lawyers who have repeatedly taken Government to the Courts over on-going air quality failures.
- 5.2 The event resulted in some positive feedback for the Council in terms of our approach to the Clean Air Zone and also how we have handled the consultation process. In the context of the Clean Air Strategy there was praise and support for the Council's vision to go beyond its legal duties with particular comments around focusing on reducing the health impacts from pollutants at under legal concentrations, on focusing on children's health, and on improving the general city environment to encourage investment.
- 5.3 There has been specific engagement on the Strategy with both the Labour Group and key politicians from the Conservative, Liberal Democrat and Green parties. The development of a strategy was welcomed and there was broad agreement on the approach, particularly around focusing on all communities and not just the city centre, seeking to address pollutants below legal limits and the consideration of actions/decisions so as to avoid or mitigate the impacts from other pollutants and greenhouse gas emissions. Specific comments were made around content and focus and attempts have been made to incorporate these views so far as practicable.
- 5.4 There will be further engagement with key stakeholders and consultation with the Citizens of Birmingham following Cabinet approval of this draft version.

6 Risk Management

- 6.1 Air quality and the risk of fines as a result of non-compliance with legal limits were included in the Corporate Risk Register in May 2017.
- 6.2 The Clean Air Strategy is a defined project under the Brum Breathes programme and has a defined Project Initiation Document to track risks and issues.
- 6.3 A noticeable risk is around resources as the Strategy seeks to go beyond legal duties and is not at this stage fully defined as partner organisations and key stakeholders may influence the direction / actions. This will need to be managed through the management processes within the Air Quality Action Plan and / or Brum Breathes work streams.

7 Compliance Issues:

- 7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?**

7.1.1 The development of a Clean Air Strategy aligns with the Council Plan 2018-2022, specifically Priority 4 “We will improve the environment and tackle air pollution”, within Outcome 4 “Birmingham is a great city to live in”.

7.1.2 Furthermore, the improving of air quality in the form directed by the Clean Air Strategy indirectly supports specific priorities within all outcomes.

7.2 Legal Implications

7.2.1 The Local Authority (Birmingham City Council) has a duty under the Environment Act 1995 to:

- review the quality of air within its boundary,
- identify areas of exceedence of the legislative limits,
- declare an air quality management area (AQMA) where exceedences exist, and
- prepare an air quality action plan (AQAP) setting out actions which will lead to compliance with the legislative limits.
- Consider how local action can be used to reduce emissions and concentrations of PM_{2.5}

The City Council has declared the entirety of the city as an AQMA for nitrogen dioxide and has an AQAP (2011) which is presently under review.

7.2.2 The NHS Act 2006 as amended by the Health and Social Care Act 2012 sets out that each local authority must take such steps as it considers appropriate for improving the health of the people in its area. This includes an indicator reducing the mortality attributable to fine particles (PM_{2.5})¹.

7.3 Financial Implications

7.3.1 There are no on-going financial implications as a direct result of this report.

7.3.2 The cost of activity to progress to consultation and engagement and provide a working version of the Clean Air Strategy is contained within the existing Regulatory Services budget.

7.3.3 The Clean Air Strategy does not imply any particular level of financial commitment from the Council or other parties. Investment in services and projects will need to be determined through the Council’s budget and resourcing processes. Commissioning and procurement of these activities will be in line with the constitution and further reports will be brought to decision.

7.4 Public Sector Equality Duty

7.4.1 No specific equalities impact assessment has been undertaken. The Strategy itself if not sufficiently finalised in terms of pledges to permit a full assessment of those

¹ <http://www.phoutcomes.info/public-health-outcomesframework#gid/1000043/pat/6/ati/102/page/6/nn//par/E12000007/are/E09000002/iid/30101/age/230/sex/4>

actions. The broad principle is that the future agreed actions will seek to reduce air pollution to benefit public health, which is a clear benefit to young and elderly citizens (Age), and to the unborn child (Pregnancy and Maternity).

7.4.2 The pledges currently within the Strategy are derived from the City Council and incorporate existing work streams (Pledges 1, 2, 4, 5 and 6) and as such any equalities impacts are contained in these work streams e.g. the Clean Air Zone (Pledge 1) comprised a full equalities impact assessment.

7.4.3 Pledge 3 around schools is the single pledge which seeks to expand on existing work and the outcome will provide a benefit to those groups stated at 7.6.1. The specific interventions which stem from any engagement will need to ensure that there are no disbenefits arising.

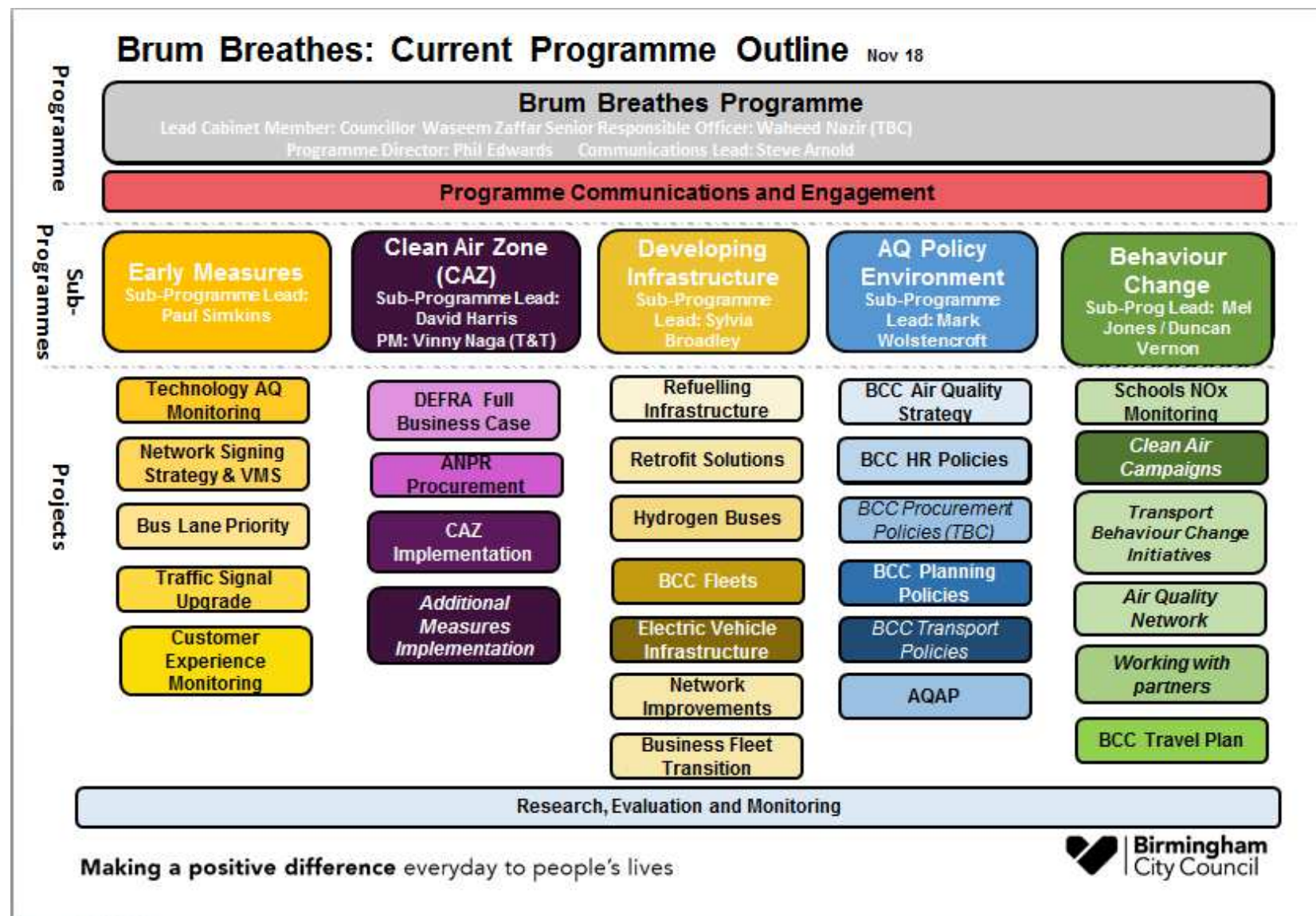
8 Background Documents

8.1 List of appendices accompanying this report

Appendix 1 Brum Breathes current programme outline

Appendix 2 Draft Clean Air Strategy (20181212)

Appendix 1 – Brum Breathes: Current Programme Outline



Appendix 2 – Clean Air Strategy

BRUM BREATHEs

A city wide approach to tackling air pollution

INTRODUCTION

Birmingham City Council believes that every person who lives and works in Birmingham has the right to clean air and that visitors to our city should also benefit from this clean air. But poor air quality in the city is contributing to hundreds of early, preventable deaths and making many existing health conditions worse. Poor air quality disproportionately affects the poorest and most vulnerable in our communities, including children. Furthermore, we have to recognise that many air pollutants have no known safe limits and although our efforts to date have rightly focused on the city centre we must ensure that all neighbourhoods of our city benefit from future interventions to improve air quality.

As well as tackling the health impacts from poor air quality we need to consider how improving air quality can be linked into economic growth for both the city and the wider region. This ‘clean growth’ means growing our income whilst tackling air pollution, protecting the natural environment, and cutting greenhouse gas emissions, thereby future-proofing our city as we look ahead to the middle of the century.

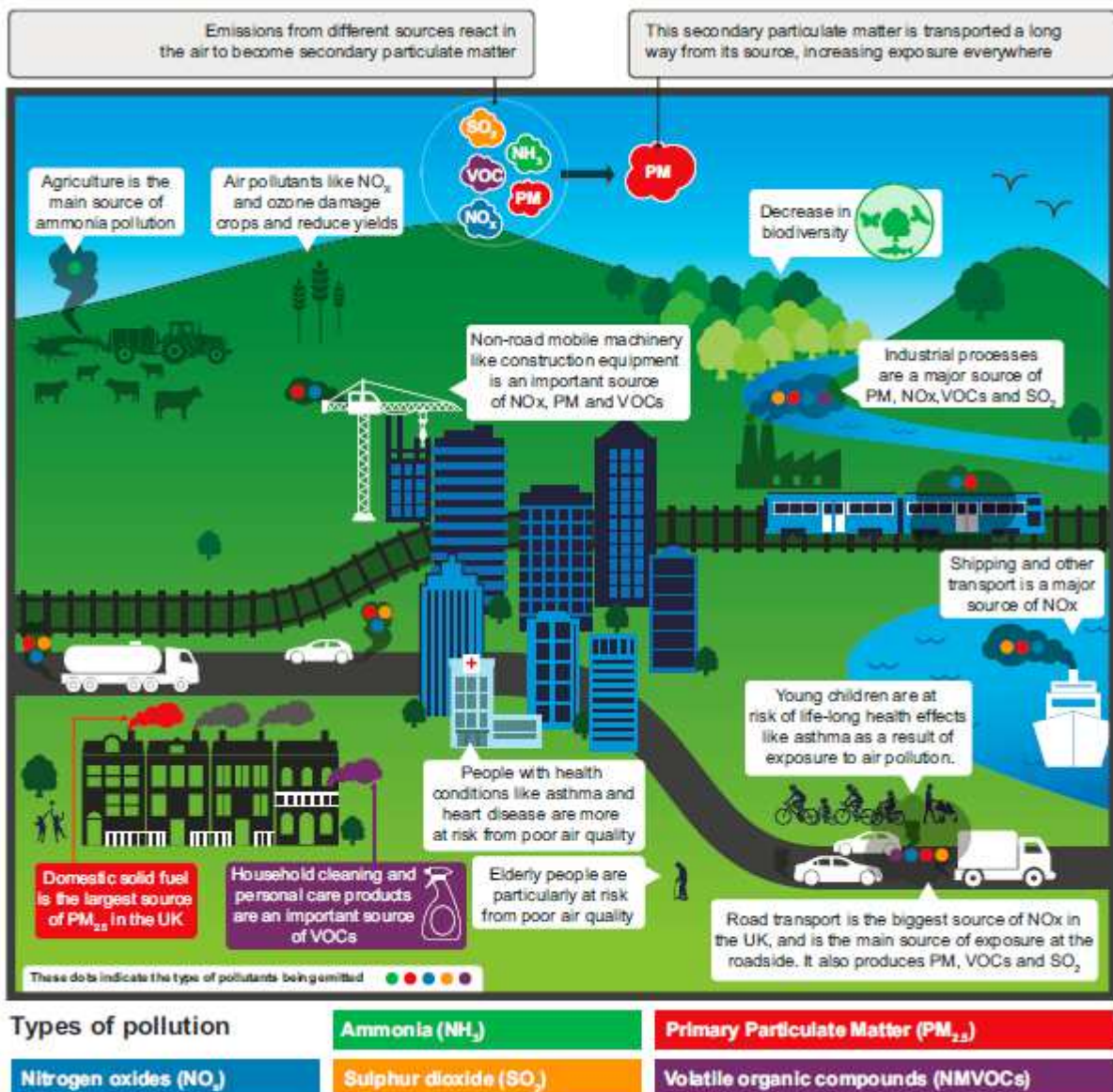
Birmingham is home to the largest local authority in western Europe and as the centre of the West Midlands conurbation is well placed geographically with well-developed businesses and academic institutions and a centralised transport network. This existing infrastructure, married to an ambition to be a ‘first mover’ within the region makes Birmingham perfectly placed to actively encourage change and enable regional discussion on the wider implications of clean growth.

Working with partners across the region we can use this focus to maximise development in new technologies to encourage regional growth in world-class industries, such as the electric taxi production in Coventry. By embracing the air quality agenda as a positive challenge we can position the region, with Birmingham at the centre, as a centre of excellence which has the health of its citizens and improved air quality at the heart of decision making.

THE CAUSES OF POOR AIR QUALITY?

There are a range of pollutants which affect air quality and Government have identified five key pollutants to address within their National Clean Air Strategy². The following infographic taken from the Government’s draft strategy explains the sources of the pollutants and how they interact in the environment.

² <https://consult.defra.gov.uk/environmental-quality/clean-air-strategy-consultation/>



As part of our on-going duty under Local Air Quality Management the City Council has reviewed and assessed the state of the air over two decades and considered the impact arising from a wide range of pollutants. Our experience tells us that in Birmingham the only pollutant which is found at concentrations above legal limits is nitrogen dioxide (NO₂), and that this has a measurable impact on health.

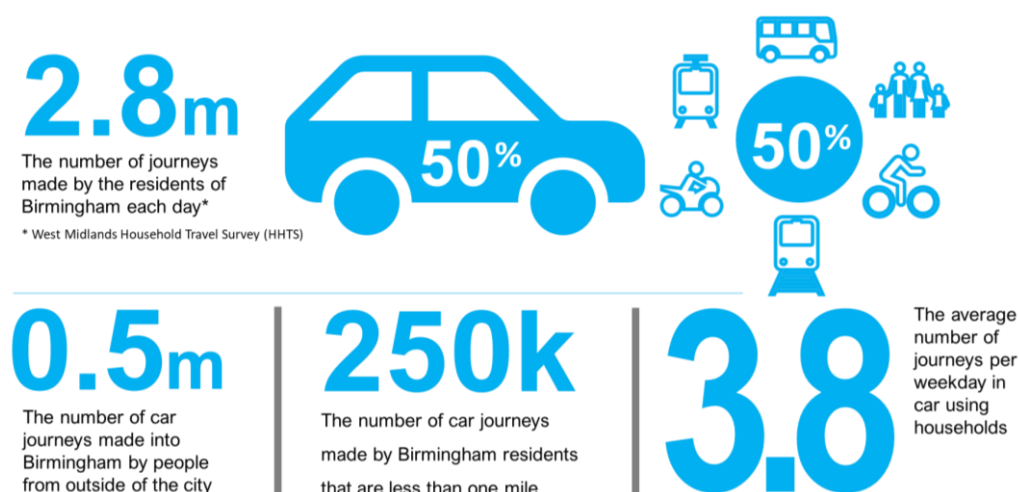
We also know from health studies that fine particulate matter (PM_{2.5}) has a significant health burden, contributing to a range of adverse health outcomes, and whilst we are presently compliant with legal limits, given the harm we know it causes, we believe more must be done to reduce emissions and lower concentrations; vehicular traffic will always generate particulate matter from both exhaust and non-exhaust sources (friction and wear from tyres and brakes), whilst the increasing lifestyle trend for wood burning stoves / boilers creates an increasing new source of pollution. Despite this we know that there remain many unknowns around PM_{2.5}, specifically around the sources and how they interact and seeking answers to these questions will better enable focused action to address pollutant concentrations.

We accept that other pollutants are important but due to the way they are formed and react in the environment we feel that a focus on NO₂ and PM_{2.5} will allow us to have the greatest impact on health in the city of Birmingham at this point in time.

We are conscious that a majority of local sources of NO₂ and PM_{2.5} are combustion based e.g. from vehicle engines, and that present solutions seek to provide alternative technologies to reduce the emissions. We acknowledge that there is a risk that this will result in a shift in the pollutants being emitted and/or a rise in carbon emissions. We will maintain a review on the evidence base surrounding all key pollutants to ensure they do not emerge as environmental risks to the population of the city.

Vehicular emissions in Birmingham

We know that vehicular emissions comprise the majority of local emissions to which people are exposed. Source apportionment undertaken for the Clean Air Zone study suggested that in 2016 road traffic accounted for 66% of nitrogen oxide emissions at key sites.



Clearly, a reduction in car usage will have a corresponding benefit in terms of reduced emissions and large health co-benefits, through increases in cycling, walking and other active transport.

Other emissions in Birmingham

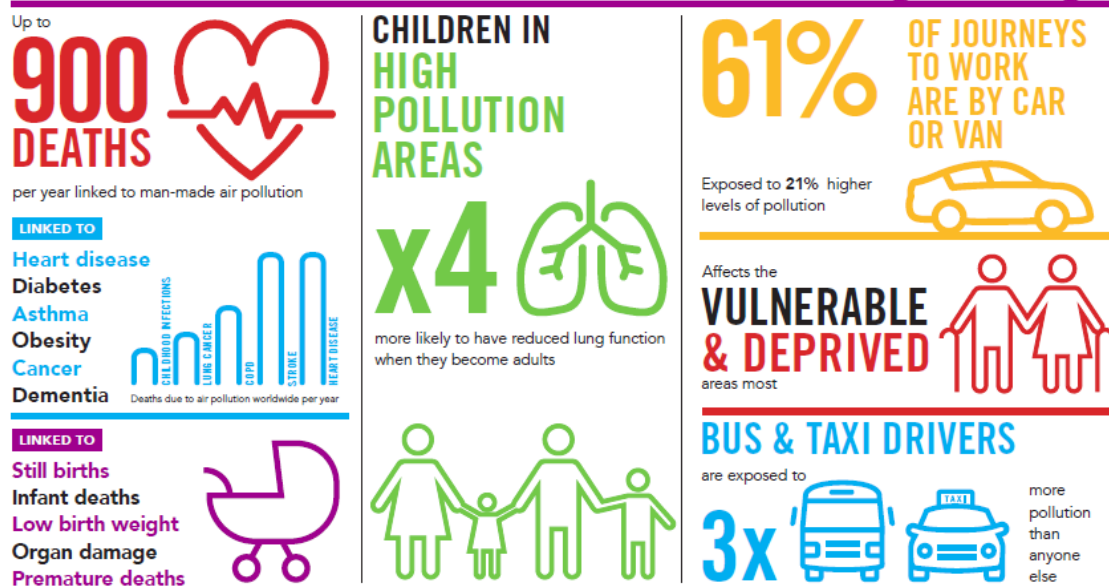
Although the focus will initially be on vehicular trips we should not lose sight of the fact that there are other emissions sources, such as from industrial and commercial premises e.g. from factories and businesses, domestic emissions in the form of boilers such as older gas boilers and wood burning stoves, emissions from the rail network in the form of diesel trains, construction plant and other non-road mobile machinery, as well as emissions from outside the city such as from agriculture and from regional and trans-boundary sources.

Given this wide range of sources we will do what is within our power to control these emissions; for instance those industries with the greatest potential to pollute are regulated through an environmental permitting scheme by both the Council and the Environment Agency. The environmental permitting scheme is a successful example of pro-active regulation to protect the public from harmful emissions. Other emissions sources are also regulated predominantly on a by-complaint basis.

WHAT ARE THE HEALTH EFFECTS OF POOR AIR QUALITY?

While the World Health Organisation advises that no levels of air pollution are safe, those with pre-existing respiratory and heart conditions and children are most vulnerable to its effects. Furthermore, people from socially and economically disadvantaged backgrounds are more likely to be exposed to higher levels of air pollution and are more at risk of negative health effects with children being particularly vulnerable.

EFFECTS OF AIR POLLUTION



#BrumBreathes

Numbers have been rounded. Evidence provided by Public Health Birmingham, May 2017; birminghampublichealth.co.uk



The evidence base underpinning the detail in the above infographic is drawn from a wide range of research articles, with new evidence emerging on an almost constant basis. A list of the key articles is presented in Appendix 1, although this is by no means exhaustive.

Small changes can make a big difference – just a $1\mu\text{gm}^{-3}$ reduction in $\text{PM}_{2.5}$ concentrations this year could prevent 50,000 new cases of coronary heart disease and 9,000 new cases of asthma nationwide.

WHAT ARE WE DOING TO TACKLE POOR AIR QUALITY?

Earlier this year we announced plans to introduce a Clean Air Zone and ran an extensive consultation with the citizens and businesses of Birmingham. Through this consultation we have been able to talk to a wide range of business leaders, health experts, academics and, importantly, our community – inviting them to share their ideas for improving the air we breathe.

"We now know that clean, green and healthy environments in urban and rural areas are an essential component of progress, not a barrier to economic development"

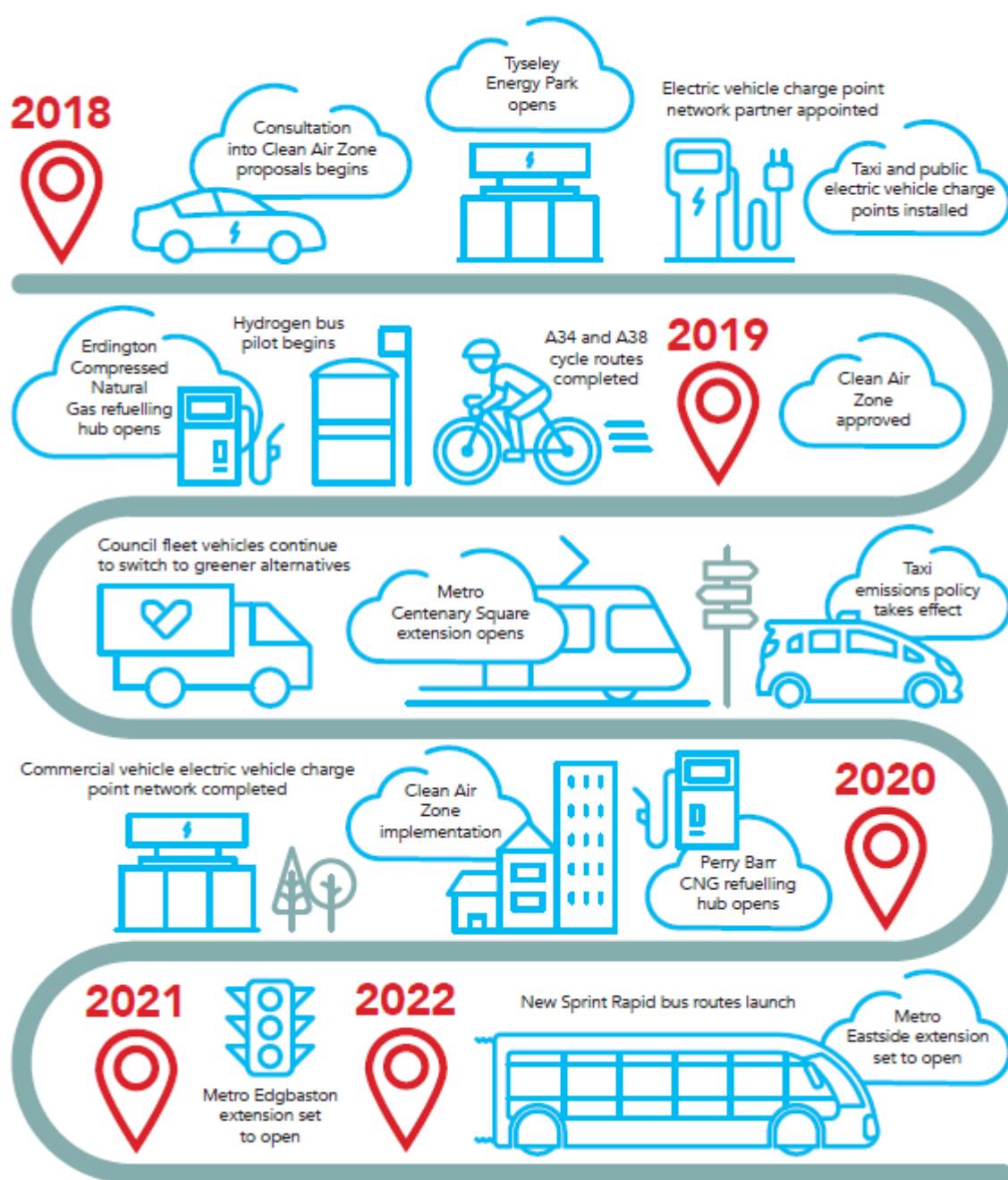
National Clean Air Strategy, Defra, 2018

Cleaning up our air and allowing Birmingham to breathe is not the sole responsibility of one group, rather it is a collective social duty on the Council, the people who live in the city, businesses, health and educational institutions and the Government.

All parties have to accept that it is a worthwhile goal for the future of the city. It will be a long journey for all of us but we want to ensure everyone can play a role so that everyone can reap the benefits of cleaner air.

Route map to cleaner air in Birmingham

Encouraging transport behaviour change



June 2018

Based on these conversations we believe that the most effective way to clean up our air is to focus on transportation sources as these have the greatest impact, however other sources should not be overlooked. Accordingly, we believe the priorities for cleaning up our air are:

1. A reduction in the number of dirty journeys by reducing the most polluting vehicles whilst improving the infrastructure for electric and low emission vehicles to support cleaner vehicle journeys
2. Improving the wider transport network to support smoother and faster journeys, whilst increasing the range of cleaner and environmentally/health-friendly journey options available to travellers e.g. cycling networks, walking schemes
3. Continuing to invest in our public transport network to produce services which the city can be proud of and which encourage more people to shift from private vehicle journeys
4. Ensuring that reducing emissions and exposure to air pollution are key considerations for decision making when planning development of buildings and public space
5. Embedding behaviour change as a golden thread that runs through and supports all of our conversations with residents of Birmingham, As we make physical changes to the infrastructure and transport of the city to make it easier to travel in ways that don't contribute to poor air quality, it is important that we support citizens to respond.
6. Building support for the agenda at a local, regional and national level.

These are broad priorities for the city and each is framed to encompass a range of possible measures or interventions to allow more relevant, targeted action based on the input from key partners and stakeholders.

We also believe that a focus of our approach should be in maximising the synergies between the clean air (air quality) and carbon (global warming) agendas so as to avoid or mitigate any disbenefits arising from the result of actions. The most obvious example of this was the push to diesel fuelled cars to reduce carbon emissions without the accompanying appreciation of the adverse public health impacts that have contributed to our current position. Our decisions have to be joined up and have to future proof our city.

Based on these priorities we have made a series of pledges which outline our commitment to make Birmingham a cleaner, greener and healthier city, a place where businesses will thrive and where people are happy to grow up and live fulfilling lives.

These pledges will explain the broad approach we intend to take to deliver on our commitment. However, because air quality is an issue that affects everyone we want to build a consensus with others around the city. We want to foster a real spirit of collaboration and partnership working and this Strategy is the first step and with your support will form the basis for developing actions to improve air quality across the City of Birmingham, incorporating your views and opinions and a set of common goals.

It is not possible to detail all the interventions that could be undertaken to improve air quality within this strategy and although the pledges are more focused than the priorities some still encompass a mix of actual actions to bring together thematic approaches and maximise the

impact from the pledge. Just because an approach is not specifically stated does not mean it is excluded as many different interventions will come together to provide the maximum benefit. Many other approaches can be taken to improve air quality as shown in the following infographic:

Infographic / picture outlining the range of interventions that can be undertaken to improve air quality:

- Cycling (proper segregated cycle lane)
- E-bikes (last mile delivery)
- Walking
- EV tech
- H₂ bus
- Trees / shrubs
- Train
- Canal barge
- AQ monitoring
- CAZ image
- Park & ride
- Anti-idling
- Clean Air Day literature
- Factory stack
- Grow local centres to reduce the need for trips whilst generating investment and jobs
- Etc.

Overarching message has to show inclusion for all the city i.e. not just city centre
Have outcome link showing child, teen, adult, elderly person with reference to good health

To be completed by Corporate Design

Pledges

Each pledge comprises the actions to be considered within the broad approach. Given the breadth of the pledges there can be a number of different, albeit related, actions within each. The commentary explains what we have done to date, what is within our power to change and be accountable for, what else we intend to do and, importantly, what we need others to do and what individuals can do to support the pledge.

The Council's commitments are framed within the City Council's model of "lead – support – communicate – collaborate";

Lead

- The City Council will take responsibility for its own actions and provide a lead for the city. We will invest the appropriate resources into becoming a clean, sustainable and inclusive city. We will set the standard and ensure that the Council's wider policies contribute to tackling air quality.

Communicate

- We will communicate a clear and consistent message on air quality which acknowledges and accepts the challenge we have. We will raise awareness of the impact of poor air quality making it clear why action is needed

Support

- We will support and encourage our communities and businesses to make healthy and active choices that result in clean air, focussing support on those most affected by poor air quality.

Collaborate

- Improving air quality is our shared responsibility. We will work in partnership with the West Midlands Mayor and the Combined Authority, neighbouring Districts, educational institutions, transport operators and the communities and business of Birmingham.

PLEDGE 1: We will introduce a Clean Air Zone in Birmingham city centre

In order to provide the singular greatest reduction in pollution Birmingham City Council will implement a Clean Air Zone (CAZ) covering the most polluted area of the city. The CAZ will target the dirtiest vehicles, seeking to encourage their owners to replace them or to avoid entering the area covered by the zone. The aim is to reduce concentrations of nitrogen dioxide (an oxide of nitrogen) to under health based legal limits in the shortest possible time and reducing public exposure to this harmful pollutant.

Principle priorities supported

1, 2, 6

Lead

The City Council has already undertaken detailed traffic and air quality modelling to identify the most polluted area and which vehicles contribute to that poor air quality. Our data suggests that the area within the A4540 ring-road will need to be included within the CAZ, whilst the ring-road will become the cordon. Our data further suggests that all vehicles types will need to be affected in order to reduce pollution concentrations and public exposure in the shortest possible time (a Class D CAZ).

We will continue to progress the CAZ by submitting our business case to Government and accessing appropriate funds to deliver the required infrastructure to enable the CAZ to go live at the beginning of 2020.

Support

We accept that the CAZ will have an impact on citizens and businesses and to help we will consider exemptions and mitigation where appropriate and we will seek to leverage monies from Government funds to support affected businesses in changing or retrofitting their affected vehicles. We will look at how we reach out to organisations and community groups who want to work with us to help support their travel planning and encourage behaviour change, where this is feasible.

Communicate

We have undertaken a six week public consultation in which we have presented all our work to date, including the detailed models which underpin the requirement for a class D CAZ.

Collaborate

We will work with businesses and residents to mitigate the impacts arising from the CAZ where we can do so.

What can others do to support this pledge?

We would like to see businesses and citizens consider their future journeys in the light of whether they are necessary or whether they can be undertaken by a different route or mode.

We would like to see businesses and citizens continue to engage with the Council to ensure the maximum benefit is gained from the CAZ.

PLEDGE 2: We will continue to deliver a world class transport system, which prioritises public transport, cycling and walking

Birmingham has ambitious plans for sustainable and inclusive economic growth and the Birmingham Development Plan 2031 sets out how this will be achieved. If Birmingham is to deliver its growth agenda and attract investment it must provide the necessary infrastructure to support the projected growth levels.

Population is projected to grow by an additional 150,000 people by 2031 and in order to provide employment for the city's growing population, an additional 100,000 jobs need to be created. It is estimated that the growth in the city's population will result in 1.2 million additional daily trips across the network by 2031 (by all transport modes within Birmingham). It is not possible or indeed desirable to accommodate these by private car.

The aim is to deliver world class transport system to support a world class city. We are committed to creating a cleaner, greener, go-anywhere, integrated transport system that puts people first and delivers better connections and will work with partner organisations and key stakeholders to make this happen.

This includes: rebalancing the network (in favour of sustainable modes), managing demand for travel, transformational investment and maximising efficiency.

Principle priorities supported

1, 2, 3

Lead

Building on the foundations of the Birmingham Connected Transport Strategy, the City Council will bring forward an updated Birmingham Transport Plan to reenergise established strategic principles and set out a series of Big Moves to accelerate the transformation of the city's transport networks. The 2022 Birmingham Commonwealth Games is a focal point for much of this work, and we will make the most of this synergy to encourage healthier and less polluting travel on the network.

The Birmingham Walking and Cycling Strategy sets out a long-term plan to ensure that active travel becomes the popular choice for short journeys and to increase the opportunities for recreational cycling and walking with a particular focus on short journeys and linked trips. The Strategy aims to raise levels of cycling to 5% of all trips by 2023 and 10% of all trips by 2033.

Support

We will support our partners, businesses and communities to fundamentally change the way they travel, and keep the city moving during periods of transition, construction and disruption.

We will support Network Rail in improving the air quality at New Street Station through the provision of expert advice on reducing pollution and passenger exposure and the lobbying of Government to shift from diesel to cleaner trains.

Communicate

We will ensure that the vision for the future of transport in our city, and need for and pace of change, is widely communicated and understood.

Collaborate

We will work with our delivery partners, in particular Transport for West Midlands, to secure additional investment needed to transform our transport network and deliver the highest standard of service.

What can others do to support this pledge?

Individual citizens can help by considering the use of modes other than the car for some journeys, even just one or two changes a week make a difference. Businesses and schools can support through implementing travel plans. Longer term, planning now for the way that transport networks will operate in the future.

PLEDGE 3: We will identify schools which are exposed to air pollution problems and work with the school to identify intervention strategies to reduce the exposure of the children

We know that air pollution has a disproportionate effect on certain members of our society. Evidence has shown that children in areas of higher pollution are four times more likely to have reduced lung function when they reach adulthood as a consequence of their exposure during their formative years.

Using our monitoring and modelling expertise we can determine which schools are most likely to be affected by air pollution. We can follow the principle of Clean Air Zones (CAZ) to either restrict traffic in full or in part, or take alternate action at key times. A one size fits all approach may not be appropriate and the CAZ concept allows for targeted interventions (not necessarily involving restricting vehicles or charging) based on the relevant evidence.

Principle Priorities Supported

1, 5

Lead

The City Council will take the lead in devising a programme to identify those schools most exposed to pollution. We will share this information with citizens so that the real impact of poor air quality can be seen, and will encourage changes in behaviour.

Support

The Council will support schools who are seeking to reduce the exposure of their children through the use of a range of interventions from education and engagement campaigns, utilising enforcement policy, leveraging funding for infrastructure and energy efficiency improvements, through to the sensible and targeted use of green infrastructure.

Communicate

We will ensure adequate consultation takes place with schools and parents on the issues arising and on options available to reduce the exposure to children attending school. Furthermore we will build on existing engagements including 'Modeshift STARS' and the 'Clean Air Cops' programmes.

Collaborate

We will work in partnership with schools and parents to identify the most suitable intervention(s) for their particular school.

What can others do to support this pledge?

Schools who are flagged as being affected by poor air quality can help by assisting the Council in engaging with parents to help determine the most appropriate intervention for the school to deliver air pollution reductions.

PLEDGE 4: We will expand our air quality monitoring network, incorporating new technologies and through partnership working with educational institutions and citizen science projects we will make the results readily available to all

Birmingham City Council monitor air pollution at a number of sites across the city under the Local Air Quality Monitoring (LAQM) regime and publish these annually in the Annual Status Report. There is an increasing demand for environmental information and newer technologies are being developed which can help deliver greater levels of information at a cheaper rate.

By working with partners, including supporting citizen science projects, we can build a more detailed picture of pollution concentrations across the city and not just in areas where we have exceedance of legal limits to both inform policy and guide local action.

Principle Priorities Supported

5, 6

Lead

The City Council will continue to monitor air pollution under LAQM and will expand the network where resources permit to ensure that the network enables the Council to deliver on its legal duties.

Support

We will support action to monitor air quality through citizen science projects by the provision of advice and, where possible, monitoring equipment to enable pollution concentrations to be determined at local sites, with the results coordinated with the wider network.

Communicate

The City Council will develop a website to hold all air quality monitoring data from the range of sources and permit the easy identification of pollutant concentrations at a local level.

Collaborate

The City Council work in partnership with Universities and developers of monitoring technologies to field test emerging equipment alongside the Council's own stations with a view to gaining better understanding of the use to which alternate technologies can be put and to aid in their further development.

What can others do to support this pledge?

Key partners will be educational institutions who will be asked to maintain their close working relationship with the Council to both test new technologies and to undertake joint funding bids to develop new tools to assist the monitoring and modelling processes.

Citizen groups will be key in supporting the Council by deploying monitoring equipment (diffusion tubes) in local areas to provide data that can be used by the Council to help better target future interventions.

PLEDGE 5: We will further develop our approaches to tackling emissions from both existing buildings and proposed developments

The Birmingham Development Plan (BDP) 2031 sets out a spatial vision and strategy for the sustainable growth of Birmingham for the period 2011 to 2031, and will be used to guide decisions on planning, development and regeneration. We will use this plan to form policy to guide developers on reducing emissions from their development or preventing new development from being affected by existing pollution sources. Our officers will utilise this plan when responding to planning applications to ensure that developers are properly guided in progressing their developments.

The increasing trend for wood burning stoves in the domestic setting presents an increasing risk to urban air quality. Domestic solid fuel burning is the largest source of particulate matter in the UK (38%) and is estimated to contribute to between 23 and 31% of the urban derived fine particulate matter (PM_{2.5}) in Birmingham with certain other emissions being known carcinogens e.g. benzo(a)pyrene.

Principle Priorities Supported

4, 5

Lead

The City Council will ensure appropriate regulatory framework is in place to guide new and existing developments to minimise air pollution emissions. We will develop policy to ensure that development proposals consider air quality and are accompanied by an appropriate scheme of mitigation where negative impacts are identified. We will continue to lobby Government to ensure that future policy e.g. National Clean Air Strategy, review of air quality legislation, revisions to the National Planning Policy Framework, are fit and appropriate for the 21st century and that they deal with emerging risks.

Support

Communicate

We will consult on the development of planning policies in relation to air quality.

Collaborate

We will collaborate with a range of stakeholders to develop appropriate planning policies in relation to air quality.

What can others do to support this pledge?

We need Government to review and tighten the legislation around the use of both domestic and commercial wood burning stoves in urban areas.

PLEDGE 6: We will work with key partners and stakeholders throughout the West Midlands region to help inform our own work and provide leadership where required

There are many organisations within the city of Birmingham and the wider region who wish to either take direct action to improve air quality or who simply wish to ensure it is incorporated in their day to day business operations. For many organisations identifying the right or proper action to take may not always be clear given the requirements of the business.

The correct action to improve air quality is often delivered through legislation, but there are many optional actions that may be taken which organisations may either be unaware of, or require additional support in developing. By ensuring that legislation is correctly framed and that key organisations are able to identify one another to enable effective and targeted communications, as well as being aware of what support is available and how to access that support, organisations can be reassured that the actions they take are the most effective and are consistently applied within the city and across the region.

Principle Priorities Supported

5, 6

Lead

The City Council will push Government to develop air quality legislation that is fit for the 21st century and that considers the risks to health and climate. The City Council also calls on the Combined Authority to lead in coordinating business engagement and investment in the region.

Support

Working in conjunction with key partners we will support businesses to transition to a cleaner and greener economic and business base by identifying funding streams and providing the expertise to assist them in making successful bids.

Communicate

We will communicate our knowledge around air quality and how it can be best applied across all sectors through regular channels e.g. internet, business engagement, as well as through a series of workshops and directed events e.g. Clean Air Day.

Collaborate

The City Council will support joint ventures which have a focus on improving air quality and the environment as an active partner. The City Council is a key partner in the University of Birmingham led NERC RISE Project “WM-Air” which seeks to provide a series of joint work-streams designed to inform air quality decisions across a range of public and private sector organisations.

What can others do to support this pledge?

We need organisations and businesses to recognise what they can do to improve air quality, from single actions to policies which span entire organisations, and internalise air quality decisions in their business models in a constructive method to achieve clear and defined positive outcomes.

FRAMING THE CLEAN AIR STRATEGY AND NEXT STEPS

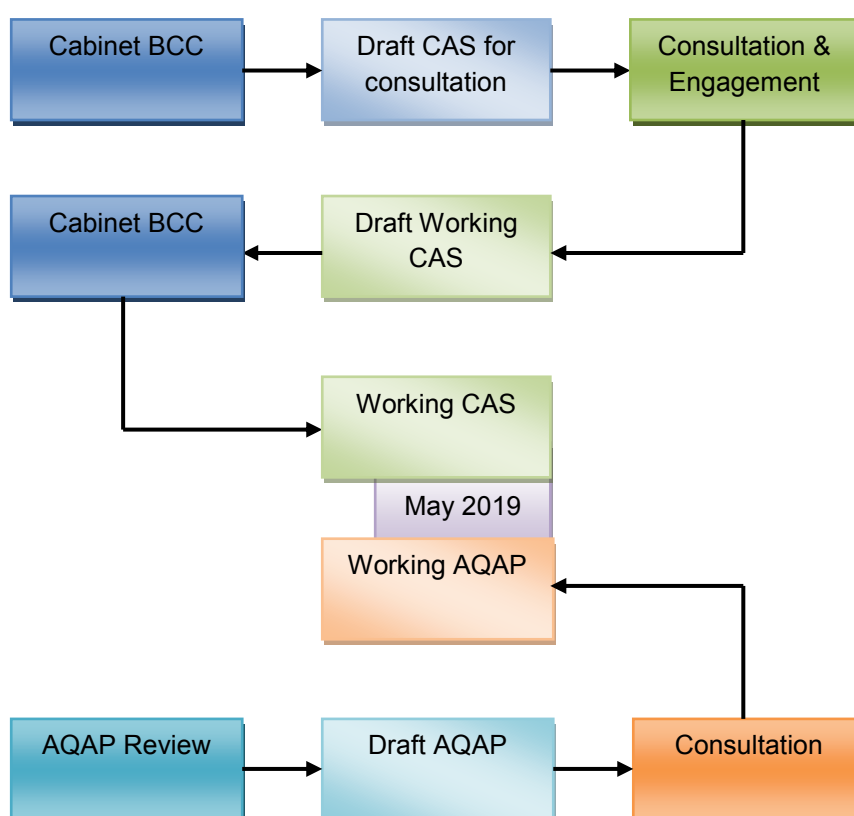
This Clean Air Strategy forms the first stage in a wider engagement process with key stakeholders and partner organisations including the citizens of Birmingham to ensure that items that matter to organisations or individuals are identified and considered and where appropriate built into the strategy and taken forward as actions.

This developing Clean Air Strategy is not a stand-alone document, rather it is a key component in the wider City Council BrumBreathes air quality programme. The strategy overarches all City Council functions where air quality is or may be a factor, ensuring that the City Council embeds air quality into the decision making process.

Furthermore, the strategy links into the Air Quality Action Plan (AQAP), a statutory document required under the Local Air Quality Management (LAQM) regulatory regime. The AQAP is presently being updated and the intention is to have a document which identifies those actions which need to be undertaken to improve air quality to the legal level and also actions which go beyond our legal duties; to consider pollutants for which we have no direct legal duty under LAQM e.g. PM_{2.5}, to consider action in areas of the city that presently comply with legal limits but where air quality could nevertheless be improved, such as local centres, to focus action to benefit the more vulnerable members of our society, e.g. around schools, and to identify and deliver cross cutting measures that benefit both air quality and climate change.

The AQAP will also include a mechanism for the rapid review, addition or removal of actions which are additional to our legal requirements so as to ensure that changes to the Clean Air Strategy can be progressed without the need to wait for a formal review of the AQAP. In this way the Clean Air Strategy will remain a live document and have a structured delivery framework in the form of the AQAP.

The process flow and estimated completion date are presented in the diagram below.



REDUCE AIR POLLUTION

5 SIMPLE THINGS

1 CHANGE THE WAY YOU TRAVEL

By leaving your car at home and choosing to cycle, walk or use public transport, you can help reduce air pollution by 20%.



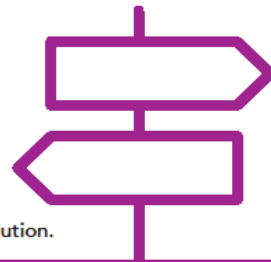
2 CHANGE THE TIME YOU TRAVEL

If you must use your car, avoid morning and evening rush hours – this will reduce congestion and produce less pollution as a result of not idling in traffic jams.



3 CHANGE THE ROUTES YOU TRAVEL

If you are cycling or walking, avoid main roads and choose routes using quieter back streets, parks or canals. Even walking on the side of the pavement furthest from the road can help reduce your exposure to air pollution.



4 CHANGE THE WAY YOU DRIVE

Driving economically – such as accelerating gently and sticking to speed limits – uses less fuel, saves money, reduces the risk of having an accident and reduces air pollution.



5 THE SCHOOL RUN

Cycling or walking to school with your children will help reduce the impact of air pollution. If you do have to drive then turn your engine off when waiting by the school gates.



#brumbreathes www.birmingham.gov.uk/cleanair



Single citation on health effects

Royal College of Physicians. *Every breath we take: the lifelong impact of air pollution*. Report of a working party. London: RCP, 2016.

More details of the individual papers

Heart Disease

Cesaroni G, Forastiere F, Stafoggia M, Andersen ZJ, Badaloni C, Beelen R, et al. Long term exposure to ambient air pollution and incidence of acute coronary events: prospective cohort study and meta-analysis in 11 European cohorts from the ESCAPE Project. *Bmj*. 2014;348:f7412

Lee BJ, Kim B, Lee K. Air pollution exposure and cardiovascular disease. *Toxicological research*. 2014 Jun;30(2):71.

Simoni M, Baldacci S, Maio S, Cerrai S, Sarno G, Viegi G. Adverse effects of outdoor pollution in the elderly. *Journal of thoracic disease*. 2015 Jan;7(1):34.

Shah AS, Langrish JP, Nair H, McAllister DA, Hunter AL, Donaldson K, Newby DE, Mills NL. Global association of air pollution and heart failure: a systematic review and meta-analysis. *The Lancet*. 2013 Sep 21;382(9897):1039-48.

Mustafić H, Jabre P, Caussin C, Murad MH, Escolano S, Tafflet M, Périer MC, Marijon E, Vernerey D, Empana JP, Jouven X. Main air pollutants and myocardial infarction: a systematic review and meta-analysis. *Jama*. 2012 Feb 15;307(7):713-21.

Gan WQ, Koehoorn M, Davies HW, Demers PA, Tamburic L, Brauer M. Long-term exposure to traffic-related air pollution and the risk of coronary heart disease hospitalization and mortality. *Environmental health perspectives*. 2010 Nov 16;119(4):501-7.

Langrish JP, Bosson J, Unosson J *et al*. Cardiovascular effects of particulate air pollution exposure: time course and underlying mechanisms. *J Intern Med* 2012;272:224–39.

Diabetes

Eze IC, Hemkens LG, Bucher HC, Hoffmann B, Schindler C, Kunzli N, et al. Association between ambient air pollution and diabetes mellitus in Europe and North America: systematic review and meta-analysis. *Environ Health Perspect*. 2015;123(5):381-9.

Janghorbani M, Momeni F, Mansourian M. Systematic review and metaanalysis of air pollution exposure and risk of diabetes. *Eur J Epidemiol*. 2014 Apr;29(4):231-42.

Bowe B, Xie Y, Li T, Yan Y, Xian H, Al-Aly Z. The 2016 global and national burden of diabetes mellitus attributable to PM_{2.5} air pollution. *The Lancet Planetary Health*. 2018 Jul 31;2(7):e301-12.

Asthma

COMEAP. Does Outdoor Air Pollution Cause Asthma? 2010

Khreis H, Kelly C, Tate J, Parslow R, Lucas K, Nieuwenhuijsen M. Exposure to traffic-related air pollution and risk of development of childhood asthma: A systematic review and meta-analysis. *Environment international*. 2016.

Jacquemin B, Siroux V, Sanchez M, Carsin AE, Schikowski T, Adam M, et al. Ambient air pollution and adult asthma incidence in six European cohorts (ESCAPE). *Environ Health Perspect*. 2015;123(6):613-21.

Anderson HR, Favarato G, Atkinson RW. Long-term exposure to air pollution and the incidence of asthma: meta-analysis of cohort studies. *Air Quality, Atmosphere & Health*. 2013;6(1):47-56

Zheng XY, Ding H, Jiang LN, Chen SW, Zheng JP, Qiu M, Zhou YX, Chen Q, Guan WJ. Association between air pollutants and asthma emergency room visits and hospital admissions in time series studies: a systematic review and meta-analysis. *PloS one*. 2015 Sep 18;10(9):e0138146.

Gowers AM, Cullinan P, Ayres JG, ANDERSON H, Strachan DP, Holgate ST, Mills IC, Maynard RL. Does outdoor air pollution induce new cases of asthma? Biological plausibility and evidence; a review. *Respirology*. 2012 Aug 1;17(6):887-98.

Bowatte G, Lodge C, Lowe AJ, Erbas B, Perret J, Abramson MJ, Matheson M, Dharmage SC. The influence of childhood traffic-related air pollution exposure on asthma, allergy and sensitization: a systematic review and a meta-analysis of birth cohort studies. *Allergy*. 2015 Mar 1;70(3):245-56.

Dick S, Friend A, Dynes K *et al*. A systematic review of associations between environmental exposures and development of asthma in children aged up to 9 years. *BMJ Open* 2014;4:e006554.

Gasana J, Dillikar D, Mendy A *et al*. Motor vehicle air pollution and asthma in children: a meta-analysis. *Environ Res* 2012;117:36–45

Obesity

Kim JS, Alderete TL, Chen Z, Lurmann F, Rappaport E, Habre R, Berhane K, Gilliland FD. Longitudinal associations of in utero and early life near-roadway air pollution with trajectories of childhood body mass index. *Environmental Health*. 2018 Dec 1;17(1):64.

Jerrett M, McConnell R, Wolch J, Chang R, Lam C, Dunton G, Gilliland F, Lurmann F, Islam T, Berhane K. Traffic-related air pollution and obesity formation in children: a longitudinal, multilevel analysis. *Environmental Health*. 2014 Dec;13(1):49.

Jerrett M, McConnell R, Chang CR, Wolch J, Reynolds K, Lurmann F, Gilliland F, Berhane K. Automobile traffic around the home and attained body mass index: a longitudinal cohort study of children aged 10–18 years. *Preventive medicine*. 2010 Jan 1;50:S50-8.

Cancer

Loomis D *et al*, for the International Agency for Research on Cancer Monograph Working Group. The carcinogenicity of outdoor air pollution. *Lancet Oncol* 2013;14:1262–63

Hamra GB, Laden F, Cohen AJ, Raaschou-Nielsen O, Brauer M, Loomis D. Lung Cancer and Exposure to Nitrogen Dioxide and Traffic: A Systematic Review and MetaAnalysis. *Environ Health Perspect*. 2015;123(11):1107-12. 27.

Hamra GB, Guha N, Cohen A, Laden F, Raaschou-Nielsen O, Samet JM, *et al*. Outdoor particulate matter exposure and lung cancer: a systematic review and metaanalysis. *Environ Health Perspect*. 2014;122(9):906-11.

Ole Raaschou-Nielsen O *et al*. Air pollution and lung cancer incidence in 17 European cohorts: prospective analyses from the European Study of Cohorts for Air Pollution Effects (ESCAPE). Volume 14, No. 9, p813–822, August 2013

Boothe VL, Boehmer TK, Wendel AM, Yip FY. Residential traffic exposure and childhood leukemia: a systematic review and meta-analysis. *American journal of preventive medicine*. 2014 Apr 30;46(4):413-22.

Carey IM, Atkinson RW, Kent AJ, Van Staa T, Cook DG, Anderson HR. Mortality associations with long-term exposure to outdoor air pollution in a national English cohort. *American journal of respiratory and critical care medicine*. 2013 Jun 1;187(11):1226-33.

Dementia

Oudin A, Forsberg B, Adolfsson AN, Lind N, Modig L, Nordin M, et al. TrafficRelated Air Pollution and Dementia Incidence in Northern Sweden: A Longitudinal Study. *Environ Health Perspect*. 2016;124(3):306-12.

Clifford A, Lang L, Chen R, Anstey KJ, Seaton A. Exposure to air pollution and cognitive functioning across the life course—a systematic literature review. *Environmental research*. 2016 May 1;147:383-98.

Power MC, Adar SD, Yanosky JD, Weuve J. Exposure to air pollution as a potential contributor to cognitive function, cognitive decline, brain imaging, and dementia: a systematic review of epidemiologic research. *Neurotoxicology*. 2016 Sep 1;56:235-53.

Killin LO, Starr JM, Shiue IJ, Russ TC. Environmental risk factors for dementia: a systematic review. *BMC geriatrics*. 2016 Dec;16(1):175.

Infant Deaths

Glinianaia SV, Rankin J, Bell R, Pless-Mulloli T, Howel D. Does particulate air pollution contribute to infant death? A systematic review. *Environmental health perspectives*. 2004 Oct 1;1365-70.

Litchfield I, Hwang BF, Jaakkola J. The Role of Air Pollution as a Determinant of Sudden Infant Death Syndrome: A Systematic Review and Meta-analysis. *Epidemiology*. 2011 Jan 1;22(1):S165-6.

Woodruff TJ, Darrow LA, Parker JD. Air pollution and postneonatal infant mortality in the United States, 1999–2002. *Environ Health Perspect* 2008;116:110–15.

Low Birth Weight

Pedersen M, Giorgis-Allemand L, Bernard C, Aguilera I, Andersen AM, Ballester F, et al. Ambient air pollution and low birthweight: a European cohort study (ESCAPE). *The Lancet Respiratory medicine*. 2013;1(9):695-704

Shah PS, Balkhair T, Knowledge Synthesis Group on Determinants of Preterm/LBW births. Air pollution and birth outcomes: a systematic review. *Environment international*. 2011 Feb 28;37(2):498-516.

Bonzini M, Carugno M, Grillo P, Mensi C, Bertazzi PA, Pesatori AC. Impact of ambient air pollution on birth outcomes: systematic review of the current evidences. *La Medicina del lavoro*. 2010;101(5):341-63.

Pedersen M, Giorgis-Allemand L, Bernard C et al. Ambient air pollution and low birthweight: a European cohort study (ESCAPE). *Lancet Respir Med* 2013;1:695–704.

Organ Damage

Vrijheid M, Martinez D, Manzanares S, Dadvand P, Schembari A, Rankin J, Nieuwenhuijsen M. Ambient air pollution and risk of congenital anomalies: a systematic review and meta-analysis. *Environmental health perspectives*. 2011 May 1;119(5):598.

Suades-González E et al. Air Pollution and Neuropsychological Development: A Review of the Latest Evidence *Endocrinology*. 2015;156:3473–3482

Latzin P, Rössli M, Huss A, Kuehni CE, Frey U. Air pollution during pregnancy and lung function in newborns: a birth cohort study. *Eur Respir J* 2009;33:594–603.

Gehring U, Gruzieva O, Agius RM *et al.* Air pollution exposure and lung function in children: the ESCAPE project. *Environ Health Perspect* 2013;121:1357–64.

Premature Births

Shah PS, Balkhair T, Knowledge Synthesis Group on Determinants of Preterm/LBW births. Air pollution and birth outcomes: a systematic review. *Environment international*. 2011 Feb 28;37(2):498-516.

Bonzini M, Carugno M, Grillo P, Mensi C, Bertazzi PA, Pesatori AC. Impact of ambient air pollution on birth outcomes: systematic review of the current evidences. *La Medicina del lavoro*. 2010;101(5):341-63.

Ha S, Hu H, Roussos-Ross D *et al.* The effects of air pollution on adverse birth outcomes. *Environ Res* 2014;134:198–204.

Public Report

Birmingham City Council

Report to Cabinet

Date: 22nd January 2019

Subject: REFURBISHMENT OF THE FORMER SMALL HEATH LOWER SCHOOL SITE TO PROVIDE ACCOMMODATION FOR KEYSTAGE 1 AND 2 PUPILS FROM AL- HIJRAH SCHOOL FOLLOWING ITS CONVERSION TO AN ACADEMY – FULL BUSINESS CASE AND CONTRACT AWARD

Report of: Director for Education & Skills

Relevant Cabinet Member: Cllr Jayne Francis - Education, Skills and Culture
Cllr Brett O'Reilly - Finance and Resources

Relevant O &S Chair(s): Cllr Mariam Khan - Learning, Culture and Physical Activity
Cllr Sir Albert Bore – Resources

Report author: Zahid Mahmood,
Capital Programme - Manager Education Infrastructure
Telephone No: 0121 464 9855
Email Address: zahid.mahmood@birmingham.gov.uk

Are specific wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s): Bordesley Green / Small Heath		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 005871/2019		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential :		

Executive Summary

- 1.1 To seek approval to the Full Business Case for the capital scheme at the Former Small Heath Annex as described in **Appendix A**.

- 1.2 The accompanying private report contains further financial information and seeks approval to costs and funding section in the Full Business Case and to place orders with a Constructing West Midlands Framework (CWM) contractor to progress the proposed works.

2 Recommendations

That Cabinet:

- Approves the Full Business Case (**Appendices A-D**) for the capital works at the Former Small Heath Annexe.
- Notes the contents of this report.

3 Background

- 3.1 The Local Authority has a statutory duty to secure that there are sufficient pupil places, promote diversity and increase parental choice in planning and securing provision (Section 14, Education Act 1996 and Education & Inspections Act 2006). This duty extends to our landlord responsibility to maintain the Education property portfolio to prevent school closure and asset failure, thus improving safeguarding for children.
- 3.2 A report on the changing demand and supply of school places was shared at the Overview and Scrutiny Committee for Learning, Culture and Physical Activity in September 2018.
- 3.3 Al-Hijrah School's 2 Forms of Entry primary element is based in temporary accommodation at the existing school site on Burbidge Road, B9 4US. The temporary building is two-storeys in height and is constructed of pre-fabricated panels that are coloured in grey. The temporary building is located along the south boundary of the site, in close proximity to late-Victorian properties with brick-built elevations and design features. The Planning Department did not want the accommodation to remain in Situ as it would create an unacceptable visual amenity on the locality. As such, the temporary building has only been given 2 year planning approval and thereafter needs to be removed, which will be done via the contractor.
- 3.4 Once the temporary accommodation is removed, the main school building is not large enough to accommodate the primary and secondary aged pupils. The former Small Heath Annexe has been identified as an alternative site for the accommodation of primary age pupils.
- 3.5 The Interim Executive Board's proposal to alter the age range of Al Hijrah School and the Directive Academy Order made by the Secretary of State in respect of Al-Hijrah School under Section 4(A1) of the Academies Act 2010, do not alter the need for the refurbishment of the Small Heath site to accommodate the primary pupils. The option of doing nothing would mean the City Council would fail to meet

its statutory obligation in providing appropriate provision to meet the needs of the children.

- 3.6 School Organisation process: School Organisation approval would not be required for the proposed 4 – 11 Academy School to move to the site of the former Small Heath annexe because the Small Heath site is within 2 miles of the existing site at Burbidge Road, it would not increase the number of pupils being accommodated at the school, and the move would take place following the implementation of the Directive Academy Order to which Al-Hijrah School is subject. The Small Heath site would continue to be owned by the Local Authority and leased to the Academy Trust for a peppercorn rent. The proposal to change the age range of Al-Hijrah School from 4 – 16 to 4 - 11 is subject to the School Organisation process and the Interim Executive Board is currently undertaking statutory consultation (parties being consulted include those in section 5 of this report). Stakeholders are aware of the relocation of the primary phase of Al-Hijrah School and the Directive Academy Order as these are referenced in the public document that proposes to change the age range.
- 3.7 In October 2017 the Court of Appeal judged in favour of Ofsted and against Al-Hijrah school, in that segregation by sex in co-educational (mixed) schools is contrary to the Equality Act 2010. Following this judgement, Al-Hijrah School stopped its practice of segregation of boys and girls in the primary phase, and the proposed Academy on the former Small Heath Lower School Site will operate as a mixed Islamic primary school for girls and boys.
- 3.8 The refurbishment of the existing Small Heath Lower School building includes mechanical and electrical overhaul, structural repairs, roof repairs, upgrade of services and fit out. These refurbishment works will be carried out in a vacant building and will be compliant with the Grade II Listed status of the building. Listed building consent has been obtained.
- 3.9 The Full Business Case (FBC) for this scheme is included in **Appendices A - D**. The FBC details the works which will be undertaken on the former Small Heath Lower School Site. This would allow the Primary Academy to move into in a fit for purpose building from September 2019.
- 3.10 A planning application and Listed Building application were submitted on 20th September 2018 and have been approved.
- 3.11 In order to meet the deadline for completion in September 2019 a Form of Authority was approved to start enabling works. Subject to FBC and statutory approvals, the main works are due to commence in January 2019 with a proposed completion of 3rd October 2019.

4 Options considered and Recommended Proposal

- 4.1 The option of doing nothing would mean the City Council would fail to meet its statutory obligation in providing appropriate provision to meet the needs of the children.

- 4.2 To approve the proposed capital works at the former Small Heath Lower School site in order to provide suitable KS1 and KS2 accommodation for the proposed Primary Academy.

5 Consultation

5.1 Internal

All Birmingham Councillors have been informed of the consultation by the Interim Executive Board of Al-Hijrah School to change the age range of the school to become a primary school including information about the Directive Academy Order and the transfer to the former Small Heath School Annexe. Notice of the consultation has gone to officers from services across Birmingham City Council including Admissions, Finance, Education Infrastructure, School and Governor Support, Human Resources, Legal, Planning, Research and Statistics Information Officers for Children and Young People, Officers from City Finance, Legal and Governance and Procurement have been involved in the preparation of this report.

5.2 External

All pupils, parents, governors, teaching and non-teaching staff of Al-Hijrah School, The RSC, the Academy sponsor and the Al-Hijrah Trust and Head Teachers of Birmingham schools have been informed of the consultation to change the age range of Al-Hijrah School including information about the Directive Academy Order and the transfer to the former Small Heath School Annexe. All Members of Parliament for Birmingham constituencies have been informed of the consultation and transfer of site. In addition Teaching Associations, Trade Unions, the Archdiocesan and the Anglican Diocese of Birmingham and neighbouring authorities have been informed of the consultation.

6 Risk Management

- 6.1 Attached as **Appendix B** as part of the FBC.

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

- 7.1.1 These works are required to enable the Local Authority to meet its statutory duty to not only secure the provision of sufficient pupil places but also to promote diversity and increase parental choice in planning and securing the provision of school places (Section 14 Education Act 1996 and Education & Inspections Act 2006). The spending priorities proposed are in accordance with the Schools' Capital Programme 2018-19 and the Council's Vision and Forward Plan priorities for Children, particularly 'A great place to grow up in by providing an environment where children have the best start in life and are able to realise their full potential through great education'. The provision of these school places is also beneficial to the safeguarding of children.

Birmingham Business Charter for Social Responsibility - The selected CWM contractor is signed up to the principles of the Birmingham Business Charter for Social Responsibility and will develop a relevant and proportionate action plan, demonstrating how the principles of the Charter will be implemented to deliver social value outcomes for the school and local community. This action plan will be agreed with the Council prior to the works order being placed.

7.2 Legal Implications

- 7.2.1 This report facilitates the discharge of the local authority's duty under section 14 of the Education Act 1996 to secure that sufficient school places are available.

7.3 Financial Implications

- 7.3.1 The total cost of the works to refurbish the former Small Heath Lower School will be funded from Department for Education (DfE) Basic Need Grant (Stage 4). Cost details are included in **Appendix A of the Private Report**.
- 7.3.2 Consequential revenue costs arising, including additional staffing and any on-going day- to-day repair and maintenance of the asset, would be the responsibility of the future Academy sponsor and the Education and Skills Funding Agency.
- 7.3.3 No budget will be provided for furniture as the school is operational and will be expected to relocate all furniture to the new premises.

7.4 Procurement Implications (if required)

- 7.4.1 The procurement route for this project was via the Constructing West Midlands (CWM) Framework.

7.5 Human Resources Implications (if required)

- 7.5.1 N/A

7.6 Public Sector Equality Duty

- 7.6.1 A Full Equality Analysis (EA0001202) was carried out in May 2016 for Education Infrastructure's Education Development Plan and Schools' Capital Programme 2018-19. The outcomes from consultation demonstrate that proposed capital developments support positive outcomes for children, young people, their families and carers. No negative impact on people with Protected Characteristics was identified. It was concluded that sufficiency of educational places and opportunities for all children and young people contributes to providing positive life chances, and supports a positive approach to Safeguarding in Birmingham: actively reducing the number of

children and young people out of school helps to mitigate risk to their safety and wellbeing.

8 Background Documents

8.1 List of Background Documents used to compile this Report:

- Schools' Capital Programme - School Condition Allocation 2018-19+ Future Years Cabinet Report – approved 18th September 2018
- Changing demand and supply of school places – Overview & Scrutiny Report – September 2018

8.1 List of Appendices accompanying this Report (if any):

- A. Full Business Case
- B. Risk Assessment
- C. Stakeholder Analysis
- D. Milestone Dates and Resources
- E. Ward Councillors Consultation

Appendix A - FULL BUSINESS CASE Public

Full Business Case (FBC)			
1. General Information			
Directorate	Education & Skills	Portfolio/Committee	Education, Skills & Culture
Project Title	REFURBISHMENT OF THE FORMER SMALL HEATH LOWER SCHOOL SITE TO PROVIDE ACCOMMODATION FOR KEYSTAGE 1 AND 2 PUPILS FROM THE FORMER AL-HIJRAH VA SCHOOL FOLLOWING ITS CONVERSION TO AN ACADEMY – FULL BUSINESS CASE AND CONTRACT AWARD	Project Code	CA-01903-02-1-210 1BA0 3R0.
Project Description	Refurbishment of the existing Small Heath Lower School building including mechanical and electrical overhaul, structural repairs, roof repairs, upgrade of services and fit out. These works will be carried out in a vacant building and will be compliant with the Grade II Listed status of the building. Listed Building consent is currently being obtained.		
Links to Corporate and Service Outcomes	<p>Which Corporate and Service outcomes does this project address:</p> <ul style="list-style-type: none"> ▪ Council Business Plan and Budget 2018+; ▪ A Fair City: Tackling Inequality and Deprivation; ▪ Laying the foundations for a Prosperous city based on an inclusive economy; ▪ A Democratic City involving local people and communities in the future of their local area and public services: a City with local services for local people; ▪ Enjoy and achieve by attending school; ▪ Schools Capital Programme ▪ Compliance with the principles of the 'Birmingham Business Charter for Social Responsibility'. 		
Schools Capital Programme (PDD) 2016-17 approved by...	Cabinet	Date of Approval	28 th June 2016
Benefits Quantification Impact on Outcomes	Measure		Impact
	The students will be taught in modern fit for purpose refurbished and re-modelled accommodation allowing for the delivery of a quality education.		Providing appropriate accommodation addresses identified demand and fulfils the Authority's statutory obligations to provide sufficient pupil places.
	The project delivers replacement teaching spaces		Raised standards, improved behaviour, staff well-being and

		reduced turnover, mobility, facilitation of the sharing of good practice.	
	Support and enrich community and family learning e.g. positive parenting programme, basic skills, opportunities to address worklessness.	Children and young people will have a safe, warm and dry environment before, during and after school hours.	
	Promoting designs which support Birmingham’s Education Vision.	Creating teaching and learning environments that are suitable for delivering education.	
Project Deliverables	The aim of the project is to provide suitable and appropriate accommodation to replace the temporary premises for 420 primary age pupils.		
Scope	This scheme involves works as described in the above project description.		
Scope exclusions	N/A		
Dependencies on other projects or activities	<ul style="list-style-type: none">• Placing orders with Contractor.• Planning Permission		
Achievability	<ul style="list-style-type: none">• Scope of work identified as in the project description.• Site investigation reports have shown no abnormal conditions.• Programme and costs developed.• Funding is in place.• Contractors have considerable previous experience.• Availability of resources.• Similar projects have been delivered on budget and to time by using experienced internal project managers, BCC recognised building experts and following BCC guidelines.• The project team (EdSI and Acivico) has successfully delivered similar projects.		
Project Manager	Zahid Mahmood 07860906126	Capital Programme Manager, Education Infrastructure zahid.mahmood@birmingham.gov.uk	
Budget Holder	Jaswinder Didially 07825 117334	Head of Education Infrastructure jaswinder.didially@birmingham.gov.uk	
Sponsor	Jaswinder Didially 07825 117334,	Head of Education Infrastructure jaswinder.didially@birmingham.gov.uk	
Project Accountant	Nadia Majid 07766922478	Contracts Manager Education Infrastructure Nadia.majid@birmingham.gov.uk	
Project Board Members			
Head of City Finance (H. o. CF)	Paul X Stevenson	Date of H. o. CF Approval:	22/11/2018

Planned Project Start date	03/12/18	Planned Date of Technical completion	03/10/19
-----------------------------------	----------	---	----------

Revenue Consequences: Consequential revenue costs of additional staffing and day to day repair and maintenance of the assets will be funded from school budget share

3. Checklist of Documents Supporting the FBC		
Item	Mandatory attachment	Number attached
Financial Case and Plan		
<ul style="list-style-type: none"> Detailed workings in support of the above Budget Summary (as necessary) 	Mandatory	Included above (Appendix A)
<ul style="list-style-type: none"> Statement of required resource (people, equipment, accommodation) – append a spreadsheet or other document 	Mandatory	Appendix D
<ul style="list-style-type: none"> Milestone Dates/ Project Critical Path (set up in Voyager or attached in a spreadsheet) 	Mandatory	Appendix D
Project Development products		
<ul style="list-style-type: none"> Populated Issues and Risks register 	Mandatory	Appendix B
<ul style="list-style-type: none"> Stakeholder Analysis 	Mandatory	Appendix C

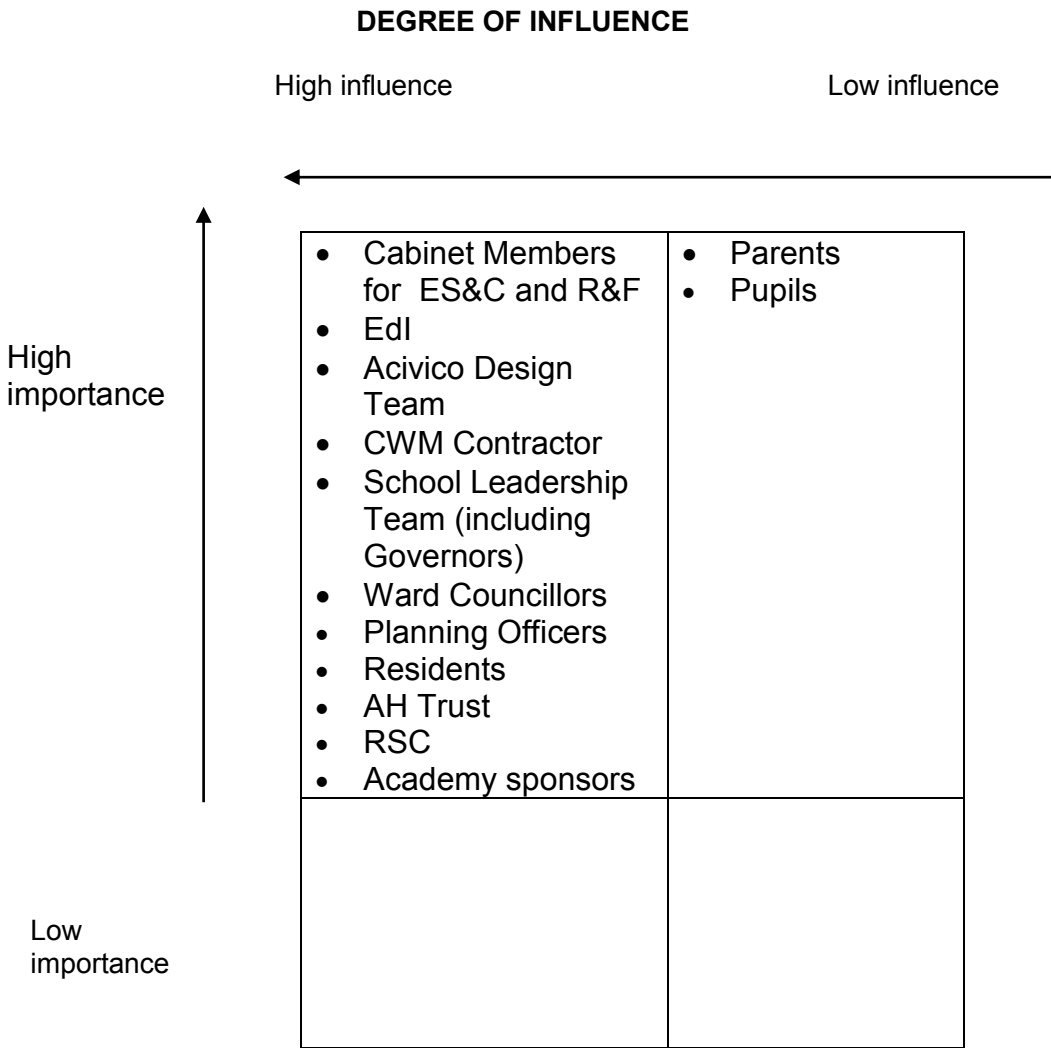
Appendix B - RISK ASSESSMENT

Risk	Likelihood of risk	Severity of risk	Effect	Solution
Stakeholders do not consider School Travel Plans and transportation issues prior to consultation	Low	High	Increased residents, and parental concerns over parking issues	Review school travel plans in partnership with transportation prior to local consultation in order to mitigate possible objections.
Stakeholders/ Governors do not engage in project and do not sign up to the solution	Low	Medium	Design and delivery could be delayed	The Design Team will ensure regular meetings and consultation with stakeholders and Governors
New Free Schools and Academies opening across Birmingham	Medium	Medium	Impact on school place planning and pupil places possibly leading to delay in confirming preferred options	Liaise closely with Free School Providers and Academies when planning the provision of Additional Primary Places.
Building costs escalate	Low	Medium	The cost of the buildings would be more than the funding available	The Design Team will closely monitor the schedule of works and build costs. Cost schedules include contingency sums. Any increase in costs will need to be met through value re-engineering to ensure projected spend remains within overall allocation
Building works fall behind	Medium	Medium	Deadlines not met	The Design Team will closely monitor schemes on site and liaise with Contractor Partners to identify action required.
BCC faced with increasing revenue costs	Low	Low	Increased pressure on the revenue budget	Individual Schools will meet all revenue costs and day to day repair and maintenance of additional space from their delegated budget share
Problems with contract procurement process	Low	Low	Funding not spent in financial year allocated	Work closely with Partners to ensure compliance with City Council standing orders.

Appendix C

STAKEHOLDER ANALYSIS

Cabinet Member for Education, Skills & Culture (ES&C)
Cabinet Member for Resources & Finance (R&F)
Head Teacher
School Leadership team,
Planning Officers
Pupils,
Parents
School Governors
EdI
Acivico Design Team
CWM Contractor
Ward Councillors
Residents
Al Hijrah Trust
Academy sponsors
Regional Schools Commissioner



Stakeholder	Stake in project	Potential impact on project	What does the project expect from stakeholder	Perceived attitudes and/or risks	Stakeholder management strategy	Responsibility
Cabinet Members for ES&C and R&F	Strategic Overview of DGCF expenditure	High	Ratification of BCC approach to TBN	Strategy not approved	Early Consultation and Regular Briefing on all aspects of Special Provision	BCC / EDI
School's Consultant Partners	Design and Delivery	High	Design of build Project management	Unable to design to budget Unable to deliver to timescales	Close working with other stakeholders Regular feedback	School Leadership Team / Governors
Planning Officers	Granting Planning Consent	High	Close Liaison with EDI to design a scheme that can receive planning approval	N/A	Frequent communication on all aspects of project design	School's Consultant Project Manager EDI Project Officer
School Leadership Team / Governors	Governing Body Agreement and End Users	High	Compliance with GBA Ongoing Revenue costs for R&M once build complete	N/A	Governing Body Agreement signed and regular project meetings	School Leadership Team / Governing Body EDI Project Officer
Pupils	End user	Low	Consultation	Nil	Through schools council	School Leadership Team
Ward Councillors	Knowledge of other developments affecting local communities that may link into project	High	Consultation with community and support for project	Objections from local residents	Involve in consultation and planning permission process	EDI Project Officer Governors/ School Leadership Team

Appendix D MILESTONE DATES and RESOURCES

Initial design launch	12th March 2018
Stage D detailed design proposals	3rd August 2018
Planning Application Submitted	20th September 2018
FOA approved for enabling works	31 st October 2018
Planning Application determined	29th November 2018
Final target costs agreed with contractor	16th November 2018
FBC and Grant Award Report – Cabinet	22 nd January 2019
Orders placed with contractor	31 st January 2019
Commencement of works	22 nd January 2019
Completion of works	3rd October 2019 (beneficial use September 2019)
Post Implementation Review	3 rd October 2020

STATEMENT OF RESOURCES REQUIRED

People	School's Project Team Quantity Surveyor Project Officer Administrators Clerk of works	Design /architect Technical Officers Contractors/Sub contractors
Equipment (to enable works)	Specialist equipment provided by contractor relevant to the requirements for the construction works.	
Equipment (installed as part of project)	Fixed furniture in new accommodation	

PROGRAMME TEAM

Name	Designation	Telephone
Zahid Mahmood	Capital Programme Manager, Education Infrastructure	07860 906126
Jaswinder Didially	Head of Education Infrastructure	07825 117334
Nadia Majid	Contracts Manager Education Infrastructure	07766 922478

Public Report
Birmingham City Council
Report to Cabinet
 Date 22nd January 2019



Subject: YOUTH PROMISE PLUS - PROJECT EXTENSION
Report of: CORPORATE DIRECTOR, ECONOMY
Relevant Cabinet Member: Councillor Jayne Francis Cabinet Member for Education, Skills and Culture
 Councillor Brett O'Reilly Cabinet Member for Finance and Resources
Relevant O & S Chair(s): Councillor Tahir Ali, Economy and Skills
Report author: Lloyd Broad, Head of European and International Affairs and Interim Head of Employment Service 0121 303 2377
 Lloyd.broad@birmingham.gov.uk

Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 005137/2018		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential :		

1 Executive Summary

- 1.1 The Birmingham and Solihull Youth Promise Plus (YPP) project Full Business Case was first approved at Cabinet on 16 February 2016, based on a funding package of up to £50.4m which included £33.6m (66.66%) EU funds and £16.8m (33.33%) match funds/staff time from BCC and five key delivery partners.
- 1.2 The project sought to deliver an enhanced package of employment, education and training (EET) support to 16,610 NEET (i.e Not in Education, Employment or Training) young people (aged 15-29 years) from Birmingham and Solihull. This includes vulnerable young people facing significant barriers; those with complex needs related to homelessness, or offending backgrounds, those in, or leaving Local Authority care, and those with learning disabilities or mental health conditions.
- 1.3 The project was set to a tight timescale dictated by the EU's Youth Employment Initiative (YEI) funding programme, with delivery due to be completed by 31 July 2018. At this point expenditure was £25.7m and the project had engaged over 13,000 young people (ahead of pro-rata target which for this level of spend would have been 8,470), but due to the support time needed, outcome results lagged behind target, so far achieving 32% of young people into employment, education and training against a target of 44%.

- 1.4 Since 31 July 2018, BCC and partners have been delivering a reduced level of support 'at risk' i.e. with no contractual commitment to reimbursement in place, but within EU eligibility and compliance rules, so that, if the extension proposal is approved, activity can be claimed retrospectively from 1st August 2018. This report proposes a 3 years and 5 months extension. The proposed extension would enable sufficient time to engage and support the full project target number of 16,610 young people by the end of the programme, with an overall cost reduction of £8.4m to a new total cost of £42m.

2 Recommendations

- 2.1 Agrees to extend the delivery time of the Youth Promise Plus (YPP) project by up to 3 years and 5 months from 1st August 2018 to 31st December 2021, and for BCC to remain as the Accountable Body to the YPP project for its full duration.
- 2.2 Approves the revised total BCC Match Funding Package of up to £8.67m
- 2.3 Delegates responsibility to the Corporate Director, Economy, (or appropriate successor role) in consultation with the Cabinet Member for Education, Skills and Culture, and the Corporate Director Finance and Governance to accept the revised funding offer from DWP up to a value of £42m. An update on the potential DWP conditions emerging from their appraisal of the Council's Project Change Request is given in Appendix 5 of this report.
- 2.4 Approves the procurement strategy set out in Appendix 4 and delegates the decision for any necessary amendments to the strategy to the Corporate Director, Economy (or appropriate successor role) in consultation with the Cabinet Member for Finance and Resources.
- 2.5 Authorises the City Solicitor to execute and complete all necessary legal documents to give effect to the above.

3 Background

- 3.1 YPP is a multi-partner project, the Delivery Partners to date have been: The Prince's Trust, University Hospital Birmingham healthcare training consortium, Solihull Metropolitan Borough Council, Transport for West Midlands, and the West Midlands Police and Crime Commissioner (PCC)'s office (the PCC being a funding partner only), as well as 15 specialist contracted providers. The Council is the central delivery partner and match funder, and Accountable Body for the project.
- 3.2 The Full Business Case (FBC) for this project was approved by Cabinet in February 2016 at a total gross value of £50.4m - to be expended by 31 July 2018. A subsequent report to Cabinet on 24 October 2017 sought to reduce the project value to £35m, to avoid risk of grant clawback as a consequence of a reduction in eligible match funding within the original grant timeframe. DWP then issued new national guidance enabling existing Youth Employment Initiative (YEI) projects to seek extensions. The Council has re-evaluated the match funding position of itself and partners over an extended timeframe to December 2021 and concluded that it would be best to seek the extension to maximise delivery and best utilise funds. This additional funding will lead to a reduction in overall costs whilst delivering the original volume of support to young people.

- 3.3 The opportunity to extend projects was confirmed by the national European Social Fund (ESF) and YEI Managing Authority DWP in May 2018. BCC and partners have reviewed forward capacity and funds to form this proposed extension.
- 3.4 However due to collective underperformance in respect of some client cohorts in the first phase, some sub-targets have had to be reduced and others increased in the proposals to attain DWP approval, for example, the number of economically 'inactive' clients (as opposed to 'unemployed /long term unemployed') engaged into the project to date has been lower in practice than the target set. This is the cause of Condition 4 set out in Appendix 5 regarding catch-up on overall targets set. In order to seek to meet this Condition, the Council and Partners will commit to challenging targets for phase 2 to address this, which increase the performance risk (noted in Risk 1.1 at Appendix 2).
- 3.5 Regarding the first phase of delivery, the Council has undertaken intensive performance management and compliance checks to manage the risk of EU funding clawback. In addition there are other risks affecting the extension, they are set out in Appendix 2 to this report.

4 Options considered and Recommended Proposal

- 4.1 **Option 1: Do nothing:** (Do not seek an extension.) Birmingham's seasonally adjusted benefits claimant unemployment rate stands at 7.7%; above both the West Midlands (3.7%) and the UK (2.8%) rates. Seasonally adjusted youth (18-24) unemployment in the city increased in October 2018 (last information available) to stand at 7,195 (10.4%). If the project is not extended, the level of support provided to young people will drastically reduce which will affect the City's youth unemployment levels, as well as reduce support for education and training outcomes to improve skills levels.
- 4.2 Closing the project without extension may jeopardise, or require rationalisation of, additional employment costs associated with those currently delivering or part funded by it, if alternative projects and funding were not forthcoming, and may incur underperformance penalty relating to Phase 1 delivery.
- 4.3 **Option 2: Seek a shorter extension period:** It may be possible to seek a short extension period of around 6 months to 1 year (untested with DWP), however, this option would only allow very limited additional delivery outcomes. This is not the preferred option and would reduce value for money and increase likelihood of clawback for underperformance. For a longer extension, only the current 3 years 5 months year proposal supports the Council's target volumes and 'breaks even' in terms of delivering results within the necessary value for money parameters. A shorter extension period would also impact on the project contribution from 2019 to the costs of the City's services that support this project (i.e. Employment and Skills, Careers and Youth Services).
- 4.4 **Option 3: (RECOMMENDED) Seek the full extension to the project end date to December 2021:** This is the preferred option in terms of value for money: It best utilises the available grant and allows for the maximum service delivery to young people. A revised delivery model, building on experience, will focus on provision from BCC and delivery partners, with contracts for added capacity and the specialist mentoring provision, supported by the Council's Employment and Skills, and Careers

and Youth Services. Employment costs associated with the closure of the project may still arise but at a future date providing additional resource planning time.

5 Consultation

- 5.1 Officers in Legal and Governance, Commissioning and Procurement Services and City Finance have been involved in the preparation of this report
- 5.2 Officers in; Place - Youth Service and Careers Services; and The Children's Trust; Youth Offending and Care Leavers Services have been consulted, and agreed to the strategy and resource commitments contained in the YPP extension proposal.
- 5.3 Consultation has also been taken forward with key external partner agencies (i.e. The Prince's Trust; WM Police and Crime Commissioner's office, UHB Hospital trust, Solihull MBC and DWP District office) and agreement has been reached on the YPP extension proposal.

6 Risk Management

- 6.1 The Risk Analysis is attached at Appendix 2.
- 6.2 In addition to the draft new funding conditions at Appendix 5, DWP will include a break clause (applicable to all extensions of this type). This could be invoked to cease extension delivery beyond 31 December 2018 if a national ESF spend target set by the EU is not met. Whether this clause will be triggered is not yet known, but to mitigate risk no additional service delivery will take place under the extension until confirmation is received.

7 Compliance Issues:

- 7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?
 - 7.1.1 By supporting significant numbers of unemployed and NEET (Not in Education, Employment or Training) 15-29 year old young residents in respect of accessing employment and/or the training and personalised support they require, the project delivers to the key priorities of the City Council Plan 2018-2022.

"Birmingham is an entrepreneurial city to learn, work and invest in" and

"Birmingham is an aspirational city to grow up in"

All contracts and grants will include BBC4SR action plans.

7.2 Legal Implications

- 7.2.1 The City Council has the power to enter into this activity by the general power of competence secured by Section 1 of the Localism Act 2011. The activity is within the boundaries and limits of the general power set out in Section 2 and 4 of the Localism Act 2011 respectively.

7.3 Financial Implications

- 7.3.1 The Full Business Case (FBC) for this project was approved by Cabinet in February 2016 at a total gross value of £50.4m - to be expended by 31 July 2018. Following a further financial restructuring of the project agreed by Cabinet in October 2017 and subsequent DWP guidance, Council officers have developed a proposal to extend the

project delivery. A revised financial profile extending the timescale of this expenditure to 31 December 2021 is attached as Appendix 1.

- 7.3.2 A summary of the proposed changes to local match funding sources, compared to the original profile is contained in Table 1 below. Table 2 shows the new make-up of BCC match funding/staff time for the extension. The BCC project contribution/match is confirmed at the date of this report but is subject to any future Cabinet decisions on funding. Should the total match funding available vary then the amount of DWP contribution will be amended accordingly subject to negotiation with DWP.

Table 1: All Funding Sources	Funding Amount (Original FBC) £000s	Funding Amount (YPP Extension) £000s
BCC Match	11,944	8,666
Birmingham Children's Trust	-	140
Other Partners' Match	4,856	5,190
Total Match	16,800	13,996
ESF/YEI grant	33,600	27,991
Project Total	50,400	41,987

Table 2: BCC Match Funding only	Mar 2016 – Jul 2018 £'000	Aug 2018 – Dec 2021 £'000	Totals £'000
Birmingham Youth Service Salary & 15% Overheads	0	845	845
Birmingham Careers Service Salary & 15% Overheads	2,055	1,610	3,665
Employment and Skills Service & other Services' Salary & 15% Overheads	13	423	436
Council contracts/cash resources/grants	3660	60	3720
Total BCC Match	5728	2,938	8,666

7.4 Procurement Implications (if required)

- 7.4.1 The Council has revised the project plan to reduce the reliance on externally procured provision, and has revised the procurement strategy to improve the contract tender plan, scope and control measures. The new Procurement Strategy is attached at Appendix 4.

7.5 Human Resources Implications (if required)

- 7.5.1 The project involves both permanent (delivery) and fixed term (project management) staff. There are no new posts proposed for the Council to undertake to deliver this extension. All staffing implications will be managed according to policy and procedure.

7.6 Public Sector Equality Duty

- 7.6.1 The Equality Analysis (EA) (EA000677) was submitted with the Full Business Case in February 2016. The project is specifically focussed on supporting young people who are NEET (Not in Employment, Education or Training), a group which suffers disproportionately high levels of ongoing unemployment in Birmingham as compared to other core cities. The original EA has been reviewed for this report. The assessment identified that the project should have a positive impact on the following protected characteristics: Age and Disability. Delivery to date shows success in reaching these cohorts and also Black and Asian Minority Ethnic groups. The updated Equality Analysis is attached as Appendix 3

8 Background Documents

- 8.1 List of Appendices accompanying this Report (if any):
1. Revised Financial Profile
 2. Risk Analysis
 3. Equality Analysis
 4. Revised Procurement Strategy
 5. Feedback from DWP appraisal of Project Change Request - Conditions

APPENDIX 1

Birmingham and Solihull Youth Promise Plus Project Extension			PHASE 1	PHASE 2					Total All Years
Partner		Cost Category / Funding Source	Total to 31 Jul 2018	Aug 2018 - Mar 2019	2019/20	2020/21	Apr 2021 - Dec 2021	Aug 18 - Dec 21 Total	
The Prince's Trust	Expenditure:	Salaries	1,566,467	475,389	754,048	769,156	457,651	2,456,244	4,022,710
		Overheads	234,970	71,308	113,107	115,373	68,648	368,437	603,407
		Other Direct Costs	13,486	-	-	-	-	-	13,486
		Total Spend	1,814,923	546,697	867,155	884,529	526,298	2,824,680	4,639,603
	Funded By:	Princes Trust Match	575,553	237,123	340,316	347,136	206,548	1,131,124	1,706,677
		ESF / YEI	1,239,370	309,574	526,839	537,393	319,750	1,693,556	2,932,926
		Total Funding	1,814,923	546,697	867,155	884,529	526,298	2,824,680	4,639,603
University Hospitals Birmingham	Expenditure:	Salaries	1,094,958	176,239	272,986	275,124	163,745	888,094	1,983,052
		Overheads	164,244	26,436	40,948	41,269	24,562	133,214	297,458
		Other Direct Costs (Life Coaching)	22,117	10,733	16,100	16,100	9,391	52,324	74,441
		Total Spend	1,281,319	213,408	330,034	332,493	197,698	1,073,632	2,354,951
	Funded By:	UHB Match	458,136	85,363	132,014	132,997	79,079	429,453	887,589
		ESF / YEI	823,182	128,045	198,020	199,496	118,619	644,179	1,467,362
		Total Funding	1,281,319	213,408	330,034	332,493	197,698	1,073,632	2,354,951
WMCA TfWM	Expenditure:	Salaries	317,858					-	317,858
		Overheads	47,679					-	47,679
		Other Direct Costs (Participant Travel Tickets)	205,398					-	205,398
		Total Spend	570,935					-	570,935
	Funded By:	WMCA TfWM Match	-					-	-
		ESF / YEI	570,935					-	570,935
		Total Funding	570,935	-	-	-	-	-	570,935
Solihull MBC	Expenditure:	Salaries	1,681,901	122,096	403,128	411,303	243,825	1,180,353	2,862,254
		Overheads	252,285	18,314	60,469	61,695	36,574	177,053	429,338
		Other Direct Costs	47,162	5,000	20,000	20,000	11,666	56,666	103,828
		Total Spend	1,981,348	145,411	483,597	492,999	292,065	1,414,072	3,395,420
	Funded By:	SMBC Match	784,826	47,438	174,014	177,386	105,037	503,876	1,288,701
		ESF / YEI	1,196,522	97,972	309,583	315,613	187,028	910,196	2,106,719
		Total Funding	1,981,348	145,411	483,597	492,999	292,065	1,414,072	3,395,420
Birmingham Children's Trust	Expenditure:	Salaries	-	18,911	39,645	40,042	23,358	121,956	121,956
		Overheads	-	2,837	5,947	6,006	3,504	18,294	18,294
		Other Direct Costs	-	-	-	-	-	-	-
		Total Spend	-	21,748	45,592	46,048	26,862	140,250	140,250
	Funded By:	Birmingham Children's Trust Match	-	21,748	45,592	46,048	26,862	140,250	140,250
		ESF / YEI	-	-	-	-	-	-	-
		Total Funding	-	21,748	45,592	46,048	26,862	140,250	140,250
Birmingham City Council									
	Expenditure:	Salaries	5,543,048	1,646,931	2,474,043	2,512,452	1,582,133	8,215,558	13,758,606
		Overheads	831,457	247,040	371,106	376,868	237,320	1,232,334	2,063,791
		Other Direct Costs sub-total	13,617,157	9,823	540,455	540,455	355,242	1,445,975	15,063,132
		Total Spend	19,991,662	1,903,794	3,385,604	3,429,774	2,174,695	10,893,867	30,885,528
		BCC Total Match	5,728,214	568,350	870,059	886,523	536,178	2,861,109	8,589,324
		PCC Grant Match (transferred to BCC)	1,000,000	153,389	153,388	76,244	-	383,021	1,383,021
		ESF / YEI	13,263,448	1,182,054	2,362,157	2,467,007	1,638,517	7,649,735	20,913,183
		Total Funding							-
Total Project Expenditure		25,640,186	2,831,058	5,111,982	5,185,843	3,217,618	16,346,501	41,986,687	
Total Match Funding		8,546,730	1,113,412	1,715,383	1,666,334	953,704	5,448,833	13,995,562	
Total ESF		17,093,457	1,717,645	3,396,599	3,519,508	2,263,914	10,897,667	27,991,124	

ITEM 12 - APPENDIX 1 UPDATED

Birmingham and Solihull Youth Promise Plus Project Extension			PHASE 1	PHASE 2				Total All Years	
Partner	Cost Category / Funding Source	Total to 31 Jul 2018	Aug 2018 - Mar 2019	2019/20	2020/21	Apr 2021 - Dec 2021	Aug 18 - Dec 21 Total		
The Prince's Trust	Expenditure:	Salaries	1,566,467	475,389	754,048	769,156	457,651	2,456,244	4,022,710
		Overheads	234,970	71,308	113,107	115,373	68,648	368,437	603,407
		Other Direct Costs	13,486	-	-	-	-	-	13,486
		Total Spend	1,814,923	546,697	867,155	884,529	526,298	2,824,680	4,639,603
	Funded By:	Princes Trust Match	575,553	237,123	340,316	347,136	206,548	1,131,124	1,706,677
		ESF / YEI	1,239,370	309,574	526,839	537,393	319,750	1,693,556	2,932,926
		Total Funding	1,814,923	546,697	867,155	884,529	526,298	2,824,680	4,639,603
University Hospitals Birmingham	Expenditure:	Salaries	1,094,958	176,239	272,986	275,124	163,745	888,094	1,983,052
		Overheads	164,244	26,436	40,948	41,269	24,562	133,214	297,458
		Other Direct Costs (Life Coaching)	22,117	10,733	16,100	16,100	9,391	52,324	74,441
		Total Spend	1,281,319	213,408	330,034	332,493	197,698	1,073,632	2,354,951
	Funded By:	UHB Match	458,136	85,363	132,014	132,997	79,079	429,453	887,589
		ESF / YEI	823,182	128,045	198,020	199,496	118,619	644,179	1,467,362
		Total Funding	1,281,319	213,408	330,034	332,493	197,698	1,073,632	2,354,951
WMCA TfWM	Expenditure:	Salaries	317,858					-	-
		Overheads	47,679					-	317,858
		Other Direct Costs (Participant Travel Tickets)	205,398					-	47,679
		Total Spend	570,935	-	-	-	-	-	570,935
	Funded By:	WMCA TfWM Match	-					-	-
		ESF / YEI	570,935					-	570,935
		Total Funding	570,935	-	-	-	-	-	570,935
Solihull MBC	Expenditure:	Salaries	1,681,901	122,096	403,128	411,303	243,825	1,180,353	2,862,254
		Overheads	252,285	18,314	60,469	61,695	36,574	177,053	429,338
		Other Direct Costs	47,162	5,000	20,000	20,000	11,666	56,666	103,828
		Total Spend	1,981,348	145,411	483,597	492,999	292,065	1,414,072	3,395,420
	Funded By:	SMBC Match	784,826	47,438	174,014	177,386	105,037	503,876	1,288,701
		ESF / YEI	1,196,522	97,972	309,583	315,613	187,028	910,196	2,106,719
		Total Funding	1,981,348	145,411	483,597	492,999	292,065	1,414,072	3,395,420
Birmingham Children's Trust	Expenditure:	Salaries	-	18,911	39,645	40,042	23,358	121,956	121,956
		Overheads	-	2,837	5,947	6,006	3,504	18,294	18,294
		Other Direct Costs	-	-	-	-	-	-	-
		Total Spend	-	21,748	45,592	46,048	26,862	140,250	140,250
	Funded By:	Birmingham Children's Trust Match	-	21,748	45,592	46,048	26,862	140,250	140,250
		ESF / YEI	-	-	-	-	-	-	-
		Total Funding	-	21,748	45,592	46,048	26,862	140,250	140,250
Birmingham City Council	Expenditure:	Salaries	5,543,048	1,646,931	2,474,043	2,512,452	1,582,133	8,215,558	13,758,606
		Overheads	831,457	247,040	371,106	376,868	237,320	1,232,334	2,063,791
		Other Direct Costs sub-total	13,617,157	9,823	540,455	540,455	355,242	1,445,975	15,063,132
		Total Spend	19,991,662	1,903,794	3,385,604	3,429,774	2,174,695	10,893,867	30,885,528
	Funded By:	BCC Total Match	5,728,214	584,594	900,059	916,523	536,178	2,937,353	8,665,568
		PCC Grant Match (transferred to BCC)	1,000,000	137,145	123,388	46,244	-	306,777	1,306,777
		ESF / YEI	13,263,448	1,182,054	2,362,157	2,467,007	1,638,517	7,649,735	20,913,183
		Total Funding	19,991,662	1,903,793	3,385,604	3,429,774	2,174,695	10,893,865	30,885,528
Total Project Expenditure			25,640,186	2,831,058	5,111,982	5,185,843	3,217,618	16,346,501	41,986,687
Total Match Funding			8,546,730	1,113,412	1,715,383	1,666,334	953,704	5,448,833	13,995,562
Total ESF			17,093,457	1,717,645	3,396,599	3,519,508	2,263,914	10,897,667	27,991,124

Please note there are some discrepancies due to rounding to £1,000s

Appendix No 2: Youth Promise Plus Project Extension Risk Analysis

No	Item of Risk	Inherent Risk		Control Measures	Control Measure Managed by	Residual Risk	
		Impact	Likelihood			Impact	Likelihood
1.0	Funding and Compliance						
1.1	Potential financial loss for BCC acting as Accountable Body through clawback for non-compliance or non-performance	High	Med	<p>Funding and Legal Agreements are put in place with Delivery Partners and contracted providers to ensure that all DWP contract responsibilities, terms and conditions are mirrored with partners and financial risks to BCC are minimised. Project delivery is closely monitored on a monthly basis. Every result and supporting evidence is individually checked for compliance before being claimed. Every cost is checked for eligibility and that it has been paid (defrayed) and this is double checked by BCC Finance colleagues, and then spot-checked by DWP. DWP has carried out a finance and eligibility compliance spot check on the project in November 2017, the results were positive.</p> <p>The project manager works with Birmingham Audit on regular and specific compliance investigations. Learning from Phase 1 of the project showed that records management is stronger when contract levels are lower, and this learning has been applied to the plan for the second phase of the project. DWP has required increased targets in Phase 2 of the project to recover overall performance, this will be the subject of specific action plans and monitoring throughout Phase 2.</p>	Interim Head of Employment Service	Med	Med
1.2	DWP invokes a break clause if the national ESF funding target 'N+3' is not reached at December 2018	High	Med	We are seeking further information, but the worst case is that the project funding will cease. This would mean significant financial impact on BCC services if the change is with immediate effect and staffing cost recovery ceases in 2018/19. Contracts will not be let until this risk is clarified/removed.	YPP Project Manager	High	Med
2.0	Delivery Scale and targeting						
2.1	Lack of demand – difficulty accessing and engaging eligible young people	High	Low	<p>Although this was a risk at the start of Phase 1 of the project when the strict interpretation of the EU eligibility criteria was not fully anticipated, since then the project now has established referral relationships with job centres, locally embedded third sector orgs, and services such as Youth Offending Service, Children In Care and Care Leavers, and health care providers. Our monitoring statsitice show that we are reaching some target groups (BAME and disabled) but not sufficiently reaching women and 'inactive' (as opposed to unemployed) young people, the project plan for the second phase seeks to address this. The Delivery Partners have excellent track records for engaging the most vulnerable and 'hard to reach' young people.</p>	YPP Project Manager	Med	Low

Appendix No 2: Youth Promise Plus Project Extension Risk Analysis

No	Item of Risk	Inherent Risk		Control Measures	Control Measure Managed by	Residual Risk	
		Impact	Likelihood			Impact	Likelihood
2.2	Wide partnership structures making consistent management more difficult	Med	Low	The project has been refined following the first phase of delivery and will now involve more delivery from the Delivery Partners, and less from contracted providers, simplifying the delivery model which will further improve internal project communications and joint working.	YPP Project Manager	Med	Low
2.3	Over demand – too many eligible young people	Low	Med	As the budget moving forward is tighter, and performance targets have to be reached, numbers of potential young people have been carefully calculated using current data and the revised delivery plan is designed accordingly. Strict criteria and processes for ensuring only eligible young people are in place. There is potential to commission some limited additional support as required through a spot purchasing fund to provide additional capacity if needed.	YPP Project Manager	Low	Low
2.4	Difficulty progressing young people into employment and other positive outcomes	High	Med	Risk exists due to the changing economic climate- although currently levels of youth unemployment in the City are reducing slightly (although still higher than in other UK core cities).The design of the project has been based on evidence of good practice and selecting what has worked best so far. The combination of increased one to one support, specialist mentoring for those with greater needs, and improved employer/training links will enable the programme to support at least 44% of young people (including those more disadvantaged) into a positive outcome.	YPP Project Manager	Med	Med
3.0	Commissioning						
3.1	Difficulty commissioning contracted providers with sufficient capacity and understanding of the delivery model to employ the Intervention Workers staff effectively.	High	Med	The value of delivery capacity to be externally commissioned is reduced to less than a quarter of the Phase 1 levels. Building on knowledge gained through commissioning of the first phase and the lessons learned, we have revised the project procurement plan to balance use of incentives and payment by results terms to optimise performance. More time for delivery per person will also support improved compliance and performance.	YPP Project Manager	Med	Med
4.0	Recruitment and Delivery to Plan						
4.1	Difficulty in recruiting and retaining appropriately skilled workers	Med	Low	This has proved a challenge in the Phase 1 Delivery model which required over 200 staff in the contracted provision, all to be recruited within 6 - 8 months, which strained supply levels. For phase 2 all delivery partners have existing skills and capacities within their current work force, excepting that The Prince's Trust will be recruiting to a small new team, but the scale will be under 10 staff so much more manageable.	YPP Project Manager	Med	Low

Appendix No 2: Youth Promise Plus Project Extension Risk Analysis

No	Item of Risk	Inherent Risk		Control Measures	Control Measure Managed by	Residual Risk	
		Impact	Likelihood			Impact	Likelihood
4.2	Delay in approval or start up	Med	Med	Approval delay has the potential to erode available staff match funding and affect timescale for deliverability. However, DWP terms allow for retrospection back to the proposed start date of the extension (01/08/2018) around claiming existing eligible match funded activity. Work is therefore ongoing with delivery partners to ensure existing delivery conducted at risk is EU compliant and can be recorded and claimed from the 1st of August. However if this period is prolonged then delivery and match funding may be negatively affected causing early project underperformance levels and increasing clawback risk.	Interim Head of Employment Service	Med	Med

Equality Analysis – Reviewed Policy**EA Summary**

Equality Impact of the EU funded Birmingham and Solihull Youth Promise Plus Project – (ESF Youth Employment Initiative (YEI) project change request (PCR) to be evaluated/approved by the DWP in January 2019. This extends the project to deliver a modified programme from July 2018 to December 2021 (Phase 2) on behalf of a collaborative partnership across BCC Directorates (and the Children's Trust), and Solihull SMBC with specialist Delivery Partners such as The Prince's Trust, and funding from the Police Crime Commissioner's Office to support NEET young people (school leavers to 29 year olds) with more intensive support towards employment, education or training entry. In total this extension will support 7735 young people, including the more disadvantaged, with at least 3403 (44%) going into employment education or training allowing the project to deliver over an extended period to maximise both impact and resources. Birmingham and Solihull Youth Promise Plus (Phase One) underwent an Equality Analysis in 2016 under the reference **EA000677**.

Purpose and Expected Outcomes

The general focus of the project has not changed, the sustainable integration of NEET young people, those not in employment, education or training, including those young people at risk of social exclusion and young people from marginalised communities, into a positive destination. Participant support is still based on 1:1 mentoring, and provision of additional employment, education and training (EET) opportunities that support young people on a pathway to meet their educational and vocational aspirations.

The model has Delivery Partners at the heart of the support pathway ensuring that all the elements link together and the right support is being provided as the participant's needs and aspirations change:

- Birmingham Careers and Youth Services, and the corresponding services at Solihull Metropolitan Borough Council (SMBC) will lead and oversee the support pathway for the under 19s. This will maintain our focus on delivering to the Raising the Participation Age agenda through supporting YPP participants with additional advice and guidance into existing education and training offers or into YPP pathway support and / or new vocational opportunities created through the project work with employers and education providers.
- The Prince's Trust will create a new team to provide YPP delivery engagement work for the 18 to 29 year olds (this provides alternative provision for 18 years olds' who could alternatively be supported by Careers Service). The team will be based in local areas to engage/re-engage participants, including working directly in liaison with the 10 job centres in Birmingham. The team will provide initial eligibility and needs assessment, and then support participants to access the range of intensive YPP provision available from across the partnership, which may be assignment to one of the contracted Intervention Workers (specialist mentoring support) and/or placement into one of the YPP development opportunities. For the Solihull area, SMBC staff will undertake this role.
- All Delivery Partners will continue to support participants into existing and YPP bespoke EET opportunities. Birmingham City Council Employment Access team will deliver employer links and matching, and The Prince's Trust will also add two more employer-facing staff to link to local businesses, and to capitalise on the Trust's national employer links (such as the 'Get Into Marks and Spencer' or 'Get Into Apps' programmes). University Hospital Birmingham Health Training Consortium (UHBC) will continue to provide a bespoke pathway into a range of health sector roles across their partnership of 9 health sector employers. Birmingham City Council will continue to provide management and administration, including contract management and training provision that will be procured as needed though the training budget

Analysis on Initial Assessment

The proposed project extension has been subject to consultation with proposed partners and stakeholders and the revised delivery model has been developed alongside this consultative process. The project Gender Equality and Equal Opportunities plan has been drawn up to reflect those revised obligations laid out by the ESF managing authority with a given full commitment to promote equality in line with the Equality Act 2010 at programme and delivery levels with a specific Equality Policy and Implementation Plan.

The project extension proposal seeks to directly benefit young people between the ages of 15 to 29 who share particular economic and social characteristics and therefore, the **AGE** characteristic is relevant. In addition to partner delivery there are contracted elements for young people with significant personal barriers and wraparound support for individuals who experience mental ill health, therefore the **DISABILITY** characteristic is relevant.

Other protected characteristics are not relevant to this proposed policy for the following reasons:-

GENDER: There should be no negative impact on individuals as the proposed revised Policy gives equal access to both genders. Our engagement with women under Phase One has been below target (41% against a project target of 47%) our data (analysed by our independent evaluator at October 2017) shows that women represent a proportionally greater level (47%) of outcomes achieved. This indicates that, as a proportion of those entering the project; females are achieving more outcomes to date. The programme would like to achieve a more equitable gender balance. This data, however, compares favourably to DWP data for the 18-29 (unemployed) group which shows 37 per cent of claimants are female.

RACE: All assessments, planning and outcomes related to the implementation of the policy will be individualised and address issues specific to the individual which will include issues related to race. There should be no negative impact on individuals.

RELIGION OR BELIEF: All assessment, planning and outcomes related to the implementation of the policy will be individualised and address issues specific to the individual which will include issues related to religion or belief. The service will be non-discriminatory, irrespective of an individuals' religion or belief. There should be no negative impact on individuals. No data is available on the religion or faith of young people who will be eligible for the Youth Promise Plus Programme. All individuals accessing the project provision will continue to be treated fairly, irrespective of their religion or beliefs. They will not be asked to undertake any activity which goes against their beliefs, and allowances.

SEXUAL ORIENTATION: All assessment planning and outcomes related to the implementation of the policy are individualised and address issues specific to the individual which will include issues related to sexual orientation. The policy is sensitive to the needs of a wide range of people and ensures compliance with data protection policies and procedures. There should be no negative impact on individuals

PREGNANCY OR MATERNITY

No data is available to assess if proposed amended policy has an equality impact relating to pregnancy or maternity. Pregnancy or maternity will not affect young people's eligibility or take-up

because the programme is holistic and will continue to offer support tailored to an individual's needs.

TRANSGENDER: All assessment planning and outcomes related to the implementation of the policy are individualised and address issues specific to the individual which will include transgender issues. The new service will be sensitive to the needs of a wide range of people and ensure compliance with data protection policies and procedures. There should be no negative impact on individuals;

The policy does not disadvantage young people who are not eligible for support through the project, as they will be signposted to access work, training or education and other support needs.

Because this policy affects two groups with protected characteristics, namely AGE and DISABILITY a Full Analysis will be undertaken. This will detail ongoing consultation that has been undertaken, what supporting data is available and the issues raised.

Full Assessment

Age – Relevance

Describe how the Policy meets the needs of Individuals of different ages?

The programme aims to support young people (15-29 years) who are either NEET (Not engaged in Employment, Education or Training) or unemployed and claiming Job Seekers Allowance or other work related benefits. The policy will continue to have a positive direct impact upon the young person and indirectly, people of all ages. Communities will benefit both economically and socially by helping to tackle NEET 'inactivity' and foster good relations by actively engaging with hidden NEETs. The project is currently being informed by the Birmingham Skills Investment Plan By seeking to raise the skills of Young People to secure jobs in growth sectors such as digital and Engineering. This project aims to have a positive impact on age equality as it will help redress the Balance of Birmingham's young people having a higher unemployment rate than the National Averages'

Please record the type of evidence and where it is from?

The longstanding statistical inequalities in unemployment rates for Birmingham's young people is Evidenced through the Office for National Statistics and regular local Unemployment Bulletins Produced by Birmingham City Council for internal and external staff and partners.

Birmingham Commission on Youth Unemployment, in their report January 2013, scoped out the Level of need within the City around young people who are either not engaged in employment Education or training (i.e. NEETs) or who are unemployed and claiming Job Seekers Allowance (Or latterly Universal Credit). Since the original commission report levels of unemployment and NEETs in Birmingham have reduced. However, Birmingham still has the highest volume of young unemployed of all UK core cities and not known NEETs. In September 2018 Birmingham still has a comparatively high youth claimant unemployment rate. At 10.8% Birmingham's youth claimant unemployment rate is the highest of the core cities - significantly above the core city average of 5.7%. (Birmingham Labour Market Update October 2018)

Views of relevant stakeholders on the impact of the Policy on Individuals of different ages

An external comprehensive evaluation of Phase One of the project engaged with relevant external stakeholders including those young people who engaged or chose not to engage/were ineligible for the project; this has helped inform the proposed Phase 2. Internally, the Cabinet Member for Jobs and Skills, Corporate Leadership Team, Corporate Director, Economy has been consulted about the amended policy.

Disability – Impact

Describe how the Policy meets the needs of Individuals with a disability

The revised project policy includes specifically targeted support for young people with significant barriers to EET destinations, including those who experience Mental Ill Health. These young people will be supported by specialist interventions offering an holistic and wrap around service tailored service to meet their needs. The revised offer reflects the large numbers of young people who in Phase one who self-declared Social, Emotional, Mental Health Needs (19% as compared to 9% census data who are self-declaring Social, Emotional, Mental Health Needs).

Views of relevant stakeholders on the impact of the Policy

An external comprehensive evaluation of Phase One of the project engaged with relevant external stakeholders including those young people who engaged or chose not to engage/were ineligible for the project; this has helped inform the proposed Phase 2. Internally, the Cabinet Member for Jobs and Skills, Corporate Leadership Team, Corporate Director, Economy has been consulted about the amended policy.

Concluding Statement on Full Assessment

The proposed revised Youth Promise Plus project continues to specifically target employment support activity for unemployed young people between the ages of 15 and 29. In addition the project will continue to target key service access points through which the project will, via appropriately qualified partners and contractors, engage with those most distanced from the labour market with a specific focus on Care leavers, those at risk of offending and young people who declare mental ill health and hidden NEETs. The equality assessment has therefore identified that the project should continue to have a positive impact on the following protected characteristics: Age and Disability by providing support that is person-centred and flexible enough to include employment, education and training outcomes. The proposed policy continues to address inequality by targeting at scale and intensity a client cohort which is demonstrably disproportionately excluded from the current labour market. Young people who are not identified as potential beneficiaries of the project will not be impacted upon as they are likely to be engaged in work, education or training and will be able to access existing Council, voluntary and community provision. The Equality Assessment has demonstrated that significant consultation has been undertaken with relevant internal and external stakeholders who agreed the Revised Policy will continue to deliver its core aims and no equality adverse impacts have been identified. The project has ongoing equality monitoring arrangements as a requirement of its EU funding. This includes statistical equality

monitoring and the production of a Gender Equality and Equal Opportunities Policy and Implementation Plan. A key strand of the project is the continuation of a Learning and Practice Hub activity which will continue ongoing consultation with stakeholders (including Young People, through the Youth Voice), evaluation and feedback to drive forward continuous improvement. Equality assessment monitoring is an on- going project priority and mitigating actions will be implemented to address any issues identified

APPENDIX No 4

Cabinet report: January 2019

Revised procurement Strategy for Birmingham & Solihull Youth Promise Plus Project extension August 2018 to December 2021

1. Background

- 1.1** The initial phase of Birmingham and Solihull Youth Promise Plus project ran from April 2016 until 31st July 2018 as described in the body of this Cabinet report. The original delivery model for the YPP project included a strand of externally commissioned contract provision up to a value of £23,038,652. This included 11 contracts covering Intervention worker/personal support provision in 5 specific geographical localities, specialist provision focused upon participants at risk of homelessness, Care Leavers, those at Risk of offending, and those with Mental Health and Learning difficulty/disability support needs; and a Business engagement contract.
- 1.2** Following Cabinet approval of the Full Business Case for the YPP project on 16th, February 2016, the procurement strategy for the project was approved on 11th May 2016 through delegated authority by the then Cabinet Members for Commissioning, Contracting and Improvement and for Learning, Skills and Culture, jointly with the Strategic Director for Economy.
- 1.3** In practice, in the first round of commissioning the Council could not award all contracts due to a significant number of tenders received being evaluated as failing to meet the required quality threshold, and queries around the way in which potential providers quoted prices which could then not be clarified due to changed EU Funding additional procurement rules. This coincided with the introduction of new Public Contract Regulations (2015).
- 1.4** Following legal advice this meant that only 4 of 11 contracts could be awarded in the first round of procurement. However, officers quickly modified service specifications and quality criteria in light of the lessons learned, and following further phases of open tendering all required YPP contracts were awarded and in place by February 2017, albeit at a proportionately lower total value.
- 1.5** In November 2017, Cabinet approved a YPP project re-profile/downsizing. This was due partially to this revised procurement timeframe, but primarily in response to reductions in local match funded activity arising from initial late DWP approvals and subsequent changes and clarifications imposed by DWP around eligibility and evidence requirements during the lifetime of the project.
- 1.6** In March 2018, officers presented to the Council's Commissioning and Contract Management Board a review of the YPP procurement process and lessons learned. This highlighted the need for, and measures taken to respond to, the following issues;
- Re-assessment of the balance of quality assessment and minimum quality thresholds within the project
 - Maximisation of initial clarity and simplicity in respect of price quotation requirements

- Achievement of a more workable balance around payment by results terms within contracts.
- Taking active measures and providing feedback to ensure deeper market awareness and a thorough understanding of the project's innovative delivery model.

2. **Proposals**

2.1 In preparation for extended YPP project delivery as set out in the body of this Cabinet Report, and in the context of the learning from the first phase of the project described above, it is now proposed that Cabinet agree a revised procurement strategy for the extension of YPP project delivery. The key elements of this approach will be as described below:

2.2 Strategic Procurement Approach: It is key that the Council strikes a more workable balance between new, externally contracted provision and delivery partner /in-house activity. Since previous YPP contracts have all now ended, it is therefore now proposed that the core project delivery will be managed “within the existing YPP partnership agreements” with named delivery partners (specifically The Princes Trust, Birmingham City Council Careers Service, UHB Hospital Trust consortium and Solihull MBC who were explicitly named as delivery partners in the original EU funding application). This will have an added benefit in value for money terms of ensuring that the capacity of delivery partner activity (and the match funding that represents) will be fully utilised (rather than being reliant on participant referral from contracted providers as was previously the case). External procurement of new services will therefore now be limited to a smaller volume of contracted provision clearly focused on addressing specialist participant needs that cannot be fully met through the core project delivery already in place. The detail of these newly commissioned specialist services is shown in the table at paragraph 2.8.

2.3 **Procurement options:**

2.3.1 In respect of these specialist contracts, the procurement options are:

1. Selecting one provider to perform a service management role across all service specialisms (possibly with sub-contractual or consortium relationships in place to address specific service areas in detail). Given the breadth of specialist needs amongst project participants, it is not felt that this option will meet requirements. Although there will be some economies of scale and co-ordination benefits, the size of the resultant contract may favour larger national or multi-national prime contractors and may preclude tenders from local SMEs/VCSEs who often add value in the culture and responsiveness of their delivery.
2. The sub-division of contracts into smaller lots addressing individual sub-cohorts/participant groups. However, the reduced scale of the extended provision relative to phase one of the project does not lend itself to sub-division of contracts against each individual client cohort.
3. To establish 2 specific contracts: (i) delivery to clients with specialist barriers and complex needs, and (ii) delivery of wrap-around support services to participants with mental Health or Learning difficulty support needs. This delivery will be

augmented by a small training and barriers fund through which smaller scale training and support provision can be rapidly commissioned to respond to demand.

- 2.3.2 Option 3 is recommended, but since these contracts are of such a focused and specialist nature, no framework agreement currently exists. Details of the proposed contracts are shown later in the “scope and specifications section of this document.

2.4 Market Awareness: Given the previous lack of understanding of the requirements and flexible delivery culture, a significant number of tenders were evaluated below the required quality threshold. Therefore it is now proposed to hold further market engagement events to clearly explain the requirements and expected delivery culture of YPP to potential providers, as well as allow them sufficient lead in time to develop robust consortium or partnership arrangements.

2.5 Pricing: The pricing approach and budget documentation required within the YPP invitation to tender documentation has been reviewed, based on learning from phase one YPP procurement. Providers will be required to submit a budget breakdown and monthly profile in a pre-determined spreadsheet and a single total quoted price for the delivery of the whole contract within a prescribed maximum ceiling cost.

2.6 Payment by results (PBR):

- 2.6.1 In the initial YPP project, contract fees around Intervention Worker service delivery were paid on the basis of 90% fixed fees and 7% Payment by results against placement of participants and achievement of positive outcomes. 3% of contract value was held back to create a bonus pool to be paid on achievement of overall project milestones. This was designed to both value and adequately resource initial intensive support to participants furthest from the labour market (who would take longer to progress to stages which would trigger PBR fees); and to incentivise work to generate end outcomes.
- 2.6.2 Reviewing this approach concluded that providers only pushed participant progression later in the delivery cycle when their achievements were reviewed against targets. In addition most providers appeared to write-off the 3% bonus payment which ceased to act as an effective incentive.
- 2.6.3 It is therefore proposed that contracts include a 50% fixed fee payable against an agreed spend profile with the remaining 50% of contract values linked to PBR participant progression trigger points as below, with the Bonus pool element being removed:
- Engage (15%)
 - Stabilise
 - Place
 - Achieve (35%)

The project will also monitor project performance in terms of participants sustaining in employment for up to 26 weeks but this measure will not be linked to a PBR payment.

2.7 Procurement approach:

2.7.1 The contract durations will be phased within the overall delivery period from January 2019 to October 2021 (i.e. 33 months) with formal reviews every six months, and an option to extend for up to 6 months subject to performance and funding availability. The 2 contracts will have a total value in excess of £180,000 and as such will be advertised via www.finditinbirmingham.com, Contracts Finder and the Official Journal of the European Union (OJEU) site. Contracts will be tendered using the open route on the basis that:

- There are sufficient suppliers in the market place that could provide the required services.
- The services can be clearly defined.
- Tenderers' prices will be fixed for the term of the contract.

2.7.2 For the Training and Support fund element it is envisaged that a number of smaller delivery packages will be taken forward in response to demand. All contracts in this respect will be below the OJEU threshold and will be procured through an open quotation process, advertised through www.finditinbirmingham.com.

2.8 Scope of contracts & specifications: The scope and broad specification for each contract in this procurement exercise is summarised in the following table:

Service	Scope & Specification	Maximum value over 33 months	Participants supported	Procurement timescale
Youth Promise Plus Significant Barriers contract	Recruit, arrange and deploy staff on a case-loaded basis to provide personalised support and create effective progression pathways for young participants with complex needs and barriers. The delivery will have a particular focus around care leavers, those at risk of offending and others from vulnerable groups	£957,198	Between 500 and 600 participants	Procurement from February 2019 Proposed award April 2019
Youth Promise Plus Specialist Wrap around support for participants with	Deploy and embed specialist support staff in other YPP delivery partners and contractors on a	£207,900	Up to 250 cases of additional support	Procurement from February 2019 Proposed

mental health support needs and/or Learning Difficulties/ Disabilities	peripatetic basis to enhance support around mental health and LDD needs.			award April 2019
Training and Support Fund	Fund to facilitate delivery of a number of tailored training and support courses to respond to demand around participant need and employer and growth sector opportunities.	£158,877	Up to 150 training places	Rolling programme of commissioned contracts to respond to demand between April 2019 and October 2021

3. **Evaluation selection criteria and weightings:** The evaluation of tenders will be assessed as detailed below for each contract. This evaluation will now include an interview/presentation element within the Quality assessment so that the ability to effectively engage young people and the required technical competencies to deliver within an EU funding context can be explored and assessed in more depth.

3.1 **Overview**

Initial Assessment			Evaluation Criteria				
Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
Initial Due Diligence	Potential Supplier Information	Pass / Fail Questions	QUALITY		Social Value	PRICE	
			Quality Scored Questions (40% Weighting)	Interview / Presentation (30% Weighting)	Social Value (10% Weighting)	Price (20% Weighting)	Final Due Diligence
Pass / Fail	General Information / Information Only	Pass / Fail	Minimum Threshold of 40% of available marks required to proceed to next step	Minimum Threshold of 40% of available marks required to proceed to next step			

3.2 Initial Assessment

Part 1: Potential Supplier Information
Part 2: Exclusion Grounds
Part 3: Selection Questions
- Economic and Financial Standing
- Technical and Professional Ability
- Modern Day Slavery Act 2015
- Insurance
- Health and Safety
- Environmental Sustainability
- Energy Policy
- Quality Management Systems
- Compliance with Equalities
- Birmingham Business Charter for Social Responsibility (BBC4SR)
- Supplier Portal
- Early Payment Scheme
- Confirmation of Non Collusion

3.3 Evaluation Criteria

3.3.1 **Steps 4 & 5 - Quality (assessed through a combination of written proposal and interview/presentation) (weighting 70 %)**

Tenderers will be evaluated against the criteria as specified below

Sub-criteria	Assessment method	Overall weighting	% sub-weighting
Deliverability and value for money	Written tender	10%	14.25%
Customer Care	Written tender	10%	14.25%
Management and Resources	Written tender	10%	14.25%
Delivery model and Capacity	Written tender	10%	14.25%
Total: Step 4**		40%	57%
Technical Competency & ability to engage client group	Interview/ presentation	30%	43%
Total Quality (step 4 & 5)		70%	100%

**Quality threshold: Each tender submission will be required to score a minimum of 40% of available marks in step 4 in order to progress to the interview/presentation in step 5.

3.3.2 Step 6 - Social Value (assessed through written proposal) (weighting 10 %)

Sub-criteria (in line with ESF sustainability and equalities requirements)	Overall weighting	% sub-weighting
Local Employment	10%	25%
Partners in Communities		25%
Good Employer		25%
Green & Sustainable		25%
Total:	10%	100%

3.3.3 Step7 – Pricing (weighting 20%)

Suppliers will be required to submit a profiled budget breakdown across the life of the provision and a single total quoted price to deliver the whole contract. This will be required to be within a maximum ceiling value for each contract which will be set out in the ITT document. The quoted price will include an element of costs being based upon the payment by results trigger stages described in paragraph 2.6 above.

The supplier with the lowest quoted price within our stated cost parameters will be awarded the total available marks for price evaluation with other suppliers being allocated marks relative to a proportionate ratio between their price and that lowest price.

3.4 Overall evaluation & Contract award: The evaluation process will result in comparative quality, social value and price scores for each tenderer. The maximum score will be awarded for the tender that achieves the highest score in each stage of the assessment. Similarly the maximum price score will be awarded to the tenderer who submits the lowest acceptable price. Other tenderers will be scored in proportion to the maximum scores to create an overall aggregate score. The highest scoring compliant single tender in each contract will be recommended for award of contract. **The Council will reserve the right not to award a contract to a provider who overall does not meet a minimum threshold of 60 % of the available total marks in the evaluation process.**

3.5 All other aspects of the evaluation, implementation and contract management and monitoring of these contracts will remain as approved in the original YPP procurement strategy.

CABINET REPORT YOUTH PROMISE PLUS - PROJECT EXTENSION

Appendix 5: Feedback from DWP appraisal of Project Change Request- conditions

At the time of writing the Department for Work and Pensions are in the process of appraising the Council's Project Change Request in respect of this proposed service extension. City Officers are in liaison with DWP to respond to queries raised and consider options around necessary adjustments to the proposed delivery model.

The conditions so far emerging from that process are summarised in the table below:

Conditions

No	Condition	BCC Update
1.	Applicant to provide a letter of intent to confirm the name change/new organisation change, and for Birmingham Children's Trust to additionally confirm there is no change to the type of match funding which was originally supplied.	The project will provide detail on the legal basis for the formation of the Children's Trust as part of the match funding letter, along with the fact that there is no change to the type of match funding which is still public – Local Authority.
2.	Applicant to provide revised match funding certificates and these to match the revised financial annex	Match funding letters based on the revised Project Change request model being provided by all named delivery partners
3.	Applicant to provide a revised granular budget which aligns to the Financial annex	Revised granular budgets have been submitted on 09/01/19
4.	<p>Applicant to provide a greater assurance on the changes to outputs and results, in particular the significant change to the inactive participants and how the local area will be able to meet the overall investment priority requirements.</p> <p>In doing this to also consider what measures have been/are in place to record participants against the correct classification of inactive rather than unemployed as this will impact on the level of target output and results in this category.</p>	<p>Current PCR proposes delivery to original target of 16,610 young people at a total revised cost of £42 million rather than the original proposed cost of £50.4 million. As such the overall value for money of the extended proposal significantly improves. However, within that the DWP evaluation has identified an issue concerning lower than envisaged levels of economically inactive clients that we are proposing to work with given our experience of demand and verification of client status gained from phase 1 of delivery.</p> <p>BCC has worked with partners on an urgent basis to review this matter and the partnership has agreed to increase the Inactive participant numbers to be equal to the pro-rata reduction in funding. Details of how this will be achieved have been provided to DWP</p>

Public Report
Birmingham City Council
Report to Cabinet
 22nd January 2019



Subject: PUBLIC CONSULTATION ON THE 'DEVELOPMENT MANAGEMENT IN BIRMINGHAM' DEVELOPMENT PLAN DOCUMENT

Report of: CORPORATE DIRECTOR, ECONOMY
Relevant Cabinet Member: Councillor Ian Ward, Leader of the Council

Relevant O & S Chair: Councillor Tahir Ali, Economy and Skills;
Report author: Uyen-Phan Han, Planning Policy Manager, Telephone No: 0121 303 2765
 Email Address: uyen-phan.han@birmingham.gov.uk

Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 005424/2018		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential :		

1 Executive Summary

- 1.1 To seek authority to undertake public consultation on the Development Management in Birmingham Development Plan Document (DMB) for a period of 8 weeks starting in February 2019.
- 1.2 The DMB sets out non-strategic planning policies for the determination of planning applications and, in turn, will replace the existing policies of the Birmingham Unitary Development Plan (UDP) (2005). It will therefore be one of the Council's key planning policy documents.
- 1.3 This current consultation stage (Preferred Options) is the second stage in the plan preparation process for the DMB and attached at Appendix 1. The consultation document is accompanied by a Sustainability Appraisal (SA) (Appendix 2)
- 1.4 It is envisaged that the consultation for the DMB will commence at the beginning of February 2019 for a period of 8 weeks.

2 Recommendations

- 2.1 That Cabinet approves the DMB Preferred Options including the accompanying Sustainability Appraisal (attached at Appendix 1 and 2) for public consultation commencing February 2019 for a period of 8 weeks.
- 2.2 That Cabinet notes that, following consultation, the revised DMB will be reported to Cabinet and Full Council for approval prior to its submission to the Secretary of State for adoption.

3 Background

- 3.1 The DMB, when completed and adopted, will support the adopted Birmingham Development Plan (2017) (BDP) by setting out non-strategic planning policies for the determination of planning applications. The majority of the draft policies proposed will update or modernise existing Unitary Development Plan (UDP) (2005) policies such as those which deal with amenity, contaminated land, advertisements, and telecommunications. It will therefore be one of the Council's key planning policy documents.
- 3.2 This current consultation stage (Preferred Options) is the second stage in the plan preparation process and has been developed having regard to comments received during the first consultation on the document (Issues and Options) which was held in 2015. The production of this Preferred Options document was, in itself, delayed whilst the BDP was awaiting formal adoption. The DMB has since been revised to inform this consultation and is attached as Appendix 1.
- 3.3 The purpose of this consultation document is to invite comments on the preferred approach and alternatives which will then inform the preparation of the next stage of the DMB document. It is envisaged that the consultation will commence at the beginning of February 2019 for a period of 8 weeks.
- 3.4 The consultation document is accompanied by a Sustainability Appraisal (SA) (Appendix 2) which assesses the policies within the DMB to ensure they have a positive impact on social, economic and environmental factors.

4 Options considered and Recommended Proposal

- 4.1 Do Nothing: It is a legal requirement for a Development Plan Document to be 'sound' at Public Examination. Policies in the DMB have to be up-to-date and aligned with those in the BDP and National Planning Policy Framework (NPPF). This is therefore not deemed an option.
- 4.2 Based on the evidence assembled, it is considered that the approach contained in the DMB Preferred Options Document at Appendix 1 is the most appropriate. The assessment of existing policy material and recommendations on outcomes is set out throughout the consultation document.

5 Consultation

- 5.1 The Leader and Cabinet Members for Clean Streets, Waste and Recycling; Finance and Resources; Transport and Environment; Education, Skills and Culture; Homes and Neighbourhoods; Social Inclusion, Community Safety and Equality; Health and Social Care, and Children's Wellbeing have been briefed on the DMB Consultation

Document, with their views to be sought during the consultation process. All other Members have been informed of the consultation document, with their views to be sought during the consultation process. Officers from Birmingham Property Services, Highways, Transportation, Housing, Environmental Health, Public Health and Leisure have been involved in the DMB document's development.

- 5.2 The launch of the public consultation on the DMB document will be the start of external consultation. This is the second consultation stage for the DMB having previously been subject to initial public consultation in 2015, which has helped to formulate the Preferred Options version of the document now being considered. Public consultation will take place following Cabinet approval. The consultation process will be in accordance with the Council's adopted Statement of Community Involvement, under the provisions of the Planning and Compulsory Purchase Act 2004, and the revised procedures required by the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 5.3 The consultation document and relevant material will be published online and all those on the Planning Policy Consultation Database will be notified. All feedback and comments received will be taken into consideration in formulating the next stage of the consultation prior to the eventual adoption of the document.
- 5.4 Officers from Legal and Democratic Services and City Finance have been involved in the preparation of this report.

6 Risk Management

- 6.1 The programme for completion and adoption of the DMB allows flexibility to account for any potential issues. This allows time for discussion with stakeholders and for issues to be addressed, as well as the processing of any comments made.
- 6.2 Other risks are addressed elsewhere in this report, including Section 4 on the risks of not having the DMB, and section 7.3 on the financial implications.

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

- 7.1.1 The DMB is consistent with the Council Plan 2018-2022 and in particular the outcome; Birmingham is an Entrepreneurial City to learn, work and invest in by providing up to date policies against which planning applications for development will be assessed.

7.2 Legal Implications

- 7.2.1 The preparation of the DMB is being carried out in accordance with the Planning and Compulsory Purchase Act 2004 and is prescribed under Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012. Once adopted, it will replace the content of Chapter 8 of the Birmingham UDP 2005.

7.3 Financial Implications

7.3.1 The Consultation Document and Sustainability Appraisal have been prepared using existing Economy Directorate (Planning and Development) staff resources and specialist external consultants funded from existing approved revenue budgets to prepare specific evidence in support of the DMB. Following consultation, subsequent stages in the adoption of the DMB will be met from the Planning and Development revenue budget for 2019/20. There are no additional financial implications to the City Council from the production of the DMB.

7.4 Procurement Implications (if required)

7.4.1 No implications.

7.5 Human Resources Implications (if required)

7.5.1 No implications

7.6 Public Sector Equality Duty

7.6.1 The DMB is being prepared in line with Section 149 of the Equality Act 2010 in ensuring that public bodies consider the needs of all individuals in shaping policy. Preparation of the DMB document includes the carrying out of an integrated Sustainability Appraisal at each formal stage which ensures positive social, economic and environmental impacts as well as an Equality Analysis (Appendix 2).

8 Background Documents

8.1 Development Management Development Plan Document: Public Consultation – Cabinet report dated 27th July 2015

8.2 List of Appendices accompanying this Report (if any):

- Appendix 1 - Development Management in Birmingham DPD (DMB) (Preferred Options) Consultation Document
- Appendix 2 – Sustainability Appraisal (SA) for the Development Management in Birmingham DPD (DMB) (Preferred Options) Consultation Document
- Appendix 3 – Equality Analysis
- Appendix 4 - Consultation Statement



DEVELOPMENT MANAGEMENT IN BIRMINGHAM

Preferred Options Consultation

January 2019

Contact

Planning and Development
Economy Directorate
Birmingham City Council

E:mail:
planningstrategy@birmingham.gov.uk

Web:
<http://www.birmingham.gov.uk/DMB>

Call:
Telephone calls to 0121 303 4323

Visit:
Office:
1 Lancaster Circus
Birmingham
B4 7DJ

Post:
P.O. Box 28
Birmingham
B1 1TU

Plans contained within this document are based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office.

© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.
Birmingham City Council. Licence number 100021326, 2019.

Birmingham Local Plan 2011-2031

Development Management in Birmingham Development Plan Document

Preferred Options Document Consultation (Regulation 18)

The Council is inviting comments on the Development Management in Birmingham (Development Plan Document) Preferred Options Document as part of a formal public consultation that runs from 4th February 2019 until 29th March 2019

You can view the document and find out more about the document and the consultation on the Council's website at www.birmingham.gov.uk/DMB or by calling 0121 303 4323.

How do I comment?

You can respond directly to the document online at our website www.birmingham.gov.uk/DMB. Responding online is the quickest and easiest way to comment.

Alternatively, you can also respond by completing a comment form, available from the Planning and Development offices or downloaded from our website, and returning this to us.

- Email: planningstrategy.gov.uk
- Write: Planning and Development, 1 Lancaster Circus, Birmingham, B1 1TU

Please clearly state the policy and paragraph number that your comments relate to.

Hard copies of the Plan are available to view during normal opening hours at the Planning and Development offices and at the local libraries listed on www.birmingham.gov.uk/DMB.

What happens next?

At the end of the consultation period, all of the responses will be analysed. The Council will then compile the results of the consultation in a report which will be made available on our website in due course. All responses received will be taken in to account and used to prepare the Development Management Policies DPD for a final round of consultation prior to its submission to the Secretary of State.



Contents

Foreword 7

1. Introduction 8

2. Environment and Sustainability 12

- DM1 Air quality
- DM2 Amenity
- DM3 Land affected by contamination and hazardous substances
- DM4 Landscaping and trees
- DM5 Light pollution
- DM6 Noise and vibration

3. Economy and network of centres 24

- DM7 Advertisements
- DM8 Places of worship
- DM9 Day nurseries and early years provision

4. Homes and Neighbourhoods 30

- DM10 Houses in multiple occupation
- DM11 Residential development
- DM12 Self and custom build housing

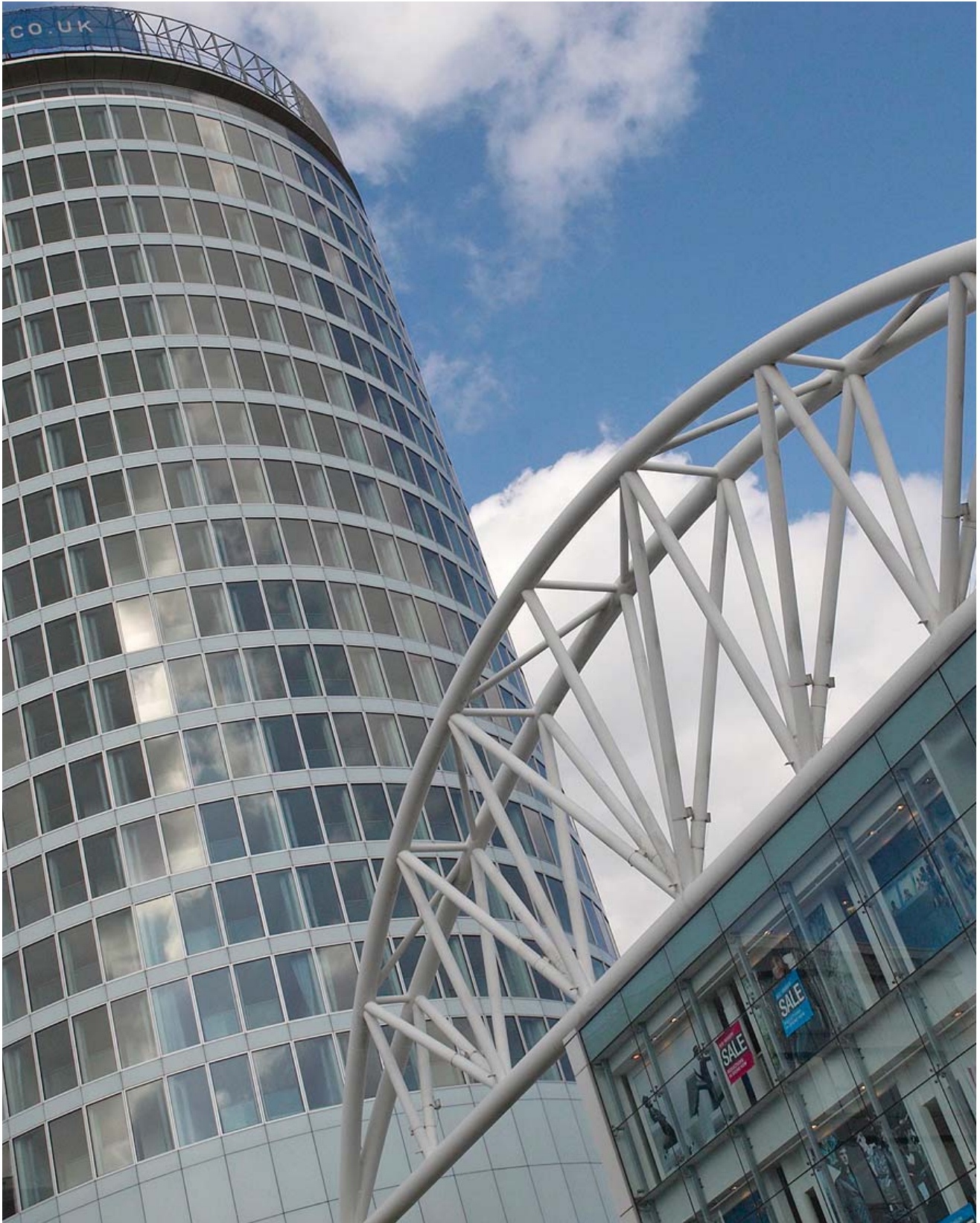
5. Connectivity 38

- DM13 Highway safety and access
- DM14 Parking and servicing
- DM15 Telecommunications

6. Implementation and Monitoring 46

7. Appendices

1. Technical Housing Standards
Nationally Described Space Standard (March 2015 as updated)
2. Information to be submitted with a planning application for new or changes of use to Places of Worship or faith related educational facilities
3. Policies in Stage 1 Regulation 18 Consultation not included in Preferred Options Document and justification
4. Monitoring framework



Ian Ward, Leader of Birmingham City Council

Birmingham is going through exciting changes which will see significant levels of new development and infrastructure delivered in the city over the next 15 years. Through the Birmingham Development Plan (adopted in 2017), over 51,100 new homes and substantial amounts of employment land, retail and office development will be delivered by 2031.

At the heart of the Council's local plan is the objective of sustainable growth which seeks to ensure that we build a strong and competitive economy, vibrant and healthy communities and protect and enhance our environment.

This document aligns with the Council's key priorities, which are to make Birmingham a great city to live, grow up and age well in; as well as an excellent city to learn, work and invest in.

Growth must therefore be managed in the most positive, effective and sustainable way possible, which is why this document – Development Management in Birmingham, is important. It will provide detailed planning policies for specific types of development and support the implementation of the Birmingham Development Plan.

As part of the city's commitment to engage people in the planning process I am pleased to invite your views on the draft document presented for consultation and encourage your participation in the process of making Birmingham a better place to live.

Waheed Nazir, Corporate Director, Economy

Building on the Birmingham Development Plan, which sets out the overall spatial strategy for the city, the Development Management in Birmingham (DMB) document will provide up-to-date development management policies, replacing the saved policies of the Unitary Development Plan 2005, once adopted.

The purpose of the DMB is to provide clear policies that will be used to determine planning applications. Overall, these policies will ensure that development is guided to the right location, is of a high standard, and that inappropriate development is deterred.

The DMB will help to ensure that our vision and objectives for sustainable growth and development of the city will be realised.

The formulation of the draft policies being presented for consultation has taken into consideration the revised National Planning Policy Framework and other relevant Government guidance. Comments received on the previous round of consultation have also helped to inform the policies presented in this document.

We are committed to providing a high quality, responsive and effective Planning Service. To that end we welcome your comments on this document as a means of helping us to achieve this.

1.Introduction

Birmingham's Local Plan

1.1 Birmingham has established a clear agenda to deliver sustainable growth meeting the needs of its population and securing high quality development and infrastructure. This agenda is set out through Birmingham's Local Plan which consists of a series of documents containing the strategy and policies for growth. All proposals for development that require planning permission will be determined in accordance with the relevant policies in the Local Plan, which consists of the:

- adopted Birmingham Development Plan (BDP);
- saved 2005 Birmingham Unitary Development Plan policies;
- adopted Aston, Newtown and Lozells Area Action Plan;
- adopted Longbridge Area Action Plan; and
- when adopted, the Bordesley Park Area Action Plan (submission expected Winter 2018); and
- Balsall Heath Neighbourhood Development Plan

1.2 The Development Management in Birmingham Development Plan Document (DMB), once it is adopted, will replace the Saved 2005 Birmingham Unitary Development Plan policies and form part of Birmingham's Local Plan.

1.3 Other relevant planning documents which provide guidance on how planning policies will be applied include Supplementary Planning Documents and Guidance (SPD/ SPG) and non-statutory area frameworks. The Council is in the process of updating and consolidating many of its existing design related SPDs and SPGs into one new SPD called the Birmingham Design Guide. The design guide is currently being developed and will be consulted on later in Spring 2019

Development Management in Birmingham

1.4 The purpose of the DMB is to provide detailed development management policies which are

non-strategic and provide detailed often criteria based policies for specific types of development. The policies will give effect to, and support, the strategic policies set out in the Birmingham Development Plan (BDP), adopted in January 2017. It is intended that the policies contained within in this document are to be applied City-wide unless specified otherwise.

1.5 This document contains 15 policies arranged in themes to reflect the BDP. They are informed by national policies and guidance

which set out Government's planning policies for England and how it expects them to be applied.

1.6 The DMB will provide detailed policies in areas where further detail is needed beyond that contained in the BDP. Each policy in the DMB seeks to deliver and/or clarify in detail a BDP policy. The Council is satisfied that the DMB is in general conformity with the policies of the BDP and also takes full account of national planning policy and European Union Directives.



New Street Station

Objectives

1.7 The DMB will support the delivery of the objectives for the City as set out in the BDP. These are:

- To develop Birmingham as a City of sustainable neighbourhoods that are safe, diverse and inclusive with locally distinctive character.
- To make provision for a significant increase in the City's population.
- To create a prosperous, successful and enterprising economy with benefits felt by all.
- To promote Birmingham's national and international role.
- To provide high quality connections throughout the City and with other places including encouraging the increased use of public transport, walking and cycling.
- To create a more sustainable City that minimises its carbon footprint and waste, and promotes brownfield regeneration while allowing the City to grow.
- To strengthen Birmingham's quality institutions and role as a learning City and extend the education infrastructure securing significant school places.
- To encourage better health and well-being through the provision of new and existing recreation, sport and leisure facilities linked to good quality public open space.

- To protect and enhance the City's heritage assets and historic environment.
- To conserve and enhance Birmingham's natural environments, allowing biodiversity and wildlife to flourish.
- To ensure that the City has the infrastructure in place to support its future growth and prosperity.

How the DMB is being prepared?

1.8 The following key principles have been used to guide the preparation of the draft policies contained in the DMB.

- **Additionality** - the DMB will provide detailed policies to support the delivery of the BDP. Where principles for development are addressed by national or BDP policies, they are not repeated. Some areas of policy will be supported by supplementary planning documents rather than development management policies to provide more detailed advice about how particular policies will work in practice.
- **Justification** – the development management policies will be based on an appropriate and deliverable strategy when considered against alternatives and relevant, proportionate and up-to-date evidence.
- **Conformity** – the development management policies will be

developed in consultation with the relevant statutory consultees and other key stakeholders in accordance with the Duty to Co-operate and the Statement of Community Involvement. The policies will be consistent with national policy and the BDP.

Structure of the document

1.9 The policies have been organised on a topic basis mirroring the structure of the BDP. Each policy begins with an introduction setting out the purpose of the policy. The policy text is shown in a box. The explanatory supporting text provides a reasoned justification for the policy, against alternatives (where applicable) and important information on how the policy will be applied. Other relevant links are made including reference to BDP policies, relevant Supplementary Planning Documents (SPDs), other guidance, and the Local Information Requirements.

Stages in producing the DMB

1.10 This Preferred Options Document is the second stage in the preparation of the DMB and has been developed having regard to comments received during the first consultation on the Development Management DPD (Consultation Document) in 2015. A summary of the comments from the first stage consultation and how they have been considered is set out in a separate Consultation Statement.

The overall plan preparation process is set out below:

Issues and Options
consultation June 2015

Preferred Options Document
consultation (this stage)
February - March 2019

Publication Document
consultation Summer 2019

Submission to the Secretary of State - Autumn 2019

Examination in Public
Winter 2019
Adoption early 2020

1.11 Following consultation on this document, we will consider all comments received and prepare a Publication version of plan. There will then be a further opportunity to comment on the plan, in the form of the Publication version, prior to the Council submitting the plan to the Secretary of State for examination by an independent inspector. Further background on how the DMB is being prepared is provided in the paragraphs that follow.

Duty to Co-operate

1.12 Section 33A of the Planning & Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act, places a duty on local authorities and relevant statutory bodies to cooperate on strategic planning issues. This duty requires ongoing, constructive and active engagement on the preparation of development plan documents. Duty to Co-operate bodies have and will continue to be involved through the key stages of the process.

Sustainability Appraisal

1.13 A Sustainability Appraisal (SA) assesses the social, economic and environmental effects of the proposed policies. It is a process that must be carried out during the preparation of a Local Plan. An Interim Sustainability Appraisal (SA) of the impact of this Preferred Options Document has been undertaken and is available in a separate document.

1.14 A Habitats Regulations Assessment Screening has been carried out in accordance with the European Union Directive to complement the SA. These have been undertaken as an integral and iterative part of the preparation of the DMB and their outcomes have been taken into account in formulating and refining the policies of the DMB.

1.15 Copies of the Interim SA report and the Habitats Regulations Assessment Screening are on the Council's website.

Evidence Base

1.16 This DMB has been informed by national and local planning policies, guidance and evidence produced by the Government, the Council and its partners. It has also drawn upon the evidence base which informed the development of the BDP. Evidence reports have also been specifically prepared for this DMB which form background evidence to the policy formation process. The evidence base reports can be found on the DMB page of the Council's website.



2.Environment and Sustainability

2.1 The policies in this chapter have a focus on ensuring that new development over its lifetime contributes towards improvements in the quality of life in Birmingham. This approach also supports the key objective of the BDP in bringing forward sustainable development and creating quality places.

DM1 Air Quality

Introduction

2.2 The City's built environment and transport systems can have an impact on the City's air quality and, as a consequence, on health and wellbeing. Policies in the BDP seek to improve air quality within the City by taking a proactive approach to planning, regeneration and new development. This policy seeks to ensure that any proposal considers air quality and is accompanied by an appropriate scheme of mitigation where negative impacts are identified. The Government's current threshold for nitrogen dioxide is 40 µg/m³.

Why we have taken this approach and how the policy will be applied

2.3 Poor air quality is a public health concern at both a local and national level. The whole of Birmingham is designated as an Air Quality Management Area (AQMA) for nitrogen dioxide (NO₂) and the Council maintains an Air Quality Action Plan (AQAP) to direct compliance with national objectives.

2.4 In order to deliver compliance, Government has determined the need for Birmingham to introduce a Clean Air Zone (CAZ) to control road transport related emissions particularly NO₂. The Council's Cabinet has approved the preferred measures for a Birmingham Clean Air Zone that will seek to achieve air quality compliance with UK

and EU statutory NO₂ limits in the shortest time possible, as part of a longer term air quality programme.

2.5 The positive management of air quality is a priority for the City, and it is imperative that development does not undermine the objectives of the CAZ, specifically that compliance within the CAZ is maintained and that no other areas become subject to requiring the declaration of a CAZ.

2.6 The AQAP, BDP and Birmingham Connected provide the framework to improve air quality in the city, including measures to encourage walking, cycling and the use of public transport, together with the support for the uptake of cleaner vehicle technologies through infrastructure provision, fleet transition and travel behaviour changes.

2.7 New developments have the potential to adversely affect air quality or be affected by air quality. This particularly relates to development that would trigger an Air Quality Assessment (AQA) as set out in the Local Validation Requirements. The assessment and mitigation approach contained within the West Midlands Low Emissions Towns and Cities Programme: Good Practice Air Quality Planning Guidance (2014) (or any subsequent future replacement) should be utilised to assess where relevant exposure may arise, calculate the emission damage costs and identify mitigation. 'Unacceptable' deterioration is defined as where the development would result in exposure to pollutant concentrations close to the limit values.

Policy DM1 Air Quality

1. Development proposals will need to contribute to the management of air quality and support the objectives of the local Air Quality Action Plan and Clean Air Zone. Measures such as sustainable energy, green infrastructure and sustainable transport can help to reduce and/ or manage air quality impacts.
2. Development that would, in isolation or cumulatively, lead to unacceptable deterioration in air quality or result in exceedances of nationally or locally set objectives for air quality, particularly for nitrogen oxides, will not be supported.
3. The development of fuelling station for low emission vehicles will be supported in principle where they establish a network of facilities to support the City's transport and air quality objectives. New or extended fuelling stations for petrol and diesel vehicles would need to be justified on the basis of addressing clear gaps in existing provision and provide fuelling for low emission vehicles.

Implementation

Local/ National Funding	Partnerships	CPO	CIL/ Section 106	Planning Management	Other Local Plan/ SPD/Regeneration Framework
✓	✓		✓	✓	

2.8 AQAs must outline the current and predicted future pollutant concentrations at, and in the vicinity of, the development site. The AQA should also consider any potential cumulative impacts on air quality arising from planned development in the vicinity of the development site. The AQA should set out the planned mitigation measures to address any negative impacts. Mitigation measures should be provided on-site, however where this is impractical the AQA should demonstrate that it is possible to include measures in the local area which have equivalent air quality benefits. Mitigation measures may be secured either by planning condition or legal agreement where appropriate. Any impacts upon air quality will be considered in the context of the benefits the development brings to the City.

2.9 Mitigation measures will include ensuring that developments are designed to ensure walking and cycling is an obvious choice for short trips and that there is good public transport access to contribute towards the reduction in emissions, particularly nitrogen oxides and particulate matter. All new development should include low emission vehicle charging points as part of their parking provision, and consideration should be given to options to introduce car clubs as an alternative model of car ownership. Application of the City's parking standards will ensure that on-site parking is provided at appropriate levels.

2.10 Developments for sensitive uses such as schools, hospitals and residential units should be located away from major sources/areas of air pollution. However, where this is

not possible, developments must be designed and sited to reduce exposure to air pollutants by incorporating mitigation measures.

2.11 The City Centre offers an opportunity for air quality improvement with an extensive public transport network, good pedestrian access and cycle routes. Outside the City Centre, development proposals will also need to demonstrate how they will contribute towards improvements in air quality.

2.12 Where an AQA is required and the development that involves significant demolition, construction or earthworks, the developer will also be required to assess the risk of dust and emissions impacts and include appropriate mitigation measures to be secured in a Construction Management Plan.

2.13 The UK Government has confirmed it will be outlawing the sales of new conventional petrol and diesel cars, as part of its 'Road to Zero' strategy. According to the proposals, no new cars or vans powered solely by a petrol or diesel engine will be sold in the UK from 2040. The Road to Zero strategy does, however, aim to considerably increase the viability and ease-of-use of electric cars.

2.14 Birmingham and the West Midlands has particular expertise and a strong skills base in relation to manufacturing processes, autonomous vehicles and energy technologies. These offer the opportunity to develop innovations and products in the ultra-low emissions and autonomous vehicles sector. The City is well placed to capitalise on the opportunity that

this presents and put in place the infrastructure needed to support this policy.

Policy Links

Birmingham Development Plan

- TP37 Health
- TP38 A sustainable transport network
- TP43 Low emission vehicles
- TP44 Traffic congestion and management

Existing policy/guidance to be replaced or updated

None

Alternatives considered

2.15 In terms of criteria 1 and 2 no alternative has been identified to this policy. Reasons for rejection: National policy requires planning to contribute towards compliance with relevant limit values or national objectives for pollutants and take into account local AQMA and Clean Air Zones. Therefore in order to comply with national policy it is considered necessary to set policy aimed at improving air quality and mitigating the impacts of development on air quality. Having no air quality policy will risk undermining the AQMA and CAZ and failure to deliver relevant actions within the City's air quality action plan, transport strategy and the objectives of the BDP in promoting sustainable development, and helping to address climate change.

1. Consultation Question:

- a. Are there any specific measures that should be referred to in the policy that will help to improve or mitigate the impacts of development on air quality?

DM2 Amenity

Introduction

2.16 Birmingham seeks to sustainably manage growth so that it takes place in the most appropriate locations, meeting the City's needs while continuing to conserve and enhance the features that make Birmingham an attractive, vibrant and interesting place to live, work and visit. Promoting and protecting high standards of amenity is a key element of ensuring sustainable growth and will be a major consideration when the Council assesses development proposals.

Why we have taken this approach and how the policy will be applied

2.17 The delivery of a high quality environment in Birmingham leaves a lasting impression on how the City is perceived and how it functions. In delivering the BDP, amenity is an important planning consideration to ensure places are fit for purpose and development proposals are acceptable. This policy should be read in conjunction with PG3 of the BDP and DM11 of this document.

2.18 Each development will have its own considerations, both within the site itself and its impact on the character of the area in which it is set. These factors will influence how amenity needs to be addressed. The careful design of development can ensure that proposals help to maintain or improve amenity. The Birmingham Design Guide provides detailed design guidance which can help to address matters of amenity.

2.19 The built up nature of Birmingham presents opportunities for new uses to address and improve the amenity of the City. This can be achieved by ensuring that all developments are suitably located, well designed, adequately separated from neighbouring uses and operate in an appropriate way for the area in which they are located. Unless otherwise stated, this policy applies to all forms of development within the city, including changes of use and smaller proposals such as extensions.

2.20 For the purposes of this policy "amenity" is defined as 'the desirable features of a place that ought to be protected or enhanced

in the public interest'. This includes factors such as achieving and maintaining acceptable levels of privacy, safeguarding occupiers from excessive noise or light pollution and ensuring sufficient internal and external space and light. Consideration should not only be given to the impact of individual developments, but also to cumulative impacts.

2.21 The protection of amenity covers both living and working conditions. This means firstly that new development should provide for adequate day to day living and working conditions for those who will be occupying it. Secondly, it means that development should not have undesirable amenity impacts on the living conditions of neighbouring residents or compromise the continued operation of uses and activities which are already established in the locality. The NPPF is clear (with particular reference to noise) that businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.

2.22 It may be necessary to apply planning conditions to new developments to ensure amenity standards are maintained such as hours of operation, requirements for ventilation equipment to be properly maintained, and delivery times.

Policy Links

Birmingham Development Plan

- PG3 Place making

Existing policy/guidance to be replaced or updated

No specific policy but amenity is referenced throughout the Saved 2005 UDP policies.

Alternatives considered

2.23 Option: To have no policy on amenity and rely instead on the NPPF and ad hoc considerations of proposals on a case by case basis.

Policy DM2 Amenity

- All development should be appropriate to its location and ensure it would not result in adverse impacts on the amenity of occupiers and neighbours. In assessing the impact of development on amenity, the following will be considered:
 - Visual privacy and overlooking;
 - Sunlight, daylight, overshadowing and overbearing impact;
 - Aspect, outlook and perception of enclosure;
 - Access to high quality and useable amenity space
 - Artificial lighting levels
 - Noise and vibration;
 - Odour, fumes, and dust
 - Safety considerations, crime, fear for crime and anti-social behaviour;
 - Compatibility of adjacent uses; and
 - The individual and cumulative impacts of development proposals on amenity

Implementation

Local/ National Funding	Partnerships	CPO	CIL/ Section 106	Planning Management	Other Local Plan/ SPD/Regeneration Framework
				✓	✓

Reasons for rejection: The Council believes the preferred approach will provide a more transparent, consistent and fairer basis for considering planning proposals than having no policy. To ensure the successful delivery of the BDP, amenity considerations are considered important. The NPPF is clear that planning should seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

2. Consultation Questions:

- a. Do you agree that there should be a policy to address amenity concerns?
- b. Do you agree with the contents of the policy?
- c. Are there any other matters that should be considered?



Cannon Hill Park

DM3 Land affected by Contamination and Hazardous Substances

Introduction

2.24 Regeneration of previously developed land is a key Government policy and is integral to the City's growth strategy for the creation of housing and jobs. While the Council supports development opportunities that bring areas of land affected by contamination back into beneficial use, the potential for any risks associated with land contamination should be appropriately considered to make development safe. This equally applies to any risks associated with hazardous substances.

Why we have taken this approach and how the policy will be applied

2.25 With the re-use of previously developed land in urban areas such as Birmingham, the potential for land contamination is commonplace. The contamination of land can have adverse impacts on human health, wildlife and contribute to the pollution of

water bodies. The pollution of land can have an adverse impact on its suitability for certain types of development. There is often a link between the contamination and stability of land. New development, however, presents an opportunity to bring contaminated land back into use.

2.26 When development is proposed on or adjacent to land that is known or suspected to be contaminated, or where development is proposed that would be sensitive to contamination, proposals for development should be accompanied by an appropriate level of supporting information.

2.27 A preliminary risk assessment will be required to identify the nature and extent of contamination. Where the assessment identifies significant harmful risk to human health or the environment, the Council will require a full ground investigation and a risk assessment management and remediation strategy. Any remedial measures must be agreed by the Council before the development is commenced and completed prior to occupation. Planning conditions

may be applied to ensure remedial measures are submitted to and approved by the Local Planning Authority. As part of this, the developer will be required to provide a report verifying that the works have been carried out as approved.

2.28 Remedial measures will need to be carried out in line with current legislation, guidelines and best practice, including applying the Environment Agency's principles in managing risks to groundwater (the precautionary principle, risk based approach and groundwater protection hierarchy). Further guidance can be found at: <https://www.gov.uk/guidance/land-affected-by-contamination> <https://www.gov.uk/government/collections/land-contamination-technical-guidance> <https://www.claire.co.uk/information-centre/water-and-land-library-wall>

2.29 When a new development is proposed that could cause land to become contaminated, for instance by nature of the proposed use or by reason of specific elements of the proposed development, the development should be designed in such a way as to minimise the risk of contamination occurring.

2.30 Hazardous installations comprise a range of chemical process sites, fuel and chemical storage sites, and pipelines. It is important that any risks associated with the development of hazardous installations, or development near them, are appropriately considered through the planning process.

2.31 The Council will consult the Health and Safety Executive (HSE) on all applications for hazardous substances consent. The Council will need to be completely satisfied that the proposal will not constitute a hazard to existing communities or the local environment. In considering planning applications the Council must be satisfied that proposals will not constitute a hazard to existing communities or the local environment. The Council

Policy DM3 – Land affected by Contamination and Hazardous Substances

1. Proposals for new development will need to ensure that risks associated with land contamination and instability are fully investigated and addressed by appropriate measures to minimise or mitigate any harmful effects to human health and the environment.
2. All proposals for new development on land which is known to be, or potentially, contaminated or unstable, will be required to submit a preliminary risk assessment, and where appropriate, a risk management and remediation strategy based on detailed site investigation.
3. Proposals for development of new hazardous installations, or development located within the vicinity of existing installations, will only be permitted where it is demonstrated that necessary safeguards, in consultation with the HSE, are incorporated to ensure the development is safe; and that it supports the spatial delivery of growth as set out in the Birmingham Development Plan.

Implementation

Local/ National Funding	Partnerships	CPO	CIL/ Section 106	Planning Management	Other Local Plan/ SPD/Regeneration Framework
				✓	

will seek the advice of the HSE, Environment Agency and other stakeholders, as appropriate, when considering potential risks.

2.32 Certain sites and pipelines are designated as notifiable installations by virtue of the quantities of hazardous substance stored or used. Where development is proposed within the consultation distance of notifiable installations, the Council is required to consult the HSE on the suitability of that development in relation to the risks that the notifiable installation might pose to the surrounding population. The HSE has defined consultation zones around hazardous installations. Applicants may be required to submit risk assessments to demonstrate that appropriate safeguards will be incorporated into the development. The standing advice published by the HSE should be referred.

Policy Links

Birmingham Development Plan

- PG3 Place making
- TP37 Health

Existing policy/guidance to be replaced or updated

Saved Unitary Development Plan 2005 – Paragraphs 8.37 and 8.38 Notifiable Installations.

Alternatives considered

2.33 No alternative to this policy has been identified. Environmental Health legislation requires local authorities to identify contaminated land and ensure it is managed in an appropriate manner. The NPPF also stresses the need for policies to ensure that new development is compatible with its location. The NPPF makes clear that developers and landowners are responsible for securing safe development where a site is affected by contamination.

2.34 Planning (Hazardous Substances) Regulations require local authorities to ensure that land use policies maintain and secure appropriate distances between where hazardous substances are

used or stored and residential areas and that the hazardous substance authority (the Council) consults HSE on applications.

3. Consultation Question:

- Are there any other matters that should be considered?



Tyseley Incinerator

DM4 Landscaping and Trees

Introduction

2.35 Maintaining and expanding the green infrastructure network throughout Birmingham is a key part of the City's growth agenda. Green landscaping (including trees, hedgerows and woodland) forms a critical part of this network

and provide a multitude of benefits, having a positive impact on human health and improving the quality of visual amenity and ecological networks. This policy seeks to ensure that landscaping is an integral part of the overall design of development. It also sets out criteria for how existing landscaping should be considered in development proposals.

Policy DM4 – Landscaping and Trees

Landscaping

1. All developments must take opportunities to provide high quality landscapes that enhance existing landscape character and the green infrastructure network, contributing to the creation of high quality places.
2. The composition of the landscape shall be appropriate to the setting and the development, as set out in a Landscape Plan*, with opportunities taken to maximise the provision of new trees and other green infrastructure.

Trees, woodland and hedgerow protection

3. Development proposals must seek to avoid the loss of, and minimise the risk of harm to, existing trees, woodland, and/or hedgerows of visual or nature conservation value, including but not limited to ancient woodland, and ancient and veteran trees. Where trees and/or woodlands are to be lost as a part of development this loss must be justified as a part of an Arboricultural Impact Assessment (AIA) submitted with the application.
4. Where a proposed development retains existing trees or hedgerows on site, or where development occurs within a tree root protection area, provision must be made for their care and protection during the demolition and construction phase of development with mitigation measures being put in place to ensure that development works do not have a harmful impact on existing trees, hedgerows and wildlife.
5. Development proposals should not result in the loss of trees or woodland which are subject to a Tree Preservation Order, or which are designated as Ancient Woodland, Ancient/Veteran trees, or which are considered worthy of protection.
6. To ensure that the benefits of proposed development outweigh the harm resulting from the loss of any trees, woodlands or hedgerows, adequate replacement planting will be required to the satisfaction of the Council based on the existing value of the tree(s) removed. This should be provided on-site unless the developer can justify why this is not achievable. Where on-site replacement is not achievable, contributions to off-site tree planting will be sought through a Section 106 Agreement.

* see the adopted Local Validation Criteria

Implementation

Local/ National Funding	Partnerships	CPO	CIL/ Section 106	Planning Management	Other Local Plan/ SPD/Regeneration Framework
			✓	✓	✓

Why we have taken this approach and how the policy will be applied

2.36 The green infrastructure of the City is an important part of our landscape and townscape - enhancing quality of the environment, human well-being and can positively affect the value of local property and attract investment. Policy TP7 Green Infrastructure of the BDP, and other supporting policies, set out how the green infrastructure network will be maintained and enhanced, with the role of landscape and trees clearly recognised.

2.37 New development has a clear role in supporting the City's approach to green infrastructure, and can contribute to and enhance the landscape, provide biodiversity net gain and help to reduce the impact of climate change. Each development site will be able to contribute to the green infrastructure network in appropriate ways reflecting the site context and location.

2.38 Trees and other vegetation make an important contribution to delivering sustainable development and high quality design. Trees and significant hedges should be retained as an integral part of the design of development except where their long-term survival would be compromised by their age or physical condition or there are exceptional and overriding benefits in accepting their loss. Sufficient consideration must be given to retained trees and the proposed new use of the land around them, especially in respect of shade to buildings, perceived threat and building distances.

2.39 Certain trees and hedgerows in the City are protected, including trees in Conservation Areas, those with Tree Preservation Orders, ancient trees, aged and veteran trees and trees classified as being of categories A or B in value. The Council will only consider the loss of a tree covered by a Tree Preservation Order as justifiable

where the tree is considered to be imminently dangerous, or its loss is significantly outweighed by the benefits of a proposed scheme and there are no viable development alternatives.

2.40 All development proposals that impact on trees are required to follow the process outlined in the latest British Standard (BS 5837 2012 or subsequent updated version) and provide an up-to-date AIA. This should be undertaken by suitably qualified and experienced professionals, including arboricultural consultants and tree surgeons.

2.41 Where development would result in the loss of a tree(s), adequate replacement planting will be based on the existing value of the tree(s) removed, calculated using the Capital Asset Value for Amenity Trees (CAVAT) methodology (or other future equivalent). Reasonable deductions will be permitted based on the value of any replacement planting works and the individual circumstances of the proposal.

2.42 New trees including trees on the highways should be provided with sufficient above and below ground planting space requirements (soil volumes, water supply and drainage) to allow for healthy growth to maturity without creating conflicts with buildings, pavements and utility infrastructure.

2.43 Detailed guidance on landscaping and green infrastructure will be updated and included in the Birmingham Design Guide.

Policy Links

Birmingham Development Plan

- PG3 Place making
- TP7 Green infrastructure network

Existing policy/guidance to be replaced

Saved Unitary Development Plan 2005 – Paragraphs 3.14D Good Urban Design Principles.

Alternatives considered

2.44 No alternative to this policy has been identified. The NPPF and BDP provide strong support for protecting and enhancing valued landscapes. Local planning authorities are advised to set criteria based policies against which proposals for any development on or affecting protected wildlife or landscape areas will be judged.

4. Consultation Question:

- Are there any other matters that should be considered?



Sutton Park

DM5 Light Pollution

Introduction

2.45 Creative and appropriate lighting can provide a valuable contribution to making Birmingham successful, safe and connected. Given the built up nature of the area, the City needs to ensure that lighting makes a positive impact on the built and natural environment. This policy seeks to ensure that impact of light pollution from new development will be minimised and mitigated.

Why we have taken this approach and how the policy will be applied

2.46 Well-designed lighting can make a positive contribution to the urban environment, providing safe environments for a range of activities, creating landmarks out of existing buildings and developing way-finding opportunities through the City. It can also improve safety by lighting dark places and enhance the visual appearance of buildings and townscapes. Through

careful planning and design, adverse impacts of light pollution, intrusion and spill can be avoided.

2.47 The effect lighting has on existing homes and planned residential development is an important consideration. Any proposals involving exterior security lighting, illuminated advertising or flood lighting should be designed to enhance the built environment, and installed to enable amenity to be protected. It may be necessary to apply planning conditions to ensure standards are maintained, for example to control factors such as hours of operation, light spill, or brightness.

2.48 Lighting associated with new developments should be designed in accordance with established industry standard guidance which is currently set out the Institute of Lighting Professionals. In particular, the use of low energy light sources will be encouraged. BDP policy TP11 provides details on sports facilities lighting.

2.49 Where appropriate, the Council will require applicants to submit a Lighting Assessment Report (as set out in the Local Information Requirements) to detail the measures which will be implemented to control the level of illumination, glare, and spillage of light. Conditions may be imposed to restrict lighting levels and hours of use or require measures to be taken to minimise adverse effects.

2.50 Detailed guidance on the design of lighting proposals will be updated and included in the Birmingham Design Guide.

Policy Links

Birmingham Development Plan

- TP11 Sports facilities
- TP37 Health

Existing policy/guidance to be replaced or updated

Saved Unitary Development Plan 2005 - DC20 Floodlighting of Sports Facilities, Car Parks and Secure Areas (Light Pollution). Lighting Places SPD will be superseded by the Birmingham Design Guide.

Alternatives considered

2.51 No alternative to this policy has been identified. The NPPF is clear that planning policy should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. The draft policy provides a detailed approach for achieving this.

Policy DM5 – Light Pollution

1. Development incorporating external lighting must mitigate any potential adverse impacts from such lighting. Development which would result in light pollution that would have a harmful impact on local amenity, nature conservation, heritage assets or highway safety will not be permitted.
2. Proposals for external lighting will need to demonstrate that the lighting is:
 - a. Appropriate for its purpose in its setting;
 - b. Designed to minimise any harmful impact on privacy or amenity, particularly to sensitive receptors such as residential properties and ecological networks;
 - c. Designed to preserve or enhance the character or appearance of any heritage assets which are affected;
 - d..Designed to a high standard and well integrated into the proposal; and
 - e. Energy efficient

Implementation

Local/ National Funding	Partnerships	CPO	CIL/ Section 106	Planning Management	Other Local Plan/ SPD/Regeneration Framework
				✓	✓

5. Consultation Question:
 - a. Are there any other matters that should be considered?



Longbridge District Centre

DM6 Noise and Vibration

Introduction

2.52 Noise is an inherent part of everyday life and contributes to the character of different places. Ensuring that noise and vibration are considered in development proposals and managed appropriately brings benefit to the quality of the living and working environments. This policy seeks to mitigate the impact of new noise and vibration generating development and to ensure that noise sensitive uses are located and designed in a way to protect them from major sources of noise.

Why we have taken this approach and how the policy will be applied

2.53 The growth of Birmingham over the centuries has led to a dynamic and attractive environment with its busy commercial areas in close proximity to residential areas.

Noise needs to be considered where new developments may create additional noise, or when they would be sensitive to existing or planned sources of noise.

2.54 Noise sensitive developments should, as far as is practicable, be located away from existing or planned sources of significant noise (such as major new roads, rail or industrial development), and should only be located close to existing sources of significant noise if they can be satisfactorily mitigated. A noise assessment will be required to be submitted in line with the Local Validation Requirements. The determination of noise impact will be based on the Noise Policy Statement for England and the Planning Practice Guidance on Noise. Detailed guidance on assessment and the determination of impacts can be found in a Planning Guidance Note maintained by Environmental Health.

2.55 Vibration can have a significant impact on amenity of noise sensitive uses. Sources of vibration include transportation (especially railways) and industrial processes. Environmental Health can advise where a vibration assessment will be required

2.56 Good design of developments, along with other actions, can help to mitigate any noise or vibration impacts. These include:

- Reduction and/or containment of the source of impact, and/or protection of surrounding sensitive buildings
- Layout to provide adequate distance between the source and sensitive buildings or areas, and/or screening / buffers
- Limiting operating times or activities of sources allowed on the site, and/or specifying acceptable limits.

Policy Links

Birmingham Development Plan

- TP37 Health

Policy DM6 – Noise and Vibration

1. Development should be designed, managed and operated to reduce exposure to noise and noise generation.
2. Noise-generating development that would have an impact on amenity or biodiversity will not be supported unless an appropriate scheme of mitigation is provided.
3. Noise-sensitive development (such as residential uses, hospitals and schools) will need to be appropriately mitigated or adequately separated from major sources of existing or planned sources of noise and vibration, including transport infrastructure and commercial activity.
4. The following will be taken into account when assessing development proposals:
 - a. The location, design, layout and materials;
 - b. Positioning of building services and circulation spaces;
 - c. Measures to reduce or contain generated noise (e.g. sound insulation);
 - d. Existing levels of background noise; and
 - e. Hours of operation and servicing.

Implementation

Local/ National Funding	Partnerships	CPO	CIL/ Section 106	Planning Management	Other Local Plan/ SPD/Regeneration Framework
				✓	✓

Existing policy/guidance to be replaced/updated

There is no specific existing policy on noise and vibration but reference is made to noise and vibration within the Saved 2005 UDP policies.

Alternatives considered

2.57 No alternative has been identified to this policy. National policy requires development to contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. In addition the BDP seeks to create well designed, healthy and safe environments. It is therefore considered necessary to include this policy.

6. Consultation Question:

- a. Are there any other matters that should be considered?



Spaghetti Junction

3. Economy and Network of Centres

3.1 Ensuring that Birmingham has a successful and prosperous economy requires the provision of a wide range of employment opportunities and services to meet the needs of the City's growing population. The BDP provides the strategic approach to ensuring provision for a wide range of businesses and jobs in the City. This section sets out detailed policies for specific types of development to support economic success.

DM7 Advertisements

Introduction

3.2 Commercial advertising is a component of modern day life but must integrate effectively into the city's environment through

appropriate siting and design. The aim of this policy is to ensure that advertisements are well designed and relate well in scale and character to a building or surrounding area.

Why we have taken this approach and how the policy will be applied

3.3 The Council aims to ensure that advertisements, including hoardings, are designed to a high standard and contribute to a safe and attractive environment. Poorly placed or designed advertisements can have a negative impact on the appearance of both the built and natural environment, and impact on amenity, public safety and movement. At the same time, sensitive areas need to be protected from any adverse impacts from advertisements.

3.4 The display of advertisements is subject to a separate planning consent process as set out in The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended). Through the planning system, advertisements are subject to the consideration of impacts in the interests of amenity, public safety, and cumulative impact. Amenity includes the visual amenity of a locality, and public safety includes the safety of users of nearby highway infrastructure.

3.5 Policy DM6 applies to all types of advertisements, including hoardings, freestanding signs, those attached to buildings, telecommunication assets, totems and other signs. It also applies to internally and externally illuminated signs, and digital signs.

3.6 Detailed guidance on the design of advertisements, signs and shop fronts will be updated and included in the emerging Birmingham Design Guide.

Policy DM7 – Advertisements

1. Proposals for advertisements should be designed to a high standard and meet the following criteria:
 - a. Suitably located, sited and designed having no detrimental impact on public and highway safety or to the amenity of the area;
 - b. Sympathetic to the character and appearance of their location, adjacent buildings and the building on which they are displayed having regard to their size, materials, construction, location and level of illumination; and
 - c. Avoid proliferation or clutter of signage on the building and in the public realm.
 - d. Not obscure architectural features of a building or extend beyond the edges or the roofline of buildings and respect the building's proportions and symmetry;
 - e. Not create a dominant skyline feature when viewed against the immediate surroundings.
2. Illuminated advertisement and signs should not adversely affect the safety and amenity of the surrounding area.
3. Areas sensitive to impacts on visual amenity, including open space, public squares, key public routes, ecological networks, conservation areas or in proximity to listed buildings and other heritage assets will require particularly sensitive treatment and will need to be more carefully sited and designed so they do not have an adverse impact on these.
4. The siting of advertisements hoardings will not normally be acceptable where visible from the M6 motorway or A38 Aston Expressway where they are purposefully designed to be read from the roadway and the attention of drivers is likely to be distracted.

Implementation

Local/ National Funding	Partnerships	CPO	CIL/ Section 106	Planning Management	Other Local Plan/ SPD/Regeneration Framework
				✓	✓

Policy Links

Birmingham Development Plan

- PG3 Place making

Existing policy/guidance to be replaced or updated

Saved Unitary Development Plan 2005 – DC6) Electronic Advertisement Signs SPG, DC19) Location of Advertisement Hoardings SPG, Shop Front Design Guide SPG, Large Format Banner Advertisements SPD.

Alternatives considered

3.7 Option: To have no policy on advertisements.

Reasons for rejection: This would not be favoured since there would be no safeguard against inappropriate advertisements and signs.

7. Consultation Questions:

- Do you agree that there should be a policy on advertisements?
- Are there any other matters that should be considered?



Digital advertising

DM8 Places of worship and faith related community uses

Introduction

3.8 Birmingham’s population is increasingly diverse, with a broad range of faiths and a growing demand for faith premises. Places of worship are an important part of the infrastructure, culture and identity of the City. The aim of this policy is to support the provision of such facilities and to ensure that they are appropriately located, designed, constructed and managed to benefit users and protect local neighbourhoods.

Why we have taken this approach and how the policy will be applied

3.9 Places of worship are places where groups of people gather to perform acts of religious praise, honour, or devotion. In addition to this main function, they can also include facilities that provide religious or faith-related training, accommodation, and social welfare, as well as community and educational facilities. This policy also relates to faith related community and educational uses which do not physically form part of a place of worship.

3.10 This draft policy is consistent with the NPPF which requires planning authorities to plan positively for the provision and use of community facilities including places of worship. The Council recognises the important and valuable contribution of places of worship to communities across the city in terms of encouraging community cohesion and providing activities such as employment training, education, and counselling. The Council wishes to ensure that the needs of faith communities in Birmingham are appropriately met in the context of a growing and increasingly diverse population.

3.11 The Council believes that the most appropriate location for places of worship and faith related community uses is in the network of centres as is defined in Policy TP21 of the BDP. These are the most sustainable in terms of transport accessibility and parking. Other locations outside of the network of town centres may be considered if the criteria outlined in the policy can be satisfactorily met. Proposals for places of worship and faith related community uses must also not conflict with other relevant local plan policies and guidance.

3.12 A development which is to serve a regional or city-wide need is defined as a premises for gatherings of more than 300 people at any one time. A development which is to serve a district-wide need is defined as a premises for gatherings of between 60 and 300 people at any one time. A development which is to serve a local need is defined as a premises for gatherings of up to 60 people at any one time. These thresholds reflect the Fire Safety Guide for England and Wales – Guide 6 Small and Medium Places of Assembly and Guide 7 Large Places of Assembly.

3.13 Where noise from the proposed activities is likely to affect neighbouring properties, consideration will be given to attaching conditions to any

Policy DM8 – Places of worship and faith related community uses

1. The Council’s preferred locations for the development of places of worship and faith related community uses are in the network of centres as defined in Policy TP21 of the Birmingham Development Plan. Locations outside of the network of centres will only be considered acceptable where it is demonstrated that a suitable site* cannot be found within an identified centre.

2. Premises to serve a regional or city-wide need** are likely to be used for larger gatherings attracting substantial numbers of people and should be located in a sub-regional or district centre. Where it is demonstrated that a suitable site* cannot be found within an identified sub-regional or district centre, a site which is on a key transport corridor may be considered acceptable.

3. Premises to serve a district or local need are likely to be used for smaller gatherings and should be located in a district or local centre or a parade. Where it is demonstrated that a suitable site* cannot be found within an identified centre or a parade, a site with good public transport accessibility or within a 15 minute walk from the population the local place of worship or faith related community use serves, may be considered acceptable.

4. Proposals will need to demonstrate that the site is suitable for the number of proposed users and the scale of development, identifying whether it serves local, city-wide or regional need.

* means suitable, available and viable for the development proposed.

** See definition of regional/city-wide, district and local premises in Paragraph 3.12

Implementation					
Local/ National Funding	Partnerships	CPO	CIL/ Section 106	Planning Management	Other Local Plan/ SPD/Regeneration Framework
				✓	

planning permission granted, which would reduce or eliminate such problems.

3.14 Proposals in residential areas will only be considered suitable where it is demonstrated that a suitable site cannot be found in an identified centre and where there is no detrimental impact on amenity in terms of noise and disturbance, hours of operation, road safety, traffic generation and any other environmental impacts.

3.15 Additional ancillary activities such as weddings, funerals, and other special occasions are likely to lead to higher volumes of people and increased noise levels, traffic movements and parking demand. These can have an adverse impact on local amenity and public safety and will need to be carefully considered having regard to their frequency and the number of additional people that would be attracted to the premises. Applications will be expected to be supported by a management plan to address such issues.

3.16 Good design of developments can help to mitigate noise and promote sustainable development. Good design can also ensure that places of worship respect the local context and character of an area and contribute to a high quality environment.

3.17 The information to be submitted in support of a planning application for a place of worship or faith related community use is set out in Appendix 2.

Policy Links

Birmingham Development Plan

- PG3 Place making
- TP21 The network and hierarchy of centres

Existing policy/guidance to be replaced

Saved Unitary Development Plan 2005 – Paragraphs 8.31 -8.35 and Places for Worship and Faith related Community and Educational Facilities SPD (2011).

Alternatives considered

3.18 Option 1: Retain the wording of existing policy in paragraphs 8.31 -8.35 of the Saved Unitary Development Plan 2005 and Places for Worship and Faith related Community and Educational Facilities SPD (2011).

Reasons for rejection: This policy needs to be updated to reflect Policy TP21 of the BDP which states that the preferred location for community facilities (e.g. health centres, education and social services and religious buildings) is within the network of defined centres.

3.19 Option 2: To have no policy on places of worship and faith related community uses.

Reasons for rejection: Birmingham has a diverse mix of faiths and cultures. A policy is required to ensure that development for places of worship and faith related community uses takes place in the appropriate locations and their impacts on the local area are managed.

8. Consultation Questions:

- Do you agree with this policy?
- Are there any other matters that should be considered?



Place of worship

DM9 Day nurseries and childcare provision

Introduction

3.20 The Council recognises the value and importance of provision of suitable day care facilities for preschool children. Demand for a range of such facilities, operated either from dwellings or other premises, is likely to increase over the plan period. To ensure that basic standards are maintained, the Council will seek to ensure that all facilities are appropriately located, in particular to protect the amenity of the neighbouring properties and the wider area.

Why we have taken this approach and how the policy will be applied

3.21 Increasing living costs, coupled with a need for both parents to work have resulted in increasing demand for pre-school nurseries. Although some schools have sought to provide nursery places, private companies provide the majority of pre-school nursery places. This is often provided through the conversion of existing buildings and sometimes through the development of purpose built facilities.

3.22 Early years facilities bring benefits to the community by reducing barriers to work for parents and carers and can provide an environment conducive to the development of the children who attend. Investment in the expansion and improvement of educational facilities is supported, in accordance with the BDP (Policy TP36 Education). However, such facilities must be provided in appropriate locations and suitable premises, to ensure high standards of provision and prevent harm to the amenity of neighbours. The network of centres as defined Policy TP21 of the Birmingham Development Plan is considered the most appropriate location.

3.23 There is normally a need for parents to drop off their children in the morning and pick them up in the afternoon or evening. It is therefore important that sufficient safe parking is provided in a location that will not endanger other road users or pedestrians. Where nurseries are proposed in residential areas it is important to ensure that they would not give rise to unacceptable adverse impacts on local amenity. In these cases it may be necessary to ensure that there is sufficient distance between

buildings and whether planning conditions can be used to control factors such as the hours of use or limit the number of children playing outside at any one time.

3.24 The Council will expect all planning applications for day nurseries and child care facilities in residential buildings and other non-residential buildings to outline: the numbers of staff and other visitors expected to attend the facility; the days of the week and the hours when the facility will operate; the nature of the activity; car parking and transport patterns, including servicing of the use; disabled access; and steps taken to minimise the noise impact of such uses.

Policy Links

Birmingham Development Plan

- PG3 Place making
- TP27 Sustainable neighbourhoods
- TP36 Education

Existing policy/guidance to be replaced/updated

Saved 2005 UDP paragraphs 8.14 – 8.16 Day nurseries

Alternatives considered

3.25 Option 1: Retain existing UDP policy.

Reasons for rejection: The policy requires updating as it refers to out of date policies. The existing policy does not reflect the Policy TP21 in the BDP which states that the preferred location for community facilities (e.g. health centres, education and social services and religious buildings) is within the network of defined centres.

3.26 Option 2: No policy on day nurseries and child care provision.

Reasons for rejection: Without a policy on the development of day nurseries and childcare provision, development may result in adverse impacts on the vitality of local centres, residential amenity and character of an area.

Policy DM9 – Day nurseries and childcare provision

1. The Council's preferred locations for the development of day nurseries and facilities for the care, recreation and education of children are in the network of centres as defined in Policy TP21 of the Birmingham Development Plan. Locations outside of the network of centres will only be considered acceptable where it is demonstrated that a suitable site* cannot be found within an identified centre.
2. The development of day nurseries and facilities for the care, recreation and education of children will need to provide for sufficient outdoor play space to meet the needs of the children.

* means suitable, available and viable for the development proposed.

Implementation

Local/ National Funding	Partnerships	CPO	CIL/ Section 106	Planning Management	Other Local Plan/ SPD/Regeneration Framework
				✓	

9. Consultation Questions:
- a. Do you agree that there should be a policy on day nurseries and child care provision
 - b. Do you agree with the contents of the policy?
 - c. Are there any other matters that should be considered?

4.Homes and Neighbourhoods

4.1 The provision of the right amount and right type of housing in the right location is essential to supporting the City's growing population and creation of sustainable neighbourhoods. The BDP sets out the overall approach to developing new homes and promoting sustainable communities in the City. The policies in the section offers an approach to addressing the impacts and issues of certain forms of housing and supporting use to ensure the delivery of high quality housing and other uses which provides a good quality of life for their occupants and surrounding occupants.

DM10 Houses in multiple occupation (HMO) and other non-family housing

Introduction

4.2 With the City's growing population, there is a need to ensure that new development supports successful communities in the City by ensuring the right mix of housing types in an area, securing

appropriate design and supporting well managed properties.

Residential conversions provide an important contribution to people's housing choice. The policy aims to ensure that such development also preserves the residential amenity and character of an area and that harmful concentrations do not arise.

Policy DM10 - Houses in multiple occupation (HMO) and other non-family housing

- Applications for Houses in Multiple Occupation (HMO), including small HMOs (C4 Use Class) within Article 4 Direction areas will only be permitted where the development:
 - would not result in this type of accommodation forming over 10% of the number of residential properties¹ within a 100 metre radius of the application site²; and
 - would not result in a family dwellinghouse (C3 Use) being sandwiched between two non-family residential uses³; and
 - would not lead to a continuous frontage of three or more non-family residential uses³; and
 - complies with relevant standards for HMOs and Policy DM11 standards for residential development.
- When the threshold has already been breached, planning permission will only be granted in exceptional circumstances⁴.
- Proposals for HMOs, the extension of existing HMOs, the change of use from C4 HMO to Sui Generis HMO, the subdivision or conversion of properties into self-contained dwellings and residential hostels and secured accommodation should create good living environments, support mixed and balanced communities and relate well to the uses within the area they are located without giving rise to adverse cumulative impacts on amenity, character, appearance, highway safety and parking.
 - Paragraph 4.17 sets out the residential properties identified for the purposes of calculating the percentage concentration of HMOs and the data sources for the purposes of identifying HMOs.
 - Measured from the centre point of the property
 - A licenced HMO, Sui Generis HMO, C4 HMO within an Article 4 Direction Area, student accommodation, residential accommodation within C1 and C2 Use and self-contained flats.
 - Exceptional circumstances are set out in paragraph 4.18

Why we have taken this approach and how the policy will be applied

4.3 The BDP recognises that different types of residential accommodation are important to meeting the wide ranging housing needs of people in the City. All developments should achieve a high quality design contributing to a strong sense of place (BDP Policy PG3), and new homes should contribute towards achieving mixed and balanced communities (BDP policy TP30). In areas of the City where there are shortages of larger family houses, their conversion to other uses will only be supported where there are good planning reasons or social need for the proposed use (BDP Policy TP35).

4.4 House in Multiple Occupation, commonly known as a HMO, is defined as a property rented to at least three people who are not from one 'household' (e.g. a family) but share facilities such as a bathroom and kitchen. Examples include bedsits, shared houses, lodgings, accommodation for workers/ employees and refugees. Planning use classes distinguish between 'small' HMOs of up to six people (C4 use class), and 'large' HMOs of

Implementation

Local/ National Funding	Partnerships	CPO	CIL/ Section 106	Planning Management	Other Local Plan/ SPD/Regeneration Framework
				✓	

seven or more occupants which are Sui Generis.

4.5 The conversion and reuse of existing buildings for housing can help to meet the changing housing needs of the city. There has been significant trend for this form of housing in the private rented market in Birmingham in recent years. This trend has emerged in part due to the accommodation needs of the city's substantial student population, but also to cater for transient populations and to address a general need for low

cost accommodation for young professionals unable to afford home ownership.

4.6 There are concerns for areas with high concentration of HMOs as set out in the city's Community Cohesion Strategy. It is important that such proposals take account of effects on the surrounding area. Over-concentrations of certain types of accommodation can have a number of negative impacts on the local communities, including effects to the residential character, appearance, and amenity of an area

as a result of excessive noise and disturbance to residents and levels of parking. The National HMO lobby and National Organisation of Residents Associations consider a 10% concentration of HMOs, equating to a 20-30% population as the tipping point to an unbalanced community.

4.7 The cumulative effect of incremental intensification in an area caused by numerous changes of use from small HMO to large HMOs or the extension of existing HMOs can be also significant. For



New housing

these reasons applications for such changes will be assessed using criteria three of the policy.

4.8 In 2010 a new C4 use class for Houses in Multiple Occupation was created and a Permitted Development Right introduced for conversion of a dwelling house to C4 Use (small HMO of 3-6 non related persons sharing). Planning consent is therefore not required for conversion of a dwellinghouse to a C4 Use (small HMO).

4.9 The Council had concerns about the over-concentration of HMOs in certain parts of the city and felt that these areas had the exceptional circumstances necessary to warrant an Article 4 Direction. Article 4 Directions allow the City Council to require planning permission for small HMOs. There is currently an Article 4 Direction for HMOs in parts of Selly Oak, Harborne and Edgbaston wards where there is a high transient student population. Article 4 Directions do not mean that planning consent would not be granted; it means that an application has to be submitted so that the Council can examine the proposal in detail.

4.10 A planning policy for the Article 4 Direction Area of Selly Oak, Harborne and Edgbaston was adopted in November 2014. In summary, the policy states that conversions of C3 family housing to HMOs will not be permitted if it would result in 10% or more of houses within a 100 metre radius of the application not being in use as a single family dwelling. The 100 metre radius applied from the centre point of the development site. This policy will be replaced by Policy DM10 of this document.

4.11 The policy for the Selly Oak Article 4 has been effective in preventing new HMO development from exacerbating existing concentrations within a 100 metre radius of application sites, whilst allowing further conversions in areas of lower proliferation.

4.12 However, additional HMOs can also impact on residential amenity where they lead to concentrations in the immediate vicinity of an application site ('sandwiching' and continuous frontage). Policy DM10 therefore includes additional criteria to address these issues both within Article 4 Direction Areas and across the city.

4.13 Other non-family housing such as residential homes and hostels and self-contained flats can have similar impacts to HMOs on housing density, residential character, amenity, highway safety and parking. The presence of such uses will therefore be taken into account in assessing proposals against the policy criteria. The Council will encourage conversion of HMOs and other suitable non family residential accommodation back to family housing.

4.14 In order to fulfill the requirements of the policy adequate living conditions must be provided for occupants of HMOs in accordance with the Council's licensing standards for HMOs which seek to secure minimum standards of accommodation such as minimum room sizes, fire safety standards and access to basic facilities such as a kitchen, bathroom and toilet. The City Council, local residents, universities, private landlords and other partners will continue to work together to support the best management, maintenance and provision of residential accommodation, and to ensure that a good standard of amenity is maintained.

4.15 In the right location, good design of development and its future operation can help to limit any negative impacts. This includes ensuring the proposal can be delivered in line with best practice and Government guidance, and setting residential institution developments within their own grounds.

Approach to determining a planning application

4.16 The Council will calculate the number of HMOs in the relevant area for each individual planning application based on the following method.

Stage 1

Identifying residential properties
The residential properties identified are those located within 100m of the application site (measured from the centre point of the property). Appendix 4 includes a list of properties from Schedule 14 of the Housing Act which will not be identified as residential properties, for example student halls of residences care homes and children's homes. All subdivided properties including flatted blocks within the same curtilage are counted as one property.

Stage 2

Count HMOs

It is accepted that although the HMO sources listed in para 4.17 provide the most robust approach to identifying the numbers and locations of HMOs in an area, it will not identify all HMOs.

Stage 3

Calculate concentration

The concentration of HMOs surrounding the application site is calculated as a percentage of the total estimated number of existing HMO units against the total number of residential properties. The final figure calculated is rounded up above 0.5 and down below 0.5

4.17 For the purposes of the threshold, HMOs are identified from the following sources:

- Properties licensed as a HMO
- Properties with C4 or Sui Generis HMO planning consent or issued with a Certificate of Lawful Development
- Council tax records – students in full time education can apply for exemption from council tax (for the purposes of the City Centre, defined by the A4040 Ring Road, Council tax records will not be used for the

identification of a HMO due to the nature of the residential accommodation in the City Centre).

Exceptional circumstances

4.18 The concentration of HMOs in an area may be at such a point where the introduction of any new HMO would not change the character of the area. This is because the vast majority of properties are already in HMO use. The retention of the property as a family dwelling would therefore have little effect on the balance and mix of households in a community. Proposals should relate well to the uses within the area they are located. In accordance with the policy, the impact arising from proposals on highway safety and amenity will be taken into account

Policy Links

Birmingham Development Plan

- PG3 Place making
- TP27 Sustainable neighbourhoods
- TP28 The location of new housing
- TP30 The type, size and density of new housing
- TP31 Affordable housing
- TP32 Housing regeneration
- TP35 The existing housing stock

Existing policy/guidance to be replaced/updated

Saved 2005 UDP
paragraphs 8.23 -8.25 Houses in Multiple Paying Occupation and paragraphs 8.28 – 8.30 Hostels and Residential Homes.

Alternatives considered

4.19 Option 1: Retain existing UDP policy

Reasons for rejection: This policy requires updating as it refers to out of date UDP policies, but the main thrust of the policy remains unchanged in DM10.

4.20 Option 2: To have no policy on HMOs

Reasons for rejection: Without a HMO policy, development could result in concentrations of HMOs

which can lead to a number of negative impacts on local communities, for example more frequent noise nuisance, depopulation of neighbourhoods during academic vacations, and increased pressure on parking due to higher population densities.

4.21 Option 3: To have a less prescriptive policy

Reasons for rejection: Defining cumulative impact by using a threshold against which applications will be assessed will aid in transparency and consistency in decision-making.

10. Consultation Questions:

- Do you agree that there should be a policy on HMOs and other residential accommodation?
- Do you agree with the contents of the policy?
- Are there any other matters that should be considered?



Housing

DM11 Standards for residential development

Introduction

4.20 Birmingham residents should be able to enjoy good levels of amenity and have accommodation that meets every day needs for indoor and outdoor space, privacy, daylight and outlook. This policy sets how to achieve high quality residential environments and internal and outdoor space to protect the health and well-being of residents of existing and new dwellings.

Why we have taken this approach and how the policy will be applied

4.21 In delivering Policy PG3 Place Making of the BDP, amenity is an important consideration as it

contributes to people's physical and mental health & well-being. Homes must meet occupiers' needs in terms of the size and layout of internal and external spaces. They should also ensure that residents' use and enjoyment of these spaces will not be adversely affected by lack of daylight and sunlight, poor outlook, excessive noise, undue overlooking from nearby places or poor air quality.

4.22 The Government's Technical Housing Standards - Nationally Described Space Standards (March 2015 as updated) applies to new residential development in Birmingham. This will ensure that all homes are highly functional, meeting occupiers' typical day to day needs at a given level of occupation. It is based on being able to accommodate a basic set of furniture, fittings, storage, activity

and circulation space appropriate to the design and occupancy level of the dwelling. When Government amends these standards, the City Council will prepare technical notes to demonstrate how the update is applied within Birmingham.

4.23 Where space standards are to be met, applicants must submit appropriate supporting documentation alongside the planning application to ensure that compliance with the standards can be verified, including completion of an internal space compliance statement.

4.24 All new development, including extensions of properties within residential areas, has the potential to affect adjoining dwellings. Daylight and outlook are important to create pleasant spaces and support everyday activities. The size and layout of windows in new residential development should be maximised and the layout and design of development must consider levels of sunlight reaching residential properties and take opportunities to benefit from passive solar gain whilst preventing overheating of indoor spaces.

4.25 The '45 Degree Code' is a well-established approach in Birmingham to protect daylight levels and outlook for occupiers, particularly for existing houses. In applying the code the main considerations include:

- If the extension/building is single storey, the line is drawn from the midpoint of the nearest habitable room ground floor window of the adjoining premises.
- If the extension/building is two storey or taller, the measurement is taken from the quarter point of the nearest habitable room ground floor window.
- If the neighbouring property has already been extended, the measurement is normally taken from the nearest habitable room window of that extension.
- If the neighbouring property has an extension which is made mainly of glass, the policy is

Policy DM11- Standards for residential development

1. All residential development (including extensions) is required to meet the minimum Nationally Described Space Standards (Appendix 1). Exceptions will only be considered in order to deliver innovative high quality design, deal with exceptional site issues or specialised user requirements, where it can be demonstrated that residents' quality of life will not be compromised.
2. All residential development, should as a minimum, be accessible and adaptable in accordance with Building Regulation Part M4 (2).
3. Separation distances between buildings and surrounding uses should protect residents' privacy and outlook, ensure appropriate levels of daylight to internal and external living spaces and prevent undue enclosure, overshadowing, noise and disturbance.,
4. All new residential development must provide useable outdoor amenity space appropriate to the scale, function and character of the development.
5. Development will need to ensure adequate outlook and daylight to dwellings, in line with the approach of the '45 degree Code'. This includes potential impacts on existing houses, where development should not cross the line from an angle of 45 degrees from the nearest window providing the main source of natural light to a 'habitable room' of dwellings that could be affected.

Implementation

Local/ National Funding	Partnerships	CPO	CIL/ Section 106	Planning Management	Other Local Plan/ SPD/Regeneration Framework
				✓	✓

applied to the original window opening in the wall where the extension has been added.

Detailed guidance on household extensions will be in the Birmingham Design Guide.

4.26 Amenity will also be considered in terms of adequate separation from surrounding uses (existing and proposed) to ensure that satisfactory living standards can be achieved through suitable and careful design.

4.27 The amount and type of outdoor space should relate to the potential occupancy of the dwelling and should be useable, with consideration from a number of factors, including shape, orientation, landform and shading. Outdoor amenity spaces should receive sunlight for at least part of the day, with garden sizes increased where necessary to take account of overshadowing.

4.28 Further guidance on the design of residential development is contained in existing guidance which is being updated and consolidated in the emerging Birmingham Design Guide SPD.

Policy Links

Birmingham Development Plan

- PG3 Place making
- TP27 Sustainable neighbourhoods
- TP29 The housing trajectory
- TP30 The type, size and density of new housing
- TP31 Affordable housing
- TP32 Housing regeneration
- TP33 Student accommodation
- TP34 Provision for gypsies, travellers and travelling showpeople
- TP35 The existing housing stock

Existing policy/guidance to be replaced/updated

Saved Unitary Development Plan 2005 –Paragraphs 8.39 - 8.44 45 Degree Code for House Extensions.Places for Living SPD, Places for All SPD, Residential Extensions SPD. These guidance

documents will be updated through the Birmingham Design Guide.

Alternatives considered

4.29 Option 1: Retain the wording of existing policy in paragraph 8.39-8.44 of the Saved Unitary Development Plan regarding house extensions. There is no existing policy on housing technical standards for internal space, outdoor amenity space or accessible and adaptable housing.

Reasons for rejection: The policy requires updating in regard to the Birmingham Development Plan and to achieve good standards of amenity for the occupiers of new residential buildings and protect the amenity of nearby occupiers and residents. The general thrust of the existing policy regarding residential extensions is taken forward into the new policy.

4.30 Option 2: To have no minimum space standards or policy on separation distances, outdoor amenity space and accessible and adaptable housing.

Reasons for rejection: Having no such policy would risk developments not achieving a reasonable level of amenity therefore impacting on quality of life. Minimum space standards will help to ensure that there is sufficient space, privacy and storage facilities to ensure the long term sustainability and usability of homes. DM11 is consistent with the NPPF requires local planning authorities to seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

11. Consultation Questions:

- Do you agree with the contents of the policy?
- Are there any other matters that should be considered?



New housing

DM12 Self and custom build housing

Introduction

4.31 Self and custom build housing can be an additional source of supply to conventional housing and further housing choice. The Council will seek to support individuals or groups of individuals that wish to build their own homes as a more affordable means by which to access home ownership.

Why we have taken this approach and how the policy will be applied

4.32 Self-build and custom build housing can be defined as homes built or commissioned by individuals or groups of individuals for their own use. There is a strong push at a national level to increase self-build activity and a number of requirements have been placed on local councils:

- The National Planning Policy Framework requires local planning authorities to clearly understand need, and plan for a mix of housing, including for people wishing to build their own homes.

- The Self-Build and Custom Housebuilding Act 2015 places a duty on local authorities to keep a register of those seeking to acquire a plot for self-building and to have regard to the register in carrying out their planning, housing, land disposal and regeneration functions.
- The Housing and Planning Act introduced a duty on local authorities to "give suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area arising in each base period". The Act defines 'demand' as evidenced by the number of entries added to the register during the relevant period

4.33 Councils clearly need to adopt a proactive and positive approach to encouraging and supporting self-build. The Council has been operating its self-build register since November 2014. The number of entries on the register at present is relatively low but increasing. The number of new homes granted exemptions from the Community

Infrastructure Levy due to their self/custom build status also indicates that there is considerable self-build activity in the district.

4.34 The Council will encourage and facilitate self-build and custom build housing, including promotion of the self-build register, further engagement with local self-build groups and consideration of Council owned land opportunities. The Council welcomes engagement with local residents or community groups wishing to build their own home, and pre-application planning discussion is recommended.

4.35 The Council's Housing Development Team is also working to make permissioned plots available to support this type of house building. This development management policy will therefore form just one part of a wider package of measures intended to promote and facilitate self-build and custom build housing development in the district.

4.36 While the Council is generally supportive of proposals for self or custom build units, it is important that applications for self or custom build do not compromise the strategy of the BDP. Therefore applications for this type of housing will be judged against the same relevant policies in the Plan

DM12 - Self and custom build housing

1. The Council will actively support the development of self and custom-build homes in suitable locations where they support the delivery of the Birmingham Development Plan and do not conflict with other policies in the Local Plan.
2. The Council will encourage developers to consider incorporating an element of self-build plots into development schemes as part of the housing mix. The Council's self-build register will be used as a source of evidence of the demand for self-build and custom build housing locally, and the level of demand will be a material consideration in determining proposals.
3. Affordable self-build plots will be considered and encouraged as a suitable product within the affordable housing requirement on larger sites.

Implementation

Local/ National Funding	Partnerships	CPO	CIL/ Section 106	Planning Management	Other Local Plan/ SPD/Regeneration Framework
✓				✓	

Policy Links

Birmingham Development Plan

- PG3 Place making
- TP27 Sustainable neighbourhoods
- TP30 The type, size and density of new housing

Existing policy/guidance to be replaced/updated

None

Alternatives considered

4.37 To have no policy on self and custom build housing.

Reasons for rejection: The Council wish to take a proactive approach to supporting individuals or

groups of individuals that wish to build their own homes as a more affordable means by which to access home ownership. It is also a duty upon local authorities to have regard to the Self and Custom Build Register in carrying out their planning, housing, land disposal and regeneration functions.

12. Consultation Questions:

- a. Do you agree that there should be a policy for self and custom building?
- b. Do you agree with the contents of the policy?
- c. Are there any other matters that should be considered?



New housing

5.Connectivity

5.1 Connectivity is key to the successful future growth of Birmingham and the wellbeing of its residents. The core principles in regard to how we use our streets, create places and link people and businesses to opportunities are covered by the BDP. The development management policies in this section set out the detailed transport and traffic considerations relevant to individual development proposals. It also sets out the policy on telecommunications.

DM13 Highway safety and access

Introduction

5.2 Transport from individual developments can have an impact on the efficiency, safety and sustainability of the City's transport system. This policy will be used to determine whether or not a proposed development has an impact on the existing highway network and, therefore, whether the proposal should be considered appropriate in transport terms. It also provides guidelines on the provision of adequate access and servicing for development.

Why we have taken this approach and how the policy will be applied

5.3 New developments make an important contribution towards an efficient, comprehensive and sustainable transport system in Birmingham. At the same time this network is an enabler for economic growth across the City ensuring that businesses can operate successfully and people have a choice of sustainable transport modes for their journeys.

5.4 Highway Safety is fundamental to the design of the highway network and no development should have a negative impact on highway safety. The Road Safety Strategy for Birmingham adopts a 'Safe System' approach which acknowledges the risk of human error and places significant responsibility on design of the transport network to ensure that collisions do not result in serious injury. Effective traffic management is essential to the safe and free

Policy DM13 - Highway safety and access

1. Development must ensure that the safety of highway users is properly taken into consideration and that any new development would not have an adverse impact on highway safety.
2. Development must ensure that safe, convenient and appropriate access arrangements are in place for all users, including the needs of people with disabilities and reduced mobility within the development and onto the highway network, both during the construction and operation stages of the development. Priority shall be given to the needs of sustainable transport modes.
3. Developments should provide for the efficient delivery of goods and access by service and emergency service vehicles. Where it is demonstrated that this is not feasible, an appropriate alternative solution must be agreed with the City Council and secured.
4. Development proposals that will generate significant amounts of traffic should be accompanied by a Transport Assessment and should be located where the need to travel will be minimised, and is in a location that is readily accessible by sustainable transport modes. Development proposals that generate significant amounts of traffic will be required to provide, implement and monitor a Travel Plan that sets out the means by which the developer will encourage users to adopt more sustainable modes of travel.
5. Vehicle access points (including private driveways) will be supported where it would not result in:
 - a reduction in pedestrian or highway safety;
 - detrimental impact on public transport, cycling and walking routes;
 - adverse impact on the quality of the street scene and local character of the area;
 - the loss of important landscape features, including street trees and significant areas of green verge; and
 - the prevention or restriction of the implementation of necessary or future transport improvements.
6. On Birmingham's strategic highway network, and other principle and main distributor routes, development must seek opportunities to remove unnecessary access points. New direct vehicular accesses will be supported where there are no practical alternatives (including consideration of impacts on public transport, walking and cycling routes and road safety). Any new access point must allow for access and egress in a forward gear and for safe crossing of the access point on foot or by bike.

Implementation

Local/ National Funding	Partnerships	CPO	CIL/ Section 106	Planning Management	Other Local Plan/ SPD/Regeneration Framework
	✓		✓	✓	

flow of movement on the highway network. It can improve accessibility and potentially reduce congestion by understanding flows of traffic at peak and non-peak periods. Where it is necessary for the developer to undertake improvements to the highway network to facilitate the safe and smooth movement of traffic, or incorporate pedestrian, cycle or public transport improvements, these works will be secured through the use of appropriate planning conditions and legal agreements.

5.5 Development proposals that will generate significant amounts of traffic should be accompanied by a Transport Assessment or Statement and will be required to provide a Travel Plan. Applications for development with significant transport implications should demonstrate the measures they are taking to minimise the impact of the development on highway users. The Council's thresholds for Transport Assessments/ Statements and Travel Plans are set out in the Council's Local Information Requirements. Further guidance on the preparation of TAs and TSs can be found in national policies and guidance.

5.6 Detailed guidance on Travel Plans is provided on Birmingham Connected Business Travel Network with requirements for uploading and maintaining travel plans through STARSfor. Schools refer to information on Modeshift STARS. Where Travel Plans are to be submitted alongside a planning application, they should be worked up in consultation with the local authority using the STARS for online system. They should



A34 at Perry Barr

have measurable outputs, which might relate to targets in the local transport plan, and should set out the arrangements for monitoring the progress of the plan, as well as the arrangements for enforcement, in the event that agreed objectives are not met. This is likely to be addressed through a legal agreement between the relevant parties and the Council under a Section 106 Agreement.

5.7 Travel Plans must include clear, viable proposals for monitoring of travel patterns post occupation. Where a Travel Plan is required to mitigate significant impacts on the highway, the agreed measures and targets of the Travel Plan may be secured with a sanction to ensure that any failure to deliver agreed measures and/or outcomes can be remedied. The sanction would be used, if required, to address the travel impact of the scheme to the benefit of all parties.

5.8 Where construction is likely to have an impact on the highway, a construction traffic management plan will be required to ensure safe operation of the highway. This should include consideration of communications in relation to travel impact, in liaison with the Transportation Behaviour Change Team. It is the developer's responsibility to ensure the impact, if any, on the highway network is reduced and managed effectively as far as reasonably practicable and any necessary licenses are obtained.

5.9 With all development, the existing network and proposed access points to the site will need to be suitable for future traffic levels. The main parts of the highway network within Birmingham, including the strategic highway network and the West Midlands key route network, are more sensitive to traffic impacts from development. Any new or amended access arrangements need to be carefully considered to ensure the efficient, effective and safe operation of the highway infrastructure across the City.

Policy Links

Birmingham Development Plan

- PG3 Place making
- TP38 A sustainable transport network
- TP39 Walking
- TP40 Cycling
- TP41 Public transport
- TP42 Freight
- TP43 Low emission vehicles
- TP44 Traffic and congestion management
- TP45 Accessibility standards for new development

Existing policy/guidance to be replaced/updated

There is no specific policy in the Saved 2005 UDP which addresses highway safety and access but references are made throughout the UDP policies.

Alternatives considered

5.10 No alternative to this policy has been identified. The NPPF requires development to provide for safe and suitable access to the site for all users. It states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

13. Consultation Question:

- a. Are there any other matters that should be considered?



Low emission vehicles



DM14 Parking and servicing

Introduction

5.11 This policy seeks to promote sustainable transport. The Council recognises that a flexible and balanced approach needs to be adopted to prevent excessive car parking provision while at the same time ensuring that low on-site provision sometimes increases pressure on existing streets

Why we have taken this approach and how the policy will be applied

5.12 It is estimated that the growth in the city's population will result in 1.2million additional daily trips across the network by 2031 (by all transport modes). It is not possible or indeed desirable to accommodate all these by private car due to existing constraints on our highway capacity and

because of the significant detrimental impact of traffic on our environment.

5.13 In order to ensure that development is sustainable, local parking policies, alongside other planning and transport measures, should act to promote sustainable transport choices and reduce reliance on the private car for work and other journeys. Careful and appropriate management of parking is a key element of Birmingham's transport strategy.

5.14 The Council is currently updating its parking policy and standards and will publish a new Parking SPD for consultation. The approach to the provision of parking aims to promote sustainable transport, reduce congestion, improve road safety and reduce pollution. The Parking SPD will set out how the city will

manage on-street (public highway) and off-street parking provision across the city.

5.15 The Council will support and promote the provision of charging points for ultra-low emission vehicles and car clubs. The availability of car club vehicles has been shown to reduce the level of car ownership and usage. The Council considers this would contribute to sustainable development in the City. Car club bays should ideally be placed on-site if they would be accessible to the public as well as for the occupants of the site, or on the public highway close to the development.

5.16 Garages will only be accepted as contributing towards parking provision for development if they have adequate functional space. This will help ensure that parking of cars contributes to parking needs and residential amenity by creating a more secure environment, and reducing the potential for unsocial parking and visual impacts.

5.17 It is essential that a design led approach is adopted to ensure parking functions satisfactorily for all users including disabled drivers, pedestrians, cyclists and service vehicles and does not impact negatively on the surrounding streetscape. Well planned and designed parking can have a determining influence on the streetscape, can influence development density and is important to the success of all developments.

5.18 New hotel developments in locations where bike hire schemes are established will be encouraged to provide publically accessible bike hire facilities on site in liaison with the city bike hire provider.

Policy DM14 - Parking and servicing

1. Parking and servicing should contribute to the delivery of an efficient, comprehensive and sustainable transport system. Development should promote sustainable travel, reduce congestion, and make efficient use of land.
2. A Parking Supplementary Planning Document will be prepared which will set out the city's parking strategy and revised parking standards. The Council will seek to apply levels of parking commensurate with the accessibility of locations. This will mean zero car parking for new development in the City Centre and reduced parking standards in areas with good public transport connectivity.
3. New development should ensure that the operational and parking needs of development are met, including parking for people with disabilities, cycle parking and infrastructure to support the use of low emission vehicles and car clubs.
4. Proposals for parking and servicing shall avoid highway safety problems and protect the local amenity and character of the area. Parking should be designed to be secure and fully accessible to all users and adhere to the principles of the Birmingham Design Guide.
5. Proposals for standalone parking facilities must demonstrate that there is a deficit in local publicly available off-street parking, or that it will help to relieve on-street parking problems.

Implementation

Local/ National Funding	Partnerships	CPO	CIL/ Section 106	Planning Management	Other Local Plan/ SPD/Regeneration Framework
	✓		✓	✓	

Policy Links

Birmingham Development Plan

- PG3 Place making
- TP38 A sustainable transport network
- TP39 Walking
- TP40 Cycling
- TP41 Public transport
- TP42 Freight
- TP43 Low emission vehicles
- TP44 Traffic and congestion management
- TP45 Accessibility standards for new development

Existing policy/guidance to be replaced

Saved Unitary Development Plan
2005 - DC10 Car Parking Guidelines

Alternatives considered

5.19 To have no policy on parking.

Reasons for rejection: National policy makes clear that parking standards should be determined at the local level in response to local circumstances. The proposed policy supports the implementation of the BDP in developing a sustainable, high quality, integrated transport system. It is considered essential that appropriate parking is provided to contribute to traffic reduction and ensure safety, inclusive development and manage any impact on amenity.

14. Consultation Questions:

- Do you agree with having a parking policy?
- Are there any other matters that should be considered?



Longbridge Tecnology Park

DM15 Telecommunications

Introduction

5.20 The Council recognises the importance of advanced high quality communications infrastructure to serve local business and communities and their crucial role in the national and local economy. This includes the development of high speed broadband technology and other communication networks for which there is a growing demand. The objective of this policy is to ensure the right balance is struck between providing essential telecommunications infrastructure and protecting the environment and local amenity

Why we have taken this approach and how the policy will be applied

5.21 Whilst there are significant economic and social benefits associated with the development of telecommunications infrastructure, the development of masts, antennae and other associated infrastructure can give rise to significant levels of concern relating to visual intrusion and impact on the surrounding area in which it is located. Operators and Local Authorities work to the 'Code of best practice on mobile network development' in England, which has been produced in accordance with a working group including English Heritage, the Mobile Operators Association, National Parks England, and the Planning Officers Society.

5.22 Proposals for new telecommunications equipment require either planning permission or prior notification from the City Council, although some small installations are not required to seek this approval.

5.23 The necessary evidence to justify the proposed development should support applications for telecommunications development. This should include the outcome of consultations with organisations with an interest in the proposed development. When adding to an existing mast or base station, a statement that self-certifies the cumulative exposure will not exceed the International Commission on non-ionising radiation protection guidelines is needed, or evidence that the applicant has explored the possibility for erecting antennas on an existing building, mast or other structure and a statement certifying International Commission guidelines will be met.

5.24 Relating to the visual intrusion of masts, careful consideration into the design should be carried out to minimise the visual impact of the development. Such design solutions may relate to the form of structure, to colour and to materials, for example masts can be designed to look like trees or street furniture or can be designed into the fabric of a building.

5.25 When freestanding masts outside of the built up area are being developed, it is essential to ensure that they, as far as possible, blend in with the natural landscape. This includes the associated equipment such as underground cable, service routes and means of enclosure should be designed such that there is minimal loss or damage to trees and other natural vegetation. Additional planting of trees and vegetation is a means to screen such development. In accordance with the policy no unacceptable harm should arise to the natural environment as a result of such applications.

Policy DM15 - Telecommunications

1. The Council will promote the development of advanced, high quality communications infrastructure to support economic growth and more accessible, inclusive communities. This will be achieved by requiring new development proposals to:
 - a. Demonstrate opportunities have been explored for sharing of masts or sites. Such evidence should accompany any application made to the local planning authority;
 - b. Demonstrate that there are no suitable alternative sites for telecommunications development available in the locality including the erection of antennae on existing buildings or other suitable structures
 - c. Be sited and designed in order to minimise impact on the visual and residential amenity, character and appearance of the surrounding areas;
 - d. If on a building, apparatus and associated structures to be sited and designed in order to minimise impact to the external appearance of the building;
 - e. Not have unacceptable harm on areas of ecological interest, areas of landscape importance, or heritage assets and their setting; and
 - f. Conform to the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines, taking account where appropriate of the cumulative impact of all operators' equipment located on the mast /site.

Implementation

Local/ National Funding	Partnerships	CPO	CIL/ Section 106	Planning Management	Other Local Plan/ SPD/Regeneration Framework
				✓	

5.26 Further guidance is contained in paragraphs 42-46 of the NPPF, and the Telecommunications Development: Mobile Phone Infrastructure SPD.

Policy Links

Birmingham Development Plan

- PG3 Place making
- TP46 Digital communications

Existing policy/guidance to be replaced/updated

There is no existing policy

Alternatives considered

5.27 Option: To have no policy and rely on the NPPF.

Reasons for rejection: the policy supports the implementation of the Policy TP46 Digital Communications of the BDP. The Council supports well-designed and located high quality communications infrastructure and this policy is intended to facilitate provision in line with this aspiration.

15. Consultation Questions:

- a. Are there any other matters that should be considered?



Birmingham New Street Station

6.Implementation and Monitoring

6.1The DMB will be implemented through the development management process. Its policies along with other Birmingham Local Plan policies and the National Planning Policy Framework will be the primary means by which the council will make decisions on planning applications.

6.2 The Birmingham Authority Monitoring Report (AMR) will monitor the effectiveness of the policies of the Development Management policies. Updates of the AMR will normally be published annually. However, publication of the AMR will be dependent upon the resource available.

6.3 The Development Management policies support the delivery of the BDP. Each Development Management policy identifies which lead BDP policy it is delivering. The effectiveness of the Development Management policies will be monitored using indicators set out in Appendix 5 of this document, many of which link with BDP monitoring indicators.



7. Appendices

Appendix 1: Technical Housing Standards - Nationally Described Space Standard (March 2015 as updated)

Table 1 - Minimum Gross Internal floor Areas (GIA) and Storage

Number of bedrooms	Number of bedspaces (people)	1 storey dwelling (sq.m)	2 storey dwelling (sq.m)	3 storey dwelling (sq.m)	Built in storage* (sq.m)
Studio	1	39(37)**	-	-	1
1	2	50	58	-	1.5
2	3	61	70	-	2
	4	70	79	-	
3	4	74	84	90	2.5
	5	86	93	99	
	6	95	102	108	
4	5	90	97	103	3
	6	99	106	112	
	7	108	115	121	
	8	117	124	130	
5	6	103	110	116	3.5
	7	112	119	125	
	8	121	128	134	
6	7	116	123	129	4
	8	125	132	138	

* The built-in storage figures are included within the GIAs (i.e. are not additional)

** Where a studio has a shower room instead of a bathroom, the floor area may be reduced from 39m² to 37m², as shown bracketed.

The Standard requires that:

- a. the dwelling provides at least the GIA and built-in storage area set out in Table 1
- b. a dwelling with two or more bedspaces has at least one double (or twin) bedroom
- c. in order to provide one bedspace, a single bedroom has a floor area of at least 7.5 sq.m and is at least 2.15m wide
- d. in order to provide two bedspaces, a double (or twin) bedroom has a floor area of at least 11.5 sq.m
- e. one double (or twin) bedroom is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide
- f. any area with a headroom of less than 1.5m is not counted within the GIA unless used solely for storage (if the area under the stairs is to be used for storage, assume general floor area of 1sq.m within the GIA)
- g. any other area that is used solely for storage and has a headroom of 900-1500mm (such as under eaves) is counted at 50% of its floor area, and any area lower than 900mm is not counted at all
- h. a built-in wardrobe counts towards the GIA and bedroom floor area requirements, but should not reduce the effective width of the room below the minimum widths set out above. The built-in area in excess of 0.72 sq.m in a double bedroom and 0.36sq.m in a single bedroom counts towards the built-in storage requirement
- i. the minimum floor to ceiling height is 2.3m for at least 75% of the GIA

Compliance

All areas are to be denoted in square metres (sq.m) and all linear dimensions in metres (m). Developers are to provide a schedule of dwelling types indicating their overall GIA and in-built storage areas.

Developers will be able to achieve 'type approval' for standardised designs. (Note that internal floor plans will still normally need to be submitted in order to assess amenity impacts and to demonstrate compliance with design principles such as active frontages, natural surveillance and the 45 degree code). For dwellings without type approval, drawings will need to be submitted at a scale of no greater than 1:100 showing room dimensions and heights for plan checking purposes

The City Council will accept type approval of plans where this is confirmed by a building control body (which can be either a Local Authority Building Control Body, or a Government Approved Inspector) providing that the information used to assess compliance is also submitted, to enable checking by the City Council.

If the proposed development does not comply with the Standard, room floor plans with indicative furniture layouts will be required to demonstrate the functionality of internal spaces.

Appendices

Appendix 2: Information to be submitted with a planning application for changes of use to, or new Places of Worship or faith related educational facilities

1. If the proposed site is not within an identified centre (as defined by Policy TP21 of the BDP), has the suitability of sites located within town centres been considered? Sites should be assessed for their suitability, availability and viability with regard to the development proposed.
2. The hours of operation, specifying the times and days of the week when the premises will be used. Outline what time of day and/or night, and on which days of the week the use would operate.
3. Information on how much floor space, in square metres, would be required for each of the activities associated with the use (such as for worship, prayer, offices, storage, meetings rooms, kitchen, toilets, changing and cleansing areas, connected uses (education) etc.).
4. Details of the maximum capacity of the building.
5. Information on any special activities, festivals, ceremonies or additional services that would be provided, and how often they would occur, the number of additional people that would be attracted to the premises and at what time of the day/or night or night they would take place. A Management Plan for how additional volumes of people and traffic arising from such events are to be managed will be required.
6. Details of any music or amplified sound, either inside or outside the premises, or other potential sources of noise that may occur as a result of the use.
7. A Transport Statement or Impact Assessment as appropriate. Information to indicate where people would travel from to the premises and by what mode.
8. Details of the car and cycle parking and access arrangements, and whether drop-off facilities would be provided for larger vehicles or coaches. This should include the number of car parking spaces that would be provided, including provision for people with disabilities and any special parking management services such as power assisted doors, designated parking spaces, ramps and handrails etc.

Appendix 3: Policies in Stage 1 Regulation 18 Consultation not included in Preferred Options Document and justification

Proposed policy in October 2015 Consultation	How this has been dealt with in the Preferred Options Document
Hot food Takeaways	Impacts covered by DM2 Amenity, DM6 Noise and Vibration, DM13 Highway safety and access, DM14 Parking and Servicing
Sheesha Lounges	Impacts covered by DM2 Amenity, DM6 Noise and Vibration, Highway safety and access, DM14 Parking and Servicing
Restaurants/ Cafes/ Pubs	Impacts covered by DM2 Amenity, DM6 Noise and Vibration, Highway safety and access, DM14 Parking and Servicing
Private Hire and Taxi Booking Offices	Impacts covered by DM2 Amenity, DM6 Noise and Vibration, Highway safety and access, DM14 Parking and Servicing
Education Facilities – Use of Dwellings Houses	Covered by DM9 Places of worship and faith related community uses, DM10 Day nurseries and early years provision, BDP Policy TP36 Education
Education Facilities Non-Residential Properties	Covered by DM9 Places of worship and faith related community uses, DM10 Day nurseries and early years provision, BDP Policy TP36 Education
Hotels and Guest Houses	Impacts covered by DM2 Amenity, DM6 Noise and Vibration, DM13 Highway safety and access, and DM14 Parking and Servicing
Flat Conversions	Impacts covered by DM2 Amenity, DM6 Noise and Vibration, DM13 Highway safety and access, DM14 Parking and Servicing and BDP Policy TP35 The Existing Housing Stock
Hostels and Residential Homes	Impacts covered by DM2 Amenity, DM6 Noise and Vibration, DM13 Highway safety and access, DM14 Parking and Servicing and BDP Policy TP35 The Existing Housing Stock
Planning Obligations	Covered by BDP Policy TP47 Developer contributions
Design	Covered by BDP Policy PG Place-making
Aerodrome Safety	Covered by ODPM Circular1/2003

Appendices

Appendix 4: Monitoring Framework

Policy	Monitoring Indicator
Policy DM1 Air Quality	<ul style="list-style-type: none"> Exceedance of annual mean NO₂ levels above 40µg/m³ BDP Monitoring Indicator for Policy TP1
Policy DM2 Amenity	<ul style="list-style-type: none"> BDP Monitoring Indicator for Policy PG3 Number of applications refused on amenity grounds
Policy DM3 Land affected by Contamination and Hazardous substances	<ul style="list-style-type: none"> Number of applications where there are outstanding EA/HSE objections
Policy DM4 Landscaping and Trees	<ul style="list-style-type: none"> BDP Monitoring Indicator for Policy TP7
Policy DM5 Light Pollution	<ul style="list-style-type: none"> Number of applications refused on light pollutions grounds
Policy DM6 Noise and Vibration	<ul style="list-style-type: none"> Number and location of Environmental Health enforcement cases carried out against reported statutory noise nuisance
Policy DM7 Advertisements	<ul style="list-style-type: none"> No indicator identified
Policy DM8 Places of Worship	<ul style="list-style-type: none"> No indicator identified
Policy DM9 Day nurseries and childcare provision	<ul style="list-style-type: none"> No indicator identified
Policy DM10 House in multiple occupation	<ul style="list-style-type: none"> Concentrations of HMOs above the 10% threshold on an LSOA or Ward
Policy DM11 Standards for Residential Development	<ul style="list-style-type: none"> Number of applications refused on space standards not being met Number of applications refused on 45 Degree Code
Policy DM12 Self and custom building	<ul style="list-style-type: none"> Number and of individuals and groups listed on the self-build register each year. Number of new homes granted exemption from CIL due to self/custom build status. Numbers of plots made available for self and custom build each year
Policy DM13 Highway and safety access	<ul style="list-style-type: none"> BDP Monitoring Indicator for Policy TP39 and TP44
Policy DM14 Parking and servicing	<ul style="list-style-type: none"> Adoption of the Parking Supplementary Planning Document (SPD) Number of applications refused on car parking or servicing grounds
Policy DM15 Telecommunications	<ul style="list-style-type: none"> Approval of stand-alone single operator masts as a proportion of all new telecom approvals Number of appeals lost where officer recommendations are overturned



Birmingham City Council

Sustainability Appraisal of the Development Management Development Plan Document

Interim Sustainability Report - DRAFT





Report for

Uyen-Phan Han
Planning Policy Manager
Birmingham City Council
Planning and Development
1 Lancaster Circus
Queensway
Birmingham
B1 1TU

Main contributors

Robert Deanwood

Issued by

.....
Robert Deanwood

Approved by

.....
Pete Davis

Wood

Gables House
Kenilworth Road
Leamington Spa
Warwickshire CV32 6JX
United Kingdom
Tel +44 (0) 1926 439 000

Doc Ref. L40761

h:\projects\40761 sa of bdp dm dpd\1 client\reports\sa
report\sa of the development management dpd - december
2018_revised draft.docx

Draft report disclaimer

This report has been prepared in a working draft form and has not been finalised or formally reviewed. As such it should be taken as an indication only of the material and conclusions that will form the final report. Any calculations or findings presented here may be changed or altered and should not be taken to reflect Wood's opinions or conclusions.

Copyright and non-disclosure notice

The contents and layout of this report are subject to copyright owned by Wood (© Wood Environment & Infrastructure Solutions UK Limited 2018) save to the extent that copyright has been legally assigned by us to another party or is used by Wood under licence. To the extent that we own the copyright in this report, it may not be copied or used without our prior written agreement for any purpose other than the purpose indicated in this report. The methodology (if any) contained in this report is provided to you in confidence and must not be disclosed or copied to third parties without the prior written agreement of Wood. Disclosure of that information may constitute an actionable breach of confidence or may otherwise prejudice our commercial interests. Any third party who obtains access to this report by any means will, in any event, be subject to the Third Party Disclaimer set out below.

Third party disclaimer

Any disclosure of this report to a third party is subject to this disclaimer. The report was prepared by Wood at the instruction of, and for use by, our client named on the front of the report. It does not in any way constitute advice to any third party who is able to access it by any means. Wood excludes to the fullest extent lawfully permitted all liability whatsoever for any loss or damage howsoever arising from reliance on the contents of this report. We do not however exclude our liability (if any) for personal injury or death resulting from our negligence, for fraud or any other matter in relation to which we cannot legally exclude liability.

Management systems

This document has been produced by Wood Environment & Infrastructure Solutions UK Limited in full compliance with the management systems, which have been certified to ISO 9001, ISO 14001 and OHSAS 18001 by LRQA.

Document Revisions

No.	Details	Date
1	Draft report	December 2018
2	Final Report	TBC





Non-Technical summary

Introduction

This Non-Technical Summary (NTS) provides an overview of the Sustainability Appraisal (SA) Report produced as part of the SA of the Development Management DPD (DM DPD) that is currently being prepared by Birmingham City Council (the Council). The SA is being carried out on behalf of the Council by Wood¹ to help integrate sustainable development into the emerging DPD.

The following sections of this NTS:

- ▶ Provide an overview of the DM DPD;
- ▶ Describe the approach to undertaking the SA of the DM DPD;
- ▶ Summarise the findings of the SA of the DM DPD; and
- ▶ Set out the next steps in the SA of the DM DPD including how to respond to the consultation on this SA Report.

What is the Development Management DPD?

The Development Management DPD provides detailed policy guidance on a range of planning matters, covering environmental, social and economic topics, and will be a material consideration in the determination of planning applications. The DPD will be applicable to any location in the City, helping to deliver the BDP vision of Birmingham as *"an enterprising, innovative and green City that has delivered sustainable growth meeting the needs of its population"*, with an emphasis on supporting growth and creating high quality places. The objectives of the DPD mirror those of the BDP. The policies within the Development Management DPD reflect, and are in accordance with, the policies and guidance set out within the National Planning Policy Framework (NPPF) and the strategic spatial objectives and policies in the BDP. There are 15 proposed policies under the following themes:

- ▶ Environment and Sustainability
 - ▶ DM1 Air quality
 - ▶ DM2 Amenity
 - ▶ DM3 Land affected by contamination and hazardous substances
 - ▶ DM4 Landscaping and trees
 - ▶ DM5 Light pollution
 - ▶ DM6 Noise
- ▶ Economy and Network of Centres
 - ▶ DM7 Advertisements
 - ▶ DM8 Places of worship
 - ▶ DM9 Day nurseries and early years provision

¹ Formerly Amec Foster Wheeler, which was acquired in October 2017 by Wood Group.

- ▶ Homes and Neighbourhoods
 - ▶ DM10 Houses in multiple occupation and other residential accommodation
 - ▶ DM11 Residential development
 - ▶ DM12 Self and custom build housing
- ▶ Connectivity
 - ▶ DM13 Highway safety and access
 - ▶ DM14 Parking
 - ▶ DM15 Telecommunications.

What is Sustainability Appraisal?

National planning policy² states that local plans are key to delivering sustainable development. Sustainable development is that which seeks to secure net gains across economic, environmental and social objectives to meet the needs of the present without compromising the ability of future generations to meet their own needs.

The DM DPD should contribute to a sustainable future for the plan area. To support this objective, the Council is required to carry out a SA of the DPD³. SA is a means of ensuring that the likely social, economic and environmental effects of the DPD are identified, described and appraised and also incorporates a process set out under a European Directive⁴ and related UK regulations⁵ called Strategic Environmental Assessment (SEA). Where negative effects are identified, measures are proposed to avoid, minimise or mitigate such effects. Where any positive effects are identified, measures are considered that could enhance such effects. SA is therefore an integral part of the preparation of the DM DPD.

How has the Development Management DPD been appraised?

A range of SA Objectives were developed in light of the baseline data, key sustainability issues identified for the City and reference to the sustainability objectives developed for the SA/SEA of the Birmingham Development Plan. These have been used to appraise the effects of DM DPD and to consider whether the Plan objectives, policies and proposals are sustainable.

Table NTS 1 Sustainability Appraisal Objectives

SEA Directive Topic Area(s)	DM DPD Sustainability Appraisal Objectives
Material assets	1. ENV1 Encourage development that optimises the use of previously developed land and buildings
Material assets	2. ENV2 To promote the application of high standards of design, construction and maintenance of buildings
Material assets	3. ENV3 To encourage the use of sustainable methods of transport and reduce the need to travel

² See paragraph 16 of the National Planning Policy Framework (Ministry for Housing, Communities and Local Government, 2018).

³ The requirement for SA of local plans is set out under section 19(5) of the Planning and Compulsory Purchase Act 2004.

⁴ Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment.

⁵ Environmental Assessment of Plans and Programmes Regulations 2004 (statutory instrument 2004 No. 1633).

SEA Directive Topic Area(s)	DM DPD Sustainability Appraisal Objectives
Landscape & townscape, cultural heritage, biodiversity & geodiversity	4. ENV4 To encourage high quality development which protects and enhances Birmingham's cultural and natural heritage, including resilient ecological networks able to meet the demands of current and future pressures.
Climatic Factors	5. ENV5 To promote development which anticipates and responds to the challenges associated with climate change, particularly floodrisk management and reduction
Water resources, air quality, material assets	6. ENV6 To promote development which makes best use of water resources, reduces pollution and encourages sustainable waste management
Population and health	7. ECON1 To help improve the performance of the local and City-wide economy to provide opportunity for all
Population and health	8. ECON2 To help promote the vitality of local centres
Population and health	9. ECON3 To promote the regeneration of areas across the City through appropriate development
Population and health	10. ECON4 To encourage investment in learning and skills development
Population and health	11. SOC1 To help ensure equitable access to community services and facilities
Population and health	12. SOC2 To help provide decent and affordable housing for all, of the right quantity type, tenure and affordability to meet local needs
Population and health	13. SOC3 To encourage development which promotes health and well-being
Population and health	14. SOC4 To encourage development which helps to reduce crime, the fear of crime and antisocial behaviour
Population and health	15. SOC5 To enable communities to influence the decisions that affect their neighbourhoods and quality of life

The DPD Objectives have been assessed for their compatibility with the SA objectives above. The policies have been appraised using matrices to identify likely significant effects on the SA objectives. A qualitative scoring system has been adopted which is set out in **Table NTS 2**.

Table NTS 2 Scoring System Used in the Appraisal of the Draft DPD

Score	Description	Symbol
Significant Positive Effect	The proposed option/policy contributes significantly to the achievement of the objective.	++
Minor Positive Effect	The proposed option/policy contributes to the achievement of the objective but not significantly.	+
Neutral	The proposed option/policy does not have any effect on the achievement of the objective	0
Minor Negative Effect	The proposed option/policy detracts from the achievement of the objective but not significantly.	-
Significant Negative Effect	The proposed option/policy detracts significantly from the achievement of the objective.	--
No Relationship	There is no clear relationship between the proposed option/policy and the achievement of the objective or the relationship is negligible.	~
Uncertain	The proposed option/policy has an uncertain relationship to the objective or the relationship is dependent on the way in which the aspect is managed. In addition, insufficient information may be available to enable an appraisal to be made.	?

NB: where more than one symbol/colour is presented in a box it indicates that the appraisal has identified both positive and negative effects. Where a box is coloured but also contains a '?', this indicates uncertainty over whether the effect could be a minor or significant effect although a professional judgement is expressed in the colour used. A conclusion of uncertainty arises where there is insufficient evidence for expert judgement to conclude an effect.

What are the likely significant effects of the Development Management DPD?

The results of the SA of the DM policies indicate that there are likely to be largely positive or significantly positive effects resulting from implementation of the policies. This reflects the positive intent of the policies and the need to deal systematically and objectively with planning issues arising day-to-day across the City, as well as the experience accumulated through their ongoing implementation through the UDP. More generally, the Development Management policies represent the lowest tier in a hierarchy of planning policies, adding local detail to implement the broader principles of policies within the NPPF and the BDP. As such they specifically address local issues and are designed to mitigate potential adverse effects associated with development.

No significant negative effects, either associated with specific sustainability objectives or cumulatively have been identified. This contrasts with the scores attributed to the absence of a policy which are typically significantly negative, reflecting the clear need to systematically control development and the likely consequences of the absence of such a policy framework which is to the benefit of applicants, residents and the City as a whole.

Some policies have been identified as holding some uncertainty as to their precise effects in respect of meeting sustainability objectives. These apply principally to whether significant positive effects are likely to be fully realised in respect of matters such as sustainable travel and construction, reflecting the case-by-case nature of individual developments and their particular circumstances. Nevertheless, the potential for the realisation of significant positive or positive effects exists. In other cases, there is uncertainty as to there is a relationship between the policy and the SA objective, for example between the construction of educational facilities and benefits to the community in respect of access to skills training, reflecting the specific nature of these developments.

Proposed mitigation measures

No suggestions were made as to the specific wording of policies reflecting their positive intention. This reflects the positive scores, the absence of negative effects and the intention to use the policies in combination with the policies of the BDP, which for each policy are cross-referenced.

However, the following suggestions are made in respect of the presentation of the policies in order to make clearer how the policies will be implemented:

- ▶ ensure that, wherever possible, the specific criteria against which the policy will be implemented and monitored are included.
- ▶ For each DM policy, provide further detail against the cited BDP policies on how these will work together.
- ▶ Set out more clearly in paragraph 1.10 of the DPD which matters are covered by the BDP and which by the DM DPD, such as the control of various forms of retail development.
- ▶ Where possible, fully reference BCC strategies on various topics relating to specific policies, for example the City's Green Living Spaces Plan and Nature Conservation Strategy against the Landscaping and Trees Policy.
- ▶ Set out a summary table of how the policies will be monitored, indicating where this can be covered by the existing AMR.

In Summary

The SA of the DM DPD has scrutinised the basis for, content and likely effects of the proposed suite of policies. The SA has ensured that there has been consideration of the likely environmental effects of various options associated with each policy, demonstrating how the performance of the proposed policy is likely to lead to positive outcomes for the location of proposed developments and for the City as a whole.

Comments

This draft Sustainability Report which accompanies the Preferred Options DM DPD is subject to consultation for a period of 8 weeks from 4th February 2019. Comments on this Report should be sent to:

Planning Policy
Birmingham City Council
Planning and Development
1 Lancaster Circus
Queensway
Birmingham
B1 1TU

www.consultationlink

Next Steps

Following consultation on the Preferred Options DM DPD, a SA Report will be produced to accompany the Submission Version of the Plan. This Report will take account of consultee responses and any changes to the scope and/or content of the proposed policies.



Contents

1.	Background	1
1.1	Introduction	1
1.2	What is Sustainability Appraisal?	1
	Legislation	2
	National Planning Policy Framework and Guidance	3
1.3	Purpose of this SA Report	3
1.4	The Development Management DPD	4
	Evolution of the Development Management DPD	4
1.5	The Sustainability Appraisal process	6
1.6	Habitats Regulations Assessment	8
1.7	Compliance with the SEA Directive/Regulations	9
2.	Review of Contextual Information	11
2.1	Plans, Policies and Programmes	11
	European level	11
	The National Planning Policy Framework (NPPF) (July 2018)	11
	Review of Plans, Programmes and Strategies	12
2.2	Environmental, social and economic baseline and evolution without the Plan	47
3.	Methodology	53
3.1	The SA Framework	53
3.2	Appraisal Methodology	55
	DPD Objectives	55
	DPD Policies	55
3.3	Geographical and temporal scope	57
3.4	Mitigation	57
3.5	Who carried out the appraisal	58
3.6	Difficulties encountered	58
4.	Appraisal of the Draft Development Management DPD and Reasonable Alternatives	59
4.1	Compatibility between the DPD Objectives and the SA Objectives	59
4.2	Policies and alternatives	62
4.3	Summary of results and the reasons for selecting/rejecting the alternatives	62
4.4	Proposed mitigation measures	72
4.5	Uncertainties and risks	72
5.	Next steps	73
5.1	Preparation of the Submission Development Management DPD	73



5.2	Finalising the SA Report and Post Adoption Statement	73
5.3	Monitoring Requirements	73
5.4	Quality Assurance Checklist	74

Table 1.1	Changes to the Suite of Policies from the Regulation 18 Document to the Preferred Options Document	5
Table 1.2	Compliance with the requirements of the SEA Directive	9
Table 2.1	Plans, Programmes and Strategies Relevant to the SA of the DM DPD	13
Table 2.2	The Relationship between Plans, Programmes and Strategies and the Sustainability Objectives	16
Table 2.3	Baseline summary and issues relevant to the Development Management DPD	47
Table 3.1	Sustainability Objectives, Guide Questions and Indicators	53
Table 3.2	Compatibility matrix	55
Table 3.3	Appraisal matrix	56
Table 3.4	Appraisal Scoring system	56
Table 4.1	Compatibility between the Development Management DPD Objectives and the SA Objectives	60
Table 4.2	Summary of the results of the appraisal of the preferred policy option	62

Figure 1.1	The relationship between the SA process and Local Plan preparation	8
------------	--	---

Appendix A	Policy Appraisal
Appendix B	Scoping Report Baseline
Appendix C	Consultation Responses on the Scoping Report update (August 2018) and the Council's Response
Appendix D	Consultation Responses on the Scoping Report (2014) and the Council's Response
Appendix E	Regulation 18 Consultation Responses

1. Background

1.1 Introduction

- 1.1.1 The Birmingham Development Plan⁶ (BDP) was adopted by Birmingham City Council (the Council) in 2017. The BDP provides the strategic planning policies for over 51,100 new homes and substantial amounts of employment land, retail and office development to be delivered by 2031. The Council has also been preparing the Development Management Development Plan Document (DPD). It will provide detailed planning policies for specific types of development and support the implementation of the BDP.
- 1.1.2 The Council issued an initial draft Development Management DPD in March 2015⁷. Following an analysis of the consultation responses and the adoption of the BDP, the Council has now prepared a Preferred Options Development Management DPD.
- 1.1.3 Wood Environment and Infrastructure Solutions Ltd. (Wood) has been commissioned by the Council to undertake a Sustainability Appraisal (SA) of the Development Management DPD. The SA will appraise the environmental, social and economic performance of the Development Management DPD and any reasonable alternatives.
- 1.1.4 This report presents the findings of the SA of the Preferred Options Development Management DPD. It sets out the results of the testing of the DPD's sustainability performance using a framework developed in the Scoping Report⁸.
- 1.1.5 This draft Sustainability Report accompanies the Preferred Options Development Management DPD and is subject to consultation for a period of 8 weeks from 4th February 2019. Comments on this Report should be sent to:

Planning Policy
Birmingham City Council
Planning and Development
1 Lancaster Circus
Queensway
Birmingham
B1 1TU

www.consultationlink

1.2 What is Sustainability Appraisal?

- 1.2.1 Sustainability Appraisal (SA) is a process whereby the environmental, social and economic aspects of a proposed plan, policy or programme (and any reasonable alternatives) are systematically identified, described and evaluated to ensure that there is an optimal balance between them. In doing so, it will help to inform the selection of options and identify measures to avoid, minimise or mitigate any potential negative effects that may arise from the plan, policy or programme's implementation as well as opportunities to improve the contribution towards sustainability.

⁶ Birmingham City Council (January 2017) *Birmingham Development Plan: Part of Birmingham's Local Plan, Planning for sustainable growth*.

⁷ Birmingham City Council (June 2015) *Regulation 18 Consultation on Development Management DPD*

⁸ Birmingham City Council (2018) *Sustainability Appraisal of the Development Management DPD: Scoping Report*

- 1.2.2 SA is required by government legislation which is combined with Strategic Environmental Assessment (SEA) of new plans, policies and programmes under European legislation (the SEA Directive)⁹.

Legislation

- 1.2.3 Under Section 19(5) of the Planning and Compulsory Purchase Act (PCPA) 2004, a local planning authority (LPA) is required to
- a) carry out an appraisal of the sustainability of the proposals in each development plan document;
 - b) prepare a report of the findings of the appraisal.
- 1.2.4 The development plan documents referred to in Section 19 (5a) include Local Plans.
- 1.2.5 In developing the DPDs, LPAs must also address the requirements of European Union Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment, referred to as the SEA Directive, and its transposing regulations the Environmental Assessment of Plans and Programmes Regulations 2004 (statutory instrument 2004 No. 1633).
- 1.2.6 The criteria to determine whether the SEA requirements apply are contained in Article 3 of the SEA Directive, summarised as follows:
- ▶ Whether the plan or programme (PP) is to be prepared and/or adopted by a national, regional or local authority or prepared by an authority for adoption through a legislative procedure by Parliament or Government?
 - ▶ Whether the PP required by legislative, regulatory or administrative provisions?
 - ▶ Whether the PP is prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use and whether it set a framework for future development consent of projects contained in Annexes I and II to the EIA Directive?
 - ▶ Whether the PP determines the use of small areas at local level, or is it a minor modification of a PP? (If the answer is yes to either of these, the SEA requirements will not apply).
 - ▶ Whether the PP's sole purpose to serve national defence or civil emergency, OR is it a financial or budget PP, or is it co-financed by European structural funds? (If the answer is yes to either of these, the SEA requirements will not apply).
 - ▶ Is it likely to have a significant effect on the environment?
- 1.2.7 Responsible Authorities must carry out screening to determine whether SEA is required of PPs. The Responsible Authority must make its conclusions on a determination available to the public, including reasons for not requiring SEA. When forming a view on whether SEA is needed in these cases, Responsible Authorities must consult the statutory consultation bodies identified by the SEA Regulations (which for PPs whose activities and effects occur only within England are the Environment Agency, Natural England Historic England). For the purposes of the SEA Directive and the DPDs, LPAs are the Responsible Authority. In the case of the Development Management DPD, the Council considered that it was likely to have significant effects, and in consequence, this SA includes meeting the requirements of the SEA Directive and implementing regulations.

⁹ Environmental Assessment of Plans and Programmes Regulations 2004 (the 'Strategic Environmental Assessment Regulations'), which implement the requirements of the European Directive 2001/42/EC (the 'Strategic Environmental Assessment Directive')

- 1.2.8 Section 39 of the PCPA requires that the authority preparing a DPD must do so "with the objective of contributing to the achievement of sustainable development". On this, it echoes Article 1 of the SEA Directive, which states that the objective of SEA is:

"to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development".

National Planning Policy Framework and Guidance

- 1.2.9 At paragraph 16, the National Planning Policy Framework (NPPF) (2018)¹⁰ sets out that local plans should be prepared with the objective of contributing to the achievement of sustainable development¹¹. In this context, paragraph 32 of the NPPF reiterates the requirement for SA/SEA as it relates to local plan preparation:

"Local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements.¹² This should demonstrate how the plan has addressed relevant economic, social and environmental objectives (including opportunities for net gains). Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered)."

- 1.2.10 The Planning Practice Guidance (Local Plans paragraph 016) also makes clear that SA plays an important role in demonstrating that a local plan reflects sustainability objectives and has considered reasonable alternatives. In this regard, SA will help to ensure that a local plan is "justified", a key test of soundness that concerns the extent to which the plan provides an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence.

- 1.2.11 The PPG also states that "Sustainability appraisal *should be applied as an iterative process informing the development of the Local Plan.*" In this regard the PPG superseded previous Government guidance¹³ on SA which included the following:

"The development and appraisal of options will be an iterative process, with the options being revised to take account of the appraisal findings and consultation responses. This will inform the selection, refinement and publication of preferred options for consultation..."

- 1.2.12 Therefore current legislation, planning policy and guidance all make clear that compliance with requirements of the SEA Directive through the completion of an integrated SA is critical to ensuring that a plan is found sound at Examination and can then be formally adopted.

1.3 Purpose of this SA Report

- 1.3.1 Specifically, this SA Report sets out:

- ▶ An overview of the Preferred Options Development Management DPD;

¹⁰ Ministry of Housing, Communities and Local Government (2108) *National Planning Policy Framework*. Available from <https://www.gov.uk/government/collections/revised-national-planning-policy-framework> [Accessed November 2018]

¹¹ This is a legal requirement of local planning authorities exercising their plan-making functions (section 39(2) of the Planning and Compulsory Purchase Act, 2004)

¹² The reference to relevant legal requirements in the NPPF relates to Strategic Environmental Assessment.

¹³ ODPM (2005), *Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents*, ODPM Publications

- ▶ A review of relevant international, national, regional, sub-regional and local plans, policies and programmes;
- ▶ Baseline information for the DPD area across key sustainability topics;
- ▶ Key economic, social and environmental issues relevant to the appraisal of the Preferred Options Development Management DPD;
- ▶ The approach to undertaking the appraisal of the Preferred Options Development Management DPD;
- ▶ The findings of the appraisal of the Preferred Options Development Management DPD; and
- ▶ Conclusions and an overview of the next steps in the SA process.

1.4 The Development Management DPD

1.4.1

The Development Management DPD provides detailed policy guidance on a range of planning matters, covering environmental, social and economic topics, and will be a material consideration in the determination of planning applications. The DPD will be applicable to any location in the City, helping to deliver the BDP vision of Birmingham as *“an enterprising, innovative and green City that has delivered sustainable growth meeting the needs of its population”*, with an emphasis on supporting growth and creating high quality places. The objectives of the DPD mirror those of the BDP, namely:

- ▶ To develop Birmingham as a City of sustainable neighbourhoods that are safe, diverse and inclusive with locally distinctive character.
- ▶ To make provision for a significant increase in the City's population.
- ▶ To create a prosperous, successful and enterprising economy with benefits felt by all.
- ▶ To promote Birmingham's national and international role.
- ▶ To provide high quality connections throughout the City and with other places including encouraging the increased use of public transport, walking and cycling.
- ▶ To create a more sustainable City that minimises its carbon footprint and waste, and promotes brownfield regeneration while allowing the City to grow.
- ▶ To strengthen Birmingham's quality institutions and role as a learning City and extend the education infrastructure securing significant school places.
- ▶ To encourage better health and well-being through the provision of new and existing recreation, sport and leisure facilities linked to good quality public open space.
- ▶ To protect and enhance the City's heritage assets and historic environment.
- ▶ To conserve and enhance Birmingham's natural environments, allowing biodiversity and wildlife to flourish.
- ▶ To ensure that the City has the infrastructure in place to support its future growth and prosperity.

Evolution of the Development Management DPD

1.4.2

Consultation on the Issues and Options version of the DM DPD (Regulation 18 Stage) took place in Summer 2015. In total, 26 respondents provided a total of 91 responses, which have been taken

into consideration as the policies in the DPD was prepared. The proposed changes arising from the consultations were:

- ▶ The addition of a Transport Considerations policy (DM26);
- ▶ Amendments to the Design policy (now DM24) following the consultation responses from Police & Crime Commissioner West Midlands, and Turley on behalf of clients;
- ▶ The addition of introductory text to the Environmental Protection policies, including Hazardous Installations following the consultation response from HSE;
- ▶ Policy DM06 includes reference to ILE design requirements and low energy lighting following the consultation response from Highways England;
- ▶ Policy DM07 includes groundwater pollution and the precautionary principle, following the consultation response from the Environment Agency.
- ▶ In addition, Policy DM15 was divided into two policies (DM15 and DM16), to reflect the fact that hostels and residential homes fall into separate Use Classes, and different issues arise from each use.

1.4.3 However, in light of the consultation and re-appraisal of the relationship between the emerging DM DPD and the adopted BDP, various policies have been deleted and others merged.

Table 1.1 Changes to the Suite of Policies from the Regulation 18 Document to the Preferred Options Document

Proposed policy in October 2015 Consultation	How this has been dealt with in the Preferred Options Document
Hot food Takeaways (DM01)	Covered by DM2 Amenity, DM6 Noise and Vibration, DM13 Highway safety and access, DM14 Parking and Servicing
Sheesha Lounges (DM02)	Covered by DM2 Amenity, DM6 Noise and Vibration, Highway safety and access, DM14 Parking and Servicing
Restaurants/ Cafes/ Pubs (DM03)	Covered by DM2 Amenity, DM6 Noise and Vibration, Highway safety and access, DM14 Parking and Servicing
Private Hire and Taxi Booking Offices (DM08)	Covered by DM2 Amenity, DM6 Noise and Vibration, Highway safety and access, DM14 Parking and Servicing
Education Facilities – Use of Dwellings Houses (DM09)	Covered by DM9 Places of worship and faith related community uses, DM10 Day nurseries and early years provision, BDP Policy TP36 Education
Education Facilities Non-Residential Properties (DM10)	Covered by DM9 Places of worship and faith related community uses, DM10 Day nurseries and early years provision, BDP Policy TP36 Education
Hotels and Guest Houses (DM11)	Not considered necessary. Majority of impacts covered by DM2 Amenity, DM6 Noise and Vibration, DM13 Highway safety and access, DM14 Parking and Servicing
Flat Conversions (DM14)	Not considered necessary. Majority of impacts covered by DM2 Amenity, DM6 Noise and Vibration, DM13 Highway safety and access, DM14 Parking and Servicing
Hostels and Residential Homes (DM15)	Not considered necessary. Majority of impacts covered by DM2 Amenity, DM6 Noise and Vibration, DM13 Highway safety and access, DM14 Parking and Servicing
Planning Obligations (DM17)	Covered by BDP Policy TP47 Developer contributions

Proposed policy in October 2015 Consultation	How this has been dealt with in the Preferred Options Document
Aerodrome Safety (DM19)	Covered by ODPM Circular1/2003
Design (DM23)	Covered by BDP Policy PG Place-making

- 1.4.4 The proposed policies within the Development Management DPD reflect, and are in accordance with, the policies and guidance set out within the National Planning Policy Framework (NPPF) and the strategic spatial objectives and policies in the BDP. There are 15 proposed policies under the following themes:

Environment and Sustainability

DM1 Air quality

DM2 Amenity

DM3 Land affected by contamination and hazardous substances

DM4 Landscaping and trees

DM5 Light pollution

DM6 Noise

Economy and Network of Centres

DM7 Advertisements

DM8 Places of worship

DM9 Day nurseries and early years provision

Homes and Neighbourhoods

DM10 Houses in multiple occupation and other residential accommodation

DM11 Residential development

DM12 Self and custom build housing

Connectivity

DM13 Highway safety and access

DM14 Parking

DM15 Telecommunications

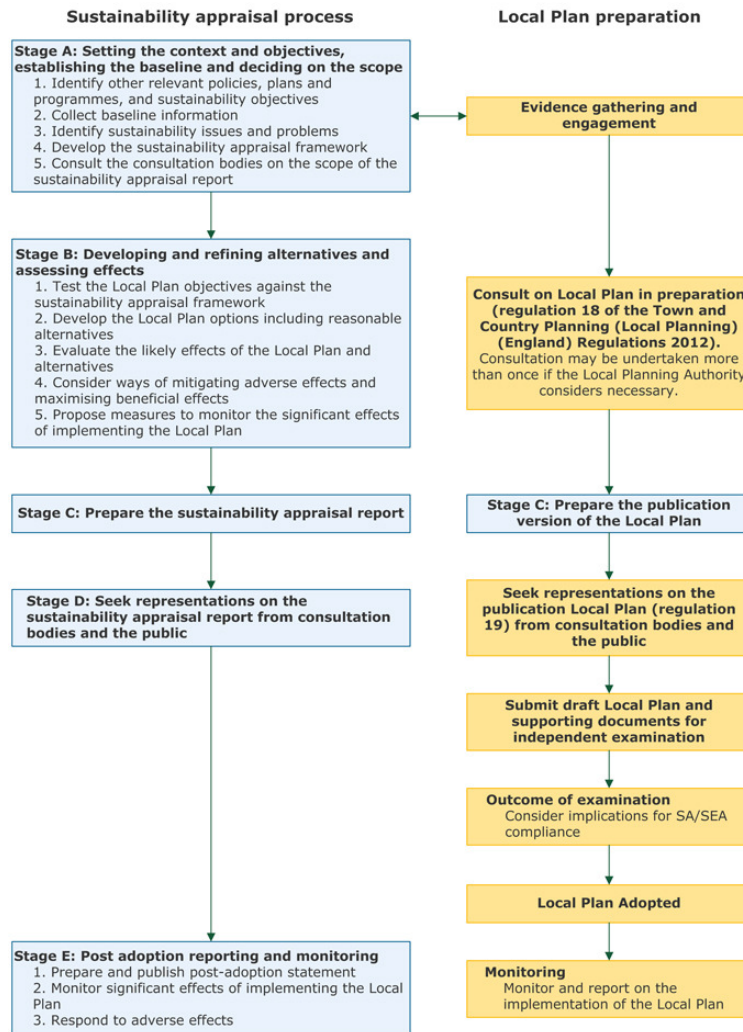
1.5 The Sustainability Appraisal process

- 1.5.1 The appraisal of the DM DPD is an integral part of the plan preparation and has five sequential stages. These are highlighted in **Figure 1.1** below together with links to the development of the DPD.
- 1.5.2 The first stage (**Stage A**) led to the production of a SA Scoping Report¹⁴. Informed by a review of other relevant policies, plans and programmes as well as baseline information and the identification

¹⁴ Birmingham City Council (2018) *Sustainability Appraisal of the Development Management DPD: Scoping Report*

- of key sustainability issues affecting the County, the Scoping Report set out the proposed framework for the appraisal of the DPD (termed the SA Framework).
- 1.5.3 The Scoping Report was subject to consultations that ran from Friday 12th December 2014 until Friday 22nd January 2015 and from 21st May and 29th June 2018. Responses were received to the consultation from the statutory SEA consultation bodies (Natural England, Historic England and the Environment Agency). Responses related to various aspects of the Scoping Report and resulted in amendments to the SA Framework. **Appendix C** contains a schedule of the consultation responses received on the Scoping Report, the Council's response and the subsequent action taken.
- 1.5.4 **Stage B** of the SA process is iterative and involves the development and refinement of the DPD by testing the sustainability strengths and weaknesses of the emerging policy options.
- 1.5.5 At **Stage C**, a final SA Report will be prepared to accompany the submission draft DPD. This will be available for consultation alongside the DPD itself prior to consideration by an independent planning inspector (**Stage D**).
- 1.5.6 Following Examination in Public, and subject to any significant changes to the draft DPD that may require appraisal, the Council will issue a Post Adoption Statement as soon as reasonably practicable after the adoption of the DPD. This will set out the results of the consultation and SA processes and the extent to which the findings of the SA have been accommodated in the adopted DPD. During the period covered by the DPD, the Council will monitor its implementation and any significant social, economic and environmental effects (**Stage E**).

Figure 1.1 The relationship between the SA process and Local Plan preparation



Source: Department for Communities and Local Government (DCLG) (2014) *Planning Practice Guidance*. Available at http://planningguidance.planningportal.gov.uk/wp-content/uploads/2014/02/sea1_013.jpg

1.6 Habitats Regulations Assessment

1.6.1 Regulation 105 of the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations') requires that competent authorities assess the potential impacts of land use plans on the Natura 2000 network of European protected sites¹⁵ to determine whether there will be any 'likely significant effects' (LSE) on any European site as a result of the plan's implementation (either alone or 'in combination' with other plans or projects); and, if so, whether these effects will result in any adverse effects on that site's integrity with reference to the site's conservation objectives. The

¹⁵ Strictly, 'European sites' are any Special Area of Conservation (SAC) from the point at which the European Commission and the UK Government agree the site as a 'Site of Community Importance' (SCI); any classified Special Protection Area (SPA); any candidate SAC (cSAC); and (exceptionally) any other site or area that the Commission believes should be considered as an SAC but which has not been identified by the Government. However, the term is also commonly used when referring to potential SPAs (pSPAs), to which the provisions of Article 4(4) of Directive 2009/147/EC (the 'new wild birds directive') are applied; and to possible SACs (pSACs) and listed Ramsar Sites, to which the provisions of the Conservation of Habitats and Species Regulations 2017 are applied a matter of Government policy when considering development proposals that may affect them (NPPF para 176). 'European site' is therefore used in this report in its broadest sense, as an umbrella term for all of the above designated sites.

process by which the effects of a plan or programme on European sites are assessed is known as 'Habitats Regulations Assessment' (HRA)¹⁶.

- 1.6.2 In accordance with the Habitats Regulations, what is commonly referred to as a HRA screening exercise has been undertaken to identify the likely impacts of the emerging Local Plan upon European sites, either alone or 'in combination' with other projects or plans, and to consider whether these effects are likely to be significant. Where the possibility of significant effects could not be excluded, a more detailed Appropriate Assessment (AA) has been carried out to determine whether these effects would adversely affect the integrity of European sites.
- 1.6.3 The AA is reported separately from the SA of the DPD (although a summary of the findings is included in **Section 5.8** of this report) but importantly has helped to inform the appraisal process, particularly in respect of the potential effects of proposals on biodiversity.

1.7 Compliance with the SEA Directive/Regulations

- 1.7.1 This Sustainability Report has been compiled with reference to the legal requirements of the SEA and associated Regulations. Table 1.2 sets out where and how the requirements of the SEA Directive have been in producing this Report.

Table 1.2 Compliance with the requirements of the SEA Directive

SEA Directive requirement	Where covered in the Sustainability Report
a) An outline of the contents, main objectives of the plan or programme, and relationship with other relevant plans.	Sections 1 and 2
b) The relevant aspects of the current states of the environment and the likely evolution thereof without implementation of the plan or programme.	Section 2
c) The environmental characteristics of areas likely to be significantly affected.	Section 2
d) Any existing environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance.	Section 2
e) The environmental protection objectives, established at international, community or national level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during its preparation.	Section 2
f) The likely significant effects on the environment, including on issues such as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material and archaeological heritage, landscape and the interrelationship between the above factors. These effects should include secondary, cumulative, synergistic, short, medium and long-term permanent and temporary, positive and negative effects.	Section 4
g) The measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan.	Section 4
h) An outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties encountered in compiling the required information.	Section 4
i) A description of measures envisaged concerning monitoring.	Section 5
j) A non-technical summary of the information provided under the above headings.	This Report

¹⁶ 'Appropriate Assessment' has been historically used as an umbrella term to describe the process of assessment as a whole. The whole process is now more usually termed 'Habitats Regulations Assessment' (HRA), and 'Appropriate Assessment' is used to indicate a specific stage within the HRA.

2. Review of Contextual Information

2.1 Plans, Policies and Programmes

- 2.1.1 The relationship between various policies, plans, programmes and environmental protection objectives may influence the DM DPD. The relationships are analysed to help:
- ▶ Identify any external social, environmental or economic objectives that should be reflected in the SA/SEA process;
 - ▶ Identify external factors that may have influenced the preparation of the plan; and
 - ▶ Determine whether the policies in other plans and programmes might lead to cumulative or synergistic effects when combined with policies in the plan.
- 2.1.2 This process enables the DM DPD to take advantage of any potential synergies and to respond to any inconsistencies and constraints. The plans and programmes to be considered include those at the international, national, regional and local scale.
- 2.1.3 The review aims to identify the relationships between the DM DPD and these other documents i.e. how the strategy could be affected by the other plans' and programmes' aims, objectives and/or targets, or how it could contribute to the achievement of any environmental and sustainability objectives. An understanding of the plans and programmes alongside which the DM DPD sits is important in developing a baseline approach to the assessment. It is also a valuable source of information to support the completion of the social, economic and environmental baseline and aid the determination of the key issues. The completed review of plans and programmes will also be used to provide the policy context for the subsequent assessment process and help to inform the development of objectives that comprise the assessment framework.
- 2.1.4 The principal documents which form the legislative context for the DM DPD are as follows:

European level

- 2.1.5 The [SEA Directive](#) is a European Union requirement that seeks to provide a high level of protection of the environment by integrating environmental considerations into the process of preparing certain plans and programmes. The aim of the Directive is *"to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment."*
- 2.1.6 The Strategic Environmental Assessment Directive is implemented through the [Environmental Assessment of Plans and Programmes Regulations 2004](#), which apply to a plan or programme related solely to England (or part of England), or to England (or part of England) and any other part of the United Kingdom. Where the Directive applies there are some specific requirements that must be complied with and which, in the case of [Local Plans](#), should be addressed as an integral part of the sustainability appraisal process.

The National Planning Policy Framework (NPPF) (July 2018)

- 2.1.7 [Section 19 of the Planning and Compulsory Purchase Act 2004](#) requires a local planning authority to carry out a sustainability appraisal of each of the proposals in a [Local Plan](#) during its preparation.

- More generally, section 39 of the Act requires that the authority preparing a Local Plan must do so "with the objective of contributing to the achievement of sustainable development."
- 2.1.8 Sustainability Appraisals incorporate the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 (commonly referred to as the 'Strategic Environmental Assessment Regulations'), which implement the requirements of the European Directive 2001/42/EC (the 'Strategic Environmental Assessment Directive') on the assessment of the effects of certain plans and programmes on the environment. Sustainability appraisal ensures that potential environmental effects are given full consideration alongside social and economic issues.
- 2.1.9 Government guidance set out in paragraph 32 of the NPPF states that:
- "Local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements. This should demonstrate how the plan has addressed relevant economic, social and environmental objectives (including opportunities for net gains). Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered)."*
- 2.1.10 Throughout this document, where reference is made to SA, it denotes SA incorporating the requirements of the SEA Directive. The SA has been carried out taking account of *A Practical Guide to the Strategic Environmental Assessment Directive (2005)*¹⁷ which provides guidance on SEA in the UK from the former ODPM and devolved administrations. SAs are an effective way to ensure that sustainable development principles are taken into account during the plan making process. By assessing the plan policies against a broad range of sustainability objectives, the appraisal process exposes sustainability strengths and weaknesses of the plan, which can help to develop recommendations for its improvement. As well as helping to enhance the plan, the appraisal process also provides a basis for informed discussion between stakeholders around a shared set of objectives.
- 2.1.11 Planning Practice Guidance (PPG) also makes clear that SA plays an important role in demonstrating that a local plan reflects sustainability objectives and has considered reasonable alternatives. In this regard, SA will help to ensure that a local plan is "justified", a key test of soundness that concerns the extent to which the plan is the most appropriate strategy¹⁸, when considered against the reasonable alternatives and available and proportionate evidence.

Review of Plans, Programmes and Strategies

- 2.1.12 One of the first steps in undertaking SA is to identify and review other relevant plans and programmes that could influence the DM DPD. The requirement to undertake a plan and programme review and to identify the environmental and wider sustainability objectives relevant to the plan being assessed is set out in the SEA Directive. An 'environmental report' required under the SEA Directive should include: "An outline of the contents, main objectives of the plan or programme and relationship with other relevant plans and programmes" to determine "the environmental protection objectives, established at international (European) community or national level, which are relevant to the plan or programme ... and the way those objectives and any environmental considerations have been taken into account during its preparation" (Annex 1 (a), (e)).

¹⁷ ODPM (2005) *A Practical Guide to the Strategic Environmental Assessment: Practical guidance on applying European Directive 2001/42/EC "on the assessment of the effects of certain plans and programmes on the environment"*

¹⁸ The NPPF makes it clear that a Plan should set out 'an' appropriate strategy rather than 'the most appropriate strategy'. The SEA requirements for consideration of reasonable alternatives will remain an important contribution to support the selection of the appropriate strategy despite this change in planning policy.

- 2.1.13 Plans and programmes relevant to the DPD may be those at an international/ European, UK, national, regional, sub-regional or local level, as relevant to the scope of the document. The review of relevant plans and programmes aims to identify the relationships between the DPD and these other documents, i.e. how the DPD could be affected by the other plans' and programmes' aims, objectives and/or targets, or how it could contribute to the achievement of their sustainability objectives. The review also ensures that the relevant environmental protection and sustainability objectives are integrated into the SA. Additionally, reviewing plans and programmes can provide appropriate information on the baseline for the plan area and help identify the key sustainability issues.
- 2.1.14 The SA Scoping Report (2015 and 2018 update) included a review of plans and programmes, consistent with the requirements of the SEA Directive, and which was used to inform the development of the SA Framework. Table 2.1 lists the plans, programmes and strategies at international, national, regional and local scale reviewed within the Scoping Report, whilst Table 2.2 sets out how the content of the plans, programmes and strategies reviewed have been translated into the Sustainability Objectives.

Table 2.1 Plans, Programmes and Strategies Relevant to the SA of the DM DPD

International	
<p>EU Directive on the Conservation of Wild Birds (79/409/EEC). EU Directive on Waste (Directive 75/442/EEC, 2006/12/EC 2008/98/EC as amended). EU (1991) Urban Waste Water Treatment Directive EU (1992) Conservation of Natural Habitats and Wild Fauna and Flora (92/43/EEC, Habitats Directive) EU Packaging and Packaging Waste Directive (94/62/EC). The Pan-European Biological and Landscape Diversity Strategy (1995) EU (1996) Ambient Air Quality Assessment and Management (96/62/EC, Air Quality Framework Directive) EU Drinking Water Directive (98/83/EC). EU Directive on the Landfill of Waste (99/31/EC). European Commission (1999) The Landfill Directive EU (2000) Directive on Establishing a Framework for Community Action in the Field of Water Policy (2000/60/EC, The Water Framework Directive) EU (2000) The Water Framework Directive EU 2001/42/EC on the Assessment of the Effects of Certain Plans and Programmes on the Environment (SEA Directive). EU Directive 2002/91/EC (2002) Directive 2002/91/EC on the Energy Performance of Buildings. EU Environmental Noise Directive (Directive 2002/49/EC). Earth Summit (2002) Johannesburg Declaration on Sustainable Development EU (2008) The Air Quality Directive EU (2006) European Employment Strategy. EU (2007) Floods Directive EC (2007) Together for Health: A Strategic Approach for the EU 2008-2013 EU (2008) Directive on Waste (2006/12/EC, Waste Framework Directive) EU (2010) The Industrial Emissions Directive EU (2011) EU Biodiversity Strategy to 2020 – towards implementation. EU (2013) Seventh Environmental Action Programme to 2020 'Living well, within the limits of our planet'. EU (2015) Invasive Alien Species Regulation (1143/2014/EU). UNFCCC (1997) Kyoto Protocol to the UN Framework Convention on Climate Change UNFCCC (2009) Copenhagen Accord (Climate Change) Council of Europe (2006) European Landscape Convention Council of Europe (1985) Convention on the Protection of the Architectural Heritage of Europe</p>	
National	
<p>Committee on Climate Change (2017) UK Climate Change Risk Assessment. DCLG (2011) The Localism Act DCLG (2011) The Community Infrastructure Levy Regulations DCLG (2012) National Planning Policy Framework (NPPF) DCLG (2012) National Planning Policy Framework Technical Guidance DCLG (2012) Planning Policy for Traveller Sites DCLG (2014) Planning Practice Guidance DCLG (2014) National Planning Policy for Waste DCLG (2014) Written Statement on Sustainable Drainage Systems DCLG (2017) Fixing Our Broken Housing Market DECC (2008) UK Climate Change Act 2008</p>	

DCMS (2007) Heritage Protection for the 21st Century
 DCMS 2013: Scheduled Monuments and Nationally Important but Non-Scheduled Monuments
 Defra (2003) The Water Environment (Water Framework Directive) (England and Wales) Regulations
 Defra (2007) Guidance for Local Authorities on Implementing Biodiversity Duty
 Defra (2007) The Air Quality Strategy for England, Scotland, Wales and Northern Ireland (Volume 2)
 Defra (2008) Future Water, the Government's Water Strategy for England (Feb 08)
 Defra (2009) Safeguarding our Soils: A Strategy for England
 Defra (2011) Government Review of Waste Policy in England
 Defra (2011) Natural Environment White Paper; The natural choice: securing the value of nature
 Defra & HM Government (2011) Water White Paper; Water for Life
 Defra and Environment Agency (2011) National Flood and Coastal Erosion Risk Management Strategy for England
 Defra (2011) Securing the Future: Delivering UK Sustainable Development Strategy
 Department for Culture, Media and Sport (DCMS) (2001) The Historic Environment: A Force for our Future
 Historic England (2015) Historic Environment Good Practice Advice in Planning Notes 1 to 3.
 HM Government (2006) Climate Change: The UK Programme
 HM Government (2010) The Air Quality Standards 2010
 HM Government (2010) Flood and Water Management Act, 2010
 HM Government (2012) Draft Water Bill
 HM Government (1979) Ancient Monuments and Archaeological Areas Act.
 HM Government (1981) Wildlife and Countryside Act.
 HM Government (1990) Planning (Listed Building and Conservation Areas) Act.
 HM Government (2000) Countryside and Rights of Way Act 2000.
 HM Government (2003) Sustainable Energy Act.
 HM Government (2004 and revised 2006) Housing Act.
 HM Government (2005) Securing the future - delivering UK sustainable development strategy.
 HM Government (2006) The Natural Environment and Rural Communities (NERC) Act 2006.
 HM Government (2008) The Climate Change Act 2008.
 HM Government (2008) The Planning Act.
 HM Government (2009) The UK Renewable Energy Strategy.
 HM Government (2010) The Government's Statement on the Historic Environment for England.
 HM Government (2010) Flood and Water Management Act 2010.
 HM Government (2010) White Paper: Healthy Lives, Healthy People: Strategy for Public Health in England.
 HM Government (2011) The Localism Act.
 HM Government (2011) Water for Life: White Paper.
 HM Government (2011) UK Marine Policy Statement.
 HM Government (2011) Carbon Plan: Delivering our Low Carbon Future.
 HM Government (2011) Water for Life, White Paper.
 HM Government (2013) The Community Infrastructure Levy (Amendment) Regulations 2013.
 HM Government (2014) Water Act.
 HM Government (2015) Water Framework Directive (Standards and Classification) Directions (England and Wales) 2015.
 HM Government (2015) Government Response to the Committee on Climate Change.
 HM Government (2016) Environmental Permitting (England and Wales) Regulations 2016.
 HM Government (2017) The Conservation of Habitats and Species Regulations 2017.
 HM Government (2017) Heritage Statement
 HM Government (2018) A Green Future: Our 25 Year Plan to Improve the Environment.
 Department for Education (DFE) (2014) Home to School Travel and Transport Guidance.
 DfE (2016) Strategy 2015 – 2020: World Class Education and Care.
 DfT (2008) Delivering a Sustainable Transport System (DaSTS).
 English Heritage (2008) Conservation Principles, Policies and Guidance
 English Nature: Climate Change Space for Nature (2006)
 Environment Agency (2009) Water for people and the environment - Water resources strategy for England and Wales.
 Environment Agency (2011) National Flood and Coastal Erosion Risk Management Strategy for England.
 Environment Agency (2013) Managing Water Extraction (updated 2016).
 Forestry Commission (2005): Trees and Woodlands Nature's Health Service
 Forestry Commission (2016) Corporate Plan 2016-2017.
 NHS (2014) Five Year Forward View.
 NHS (2017) Next Steps on the Five Year Forward View.

Regional

Severn Trent Water Resources Management Plan (2014)
 Severn Trent Water Sewage Management Plan (2009)
 Tame, Anker and Mease Abstraction Licensing Strategy (2013)
 The Wildlife Trust for Birmingham and the Black Country (2017) Birmingham and Black Country Nature Improvement Area Ecological Strategy 2017-2022
 Environment Agency Humber River Basin Management Plan (2009) and The Tame, Anker and Mease Management Catchment consultation (2014)
 Environment Agency Trent Catchment Flood Management Plan (2010)
 Environment Agency (2015) Severn River Basin District River Basin Management Plan
 Energy Capital (2018) a Regional Approach to Clean Energy Innovation
 The Greater Birmingham and Solihull Local Enterprise Partnership Strategy (2013)
 Greater Birmingham & Solihull Local Enterprise Partnership (2016) Strategic Economic Plan 2016-2030
 The 7 Authorities of the West Midlands Metropolitan Area (2011) West Midlands Local Transport Plan
 Environment Agency (2009) A Water Resources Strategy Regional Action Plan for the West Midlands Region
 Forestry Commission (2004) West Midlands Regional Forestry Framework

Energy Capital (2017) A Vision for the West Midlands – Renewable and Energy Efficient Future
 Natural England (2012) National Character Area profile no. 67: Cannock Chase and Cank Wood
 Natural England (2012) National Character Area profile no. 97: Arden
 Peter Brett Associates LLP (2014) GBSLEP Joint Strategic Housing Study
 West Midlands Combined Authority (2017) West Midlands Roadmap to a Sustainable Future in 2020 (Annual Monitoring Report)
 West Midlands Combined Authority (2017) Thrive West Midlands – An Action Plan to drive better mental health and wellbeing in the West Midlands

Local

Birmingham City Council (1992) Moseley and Sparkhill: Area of restraint
 Birmingham City Council (1994) Handsworth, Sandwell and Soho: Areas of restraint
 Birmingham City Council (1999) Wheelwright Road: Area of restraint
 Birmingham City Council (2005) Developing Birmingham: An Economic Strategy for the City 2005-2015
 Birmingham City Council (2006) Air Quality Action Plan
 Birmingham City Council (2006) Municipal Waste Management Strategy.
 Birmingham City Council (2007) Sustainable Management of Urban Rivers and Floodplains SPD
 Birmingham City Council (2008) Birmingham Private Sector Housing Strategy 2008+ (updated 2010)
 Birmingham City Council (2008) Contaminated Land Inspection Strategy for Birmingham Second Edition
 Birmingham City Council (2010) Birmingham Climate Change Action Plan 2010+
 Birmingham and Black Country Biodiversity Partnership (2010) Birmingham and the Black Country Biodiversity Action Plan
 Birmingham City Council (2011) Birmingham Multi Agency Flood Plan
 Birmingham City Council (2012) Level 1 & 2 Strategic Flood Risk Assessment
 Birmingham City Council (2013) Green Living Spaces Strategy
 Birmingham City Council (2013) Carbon Roadmap
 Birmingham City Council (2013) Birmingham Health and Well-being Strategy
 Birmingham City Council (2014) Local Flood Risk Management Strategy
 Birmingham City Council (2014) Gypsy and Traveller Accommodation Assessment
 Birmingham City Council (2014) Selly Oak, Edgbaston and Harborne: Houses in Multiple Occupation Article 4
 Birmingham City Council (2014-19) Birmingham Heritage Strategy
 Birmingham City Council (2015) Corporate Emergency Plan
 Birmingham City Council (2015) Surface Water Management Plan
 Birmingham City Council (2017) Air Quality Annual Status Report
 Birmingham City Council (2017) Birmingham Development Plan
 Birmingham City Council (2006) Access for People with Disabilities SPD
 Birmingham City Council (2001) Affordable Housing SPG
 Birmingham City Council (1993) Car park design guide
 Birmingham City Council (2012) Car Parking guidelines SPD
 Birmingham City Council (2007) Extending your home: Home extensions guide
 Birmingham City Council (2000) Floodlighting of sports facilities, car parks and secure areas
 Birmingham City Council (2003) High Places
 Birmingham City Council (2008) Large format banner advertisements SPD
 Birmingham City Council (2008) Lighting Places
 Birmingham City Council (1999) Location of advertisement hoardings
 Birmingham City Council (2006) Loss of industrial land SPD
 Birmingham City Council (2008) Mature suburbs
 Birmingham City Council (2000) Parking of vehicles at commercial and industrial premises adjacent to residential property
 Birmingham City Council (2006) The Future of Birmingham's Parks and Open Space Strategy
 Birmingham City Council (2001) Places for all
 Birmingham City Council (2001) Places for living
 Birmingham City Council (2011) Places of worship
 Birmingham City Council (2007) Public open space in new residential development SPD
 Birmingham City Council (1996) Shopfronts design guide
 Birmingham City Council (2012) Shopping and Local Centres SPD
 Birmingham City Council (2001) Specific needs residential uses SPG
 Birmingham City Council (2008) Telecommunications development mobile phone infrastructure SPD
 Birmingham City Council (2018) Council Plan and Budget 2018+
 Birmingham City Council (2014) Birmingham Connected White Paper
 Birmingham City Council (2008) Sustainable Community Strategy
 Birmingham City Council (2012) Employment Land Review
 Birmingham City Council (2013) Employment Land and Office Targets
 Birmingham City Council (2013) Strategic Housing Market Assessment
 Birmingham City Council (2018) SHLAA 2017
 Birmingham City Council (2008) Statement of Community Involvement
 Birmingham City Council (2017) Birmingham Cultural Strategy

Table 2.2 The Relationship between Plans, Programmes and Strategies and the Sustainability Objectives

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in Sustainability Objectives
International		
EU Directive on the Conservation of Wild Birds (79/409/EEC)	<p>Identifies 181 endangered species and sub-species for which the Member States are required to designate Special Protection Areas.</p> <p>Makes it a legal requirement that EU countries make provision for the protection of birds. This includes the selection and designation of Special Protection Areas.</p> <p>Target Actions include:</p> <ul style="list-style-type: none"> • Creation of protected areas; • Upkeep and management; and • Re-establishment of destroyed biotopes. 	Incorporated in Sustainability Objective 4.
EU Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora (92/43/EEC) & Subsequent Amendments	<p>Directive seeks to conserve natural habitats. Conservation of natural habitats requires member states to identify special areas of conservation and to maintain, where necessary landscape features of importance to wildlife and flora.</p> <p>The amendments in 2007:</p> <ul style="list-style-type: none"> • Simplify the species protection regime to better reflect the Habitats Directive; • Provide a clear legal basis for surveillance and monitoring of European protected species (EPS); • Toughen the regime on trading EPS that are not native to the UK; and • Ensure that the requirement to carry out appropriate assessments on water abstraction consents and land use plans is explicit. 	Incorporated in Sustainability Objective 4.
EU Directive on Waste (Directive 75/442/EEC, 2006/12/EC 2008/98/EC as amended)	<p>Promotes the development of clean technology to process waste, promoting recycling and re-use.</p> <p>The Directive contains a range of provision including:</p> <ul style="list-style-type: none"> • The setting up of separate collections of waste where technically, environmentally and economically practicable and appropriate to meet the necessary quality standards for the relevant recycling sectors – including by 2015 separate collection for at least paper, metal, plastic and glass. • Household waste recycling target – the preparing for re-use and the recycling of waste materials such as at least paper, metal, plastic and glass from households and possibly other origins as far as these waste streams are similar to waste from households, must be increased to a minimum of 50% by weight by 2020. <p>Construction and demolition waste recovery target – the preparing for re-use, recycling and other material recovery of non-hazardous construction and demolition waste must be increased to a minimum of 70% by weight by 2020.</p>	Incorporated in Sustainability Objective 6.
EU (1992) Conservation of Natural Habitats and Wild Fauna and Flora (92/43/EEC, Habitats Directive).	<p>The main aim of the Habitats Directive is to promote the maintenance of biodiversity by requiring Member States to take measures to maintain or restore natural habitats and wild species listed on the Annexes to the Directive at a favourable conservation status, introducing robust protection for those habitats and species of European importance. In applying these measures Member States are required to take account of economic, social and cultural requirements, as well as regional and local characteristics.</p>	Incorporated in Sustainability Objective 4
EU Packaging and Packaging Waste Directive (94/62/EC)	<p>This Directive aims to harmonize national measures concerning the management of packaging and packaging waste in order, on the one hand, to prevent any impact thereof on the environment of all Member States as well as of third countries or to reduce such impact, thus providing a high level of environmental protection, and, on the other hand, to ensure the functioning of the internal market and to avoid obstacles to trade and distortion and restriction of competition within the Community.</p> <p>To this end this Directive lays down measures aimed, as a first priority, at preventing the production of packaging waste and, as additional fundamental principles, at reusing packaging, at recycling and other forms of recovering packaging waste and, hence, at reducing the final disposal of such waste.</p> <p>No later than five years from the date by which this Directive must be implemented in national law (1996), between 50 % as a minimum and 65 % as a maximum by weight of the packaging waste will be recovered.</p>	Incorporated in Sustainability Objective 6.

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in Sustainability Objectives
	Within this general target, and with the same time limit, between 25 % as a minimum and 45 % as a maximum by weight of the totality of packaging materials contained in packaging waste will be recycled with a minimum of 15 % by weight for each packaging material.	
EU (1996) Ambient Air Quality Assessment and Management (96/62/EC, Air Quality Framework Directive).	The Directive ensures that where pollutants exceed certain limit values, Member States take action to reduce pollution down to the limit values. The list of atmospheric pollutants to be considered includes: sulphur dioxide, nitrogen dioxide, particulate matter, lead, ozone, benzene, carbon monoxide, poly-aromatic hydrocarbons, cadmium, arsenic, nickel and mercury. Objectives: <ul style="list-style-type: none"> Obtain adequate information on ambient air quality; and Maintain ambient air quality where it is good, and improve air quality where it is bad. 	Incorporated in Sustainability Objective 6
EU (1998) Aarhus Convention	The Aarhus Convention establishes a number of rights of the public (individuals and their associations) with regard to the environment. The Parties to the Convention are required to make the necessary provisions so that public authorities (at national, regional or local level) will contribute to these rights to become effective. The Convention provides for: <ul style="list-style-type: none"> The right of everyone to receive environmental information that is held by public authorities ("access to environmental information"). This can include information on the state of the environment, but also on policies or measures taken, or on the state of human health and safety where this can be affected by the state of the environment. Applicants are entitled to obtain this information within one month of the request and without having to say why they require it. In addition, public authorities are obliged, under the Convention, to actively disseminate environmental information in their possession; The right to participate in environmental decision-making. Arrangements are to be made by public authorities to enable the public affected and environmental non-governmental organisations to comment on, for example, proposals for projects affecting the environment, or plans and programmes relating to the environment, these comments to be taken into due account in decision-making, and information to be provided on the final decisions and the reasons for it ("public participation in environmental decision-making"); The right to review procedures to challenge public decisions that have been made without respecting the two aforementioned rights or environmental law in general ("access to justice"). 	Incorporated in Sustainability Objective 15
EU Drinking Water Directive (98/83/EC)	Provides for the quality of drinking water. The standards are legally binding.	Incorporated in Sustainability Objective 6.
EU Directive on the Landfill of Waste (99/31/EC)	Sets out requirements to ensuring that where landfilling takes place the environmental impacts are understood and mitigated against. By 2006 biodegradable municipal waste going to landfills must be reduced to 75% of the total amount (by weight) of biodegradable municipal waste produced in 1995 or the latest year before 1995 for which standardised Eurostat data is available.	Incorporated in Sustainability Objective 6.
EU (2000) Directive on Establishing a Framework for Community Action in the Field of Water Policy (2000/60/EC, The Water Framework Directive).	The Directive establishes an integrated approach to protection, improvements and sustainable use of water bodies, introducing a statutory system of analysis and planning based upon the river basin. The Directive imposes a statutory responsibility on Member States to ensure all water bodies meet certain water quality standards. The four main stages of implementation are: <ul style="list-style-type: none"> Environmental and economic assessment ('Characterisation') of river basin districts including identification of pressures and impacts; Environmental monitoring based on river basin district characterisation; Setting of environmental objectives; and Designing and carrying out a programme of measures to achieve these environmental objectives. Targets: All water bodies in all Member States are to reach 'Good Ecological Status' by 2015. Good ecological status applies to natural water bodies and is defined as a slight variation from undisturbed natural conditions.	Incorporated in Sustainability Objectives 5 and 6

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in Sustainability Objectives
	Some water bodies are designated as 'artificial' or 'heavily modified'. This is because they may have been created or modified for a particular use such as water supply, flood protection, navigation or urban infrastructure. By definition, artificial and heavily modified water bodies are not able to achieve natural conditions. Instead the classification and objectives for these water bodies, and the biology they represent, are measured against 'ecological potential' rather than status. For an artificial or heavily modified water body to achieve good ecological potential, its chemistry must be good. In addition, any modifications to the structural or physical nature of the water body that harm biology must only be those essential for its valid use. All other such modifications must have been altered or managed to reduce or remove their adverse impact, so that there is the potential for biology to be as close as possible to that of a similar natural water body.	
EU 2001/42/EC on the Assessment of the Effects of Certain Plans and Programmes on the Environment (SEA Directive)	<p>The SEA Directive provides the following requirements for consultation:</p> <ul style="list-style-type: none"> • Authorities which, because of their environmental responsibilities, are likely to be concerned with the effects of implementing the plan or programme, must be consulted on the scope and level of detail of the information to be included in the Environmental Report. These authorities are designated in the SEA Regulations as the Consultation Bodies (Consultation Authorities in Scotland). • The public and the Consultation Bodies must be consulted on the draft plan or programme and the Environmental Report, and must be given an early and effective opportunity within appropriate time frames to express their opinions. • Other EU Member States must be consulted if the plan or programme is likely to have significant effects on the environment in their territories. 	Directive sets the basis for SEA as a whole and therefore Indirectly covers all objectives.
EU (2005) Clean Air Strategy.	The strategy aims to extend clean air laws into new sectors - agriculture and transport - that were not covered before, targeting five main pollutants including fine-dust particles which are most harmful to human health.	Incorporated in Sustainability Objective 6
EU (2008) Directive on Waste (2006/12/EC, Waste Framework Directive).	The directive requires all Member States to take the necessary measures to ensure waste is recovered or disposed of without endangering human health or causing harm to the environment and includes permitting, registration and inspection requirements. The directive also requires Member States to take appropriate measures to encourage firstly, the prevention or reduction of waste production and its harmfulness and secondly the recovery of waste by means of recycling, re-use or reclamation or any other process with a view to extracting secondary raw materials, or the use of waste as a source of energy. The directive's overarching requirements are supplemented by other directives for specific waste streams.	Incorporated in Sustainability Objective 6
EU (2010) The Industrial Emissions Directive	<p>The Johannesburg Declaration on Sustainable Development was adopted at the World Summit on Sustainable Development (WSSD), sometimes referred to as Earth Summit 2002, at which the Plan of Implementation of the World Summit on Sustainable Development was also agreed upon.</p> <p>The Johannesburg Declaration builds on earlier declarations made at the United Nations Conference on the Human Environment at Stockholm in 1972, and the Earth Summit in Rio de Janeiro in 1992. While committing the nations of the world to sustainable development, it also includes substantial mention of multilateralism as the path forward.</p> <p>In terms of the political commitment of parties, the Declaration is a more general statement than the Rio Declaration. It is an agreement to focus particularly on <i>"the worldwide conditions that pose severe threats to the sustainable development of our people, which include: chronic hunger; malnutrition; foreign occupation; armed conflict; illicit drug problems; organized crime; corruption; natural disasters; illicit arms trafficking; trafficking in persons; terrorism; intolerance and incitement to racial, ethnic, religious and other hatreds; xenophobia; and endemic, communicable and chronic diseases, in particular HIV/AIDS, malaria and tuberculosis."</i> Johannesburg Declaration</p>	The principles of sustainable development are included in all of the sustainability objectives.
UNFCCC (1997) Kyoto Protocol to the UN Framework Convention on Climate Change.	The protocol shares the Convention's objective (to achieve stabilisation of greenhouse gas concentrations in the atmosphere at safe levels, so that ecosystems can adapt naturally, and food supply is not threatened) but strengthens the convention by committing Countries to legally-binding targets to limit or reduce their greenhouse gas emissions.	Incorporated in Sustainability Objective 5
UNFCCC (2009) Copenhagen Accord	The Copenhagen Accord is a treaty that is to take over from the Kyoto Protocol's targets, as of when it expires in 2012, for curbing the growth in greenhouse gas	Incorporated in Sustainability

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in Sustainability Objectives
(Climate Change).	<p>emissions sufficiently to avoid climate change impacts projected by the IPCC. The Copenhagen Accord commits Countries to legally binding targets including:</p> <ul style="list-style-type: none"> To reduce global emissions so as to hold the increase in global temperature below 2°C; Commit developed countries to reducing greenhouse gas emissions; Projects to reduce greenhouse gas emissions in developing countries will be subject to international monitoring if they are internationally funded; Provide developing countries with financial incentives to preserve forests; and Implementation of the Accord to be reviewed in 2015 and an assessment to be made on whether the goal of keeping global temperature rise within 2°C needs to be strengthened to 1.5°C. 	Objective 5
Council of Europe (2006) European Landscape Convention	Aims to promote the protection, management and planning of Europe's landscapes, both rural and urban, and to foster European co-operation on landscape issues.	Incorporated in Sustainability Objective 4
Council of Europe (1985) Convention on the Protection of the Architectural Heritage of Europe	This convention commits signatories to protect their architectural heritage by means of identifying monuments, buildings and sites to be protected; preventing the disfigurement, dilapidation or demolition of protected properties; providing financial support by the public authorities for maintaining and restoring the architectural heritage on its territory; and supporting scientific research for identifying and analysing the harmful effects of pollution and for defining ways and means to reduce or eradicate these effects.	Incorporated in Sustainability Objective 4
EU (2007) Floods Directive	The Floods Directive aims to provide a consistent approach to managing flood risk across Europe. The approach is based on a 6 year cycle of planning which includes the publication of Preliminary Flood Risk Assessments, hazard and risk maps and flood risk management plans. The Directive is transposed into English law by the Flood Risk Regulations 2009.	Incorporated in Sustainability Objective 5
EU (1991) Urban Waste Water Treatment Directive.	<p>The Directive aims to protect the environment from the adverse effects of urban waste water discharges and discharges from certain industrial sectors and concerns the collection, treatment and discharge of:</p> <ul style="list-style-type: none"> Domestic Waste Water; Mixture of Waste Water; and Waste Water from Certain Industrial Sectors. <p>There are four main principles: planning, regulation, monitoring, and information and reporting.</p>	Incorporated in Sustainability Objective 6
European Commission (1999) The Landfill Directive.	The Directive aims to prevent or reduce as far as possible negative effects on the environment, in particular the pollution of surface water, groundwater, soil and air, and on the global environment, including the greenhouse effect, as well as any resulting risk to human health, from the landfilling of waste, during the whole lifecycle of the landfill.	Incorporated in Sustainability Objectives 1 and 6
EC (2007) Together for Health: A Strategic Approach for the EU 2008-2013	The Strategy aims to provide an overarching strategic framework spanning core issues in health as well as health in all policies and global health issues.	Incorporated in Sustainability Objective 13
The Pan-European Biological and Landscape Diversity Strategy (1995)	The strategy aims to address degradation of biological and landscape diversity across Europe reinstating these assets where possible.	Incorporated in Sustainability Objective 4
National		
CLG (2012) National Planning Policy Framework (NPPF)	The general thrust of the NPPF is aimed at contributing towards sustainable development through the planning system. There is a presumption in favour of sustainable development " <i>which should be seen as a golden thread running through both plan-making and decision-taking.</i> " There are three dimensions as to how the government aims to achieve sustainable development which gives rise to	Incorporated in Sustainability Objectives 1 - 15

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in Sustainability Objectives
NPPF – Biodiversity, Geodiversity and Soil	<p>the need for the planning system to perform in a number of roles. These roles are based around economic, environmental and social roles.</p> <p>The NPPF sets out 12 core planning principles for plan and decision making, including: 'Conserving and enhancing the natural environment'. The planning system should contribute and enhance the natural and local environment by:</p> <ul style="list-style-type: none"> • Protecting and enhancing valued landscapes, geological conservation interests and soils; • Recognising the wider benefits of ecosystem services; • Minimising impacts on biodiversity and providing net gains in biodiversity where possible, including by establishing coherent ecological networks that are more resilient to current and future pressures; • Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and • Remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. <p>Plans and decisions should encourage effective use of brownfield sites and take into account the economic benefits of agricultural land when assessing development, seeking to utilise areas of poorer quality land.</p> <p>Local planning authorities should plan positively for creation, protection, enhancement and management of networks of biodiversity and green infrastructure. Planning and decision making should occur at a landscape scale across local authority boundaries and assess noise, air and light pollution, considering cumulative impacts. Local planning authorities should protect and enhance biodiversity specifically regarding priority species/habitats, protected sites and potential/proposed/possible protected sites.</p>	Incorporated in Sustainability Objectives 1, 4 and 6
NPPF – Landscape	<p>The NPPF sets out 12 core planning principles for plan and decision making, including: 'Conserving and enhancing the natural environment'. The planning system should contribute and enhance the natural and local environment by:</p> <ul style="list-style-type: none"> • Protecting and enhancing valued landscapes, geological conservation interests and soils; • Recognising the wider benefits of ecosystem services; • Minimising impacts on biodiversity and providing net gains in biodiversity where possible, including by establishing coherent ecological networks that are more resilient to current and future pressures; • Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and • Remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. <p>Plans and decisions should encourage effective use of brownfield sites and take into account the economic benefits of agricultural land when assessing development, seeking to utilise areas of poorer quality land.</p> <p>Local planning authorities should plan positively for creation, protection, enhancement and management of networks of biodiversity and green infrastructure. Planning and decision making should occur at a landscape scale across local authority boundaries and assess noise, air and light pollution, considering cumulative impacts. Local planning authorities should protect and enhance biodiversity specifically regarding priority species/habitats, protected sites and potential/proposed/possible protected sites.</p>	Incorporated in Sustainability Objective 4
NPPF – Cultural Environment	<p>One of the NPPF's 12 core planning principles for plan and decision making is the conservation and enhancement of the historic environment. Local planning authorities are required to set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should</p>	Incorporated in Sustainability Objective 4

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in Sustainability Objectives
	be wholly exceptional. Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets. Proposals that preserve the setting, reveal the significance of the asset or make a positive contribution should be treated favourably.	
NPPF – Water	<p>Among the NPPF's core principles are 'conserving and enhancing the natural environment' and 'meeting the challenge of climate change, flooding and coastal change'; In fulfilling these objectives, the planning system should contribute to and enhance the natural and local environment by: preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.</p> <p>In preparing plans to meet development needs, the aim should be to minimise pollution and other adverse effects on the local and natural environment.</p> <p>Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations.</p> <p>Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Local Plans should be supported by Strategic Flood Risk Assessment and develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards. Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by:</p> <ul style="list-style-type: none"> • Applying the Sequential Test; • If necessary, applying the Exception Test; • Safeguarding land from development that is required for current and future flood management; • Using opportunities offered by new development to reduce the causes and impacts of flooding; and • Where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to facilitate the relocation of development, including housing, to more sustainable locations. 	Incorporated in Sustainability Objectives 5 and 6
NPPF – Climate Change	One of the core principles of the NPPF is meeting the challenge of climate change, flooding and coastal change and encourages the adoption of proactive strategies to mitigate and adapt to climate change in line with the objectives and provisions of the Climate Change Act 2008, taking full consideration of flood risk, coastal change and water supply and demand. The NPPF also supports low carbon future by helping to increase the use of renewable and low carbon sources in line with the National Policy Statement for Renewable Energy Infrastructure. It seeks to ensure that all types of flood risk is taken into account over the long term at the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk.	Incorporated in Sustainability Objective 5
NPPF - Air Quality	This Directive aims to improve air quality throughout Europe by controlling the level of certain pollutants and monitoring their concentrations. In particular the Directive aims to establish levels for different air pollutants; draw up common methods for assessing air quality; methods to improve air quality; and make sure that information on air quality is easily accessible to Member States and the public.	Incorporated in Sustainability Objective 6
NPPF - Minerals and Waste	One of the core principles of the NPPF is facilitating the sustainable use of minerals. Policy guidance suggests the need to: Identify policies for existing and new sites of national importance, the definition of Mineral Safeguarding Areas so that locations of mineral sources are not sterilised by other developments, safeguarding of existing and planned mineral infrastructure (rail links, wharfage, storage, processing etc.), environmental criteria to ensure there is not an unacceptable environmental impact and policies for reclaiming land and site	Incorporated in Sustainability Objective 1

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in Sustainability Objectives
	aftercare.	
NPPF - Economy	<p>One of the NPPF's core planning principles for plan and decision making is building a strong competitive economy. The NPPF highlights the Government's commitment to securing economic growth to create jobs and prosperity, ensuring the planning system does everything it can to support sustainable economic growth. Local planning authorities are required to proactively meet development needs recognising potential barriers to invest (including infrastructure, housing and services) and regularly review land allocations. Economic growth in rural areas should be supported to create jobs and sustainable new developments, including expansion of all types of businesses, diversification of agriculture, supporting tourism and retention of local services.</p> <p>In drawing up local plans, local authorities should:</p> <ul style="list-style-type: none"> • Set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth; • Set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period; • Support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances; • Plan positively for the location, promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries; • Identify priority areas for economic regeneration, infrastructure provision and environmental enhancement; and • Facilitate flexible working practices such as the integration of residential and commercial uses within the same unit. 	Incorporated in Sustainability Objectives 7 – 10
NPPF – Housing	<p>Two of the NPPF's core principles is the delivery of a wide choice of high quality homes and requiring good design. Local planning authorities are required to significantly boost the supply of housing through:</p> <ul style="list-style-type: none"> • Affordable and meeting needs of the market, identifying accessible sites for 5, 6-10 and 11-15 years' worth of housing/growth; • Illustrating the expected rate of housing delivery through a housing trajectory and set out a strategy; • Deliver high quality housing, widen opportunities for home ownership and create sustainable inclusive and mixed communities; • Making allowance for windfall sites on the basis that such sites are consistently available; • Resisting inappropriate development of residential gardens; and • Avoid isolated country homes unless they were truly outstanding or innovative in design or enhance the surroundings. <p>Sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities.</p> <p>Planning policies and decisions should aim to ensure that developments:</p> <ul style="list-style-type: none"> • Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; • Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; • Optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks; • Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging 	Incorporated in Sustainability Objective 12

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in Sustainability Objectives
	<p>appropriate innovation;</p> <ul style="list-style-type: none"> • Create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and • Are visually attractive as a result of good architecture and appropriate landscaping. 	
NPPF - Health	<p>Amongst the planning principles of the NPPF is the promotion of healthy communities. The framework sets out open space, sport and recreation considerations for neighbourhood planning bodies which include an assessment of needs and opportunities; setting local standards; maintaining an adequate supply of open space and sports and recreational facilities; planning for new open space and sports and recreational facilities; and planning obligations. Local and neighbourhood plans should identify community green spaces of particular importance (including recreational and tranquillity) to them, ensuring any development of these areas is ruled out in a majority of circumstances.</p>	Incorporated in Sustainability Objective 13
NPPF – Transport & Accessibility	<p>Amongst the 12 planning principles of the NPPF are:</p> <ul style="list-style-type: none"> • Promoting sustainable transport; Support sustainable transport development including infrastructure, large scale facilities, rail freight, roadside facilities, ports and airports. <p>Protecting and exploiting opportunities for sustainable transport modes, including designing and locating developments to maximise sustainable modes and minimise day to day journey lengths.</p>	Incorporated in Sustainability Objective 3
NPPF – Quality of Life	<p>One of the 12 core planning principles of the NPPF is: Promoting healthy communities, and Supporting high quality communications infrastructure. The NPPF argues that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see. Local policies and decisions should therefore promote: Safe and accessible environments and developments.</p> <ul style="list-style-type: none"> • Opportunities for members of the community to mix and meet. • Plan for development and use of high quality shared public space. • Guard against loss of facilities. • Ensure established shops can develop in a sustainable way. • Ensure integrated approach to housing and community facilities and services. <p>Local and neighbourhood plans should identify community green spaces of particular importance (including recreational and tranquillity) to them, ensuring any development of these areas is ruled out in a majority of circumstances.</p> <p>The framework sets out open space, sport and recreation considerations for neighbourhood planning bodies. These include an assessment of needs and opportunities; setting local standards; maintaining an adequate supply of open space and sports and recreational facilities; planning for new open space and sports and recreational facilities; and planning obligations.</p>	Incorporated in Sustainability Objectives 12 - 15
CLG (2012) NPPF Technical Guidance	<p>Provides technical detail the 'sequential test' to assist with fulfilling the requirements set out in the NPPF on ensuring that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.</p>	Incorporated in Sustainability Objective 1
CLG (2011) The Localism Act	<p>The Localism Bill includes five key measures that underpin the Government's approach to decentralisation.</p> <ul style="list-style-type: none"> • Community rights; • Neighbourhood planning; • Housing; • General power of competence; and • Empowering cities and other local areas. 	Incorporated in Sustainability Objectives 11 - 15

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in Sustainability Objectives
CLG (2011) The Community Infrastructure Levy Regulations	The Community Infrastructure Levy is a new levy that local authorities in England and Wales can choose to charge on new developments in their area. The money can be used to support development by funding infrastructure that the council, local community and neighbourhoods want - for example new or safer road schemes, park improvements or a new health centre. The system applies to most new buildings and charges are based on the size and type of the new development.	Incorporated in Sustainability Objectives 11 - 15
DCLG (2014) Planning Policy for Traveller Sites (updated August 2015)	<p>This document sets out the Government's planning policy for Traveller sites. It identifies the following aims:</p> <ul style="list-style-type: none"> • That local planning authorities should make their own assessment of need for the purposes of planning; • To ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites; • To encourage local planning authorities to plan for sites over a reasonable timescale; • That plan-making and decision-taking should protect Green Belt from inappropriate development; • To promote more private Traveller site provision while recognising that there will always be those Travellers who cannot provide their own sites; • That plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective; • For local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies; • To increase the number of Traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply; • To reduce tensions between settled and Traveller communities in plan making and planning decisions; • To enable provision of suitable accommodation from which Travellers can access education, health, welfare and employment infrastructure; and <ul style="list-style-type: none"> • For local planning authorities to have due regard to the protection of local amenity and local environment. 	Incorporated in Sustainability Objective 12.
DCLG (2014) Planning Practice Guidance	Planning Practice Guidance is designed to support the NPPF. It reflects the objectives of the NPPF which are not repeated here.	All of the Objectives reflect NPPF and PPG.
DCLG (2014) National Planning Policy for Waste	<p>This document sets out detailed waste planning policies for local authorities. States that planning authorities need to:</p> <ul style="list-style-type: none"> • Use a proportionate evidence base in preparing Local Plans. • Identify sufficient opportunities to meet the identified needs of their area for the management of waste streams. <p>Identifying suitable sites and areas.</p> <p>The overall objective of the document is to work towards a more sustainable and efficient approach to resource use and management. Planning plays a pivotal role e.g. by ensuring the design and layout of new development and other infrastructure complements sustainable waste management.</p>	Incorporated in Sustainability Objective 6
DCLG (2014) Written Statement on Sustainable Drainage Systems	This statement sets out that it is the Government's expectation that sustainable drainage systems will be provided in new developments wherever this is appropriate.	Incorporated in Sustainability Objective 6.
DCLG (2017) Fixing Our Broken Housing Market	<p>The White Paper makes the following proposals as 'step 1':</p> <ul style="list-style-type: none"> • Making sure every part of the country has an up-to-date, sufficiently ambitious plan so that local communities decide where development should go; • Simplifying plan-making and making it more transparent, so it's easier for communities to produce plans and easier for developers to follow them; • Ensuring that plans start from an honest assessment of the need for new homes, and that local authorities work with their neighbours, so that difficult decisions are not ducked; • Clarifying what land is available for new housing, through greater transparency over who owns land and the options held on it; 	Incorporated in Sustainability Objective 12.

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in Sustainability Objectives
	<ul style="list-style-type: none"> • Making more land available for homes in the right places, by maximising the contribution from brownfield and surplus public land, regenerating estates, releasing more small and medium-sized sites, allowing rural communities to grow and making it easier to build new settlements; • Maintaining existing strong protections for the Green Belt, and clarifying that Green Belt boundaries should be amended only in exceptional circumstances when local authorities can demonstrate that they have fully examined all other reasonable options for meeting their identified housing requirements; • Giving communities a stronger voice in the design of new housing to drive up the quality and character of new development, building on the success of neighbourhood planning; and <p>Making better use of land for housing by encouraging higher densities, where appropriate, such as in urban locations where there is high housing demand; and by reviewing space standards.</p>	
DECC (2008) UK Climate Change Act 2008.	<p>The 2008 Climate Change Act seeks to manage and respond to climate change in the UK, by:</p> <ul style="list-style-type: none"> • Setting ambitious, legally binding targets; • Taking powers to help meet those targets; • Strengthening the institutional framework; • Enhancing the UK's ability to adapt to the impact of climate change; and • Establishing clear and regular accountability to the UK Parliament and to the devolved legislatures. 	Incorporated in Sustainability Objective 5
DCMS (2007) Heritage Protection for the 21 st Century.	<p>This White Paper responds to the public call for change, and to this changing policy context. It sets out a vision for a new heritage protection system. The proposals in the White Paper reflect the importance of the heritage protection system in preserving heritage for people to enjoy now and in the future. They are based around three core principles:</p> <ul style="list-style-type: none"> • Developing a unified approach to the historic environment; • Maximising opportunities for inclusion and involvement; and • Supporting sustainable communities by putting the historic environment at the heart of an effective planning system. 	Incorporated in Sustainability Objective 4
DCMS (2013) <i>Scheduled Monuments & Nationally Important but Non-Scheduled Monuments</i>	<p>This policy statement sets out Government policy on the identification, protection, conservation and investigation of nationally important ancient monuments, under the provisions of the Ancient Monuments and Archaeological Areas Act 1979. It includes principles relating to the selection of scheduled monuments and the determination of applications for scheduled monument consent.</p>	Incorporated in Sustainability Objective 4.
DCMS (2016) The Culture White Paper	<p>The White Paper is structured around four core themes:</p> <ul style="list-style-type: none"> • Everyone should enjoy the opportunities culture offers, no matter where they start in life; • The riches of our culture should benefit communities across the country; • The power of culture can increase our international standing; and • Cultural investment, resilience and reform. 	Incorporated in Sustainability Objective 4
DCMS (2017) Heritage Statement	<p>This statement sets out how the government will support the heritage sector and help it to protect and care for our heritage and historic environment in the coming years.</p> <p>There are no formal targets or objectives in this statement.</p>	Incorporated in Sustainability Objective 4
Defra (2003) The Water Environment (Water Framework Directive) (England and Wales) Regulations	<p>Requires all inland and coastal waters to reach "good status" by 2015. This is being done by establishing a river basin structure with ecological targets for surface waters.</p>	Incorporated in Sustainability Objective 6
Defra (2006) The Natural Environment and Rural Communities Act 2006	<p>The Act is primarily intended to implement key aspects of the Government's Rural Strategy published in July 2004; it also addresses a wider range of issues relating broadly to the natural environment.</p> <p>The Act established an independent body – Natural England – responsible for</p>	Incorporated in Sustainability Objectives 4, 7, 8 and 9f

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in Sustainability Objectives
	<p>conserving, enhancing and managing England's natural environment for the benefit of current and future generations.</p> <p>The Act also established the Commission for Rural Communities ("the Commission"). The Commission will be an independent advocate, watchdog and expert adviser for rural England, with a particular focus on people suffering from social disadvantage and areas suffering from economic under-performance. It will provide information, advice, monitoring and reporting to Government and others on issues and policies affecting rural needs.</p> <p>The Act also reconstitutes the Joint Nature Conservation Committee and renames and reconstitutes the Inland Waterways Amenity Advisory Council (which becomes the Inland Waterways Advisory Council).</p> <p>In line with the 2004 Rural Strategy, the Act extends both the Secretary of State's funding powers for functions within Defra's remit, and the ability to authorise other bodies to carry out those functions. Public bodies for which Defra is responsible are given the power to enter agreements to enable various other designated bodies to perform functions on their behalf. These various powers are intended to be used to simplify and devolve delivery arrangements and to improve their effectiveness and efficiency.</p> <p>The Act makes provision in respect of biodiversity, pesticides harmful to wildlife and the protection of birds, and in respect of invasive non-native species. It alters enforcement powers in connection with wildlife protection, and extends time limits for prosecuting certain wildlife offences. It addresses a small number of gaps and uncertainties which have been identified in relation to the law on sites of special scientific interest. It amends the functions and constitution of National Park authorities, the functions of the Broads Authority and the law on rights of way.</p>	
Defra (2007) Guidance for Local Authorities on Implementing Biodiversity Duty	The Duty is set out in Section 40 of the Natural Environment and Rural Communities Act (NERC) 2006, and states that: <i>"Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity"</i> . Particular areas of focus include: Policy, Strategy and Procurement; Management of Public Land and Buildings; Planning, Infrastructure and Development; and Education, Advice and Awareness.	Incorporated in S Sustainability Objective 4
Defra (2007) The Air Quality Strategy for England, Scotland, Wales and Northern Ireland (Volume 2).	The Strategy sets out standards and objectives for the 8 main health-threatening air pollutants in the UK. The standards are based on an assessment of the effects of each pollutant on public health. They are based on recommendations by the Expert Panel on Air Quality Standards, The European Union Air Quality Daughter Directive and the World Health Organisation. Local Authorities are responsible for seven of the eight air pollutants under Local Air Quality Management (LAQM). National objectives have also been set for the eighth pollutant, ozone, as well as for nitrogen oxides and sulphur dioxide.	Incorporated in Sustainability Objective 6
Defra (2007) The Air Quality Strategy for England, Scotland, Wales and Northern Ireland	<p>The Strategy:</p> <ul style="list-style-type: none"> • Sets out a way forward for work and planning on air quality issues; • Sets out the air quality standards and objectives to be achieved; • Introduces a new policy framework for tackling fine particles; and • Identifies potential new national policy measures which modelling indicates could give further health benefits and move closer towards meeting the Strategy's objectives. <p>The Air Quality Strategy sets out objectives for a range of pollutants. As these are quite extensive they have not been reproduced here.</p>	Incorporated in Sustainability Objectives 3 and 12.
Defra (2007) Strategy for England's Trees, Woods and Forests	<p>Key aims for government intervention in trees, woods and forests are:</p> <ul style="list-style-type: none"> • To secure trees and woodlands for future generations; • To ensure resilience to climate change; • To protect and enhance natural resources; • To increase the contribution that trees, woods and forests make to our quality of life; and • To improve the competitiveness of woodland businesses and products. <p>These aims will form the basis on which the Delivery plan will be developed by Natural England and the Forestry Commission England (FCE). The strategy provides a national policy direction, which can be incorporated alongside regional</p>	Incorporated in Sustainability Objective 4.

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in Sustainability Objectives
	<p>priorities within regional forestry frameworks.</p> <p>Strategy aims to create 2,200 hectares of wet woodland in England by 2010.</p>	
Defra (2009) Safeguarding our Soils: A Strategy for England	<p>The Strategy is underpinned by the following vision:</p> <p>By 2030, all England's soils will be managed sustainably and degradation threats tackled successfully. This will improve the quality of England's soils and safeguard their ability to provide essential services for future generations.</p> <p>Achieving this vision will mean that:</p> <ul style="list-style-type: none"> • Agricultural soils will be better managed and threats to them will be addressed; • Soils will play a greater role in the fight against climate change and in helping us to manage its impacts; • Soils in urban areas will be valued during development, and construction practices will ensure vital soil functions can be maintained; and <p>Pollution of our soils is prevented, and our historic legacy of contaminated land is being dealt with.</p> <p>There are no specific objectives or targets in this strategy.</p>	Incorporated in Sustainability Objective 4.
Defra (2011) Biodiversity 2020: A strategy for England's wildlife and ecosystem	<p>This is a new biodiversity strategy for England that builds on the Natural Environment White Paper and provides a comprehensive picture of the Government is implementing the international and EU commitments. It sets out the strategic direction for biodiversity policy for the next decade on land (including rivers and lakes) and at sea. The Strategy has as its mission to halt overall biodiversity loss, support healthy well-functioning ecosystems, and establish coherent ecological networks, with more and better places for nature for the benefit of wildlife and people.</p>	Incorporated in Sustainability Objective 4
Defra (2011) Review of Waste Policy in England	<p>Building on waste reduction targets established in the 2007 Waste Strategy, the Review sets out a range of commitments relating to:</p> <ul style="list-style-type: none"> • Sustainable use of materials; • Waste prevention, re-use and recycling; • Regulation and enforcement; • Householders and local authorities working together; • Business waste collection; • Energy recovery; • Landfill; and • Infrastructure and planning. 	Incorporated in Sustainability Objective 2
Defra (2008) Future Water, the Government's Water Strategy for England	<p>Objectives:</p> <p>By 2030 at the latest, we have:</p> <ul style="list-style-type: none"> • Improved the quality of our water environment and the ecology which it supports, and continued to provide high levels of drinking water quality from our taps; • Sustainably managed risks from flooding and coastal erosion, with greater understanding and more effective management of surface water; • Ensured a sustainable use of water resources, and implemented fair, affordable and cost reflective water charges; • Cut greenhouse gas emissions; and • Embedded continuous adaptation to climate change and other pressures across the water industry and water users. <p>Targets: Key targets are within the objectives above and further a number of sub-targets are included within the document.</p>	Incorporated in Sustainability Objectives 5 and 6
Defra (2009) Safeguarding our Soils: A Strategy for England	<p>The Soil Strategy for England provides a vision to guide future policy development across a range of areas and sets out the practical steps that are needed to take to prevent further degradation of our soils, enhance, restore and ensure their resilience, and improve understanding of the threats to soil and best practice in responding to them. Key objectives of the strategy include:</p> <ul style="list-style-type: none"> • Better protection for agricultural soils; 	Incorporated in Sustainability Objective 1

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in Sustainability Objectives
	<ul style="list-style-type: none"> Protecting and enhancing stores of soil carbon; Building the resilience of soils to a changing climate; Preventing soil pollution; Effective soil protection during construction and development; and Dealing with the legacy of contaminated land. 	
Defra (2011) Natural Environment White Paper; The natural choice: securing the value of nature	<p>The Natural Environment White paper sets out the Government's plans to ensure the natural environment is protected and fully integrated into society and economic growth. The White Paper sets out four key aims:</p> <ul style="list-style-type: none"> (i) protecting and improving our natural environment; (ii) growing a green economy; (iii) reconnecting people and nature; and (iv) international and EU leadership, specifically to achieve environmentally and socially sustainable economic growth, together with food, water, climate and energy security and to put the EU on a path towards environmentally sustainable, low-carbon and resource-efficient growth, which is resilient to climate change, provides jobs and supports the wellbeing of citizens. 	Incorporated in Sustainability Objectives 4 and 7
Defra (2011) Biodiversity 2020: a Strategy for England's Wildlife and Ecosystem Services	<p>The Strategy is designed to help to deliver the Natural Environment White Paper and include the following priorities:</p> <ul style="list-style-type: none"> Creating 200,000 hectares of new wildlife habitats by 2020; Securing 50% of SSSIs in favourable condition, while maintaining at least 95% in favourable or recovering condition; Encouraging more people to get involved in conservation by supporting wildlife gardening and outdoor learning programmes; and Introducing a new designation for local green spaces to enable communities to protect places that are important to them. 	Incorporated in Sustainability Objective 3
Defra & HM Government (2011) Water White Paper; Water for Life	<p>Water for Life describes a vision for future water management in which the water sector is resilient, in which water companies are more efficient and customer focused, and in which water is valued as the precious and finite resource it is.</p>	Incorporated in Sustainability Objective 5
Defra & Environment Agency (2001) National Flood and Coastal Erosion Risk Management Strategy for England	<p>The strategy describes what needs to be done by all organisations involved in flood and coastal erosion risk management. The strategy sets out a statutory framework that will help communities, the public sector and other organisations to work together to manage flood and coastal erosion risk.</p>	Incorporated in Sustainability Objective 5
HM Government (1979) Ancient Monuments and Archaeological Areas Act	<p>The Act defines sites that warrant protection as ancient monuments. They can be a Scheduled Ancient Monuments or <i>"any other monument which in the opinion of the Secretary of State is of public interest by reason of the historic, architectural, traditional, artistic or archaeological interest attaching to it"</i>.</p> <p>There are no specific targets or objectives identified.</p>	Incorporated in Sustainability Objective 4.
HM Government (1981) Wildlife and Countryside Act	<p>The main UK legislation relating to the protection of named animal and plant species includes legislation relating to the UK network of nationally protected wildlife areas: Site of Special Scientific Interest (SSSIs).</p> <p>There are no specific targets or objectives identified.</p>	Incorporated in Sustainability Objective 4.
HM Government (1990) Planning (Listed Building and Conservation Areas) Act	<p>The Planning (Listed Buildings and Conservation Areas) Act 1990 provides specific protection for buildings and areas of special architectural or historic interest.</p> <p>There are no specific targets or objectives identified.</p>	Incorporated in Sustainability Objective 4.
HM Government (2000) Countryside and Rights of Way Act 2000	<p>This Act:</p> <ul style="list-style-type: none"> Gives people greater freedom to explore open country on foot; Creates a duty for Highway Authorities and National Park Authorities to establish Local Access Forums; Provides a cut-off date of 1 January 2026 for the recording of certain rights of way on definitive maps and the extinguishment of those not so recorded by 	Incorporated in Sustainability Objective 4.

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in Sustainability Objectives
	<p>that date;</p> <ul style="list-style-type: none"> Offers greater protection to wildlife and natural features, better protection for Sites of Special Scientific Interest (SSSIs) and more effective enforcement of wildlife legislation; and Protects Areas of Outstanding Natural Beauty with legislation similar to that for National Parks. <p>There are no specific objectives or targets in the Act.</p>	
HM Government (2003) Sustainable Energy Act	<p>The Act aims to promote sustainable energy development and use and report on progress regarding cutting the UK's carbon emissions and reducing the number of people living in fuel poverty.</p> <p>Specific targets are set by the Secretary of State as energy efficiency aims.</p>	Incorporated in Sustainability Objective 4.
HM Government (2004 and revised 2006) Housing Act	<p>Energy efficiency must be at least 20% greater in properties by 2010 than compared with 2000.</p>	Incorporated in Sustainability Objective 4.
HM Government (2005) Securing the Future – the UK Sustainable Development Strategy	<p>The Strategy contains a new set of indicators to monitor progress towards sustainable development in the UK. Those most relevant at the local authority level include:</p> <ul style="list-style-type: none"> Greenhouse gas emissions Road freight (CO2 emissions and tonne km, tonnes and GDP) Household waste (a) arisings (b) recycled or composted Local environmental quality 	Incorporated in Sustainability Objectives 1, 2, 3, 4, and 6.
HM Government (2006) The Natural Environment and Rural Communities (NERC) Act 2006	<p>The Act:</p> <ul style="list-style-type: none"> Makes provision about bodies concerned with the natural environment and rural communities; Makes provision in connection with wildlife, Sites of Special Scientific Interest (SSSIs), National Parks and the Broads; Amends the law relating to rights of way; Makes provision as to the Inland Waterways Amenity Advisory Council; and Provides for flexible administrative arrangements in connection with functions relating to the environment and rural affairs and certain other functions; and for connected purposes. <p>There are no specific objectives or targets in the Act.</p>	Incorporated in Sustainability Objective 4.
HM Government (2008) The Climate Change Act 2008	<p>The Act sets:</p> <ul style="list-style-type: none"> Legally binding targets - greenhouse gas emission reductions through action in the UK and abroad of at least 80% by 2050, and reductions in CO2 emissions of at least 26% by 2020, against a 1990 baseline. The 2020 target will be reviewed soon after Royal Assent to reflect the move to all greenhouse gases and the increase in the 2050 target to 80%. <p>Further, the Act provides for a carbon budgeting system which caps emissions over five year periods, with three budgets set at a time, to set out our trajectory to 2050.</p>	Incorporated in Sustainability Objective 5.
HM Government (2008) The Planning Act	<p>Introduces a new system for nationally significant infrastructure planning, alongside further reforms to the Town and Country Planning system. A major component of this legislation is the introduction of an independent Infrastructure Planning Commission (IPC), to take decisions on major infrastructure projects (transport, energy, water and waste). To support decision-making, the IPC will refer to the Government's National Policy Statements (NPSs), which will provide a clear long-term strategic direction for nationally significant infrastructure development.</p> <p>There are no specific objectives or targets in the Act.</p>	This act is not specifically relevant to any of the objectives.
HM Government (2009) The UK Renewable Energy Strategy	<p>A vision is set out in the document whereby by 2020:</p> <ul style="list-style-type: none"> More than 30% of our electricity is generated from renewables; 12% of our heat is generated from renewables; and 10% of transport energy is generated from renewables. 	Incorporated in Sustainability Objective 5.
HM Government (2010) The Government's	<p>The Vision of the Statement is "that the value of the historic environment is recognised by all who have the power to shape it; that Government gives it</p>	Incorporated in Sustainability

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in Sustainability Objectives
Statement on the Historic Environment for England	<p><i>proper recognition and that it is managed intelligently and in a way that fully realises its contribution to the economic, social and cultural life of the nation."</i></p> <p>This vision is supported by six aims:</p> <ol style="list-style-type: none"> 1 Strategic Leadership: Ensure that relevant policy, guidance, and standards across Government emphasize our responsibility to manage England's historic environment for present and future generations. 2 Protective Framework: Ensure that all heritage assets are afforded an appropriate and effective level of protection, while allowing, where appropriate, for well managed and intelligent change. 3 Local Capacity: Encourage structures, skills and systems at a local level which: promote early consideration of the historic environment; ensure that local decision makers have access to the expertise they need; and provide sufficiently skilled people to execute proposed changes to heritage assets sensitively and sympathetically. 4 Public Involvement: Promote opportunities to place people and communities at the centre of the designation and management of their local historic environment and to make use of heritage as a focus for learning and community identity at all levels. 5 Direct Ownership: Ensure all heritage assets in public ownership meet appropriate standards of care and use while allowing, where appropriate, for well managed and intelligent change. 6 Sustainable Future: Seek to promote the role of the historic environment within the Government's response to climate change and as part of its sustainable development agenda. <p>No key targets.</p>	Objective 4..
HM Government (2010) The Air Quality Standards 2010	The Regulations largely implement Directive 2008/50/EC on ambient air quality and cleaner air for Europe.	Incorporated in Sustainability Objective 6
HM Government (2010) Flood and Water Management Act	<p>The Act takes forward a number of recommendations from the Pitt Review into the 2007 floods and places new responsibilities on the Environment Agency, local authorities and property developers (among others) to manage the risk of flooding.</p> <ul style="list-style-type: none"> • The Environment Agency is responsible for developing and applying a flood risk management strategy for England and Wales. Every other agency with a flood risk management function across England and Wales must take account of this strategy. • Local authorities across England and Wales are required to develop, maintain, apply and monitor a strategy for local flood risk management in their areas. These local strategies must include the risk of flooding from surface water, watercourse and groundwater flooding. • Lead local authorities must establish and maintain a register of structures which have an effect on flood risk management in their areas. • The Act introduces a requirement to improve the flood resistance of existing buildings by amending the Building Act 1984. • The Act introduces the provision for residential landlords to be charged the cost of their tenant's unpaid water bills should the landlord fail to pass on the tenants details to the respective water company for the local area. • The Act introduces the requirements for developers of property to construct Sustainable Drainage Systems (SUDS). • Local authorities have a duty to adopt these SUDS once completed. By adoption, the Act means that they become responsible for maintaining the systems. 	Incorporated in Sustainability Objective 5
HM Government (2010) The Conservation of Habitats and Species Regulations	This is the UK transposition of EC Directive 92/43/EC on the conservation of natural habitats and of wild fauna and flora. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.	Incorporated in Sustainability Objective 4
HM Government (2010)	Those key targets related to water resources, include:	Incorporated in

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in Sustainability Objectives
Flood and Water Management Act 2010	<ul style="list-style-type: none"> To widen the list of uses of water that water companies can control during periods of water shortage, and enable Government to add to and remove uses from the list. To encourage the uptake of sustainable drainage systems by removing the automatic right to connect to sewers and providing for unitary and county councils to adopt SUDS for new developments and redevelopments. To reduce 'bad debt' in the water industry by amending the Water Industry Act 1991 to provide a named customer and clarify who is responsible for paying the water bill. To make it easier for water and sewerage companies to develop and implement social tariffs where companies consider there is a good cause to do so, and in light of guidance that will be issued by the Secretary of State following a full public consultation. 	Sustainability Objective 6.
HM Government (2010) White Paper: Healthy Lives, Healthy People: Strategy for Public Health in England	<p>Aims to create a 'wellness' service (Public Health for England) and to strengthen both national and local leadership.</p> <p>No formal targets or objectives.</p>	Incorporated in Sustainability Objective 13.
HM Government (2011) The Localism Act	<p>The Localism Bill includes five key measures that underpin the Government's approach to decentralisation.</p> <ul style="list-style-type: none"> Community rights; Neighbourhood planning; Housing; General power of competence; and <p>Empowering cities and other local areas.</p> <p>No key targets or indicators.</p>	Incorporated in Sustainability Objective 15.
HM Government (2011) Water for Life: White Paper	<p><i>Water for Life</i> describes a vision for future water management in which the water sector is resilient, in which water companies are more efficient and customer focused, and in which water is valued as the precious and finite resource it is.</p> <p><i>Water for Life</i> includes several proposals for deregulating and simplifying legislation, to reduce burdens on business and stimulate growth. Ofwat's proposals for reducing its regulatory burdens complement these.</p> <p>No key targets or objectives.</p>	Incorporated in Sustainability Objective 6.
HM Government (2011) Carbon Plan: Delivering our Low Carbon Future	<p>This sets out how the UK will achieve decarbonisation within the framework of energy policy:</p> <ul style="list-style-type: none"> To make the transition to a low carbon economy while maintaining energy security, and minimising costs to consumers, particularly those in poorer households. <p>There are no formal objectives or targets.</p>	Incorporated in Sustainability Objective 5.
HM Government (2013) The Community Infrastructure Levy (Amendment) Regulations 2013	<p>The Community Infrastructure Level (CIL) is a charge which may be applied to new developments by local authorities. The money can be used to support development by funding infrastructure that the council, local community and neighbourhoods want.</p> <p>There are no formal objectives or targets.</p>	Not specifically applicable to any of the objectives.
HM Government (2014) Water Act 2014	<p>The provisions in the Act enable the delivery of Government's aims for a sustainable sector as set out in the Water White Paper in a way that this is workable and clear. This Act aims to make steps towards reducing regulatory burdens, promoting innovation and investment, giving choice and better service to customers and enabling more efficient use of scarce water resources.</p> <p>There are no formal objectives or targets.</p>	Incorporated in Sustainability Objective 6.
HM Government (2015) Water Framework Directive (Standards and Classification) Directions (England and Wales) 2015.	<p>The regulations implement provisions of the Water Framework Directive (Directive 2000/60/EC), the Environmental Quality Standards Directive (Directive 2008/105/EC) and the priority substances amendment of these directives (Directive 2013/39/EU). This includes directions for the classification of surface water and groundwater bodies, monitoring requirements, standards for ecological and chemical status of surface waters, and environmental quality standards for priority substances.</p>	Incorporated in Sustainability Objective 6.

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in Sustainability Objectives
	There are no formal objectives or targets.	
HM Government (2015) Government Response to the Committee on Climate Change.	In June 2015 the Committee on Climate Change and the Adaptation Sub-Committee published the seventh progress report on Government's mitigation activity and the first statutory assessment of the National Adaptation Programme. This included five recommendations and it is those recommendations that are responded to within this response. There are no formal objectives or targets.	Incorporated in Sustainability Objective 5.
HM Government (2016) Environmental Permitting (England and Wales) Regulations 2016.	The Regulations provide a consolidated system of environmental permitting in England and Wales, and transpose the provisions of 15 EU Directives. It provides a system for environmental permits and exemptions for industrial activities, mobile plant, waste operations, mining waste operations, water discharge activities, groundwater activities, flood risk activities and radioactive substances activities. It also sets out the powers, functions and duties of the regulators. Certain flood risk activities are now regulated under the Environmental Permitting Regulations, with environmental permits required for some activities. There are slight variations between England and Wales. There are no formal objectives or targets.	Not specifically relevant to any of the objectives.
HM Government (2016) Housing and Planning Act 2016	This Act makes widespread changes to housing policy and the planning system. It introduces legislation to allow the sale of higher value local authority homes, introduce starter homes and "Pay to Stay" and other measures intended to promote home ownership and boost levels of housebuilding. The Act introduces numerous changes to housing law and planning law: <ul style="list-style-type: none"> • A proposal to abolish secure and assured tenancies for new tenancies, and replace them with fixed term tenancies lasting between two and five years. However, following an amendment, this was later extended to tenancies of up to 10 years with the possibility of for longer tenancies for families with children.[3] The Act requires where there is a succession to the tenancy that unless they are a spouse or civil partner the new tenancy has to be fixed term rather than secure. Housing associations are not affected by this change. • The promotion of self-build and custom build housebuilding. • The building of 200,000 starter homes which will be obtainable to first time buyers between 23 and 40 for sale at 20% below market prices. • The extension of right to buy to include housing association properties. Due to a deal with the National Housing Federation right to buy will be extended to housing association tenants on a voluntary basis with the Government making payments to housing associations to compensate for the discounts on offer. • A policy dubbed "pay to stay" that would see some council tenants pay higher rent. Income of £31,000 or £40,000 in London would see someone hit by "Pay to Stay". Tenants in receipt of housing benefit would not be affected by this change and neither would housing association tenants. • The forced sale of high value empty local authority properties. The stated aim of this policy was to fund right-to-buy for housing associations in order to promote home ownership. The Act states that lost social housing will be replaced with "affordable housing" which could be a starter home. In London two properties will be built for every one sold. • The speeding up of the planning system so as to deliver more housing. A concept called "permission in principle" is being introduced which is "an automatic consent for sites identified in local plans and new brownfield registers subject to further technical details being agreed by authorities". It is hoped that this will speed up house building. • Powers to force local authorities to have a Local Plan where they do not have one. • Changes to banning orders on "rogue landlords" The Act allows a local authority to apply for a banning order when a landlord or letting agent commits certain offences. The Act also creates a database of rogue landlords that will be maintained by local authorities. • Changes relating to Rent Repayment Orders allowing a local authority to 	Incorporated in Sustainability Objective 12.

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in Sustainability Objectives
	<p>apply for one where a landlord has committed certain offences.</p> <ul style="list-style-type: none"> A law allowing recovery of abandoned properties. A private landlord will be allowed to do this without serving a section 21 notice and without serving a court order. 	
HM Government (2017) The Conservation of Habitats and Species Regulations 2017	<p>The purpose of these Good Practice Advice notes is to provide information on good practice to assist local authorities, planning and other consultants, owners, applicants and other interested parties in implementing biodiversity policy in the National Planning Policy Framework (NPPF) and the related guidance given in the National Planning Practice Guide (PPG).</p> <p>There are no formal objectives or targets.</p>	Incorporated in Sustainability Objective 4.
DfT (2008) Delivering a Sustainable Transport System (DaSTS).	<p>Objectives:</p> <ul style="list-style-type: none"> To support national economic competitiveness and growth, by delivering reliable and efficient transport networks; To reduce transport's emissions of carbon dioxide and other greenhouse gases, with the desired outcome of tackling climate change; To contribute to better safety and health and longer life-expectancy by reducing the risk of death, injury or illness arising from transport and by promoting travel modes that are beneficial to health; To promote greater equality of opportunity for all citizens, with the desired outcome of achieving a fairer society; and To improve quality of life for transport users and non-transport users, and to promote a healthy natural environment. 	I Incorporated in Sustainability Objectives 3, 7 – 9, 13
English Heritage (2008) Conservation Principles, Policies and Guidance	<p>A framework for the sustainable management of the historic environment based on the following principles:</p> <ul style="list-style-type: none"> The historic environment is a shared resource; Everyone should be able to participate in sustaining the historic environment; Understanding the significance of places is vital; Significant places should be managed to sustain their values; Decisions about change must be reasonable, transparent and consistent; and Documenting and learning from decisions is essential. 	Incorporated in Sustainability Objective 3
English Nature (2006) Climate Change Space for Nature	Context for the next 80 years in terms of the likely effects of climate change on biodiversity. Prescribes suggested actions to be taken in preparation for change.	Incorporated in Sustainability Objective 3 and 5
Environment Agency (2009) Water for people and the environment - Water resources strategy for England and Wales.	<p>Objectives:</p> <ul style="list-style-type: none"> Enable habitats and species to adapt better to climate change; Allow the way we protect the water environment to adjust flexibly to a changing climate; Reduce pressure on the environment caused by water taken for human use; Encourage options resilient to climate change to be chosen in the face of uncertainty; Better protect vital water supply infrastructure; Reduce greenhouse gas emissions from people using water, considering the whole life-cycle of use; and Improve understanding of the risks and uncertainties of climate change. <p>Target: In England, the average amount of water used per person in the home is reduced to 130 litres each day by 2030.</p>	Incorporated in Sustainability Objective 3 and 6
Environment Agency (2011) The National Flood and Coastal Erosion Risk Management Strategy for England	<p>The strategy encourages more effective risk management by enabling people, communities, businesses, infrastructure operators and the public sector to work together to:</p> <ul style="list-style-type: none"> Ensure a clear understanding of the risks of flooding and coastal erosion, nationally and locally, so investment risk can be prioritised more effectively; 	Incorporated in sustainability objective 5.

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in Sustainability Objectives
	<ul style="list-style-type: none"> Set out clear and consistent plans for risk management so that communities and business can make informed decisions about the management of the remaining risk; Manage flood and coastal erosion risks in an appropriate way, taking account of the needs of communities and the environment; Ensure that emergency plans and responses to flood incidents are effective and that communities are able to respond effectively to flood forecasts, warnings and advice; and Help communities to recover more quickly and effectively after incidents. 	
Forestry Commission (2005): Trees and Woodlands Nature's Health Service	An advisory document which provides detailed examples of how the Woodland Sector (trees, woodlands and green spaces) can significantly contribute to people's health, well-being (physical, psychological and social) and quality of life. Increasing levels of physical activity is a particular priority.	Incorporated in Sustainability Objective 4 and 13
HM Government (2006) Climate Change The UK Programme	<p>The Climate Change Programme aims to tackle climate change by setting out policies and priorities for action in the UK and internationally.</p> <p>Aims and Objectives:</p> <ul style="list-style-type: none"> To reduce carbon dioxide emissions by 20% below 1990 levels by 2010 (more than is required by the Kyoto Agreement); Make agreements with other countries as to how they will tackle climate change together; Report annually to Parliament on UK emissions, future plans and progress on domestic climate change; and Set out the adaptation plan for the UK, informed by additional research on the impacts of climate change. 	Incorporated in Sustainability Objective 5
Regional		
Severn Trent Water Resources Management Plan (2010)	Guidance on the approach to water management over the period 2010-2035, focused on achieving and maintaining the level of headroom necessary to ensure we can deliver our target levels of service at least cost to customers, whilst minimizing the impact on the environment. This is to be achieved in part by reducing leakage and managing the demand for water, and partly by developing new resources. The Strategy identifies that: <i>"Our best estimates of future supply/demand pressures show that we will need additional water resources and treatment capacity in the longer term. The schemes being delivered through our wider supply resilience investment strategy will provide a deployable output benefit and these form a key part of our longer term supply / demand plans. However, we have identified the likely need for further leakage reductions and water resource schemes during in the 2025-2035 period. Our analysis shows that the most significant risk to our long term supply/demand balance is the impact of climate change."</i>	Incorporated in Sustainability Objectives 2 and 5
Energy Capital (2018) a Regional Approach to Clean Energy Innovation	<p>The report states the main focus of the (Energy Improvement Zones) EIZs will be to integrate low carbon technologies, to develop the business models and infrastructure needed to support new approaches to clean energy as well as overcome the regulatory barriers necessary for them to flourish. They will be designed to stimulate local clean energy innovation and drive productivity within the region, exports and growth.</p> <p>The EIZs aim to demonstrate new technologies, and to turn them into fully commercial propositions, breeding regional markets and supply chains that provide a platform for exports and growth. They will also offer a controlled environment in which innovators of all types can trial new services, technologies and business models.</p>	Incorporated in sustainability objective 5.
Environment Agency Humber River Basin Management Plan (2009)	<p>A strategic document summaries key issue by river catchment. For the Tame, Anker and Mease these are to:</p> <ul style="list-style-type: none"> Improve sewage treatment works at a number of locations to reduce the levels of phosphate, for the River Trent designation. Target pollution prevention campaigns around industrial areas in the urban areas, particularly around Birmingham and the Black Country. Improve sewage treatment works at a number of locations in the River 	Incorporated in Sustainability Objectives 5 and 6

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in Sustainability Objectives
Mease catchment to reduce the levels of phosphate in the SAC site.		
Environment Agency The Tame, Anker and Mease Management Catchment (2014 consultation)	<p>A summary document forming the background to updating the River Basin Management Plan and the work of the Catchment Partnership. The following objectives are proposed:</p> <ul style="list-style-type: none"> Identifying and remediating point source pollution; Identifying opportunities and tackling diffuse run-off; Restoring and enhancing watercourses, wetlands and floodplains Ensuring water bodies, the water environment and network contribute green infrastructure; Ensuring that the water environment contributes to the local economy and social well-being; and Using the planning system to maximise benefits to the water environment and catchment. <p>The document notes that: "It is disappointing to see that water quality has declined between 2009 and 2014, despite the significant improvements that have occurred throughout parts of the catchment."</p>	Incorporated in Sustainability Objectives 5 and 6
Environment Agency Trent Catchment Flood Management Plan (2010)	A strategic planning document that provides an overview of the main sources of flood risk in the Trent catchment and how these can be managed in a sustainable framework for the next 50 to 100 years. The CFMP covers Birmingham and the Black Country and identifies that Birmingham should "take further action to reduce flood risk".	Incorporated in Sustainability Objective 5
Environment Agency (2015) Severn River Basin District River Basin Management Plan	This River Basin Management Plan seeks to protect the River Severn so that it can be enjoyed by different Districts the river runs through without each District affecting the others ability to enjoy the river. It also seeks to conserve and enhance the quality of the River Severn environment and maintain its high water quality and habitats, as the River Severn benefits from having particularly rich and diverse wildlife and habitats.	Incorporated in Sustainability Objective 6.
The Greater Birmingham and Solihull Local Enterprise Partnership Strategy (2013)	<p>The Greater Birmingham & Solihull LEP is a partnership of businesses, local authorities and universities which supports private sector growth and job creation. Set up to strengthen local economies, encourage economic development and enterprise, and improve skills across the region. The LEP has set out plans to:</p> <ul style="list-style-type: none"> Increase economic output (GVA) in the area by £8.25 billion by 2020; Create 100,000 private sector jobs by 2020; Stimulate growth in the business stock and business profitability; Boost indigenous and inward investment; Become global leaders in key sectors, including: automotive assembly, low carbon R&D, business and professional services, clinical trials, creative and digital sectors; and Increase the proportion of adults with appropriate qualifications to meet employment needs. 	Incorporated in Sustainability Objectives 7, 8, 9 and 10.
Greater Birmingham & Solihull Local Enterprise Partnership (2016) Strategic Economic Plan 2016-2030	<p>This Strategic Economic Plan sets out a mission for the West Midlands Region: <i>'To create jobs and grow the economy of Greater Birmingham and in so doing raise the quality of life for all of the LEP's population.'</i></p> <p>This plan includes the following targets:</p> <ul style="list-style-type: none"> Create 250,000 private sector jobs by 2030 and be the leading Core City LEP for private sector job creation; Increase GVA by £29bn by 2030; Decrease unemployment to the National Average by 2020 and to have the lowest unemployment amongst the LEP Core Cities by 2030; GBSLEP to be the leading Core City by 2030 for GVA per head; Increase % of working age population with NVQ3+ to the National Average by 2025; Increase productivity rates to the National Average by 2030; and GBSLEP to be the Leading Core City LEP for Quality of Life by 2030. 	Incorporated in Sustainability Objectives 7, 8, 9 and 10.

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in Sustainability Objectives
Natural England (2012) National Character Area profile no. 67: Cannock Chase and Cank Wood	Cannock Chase and Cank Wood National Character Area (NCA) extends north of the Birmingham and Black Country conurbation and includes a major area of this city. It is situated on higher land consisting of sandstone and the South Staffordshire Coalfield. The NCA principally coincides with the historical hunting forest of Cannock Chase, with major remnants surviving within the Cannock Chase Area of Outstanding Natural Beauty (AONB), which supports internationally important heathland Special Areas of Conservation (SAC) and the Sutton Park National Nature Reserve.	Incorporated in sustainability objective 4.
Natural England (2012) National Character Area profile no. 97: Arden	Arden National Character Area (NCA) comprises farmland and former wood-pasture lying to the south and east of Birmingham, including part of the West Midlands conurbation. Traditionally regarded as the land lying between the River Tame and the River Avon in Warwickshire, the Arden landscape also extends into north Worcestershire to abut the Severn and Avon Vales. To the north and northeast it drops down to the open landscape of the Mease/Sence Lowlands. The eastern part of the NCA abuts and surrounds Coventry, with the fringes of Warwick and Stratford-upon-Avon to the south. This NCA has higher ground to the west, the Clent and Lickey Hills and to the east, the Nuneaton ridge.	Incorporated in sustainability objective 4.
The 7 Authorities of the West Midlands Metropolitan Area (2011) West Midlands Local Transport Plan	<p>The West Midlands Local Transport Plan 2011 - 2026 (LTP) is a statutory document which looks at the transport needs of the Metropolitan Area and sets out a way forward to deliver those needs through short, medium and long term transport solutions.</p> <p>The LTP sets out how our transport network can play its part in the transformation of the West Midlands economy. It demonstrates how this will bring real benefits to people through its contribution to economic revival, creation of jobs, improved accessibility, improved local and national connections by road and rail and better quality of life. The Plan's specific objectives are:</p> <ul style="list-style-type: none"> • Prioritising investment on those interventions which will have greatest economic benefit; • Improving the delivery of our transport priorities; • Effectively maintaining and managing our transport assets ; • Enhancing the efficiency, and reliability of our transport networks for the movement of people and freight; • Improving safety and security; and • Promoting low carbon corridors and Smarter Choices to influence travel behaviour. 	Incorporated in Sustainability Objective 3
Environment Agency (2009) A Water Resources Strategy Regional Action Plan for the West Midlands Region	<p>The EA Water Resources Strategy for England and Wales, <i>Water for People and the Environment</i>, sets out a number of actions that are reflected in the Regional Action Plan. This Plan takes the aims and objectives of the strategy and identifies Regional actions that will enable:</p> <ul style="list-style-type: none"> • Water to be abstracted, supplied and used efficiently; • The water environment to be restored, protected and improved so that habitats and species can better adapt to climate change; • Supplies to be more resilient to the impact of climate change, including droughts and floods; • Water to be shared more effectively between abstractors; • Improved water efficiency in new and existing buildings; • Water to be valued and used efficiently; • Additional resources to be developed where and when they are needed in the context of a twin-track approach with demand management; • Sustainable, low carbon solutions to be adopted; and • Stronger integration of water resources management with land, energy, food and waste. 	Incorporated in Sustainability Objective 2
Forestry Commission (2004) West Midlands Regional Forestry	The Framework sets out priorities for activity across the private, public and voluntary sector, and includes priorities and actions based around the following	Incorporated in Sustainability Objectives 4, 5, 6 and

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in Sustainability Objectives
Framework	<p>themes:</p> <ul style="list-style-type: none"> • Tree and Woodland Cover; • Trees Woodland and Forestry Industry; • Wood Energy and Recycling; • Recreation and Tourism; • Health and Wellbeing; • Fostering Social Inclusion; • Enhancing Biodiversity; • Climate Change; and • Green Infrastructure. 	13
Peter Brett Associates LLP (2014) GBSLEP Joint Strategic Housing Study.	<p>This study outlined the oversights of past population projections for the Birmingham area and its surrounding districts/regions. It highlights a need for a considerable amount of housing building needed each year and a need for more housebuilding in the regions and districts surrounding Birmingham.</p> <ul style="list-style-type: none"> • Preferred scenario 2011-31 – 165,000 dwellings. 	Incorporated in Sustainability Objective 12.
West Midlands Combined Authority (2017) West Midlands Roadmap to a Sustainable Future in 2020 (Annual Monitoring Report)	<p>This report is an annual monitoring report of the progress the West Midlands Roadmap to Sustainability and includes the following objective:</p> <ul style="list-style-type: none"> • Reverse the rise in health inequalities for women 	Incorporated in Sustainability Objective 13.
West Midlands Combined Authority (2017) Thrive West Midlands – An Action Plan to drive better mental health and wellbeing in the West Midlands	<p>This Action Plan forms an agreement between the key organisations of the West Midlands to work together to improve the mental health and wellbeing of the residents of the West Midlands:</p> <ul style="list-style-type: none"> • Improve the accessibility of jobs for people with mental health issues and their general wellbeing. 	Incorporated in Sustainability Objective 13.
Local		
Birmingham City Council (1994) Handsworth, Sandwell and Soho: Areas of Restraint	<p>Review of the concentration of residential care and nursing homes, hostels and non-family dwelling house uses within Handsworth, Sandwell and Soho wards. Proposed a restraint policy in respect of the concentration of hotel, institutional and non-family dwellinghouse uses within the Handsworth, Sandwell and Soho Wards.</p>	Incorporated in Sustainability Objectives 9 and 15.
Birmingham City Council (1999) Wheelwright Road: Area of Restraint	<p>Restricts non family dwellinghouse uses in Wheelwright Road.</p>	Incorporated in Sustainability Objectives 9 and 15
Birmingham City Council (2005) Developing Birmingham: An Economic Strategy for the City 2005-2015.	<p>The vision of the Economic Strategy is: <i>"To build on Birmingham's renaissance and secure a strong and sustainable economy for our people."</i></p> <p>The strategy identifies four key areas to focus on:</p> <ol style="list-style-type: none"> 1) development and Investment; 2) creating a skilled workforce; 3) fostering business development and diversification; and 4) creating sustainable communities and vibrant urban villages. 	Incorporated in Sustainability Objectives 7, 8, 9 and 10.
Birmingham City Council (2006) Air Quality Action Plan.	<p>The Action Plan sets out 41 actions which follow the objectives below:</p> <ul style="list-style-type: none"> • Reducing vehicle emissions; • Improving public transport to reduce traffic volumes; • Improving the road network to reduce congestion; • Using area planning measures to reduce traffic volumes; • Reducing air pollution from industry, commerce and residential areas; and 	Incorporated in Sustainability Objective 6.

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in Sustainability Objectives
	<ul style="list-style-type: none"> Changing levels of travel demand/promotion of alternative modes of transport. 	
Birmingham City Council (2006) Municipal Waste Management Strategy.	<p>The Strategy sets out the following vision for delivering its municipal waste management services:</p> <p><i>"To run a city that produces the minimum amount of waste that is practicable, and where the remainder is re-used, recycled or recovered to generate energy. The material recovered through composting, recycling, re-use and from the energy recovery process will replace the need for extraction of virgin materials.</i></p> <p><i>The waste management strategy will be sensitive to local needs and will provide a service to help Birmingham become as clean and green a city as it can be. Birmingham City Council and the Constituency partners will provide a service that citizens are pleased to support, and where there is malpractice or deliberate misuse of the service, that this is dealt with efficiently to maintain a clean, safe and healthy environment."</i></p> <p>The Strategy has the following objectives:</p> <ul style="list-style-type: none"> The Council will explore ways of reducing the amount of waste sent to landfill to an absolute minimum, recovering value from waste wherever economically and environmentally practicable through energy recovery and measures to increase re-use, recycling and composting; The City Council and its partners will raise awareness among the wider community to view waste as a resource and will deliver communications activities and work with relevant stakeholders (such as community groups and schools) to promote the cultural change needed to significantly increase recycling and re-use and reduce the overall quantity of waste requiring treatment or disposal; The City Council will develop recycling and composting system that meet the targets set out in this strategy through methods that are acceptable and accessible to the residents of Birmingham; the City Council will explore ways of working with other local authorities and will expand its partnership activities with the private voluntary sectors to assist in delivery of this strategy; and The City Council will work with its partners and other agencies to provide efficient and effective enforcement of its services to contribute to a clean, green, safe and healthy environment. 	Incorporated in Sustainability Objective 6.
Birmingham City Council (2007) Sustainable Management of Urban Rivers and Floodplains SPD	<p>A Supplementary Planning Document which responds to the demands of the Water Framework Directives and sets out policies for development near to river corridors relating to:</p> <ul style="list-style-type: none"> Water Quality; Water Pollution Prevention; Sustainable Urban Drainage Systems (SUDS) and Surface Water Run-Off; Character of the River Corridors; The Floodplain; Nature Conservation and Landscaping; The Historic Environment; Design of Developments; Access; Education and Recreation; Safety and Litter; and Community Involvement. 	Incorporated in Sustainability Objective 5.
Birmingham City Council (2008) Birmingham Private Sector Housing Strategy 2008+ (updated 2010).	<p>The strategy details priority issues and actions to increase levels of decent homes in owner-occupied and private rented sector housing; promote domestic energy efficiency and affordable warmth; and address the growing demand from elderly and disabled residents for assistance to live independently in their own homes. It also set out how the council will fulfil its regulatory role in the licensing and inspection of Houses in Multiple Occupation (HMOs) as prescribed by the Housing Act (2004) and promote better standards of management within the</p>	Incorporated in Sustainability Objective 12.

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in Sustainability Objectives
	private rented sector (PRS).	
Birmingham City Council (2008) Contaminated Land Inspection Strategy for Birmingham Second Edition	To identify any contaminated land as defined by the legislation. To take steps to control any risk from any contaminated land identified using voluntary or enforcement action. To liaise with the Environment Agency regarding sites that may be polluting controlled waters or other special sites.	Incorporated in Sustainability Objective 6.
Birmingham City Council (2010) Birmingham Climate change action plan 2010+	<ul style="list-style-type: none"> Birmingham becoming a 'Low Carbon Transition' city; Improving the energy efficiency of the city's 'Homes and Buildings'; Reducing the city's reliance on unsustainable energy through 'Low Carbon Energy Generation'; Reducing the city's impact on the non-renewable resources through 'Resource Management'; Reducing the environmental impact of the city's mobility needs through 'Low Carbon Transport'; Making sure the city is prepared for climate change through 'Climate Change Adaptation'; and Making sure that this action plan 'Engages with Birmingham Citizens and Businesses'. 	Incorporated in Sustainability Objective 5.
Birmingham and Black Country Biodiversity Partnership (2010) Birmingham and the Black Country Biodiversity Action Plan	<p>Objectives are to:</p> <ul style="list-style-type: none"> Maintain and increase biodiversity of key sites and landscapes through appropriate protection and management; Restore degraded habitats and key species populations by restoring key areas; Link key areas with ecological corridors to reconnect wildlife populations and make them less vulnerable; Promote and support the use of the natural environment to mitigate against, and adapt to the effects of climate change; Enable the sustainable use of the natural environment to benefit health and wellbeing of residents, workers and visitors as well as improving the local economy. 	Incorporated in Sustainability Objectives 4 and 5.
Birmingham City Council (2011) Multi-agency Flood Plan	A plan outlining flood risk, warnings mechanisms, the actions, roles and responsibilities of those organisations and communities with a key response role in the event, or threat of flooding in the Birmingham local authority area.	Incorporated in Sustainability Objective 5.
Birmingham City Council (Jan 2012) Level 1 & 2 Strategic Flood Risk Assessment	Assesses and maps all known sources of flood risk, including fluvial, surface water, sewer, groundwater and impounded water bodies, taking into account future climate change predictions, to allow the Council to use this as an evidence base to locate future development primarily in low flood risk areas. The outputs from the SFRA will also assist in preparing sustainable policies for the long term management of flood risk.	Incorporated in Sustainability Objective 5.
Birmingham City Council (2015) Birmingham Surface Water Management Plan	A study undertaken in consultation with key local partners who are responsible for surface water management and drainage in their area. Partners work together to understand the causes and effects of surface water flooding and agree the most cost effective way of managing surface water flood risk for the long term. The process of working together as a partnership is designed to encourage the development of innovative solutions and practices.	Incorporated in Sustainability Objective 5.
Birmingham City Council (2013) Health and Well-being Strategy (Updated Priorities 2017)	<p>Improve the wellbeing of children •Detect and prevent Adverse Childhood Experiences (ACEs).</p> <p>Improve the independence of adults.</p> <p>Improve the wellbeing of the most disadvantaged.</p> <p>Make Birmingham a Healthy City.</p>	Incorporated in Sustainability Objective 13.

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in Sustainability Objectives
Birmingham City Council (2013) Green Living Spaces Strategy	Includes seven green living spaces principles but no formal objectives or targets.	Incorporated in Sustainability Objectives 4 and 13.
Birmingham City Council (2013) Birmingham Health and Wellbeing Strategy	Identifies priorities and delivery mechanisms for addressing acute and chronic health and well-being issues across the City, some of which are closely related to spatial planning. These include aspirations to: <ul style="list-style-type: none"> • Create fair employment and good work for all; • Ensure Healthy Standard of living for all; and • Create and develop healthy sustainable homes and communities 	Incorporated in Sustainability Objectives 1, 2,
Birmingham City Council (2013) Carbon Roadmap	60% reduction in CO2 emissions by 2027.	Incorporated in sustainability objective 5.
Birmingham City Council (2014) Gypsy and Traveller Accommodation Assessment	Estimates a need for 4 additional pitches during the period 2014-2031.	Incorporated in Sustainability Objective 12.
Birmingham City Council (2014) Protecting the Past – Informing the Present. Birmingham's Heritage Strategy (2014-2019)	The strategy sets a direction for the City's heritage sector for the next 5 years and is a partnership document for the city as a whole, not a Council strategy and reflects the need to attract funding and other kinds of support from a wider constituency of interest and the opportunity to work with partners outside the authority in promoting the city's heritage tourism assets. The strategy contains no formal objectives or targets.	Incorporated in Sustainability Objective 4
Birmingham City Council (2015) Corporate Emergency Plan	Aim of the plan delivered through the following objectives: <ul style="list-style-type: none"> • To provide an overview of the civil emergency risks which can give rise to emergencies / major business disruptions requiring activation of this plan; • To outline emergency management and business continuity responsibilities of the Council at a corporate and directorate level, including specialist capabilities, such as emergency welfare provision, information and communication systems; • To provide a summary of equipment and facilities available for corporate emergency response actions; • To clarify wider resilience structures for both planning and response; and • To summarise corporate training and exercises and other assurance processes. 	Not specifically relevant to anyone objective but covered in general terms by the majority of the Objectives.
Birmingham City Council (2017) Local Flood Risk Management Strategy	Includes the following objectives: <ul style="list-style-type: none"> • Identify all stakeholders with a role in flood risk management , set out their responsibilities and work with them to adopt a partnership approach to managing local flood risk; • Develop a clear understanding of flood risk from surface water, groundwater and ordinary watercourses and set out how this information will be communicated and shared; • Outline how flood risk assets are identified, managed and maintained and develop a clear understanding of riparian responsibilities; • Define the criteria and for responding to and investigating flooding incidents, and set out the role of emergency planning, flood action groups and individual property owners; • Define the criteria for how and when flood risk management measures will be promoted to ensure that they provide value for money whilst minimising long-term revenue costs and maximising external funding contributions; • Minimise the impact of development on flood risk by developing guidance, policies and standards that manage flood risk and reduce the risk to existing communities; and • Adapt a sustainable approach to managing local flood risk by ensuring actions deliver wider environmental benefits. 	Incorporated in Sustainability objective 5.

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in Sustainability Objectives
Birmingham City Council (2017) Birmingham Development Plan	A Development Plan Document which sets the long-term spatial planning vision and objectives for Birmingham. It contains a set of strategic policies that are required to deliver the vision including the broad approach to development.	Incorporated in Sustainability Objectives 1 – 15
Birmingham City Council (2006) Access for People with Disabilities SPD	Provides guidance under Part M of the Building Regulations and their obligations under the Disability Discrimination Act around: <ul style="list-style-type: none"> • Works in the Public Realm • Approaches to buildings and open areas within an application site • Entrances into buildings used by the public • Signage • Access onto upper floors 	Incorporated in SOC1, SOC3 and SOC5.
Birmingham City Council (2001) Affordable Housing SPG	The purpose of this supplementary planning guidance is to provide an additional, complementary mechanism for securing affordable homes in response to recent government advice.	Incorporated in sustainability objectives ECON 2, ECON 3 and SOC 2.
Birmingham City Council (?) Car park design guide	A design guide providing detail on the design objectives and components of car park design required by the council. Includes a provision for those with mobility difficulties and takes into account issues around safety and security.	Incorporated in sustainability objectives ENV 2, ECON 3, SOC 1 and SOC 4.
Birmingham City Council (2012) Car Parking guidelines SPD	A Development Plan Document providing detail on car parking standards. The parking standards guidance is intended to be considered alongside a number of other local policies. Encourages the use of sustainable travel, including electric vehicles, car clubs and cycling.	Incorporated in sustainability objectives ENV 2, ENV 3 and SOC 1.
Birmingham City Council (2007) Extending your home: Home extensions guide	A guide to tell the public about the council's policies on good design and explain what we are looking for when we assess planning applications for home extensions. Outlines three main principles: <ol style="list-style-type: none"> 1. Respect the appearance of the local area and your home. 2. Ensure the extension does not adversely affect your neighbours. 3. Minimise the impact on the environment. Provides detailed guidance on the three principles, as well as specific guidance on types of extensions, for example back extensions and dormers.	Incorporated in sustainability objectives ENV 2, ENV 4 and ECON 3.
Birmingham City Council (2000) Floodlighting of sports facilities, car parks and secure areas	Supplementary planning guidance for the installation of flood lighting. Flood lighting should: <ul style="list-style-type: none"> • Point downwards. • Minimise the flood of light near to or above the horizontal to reduce potential glare. • The main floodlight beam should, where possible, be directed towards below a 70° arc from a vertical column. • Use asymmetrical beams that permit the front glazing to be kept at or near parallel to the surface being lit. 	Not specifically relevant to anyone objective but covered in general terms by the majority of the Objectives.
Birmingham City Council (2003) High Places	This supplementary planning guidance provides policy and design guidance for tall buildings in Birmingham. It provides guidance on the location, form and appearance of tall buildings. It provides information on: <ul style="list-style-type: none"> • The location of tall buildings. • The design of tall buildings. • Conservation Areas and Listed Buildings where tall buildings are inappropriate • The sustainability of proposals. 	Incorporated in sustainability objectives ENV 2, ENV 5,.
Birmingham City Council (2008) Large format banner advertisements SPD	A supplementary planning document detailing the policy around large banners. States that: <ul style="list-style-type: none"> • A large format banner will only normally be permitted where a building is to be scaffolded for building or related work, and that such scaffolding covers an entire elevation. 	Incorporated in sustainability objective ENV 2.

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in Sustainability Objectives
	<ul style="list-style-type: none"> A commercial advertisement element should occupy no more than 40% of the extent of the scaffolded elevation. No elevation should normally contain an advertisement element greater than 500sq.m in area or 40% of the scaffolded elevation, whichever is the lesser. Within sensitive areas such as conservation areas, or on, facing or in close proximity to a listed building, the entire scaffolding mesh must be covered by a 1:1 scale image of the building being constructed/refurbished, or other similar appropriate image. The use of 1:1 scale images will be encouraged in other locations. Scaffolded elevations shall have the whole elevation covered by mesh to a good quality of workmanship, and shall have any commercial element sitting within, and framed by, the mesh. The scaffold and associated banner advert(s) should be removed as soon as the relevant work, as described in 3.1 above, is complete. The advertisement consent will last no longer than the agreed building programme or one year, whichever is the shorter. Consent for continued display in accordance with this policy would not be unreasonably withheld. Such adverts will not normally be permitted in predominantly residential areas. 	
Birmingham City Council (2008) Lighting Places	<p>A supplementary planning document detailing how Birmingham's city centre should be lit. The objectives are as follows:</p> <ul style="list-style-type: none"> To foster multilateral exchange of experience, ideas, creations, technologies and expertise. To encourage exchange of technical experts. To organise theme based meetings. To help public authorities undertake concerted action to promote illumination projects. To provide a structure for this exchange within the scope of an international network of local public authorities. To create arenas for research and experimentation and/or operations. To include lighting issues within a perspective that is both environmentally friendly and in favour of sustainable development. To enable the cities to develop an identity by means of their artistic or technical choices. To impose lighting as a tool for promotion of the cities. 	Incorporated in sustainability objectives ENV 2, ENV 6, ECON 1 and ECON 2.
Birmingham City Council (1999) Location of advertisement hoardings	<p>Guidelines for outdoor advertisement hoardings, including those with mechanically changing displays, ranging from 96 sheet size to smaller 12 sheet panels, and will be used to control the display of existing and proposed hoardings. States that applications must be treated on their own individual merits, with regards to the general characteristics of the locality in which they will be displayed. Also provides specific guidance on location and land use guidelines.</p>	Incorporated in sustainability objectives ENV 2 and ECON 1.
Birmingham City Council (2006) Loss of industrial land SPD	<p>This document provides guidance on the information required by the City Council where a change of use from industrial to an alternative use is being proposed. The SPD applies to all industrial land.</p>	Incorporated in sustainability objectives ENV 1 and ECON 2.
Birmingham City Council (2008) Mature suburbs	<p>The purpose of these guidelines is to set out the City Council's aspirations for such types of development within the City's mature suburbs and residential areas. It sets out key design issues for housing intensification and what is expected from developers and designers when submitting planning applications. Aims for buildings in mature suburbs to be assessed against:</p> <ul style="list-style-type: none"> Plot Size Building Form and Massing Building Siting Landscape and Boundary Treatment Plot Access Parking Provision and Traffic Impact Design Styles Public Realm Archaeology, Statutorily Listed and Locally Listed Buildings 	Incorporated in sustainability objectives ENV 6, ECON 3, and SOC 2.

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in Sustainability Objectives
	<ul style="list-style-type: none"> • Design Out • Renewable Energy and Climate • Cumulative Impact 	
Birmingham City Council (2000) Parking of vehicles at commercial and industrial premises adjacent to residential property	These guidelines apply to car parking proposals relating to commercial and industrial premises which could cause noise and disturbance to occupants in adjoining residential accommodation.	Incorporated in sustainability objective ENV 2.
Birmingham City Council (2006) The Future of Birmingham's Parks and Open Space Strategy	This Strategy is intended to protect and guide the planning, design, management, maintenance and provision of parks and public open spaces in the city over the next 10-15 years. Contains 30 policies around the provision and use of green spaces and parks.	Incorporated in sustainability objectives ENV 4, ENV 6, ECON2 and SOC3.
Birmingham City Council (2001) Places for all	<p>The guide was produced as a response to the lack of general design guidance that relates to all types of development throughout the city. Good design should apply everywhere not just in key locations such as the city centre and conservation areas.</p> <p>The main targets are:</p> <ol style="list-style-type: none"> 1. Creating diversity - The aim must be to create or build within places that have an accessible choice of closely mixed complementary activities. 2. Moving around easily - Places should be linked up with short, direct public routes overlooked by frontages. 3. Safe places, private spaces - Places must be safe and attractive with a clear division between public and private space. 4. Building for the future - Buildings and spaces should be adaptable to enhance their longterm viability and built so they harm the environment as little as possible. 5. Build on local character - Development must consider the context and exploit and strengthen the characteristics that make an area special. 	Incorporated in sustainability objectives ENV 2, ENV 5, ENV 6, ECON 3 and SOC 3.
Birmingham City Council (2001) Places for living	<p>Residential development is the major land use in Birmingham and the majority of new development proposals within the city will continue to be for new homes. It is important that residential areas are desirable, sustainable and enduring. They should provide good quality accommodation in a safe and attractive environment, which people.</p> <ol style="list-style-type: none"> 1. Places not estates - Successful developments must address wider issues than simply building houses and create distinctive places that offer a choice of housing and complementary activities nearby 2. Moving around easily - Places should be linked up with short, direct public routes overlooked by frontages. 3. Safe places, private spaces - Places must be safe and attractive with a clear division between public and private space 4. Building for the future - Buildings and spaces should be adaptable to enhance their longterm viability and built so they harm the environment as little as possible. 5. Build on local character - Developers must consider the context and exploit and strengthen the characteristics that make an area special. 	Incorporated in sustainability objectives ENV 2, ENV 3, ENV 5, ENV 6, ECON 3 and SOC 2.
Birmingham City Council (2011) Places of worship	The document provides clearer and proactive guidance to communities seeking to establish a place of worship and looking to submit applications for planning permission. Its main aim is to ensure a consistent approach to planning applications, not only for places of worship, but also for faith-related community and educational use.	Incorporated in sustainability objectives ENV 4 and SOC 1.

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in Sustainability Objectives
Birmingham City Council (2007) Public open space in new residential development SPD	<ul style="list-style-type: none"> An amount of open space equivalent pro rata, to 2 ha per 1000 population will be required. As part of the overall requirement, a children's play area will be required where there is no existing provision within walking distance of the new development (defined as 400m, taking into account barriers such as main roads, railways and canals, which restrict access). Public open space should be sited where it will be overlooked, safe, useable and accessible to all residents and designed to local authority criteria. It should take into account the needs of people with disabilities and any cultural needs identified in consultation with local residents. The key aim of large scale redevelopments is to achieve a good quality environment overall coupled with a good housing stock. 	Incorporated in sustainability objectives ENV 2, ECON 2, ECON 3, SOC 1, SOC 3 and SOC 4.
Birmingham City Council (1996) Shopfronts design guide	These guidelines set out the principles of good shopfront design. They help establish the ground rules for the design of shop fronts and advertisements.	Incorporated in sustainability objective ENV 2, ECON 2 and ECON 3.
Birmingham City Council (2012) Shopping and Local Centres SPD	<p>This expands on policies for shopping and local centres in the UDP and to bring Birmingham's policies for shopping and local centres up to date and in line with national planning policy.</p> <ul style="list-style-type: none"> Within the Primary Shopping Areas at least 55 % of all ground floor units in the Town and District Centres should be retained in retail (Class A1 use) and 50% of all ground floor units in the Neighbourhood Centres should be retained in retail (Class A1) use. Applications for change of use out of A1 will normally be refused if approval would have led to these thresholds being lowered, unless exceptional circumstances can be demonstrated in line with Policy 3. No more than 10% of units within the centre or frontage shall consist of hot food takeaways. Applications for new A3, A4 and A5 uses are encouraged within the Centre Boundary of Town, District and Neighbourhood Centres, subject to avoiding an over concentration or clustering of these uses that would lead to an adverse impact on residential amenity. 	Incorporated in sustainability objectives ENV 2, ECON 1, ECON 2 and ECON 3.
Birmingham City Council (2001) Specific needs residential uses SPG	<p>Guidance relating to the use of land and buildings for residential accommodation, and in certain cases associated care, to people whose housing needs may be termed 'specific'.</p> <p>Targets:</p> <ol style="list-style-type: none"> 1 Parking space per 3 beds. <ol style="list-style-type: none"> a) Single room used for living/sleeping/cooking – 15.0sq.m. b) Two room letting as living/sleeping room and separate kitchen <p>One individual: 12.50sq.m (135 sq.ft.) floor area</p> <p>Two individuals: 18.0sq.m (190sq.ft.)</p> <ol style="list-style-type: none"> c) Two room letting with kitchen/living room and separate bedroom <p>One individual bedroom: 6.50sq.m (70sq.ft.) floor area</p> <p>One individual kitchen/living area: 11.50sq.m (120sq.ft) floor area</p> <p>Two individual's bedroom: 12.50sq.m. (135 sq.ft.) floor area</p> <p>Two individual's kitchen/living room: 15.0sq.m. (160sq.ft.) floor area</p> 	Incorporated in sustainability objectives ENV 2 and SOC 2.
Birmingham City Council (2008) Telecommunications development mobile phone infrastructure SPD	This Supplementary Planning Document (SPD) is intended to provide guidance to the public, licensed telecommunications operators and planners on the process for the control of telecommunications development and for its siting and appearance within Birmingham.	Incorporated in sustainability objective ENV 4.

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in Sustainability Objectives
Birmingham City Council (2018) Council Plan and Budget 2018+	Birmingham City Council's Council Plan and Budget for 2018/19 – 2021/22 setting the objectives, priorities and spending plans of the City Council and the tough decisions that have been made for the 2018/19 financial year ensure a balanced financial position and long-term financial sustainability.	Incorporated in Sustainability Objectives 1 – 15
Birmingham City Council (2014) Birmingham Connected White Paper	<p>Birmingham Connected is directly linked to the strategies and policies of the BDP. Investing in a radically improved integrated transport system will realise the city's potential to support sustainable economic growth, job creation and linking communities.</p> <p>As well as the above Birmingham Connected covers a number of other agendas. Its vision is to create a transport system which puts the user first and delivers the connectivity that people and businesses require. We will improve people's daily lives by making travel more accessible, more reliable, safer and healthier and using investment in transport as a catalyst to improve the fabric of our city. We also want to use the transport system as a way of reducing inequalities across the city by providing better access to jobs, training, healthcare and education as well as removing barriers to mobility.</p>	Incorporated in Sustainability Objectives ENV 3, ENV 6, ECON 2, SOC 1 and SOC 3.
Birmingham City Council (2008) Sustainable Community Strategy	<p>The document's vision is to make Birmingham the first sustainable global city in modern Britain. It will be a great place to live, learn, work and visit: a global city with a local heart.</p> <p>Five outcomes Birmingham people will be enabled to: 1. Succeed economically 2. Stay safe in a clean, green city 3. Be healthy 4. Enjoy a high quality of life 5. Make a contribution</p>	Incorporated in Sustainability Objectives ENV 2, ENV 6, SOC 3, ECON 2, SOC 4, SOC 5.
Birmingham City Council (2012) Employment Land Review	<p>The Employment Land Review (ELR) provides an analysis of the employment land supply position in Birmingham, recent completions, key conclusions and recommendations for future action.</p> <p>As the supply of best urban employment land has declined over recent years. There is a need to identify new employment land opportunities to ensure that an adequate supply of land is maintained.</p> <ul style="list-style-type: none"> • The Washwood Heath sites be excluded from the potential best urban supply at present due to the proposed HS2 route safeguarding. • Given that the supply of good urban land is low and the scope for new opportunities is limited, existing good urban employment land be retained in industrial use and new opportunities safeguarded. • That the approach for the Protection of Employment land set out in the Supplementary Planning Document on the 'Loss of Industrial Land to Alternative Uses' be maintained. This aims to protect good quality sites whilst recognising that poor quality and outdated sites should either be upgraded or used for new development where appropriate • Maximise the use of available funding sources to promote the delivery of key employment sites such as the Regional Investment Site at East Aston. • The City Council continues to work proactively with property agents, major companies, landowners and developers to bring sites forward for development. The use of Compulsory Purchase Orders to assemble land to facilitate employment development be considered where necessary. • Where developments involve the loss of employment land an appropriate Section 106 contribution should be secured and utilised to improve other 5 industrial sites. When the Community Infrastructure Levy is adopted a proportion of the monies raised should also be used to improve existing industrial sites. • The Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP) consider the supply of land for strategic sites such as Major Investment Sites and Regional Logistic Sites and the mechanism for delivery. 	Incorporated in Sustainability Objectives ECON 1 and ECON 3.
Birmingham City Council (2013) Employment Land and Office Targets	This evidence based document provides robust evidence in relation to future requirements for industrial land and office space up to the year 2031. The study helped to inform TP17-TP21 in the Birmingham Development Plan.	Incorporated in Sustainability Objectives ECON 1, ECON 3 and ECON 4.

Plan, Programme or Strategy	Objectives and Targets identified in the Document	Use in Sustainability Objectives
Birmingham City Council (2013) Strategic Housing Market Assessment	<p>This evidence based document was commissioned by Birmingham City Council in March 2012 to enable the Council to develop planning and housing policies and take decisions which encourage the provision of the most appropriate mix of housing (in terms of type, size, tenure, and affordability)</p> <p>The study bears directly on two areas of Council policy, housing and planning. It should inform affordable housing policies, by assessing both the total need for affordable housing and the profile of that need in terms of household sizes and types. It should also inform planning policies in the emerging Core Strategy, in particular the housing target, showing how much housing development the Council should provide land for in the next 20 years, in both the market and affordable sectors.</p> <p>The study established that for the housing market area (comprising Birmingham, the Black Country, Bromsgrove, Coventry, Lichfield and Solihull), the best available estimate of objectively assessed housing need to 2031 is for some 9,300 net new homes per annum.</p>	Incorporated in Sustainability Objective SOC 2.
Birmingham City Council (2018) SHLAA 2017	The SHLAA is a study of sites within Birmingham that have the potential to accommodate housing development. Its purpose is to provide evidence to support the Local Development Framework, in particular the Birmingham Development Plan. It is a key component of the evidence base to support the delivery of land to meet the need for new homes within the city. It is not a decision making document and it does not allocate land for development.	Incorporated in Sustainability Objective SOC 2.
Birmingham City Council (2008) Statement of Community Involvement	<p>The Statement of Community Involvement (SCI) sets out how we will encourage more people to participate in decision-making in Planning. The document sets out our minimum standards for consultation on new policies and planning applications. The key objectives are:</p> <p>a) We will consult early in the development process - this will help to ensure that the views of the community, specific consultation bodies, developers and businesses are fed into the process at the outset. Early engagement is one of the government's objectives in reviewing the planning system.</p> <p>b) Use appropriate consultation methods for each document and for each community.</p> <p>c) Use plain English for all documents.</p> <p>d) Be prepared to experiment with a wide range of innovative consultation methods. e) Ensure that everyone, including people from under-rep</p>	Incorporated in Sustainability Objective SOC 5.
Birmingham City Council (2017) Birmingham Cultural Strategy	<p>Our strategy 'Imagination, Creativity and Enterprise' represents the cultural fabric of Birmingham. It was developed in partnership with many cultural sector organisations, businesses, educational institutions and individuals. Multiple agencies use it to deliver the agreed actions and outcomes and advocate on behalf of the cultural sector.</p> <p>The strategy has five themes through which the vision will be delivered:</p> <ol style="list-style-type: none"> 1. Culture on Our Doorstep Becoming a leader in cultural democracy where people come together to co-create, commission, lead and participate in a wide range of locally relevant, pluralistic and community driven cultural ventures. 2. Next Generation Ensuring that all children and young people have opportunities to engage with a diverse range of high quality arts and cultural experiences at every stage of their development and which they value as worth it. 3. A Creative City Supporting and enabling the growth of creative and cultural SMEs and micro-businesses and individuals through business support, skills and talent development and access to finance. 4. Our Cultural Capital Cementing Birmingham's role and reputation as a centre of imagination, innovation and enterprise, with local roots and international reach. 5. Our Cultural Future Adapting our business models to ensure they are capable of sustaining and growing the sector into the future through collaboration, diversification, rebalancing and devolution 	Incorporated in Sustainability Objectives ENV 4, SOC 1, and ECON 4 .

2.2 Environmental, social and economic baseline and evolution without the Plan

- 2.2.1 The SEA Regulations require that information is provided on "... the relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan."
- 2.2.2 The analysis of the baseline information led to the identification of a number of issues relevant to the Development Management DPD, as set out in Table 2.3. These issues are used in combination with the review of plans and programmes and the SA/SEA of the Birmingham Development Plan to inform the development of the Sustainability Objectives and the Assessment Framework as set out in chapter 3.

Table 2.3 Baseline summary and issues relevant to the Development Management DPD

Topic	Summary of Baseline	Issues Arising	Supporting Evidence	Likely evolution without the Plan
Biodiversity and geodiversity	<p>The City has 2 SSSIs and a number of other statutory and non- statutory designated sites which cover approximately 10% of the City. There is one Local Nature Reserve designated in order to protect its geodiversity. The Birmingham and Black Country Nature Improvement Area (NIA) Ecological Strategy provides a landscape-scale framework for action to conserve and enhance biodiversity and geodiversity and to improve ecological networks across the City. The Cannock Chase to Sutton Park Project is another example of landscape-scale action.</p> <p>Biodiversity and Geodiversity is linked to issues related to air quality, water quality, soil quality, health and natural landscape.</p>	Biodiversity and greenspace resources, including locally and nationally important sites, across the City are mapped and managed. Development Management policies will be important in protecting the integrity of biodiversity and geodiversity assets, including designated sites, important habitats and legally protected and notable species both directly and indirectly. For example, continued monitoring of developments on the periphery of designated sites will be important to determine potential indirect and cumulative impacts. Monitoring the potential effects of developments on biodiversity and geodiversity assets more generally is also important because of the potential for these to be influenced by a variety of environmental pathways.	BDP; AMR, Birmingham and Black Country NIA Ecological Strategy, and BCC and EcoRecord data.	In the absence of the DM DPD, there is likely to be less opportunity for the scrutiny of the impacts of specific development in specific locations on biodiversity and geodiversity.
Population and health	Birmingham is the major employment centre for the West Midlands. Birmingham has a high proportion of economically inactive people e.g.	The population of Birmingham is predicted to grow considerably over the	ONS population estimates	In the absence of the DM DPD, there is likely

Topic	Summary of Baseline	Issues Arising	Supporting Evidence	Likely evolution without the Plan
	<p>students, people caring full-time for relatives. Unemployment is higher than the national average. The economic activity rate for Black and Minority Ethnic residents is far higher than that for white residents.</p> <p>There is significant disparity in terms of average household income between Birmingham's constituencies. About 40% of Birmingham's residents live in areas that are in the most deprived 10% in England. Concentrations are very high in wards to the east, north and west of the City Centre and also in Tyburn and Kingstanding Wards to the north of the M6 motorway. Unemployment rates are above the national average.</p> <p>Economy and Equality is linked to issues related to poverty, learning and skills, equality, housing and community involvement.</p> <p>Birmingham faces several issues relating to housing: there are large numbers of homeless people, social housing is in need of updating and relocating, and the number of households is increasing. House prices in Birmingham peaked in January 2008 and sharply declined through to 2010, and now have stabilised. This suggests that the affordability of housing for poorer families and first-time buyers has declined due to other national economic conditions.</p> <p>Housing is linked to issues related to poverty, equality, built and historic environment, natural landscape, sense of place, resource use, energy efficiency and sustainable design, construction and maintenance.</p> <p>The number of residents feeling in poor health is higher than the national average, and people in Birmingham have generally less healthy lifestyles than the English average. Life expectancy in Birmingham is below the England average.</p> <p>Health is linked to issues related to air quality, water quality, biodiversity, natural landscape, culture, sport and recreation, equality and crime.</p> <p>Air quality is an issue as the whole City is designated as an Air Quality Management Area (AQMA); the main source pollutant being nitrogen dioxide as a result of pollution from vehicle emissions. There is a strong correlation between traffic congestion and poor air quality. Given the allocation of an AQMA, and the requirement to maintain an Air Quality Action Plan (AQAP) to direct compliance with national objectives, air quality should improve within the City. In order to deliver compliance, Government has determined the need for Birmingham to introduce a Clean Air Zone (CAZ) to control road transport related emissions particularly Nitrogen Dioxide. A Clean Air Zone feasibility</p>	<p>next 20 years and the emerging Birmingham Development Plan is responding to this change through the provision of housing and employment land across the City. The locations of this development could place greater and different demands on the application of Development Management policies, requiring, for example, that they facilitate development in areas of need and cumulatively do not result in negative effects on specific population groups, areas of the City or key issues such as health through, for example, access to greenspace or reductions in motor transport. Consideration of the wider effects of policy application, such as on health, will also be important through, for example, the control of certain kinds of development in local centres.</p>	BDP	<p>to be less opportunity for the scrutiny of the impacts of specific development in specific locations on the health and well-being of the City's population.</p>

Topic	Summary of Baseline	Issues Arising	Supporting Evidence	Likely evolution without the Plan
	<p>study to determine the type and extent of the zone is underway.</p> <p>Air Quality is linked to issues related to biodiversity, health, sustainable transport reducing the need to travel, climate change mitigation and adaptation).</p> <p>Noise pollution is a problem in some parts of the city, with Birmingham airport and traffic being the principal sources. It is anticipated this trend will continue.</p> <p>Noise is linked to issues related to sustainable transport and housing.</p>			
Water resources and quality	<p>New additional water management measures or water resources needed to ensure there is sufficient water for new housing proposed in the Birmingham Plan. New foul drainage infrastructure will also be required to support the proposed level of growth.</p> <p>Resource Use is linked to issues related to water quality.</p>	<p>Water resources are under pressure in Birmingham and across the regional generally, with reliance on external sources such as Wales. Development Management policies, in combination with the BDP, should contribute to the protection of water resources and quality through the application of development standards which encourage prudent water resource use and guard against pollution.</p>	<p>Catchment Abstraction Management Strategies (CAMS)</p> <p>Humber River Basin Management Plan</p> <p>Severn Trent Water Resources Management Plan</p> <p>BDP</p>	<p>In the absence of the DM DPD, there is likely to be less opportunity for the scrutiny of the impacts of specific development on water management matters.</p>
Climate change	<p>CO₂ emissions and the heat island effect are significant climate related issues which need to be actively managed to avoid their effects becoming more detrimental in the coming decades. Use of the City's Green Infrastructure network will be particularly important in addressing this issue.</p> <p>Reducing and Managing Climate Change is linked to issues related to sustainable transport, reducing the need to travel, air quality, biodiversity health and natural landscape.</p> <p>Recent developments have shown evidence of energy efficiency, but the large number of old properties in the City will need improving to make them more energy efficient, building on current initiatives.</p> <p>Energy Efficiency is linked to issues related to renewable energy, sustainable design construction and maintenance, housing and social and environmental responsibility.</p> <p>Although the city has good public transport infrastructure, it needs expanding</p>	<p>Climate change impacts for Birmingham are likely to consist of higher temperatures and more extreme events, including rainfall leading to flooding. Whilst it is challenging for Development Management policies to be specific on climate change adaptation measures, the design of buildings for example will be important, as will the continued encouragement of CO₂ reductions through energy efficiency measures and encouraging pedestrian, cycling and public transport access wherever possible.</p>	<p>UKCP09 predictions</p> <p>Birmingham Climate Change Action Plan 2010, Carbon Roadmap 2013</p> <p>BDP</p>	<p>In the absence of the DM DPD, there is likely to be less opportunity for the scrutiny of the impacts of specific development on climate change matters.</p>

Topic	Summary of Baseline	Issues Arising	Supporting Evidence	Likely evolution without the Plan
	<p>and upgrading to help minimise the high level of car use in Birmingham. A commitment is set out to achieve this. Emphasis will be placed on 'smarter travel', discouraging unnecessary journeys and encouraging people to use public transport. Congestion is a significant issue at certain times on both road and rail.</p> <p>Sustainable Transport is linked to issues related to air quality, reducing the need to travel, health, climate change mitigation and adaptation.</p> <p>A very small proportion of people who work and live in the city (one tenth) work from home and therefore avoid travelling to work. There is little evidence of people being actively encouraged to work from home. More emphasis needs to be placed on 'smarter travel', discouraging unnecessary journeys, encouraging people to use public transport, and the provision of new/enhanced footways and cycleways.</p> <p>Reducing the need to travel is linked to issues related to sustainable transport, air quality, health, climate change mitigation and adaptation and noise.</p>			
Flood risk, incidences of flooding and flood defences	<p>Birmingham City Council has a good record of taking on board Environment Agency comments in terms of permitting development in flood risk areas. It is recognised by the City Council that measures will need to be put in place to manage and where possible reduce flood risk. Use of the City's Green Infrastructure network will be particularly important in addressing this issue.</p> <p>Managing and Reducing Flood Risk is linked to issues related to health and well-being, biodiversity and infrastructure provision.</p>	<p>Sources of flood risk are from river flooding, surface water flooding, sewer flooding and groundwater flooding.</p> <p>There are around 9,000 properties at risk from fluvial flooding and 30,000 from surface water flooding (1 in 100 year event). These risks will be taken into account as part of the assessment of applications for development.</p>	<p>Birmingham Strategic Flood Risk Assessment</p> <p>BCC records</p>	<p>In the absence of the DM DPD, there is likely to be less opportunity for the scrutiny of the impacts of specific development on water management matters.</p>
Material Assets (housing, economy, key infrastructure, minerals and waste)	<p>Good use is being made of previously developed land as a very high proportion of new housing and office development has taken place on previously developed land. Multifunctional use of land is also important with the City's Green and Blue Infrastructure network having an important role to play in achieving this.</p> <p>Efficient Use of Land is linked to issues related to soil quality, flood risk, water quality, natural landscape, built and historic environment, biodiversity culture, sport and recreation and sense of place. Use of renewable energy could be significantly improved.</p> <p>Renewable Energy is linked to issues related to climate change mitigation and</p>	<p>Development Management policies, in combination with those of the BDP, will be influential in promoting the efficient use of material assets through, for example, attention on energy efficiency standards, the use of recycled aggregates and promotion of waste management.</p> <p>The effects are likely to be cumulative and long term in character, associated with the progressive replacement of the City's housing stock through renewal and</p>	<p>ONS data</p> <p>BDP</p>	<p>In the absence of the DM DPD, there will be less opportunity to monitor and evaluate the specific effects on material assets of developments, and in turn promote more sustainable management of these.</p>

Topic	Summary of Baseline	Issues Arising	Supporting Evidence	Likely evolution without the Plan
	<p>adaptation.</p> <p>Landfill diversion rates are increasing in the City, and past targets for recycling have been met.</p> <p>The percentage of waste sent to landfill within the City has decline to one third of its level ten years ago, whilst recycling has trebled. Given European and National targets it is likely these trends will continue.</p> <p>Waste Reduction and Minimisation is linked to issues related to air quality, soil quality, natural landscape and built and historic environment.</p>	<p>new build.</p> <p>There is high demand for housing in Birmingham and not all of it can be met within Birmingham itself and demand for housing is likely to continue to increase with forecast population growth.</p>		
Cultural heritage	<p>Birmingham has a large amount of land designated as Conservation Areas, some of which are nationally recognised such as the Jewellery Quarter and Bournville. The City also has an extensive number of archaeological remains Listed Buildings and Registered Parks & Gardens.</p> <p>Built and Historic Environment is linked to issues related to sense of place, housing, sustainable design, construction and maintenance, crime and poverty.</p>	<p>Cultural heritage is a diverse, City-wide asset which can be vulnerable to the effects of development, both direct and indirect, short-term and cumulative. Criteria guiding Development Management policies will help to avoid immediate impacts, but monitoring will be required to ensure that here are no unintended consequences for example in relation to the wider setting of cultural heritage assets which can be affected by cumulative development.</p>	BDP	<p>In the absence of the DM DPD, there is likely to be less scrutiny of the impacts of development on cultural heritage, relying on the more general policies of the BDP.</p>
Landscape and townscape	<p>Although much of Birmingham is built up, there is a significant amount of open land within the City including areas of agricultural land to the north east and south west of the City. The City falls within the National Character Areas (NCAs) of Arden to the south and Cannock Chase and Cank Wood to the north. The assessment of these areas for the Countryside Quality Counts project for Natural England indicates that they are subject to a high rate of change. Most of Birmingham is built up, but 15% of the City is designated as Green Belt.</p> <p>Natural landscape is linked to issues related to biodiversity, health, soil quality, sense of place, culture, sport and recreation, climate change mitigation and adaptation, managing and reducing flood risk.</p>	<p>Although much of Birmingham is built up, there is a significant amount of open land within the City. Landscape character is a key contributor to regional and local identity, influencing sense of place, shaping the settings of people's lives and providing a critical stimulus to their engagement with the natural environment. The Development Management DPD, in combination with the BDP, will be influential in helping to retain a sense of character across the City in the context of development pressures.</p>	BDP	<p>In the absence of the DM DPD, there is likely to be less scrutiny of the impacts of development on landscape and townscape, relying on the more general policies of the BDP.</p>

3. Methodology

3.1 The SA Framework

- 3.1.1 The SA Framework comprises of 15 objectives and associated guide questions. Broadly, the SA objectives present the preferred environmental, social or economic outcome which typically involves minimising detrimental effects and enhancing positive effects. They have been developed to enable a comprehensive assessment of the likely significant effects of the implementation of the Development Management DPD by covering key environmental, social and economic issues.
- 3.1.2 The development of the SA objectives has been informed by the review of plans and programmes, the analysis of the baseline evidence and the consideration of the key sustainability issues for Birmingham (presented in Table 2.3). In addition, they also reflect comments received during the Regulation 18 consultation of the SA Scoping Report (summarised in **Appendix C**) and the DM DPD (June 2015).
- 3.1.3 Table 3.1 sets out the Framework for assessing the sustainability performance of the Development Management DPD, specifically evaluating whether there are likely to be any significant effects associated with implementation of the DPD.

Table 3.1 Sustainability Objectives, Guide Questions and Indicators

SEA Directive Topic Area(s)	Sustainability Objectives	Guide Questions	Potential Indicators
Material assets	ENV1 To encourage development that optimises the use of previously developed land and buildings	Will the use of previously developed land be encouraged? Will development densities be maximised?	Proportion of new development on previously developed land used Development densities achieved
Material assets	ENV2 To promote the application of high standards of design, construction and maintenance of buildings	Will development be encouraged to meet and where possible exceed standards for energy efficiency?	Proportion of developments meeting energy efficiency standards for design, construction and maintenance
Material assets	ENV3 To encourage the use of sustainable methods of transport and reduce the need to travel	Will development be encouraged to incorporate measures which promote sustainable transport? Will development help to reduce the need to travel?	Work place travel plans Measures to promote sustainable transport such as provision for cyclists
Landscape & townscape, cultural heritage, biodiversity & geodiversity	ENV4 To encourage high quality development which protects and enhances Birmingham's cultural and natural heritage	Will development protect and where possible enhance the City's cultural and natural heritage?	Development affecting historic assets Development affecting natural assets including open space
Climatic Factors	ENV5 To promote development which anticipates and responds to the challenges associated with climate change, particularly managing and reducing	Will development help to reduce flood risk? Will development take	Renewable energy installed Other measures installed such as SUDS

SEA Directive Topic Area(s)	Sustainability Objectives	Guide Questions	Potential Indicators
	floodrisk	into account and actively mitigate climate change impacts?	Flooding events Approvals made contrary to EA advice
Water resources, air quality, material assets	ENV6 To promote development which makes best use of water resources, reduces pollution and encourages sustainable waste management	Will development incorporate water efficiency measures? Will development actively avoid creating additional pollution burdens?	Water use and technologies Changes in water quality Change to/within Air Quality Management Areas Noise complaints Sustainable waste management
Population and health	ECON1 To help improve the performance of the local and City-wide economy to provide opportunity for all	Will development promote growth in key economic sectors? Will development contribute to encouraging a culture of enterprise and innovation?	Employment creation by area and type Business start-ups
Population and health	ECON2 To help promote the vitality of local centres	Will development contribute to the maintenance and enhancement of the vitality of local centres?	Local centre health checks
Population and health	ECON3 To promote the regeneration of areas across the City through appropriate development	Will development contribute to regeneration of areas of the City most in need?	Location and type of development
Population and health	ECON4 To encourage investment in learning and skills development	Will development contribute to investment in learning and skills?	Local initiatives to promote skills development
Population and health	SOC1 To help ensure equitable access to community services and facilities	Will development help to promote equitable access to services?	Accessibility indices of key facilities
Population and health	SOC2 To help provide decent and affordable housing for all, of the right quantity type, tenure and affordability to meet local needs	Will development help to promote access to a range of housing types which meet the needs of residents?	Development types and spatial distribution
Population and health	SOC3 To encourage development which promotes health and well-being	Will development help to promote a healthier, more active population?	Activity levels by area and sector of the population
Population and health	SOC4 To encourage development which helps to reduce crime, the fear of crime and antisocial behaviour	Will development help to discourage crime?	Crime levels by area and type
Population and health	SOC5 To enable communities to influence the decisions that affect their neighbourhoods and quality of life	Will public participation be encouraged as part of the planning of new development?	Participation in consultations

3.2 Appraisal Methodology

3.2.1 Based on the contents of the Development Management DPD detailed in Section 1.4, the SA Framework has been used to appraise the DPD Objectives and Development Management policies. The approach to the appraisal of each of the elements listed above is set out in the sections that follow.

DPD Objectives

3.2.2 It is important that the Objectives of the DPD are aligned with the SA objectives. The Objectives contained in the DPD (see **Section 1.4**) have therefore been appraised for their compatibility with the objectives that comprise the SA Framework to help establish whether the proposed general approach to the DPD is in accordance with the principles of sustainability. A compatibility matrix has been used to record the appraisal, as shown in **Table 3.2** below.

Table 3.2 Compatibility matrix

SA Objective	DPD Objective			
	Objective 1	Objective 2	Objective 3	Objective 4
ENV1 To encourage development that optimises the use of previously developed land and buildings	0	0	+	?
ENV2 To promote the application of high standards of design, construction and maintenance of buildings	+	-	+	+
Etc...	+	0	+	?

Key

+	Objectives are potentially compatible	?	Uncertain if Objectives are related	~	No clear relationship between Objectives	-	Objectives are potentially incompatible
---	---------------------------------------	---	-------------------------------------	---	--	---	---

DPD Policies

3.2.3 The proposed Development Management policies have been appraised against each of the SA objectives that comprise the SA Framework using an appraisal matrix. The matrix includes:

- The SA objectives;
- A score indicating the nature of the effect for each option on each SA objective;
- A commentary on significant effects (including consideration of the cumulative, synergistic and indirect effects as well as the geography, duration, temporary/permanence and likelihood of any effects) and on any assumptions or uncertainties; and
- Recommendations, including any mitigation or enhancements measures.

3.2.4 The format of the matrix that has been used in the appraisal is shown in **Table 3.3**. A qualitative scoring system has been adopted which is set out in **Table 3.4**. The proposed policies contained in the DPD have been appraised against the SA objectives with a score awarded both for each

constituent policy and for the cumulative effect of each policy. The appraisal matrices are presented at **Appendix A**.

Table 3.3 Appraisal matrix

SA Objective	Score	Cumulative, Secondary and Temporal Effects of the Proposed Policy	Commentary
ENV1 To encourage development that optimises the use of previously developed land and buildings	-	-	<p><u>Likely Significant Effects</u></p> <p>A description of the likely significant effects of the preferred option on the SA objective has been provided here, drawing on baseline information as appropriate.</p> <p><u>Mitigation</u></p> <ul style="list-style-type: none"> Mitigation and enhancement measures are outlined here. <p><u>Assumptions</u></p> <ul style="list-style-type: none"> Any assumptions made in undertaking the appraisal are listed here. <p><u>Uncertainties</u></p> <ul style="list-style-type: none"> Any uncertainties encountered during the appraisal are listed here.
ENV2 To promote the application of high standards of design, construction and maintenance of buildings	+	+	<p><u>Likely Significant Effects</u></p> <p>A description of the likely significant effects of the preferred option on the SA objective has been provided here, drawing on baseline information as appropriate.</p> <p><u>Mitigation</u></p> <ul style="list-style-type: none"> Mitigation and enhancement measures are outlined here. <p><u>Assumptions</u></p> <ul style="list-style-type: none"> Any assumptions made in undertaking the appraisal are listed here. <p><u>Uncertainties</u></p> <p>Any uncertainties encountered during the appraisal are listed here.</p>
Etc.			

Table 3.4 Appraisal Scoring system

Score	Description	Symbol
Significant Positive Effect	The proposed option/policy contributes significantly to the achievement of the objective.	++
Minor Positive Effect	The proposed option/policy contributes to the achievement of the objective but not significantly.	+
Neutral	The proposed option/policy does not have any effect on the achievement of the objective	0
Minor Negative Effect	The proposed option/policy detracts from the achievement of the objective but not significantly.	-
Significant Negative Effect	The proposed option/policy detracts significantly from the achievement of the objective.	--

Score	Description	Symbol
No Relationship	There is no clear relationship between the proposed option/policy and the achievement of the objective or the relationship is negligible.	~
Uncertain	The proposed option/policy has an uncertain relationship to the objective or the relationship is dependent on the way in which the aspect is managed. In addition, insufficient information may be available to enable an appraisal to be made.	?

NB: where more than one symbol/colour is presented in a box it indicates that the appraisal has identified both positive and negative effects. Where a box is coloured but also contains a '?', this indicates uncertainty over whether the effect could be a minor or significant effect although a professional judgement is expressed in the colour used. A conclusion of uncertainty arises where there is insufficient evidence for expert judgement to conclude an effect.

3.3 Geographical and temporal scope

- 3.3.1 The geographical scope of the SA principally relates to administrative area of the City of Birmingham, but also takes into account sub-regional, regional and national impacts where appropriate. Birmingham's position as the principal settlement of the West Midlands means that its environmental, social and economic role and impact reach far beyond its immediate boundaries, with attendant implications for key sustainability issues such as carbon emissions, housing provision and wealth creation. The assessment considers sustainability issues and effects in relation to the short term (1-5 years), medium term (5-10 years) and longer term, (10-20 years), the latter being the intended lifespan of the Development Management DPD (to 2031).

3.4 Mitigation

- 3.4.1 Identifying effective mitigation measures will also be an important part of the Environmental Report. **Box 3.1** provides information on types and examples of mitigation measures that might be proposed and includes an overview of the mitigation hierarchy. The mitigation hierarchy is based on the principle that it is preferable to prevent the generation of an impact rather than counteract its effects. It thus suggests that mitigation measures higher up the hierarchy should be considered in preference to those further down the list.

Box 3.1 Mitigation Hierarchy and Example Measures

Mitigation measures should be consistent with the mitigation hierarchy (after DETR 1997¹⁹ and CLG 2006²⁰):

- Avoidance - making changes to a design (or potential location) to avoid adverse effects on an environmental feature. This is considered to be the most acceptable form of mitigation.
- Reduction - where avoidance is not possible, adverse effects can be reduced through sensitive environmental treatments/design.
- Compensation - where avoidance or reduction measures are not available, it may be appropriate to provide compensatory measures (e.g. an area of habitat that is unavoidably damaged may be compensated for by recreating similar habitat elsewhere). It should be noted that compensatory measures do not eliminate the original adverse effect, they merely seek to offset it with a comparable positive one.
- Remediation - where adverse effects are unavoidable, management measures can be introduced to limit their influence.
- Enhancement - where there are no negative impacts, but measures are adopted to achieve a positive move towards the sustainability objectives e.g. through innovative design.

Examples of how mitigation measures could be incorporated into DM DPD proposals could include:

- Ensuring that development management decisions are scrutinised for consistency, cumulative impacts and potential unintended consequences at site, neighbourhood and City-wide levels.

¹⁹ Department of the Environment, Transport and the Regions (1997) *Mitigation Measures in Environmental Statements*. London: DETR

²⁰ Department for Communities and Local Government (2006): *Consultation Document - EIA: A guide to good practice and procedures*. London: CLG

Box 3.1 Mitigation Hierarchy and Example Measures

- Monitoring the scope the DM DPD and its relationship with the BDP, and where there could be policy gaps.
- Monitoring the impacts of particular policies and their effectiveness, particularly in respect of the criteria used to help define the policy.

3.5 Who carried out the appraisal

3.5.1 The SA has been undertaken by Wood on behalf of Birmingham City Council.

3.6 Difficulties encountered

The SEA Directive requires the identification of any difficulties (such as technical deficiencies or lack of knowledge) encountered during the appraisal process. These uncertainties and assumptions are detailed in the appraisal matrices. Those uncertainties and assumptions common across the appraisal are outlined below.

Uncertainties

- ▶ The case-by-case character of individual development proposals which although of a similar type could yield different sustainability outcomes depending on their location.
- ▶ The cumulative sustainability impacts of developments in a particular area.
- ▶ The trade-offs which might be required between environmental, social and economic sustainability outcomes in light of the specific character of developments.
- ▶ Notwithstanding monitoring of various indicators (as part of the BDP as a whole), the difficulty of precisely measuring the sustainability impacts (positive and negative) of specific developments in particular localities and over time.

Assumptions

- ▶ That all development proposals will be consistently judged against the policy requirements of the DM DPD and the BDP more widely, including wider statutory measures relating, for example, to energy efficiency in buildings and air pollution.
- ▶ That monitoring of the environmental, social and economic impacts of development will enable judgements to be made on the overall sustainability of development in the City, and in turn feed back into policy evolution.
- ▶ That policy will be implemented consistently across the City and the results of DM decisions monitored accordingly.

4. Appraisal of the Draft Development Management DPD and Reasonable Alternatives

4.1 Compatibility between the DPD Objectives and the SA Objectives

4.1.1 Testing the compatibility between the SA Objectives and Plan Objectives is a requirement of the SA/SEA process. It helps to identify at an early stage where there could be conflict between the two sets of objectives, particularly in respect of economic and social objectives which can sometimes be at odds with environmental objectives.

4.1.2 The following Objectives (mirroring those of the BDP) have been set for the emerging Development Management DPD:

1. To develop Birmingham as a City of sustainable neighbourhoods that are safe, diverse and inclusive with locally distinctive character.
2. To make provision for a significant increase in the City's population.
3. To create a prosperous, successful and enterprising economy with benefits felt by all.
4. To promote Birmingham's national and international role.
5. To provide high quality connections throughout the City and with other places including encouraging the increased use of public transport, walking and cycling.
6. To create a more sustainable City that minimises its carbon footprint and waste, and promotes brownfield regeneration while allowing the City to grow.
7. To strengthen Birmingham's quality institutions and role as a learning City and extend the education infrastructure securing significant school places.
8. To encourage better health and well-being through the provision of new and existing recreation, sport and leisure facilities linked to good quality public open space.
9. To protect and enhance the City's heritage assets and historic environment.
10. To conserve and enhance Birmingham's natural environments, allowing biodiversity and wildlife to flourish.
11. To ensure that the City has the infrastructure in place to support its future growth and prosperity.

4.1.3 **Table 4.1** presents an assessment of the compatibility between these Objectives and the SA Objectives.

Table 4.1 Compatibility between the Development Management DPD Objectives and the SA Objectives

Sustainability Objectives	Plan Objectives										
	1. Sustainable Neighbourhoods	2. Population Growth	3. Prosperity	4. National & International Role	5. Connectivity	6. Sustainable City	7. Education	8. Health & Well-being	9. Heritage	10. Natural Environment	11. Infrastructure
ENV1 To encourage development that optimises the use of previously developed land and buildings	+	+	?	?	~	+	~	+	~	?	~
ENV2 To promote the application of high standards of design, construction and maintenance of buildings	+	~	~	+	~	~	~	~	+	~	~
ENV3 To encourage the use of sustainable methods of transport and reduce the need to travel	+	~	+	?	+	+	~	+	~	~	+
ENV4 To encourage high quality development which protects and enhances Birmingham's cultural and natural heritage, including resilient ecological networks able to meet the demands of current and future pressures.	+	?	~	+	+	+	+	+	+	+	~
ENV5 To promote development which anticipates and responds to the challenges associated with climate change, particularly managing and reducing floodrisk	+	?	?	~	~	+	~	+	?	?	?
ENV6 To promote development which makes best use of water resources, reduces pollution and encourages sustainable waste management	+	?	?	~	~	+	~	+	~	+	~
ECON1 To help improve the performance of the local and City-wide economy to provide opportunity for all	+	+	+	+	~	+	+	+	?	?	~
ECON2 To help promote the vitality of local centres	+	~	+	~	~	+	~	~	~	~	~
ECON3 To promote the regeneration of areas across the City through appropriate development	+	+	+	~	+	+	~	+	~	~	+
ECON4 To encourage investment in learning and skills development	~	~	+	~	~	~	+	~	~	~	~
SOC1 To help ensure equitable access to community services and facilities	+	~	+	~	+	+	+	+	~	~	+
SOC2 To help provide decent and affordable housing for all, of the right	+	+	~	~	~	~	~	+	~	~	~

			Plan Objectives										
Sustainability Objectives			1. Sustainable Neighbourhoods	2. Population Growth	3. Prosperity	4. National & International Role	5. Connectivity	6. Sustainable City	7. Education	8. Health & Well-being	9. Heritage	10. Natural Environment	11. Infrastructure
quantity type, tenure and affordability to meet local needs													
SOC3 To encourage development which promotes health and well-being			+	~	~	~	+	+	~	+	~	+	~
SOC4 To encourage development which helps to reduce crime, the fear of crime and antisocial behaviour			+	~	~	~	~	~	~	+	~	~	~
SOC5 To enable communities to influence the decisions that affect their neighbourhoods and quality of life			+	~	~	~	~	~	~	+	~	~	~
+	Objectives are potentially compatible	?	Uncertain if Objectives are related			~	No clear relationship between Objectives		-	Objectives are potentially incompatible			

4.1.4 **Table 4.1** identifies a number of potential uncertainties between the Sustainability Objectives and those of the emerging Development Management DPD, principally related to the relationship between appropriate business locations and environmental considerations such as reducing the need to travel; contributions to environmental considerations in respect of local centre viability and regeneration; and development which contributes to local distinctiveness and reducing the need to travel. These relationships are unproven, but highlighted as issues which could require monitoring.

4.1.5 The compatibility analysis reveals that the great majority of SA Objectives and Plan Objectives are either compatible or have no direct relationship with one another. No potential incompatibilities between objectives have been identified, although there are a number of uncertain relationships relating to:

- ▶ Plan Objective 2 (population growth);
- ▶ Plan Objective 3 (prosperity);
- ▶ Plan Objective 4 (national and international role);
- ▶ Plan Objective 9 (heritage);
- ▶ Plan Objective 10 (natural environment); and
- ▶ Plan Objective 11 (infrastructure).

4.1.6 The potential uncertainties principally relate to dilemmas in reconciling the need and demand for development with environmental protection (ENV1, 3, 4, 5 and 6 and ECON 1). In many instances, any potential conflicts arising will have to be determined on a case-by-case basis given the particular character and context of development. These uncertainties are not regarded as barriers to

development although particular attention will have to be paid to the application of policy in light of these relationships.

4.2 Policies and alternatives

4.2.1 The Development Management DPD proposes 15 policies to manage various aspects of development across the City. The policies have emerged through a process of consultation within Birmingham City Council and with interested parties. In reaching the proposed policies, options have been considered in most cases. This took account of the following factors:

- ▶ To what extent the policy is required in light of the City Council's corporate objectives and national planning policy.
- ▶ To what extent there is a reasonable need to update the existing policy (which is the most common instance).
- ▶ To what extent a potential alternative approach would ensure efficient and effective management of development to meet local needs and priorities to address the specific issues identified in the Scoping Report.
- ▶ To what extent a potential alternative could be pursued without placing an unreasonable burden on applicants or the decision making process (such as through requirements for supporting information).

4.2.2 In consequence, alternatives that have been considered have included:

- ▶ Having no policy;
- ▶ Reliance on national policy (i.e. the NPPF);
- ▶ Using the existing UDP policy;
- ▶ Variations on the proposed policy.

4.3 Summary of results and the reasons for selecting/rejecting the alternatives

4.3.1 **Table 4.2** summarises the results of the appraisal of policies, drawn from the analysis in Appendix A which appraises the proposed policies against reasonable alternatives.

Table 4.2 Summary of the results of the appraisal of the preferred policy option

Policy	Summary of Appraisal of the Proposed Policy	Alternatives Considered
Environment and Sustainability		
DM1 Air Quality	A policy which clearly address environmental protection issues will help to reinforce existing regulatory regimes. The outcome is likely to be enhanced sustainability performance across most indicators, reflecting greater certainty for developers in respect of both minimum standards and good practice. No likely	No alternative has been identified to this policy - National policy requires planning to contribute towards compliance with relevant limit values or national objectives for pollutants and take into account local AQMA and Clean Air Zones (CAZ). Therefore in order to comply with national policy it is considered necessary to

Policy	Summary of Appraisal of the Proposed Policy	Alternatives Considered
	significant negative effects have been identified. The policy could benefit from the inclusion of examples of measures against which the policy will be implemented and measured.	set policy aimed at improving air quality and mitigating the impacts of development on air quality. Having no air quality policy will risk undermining the AQMA and CAZ and failure to deliver relevant actions within the City's air quality action plan, transport strategy and the objectives of the BDP in promoting sustainable development, and helping to address climate change.
DM2 Amenity	Good design is important to securing sustainable development through balancing a wide variety of considerations. The detailed criteria within DM01 against which developments will be considered serve as a reference point against which specific proposals can be considered, thereby helping to ensure that development takes account of the specific matters which help to make the City and its neighbourhoods attractive and successful places to live. The specific requirements of DM02 complement the overarching principles set out in DM01. There are no suggested changes to the content of the policies arising from the appraisal. The option of developing a new policy to address design issues yields more positive sustainability outcomes than the reasonable alternatives presented.	No policy on amenity and rely instead on the NPPF and ad hoc considerations of proposals on a case by case basis. Reason for rejection: The Council believes the preferred approach will provide a more transparent, consistent and fairer basis for considering planning proposals than having no policy. To ensure the successful delivery of the BDP, amenity considerations are considered important. The NPPF is clear that planning should seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
DM3 Land affected by Contamination and Hazardous Substances	A policy which clearly addresses environmental protection issues will help to reinforce existing regulatory regimes. The outcome is likely to be enhanced sustainability performance across most indicators, reflecting greater certainty for developers in respect of both minimum standards and good practice. No likely significant negative effects have been identified. There are no suggested changes to the content of the policy arising from the appraisal.	No alternative to this policy has been identified - Environmental health legislation requires local authorities to identify contaminated land and ensure it is managed in an appropriate manner. The NPPF also stresses the need for policies to ensure that new development is compatible with its location. The NPPF makes clear that developers and landowners are responsible for securing safe development where a site is affected by contamination.
DM4 Landscaping and Trees	Trees and landscaping are fundamental to a high quality and ultimately sustainable environment, contributing aesthetically and functionally to the quality of life across the City. Specification of expectations for design and use of trees and landscaping as part of new development will ensure that, in combination with other policies, high quality design is realised and wider sustainability enhancements are secured. There are no suggested changes to the content of the policy arising from the appraisal, other than cross-referencing Council Strategies relating to Green Infrastructure, for example. The option of developing a new policy to address trees and landscape issues yields more positive sustainability outcomes than the reasonable	No alternative to this policy has been identified - The NPPF and BDP provide strong support for protecting and enhancing valued landscapes. Local planning authorities are advised to set criteria based policies against which proposals for any development on or affecting protected wildlife or landscape areas will be judged.

Policy	Summary of Appraisal of the Proposed Policy	Alternatives Considered
	alternative presented.	
DM5 Light Pollution	A policy which clearly address environmental protection issues will help to reinforce existing regulatory regimes. The outcome is likely to be enhanced sustainability performance across most indicators, reflecting greater certainty for developers in respect of both minimum standards and good practice. No likely significant negative effects have been identified. There are no suggested changes to the content of the policies arising from the appraisal. The option of developing a new policy to address environmental protection issues yields more positive sustainability outcomes than the reasonable alternative presented.	No alternative to this policy has been identified - The NPPF is clear that planning policy should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. The draft policy provides a detailed approach for achieving this.
DM6 Noise and Vibration	A policy which clearly address environmental protection issues will help to reinforce existing regulatory regimes. The outcome is likely to be enhanced sustainability performance across most indicators, reflecting greater certainty for developers in respect of both minimum standards and good practice. No likely significant negative effects have been identified. There are no suggested changes to the content of the policies arising from the appraisal. The option of developing a new policy to address environmental protection issues yields more positive sustainability outcomes than the reasonable alternative presented.	No alternative has been identified to this policy - National planning policy requires development to contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. In addition the BDP seeks to create well designed, healthy and safe environments. It is therefore considered necessary to include this policy.
Economy and Network of Centres		
DM7 Advertisements	A specific policy which clearly controls the siting and design of advertisements will provide an important reference point for ensuring that a range of sustainability benefits are secured, focused on enhancing economic development in the City whilst ensuring that residential amenity and City-wide amenity is protected. In all cases, the greater certainty and precision associated with an updated policy is likely to yield positive sustainability effects. No likely significant negative effects have been identified. There are no suggested changes to the content of the policy arising from the appraisal. The option of developing a new policy to address siting and design of these uses yields more positive sustainability outcomes than the reasonable alternatives presented.	No policy on advertisements Reasons for rejection: Not having a policy and relying upon applications being considered against the National Planning Policy Framework would not be favoured since there would be no safeguard against inappropriate advertisements and signs.
DM8 Places of	Ensuring the appropriate location and design	Retain the wording of existing policy in paragraphs

Policy	Summary of Appraisal of the Proposed Policy	Alternatives Considered
Worship	of these uses will help to ensure that sustainable development is promoted, particularly having regard to equitable access through public transport and sensitive design ensuring that impacts on local amenity are minimised. There are no suggested changes to the content of the policy arising from the appraisal. The option of developing a new policy to address siting and design of these uses yields more positive sustainability outcomes than the reasonable alternatives presented.	<p>8.31 - 8.35 of the Saved Unitary Development Plan 2005 and Places for Worship and Faith-related Community and Educational Facilities SPD (2011)</p> <p>Reasons for rejection: This policy needs to be updated to reflect Policy TP21 of the BDP which states that the preferred location for community facilities (e.g. health centres, education and social services and religious buildings) is within the network of defined centres.</p> <p>No policy on places of worship and faith related community uses.</p> <p>Reasons for rejection: Birmingham has a diverse mix of faiths and cultures. A policy is required to ensure that development for places of worship and faith related community uses takes place in the appropriate locations and their impacts on the local area are managed.</p>
Homes and Neighbourhoods		
DM9 Nurseries and Childcare	A policy which ensures the consistent provision of educational facilities of various kinds across the City will help to ensure that there is equitable access (for example through sustainable locations) and in a fashion which maintains and enhances local amenity. The precise effects of the policy will have to be monitored to determine whether the policy objectives are being realised in practice. There are no suggested changes to the content of the policy arising from the appraisal. The option of developing a new policy to address education-related development issues yields more positive sustainability outcomes than the reasonable alternatives presented.	<p>Retain existing UDP policy</p> <p>Reasons for rejection: The policy requires updating as it refers to out of date policies. The existing policy does not reflect the Policy TP21 in the BDP which states that the preferred location for community facilities (e.g. health centres, education and social services and religious buildings) is within the network of defined centres.</p> <p>No policy on day nurseries and child care provision</p> <p>Reasons for rejection: Without a policy on the development of day nurseries and childcare provision, development may result in adverse impacts on the vitality of local centres, residential amenity and character of an area.</p>
DM10 Houses in Multiple Occupation and other Residential Accommodation	The sustainability effects of a clear policy which seeks to control Houses in Multiple Occupation (HMO) is likely be positive, reflecting the potential issues associated with them. The sustainability effects relate to ensuring that local amenity and design quality is appropriately protected, whilst providing for the needs of those in need. No likely significant negative effects have been identified. There are no suggested changes to the content of the policy arising from the appraisal. The option of developing a new policy to address siting and design of these uses yields more positive sustainability outcomes than the reasonable alternatives presented.	<p>Retain existing UDP policy</p> <p>Reasons for rejection: This policy requires updating as it refers to out of date UDP policies, but the main thrust of the policy remains unchanged in DM11.</p> <p>No policy on HMO</p> <p>Reasons for rejection: Without a HMO policy, development could result in concentrations of HMOs which can lead to a number of negative impacts on local communities, for example more frequent noise nuisance, depopulation of neighbourhoods during academic vacations, and increased pressure on parking due to higher population densities.</p> <p>Less prescriptive policy</p> <p>Reasons for rejection: Defining cumulative impact by using a threshold against which applications will be assessed will aid in transparency and consistency in decision-making.</p>

Policy	Summary of Appraisal of the Proposed Policy	Alternatives Considered
DM11 Residential Development	This policy will yield a range of sustainability benefits, associated with ensuring that there is consistent high quality residential development throughout the City. No likely significant negative effects have been identified. There are no suggested changes to the content of the policies arising from the appraisal. The option of developing new policy to address residential design matters yields more positive sustainability outcomes than the reasonable alternatives presented.	<p>Retain existing UDP policy in paragraph 8.39-8.44 of the Saved Unitary Development Plan regarding house extensions. There is no existing policy on housing technical standards for internal space, outdoor amenity space or accessible and adaptable housing.</p> <p>Reasons for rejection: The policy requires updating to achieve good standards of amenity for the occupiers of new residential buildings and protect the amenity of nearby occupiers and residents. The general thrust of the existing policy regarding residential extensions is taken forward into the new policy.</p> <p>No minimum space standards or policy on separation distances, outdoor amenity space and accessible and adaptable housing.</p> <p>Reasons for rejection: Having no such policy would risk developments not achieving a reasonable level of amenity therefore impacting on quality of life. Minimum space standards will help to ensure that there is sufficient space, privacy and storage facilities to ensure the long term sustainability and usability of homes. DM9 is consistent with the NPPF requires local planning authorities to seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.</p>
DM12 Self and Custom-build Housing	Promoting self- and custom-build housing through a specific policy is likely to yield positive sustainability effects City-wide with no adverse effects identified. There are no suggested changes to the content of the policy arising from the appraisal. The option of having no specific policy could result in some minor adverse effects relating to social indicators.	<p>No policy on self and custom build housing.</p> <p>Reasons for rejection: The Council wishes to take a proactive approach to supporting individuals or groups of individuals that wish to build their own homes as a more affordable means by which to access home ownership. It is also a duty upon local authorities to have regard to the Self and Custom Build Register in carrying out their planning, housing, land disposal and regeneration functions.</p>
Connectivity		
DM13 Highway Safety and Access	Ensuring that there is a rounded approach to transport planning across the City should yield a broad range of sustainability benefits, notably in respect on enhancing the City's economic performance through ensuring more efficient and effective movement. In turn and more broadly, the well-being of residents is enhanced through the greater opportunities for efficient travel within the City. No likely significant negative effects have been identified. There are no suggested changes to the content of the policy arising from the appraisal. The option of developing new policy to address siting and design of these uses yields more positive sustainability outcomes than the reasonable alternatives presented.	<p>No alternative to this policy has been identified - the NPPF requires development to provide for safe and suitable access to the site for all users. It states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.</p>

Policy	Summary of Appraisal of the Proposed Policy	Alternatives Considered
DM14 Parking and Servicing	Ensuring that there is a rounded approach to transport planning across the City should yield a broad range of sustainability benefits, notably in respect on enhancing the City's economic performance through ensuring more efficient and effective movement. In turn and more broadly, the well-being of residents is enhanced through the greater opportunities for efficient travel within the City. No likely significant negative effects have been identified. There are no suggested changes to the content of the policy arising from the appraisal. The option of developing new policy to address siting and design of these uses yields more positive sustainability outcomes than the reasonable alternatives presented.	No policy Reasons for rejection: National policy makes clear that parking standards should be determined at the local level in response to local circumstances. The proposed policy supports the implementation of the BDP in developing a sustainable, high quality, integrated transport system. It is considered essential that appropriate parking is provided to contribute to traffic reduction and ensure safety, inclusive development and manage any impact on amenity.
DM15 Telecommunications	Ensuring that the City has an up-to-date telecommunications infrastructure will ensure sustainability benefits across a range of objectives, notably the contribution to the City's economic performance, creating opportunities for travel reduction and ensuring that all residents have equitable access to high quality services that enable them to fulfil their economic and social potential. No likely significant negative effects have been identified. There are no suggested changes to the content of the policy arising from the appraisal. The option of developing new policy to address telecommunications siting matters yields more positive sustainability outcomes than the reasonable alternatives presented.	No policy Reasons for rejection: policy supports the implementation of the Policy TP46 Digital Communications of the BDP. The Council supports well-designed and located high quality communications infrastructure and this policy is intended to facilitate provision in line with this aspiration.

4.3.2 **Table 4.3** summarises the scores, by SA Objective, attributed to the preferred policy option and then provides an overall assessment of the cumulative effects of the 15 preferred policies against each SA Objective.

4.3.3 The results set out in Tables 4.2 and 4.3 demonstrate the overwhelming likely positive or significantly positive effect resulting from implementation of the policies. This reflects their positive intent and the need to deal systematically and objectively with planning issues arising day-to-day across the City, as well as the experience accumulated through their ongoing implementation through the UDP. More generally, the Development Management policies represent the lowest tier in a hierarchy of planning policies, adding local detail to implement the broader principles of policies within the NPPF and the Birmingham Development Plan. As such they specifically address local issues and are designed to mitigate potential adverse effects associated with development.

4.3.4 No significant negative effects, either associated with specific sustainability objectives or cumulatively have been identified. This contrasts with the scores attributed to the absence of a policy which are typically significantly negative (see **Appendix A**), reflecting the clear need to systematically control development and the likely consequences of the absence of such a policy framework which is to the benefit of applicants, residents and the City as a whole.

4.3.5

Some policies have been identified as having some uncertainty as to their precise effects in respect of contributing to the SA Objectives. These apply principally to whether significant positive effects are likely to be fully realised in respect of matters such as sustainable travel and construction, reflecting the case-by-case nature of individual developments and their particular circumstances. Nevertheless, the potential for the realisation of a significant positive or positive effect exists. In other cases, there is uncertainty as to there is a relationship between the policy and the SA Objective, for example between the construction of educational facilities and benefits to the community in respect of access to skills training, reflecting the specific nature of these developments.

Table 4.3 Summary of scores attributed to the Preferred Policy Options

	ENV1 optimise use of previously developed land	ENV2 apply high standards of design, construction and maintenance	ENV3 encourage sustainable methods of transport and reduce the need to travel	ENV4 protect and enhance Birmingham's cultural and natural heritage	ENV5 anticipate and respond to the challenges associated with climate change, particularly managing and reducing floodrisk	ENV6 make best use of water resources, reduce pollution and encourage sustainable waste management	ECON1 improve the performance of the local and City-wide economy to provide opportunity for all	ECON2 promote the vitality of local centres	ECON3 promote the regeneration of areas across the City	ECON4 encourage investment in learning and skills development	SOC1 ensure equitable access to community services and facilities	SOC2 provide decent and affordable housing for all meet local needs	SOC3 promotes health and well-being	SCO4 reduce crime, the fear of crime and antisocial behaviour	SOC5 enable communities to influence the decisions that affect their neighbourhoods and quality of life
DM1 Air Quality	~	++?	+	~	~	++?	+	~	+	~	~	~	++	~	~
DM2 Amenity	~	++	~	++	~	~	++	++	++	~	~	~	++	~	~
DM3 Contamination and Stability	++	~	~	~	~	++?	+	~	+	~	~	~	++	~	~
DM4 Trees, Landscape and Development	~	++	~	++	++	++	++	++	++	~	~	~	++	++	~
DM5 Light Pollution	~	+	~	++	~	~	~	+	~	~	~	~	~	+	~
DM6 Noise and Vibration	~	+	~	~	~	~	~	~	~	~	~	~	++	~	~

	ENV1 optimise use of previously developed land	ENV2 apply high standards of design, construction and maintenance	ENV3 encourage sustainable methods of transport and reduce the need to travel	ENV4 protect and enhance Birmingham's cultural and natural heritage	ENV5 anticipate and respond to the challenges associated with climate change, particularly managing and reducing floodrisk	ENV6 make best use of water resources, reduce pollution and encourage sustainable waste management	ECON1 improve the performance of the local and City-wide economy to provide opportunity for all	ECON2 promote the vitality of local centres	ECON3 promote the regeneration of areas across the City	ECON4 encourage investment in learning and skills development	SOC1 ensure equitable access to community services and facilities	SOC2 provide decent and affordable housing for all meet local needs	SOC3 promotes health and well-being	SCO4 reduce crime, the fear of crime and antisocial behaviour	SOC5 enable communities to influence the decisions that affect their neighbourhoods and quality of life
DM7 Advertisements	~	++?	~	++?	~	~	++?	++?	~	~	~	~	~	~	+
DM8 Places of Worship	++?	++?	++?	++?	~	~	~	++?	++?	~	++?	~	++?	~	++?
DM9 Education Facilities – Change of Use	~	+	++?	~	~	~	+	+	~	+	+	~	+	~	~
DM10 Houses in Multiple Occupation – City wide	++?	~	~	++?	~	~	~	~	~	~	~	++?	~	++?	++?
DM11 Residential Development	~	++?	~	~	~	~	++?	++?	~	~	~	~	++?	~	~
DM12 Self and custom-build housing	+	+	~	~	~	~	~	~	+	++?	~	++	+	~	++?

	ENV1 optimise use of previously developed land	ENV2 apply high standards of design, construction and maintenance	ENV3 encourage sustainable methods of transport and reduce the need to travel	ENV4 protect and enhance Birmingham's cultural and natural heritage	ENV5 anticipate and respond to the challenges associated with climate change, particularly managing and reducing floodrisk	ENV6 make best use of water resources, reduce pollution and encourage sustainable waste management	ECON1 improve the performance of the local and City-wide economy to provide opportunity for all	ECON2 promote the vitality of local centres	ECON3 promote the regeneration of areas across the City	ECON4 encourage investment in learning and skills development	SOC1 ensure equitable access to community services and facilities	SOC2 provide decent and affordable housing for all meet local needs	SOC3 promotes health and well-being	SCO4 reduce crime, the fear of crime and antisocial behaviour	SOC5 enable communities to influence the decisions that affect their neighbourhoods and quality of life
DM13 Highway Safety and Access	~	+	++	+	~	~	~	++	~	~	+	~	+	~	++?
DM14 Parking	~	+	++?	+	~	~	~	++	~	~	+	~	+	~	++
DM15 Telecommunications	~	+	+	+	~	~	+	+	+	+	+	~	+	~	+
Cumulative Effect of all Policies	~/+/++?	+/++?	~/+/++?	+/++?	~/++	~/++	~/+/++?	+/++?	~/+/++	~/+	~/+	~/++?	+/++?	~/++?	~/+/++?

Sustainability Appraisal Scoring

Score Key:	++ Significant positive effect	+ Minor positive effect	0 No overall effect	- Minor negative effect	-- Significant negative effect	? Score uncertain	~ No clear relationship
------------	-----------------------------------	----------------------------	------------------------	----------------------------	-----------------------------------	----------------------	----------------------------

NB: where more than one symbol is presented in a box it indicates that the appraisal has found more than one score for the category. Where a box is coloured but also contains a '?', this indicates uncertainty over whether the effect could be a minor or significant effect although a professional judgement is expressed in the colour used. A conclusion of uncertainty arises where there is insufficient evidence for expert judgement to conclude an effect.

4.4 Proposed mitigation measures

- 4.4.1 When considering planning policies, mitigation can usually be in the form of policy amendments. For the Development Management DPD preferred policies, there are no recommendations for the modification of the range of policies. This reflects the positive scores, the absence of negative effects and the intention to use the policies in combination with the policies of the BDP, which for each policy are cross-referenced.
- 4.4.2 Whilst there are no recommendations for the amendment of policy wording, the following general points can be made in respect of the presentation of the policies in order to make clearer how they will be implemented:
- ▶ ensure that, wherever possible, the specific criteria against which the policy will be implemented and monitored are included.
 - ▶ For each Development Management policy, provide further detail against the cited BDP policies on how these will work together.
 - ▶ Set out more clearly in paragraph 1.10 of the DPD which matters are covered by the BDP and which by the Development Management DPD, such as the control of various forms of retail development.
 - ▶ Where possible, fully reference BCC strategies on various topics relating to specific policies, for example the City's Green Living Spaces Plan and Nature Conservation Strategy against the Landscaping and Trees Policy.
 - ▶ Set out a summary table of how the policies will be monitoring, indicating where this can be covered by the existing Authority Monitoring Report. Some suggestions are given in **Section 5**.

4.5 Uncertainties and risks

- 4.5.1 The principal uncertainties centre on the implementation of the policies and the inevitable variability associated with case-by-case judgements. However, any unintended sustainability effects are likely to be localised, and monitoring of implementation is an important part of development management. It is through this mechanism that consistency of implementation and unintended consequences (and hence potential effects on sustainability) should be identified. Monitoring activity has been undertaken for policies applied as part of the Unitary Development Plan and lessons learnt in the development of new policies. It can be assumed therefore that the new policies are more sophisticated and should therefore yield more sustainable effects. Nevertheless, many of the scores retain a '?' to indicate that there is uncertainty associated with their effects.

5. Next steps

5.1 Preparation of the Submission Development Management DPD

- 5.1.1 Following consultation and an analysis of the responses, the Council will revise the Preferred Options Development Management DPD to produce a Submission Development Management DPD. This will be submitted for consideration by an independent planning inspector. Following Examination in Public (EiP), and subject to any significant changes to the DPD, the Council will then adopt the final DPD.

5.2 Finalising the SA Report and Post Adoption Statement

- 5.2.1 A final Sustainability Report will be produced to accompany the Submission version of the Development Management DPD. Following EiP, and subject to any significant changes to the draft DPD that may require appraisal, the Council will issue a Post Adoption Statement (PAS) as soon as reasonably practicable after the adoption of the DPD. The PAS will set out the results of the consultation and SA processes and the extent to which the findings of the SA have been accommodated in the adopted DPD.

5.3 Monitoring Requirements

- 5.3.1 Following adoption of the Development Management DPD, there will need to be monitoring of any significant effects identified. Monitoring the sustainability effects of implementing the Development Management DPD should be conducted as part of an overall approach to monitoring the sustainability effects of the BDP and various SPDs across the City. An Authority Monitoring Report is already produced for the BDP and this could be refined to reflect the content of the Development Management DPD and combined with the monitoring of potential sustainability effects.
- 5.3.2 **Table 5.1** sets out a number of suggested indicators for monitoring the potential significant sustainability effects of implementing the Development Management DPD, drawing on indicators that are also used for the Birmingham Development Plan where relevant. Note that the indicators proposed are included as suggestions at this stage, as it is recognised that many datasets may not be available for monitoring some of the sustainability effects of the Development Management DPD, and that the indicators included may change the City Council finalises the monitoring framework for the DPD itself. In addition, the data used for monitoring in many cases will be provided by outside bodies. Information collected by other organisations (e.g. the Environment Agency) can also be used as a source of indicators.

Table 5.1 Proposed monitoring indicators for the Development Management DPD

Policy	Proposed Indicator(s)
DM1 Air Quality	BDP AQ monitoring
DM2 Amenity	Development Management (DM) statistics on applications refused as contrary to policy

Policy	Proposed Indicator(s)
DM3 Contamination and Stability	DM statistics on applications with contamination/stability issues
DM4 Trees, Landscape and Development	BDP monitoring of city-greening DM statistics on conditions attached to applications
DM5 Light Pollution	DM statistics on applications refused as contrary to policy
DM6 Noise and Vibration	DM statistics on applications refused as contrary to policy
DM7 Advertisements	DM statistics on applications refused as contrary to policy
DM8 Places of Worship	DM statistics on applications
DM9 Education Facilities – Change of Use	DM statistics on applications refused as contrary to policy
DM10 Houses in Multiple Occupation – City wide	DM statistics on applications refused as contrary to policy
DM11 Residential Development	DM statistics on applications refused as contrary to policy
DM12 Self and custom-build housing	DM statistics on applications
DM13 Highway Safety and Access	DM statistics on applications refused as contrary to policy
DM14 Parking	DM statistics on applications refused as contrary to policy
DM15 Telecommunications	DM statistics on applications

5.4 Quality Assurance Checklist

- 5.4.1 The Government's Guidance on SEA²¹ contains a quality assurance checklist to help ensure that the requirements of the SEA Directive are met. This has been completed for the Development Management DPD in **Table 5.2**.

²¹ (Former) Office of the Deputy Prime Minister (2005) *A Practical Guide to the Strategic Environmental Assessment Directive*.

Table 5.2 Completed Quality Assurance Checklist for the Development Management DPD

Objectives and Context	
<ul style="list-style-type: none"> The plan's purpose and objectives are made clear. 	Section 1.4
<ul style="list-style-type: none"> Sustainability issues, including international and EC objectives, are considered in developing objectives and targets. 	Key sustainability issues identified through a review of relevant plans and programmes (see Section 2) and analysis of baseline conditions (see Section 2) have informed the development of the SA Framework presented in Section 3.
<ul style="list-style-type: none"> SEA objectives are clearly set out and linked to indicators and targets where appropriate. 	Section 3.1 presents the SA objectives and guide questions.
<ul style="list-style-type: none"> Links with other related plans, programmes and policies are identified and explained. 	A review of related plans and programmes is presented in Section 2 of this SA Report.
Scoping	
<ul style="list-style-type: none"> The environmental consultation bodies are consulted in appropriate ways and at appropriate times on the content and scope of the Environmental Report. 	The environmental bodies were consulted on the Scoping Report in March 2015 and August 2018.
<ul style="list-style-type: none"> The assessment focuses on significant issues. 	Sustainability issues have been identified in the baseline analysis contained in Section 2 of this SA Report on a topic-by-topic basis. Section 2.2 summarises the key sustainability issues identified.
<ul style="list-style-type: none"> Technical, procedural and other difficulties encountered are discussed; assumptions and uncertainties are made explicit. 	As set out in Section 3.6 of this SA Report, no substantive difficulties were encountered during its preparation.
<ul style="list-style-type: none"> Reasons are given for eliminating issues from further consideration. 	No issues have been knowingly eliminated from this SA Report.
Baseline Information	
<ul style="list-style-type: none"> Relevant aspects of the current state of the environment and their likely evolution without the plan are described. 	Section 2 and Appendix B of this SA Report presents the baseline analysis of the County's social, economic and environmental characteristics including their likely evolution without the Local Plan.
<ul style="list-style-type: none"> Characteristics of areas likely to be significantly affected are described, including areas wider than the physical boundary of the plan area where it is likely to be affected by the plan where practicable. 	Throughout Section 2 of this SA Report, reference is made to areas which may be affected by the Local Plan.
<ul style="list-style-type: none"> Difficulties such as deficiencies in information or methods are explained. 	As set out in Section 3.6 of this SA Report, no difficulties were encountered during its preparation.
Prediction and evaluation of likely significant effects	
<ul style="list-style-type: none"> Likely significant social, environmental and economic effects are identified, including those listed in the SEA Directive (biodiversity, population, human health, fauna, flora, soil, water, air, climate factors, material assets, cultural heritage and landscape), as relevant. 	Section 4 summarises the appraisal of the sustainability performance of the Pre-Submission Local Plan in terms of the Local Plan Vision and Spatial Principles, preferred development requirements and Spatial Strategy, site allocations and policies. Detailed appraisal matrices are set out in Appendix A that have been developed to meet the requirements of the SEA Directive.
<ul style="list-style-type: none"> Both positive and negative effects are considered, and where practicable, the duration of effects (short, medium or long-term) is addressed. 	Positive and negative effects are considered within the appraisal matrices and within Section 4. Potential effects are identified in the short, medium and long-term.

- | | |
|--|---|
| <ul style="list-style-type: none"> ● Likely secondary, cumulative and synergistic effects are identified where practicable. | The cumulative effects of the Plan are considered in Section 4. |
| <ul style="list-style-type: none"> ● Inter-relationships between effects are considered where practicable. | Inter-relationships between effects are identified in the assessment commentary, where appropriate. |
| <ul style="list-style-type: none"> ● Where relevant, the prediction and evaluation of effects makes use of accepted standards, regulations, and thresholds. | These are identified in the commentary, where appropriate. |
| <ul style="list-style-type: none"> ● Methods used to evaluate the effects are described. | These are described in Section 3. |

Mitigation measures

- | | |
|--|---|
| <ul style="list-style-type: none"> ● Measures envisaged to prevent, reduce and offset any significant adverse effects of implementing the plan are indicated. | These are identified within the appraisal matrices. |
| <ul style="list-style-type: none"> ● Issues to be taken into account in development consents are identified. | These are identified within the appraisal matrices. |

The SA Report

- | | |
|--|--|
| <ul style="list-style-type: none"> ● Is clear and concise in its layout and presentation. | The SA Report is clear and concise. |
| <ul style="list-style-type: none"> ● Uses simple, clear language and avoids or explains technical terms. Uses maps and other illustrations where appropriate. | Maps and tables have been used to present the baseline information in Section 2 where appropriate. |
| <ul style="list-style-type: none"> ● Explains the methodology used. Explains who was consulted and what methods of consultation were used. | Section 3 presents the proposed methodology to be used for assessment whilst consultation arrangements are discussed in Section 1. |
| <ul style="list-style-type: none"> ● Identifies sources of information, including expert judgement and matters of opinion. | Information is referenced throughout the SA Report. |
| <ul style="list-style-type: none"> ● Contains a non-technical summary | Included. |

Consultation

- | | |
|---|---|
| <ul style="list-style-type: none"> ● The SEA is consulted on as an integral part of the plan-making process. | This SA Report is being consulted upon following adoption of the Birmingham Development Plan. |
| <ul style="list-style-type: none"> ● The consultation bodies, other consultees and the public are consulted in ways which give them an early and effective opportunity within appropriate time frames to express their opinions on the draft plan and SA Report. | The emerging Plan and SA have been made available for consultation in line with planning regulations. |

Decision-making and information on the decision

- | | |
|---|--|
| <ul style="list-style-type: none"> ● The SA Report and the opinions of those consulted are taken into account in finalising and adopting the plan. | Responses received to this SA Report will inform the preparation of the Submission Plan. |
| <ul style="list-style-type: none"> ● An explanation is given of how they have been taken into account. | This information will be provided in subsequent reports. |
| <ul style="list-style-type: none"> ● Reasons are given for choices in the adopted plan, in the light of other reasonable options considered. | These will be present in the Environmental Report. |

Appendix A

Policy Appraisal

Sustainability Appraisal Scoring

Score Key:	++ Significant positive effect	+ Minor positive effect	0 No overall effect	- Minor negative effect	-- Significant negative effect	? Score uncertain	~ No clear relationship
<p>NB: where more than one symbol is presented in a box it indicates that the appraisal has found more than one score for the category. Where a box is coloured but also contains a '?', this indicates uncertainty over whether the effect could be a minor or significant effect although a professional judgement is expressed in the colour used. A conclusion of uncertainty arises where there is insufficient evidence for expert judgement to conclude an effect.</p> <p>S – short term (0 - 10 years), M – medium term (between 10 and 25 years) and L – long term (>25 years)</p>							

Policy

Reasonable Alternatives

DM1 Air Quality

- None – a policy is required by National Policy

DM2 Amenity

- No policy – rely on National Policy

DM3 Land affected by Contamination and Hazardous Substances

- None – a policy is required by Legislation

DM4 Landscaping and Trees

- None – a policy is required by National Policy

DM5 Light Pollution

- None – a policy is required by National Policy

DM6 Noise and Vibration

- None – a policy is required by National Policy

DM7 Advertisements

- No policy

Policy	Reasonable Alternatives
DM8 Places of Worship and Faith-related Community Uses	<ul style="list-style-type: none">• Retain existing UDP policy• No policy
DM9 Day Nurseries and Childcare Provision	<ul style="list-style-type: none">• Retain existing UDP policy• No policy
DM10 Houses in Multiple Occupation and other Residential Accommodation	<ul style="list-style-type: none">• Retain existing UDP policy• No policy• Less prescriptive policy
DM11 Residential Development	<ul style="list-style-type: none">• Retain existing UDP policy• No minimum space standards or policy
DM12 Self and Custom-Build Housing	<ul style="list-style-type: none">• No policy
DM13 Highway safety and access	<ul style="list-style-type: none">• None – a policy is required by National Policy
DM14 Parking and Servicing	<ul style="list-style-type: none">• No policy
DM15 Telecommunications	<ul style="list-style-type: none">• No policy

Policy DM1 Air Quality

Policy Content	Options Considered
<ol style="list-style-type: none"> The Council will promote measures to improve air quality and seek to ensure that exposure to poor air quality is reduced. Development proposals will need to take into account its impact on air quality and support the objectives of the Council's Air Quality Action Plan and Clean Air Zone. Air quality assessments are required in line with the Local Information Requirement. Development that would result in an unacceptable adverse impact on air quality will not be supported unless it can be demonstrated that measures can be implemented that will mitigate these effects. Development that would result in deterioration of the City's nitrogen dioxide pollution levels will be resisted. Similarly, developments that introduce sensitive receptors (i.e. housing, schools) in locations of poor air quality will not be acceptable unless designed to mitigate the impact. Development that involves significant demolition, construction or earthworks will also be required to assess the risk of dust and emissions impacts in and air quality assessment and include appropriate mitigation measures to be secured in a Construction Management Plan. The development of fuelling stations for low emission vehicles will be supported in principle where they establish a network of facilities to support the City's transport and air quality objectives. New or extended fuelling stations for petrol and diesel vehicles would need to be justified on the basis of addressing clear gaps in existing provision, are away from sensitive areas for air quality and provide fuelling for low emission vehicles. 	<ul style="list-style-type: none"> None – a policy is required by National Policy

SA Objective	New Policy	Cumulative, Secondary and Temporal Effects of the Proposed Policy	Commentary
ENV1 To encourage development that optimises the use of previously developed land and buildings	~		No clear relationship
ENV2 To promote the application of high standards of design, construction and maintenance of buildings	++?	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Consistent application of standards which encourage high environmental quality will help to secure better quality buildings across the city to the benefit of sustainability over the longer term. The speed and depth of this change is uncertain, however.

SA Objective	New Policy	Cumulative, Secondary and Temporal Effects of the Proposed Policy	Commentary
ENV3 To encourage the use of sustainable methods of transport and reduce the need to travel	+	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Measures to reduce air pollution through the use of Travel Plan will help to promote sustainable transport, contributing sustainability across the City. However, these measures are unlikely to significantly address air quality issues generated by road traffic.
ENV4 To encourage high quality development which protects and enhances Birmingham's cultural and natural heritage	~		No clear relationship
ENV5 To promote development which anticipates and responds to the challenges associated with climate change, particularly managing and reducing floodrisk	~		No clear relationship
ENV6 To promote development which makes best use of water resources, reduces pollution and encourages sustainable waste management	++?	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Consistent application of standards which encourage high environmental quality will help to secure better quality buildings across the city to the benefit of sustainability over the longer term. The speed and depth of this change is uncertain, however.
ECON1 To help improve the performance of the local and City-wide economy to provide opportunity for all	+	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Enhancement of the City's environmental quality will make a contribution to the City's economic success.
ECON2 To help promote the vitality of local centres	~		No clear relationship
ECON3 To promote the regeneration of areas across the City through appropriate development	+	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Enhancement of the City's environmental quality will make a contribution to the City's economic success.

SA Objective	New Policy	Cumulative, Secondary and Temporal Effects of the Proposed Policy	Commentary
ECON4 To encourage investment in learning and skills development	~		No clear relationship
SOC1 To help ensure equitable access to community services and facilities	~		No clear relationship
SOC2 To help provide decent and affordable housing for all, of the right quantity type, tenure and affordability to meet local needs	~		No clear relationship
SOC3 To encourage development which promotes health and well-being	++	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Clear, consistent policies which seek high environmental standards in new development will contribute to health and well-being.
SOC4 To encourage development which helps to reduce crime, the fear of crime and antisocial behaviour	~		No clear relationship
SOC5 To enable communities to influence the decisions that affect their neighbourhoods and quality of life	~		No clear relationship

Commentary

A policy which clearly address environmental protection issues will help to reinforce existing regulatory regimes. The outcome is likely to be enhanced sustainability performance across most indicators, reflecting greater certainty for developers in respect of both minimum standards and good practice. No likely significant negative effects have been identified. The policy could benefit from the inclusion of examples of measures against which the policy will be implemented and measured.

BCC Evidence DM1 Air Quality: The large number of approvals with relevant conditions suggests that the new Policy DM06 should provide clear decision making considerations and criteria, as well as providing a basis for any necessary conditions. A sample of 10 approvals associated with air quality conditions were considered as part of the evidence base for this policy, with the intention to draw out recurring themes and understand the use of the relevant conditions when permission was expected to have an impact on the air quality of the city. The sample concluded that a number of proposals which are likely to have an impact on air quality are subject to conditions, with the key conditions imposed relating to odour and extraction thereby having a more “tangible” impact on citizens, and hours of operation, thereby limiting traffic generation by virtue of the operating hours of the proposal. Although it is understood that Regulatory Services have requested conditions relating to vehicle charging points on a number of planning applications seeking permission for residential development, there are few instances where this has been imposed as schemes have not warranted such a condition. On this basis, it is considered appropriate that some level of threshold is presented in policy, particularly relating to proposed residential development in the City Centre as this is the AQMA area, designated due to high numbers of vehicle emissions. Discouraging residents in the City Centre to operate high emission cars and providing alternatives is necessary to ensure that the issue is not exacerbated whilst seeking to achieve a diverse City Centre with a large range of mixed uses. The issue of vehicle charging points is already in BDP Policy TP42. The proportion of refusals based on non-standard reasons suggests that many require a tailored justification. There will continue to be a need for non-standard reasons for refusal as the potential impact of a development on air quality needs to be weighed against the benefits of that development. Consequently, a standard reason for refusal would be unlikely to be appropriate. The policy should therefore provide a basis for non-standard reasons which can be clearly related to individual proposals. Any detrimental impact of development on air quality would need to be considered and identified individually. Appeal dismissal decisions do not consistently relate to a theme in relation to air quality and the likely reason for refusal. The sample reviewed grounds did not draw anything conclusive, however, traffic generation and increase in the amount of vehicle trips are recurring issues in appeal considerations.

Policy DM2 Amenity

Policy Content	Options Considered
<p>All development should be appropriate to its location and ensure it would not result in adverse impacts on the amenity of occupiers and neighbours. In assessing the impact of development on amenity, the following will be considered:</p> <ol style="list-style-type: none"> Visual privacy and overlooking; Sunlight, daylight, overshadowing and overbearing impact; Aspect, outlook and perception of enclosure; Access to high quality and useable amenity space Artificial lighting levels Noise and vibration; Odour, fumes, and dust Safety considerations, crime, fear for crime and anti-social behaviour; Compatibility of adjacent uses; and The individual and cumulative impacts of development proposals on amenity 	<ul style="list-style-type: none"> No policy – rely on National Policy

SA Objective	No policy	New policy	Cumulative, Secondary and Temporal Effects of the Proposed Policy	Commentary
ENV1 To encourage development that optimises the use of previously developed land and buildings	~	~		No clear relationship
ENV2 To promote the application of high standards of design, construction and maintenance of buildings	-	++	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Clear design and environmental quality expectations will help to ensure that there is strong reference point against which development proposals can be assessed for their quality and contribution to achieving sustainable neighbourhoods and design quality across the City.
ENV3 To encourage the use of sustainable methods of transport and reduce the need to travel	~	~		No clear relationship

SA Objective	No policy	New policy	Cumulative, Secondary and Temporal Effects of the Proposed Policy	Commentary
ENV4 To encourage high quality development which protects and enhances Birmingham's cultural and natural heritage	-	++	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Implicit in the criteria-based approach of the policies is sensitivity towards the context into which new development will be placed.
ENV5 To promote development which anticipates and responds to the challenges associated with climate change, particularly managing and reducing floodrisk	~	~		No clear relationship
ENV6 To promote development which makes best use of water resources, reduces pollution and encourages sustainable waste management	~	~		No clear relationship
ECON1 To help improve the performance of the local and City-wide economy to provide opportunity for all	-	++	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Attractive and sustainable design will contribute to the City's image as a progressive and responsible place in which to invest.
ECON2 To help promote the vitality of local centres	-	++	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Attractive and sustainable design will contribute to the success and rejuvenation of local centres.
ECON3 To promote the regeneration of areas across the City through appropriate development	-	++	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Attractive and sustainable design will contribute to the regeneration of the City through helping to produce attractive and successful places.
ECON4 To encourage investment in learning and skills development	~	~		No clear relationship

SA Objective	No policy	New policy	Cumulative, Secondary and Temporal Effects of the Proposed Policy	Commentary
SOC1 To help ensure equitable access to community services and facilities	~	~		No clear relationship
SOC2 To help provide decent and affordable housing for all, of the right quantity type, tenure and affordability to meet local needs	~	~		No clear relationship
SOC3 To encourage development which promotes health and well-being	-	++	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Good design, by its nature, promotes health and well-being, through the promotion of amenity and local environmental quality.
SOC4 To encourage development which helps to reduce crime, the fear of crime and antisocial behaviour	~	~		No clear relationship
SOC5 To enable communities to influence the decisions that affect their neighbourhoods and quality of life	~	~		No clear relationship

Commentary

Good design is important to securing sustainable development through balancing a wide variety of considerations. The detailed criteria within DM01 against which developments will be considered serve as a reference point against which specific proposals can be considered, thereby helping to ensure that development takes account of the specific matters which help to make the City and its neighbourhoods attractive and successful places to live. The specific requirements of DM02 complement the overarching principles set out in DM01. There are no suggested changes to the content of the policies arising from the appraisal. The option of developing a new policy to address design issues yields more positive sustainability outcomes than the reasonable alternatives presented.

BCC Evidence Analysis DM2 Amenity: There are a large number of applications where design was an important consideration. It could be argued that it is a consideration for almost every planning application. There is significant use of standard conditions and reasons for refusal, as well as a large number of



appeals (most of which were dismissed). This indicates the need for up-to-date DPD Policy. Appeals allowed seem to follow a pattern of individual subjective assessment of each case on its merits, rather than any obvious weakness of policy.

Policy DM3 Land Affected by Contamination and Hazardous Substances

Policy Content	Options Considered
<ol style="list-style-type: none"> Proposals for new development will need to ensure that risks associated with land contamination and instability are fully investigated and addressed by appropriate measures to minimise or mitigate any harmful effects to human health and the environment. All proposals for new development on land which is known to be, or potentially, contaminated or unstable, will be required to submit a preliminary risk assessment, and where appropriate, a risk management and remediation strategy based on detailed site investigation. Proposals for development of new hazardous installations, or development located within the vicinity of existing installations, will only be permitted where it is demonstrated that necessary safeguards, in consultation with the HSE, are incorporated to ensure the development is safe; and that it supports the spatial delivery of growth as set out in the Birmingham Development Plan. 	<ul style="list-style-type: none"> None – a policy is required by National Policy

SA Objective	New Policy	Cumulative, Secondary and Temporal Effects of the Proposed Policy	Commentary
ENV1 To encourage development that optimises the use of previously developed land and buildings	++	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Redevelopment of brownfield land is a priority of the Birmingham Plan and environmental quality policies will be an important part of realising this key objective through ensuring that the development process and its outputs are undertaken with reference to clear standards. A specific policy on contamination and stability is particularly important in respect of use the previously developed land.
ENV2 To promote the application of high standards of design, construction and maintenance of buildings	~		No clear relationship
ENV3 To encourage the use of sustainable methods of transport and reduce the need to travel	~		No clear relationship
ENV4 To encourage high quality development which protects and enhances Birmingham's cultural and	~		No clear relationship

SA Objective	New Policy	Cumulative, Secondary and Temporal Effects of the Proposed Policy	Commentary
natural heritage			
ENV5 To promote development which anticipates and responds to the challenges associated with climate change, particularly managing and reducing floodrisk	~		No clear relationship
ENV6 To promote development which makes best use of water resources, reduces pollution and encourages sustainable waste management	++?	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Consistent application of standards which encourage high environmental quality will help to secure better quality buildings across the city to the benefit of sustainability over the longer term. The speed and depth of this change is uncertain, however.
ECON1 To help improve the performance of the local and City-wide economy to provide opportunity for all	+	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Enhancement of the City's environmental quality will make a contribution to the City's economic success.
ECON2 To help promote the vitality of local centres	~		No clear relationship
ECON3 To promote the regeneration of areas across the City through appropriate development	+	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Enhancement of the City's environmental quality will make a contribution to the City's economic success.
ECON4 To encourage investment in learning and skills development	~		No clear relationship
SOC1 To help ensure equitable access to community services and facilities	~		No clear relationship

SA Objective	New Policy	Cumulative, Secondary and Temporal Effects of the Proposed Policy	Commentary
SOC2 To help provide decent and affordable housing for all, of the right quantity type, tenure and affordability to meet local needs	~		No clear relationship
SOC3 To encourage development which promotes health and well-being	++	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Clear, consistent policies which seek high environmental standards in new development will contribute to health and well-being.
SOC4 To encourage development which helps to reduce crime, the fear of crime and antisocial behaviour	~		No clear relationship
SOC5 To enable communities to influence the decisions that affect their neighbourhoods and quality of life	~		No clear relationship

Commentary

A policy which clearly addresses environmental protection issues will help to reinforce existing regulatory regimes. The outcome is likely to be enhanced sustainability performance across most indicators, reflecting greater certainty for developers in respect of both minimum standards and good practice. No likely significant negative effects have been identified. There are no suggested changes to the content of the policy arising from the appraisal.

BCC Evidence DM3 Contamination and Hazardous Substances: The large number of approvals with relevant conditions suggests that the new Policy should provide clear decision making considerations and criteria which relate to the relevant standard conditions, as well as providing a basis for any necessary bespoke conditions. The proportion of refusals based on non-standard reasons suggests that many require a tailored justification. The policy should therefore provide a basis for non-standard reasons which can be clearly related to individual proposals. Land contamination is a generally lesser noted reason for refusal – other reasons tend to outweigh the land contamination issues as being unresolvable. Land contamination is an issue which applicants would seek to resolve for the benefit of the development. If a developer is faced with a land contamination issue on a site and is not willing to address it, then it is a fundamental issue that cannot be resolved. Support cannot be provided for the development of sites with land stability or contamination issues as it poses a danger to



human health and the deliverability of development. Appeal decisions show that amenity of residents is a recurring theme, particularly with regard to noise and disturbance, and parking. This indicates that the new Policy DM7 should provide clear decision making considerations and criteria to address these issues. There are very few appeals which relate to land contamination specifically, with other environmental issues forming the key concerns of development, particularly noise and disturbance.



Policy DM4 Landscaping and Trees

Policy Content

Options Considered

Landscaping

All developments must take opportunities to provide high quality landscapes that enhance existing landscape character and the green infrastructure network, contributing to the creation of high quality places.

The composition of the landscape shall be appropriate to the setting and the development, as set out in a Landscape Plan, with opportunities taken to maximise the provision of new trees and other green infrastructure.

Trees, woodland and hedgerow protection

Development proposals must seek to avoid the loss of, and minimise the risk of harm to, existing trees, woodland, and/or hedgerows of visual or nature conservation value, including but not limited to ancient woodland, and ancient and veteran trees. Where trees and/or woodlands are to be lost as a part of development this loss must be justified as a part of an Arboricultural Impact Assessment (AIA) submitted with the application.

Where a proposed development retains existing trees or hedgerows on site, or where development occurs within a tree root protection area, provision must be made for their care and protection during the demolition and construction phase of development with mitigation measures being put in place to ensure that development works do not have a harmful impact on existing trees, hedgerows and wildlife.

Development proposals should not result in the loss of trees or woodland which are subject to a Tree Preservation Order, or which are designated as Ancient Woodland, Ancient/Veteran trees, or which are considered worthy of protection.

To ensure that the benefits of the proposed development outweigh the harm resulting from the loss of trees, woodlands or hedgerows, the Council will seek at least equivalent replacement to the satisfaction of the Council. This should be provided on-site unless the developer can justify replacement provision elsewhere. Where this level of tree planting is not achievable on site, it may be appropriate to contribute to Council tree planting in the City through a financial contribution.

- None – a policy is required by National Policy

SA Objective	New Policy	Cumulative, Secondary and Temporal Effects of the Proposed Policy	Commentary
ENV1 To encourage development that optimises the use of previously developed land and buildings	~		No clear relationship

SA Objective	New Policy	Cumulative, Secondary and Temporal Effects of the Proposed Policy	Commentary
ENV2 To promote the application of high standards of design, construction and maintenance of buildings	++	Effects likely to be City-wide and be cumulative over the short, medium and long term.	Tress and landscaping are very often a critical aspect of good design.
ENV3 To encourage the use of sustainable methods of transport and reduce the need to travel	~		No clear relationship
ENV4 To encourage high quality development which protects and enhances Birmingham's cultural and natural heritage	++	Effects likely to be City-wide and be cumulative over the short, medium and long term.	Trees and landscaping can very often be central to achieving high quality development which contributes to its context.
ENV5 To promote development which anticipates and responds to the challenges associated with climate change, particularly managing and reducing floodrisk	++	Effects likely to be City-wide and be cumulative over the short, medium and long term.	Trees and landscaping will be increasingly important in ensuring that climate change is managed, such as through shading and part of wider flood risk management for vulnerable locations.
ENV6 To promote development which makes best use of water resources, reduces pollution and encourages sustainable waste management	++	Effects likely to be City-wide and be cumulative over the short, medium and long term.	Trees and landscaping are central to assisting pollution reduction and mitigation through filtration of air and water, for example.
ECON1 To help improve the performance of the local and City-wide economy to provide opportunity for all	++	Effects likely to be City-wide and be cumulative over the short, medium and long term.	Trees and landscaping contribute to a high quality environment which is attractive to investors, in turn enhancing prosperity.
ECON2 To help promote the vitality of local centres	++	Effects likely to be City-	Trees and landscaping contribute to a high quality environment which is attractive

SA Objective	New Policy	Cumulative, Secondary and Temporal Effects of the Proposed Policy	Commentary
		wide and be cumulative over the short, medium and long term.	to investors, in turn enhancing prosperity.
ECON3 To promote the regeneration of areas across the City through appropriate development	++	Effects likely to be City-wide and be cumulative over the short, medium and long term.	Trees and landscaping contribute to a high quality environment which is attractive to investors, in turn enhancing prosperity.
ECON4 To encourage investment in learning and skills development	~		No clear relationship
SOC1 To help ensure equitable access to community services and facilities	~		No clear relationship
SOC2 To help provide decent and affordable housing for all, of the right quantity type, tenure and affordability to meet local needs	~		No clear relationship
SOC3 To encourage development which promotes health and well-being	++	Effects likely to be City-wide and be cumulative over the short, medium and long term.	Trees and landscaping contribute to a high quality environment which contributes to health and well-being through aesthetic, pollution control and climate regulation functions.
SOC4 To encourage development which helps to reduce crime, the fear of crime and antisocial behaviour	++	Effects likely to be City-wide and be cumulative over the short, medium and long term.	Trees and landscaping contribute to a high quality environment in which people can take pride.

SA Objective	New Policy	Cumulative, Secondary and Temporal Effects of the Proposed Policy	Commentary
SOC5 To enable communities to influence the decisions that affect their neighbourhoods and quality of life	~		No clear relationship

Commentary

Trees and landscaping are fundamental to a high quality and ultimately sustainable environment, contributing aesthetically and functionally to the quality of life across the City. Specification of expectations for design and use of trees and landscaping as part of new development will ensure that, in combination with other policies, high quality design is realised and wider sustainability enhancements are secured. There are no suggested changes to the content of the policy arising from the appraisal, other than cross-referencing Council Strategies relating to Green Infrastructure, for example. The option of developing a new policy to address trees and landscape issues yields more positive sustainability outcomes than the reasonable alternative presented.

BCC Evidence Analysis DM4 Landscaping and Trees: Tree-related conditions have been applied to an average of 120 planning consents per annum in recent years. This figure may decrease marginally as more relevant information regarding tree protection etc. is required via the validation criteria at application stage which is then, when satisfactory, incorporated into the consent notice. The high ratio of approvals to refusals appears to indicate that trees and landscape considerations are adequately addressed by conditions. This policy should continue to provide the basis for such conditions. However, it is also possible that the low number of refusals on tree grounds could indicate that tree protection/retention lacks sufficient weight in existing policy.

Policy DM5 Light Pollution

1. Development incorporating external lighting must mitigate any potential adverse impacts from such lighting. Development which would result in light pollution that would have a harmful impact on local amenity, nature conservation, heritage assets or highway safety will not be permitted.
 - None – a policy is required by National Policy
2. Proposals for external lighting will need to demonstrate that the lighting is:
 - a. Appropriate for its purpose in its setting;
 - b. Designed to minimise any harmful impact on privacy or amenity, particularly to sensitive receptors such as residential properties and natural habitats;
 - c. Designed to preserve or enhance the character or appearance of any heritage assets which are affected;
 - d. Designed to a high standard and well integrated into the proposal; and
 - e. Energy efficient
3. Adherence with the Birmingham Design Guide will be encouraged to aid compliance with this policy.

SA Objective	New Policy	Cumulative, Secondary and Temporal Effects of the Proposed Policy	Commentary
ENV1 To encourage development that optimises the use of previously developed land and buildings	~		No clear relationship
ENV2 To promote the application of high standards of design, construction and maintenance of buildings	+		Well designed, low maintenance lighting will be encouraged as part of this policy.
ENV3 To encourage the use of sustainable methods of transport and reduce the need to travel	~		No clear relationship
ENV4 To encourage high quality development which protects and enhances Birmingham's cultural and natural heritage	++	Effects likely to be City-wide and be cumulative over the short, medium and long term.	Sensitively designed lighting should ensure the protection and enhancement of the City's cultural heritage.

SA Objective	New Policy	Cumulative, Secondary and Temporal Effects of the Proposed Policy	Commentary
ENV5 To promote development which anticipates and responds to the challenges associated with climate change, particularly managing and reducing floodrisk	~		No clear relationship
ENV6 To promote development which makes best use of water resources, reduces pollution and encourages sustainable waste management	~		No clear relationship
ECON1 To help improve the performance of the local and City-wide economy to provide opportunity for all	~		No clear relationship
ECON2 To help promote the vitality of local centres	+	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Ensuring appropriate lighting design will contribute to the overall character of local centres.
ECON3 To promote the regeneration of areas across the City through appropriate development	~		No clear relationship
ECON4 To encourage investment in learning and skills development	~		No clear relationship
SOC1 To help ensure equitable access to community services and facilities	~		No clear relationship
SOC2 To help provide decent and affordable housing for all, of the right quantity type, tenure and affordability to meet local needs	~		No clear relationship
SOC3 To encourage development which promotes	~		No clear relationship

SA Objective	New Policy	Cumulative, Secondary and Temporal Effects of the Proposed Policy	Commentary
health and well-being			
SOC4 To encourage development which helps to reduce crime, the fear of crime and antisocial behaviour	+	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Ensuring appropriate lighting design will contribute to crime reduction.
SOC5 To enable communities to influence the decisions that affect their neighbourhoods and quality of life	~		No clear relationship

Commentary

A policy which clearly address environmental protection issues will help to reinforce existing regulatory regimes. The outcome is likely to be enhanced sustainability performance of developments reflecting greater certainty for developers in respect of both minimum standards and good practice. No likely significant negative effects have been identified. There are no suggested changes to the content of the policies arising from the appraisal.

BCC Evidence DM5 Light Pollution: The standard conditions relating to lighting are sufficient justification in themselves for a specific area of policy. The new Policy DM5 should provide clear decision making considerations and criteria relating to lighting, as well as providing a basis for any tailored conditions which may be necessary for individual circumstances. In addition, the policy should consider: The impact of any lighting proposals on the surrounding area; and the impact of existing lighting on the development proposal itself. Analysis of refusals that were specifically related to light generating development, specifically floodlighting, conclude that development which would create a detrimental impact on the level of light pollution in a historically dark / unlit area would not be accepted. It is therefore considered that where a proposal would significantly change the night-time character of an area, development should not be permitted where adequately mitigated. Existing conditions are in place which can limit hours of floodlighting and intensity of illumination so it considered that appropriate mitigation can be imposed to make development acceptable. Analysis of a sample of approvals concluded that the specific conditions relate to the mitigation of lighting to be implemented as part of the development. Standard conditions are used on this basis. Where additional information is required, the non-standard conditions offer this flexibility. There are no appeals to be considered in this case.

Policy DM6 Noise and Vibration

1. Development should be designed, managed and operated to reduce exposure to noise and noise generation.
 2. Noise-generating development that would have an impact on amenity or biodiversity will not be supported unless an appropriate scheme of mitigation is provided.
 3. Noise-sensitive development (such as residential uses, hospitals and schools) will need to be appropriately mitigated or adequately separated from major sources of existing or planned sources of noise and vibration, including transport infrastructure and commercial activity.
 4. The following will be taken into account when assessing development proposals:
 - a. The location, design, layout and materials;
 - b. Positioning of building services and circulation spaces;
 - c. Measures to reduce or contain generated noise (e.g. sound insulation);
 - d. Existing levels of background noise; and
 - e. Hours of operation and servicing.
- None – a policy is required by National Policy

SA Objective	New Policy	Cumulative, Secondary and Temporal Effects of the Proposed Policy	Commentary
ENV1 To encourage development that optimises the use of previously developed land and buildings	~		No clear relationship
ENV2 To promote the application of high standards of design, construction and maintenance of buildings	+	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Consistent application of standards which encourage high environmental quality will help to secure better quality buildings across the city to the benefit of sustainability over the longer term. The speed and depth of this change is uncertain, however.
ENV3 To encourage the use of sustainable methods of transport and reduce the need to travel	~		No clear relationship
ENV4 To encourage high quality development which protects and enhances Birmingham's cultural and	~		No clear relationship

SA Objective	New Policy	Cumulative, Secondary and Temporal Effects of the Proposed Policy	Commentary
natural heritage			
ENV5 To promote development which anticipates and responds to the challenges associated with climate change, particularly managing and reducing floodrisk	~		No clear relationship
ENV6 To promote development which makes best use of water resources, reduces pollution and encourages sustainable waste management	~		No clear relationship
ECON1 To help improve the performance of the local and City-wide economy to provide opportunity for all	~		No clear relationship
ECON2 To help promote the vitality of local centres	~		No clear relationship
ECON3 To promote the regeneration of areas across the City through appropriate development	~		No clear relationship
ECON4 To encourage investment in learning and skills development	~		No clear relationship
SOC1 To help ensure equitable access to community services and facilities	~		No clear relationship
SOC2 To help provide decent and affordable housing for all, of the right quantity type, tenure and affordability to meet local needs	~		No clear relationship
SOC3 To encourage development which promotes	++	Effects likely to be City-	Clear, consistent policies which seek high environmental standards in new

SA Objective	New Policy	Cumulative, Secondary and Temporal Effects of the Proposed Policy	Commentary
health and well-being		wide and cumulative, over the short, medium and long term.	development will contribute to health and well-being.
SOC4 To encourage development which helps to reduce crime, the fear of crime and antisocial behaviour	~		No clear relationship
SOC5 To enable communities to influence the decisions that affect their neighbourhoods and quality of life	~		No clear relationship

Commentary

A policy which clearly address environmental protection issues will help to reinforce existing regulatory regimes. The outcome is likely to be enhanced sustainability performance of developments reflecting greater certainty for developers in respect of both minimum standards and good practice. No likely significant negative effects have been identified. There are no suggested changes to the content of the policies arising from the appraisal.

BCC Evidence DM6 Noise and Vibration: The large number of approvals with relevant conditions suggests that the new Policy DM6 should provide clear decision making considerations and criteria which relate to the relevant standard conditions, as well as providing a basis for any necessary bespoke conditions. A sample of approvals were assessed in detail which concluded that the existing standard conditions are predominantly used with the non-standard condition providing flexibility to refer to specific situations and the positions of the proposal. For the most part, standard conditions were used, which suggests that the wording of these is sufficient for the purposes of determining planning applications. As there are technical standards and measurements to be met in terms of noise protection, it is considered that the standards are sufficient and assessments should be made on this basis. The proportion of refusals based on non-standard reasons suggests that many require a tailored justification. The policy should therefore provide a basis for non-standard reasons which can be clearly related to individual proposals. A sample of refusals were assessed in detail which concluded that the noise impact reason for refusal is sufficient and the non-standard conditions offer the flexibility to add more information or make the reason specific to the application proposal. Appeal decisions show that amenity of residents is a recurring theme, particularly with regard to noise and disturbance, and parking. This indicates that the new Policy DM6 should provide clear decision making considerations and criteria to address these issues. For example, the promotion of complementary uses within immediate proximity of the



site, and resistance towards development which would have a detrimental effect on neighbouring properties. Although this has not yet been raised in relation to noise refusals or appeals, regard should be had towards the possibility that a proposal would prejudice a long term development commitment in respect of future noise generation and potential disturbance.

Policy DM7 Advertisements

Policy Content	Options Considered
<ol style="list-style-type: none"> 1. Proposals for advertisements should be designed to a high standard and meet the following criteria: <ol style="list-style-type: none"> a. Suitably located, sited and designed having no detrimental impact on public and highway safety or to the amenity of the area; b. Sympathetic to the character and appearance of their location, adjacent buildings and the building on which they are displayed having regard to their size, materials, construction, location and level of illumination; and c. Avoid proliferation or clutter of signage on the building and in the vicinity. d. Not obscure architectural features of a building or extend beyond the edges or the roofline of buildings and respect the building's proportions and symmetry; e. Not create a dominant skyline feature when viewed against the immediate surroundings. 2. Illuminated advertisement and signs should not adversely affect the safety and amenity of the surrounding area. 3. Areas sensitive to impacts on visual amenity, including open space, public squares, key public routes, nature conservation areas, conservation areas or in proximity to listed buildings and other heritage assets will require particularly sensitive treatment and will need to be more carefully sited and designed so they do not have an adverse impact on these. 4. The siting of advertisements hoardings will not normally be acceptable where visible from the M6 motorway or A38 Aston Expressway where they are purposefully designed to be read from the roadway and the attention of drivers is likely to be distracted. 	<ul style="list-style-type: none"> • No policy – allow the market to select the location of such uses and use Environmental and Highway Regulations to control any nuisance. • Develop a new policy

SA Objective	No policy	New policy	Cumulative, Secondary and Temporal Effects of the Proposed Policy	Commentary
ENV1 To encourage development that optimises the use of previously developed land and buildings	~	~		No clear relationship
ENV2 To promote the application of high standards of design, construction and maintenance of buildings	-?	++?	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Clear specification of design expectations will serve to enhance standards of implementation across the City.

SA Objective	No policy	New policy	Cumulative, Secondary and Temporal Effects of the Proposed Policy	Commentary
ENV3 To encourage the use of sustainable methods of transport and reduce the need to travel	~	~		No clear relationship
ENV4 To encourage high quality development which protects and enhances Birmingham's cultural and natural heritage	-?	++?	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Clear specification of design expectations will serve to enhance standards of implementation across the City.
ENV5 To promote development which anticipates and responds to the challenges associated with climate change, particularly managing and reducing floodrisk	~	~		No clear relationship
ENV6 To promote development which makes best use of water resources, reduces pollution and encourages sustainable waste management	~	~		No clear relationship
ECON1 To help improve the performance of the local and City-wide economy to provide opportunity for all	-?	++?	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Well controlled and sited advertising plays an important role in promoting the City's commercial vibrancy and image at local and City-wide scales.
ECON2 To help promote the vitality of local centres	-?	++?	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Well controlled and sited advertising plays an important role in promoting the City's commercial vibrancy and image at local and City-wide scales.
ECON3 To promote the regeneration of areas across the City through appropriate development	~	~		No clear relationship

SA Objective	No policy	New policy	Cumulative, Secondary and Temporal Effects of the Proposed Policy	Commentary
ECON4 To encourage investment in learning and skills development	~	~		No clear relationship
SOC1 To help ensure equitable access to community services and facilities	~	~		No clear relationship
SOC2 To help provide decent and affordable housing for all, of the right quantity type, tenure and affordability to meet local needs	~	~		No clear relationship
SOC3 To encourage development which promotes health and well-being	~	~		No clear relationship
SOC4 To encourage development which helps to reduce crime, the fear of crime and antisocial behaviour	~	~		No clear relationship
SOC5 To enable communities to influence the decisions that affect their neighbourhoods and quality of life	-	+	Effects likely to be City-wide and cumulative, over the short, medium and long term.	An updated policy will provide the reference point for the consideration of likely effects on local amenity.

Commentary

A specific policy which clearly controls the siting and design of advertisements will provide an important reference point for ensuring that a range of sustainability benefits are secured, focused on enhancing economic development in the City whilst ensuring that residential amenity and City-wide amenity is protected. In all cases, the greater certainty and precision associated with an updated policy is likely to yield positive sustainability effects. No likely significant negative effects have been identified. There are no suggested changes to the content of the policy arising from the appraisal. The option of developing a new policy to address siting and design of these uses yields more positive sustainability outcomes than the reasonable alternatives presented.

BCC Evidence Analysis DM7 Advertisements: 8.3% of all applications 2009-15 (2,300 out of 27,667) were advertisement related, of which 92.3% were approved. 7.7% of applications were refused, of which just over 1/3 were appealed. The appeal success rate was 13.4% of refusals, 2/3 of appeals, but just 0.1% of all applications. This demonstrates the continuing importance of a fit-for-purpose advertisement policy to underpin decisions. There were no approvals involving standard conditions, and few refusals on standard grounds. Looking at appeal decisions, the following trends are clear: In dismissed appeals, the determining factors are

- highway safety
- visual amenity
- adverse impact on the character or appearance of a Conservation Area and/or Listed Building
- the cumulative adverse visual impact of the advertisements on the street scene, and
- public safety.

For allowed appeals, the determining factors are whether the proposed advertisement would

- have an acceptable impact on the character and appearance of the area
- not be detrimental to the interests of amenity
- be unduly obtrusive
- be out of scale, or out of context with the character of the area
- be acceptable, with the standard conditions in place
- materially detract from the setting of a listed building
- require conditions necessary to restrict the intensity of illumination
- not adversely affect highway safety.

Many of these considerations are relevant to both approved and refused applications. It is reasonable to conclude that many decisions will depend on individual circumstances, and therefore the policy should provide a basis for reasoned decision making.

Policy DM8 Places of Worship

Policy Content	Options Considered
<ol style="list-style-type: none"> The Council's preferred locations for the development of places of worship and faith related community uses are in the network of centres as defined in Policy TP21 of the Birmingham Development Plan. Locations outside of the network of centres will only be considered where it is demonstrated that a suitable site* cannot be found within an identified centre. Premises to serve a regional or city-wide need are likely to be used for larger gatherings attracting substantial numbers of people and should be located in a sub-regional or district centre which is well served by public transport. Where it is demonstrated that a suitable site cannot be found within an identified sub-regional or district centre, a site which is on a key transport corridor may be considered. Premises to serve a local need are likely to be used for smaller gatherings and should be located in a district or local centre or a parade. Where it is demonstrated that a suitable site* cannot be found within an identified centre, a site within a 15 minute walk from the population the local place of worship serves may be acceptable subject to the considerations below. The use of mid terraced houses for places of worship and faith related community uses will not be acceptable. Proposals will need to demonstrate that the site is suitable for the number of proposed users and the scale of development, identifying whether it serves local, city-wide or regional need. 	<ul style="list-style-type: none"> Retain existing UDP policy No policy

* means suitable for the development proposed.

SA Objective	Existing Policy	No policy	New policy	Cumulative, Secondary and Temporal Effects of the Proposed Policy	Commentary
ENV1 To encourage development that optimises the use of previously developed land and buildings	+	-	++	Effects likely to be City-wide and cumulative, over the short, medium and long term.	There are opportunities to make productive re-use of buildings for these uses and a clear policy establishes the reference point for how this might best be achieved.
ENV2 To promote the application of high standards of design, construction and maintenance of buildings	+	-	++	Effects likely to be City-wide and cumulative, over the short, medium and long term.	A clear policy establishes the reference point for how design of these uses might best be achieved.

SA Objective	Existing Policy	No policy	New policy	Cumulative, Secondary and Temporal Effects of the Proposed Policy	Commentary
				long term.	
ENV3 To encourage the use of sustainable methods of transport and reduce the need to travel	+	-	++	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Location of these uses will be considered in respect of their relationship with public transport network, thus encouraging sustainable travel patterns.
ENV4 To encourage high quality development which protects and enhances Birmingham's cultural and natural heritage	+	-	++	Effects likely to be City-wide and cumulative, over the short, medium and long term.	
ENV5 To promote development which anticipates and responds to the challenges associated with climate change, particularly managing and reducing floodrisk	~	~	~		No clear relationship
ENV6 To promote development which makes best use of water resources, reduces pollution and encourages sustainable waste management	~	~	~		No clear relationship
ECON1 To help improve the performance of the local and City-wide economy to provide opportunity for all	~	~	~		No clear relationship
ECON2 To help promote the vitality of local centres	+	-	++	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Potential beneficial effects on local centres, particularly outside commercial hours.
ECON3 To promote the regeneration of areas across the City through appropriate development	+	-	++	Effects likely to be City-wide and cumulative, over	Potential beneficial effect resulting from the re-use of

SA Objective	Existing Policy	No policy	New policy	Cumulative, Secondary and Temporal Effects of the Proposed Policy	Commentary
				the short, medium and long term.	buildings and the creation of a focus of activity.
ECON4 To encourage investment in learning and skills development	~	~	~		No clear relationship
SOC1 To help ensure equitable access to community services and facilities	+	-	++	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Having regard to the location of these facilities will help to promote equitable access.
SOC2 To help provide decent and affordable housing for all, of the right quantity type, tenure and affordability to meet local needs	~	~	~		No clear relationship
SOC3 To encourage development which promotes health and well-being	+	-	++	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Part of the creation of a community focus wider beneficial effects.
SOC4 To encourage development which helps to reduce crime, the fear of crime and antisocial behaviour	~	~	~		No clear relationship
SOC5 To enable communities to influence the decisions that affect their neighbourhoods and quality of life	+	-	++	Effects likely to be City-wide and cumulative, over the short, medium and long term.	The policy sets out a clear reference point for how the location of these facilities will be considered.

Commentary

Ensuring the appropriate location and design of these uses will help to ensure that sustainable development is promoted, particularly having regard to equitable access through public transport and sensitive design ensuring that impacts on local amenity are minimised. There are no suggested changes to the content of the policy arising from the appraisal. The option of developing a new policy to address siting and design of these uses yields more positive sustainability outcomes than the reasonable alternatives presented.

BCC Evidence Analysis DM8 Places of Worship: Less than 10% refusal rate for relevant applications, 1% appeal rate. From the evidence there are no clear indications of recurring policy weaknesses. There are no existing standard conditions or refusal reasons, suggesting that there are no common issues and each case is considered on its own merits. The majority of applications are approved, which suggests they meet the requirements of the current UDP policy and the SPD. Two dismissed appeals both failed on the grounds of poor design, adverse impact on the area and public safety, and an adverse impact on the living conditions of adjacent residential properties. In the case of the allowed appeal, the loss of availability of the application premises for industrial use was the refusal reason, but the Inspector considered that the upper floor location and restricted access was unlikely to be attractive to potential business users. This is not a significant issue. On that basis, and in the absence of contradictory evidence, it would be reasonable to conclude that the direction of current policy appears to be fit for purpose and no significant changes are required. However, the new policy needs to be updated to reflect the existence of the Places of Worship and Faith Related Community and Educational Uses SPD (adopted in 2011) and the detail it contains.

Policy DM9 Day Nurseries and Childcare Provision

Policy Content	Options Considered
<ol style="list-style-type: none"> The Council's preferred locations for the development of day nurseries and facilities for the care, recreation and education of children are in the network of centres as defined in Policy TP21 of the Birmingham Development Plan. Locations outside of the network of centres will only be considered where it is demonstrated that a suitable site* cannot be found within an identified centre. The development of day nurseries and facilities for the care, recreation and education of children will need to provide for sufficient outdoor play space to meet the needs of the children. 	<ul style="list-style-type: none"> Retain existing UDP policy No policy

* means suitable for the development proposed

SA Objective	No change	No policy	New policy	Cumulative, Secondary and Temporal Effects of the Proposed Policy	Commentary
ENV1 Encourage development that optimises the use of previously developed land and buildings	~	~	~		No clear relationship
ENV2 To promote the application of high standards of design, construction and maintenance of buildings	+	-	+	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Complementing wider development management policies which encourage high quality design, these policies will help to ensure that there is consistent application across the City for these particular uses.
ENV3 To encourage the use of sustainable methods of transport and reduce the need to travel	+	-	++	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Consideration of the location of these uses should ensure that matters such as catchment areas are considered with attendant positive effects through travel reduction. The extent of the benefits is uncertain however, reflecting parental choice and wider catchment planning issues.
ENV4 To encourage high quality development which protects	~	~	~		No clear relationship

SA Objective	No change	No policy	New policy	Cumulative, Secondary and Temporal Effects of the Proposed Policy	Commentary
and enhances Birmingham's cultural and natural heritage					
ENV5 To promote development which anticipates and responds to the challenges associated with climate change, particularly managing and reducing floodrisk	~	~	~		No clear relationship
ENV6 To promote development which makes best use of water resources, reduces pollution and encourages sustainable waste management	~	~	~		No clear relationship
ECON1 To help improve the performance of the local and City-wide economy to provide opportunity for all	+	-	+	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Provision of consistent policy on the location of such facilities will help to ensure that there is access for all, although the precise effects are uncertain.
ECON2 To help promote the vitality of local centres	+	-	+	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Control of such uses should be of benefit to local centres, helping to produce balanced property uses which complement one another.
ECON3 To promote the regeneration of areas across the City through appropriate development	~	~	~		No clear relationship
ECON4 To encourage investment in learning and skills development	+	-	+	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Provision of consistent policy on the location of such facilities will help to ensure that there is access for all, although the precise effects are uncertain.
SOC1 To help ensure equitable access to community services and facilities	+	-	+	Effects likely to be City-wide and cumulative, over	Provision of consistent policy on the location of such facilities will help to ensure that there is access for all,

SA Objective	No change	No policy	New policy	Cumulative, Secondary and Temporal Effects of the Proposed Policy	Commentary
				the short, medium and long term.	although the precise effects are uncertain.
SOC2 To help provide decent and affordable housing for all, of the right quantity type, tenure and affordability to meet local needs	~	~	~		No clear relationship
SOC3 To encourage development which promotes health and well-being	+	-	+	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Provision of consistent policy on the location of such facilities will help to ensure that there is access for all, although the precise effects are uncertain.
SOC4 To encourage development which helps to reduce crime, the fear of crime and antisocial behaviour	~	~	~		No clear relationship
SOC5 To enable communities to influence the decisions that affect their neighbourhoods and quality of life	~	~	~		No clear relationship

Commentary

A policy which ensures the consistent provision of day nurseries and facilities for the care, recreation and education of children across the City will help to ensure that there is equitable access (for example through sustainable locations) and in a fashion which maintains and enhances local amenity. The precise effects of the policy will have to be monitored to determine whether the policy objectives are being realised in practice. There are no suggested changes to the content of the policy arising from the appraisal. The option of developing a new policy to address education-related development issues yields more positive sustainability outcomes than the reasonable alternatives presented.

BCC Evidence DM9 Day Nurseries and Childcare Provision: The majority of approvals subject to standard conditions suggests that they are fit for purpose and do not require significant alteration. Consequently, the new policy DM9 should continue to provide clear decision making considerations and criteria related to those conditions, as well as providing a basis for any necessary non-standard conditions. With regard to refusals and appeal dismissals, the common



themes of amenity (especially noise and disturbance), access & parking, and highway safety are noted. There were also issues of loss of employment uses and lack of outdoor play space.

Policy DM10 Houses in Multiple Occupation (HMO) and other Residential Accommodation

Policy Content	Options Considered
<p>Applications for HMOs (C4, mixed C3/C4 or Sui Generis HMO use) and other non-family residential accommodation (C1 and C2 Use) will be permitted where the development:</p> <ul style="list-style-type: none"> would not result in this type of accommodation being over 10% of the number of properties within a 100 metre radius of the application site; would not result in a family dwellinghouse (C3 Use) being sandwiched between two non-family residential uses*; would not lead to a continuous frontage of three or more non-family residential uses; supports mixed and balanced communities; relates well to the uses in the area they are located; and complies with Policy DM11 Residential Development; <p>* All development falling within Class C1 and C2 Use</p>	<ul style="list-style-type: none"> Retain existing UDP policy No policy Less prescriptive policy

SA Objective	Existing UDP policy	No policy	Less prescriptive Policy	New Policy	Cumulative, Secondary and Temporal Effects of the Proposed Policy	Commentary
ENV1 To encourage development that optimises the use of previously developed land and buildings	+	-	+	++?	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Positive policies on siting and design will help to ensure re-use of buildings is appropriately undertaken.
ENV2 To promote the application of high standards of design, construction and maintenance of buildings	~	~	~	~		No clear relationship
ENV3 To encourage the use of sustainable methods of transport and reduce the need to travel	~	~	~	~		No clear relationship
ENV4 To encourage high quality development which protects and enhances Birmingham's cultural and natural heritage	+	-	+	++?	Effects likely to be City-wide and cumulative, over the short, medium and	Positive policies on siting and design will help to ensure re-use of buildings is

SA Objective	Existing UDP policy	No policy	Less prescriptive Policy	New Policy	Cumulative, Secondary and Temporal Effects of the Proposed Policy	Commentary
					long term.	appropriately undertaken.
ENV5 To promote development which anticipates and responds to the challenges associated with climate change, particularly managing and reducing floodrisk	~	~	~	~		No clear relationship
ENV6 To promote development which makes best use of water resources, reduces pollution and encourages sustainable waste management	~	~	~	~		No clear relationship
ECON1 To help improve the performance of the local and City-wide economy to provide opportunity for all	~	~	~	~		No clear relationship
ECON2 To help promote the vitality of local centres	~	~	~	~		No clear relationship
ECON3 To promote the regeneration of areas across the City through appropriate development	~	~	~	~		No clear relationship
ECON4 To encourage investment in learning and skills development	~	~	~	~		No clear relationship
SOC1 To help ensure equitable access to community services and facilities	~	~	~	~		No clear relationship
SOC2 To help provide decent and affordable housing for all, of the right quantity type, tenure and affordability to meet local needs	+	-	+	++?	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Positive policies on siting and design will help to ensure re-use of buildings is appropriately undertaken.

SA Objective	Existing UDP policy	No policy	Less prescriptive Policy	New Policy	Cumulative, Secondary and Temporal Effects of the Proposed Policy	Commentary
SOC3 To encourage development which promotes health and well-being	~	~	~	~		No clear relationship
SOC4 To encourage development which helps to reduce crime, the fear of crime and antisocial behaviour	+	-	+	++?	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Positive policies on siting and design will help to ensure re-use of buildings is appropriately undertaken.
SOC5 To enable communities to influence the decisions that affect their neighbourhoods and quality of life	+	-	+	++?	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Positive policies on siting and design will help to ensure re-use of buildings is appropriately undertaken.

Commentary

The sustainability effects of a clear policy which seeks to control HMOs is likely be positive, reflecting the potential issues associated with them. The sustainability effects relate to ensuring that local amenity and design quality is appropriately protected, whilst providing for the needs of those in need. No likely significant negative effects have been identified. There are no suggested changes to the content of the policy arising from the appraisal. The option of developing a new policy to address siting and design of these uses yields more positive sustainability outcomes than the reasonable alternatives presented.

BCC Evidence DM10 Houses in Multiple Occupation (HMO) and other Residential Accommodation: C3-C4 HMO conversions are Permitted Development and do not require planning permission. Between 2009-15 there were 24 applications for small HMO conversions from other uses, 19 of which were approved. There were 5 refusals, and one appeal was dismissed. In that case, the Council had no objection to the change of use, and the Inspector had no reason to take a different view. The principal matter in dispute was the likely visual impact of the proposed extension, which involved virtually doubling the existing footprint and mass of the existing building. This is more a matter of design, rather than any HMO considerations. Large Sui Generis HMOs are a greater concern, with 66 applications (45 approved, 21 refused). No refusals were taken to appeal. A considerable proportion of refusals (7/21 or 1/3) were retrospective Lawful Use applications. For approvals, the proportion is 7/45, or 1/6.5. This indicates that unauthorised HMOs and retrospective applications are a significant issue, and therefore there is a need for strong, up-to-date policy. There are no common reasons for refusal, although amenity of occupiers does feature for several reasons such as outlook, living conditions, noise and space. Design of extensions is also an issue, with size, layout and the 45 degree code all being

considered. The quantitative impact of HMOs is not often quoted as a reason for refusal, and the only noticeable cumulative impact issue appears to be based on design considerations. The question of balanced communities and over-concentration of HMOs is addressed by Policy DM13, Article 4 Direction areas. At present, this applies in parts of Harborne and Selly Oak, but other areas may be subject to similar Direction in future. Changes of use out of HMO use are subject to other policies and are not a concern in principle. In **Article 4 Areas**: C3-C4 HMO conversions are Permitted Development and do not require planning permission. Applications for small HMO conversions from other uses do not seem to appear in large numbers. Large Sui Generis HMOs are a greater concern, with a considerable percentage of refusals being retrospective or failed Lawful Use applications. This indicates the need for strong, up-to-date policy. Changes of use out of HMO use are subject to other policies and are not a concern in principle.

Policy DM11 Residential Development

Policy Content	Options Considered
<ol style="list-style-type: none"> The design and operation of residential development must achieve good standards of amenity for the occupiers of new residential buildings and protect the amenity of nearby occupiers and residents (see Policy DM2). All residential development (including extensions) must comply with the technical requirements of the Nationally Described Space Standard (Appendix 1) in order to ensure that internal spaces are of sufficient size to meet occupiers' needs. Exceptions will only be considered in order to deliver innovative high quality design, deal with exceptional site issues or specialised user requirements, where it can be demonstrated that residents' quality of life will not be compromised. Residential development must comply with the Building Control Part M4 (2) standard for accessible and adaptable housing in order to meet the occupiers' future needs. The Council will only consider exemptions to this requirement where the applicant can provide evidence to robustly demonstrate that it is not practically achievable given the physical characteristics of the site or it would significantly harm the financial viability of the scheme. There should be adequate separation distances, between buildings and surrounding uses to protect residents' privacy and outlook, to ensure appropriate levels of daylight to internal and external living spaces and to prevent undue enclosure, overshadowing, noise and disturbance, unless an alternative approach is justified to the Council's satisfaction. New residential development must provide an adequate amount of useable outdoor amenity space appropriate to the location of the proposal, its function and the character of the area within which it is situated. Development will need to ensure adequate outlook and daylight to dwellings, in line with the approach of the '45 degree Code'. This includes potential impacts on existing houses, where development should not cross the line from an angle of 45 degrees from the nearest window providing the main source of natural light to a 'habitable room' of dwellings that could be affected. Adherence with the Birmingham Design Guide SPD will be required to ensure compliance with this policy. 	<ul style="list-style-type: none"> Retain the existing UDP Policy No policy

SA Objective	Retain UDP Policy	No policy	New Policy	Cumulative, Secondary and Temporal Effects of the Proposed Policy	Commentary
ENV1 To encourage development that optimises the use of previously developed land and buildings	~	~	~		No clear relationship
ENV2 To promote the application of high standards of design,	+	-	++	Effects likely to be City-	Clear policies for residential design will help to ensure

SA Objective	Retain UDP Policy	No policy	New Policy	Cumulative, Secondary and Temporal Effects of the Proposed Policy	Commentary
construction and maintenance of buildings				wide and cumulative, over the short, medium and long term.	a consistent and progressive approach across the City.
ENV3 To encourage the use of sustainable methods of transport and reduce the need to travel	~	~	~		No clear relationship
ENV4 To encourage high quality development which protects and enhances Birmingham's cultural and natural heritage	~	~	~		No clear relationship
ENV5 To promote development which anticipates and responds to the challenges associated with climate change, particularly managing and reducing floodrisk	~	~	~		No clear relationship
ENV6 To promote development which makes best use of water resources, reduces pollution and encourages sustainable waste management	~	~	~		No clear relationship
ECON1 To help improve the performance of the local and City-wide economy to provide opportunity for all	+	-	++	Effects likely to be City-wide and cumulative, over the short, medium and long term.	A clear policy for residential amenity and design will help to ensure a consistent and progressive approach across the City, contributing to its economic success through the provision of high quality development.
ECON2 To help promote the vitality of local centres	+	-	++	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Where residential development is encouraged in local centres, clear policy will help to ensure that it is part of good quality mixed uses.
ECON3 To promote the regeneration of areas across the City through appropriate development	~	~	~		No clear relationship

SA Objective	Retain UDP Policy	No policy	New Policy	Cumulative, Secondary and Temporal Effects of the Proposed Policy	Commentary
ECON4 To encourage investment in learning and skills development	~	~	~		No clear relationship
SOC1 To help ensure equitable access to community services and facilities	~	~	~		No clear relationship
SOC2 To help provide decent and affordable housing for all, of the right quantity type, tenure and affordability to meet local needs	~	~	~		No clear relationship
SOC3 To encourage development which promotes health and well-being	+	-	++	Effects likely to be City-wide and cumulative, over the short, medium and long term.	The policy will help to ensure that residential development of whatever kind is well-designed and constructed.
SOC4 To encourage development which helps to reduce crime, the fear of crime and antisocial behaviour	~	~	~		No clear relationship
SOC5 To enable communities to influence the decisions that affect their neighbourhoods and quality of life	~	~	~		No clear relationship

Commentary

This policy will yield a range of sustainability benefits, associated with ensuring that there is consistent high quality residential development throughout the City. No likely significant negative effects have been identified. There are no suggested changes to the content of the policies arising from the appraisal. The option of developing new policy to address residential design matters yields more positive sustainability outcomes than the reasonable alternatives presented.

BCC Evidence Analysis DM11 Residential Development: A significant number of applications are refused under the 45 degree code – almost 600 over the 6 year period 2009-15. This equates to around 100 per year. Of these, only 48 (approx. 8%) were taken to appeal in the same period. Almost three quarters of appeals (35) were dismissed, while 10 were allowed and 3 partly allowed. The appeal dismissals appear to show two distinct themes: a) relating to wider

design issues as well as the 45 degree code, and b) where the 45 degree code was the key factor in the appeal failing. The low proportion of appeals, and the evidence from appeals dismissed indicates that the current policy in paragraphs 8.39-8.43 of the UDP is generally accepted, and is sufficiently strong. For it to remain so, it is important for the policy to be maintained in the light of current national policy and incorporated into the DM DPD. In terms of design, there are a large number of applications where design was an important consideration. It could be argued that it is a consideration for almost every planning application. There is significant use of standard conditions and reasons for refusal, as well as a large number of appeals (most of which were dismissed). This indicates the need for up-to-date DPD Policy. Appeals allowed seem to follow a pattern of individual subjective assessment of each case on its merits, rather than any obvious weakness of policy.

Policy DM12 Self and Custom Build Housing

Policy Content	Options Considered
<ol style="list-style-type: none"> The Council will actively support the development of self and custom-build homes in suitable locations where they support the delivery of the Birmingham Development Plan and do not conflict with other policies in the Local Plan. The Council will encourage developers to consider whether an element of self-build plots can be incorporated into development schemes as part of the housing mix. The Council's self-build register will be used as a source of evidence of the demand for self-build and custom build housing locally, and the level of demand will be a material consideration in determining proposals. Affordable self-build plots will be considered and encouraged as a suitable product within the affordable housing requirement on larger sites. 	<ul style="list-style-type: none"> No policy

SA Objective	No policy	New policy	Cumulative, Secondary and Temporal Effects of the Proposed Policy	Commentary
ENV1 To encourage development that optimises the use of previously developed land and buildings	-?	+		Self-build could be part of land and building re-use where traditional solutions have failed.
ENV2 To promote the application of high standards of design, construction and maintenance of buildings	-?	+	Effects likely to be City-wide and cumulative, over the short, medium and long term.	A policy on self-build should encourage innovation in design standards.
ENV3 To encourage the use of sustainable methods of transport and reduce the need to travel	~	~		No clear relationship
ENV4 To encourage high quality development which protects and enhances Birmingham's cultural and natural heritage	~	~		No clear relationship

SA Objective	No policy	New policy	Cumulative, Secondary and Temporal Effects of the Proposed Policy	Commentary
ENV5 To promote development which anticipates and responds to the challenges associated with climate change, particularly managing and reducing floodrisk	~	~		No clear relationship
ENV6 To promote development which makes best use of water resources, reduces pollution and encourages sustainable waste management	~	~		No clear relationship
ECON1 To help improve the performance of the local and City-wide economy to provide opportunity for all	~	~		No clear relationship
ECON2 To help promote the vitality of local centres	~	~		No clear relationship
ECON3 To promote the regeneration of areas across the City through appropriate development	-?	+	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Self-build could be part of the wider solution to realising housing development in regeneration areas.
ECON4 To encourage investment in learning and skills development	-?	++	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Self-build can be the focus for individual training and skills development.
SOC1 To help ensure equitable access to community services and facilities	~	~		No clear relationship
SOC2 To help provide decent and affordable housing for all, of the right quantity type, tenure and affordability to meet local needs	-?	++	Effects likely to be City-wide and cumulative, over the short, medium and	A proactive approach to self-build should contribute to providing more diverse routes to housing provision which meet individual circumstances.

SA Objective	No policy	New policy	Cumulative, Secondary and Temporal Effects of the Proposed Policy	Commentary
			long term.	
SOC3 To encourage development which promotes health and well-being	-?	+	Effects likely to be City-wide and cumulative, over the short, medium and long term.	A proactive approach to self-build should contribute to realising individual ambitions and needs.
SOC4 To encourage development which helps to reduce crime, the fear of crime and antisocial behaviour	~	~		No clear relationship
SOC5 To enable communities to influence the decisions that affect their neighbourhoods and quality of life	-?	++	Effects likely to be City-wide and cumulative, over the short, medium and long term.	A proactive approach to self-build should contribute to helping communities realise aspirations for more diverse housing delivery models.

Commentary

Promoting self- and custom-build housing through a specific policy is likely to yield positive sustainability effects City-wide with no adverse effects identified. There are no suggested changes to the content of the policy arising from the appraisal. The option of having no specific policy could result in some minor adverse effects relating to social indicators.

BCC Evidence Analysis DM12 Self and Custom Build Housing: none available.

Policy DM13 Highway Safety and Access

Policy Content	Options Considered
<ol style="list-style-type: none"> 1. Development must ensure that the safety of highway users is properly taken into consideration and that any new development would not have an adverse impact on highway safety. 2. Development must ensure that safe, convenient and appropriate access arrangements are in place for all users, including the needs of people with disabilities and reduced mobility within the development and onto the highway network, both during the construction and operation stages of the development. Priority shall be given to the needs of sustainable transport modes. 3. Developments should provide for the efficient delivery of goods and access by service and emergency service vehicles. Where it is demonstrated that this is not feasible, an appropriate alternative solution must be agreed with the City Council and secured. 4. Development proposals that will generate significant amounts of traffic should be accompanied by a Transport Assessment and should be located where the need to travel will be minimised, and is in a location that is readily accessible by a variety of transport modes. Development proposals that generate significant amounts of traffic will be required to provide a Travel Plan that sets out the means by which the developer will encourage users to adopt more sustainable modes of travel. 5. Vehicle access points (including private driveways) will be supported where it would not result in: <ul style="list-style-type: none"> • a reduction in pedestrian or highway safety; • detrimental impact on public transport, cycling and walking routes; • adverse impact on the quality of the street scene and local character of the area; • the loss of important landscape features, including street trees and significant areas of green verge; and • the prevention or restriction of the implementation of necessary or future transport improvements. 5. On Birmingham's strategic highway network, and other principle and main distributor routes, development must seek opportunities to remove unnecessary access points. New direct vehicular accesses will be supported where there are no practical alternatives (including consideration of impacts on public transport, walking and cycling routes). Any new access point must allow for access and egress in a forward gear. 	<ul style="list-style-type: none"> • Retain the existing UDP Policy • No policy

SA Objective	No change	No policy	New policy	Cumulative, Secondary and Temporal Effects of the Proposed Policy	Commentary

SA Objective	No change	No policy	New policy	Cumulative, Secondary and Temporal Effects of the Proposed Policy	Commentary
ENV1 To encourage development that optimises the use of previously developed land and buildings	~	~	~		No clear relationship
ENV2 To promote the application of high standards of design, construction and maintenance of buildings	+	-	+	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Attention to the design of transport infrastructure complements that applied to other aspects of the built environment.
ENV3 To encourage the use of sustainable methods of transport and reduce the need to travel	+	-	++	Effects likely to be City-wide and cumulative, over the short, medium and long term.	An efficient and effective transport system contributes enhancing sustainable travel, through the requirements for production of Travel Plans, for example.
ENV4 To encourage high quality development which protects and enhances Birmingham's cultural and natural heritage	+	-	+	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Attention to the design of transport infrastructure complements that applied to other aspects of the built environment.
ENV5 To promote development which anticipates and responds to the challenges associated with climate change, particularly managing and reducing floodrisk	~	~	~		No clear relationship
ENV6 To promote development which makes best use of water resources, reduces pollution and encourages sustainable waste management	~	~	~		No clear relationship
ECON1 To help improve the performance of the local and City-wide economy to provide opportunity for all	~	~	~		No clear relationship

SA Objective	No change	No policy	New policy	Cumulative, Secondary and Temporal Effects of the Proposed Policy	Commentary
ECON2 To help promote the vitality of local centres	+	-	++	Effects likely to be City-wide and cumulative, over the short, medium and long term.	An efficient and effective transport system contributes significantly to economic growth and thereby the well-being of residents through job opportunities.
ECON3 To promote the regeneration of areas across the City through appropriate development	~	~	~		No clear relationship
ECON4 To encourage investment in learning and skills development	~	~	~		No clear relationship
SOC1 To help ensure equitable access to community services and facilities	+	-	+	Effects likely to be City-wide and cumulative, over the short, medium and long term.	An efficient and effective transport system enables access to services and facilities by residents.
SOC2 To help provide decent and affordable housing for all, of the right quantity type, tenure and affordability to meet local needs	~	~	~		No clear relationship
SOC3 To encourage development which promotes health and well-being	+	-	+	Effects likely to be City-wide and cumulative, over the short, medium and long term.	An efficient and effective transport system contributes significantly to economic growth and thereby the well-being of residents through job opportunities.
SOC4 To encourage development which helps to reduce crime, the fear of crime and antisocial behaviour	~	~	~		No clear relationship
SOC5 To enable communities to influence the decisions that	+	-	++	Effects likely to be City-wide and cumulative, over	The policy could assist local neighbourhoods in

SA Objective	No change	No policy	New policy	Cumulative, Secondary and Temporal Effects of the Proposed Policy	Commentary
affect their neighbourhoods and quality of life				the short, medium and long term.	realising greater control over highway-related issues.

Commentary

Ensuring that there is a rounded approach to transport planning across the City should yield a broad range of sustainability benefits, notably in respect on enhancing the City's economic performance through ensuring more efficient and effective movement. In turn and more broadly, the well-being of residents is enhanced though the greater opportunities for efficient travel within the City. No likely significant negative effects have been identified. There are no suggested changes to the content of the policy arising from the appraisal. The option of developing new policy to address siting and design of these uses yields more positive sustainability outcomes than the reasonable alternatives presented.

BCC Evidence Analysis DM13 Highway Safety and Access: There are a large number of applications where transport was an important consideration. It could also be argued that it is a consideration for almost every planning application. The appeal decisions seem to follow a pattern of individual subjective assessment of each case on its merits, rather than any obvious weakness of policy. The common theme is highway safety, with secondary considerations of character and appearance of the area, and shortfall in parking provision.

**Policy DM14 Parking and Servicing**

Policy Content	Options Considered
<ol style="list-style-type: none"> All development proposals will be required to follow the standards in the Parking SPD (and any subsequent revisions). This includes provision for people with disabilities, cycle parking and infrastructure to support the use of low emission vehicles. Proposals for parking and servicing shall avoid highway safety problems and protect local amenity and character of the area. For development where no standards exist, parking shall be provided to ensure that the operational needs of the development are adequately met, having regard to the need to points above. Development should include transport infrastructure that improves equality of access to travel and supports the efficient use of space, such as cycle hire and car club schemes. Parking proposals should have regard to the Birmingham Design Guide and be designed to be fully accessible to all users. Proposals for standalone parking facilities must demonstrate that there is a deficit in local publicly available off-street parking, or that it will help to relieve on-street parking problems. 	<ul style="list-style-type: none"> Retain the existing UDP Policy No policy

SA Objective	No change	No policy	New policy	Cumulative, Secondary and Temporal Effects of the Proposed Policy	Commentary
ENV1 To encourage development that optimises the use of previously developed land and buildings	~	~	~		No clear relationship
ENV2 To promote the application of high standards of design, construction and maintenance of buildings	+	-	+	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Attention to the design of transport infrastructure complements that applied to other aspects of the built environment.

SA Objective	No change	No policy	New policy	Cumulative, Secondary and Temporal Effects of the Proposed Policy	Commentary
ENV3 To encourage the use of sustainable methods of transport and reduce the need to travel	+	-	++	Effects likely to be City-wide and cumulative, over the short, medium and long term.	An efficient and effective transport system contributes enhancing sustainable travel, through provision for cycle parking and infrastructure, for example.
ENV4 To encourage high quality development which protects and enhances Birmingham's cultural and natural heritage	+	-	+	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Attention to the design of transport infrastructure complements that applied to other aspects of the built environment.
ENV5 To promote development which anticipates and responds to the challenges associated with climate change, particularly managing and reducing floodrisk	~	~	~		No clear relationship
ENV6 To promote development which makes best use of water resources, reduces pollution and encourages sustainable waste management	~	~	~		No clear relationship
ECON1 To help improve the performance of the local and City-wide economy to provide opportunity for all	~	~	~		No clear relationship
ECON2 To help promote the vitality of local centres	+	-	++	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Efficient and effective parking policy can have a significant effect on local centre viability.
ECON3 To promote the regeneration of areas across the City through appropriate development	~	~	~		No clear relationship

SA Objective	No change	No policy	New policy	Cumulative, Secondary and Temporal Effects of the Proposed Policy	Commentary
ECON4 To encourage investment in learning and skills development	~	~	~		No clear relationship
SOC1 To help ensure equitable access to community services and facilities	+	-	+	Effects likely to be City-wide and cumulative, over the short, medium and long term.	An efficient and effective transport system enables access to services and facilities by residents.
SOC2 To help provide decent and affordable housing for all, of the right quantity type, tenure and affordability to meet local needs	~	~	~		No clear relationship
SOC3 To encourage development which promotes health and well-being	+	-	+	Effects likely to be City-wide and cumulative, over the short, medium and long term.	An efficient and effective transport system contributes significantly to economic growth and thereby the well-being of residents through job opportunities.
SOC4 To encourage development which helps to reduce crime, the fear of crime and antisocial behaviour	~	~	~		No clear relationship
SOC5 To enable communities to influence the decisions that affect their neighbourhoods and quality of life	+	-	++	Effects likely to be City-wide and cumulative, over the short, medium and long term.	The policy could assist local neighbourhoods in realising greater control over highway-related issues.

Commentary

Ensuring that there is a rounded approach to transport planning across the City should yield a broad range of sustainability benefits, notably in respect of enhancing the City's economic performance through ensuring more efficient and effective movement. In turn and more broadly, the well-being of residents is

enhanced though the greater opportunities for efficient travel within the City. No likely significant negative effects have been identified. There are no suggested changes to the content of the policy arising from the appraisal. The option of developing new policy to address siting and design of these uses yields more positive sustainability outcomes than the reasonable alternatives presented.

BCC Evidence Analysis DM14 Parking and Servicing: There are a large number of applications where transport was an important consideration. It could also be argued that it is a consideration for almost every planning application. The appeal decisions seem to follow a pattern of individual subjective assessment of each case on its merits, rather than any obvious weakness of policy. The common theme is highway safety, with secondary considerations of character and appearance of the area, and shortfall in parking provision.

Policy DM15 Telecommunications

Policy Content	Options Considered
----------------	--------------------

The Council will promote the development of advanced, high quality communications infrastructure to support economic growth and more accessible, inclusive communities. This will be achieved by requiring new development proposals to:

- Demonstrate opportunities have been explored for sharing of masts or sites. Such evidence should accompany any application made to the local planning authority;
- Demonstrate that there are no suitable alternative sites for telecommunications development available in the locality including the erection of antennae on existing buildings or other suitable structures
- Be sited and designed in order to minimise impact on the visual and residential amenity, character and appearance of the surrounding areas;
- If on a building, apparatus and associated structures to be sited and designed in order to minimise impact to the external appearance of the building;
- Not have unacceptable harm on areas of ecological interest, areas of landscape importance, or heritage assets and their setting; and
- Conform to the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines, taking account where appropriate of the cumulative impact of all operators' equipment located on the mast / site.**

- Retain the existing UDP Policy
- No policy

SA Objective	No change	No policy	New policy	Cumulative, Secondary and Temporal Effects of the Proposed Policy	Commentary
ENV1 To encourage development that optimises the use of previously developed land and buildings	~	~	~		No clear relationship
ENV2 To promote the application of high standards of design, construction and maintenance of buildings	+	-	+	Effects likely to be City-wide and cumulative, over the short, medium and long term.	The policy should promote the efficient use of shared facilities, for example, and more widely help to realise good design.
ENV3 To encourage the use of sustainable methods of transport and reduce the need to travel	+	-	+	Effects likely to be City-wide and cumulative, over	Modern telecommunications infrastructure is an important part of helping to reduce the need to travel

SA Objective	No change	No policy	New policy	Cumulative, Secondary and Temporal Effects of the Proposed Policy	Commentary
				the short, medium and long term.	through home-working and teleconferencing, for example.
ENV4 To encourage high quality development which protects and enhances Birmingham's cultural and natural heritage	+	-	+	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Attention to the impacts on cultural and natural heritage will help to protect their interests.
ENV5 To promote development which anticipates and responds to the challenges associated with climate change, particularly managing and reducing floodrisk	~	~	~		No clear relationship
ENV6 To promote development which makes best use of water resources, reduces pollution and encourages sustainable waste management	~	~	~		No clear relationship
ECON1 To help improve the performance of the local and City-wide economy to provide opportunity for all	+	-	+	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Modern telecommunications infrastructure is an important part of promoting the City's economic performance.
ECON2 To help promote the vitality of local centres	+	-	+	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Modern telecommunications infrastructure is an important part of promoting the City's economic performance.
ECON3 To promote the regeneration of areas across the City through appropriate development	+	-	+	Effects likely to be City-wide and cumulative, over the short, medium and	Modern telecommunications infrastructure is an important part of promoting the City's economic performance.

SA Objective	No change	No policy	New policy	Cumulative, Secondary and Temporal Effects of the Proposed Policy	Commentary
				long term.	
ECON4 To encourage investment in learning and skills development	+	-	+	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Modern telecommunications infrastructure is an important part of promoting the City's economic performance.
SOC1 To help ensure equitable access to community services and facilities	+	-	+	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Modern telecommunications infrastructure is an important part of basic community services.
SOC2 To help provide decent and affordable housing for all, of the right quantity type, tenure and affordability to meet local needs	~	~	~		No clear relationship
SOC3 To encourage development which promotes health and well-being	+	-	+	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Modern telecommunications infrastructure helps to develop economic performance, employment opportunities and thereby the well-being of residents.
SOC4 To encourage development which helps to reduce crime, the fear of crime and antisocial behaviour	~	~	~		No clear relationship
SOC5 To enable communities to influence the decisions that affect their neighbourhoods and quality of life	+	-	+	Effects likely to be City-wide and cumulative, over the short, medium and long term.	Modern telecommunications infrastructure contributes to the development of advances in e-democracy.

Commentary

Ensuring that the City has an up-to-date telecommunications infrastructure will ensure sustainability benefits across a range of objectives, notably the contribution to the City's economic performance, creating opportunities for travel reduction and ensuring that all residents have equitable access to high quality services that enable them to fulfil their economic and social potential. No likely significant negative effects have been identified. There are no suggested changes to the content of the policy arising from the appraisal. The option of developing new policy to address telecommunications siting matters yields more positive sustainability outcomes than the reasonable alternatives presented.

BCC Evidence Analysis DM15 Telecommunications: Majority of applications were approved, many under prior approval notification. The two standard conditions we have in the manual do not appear to be used, raising the question of whether they are appropriate or fit for purpose. 23% of applications refused. 19% of refusals appealed, all by same operator. The number of appeals is relatively low, but the success rate for appellants is high. In each case, the decision appears to revolve around the visual impact. Para 8.55 of the UDP, and standard reason REFL39 do not appear to be effective in these cases, so this is an area that should be given careful consideration in the new Policy. Of the 5 appeals allowed, in 4 cases the Inspector agreed there was some harm but not to the extent that justified refusal. In the remaining allowed appeal, the council judged the site to be in a sensitive location at 60m from a nursery school however the Inspector stated that the site does not fall within the list of sensitive locations as set out in 8.55A. This is inconsistent because the list does say "locations within or adjacent to the grounds of education and health institutions". The 1 dismissed appeal was dismissed because of the impact of the proposal on the nearby Conservation Area.

Appendix B

Scoping Report Baseline

Birmingham is the United Kingdom's second largest urban conurbation and neighboured by several other large conurbations, such as Solihull, Wolverhampton, and the towns of the Black Country. It is situated just to the west of the geographical centre of England on the Birmingham Plateau - an area of relatively high ground, ranging around 150-300 metres above sea level. With the Clent, Waseley and Lickey Hills towards the south-west of the City, Birmingham slopes gently to the east of the conurbation. Birmingham is at the heart of the West Midlands Region which also contains the city of Coventry and the Black Country city region. It is the major centre for economic activity and is the major contributor to the regional economy. The City has a vibrant city centre, a strong cultural mix and contains many prosperous areas. The continued urban renaissance of Birmingham, as the regional capital, has been crucial to the Region. This period of renaissance has brought about the successful delivery of key infrastructure projects such as the development of extended public transport networks. These have been vital to improving the City's local, regional and national accessibility. The city also has an international airport acting as a key gateway to the region and is well served by the M5, M6 and M40 providing access to a number of key cities across the UK.

Material Assets

Resource Use

There are no active mineral workings in Birmingham, and no extant planning permissions for mineral extraction. This is due to the lack of naturally-occurring minerals in Birmingham for which there is a demand. As a result, Secondary Aggregates are derived from a very wide range of materials that may be used as aggregates. Secondary aggregates include by-product waste, synthetic materials and soft rock used with or without processing. According to the Study²², in 2003, about 4.29 million tonnes of recycled aggregate and about 0.65 million tonnes of recycled soil were produced in the West Midlands.

Most of Birmingham is in the area served by Severn Trent Water with a small area to north served by the South Staffordshire Water Company. In 2004 domestic water consumption was 137 litres/head/day²³. This was lower than the national average in 2007/08 of 14 litres/head/day (Audit Commission²⁴).

The current Water Resources Plan²⁵, prepared by Severn Trent Water for the Birmingham Water Resource Zone includes the development of four significant new water resources. These developments mean that the growth identified in the Water Resources Plan can be accommodated without the zone going into deficit. This zone requires new water resource developments to keep the zone in surplus without which the zone will go into a significant deficit by 2030. Abstraction is licensed by the Environment Agency on a catchment basis²⁶ which set show they will manage water resources in the Tame, Anker and Mease catchments. It provides information on how existing abstraction is regulated and whether water is available for further abstraction. The strategy details delivery commitments under the Water Framework Directive, ensuring no

²² Communities and Local Government (2007) Survey of Arisings and Use of Alternatives to Primary Aggregates in England, 2005: Construction, Demolition and Excavation Waste

²³ <http://www.defra.gov.uk/sustainable/government/progress/regional/summaries/16.htm>

²⁴ <http://www.defra.gov.uk/sustainable/government/progress/national/16.htm>

²⁵ Severn Trent Water (2013) Water Resources Management Plan

²⁶ Environment Agency (2013) Tame, Anker and Mease Licensing Strategy at: <https://www.gov.uk/government/publications/cams-tame-anker-and-mease-abstraction-licensing-strategy>

ecological deterioration of rivers. New additional water management measures or water resources will be needed to ensure water is available to meet the needs of new housing. New foul drainage infrastructure will also be required to support the proposed level of growth.

Sustainable Design, Construction and Maintenance

Environmental improvements by the City Council during the late 1980s and early 1990s have improved the overall quality of the environment within the City Centre. There have been notable successes in relation to improving the quality of design and the environment, particularly in the City Centre. This was recognised by the award to the city of the RTPI Silver Jubilee Cup in 2004. Good design continues to be evident in recent and ongoing developments, such as the Birmingham High Performance Centre at the Alexander Stadium, the Attwood Green Area and Brindley Place.

Eastside was conceived as a demonstration of sustainable development principles. In addition to the CHP network, renewable energy technology like wind and solar power will be placed on site along with green roofs and sustainable urban drainage systems. Several large building schemes in Birmingham have achieved high BREEAM Buildings and Ecohomes/Code for Sustainable Homes ratings, exemplifying sustainable building practice. There are currently 39 BREEAM Excellent buildings within Birmingham. There are no BREEAM Outstanding buildings. Commercial buildings include 19 George Road (Excellent), Calthorpe House (Excellent) and Baskerville House (Excellent). The homes at Attwood Green received Excellent Ecohomes standard.

Renewable Energy

Birmingham imports in the region of 22,800GWhr of energy per year costing the City's population and businesses over £1.5bn, with costs predicted to rise along with fuel prices over the coming years.²⁷ The city currently produces just 1% of the £1.3bn of energy that its residents and businesses purchase and consume each year. This not only represents a significant loss of money from the local economy, more critically, it leaves the city exposed to threats from energy security, low levels of resilience, as well as price fluctuations in global energy trading which affect energy bills, having a significant impact upon fuel poverty. BCC has therefore committed to developing energy activity in the city to bring about a more decentralised energy system, and to improve the social and economic opportunities of its residents by addressing fuel poverty and decarbonisation of energy. BCC has begun to tackle this through a focus on energy, and understanding where and how decentralised energy systems could provide major opportunities for the city to produce, control and distribute heat and power networks.

The Climate Change Strategic Framework²⁸ identifies that 46% of Birmingham's CO₂ emissions come from industry, 33% from domestic energy and 21% from road transport. The Framework outlines that Birmingham has limited scope for large-scale renewable energy projects; however, energy users can support developments elsewhere through their purchasing decisions. Furthermore, it is acknowledged in the Annual Monitoring Report¹ that the City Council currently does not monitor the provision of new renewable energy capacity although consideration is being given by the Council to ways of monitoring additional renewable energy capacity installed through new development. Photovoltaic panels are currently fitted to some buildings as part of the 'Birmingham Energy Savers Scheme' BES resulted in the construction of 3,000 (5%) of its planned energy saving measures.

The largest renewable energy scheme currently operating in Birmingham is the Tyseley Energy from Waste Plant facility which produced a total of over 95,030.50 tonnes of ash between April 2010 and March 2011 and generates 25MWh per annum, from the thermal treatment of waste. A total of 80,241.22 tonnes of bottom ash that was produced was sent for recycling in Castle Bromwich where metals are removed and recycled

²⁷ Birmingham City Council website 'Renewable Energy'

²⁸ Birmingham City Council (2009) Cutting CO₂ for a Smarter Birmingham Strategic Framework

with the remaining material used within the construction industry. This is substantially short of the target for renewable energy to account for 15% of energy produced by 2020 in the Climate Change Strategy and Action Plan Consultation 2007. The City has a number of operational 'Combined Heat and Power' (CHP) facilities, such as Birmingham Children's Hospital and Aston University which are part of an award-winning CHP scheme, which are able to generate and supply heat and electricity for local consumption. Birmingham District Energy Scheme is a co-joint co-operation between ENGIE and Birmingham City Council. The scheme is the fastest growing in the UK, with the Council House, ICC, Aston University and Birmingham Children's Hospital among the buildings benefitting from more efficient energy. It incorporates three district energy networks, all built and operated by ENGIE through the Birmingham District Energy Company (BDEC):

1. Broad Street – a tri-generation (heat, power and cooling) system;
2. Aston University – CHP (combined heat and power) system; and
3. Birmingham Children's Hospital – CHP system.

The Council signed a 25-year energy supply agreement in 2006. The scheme helps Birmingham to save more than 15,000 tonnes of CO₂ emissions every year. Two residential towers are connected to the District Heat network - Crescent and Cambridge towers, situated at the rear of the ICC. The secondary delivery to these blocks is owned by BCC. The 'total cost of ownership' of access to heat and power infrastructure, servicing, maintenance, as well as heating and power costs are currently estimated at around 5% less per year. Developers have also shown an interest in bringing forward Anaerobic Digestion (AD) energy generating schemes. As set out in the AMR 2013, the Council will work positively with developers to realise the opportunities that AD hold and emphasise the potential of AD technology for use within Birmingham City Centre as it is a technology seen by the Government as a sustainable and viable waste management solution which utilises waste as a valuable resource.

The city also has a number of district heat networks. An energy network feasibility study is currently in progress to help with the development of up to 3 potential energy network opportunities. The Langley Sustainable Urban Extension (SUE) is currently underway and will deliver approximately 6,000 new homes, with a focus on family housing. As stated in the Birmingham Development Plan, adopted January 2017, the new neighbourhood will provide for a mix of housing sizes, types and tenures, including affordable housing in line with the requirements in Policy TP31 (35%). The site is adjacent to a BCC owned site called Peddimore; a large industrial development location; and energy networks are currently being considered in both locations with a potential interconnection at a new junction on the A38. BCC has recently secured feasibility funding from HNDU to further refine this significant network opportunity and consider the potential to deliver affordable and low carbon heat to businesses and residents alike. Selly Oak's large energy demands of the acute care NHS sites in Selly Oak has been under consideration for some time as a potential connection since HNDU funding was secured in 2016. BCC owned housing blocks Thirlmere House and Windemere House are in close proximity to the hospital trust site and are currently heated via electric storage heaters. As this study continues, the potential to convert these buildings to wet heating systems and adopt them onto a local network will be assessed.

Energy Use

There are 100,000 dwellings in the city which are more than 80 years old according to the Birmingham Sustainability Strategy and Action Plan 2000-2005. As a result, the construction form is intrinsically energy-poor. Recent developments, such as the Birmingham High Performance Centre at the Alexander Stadium, have incorporated innovative, energy-efficient design. Although they are not referred to as 100% sustainable energy systems, CHP can be a more efficient energy system generating and supplying heat and electricity for local consumption. Heating is by far the largest domestic use of energy in Birmingham. Space heating accounts for 62% of use, while water heating accounts 22%. This is exacerbated by a large number of homes that do not meet Decent Homes standards, including 49,250 Council-owned homes and an estimated 35,000 private sector dwellings.

Only a very small fraction of Birmingham's building stock is built new each year, so new building standards will take decades to have a significant impact on resource use across the city, making the condition of the existing building stock very important. There are no indicators of the age or quality of the building stock as a

whole in Birmingham, but energy use data suggest there are a large number of homes of poor quality that contribute to high energy usage. The Sustainable Community Strategy sets out a vision for Birmingham in 2026 to become the first sustainable global city in Britain. The strategy envisages that in 2026 Birmingham will lead on Climate Change with local energy generation from CHP and cooling schemes will reduce CO₂ emissions. If Birmingham is to become the first sustainable global city it needs to dramatically increase deployment in low carbon energy generation technologies. The UK has signed up to the European Renewable Energy Directive, which sets a target of 15% of all energy generated to be sourced from renewable sources by 2020.

The Climate Change Framework aims that by 2026 Birmingham will provide an improved quality and choice of housing and 'decent' standard for virtually all housing, with efficient heating systems and insulation in line with the best UK cities.

Sustainable Transport

Rail and Metro

The BDP sets out the transport improvements required to deliver the growth agenda to support development and attract investment. Birmingham Connected provides the long-term strategy for improving the City's transport system. This includes measures challenging the car culture, significant investment in walking and cycling and new high quality public transport routes such as Metro, 'Sprint' (the bus rapid transit system) and heavy rail. This is being supplemented by a number of proposals including the Birmingham Cycle Revolution, 20mph zones and the West Midlands Bus Alliance.

The proposed High Speed 2 (HS2) rail link, initially between Birmingham and London, will bring radically improved rail connections into the City Centre when it opens in 2026, as well as a significant number of new jobs and visitors to the City. This will be supported by the HS2 Connectivity Programme to ensure that the wider region has access to the benefits that HS2 will bring.

Birmingham is at the heart of the rail network and in easy reach of millions of people. The £600m redevelopment of New Street Station was opened in 2016 providing a bright modern transport hub and enhanced facilities. There is also a network of suburban and freight rail services.

The Midland Metro is a light-rail/tram line in the county of West Midlands, England, operating between the cities of Birmingham and Wolverhampton via the towns of West Bromwich and Wednesbury. The Midland Metro extension from Snow Hill to New Street Station was completed in 2016. Upwards of £300 million is being invested in extending the network that will link key city centre destinations - New Street Station with HS2 at Birmingham Curzon, the business district at Snow Hill, the civic areas around Victoria Square and Centenary Square, Digbeth and Birmingham Smithfield.

The line has potential to extend across a wider area running from Birmingham Smithfield to the south of the City to the University of Birmingham, Life Sciences Campus and Queen Elizabeth Hospital. And also from Birmingham through east Birmingham to Birmingham Airport.

Road

Birmingham has a complex road network with around 12 major radial roads and ring roads traversing the city. There are also three busy motorways: the M5, M6 and M42, located towards the west, north and east of the city respectively. Although there has been a recent rise in the use of the car, there has been a reduction in average travel speeds. Much of this is due to outward migration of people, which has in turn led to longer car journeys; there have also been a number of out-of-town developments in recent years which have encouraged additional car journeys to be made. Increased congestion has however resulted in lower average vehicle speeds. Congestion is a significant issue and demand exceeds available capacity at certain times and in some locations, both on road and rail. Congestion has indirect and cumulative effects on the economy, on people's health and well being and on air quality. Congestion can make deliveries less reliable and deter investment. Congestion also affects the wider transport of goods and services via the M5 and M6 and whilst

the opening of the M6 Toll has provided an alternative for some trips, there are still significant peak hour demands that require management.

The Highways Agency (HA) Midlands Motorway Box (MMB) Route Management Strategy highlights a number of problems and issues that affect both the HA and the local authority networks. The MMB network caters for a mixture of commuter and long distance strategic traffic, the M5 and M6 form part of the Trans-European Network, with a peak hour period of around 18 hours. The route has a high regularity of junctions, 13 miles of the route is elevated making it difficult to plan and carry out maintenance and the MMB is sensitive to changes in demand and flow when large scale events are held such as those at the National Exhibition Centre (West Midlands Local Transport Plan 2006). Casualties are disproportionately higher in deprived areas. The West Midlands Metropolitan Area is on course to reduce the number of people killed or seriously injured by 2010 by 40%, reduce the number of children killed or seriously injured by 50%. This good progress is reflected in the area's designation as a Centre of Excellence for Integrated Transport specialising in road safety.

Bus and Coach

Approximately 85% of all public transport trips in Birmingham are handled by the city's buses. The bus network is operated by a number of companies, with services along the main radial routes providing good coverage to the City Centre. There are priority measures in place on a number of these routes, such as Digbeth High Street, while others are planned. Pedestrianisation limits bus traffic to a few key corridors in the City Centre, which reduces capacity and creates significant environmental problems along these routes. Coach travel is also important, particularly in providing an inexpensive means of longer distance travel for those on low incomes. The city has a number of on-street coach set down and pick up points around the City Centre. The Brewery Street Lorry and Coach Park has capacity for up to 32 18.5m/14m vehicles.

Travel Behaviour

Birmingham has a relatively high percentage of households without a car – 35.8% compared to the English average of 25.6%²⁹. However, despite this fact, just over half of people who both live and work in the City use their car to get to work, only a fifth use the bus, and a tenth walk or work from home¹⁸. In contrast, over three quarters of people commuting into the city use a car, about a tenth use the train, and a further tenth travel by bus. Table 4.2 shows statistics for people travelling to work in Birmingham.

Table 4.2 Means of Travel to Work in Birmingham, 2001 (Census 2001)

Travel to Work - Method	% of those working		
	Live in Birmingham, works outside	Live and work in Birmingham	Work in Birmingham, live outside
Work at/from home	0	9.5	0
Train	2.9	2.4	10.3
Bus	12.8	22.1	10.2
Car	78.3	52.4	75.5
Walk	2.7	10.4	1.2
Other	3.3	3.2	2.8
Total (100%)	79,000	288,000	162,000

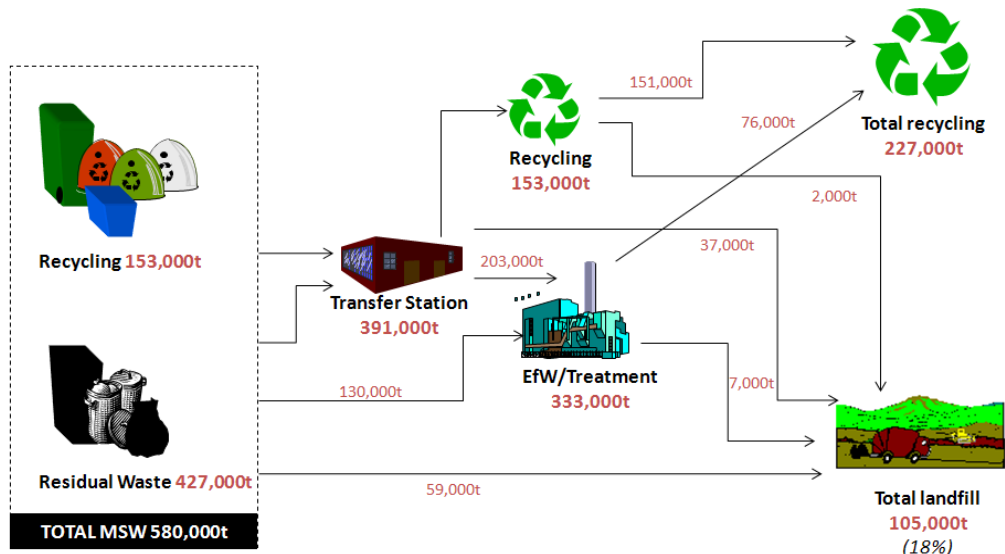
Source: ONS 2001 Census

²⁹ Birmingham City Council (2014) Annual Monitoring Report 2013

The picture is different for trips to the city centre with over 60% of trips arriving by non-car modes. According to the Birmingham Cordon Surveys, the total number of car trips entering Birmingham City Centre during the morning peak hours (07:30-09:30 hrs) has decreased in the past ten years. However, the number of bus trips remained relatively constant with a slight decrease since 2005, while the number of rail trips has increased since 2001. In 2006/7 some 62.7% of bus users in the West Midlands metropolitan areas were satisfied with services which already exceeds the target of 60% by 2009/10 (West Midlands Local Transport Plan Delivery Report 2006-2008). Bus punctuality³⁰ in 2006/7 was about 65%, marginally below the target. Performance has tended to vary from year to year and from corridor to corridor (West Midlands Local Transport Plan Delivery report 2006-2008). In 2011, 8 out of 10 journeys made by public transport were made by bus. The Bus Alliance is committed to ensuring that all buses in the region are a minimum of Euro V by 2020 (West Midlands Local Transport Plan Delivery Report 2017/18). The Transportation and Street Services Overview and Scrutiny Committee set a target of 83% by 2010/11.

Waste Management. In 2012/13 there was 488,867 tonnes of municipal waste collected of which 70.48% was used to recover heat and power from the Tyseley EfW facility. Municipal waste is a significant part of the waste stream, but only represents a small proportion of the total amount of waste produced in Birmingham (Figure 4.1).

Figure 4.1 Destination of Birmingham's Waste Stream



Note: Tonnage figures are rounded to nearest '000 & are based on calendar year 2008 in order to cross match figures with data in the Environment Agency waste data interrogator 2008

Source: http://www.bebirmingham.org.uk/documents/Birmingham_Total_Waste_Strategy_Final_Report_24.11.10.pdf

Birmingham's recycling and composting rates have been improving over the past ten years and the current performance (for 2012/13) is 32%. The percentage of waste sent to landfill is 7.48% for the 2012/13. Both rates represent a significant improvement in performance over the past decade (Table 4.3).

According to the Municipal Waste Management Strategy, the amount of household waste generated per person is lower in Birmingham than in other metropolitan authorities, and its rate of growth has also been lower than the national growth. Birmingham City Council recovers energy from the majority of its 'residual' municipal waste through the Tyseley Energy from Waste Plant (EfW)³¹. This reduces reliance on landfill as a disposal option. The Strategy identifies that the City Council has sufficient municipal waste treatment capacity up to 2019.

³⁰ Birmingham City Council (2007) Building Bus Use: A Report from Overview & Scrutiny

³¹ Birmingham City Council (2006) Municipal Waste Management Strategy 2006-2026

Table 5.3 Municipal Waste Arising in Birmingham and Methods of Management 2002 - 2013

Year	Waste Arising (tonnes)	Waste Recycled/Composted		Waste Recovered EFW		Waste sent to Landfill		% of 2001 level sent to landfill
		Tonnes	%	Tonnes	%	Tonnes	%	
2002/3	536,191	50,519	9.42	352,535	72.80	123,347	23.00	63.08
2003/4	551,691	58,442	10.70	337,491	61.20	126,778	22.97	64.83
2004/5	568,035	69,924	12.30	340,127	59.87	112,726	19.84	57.65
2005/6	557,810	77,744	13.93	338,605	60.70	102,588	18.39	52.46
2006/7	570,591	96,929	18.39	313,775	47.92	101,372	17.76	51.82
2007/8	565,548	123,572	26.43	325,167	51.96	107,699	19.04	55.05
2007/8	543,645	140,541	30.59	335,346	61.68	77,763	14.30	39.75
2008/9	527,207	138,589	31.78	334,409	63.47	64,748	12.28	33.10
2010/11	508,884	131,001	32.00	341,684	67.15	52,800	10.37	26.94
2011/12	484,099	124,537	31.28	348,157	71.92	23,804	4.92	12.18
2012/13	488,867	130,035	32.31	344,526	70.48	36,584	7.48	18.72

Source: BCC AMR 2013

Efficient Use of Land

Since 2002/03, the proportion of new housing developed on previously developed land (PDL) has been high (at over 90%) and generally increasing with the exception of 2008/9 when slightly less housing completions (89%) took place on PDL. No housing completions taking place on greenfield land in 2009/10. The density of new housing completions over the decade to 2011/12 has been 65% for 50+ dwellings per ha, 28% for 30-50 dph and 7% for less than 30 dph. The average density of development over the decade to 2011/12 is 59.6 dph, falling from a peak of 80dph in 2008/09 reflecting the fall in apartment development.

Soil Quality

As most of Birmingham is built-up, there is very little soil of a high quality. There is agricultural land situated to north-east of the City at Sutton Coldfield and a lesser amount is to be found at Woodgate Valley to the south-west. In terms of agricultural land classification, almost the whole of Birmingham is classified as Urban and just a small area in the north and north east are classified as Grade 3 agricultural land (MAGIC website).

There are a number of sites which could be subject to land contamination within Birmingham. This includes a total of 67 former known landfill sites that have been identified in the City since the 1960s although risk and remediation schemes have already been carried out on many of these sites. The majority of identified landfill sites are situated next to housing and some are located on Birmingham's major aquifer. Public open space within the city, except for the 85ha that former landfills, this land is not likely to be affected by contamination³².

Historically, Birmingham has had a very broad spectrum of manufacturing industries. Many of these have the potential to leave a legacy of land contamination. As with many industrial cities, energy requirements have changed as new technologies have become available. Birmingham is no exception. The production of energy from coal to produce town gas or electricity has obvious contamination issues and there are several areas of

³² Birmingham City Council (2008) Contaminated Land Inspection Strategy for Birmingham Second Edition

Birmingham where historically such activities have been undertaken. At the heart of the United Kingdom's road and rail network Birmingham has considerable areas of land which may be contaminated due to transportation activities. These include roads, canals, railways and airports.

Waste disposal activities in Birmingham range from complex waste treatment plants dealing with highly hazardous waste to waste transfer stations handling inert building waste and soil. The potential land contamination issues in respect of landfill sites have been considered previously, but all waste disposal activities will be the subject of assessment.

The Council is required under Section 78R of Part IIA of the Environmental Protection Act 1990 to maintain a Public Register of Contaminated Land of which there are 121 entries.

Influence of the DM DPD on Material Assets

The DM DPD is likely to have a mixed and indirect influence on material assets through the granting of planning permission which will entail additional resource use. However, the requirements for increasingly demanding standards of energy efficiency and waste management in the construction and running of buildings will bring about improved resource use overall as will the maintenance of the preference for the use of previously developed land. Detailed design requirements and conditions associated with the granting of planning permission could also be influential in encouraging more sustainable travel, for example in restricting parking spaces.

Climatic Factors

Climate Change

UK Climate Change Projections (UKCP09)³³ suggest that mean summer temperatures could rise by 2.6°C, summer rainfall could decrease by 17% and winter rainfall could increase by 13% in the West Midlands by the 2050s. These are the central estimates for a medium emissions scenario. By the 2050s central England could have irrigation needs similar to those currently seen in central and southern Europe. Mean monthly river flows could decrease by 50% to 80%. However, by the 2080s, the latest UK climate projections (UKCP09) are that there could be around three times as many days in winter with heavy rainfall (defined as more than 25mm in a day). It is plausible that the amount of rain in extreme storms (with a 1 in 5 annual chance, or rarer) could increase locally by 40%³⁴. The impact of wetter winters and more of this rain falling in wet spells may increase river flooding. More intense rainfall causes more surface runoff, increasing localised flooding and erosion. In turn, this may increase pressure on drains, sewers and water quality. Storm intensity in summer could increase even in drier summers.

More generally, according to the UK's Climate Change Risk Assessment³⁵ the following key impacts associated with climate change are likely:

- ▶ Flood risk is projected to increase across the UK. Expected annual damages increase from a current baseline of £1 billion to between £1.8 and £5.6 billion by the 2080s for England (not including the effects of projected population growth);
- ▶ Risk of increased pressure on the country's water resources. The current public water supply surplus of around 900MI/day on average is projected to turn into a water supply deficit of around 1,250MI/day by the 2020s and 5,500MI/day by the 2050s, with large regional variations;
- ▶ Potential health risks related to hotter summer conditions, but potential benefits from milder winters;

³³ UKCP09 <http://ukclimateprojections.defra.gov.uk/content/view/515/499/>

³⁴ Birmingham City Council (2011) Preliminary Flood Risk Assessment

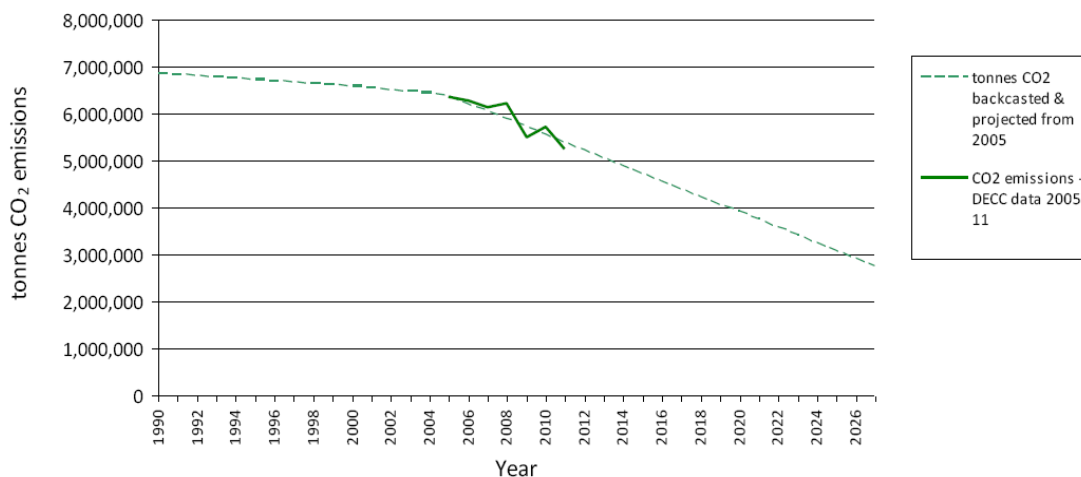
³⁵ http://www.sustainabilitywestmidlands.org.uk/media/resources/adaptation_sub-committee_report.pdf

- ▶ There are projected to be between 580 to 5,900 additional premature deaths per year by the 2050s in hotter summer conditions. Conversely, between 3,900 and 24,000 premature deaths are projected to be avoided per year with milder winters by the 2050s;
- ▶ Sensitive ecosystems that have already been degraded by human activity may be placed under increasing pressure due to climate change. The main direct impacts relate to changes in the timing of life-cycle events, shifts in species distributions and ranges, and potential changes in hydrological conditions. While some species would benefit from these changes, many more would suffer; and
- ▶ Some climate changes projected for the UK provide opportunities to improve sustainable food and forestry production. Some agri-businesses may be able to increase yields of certain types of crops and introduce new crops in some parts of the country, as long as pests and diseases are effectively controlled and sustainable supplies of water are available.

The UK is at risk of both water supply deficits (too little water) and greater risk of flooding (too much water). While this can seem counterintuitive, it arises due to changes in the timing and extent of when rain falls. Water supplies (groundwater and reservoirs) need sustained rainfall over a period of time, particularly in winter, to remain at required levels. The intense rain that can lead to flooding from rivers and surface water does not necessarily replenish these large stores, as the water may flow rapidly downstream before it is captured, and not fall in sufficient quantity over a prolonged period.

Birmingham imports in the region of 22,800GWhr of energy per year costing the city's population and businesses over £1.5bn, with costs predicted to rise along with fuel prices over the coming years³⁶. The Climate Change Strategic Framework³⁷ identifies that 46% of Birmingham's CO₂ emissions come from industry, 33% from domestic energy and 21% from road transport. Between 2005 and 2011, there was a 12.5% decrease in per capita carbon emissions (Figure 4.2). The Birmingham Climate Change Framework provides a key target to produce a 60% reduction in carbon dioxide (CO₂) emissions produced in the City by 2026. The overall actual and projected reduction in CO₂ emissions is illustrated in Figure 4.2 where a halving of emissions over the next ten years is anticipated.³⁸

Figure 4.2 CO₂ Emissions Progress and Required Reduction Path

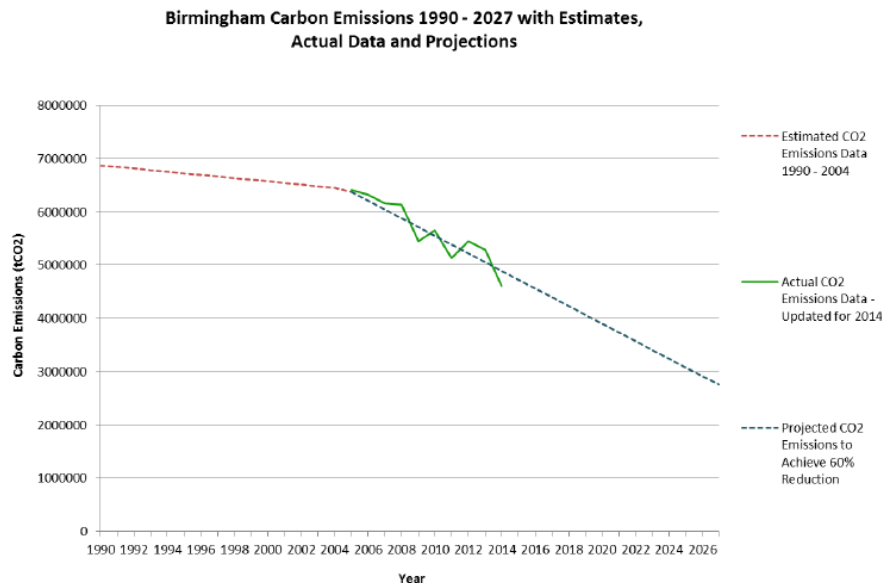


³⁶ Birmingham City Council website 'Renewable Energy'

³⁷ Birmingham City Council (2009) Cutting CO₂ for a Smarter Birmingham Strategic Framework

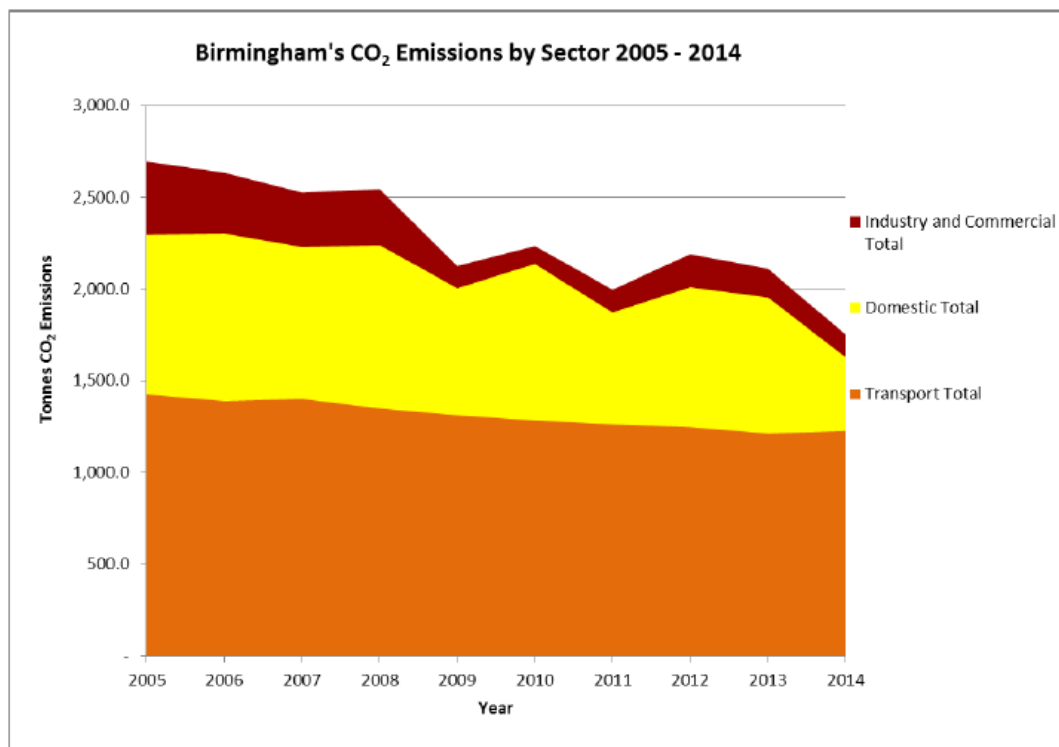
³⁸ Birmingham's Green Commission (September 2013) Report on Birmingham's Carbon Emissions Progress

<http://greencity.birmingham.gov.uk/wp-content/uploads/2013/11/Birmingham-CO2-Emissions-Progress-September-2013.pdf>



In terms of sectoral emissions (Figure 4.3), the clearest contributions to overall reductions are associated with the industrial and domestic sectors, with transport proving to be more stubborn.

Figure 4.3 Birmingham's CO₂ Emissions by Sector 2005 – 2014



Birmingham's CO₂ Framework suggests that the City has limited scope for large-scale renewable energy projects; however, energy users can support developments elsewhere through their purchasing decisions. The largest renewable energy scheme currently operating in Birmingham is probably the Tyseley Energy from Waste Plant facility which produced a total of over 95,030.50 tonnes of ash between April 2010 and March 2011 and generates 25MWh per annum, from the thermal treatment of waste. A total of 80,241.22 tonnes of

bottom ash that was produced was sent for recycling in Castle Bromwich where metals are removed and recycled with the remaining material used within the construction industry. This is substantially short of the target for renewable energy to account for 15% of energy produced by 2020 in the Climate Change Strategy and Action Plan Consultation 2007. The City has a number of operational 'Combined Heat and Power' (CHP) facilities, such as Birmingham Children's Hospital and Aston University which are part of an award-winning CHP scheme, which are able to generate and supply heat and electricity for local consumption. The connection of Birmingham Children's Hospital to the CHP scheme has allowed for the supply of heat to Lancaster Circus.

Whilst it is acknowledged in the Annual Monitoring Report¹ that the Birmingham City Council currently does not monitor the provision of new renewable energy capacity, it is understood that further consideration is being given by Birmingham City Council to ways of monitoring additional renewable energy capacity installed through new development.

There are 100,000 dwellings in the city which are more than 80 years old according to the Birmingham Sustainability Strategy and Action Plan 2000-2005. As a result, the construction form is intrinsically energy-poor. Recent developments, such as the Birmingham High Performance Centre at the Alexander Stadium, have incorporated innovative, energy-efficient design. Although they are not referred to as 100% sustainable energy systems, CHP can be a more efficient energy system generating and supplying heat and electricity for local consumption.

Heating is by far the largest domestic use of energy in Birmingham. Space heating accounts for 62% of use, while water heating accounts 22%. This is exacerbated by a large number of homes that do not meet Decent Homes standards, including 49,250 City Council-owned homes and an estimated 35,000 private sector dwellings. The Climate Change Framework aims that by 2026 Birmingham will provide an improved quality and choice of housing and 'decent' standard for virtually all housing, with efficient heating systems and insulation in line with the best UK cities.

The Sustainable Community Strategy sets out a vision for Birmingham in 2026 to become the first sustainable global city in modern Britain. The strategy envisages that in 2026 Birmingham will lead on Climate Change with local energy generation from CHP and cooling schemes will reduce CO₂ emissions. If Birmingham is to become the first sustainable global city it needs to dramatically increase deployment in low carbon energy generation technologies. The UK has signed up to the European Renewable Energy Directive, which sets a target of 15% of all energy generated to be sourced from renewable sources by 2020.

Managing and Reducing Flood Risk

Many of Birmingham's rivers and streams are susceptible to flooding (whether due to climate change or otherwise) and Birmingham City Council is required to consult the Environment Agency on all planning applications within the floodplain zones defined by the Agency.

Since 2011 the Environment Agency has provided advice on 212 approved planning applications including 97 in 2015/16. All of these applications were approved with no outstanding objection from the Environment Agency. In a number of cases an objection was raised to a proposal as initially submitted but, through amendments and discussions during the consideration of the application, issues were resolved and objections removed prior to the applications being approved.

The Level 1 revised Strategic Flood Risk Assessment was published in January 2012 by the City Council which assesses and maps all known sources of flood risk including fluvial, surface water, sewer, groundwater and impounded water bodies, taking into account future climate change predictions, to be used as an evidence base to locate future development, primarily in low flood risk areas. The Level 2 Strategic Flood Risk Assessment (April 2012) assesses possible development locations identified in the Strategic Housing Land Assessment in terms of flood zones and the sequential test. The results of the SFRA should be incorporated into the SA process once they become available.

One factor that can help to manage and adapt to the impact if climate change is the development and enhancement of Green Infrastructure (GI) (also including 'blue infrastructure'). GI is the interconnected network of open spaces and natural areas, such as greenways, waterway and waterbodies, parks, forest preserves and native plant vegetation, that can help naturally manage storm water, reduce flooding risk and improve water quality, helping to reduce the City's 'heat island effect'.

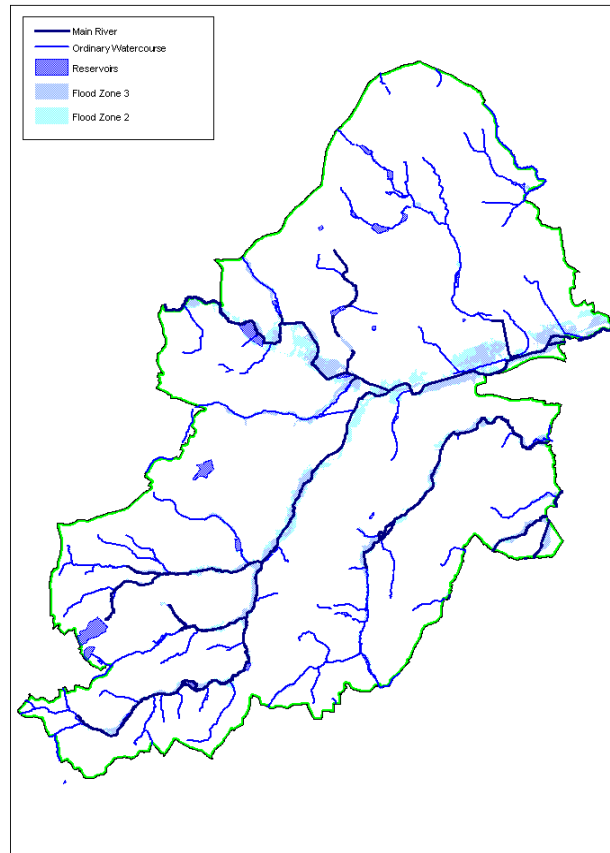
Birmingham is at risk of flooding from Main Rivers, ordinary watercourses, surface water, sewer flooding and groundwater. There is also the potential for canal and reservoir breach and overtopping. It is estimated that there are 11,365 at risk of fluvial flooding and 24,600 properties at risk of surface water flooding.

The Level 1 revised Strategic Flood Risk Assessment (SFRA) was published in January 2012 by Birmingham City Council. The SFRA assesses and maps all known sources of flood risk including fluvial, surface water, sewer, groundwater and impounded water bodies, taking into account future climate change predictions, and these are to be used as an evidence base to locate future development, primarily in low flood risk areas. The Level 2 Strategic Flood Risk Assessment (April 2012) assesses possible development locations identified in the Strategic Housing Land Assessment in terms of flood zones and the sequential test. Emerging strategies at the City-wide level to manage flood risk include the Surface Water Management Plan and the Local Flood Risk Management Strategy.

Fluvial Flood Risk

Fluvial flooding occurs when water draining from the surrounding land exceeds the capacity of a watercourse. The Environment Agency produced Flood Zones show the areas potentially at risk of flooding from rivers, ignoring the presence of defences. Figure 4.4 shows the flood zones in Birmingham showing 1 in 100 and 1 in 1,000 year risks associated with Birmingham's rivers and their tributaries.

Figure 4.4 Flood Zones across Birmingham



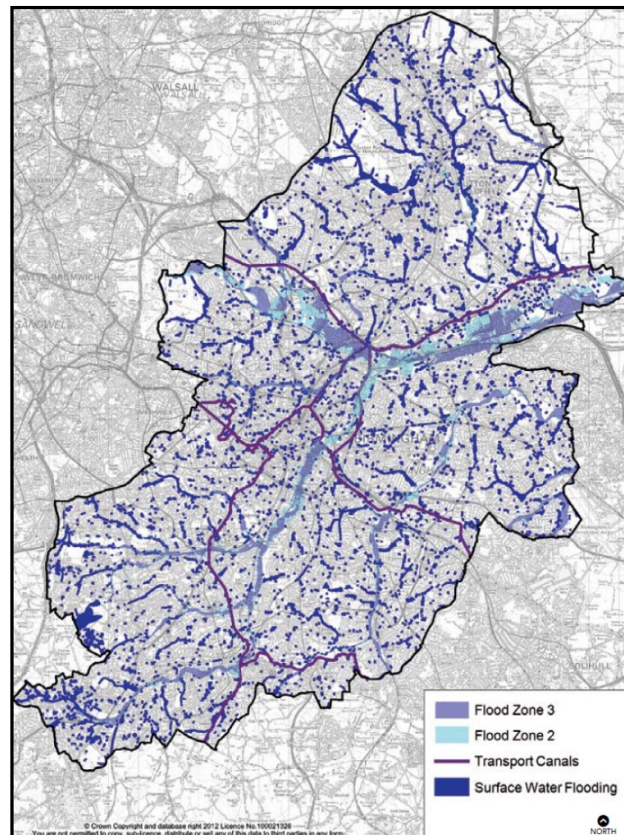
Surface Water Flooding

Surface water flooding describes flooding from sewers, drains, small watercourses and ditches that occurs during heavy rainfall in urban areas. It includes:

- ▶ Pluvial flooding - flooding as a result of high intensity rainfall when water is ponding or flowing over the ground surface (surface run-off) before it enters the underground drainage network or watercourse, or cannot enter it because the network is full to capacity;
- ▶ Sewer flooding³⁹ - flooding which occurs when the capacity of underground systems is exceeded, resulting in flooding inside and outside of buildings. Normal discharge of sewers and drains through outfalls may be impeded by high water levels in receiving waters;
- ▶ Flooding from small open-channel and culverted urban watercourses⁴⁰ which receive most of their flow from inside the urban area; and
- ▶ Overland flows from the urban/rural fringe entering the built-up area, including overland flows from groundwater springs.

Birmingham City Council has developed a Surface Water Management Plan⁴¹. The SWMP process is a framework through which key local partners with responsibility for surface water and drainage in their area work together to understand the causes and effects of surface water flooding and agree the most cost-effective way of managing surface water flood risk for the long term. The process of working together as a partnership is designed to encourage the development of innovative solutions and practices. The purpose is to make sustainable urban surface water management decisions that are evidence based, risk based, future proofed and inclusive of stakeholder views and preferences. Figure 4.5 illustrates the areas susceptible to surface water flooding across the City.

Figure 4.5 Areas Susceptible to Surface Water Flooding



Source: Birmingham City Council (May 2013) Green Spaces Living Plan

³⁹ Consideration of sewer flooding in 'dry weather' resulting from blockage, collapse, or pumping station mechanical failure is excluded from SWMPs as this is for the sole concern of the sewerage undertaker

⁴⁰ Interactions with larger rivers and tidal waters can be an important mechanisms controlling surface water flooding

⁴¹ https://www.birmingham.gov.uk/downloads/file/2561/surface_water_management_plan_for_birmingham_-_final_report

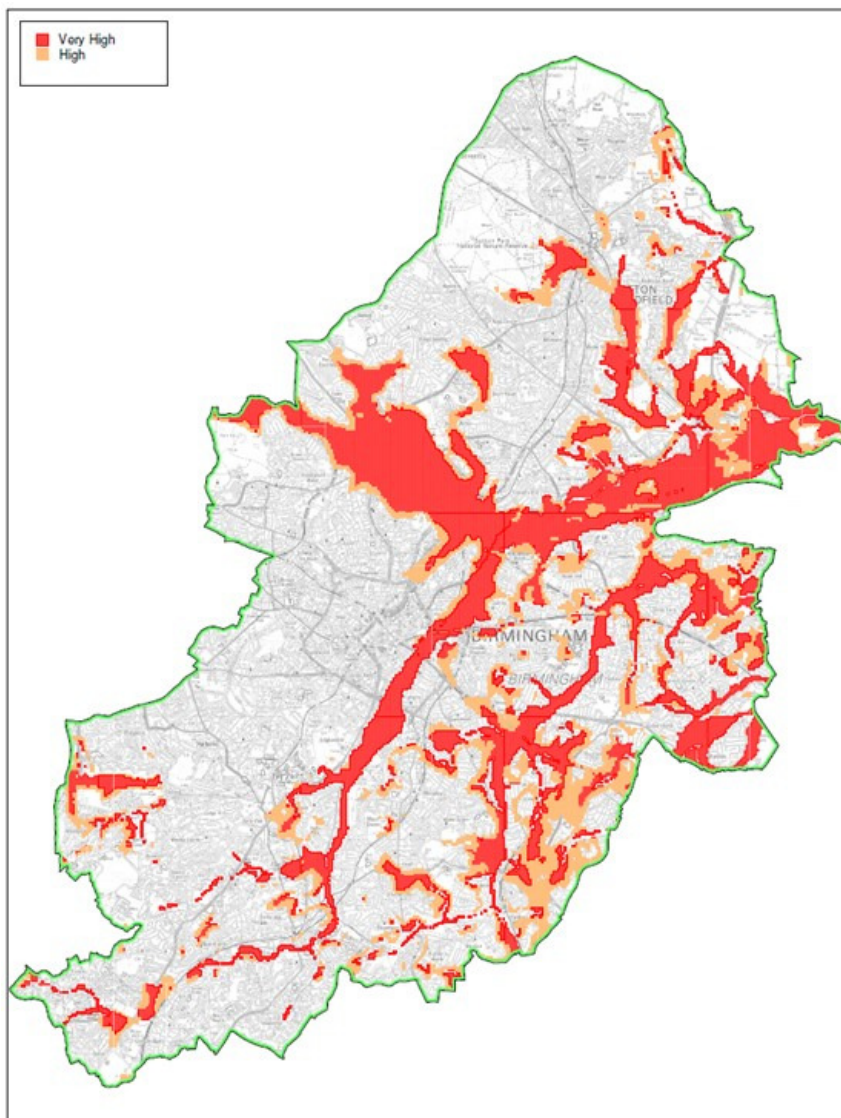
Groundwater Flood Risk

In response to the need for more information on groundwater flooding, the British Geological Society (BGS) has produced the first national hazard or susceptibility data set of groundwater flooding. The data is based on geological and hydrogeological information and can be used to identify areas where geological conditions could enable groundwater flooding to occur and where groundwater may come close to the ground surface.

Although this is not a risk data set in that it does not provide information about the likelihood of a groundwater flood occurring, it can be used to provide an understanding of groundwater flooding.

Areas susceptible to groundwater flooding are shown Figure 4.6.

Figure 4.6 Areas Susceptible to Groundwater Flooding



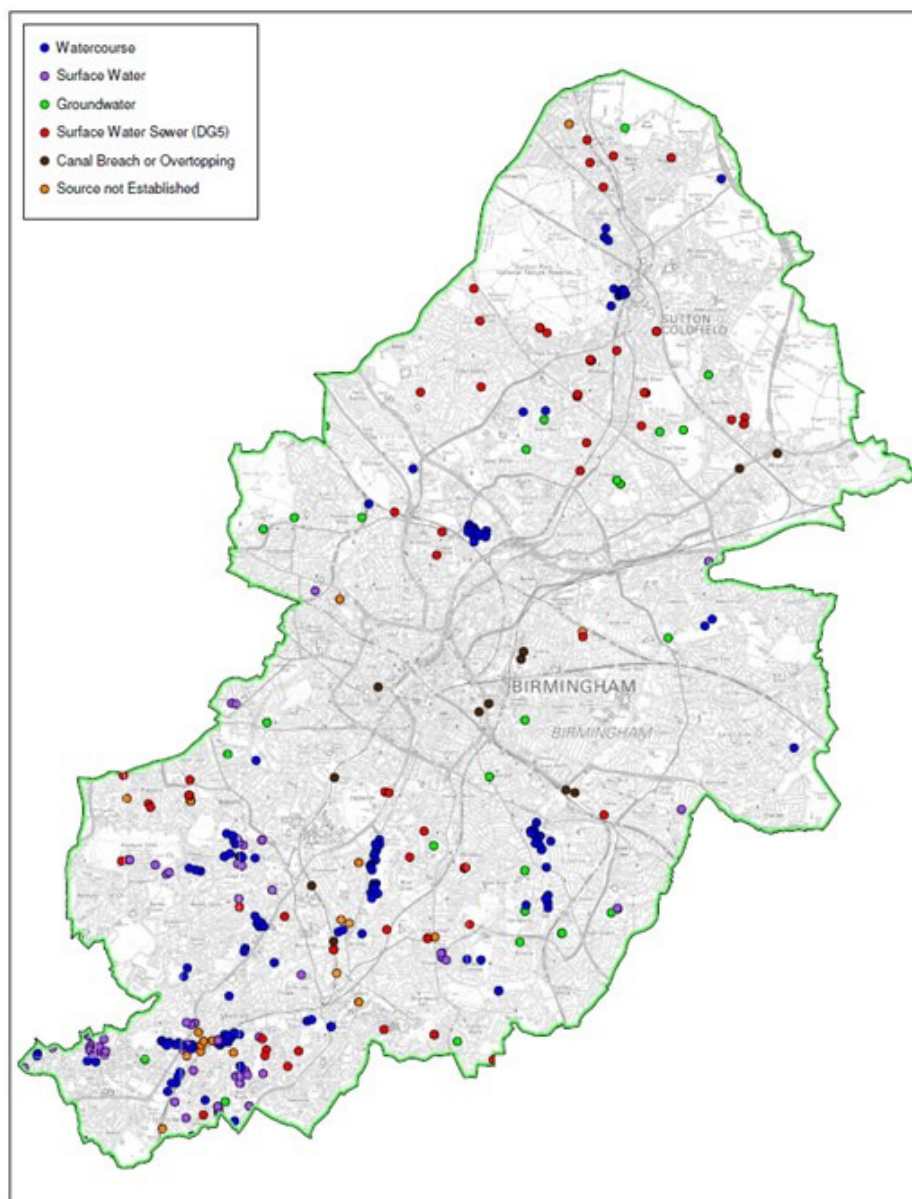
Source: Birmingham City Council (May 2011) Preliminary Flood Risk Assessment

Historic Flood Risk in Birmingham

A number of datasets have been collated to assess the local historic flood risk in Birmingham; this includes flooding from watercourses, surface water and groundwater. However due to the urbanised nature of the Birmingham catchment there are often significant interactions between sources of flooding and it is not always possible to ascertain the source of the flooding.

Historical flooding records provide a source of data that directly indicates both areas and sources of flooding. Recent years have seen a number of flooding events affecting Birmingham (September 1998, April 1999, June 1999, July 2000, June 2005, June 2007, July 2007, September 2008 and more recently in June 2016 and in May 2018), all historical flooding data has been collected from BCC, Severn Trent Water and British Waterways. The PFRA mapped historic flood locations across the City, shown in Figure 4.7.

Figure 4.7 Historic Flood Locations across Birmingham by Flooding Source



Source: Birmingham City Council (May 2011) Preliminary Flood Risk Assessment

Influence of the DM DPD on Climate Change and Managing and Reducing Flood Risk

There are opportunities to adopt more sustainable approaches to directly address potential increases extreme weather events which may arise through climate change. Scrutiny of building design could include climate-proofing measures such as passive ventilation and opportunities to enhance energy efficiency which will indirectly assist in mitigating climate change. The extension and enhancement of Green Infrastructure across the City will be important in providing necessary resilience against the likely impacts of climate change. The DM DPD will directly influence where development takes place through guiding development away from flood risk areas, requiring appropriate adaptation measures where this is not possible, and enhancing the City's capacity to mitigate and adapt to the likely effects of climate change.

Biodiversity and Geodiversity

The City has a number of areas that are protected for their nature conservation value. The City's nature conservation sites include two Sites of Special Scientific Interest (SSSIs): Sutton Park and Edgbaston Pool. Sutton Park is also designated as a National Nature Reserve (NNR). There are 12 Local Nature Reserves (LNRs), over 50 Sites of Importance for Nature Conservation (SINCs) and over 120 Sites of Local Importance for Nature Conservation (SLINCs) covering various ancient woodlands, grasslands, lakes, streams, and other important wildlife habitats or examples of natural landscape. Within the City Centre there are a number of sites of local importance for nature conservation (SLINCs), essentially the canal network and the River Rea. These areas, as well as the linear corridors along main rail and Metro lines, are key wildlife corridors. Together these form the City's green and blue infrastructure network through a series of corridors and stepping stones which, in accordance with the NPPF (para 109) should be protected and enhanced to increase their resilience to current and future pressures. Table 4.4 shows the total area covered by different types of nature conservation sites, Figure 4.8 maps these assets.

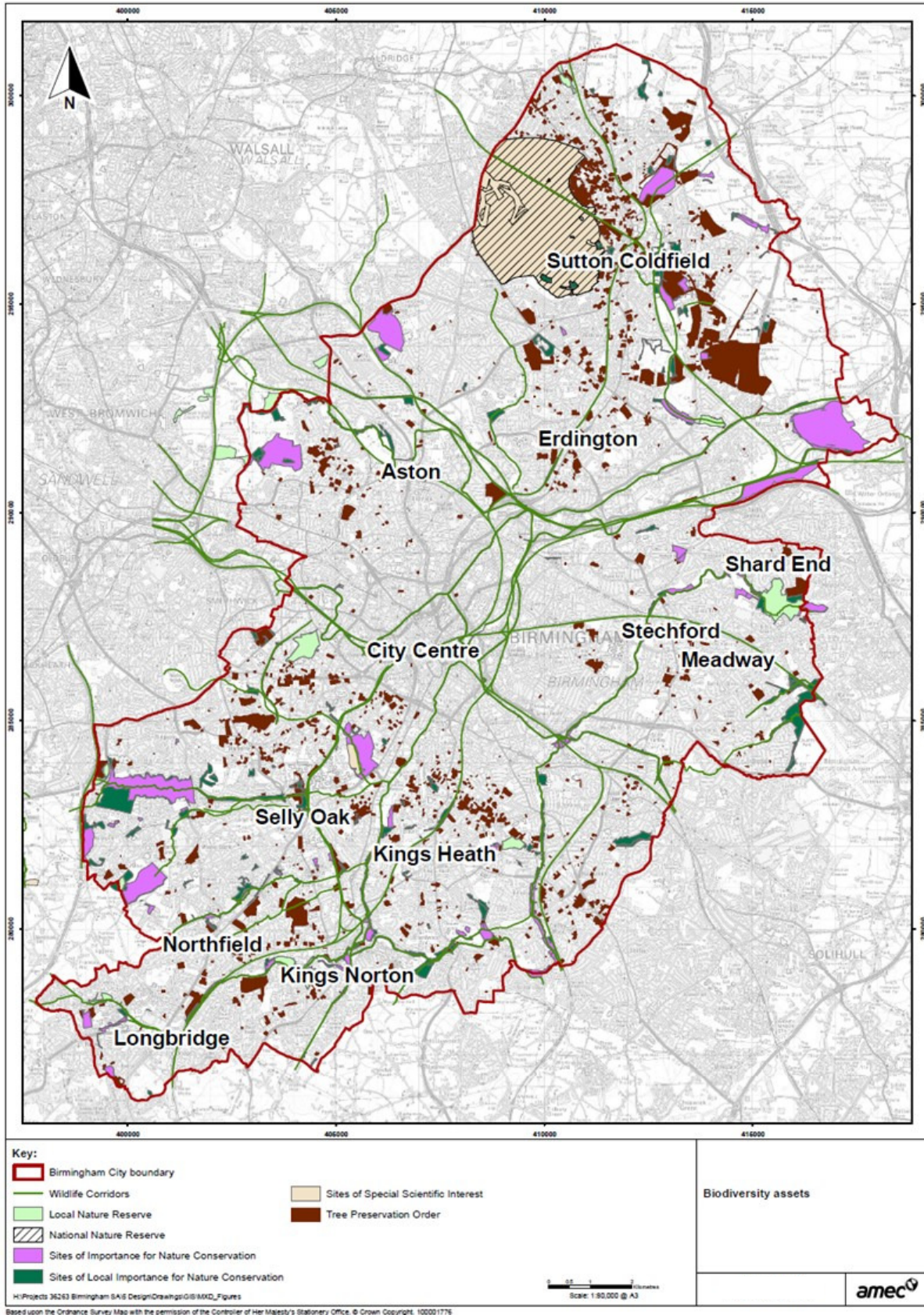
Table 4.4 Birmingham's Designated Nature Conservation Sites

Type of Area	Number of Sites	Total Area (Hectares)	% of City's Area
SSSIs	2	896.59	3.35
NNRs	1	811.73	3.03
LNRs	12	316.73	1.16
SINCs	55	828.03	3.09
SLINCs	121	698.96	2.62

Source: Birmingham City Council, AMR (2013 and 2014)

The 2016-2017 AMR reports only very limited changes to designated sites as a result of planning applications, with one application approved for development within designated sites of national importance (SSSIs or NNRs). Some 43 applications for development were approved for development in or adjacent to SINCs: for these schemes where adverse impacts on sites' nature conservation interests were anticipated, appropriate mitigation and compensation were secured to satisfactorily address these impacts.

Figure 4.8 Birmingham's Biodiversity Assets



Green Infrastructure (GI) refers to the living network of green spaces, water and other environmental features in both urban and rural areas. It is often used in an urban context to cover benefits provided by trees, parks, gardens, road verges, allotments, cemeteries, woodlands, rivers and wetlands⁴². GI can provide a number of benefits including:

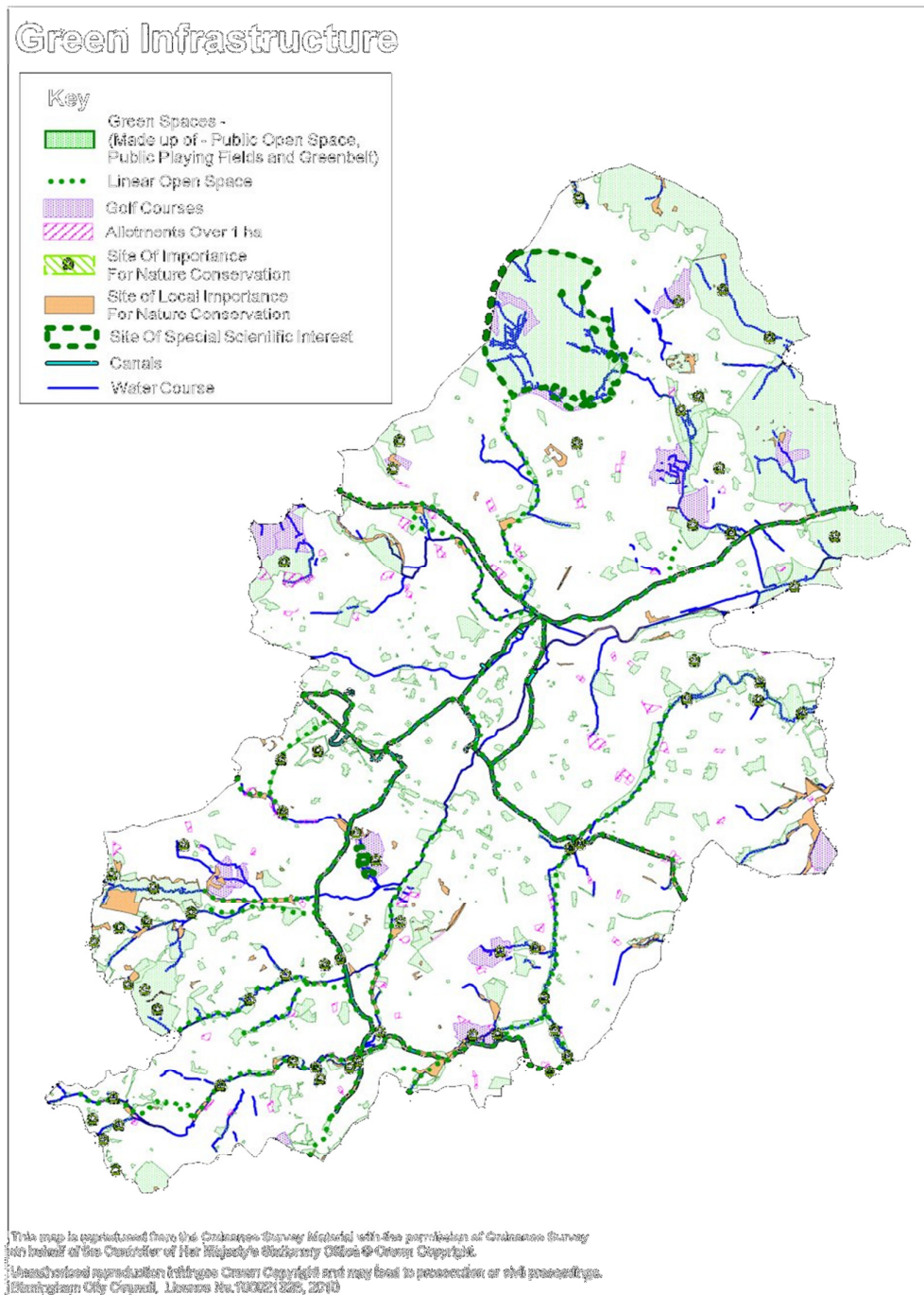
- ▶ Safeguarding and enhancing natural and historic assets;
- ▶ Increasing contact between people and nature;
- ▶ Protecting and enhancing landscape character and local distinctiveness;
- ▶ Providing for climate change mitigation and adaptation;
- ▶ Creating a focus for social inclusion, education, training, health and well-being;
- ▶ Increasing property and land values; and
- ▶ Attracting and retaining people ensuring stable populations and labour supply.

The Birmingham and Black Country Nature Improvement Area (NIA) Ecological Strategy provides a landscape-scale framework for action to conserve and enhance biodiversity and geodiversity and to improve ecological networks across the City. The approach set out in the Strategy reflects ecological principles set out in *Making Space for Nature* (Lawton *et al* 2010) and national policy and guidance relating to the natural environment and green infrastructure. The Cannock Chase to Sutton Park Project encompasses an area of approximately 670 square km extending from the edge of Birmingham northwards into Staffordshire. The Project area is characterised by two core areas of semi-natural habitat: Cannock Chase and Sutton Park. These areas support significant amounts of lowland heath habitat along with a range of additional habitats including acidic and neutral grasslands, scrub, woodland and wetlands. The City's ecological networks are a fundamental component of Birmingham's Green Infrastructure and in accordance with paragraphs 91, 150 and 171 of the NPPF should inform policy and its implementation to ensure that development that may affects them is compatible with their purpose and can contribute to their enhancement. The Council's Green Living Spaces Plan recognises the essential role of the green infrastructure network in securing a resilient and healthy city and provides a framework for increasing natural capital and the ability of green infrastructure assets to deliver environmental and socio-economic benefits.

Figure 4.9 illustrates the City's GI network

⁴² Defra (2011) *The Natural Choice: securing the value of nature*.

Figure 4.9 Birmingham's Green Infrastructure Network



Source: <http://consult.birmingham.gov.uk/portal/ps/csd/csdraft?pointId=d2670232e7333>

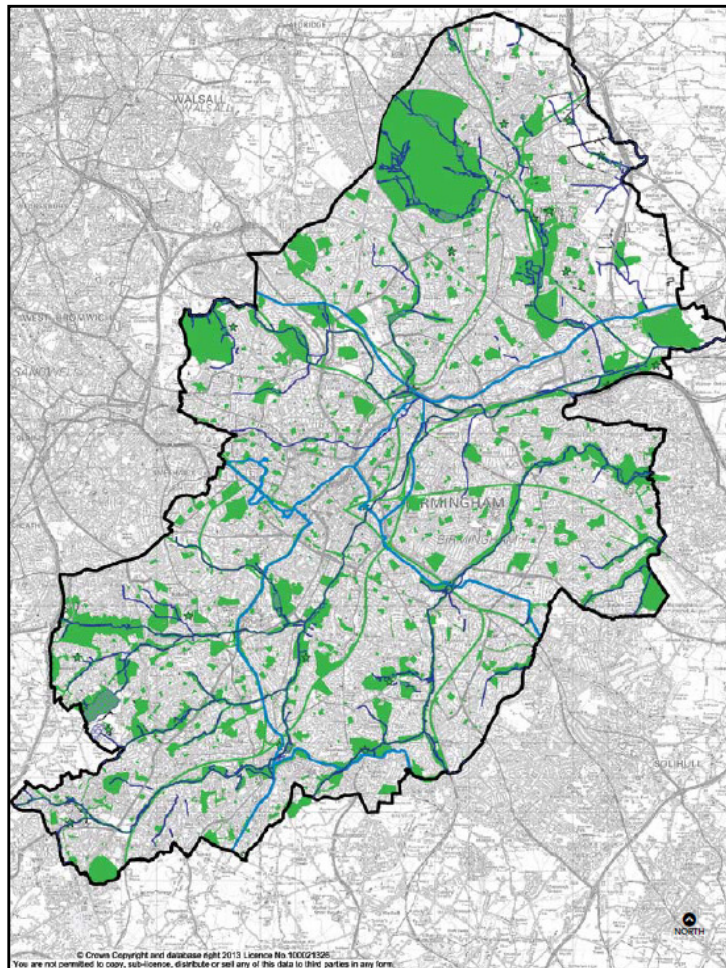
Birmingham is characterised by a large number of well-established parks, many of which were created in the 19th century. The City's greenspace is supplemented by a large linear open space network, which is based primarily on the Rivers Cole and Rea and the City's extensive canal network. The extent of green spaces (excluding areas designated for nature conservation) is shown in Table 4.5 and are mapped in Figure 4.10.

Table 4.5 Green Spaces in Birmingham

Open Space Category	Area (ha)	% of City Council Area
Public Open Space	3,069.77	11.46
Public Playing Fields	296.9	1.11
Private Playing Fields	268.11	1.0
Private Open Space	67.19	0.25
Educational Playing Fields	166.33	0.62
Golf Courses	657.78	2.46
Statutory Common Land	11.25	0.04
Allotments	243.8	0.91
Green Belt	4,154.77	15.52

Source: Birmingham City Council, AMR (2015)

Figure 4.10 Green Spaces in Birmingham

Source: <http://consult.birmingham.gov.uk/portal/ps/csd/csdraft?pointId=d2670232e7333>

Geodiversity

The term geodiversity incorporates all the variety of rocks, minerals and landforms and the processes which have formed these features throughout geological time. The geology of the West Midlands is dominated by the South Staffordshire Coalfield, the exploitation of which has contributed greatly to the industrial and economic development of the area⁴³. Upper Carboniferous Coal Measures underlie the main conurbation of Wolverhampton, Walsall, West Bromwich and Dudley. Surrounding these shales, sandstones and mudstones are Triassic aged rocks which comprise red mudstones and sandstones. These underlie much of Birmingham and form the solid geology up to Sutton Coldfield. Within the main mass of the Coal Measures are a number of isolated outcrops of older Silurian rock. These shallow water limestones and shales contain a wide range of marine fossils and form the famous outcrops at Wren's Nest and Dudley Castle Hill. There are also a number of igneous intrusions into the Coal Measures. Much of the area has been mantled in thick deposits of boulder clay and sands and gravel deposited by ice sheets and meltwaters during the Ice Ages of the last two million years⁴⁴.

The geology underlying the City has a significant influence over the use of SuDS which include a variety of techniques including swales and basins, permeable pavements and ponds and wetlands to mimic natural drainage processes and mitigate the impacts that development has on surface water runoff rates and volumes. The SFRA for Birmingham (2011) notes that the geology beneath Birmingham, is essentially divided into two due to a fault, known as the 'Birmingham Fault', running approximately north-east to south-west and consists of Permian and Triassic sandstones and mudstones. To the west of the fault line the rock strata predominantly consists of red and red-orange sandstones and is indicative of high permeability soils (good to very good drainage), and to the east the rock strata predominately consists of red and red-brown mudstones which are inter-bedded by several silt and sandstone bands and are typically representative of low permeability soils (poor drainage to practically impervious). The SFRA encourages that these characteristics should be considered in the development process where large increases in impermeable area for a site could contribute to a significant and resulting increase in surface water runoff peak flows and volumes. In turn this could contribute to an increase in flood risk elsewhere unless adequate SuDS techniques are implemented as part of a development. Additionally, indirect impacts on the water table and source protection zones need to be taken into account.

Influence of the DM DPD on Biodiversity and Geodiversity

Policies and proposals pursued in the DM DPD could include a range of direct and indirect impacts, all having the potential to adversely affect biodiversity. Careful scrutiny of development proposals will be required to ensure that direct impacts are avoided where possible and indirect impacts (such as downstream effects) are anticipated and appropriately mitigated. If well managed, development can benefit wildlife and recreational interests, through habitat improvement or creation using the Green and Blue infrastructure multifunctional network as a starting point. This accords with guidance in the NPPF (para 118) which requires the application of the 'avoid, then mitigate and, (as a last resort) compensate for adverse impacts on biodiversity' principle. Given the need to minimise impacts on biodiversity, DM DPD policies and their application should promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets (in accordance with the NPPF para 117). For geodiversity, there is a need to conserve, interpret and manage geological sites and features in the wider environment, and not just designated sites.

⁴³ http://www.naturalengland.org.uk/ourwork/conservation/geodiversity/englands/counties/area_ID38.aspx

⁴⁴ http://www.naturalengland.org.uk/ourwork/conservation/geodiversity/englands/counties/area_ID38.aspx

Population and Human Health

Housing

Birmingham's 2017 housing strategy states that: *"Every citizen should have the opportunity to live in a safe and warm home within a neighbourhood they are proud of"*. The strategy outlines the importance of tackling fuel poverty to improve health, well-being and financial inclusion. This is highlighted as a cross-cutting issue within the Council's Vision and Priorities statement. The strategy also makes reference to the well-established "Stay Warm Stay Well" (SWSW) programme that delivers practical solutions to vulnerable people affected by fuel poverty. This programme is delivered through a network of third sector partners. The Council has an ambition to extend an offer of affordable warmth works to private sector households within the areas where ECO-funded improvement works are being carried out on Council-owned homes.

The City covers an area of 26,779ha (267.8km²), of which 15,200ha is residential. According to the Housing Development Plan⁴⁵ Birmingham's residents live in 406,000-410,000 households. The City has about 414,000 self-contained properties. In April 2018, there were about 61,000 Council owned properties and an estimated 37,650 owned by registered social landlords. In addition to this there are also 3,000 shared ownership properties. Since 2001, the City's population has grown after experiencing declines between 1991 and 2001 due to net out-migration. The current population of the City (according to ONS population estimates) is 1,218,100. If recent trends continue the population of Birmingham is projected to grow from 1,101,400 in 2014 to 1,189,600 (+8.0%) in 2024 and to 1,268,100 (+15.1%) in 2034 (sub national population projections)⁴⁶. Substantial growth is expected among pensioners particularly those aged 85 years or more. This age group is expected to increase by almost 25% by 2024. The gains reflect a shift in the overall balance of migration from negative to positive, coupled with greater natural increases. The main reason for this has been the high levels of international immigration in recent years. The growth in the ageing population is reflective of national trends. These statistics have implications for housing provision. Table 4.6 shows that the number of households in the City increased in the period from 2001 to 2011. Despite the above, the rate of increase in households in Birmingham has been less than the national and regional rates.

Table 4.6 Change in Households in Birmingham, the West Midlands Region and England, 2001 and 2011

Area	2001 Households	2011 Households
Birmingham	390,800	410,700
West Midlands Region	2,153,700	2,294,900
England	20,451,400	22,063,400
Index of Change		
Birmingham		+0.95
West Midlands Region		+0.93
England		+0.92

Source: Census of Population, 2001 and 2011, Office of National Statistics

⁴⁵ Source:

<http://www.birmingham.gov.uk/cs/Satellite?c=Page&childpagename=Housing%2FPageLayout&cid=1223092723273&pagename=BCC%2FCommon%2FWrapper%2FWrapper>

⁴⁶ Statistics from https://www.birmingham.gov.uk/info/50065/population_and_census/1003/population_in_birmingham/6 [Accessed April 2018]

If recent trends continue the population of Birmingham is projected to grow from 1,101,400 in 2014 to 1,189,600 (+8.0%) in 2024 and to 1,268,100 (+15.1%) in 2034. Substantial growth is expected among pensioners particularly those aged 85 years or more. This age group is expected to increase by almost 25% by 2024.

Forecast organic population growth equates to just under 40,000 new residents over the next five years. Birmingham is forecast to see growth in the number of households from 422,022 in 2014 to 440,529 – a rise of around 18,500 households. This equates to an average annual increase of approximately 3,680⁴⁷ households each year. Longer term forecasts⁴⁸ show that the number of households will increase by over 100,000 over the next 20 years.

The average household size in Birmingham is greater than the national average and is greatest in the West Midlands Region according to the 2011 Census with an average household size of 2.6 people. Birmingham has relatively high proportions of households containing one person or with five or more people. Average household size reduced from 2.54 in the period 1991 to 2001, largely as a result of growing numbers of one-person households. However, for the period of 2011 to 2011 the average household size (persons) has increased to 2.56⁴⁹. The City has a relatively low proportion of detached housing, and higher proportions of terraced housing and flats.

According to the 2011 Census, Birmingham was the most densely populated local authority within the West Midlands region with 4,000 people per square kilometre. This is an increase on the 2011 population density of 3,677 people per square kilometre which equates to an increase of 0.9%. The average housing density has decreased from over 74 dwellings in 2009/10 to just over 40.6 dwellings per hectare in 2014/15. This could be attributed to factors such as the reluctance of the development industry to commit to apartment schemes at the present time.

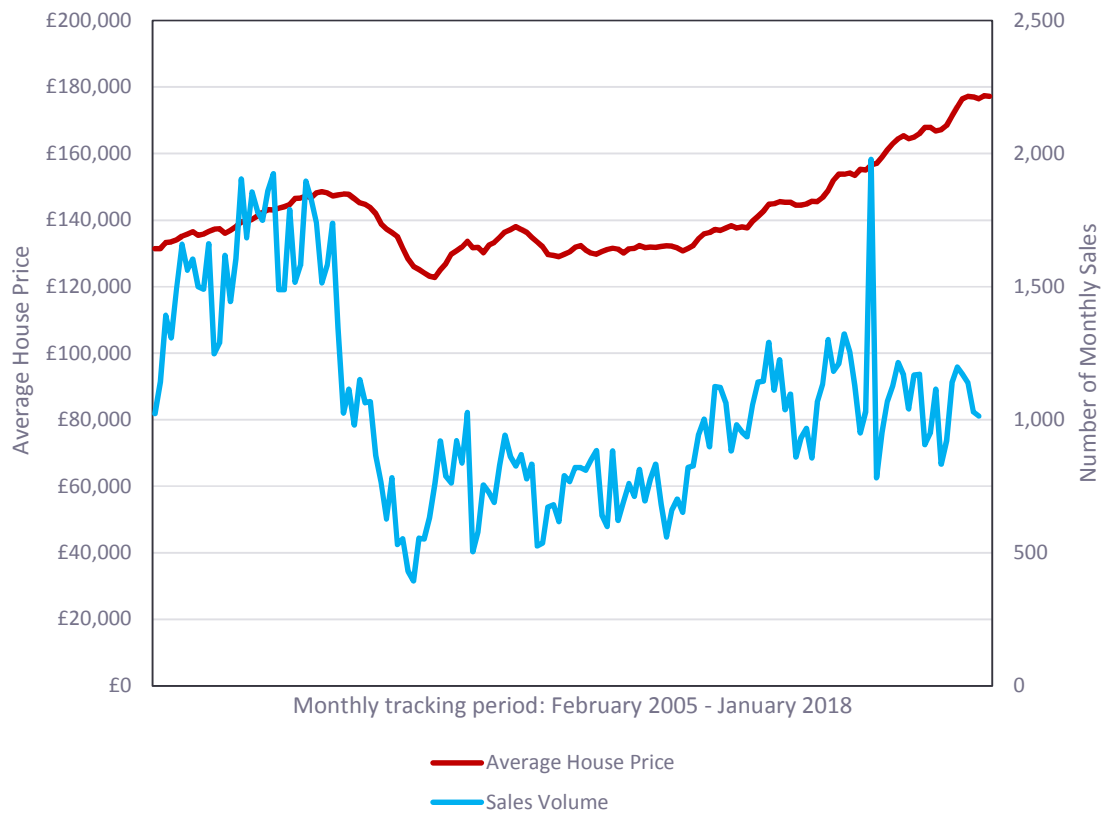
In recent years there have been political concerns over high density suburban development. This has manifested itself in a '*Mature Suburbs: Guidelines to Control Residential Intensification - Supplementary Planning Document*' and away from the City Centre this has led to decreasing densities over the past five years.

The mean house price in the City is below the regional average, particularly at the cheaper end of the market. Figure 4.11 indicates that house prices in Birmingham peaked in January 2008 and sharply declined through to 2010, and now have recovered strongly to over one third higher in 2018 than 15 years ago at almost £180,000. Over the same period sales volumes initially declined but have recovered to levels of 15 years previously. Overall, the figures suggest that the affordability of housing for poorer families and first-time buyers has declined. 89,000 new homes are needed from 2011 to 2031. Whilst it is not possible to deliver all of this new housing within the city boundary, Birmingham council have ambitious but achievable plans to build at least 51,000 new homes in this period.

⁴⁷ Figures from ONS

⁴⁸ ONS 2039 Household Projections

⁴⁹ Office for National Statistics 2011 Census: Population and household estimates for England and Wales – supplementary figures Pt 2

Figure 4.11 Average House Prices and Sales Volume in Birmingham 2005-2018⁵⁰

Birmingham has a relatively high proportion of households renting from Birmingham City Council. Statistics from the Housing Strategy Statistical Appendix 2011 show that within Birmingham the number of local authority rented housing is 61,000 and Registered Social Landlord housing is 37,650 which collectively equates to 25.6% of the total housing supply or the local authority.

There is a mismatch between the existing supply of affordable housing and the location of demand. There is continued demand for affordable housing in Birmingham. The most recent City wide Strategic Housing Market Assessment (SHMA)⁵¹ found that approximately 38% of the City's overall housing requirement is for affordable housing. The Birmingham Development Plan will help to address some of this demand.

The Birmingham Housing Plan (2010 Review) identifies that the vast majority of Birmingham's City Council housing meets the Decent Homes standard. In the private sector, Birmingham has a substantial number of older homes that are in need of repair and modernisation. As of April 2018, the new minimum energy efficiency standard (MEES) regulations will come into action. The new standard requires landlords of privately rented domestic (PRS) and non-domestic property in England or Wales to ensure that their properties reach at minimum Energy Performance Certificate (EPC) rating of E before granting a new tenancy to new or existing tenants⁵². If a property does not meet EPC standard E, landlords are obligated to carry out any works under the value of £2,500 to bring the property up to standard. Special exemptions may apply, for example if the building is listed. There are clear links between the condition of housing and human health. For

⁵⁰ Land Registry (2018) <http://www.landregistry.gov.uk/public/house-prices-and-sales/search-the-index>

⁵¹ Available at https://www.birmingham.gov.uk/downloads/download/359/strategic_housing_market_assessment_2013 [Accessed April 2018]

⁵²

example, research⁵³ undertaken by Birmingham University showed that there is a clear relationship between excess winter deaths, especially of older people, cold housing and low energy efficiency.

Birmingham has benefitted from 1,944 net dwelling completions and 111 vacant dwellings being returned to use in 2016/17 which totalled over 2,000⁵⁴ new dwellings being added to the housing stock. This was lower than the 2015/16 period (3,113) but higher than the four preceding years.

Historically, homeless applications in Birmingham have been twice the national average; although they are declining. There were 19,496 applicants for housing on the Local Authority Housing Register as at 01 April 2013. Increasingly, older and disabled people

Birmingham City Council understands that Trading Standards will be leading on the primary delivery and prosecution process associated with MEES. BCC's Private Rented Services Regulation & Enforcement team have a good working relationship with the people who wish to remain in their own homes. This results in strong demand for property adaptations, and an implication of need for to build homes to 'lifetime' standards. There were 1,899 referrals for assistance from Birmingham City Council in 2011/12. Demand for housing still remains strong albeit that there was a fall from over 28,000 households on the register to just over 20,000 in 2015/16. The overall total as at April 2016 stood at 20,292.

Every year, housing partners across the city ensure that thousands of households who are homeless, or at high risk of homelessness, are provided with shelter and a pathway into settled accommodation. For 2015/16 this included 5,578 households assisted through the statutory homeless system as well as an additional 7,824 households whose homelessness was prevented or relieved by Council delivered services or commissioned services delivered by partners. In addition, there are many other agencies active in the city who provide advice and assistance to people in housing crisis.

In 2016 Birmingham undertook a homelessness review⁵⁵ which included examining the extent, nature and causes of homelessness in the City. One of the key findings from this review is that there are an estimated 20,000 households in Birmingham each year who are homeless. This study also highlighted that there are more than 20,000 households on the BCC housing register (as at April 2016) so there is significant demand for Council housing.

Birmingham still manages its own stock and, notwithstanding Right to Buy, there remain very significant areas of predominantly local authority housing. These areas are however clustered and there are indeed significant pockets of the City (e.g. Edgbaston and Sutton) where affordable housing is in lesser supply and average houses prices are the highest in the City.

Economy

Birmingham's economic prosperity was originally built on manufacturing, but changes in the 1970s and 1980s led to a massive decline in this sector. However, highly-skilled, specialist manufacturing remains important to the city. Birmingham has since developed a substantial business and financial services sector through the transformation and growth of the City Centre and has become a major employment centre drawing in workers from across the West Midlands. It is an economic cluster with a particular focus on the banking, finance and insurance and distribution, hotels and restaurants and public service sectors. Birmingham is now a major centre for business conferences.

Despite declines in manufacturing, Birmingham is still a major employment centre drawing in workers from across the West Midlands region. Table 4.7 shows the number of economically active people within

⁵³ <https://www.birmingham.ac.uk/Documents/college-social-sciences/social-policy/SPSW/Housing/2016/good-housing-better-health-2016.pdf> [Accessed April 2018]

⁵⁴ All figures from 2016/17 Authority Monitoring Report [Accessed April 2018]

⁵⁵ Birmingham City Council Homelessness Review 2016/17 Available at https://www.birminghambeheard.org.uk/people-1/birmingham-homelessness-prevention-strategy-2017/supporting_documents/Birmingham%20Homelessness%20Review%202016%20FINAL.pdf [Accessed April 2018]

Birmingham, and Table 4.8 shows the number of employed residents in Birmingham by Gender and Ethnic Group.

Table 4.7 Economically Active Residents (2017)⁵⁶

	Birmingham (numbers)	Birmingham (%)	West Midlands (%)	Great Britain (%)
All People				
Economically active	500,900	69.4	76.4	78.4
In employment	458,900	63.6	72.4	74.9
Employees	391,500	54.3	62.4	64.0
Self employed	65,900	9.1	9.7	10.6
Unemployed	42,100	8.4	5.4	4.5
Males				
Economically active	275,000	76.9	82.0	83.4
In employment	250,000	69.9	77.5	79.6
Employees	200,900	56.2	63.9	65.2
Self employed	49,100	13.7	13.4	14.1
Unemployed	25,000	9.1	5.5	4.6
Females				
Economically active	225,900	62.1	70.9	73.4
In employment	208,900	57.4	67.2	70.3
Employees	190,600	52.4	60.9	62.7
Self employed	16,800	4.6	6.0	7.2
Unemployed	17,100	7.6	5.2	4.3

Table 4.8 Employed Residents in Birmingham by Gender and Ethnic Group⁵⁷

	2013		2014		2015		2016		2017	
	Number	Rate	Number	Rate	Number	Rate	Number	Rate	Number	Rate
Male	228,100	66.4	236,000	68.2	240,500	68.8	256,000	72.1	250,000	69.9
Female	179,700	51.6	198,500	55.9	194,500	54.3	197,200	54.8	208,900	57.4
White	261,100	67.4	290,600	67.5	306,200	69.1	272,400	73.1	283,400	71.7
Ethnic Minority	145,300	48.1	143,900	53.4	128,700	48.8	180,800	52.8	174,700	54.0

At 63.6%, Birmingham's employment rate is well below both the corresponding regional (72.4%) and national rate (74.9%). The female employment rate for Birmingham (57.4%) is much lower than the male rate (66.9%)

⁵⁶ [ONS Annual Population Survey](#)

⁵⁷ ONS Annual Population Survey

and both are lower in Birmingham than the national averages; for women there is a 12.9 point difference from the rate for Great Britain.

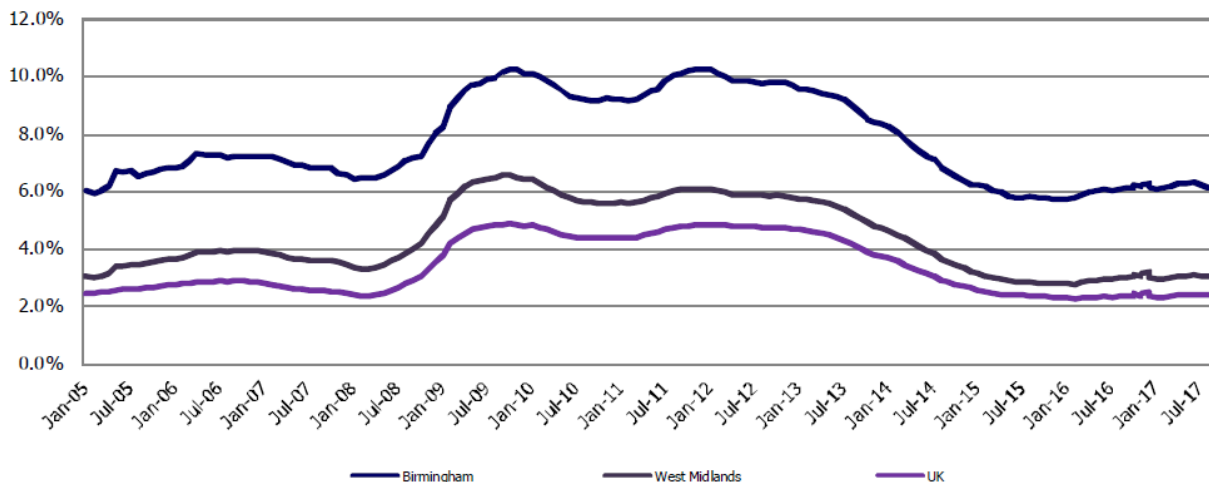
Nearly a third (30.6%) of Birmingham's working age population is economically inactive (neither working nor seeking work). This is 9.0 percentage points higher than the national rate. The female economic inactivity rate in the city is 11.3 percentage points higher than the male rate. Table 4.9 summarises economic inactivity for those aged 16-64 in Birmingham. This shows that the highest proportion of economically inactive residents are full time students (39.6%), which is 12.6 percentage points higher than the national average of 27.0%. The non-white economic inactivity rate is 39%, significantly higher than the white rate of 24%. Both rates are above the GB averages of 30% and 20% respectively.

Table 4.9 Economic Inactivity in Birmingham 2017²

	Birmingham (level)	Birmingham (%)	West Midlands (%)	Great Britain (%)
Student	87,400	39.6	28.2	27.0
Looking after family/home	61,500	27.9	26.1	24.4
Temporary sick	4,300	2.0	2.3	2.1
Long-term sick	36,800	16.7	20.9	22.1
Discouraged	!	!	0.3	0.4
Retired	11,300	5.1	11.8	13.2
Other	18,500	8.4	10.5	10.8
Total Economically Inactive	220,600	30.6	23.6	21.6
Male Economic inactivity	82,700	23.1	16.6	18.0
Female Economic inactivity	137,900	37.9	26.6	29.1
White Economic inactivity	93,900	23.7	20.9	20.2
BME Economic inactivity	125,300	38.8	34.8	29.9

Birmingham has seen persistently higher levels of unemployment over the past decade, compared to the West Midlands and the UK, as can be seen from Figure 4.12.

Figure 4.12 Unemployment Rates in Birmingham, the West Midlands and the UK, 2005-2017



Source: Birmingham Labour Market Update (January 2018)

Employment growth in the city as a whole is set to be relatively subdued over the period 2010-2025 as the economy recovers from the recession and adjusts to a decline in public sector employment. Indeed, the forecast level of employment in the city in 2025 is only just returning to the levels seen prior to the recession.

The Greater Birmingham & Solihull LEP is a partnership of businesses, local authorities and universities which supports private sector growth and job creation. It was set up to strengthen local economies, encourage economic development and enterprise, and improve skills across the region. The City Deal between the Government and the Partnership was announced in July 2012 which consists of a package of measures that are to be implemented to drive economic growth designed to exploit the area's economic assets and address its challenges⁵⁸. The first phase of the City Deal is to focus on the delivery of a range of economic benefits for the Greater Birmingham and Solihull area. These include:

- ▶ 10,000 additional direct jobs, building on the 40,000 created by the vanguard Enterprise Zone in Birmingham City Centre;
- ▶ Leveraging in over £15bn of private sector investment over 25 years from £1.5bn of public funding;
- ▶ A Single Settlement to cover all economic development funding;
- ▶ A world-class skills system which meets the needs of employers and fulfils the expectations of employees;
- ▶ 3,560 apprenticeships (AGE) grants to be delivered by March 2013;
- ▶ Improvements to employers' perceptions of 'work readiness' year-on-year;
- ▶ In excess of 2,800 additional new homes through the use of public assets;
- ▶ At least 100% capital return on current market value of public assets;
- ▶ An Institute of Translational Medicine to respond to national unmet need, unlock growth potential in the NHS and create a portal for SMEs and international pharmaceutical companies;
- ▶ £35M of largely private sector clinical trial investment and £50M of free drugs;
- ▶ 15,000 homes refurbished delivering savings in domestic energy usage of 26 ktonnes pa of CO₂ and at least 40 public buildings refurbished delivering savings in energy usage of 10 ktonnes pa of CO₂; and
- ▶ Retrofitting to the properties of 1,500 people on pension or disability premium and 2,250 people in fuel poverty.

The City Deal comprises five elements: GBS Finance; Skills; Public Assets; Life Sciences and Green Deal, each of which includes specific commitments from the LEP and Government. Progress against these will be monitored to ensure they are delivered.

Median gross weekly pay for workers in Birmingham in 2015 was £488.20. This figure is a 1.9% increase on 2014 but it is below the UK figure of £527.70 which saw a 1.8% increase from 2014. However, people who work in the city earn more than the residents (£538.70 compared to £488.20). Workplace earnings in the city are similar to the figure for the UK. The difference between resident and workplace earnings reflects Birmingham's position as the regional capital and the large numbers of people who commute into the city to work. It also highlights that not all Birmingham residents are able to access the better paid jobs in the city.

Education and Skills

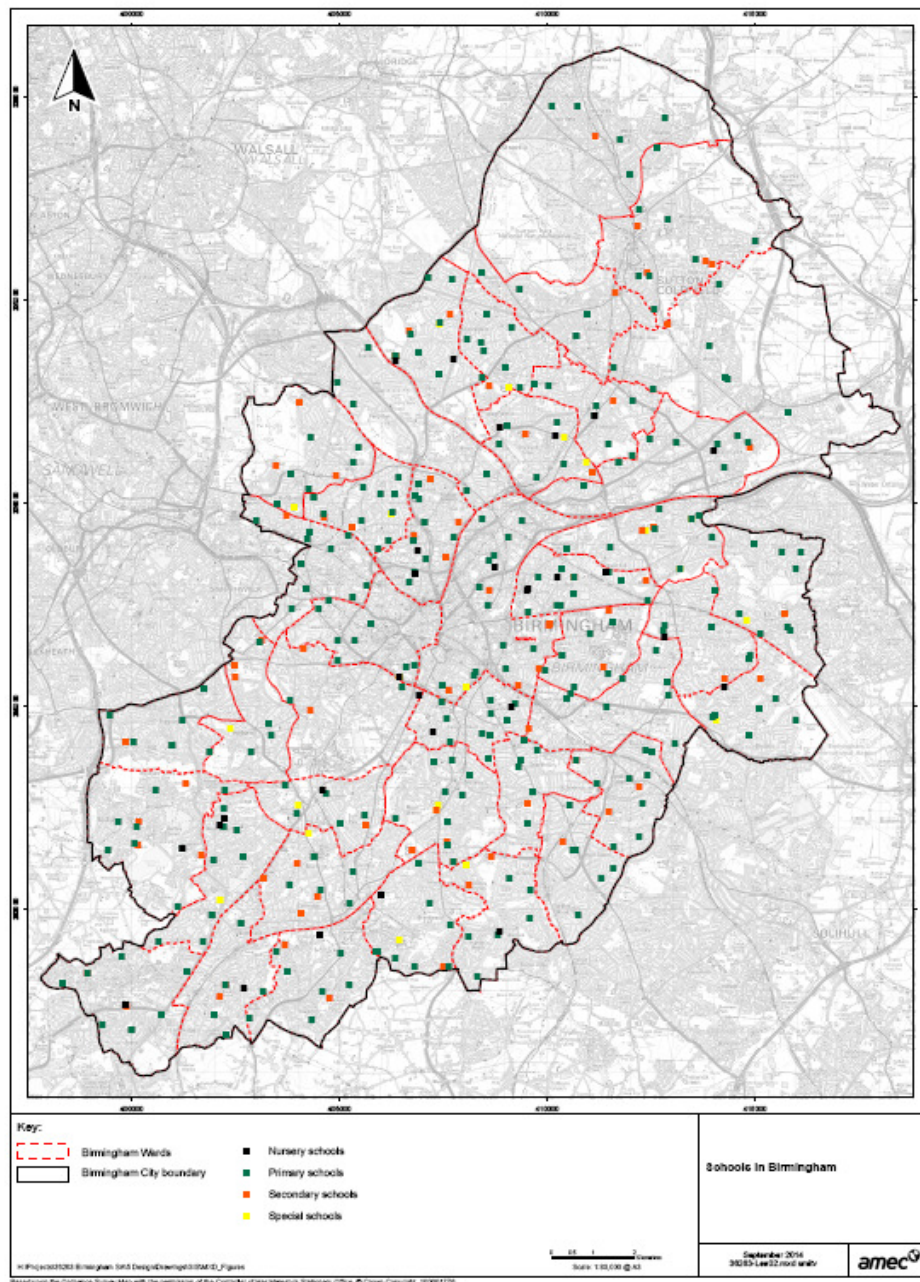
The City has a substantial education sector, from early years and schools through to colleges, universities and adult education. According to the Education Services Delivery and Improvement Plan (2017/18), the City has 445 state-funded schools. In addition, there are five colleges, five universities and a thriving independent school sector. The City Council itself is a major provider of adult and community learning through its Adult Education Service. (Figure 4.13). Birmingham is one of the youngest cities in Europe with around 46% of the population aged under 30. Based on 2014 levels, by 2022 the population aged between 0 to 4 is due to grow by 3.8% to 88,1000 children; the 5 to 9 population is expected to grow by 4.5% to 84,000 but the largest growth rate in Birmingham's children will be the 10 to 14 age group – increasing by 14.6% to 82,600. The demographic makeup of Birmingham's young people has also changed significantly over recent years and is becoming increasingly diverse. For example, according to the 2011 census over

⁵⁸ <http://centreofenterprise.com/about-the-lep/key-projects-and-issue/>

60% of the under 18 population is now from a non-white British background, compared to around 44% in 2001. Approximately, 43% of Birmingham's school children have a first language that is other than English. This equated to 38,089 pupils, which is 1.3% more than in 2014.

According to the Annual Population Survey (2017), the City has a substantial education sector (Figure 4.13). The pupils and students of the City's schools and colleges have made major improvement in educational achievement, closing the gap on national averages. The percentage of Birmingham's population achieving NVQ Level 3 or above in 2011 was 43.5%, and this has increased to 50.4% in 2017. However, this remains marginally below the Regional average (50.8%) and significantly below the National average (57.2%). The proportion of the population educated to degree level was 31.4% compared to 31.8% regionally and 38.6% nationally. As a result, nearly half the high-skilled jobs in Birmingham are currently taken by people who live outside of the City.

Figure 4.13 Nursery, Primary and Secondary Education Resources across Birmingham



Birmingham's 2016 GCSE results were very positive. 2016 saw the introduction of a new accountability system for schools with the new measure of Progress 8 – "the progress a pupil makes from the end of Key Stage 2 to Key Stage 4, compared with pupils nationally with similar attainment". The national average performance is therefore zero. A positive score indicates out-performing the national average. Birmingham's provisional result is zero, second best out of core cities.

Birmingham Adult Education Service (BAES) runs a number of adult education courses in the City and these can be undertaken in a variety of locations across the city and cover a wide variety of topics to help improve education and skills levels in the city. The Birmingham Education and Development Plan 2015-2020 includes a vision that by 2013 Birmingham will be:

'Renowned as an enterprising, innovative and green city that has delivered sustainable growth meeting the needs of its population and strengthening its global competitiveness.'

To deliver the vision the plan includes a number of objectives including to ensure sufficient school places for young people; that additional places are provided where needed at the right time to meet needs; and to ensure young people participate fully in the school education offer and beyond into further education and training.

Worklessness and long term unemployment is a key issue for Birmingham's residents and can lead to poor economic performance. Table 4.10 shows the total number of residents currently claiming Job Seekers Allowance (JSA). JSA is payable to people who are available for, and actively seeking work. The number of claimants steadily rose to over 50,000 in 2012 but had dropped to 30,685 by 2017. However, the claimant rate of 6.1% was higher than other cities in the UK – Newcastle was the next highest at 5.1%⁵⁹.

Table 4.10 Total JSA Claimants 2007 - 2017⁶⁰

	Birmingham (number)	Birmingham (%)	West Midlands (%)	UK
2007	35,058	7.7	3.9	2.7
2008	35,154	7.7	4.0	2.9
2009	49,011	10.7	6.6	4.8
2010	48,074	10.5	6.2	4.7
2011	49,319	10.8	6.2	4.8
2012	50,123	11.0	6.2	5.0
2013	47,278	10.4	5.8	4.6
2014	41,955	5.9	3.7	3.0
2015	31,605	4.4	2.5	2.1
2016	29,030	4.0	2.2	1.8
2017	30,660	4.2	2.3	1.8
2018	31,405	4.3	2.5	2.0

Birmingham's Local Centres

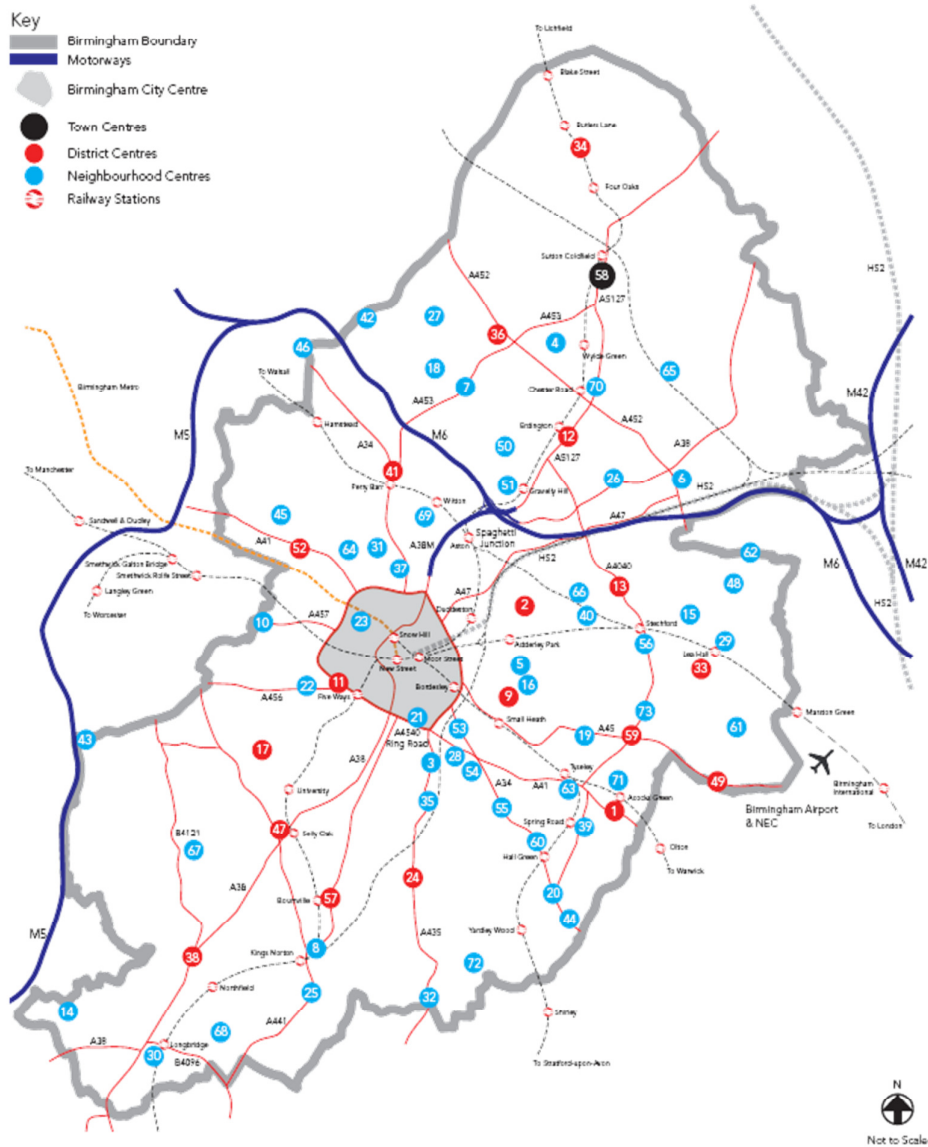
Birmingham's network of 73 local centres provides the focal points for much day-to-day shopping and community activity. Uses of buildings within local centres have been surveyed by Birmingham City Council

⁵⁹ Figures from Birmingham Labour Market Update January 2018

⁶⁰ ONS claimant count with rates and proportions and Birmingham Labour Market profile 2018.

during 2013 and 2014 in order to help track of changes in use which can affect their vitality and require a policy response. Figure 4.14 below maps the local centres across the City.

Figure 4.14 Birmingham's Local Centres



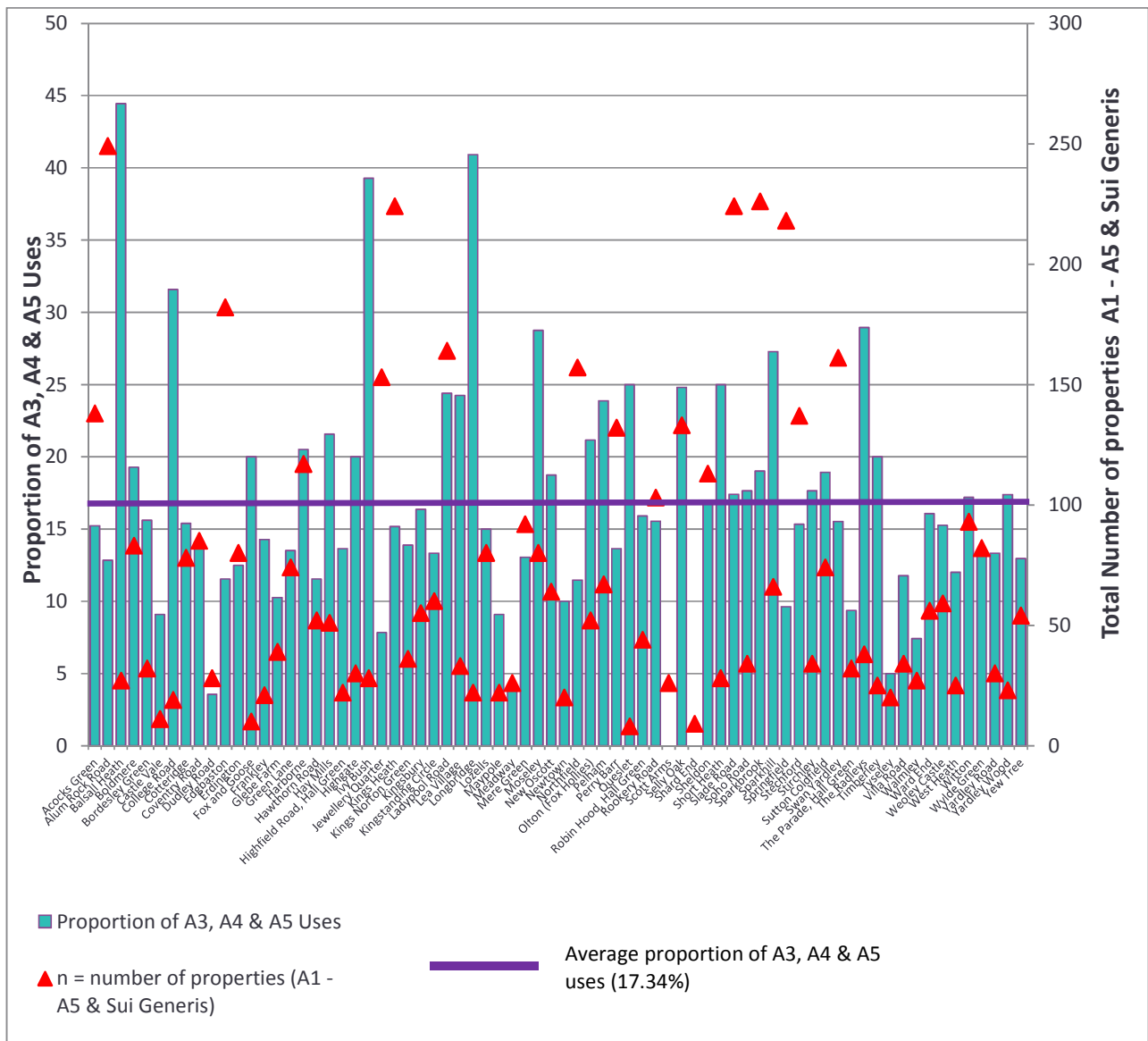
© Crown Copyright and database right 2011 Licence No. 100021326, 2012

Source: BCC (2012) Shopping and Local Centres SPD

- | | | |
|--------------------------------|-----------------------------------|----------------------------|
| 1. Acocks Green | 26. Kingsbury | 51. Slade Road |
| 2. Alum Rock Road | 27. Kingstanding Circle | 52. Soho Road |
| 3. Balsall Heath | 28. Ladypool Road | 53. Sparkbrook |
| 4. Boldmere | 29. Lea Village | 54. Sparkhill |
| 5. Bordesley Green | 30. Longbridge | 55. Springfield |
| 6. Castle Vale | 31. Lozells | 56. Stechford |
| 7. College Road | 32. Maypole | 57. Stirchley |
| 8. Cotteridge | 33. Meadway | 58. Sutton Coldfield |
| 9. Coventry Road | 34. Mere Green | 59. Swan |
| 10. Dudley Road | 35. Moseley | 60. The Parade, Hall Green |
| 11. Edgbaston | 36. New Oscott | 61. The Radleys |
| 12. Erdington | 37. Newtown | 62. Timberley |
| 13. Fox and Goose | 38. Northfield | 63. Tyseley |
| 14. Frankley | 39. Olton Boulevard (Fox Hollies) | 64. Villa Road |
| 15. Glebe Farm | 40. Pelham | 65. Walmley |
| 16. Green Lane | 41. Perry Barr | 66. Ward End |
| 17. Harborne | 42. Queslett | 67. Weoley Castle |
| 18. Hawthorn Road | 43. Quinton | 68. West Heath |
| 19. Hay Mills | 44. Robin Hood, Hall Green | 69. Witton |
| 20. Highfield Road, Hall Green | 45. Rookery Road | 70. Wylde Green |
| 21. Highgate | 46. Sandwell | 71. Yardley Road |
| 22. Ivy Bush | 47. Short Heath | 72. Yardley Wood |
| 23. Jewellery Quarter | 48. Shard End | 73. Yew Tree |
| 24. Kings Heath | 49. Sheldon | |
| 25. Kings Norton Green | 50. Short Heath | |

Analysis of the proportion of three use classes – A3 (restaurants), A4 (pubs and drinking establishments) and A5 (hot food takeaways) – which are likely to be a particular focus for policy, reveals significant variation across centres, and some disproportionately high occurrences above the mean of 17.34% (Figure 4.15). The significance of some of these relatively high proportions of A3/A4/A5 uses in terms of their relationship to issues such as health is unproven. Section 4.6.8 below explores the spatial pattern of health across Birmingham.

Figure 4.15 Proportion of Use Classes A3, A4 and A5 by centre and total units



Culture/Sport/Recreation

Birmingham is internationally known for sports and exhibitions, with well-known venues including the National Indoor Arena and the National Exhibition Centre. Developments in arts, sports and leisure have played a key part in the City's renaissance over the past twenty years. Birmingham has many strengths including world-class performance, arts, sports and exhibition facilities, and internationally recognised companies of cultural excellence. Many of these facilities are located in the City Centre, including the

International Convention Centre; Birmingham Symphony Hall, home of Birmingham Symphony Orchestra, the National Indoor Arena, a major concert and sporting venue; Birmingham Hippodrome; Birmingham Royal Ballet and Birmingham Museum & Art Gallery. These are complemented by smaller venues such as the IKON Gallery, Jam House and Electric Cinema.

The proportion of leisure development that has taken place in centres has varied considerably year on year, and there appears to be no clear trend or pattern. This is probably in part due to the fact that there are various types of leisure development and some (e.g. sports facilities associated with playing fields or pitches), would not necessarily be expected to be located in centres. The relatively high proportion of out-of-centre leisure development overall since 1991 (61%) is skewed by a small number of very large developments, such as 'Star City' (Nechells), Birmingham Great Park and Longbridge which were committed before the current national planning policy guidance came into effect. There has also been a significant amount of leisure development based around existing sports facilities in out-of-centre locations. During 2010/11 88% was built out-of-centre including an indoor sports arena at the Tenby building, Great King Street (Aston). Also out-of-centre, but under construction, included the erection of a 5,000 seat stand at the Alexander Stadium in Perry Barr. Birmingham will host the 2020 Commonwealth Games which will prompt a significant amount of construction activity.

Investment in new hotels continues e.g. the Radisson and Etap. Other recent leisure developments in the City Centre include Millennium Point and the Five Ways Leisure complex. A significant amount of leisure development that has taken place in Birmingham since 1991 has been tourism related, for example, the National Sea Life Centre and Millennium Point. The number of overseas visitors to the City has increased from 520,000 in 2000, to 713,000 in 2012 and 1,110,000 in 2015⁶¹. Birmingham is now the fourth most popular destination in the UK among overseas residents after London, Edinburgh and Manchester. Birmingham welcomed the highest number of visitors on record in 2016, with tourist numbers reaching 39 million, and tourism revenue hitting an all-time high of £6.5 billion.

Culture and leisure facilities both attract people to Birmingham and serve local residents. According to the Community Strategy, surveys show that 45% of Birmingham residents had been to the theatre or a concert in the city in the last year, while 36% had visited a museum or gallery.

Community Involvement

Community involvement can be measured by a number of indicators, including election turnout. Table 4.11 shows the election turnout in Birmingham for the 2017 General Election by constituency. It can be seen that the turnout varies between some of the different constituencies.

Table 4.11 General Election Turnout in Birmingham for the 2017 General Election

Constituency	% Turnout
Sutton Coldfield	70.06
Hall Green	69.63
Selly Oak	66.05
Edgbaston	64.21
Perry Barr	63.28
Northfield	61.53
Hodge Hill	61.50
Yardley	61.46

⁶¹ Source: <http://birminghamtoolkit.com/files/downloads/VisitorEconomyHeadlines2016withupdatedSTEAMfigures.pdf>

Constituency	% Turnout
Ladywood	59.21
Erdington	57.37

Source:

https://www.birmingham.gov.uk/info/20097/elections_and_voting/1273/parliamentary_general_election_results_june_2017/5

Erdington constituency had the lowest turnout, which was the third lowest turnout in the UK. Conversely, Sutton Coldfield had the highest turnout, but this was only the 217th highest turnout in the UK.

One important aspect of community involvement is the extent to which people feel involved in the development of their local area. As part of the Government's Big Society, new legislation has been introduced to encourage local people to have more say in how their area looks. Neighbourhood Planning is a process by which communities can come together and prepare land use plans that will guide the type of developments they would wish to see in their area.

The Sustainable Community Strategy indicates that in 2006, 40% of people agreed that they can influence decisions that affect their local area, an improvement of 22% from 2004. Furthermore, the Birmingham Community Strategy (Strategic Assessment Update November 2006) found over half those asked felt that people together can influence decisions in their constituency (most apparent in areas of Ladywood and Sparkbrook), compared to just over a quarter who felt that people collectively had little or no influence (most apparent in Perry Barr and Selly Oak).

Equality

Birmingham's residents are from a range of national, ethnic and religious backgrounds, as Birmingham is one of the most ethnically diverse cities in Europe. Table 4.12 summarises the proportion of the main ethnic groups present. Almost 10% are Pakistani, with the next largest groups being Indian and Black Caribbean. Between 1991 and 2001, the Black and Minority Ethnic (BME) population increased, particularly the Pakistani and Bangladeshi groups. BME groups are mainly concentrated in the inner parts of the City. BME groups vary in terms of housing, the labour market, health and age structure. Most established BME groups are growing through natural change and immigration. Since 2001 the city has attracted migrants from a widening range of countries, including Eastern Europe, Africa and the Middle East.

Table 4.12 Largest Ethnic Groups in Birmingham and England, 2010

Ethnic Group	% of Population Birmingham	% of Population England
White British	63.3	82.8
Pakistani	9.7	1.9
Indian	5.8	2.7
Black Caribbean	4.0	1.2
White Irish	2.1	1.1
White Other	2.6	3.6
Mixed Groups	3.2	1.8
Bangladeshi	2.5	0.7
All other groups	6.8	4.1

Source: Experimental Estimates, National Statistics, Crown Copyright 2010

Birmingham has a fairly youthful population. Approximately 46% of residents are younger than 30, compared with the national (England) average of 38%⁶².

Inequalities are reflected in statistics relating to people without a car. Birmingham has a relatively high percentage of households without a car, 38%, compared to the English average of 27%. The percentages without a car are high in the inner parts of the city and in some more peripheral areas. About two thirds of those in social-rented housing live in households without a car, as do nearly half of unemployed people and those not working because of long term sickness or disability. Percentages are particularly high among households containing lone pensioners and lone parents. Percentages are also high among Black, Bangladeshi and White Irish households.

Work undertaken for the West Midlands Local Transport Plan showed that there is generally good accessibility in most places at most times for the 33.7% (2001) of households without a car, due to the extensive bus network. However, two particular problems were identified with access for unemployed people to attend job interviews and with access to major NHS hospitals by public transport.

Further detail on equality has been covered in the section on Economy and Equality.

Health

Information on health for Birmingham can be found in the NHS Health Profile for the area 2017⁶³, which gives a snapshot of health in Birmingham. According to the NHS, life expectancy in Birmingham for males is 77.1 years which is 'significantly worse' when compared to an average across England of 79.5 years. Furthermore, life expectancy for females is 81.9 years compared to an average across England of 83.1 years.

Adults in Birmingham are less likely than average to follow healthy eating guidelines, but the proportion of obese adults is not vastly different to the England average. A survey undertaken by Sport England⁶⁴ reveals that there is a low rate of participation in sport and other physical activity in Birmingham compared with other local authorities within the West Midlands. The 2017 health profile reflects this trend with the percentage of physically active adults lower (51.1%) than the national average (57%).

Teenage pregnancy rates are 'significantly worse' for Birmingham (47.4 per 1,000) than the England average (38.1 per 1,000). Binge drinking is lower than the England average; however, hospital stays for alcohol-related harm were 'significantly worse' in Birmingham for 2017 with 6,786 per 100,000 rate of admission episodes for alcohol attributable conditions compared to the national average of 1,163⁶⁵. Rates of sexually transmitted infections are better than the England average. The incidence of malignant melanoma is lower than average (2017). Estimated levels of adult 'healthy eating' and obesity are worse than the England average.

People in routine and manual occupations have poorer health than those in more highly-skilled jobs, and these people are also more likely to smoke. The infant death rate is greater than the England average in this group. Birmingham has a higher than average number of people working in lower grade jobs such as process plant and machine operatives than in the rest of the West Midlands and England.

Local health priorities for Birmingham include childhood obesity, statutory homelessness and reducing the numbers of vulnerable children and adults

⁶² Source: Mid Year Population Estimates, ONS

⁶³ Available at <http://fingertipsreports.phe.org.uk/health-profiles/2017/e08000025.pdf> [Accessed April 2018]

⁶⁴ http://www.sportengland.org/research/active_people_survey/active_people_survey_2/regional_results.aspx

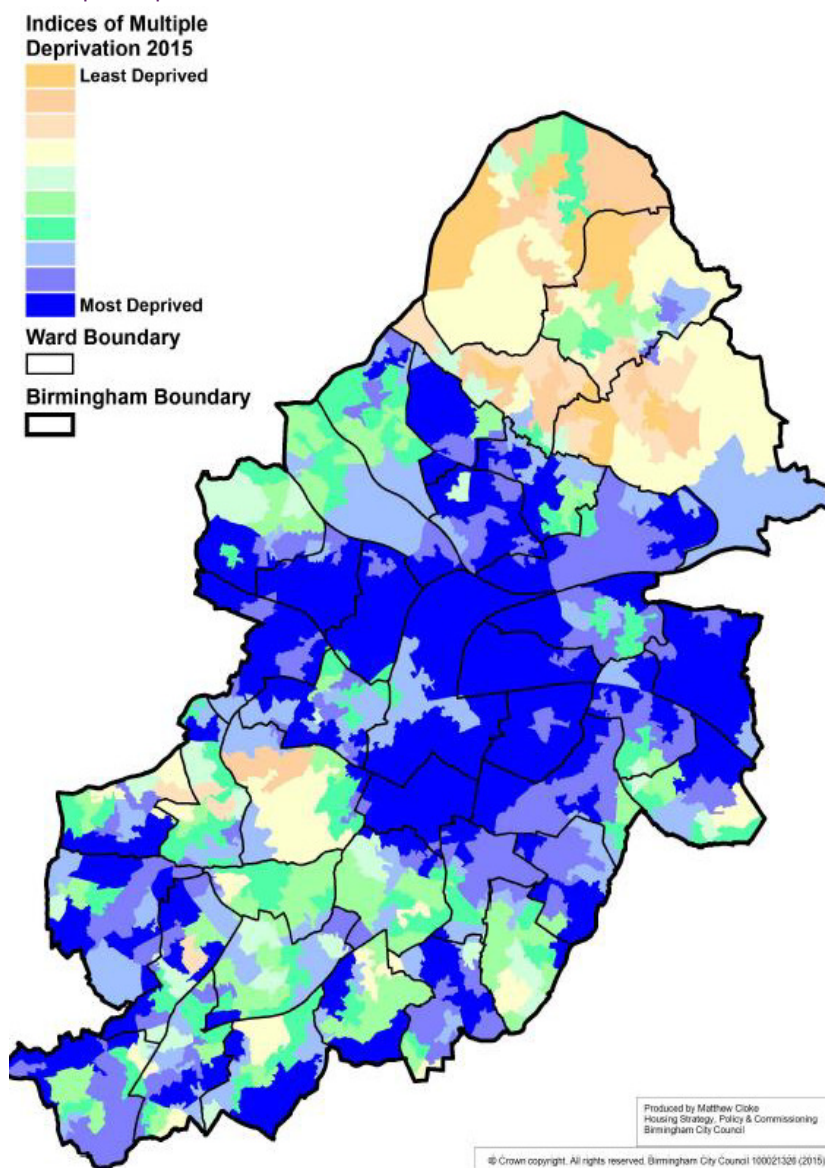
⁶⁵ Public Health Organisations (2017) Hospital stays for alcohol related harm from 2017 Birmingham Health Profile

Poverty

According to the Index of Deprivation, in 2015 about 40% of Birmingham's residents lived in areas that were in the most deprived 10% in England. Concentrations are very high in wards to the east, north and west of the City Centre and also in the Tyburn and Kingstanding Wards to the north of the M6 motorway (Figure 4.16). In 2014 (the most recent figures available) the proportion of child living in poor households in Birmingham was 32.9%, compared to 20.3% for England and 20% for the UK.⁶⁶

In Birmingham there are over 100,000 children living in poverty, the equivalent of 37% of all children in the city (after housing costs). Nearly half of Birmingham's children live in the 10% most deprived areas in the country – with nearly 8,000 living in the 1% most deprived areas. Birmingham Ladywood Constituency has the third highest level of child poverty in the UK among parliamentary constituencies with 47% of children living in poverty after housing costs⁴⁷.

Figure 4.16 Index of Multiple Deprivation 2015

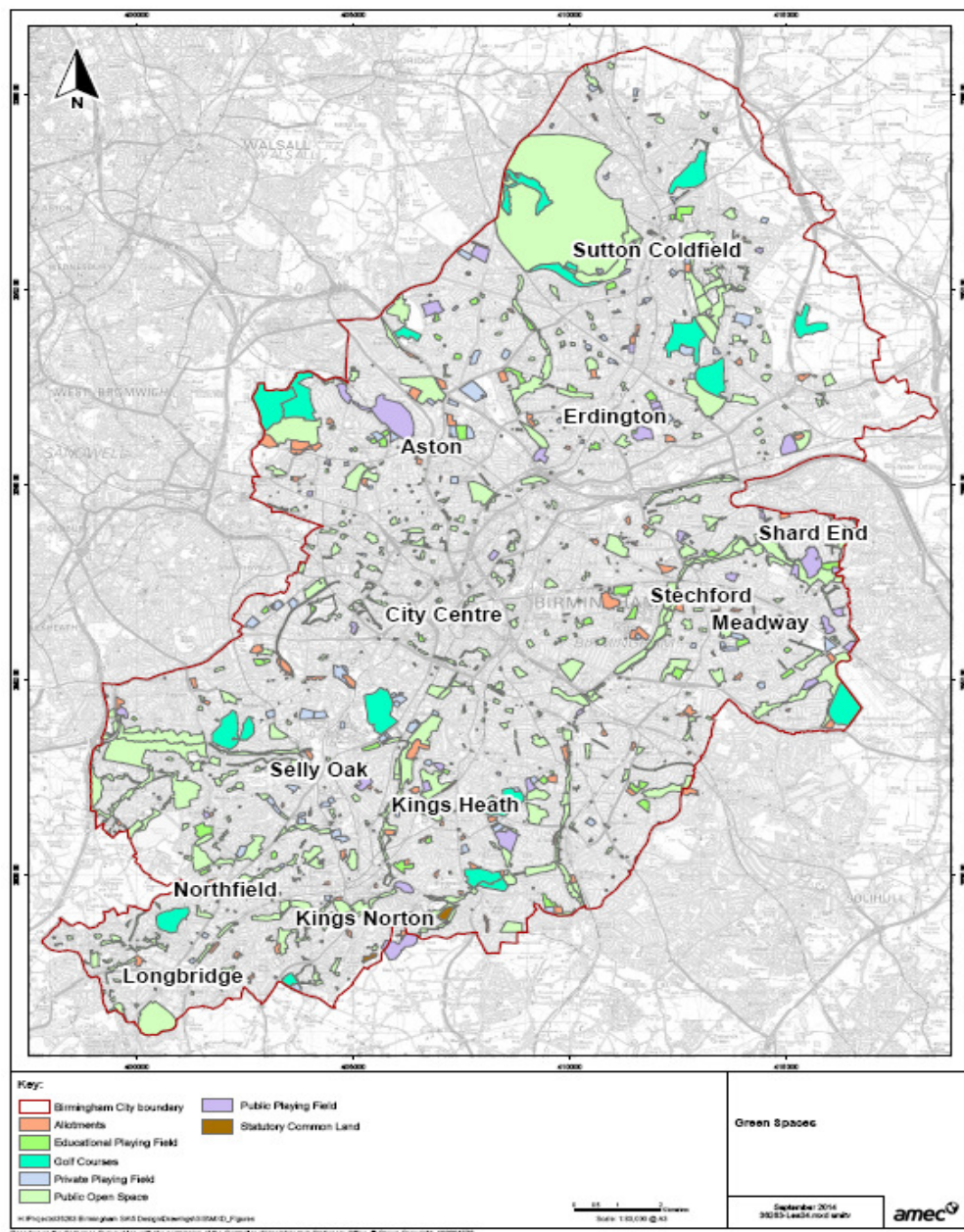


⁶⁶ <https://www.gov.uk/government/statistics/personal-tax-credits-children-in-low-income-families-local-measure-2014-snapshot-as-at-31-august-2014-30-september-2016>

Data from the Public Health Profile⁶⁷ for Birmingham from 2017 shows that over 50% of residents live in neighbourhoods classed as some of the most deprived (based on IMD classifications) compared to the average for England of 20%. In consequence, less than 10% of residents in Birmingham live in neighbourhoods classed as the least deprived.

As noted above, well planned GI can give access to high quality green spaces that will provide opportunities for better health and well-being. Figure 4.17 illustrates the distribution of green spaces, by type, across the City. Further information on health in Birmingham can be found in the Department of Health Birmingham Health Profile 2017⁶⁸.

Figure 4.17 Green Spaces Across Birmingham



⁶⁷ Available from <http://fingertipsreports.phe.org.uk/health-profiles/2017/e08000025.pdf> [Accessed April 2017]

⁶⁸ Department of Health Birmingham Health Profile 2017 <http://fingertipsreports.phe.org.uk/health-profiles/2017/e08000025.pdf>

Crime

Burglary crime in Birmingham was declining between 2011 and 2015, however the most recent data from 2016 indicates that crime is on the rise. The total Birmingham crime rate for 2014-2016 is 205 crimes per 1000 people. This is notably much lower than other cities of a similar size: the crime rate in Manchester – the next largest UK city after Birmingham – is 87% higher, at 384 crimes per 1000 people. Antisocial is the most reported crime in Birmingham, followed by violent crime, which is 40% higher than the national average. Crime and safety remain a concern of local people, however Birmingham City Council's Performance Plan⁶⁹ feedback indicates that 95% of Birmingham residents surveyed say they feel safe during the day. The Birmingham Community Safety Partnership's 2012 annual report reveals that the city is making good progress to reducing serious violence among 10-19 year olds, with a 19.3% reduction.

More recent figures show that Burglary crime whilst fluctuating has increased with 7,625 victims of Burglary reported for the 12 months ending 30th September 2017. Robbery has also increased with 3,647 incidents for the 12 months ending 30th September, compared with 3165 for the equivalent period in 2016. Shoplifting offences fell slightly, whilst violent offences have been steadily increasing, alongside possession of weapons offences. This is also reflected in the total crimes recorded in Birmingham which has been steadily increasing and stood at 96,992⁷⁰ for the 12 months ending 30th September 2017. In the month of February 2018, West Mercia police had recorded 10 street crimes in Birmingham and this included 3 violent offences, 1 incident of shoplifting and 2 other thefts.

Vehicle crime is a notably bigger problem in Birmingham than other cities. Although making up just 10% of total crime recorded in Birmingham in 2016 the city had the fourth highest amount of vehicle crime over the period in the country with 22 recorded incidents per 1,000 people which was 145%⁷¹ higher than the national average.

Figures from the Birmingham Community Safety Partnership in 2005 showed that there are certain areas in Birmingham which have higher burglary rates than elsewhere in Birmingham, notably Erdington Ward, Lozells in Perry Barr, Bournbrook Student Area in Selly Oak, Frankley and Rubery in Northfield, and Brandwood and Billesley Ward Boundary in Hall Green. The number of robberies and muggings in Birmingham tends to fluctuate (as demonstrated by the more up to date statistics provided above), but there were higher rates in the following four areas than in other areas in Birmingham: Nechells Parkway in Ladywood District, Soho Road Lozells and Aston in Ladywood and Perry Barr Districts; the city centre; Coventry Road on the Ladywood, Bordesley Green and Yardley Border. Noise

Levels of noise pollution are problems in certain parts of the city according to the Sustainable Community Strategy⁷². Surveys have shown that one in eight residents are concerned about noise, and the Council receives over 3,000 complaints about noise a year. Traffic is one of the principal sources of this noise. Birmingham has pioneered 'noise mapping' to help manage the problem.

Influence of the DM DPD on Population and Human Health

The influence of the DM DPD on population and human health could make a significant difference in respect of certain measures such as changes in the use of buildings in local centres. Here, for example, changes to hot food takeaways could be carefully monitored in order to gauge their potential impact on the character of the locality, health indicators and vulnerable groups such as children. Individual approaches to specific

⁶⁹ Source: <http://www.birmingham.gov.uk/cs/Satellite?c=Page&childpagename=Policy-and-Delivery%2FPageLayout&cid=1223092613434&pagename=BCC%2FCommon%2FWrapper%2FWrapper>

⁷⁰ All crime statistics from <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/recordedcrimedatatacommunitysafetypartnershiplocalauthoritylevel> [Accessed April 2018]

⁷¹ <https://www.verisure.co.uk/advice-and-help/crime-statistics/birmingham-crime-statistics>

⁷² https://www.birmingham.gov.uk/downloads/file/1543/strat1_sustainable_community_strategy_birmingham_2026_2008pdf

service centres may be required to take account of special circumstances including their size, economic health and proximity to specific receptors such as schools. More widely, the role of Green Infrastructure in promoting health and well-being needs to be recognised and planned for.

Water & Air Quality

The State of Birmingham's Rivers

The BCC SPD on sustainable management of rivers and floodplains⁷³ summarises the key issues relating to the state of the City's rivers:

- ▶ Parts of the river system are in a poor ecological state;
- ▶ Parts of the river system are inaccessible over much of their length and are of poor amenity value to the local community;
- ▶ Fly tipping of domestic and commercial waste;
- ▶ Beneath Birmingham, groundwater is rising, bringing with it contaminants that have previously remained in the ground;
- ▶ Wildlife habitats in the rivers and at the banksides have been badly damaged;
- ▶ During storms pollution flushes into the river, causing a loss of oxygen and killing fish; and
- ▶ There are increasing development pressures on bank-side locations.

Across the Humber River Basin⁷⁴ as a whole, despite recent progress, a range of challenges still remain, which will need to be addressed to secure the predicted outcomes. They include:

- ▶ Physical modifications - affecting 42% of water bodies;
- ▶ Pollution from waste water – affecting 38% of water bodies;
- ▶ Pollution from towns, cities and transport - affecting 16% of water bodies;
- ▶ Changes to the natural flow and level of water - affecting 6% of water bodies;
- ▶ Negative effects of invasive non-native species - affecting <1% of water bodies;
- ▶ Pollution from rural areas - affecting 32% of water bodies; and
- ▶ Pollution from abandoned mines - affecting 4% of water bodies.

Reservoirs and Canals

Birmingham has 22 reservoirs as defined under the Reservoir Act 1975 of which 11 large raised reservoirs are the responsibility of Birmingham City Council. The remaining reservoirs are the responsibility of a variety of organisations including Environment Agency (3), Severn Trent Water (5), British Waterways (1) and private companies (2). Of these, two reservoirs are used for drinking water supply and one, a canal feed reservoir at Edgbaston.

⁷³ https://www.birmingham.gov.uk/downloads/file/1166/sustainable_management_of_urban_rivers_and_floodplains_supplementary_planning_document

⁷⁴ Environment Agency (2016) Humber River Basin Management Plan

Birmingham has an extensive network of canals, the exact length depends on where you draw the city boundaries, but the whole Birmingham Canal Navigations system extends for approximately 160 miles in total. It is one of the most intricate canal networks in the world. These waterways converge in the city centre at Gas Street Basin. The canals within Birmingham include:

- ▶ Birmingham & Fazeley Canal;
- ▶ Birmingham Canal Main Line;
- ▶ Birmingham Canal Old Main Line;
- ▶ Grand Union Canal;
- ▶ Tame Valley Canal;
- ▶ Worcester and Birmingham Canal; and
- ▶ Stratford-upon-Avon Canal.

Air

The whole of Birmingham was declared as an Air Quality Management Area (AQMA) in 2003. The main pollutant is nitrogen dioxide, the primary sources of which are transport and industrial combustion processes.

The transportation sector is a major contributor to the emissions of nitrogen oxides across the city, but there has been a slight decrease in the traffic contribution over the last few years according to the Air Quality Action Plan. The City's principal road network is illustrated in Figure 4.18 and shows the distinct presence of motorways to the north of the City and their influence, along with the City Centre, on NO₂ concentrations (Figure 4.19). The overall number of morning rush hour car trips into Birmingham City Centre has declined by around one third over the period 1999 – 2011 (AMR, 2013), replaced by an increase in rail trips by one third (18,987 to 27,674) and a doubling of tram trips (998 to 1,687).

Figure 4.18 Birmingham's Transportation Network

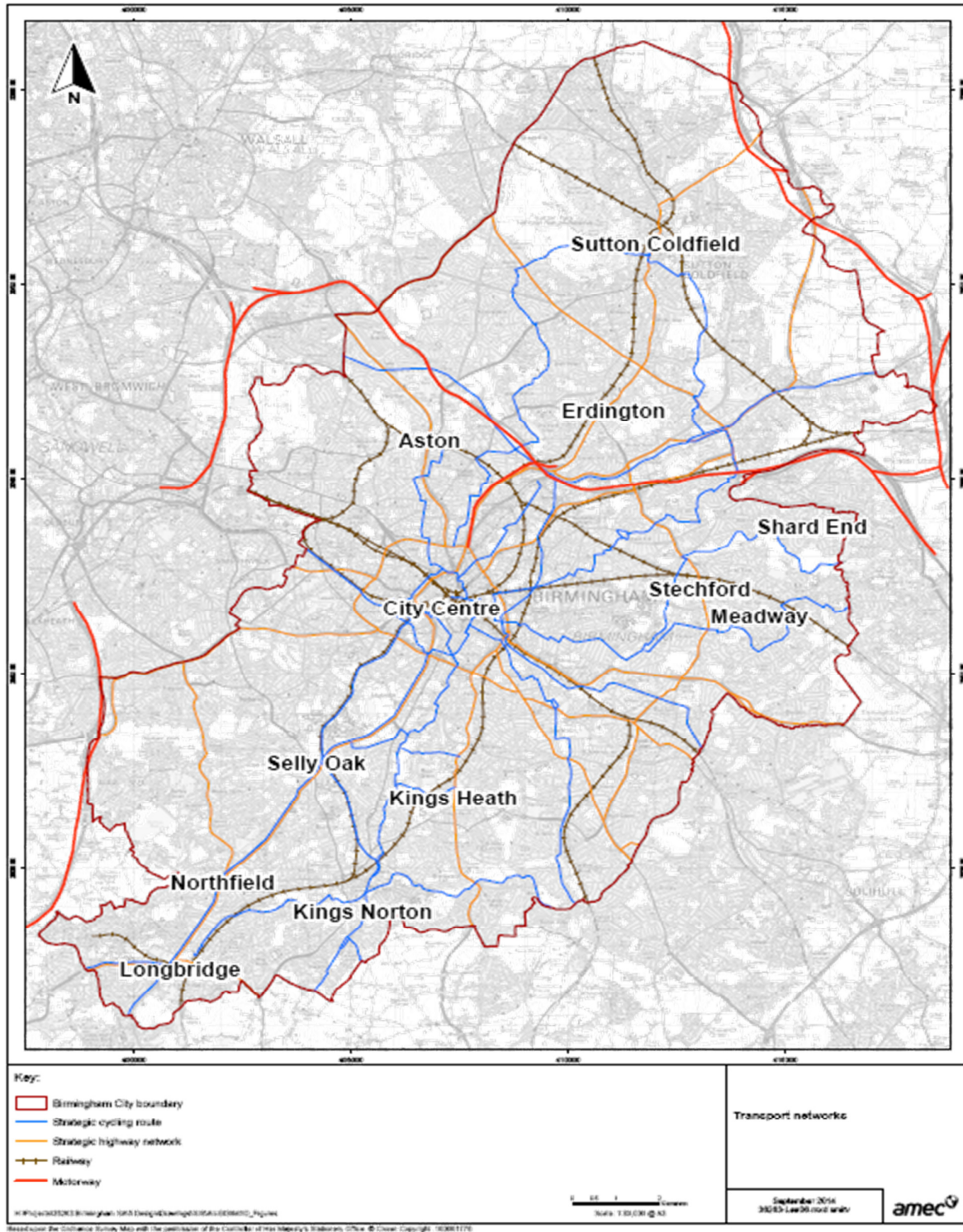
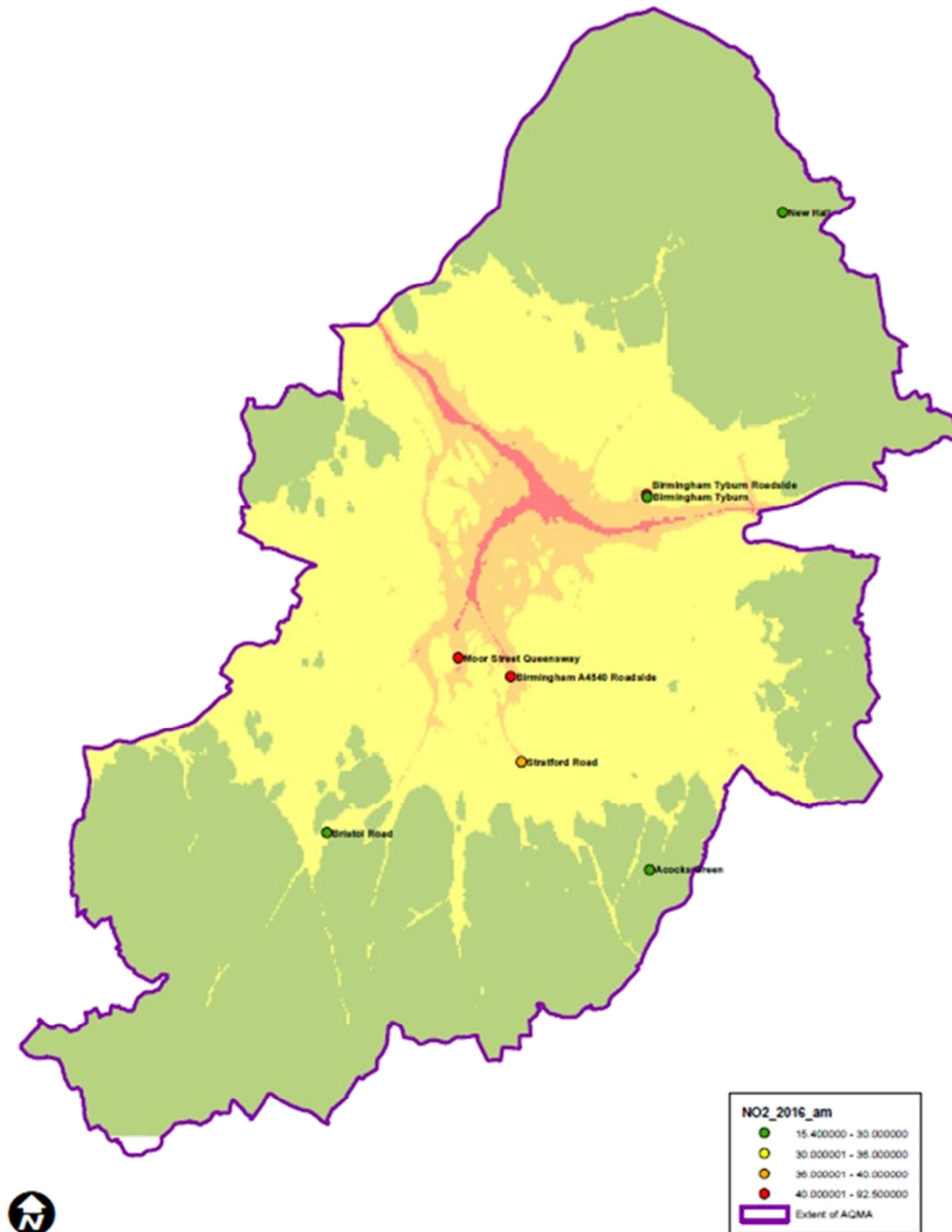


Figure 4.19 Modelled N02 Concentrations across Birmingham 2016⁷⁵

Influence of the DM DPD on Water and Air Quality

The influence of the DM DPD on water and air quality is likely to be both direct and indirect, short and longer term, and potentially cumulative reflecting the impact of multiple developments over a long timescale. Through the application of the supporting criteria to the policies and appropriate conditions, negative effects should be avoided and where appropriate mitigated. However, monitoring of developments will be required to determine net effects. A specific issue relates to the increased volume of waste water and sewage effluent

⁷⁵ Birmingham City Council (2017) 2016 Air Quality Annual Status Report (ASR)

associated with City's growth proposals will need to be treated to a high enough standard to ensure that there is no detriment in the quality of the watercourses receiving this discharge. Given the dispersed nature of the proposed development, it is likely that there will be a requirement for widespread upgrading of the sewerage pipe network throughout the City. Policy will need to ensure that the sewerage system has adequate capacity to manage any additional flows.

Cultural Heritage

Built and Historic Environment

Birmingham has a wide variety of distinctive historic townscapes, buildings and landscapes. The extent of the City's historic resource is summarised in Table 4.13 and mapped in Figure 4.20.

Table 4.13 Birmingham's Historic Built Environment

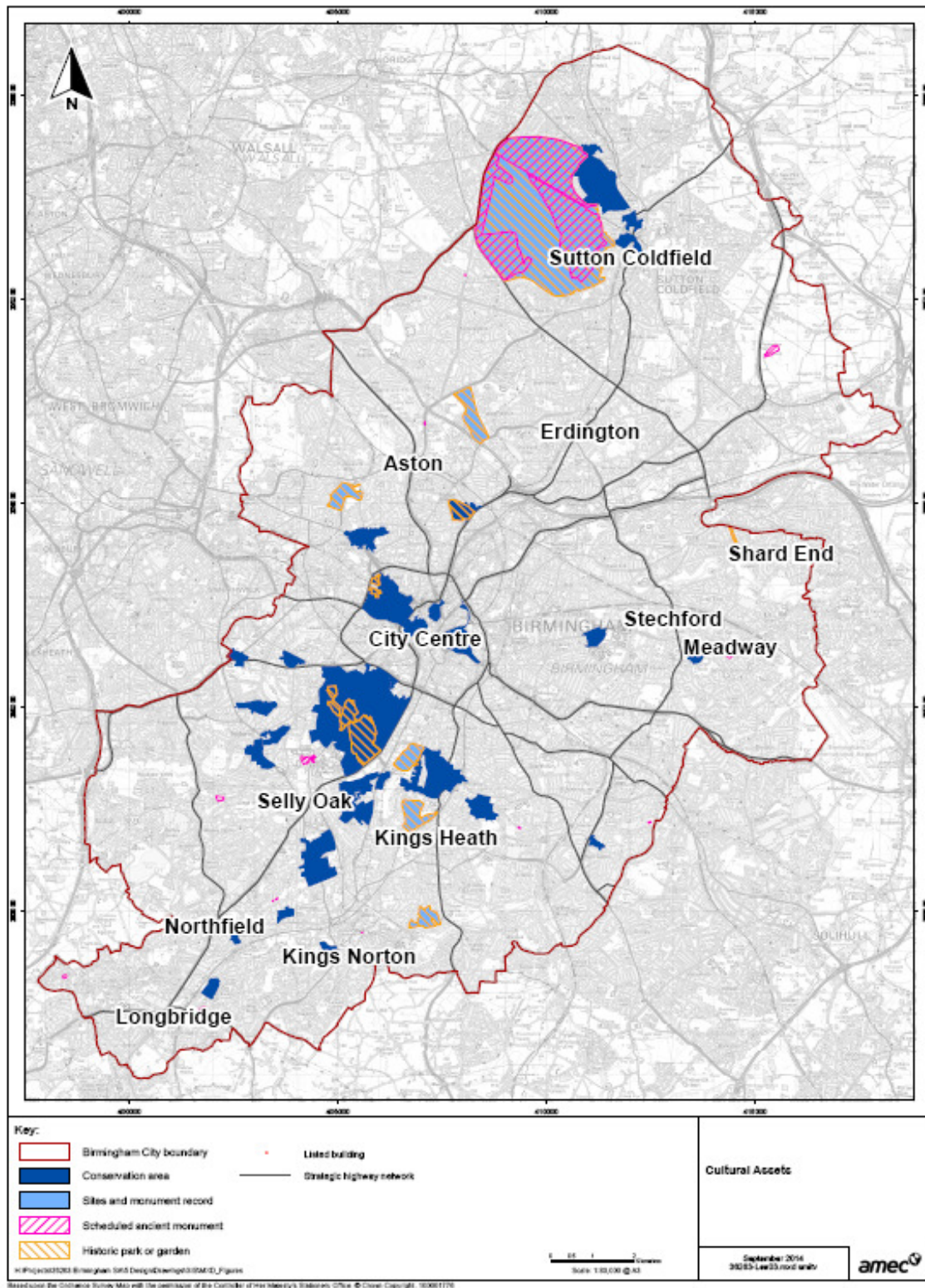
Heritage Asset	Number	Area (Hectares)
Scheduled Ancient Monuments	14	528.72
Statutorily Listed Buildings	1,486	369.98
Locally Listed Buildings	444	176.06
Conservation Areas	30	1,223.22
Registered Parks and Gardens	14	1,183.44
		Length (Kilometres)
Canals	-	57.4

Source: Birmingham City Council, AMR (2015)

There are currently 30 Conservation Areas in Birmingham, which account for 4% of the land area of the City including five within the City Centre. Some Conservation Areas, such as the Jewellery Quarter and Bourneville, are unique and are nationally recognised. Birmingham also has nearly 1,500 statutorily listed buildings and 14 registered parks and gardens of special historic interest. The City Council applied to the United Nations Educational, Scientific and Cultural Organisation for 'World Heritage Site' status in 2011 for the Jewellery Quarter. The City's Listed Buildings range in date from mediaeval churches and houses to important examples of twentieth century architecture. Birmingham also has an extensive network of historic canals, reflecting its key role during the Industrial Revolution in the eighteenth and nineteenth centuries.

The City's archaeological resource is surprisingly varied for such a major urban area. Some remains are recognised as being of national importance, and are protected by scheduling. Known remains range in date from prehistoric earthworks to nineteenth and twentieth century industrial buildings and structures. The Historic Environment Record maintained by the City Council includes details of all known archaeological remains within the City. These now total almost 5,525 records which has increased from 5,445 from 2012. Historic Landscape Characterisation of the City commenced in 2011 with 4,141 polygons captured. Environmental improvements by the City Council during the late 1980s and early 1990s, such as the development of the ICC and Centenary Square, Victoria Square and the pedestrianisation of New Street, have improved the overall quality of the environment within the City Centre. There have been notable successes in relation to improving the quality of design and the environment, particularly in the city centre. This was recognised by the award to the city of the RTPI Silver Jubilee Cup in 2004. Birmingham also won the European City of the Future Award at the European Property Awards in Munich in 2005.

Figure 4.20 Birmingham's Heritage Assets



There are a number of challenges and opportunities facing Birmingham's historic environment including the condition of its designated and non-designated heritage assets, the continuing programme of townscape and public realm improvements, pressure on the skyline and its cultural identity and distinctiveness.

There are 26 entries on Historic England's 'at risk' register for Birmingham⁷⁶ and these include a number of churches, the Grand Hotel on Colmore Row, the public baths in Moseley, the Red Lion pub on Soho Road, several conservation areas, former school of art on Moseley road, and Perrott's Folly. The condition of these historic assets on the register varies, for example Icknield Street School is classed as category A i.e. at immediate risk of further rapid deterioration, as are the public baths on Moseley Road, the Red Lion pub on Soho pub is category C so in slow decay but not in any immediate risk of rapid deterioration and Austin Village Conservation Area is in very bad condition and is deteriorating significantly. Some of these are in the process of being repaired or have plans in place for repair whilst others are at risk, for example the vacant British Rail goods office.

Birmingham's Heritage Strategy⁷⁷ 2014-19 has four key aims:

- ▶ Preservation – including ensuring heritage is properly considered in the planning process, supporting the Heritage Champion and improving the sustainability of heritage programmes and projects;
- ▶ Prioritisation – including working with the Heritage Strategy Group to bring forward projects, including in local districts, to co-ordinate bidding for funds and planning for major anniversaries and city events;
- ▶ People – including participation, engagement volunteering, celebrating local heritage and identity and supporting Districts to engage with heritage in neighbourhoods; and
- ▶ Promotion – including building a better story around our heritage and improving our marketing of heritage assets.

The strategy notes that given reductions in funding available that partnership working will be important going forward for Birmingham's historic environment. The strategy also notes Community Infrastructure Levy (CIL) will be important for providing funding for the historic environment and also the Heritage Lottery Fund (HLF). HLF has identified a number of priority areas in the city which have received less funding than other parts of the region. These are:

- ▶ Perry Barr;
- ▶ Oscott;
- ▶ Handsworth Wood;
- ▶ Lozells & East Handsworth;
- ▶ Aston;
- ▶ Soho;
- ▶ Ladywood; and
- ▶ Nechells.

There is a continuing programme of townscape and public realm improvements in Birmingham which presents opportunities for historic environment improvements. One of the big City Centre development

⁷⁶ <https://historicengland.org.uk/advice/heritage-at-risk/search-register/results?q=birmingham&searchtype=har&page=2> [Accessed July 2018]

⁷⁷ Birmingham Heritage Strategy 2014-2019 Available at https://www.birmingham.gov.uk/downloads/file/2008/exam_30_birmingham_heritage_strategy_2014-2019 [Accessed July 2018]

schemes currently ongoing is the paradise area between the museum and art gallery and the library. Paradise is to be transformed into a vibrant mixed use development of commercial, civic, retail, leisure and hotel space, providing major improvements to pedestrian access and greatly enhanced public realm befitting this exemplary historic setting. There are also masterplans for developments in other parts of the City Centre including around Snowhill.

In 2017 Historic England published an updated edition of Streets for all which is a practical guide for anyone involved in planning and implementing highways and public realm works in sensitive historic locations. A supplementary document was then published in the context of the West Midlands⁷⁸. This document explains how historic character adds value to the region's contemporary public realm and summarises some of the priorities and opportunities for further improvements to the West Midland's streetscapes.

This supplementary document notes that through support by the Greater Birmingham and Solihull Local Economic Partnership, Birmingham is now in the top three spenders on public realm nationally. This level of spending has helped to deliver a number of public realm improvements across the City.

Natural Landscape

Although much of Birmingham is built up, there is a significant amount of open land within the City (Table 4.14).

Table 4.14 The Natural Environment and Open Space

Open Space Category	Area (ha)	% of City Council Area
Sites of Special Scientific Interest	896.59	3.35
National Nature Reserves	811.73	3.03
Local Nature Reserves	316.73	1.16
Sites of Importance for Nature Conservation	828.03	3.09
Sites of Local Importance for Nature Conservation	698.98	2.62
Public Open Space	3,069.77	11.46
Public Playing Fields	296.9	1.11
Private Playing Fields	268.11	1.0
Private Open Space	67.19	0.25
Educational Playing Fields	166.33	0.62
Golf Courses	657.78	2.46
Statutory Common Land	11.25	0.04
Allotments	243.8	0.91
Green Belt	4,154.77	15.52

Source: Birmingham City Council, AMR (2015)

Landscape character is a key contributor to regional and local identity, influencing sense of place, shaping the settings of people's lives and providing a critical stimulus to their engagement with the natural environment. The National Character Areas (NCAs) provide a description of landscape character across

⁷⁸ <https://content.historicengland.org.uk/images-books/publications/streets-for-all-west-midlands/heag149h-sfa-west-midlands.pdf/>

England⁷⁹. These are used by Natural England to provide a context for monitoring landscape change through the Countryside Quality Counts (CQC) project⁸⁰. Birmingham falls within two NCAs, Arden to the south and Cannock Chase and Cank Wood to the north. The part of the City which lies within Arden is almost entirely urbanised. The wider landscape to the south is characterised by a farmed woodland landscape of rolling landform with narrow meandering river valleys.

The National Character Area description relevant to Birmingham states:

"Birmingham has a clearly-defined concentric pattern of development. Much of the landscape is dominated by 19th and 20th century housing, the former in characteristic red brick. Canals, parks, golf courses and the river corridor form the main open spaces, with a substantial parkland area around the University at Edgbaston and some low-density garden suburbs like Bourneville. Enclosed within the urban area are fragments of older landscapes like Castle Bromwich Park⁸¹."

The change in landscape character in the period 1998-2003 is described in the CQC assessment as:

"...development pressure continues to be evident throughout the area, with evidence of expansion around many major settlements such as Nuneaton, Coventry, Bromsgrove and Redditch, and expansion of major roads such as the M6 toll⁸²."

The northern part of the city lies within the Cannock Chase and Cank Wood NCA. Relevant extracts from the JCA are set out below:

"Cannock Chase and Cank Wood is a landscape dominated by its history as a former forest and chase and by the presence at its centre of the South Staffordshire Coalfield. It forms an area of higher ground, with the towns and large villages of the Black Country rising out of the lowlands of Shropshire and Staffordshire to the west. In the south it merges with Birmingham and Arden. 9% of the area is woodland, 45% is urban and 9% lies within Cannock Chase AONB. Part of the area lies within the Forest of Mercia (Community Forest) and the Black Country Urban Forest. To the north of Birmingham and west of West Bromwich there are many more areas of open land, primarily in agricultural use, but with a large historic park at Sutton Park and with fragments of heathland, such as Barr Beacon. There are medium-sized fields, generally with good quality hedgerows, patches of ancient enclosure fields and areas of semi-natural vegetation including acid grassland, pools, fens and fragments of ancient woodland. Narrow, hedged lanes are often present and there is a real feeling of countryside despite the nearness of the built-up area⁸²."

The change in landscape character is characterised in the CQC assessment as:

"High rate of change to urban (JCA ranked 11th nationally); 46% of JCA is within greenbelt. Marked expansion of fringe into peri-urban around Cannock, Lichfield, Burntwood and Norton Canes. Also development of M6 Toll has had major impact. Character of the area continues to be transformed."

Approximately 15% of Birmingham's land area is designated as Green Belt which lies within the Cannock Chase and Cank Wood JCA. This includes all the open countryside within the City's boundary, as well as other areas extending into the City, for example along river valleys. There are also areas of open space within the built-up areas of the City, such as parks and playing fields, nature reserves and allotments.

Influence of the DM DPD on Cultural Heritage

Development Management policies potentially have a significant influence over cultural heritage assets, emphasising the importance of clear policy, application of suitable conditions and monitoring of impacts to mitigate potential negative impacts.

⁷⁹ <http://publications.naturalengland.org.uk/category/587130>

⁸⁰ <http://www.countryside.gov.uk/LAR/Landscape/CC/cqc.asp>

⁸¹ Source: http://www.naturalengland.org.uk/Images/jca097-arden_tcm2-21191_tcm6-5424.pdf

⁸² Source: <http://www.farmsteadstoolkit.co.uk/downloads/jca/JCA%2067.pdf>

Appendix C

Consultation Responses on the Scoping Report update (August 2018) and the Council's Response

Ref	Consultee	Consultee Response Summary	Response/ Action
1	Natural England	<p>General Comments</p> <p>We understand that due to the delayed adoption of the Birmingham Development Plan (adopted January 2017), work on this DPD has been put on hold and re-started this year. We also understand that Natural England provided comments on the 2014 SA Scoping Report in correspondence to you dated 22 January 2015.</p> <p>Specifically, we support and welcome the updating of this report in respect of the main changes (as acknowledged by your authority):</p> <ul style="list-style-type: none"> - Updates to the evidence base (where required); - Updated DPD objectives (which are now the same as the BDP objectives); and - Updated review of policies and programmes. 	<p>Comments are noted. No action taken.</p> <p>Comments are noted. No action taken.</p>
	Natural England	<p>Scope of the Proposed Assessment</p> <p>We welcome the reference to the need for a Habitat Regulations Assessment and confirm that a HRA will be required to ascertain if any likely significant effects on any European site as a result of the Plan's implementation (either on its own or 'in combination' with other plans or projects) will occur and, if so, whether these effects will result in any adverse effects on the site's integrity.</p> <p>Where the possibility of significant effects cannot be excluded, a more detailed Appropriate Assessment (AA) is carried out to determine whether those effects would adversely affect the integrity of European sites.</p> <p>We welcome the comprehensive list of Plans, Programmes and Strategies relevant to the SA/SEA of the DM DPD at Table 3.1. Natural England has not reviewed the plans listed. However, we advise that the following types of plans relating to the natural environment should be considered where applicable to your plan area:</p> <ul style="list-style-type: none"> • Green Infrastructure Strategies • Biodiversity Plans • Rights of Way Improvement Plans • Shoreline Management Plans • Coastal Access Plans • River Basin Management Plans • AONB and National Park Management Plans • Relevant Landscape Plans and Strategies. 	<p>Comments are noted. No action taken.</p> <p>Comments are noted. No action taken.</p> <p>Comments are noted. No action taken. The plans and programmes listed are considered to be comprehensive.</p>
	Natural England	<p>Main Issues Identified</p> <p>We welcome and generally agree with the key sustainability issues for Birmingham as detailed at Table 4.1.</p> <p><u>Proposed Objectives and Guide Questions</u></p> <p>NE notes that that only one guide question relates to biodiversity – i.e. 'Will development protect and where possible enhance the City's cultural and natural heritage?' – In this regard, we recommend the strengthening of the need for restoration or enhancement of biodiversity in line with National Planning Policy Framework.</p> <p><u>Table 6.3 – Compatibility between the Sustainability Objectives and the Draft DM DPD Objectives</u></p> <p>NE advises that effective and inventive application of Policy ENV4 ('To encourage high quality development which protects and enhances Birmingham's cultural and natural heritage') can also lever in positive benefits towards 'education' and 'sustainable connectivity' Plan Objectives via adoption of a multi-functional green infrastructure</p>	<p>Comments are noted. No action taken.</p> <p>This comment has been actioned accordingly.</p> <p>Positive benefits on these objectives have now been noted via positive scores in this table.</p>

Ref	Consultee	Consultee Response Summary	Response/ Action
		approach.	
	Natural England	<p>Objectives Covering the Breadth of Issues Appropriate for Assessing the Effects</p> <p>Generally, yes. We welcome in particular the positive correlations made between effective green infrastructure and human health.</p> <p>Ecological connectivity: There is a risk that in some situations, development on land of limited biodiversity value in its own right can lead to the creation of islands of biodiversity, permanently severed from other areas. We thus suggest adding 'Ensure current ecological networks are not compromised, and future improvements in habitat connectivity are not prejudiced'.</p>	<p>Comments are noted. No action taken.</p> <p>Objective ENV4 amended to: <i>"To encourage high quality development which protects and enhances Birmingham's cultural and natural heritage, including resilient ecological networks able to meet the demands of current and future pressures."</i></p>
2	Environment Agency	<p>Evidence Base</p> <p>The updated scoping report incorporates our previous comments from 2015. The most up to date evidence base should be used going forward for this assessment.</p> <p>The Birmingham Level 1 & Level 2 SFRA's were completed in 2012 and these should be updated to take into account the most accurate flood risk information and the updated climate change allowances (published in February 2016).</p>	<p>Comments are noted. No action taken.</p> <p>Comments are noted. No action taken – the Council will consider updates to the SFRA's as part of the evidence base work in support of this DPD.</p>
	Environment Agency	<p>Aims and Objectives</p> <p>Section 1.3 'Aims and Objectives' does not include any reference to flood risk. The second to last bullet point states to 'enhance Birmingham's natural environment' but there should be a wording to ensure flood risk is not increased and reduced at every possibility.</p>	<p>For continuity, the Aims and Objectives are drawn from the Birmingham Plan. These will be reviewed as part of future plan review.</p>
	Environment Agency	<p>Flood Risk Baseline</p> <p>In this section 'Managing and Reducing Flood Risk', the figures used relate to 2012/13 and 2013/14. We consider this section should refer to the most up to date data available which is most likely to be more representative.</p> <p>We assume the 'Historic Flood Risk' section on page 41 includes all flooding events to have occurred in Birmingham? We consider this should be updated with the most recent flooding events as it currently it goes up September 2008 and there have been a number of flooding events since then.</p>	<p>More recent data has now been included in this section.</p> <p>Reference to more recent flooding events has been added in this section.</p>
	Environment Agency	<p>Groundwater and Contaminated Land</p> <p>From a Ground Water and Contaminated Land perspective there are no additional detailed comments to make on the updated Scoping Report. However we would re-iterate our comments made in 2014 regarding land contamination issues.</p> <p>Land contamination can be a significant source of water pollution in the environment. In the worst cases pollution plumes can extend many kilometres and can also cause pollution that impacts on boreholes used for Public Water Supply or impact the quality of ecology in linked surface waters.</p> <p>The plan should seek to protect water quality through the various regulatory and advisory mechanisms with respect to land contamination. The aim should strongly encourage voluntary remediation or remediation of land contamination through the planning regime.</p> <p>The plan should encourages the use of sustainable and effective remedial measures to prevent or address water pollution from sites affected by contamination and so provide a better environment and amenity value. This includes the sustainable recycling of water and soils where appropriate. However, these operations must not result in an unacceptable release to groundwater and must where necessary have appropriate permits and controls.</p>	<p>Comments are noted. No action taken.</p> <p>Comments are noted. No action taken.</p> <p>Comments are noted. No action taken.</p> <p>Comments are noted. No action taken.</p>

Ref	Consultee	Consultee Response Summary	Response/ Action
		<p>Sustainable remediation should seek to manage unacceptable risks to human health and the environment (including groundwater), while optimising the environmental, economic and social impacts. Sustainable remediation appraisal requires consideration of a wide range of environmental, social and economic factors, including, for example, climate change impacts such as greenhouse gas emission from the remedial works or the site itself, worker safety and cost.</p> <p>The concept that a site should be 'suitable for use' should underlie the approach to remediation of historic contamination. This means suitable for the environment as a whole, not just for use by people. Protecting surface water and groundwater may mean carrying out work over and above that required to make the land suitable for the proposed development and to protect human health.</p> <p>We would also strongly recommend that strategies promote risk based assessment methodology and good practice promoted through use of the framework, tools and supplementary guidance set out in Model procedures for the management of land contamination (Contaminated land report 11) (Environment Agency and Defra 2004).</p> <p>Management of Contaminated Land by application of the well-established principles and practices outlined above will help both the Local Authorities and the Environment Agency deliver its obligations to reduce diffuse urban pollution required by virtue of the Water Framework Directive.</p>	<p>Comments are noted. No action taken.</p> <p>Comments are noted. No action taken.</p> <p>Comments are noted. No action taken.</p> <p>Comments are noted. No action taken.</p>
3	Historic England	<p>Executive Summary</p> <p>In the Executive Summary can you please change reference from English Heritage to Historic England.</p>	This change has been actioned accordingly.
	Historic England	<p>Section 3 Plans and Programmes Review</p> <p>You may wish to add: The Government's Heritage Statement, 2017. https://www.gov.uk/government/publications/the-heritage-statement-2017</p> <p>Protecting the past – informing the present. Birmingham's' Heritage Strategy 2014-2019 https://www.birmingham.gov.uk/downloads/file/2008/exam_30_birmingham_heritage_strategy_2014-2019</p>	These have been added to the plans and programmes review accordingly.
	Historic England	<p>Section 4 Key Sustainability Issues</p> <p>At present the Report sets out what the City's designated heritage assets area with a brief commentary but doesn't really set out the challenges and opportunities (the issues) facing Birmingham's historic environment such as the condition of its designated and non-designated heritage assets; the continuing programme of townscape and public realm improvements; the pressure on its skyline and its cultural identity and distinctiveness. Where do the risks lie? Birmingham's Heritage strategy (see above) may be a useful source.</p>	The historic environment section of the baseline has been updated accordingly.



Appendix D

Consultation Responses on the Scoping Report (2014) and the Council's Response

Consultee: English Heritage

"It appears an appropriately focussed proposal, proportionate and streamlined to the role of the Plan and as such I have no concerns. However, you may wish to apply the same or similar indicators as those that will monitor the HE policy in the B'ham Plan and in particular re the city's heritage assets formerly 'at risk'.

For information, EH has prepared specific guidance for the preparation of SA in relation to historic environment. It may be worth referring this to AMEC to consider and apply during work on the SA and the environmental report."

Consultee: Environment Agency

Comment	Response
<p><u>Executive Summary</u></p> <p>We support the inclusion of environmental issues identified as Key Sustainability Issues for the city of Birmingham (pages vi-ix).</p>	Noted
<p>We note the issue of water resources is raised in Theme 1; Resource Use, however recommend that another key theme relating to water sustainability is the timely provision of foul drainage infrastructure to support the proposed level of growth. The city's transmission infrastructure is currently undersized to accommodate the increase in loading that will go hand in hand with the level of development proposed and the SA should ensure this is addressed through the DM DPD.</p>	Reference to foul drainage added to Theme 1
<p>We welcome the consideration of both climate change adaption and mitigation (Themes 2, 9 and 10). We question however whether Theme 10 should be relabeled as Flood Risk as this is the only issue identified in relation to the management of climate change. We question whether there are other climate change related issues that should be incorporated under this heading relating to health, wellbeing, biodiversity and infrastructure provision (see section 4.4.1: Climate Change page 23). The issue of flood risk could be separated out under its own heading as it is an issue in its own right as the issues are not wholly resulting from the impacts of climate change.</p>	<p>Flood risk separated out under Theme 10</p> <p>Links made to other climate change issues.</p>
<p>Theme 8: The efficient use of land should be linked with the issue of flood risk (theme 10) as the flood risk sequential test outlined within national policy steers development to areas at lowest risk of flooding. This can sometimes conflict with the preference for brownfield redevelopment sites. We support the reuse of brownfield land as this can enable the remediation of underlying ground contamination caused by previous land uses, improving ground water quality. This therefore links with Theme 16: water quality and vice versa.</p>	Link made
<p>Theme 16 refers to the chemical and biological quality of rivers and waterways, and observes that Birmingham suffers from low quality against these measures. Water quality in the city is largely influenced by the efficiency of the foul drainage infrastructure – this links to our comments in relation to Theme 1.</p>	Comment added
<p>We note that the 28 sustainability issues identified for this plan are to be addressed by 18 standard objectives which are taken from the Development Plan SA/SEA. It should be ensured that all issues raised within this report are reflected within the proposed objectives – it appears that Issue 1: Resources Uses (water) has not been included within the objectives. We recommend it is added in under ENV5 or ENV6.</p>	Added to ENV6

Comment	Response
We draw your attention towards Sustainability Objectives 16, 17 and 18 on Page x, which appear to be duplicates of Objectives 1, 2 and 3.	Corrected
<p><u>Plans, Programmes and Strategies</u></p> <p>Table 3.1 lists the <i>Severn Trent Water Resources Management Plan (2010)</i> under the Regional heading. This is updated every 5 years and as such this is not the current version. The SA should refer to the 2014 plan found at http://www.severntrent.com/future/plans-and-strategy/water-resources-management-plan as referenced on page 15 of the report.</p>	Reference added
The SA should also consider the findings of the Environment Agency publication <i>Tame, Anker and Mease abstraction licensing strategy (February 2013)</i> which can be found at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/291402/LIT_3306_bc78df.pdf . This relates the availability of water for ground and surface water for abstraction purposes. Information from this strategy should be summarised alongside other water resources issues on page 15.	Reference added
<p>The Environment Agency now has in draft the <i>Humber Flood Risk Management Plan</i> which sets out proposals for managing the risk of flooding at a catchment and river basin district scale. These proposals will help inform decisions about where investment and action are targeted in future to best protect people and places from the risk of flooding. For more information about this please see the link at the end of this letter that directs you towards this consultation document.</p> <p>Birmingham City Council also have a number of other water-based evidence documents that should be considered. These include:</p> <ul style="list-style-type: none"> • <i>Surface Water Management Plan for Birmingham (2013 emerging draft)</i> • <i>Local Flood Risk Management Strategy for Birmingham (2014 outline version). Preliminary Flood Risk Assessment (2011)</i> 	References added
<p><u>Appendix A</u> reviews the relevant plans and programmes in more detail. Under the Objectives and Targets identified for the Water Framework Directive (WFD) (page A1) it states that all waterbodies are to reach 'Good Ecological Status' by 2015. This is currently correct, however this will change when the next round of River Basin Management Plan (RBMP) is published in December 2015, therefore this will need to be kept up to date. The next statement: 'Exactly what constitutes 'Good Ecological Status' has not yet been defined.' is incorrect. The following definition is taken from the Humber RBMP (relevant to Birmingham) and should be reflected within the SA:</p> <p><i>Good ecological status applies to natural water bodies, and is defined as a slight variation from undisturbed natural conditions.</i></p> <p><i>Some water bodies are designated as 'artificial' or 'heavily modified'. This is because they may have been created or modified for a particular use such as water supply, flood protection, navigation or urban infrastructure. By definition, artificial and heavily modified water bodies are not able to achieve natural conditions. Instead the classification and objectives for these water bodies, and the biology they represent, are measured against 'ecological potential' rather than status. For an artificial or heavily modified water body to achieve good ecological potential, its chemistry must be good. In addition, any modifications to the structural or physical nature of the water body that harm biology must only be those essential for its valid use. All other such modifications must have been altered or managed to reduce or remove their adverse impact, so that there is the potential for biology to be as close as possible to that of a similar natural water body.</i></p>	Noted
The objectives of the Trent Catchment Flood Management Plan (CFMP) are very broad and high level and should be summarised in terms relevant to the local distinctiveness of Birmingham as a city. The CFMP considers Birmingham alongside the Black Country, and forms Policy Unit 10. Based on the level of proposed growth, and flooding characteristics of the area, Policy Option 5 has been applied which identifies that Birmingham is to "take further action to reduce flood risk". This very specific aim should be reflected within the SA's issues and objectives, particularly ENV5 i.e. the policies should ensure they do not just	ENV5 amended

Comment	Response
'manage' flood risk but 'reduce' flood risk.	
The Humber RBMP (local delivery vehicle for WFD), although listed in Table 3.1 under the Regional subgroup does not appear to be included in Appendix A. This should be rectified with locally-specific objectives summarised and reflected within the SA. Consideration should also be given to the draft plan currently out for consultation.	Amended
We recommend that Birmingham City Council undertake a Water Cycle Study to pull together all the available information on water resource availability and water quality to inform detailed development management policies on development requirements and their impact on the water environment. This should be undertaken in liaison with Severn Trent Water and the Environment Agency with a focus on how development within the city will support objectives set out within the Humber River Basin Management Plan (already referenced within the report).	Noted
<p><u>Key Sustainability Issues for Birmingham</u></p> <p>Section 4.4.2 refers to information on planning application consultations and overrulings on flood risk issues from 2011/12. Information is currently available for 2013-14 which is likely to be more representative than the information currently included in this report. Environment Agency records show we responded to 64 consultations in 2013-14, which comprised as follows:</p> <ul style="list-style-type: none"> • Full 35 • Outline 8 • Change of Use 5 • Conditions 11 • Reserved Matters 2 • Variations 3 <p>Please find attached a dataset for this period detailing applications which we objected to on flood risk grounds. This information should be correlated with Birmingham's records of decisions made to ascertain if there were any overrulings during the period (we are not notified of all planning decisions). This may already be undertaken as part of the annual monitoring process.</p>	Equivalent 2013-14 data not yet available for Birmingham
Section 4.7.1 provides background information to the current state of water and air quality within the city. The Humber RBMP indicates that there are twenty-three surface water bodies which fall within or cross the Birmingham boundary comprising of two lakes, eight canals and thirteen rivers. In the baseline year of 2009 only three out of these twenty-three water bodies achieved the required 'Good Ecological Status' or 'Good Ecological Potential'. We draw your attention towards the WFD Evidence Pack provided by the Environment Agency to support the development of your Development Plan. The Humber RBMP is currently being revised with the new version being published in December 2015. The draft 2015 RBMP is now available as part of the formal consultation process, and any changes to the current plan should be considered within this report. The consultation on the 2015 plan is open until the end of March 2015 (please see details at end of letter).	Noted
The increased volume of waste water and sewage effluent produced by the proposed additional 50,000 dwellings will need to be treated to a high enough standard to ensure that there is no detriment in the quality of the watercourses receiving this discharge. Information currently available indicates that Minworth sewage treatment works should have the capacity to manage this additional capacity however given the dispersed nature of the proposed development, it is likely that there will be a requirement for widespread upgrading of the sewerage pipe network throughout the City. Section 4.7.4 should therefore include a reference to the required upgrading of foul drainage pipework and transmission infrastructure. Cumulative impact is key to this, making it hard to assess which sites and when will trigger the current drainage system to become overloaded and for water quality to become detrimentally impacted by development. It is likely therefore that a blanket policy is required to cover all developments and ensure the sewerage system has adequate capacity to manage any additional flows.	Text updated
<u>Sustainability Objectives and the SA Framework</u>	ENV5 amended

Comment	Response
Table 6.2 shows the proposed objectives, guide questions and indicators. As discussed above, in line with the emerging Birmingham Development Plan and the CFMP evidence base, ENV5 should be amended to reflect the need to REDUCE flood risk not just manage it. A guide question should be added to table 6.2 to ask 'Will development help reduce flood risk?'	
We support the inclusion of ENV6 which aims to reduce pollution and ENV1 which will encourage the remediation of brownfield contaminated land. These objectives should help ensure the DM DPD is in line with Humber RBMP's requirements in improving the water quality of the city's rivers, canals and groundwater. The Environment Agency can provide information on water quality objections to planning applications which could be used as a potential indicator to ENV6 (as per flood risk in ENV5).	Noted
<u>Development of Environment Agency publications as part of the evidence base</u> Environment Agency strategies including the draft River Basin Management Plans (RBMPs) and draft Flood Risk Management Plans (FRMPs) are undergoing public consultation at present. The updated plans are due to be published in December 2015 and they will guide us in directing considerable investment and action from 2016 to 2021 and beyond, which will provide benefits to society and the environment. The catchment of interest to Birmingham city is the Humber.	Noted

Consultee: Natural England

Comment	Response
Question 1 - Scope of the proposed SA Natural England is generally supportive of the scope of the proposed SA. We are also supportive of the series of objectives provided at 1.3 to confirm and clarify the Development Management DPD. We particularly welcome the recognised need for development to make a positive contribution to (1) ...health and well being, and (2) environmental considerations.	Noted
We support the proposed SEA Topic Areas as proposed at Table 4.1.	Noted
Paragraph 2.2.1 Habitat Regulation's Assessment (HRA) – we recognise the acknowledgement that a HRA will be required and concur with the need for this.	Noted
Question 2 - Do we agree with the main issues identified? We generally agree with the 28 sustainability themes (and related issues) identified as being particularly important affecting the city (page vi and Table 4.15). Specific comments in relation to the 28 Sustainability Themes (ST) and the related issues are provided below:	Noted
- We would argue that ST6 'Reducing the need to Travel' may be provided for via the provision of new / enhanced footways / cycleways and, by this, this ST may also potentially related to the improvement of health and well-being.	Reference included
- Natural England would also like to see a mention of the benefits of multi-functional green infrastructure (GI) (and blue infrastructure) as a potential consideration in the efficient use of land (ST8).	Reference included
- ST9 and ST10 (Reducing and Managing Climate Change) - relate to the important need for the city to tackle climate change. There are many ways that the natural landscape and GI can be utilised for this purpose.	Reference included
- ST13 (Natural Landscape) – Natural England understands that a large proportion of the open land and green belt land discussed here is being considered for development via the Birmingham Plan. The SA / DM DPD, therefore, surely needs to recognise this here in order to be able to provide a truly reflective account. In this way, should Figure 4.9, Table 4.5 and the statistics provided within paragraph 4.8.2 (Natural Landscape) also be	BDP not yet approved

Comment	Response
updated to reflect the reduction in green belt and public open space area's proposed?	
- ST14 (Biodiversity and Geodiversity) – Incorrect reference to Biodiversity Enhancement Areas (BEAs). This work / project has now ceased. Reference here should instead be made to The Cannock Chase to Sutton Park Project. Reference should also be made here to the Nature Improvement Area (NIA) designation. (see notes re: NIA below).	BEA reference removed NIA reference included
- ST25 (Health) – we support the reference to natural landscape and recreation.	Noted
ST28 (Culture/Sport/Recreation) – we support the reference to health and natural landscape.	Noted
Section 4: Key Sustainability Issues for Birmingham <i>Managing and Adapting to Climate Change</i> - Paragraph 4.4.2 – Natural England welcomes the reference made here in respect of the value of GI to helping to mitigate and adapt to climate change. We also recommend a reference to the value of blue infrastructure (e.g. rivers, canals, SuDS) for this purpose.	Reference included
- Paragraph 4.4.4 (Influence of DM DPD on Managing Climate Change) – potential inclusion of need for maximisation of GI as part of development proposals, as appropriate, to help mitigate and adapt to climate change.	Reference included
<i>Biodiversity and Geodiversity</i> - Section 4.5–acknowledge the importance of urban ecological sites and corridors as stepping stones for habitats/species and, in accordance with paragraph 109 of the NPPF, also acknowledge the need to establish improved coherent ecological networks that are more resilient to current and future pressures. We would also recommend inclusion of reference to multi-functional GI (and blue infrastructure) for this purpose.	Reference included
- Acknowledge also the need for the council to ensure net gains are made (to conserve and enhance biodiversity) where possible, from development proposals by applying the 'avoid, then mitigate and, (as a last resort) compensate for adverse impacts on biodiversity' principle (NPPF para 118). By this, when determining planning applications opportunities to incorporate biodiversity in and around developments should also be encouraged.	Reference included
- Also, given the need to minimise impacts on biodiversity and geodiversity, the SA must ensure the DM DPD policies promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets (NPPF 117).	Reference included
- Page 34 – we support the reference made to the work of the West Midlands Biodiversity Partnership (WMBP) and in particular, The Cannock Chase to Sutton Park Project. References made to the 'BEA', however, are incorrect as this designation / project has now ceased.	BEA reference removed
- Page 34 - This section should also acknowledge the Nature Improvement Area (NIA) designation. NIAs are fundamental to the step-change needed to establish a coherent and resilient ecological network. Where NIAs are in place (in accordance with para's 117 and 157 of the NPPF), Natural England wishes to see Local Plans: identify them on proposals maps; and include policies to ensure that any development affect them is compatible with their purpose and makes a positive contribute to their enhancement (using CIL/S106 agreements/conditions as appropriate).	Reference included
- Page 34 (GI) – neglects to include a reference to climate change mitigation and adaptation benefits.	Reference included
- Page 38 (Geodiversity) – we support the inclusion of geodiversity within the SA. However, we recommend the SA makes an explicit reference to geological conservation and the need to conserve, interpret and manage geological sites and features in the wider environment not just in relation to designated sites	Reference made
- Paragraph 4.5.2 (Biodiversity and Geodiversity) – comments supported.	Noted
<i>Population and Human Health</i>	Reference

Comment	Response
- Paragraph 4.6.11 – Recommend inclusion of reference to GI benefits upon human health and well-being.	included
Section 5: Issues and Problems Relevant to the DM DPD	Noted
- Table 5.1 – Generally support.	
- We particularly welcome the reference to the need for continued monitoring of developments on periphery of designated sites to determine potential indirect and cumulative impacts. We would, also, recommend the inclusion of a reference to the need for monitoring of effects upon designated sites which may result from other environmental pathways outside those developments on the immediate periphery.	Noted and reference included
- We also welcome the reference to the importance of greenspace and reductions in motor transport that can have positive impacts upon populations and health.	Noted
- Climate Change – include reference to GI and its benefits.	Reference included
Question 3: Do the objectives cover the breadth of issues appropriate for assessing the effects? Generally, yes. Ensure incorporation of the above.	Noted

Appendix E

Regulation 18 Consultation Responses

Purpose and Aims of the DPD

6 respondents all supported the purpose and aims of the DPD.

The Objectives

7 respondents supported the Objectives, with one suggesting an additional objective “Ensure that development responds to local character and history”. This was not taken forward as it is already met by the BDP Objective “To protect and enhance the City’s heritage and historic environments” and Policy TP12.

Policy List

2 respondents – no comment/support.

Policies DM01/05/08/09/10/16/19/20/22/24

No substantive comments.

Policy DM02

2 respondents. One requested that reference be made to the need to design out crime etc. This is referred to in what is now Policy DM24 – Design.

Policy DM03

3 respondents. Main issues raised were that

- reference be made to the need to design out crime etc.
- that the policy should be sufficiently flexible to ensure that high quality niche offerings are not unduly restricted by broad blanket policies, and
- effect on existing residential or business buildings.

These have been addressed in Policy DM03 and in what is now Policy DM24 – Design.

Policy DM04

Highways England is supportive of the principle of the introduction of an Air Quality policy.

Policy DM06

3 respondents, all supportive, 2 of which offered advice which has been taken into account in the policy.

Policy DM07

The Environment Agency welcomed the inclusion of this policy and offered advice which has been taken into account in the policy.

Policy DM11

2 respondents, both supportive. One suggested that the policy should be sufficiently flexible to ensure that high quality niche offerings are not unduly restricted by broad blanket policies. This has been taken into account in the policy.

Policy DM12

4 respondents, all supportive. One requested that reference be made to the need to design out crime etc., and one registered support requesting the introduction of an Article 4 Direction removing permitted development rights for the change of use to a House in Multiple Occupation (HMO) (Class 4) from a dwelling (Class 3) in parts of Ladywood Ward.

Policies DM12/13 have been drafted to address HMOs. The need to design out crime etc. is referred to in what is now Policy DM24 – Design. An Article 4 Direction area is made under different legislation to the DM DPD, and must be a separate process. However, the request is noted.

Policy DM13

4 responses similar to DM12 above. The recent use of Article 4 Directions within Selly Park and surrounding areas is welcomed, albeit with concern about the exclusion of Bournbrook. The wider application of this to surrounding areas would be encouraged.

Bournbrook was excluded from the Article 4 Direction area, as it would be ineffective due to the already high concentration of HMOs.

Policy DM14

2 respondents, both supportive. One noting that proposals should take into account standards of residential amenity, not have an adverse impact on the character of an area, and accommodate parking on site. These considerations have been taken into account in this policy, and new policies DM25 and DM26.

Policy DM15

One request that reference be made to the need to design out crime etc., and one registered support requesting the introduction of an Article 4 Direction removing permitted development rights for the change of use to a House in Multiple Occupation (HMO) (Class 4) from a dwelling (Class 3) in parts of Ladywood Ward.

See DM12 above.

Policy DM17

3 respondents, all supportive.

Policy DM18

2 responses. The Mobile Operators Association (MOA) suggested a complete policy. Draft Policy DM18 uses different wording which achieves the same aims.

Policy DM21

7 respondents, generally supportive and offering constructive comment, particularly in relation to highway considerations. The comments have been taken into account in the policy.

Policy DM23

6 responses. Main issues raised were:

- The Environment Agency recommend that the policy includes consideration of how developments will interact with rivers and streams that flow through their boundaries, and should be drafted in consultation with the Lead Local Flood Authority.
- It should provide detailed design guidance for shop fronts.
- The PCCWM welcome the reference that there is a need to consider crime and disorder, and would encourage reference being made to the requirement for proposals to meet 'Secured by Design' principles when considering specific design elements such as shop fronts, housing, tall buildings, hard and soft landscaping etc. Also request that reference be made to the need to design out crime, and to introduce, where appropriate, additional measures and infrastructure – such as CCTV and/or lighting.
- Shop fronts will be of particular interest to Calthorpe Estates given the proposals identified in the Edgbaston Planning Framework. The unique nature of the historic buildings within the heart of the estate requires policies to be sufficiently flexible to respond to the special needs of operations recognised as being at the forefront of UK retailing.

The comments have been taken into account in the policy.

Enforcement

2 respondents, both supportive.

Policy List

3 respondents, generally supportive. Main issues raised were:

- Council for British Archaeology, West Midlands welcomes the retention of the Archaeology Strategy SPG and the Regeneration through Conservation SPG, and expects the Archaeology Strategy SPG, like the Regeneration through Conservation SPG, to be absorbed within, and superseded by, the Historic Environment SPD when that is produced.
 - Both SPGs are due to be retained until a replacement Historic Environment SPD is produced.
- Moseley Regeneration Group expressed concern about the proposal to revoke the area of restraint for Moseley / Sparkbrook, but have not provided a more detailed response.
 - Draft Policies DM12-16 incorporate the elements of the various AOR policies. This approach will enable what is effectively old policy material of limited effect to be replaced by up-to-date policies in a statutory development plan.
- Primesight note that it is unclear why a different approach has been taken to that of the Large Format Banners SPD, which on the face of it performs a comparable role.
 - The Location of Advertisement Hoardings SPG is regarded as being out-of-date, as it does not address more recent developments such as digital media. Some of the content should be included in the DPD policy. The Large Format Banners SPD relates to adverts on buildings under construction or being redeveloped, and contains detailed criteria to address the issue of potential harm to visual amenity. It is considered to be relevant and up-to-date.

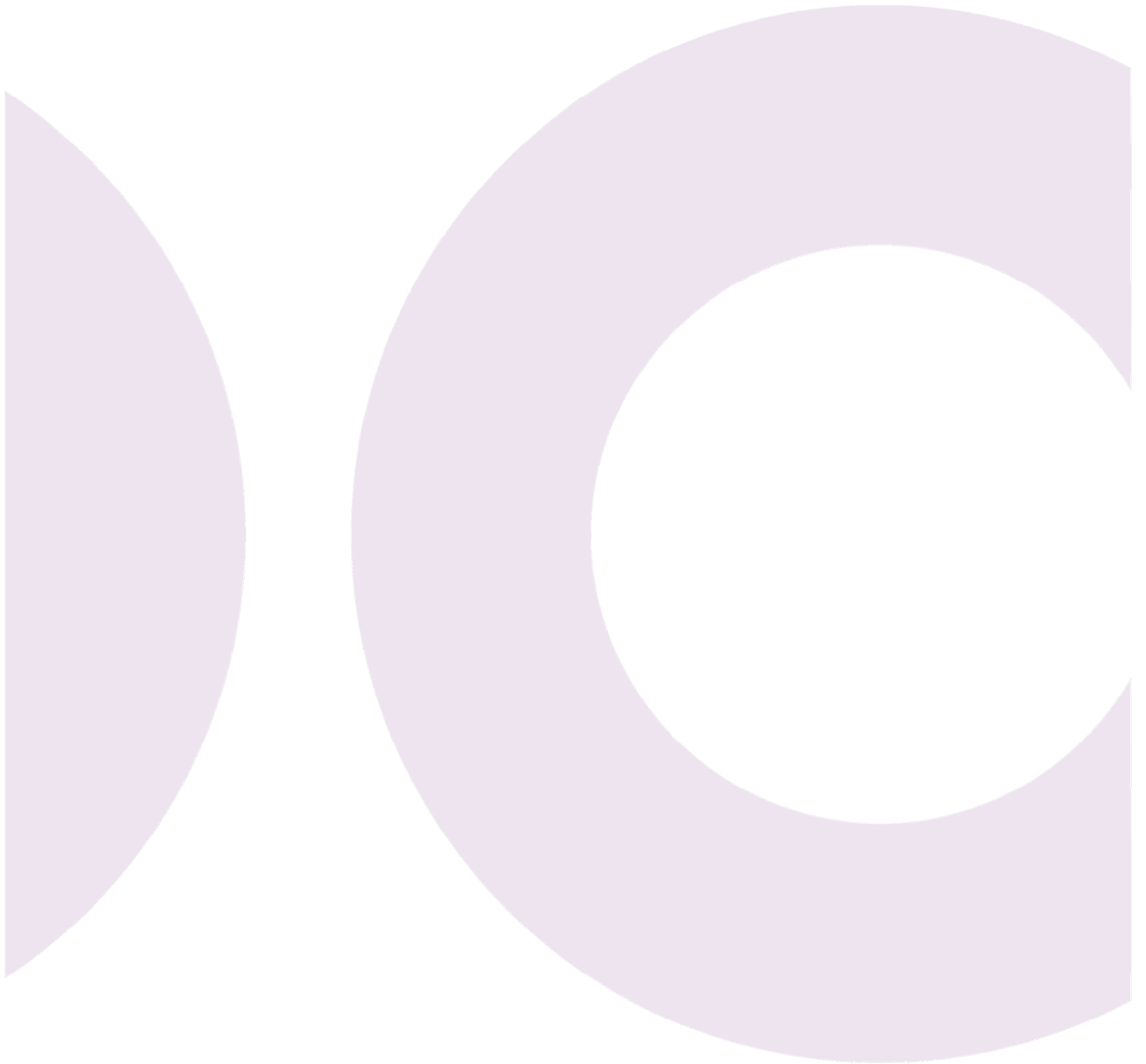
The recommendations and proposed Development Plan Policy outcomes in Appendix 1 of the Regulation 18 Consultation Document remain unchanged, except for the division of proposed Policy DM15 into two policies (DM15/16, and consequent renumbering of the remaining policies), and the addition of new Policy DM26.

Alternative Options

19 responses. Main issues raised were:

- North Warwickshire Borough Council: Possible strategic issues relating to policies DM04/06/09/10/11/07 and Implementation arising from the cumulative impact of development to the east of Birmingham. This is the only response identifying any potential issues under the Duty to Co-operate - an ongoing dialogue will be required.
- Stafford Borough Council, The Coal Authority, Historic England, Lichfield District Council, Sandwell MBC, Natural England, Severn Trent Water, and Castle Bromwich Parish Council raise no comments or strategic issues.
- The Environment Agency recommend that consideration is given to an additional policy entitled 'Environmental Protection – Water' in order to build upon policies contained within draft BDP Policy TP6. BDP Policy TP6 (as modified) provides city-wide strategic policy on flood risk and the water environment, including foul drainage. Consequently, an additional policy as suggested is not considered necessary. However, Policy DM07 has been drafted to include the issue of foul drainage.
- Frankley Parish Council repeat their comments in response to the Birmingham Development Plan relating to the Green Belt in Birmingham and its neighbouring boundaries, that brownfield across Greater Birmingham and Solihull LEP and the Black Country Authorities should be utilised prior to Green Belt.
- Selly Park Property Owners' Association have become dismayed at the concentration of student development now taking place in Selly Oak and especially Bournbrook, and would welcome the opportunity to be invited to comment upon future draft policies and to become formally involved with any consultation processes should this be appropriate.
- Health & Safety Executive provided detailed technical advice in respect of hazardous substances and installations. Text has been included in the DPD to address this.
- Council for British Archaeology, West Midlands suggest that the Development Management DPD contains cross-references to BDP policies and a table, similar to Table 3 in the Appendix of the consultation document, which lists topics that are not included in the Development Management DPD because they are covered by BDP policies. BDP Examination Document EXAM2D is included as an Appendix 2 to the Evidence Base document, with appropriate reference in the DPD.
- Tyler Parkes on behalf of the Police and Crime Commissioner for West Midlands (PCCWM) submitted a lengthy response seeking
 - a) an additional policy for Listed Buildings and Conservation Areas seeking the use of alternative materials and/or artifacts which are less likely to be vulnerable to repeat theft.
 - b) An additional policy for maintenance following completion of development
 - c) An additional policy for ATMs
 These have not been taken forward.
- Calthorpe Estates are fully supportive of encouraging well-designed and coordinated development, the DPD should ensure that there is sufficient flexibility within the policies to ensure that developers are not overly restricted in what they are able to do.
- Alvechurch Parish Council note that there is no transport policy to consider cross boundary transport integration. Cross boundary transport integration is a strategic planning consideration which is addressed in the BDP.
- BCC Transportation suggest the addition of a transport policy to address detailed considerations in respect of planning applications, planning conditions, car parks, the Parking Guidelines SPD and potential Travel Plans SPD. This has been taken up as new Policy DM26.





Title of proposed EIA	Public Consultation on the Development Management in Birmingham (DMB) DPD
Reference No	EQUA213
EA is in support of	New Policy
Review Frequency	Six Months
Date of first review	01/07/2019
Directorate	Economy
Division	Planning and Development
Service Area	
Responsible Officer(s)	<input type="checkbox"/> Martin Dando
Quality Control Officer(s)	<input type="checkbox"/> Richard Woodland
Accountable Officer(s)	<input type="checkbox"/> Ian MacLeod
Purpose of proposal	Sets out non-strategic planning policies for the determination of planning applications.
What sources of data have been used to produce the screening of this policy/proposal?	Consultation Results; relevant reports/strategies; relevant research
Please include any other sources of data	
PLEASE ASSESS THE POTENTIAL IMPACT ON THE FOLLOWING PROTECTED CHARACTERISTICS	
Protected characteristic: Age	Wider Community
Age details:	See 'Consulted People or Groups' section
Protected characteristic: Disability	Wider Community
Disability details:	The document is part of a suite of local plan documents which seek to plan for the development needs of all including the needs of people with disabilities. Detailed technical design matters and needs are addressed in specific dedicated documents e.g. Access for People with Disabilities SPD.
Protected characteristic: Gender	Wider Community
Gender details:	See 'Consulted People or Groups' section
Protected characteristics: Gender Reassignment	Not Applicable
Gender reassignment details:	
Protected characteristics: Marriage and Civil Partnership	Not Applicable
Marriage and civil partnership details:	
Protected characteristics: Pregnancy and Maternity	Wider Community
Pregnancy and maternity details:	See Disability Section
Protected characteristics: Race	Wider Community

Race details:	See 'Consulted People or Groups' section
Protected characteristics: Religion or Beliefs	Wider Community
Religion or beliefs details:	See 'Consulted People or Groups' section. The DMB document contains a draft policy for consultation on Places of Worship to provide policy for the positive provision and location of such places.
Protected characteristics: Sexual Orientation	Not Applicable
Sexual orientation details:	
Please indicate any actions arising from completing this screening exercise.	The Equalities Analysis will be updated following the completion and analysis of consultation comments.
Please indicate whether a full impact assessment is recommended	NO
What data has been collected to facilitate the assessment of this policy/proposal?	
Consultation analysis	The decision by Cabinet at this stage is to approve plans for consultation - the Equality Analysis will be updated following the completion and subsequent analysis of consultation comments.
Adverse impact on any people with protected characteristics.	The interim analysis is that the updated policies will have a positive impact on all community groups - that assumption will be tested through the consultation process.
Could the policy/proposal be modified to reduce or eliminate any adverse impact on any particular group(s)?	The consultation will determine whether the policy needs to be modified.
How will the effect(s) of this policy/proposal on equality be monitored?	Not applicable at this stage.
What data is required in the future to ensure effective monitoring of this policy/proposal?	Not applicable for consultation process.
Are there any adverse impacts on any particular group(s)	No
If yes, please explain your reasons for going ahead.	
Initial equality impact assessment of your proposal	The assessment is for a consultation document for the Development Management in Birmingham DPD (DMB) which sets out non-strategic planning policies for the determination of planning applications. This, in turn, will replace the remaining saved policies

of the Birmingham Unitary Development Plan (2005) and will therefore be one of the Council's key planning policy documents. The purpose of this consultation document is to invite comments on the preferred approach and alternatives which will then inform the preparation of the next stage of the DMB document. The DMB will support the adopted Birmingham Development Plan (2017) (BDP) which itself was subject to an Equalities Analysis which concluded that the BDP met the Council's responsibilities in relation to equality and in seeking to promote equality through its vision, objectives and policies.

The DMB contains proposed policies which have been informed by an evidence base and will secure positive outcomes for all local communities and businesses in ensuring the sustainability of future development across the City. This includes policies which will secure environmental, social and economic improvement for communities, local businesses and local centres as well as assisting in better connectivity and communications.

The DMB is subject to a Sustainability Appraisal (SA) which, in itself examines the economic, social and environmental impacts of the policies within the document. The SA has concluded that the policies within the document have either a significant positive effect or minor positive effect on the following social indicators: SOC1 ensuring equitable access to community services and facilities, SOC2 providing decent and affordable housing for all to meet local needs, SOC3 promoting health and well-being, SOC4 reducing crime, the fear of crime and antisocial behaviour and SOC5 enabling communities to influence the decisions that affect their neighbourhoods and quality of life.

The Consultation begins in February 2019 for an 8 week period and will be carried out in line with the Council's Statement of Community

	<p>Involvement (SCI) so that all communities and individuals are given the opportunity to comment and contribute towards the evolution of the document. A Consultation Statement has been produced to accompany the Document which sets out how consultation has been carried out so far, how it has effected the evolution of the document and how it will be carried out further during this period.</p> <p>The consultation itself and the proposed policies within it are in line with the City Council's Equality objectives in creating a City that is fair and prosperous through improving well being and safety as well as aiming to reduce poverty. The consultation itself also ensures that local people are engaged in council decision making in a democratic way.</p>
Consulted People or Groups	<p>The decision of Cabinet at this stage is to approve the public consultation on the draft Development Management in Birmingham (DMB) document. A consultation statement is being developed to set out how the public consultation will be carried out, meeting the requirements of relevant guidance and best practice including the principles set out in the Statement of Community Involvement (2008). The approach to public consultation will be City wide but made as relevant as possible to the community profile (ensuring protected characteristics inform the approach, such as Age, Gender, and Race). Relevant organisations with an interest in equalities issues will also be consulted.</p> <p>The broad range of stakeholders relevant to the DMB will all be informed about the draft document (e.g. through emails, letters, press release, etc), with further wider consultation proposed during the consultation period particularly via BeHeard.</p>
Informed People or Groups	See 'Consulted People or Groups' section
Summary and evidence of findings from your EIA	

A Full Assessment is not needed at this stage for the Development Management in Birmingham document.

The results of the public consultation on the draft document will be used to update the Equalities Analysis and inform the final version of the DMB both when it is brought forward for adoption by the City Council later on in 2019.

QUALITY CONTORL SECTION

Submit to the Quality Control Officer for reviewing?

No

Quality Control Officer comments

Decision by Quality Control Officer

Proceed for final approval

Submit draft to Accountable Officer?

Yes

Decision by Accountable Officer

Date approved / rejected by the Accountable Officer

Reasons for approval or rejection

Please print and save a PDF copy for your records

Yes

Content Type: Item

Version: 82.0

Created at 28/11/2018 11:26 AM by  Martin Dando

Last modified at 20/12/2018 10:25 AM by Workflow on behalf of  Richard Woodland

Close

APPENDIX 4

BIRMINGHAM CITY COUNCIL**DEVELOPMENT MANAGEMENT IN BIRMINGHAM (DMB) DEVELOPMENT PLAN DOCUMENT****PREFERRED OPTIONS CONSULTATION****CONSULTATION STATEMENT****1. What is the Planning and Development Service consulting on?**

- 1.1 The Draft Development Management in Birmingham Development Plan Document (DMB) is a City-wide local planning policy document. Once completed and adopted, it will support the adopted Birmingham Development Plan (2017) (BDP) by setting out non-strategic planning policies for the determination of planning applications and, in turn, will replace the remaining saved policies of the Birmingham Unitary Development Plan (2005). It will therefore be one of the Council's key planning policy documents.
- 1.2 This current consultation stage (Preferred Options) is the second stage in the plan preparation process and has been developed having regard to comments received during the first consultation on the document (Issues and Options) which was held in 2015. The Consultation Document has been drafted taking into account comments received during the last consultation known as the Issues and Options stage.
- 1.3 The purpose of the Preferred Options consultation document is to invite comments on the preferred approach and alternatives which will then inform the preparation of the next stage of the DMB document. It is envisaged that the consultation will commence at the beginning of February 2019 for a period of 8 weeks.
- 1.4 The consultation document is accompanied by a Sustainability Appraisal (SA) which assesses the policies within the DMB to ensure they have a positive impact on social, economic and environmental factors. An Equality Impact Analysis has also been carried out which has concluded that the a full Equality Impact Assessment is not required at this stage.

2 How is the Planning and Development Service consulting?

- 2.1 Consultation will be carried out in accordance with the City Council's Statement of Community Involvement (SCI) and will specifically include the following:-
- The Preferred Options Consultation Document and a summary document with associated information will be available on the Council's website with an opportunity for all to comment and input online via BeHeard – the Council's consultation toolkit.
 - Hard copies of the Preferred Options Consultation Document and summary document will be available to view at all main libraries across the City.
 - The Planning and Development Service keeps a database which includes local residents, businesses, community groups, landowners, developers and other stakeholders who will be contacted directly to let them know that the consultation is taking place and ascertain their views. Those who commented on the issues and Options Consultation will also be specifically contacted to get their comment and input on the changes carried out in this version of the Document as a result.
 - Key strategic and statutory stakeholders identified in the National Planning Policy Framework (NPPF) will also be directly consulted including government organisations such as Historic England, Environment Agency, Natural England, Sport England, Highways England.
 - Key local stakeholders including Local Members, MPs, the Mayor and the Combined Authority as well as Town and Parish Councils within the City and key officers within the Authority. This also includes local community and education establishments.
 - Other organisations and stakeholders as identified in the Statement of Community Involvement.
- 2.2 The Consultation will be carried out via the following means:-

APPENDIX 4

- The Preferred options Document, Summary Document and supporting information on Birmingham City Council's Website with opportunity to comment via BeHeard.
- Email or letter to all City-wide resident/business/community groups/ stakeholders on the Planning and Development Consultation Database.
- Email or letter to all Statutory consultees as identified in the NPPF and Article 38 of the Town and Country Planning (Development Management Procedure) (England) Order 2015
- Copies of the Preferred Options Consultation Document and Summary Document available at all main libraries within the City as well as being available for inspection during normal office hours at 1 Lancaster Circus.
- Press advertisement in local newspaper (Birmingham Mail)

3 Response to the previous 'Issues and Options' consultation stage.

- 3.1 The Issues and Options Consultation for the DMB was carried out in 2015. A summary of the comments received and the Council's response to those comments is appended (Appendix A) to this Consultation Statement.
- 3.2 There were 27 different organisations which responded to the Issues and Options consultation on a broad range of issues. As a result, many of the draft policies have been modified and some have been deleted or omitted altogether in the Preferred Options Consultation. Details can be found in Annexe A.

4 Timetable

- 4.1 The timetable towards adoption of the Development Management in Birmingham DPS is set out as follows:-
- Preferred Options Consultation (Regulation 18) – February / March 2019
 - Publication Document (Regulation 19) – Summer 2019
 - Submission to Secretary of State – Autumn 2019
 - Examination in Public – Winter 2019/2020
 - Adoption – Spring 2020

Annexe A

Summary of Regulation 18 Issues and Options Consultation and Birmingham City Council’s Response

Development Management DPD: Schedule of Regulation 18 Stage Consultation Responses					
Question 1: Do you agree with the Purpose and Aims of the DPD?					
Response from:	Support?	Reasons	LPA Response	Action	Ref
Selly Park Property Owners’ Association.	Yes	- No comments.	Noted.	None.	006/1
Highways England	Yes	- Highways England is supportive of overall purpose and aims of the DPD and the DPD’s complimentary role to the adopted BDP.	Noted.	None.	010/1
Dr Mike Hodder on behalf of Council for British Archaeology, West Midlands	Yes	- No comments.	Noted.	None.	015/1
Primesight	Yes	- No comments.	Noted.	None.	021/1
Susan Fleming on behalf of Clear Channel UK Ltd	Yes	- Aim and purpose understood. - Planning development policy for Birmingham needs to be current and in keeping with the recent development and regeneration.	Noted.	None.	025/1
Alvechurch Parish Council	Yes		Noted.	None.	022/1
Question 2: Please give us your views on the Objectives on page 6 of the Consultation Document					
Response from:	Comments		LPA Response	Action	Ref
Selly Park Property Owners’ Association.	- No comments		Noted.	None.	006/2
Highways England	- Highways England supports the Objectives of the DPD.		Noted. The DPD objectives now utilise the same objectives of the BDP and cover all the previous objectives identified in the 2015 Consultation Document.	None.	010/2
Dr Mike Hodder on behalf of Council for British Archaeology, West Midlands	- Ensure that development responds to local character and history, in accordance with NPPF para 58.		One of the strategic objectives of the Birmingham Development Plan (BDP) is “To protect and enhance the City’s heritage and historic environments”. BDP Policy PG3 Place making requires all new development to “reinforce or create a positive sense of place and local distinctiveness, with design that responds to site conditions and local area context, including heritage assets and appropriate use of innovation in design.”	None.	015/2
Tyler Parkes on behalf of the Police and Crime Commissioner for West Midlands (PCCWM)	- The PCCWM support the DPD objective 1.		Noted. The DPD objectives now utilise the same objectives of the BDP and cover all the previous objectives identified in the 2015 Consultation Document. The contents of Objective 1 is covered by the following two BDP Objectives “To encourage better health and well-being through the provision of new and existing recreation, sport and leisure facilities linked to good quality public open space” and “To develop Birmingham as a City of sustainable neighbourhoods that are safe, diverse and inclusive with locally distinctive character.”	None.	016/1
Turley on behalf of Calthorpe Estates	- Generally supportive of the six key objectives identified - Especially the commitment to the strengthening the vitality and viability of retail centres - And the objective to ensure that new development is designed to integrate effectively with its setting and promote local distinctiveness.		Noted. The DPD objectives now utilise the same objectives of the BDP and cover all the previous objectives identified in the 2015 Consultation Document.	None.	019/1

APPENDIX 4

Susan Fleming on behalf of Clear Channel UK Ltd	<ul style="list-style-type: none"> - - Agree with the objectives, Point 4 is key. Birmingham must be able to compete internationally and continue to attract investment from abroad. 	Noted. The DPD objectives now utilise the same objectives of the BDP and cover all the previous objectives identified in the 2015 Consultation Document.	None.	025/2
Alvechurch Parish Council	<ul style="list-style-type: none"> - Should have respect and consideration to adjoining Authorities and areas. 	Noted. BCC engages with other local authorities through the Duty to Co-operate and will continue to consult other local authorities at key stages in the preparation of the document.	None.	022/2
Environment Agency	<ul style="list-style-type: none"> - The Environment Agency support the Objectives identified on page 6. 	Noted. The DPD objectives now utilise the same objectives of the BDP and cover all the previous objectives identified in the 2015 Consultation Document.	None.	012/1
Turley on behalf of Aberdeen Asset Management	<ul style="list-style-type: none"> - Generally supportive of these objectives. - Pleased the importance of strengthening the vitality and viability of centres has been recognised. Should be reflected in final drafting. 	Noted. The DPD objectives now utilise the same objectives of the BDP and cover all the previous objectives identified in the 2015 Consultation Document.	None.	013/1

Question 3: Please give us your views on the Proposed Policy List on page 8 of the Consultation Document

Response from:	Comments	LPA Response	Action	Ref
Selly Park Property Owners' Association.	<ul style="list-style-type: none"> - No comments. 	Noted.	None.	006/3
Susan Fleming on behalf of Clear Channel UK Ltd	<ul style="list-style-type: none"> - The Authority has identified those areas where they believe review or greater control is required. 	The Consultation Document contains an assessment of existing policy documents and a list of proposed policies.	None.	025/3

Question 4: Please give us your views on proposed Policy DM01 – Hot Food Takeaways

Response from:	Comments	LPA Response	Action	Ref
Alvechurch Parish Council	<ul style="list-style-type: none"> - This should have no effect unless adjacent to existing Alvechurch parish residential or business buildings. 	Noted.	None.	022/3

Question 5: Please give us your views on proposed Policy DM02 – Sheesha Lounges

Response from:	Comments	LPA Response	Action	Ref
Tyler Parkes on behalf of the Police and Crime Commissioner for West Midlands (PCCWM)	<ul style="list-style-type: none"> - Policy should be written to design out crime, and to introduce, where appropriate, to ensure the community feel safe during an extended business/leisure day (i.e CCTV). - Particularly relevant when drawing Policy DM02 and DM03. 	This policy is no longer proposed in the Preferred Options Document. The impacts of Sheesha Lounges are mainly on amenity of nearby residents or occupiers, noise and vibration, highway safety and access, parking and servicing are covered by proposed policies DM 2, DM6, DM13, DM14 in the Preferred Options Document. The requirement for development to create safe environments that design out crime and promote natural surveillance and positive social interaction is already provided through BDP Policy PG3 Place making. Detailed design guidance on creating safe places and anti-terror measures and safe buildings will be set out in the emerging Birmingham Design Guide.	Detailed design guidance on creating safe places and anti-terror measures and safe buildings will be set out in the emerging Birmingham Design Guide.	016/2
Alvechurch Parish Council	<ul style="list-style-type: none"> - This should have no effect unless adjacent to existing Alvechurch parish residential or business buildings. 	Noted.	None.	022/4

Question 6: Please give us your views on proposed Policy DM03 – Restaurants, Cafés and Pubs

Response from:	Comments	LPA Response	Action	Ref
Tyler Parkes on behalf of the Police and Crime Commissioner for West Midlands	<ul style="list-style-type: none"> - Request that reference be made to the need to design out crime, as to ensure the community feel safe during an extended business/leisure day 	This policy is no longer proposed in the Preferred Options Document. The impacts of Restaurants, Cafés and Pubs are mainly on amenity	Detailed design guidance on creating safe places and anti-terror measures and safe	016/3

APPENDIX 4

(PCCWM)	(i.e. CCTV). - Particularly relevant when drawing Policy DM02 and DM03.	of nearby residents or occupiers, noise and vibration, highway safety and access, parking and servicing are covered by proposed policies DM 2, DM6, DM13, DM14 in the Preferred Options Document. The requirement for development to create safe environments that design out crime and promote natural surveillance and positive social interaction is already provided through BDP Policy PG3 Place making. Detailed design guidance on creating safe places and anti-terror measures and safe buildings will be set out in the emerging Birmingham Design Guide.	buildings will be set out in the emerging Birmingham Design Guide.	
Turley on behalf of Calthorpe Estates	- Policies DM03 and DM11 should be sufficiently flexible as to ensure that high quality niche offerings are not unduly restricted by broad blanket policies.	Policies specifically for Restaurants/ Cafes/ Pubs and Hotels and Guest Houses are not proposed in the Preferred Options Document. The proposed draft policies are unlikely to restrict niche offerings in any way.	None.	019/2
Alvechurch Parish Council	- No effect unless adjacent to existing Alvechurch parish residential or business buildings.	Noted.	None.	022/5
Question 7: Please give us your views on proposed Policy DM04 - Environmental Protection – Air Quality				
Response from:	Comments	LPA Response	Action	Ref
Highways England	- Highways England is supportive of the principle of the introduction of an Air Quality policy. - Not clear whether at this stage how (or indeed if) this policy may apply to road improvement schemes. - Recommendation that the policy should not be worded in such a way that it may be restrictive to the development and delivery of necessary road improvement schemes.	Noted.	None.	010/3
Alvechurch Parish Council	- Agree	Noted.	None.	022/6
Question 8: Please give us your views on proposed Policy DM05 - Environmental Protection – Noise and Vibration				
Response from:	Comments	LPA Response	Action	Ref
Alvechurch Parish Council	- Agree	Noted.	None.	022/7
Question 9: Please give us your views on proposed Policy DM06 - Environmental Protection – Light				
Response from:	Comments	LPA Response	Action	Ref
Highways England	- The establishment of this policy is welcomed - Recommendation that the policy accords with requirements outlined by the Institution of Lighting Engineers (ILE) with evidence submitted in the form of an external lighting report.	Noted. Reference to guidance set out by the Institute Lighting of Professionals is included in the Preferred Options Document.	Comments have been taken into account and incorporated into the supporting text of the policy.	010/4
Susan Fleming on behalf of Clear Channel UK Ltd	- Consideration has to be given to public safety in specific environments and the ability for individuals and businesses to adequately protect themselves against criminal activity.	Noted. The proposed policy recognises that well-designed lighting can make a positive contribution to the urban environment, providing safe environments for a range of activities.	Comments have been taken into account and incorporated into the supporting text of the policy.	025/4
Alvechurch Parish Council	- Particularly applicable for the rural adjoining parish of Alvechurch.	Noted.	None.	022/8
Question 10: Please give us your views on proposed Policy DM07 - Environmental Protection – Land Contamination				
Response from:	Comments	LPA Response	Action	Ref
	- DMO7 is welcomed as it could provide further support for the protection of	Noted. It is recognised that contamination of land can have adverse	Comments have been taken into account	012/2

APPENDIX 4

	<ul style="list-style-type: none"> groundwater resources within the city and build upon BDP Policy TP6. Land contamination can be a significant source of water pollution in the environment. The following principles are used when assessing the effect on groundwater solutions; The Precautionary principle; Risk-based approach; Groundwater protection hierarchy We recommend these principles are incorporated into a policy addition to Policy DM07 as to deliver the Water Framework Directive. Where the potential consequences of a development or activity are serious or irreversible the precautionary principle will be applied to the management and protection of water 	impacts on human health, wildlife and contribute to the pollution of water bodies. BDP Policy TP6 Management of Flood Risk and Water Resources states that "Proposals should demonstrate compliance with the Humber River Basin Management Plan exploring opportunities to help meet the Water Framework Directive's targets. Development will not be permitted where a proposal would have a negative impact on surface water (rivers, lakes and canals) or groundwater quantity or quality either directly through pollution of groundwater or by the mobilisation of contaminants already in the ground." The supporting text of the policy refers to the Environment Agency's principles in managing risks to groundwater (the precautionary principle, risk based approach and groundwater protection hierarchy).	and incorporated into the supporting text of the policy.	
Alvechurch Parish Council	- Agree	Noted.	None.	022/9
Question 11: Please give us your views on proposed Policy DM08 – Private Hire and Taxi Booking Offices				
Response from:	Comments	LPA Response	Action	Ref
Alvechurch Parish Council	- No effect on Alvechurch Parish unless adjacent to existing property.	Noted.	None.	022/10
Question 12: Please give us your views on proposed Policy DM09 – Education Facilities - Use of Dwelling Houses				
Response from:	Comments	LPA Response	Action	Ref
Alvechurch Parish Council	- May have an adverse effect through increased traffic if adjacent to existing property.	Noted. Proposed policy on DM13 Highway Safety and Access and DM14 Parking and Servicing addresses these impacts of development. The Preferred Options Document also includes a policy on Day nurseries and early years provision (DM9) and a policy on Places of worship and faith related community uses (D10) which covers proposals for the use of dwelling houses for education facilities.	None. Comments have been taken into account and incorporated into proposed policy.	022/11
Question 13: Please give us your views on proposed Policy DM10 – Education Facilities – Non Residential Properties				
Response from:	Comments	LPA Response	Action	Ref
Alvechurch Parish Council	- May have an adverse effect through increased traffic if adjacent to existing property	Noted. Proposed policy on DM13 Highway Safety and Access and DM14 Parking and Servicing addresses these impacts of development. The Preferred Options Document also includes a policy on Day nurseries and early years provision (DM9) and a policy on Places of worship and faith related community uses (D10) which covers proposals for the use of dwelling houses for education facilities.	None. Comments have been taken into account and incorporated into proposed policy.	022/12
Question 14: Please give us your views on proposed Policy DM11 – Hotels and Guest Houses				
Response from:	Comments	LPA Response	Action	Ref
Turley on behalf of Calthorpe Estates	- Ensure that policy is sufficiently flexible to ensure that high quality niche offerings are not unduly restricted by broad blanket policies.	Policies specifically for Restaurants/ Cafes/ Pubs and Hotels and Guest Houses are not proposed in the Preferred Options Document. The proposed draft policies are unlikely to restrict niche offerings in any way.	None.	019/3
Alvechurch Parish Council	- Applicable if adjoining property in the rural adjoining parish of Alvechurch.	Noted.	None.	022/13

APPENDIX 4

Question 15: Please give us your views on proposed Policy DM12 – Houses in Multiple Occupation - City-wide				
Response from:	Comments	LPA Response	Action	Ref
Selly Park Property Owners' Association.	<ul style="list-style-type: none"> - Policy should restrict the development of HMOs where they will impact on the standards of residential amenity and character the area - The cumulative effect of HMOs in an area to also be considered. 	Noted. Proposed policy DM10 HMOs and other non-family housing and DM2 Amenity address the individual and cumulative impacts of HMOs on residential amenity.	None. Comments have been taken into account and incorporated into proposed policy.	006/4
Summerfield Residents Association	<ul style="list-style-type: none"> - SRA collectively registers support for the introduction of an Article 4 Direction in parts of Ladywood Ward. - It would provide control over increasing concentration of Houses in Multiple Occupation (HMOs) in this historic residential area, which is blighted with an over proliferation of such properties (including hostels). - A desire to attract more families to the area as achieved by SRB6 and Housing Market Renewal Initiatives. - Concerned with related ancillary issues associated with HMO's such as parking/anti-social behaviour - Concern on the proliferation of 'To Let' signs and associated negative connotations 	<p>Comments are noted. However, this consultation relates to the Development Management DPD. The process for considering further Article 4 Direction area is separate to the DPD process. Justification for an Article 4 Direction is based on whether the exercise of permitted development rights would undermine local objectives to create or maintain mixed communities. Government guidance states that the use of Article 4 Directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area. The potential harm that the direction is intended to address should be clearly identified. It is considered that a strategic approach is needed for addressing issues with HMOs. In assessing the need for further Article 4 Directions, a city-wide analysis will be undertaken to assess the locations and concentration of HMOs. A mapping exercise of the licensed HMOs, along with Council Tax N exemptions and planning consents for Sui Generis HMOS is underway.</p> <p>The introduction of the new licensing rules will require many more properties to be licenced resulting in enable a better understanding of the location and numbers of HMOs in the City. Based on analysis of this intelligence, a more robust and strategic approach to the need for consideration for further Article 4 Direction Areas can be taken to ensure that there is a sound basis for an Article Direction to be pursued. This work is underway and will be reported to the Corporate Director for Economy in February 2019.</p> <p>The concern regarding the over-concentration of HMOs is acknowledged. The proposed policy DM10 HMOs and other non-family housing and DM2 Amenity seek to address the individual and cumulative impacts of HMOs on residential amenity. See draft policies in the Preferred Options Document.</p>	The request for an Article 4 Direction for parts of Ladywood Ward is noted. A city-wide analysis will be undertaken to consider the need for further Article 4 Direction Areas. This work is underway and will be reported to the Corporate Director for Economy in February 2019.	011/1
Tyler Parkes on behalf of the Police and Crime Commissioner for West Midlands (PCCWM)	<ul style="list-style-type: none"> - Article 4 Areas should address the need for appropriate crime prevention measures in terms of location, design, layout and other infrastructure to reduce crime and the fear of crime. 	Comments are noted. However, this consultation relates to the Development Management DPD. The process for considering further Article 4 Direction area is separate to the DPD process. The requirement for development to create safe environments that design out crime and promote natural surveillance and positive social interaction is already provided through BDP Policy PG3 Place making. Detailed design guidance on creating safe places and anti-terror measures and safe buildings will be set out in the emerging Birmingham Design Guide.	None.	016/4
Alvechurch Parish Council	<ul style="list-style-type: none"> - Particularly applicable if adjoining property in the rural adjoining parish of Alvechurch. 	Noted.	None.	022/14
Ladywood District Committee	<ul style="list-style-type: none"> - There is very strong support for this approach. - Not every, but many, landlords do not maintain their properties or surroundings; or manage the behaviour of their tenants, leading to deterioration of neighbourhoods and tensions within local communities. - These properties are often occupied by vulnerable individuals; our concern is about landlords who seem to feel no responsibility to support these individuals. 	Noted. The concern regarding the over-concentration of HMOs is acknowledged. The proposed policy DM10 HMOs and other non-family housing and DM2 Amenity seek to address the individual and cumulative impacts of HMOs on residential amenity. See draft policies in the Preferred Options Document. It is also important that adequate living conditions are provided for occupants of HMOs. The licensing of HMOs is a separate regulatory regime to planning and	None.	024/1

APPENDIX 4

		seeks to secure minimum standards of accommodation fit for human habitation such as fire safety standards and access to basic facilities such as a kitchen, bathroom and toilet.		
Question 16: Please give us your views on proposed Policy DM13 – Houses in Multiple Occupation – Article 4 Areas				
Response from:	Comments	LPA Response	Action	Ref
Selly Park Property Owners' Association.	<ul style="list-style-type: none"> - Concern about exclusion of Bournbrook from the Article 4 area. - Supplementary planning guidance should ensure the standards of residential amenity and character of an area are maintained and cumulative impact is taken into account. 	Bournbrook was excluded from the Article 4 Direction area as it would be ineffective due to the already high concentration of HMOs. The proposed policy DM10 HMOs and other non-family housing and DM2 Amenity seek to address the individual and cumulative impacts of HMOs on residential amenity. See draft policies in the Preferred Options Document.	None.	006/5
Summerfield Residents Association	<ul style="list-style-type: none"> - SRA collectively register support for the introduction of an Article 4 Direction in parts of Ladywood Ward. - It would provide control over increasing concentration of Houses in Multiple Occupation (HMOs) in this historic residential area, which is blighted with an over proliferation of such properties (including hostels). - A desire to attract more families to the area as achieved by SRB6 and Housing Market Renewal Initiatives. - Concerned with related ancillary issues associated with HMO's such as parking/anti-social behaviour - Proliferation of 'To Let' signs 	See above response to 011/1	See above action to 011/1	011/2
Tyler Parkes on behalf of the Police and Crime Commissioner for West Midlands (PCCWM)	<ul style="list-style-type: none"> - Policies DM12 Houses in Multiple Occupation and DM13 Houses in Multiple Occupation – Article 4 Areas, address the need for appropriate crime prevention measures - Appropriate measures suggested included location, design, layout and other infrastructure to reduce crime and the fear of crime. 	The requirement for development to create safe environments that design out crime and promote natural surveillance and positive social interaction is already provided through BDP Policy PG3 Place making. Detailed design guidance on creating safe places and anti-terror measures and safe buildings will be set out in the emerging Birmingham Design Guide.	Detailed design guidance on creating safe places and anti-terror measures and safe buildings will be set out in the emerging Birmingham Design Guide.	016/5
Alvechurch Parish Council	<ul style="list-style-type: none"> - Particularly applicable if adjoining property in the rural adjoining parish of Alvechurch. 	Noted.	None.	022/15
Question 17: Please give us your views on proposed Policy DM14 – Flat Conversions				
Response from:	Comments	LPA Response	Action	Ref
Selly Park Property Owners' Association.	<ul style="list-style-type: none"> - Proposals to convert houses into flats should take into account the standards of residential amenity - Not have an adverse impact on the character of an area. - The cumulative effect should also be considered. - The requirement to accommodate parking on site should be given priority. 	The proposed policy DM10 HMOs and other non-family housing and DM2 Amenity seek to address the individual and cumulative impacts of HMOs on residential amenity. Impact of development on highway safety and access, parking and servicing are covered by proposed policies DM13 Highway Safety and Access and DM14 Parking and Servicing. See draft policies in the Preferred Options Document.	None. Comments have been taken into account and incorporated into proposed policy.	006/6
Alvechurch Parish Council	<ul style="list-style-type: none"> - Particularly applicable if adjoining property in the rural adjoining parish of Alvechurch. 	Noted.	None.	022/16
Question 18: Please give us your views on proposed Policy DM15 – Hostels and Residential Homes				
Response from:	Comments	LPA Response	Action	Ref
Summerfield Residents Association	<ul style="list-style-type: none"> - SRA collectively register support for the introduction of an Article 4 Direction in parts of Ladywood Ward. - It would provide control over increasing concentration of Houses in 	See response to 011/1	See response 011/1	011/3

APPENDIX 4

	<ul style="list-style-type: none"> Multiple Occupation (HMOs) in this historic residential area, which is blighted with an over proliferation of such properties (including hostels). - A desire to attract more families to the area as achieved by SRB6 and Housing Market Renewal Initiatives. - Concerned with related ancillary issues associated with HMO's such as parking/anti-social behaviour - Proliferation of 'To Let' signs 			
Alvechurch Parish Council	<ul style="list-style-type: none"> - Particularly applicable if adjoining property in the rural adjoining parish of Alvechurch. 	Noted.	None.	022/17
Question 19: Please give us your views on proposed Policy DM16 – 45 Degree Code				
Response from:	Comments	LPA Response	Action	Ref
Alvechurch Parish Council	Agree	Noted.	None.	022/18
Question 20: Please give us your views on proposed Policy DM17 – Planning Obligations				
Response from:	Comments	LPA Response	Action	Ref
Highways England	<ul style="list-style-type: none"> - Highways England supports the updated policy including continued use of Planning Obligations for developments not otherwise considered through the Community Infrastructure Levy (CIL). - In accordance to the response for the BDP, there is requirement for an improvement scheme at M42 Junction 9 following the Langley and Peddimore developments - The above needs, as identified and recorded in the city's Infrastructure Development Plan (IDP), were excluded from the Draft Regulation 123 list which enables these to be delivered via the CIL. Improvements, therefore, associated with these developments would need to be provided through Planning Obligations. - The updated policy should therefore be supportive of the provision of this infrastructure. Needs to be flexible, however, as to address any future infrastructure needs that may threaten the functionality of the SRN. 	With regard to the Sustainable Urban Extension (SUE) at Langley and Peddimore, all on site infrastructure requirements will not be funded by CIL and S106 contributions will instead be sought. This is stated within the current Regulation 123 list. This will include improvements to Junction 9 of the M42.	None.	010/5
Tyler Parkes on behalf of the Police and Crime Commissioner for West Midlands (PCCWM)	<ul style="list-style-type: none"> - Welcomes the inclusion of Policy DM17 Planning Obligations - Request that reference be made, either within the policy or within the supporting justification, to the potential requirement for contributions to be made towards Police infrastructure. 	A policy on Planning Obligations is no longer proposed in the Preferred Options Document as it is covered by the BDP Policy on Developer Contributions.	None.	016/6
Alvechurch Parish Council	<ul style="list-style-type: none"> - Agree 	Noted.	None.	022/19
Question 21: Please give us your views on proposed Policy DM18 – Telecommunications				
Response from:	Comments	LPA Response	Action	Ref
Mono Consultants on behalf of Mobile Operators Association	<ul style="list-style-type: none"> - We consider it important that there is a specific telecommunications policy within the emerging DM DPD is line with national guidance provided in Section 5 of the NPPF. - When considering applications for telecommunications development, the planning authority should consider operational requirements of telecommunications networks and the technical limitations of the technology.- - "Proposals for telecommunications development will be permitted provided that the following criteria are met (i) the siting and appearance of the proposed apparatus and associated structures should seek to minimise impact on the 	Noted. Comments have been taken into account and incorporated into proposed policy.	Comments have been taken into account and incorporated into proposed policy.	014/1

APPENDIX 4

	<ul style="list-style-type: none"> (ii) visual amenity, character or appearance of the surrounding area; if on a building, apparatus and associated structures should be sited and designed in order to seek to minimise impact to the external appearance of the host building; (iii) if proposing a new mast, it should be demonstrated that the applicant has explored the possibility of erecting apparatus on existing buildings, masts or other structures. Such evidence should accompany any application made to the (local) planning authority. (iv) If proposing development in a sensitive area, the development should not have an unacceptable effect on areas of ecological interest, areas of landscape importance, archaeological sites, conservation areas or buildings of architectural or historic interest. 			
Alvechurch Parish Council	<ul style="list-style-type: none"> - Masts or other equipment seen from Alvechurch parish or other bordering authority's properties should not be considered. 	The provision of advanced high quality communications infrastructure to serve local business and communities plays a crucial role in the national and local economy. The proposed policy for Telecommunications seeks to ensure the right balance is struck between providing essential telecommunications infrastructure and protecting the environment and local amenity.	None.	022/20
Question 22: Please give us your views on proposed Policy DM19 – Aerodrome Safety				
Response from:	Comments	LPA Response	Action	Ref
Alvechurch Parish Council	Not applicable to Alvechurch	Noted.	None.	022/21
Question 23: Please give us your views on proposed Policy DM20 – Tree Protection				
Response from:	Comments	LPA Response	Action	Ref
Alvechurch Parish Council	Agree.	Noted.	None.	022/22
Question 24: Please give us your views on proposed Policy DM21 – Advertisements				
Response from:	Comments	LPA Response	Action	Ref
Highways England	<ul style="list-style-type: none"> - Highways England would be supportive of a policy which provides greater detail and guidance in determining decisions on relevant planning applications for advertisements, in relation to road safety. - Ongoing consultation on the drafting of this policy, to mitigate the potential for any adverse impacts on the safety and functionality of the SRN would be desirable. 	Noted. The proposed policy for Advertisement (DM7) seeks to ensure that they are designed to a high standard and are suitably located, sited and designed to have no detrimental impact on public and highway safety or to the amenity of the area.	None. Comments have been taken into account and incorporated into proposed policy.	010/6
Turley on behalf of Aberdeen Asset Management	<ul style="list-style-type: none"> - Policies of particular interest to AAM are proposed policies DM21 'Advertisements' and DM23 'Design'. - The Council should seek to ensure that there is sufficient flexibility within the policies to ensure that developers are not overly restricted in what they are able to do. 	Noted. The proposed policy on Advertisements strikes the right balance between flexibility and protection of the character of buildings and the surrounding area.	None.	013/2
Steve George, Managing Director, Signature Outdoor	<ul style="list-style-type: none"> - BCC's objective, in our view, has been to develop futuristic iconic displays in city centre locations. - The balance of providing social and commercial opportunities through the network has seen the reduction of overall displays and the eradication of traditional displays must be considered as progress. 	Noted.	None.	017/1
Turley on behalf of Calthorpe Estates	<ul style="list-style-type: none"> - 'Advertisements' should be efficient, effective and simple in concept and operation. 	Noted. As well as public safety and amenity the proposed policy seeks to ensure that advertisements are well designed and relate	None.	019/4

APPENDIX 4

	<ul style="list-style-type: none"> - Advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to detailed assessment. - Advertisements should be subject to control only in the interests of amenity and public safety. 	well in scale and character to a building or surrounding area.		
Primesight	<ul style="list-style-type: none"> - Care must be taken to ensure that such policies do not conflict with the strict requirements of the 1990 (controlled in the interests of amenity and public safety). - The promotion of innovation in advertising and signage in the interests of amenity and public safety - Recognition of the positive role that advertising can play when appropriately designed and sited. - Recognition of the existing amenity of a site and street scene when assessing the relative impact of a proposed advertisement scheme. 	Noted. As well as public safety and amenity the proposed policy seeks to ensure that advertisements are well designed and relate well in scale and character to the building/ structure it is located on and the surrounding area.	None.	021/2
Susan Fleming on behalf of Clear Channel UK Ltd	<ul style="list-style-type: none"> - The Development Plan and subsequent policy adopted must not constrain or prevent sensible large format media/digital advertising 	The proposed policy will not constrain advertisements but ensure that advertisements are well designed, relate well in scale and character to a building or surrounding area and are suitably located, sited and designed having no detrimental impact on public and highway safety or to the amenity of the area.	None.	025/5
Alvechurch Parish Council	<ul style="list-style-type: none"> - Masts visible from the Alvechurch Parish or adjoining authority could have a possible negative impact 	Noted.	None.	022/23
Question 25: Please give us your views on proposed Policy DM22 – Places of Worship				
Response from:	Comments	LPA Response	Action	Ref
None	None			
Question 26: Please give us your views on proposed Policy DM23 – Design				
Response from:	Comments	LPA Response	Action	Ref
Environment Agency	<ul style="list-style-type: none"> - Policy DM23 recommend consideration of how developments will interact with rivers and streams that flow through their boundaries in order to adequately integrate them. - Should build upon and provide further clarity to the requirements of BDP Policy TP6. - This policy should be drafted in consultation with your Lead Local Flood Authority who have responsibility for maintaining Ordinary Watercourses within the city. 	Detailed design guidance on how development should be designed to contribute to the green and blue infrastructure in the city will be contained within the emerging Birmingham Design Guide.	Comments to be taken into account in the Birmingham Design Guide.	012/3
Turley on behalf of Aberdeen Asset Management	<ul style="list-style-type: none"> - Proposed policy DM23 is of particular interest to AAM given the central location of City Centre House in the retail core. 	Noted.	None.	013/3
Tyler Parkes on behalf of the Police and Crime Commissioner for West Midlands (PCCWM)	<ul style="list-style-type: none"> - The PCCWM supports Policy DM23 Design in its consideration of crime and disorder. - Requirements for proposals to meet 'Secured by Design' principles when considering elements such as shop fronts, housing, tall buildings, hard and soft landscaping etc. would be welcomed. 	See response to 016/2	See response to 016/2	016/7
Turley on behalf of Calthorpe Estates	<ul style="list-style-type: none"> - Policy DM23, is of particular interest given the proposals identified in the Edgbaston Planning Framework. - The policies need to be sufficiently flexible as to respond to areas historic character and of retailing. 	Noted. A policy for Design is no longer proposed in the Preferred Options Document as it is considered to be covered by BDP Policy PG3 Place-making. Detailed design guidance will be provided through the emerging Birmingham Design Guide.	None. Detailed design guidance will be provided through the emerging Birmingham Design Guide.	019/5
Primesight	<ul style="list-style-type: none"> - An overarching design policy that is clearly integrated with advertisement 	Noted. A policy for Design is no longer proposed in the Preferred	None. Detailed design guidance will be	021/3

APPENDIX 4

	policy is welcomed.	Options Document as it is considered to be covered by BDP Policy PG3 Place-making. Detailed design guidance will be provided through the emerging Birmingham Design Guide.	provided through the emerging Birmingham Design Guide.	
Alvechurch Parish Council	- Properties close to the Birmingham boundary in Alvechurch Parish or adjoining authority could be thought as having a potential to be negatively affected by design.	Noted.	None.	022/24
Question 27: Please give us your views on proposed Policy DM24 – Residential Amenity and Space Standards				
Response from:	Comments	LPA Response	Action	Ref
Alvechurch Parish Council	- Agree.	Noted.	None.	022/25
Question 28: Please give us your views on Enforcement				
Response from:	Comments	LPA Response	Action	Ref
Selly Park Property Owners' Association.	<ul style="list-style-type: none"> - Council should continue to take action to prevent the continuation of development where breaches in planning regulations have occurred. - Where an applicant seeks retrospective consent, development should be prevented until this is approved. - Council to make full use of powers to prevent unauthorised development and curb flagrant abuses as required, considering the merits of each case individually - Local interest groups to be recognised as a good source of information 'on the ground' to 'police' unauthorised developments in an area. 	Noted. A policy for Enforcement is no longer proposed in the Preferred Options Document. The Council instead will be preparing a Local Enforcement Plan which will set out its policy and procedure for enforcing planning control and handling planning enforcement issues.	None.	006/7
Alvechurch Parish Council	- Supported, if enforcement is carried out properly on any development that may negatively impact on bordering authority properties.	Noted.	None.	022/26
Question 29: Do you have any comments about the assessment of existing policies in Appendix 1?				
Response from:	Comments	LPA Response	Action	Ref
Dr Mike Hodder on behalf of Council for British Archaeology, West Midlands	<ul style="list-style-type: none"> - The retention of the Archaeology Strategy SPG and the Regeneration through Conservation SPG is welcomed - The Archaeology Strategy SPG, like the Regeneration through Conservation SPG, should be absorbed within, and superseded by, the Historic Environment SPD when that is produced. 	The Archaeology Strategy SPG and the Regeneration through Conservation SPG will be superseded by the Birmingham Design Guide SPD once adopted.	Comments to be taken into account in the Birmingham Design Guide.	015/3
Tony Thapar on behalf of Moseley Regeneration Group	<ul style="list-style-type: none"> - Concerned with conservation of the Moseley character - Ensure that there is a diverse range of housing tenures in the neighbourhood. - Concerned with revoking area of restraint for Moseley/ Sparkbrook. 	<p>Policies in the BDP seek to value, protect, enhance and manage the historic environment. The Moseley SPD, adopted in 2014, sets out a vision for Moseley. One of the objectives is to protect its historical legacy. The Moseley Regeneration Group has led on the preparation of the SPD and the development of detailed guidance in relation to the protecting and enhancing the character of Moseley.</p> <p>BDP policies TP27 and TP30 require development to contribute to creating sustainable neighbourhoods characterised by a wide choice of housing sizes, types and tenures to ensure balanced communities.</p> <p>The Areas of Restraint are very out dated and can only be afforded limited weight. It is considered that the issues which the Areas of Restraint seek to address can be adequately covered by existing BDP policies and the proposed policies in the Preferred Options Document namely BDP Policy TP27, TP30, PG3, DM2, DM10, DM13 and DM14.</p>	None.	027/1

APPENDIX 4

Primesight	<ul style="list-style-type: none"> - It is proposed to revoke this SPG rather than update it. It is unclear why a different approach has been taken to that of the Large Format Banners SPD, which on the face of it performs a comparable role. We look forward to receiving the consultation on the draft of the section to be retained in the new policy DM21. 	The Location of Advertisement Hoardings SPG is regarded as being out-of-date, as it does not address more recent developments such as digital media. Some of the content should be included in the DPD policy.	None.	021/4
Question 30: Do you have any other comments? For example, do you think we have omitted anything, or are there any alternative options?				
Response from:	Comments	LPA Response	Action	Ref
North Warwickshire Borough Council	<ul style="list-style-type: none"> - Possible strategic issues relating to policies DM04/06/09/10/11/07 and implementation arising from the cumulative impact of development to the east of Birmingham. 	Noted	An ongoing dialogue with NWBC will be required.	001/1
Stafford Borough Council	<ul style="list-style-type: none"> - Stafford Borough Council do not have any key issues or concerns with the DPD. 	Noted.	None.	004/1
The Coal Authority	<ul style="list-style-type: none"> - We have no specific comments to make at this stage. 	Noted.	None.	005/1
Historic England	<ul style="list-style-type: none"> - Historic England welcomes the continued reference and commitment to the preparation of a Historic Environment SPD to enable the effective delivery of Policy TP12 of the BDP. 	Detailed design guidance on how development should be designed to value, protect, enhance and manage the historic environment will be contained within the emerging Birmingham Design Guide.	Comments to be taken into account in the Birmingham Design Guide.	003/1
Environment Agency	<ul style="list-style-type: none"> - Suggestion of an additional policy entitled 'Environmental Protection – Water' as to build on BDP Policy TP6. - Policies should ensure that development does not comprise the ability to meet the required WFD objective of Good Status. To accomplish this we recommend: - A Water Cycle Study to pull together all the available information on water resource availability and water quality to inform detailed development management policies. This should be undertaken in liaison with Severn Trent Water and the Environment Agency with reference to the Humber River Basin Management Plan (RBMP). - A policy is required regarding foul drainage infrastructure. The increased volume of waste water and sewage effluent produced by the proposed additional 50,000 dwellings will need to be treated to a high enough standard, it is likely that a blanket policy is required to cover all developments and ensure the sewerage system has adequate capacity to manage any additional flows. We suggest the following condition wording to be included within this DPD, as supported by Severn Trent water's Hearing Statement. 	BDP Policy TP6 (as modified) provides city-wide strategic policy on flood risk and the water environment. Consequently, an additional policy as suggested is not considered necessary.	None.	012/4
Frankley Parish Council	<ul style="list-style-type: none"> - Brownfield across Greater Birmingham and Solihull LEP and the Black Country Authorities should be utilised prior to Green Belt. - Sites within these areas and those within the Authorities identified in the Duty to Co-operate as having capacity for housing should be examined. Deliverable / developable land in the Black Country provides capacity for around 65,000 dwellings, offering land for employment and housing. - The projected housing numbers should be reviewed to ensure they are accurate. Many of the reports regarding migration are 5 years old. Until the population statistics and housing requirements are justified, the Green Belt should remain untouched. 	Comments are noted. However, this repeats comments made in connection with the Birmingham Development Plan Modifications, and does not relate to the content or purpose of the DM DPD.	None.	002/1
Selly Park Property Owners' Association.	<ul style="list-style-type: none"> - Concerns surrounding the concentration of student development in Selly Oak destroying neighbourhood character. A more balanced approach to land-use would be welcomed - Car parking concerns arising from purpose built student housing developments that have no associated parking facilities. 	Noted. The BDP contains a policy in relation to proposals for purpose built student accommodation (Policy TP33 Student accommodation). Development must have an unacceptable impact on the local neighbourhood and residential amenity. As set out in the Preferred Options Document, all should ensure that the operational and parking needs of development are met and avoid highway safety problems and protect the local amenity and character of the area.	None.	006/8

APPENDIX 4

Lichfield District Council	- We have no issues to raise.	Noted.	None.	008/1
Health & Safety Executive	- When consulted on land-use planning matters, HSE where possible will make representations to ensure that compatible development within the consultation zones of major hazard installations and major accident hazard pipelines (MAHPs) is achieved. - Detailed technical advice provided.	Noted. Supporting text to the proposed policy DM3 land affected by contamination and hazardous substances states that decisions will take into account the advice of the HSE, together with guidance in HSE's Land Use Planning Methodology.	Comments taken into account in proposed policy DM3 land affected by contamination and hazardous substances	007/1
Sandwell MBC	- We do not feel this DPD raises any strategic issues.	Noted.	None.	009/1
BCC Transportation	- Addition of a transport policy to address detailed considerations in respect of planning applications, planning conditions, car parks, the Parking Guidelines SPD and potential Travel Plans SPD.	Noted. Comments taken into account in proposed policy DM13 Highway Safety and Access and DM14 Parking and Servicing.	Comments taken into account in proposed policy DM13 Highway Safety and Access and DM14 Parking and Servicing.	Internal
Dr Mike Hodder on behalf of Council for British Archaeology, West Midlands	- Suggest that the DPD contains cross-references to BDP policies and a table, similar to Table 3 in the Appendix of the consultation document, which lists topics that are not included in the Development Management DPD because they are covered by BDP policies.	Cross reference to relevant BDP and other local plan policies and guidance has been included. An appendix in the Preferred Options Document lists the topics that are not included in the Preferred Options Document.	No further action. Comments have been taken into account.	015/4
Natural England	- Natural England does not consider that this Development Management DPD poses any likely risk or opportunity in relation to our statutory purpose, and so does not wish to comment on this consultation. This does not mean there are no impacts on the natural environment.	Noted.	None. Natural England is a Specific Consultation Body and will continue to be consulted in accordance with the Development Plan Regulations.	020/1
Tyler Parkes on behalf of the Police and Crime Commissioner for West Midlands (PCCWM)	- Additional policies requested (see below) - Development management policies specific to Listed Buildings and Conservation Areas. Consideration could be given to the use of alternative materials and/or artefacts which are less likely to be vulnerable to repeat theft. The policy should suggest the use of 'alternative' materials to replace building materials and artefacts stolen to reduce crime and the fear of crime - Policies requiring a comprehensive maintenance programme to offer sustainability for buildings once they have been constructed, this might include: The regular pruning and trimming of trees and bushes to encourage surveillance and prevent concealment, the removal of graffiti and signs of vandalism, regular litter and waste patrols. - Another recommendation includes the formulation of a policy, SPD, or model conditions that seeks to control the design and location of ATMs. Examples of 'model' conditions include, adequate lighting, defensible space, CCTV, anti-ram barriers, dedicated parking areas.	The requirement for development to create safe environments that design out crime and promote natural surveillance and positive social interaction is already provided through BDP Policy PG3 Place making. Detailed design guidance on creating safe places and anti-terror measures and safe buildings will be set out in the emerging Birmingham Design Guide.	Detailed design guidance on creating safe places and anti-terror measures and safe buildings will be set out in the emerging Birmingham Design Guide.	016/8
Severn Trent Water	- No specific comments to make, but please keep us informed.	Noted.	Consult at next stage of consultation.	018/1
Turley on behalf of Calthorpe Estates	- DM03 and DM11 should be sufficiently flexible to ensure that high quality niche offerings are not unduly restricted by blanket policies intended to deal with more standard / typical developments as to create a vibrant urban village. - The DPD should ensure that there is sufficient flexibility creating a more interesting built environment befitting of a world class city.	The proposed draft policies are unlikely to restrict niche offerings in any way.	None.	019/6
Alvechurch Parish Council	- No Transport policy to consider cross boundary transport integration.	Cross boundary transport integration is a strategic planning consideration which is addressed in the BDP.	None.	022/27
The Moseley Society	- We will be very interested to see the detailed policies when they are published for consultation. - We welcome a new statement on Enforcement and hope that enforcement receives sufficient resources.	Noted. A policy for Enforcement is no longer proposed in the Preferred Options Document. The Council instead will be preparing a Local Enforcement Plan which will set out its policy and procedure for enforcing planning control and handling planning enforcement issues.	None.	023/1
Castle Bromwich Parish Council	- Councillors to reply individually to consultations rather than submit a 'parish council' view.	Noted.	None.	026/1

Public Report

Birmingham City Council

Report to Cabinet

Date 22nd January 2019

Subject: PARADISE DEVELOPMENT SCHEME

Report of: CORPORATE DIRECTOR, FINANCE AND GOVERNANCE
AND ASSISTANT DIRECTOR, ECONOMY

Relevant Cabinet Member: Councillor Ian Ward, Leader of the Council

Relevant O &S Chair(s): Councillor Tahir Ali, Economy and Skills

Report author: Alison Jarrett, AD Development and Commercial Finance,
Telephone No: 0121 675 5431
and James Betjemann, Head of Curzon and Enterprise Zone
Delivery, Telephone No: 0121 303 4174
Email Address: alison.jarrett@birmingham.gov.uk /
james.betjemann@birmingham.gov.uk

Are specific wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s): Ladywood		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference:		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential : Paragraph 3 – report contains commercially sensitive information		

1 Executive Summary

- 1.1 The Paradise Circus development is one of the City's most important and complex regeneration projects that will deliver significant economic benefits. Located within the Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP) Enterprise Zone, the project has received significant

funding from the GBSLEP to deliver Phase 1 and further funding from the GBSLEP is now required for Phase 2.

- 1.2 This report seeks to ratify the decision of the GBSLEP to award additional funding to the project following the conclusion of the independent appraisal report commissioned by the GBSLEP and the Council (in its capacity as Accountable Body to GBSLEP).
- 1.3 The Paradise scheme is delivered by the Council and approval is now sought to borrow and subsequently defray the amount required for Phase 2 of the development. The presentation attached in Appendix 2 provides Cabinet with an update on progress of the scheme and the reasons for the increase in scheme costs.

2 Recommendations

That Cabinet:

- 2.1 Acting in its capacity as Accountable Body to the GBSLEP, ratifies the decision made by the GBSLEP Board at its meeting on 20th December 2019 to approve the award of up to £51,277,000 of Enterprise Zone (EZ) grant funding to Birmingham City Council for the delivery of Paradise project Phase 2.
- 2.2 Accepts the award of up to £51,277,000 from the GBSLEP for the delivery of the Paradise scheme Phase 2 and to approve the prudential borrowing of that sum as part of a larger EZ Investment Programme.
- 2.3 Notes and agrees to adhere to the GBSLEP conditions of funding set out in section 3.
- 2.4 Approves the expenditure of up to £51,277,000 for continued delivery of the Paradise project, and delegates to the Corporate Director Economy in conjunction with the Corporate Director Finance and Governance authority to defray these sums in line with the Council's and GBSLEP's approved governance arrangements.
- 2.5 Delegates authority to the Corporate Director, Finance and Governance, to enter into new or revised contracts with the developer and PCLP to reflect the additional funding and all terms and conditions attached to it.
- 2.6 Authorises the City Solicitor to prepare, negotiate, execute and complete all relevant legal documentation to give effect to the above recommendations.
- 2.7 Approves the co-commissioning of an independent audit into the Paradise project by the Council acting in its capacity as Accountable Body jointly with the GBSLEP.
- 2.8 Notes progress with the delivery of the Paradise Circus development.
- 2.9 Notes that the project's revised Full Business Case (FBC) is predicated upon a further EZ funding request to the GBSLEP for delivery of Phase 3. This report does not seek approval to Phase 3 expenditure which will be the subject of a

further Green Book compliant FBC to be submitted once the designs and costs are appropriately developed.

- 2.10 Notes that the FBC has been reviewed separately by the Department for Business, Energy and Industrial Strategy and that the revised agreement addresses their concerns.

3 Background

- 3.1 The redevelopment of Paradise Circus is one of the City's key regeneration projects. Once complete it will constitute a landmark development within Birmingham supporting the transformation of this part of the City Centre with the delivery of high quality office, retail and leisure space alongside a world class urban realm. It will expand the City's central business district, connecting Colmore with the Westside area, further strengthening Birmingham's offer and competitiveness as a premier UK business destination.
- 3.2 The scheme will deliver up to 2 million sq ft (Net Internal Area), containing:
- Grade A Offices, in up to ten new buildings (BREEAM Excellent as minimum standard with the opportunity to achieve BREEAM Outstanding)
 - 4* hotel with up to 250 bedrooms
 - Lower level shops, bars, cafes, and restaurants
 - Up to 550 car parking spaces
 - Buildings from 70,000 sqft to 400,000 sqft
 - Floor plates from 12,000 sqft to 40,000 sqft.
 - Business rates of £527,000,000
- 3.3 In March 2013 the Greater Birmingham and Solihull LEP (GBSLEP) approved an investment into the project of £61.3m, subsequently increased to £87.79m in line with scope changes in July 2014 with an indicative allocation across 3 phases as follows:
- Phase 1 - £37.685m
 - Phase 2 - £28.007m (inc £21.000m BCU relocation costs)
 - Phase 3 - £22.098m
- 3.4 The funding is for major infrastructure improvements including:
- Remodelling of the highway network
 - Demolition of the former library building and site wide reconfiguration
 - Significant improvements to the public realm
- 3.5 Paradise Circus Limited Partnership (PCLP) was established as a joint venture between BCC and the British Telecom Pension Scheme (managed by Hermes) to deliver the project. Argent are the development manager, BCC act as funding applicant and recipient for the EZ funds.
- 3.6 Progress to date has been significant with major alterations to the inner city ring road, demolition of the Central Library, Birmingham City University

Conservatoire and Chamberlain House. These works have contributed to the delivery of all three phases of the scheme.

3.7 Phase 1 will complete in 2019 and comprises;

- One Chamberlain Square – 172,000 sq ft office building including retail/restaurants on the ground floor, which will be occupied by PWC.
- Two Chamberlain Square – 183,000 sq ft office building including retail/restaurants on the ground floor.
- The two buildings yield £168m in new business rates by 2045/46.

Phase 1 - Delivery Challenges

3.8 The delivery of Phase 1 has been affected by a number of challenges which have impacted on costs;

- Grade A Office rents have not increased since 2010.
- Construction cost inflation has been double market forecasts.
- Substantially more infrastructure investment is required than was anticipated due to increased scope of works, demolition and remediation costs and part Carillion liquidation costs

Phase 2 – Additional Funding request

3.9 In addition to the increased costs for Phase 1, the updated development appraisal for delivering Phase 2 has indicated that additional funding of £51.277m is required for a number of reasons including;

- Former contractor (Carillion) liquidation costs
- Compulsory Purchase costs of the Copthorne hotel
- Additional unforeseen infrastructure works

3.10 In March 2018, as a consequence of these issues a change request was submitted to the GBSLEP by BCC to cover variations on both Phases 1 and 2 that would subsume the funds made available for Phase 3 and require an additional £51.277m to complete the project to Phase 2 stage.

3.11 A fuller breakdown of the project variance is set out in Appendix 2. There is no specific funding request for Phase 3 nor a commitment to deliver this phase and a future FBC will be submitted.

3.12 The revised FBC for the additional funding has been shared with BEIS following a request from them in September 2018. The findings have been reported to the GBSLEP and concluded that the FBC demonstrates value for money and that there may also be wider strategic reasons for supporting the project.

Key points from the independent appraisal report:

3.13 The main conclusions from the independent appraisal report on the five cases of the FBC are as follows:

- 3.14 Strategic case - the scheme is a critical component of the regeneration of Birmingham City Centre and has a strong fit with GBSLEP's wider strategic and economic objectives. There is expected to be market demand for the proposed office accommodation. A rationale for public sector investment is identified in terms of externalities and the provision of public goods.
- 3.15 Economic case - the economic costs and benefits of the scheme have been assessed. The FBC identifies that the preferred option demonstrates an overall positive Benefit-Cost Ratio (BCR) of 4.06 and is estimated to perform more strongly than each of the other three intervention options considered and the 'do nothing alternative'. However, value for money based on the assessed BCR is substantially less than the original appraisal due mainly to the substantially higher public support required. For Phase 2 specifically, the additional funding request will result in the creation of 410,000 sq. ft. and a 250 bedroom hotel that will need to be delivered by the developer.
- 3.16 Commercial case - PCLP remains the delivery vehicle for the scheme as a 50/50 joint venture between BCC and the British Telecom Pension Fund. The delivery arrangements are governed by a complex commercial legal structure which controls financial contributions and returns as assessed during consideration of the original business case. For Phase 2, Argent Services LLP will continue as overall delivery manager with the additional support of Quantem Consulting as project manager and Sir Robert McAlpine as the main contractor. The contractor appointment is designed to incorporate appropriate competition.
- 3.17 Financial case - PCLP is seeking additional public sector funding of £51.277 million for Phases 1 and 2 of the scheme and has also indicated that a further request for funds will be made in the future for Phase 3 based on a Green Book compliant business case. However, no funding is sought for Phase 3 at this stage. The cost increases and reduced receipts have been reviewed by Gardiner & Theobald (G&T) and Cushman and Wakefield. Further detail is contained in the private report.
- 3.18 Management case - the overall governance arrangements remain consistent with the original appraised proposals - with corporate governance fulfilled by the Joint Venture partners, the Joint Venture company responsible for overall success of the scheme, and Argent Services LLP responsible for overall delivery supported by project management, legal, and fund management advisers. Management arrangements for Phase 2 have been strengthened with the appointment of Quantem as project manager (with professional support to include architect, structural engineers, and construction) and Sir Robert McAlpine as main contractor.
- 3.19 The inadequate management and control exercised in Phase 1 is recognised by all parties and proposals to adopt revised procedures have been identified in the updated business plan. Further specific monitoring and reporting arrangements are part of the GBSLEP conditions on funding, which are set out below and within the private report where commercially sensitive:

- the development of a detailed Funding Agreement which includes amongst other things:
- a clear schedule of works, fees and other costs against which progress and expenditure can be monitored; and
- a clear basis in the form of a proposed schedule upon which grant is paid against progress made in relation to outputs and costs incurred.
- the inclusion of a GBSLEP representative as an observer on the PCLP Board, together with 2 BCC senior officers;
- the establishment of an officer group comprising PCLP, BCC and GBSLEP representatives that would meet ahead of the PCLP Board meetings to review issues and progress
- monthly reporting of financial and works progress to GBSLEP against targets, along with detailed quarterly reports on financial and physical progress, together with risk management. The monthly reporting should include a joint GBSLEP / BCC meeting held immediately following the monthly PCLP Board meeting;
- the appointment of an independent advisor to review costs, financial and physical progress and to validate interim claims for EZ payment; and
- an audit on final completion of Phase 2 and interim evaluation of performance.

4 Options considered and Recommended Proposal

- 4.1 The Paradise development remains a strategically important project for the city and the wider GBSLEP area. Both BCC and the GBSLEP have reviewed a number of options concerning the scheme, including curtailment of the scope. The independent business case review, however, shows a clear benefit to the City in taking this forward and financially it will deliver income receipts for use on the wider GBSLEP investment programme.

5 Consultation

Internal

- 5.1 The Leader of Birmingham City Council has been consulted on the contents of the report and both the leader and deputy leader have been fully briefed as part of their GBSLEP Board duties. Members of Audit Committee have been fully briefed on the development progress. Officers from Corporate Procurement, City Finance and Legal Services have been involved in the preparation of this report.

External

- 5.2 Members of the GBSLEP Board and have been instrumental in bringing forward the content of this report.

6 Risk Management

- 6.1 Updated risk registers have been provided as part of the full business case and a number of measures are in the process of being implemented to improve and ensure that there is increased monitoring of the project and its funding.

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

- 7.1.1 The Paradise development supports the Council's Business Plan and Budget 2018+, specifically the priority for making Birmingham a great city to live in. In addition it promotes transformational change in the City Centre in line with the Big City Plan and Birmingham Development Plan.
- 7.1.2 The development of Paradise forms part of the GBSLEP (Greater Birmingham and Solihull Local Enterprise Partnership) EZ Investment Plan 2014 and supports the Birmingham Connected five core objectives.

7.2 Legal Implications

- 7.2.1 Investment in economic development is made pursuant to the general power of competence contained in Section 1 of the Localism Act 2011. External legal advice has been sought and received as part of this review that as proposed the development will not breach European State Aid rules. Sufficient assurances have been received in this respect.
- 7.2.2 This is in part based on the financial case and the sharing of excess developer profits over the normal hurdle rate and in part by the fact that the funding relates to infrastructure and does not benefit any commercial enterprise. There is no effective subsidisation from the infrastructure payments that could, potentially, distort competition by favouring a private enterprise. No public body will be subsidised relative to private enterprise in the provision of services.

7.3 Financial Implications

- 7.3.1 The City Council is the delivery agent for the Paradise project. The Council undertakes prudential borrowing to cover the costs of the development and receives a grant from the GBSLEP to cover all borrowing costs. During the demolition and construction phases the Council no longer receives NNDR (national non-domestic rates) from the empty properties, but receives a payment of circa £0.468m in recompense from the developer during this period of risk. This de-risks the initial stages for the Council and provides comfort that there will be no additional call on the Council Tax payer as a result of the development phase.
- 7.3.2 Under Enterprise Zone legislation, all uplift in NNDR, over and above that level that existed prior to the development, is retained by the Local Enterprise

Partnership, GBSLEP and funds, in the first instance, the costs of the development and thereafter to fund their broader EZ Investment Programme.

- 7.3.3 The independent audit into the Paradise project to be commissioned by the Council acting in its capacity as Accountable Body jointly with the GBSLEP will be funded within the Enterprise Zone Investment Plan.

7.3.4 Paradise EZ Cost & Funding Statement

	Total £m	Phase 1 £m	Phase 2 £m	Phase 3 £m
Original EZ Award	87.790	37.685	28.007	22.098
Cost Movements	51.277	50.105	23.270	(22.098)
Revised EZ Award	139.067	87.790	51.277	0.000
Capitalised interest	21.742	10.944	10.798	0.000
BCC Borrowing Requirement	160.809	98.734	62.075	0.000
Interest Charges	65.367	32.504	32.863	0.000
Total EZ Cost	226.176	131.238	94.938	0.000
Funded By				
EZ Business Rates	(226.176)	(131.238)	(94.938)	0.000
Net Cost to BCC	0.000	0.000	0.000	0.000

7.4 Procurement Implications (if required)

- 7.4.1 This report does not contain changes to the existing approved construction and supplier contracts awarded under this project.

7.5 Human Resources Implications (if required)

- 7.5.1 There are no human resources implications from this report.

7.6 Public Sector Equality Duty

- 7.6.1 EINA reference 472209/2013 completed for project as a whole, included at Appendix 1.

8 Background Documents

- 8.1 Relevant Officer's file(s) on the matter, save for confidential documents
- 8.2 List of Appendices accompanying this Report (if any):

- Appendix 1 – Paradise Equality Analysis
- Appendix 2 – Paradise update presentation



INITIAL SCREENING – STAGE 1 (See Guidance information page 5)

As a public authority we need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity

Please complete the following questions to determine whether a Full EINA is required.

Name of policy, strategy or function: COMPULSORY PURCHASE ORDER AUTHORITY – PARADISE CIRCUS.	Ref:
---	-------------

Is this a:	Policy <input type="checkbox"/>	Strategy <input type="checkbox"/>	Function <input checked="" type="checkbox"/>	Service <input type="checkbox"/>
Is this:	New or Proposed <input type="checkbox"/>	Already exists and is being reviewed <input type="checkbox"/>	Is Changing <input type="checkbox"/>	

1. What are the main aims, objectives of the policy, strategy, function or service and the intended outcomes and who is likely to benefit from it

This function relates to the making of a Compulsory Purchase Order (CPO) to acquire a number of private land ownerships to enable the comprehensive redevelopment of this 8 acre site (Paradise Circus) located in Birmingham City Centre. The redevelopment Paradise Circus will deliver a mixed use scheme of up to 170,012 sq. metres development.

The redevelopment of the site for a commercial led mixed use redevelopment, which the CPO is intended to facilitate, is in accordance with national and local planning policy specifically the National Planning Policy Framework 2012, the Unitary Development Plan (saved policies 2008) and the emerging Birmingham Development Plan. It also fits with the Big City Plan (2011) which is a non-statutory planning document that sets a 20 year vision for the City Centre.

The City Council is using its CPO powers to enable the implementation of this comprehensive development scheme. The development will be delivered by a Joint Venture Company to which these arrangements are subject to separate approvals process.

2. Explain how the main aims of the policy, strategy, function or service will support the current Equality Duties? (Due to be replaced April 2011)

- | | |
|--------------------------------------|---|
| 1. Promote equality of opportunity? | 5. Promote positive attitudes towards disabled people? |
| 2. Eliminate discrimination? | 6. Encourage participation of disabled people? |
| 3. Eliminate harassment? | 7. Consider more favourable treatment of disabled people? |
| 4. Promote good community relations? | |

The objectives for the re-development of the land at Paradise Circus were considered and set out as follows:

1. To secure a world class re-development of the Site, the next major commercial development site in Birmingham, and a key development outside of London.
2. To create an exemplar, sustainable development.
3. To develop a collaborative working environment with stakeholders within a framework to enable the delivery of the re-development.
4. To support private sector investment and facilitate Enterprise Zone funding into the scheme.
5. To attract/retain key end users to secure economic growth in the City of Birmingham and the Local Enterprise Partnership area.

As illustrated by the objectives, Birmingham City Council have identified that the aims of the project not only address the immediate and long term issues of the Site but also the wider implications for the economy and prosperity of the City and region.

3. Does your policy, strategy, function or service affect:

Service users	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Employees	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Wider community	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Please provide an explanation for your 'Yes' or 'No' answer

The relevant legal powers for the CPO are contained in Section 226(1) (a) of the Town & Country Planning Act 1990 (as amended), Section 13 of the Local Government (Miscellaneous Provisions) Act 1976, and The Human Rights Act 1998. These contain statutory requirements to ensure that equalities issues are fully considered.

The Council considers that the use of Compulsory Purchase Powers will enable this comprehensive scheme in line with the tests set out in Ministerial Circular 06/04, namely:

- a) A compelling case in the public interest - the development proposals would deliver a significantly improved local centre and associated facilities, contributing to wider economic, social and environmental benefits for Birmingham City Centre and the surrounding business district.
- b) Public benefit would outweigh the loss suffered by individual owners (who will receive compensation for their loss).
- c) There are clear proposals for the acquisition – an outline planning consent exists and the developer is taking active steps to implement this.
- d) Availability of resources - the compulsory purchase order will be made on behalf of the developer, which has sufficient resources to undertake development.
- e) No impediment to implementation – the scheme has the benefit of planning approval and a signed S106 agreement.

In addition to the above in making a CPO the City Council have to have regard to Human Rights as relevant to purchase of private land interests. Section 6 Human Rights 1998 Act prohibits public authorities from acting in a way which is incompatible with the Convention on Human Rights.

The main articles of the Convention which are of importance in circumstances where the City Council is considering making a CPO are Article 8 - the right to respect for private and family life and his/her home and Article 1 of the First Protocol - the protection of property.

In the case of both of these Articles (and indeed other provisions in the Convention) the City Council has been conscious of the need to strike a balance between the rights of the individual and the interests of the public. In light of the significant public benefit that would arise from the implementation of the proposed redevelopment the City council has concluded that it would be appropriate to make the Order. It does not regard the Order as constituting any unlawful interference with individual property rights.

Article 6 also requires that those whose civil rights may be affected by a decision are given a fair hearing by an independent and impartial tribunal. This is secured by means of the CPO process including holding on an inquiry into any objections which may be made and the ability to challenge any CPO decision in the High Court.

4. Are there any aspects of the policy, strategy, function or service, including how it is delivered, or accessed, that could contribute to inequality? (including direct or indirect discrimination to service users or employees)

Yes ☐

No ☒

Please provide an explanation for your 'Yes' or 'No' answer

Following a series of public and planning consultations in July 2012 Argent Plc submitted an outline planning application for the comprehensive redevelopment of the site. Planning Committee determined the planning application on 20th December 2012 subject to the completion of a Section 106 agreement. This agreement was completed on 8th February 2013 and planning consent granted.

It is considered that statutory requirements, and the Council's existing procedures and practices contain appropriate measures to ensure that inequalities do not occur as a result of this CPO. Detailed development proposals will be brought forward subsequently, and will be assessed appropriately as they emerge.

5. Will the policy, strategy, function or service, has an adverse (negative) impact upon the lives of people, including employees and service users?

Yes ☐

No ☒

Please provide an explanation for your 'Yes' or 'No' answer

In summary the redevelopment scheme is crucial in advancing the continued regeneration of Birmingham City Centre supporting the economic growth and prosperity of the City and enhancing the overall environmental quality and pedestrian connectivity. It will help promote economic social and well being and achieve the following benefits:

1. Transforming permeability for pedestrians providing new and improved links between the City Core and wider area
2. Creation of world class public realm to match significant investment already made in the City Core and Westside Area.
3. A regeneration proposal that will be a catalyst for the continued transformation of the City Centre
4. An improved environment creating a more attractive City Centre
5. Comprehensive package of energy efficiency measures and achievement of CO2 reduction targets.
6. Enhance the economic well being of the City Centre by creating major commercial development opportunities and provide a pipeline of Grade A Office floorspace to enable the City to compete for inward investment and retaining existing businesses and jobs
7. To create an exemplar, sustainable development.
8. The implementation of a high quality landmark mixed-use scheme adding to the vibrancy and vitality of Birmingham City Centre.
9. Enhance the setting and visibility of the listed buildings adjoining the Site

In terms of negative impact, property will be acquired by compulsory purchase. However, it is considered that there is a compelling case in the public interest, and owners will be compensated in accordance with statutory provisions. Every effort will be made to secure voluntary acquisitions, and the Council will only make the Compulsory Purchase Order if negotiations are unsuccessful.

6. Is an Equality Impact Needs Assessment required?

If your answer to question 2 has identified potential adverse impact and you have answered 'yes' to any of the following questions 3, 4, or 5, then you should carry out a Full EINA.

Does the Policy, Strategy, Function or Service require a Full Equality Impact Needs Assessment (EINA)? Yes ☐ No ☒

If a Full EINA is required, before proceeding you should discuss the scope of the assessment with service managers in your service area as well as the Directorate EINA Contact Officer.

If a Full EINA is Not required, please sign the declaration below and forward a copy of the Initial Screening to your Directorate EINA Contact Officer

DECLARATION

A Full EINA is not required, the Initial Screening has demonstrated that the Policy, Strategy, Function or Service is robust; there is no potential for discrimination or adverse impact. All opportunities to promote equality have been taken.

Chairperson:



Sign-off Date:

14/3/13

Summary statement:

On the basis of this screening, there are no direct implications for equalities for the 'in principle' authorisation of the CPO, in addition to those identified in existing statutory procedures.

Potential inequalities are managed by statutory requirements and adherence to BCC procedures to ensure that differing needs etc. will be properly considered monitored and kept under review as the development process moves forward.

Quality check: The screening document has been checked using the agreed audit arrangements in the Directorate:

<p>Name: (Officer/Group carrying out the Quality Check) Satpal Hira</p> <p>Directorate: Corporate Resources Contact number: 0121 303 4185</p>	<p>Date undertaken:</p> <p>March 2013</p>	<p>Screening review statement:</p> <p>On the basis of this screening, there are no direct implications for equalities for the 'in principle' authorisation of the CPO, in addition to those identified in existing statutory procedures.</p>
---	---	--

EINA Task Group Members

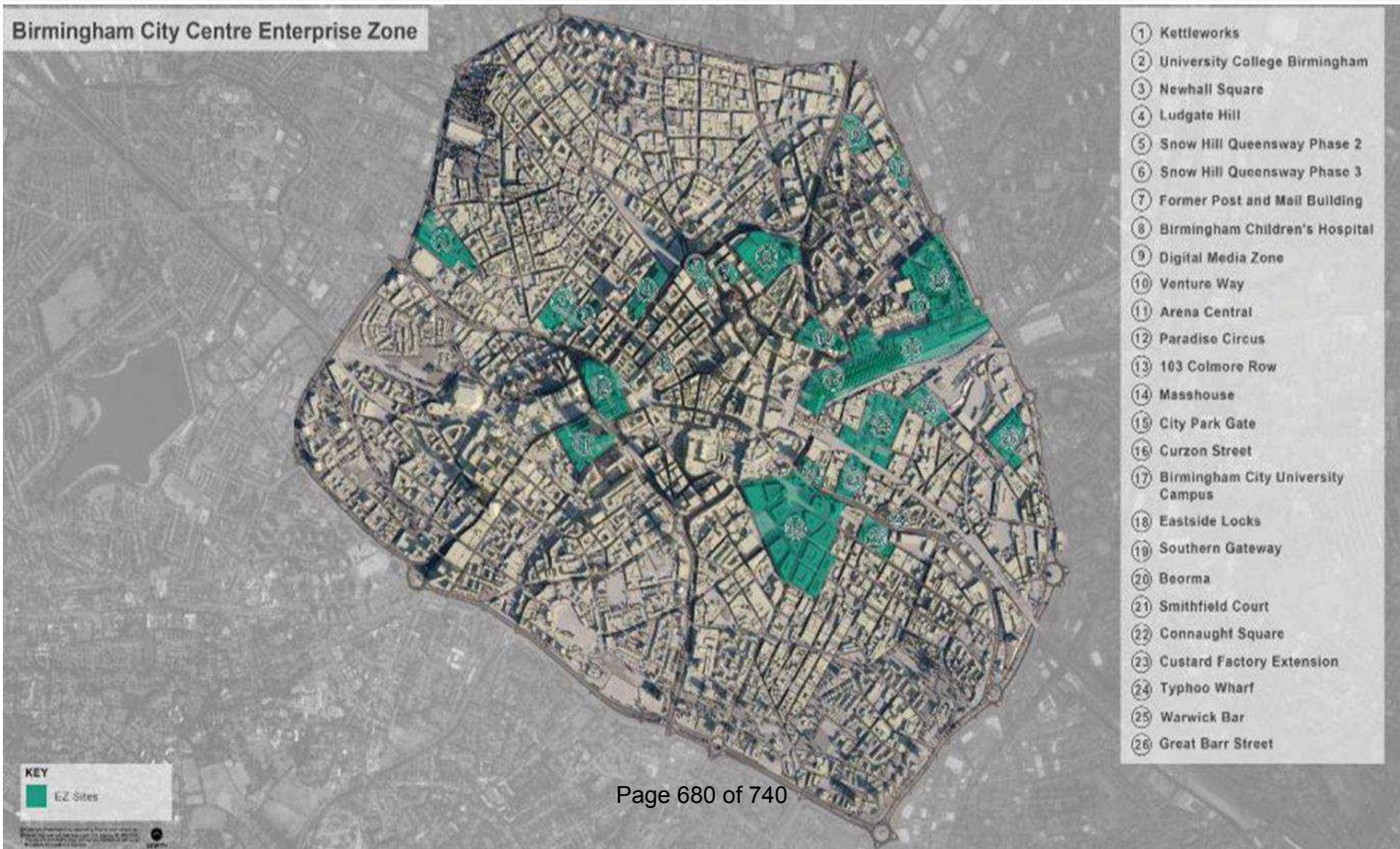
<input type="checkbox"/>	<u>Name</u>	<u>Role on Task Group</u> (e.g. service user, manager or service specialist)	<u>Contact Number</u>
1.	Chairperson Azmat Mir	Head of Service	0121 303 3844
2.	Kathryn James	Business Centre Manager	0121 675 3934
4.	Richard Cowell	Planning and Regeneration	0121 303 2262
5.	Paul Knight	Development Surveyor	0121 303 3402
6.			
7.			
8.			
9.			
10.			

Appendix 2 – Public report

Paradise Development Scheme

22 January 2019 Cabinet

City Centre Enterprise Zone



City Centre Enterprise Zone

- Designated April 2011.
- Largest EZ in UK - 26 sites across 70 hectares.
- Based upon sectorial strengths.
- A business rate discount worth up to £55,000 per year per occupier.
- Radically simplified planning approaches.
- Retention of business rates for 25 years – enables use of the US TIF model.
- EZ identified a variety of sites, some strong viable sites (such as 2 Snowhill) which generate good secure income which could then support unviable commercial development, such as Paradise and Smithfield.

Enterprise Zone Investment Plan

- First EZ Investment Plan in 2012 with £128m programme.
- Revised Investment Plan updated in 2014 increased programme to £275m.
- Extended again in 2015 with additional 13 sites to capture HS2 growth.
- Curzon Investment Plan launched in 2016 taking programme to £724m.
- The fundamental principle behind the Enterprise Zone was to fund infrastructure and investment to unlock business rates and drive economic growth.
- A consolidated Investment Plan for the expanded EZ is currently being prepared to cover period to 2028.

Project Aims

- Deliver a comprehensive mixed use development providing commercial, retail, amenity and possibly residential space.
- Support expansion of the Central Business District
- Major infrastructure improvements including:
 - remodelling of highway network
 - demolition of the existing library building and site wide reconfiguration
 - significant improvements to the public realm
- Relocation of Birmingham City University and Conservatoire.

Project Outcomes

- The project will deliver approximately 2 million sq ft of new development comprising of :
- Up to ten new Grade A office buildings (BREEAM Excellent as minimum standard with the opportunity to achieve BREEAM Outstanding).
- 4* hotel with up to 250 bedrooms.
- Lower level shops, bars, cafes and restaurants.
- Up to 550 car parking spaces.

Strategic Benefits

- One of the largest opportunities in Birmingham regenerating a strategic site in the City Centre.
- The scheme will support the continued economic growth and prosperity of the City and will make significant enhancements to the overall environmental quality and pedestrian connectivity of the surrounding area.
- Connecting the Colmore Business District to the business area of Westside.
- Further strengthening Birmingham's offer and competitiveness as a premier UK business destination.
- The Gross Development Value of the scheme is forecasted to be £750m.
- Original business rates forecast of £315.5m
- Creation of up to 10,000 new jobs in the City.

GBSLEP Investment Approval 2013/14

- Overall capital investments by the GBSLEP into the project of £87.8m with an indicative allocation across phases as follows:

Phase 1 £37.7m

Phase 2 £28.0m

Phase 3 £22.1m

- The capital investment will fund demolition of existing buildings including central library and major alterations to the highways and utilities infrastructure.
- It does not fund land assembly activities and building construction.

TIMELINE 2009 - 2014

TIMELINE 2009-2014

Paradise
BIRMINGHAM

April	2009 November	November	July	2012 July	December	2013 October	2014 June
EXCLUSIVITY AGREEMENT signed between Argent and Birmingham City Council	Central Library immunity from listing	Pre-Development pubic consultation	Outline Planning application submitted	GBSLEP FUNDING announced for enabling and infrastructure works	OUTLINE PLANNING PERMISSION GRANTED	JV APPROVED PCLP	Carillion announced as contractor for first phase on infrastructure works
							
			<i>Masterplan granted outline planning in 2012</i>				







TIMELINE 2015 - 2016



TIMELINE 2017 - 2020

TIMELINE 2017-2020

2017				2018			2019	2020
February	December	December	December	January	March	November	Q1-Q4	Q1-Q4
<p>BAM APPOINTED AS MAIN CONTRACTOR for Two Chamberlain Square</p> 	<p>PwC COMMITS to remaining commercial space in One Chamberlain Square</p> 	<p>ONE CHAMBERLAIN SQUARE TOPS OUT</p> 	<p>Planning application for One Centenary Way submitted</p> 	<p>Carillion administration stops work on One Chamberlain Square</p> 	<p>PLANNING PERMISSION GRANTED for One Centenary Way</p>	<p>PHASE TWO COMMENCES ONE CENTENARY WAY WORKS COMMENCE</p> 	<p>PHASE TWO Demolition and construction of foundations and podium - Q1 2019 Completion: Q4 2019</p> 	<p>HOTEL - PHASE 2 Construction Start: Q1 2020 Completion: Q4 2021</p>

Phase 1 Delivery to date:

- **Major alterations to the inner ring road**, which facilitated the removal of traffic that was previously routed through the middle of the site to the perimeter of the site. The works also required **major changes to the utility infrastructure in and around the site**.
- The **demolition of the Central Library, Birmingham City University Conservatoire, Chamberlain House and the Link Building**, facilitating phase 1, 2 & 3.
- The **site wide infrastructure** to support the first two buildings which includes the **refurbishment of Chamberlain Square, reinstatement of Congreve Street, the opening up of Centenary Way and refurbishment of Paradise Street**.
- The basement **car park** for the scheme occupier delivering up to **330 spaces**.
- A **temporary service yard** to service the offices and **public realm**.
- **Public realm** and event space in the newly refurbished **Chamberlain Square**.

Phase 1 Delivery to date continued

These site wide works have enabled the delivery of:

- One Chamberlain Square – 172,000 sq ft office building including retail/restaurants on the ground floor.
- Two Chamberlain Square – 183,000 sq ft office building including retail/restaurants on the ground floor.
- PWC are to occupy 150,000 sq ft of One Chamberlain Square and discussions with two potential occupiers for Two Chamberlain Square are underway.
- Phase 1 will deliver £162m in business rates.

Phasing

PHASE ONE

One Chamberlain Square

150,000 sq ft let to PwC

22,000 sq ft retail & leisure

Two Chamberlain Square

183,000 sq ft

PHASE TWO

One Centenary Way

280,000 sq ft

Three Chamberlain Square

100,000 sq ft - 140,000 sq ft

Hotel: One Ratcliff Square

4* 250 bedroom

PHASE THREE

Two Congreve Square

150,000 sq ft - 250,000 sq ft

Three Congreve Square

120,000 sq ft - 175,000 sq ft

Pavilion, Centenary Way

1,500 sq ft - 3,100 sq ft

Two Centenary Way

90,000 sq ft - 105,000 sq ft

One Congreve Square

100,000 sq ft - 165,000 sq ft



Development & Market Challenges

- Grade A Office rents have not increased since 2010.
- Construction inflation has been double market forecasts.
- As the project moved into delivery stage, it became apparent additional scope items, design development, inflation, programming, highway related infrastructure, demolition and remediation costs would require substantially more infrastructure investment than the original LEP contribution of £37.7m planned.

Mitigations

- A value engineering cost efficiency programme within PCLP resulted in a saving of £2m in partnership costs.
- Working capital interest rate reduced from 6.5% to 5%.
- Car Park to be sold early in Phase 2 raising capital to improve the cash flow reducing interest cost.

Phase 1 Cost Increase

Increased infrastructure costs alongside bringing forward demolition and infrastructure costs from Phase 2 & 3, have been met by spending almost all the £66.8m monies allocated to phases 1 and 2.

This decision to spend Phase 1 and 2 allocations on Phase 1 only was not communicated widely within BCC or to the LEP. The additional £29.105m spend is summarised below;

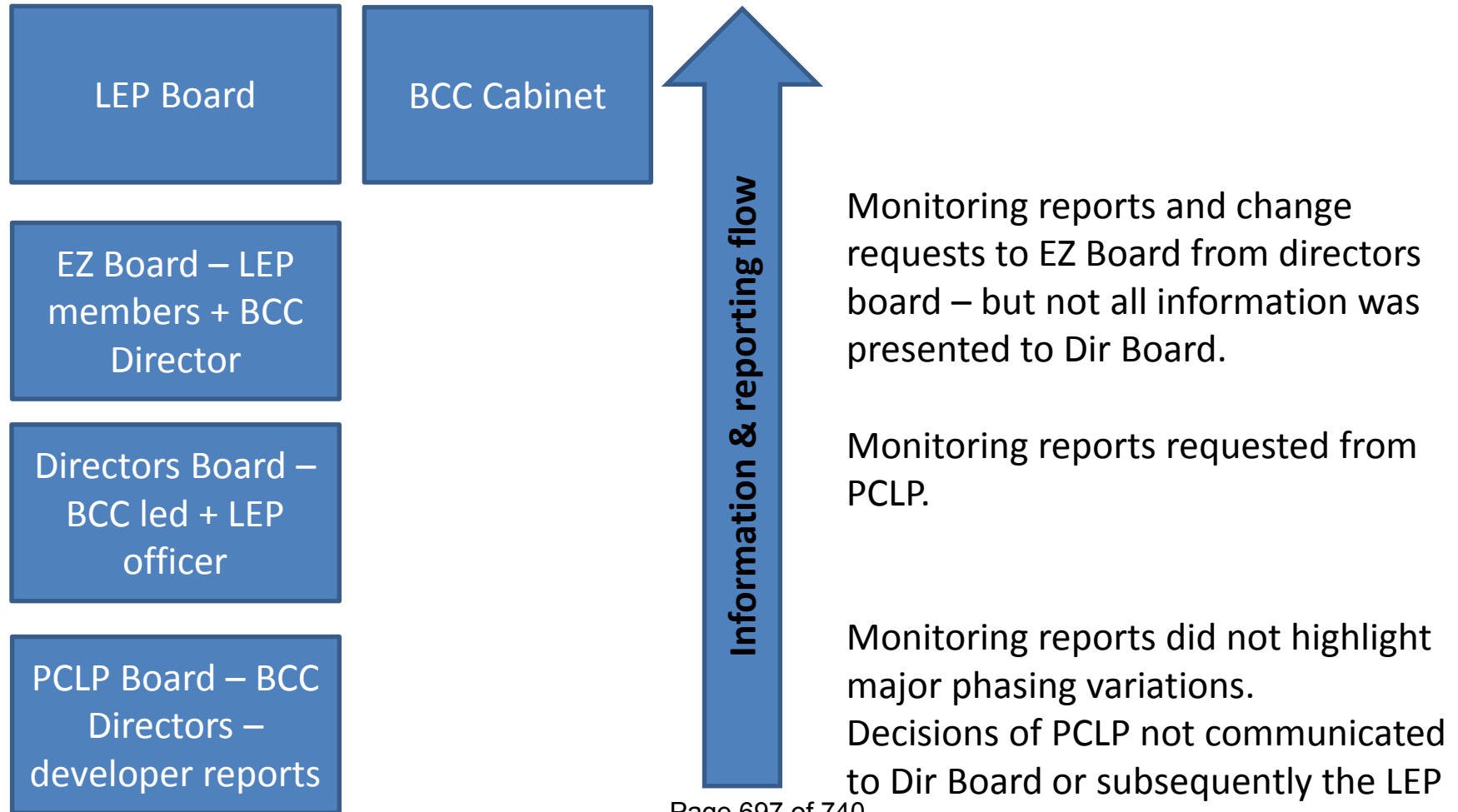
- Design Development £1.280m.
- Programme £1.330m.
- Inflation £4.300m.
- Scope extension £3.290m.
- Carillion liquidation £2.250m (part provision settlement).
- Highway & Infrastructure, demolition and remediation £16.655m

Key Issues & Lessons Learnt

- BCC should have had an internal Project Manager structure to ensure coordination and communication across all internal departments and regular meetings chaired by a Director with authority to make decisions.
- Scope and cost increases were most likely reported and approved by the PCLP including BCC directors, but this information was not disseminated within BCC or to the LEP. The apparent lack of these has resulted in parts of BCC and the LEP being unsighted on major cost changes.
- Some of the development challenges the project has experienced were not foreseen earlier by BCC. For example, an Asset Protection Agreement being requested in November 2014 – 2 weeks prior to signing the construction contract and the reconstruction of a major plant room that serves the dual carriageway tunnel.
- The original business case should have been a compliant HM Treasury Green Book Appraisal in line with best practice.
- The EZ programme management has not been sufficiently or consistently resourced to manage such a range and large set of complex projects.

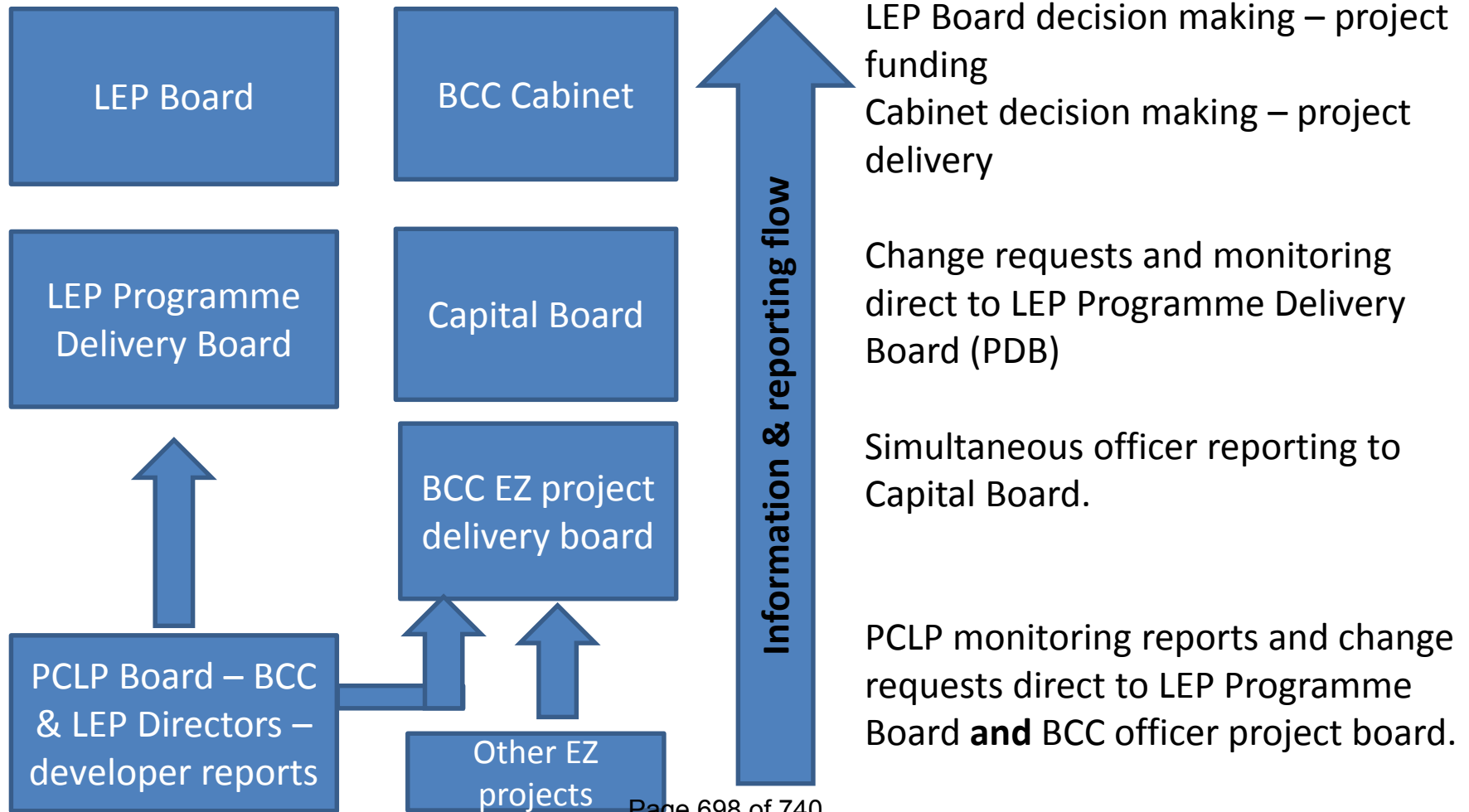
Governance Changes

Project governance to Summer 2018



Governance Changes

Project governance from Summer 2018



Phase 2 - Additional Funding Request

- To complete the Phase 2 delivery, PCLP have requested additional funding of £49.5m. This would support the following;
- £2.3m - balance of Carillon liquidation claim.
- £17.2m - CPO cost of the hotel freehold which also clears the Phase 3 area for development.
- £30m - infrastructure capital;
 - i. Below podium and service tunnel infrastructure works - £20.8m.
 - ii. Public realm works - £9.2m. This includes the new southern public square (Ratcliff Square), landscape works on Easy Row, works to the west of Town Hall and to the north of Paradise Street.

Phase 2 Deliverables

- **One Centenary Way**, c 282,000 sq ft (NIA) offices led building with food/retail ground floor uses. To be built speculatively by Hermes to commence at the end of 2018 with financial commitment from Hermes of £130m. This generates £115m to the LEP in business rates.
- The 4* replacement to the Copthorne Hotel with c250 rooms including a Sky Bar – upon completion of the new hotel the existing hotel can be demolished which clears the Phase 3 area for development.
- PCLP will serve notice on the Copthorne Hotel to acquire their current site building and this then triggers the Copthorne ability to call for the new hotel which will be funded by the Copthorne, delivered by PCLP.
- Three Chamberlain Square is a 120,000 – 140,000 sq ft (NIA) office led building. This building is forecast to commence in 2022 provided demand secured.

Business Case Review

- HM Treasury Green Book compliant Business Case written with assistance from KPMG.
- Independent review of business case commissioned by the LEP.
- Modelling results suggest business rates have a positive return for the LEP.
- New overage terms offered by PCLP and the developer Hermes – to be part of VFM detailed study.

Phase 3

- There is no funding request for Phase 3 as there is currently no business case or appraisal which identifies the need for funding. It is hoped that the site plots will generate sufficient value to fund the infrastructure. A recommended future strategy for Phase 3 will be presented at the appropriate/relevant time.

Conclusion

- Note the background and challenges of the project and lessons learned.
- A HM Treasury Green Book compliant Business Case has been written with assistance from KPMG and is being independently assessed.
- Business case and independent report will be presented to the funders, GBSLEP in January 2019.
- The EZ Investment Plan 2018 will be presented to the GBSLEP Board in January 2019 and subsequently to Cabinet.

Public Report

Birmingham City Council

Report to Cabinet

Date: 22nd January 2019

Subject: **PLANNED PROCUREMENT ACTIVITIES (MARCH 2019 – MAY 2019)**

Report of: **ASSISTANT DIRECTOR OF COMMISSIONING & PROCUREMENT**

Relevant Cabinet Member: **Councillor Brett O'Reilly, Finance and Resources**

Relevant O &S Chair(s): **Councillor Sir Albert Bore, Resources**

Report author: Richard Tibbatts, Head of Contract Management
Telephone No: 0121 303 6610
Email Address: richard.tibbatts@birmingham.gov.uk

Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, add Forward Plan Reference: 00xxx/2018		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential :		

1 Executive Summary

- 1.1 This report provides details of the planned procurement activity for the period March 2019 – May 2019. Planned procurement activities reported previously are not repeated in this report.

2 Recommendations

- 2.1 Notes the planned procurement activities under chief officer delegations set out in the Constitution for the period March 2019 – May 2019 as detailed in Appendix 1.

3 Background

- 3.1 At the 1 March 2016 meeting of Council changes to procurement governance were agreed which gives Chief Officers the delegated authority to approve procurement contracts up to the value of £10m over the life of the contract. Where it is likely that the award of a contract will result in staff employed by the Council transferring to the successful contract under TUPE, the contract award decision has to be made by Cabinet.
- 3.2 In line with the Procurement Governance Arrangements that form part of the Council's Constitution, this report acts as the process to consult with and take soundings from Cabinet Members and the Resources Overview & Scrutiny Committee.
- 3.3 This report sets out the planned procurement activity over the next few months where the contract value is between the EU threshold (£181,302) and £10m. This will give members visibility of all procurement activity within these thresholds and the opportunity to identify whether any procurement reports should be brought to Cabinet for approval even though they are below the £10m delegation threshold.
- 3.4 It should be noted that the EU threshold has changed from £164,176 to £181,302 and will apply from 1st January 2019 for a period of 2 years.
- 3.5 Individual procurements may be referred to Cabinet for an executive decision at the request of Cabinet, a Cabinet Member or the Chair of Resources Overview & Scrutiny Committee where there are sensitivities or requirements that necessitate a decision being made by Cabinet.
- 3.6 Procurements below £10m contract value that are not listed on this or subsequent monthly reports can only be delegated to Chief Officers if specific approval is sought from Cabinet. Procurements above £10m contract value will still require an individual report to Cabinet in order for the award decision to be delegated to Chief Officers if appropriate.
- 3.7 A briefing note with details for each item to be procured is listed in Appendix 2. The financial information for each item is detailed in the Private Report.

4 Options considered and Recommended Proposal

- 4.1 The report approved by Council Business Management Committee on 16 February 2016 set out the case for introducing this process. The alternative option is that individual procurements are referred to Cabinet for decision.
- 4.2 To enable Cabinet to identify whether any reports for procurement activities should be brought to this meeting for specific executive decision, otherwise they will be

dealt with under Chief Officer delegations up to the value of £10m, unless TUPE applies to current Council staff.

5 Consultation

5.1 Internal

This report to Cabinet is copied to Cabinet Support Officers and to Resources Overview & Scrutiny Committee and is the process for consulting with relevant cabinet and scrutiny members. At the point of submitting this report Cabinet Members/ Resources Overview & Scrutiny Committee Chair have not indicated that any of the planned procurement activity needs to be brought back to Cabinet for executive decision.

5.2 External

None.

6 Risk Management

6.1 Details of Risk Management, Community Cohesion and Equality Act requirements will be set out in the individual reports

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

7.1.1 Details of how the contracts listed in Appendix 1 and Appendix 2 support relevant Council policies, plans or strategies, will be set out in the individual reports.

7.2 Legal Implications

7.2.1 Details of all relevant implications will be included in individual reports.

7.3 Financial Implications

7.3.1 Details of how decisions will be carried out within existing finances and resources will be set out in the individual reports.

7.4 Procurement Implications (if required)

7.4.1 This is a procurement report and the implications are detailed in the appendices

7.5 Human Resources Implications (if required)

7.5.1 None.

7.6 Public Sector Equality Duty

7.6.1 Details of Risk Management, Community Cohesion and Equality Act requirements will be set out in the individual reports.

8 Background Documents

8.1 List of Appendices accompanying this Report (if any):

- 1. Appendix 1 - Planned Procurement Activity March 2019 – May 2019
- 2. Appendix 2 – Background Briefing Paper

APPENDIX 1 – PLANNED PROCUREMENT ACTIVITIES (MARCH 2019 – MAY 2019)

Type of Report	Title of Procurement	Ref	Brief Description	Contract Duration	Directorate	Portfolio Finance and Resources Plus	Finance Officer	Contact Name	Planned CO Decision Date
Strategy / Award	Resources to Support Enterprise Resource Planning (ERP) Organisational Readiness and Programme Delivery	TBC	The resource (Service) requirement cover specialist programme resourcing in support of both Organisational Readiness and in flight programme delivery of the system solution covering both Business and IT objectives to be delivered through programme phases over time	22 months	Strategic Services	Deputy Leader	Thomas Myers	David Waddington	29/01/2019
Strategy / Award	Resources to Support ICT Transition, Contract Negotiation and Various Technology Enablement Projects	TBC	There is a requirement to continue the external resource required to support the ICT Transition project. This resource will allow the Council to review existing ICT arrangements with a view to supporting and undertaking these negotiations and the transition, as well as deliver the significant improvements in how the Council uses technology.	28 months	Strategic Services	Deputy Leader	Thomas Myers	David Waddington	29/01/2019
Strategy / Award	Provision of Data to Maximise Business Rates Rateable Value	TBC	The provision of data to generate additional business rates income; maximising revenue for the local authority by identifying new and altered properties onto the Valuation Office rating list. This will assist with improved database quality and accuracy of business rates income in year and increase the business rates rateable value particularly in relation to new and undervalued properties.	4 years	Strategic Services	Deputy Leader	Thomas Myers	Lisa Haycock / Phil Doherty	29/01/2019
Approval to Tender Strategy	Arboriculture Services (Non-Highways)	P0560	The Council has approximately 736,000 trees within its tree stock on land which it is responsible for. Works under this proposed framework agreement (FA) will maintain these trees, as determined by the Council and will ensure that any emergency works are carried out to ensure that the Council adheres to its legal obligations.	5 years	Place	Homes and Neighborhoods	Parmjit Phipps	Andrea Webster	18/02/2019

BRIEFING NOTE ON PLANNED PROCUREMENT ACTIVITIES

CABINET – 22nd JANUARY 2019

Title of Contract	Resources to Support Enterprise Resource Planning (ERP) Organisational Readiness and Programme Delivery
Briefly describe the service required	<p>The ERP Programme is dependent on a number of Organisational Readiness activities to be completed prior to the award of contract and mobilisation of the ERP System Solution and System Integration Delivery Partner mobilising on site to commence the implementation of the new ERP solution.</p> <p>The resource requirement cover specialist programme resourcing in support of both Organisational Readiness and in flight programme delivery of the system solution covering both Business and IT objectives to be delivered through programme phases over time:</p> <p>The resources required including but not limited to the following areas:</p> <ol style="list-style-type: none"> 1. Programme Directorship 2. Specialist ERP Project & PMO Management / Planning 3. ERP Business & Cultural Change Management 4. Process Analytics / Risk & Controls 5. Data Migration / Data Analytics / BI & MI Reporting 6. IT Project Management 7. IT Enterprise Architecture / Solutions Architecture 8. IT Systems Administration Service Design & Delivery 9. IT Systems Integration 10. Test Management 11. Release Management / Cut Over Management 12. End User Training 13. Organisational Architecture
Is the Council under a statutory duty to provide this service? If not what is the justification for providing it?	There is not a statutory duty to provide this service. On the 18 th September Cabinet approved the Outline Business Case for the replacement of the current SAP ERP solution this included requirements for specialist resourcing to facilitate delivery of this programme not currently available within the Council.
What are the existing arrangements? Is there an existing contract? If so when does that expire?	A low value contract awarded under CO delegations has been procured with Socitm to provide limited interim procurement support to the ERP Programme and concludes in March 2019. Programme Directorship is currently on a short term consultancy contract due to conclude on the 28 th Feb 2019.
What is the proposed procurement route?	<p>Procurement exercises will be undertaken using the following routes as appropriate for each requirement:</p> <ul style="list-style-type: none"> • A further competition exercise using the Crown Commercial Services Data and Application Solutions framework agreement • A procurement process advertised in OJEU, Contracts Finder or www.finditinbirmingham.com
If single /multiple contractor negotiations is proposed, what is the reason for not tendering the requirement, how do we ensure value for money and compliance with the Birmingham Business Charter for Social Responsibility (BBC4SR)?	Not Applicable.
Proposed start date and duration of the new contract	The proposed start date is February 2019 for a period of 22 months.

Title of Contract	Resources to Support ICT Transition, Contract Negotiation and Various Technology Enablement Projects
Briefly describe the service required	<p>There is a requirement to continue the external resource required to support the ICT Transition project that commenced in May 2017. This resource will allow the Council to review existing ICT arrangements with a view to supporting and undertaking these negotiations and the transition, as well as deliver the significant improvements in how the Council uses technology.</p> <p>The resources required include the following areas:</p> <ol style="list-style-type: none"> 1. Legal resource to undertake a forensic analysis of the contract, support the negotiation and inform the transition plans for future arrangements 2. Financial resource to undertake a forensic analysis of costs in the contract, cost modelling, support the negotiation and inform the transition plans to future arrangements 3. Commercial management/lead negotiator for the negotiation phase 4. ICT technical and market knowledge such as enterprise architects, project management and business analysis etc. 5. HR advice on TUPE issues and implications arising from the negotiations and transition. <p>Multiple suppliers will be sourced to provide services to support these requirements.</p>
Is the Council under a statutory duty to provide this service? If not what is the justification for providing it?	There is not a statutory duty to provide this service. The technology the Council uses however, underpins the delivery of the majority if not all Council services. The services to be procured will enhance the Council's ability to manage value for money in the delivery of these services by the provider and enable better ways of working.
What are the existing arrangements? Is there an existing contract? If so when does that expire?	<p>A contract has been competitively procured with Socitm to provide technical and commercial support and was awarded in May 2017. Additional support has been procured under the delegated authority of the Chief Operating Officer that expires in January 2019.</p> <p>The Socitm contract expires in May 2021. The contract was procured through the CSS Framework – Digital Specialists and Outcomes, which allows for additional Statements of Work(s) to be made for the continuation of services.</p>
What is the proposed procurement route?	<p>Procurement exercises will be undertaken using the following routes as appropriate for each requirement:</p> <ul style="list-style-type: none"> • A direct award in accordance with the protocol of the CCS Digital Specialists and Outcomes framework agreement • A further competition exercise using a collaborative framework agreement as identified for requirement • A procurement process advertised in OJEU, Contracts Finder or www.finditinbirmingham.com
If single /multiple contractor negotiations is proposed, what is the reason for not tendering the requirement, how do we ensure value for money and compliance with the Birmingham Business Charter for Social Responsibility (BBC4SR)?	Not Applicable.
Proposed start date and duration of the new contract	The proposed new service will start in February 2019 for a period of up to 28 months.

Title of Contract	Provision of Data to Maximise Business Rates Rateable Value
Briefly describe the service required	<p>The provision of data to generate additional business rates income; maximising revenue for the local authority by identifying new and altered properties onto the Valuation Office rating list.</p> <p>This will assist with improved database quality and accuracy of business rates income in year and increase the business rates rateable value particularly in relation to new and undervalued properties.</p>
Is the Council under a statutory duty to provide this service? If not what is the justification for providing it?	<p>The Council does not have a statutory duty to provide this service. However, the Revenues Service must maximise the size of the Business Rates Rateable Value to increase revenue for the council by identifying new and altered properties onto the rating list, and ensure that all businesses pay the right amount of business rates.</p>
What are the existing arrangements? Is there an existing contract? If so when does that expire?	<p>The Council went out to full tender in October 2017 to deliver approximately £5m of additional rateable value over a four year period. The contract was awarded to Inform CPI Limited and work commenced in January 2018. Due to their success, in excess of the £5m in additional rateable value has been identified within the first 10 months of the contract. In accordance with standing orders relating to contracts under Section 135 Local Government Act 1972, a contract modification has been made to extend the current contract with Inform CPI Limited. The additional expenditure of £0.250m to increase the revenue for the council on the current contract by £3.333m has been approved whilst a further procurement exercise is undertaken.</p>
What is the proposed procurement route?	<p>It is proposed that this service be directly awarded to Inform CPI Ltd via the North East Procurement Organisation's (NEPO) neutral vendor contract with Bloom Ltd. A direct award is permitted under the terms of this contract. Pricing is anticipated to be no worse than under the current contract.</p>
If single /multiple contractor negotiations is proposed, what is the reason for not tendering the requirement, how do we ensure value for money and compliance with the Birmingham Business Charter for Social Responsibility (BBC4SR)?	<p>Not Applicable.</p>
Proposed start date and duration of the new contract	<p>1st March 2019 for a period of up to 4 years.</p>

Title of Contract	Arboriculture Services (non-highways) (P0560)
Briefly describe the service required	The Council has approximately 736,000 trees within its tree stock on land which it is responsible for. Works under this proposed framework agreement (FA) will maintain these trees, as determined by the Council and will ensure that any emergency works are carried out to ensure that the Council adheres to its legal obligations.
Is the Council under a statutory duty to provide this service? If not what is the justification for providing it?	Section 164 of the Public Health Act 1875 gives the Council power to plant and maintain trees on land it is responsible for. The Council must maintain the trees on its land in order to avoid harm being caused to people and property which could result in claims for damages under the laws of negligence or an offence being committed under the Corporate Manslaughter and Corporate Homicide Act 2007. Section 23 of the Local Government (Miscellaneous Provisions) Act 1976 also gives the Council powers to make safe dangerous trees on privately-owned land.
What are the existing arrangements? Is there an existing contract? If so when does that expire?	There is an existing Framework Agreement that is due to expire on 16 th July 2022. By mutual consent the Council & the contractor Idverde Ltd have agreed to the early termination of this Framework Agreement on 31 st December 2019. More details are provided in the private report.
What is the proposed procurement route?	A restricted tender competition is proposed
If single /multiple contractor negotiations is proposed, what is the reason for not tendering the requirement, how do we ensure value for money and compliance with the Birmingham Business Charter for Social Responsibility (BBC4SR)?	Not applicable.
Proposed start date and duration of the new contract	1 st January 2020 with a contract term of 5 years. A 5 year Framework Agreement can be justified as a shorter contract period would inhibit competition as service providers not already having the equipment needed to deliver the service may not be able to obtain sufficient return on their investment

Template to Accompany any Late Reports

PUBLIC REPORT (not for publication)

Report to:	CABINET
Report of:	Corporate Director of Adult Social Care & Health
Date of Decision:	22nd January 2019
SUBJECT:	ENABLEMENT SERVICE
Key Decision: Yes	Relevant Forward Plan Ref:
If not in the Forward Plan:	Chief Executive approved <input checked="" type="checkbox"/>
(please "X" box)	O&S Chair approved <input checked="" type="checkbox"/>
Relevant Cabinet Member(s) or	Cllr Paulette Hamilton - Health & Social Care
Relevant Executive Member:	
Relevant O&S Chair:	Cllr Rob Pocock - Health & Social Care
Wards affected: All	All

REPORT

*** To be completed for all late reports, i.e. which cannot be despatched with the agenda papers i.e 5 clear working days' notice before meeting.**

Reasons for Lateness

Enablement is the subject of ongoing discussions between the Council and Trade Unions and discussions are ongoing

Reasons for Urgency

The Council is seeking to agree a way forward for this service which is fundamental to improving outcomes for older citizens. Discussions have been ongoing for some time and it is essential these discussions are concluded as soon as possible and a way forward agreed.

This report is not on the Forward Plan. The subject matter is however likely to be a 'key decision' and due to the matters set out in this report it is the opinion of the Chief Executive that it is impracticable to defer the decision. The Chair of Health and Social Care Overview and Scrutiny, Councillor Rob Pocock, has agreed that the matter is urgent and cannot be reasonably deferred. [Paragraph 3.5 Council Constitution 11/9/18]

Public Report

Birmingham City Council

Report to Cabinet

22nd January 2019

Subject: ENABLEMENT SERVICE
Report of: Corporate Director Adult Social Care & Health
Relevant Cabinet Member: Cllr Paulette Hamilton - Health & Social Care
Relevant O &S Chair(s): Cllr Rob Pocock - Health & Social Care
Report authors: Tim Normanton
 HR Business Partner
 Tel: 07864 930613
 Email: timothy.normanton@birmingham.gov.uk
 Shugufta Jabeen
 Head of Law (Employment & Litigation)
 Email: shugufta.jabeen@birmingham.gov.uk

Are specific wards affected?	<input type="checkbox"/> Yes	<input type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference:		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential :		

1 Executive Summary

- 1.1 Cabinet approved a business case for the reorganisation and improvement of the enablement service in July 2018. However, following subsequent extensive negotiations with trades unions, a revised and improved proposal is now

recommended. This includes increased working hours, improved mitigations and changes to break times and travel arrangements, in response to BCC and union concerns regarding the impact on staff.

1.2 The approval of the recommendations in this report will lead to vastly improved outcomes for service users including:

- 1.2.1 Birmingham's citizens who are older will receive intensive therapy-led services which will develop their confidence and ability to manage daily living activities and other practical tasks so they can carry out these activities themselves and continue to live at home independently;
- 1.2.2 The Enablement Service will have capacity to deliver a responsive service which can support timely discharge from hospital and improve performance in Delayed Transfers of Care;
- 1.2.3 Enablement will become one of the Council's main tools for efficiently supporting an ageing population by ensuring that any homecare provided following Enablement is appropriate to older adults needs;
- 1.2.4 Birmingham will build a high quality service, based on evidence and best practice improving the outcomes for older adults. A practice and behavioural shift will take place which will focus on outcomes and will subsequently deliver savings across the care and health system;
- 1.2.5 Deliver the required improvement in Enablement to address the shortfalls identified in the CQC System inspection in January 2018 where Enablement was identified as an area of underperformance;
- 1.2.6 The Enablement Service will deliver considerable efficiency through the implementation of common working patterns whilst improving both equity in working hours and compliance with the Working Time Directive.

1.3 As a result of the failure to conclude extensive talks with unions over many months and industrial action in the Enablement service by UNISON, the number of service users is rapidly diminishing to the point where the service is becoming financially non-viable, expected savings are not materialising and legal risks are increasing. For these reasons, it is critical that Cabinet approval to implement these revised proposals at the earliest opportunity is obtained in order to complete the necessary reforms and to urgently mitigate the impacts of the current industrial action. This report is late and urgent due to the need to consider fully all the options open to the Council to manage these impacts alongside continuing ACAS negotiations. The agreement of the Chair of Health and Social Care Scrutiny, Councillor Rob Pocock has agreed that this report is to progress as late and urgent. [Paragraph 3.5 Part B Council Constitution 11/9/18].

2 Recommendations

- 2.1 To approve the final revised proposals for an improved Enablement service set out in this report.
- 2.2 To note the agreement by Unison and the City Council to continue with ACAS talks.

3 Background

- 3.1 The Care Act 2014 is clear that local authorities must provide or arrange services that help prevent people developing needs for care and support or delay people deteriorating such that they would need ongoing care and support.
- 3.2 The current Enablement service was constituted from the existing in-house Domiciliary Care Service. In 2011, BCC decided to commission the provision of domiciliary care from the external market and focus on the in-house provision of enablement services.
- 3.3 Enablement provides a community based service to Adults and Older People in their own home which is aimed at helping people recover skills and confidence to live at home independently. The service historically provided short-term home care but, if the business case proposed in 2018 was implemented, it will transform the service user experience to become a modern, therapy-led enablement service. As it stands, the current service is some way short of this standard as referenced in the CQC review report in April 2018.
- 3.4 The current Enablement service has been unable to meet demand or to respond quickly enough to referrals from both hospital discharge and community services. BCC's service is required to support enablement plans which are focussed on the citizen's daily living activities (with peak demand in the morning, mid-day, and evening periods).
- 3.5 Met and unmet demands were each tracked for 12 months to inform the July 2018 business case, evidencing the lack of capacity to meet demand. The lack of capacity is due to the multitude of existing rotas and staff working patterns; the service currently has over 150 individual working patterns.
- 3.6 Since 2014/15, BCC have seen a persistent decline in the referrals to the in-house enablement service. This has been due to the service not being seen as responsive and able to provide continuity in service. For the acute hospitals, referrals need to be picked up within hours which the in-house service is not able to do.
- 3.7 The Sustainability and Transformation Plan (STP) system leadership group undertook work in October 2017 to understand the issues and barriers in supporting hospital flow and smooth discharge. Underpinning this work was a

review of the enablement pathway and process, including case reviews undertaken by practitioners across the city and involving the Homecare Enablement Service.

3.8 This activity identified -

- 28% of citizens could have achieved better outcomes from enablement intervention.
- 37% of citizens who received commissioned home care could have benefitted from enablement intervention.
- The enablement pathway could be reduced from an average of 42 days to an average of 25 days.
- Birmingham could see substantial benefit from more effective enablement; If we reduced the number of hours per week in our care packages following enablement from our current average down to those achieved by Lancashire County Council, BCC would have more independent citizens and could spend the equivalent of 390,000 less hours on care in a year. Improved Enablement performance is a significant contributor to long term improved outcomes for citizens, as well as substantial savings for the ASCH budget.

3.9 Enablement is at the heart of a modern adult social care service and both effective use of resources and high performance are reliant upon the enablement service performing to a high level. The savings proposals in adult social care for the following three years are predicated upon a high performing service. Further, it is expected that when enablement begins to perform effectively it will help to raise the position of Birmingham in Adult Social Care Outcomes Framework (ASCOF) ratings from second bottom nationally.

3.10 In order to meet the needs of vulnerable adults, a new rota is proposed that ensures that staff are available when citizens require the service. The purpose of this proposed new rota is to ensure that access to the service is increased and support meets the needs of service users:

From (current service)	To (future service)
Only 20% of service users are exit enabled.	80% of service users will be exit enabled evidenced by a reduction in social care need or improvement in quality of life outcome
Between 20 and 40% of current paid staff time is downtime (i.e. where no	All hours will be productive with 80% of planned hours being service-user

care or non-caring work is available)	facing
Evening and weekend shifts do not have adequate staff cover to meet service user needs	There will be consistent and even staffing across the seven day working week
There is no capacity to support either planned or rapid hospital discharge and referrals are frequently turned down	Enablement will be a key service in the Older Adult pathway with a crucial focus on discharge from hospital
Service users report seeing up to 15 carers in a week	Service users will recognise their Enablement Team and key Enablement Assistant

4 Options considered and the recommended proposal

4.1 After over 18 months of dispute in relation to this service and significant time invested in mediation, options appraisals and seeking to find agreement with the Trade Unions, the directorate and key stakeholders including the Health service, and citizens, need to resolve the future of this crucial service. Three options have emerged: -

- a) **Option 1** - Implement the alternative final offer rota proposal detailed in Appendix A as the best alternative to a negotiated agreement.
- b) **Option 2** - Implement the rota proposal in the business case agreed by cabinet in July 2018 as the most efficient model of service delivery.
- c) **Option 3** - Decommission the current service.

4.2 The proposal recommended is Option 1. In order to determine the impact of this option on the workforce, officers are seeking to engage with staff to understand preferences and explore mitigation detailed in appendix B.

Final Offer rota

- 4.3 The final rota set out below, which has now been shared with the Unions, is based on a modified business case rota, developed to meet the needs of service users whilst allowing sufficient time for the workforce to complete non-caring duties such as travel, admin, emails, training etc. Crucially, management are seeking to minimise non-caring time in this model.
- 4.4 It is proposed that staff will undertake additional duties which will result in an increase in grade from Grade 2 to Grade 3 (formal job evaluation pending).

- 4.5 The regular shift patterns proposed (working three days in week one, and four days in week two), and numbers of contracts available are: -

Hours in shift	Working hours	Estimated number of posts
16	07:30 – 11:30	46
23	15:00 – 22:00	60
30	07:00 – 14:00 AND 16:00 – 18:00 or 18:00 - 20:00	88
Total contracts available		194

- 4.6 The current headcount in the service is 218 (compared with 226 at the time of the Business Case), after current voluntary redundancy requests are processed 199 staff would remain.
- 4.7 The initial Business Case, BCC has extended the short shift from 14 to 16 hours to meet Unison demands to address the issue of access to Working Tax Credits (WTC) for a worker with dependent children.
- 4.8 BCC has also extended the medium shift from 21 to 23 hours and increased the number of posts from 50 to 60 to meet Unison demands to mitigate the loss of posts for workers currently working less than 30 hours.
- 4.9 BCC has extended the long shift by 32% from 22.75 hours to 30 hours to meet Unison demands to address the issue of access to Working Tax Credits (WTC) for a worker without dependent children.
- 4.10 In increasing the number of contracts, BCC estimates that only 4 individuals are likely to be at risk of redundancy as a result from this proposal. However, BCC recognises that the alternative contracts may not represent suitable alternative employment and that staff who do not accept a contract will be eligible for a redundancy payment.
- 4.11 The proposed total contracted hours will be 4,750 each week for a total of 194 contracts. This is around 380 more hours each week than proposed in the initial business case (4,375 hours with 218 contracts).

Staff preference process

- 4.12 In the absence of agreement with Trade Unions, the recommendation is to approach staff directly to determine individual preferences. This engagement would provide the opportunity to work with individual members of staff to mitigate the impact of the rota.
- 4.13 Staff would receive a letter with the offer of a meeting with management and HR (where required) detailing the options below and a deadline to respond:
- a) Voluntary Redundancy – choosing to leave through redundancy as soon as possible
 - b) Apply for Flexible retirement (if over the age of 55 and reducing pay by more than 25% - by preferencing a contract with reduced hours)
 - c) Preference hours (and constituency team) in the proposed new rota (and receive a mitigation payment where there is a reduction in hours)
 - d) Compulsory Redundancy (as there is no suitable alternative contract) – this option allows staff to pursue priority mover opportunities across BCC
- 4.14 If staff do not express a preference, and there is no suitable alternative employment offer, they will be redundant subject to priority mover opportunities.
- 4.15 Details of mitigation and support offered to staff who are impacted by this new proposed rota are provided at appendix B.
- 4.16 Unison have objected to this proposed approach (see 5.8, 5.9).
- 4.17 The timeline and next steps for the recommended option 1 are detailed in appendix E.

5 Consultation

- 5.1 BCC has engaged in extensive consultation and negotiations with Trade Union representatives, and staff since a previous rota proposal for this service in April 2017. The 2017 business case rota was withdrawn after strike action and following ACAS conciliation in early 2018. Unison proposed a self-roster model which was rejected as it did not deliver a consistent supply of staff to service users.
- 5.2 Unison submitted a dispute regarding ‘potential changes to Enablement rotas in May 2018’. This dispute was used to ballot for further strike action which has been ongoing since summer 2018.

- 5.3 The current business case for a revised (part time) rota was predicated on a three-shift rota (based on 14, 21 or 22.75 hours) agreed by cabinet in July 2018, and informed by substantial staff, trade union and member consultation over the preceding 12 months. Formal consultation commenced in July, with the intention that consultation would close in September 2018.
- 5.4 Consultation has been repeatedly extended at the request of Unison and the current date for end of consultation is 18th January 2019. Details of the many management and trade union meetings is set out at Appendix C
- 5.5 Unison demands on the revised service have consistently changed throughout the consultation period as detailed in Appendix D.
- 5.6 BCC has made numerous significant concessions and developed multiple alternative rota proposals. The current final rota is the best option in terms of both affordability and efficiency and meeting citizen needs. This rota also has the minimum employee impact compared to other options previously considered.
- 5.7 ACAS talks in December 2018/January 2019 resulted in an impasse; Unison requested time to prepare a further alternative proposal, but have been unable to articulate how this would be any different to previous proposals.
- 5.8 At ACAS in January 2019 BCC suggested that the only way to determine the impact on individuals is to communicate directly to staff to seek preferences. Unison stated that they would not support this process which they described as 'undermining collective bargaining'.
- 5.9 Unison and management have undertaken impact modelling based on data provided by BCC; however, attempts to quantify financial impact on individuals are speculative, as each employee has unique circumstances which will determine their preference. For example, a significant number of staff could access flexible retirement, and this could result in them choosing to reduce hours in order to access pension benefits, in doing this, they would 'free' another contract, with more hours, for other staff to preference.

6 Compliance Issues:

- 6.1.1 Within the BCC Plan 2018-2022, Enablement contributes to outcome 3 'Birmingham is a fulfilling city to age well in'.

6.2 Legal Implications

- 6.2.1 Moving to implement a change to rotas/working hours without trade union agreement is likely to be challenged. Legal Services have advised that where there is evidence of an impasse in trade union negotiations, it is reasonable to

approach employees directly to seek a preference and inform a way forward in the process. Further advice is provided in the accompanying private report.

6.3 Financial Implications

The financial implications of the three options are set out below: -

- 6.3.1 **Option 1** - Implement the alternative final offer rota proposal detailed in Appendix 1 as the best alternative to a negotiated agreement. The Council will, in the first year of operations, forgo around £600,000 of savings identified in the Business Case – this will result in a shortfall of £300,00 against the first year savings identified in the Business Plan (option 2 below).
- 6.3.2 **Option 2** - Implement the rota proposal in the business case agreed by cabinet in July 2018 as the most efficient model of service delivery. This would deliver around £900,000 savings.
- 6.3.3 **Option 3** - Decommission the Enablement service. A commissioning and procurement exercise may be required to understand market capability and capacity. The Enablement service budget for 2018/19 is £6.27m.

6.4 Procurement Implications

- 6.4.1 There are no direct procurement implications for options 1 and 2.
- 6.4.2 Option 3 has potential commissioning, and procurement implications.

6.4.3 Human Resources Implications

- 6.4.4 The recommended option, to implement Option 1 significantly reduces the impact on staff hours, and pay, compared to the July business case rota.
- 6.4.5 A detailed analysis of impact is not possible as staff preferences will determine the availability of contracts on the new rota. However, a broad impact analysis is possible, based on several assumptions, which is detailed at appendix E (1). In addition, individual illustrations are provided at appendix E (2)
- 6.4.6 For both options 1 and 2, staff will be required to express a preference regarding the work location, and rota/contract hours they wish to work in the future service. Once this process is completed management will make a final decision on the implementation of the new rota including any selection process for positions and/or redundancy.
- 6.4.7 Where staff accept a new rota/contract, they will be eligible for a mitigation payment facilitated by ACAS as part of a COT3 process.
- 6.4.8 Management will support staff in pursuing other employment opportunities within ASCH and across BCC both as an alternative to the rota contracts, or as an additional contract to increase hours.

6.4.9 Where staff do not accept a new rota/contract, they will be eligible for a redundancy payment and the support detailed in Appendix A (19a-19h).

6.5 Public Sector Equality Duty

6.5.1 The initial assessment of the business case was undertaken in July 2018; it is recommended that this is refreshed once staff preferences have been received to assess the actual impact and final proposals.

7. Reasons for Decision(s):

7.1 To improve outcomes for Birmingham Citizens. In particular, Older Adults who require support to regain their independence.

7.2 To deliver required workforce efficiency savings as agreed by Cabinet in setting the Council Plan and budget.

7.3 To reduce the future demand on Homecare services (and associated costs) within the wider context of strategic change in Birmingham, increasing financial pressures and shrinking resources.

7.4 Deliver the required improvements identified by the CQC Systems report in January 2018.

8 Background Documents

8.1 Care Act 2014

8.2 List of Appendices accompanying this Report (if any):

Appx A - BCC final rota offer features

Appx B - Mitigation offer

Appx C - Chronology of key events

Appx D - Unison Demands

Appx E - Staffing data and indicative impact

Appx F. Indicative implementation timeline

Appendix A**BCC final Rota – features**

- 1 The proposed rota model introduces split shift working but remains Working Time Directive (WTD) compliant (ensuring enough breaks between shifts);
- 2 The current model reduces number of contracts available in order to accommodate a 30 hour option – there is an inevitable compromise between numbers of contracts and hours assuming that the total contracted hours required to provide the service remains broadly stable. Where staff work in the morning and return in the evening, fewer evening contracts are required;
- 3 The proposal assumes an increase from Grade 2 to Grade 3. This is based on Trade Unions agreeing a single new Job Description reflecting the work required by BCC and its commissioners; to be carried out in a normal, modern Enablement Service of the type proposed by BCC. The move to Grade 3 would increase the cost of the paybill by c£300k each year and would give individual staff an annual pay increase of around 6%. These numbers are incorporated into the modelling;
- 4 BCC has increased hours by over 380 hours p/w (including the additional 10 posts at 23 hours each) above the business case (July 2018) rota hours. This is a significant compromise and represents the limit of reasonable productive time (caring and non-caring).
- 5 BCC has agreed to Trade Union requests to enable employees to claim in-work benefits at the 16 and 30 hour thresholds (mindful of the fact that BCC is a 100% Universal Credit pilot and that thresholds do not exist under Universal Credit for new claimants or those with changed circumstances);
- 6 BCC has listened to union arguments about travel time and expenses and agreed that staff can use a 'hub' approach whereby their commute is to their nearest BCC hub and not to their first customer location, this reduces costs for employees and ensures compliance with BCC travel and expenses policy;
- 7 BCC has listened to the Union's position regarding the proposed 1 hour break between 11:00am and noon. This has been amended in the proposal to now be a half hour break with half an hour non-caring time;
- 8 BCC has also proposed a range of mitigation payments (set out below) compensating staff for lost hours (where they remain in the service and are not redeployed elsewhere within BCC).

BCC final Rota - Mitigations

- 9 BCC recognises the impact of these proposals on staff, the majority of whom are lower paid female workers. BCC continues to do everything it can to mitigate the impacts of these changes on its workforce. Mitigation measures proposed include:
 - a. The increase to a Grade 3 role (subject to the outcome of Job evaluation)
 - b. A payment based on hours lost and length of service, described as 'redundancy for hours lost'. This will tend to average the equivalent of 3 – 6 months' pay;
 - c. Access to other full-time roles within Adult Social Care or the wider Council via the Lateral Movers Programme which involves staff indicating a preference but without risk to their existing job. At present, up to 30 vacancies are being held at Grade 2 for this purpose;
 - d. Access to other full-time roles within Adult Social Care or the wider Council via the Priority Movers Programme which involves staff at risk of redundancy being placed in a pool against BCC vacancies (after the close of consultation);
 - e. Access to the Flexible Retirement Scheme which allow workers over 55 years of age to reduce their hours and access pension benefits. Of the 199 workers, 87 are 54 years of age or older and there is likely to be considerable interest;
 - f. Redundancy payments to those staff who determine the available rota does not provide a suitable alternative employment option;
- 10 All staff will also be offered a comprehensive package of support to secure alternative employment:
 - a. Career transitions skills workshops
 - b. Personal Assistant training to support transition into direct payment roles
 - c. Access to priority mover vacancies, including roles covered by agency
 - d. Application skills, CV clinics, Interview skills, Job search, self-employment
 - e. Time off to seek alternative employment
 - f. Jobs fair with internal and external employment opportunities available
 - g. Support from the Jobcentre Plus to secure alternative employment

- 11 over 40 Vacancies in ASCH (at 4th January) – potential alternative employment opportunities:

Vacant Posts as at 4th January

ECSH Lateral Moves Grade 2	x2
Driver Carer Vacancy Grade 2	x10
Senior Care Assistant vacancy	x1
Care Assistant Vacancy Grade 2	x15

Current Care Centre VR Requests

Grade 3	x7
Grade 3 Night	x1
Grade 2	x4
Grade 2 Night	x4

There are also potential vacancies in the LD Enablement service pending the outcome of redeployment trials.

Enablement - chronology of key events – updated 15/01/18

Between November 2017 and February 2018 Officers met with Unison Officials seeking to resolve the previous dispute on 13 occasions. In addition, management attended ACAS for three facilitated sessions and supported a Self-Roster exercise with considerable staff and management time in March 2018.

In relation to the July 2018 Business case the following activity has been recorded -

<u>Date</u>	<u>Event</u>
9 July 2018	Consultation commences
16 July 2018	TUs issued with s188 letter (formal notification of potential redundancies)
16 July 2018	TUs issued with Business Case and Cabinet report for Enablement redesign
16 July 2018	TUs given presentation from the Head of Service
18 July 2018	Notice of industrial action. Industrial action scheduled for 31 July – 1 August, 9 – 11 August, 19 – 22 August, 28 August – 1 September
26 and 27 July 2018	Mediation meeting held with Trade Unions
30 July 2018	Scheduled staff consultation meetings (cancelled due to dispute)
1 August 2018	Scheduled staff consultation meetings (cancelled due to dispute)
9 August 2018	Scheduled Trade Union consultation meeting (cancelled by Unison due to dispute)
13 August 2018	Scheduled staff one to one meetings (cancelled due to industrial action)
14 August 2018	Scheduled staff one to one meetings (cancelled due to industrial action)
15 August 2018	Scheduled Trade Union consultation meeting
17 August 2018	Scheduled staff one to one meetings (cancelled due to industrial action)
20 August 2018	Scheduled Trade Union consultation meeting (cancelled by Unison due to industrial action)
21 August 2018	Scheduled staff one to one meetings (cancelled due to industrial action)

22 August 2018	Scheduled staff one to one meetings (cancelled due to industrial action)
23 August 2018	Scheduled staff one to one meetings (cancelled due to industrial action)
24 August 2018	Scheduled staff one to one meetings (cancelled due to industrial action)
28 August 2018	Notice of industrial action. Industrial action scheduled for 12 – 16 September, 24 – 28 September, 5 – 9 October 2018.
30 August 2018	Scheduled Trade Union consultation meeting (cancelled by Unison due to industrial action)
3 September 2018	Trade Union close of consultation meeting – consultation extended
4 September 2018	Trade Union consultation meeting
7 September 2018	Trade Union consultation meeting
10 September 2018	Trade Union consultation meeting
11 September 2018	Trade Union consultation meeting
12 September 2018	Trade Union consultation meeting
13 September 2018	Trade Union consultation meeting
14 September 2018	Trade Union consultation meeting
18 September 2018	Trade Union consultation meeting
20 September 2018	Trade Union consultation meeting
28 September 2018	Trade Union consultation meeting - consultation extended
October 2018	Individual 1-2-1 meetings with staff commenced
12 October 2018	Staff briefing letter sent to all staff
15 October 2018	TUs object to the briefing letter
16 October 2018	Amended staff briefing letter sent out to all staff
16 October 2018	Notice of industrial action. Industrial action scheduled for 2 – 6 November 2018, 14 – 18 November 2018 and 25 – 29 November 2018
18 October 2018	Amended staff briefing letter

22 October 2018	UNISON raised concerns regarding the expression of preference form that was being offered to staff at the end of the one to one meeting, on the basis that the form included the alternative proposal rota hours
23 October 2018	UNION members were sent a message that management were asking staff questions that had not been agreed as part of the expression of preference form
24 October 2018	Revised expression of preference form with no reference to rota hours sent out to all staff
29 October 2018	Meeting with Leader and TUs – consultation extended
30 October 2018	Update letter sent out to all staff
5 November 2018	Meeting with Leader and TUs
9 November 2018	Enablement briefing note
12 November 2018	Meeting with Leader and TUs – consultation extended
23 November 2018	Meeting with Leader and TUs – consultation extended
28 November 2018	Management and Unison meeting to review rota proposal
29 November 2018	Management and all TU meeting to review rota proposal
5 December 2018	Meeting with Leader and Unison – consultation extended to 14 December 2018
11 December 2018	Notice of Industrial Action, Industrial action scheduled for 25 December 2018, 26 December 2018, 28 December 2018, 1 January 2019, 5 January 2019, 7 January 2019, 15 January 2019 and 19 January 2019.
18 December 2018	Initial meeting with ACAS
20 December 2018	Meeting with Unison
20 December 2018	Notice of additional Industrial Action - scheduled an additional date of 13 th January 2019.
3 January 2019	Meeting with ACAS
7 January 2019	Meeting with all Trade Unions to update developments

9 January 2019	Meeting with ACAS
10 January 2019	Notice of further Industrial Action, scheduled – 25 & 26 January 2019; 3, 4, 9, 12, 17, 22 and 23 February
15 January 2019	Meeting with ACAS – cancelled

Unison Demands

October 2017 dispute – Unison demands

1. That there will be no compulsory redundancies in the enablement service.
2. That the rota being proposed by management is withdrawn and a self-roster system is negotiated with the union and staff.
3. That a joint working group consisting of UNISON and staff from all grades is set up to review the suggested service changes to ensure that the service works for the future.

BCC agreed to these demands However, in 2018 a Unison alternative proposal included assumptions about staff redundancy.

January 2018 dispute - Unison further demands

1. Meetings with elected members
2. Management attend ACAS talks to resolve the dispute
3. Staff and service data, time and facilities to conduct the self-roster pilot

BCC agreed to these demands

May 2018 dispute (prior to the publication of a business case in July 2018) – ‘over the changes to the home care enablement service which may involve’

- the imposition of compulsory redundancies
- a new rota
- a reduction in contracted hours
- privatisation of the service
- the loss of paid travel time for the first and last calls

Through various channels and in consultation in August, Unison made the following additional demands to mitigate the impact of the business case rota proposals:

1. Regrade Enablement Assistant to a Grade 3
2. Increase rota hours

BCC agreed to these demands subject to a single Job Description being evaluated at the appropriate Grade.

November 2018 - further demands:

1. All the hours freed by VR / flexible retirement / redeployment etc are available to use to increase the hours available to those that want to stay
2. BCC is prepared to negotiate a shift system that will incorporate all of the hours that are needed, so that losses of hours are minimised or eliminated.
3. BCC will agree a solution for staff currently working in Extra Care Sheltered Housing ("the courts") that want to work as Enablement Assistants

Unison feedback on the management rota proposal on 10th December resulted in a further request to management to:

4. Reinstate 526 hours included in the Option 2 rota
5. Analyse impact on all staff across the rota options
6. VR decisions are expedited

In addition to the disputes regarding the redesign of the service, Unison also pursued a collective grievance in relation to travel time, and a further dispute regarding mileage payments when management advised all staff that mileage claims must be compliant with BCC travel and expenses policy.

1. Travel time Grievance Hearing decision of 13th November 2017; appeal dated 20th December 2017.
2. 12th June travel time grievance appeal outcome (not upheld) communicated 24th July 2018.
3. Dispute resolution meeting regarding mileage payments heard 15th May 2018.
4. Dispute resolution appeal heard, and not upheld 23rd May 2018.

Staffing Data and indicative impact

- 1) The data below is based on 194 contracts in the final offer rota – The analysis below is based on broad assumptions about staff preferences – until management can seek formal preferences from staff it will be impossible to determine individual impact.
 - a. There are 198 staff (at 16/01/19, and assuming all current VR requests result in departures in early 2019);
 - b. The average age of employees in the service is 51.6 years but 87 people (44%) are aged 54 or over which is relevant for flexible retirement/ redundancy packages (can apply if aged 55 or over);
 - c. The average length of service is 15.5 years which is an important driver of any mitigation payments;
 - d. The average hours working by the 199 staff is 29.1 hours. Only 27 (13.6%) people currently work a full 36.5-hour week;
 - e. The average salary paid to the 199 people in post is £14,862 per annum based on an average 29.1 hour week;
 - f. The number of people impacted based on the most recent staffing data developed (and shared with Unison on 20th December 2018) indicates -
 - a. Gaining financially - 23 gain additional hours and benefit from the G3 uplift
 - b. Losing financially, but by less than 15.8% - 112 with an average loss of £1,620 or 10.0%
 - c. Losing financially but by more than 15.8% - 59 with an average loss of £2,977 or 21.4% (the main group impacted are those whose hours fall from 30 or 29 hours to 23 hours)
 - d. At risk of redundancy (eligible for redeployment/priority mover) - 5.

2) Illustration of individual impacts:

Notes –

- 2.1 The analysis below was prepared by ranking employees with their current hours and is subject to individual preferences impacting on availability of contracts.
- 2.2 Small changes could make a significant difference to individuals – if 10 staff vacate 30 hour contracts, and 10 staff vacate 23 hour contracts the average

annual loss per employee (before taking into account any mitigation) reduces from £1,822 to £1,147 per employee.

- 2.3 23 staff would see a permanent increase in salary.
- 2.4 In addition to the 23 above, 19 staff would see no loss of income until June 2020 (as a result of mitigation payment offsetting salary reduction).
- 2.5 **42 employees (20% of the workforce) will see no impact on pay until June 2020**

Employee A (largest reduction for a current full time worker) –

- 36.5 hours currently at GR2 SCP 19, moving to a 30 hour contract GR3 SCP 20.
- Loss in salary of £3,156 per year.
- Mitigation payment of £1,360, would suffer a loss of £1,796 in total in the first 12 months, commencing at implementation on 1st June 2019.

Employee B (typical reduction for a current full time worker) –

- 36.5 hours currently at GR2 SCP 17, moving to a 30 hour contract GR3 SCP 20.
- Loss in salary of £2,382 per year.
- Mitigation payment of £655, would suffer a loss of £1,727 in total in the first 12 months, commencing at implementation on 1st June 2019.

Employee C (largest reduction for a worker with current contract between 18-25 hours – largest loss for any employee) –

- 25 hours currently at GR2 SCP 17, moving to a 16 hour contract GR3 SCP 20.
- Loss in salary of £ £4,100 per year.
- Mitigation payment of £696, would suffer a loss of £3,403 in total in the first 12 months, commencing at implementation on 1st June 2019.
- If there a single employee moved out of the 30 or 23 hour category (through redeployment, VR, flexible retirement) this employee would be offered a 23 hour contract which would result in a loss of salary of £300 per year

Employee D (typical reduction for current contract between 18-25 hours) –

- 21.5 hours currently at GR2 SCP 17, moving to a 16 hour contract GR3 SCP 20.
- Loss in salary of £ £2,310 per year.

- Mitigation payment of £367, would suffer a loss of £1,942 in total in the first 12 months, commencing at implementation on 1st June 2019.

Indicative implementation timeline – DRAFT

Activity	Start Date	End Date
Formal Trade Union meeting to close consultation	1 st February	
Preference forms issued to staff	W/C 4 th February	18 th February
Preference forms response analysed	18 th February	20 th February
Outcome of preference process communicated to stakeholders	20 th February	
Invitations to compulsory redundancy dismissal meetings (BCC policy requires 10 days notice)	21 st February	
Selection process (where required)	W/C 4 th March	22 nd March
Employee dismissal meetings	W/C 4 th March	22 nd March
Employee notice period (12 weeks) – Employees registered as priority movers – accessing job search development activity, exploring redeployment opportunities, attending jobs fairs etc.	W/C 4 th March	14 th June
COT3 signing for staff who move to new contracts and accept a mitigation payment	W/C 11 th March	22 nd March
Induction – Training & Induction for staff appointed to new role/rota	W/C 27 th May	14 th June
Recruitment – Advertise roles on the new rota	W/C 1 st April	W/C 15 th April
Implement new Rota, job description and working practices (1 month redeployment trial period commences)	W/C 3 rd June	

