



## **BROMSGROVE DISTRICT COUNCIL**

**YOU ARE HEREBY SUMMONED to attend an EXTRAORDINARY MEETING of BROMSGROVE DISTRICT COUNCIL to be held in the Council Chamber at The Council House, Burcot Lane, Bromsgrove at 6.00 p.m. on Wednesday 22nd June 2011, when the business referred to below will be brought under consideration:-**

**The meeting will be opened with a prayer.**

- 1. To receive apologies for absence**
- 2. Declarations of Interest**
- 3. To confirm the accuracy of the minutes of the Annual Meeting of the Council held on 18th May 2011 (Pages 1 - 6)**
- 4. Review of the Role of Council Chairman and Vice Chairman (Pages 7 - 46)**
- 5. Election of Civic Head for the ensuing year**
- 6. Election of Deputy Civic Head for the ensuing year**
- 7. Recommendations from the Cabinet (Pages 47 - 48)**

To consider the recommendations from the meetings of the Cabinet held on 1st June (*attached*) and 22nd June 2011 (*to follow*) on the following items (*the full Cabinet reports are enclosed for information at the back of the Council agenda book*)

- Enforcement Action & Fixed Penalty Notices for Environmental Services
- Air Quality Management Area Declaration Worcester Road, Bromsgrove
- Financial Outturn 2010/11
- Financial Reserves Statement 2010/11

8. **To receive the minutes of the meeting of the Cabinet held on 1st June 2011** (Pages 49 - 54)

9. **Write-Off Policy** (Pages 55 - 74)

To consider the report of the Head of Financial Services

10. **Appointments to Outside Bodies** (Pages 75 - 84)

To consider the report of the Head of Legal, Equalities and Democratic Services

11. **Recommendation from the Standards Committee** (Pages 85 - 86)

To consider the recommendation from the Standards Committee held on 8th June 2011 on the following item

- Extension to term of office – Independent Member

12. **Appointment of Parish Council Representatives to the Standards Committee**

(a) To approve the appointment of Mr. J. Cypher and Mr I. Hodgetts to serve as the Parish Council Representatives on the Standards Committee for a period of one year until July 2012

(b) To approve the appointment of Ms. Karen May to serve as the Deputy Parish Council Representative on the Standards Committee for a period of one year until July 2012

13. **Recommendations from the Joint Independent Remuneration Panel** (Pages 87 - 92)

To consider recommendations from the meeting of the Joint Independent Remuneration Panel on 7th June 2011 on the following item

- Changes to Special Responsibility Allowances

14. **Quorum for Cabinet Meetings**

To approve the reduction of the quorum for Cabinet meetings from 4 Cabinet Members to 3.

- Background information on recommendations from the Cabinet - Enforcement & Fixed Penalty Notices for Environmental Services (Pages 93 - 120)
- Background information on recommendations from the Cabinet - Air Quality Management Area Declaration - Worcester Road, Bromsgrove (Pages 121 - 130)
- Background Information on recommendations from the Cabinet - Financial Outturn 2010/11 (Pages 131 - 152)
- Background Information on recommendation from the Cabinet - Financial Reserves Statement 2010/11 (Pages 153 - 164)

K. DICKS  
Chief Executive

The Council House  
Burcot Lane  
BROMSGROVE  
Worcestershire  
B60 1AA

TO ALL MEMBERS OF THE BROMSGROVE DISTRICT COUNCIL

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## BROMSGROVE DISTRICT COUNCIL

### ANNUAL MEETING OF THE COUNCIL

WEDNESDAY, 18TH MAY 2011 AT 6.00 P.M.

PRESENT: Councillors Mrs. J. M. L. A. Griffiths (Chairman), Mrs. C. J. Spencer, (Vice-Chairman) Mrs. S. J. Baxter, C. J. Bloore, Mrs. J. M. Boswell, J. R. Boulter, J. S. Brogan, M. A. Bullivant, Ms. M. T. Buxton, R. A. Clarke, S. R. Colella, Dr. B. T. Cooper, R. J. Deeming, Mrs. R. L. Dent, S. Dudley, K. A. Grant-Pearce, Miss P. A. Harrison, R. Hollingworth, Mrs. H. J. Jones, R. J. Laight, P. Lammas, B. Lewis F.CMI, L. Mallett, Mrs. C. M. McDonald, P. M. McDonald, E. J. Murray, J. A. Ruck, C. R. Scurrall, R. J. Shannon, Mrs. M. A. Sherrey JP, C. B. Taylor, C. J. Tidmarsh, L. J. Turner and M. J. A. Webb

1/11 **PRAYER**

At the request of the Chairman, the Reverend Beverley Robertson opened the meeting with a prayer.

2/11 **ELECTION OF CHAIRMAN**

It was proposed by Councillor R. Hollingworth and seconded by Councillor Mrs. M. A. Sherrey JP and

**RESOLVED** that Councillor Mrs. J. M. L. A. Griffiths be elected Chairman of the Council for the ensuing year.

Councillor Mrs. J. M. L. A. Griffiths signed the Declaration of Acceptance of Office and thanked Members of the Council for re-electing her to the office of Chairman.

3/11 **ELECTION OF VICE-CHAIRMAN**

It was proposed by Councillor C. B. Taylor and seconded by Councillor C. J. Tidmarsh and

**RESOLVED** that Councillor Mrs. C. J. Spencer be elected as Vic-Chairman of the Council for the ensuing year.

Councillor Mrs. C. J. Spencer signed the Declaration of Acceptance of Office and was invested by Councillor Mrs. J. M. L. A. Griffiths with the Vice-Chairman's Badge of Office.

4/11     **ELECTION OF LEADER OF THE COUNCIL**

It was proposed by Councillor Mrs. R. L. Dent and seconded by Mrs M. A. Sherrey JP and

**RESOLVED** that Councillor R. Hollingworth be elected Leader of the Council for a period of four years.

Having been re-elected as Leader, Councillor R. Hollingworth thanked Members of the Council for their support.

5/11     **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Dr. D. W. P Booth JP, Mrs. E. M. Shannon, S. P. Shannon, P. J. Whittaker and C. J. K. Wilson.

6/11     **DECLARATIONS OF INTEREST**

No declarations of interest were received.

7/11     **MINUTES**

The minutes of the meeting of the Council held on 20th April 2011 were submitted.

Councillor P. M. McDonald commented that he was of the view that a decision had been taken at that meeting not to pay a Special Responsibility Allowance to the Deputy Leader but that this had not been recorded in the minutes. The Chief Executive advised that this query would be looked into.

**RESOLVED** that the minutes of the meeting of the Council held on 20th April 2011 be approved as a correct record, subject to clarification of the issue referred to above.

8/11     **ANNOUNCEMENTS FROM THE CHAIRMAN**

The Chairman announced that the previous Chairman's Charity, Help for Heroes would roll forward from the time being.

9/11     **APPOINTMENT OF COMMITTEES 2011/12**

The Chairman clarified that the name of the smallest opposition group (referred to in Appendix 1 of the report) was Wythall Residents' Association.

Having been proposed by Councillor R. Hollingworth and seconded by Councillor Mrs. M. A. Sherrey JP, it was

**RESOLVED:**

- (a) that for the ensuing Municipal Year, the Committees set out in the table in Appendix 1 of the report be appointed and that the representation of the different political groups on the Council on those Committees be as

set out in that table (as corrected above) until the next Annual Meeting of the Council, or until the next review of political representation under Section 15 of the Local Government and Housing Act 1989, whichever is the earlier;

- (b) that Members be appointed to the Committees in accordance with nominations to be made by Group Leaders.

10/11 **SCHEME OF DELEGATION**

The recommended Officer Scheme of Delegation was proposed by Councillor R. Hollingworth and seconded by Councillor Mrs. M. A. Sherrey JP.

Councillor P. M. McDonald raised the following issues with regard to the proposed delegations:

- Page 16 Tree Preservation Officers – How would these be advertised?

The Monitoring Officer subsequently advised that there was no requirement to advertise but that the person affected would be notified.

- Page 22 Calling-in Procedure for Planning Committee – He drew attention to typing errors in the paragraph numbers and proposed an amendment that only a Ward Member should be able to call in an application in their Ward.
- Page 26 Community Safety – There was no mention that Ward Members would be consulted and this should be amended.
- Page 32 Outside Bodies – The Monitoring Officer should act in consultation with the Leader of the Council.
- Page 35 Concessionary Travel Scheme – This delegation should be deleted as this was now a County matter.
- Page 40 Housing Waiting Lists etc – These delegations seemed to be operational not strategic and should be withdrawn.
- Page 73 Write Off of Irrecoverable Debts – He did not support the delegations and felt that all write-offs should be looked at by the Overview and Scrutiny Board.

The amendments proposed by Councillor P. M. McDonald were seconded by Councillor C. J. Bloore.

In response, Councillor R. Hollingworth indicated that he agreed with the above comments up to page 40 but was unsure with regard to the Housing related delegations. The Chief Executive advised that the Council set the housing strategy which Bromsgrove District Housing Trust implemented and therefore the delegations were still relevant. With regard to Write-Off of Debts, Councillor Hollingworth undertook for a report to be submitted to the next meeting of the Council.

The outstanding amendment proposed by Councillor P. M. McDonald and seconded by Councillor C. J. Bloore that only a Ward Member should be able to call in an application in their Ward was put to the vote and declared by the Chairman to be CARRIED.

The report recommendation, as amended above, was then put to the vote, whereupon it was

**RESOLVED** that the Scheme of Delegation attached as Appendix 1 to the report be approved subject to the following:

- (a) the Calling-in Procedure for Planning Committee be amended to specify that only a Ward Member shall be able to call in an application in their Ward;
- (b) any necessary amendments to reflect the comments and undertakings given by the Leader as referred to in the preamble above.

11/11 **MEMBERSHIP OF THE CABINET**

The Leader announced that the membership of the Cabinet and portfolios for the ensuing Municipal Year would be as follows:

Councillor R. Hollingworth	Leader of the Council and Portfolio Holder for Finance, Partnerships and Economic Development
Councillor Mrs. M. A. Sherrey JP	Deputy Leader and Portfolio Holder for Community Services, Older People, the Young and Vulnerable People
Councillor M. J. A. Webb	Portfolio Holder for Leisure, Cultural Services and Environmental Services
Councillor Dr. D. W. P. Booth JP	Portfolio Holder for Business Transformation (including ICT) with special responsibility for the Town Centre Regeneration and Special Projects
Councillor C. B. Taylor	Portfolio Holder for Planning, Core Strategy, Regulatory Services, Strategic Housing and Emergency Planning ( <i>Emergency Planning since re-assigned to Councillor M. J. A. Webb</i> )
Councillor M. A. Bullivant	Portfolio Holder for Policy, Performance, Communications, Customer Services, Legal, Equalities, Democratic Services and Human Resources

12/11 **APPOINTMENTS TO OUTSIDE BODIES**

The Monitoring Officer advised Members that ex officio appointments to Outside Bodies would roll forward to the 2011/12 Municipal Year as a matter of course.

**RESOLVED:**

- (a) that representatives be appointed or nominated to the Outside Bodies as listed in Appendix 1 to these minutes;
- (b) that approval be given to the extension of existing appointments to other Outside Bodies pending consideration of a report at the next meeting of the Council to be held by 30th June 2011.

The meeting closed at 6.45 p.m.

Chairman

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## BROMSGROVE DISTRICT COUNCIL

**COUNCIL**

**22nd June 2011**

### REVIEW OF THE ROLE OF COUNCIL CHAIRMAN AND VICE CHAIRMAN

Relevant Portfolio Holder	Councillor Mark Bullivant
Relevant Head of Service	Claire Felton

#### **1. SUMMARY OF PROPOSALS**

- 1.1 This report seeks Members views on the establishment of alternative chairing arrangements for the Council from those currently in place. The report highlights the legal requirements attached to the Chaining of the Council which must be complied with and suggests how the roles could be varied to provide a ceremonial head of the Council to undertake civic functions and a Chair of Meetings role.

#### **2. RECOMMENDATIONS**

- 2.1 That Members approve the introduction of a Civic Head and a Deputy Civic Head, together with the changes to the role of the Chairman of the Council and Vice Chairman as described in paragraph 4.4 of this report.
- 2.2 That Members agree that the current Member Allowance for the Chairman be revised to create two allowances of £3500 each for the Chairman of the Council and the Civic Head of the Council, such amounts to be increased each year by the same percentage increase as is applied to the basic allowance.
- 2.3 That Members approve the revised Roles and Responsibilities for the four posts referred to in this report as set out in Appendix 1 and grant delegated authority to the Head of Legal, Equalities and Democratic Services to make the consequential changes to the Constitution.

#### **3. BACKGROUND**

- 3.1 The Council has historically followed the conventional pattern of having a Chairman to the Council and a Vice Chairman, each elected to office for a period of 12 months at the Annual Meeting. The convention has been that the Vice Chairman at the end of their term of office moves to the position of Chairman. The Chairman has taken on the roles of attending civic functions to represent the Council and chairing meetings of Full Council with the Vice Chair covering the functions and the Full Council meetings when the Chairman is not available.

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3.2 Some local authorities have taken the decision to divide the functions of the Chairman and Vice Chairman so as to enable one of the roles to concentrate on the chairing of the Council and the other to concentrate on being the civic representative of the Council. At the request of the Leader, the Monitoring Officer has looked into how this could be achieved and this report sets out her findings. It is for members to decide whether they wish to go down the route of changing the current arrangements for the chairing of the Council. If Members are so minded then the proposed arrangements set out below in para 4.4 would in the opinion of the Monitoring Officer be sufficient to enable the Council to achieve a splitting of the two roles whilst still meeting the various legal requirements.

#### **4. KEY ISSUES**

4.1 There are a number of legal requirements which apply to the Chairing of the Council. These are summarised in the table below:-

Legislation	
Section 3 of the Local Government Act 1972	Requires the Council to elect a Chairman at the Annual Meeting
Section 4 of the Local Government Act 1972	Requires the Council to elect a Vice Chairman of the Council at the Annual Meeting
Section 3 (4) of the Local Government Act 1972	States that the Chairman has precedence in the District
Schedule 12 sections 1 and 2 of the Local Government Act 1972	Provides that the Chairman must preside at Council Meetings if he/she is present and that if not the Vice Chair must preside. The Chairman or the Vice Chairman will have the casting vote

4.2 The research undertaken for this report has established that difficulties can arise where the person in the chair at a Full Council meeting is not the actual Chairman of the Council. This can give rise to complications where the Chairman's casting vote is needed. Likewise it would not be correct for the

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### COUNCIL

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Vice Chairman to be chairing the meetings if the actual chairman was present as the legislation requires that the Chairman has precedence. The legislative requirements referred to above are not directly linked to the civic duties which the Chairman or Vice Chairman would normally perform. Based on the research carried out for this report, there would be an ability for the civic duties to be carried out by a member of the Council who was not the Chairman or the Vice Chairman. Such appointee could be designated with the title of "Civic Representative".

4.3 Taking into account the above information, the proposal to be considered by members is that the number of councillors involved in the chairing of the Council and the carrying out of civic duties be increased from two to four. Those four councillors would be designated with the following titles and roles:-

- Chairman and Vice Chairman - to chair the meetings of Full Council.
- Civic Head and Deputy Civic Head - to represent the Council at civic functions.

4.4 The key elements of each post would be as follows:-

4.4.1 **Chairman of the Council:** The Chairman would be elected annually and would have responsibility for chairing meetings of Full Council. It is proposed that there would be an allowance for this post as referred to in paragraph 4.6. The Chairman would exercise his or her casting vote at meetings. The Chairman would not undertake civic functions; these would be the responsibility of the Civic Head. Although elected annually, there would be no bar on the same elected member holding the post of Chairman for more than a year. The advantage of this arrangement would be to give continuity and allow the post holder to build up their knowledge and experience of performing this role.

4.4.2 **Vice Chairman of the Council:** The Vice Chairman would be elected annually as required under the Local Government Act 1972. The Vice Chairman would deputise for the Chairman at Full Council in the absence of the Chairman but would not be involved in carrying out any civic duties. There would be no allowance payable for this role.

4.4.3 **Civic Head of the Council:** The Civic Head would be elected annually and would carry out the civic functions of the Council. The Civic Head would not play a role in chairing Full Council but would instead focus on the numerous civic events to which the Council is invited. The function of collecting for the

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Chairman's charity each year and planning and hosting the Chairman's Annual Dinner would pass to the Civic Head. An members allowance would be available for the post as detailed below in paragraph 4.6. The budget for civic functions currently at the disposal of the Chairman (civic hospitality budget) would be passed to the Civic Head who would also have use of room 128 (currently used as the Chairman's Room) for receiving guests and meetings.

- 4.4.4 **Deputy Civic Head of the Council:** The Deputy Civic Head would be elected annually. The purpose of the role would be to assist the Civic Head and to attend functions to represent the Council when the Civic Head was unavailable or on holiday. The convention would be for the Deputy Civic Head to serve for a term of one year on the understanding that he or she would become the Civic Head the following year. There would be no members allowance for this role.
- 4.5 Were Members minded to approve these changes then Part 25 of the constitution which sets out the roles and responsibilities for positions within the Council would need to be updated. Members are referred to Appendix 1 which sets out a draft version of how the four posts in question would be described in Part 25 of the Constitution. It would also be necessary to review the constitution to make sure that no other consequential amendments are needed, and accordingly members are asked at para 2.3 to grant delegated authority to the Monitoring Officer for this purpose.
- 4.6 In relation to member allowances, the 2011/12 budget for allowances for the Chairman and Vice Chairman is £5825. Members are reminded that this allowance is agreed as part of the budget process by members and is not set by the Independent Remuneration Panel. Under the proposed arrangements an allowance would be available for the Chairman of the Council and the Civic Head of the Council. Subject to members approval the proposed allowance would be set at £3500 per annum. This would be paid from the £5825 referred to above with the remainder to be transferred from existing budgets. It is not proposed that there would be any allowance for the Vice Chairman or the Deputy Civic Head. It is further proposed that the allowance for the Chairman of the Council and the Vice Chairman be increased each year by the same percentage as the increase applied to the basic allowance for members.
- 4.7 Accordingly members are asked to consider the proposed arrangements set out in this report. Were members to be minded to approve the arrangements it is envisaged that the changes would be implemented with immediate

## **BROMSGROVE DISTRICT COUNCIL**

### **COUNCIL**

**22nd June 2011**

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effect. This means that the Council would need to make appointments to the posts of Civic Head and Deputy Civic Head at the earliest opportunity.

#### **5. FINANCIAL IMPLICATIONS**

- 5.1 As detailed in this report the £7000 for the two roles would be met from a combination of the current budget of £5825 together with £1175 which would be funded from existing budgets.

#### **6. LEGAL IMPLICATIONS**

- 6.1 The legislative requirements which the Council must adhere to in relation to the role of Chairman and Vice Chairman of the Council are set out in the main body of this report at para 4.1. The authority for making payments to the person who chairs the Council/ carries out civic duties can be found at subsections 3 (5) and 5 (5) of the Local Government Act 1972. As referred to in the main body of the report the Monitoring Officer is of the view that the proposed arrangements would be sufficient to enable the Council to meet its obligations under the relevant legislation.

#### **7. POLICY IMPLICATIONS**

- 7.1 None.

#### **8. COUNCIL OBJECTIVES**

- 8.1 CO3 – Sense of Community and Well-Being

#### **9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS**

- 9.1 There are no risks associated with this report.

#### **10. CUSTOMER IMPLICATIONS**

- 10.1 If adopted the new arrangements will be publicised to the public and those who have regular dealings with the Chairman will be notified by letter of the new arrangements.

#### **11. EQUALITIES AND DIVERSITY IMPLICATIONS**

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11.1 N/a

**12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT**

12.1 N/a

**13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY**

13.1 None

**14. HUMAN RESOURCES IMPLICATIONS**

14.1 None

**15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS**

15.1 The governance implications are addressed in the main body of the report.

**16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998**

16.1 None

**17. HEALTH INEQUALITIES IMPLICATIONS**

17.1 None

**18. LESSONS LEARNT**

18.1 N/a

**19. COMMUNITY AND STAKEHOLDER ENGAGEMENT**

19.1 Changes to be publicised as set out in para 10 above.

**20. OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	Yes
Chief Executive	Yes

**BROMSGROVE DISTRICT COUNCIL**

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**22nd June 2011**

Executive Director (S151 Officer)	Yes
Executive Director – Leisure, Cultural, Environmental and Community Services	No
Executive Director – Planning & Regeneration, Regulatory and Housing Services	No
Director of Policy, Performance and Partnerships	No
Head of Service	Yes
Head of Resources	No
Head of Legal, Equalities & Democratic Services	Yes
Corporate Procurement Team	No

**21. WARDS AFFECTED**

All wards

**22. APPENDICES**

Appendix 1 – Draft amendments to Part 25 of the Constitution

**23. BACKGROUND PAPERS**

None

**24. KEY**

**AUTHOR OF REPORT**

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**BROMSGROVE DISTRICT COUNCIL**

**COUNCIL**

**22nd June 2011**

**Modern Councillor Programme – Job Roles**

**June 2006**

**Updated June 2011**

	<b>Role</b>	<b>Page number</b>
<b>1</b>	<b>Leader of the Council</b>	<b>2</b>
<b>2</b>	<b>Deputy Leader</b>	<b>6</b>
<b>3</b>	<b>Chairman of the Audit Board and Overview and Scrutiny Board</b>	<b>8</b>
<b>4</b>	<b>Member of the Audit Board and Overview and Scrutiny Board</b>	<b>11</b>
<b>5</b>	<b>Ward Councillor</b>	<b>13</b>
<b>6</b>	<b>Cabinet Member</b>	<b>15</b>
<b>7</b>	<b>Chairmen of Committees</b>	<b>18</b>
<b>8</b>	<b>Vice Chairman of Committees</b>	<b>20</b>
<b>9</b>	<b>Chairman of the Council</b>	<b>22</b>
<b>10</b>	<b>Vice Chairman of the Council</b>	<b>25</b>
<b>11</b>	<b>Civic Head of the Council</b>	<b>27</b>
<b>12</b>	<b>Deputy Civic Head of the Council</b>	<b>29</b>

## **Leader of the Council**

### **1. Key Purpose of the Role**

- 1.1 The Leader of the Council will provide visible strategic leadership and direction for the Council. In doing so, he/she will adopt and promote the principles of mutual respect, constructive engagement and a recognition that the common good of Bromsgrove and its citizens is paramount.
- 1.2 The Leader of the Council, with the Chief Executive and the Monitoring Officer and Chairman, will determine the agendas for Council meetings.
- 1.3 The Leader of the Council will work with Cabinet Members to ensure the effective delivery of services against agreed policies of the Council and ensure the delivery of the Cabinet's responsibilities.
- 1.4 The Leader of the Council has such delegated powers as is authorised by the Constitution.
- 1.5 The Leader of the Council will be the primary link between the Chief Executive and Executive Directors.. The Heads of Service will work closely with the Cabinet in the formulation and development of new policies and objectives.
- 1.6 The Leader of the Council will report regularly to Council and the Committees and Boards to engender corporate ownership and awareness.
- 1.7 The Leader of the Council will act as an ambassador of the whole Council, its citizens and businesses on external bodies that enhance the reputation and standing of the District of Bromsgrove (outside civic and ceremonial roles and functions).

### **2. Duties and Responsibilities**

- 2.1 To act as the Chairman of the Cabinet.
- 2.2 To appoint the Cabinet members and allocate areas of responsibility – known as portfolios to Cabinet members.
- 2.3 To lead in the performance appraisal procedures for the Chief Executive and through the Cabinet, to agree the method of appraisal and frequency.
- 2.4 To lead on the development of local, regional, national and European policy and strategic initiatives (including area –wide strategic partnerships) covered by Portfolio functions. In doing so, to promoting the Council's interests and the interests of the citizens and businesses of Bromsgrove District.

## PART 25

- 2.5 In the absence of the relevant Cabinet Councillor at any cabinet meeting, to undertake the functions/responsibilities of the same as appropriate.
- 2.6 To liaise with the relevant chairman(men) of the Overview and Scrutiny Board and Audit Board as required, when items arise which are not in the Forward Plan but which the Cabinet need to consider as a matter of urgent business.
- 2.7 To attend meetings of the Boards as required and be subject to examination in respect of any aspect of Council policies and objectives.
- 2.8 To ensure that the recommendations of Boards are fully considered in the formulation and development of Council policy.
- 2.9 To ensure the effective communication and explanation of all Cabinet decisions and recommendations to Council and to the public.
- 2.10 To ensure that the Cabinet manages the business of the Council within the financial limits set by the Council
- 2.11 To meet with the Council's External Auditor and the Chief Executive, with other members of the Cabinet, to discuss the annual Audit Management Letter and report, as necessary, from there to Council or the Cabinet.
- 2.12 To meet regularly with the Chief Executive to monitor and review the progress of the Council towards it achieving it's approved objectives and priorities.
- 2.13 To agree the business to be included in the agenda for each meeting of the Cabinet, in conjunction with the Chief Executive.
- 2.14 To report to the Council on decisions taken by the Cabinet.
- 2.15 The Leader of the Council will have overall responsibility for:
  - The political leadership of the Council
  - Developing and implementing the policy framework (subject to the approval of the Council)
  - Determining revenue and capital budget strategies and priorities (subject to the approval of the Council)
  - Ensuring probity and financial monitoring
  - Acting as Chief Spokesperson for the Council
  - Representing the views of the Council on matters of corporate or strategic policy to Government and other bodies relevant to the Council's work
  - The delivery of agreed Council priorities, strategies and policies
  - Ensuring the production of a Community Strategy with other key organisations in the public, private and voluntary sectors (subject to the

approval of the Council) and acting as spokesperson on behalf of the community as a whole

- Monitoring the work of the individual portfolio holders within the Cabinet
- Ensuring that learning opportunities for Councillors are in place and that they are relevant and effective.
- Promoting the work of the Council
- Acting as a final arbitrator between portfolio holders within the Cabinet

2.16 To establish and maintain effective and efficient working relations with the leaders of other groups, the cabinet, chairs of other committees/boards, overview and scrutiny, other Members and officers as appropriate.

### 3. Corporate Decision Making

In addition to his or her role as Leader of the Council, the Leader will be a full voting member of the Council which will:-

- be the principal forum of debate for matters of community and public interest
- determine the overall policies and finances which will guide and direct the delivery of services.

### 4. Local Representative Role

4.1 The Councillor will perform a local representational role for his or her constituents. Councillors will develop their own methods and arrangements to keep in touch with their local communities and neighbourhoods so that local views come to have a bearing on policy development and formulation and the decision making process. These may include

- Conducting regular ward surgeries as appropriate
- Attending community/Parish Council meetings (where appropriate)
- Direct canvassing of ward residents

4.2 Through these methods, Councillors will play a significant part in the consultations on:

- The development of Council plans
- Fundamental reviews of services
- Local initiatives, for example on community safety
- The community planning process, generally

## **PART 25**

4.3 Councillors will respond to constituents' enquiries and representations, fairly and impartially and effectively represent the interests of their wards and of individual constituents.

### **5.0 Ways of Working**

5.1 To comply with the Council's Code of Conduct and protocols or such other code of conduct / protocols as the Council may from time to time adopt

5.2 To comply with the Member/ Officer protocol as set out in the Constitution

5.3 To promote the Council's policies on equality and diversity in the workplace, in partnerships and in service provision.

5.4 To keep abreast of national best practice/new initiatives relating to local government so as to ensure the continuous improvement of Council services.

5.5 To take part in training and development programmes and to ensure that this role is undertaken as effectively as possible.

5.6 To make use of technology as an effective means of communication.

## **Deputy Leader**

### **1. Key Purpose of the Role**

- 1.1 To support and deputise for the Leader of the Council in his/her executive functions.

### **2. Key Duties and Responsibilities**

- 2.1 To lead and chair the cabinet where appropriate and ensure their overall effectiveness in the absence of the Leader of the Council.
- 2.2 To support and deputise for the Leader of the Council in his/her community liaison responsibilities.
- 2.3 To assist the Leader in co-ordinating the work of the Cabinet.
- 2.4 To establish and maintain effective and efficient working relations with the leaders of other groups, the cabinet, chairmen of other committees/boards, other Members and officers as appropriate.

### **3. Local Representative Role**

- 3.1 The Councillor will perform a local representational role for his or her constituents. Councillors will develop their own methods and arrangements to keep in touch with their local communities and neighbourhoods so that local views come to have a bearing on policy development and formulation and the decision making process. These may include
  - Conducting regular ward surgeries as appropriate
  - Attending community/Parish Council meetings (where appropriate)
  - Direct canvassing of ward residents
- 3.2 Through these methods, Councillors will play a significant part in the consultations on:
  - The development of Council plans
  - Fundamental reviews of services
  - Local initiatives, for example on community safety
  - The community planning process, generally
- 3.3 Councillors will respond to constituent's enquiries and representations, fairly and impartially and effectively represent the interests of their wards and of individual constituents

**4. Ways of Working**

- 4.1 To comply with the Council's Code of Conduct and protocols or such other code of conduct / protocols as the Council may from time to time adopt
- 4.2 To comply with the Member/Officer protocol as set out in the Constitution
- 4.3 To promote the Council's policies on equality and diversity in the workplace, in partnerships and in service provision.
- 4.4 To keep abreast of national best practice/new initiatives relating to local government so as to ensure the continuous improvement of Council services.
- 4.5 To take part in training and development programmes and to ensure that this role is undertaken as effectively as possible.
- 4.6 To make use of technology as an effective means of communication.

## Chairmen of the Audit Board and Overview and Scrutiny Board

### 1. Key Purpose of the Role

- 1.1 To chair a Board covering the areas of responsibility determined by the Council and in particular;
- To scrutinise budgets, plans, policies and strategies proposed by the Cabinet to ensure that it is effectively held to account for its decisions and performance.
  - To monitor and review policies, strategies and budget decisions and implementation of proposals.
  - To monitor performance and any consequential proposals or recommendations.
  - To identify and pursue cross-cutting strategy issues and ensure a corporate approach to overview and scrutiny.
  - To ensure Councillors information needs are met so that they can contribute fully to decision making with the panel.
- 1.2 To initiate and develop constructive relationships with Members of the Cabinet and Senior Officers.

### 2. Key Duties and Responsibilities

- 2.1 To establish a manageable programme of work for the Board which reflects the wishes of the Members of the Panel.
- 2.2 To liaise and communicate on a regular basis with relevant officers and specialists to ensure the receipt of appropriate advice to inform effective overview and scrutiny.
- 2.3 To set up mechanisms to ensure regular contact with Non Cabinet Councillors, community representatives and local stakeholders to inform effective overview and scrutiny.
- 2.4 To share good practice, promote the work and independence of the process and further develop the overview and scrutiny role.
- 2.5 To assist in the development or review of policy or practice in specific areas either which have been referred by the Cabinet or which the Board themselves have identified and to make recommendations to the Cabinet on them.
- 2.6 To contribute on the development or review of policies and practices in areas that cover more than one Board.

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- 2.7 To establish and maintain effective and efficient working relations with the leaders of other groups, the Cabinet, chairmen of other committees/boards, other Members and officers as appropriate.
- 2.8 To undertake scrutiny functions in a positive and constructive manner which enhances the image and reputation of the Council.
- 2.9 To ensure that the Board only acts within its terms of reference.

### **3. Specific Duties for Chairman of the Audit Board**

- 3.1 To ensure that the Board monitors the good stewardship of the Council's resources through the work of the Internal Audit function.
- 3.2 To ensure that the Board monitors both internal and external audit performance including the implementation of audit recommendations and monitoring of annual accounts.
- 3.3 To ensure the Board works in partnership with the Cabinet, Overview and Scrutiny and officers to ensure that good stewardship of the Council's resources deliver better outcomes for the people of Bromsgrove District.
- 3.3 To ensure that the Board complies with the Council's Audit Board Procedure Rules.

### **4. Local Representative Role**

- 4.1 The Councillor will perform a local representational role for his or her constituents. Councillors will develop their own methods and arrangements to keep in touch with their local communities and neighbourhoods so that local views come to have a bearing on policy development and formulation and the decision making process. These may include
  - Conducting regular ward surgeries as appropriate
  - Attending community/Parish Council meetings (where appropriate)
  - Direct canvassing of ward residents
- 4.2 Through these methods, Councillors will play a significant part in the consultations on:
  - The development of Council plans
  - Fundamental reviews of services
  - Local initiatives, for example on community safety
  - The community planning process, generally

- 4.3 Councillors will respond to constituent's enquiries and representations, fairly and impartially and effectively represent the interests of their wards and of individual constituents.

### **5. Ways of Working**

- 5.1 To comply with the Council's Code of Conduct and protocols or such other code of conduct / protocols as the Council may from time to time adopt.
- 5.2 To comply with the Member/ Officer protocol as set out in the Constitution.
- 5.3 To promote the Council's policies on equality and diversity in the workplace, in partnerships and in service provision.
- 5.4 To keep abreast of national best practice/new initiatives relating to local government so as to ensure the continuous improvement of Council services.
- 5.5 To take part in training and development programmes and to ensure that this role is undertaken as effectively as possible.
- 5.6 To make use of technology as an effective means of communication.

## **Member of the Audit Board and Overview and Scrutiny Board**

### **1. Key Purpose of the Role**

- 1.1 To contribute actively in the work of the Council when he/she is not a member of the Cabinet.

### **2. Key Duties and Responsibilities**

- 2.1 In relation to any Board of which he/she is a member
- To scrutinise budgets, plans, policies and strategies proposed by the Cabinet to ensure that it is effectively held to account for its decision and performance.
  - To monitor and review policies, strategies and budget decisions and implementation of proposals.
  - To monitor performance and any consequential proposals or recommendations.
  - To assist in the identification and examination of cross-cutting issues.
  - To assist in the development or review of policy and practice in specific areas either which have been referred by the Cabinet or which a Board has identified.
- 2.2 To initiate and develop constructive relationships with Members of the Cabinet and officers.
- 2.3 To contribute to the development of a manageable programme of work for the Board which is based on an identified need and which reflects the wishes of Members of the Board.
- 2.4 To liaise and communicate on a regular basis with relevant officers and specialists to ensure the receipt of appropriate advice to inform effective overview and scrutiny.
- 2.5 To establish and maintain effective and efficient working relations with the leaders of other groups, the Cabinet, chairmen of other committees/boards, other Members and officers as appropriate.

### **3. Specific Duties of a Member of the Audit Board**

- 3.1 To contribute effectively to the monitoring of both internal and external audit performance including the implementation of audit recommendations and monitoring of annual accounts.
- 3.2 To comply with the Council's Audit Board Procedure Rules

### **4. Local Representative Role**

- 4.1 The Councillor will perform a local representational role for his or her constituents. Councillors will develop their own methods and arrangements to keep in touch with their local communities and neighbourhoods so that local views come to have a bearing on policy development and formulation and the decision making process. These may include
- Conducting regular ward surgeries as appropriate
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- The development of Council plans
  - Fundamental reviews of services
  - Local initiatives, for example on community safety
  - The community planning process, generally
- 4.3 Councillors will respond to constituents' enquiries and representations, fairly and impartially and effectively represent the interests of their wards and of individual constituents.

### **5. Ways of Working**

- 5.1 To comply with the Council's Code of Conduct and protocols or such other code of conduct / protocols as the Council may from time to time adopt
- 5.2 To comply with the Member/Officer protocol as set out in the Constitution
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- 5.4 To keep abreast of national best practice/new initiatives relating to local government so as to ensure the continuous improvement of Council services.
- 5.5 To take part in training and development programmes and to ensure that this role is undertaken as effectively as possible.
- 5.6 To make use of technology as an effective means of communication.

## **Ward Councillor**

### **1. Key Purpose of the Role**

- 1.1 To participate constructively and effectively in the good governance of the Council and the local area.

### **2. Key Duties and Responsibilities**

- 2.1 To deal effectively with the concerns of local residents on issues pertaining to the Council and its partners.
- 2.2 To represent effectively the interests of the ward for which he/she is elected.
- 2.3 To participate effectively in all relevant consultative processes with the local community and with other organisations.
- 2.4 To develop and maintain a working knowledge of the organisations, services and activities and other matters which affect and impact on the local community.
- 2.5 To participate actively and effectively as a member on any scrutiny, regulatory or other Committee/Board, assembly or forum to which the Councillor is appointed and respect the role of the Chairman. To undertake appropriate training in relation to this role.
- 2.6 To participate, where appropriate in the scrutiny of the services and policies of the authority and their effectiveness in meeting the strategic objectives of the authority and the needs of its residents.
- 2.7 To participate, where appropriate, in the scrutiny of services provided by external organisations or bodies.
- 2.8 To fulfil the statutory requirements of an elected member of a local authority and to participate in those decisions and activities reserved to the full Council.
- 2.9 To develop and maintain a working knowledge of the authority's services, management arrangements, powers, duties and constraints.
- 2.10 To establish and maintain effective and efficient working relations with the leaders of other groups, the Cabinet, chairmen of other committees/boards, other Members and officers as appropriate.
- 2.11 To always act in a manner which ensures that challenge to policy is kept at a political level and does not damage the public reputation of individual officers.

- 2.12 To represent the Council on external bodies, acting in the best interests of the Bromsgrove District Council.
- 2.13 To respond to planning application notifications as appropriate.

### **3. Local Representative Role**

- 3.1 The Councillor will perform a local representational role for his or her constituents. Councillors will develop their own methods and arrangements to keep in touch with their local communities and neighbourhoods so that local views come to have a bearing on policy development and formulation and the decision making process. These may include
- Conducting regular ward surgeries as appropriate
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  - Local initiatives, for example on community safety
  - The community planning process, generally
- 3.3 Councillors will respond to constituents' enquiries and representations, fairly and impartially and effectively represent the interests of their wards and of individual constituents.

### **4. Ways of Working**

- 4.1 To comply with the Council's Code of Conduct and protocols or such other code of conduct / protocols as the Council may from time to time adopt
- 4.2 To comply with the Member/Officer protocol as set out in the Constitution
- 4.3 To promote the Council's policies on equality and diversity in the workplace, in partnerships and in service provision.
- 4.4 To keep abreast of national best practice/new initiatives relating to local government so as to ensure the continuous improvement of Council services.
- 4.5 To take part in training and development programmes and to ensure that this role is undertaken as effectively as possible.
- 4.6 To make use of technology as an effective means of communication.

## **Cabinet Member**

### **1. Key Purpose of the Role**

- 1.1 To provide visible leadership in the area of their portfolio functions and responsibilities to the Council. To form the link between Members and Officers. To assist in the development of appropriate new policies for consideration by Cabinet. To ensure policies are implemented effectively.

### **2. Key Duties and Responsibilities**

- 2.1 To take the lead role in:
- Overseeing strategies and plans for the services for which they are responsible.
  - Examining and agreeing with heads of Service the departmental budget prior to submission to Cabinet.
  - Meeting not less than bi-monthly with Head of Service to ensure budget spending profile is in accordance with agreed budget approvals.
  - Ensuring budget corrective action taken is in line with defined strategy and policy.
  - Ensuring delivery of plans and strategies are efficient and effective to provide the agreed standard of service.
- 2.2 To be the principal spokesman for the services for which they are responsible.
- 2.3 To ensure that officers consult and keep informed, as necessary, Members, Residents and businesses of Bromsgrove District on all matters covered by the Portfolio functions/ responsibilities.
- 2.4 To ensure appropriate representation for the Council on District wide, regional and national bodies, or at events or conferences for the services for which they are responsible.
- 2.5 To work in collaboration with the Leader, other Cabinet Members and other relevant Members of the Council, MPs and external bodies, to enhance the image and reputation of Bromsgrove and, where appropriate, advocate for resources/inward investment and regeneration for the benefit of the residents of Bromsgrove District.
- 2.6 To refer, as necessary, to the appropriate Officer any issues which fall within the scope of their duties.

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- 2.7 To establish and maintain effective and efficient working relations with the leaders of other groups, the cabinet, chairmen of other committees/boards, other Members and officers as appropriate.
- 2.8 To take collective and individual responsibility to work with other Cabinet Members so as to ensure the effective and efficient operation of the Council.
- 2.9 To agree with Heads of Services, appropriate performance objectives and targets for services for which they are responsible
- 2.10 To assist the Council's Board by ensuring that their recommendations are fully considered.
- 2.11 To provide support and assistance to the Leader of the Council.
- 2.12 To work with the Leader, Chief Executive, Executive Directors and Heads of Service to ensure effective and efficient delivery of the Council's corporate plan and, in particular, the continuous improvement of all services covered by their portfolio.
- 2.13 To ensure compliance with any relevant legislative provisions, best practice and good governance arrangements with regard to local government.
- 2.14 To promote the Council's policies on equality and diversity in the workplace and in service provision.

### **3. Local Representative Role**

- 3.1 The Councillor will perform a local representational role for his or her constituents. Councillors will develop their own methods and arrangements to keep in touch with their local communities and neighbourhoods so that local views come to have a bearing on policy development and formulation and the decision making process. These may include
  - Conducting regular ward surgeries as appropriate
  - Attending community/Parish Council meetings (where appropriate)
  - Direct canvassing of ward residents
- 3.2 Through these methods, Councillors will play a significant part in the consultations on:
  - The development of Council plans
  - Fundamental reviews of services
  - Local initiatives, for example on community safety
  - The community planning process, generally

- 3.3 Councillors will respond to constituent's enquiries and representations, fairly and impartially and effectively represent the interests of their wards and of individual constituents.

#### **4. Ways of Working**

- 4.1 To comply with the Council's Code of Conduct and protocols or such other code of conduct / protocols as the Council may from time to time adopt
- 4.2 To comply with the Member/Officer protocol as set out in the Constitution
- 4.3 To promote the Council's policies on equality and diversity in the workplace, in partnerships and in service provision.
- 4.4 To keep abreast of national best practice/new initiatives relating to local government so as to ensure the continuous improvement of Council services.
- 4.5 To take part in training and development programmes and to ensure that this role is undertaken as effectively as possible.
- 4.6 To make use of technology as an effective means of communication.

## **Chairman of Committees**

### **1. Key Purpose of the Role**

- 1.1 To preside over Committee meetings in a manner that encourages contributions and achieves the objectives of the meeting; including the resolution of conflict.

### **2. Key Duties and Responsibilities**

- 2.1 To be accountable to the Council for the efficiency and effectiveness of Committee meetings.
- 2.2 To ensure that the Committee only acts within its terms of reference.
- 2.3 To ensure that the Committee complies with the requirements of Standing Orders, Financial Regulations, Council policies and relevant legislation.
- 2.4 To present recommendations of the Committee/Board to Cabinet/Council as required through minutes or attendance at appropriate meetings.
- 2.5 To act as spokesperson for the Council for matters within the jurisdiction of the Committee, liaising with the Council's media office and relevant Cabinet members where appropriate.
- 2.6 To work with officers to enable efficient and effective decision making.
- 2.7 To ensure the overall integrity of the decision making process within the Committee and that the process operates fairly and openly.
- 2.8 To hold pre meetings/briefings with Vice Chairman and officers where appropriate.
- 2.9 To approve draft minutes and agree agendas etc with officers.
- 2.10 To establish and maintain effective and efficient working relations with the leaders of other groups, the Cabinet, chairmen of other committees/boards, other Members and officers as appropriate.

### **3. Specific Duties for Chairmen of Planning and Licensing Committees**

- 3.1 To ensure a thorough knowledge and understanding of the functions of the Committee.
- 3.2 To manage the agenda of the Committee and chair its meetings.
- 3.3 To oversee the function of the Committee and to ensure the efficient discharge of its business.
- 3.4 To monitor the preparation and presentation of reviews of the work of the Committee and to ensure that the outcomes of them are fully taken into account in the policy formulation to the Council.

- 3.5 To ensure Councillor's information needs are met e.g. through background papers so that they can fully contribute to the decision making process.

### **4. Local Representative Role**

- 4.1 The Councillor will perform a local representational role for his or her constituents. Councillors will develop their own methods and arrangements to keep in touch with their local communities and neighbourhoods so that local views come to have a bearing on policy development and formulation and the decision making process. These may include

- Conducting regular ward surgeries as appropriate
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- Direct canvassing of ward residents

- 4.2 Through these methods, Councillors will play a significant part in the consultations on:

- The development of Council plans
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- Local initiatives, for example on community safety
- The community planning process, generally

- 4.3 Councillors will respond to constituents' enquiries and representations, fairly and impartially and effectively represent the interests of their wards and of individual constituents.

### **5. Ways of Working**

- 5.1 To comply with the Council's Code of Conduct and protocols or such other code of conduct / protocols as the Council may from time to time adopt.
- 5.2 To comply with the Member/ Officer protocol as set out in the Constitution.
- 5.3 To promote the Council's policies on equality and diversity in the workplace, in partnerships and in service provision.
- 5.4 To keep abreast of national best practice/new initiatives relating to local government so as to ensure the continuous improvement of Council services.
- 5.5 To take part in training and development programmes and to ensure that this role is undertaken as effectively as possible.
- 5.6 To make use of technology as an effective means of communication.

## **Vice Chairmen of Committees**

### **1.0 Key Purpose of the Role**

- 1.1 To support and deputise for the Chairman in his/her roles and responsibilities.

### **2. Key Duties and Responsibilities**

- 2.1 To lead and chair the committee and its overall effectiveness in the absence of the chairman.
- 2.2 To establish and maintain effective and efficient working relations with the leaders of other groups, the cabinet, chairmen of other committees/boards, other Members and officers as appropriate.
- 2.3 To attend pre meetings/briefings with the Chairman and officers where appropriate.

### **3. Local Representative Role**

- 3.1 The Councillor will perform a local representational role for his or her constituents. Councillors will develop their own methods and arrangements to keep in touch with their local communities and neighbourhoods so that local views come to have a bearing on policy development and formulation and the decision making process. These may include
- Conducting regular ward surgeries as appropriate
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  - The community planning process, generally
- 3.3 Councillors will respond to constituents' enquiries and representations, fairly and impartially and effectively represent the interests of their wards and of individual constituents

### **4. Ways of Working**

- 4.1 To comply with the Council's Code of Conduct and protocols or such other code of conduct / protocols as the Council may from time to time adopt
- 4.2 To comply with the Member/Officer protocol as set out in the Constitution
- 4.3 To promote the Council's policies on equality and diversity in the workplace, in partnerships and in service provision.
- 4.4 To keep abreast of national best practice/ new initiatives relating to local government so as to ensure the continuous improvement of Council services.
- 4.5 To take part in training and development programmes and to ensure that this role is undertaken as effectively as possible.
- 4.6 To make use of technology as an effective means of communication.

## **Chairman of the Council**

### **1. Key Purpose of Role**

- 1.1 The Chairman of the Council is elected annually. The Council has decided that the ceremonial and civic functions attached to the post of Chairman of the Council will be carried out by the Civic Head of the Council. The Chairman therefore will be responsible for presiding over meetings of Full Council and the other duties listed below. The remaining duties relating to the civic and ceremonial aspects of the Chairman's role will be the responsibility of the Civic Head and in his or her absence the Deputy Civic Head.

### **2. Key Duties and Responsibilities**

- 2.1 To preside over meetings of the full Council, preserve order in meetings and ensure that proceedings are conducted impartially and in a proper manner and with regards to the rights of Councillors and the interests of the community.
- 2.2 To ensure that all councillors have the opportunity to contribute to debates subject to the relevant standing orders and constitution.
- 2.3 To uphold and promote the purposes of the constitution and interpreting it when necessary.
- 2.4 To ensure that the Council meeting is a forum for debate of matters of concern to the local community.
- 2.5 To determine that the Council meeting is properly constituted and that a quorum is present.
- 2.6 To inform himself/herself as to the business and objects of the meeting.
- 2.7 To ensure that discussions at Council are within the scope of the meeting and within the time limits provided.
- 2.8 To rule a point of order and other incidental questions which require decision at the time.
- 2.9 To put relevant questions to the meeting and take a vote thereon; causing a named vote or ballot to be taken if demanded; if necessary to give a second or casting vote; to declare the result.
- 2.10 To adjourn the Council meeting when circumstances justify or require that course.
- 2.11 To declare the Council meeting closed when business is completed.
- 2.12 To act in a proper and dignified manner at all times as befits the office

2.13 To establish and maintain effective and efficient working relations with the leaders of other groups, the cabinet, chairmen of other committees/boards, other Members and officers as appropriate.

2.14 The Chairman can not be a member of the Cabinet.

### **3. Local Representative Role**

3.1 The Councillor will perform a local representational role for his or her constituents. Councillors will develop their own methods and arrangements to keep in touch with their local communities and neighbourhoods so that local views come to have a bearing on policy development and formulation and the decision making process. These may include

- Conducting regular ward surgeries as appropriate
- Attending community/Parish Council meetings (where appropriate)
- Direct canvassing of ward residents

3.2 Through these methods, Councillors will play a significant part in the consultations on:

- The development of Council plans
- Fundamental reviews of services
- Local initiatives, for example on community safety
- The community planning process, generally

3.3 Councillors will respond to constituents' enquiries and representations, fairly and impartially and effectively represent the interests of their wards and of individual constituents.

### **4. Ways of Working**

4.1 To comply with the Council's Code of Conduct and protocols or such other code of conduct / protocols as the Council may from time to time adopt

4.2 To comply with the Member/Officer protocol as set out in the Constitution

4.3 To promote the Council's policies on equality and diversity in the workplace, in partnerships and in service provision.

4.4 To keep abreast of national best practice/ new initiatives relating to local government so as to ensure the continuous improvement of Council services.

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- 4.5 To take part in training and development programmes and to ensure that this role is undertaken as effectively as possible.
- 4.6 To make use of technology as an effective means of communication.

## **Vice Chairman of the Council**

### **1. Key Purpose of Role**

- 1.1 The Vice Chairman of the Council is elected annually to deputise and support the Chairman of Bromsgrove District in carrying out the functions for which they are responsible as regards presiding over meeting of Full Council and associated duties.

### **2. Key Duties and Responsibilities**

- 2.1 To provide support and deputise for the Chairman of the Council at Council meetings when the Chairman is absent.
- 2.2 To ensure that the Chairman of the Council is made aware of any Councillor wishing to speak at a Council meeting.
- 2.3 To ensure that Councillors speaking during Council meetings do so within the time limits set.

### **3. Local Representative Role**

- 3.1 The Councillor will perform a local representational role for his or her constituents. Councillors will develop their own methods and arrangements to keep in touch with their local communities and neighbourhoods so that local views come to have a bearing on policy development and formulation and the decision making process. These may include
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- 3.3 Councillors will respond to constituent's enquiries and representations, fairly and impartially and effectively represent the interests of their wards and of individual constituents.

**4. Ways of Working**

- 4.1 To comply with the Council's Code of Conduct and protocols or such other code of conduct / protocols as the Council may from time to time adopt.
- 4.2 To comply with the Member/Officer protocol as set out in the Constitution.
- 4.3 To promote the Council's policies on equality and diversity in the workplace, in partnerships and in service provision.
- 4.4 To keep abreast of national best practice/new initiatives relating to local government so as to ensure the continuous improvement of Council services.
- 4.5 To take part in training and development programmes and to ensure that this role is undertaken as effectively as possible.
- 4.6 To make use of technology as an effective means of communication.

## **Civic Head of the Council**

### **1. Key Purpose of Role**

- 1.1 The Civic Head of the Council is elected annually. The Council has decided that the ceremonial and civic functions attached to the post of Chairman of the Council will be carried out by the Civic Head of the Council. The Civic Head therefore will be responsible for representing the Council at ceremonial, civic and other functions inside and outside of Bromsgrove. He/she will receive civic guests, delegations and visitors, host civic occasions and provide civic hospitality.

### **2. Key Duties and Responsibilities**

- 2.1 To act as an ambassador for the council both inside and external to Bromsgrove District.
- 2.2 To attend ceremonial, civic and other functions to represent the Council.
- 2.3 To receive civic guests, delegations and visitors, host civic occasions and provide civic hospitality as required.

### **3. Local Representative Role**

- 3.1 The Councillor will perform a local representational role for his or her constituents. Councillors will develop their own methods and arrangements to keep in touch with their local communities and neighbourhoods so that local views come to have a bearing on policy development and formulation and the decision making process. These may include
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- 3.3 Councillors will respond to constituents' enquiries and representations, fairly and impartially and effectively represent the interests of their wards and of individual constituents.

#### **4. Ways of Working**

- 4.1 To comply with the Council's Code of Conduct and protocols or such other code of conduct / protocols as the Council may from time to time adopt
- 4.2 To comply with the Member/Officer protocol as set out in the Constitution
- 4.3 To promote the Council's policies on equality and diversity in the workplace, in partnerships and in service provision.
- 4.4 To keep abreast of national best practice/ new initiatives relating to local government so as to ensure the continuous improvement of Council services.
- 4.5 To take part in training and development programmes and to ensure that this role is undertaken as effectively as possible.
- 4.6 To make use of technology as an effective means of communication.

## **Deputy Civic Head of the Council**

### **1. Key Purpose of Role**

- 1.1 The Deputy Civic Head of the Council is elected annually to deputise for and support the Civic Head of the Council in carrying out the functions for which they are responsible as regards representing the Council at ceremonial, civic and other functions inside and outside of Bromsgrove.

### **2. Key Duties and Responsibilities**

- 2.1 To act as an ambassador for the council both inside and external to Bromsgrove District.
- 2.2 To deputise for the Civic Head in relation to attending ceremonial, civic and other functions
- 2.3 To deputise for the Civic Head in relation to receiving civic guests, delegations and visitors, hosting civic occasions and providing civic hospitality.

### **3. Local Representative Role**

- 3.1 The Councillor will perform a local representational role for his or her constituents. Councillors will develop their own methods and arrangements to keep in touch with their local communities and neighbourhoods so that local views come to have a bearing on policy development and formulation and the decision making process. These may include
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- 3.3 Councillors will respond to constituents' enquiries and representations, fairly and impartially and effectively represent the interests of their wards and of individual constituents.

#### **4. Ways of Working**

- 4.1 To comply with the Council's Code of Conduct and protocols or such other code of conduct / protocols as the Council may from time to time adopt
- 4.2 To comply with the Member/Officer protocol as set out in the Constitution
- 4.3 To promote the Council's policies on equality and diversity in the workplace, in partnerships and in service provision.
- 4.4 To keep abreast of national best practice/ new initiatives relating to local government so as to ensure the continuous improvement of Council services.
- 4.5 To take part in training and development programmes and to ensure that this role is undertaken as effectively as possible.
- 4.6 To make use of technology as an effective means of communication.

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## CABINET

### RECOMMENDATIONS TO THE COUNCIL

#### 1ST JUNE 2011

#### 1. **ENFORCEMENT AND FIXED PENALTY NOTICES FOR ENVIRONMENTAL SERVICES**

The Cabinet has considered a report on the improvement of environmental enforcement within the District.

It is therefore **RECOMMENDED**

- (a) that the Environmental Strategy set out in Appendix A to the report be approved in accordance with the powers for adoption as set out in Appendix A (i) to the report together with the statutory powers to enable Fixed Penalty Notices to be issued as set out in Appendix B to the report.
- (b) that the delegations to officers set out in Appendix C to the report be approved and that delegated authority be granted to the Head of Legal, Equalities and Democratic Services to make any consequential amendments to the Constitution;
- (c) that the recommended levels for Fixed Penalty Notices as set out in Appendix B to the report be approved on the basis that these amounts form part of the Council's fees and charges and will therefore be subject to future amendment by the Cabinet as part of the annual review of fees and charges.

#### 2. **AIR QUALITY MANAGEMENT AREA DECLARATION – WORCESTER ROAD, BROMSGROVE**

The Cabinet has considered a report on a proposal to designate Worcester Road, Bromsgrove as an Air Quality Management Area.

It is therefore **RECOMMENDED**

- (a) that the area at Worcester Road, Bromsgrove shown in red on the plan attached as Appendix 1 to the report be formally designated as an Air Quality Management Area by the making of an Order under section 83(1) of the Environment Act 1995;
- (b) that authority be delegated to the Head of Regulatory Services and the Head of Legal, Equalities and Democratic Services to prepare and sign the Air Quality Management Area Order for Worcester Road, Bromsgrove;
- (c) that it be noted that in accordance with the relevant provisions of the Environment Act 1995, a provisional Air Quality Action Plan will be completed within 18 months of the making of the Order and that prior to the production of this Action Plan a timeline will be produced setting out in outline the actions to be taken.

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## BROMSGROVE DISTRICT COUNCIL

### MEETING OF THE CABINET

WEDNESDAY, 1ST JUNE 2011 AT 6.00 P.M.

PRESENT: Councillors R. Hollingworth (Chairman), Mrs. M. A. Sherrey JP (Vice-Chairman), Dr. D. W. P. Booth JP, M. A. Bullivant, C. B. Taylor and M. J. A. Webb

Officers: Mr. K. Dicks, Ms. S. Hanley, Mr. J. Staniland, Mrs. D. Randall, Mrs S. Sellers, Mr. M. Cox, Ms. A. Wardell-Hill, Ms. L. Williams, Ms. J. Carstairs and Ms. R. Cole.

1/11 **APOLOGIES FOR ABSENCE**

No apologies for absence were received.

2/11 **WELCOME**

The Leader welcomed Councillors M. A. Bullivant and C. B. Taylor to their first meeting of the Cabinet. All those present introduced themselves.

3/11 **DECLARATIONS OF INTEREST**

No declarations of interest were received at this stage.

4/11 **MINUTES**

The minutes of the meeting held on 6th April 2011 were submitted.

**RESOLVED** that the minutes be approved as a correct record.

5/11 **OVERVIEW AND SCRUTINY BOARD**

The minutes of the meeting of the Overview and Scrutiny Board held on 5th April 2011 were submitted.

**RESOLVED** that the minutes be noted.

6/11 **AUDIT BOARD**

The minutes of the meeting of the Audit Board held on 11th April 2011 were submitted.

**RESOLVED:**

(a) that the minutes be noted;

- (b) that the recommendation contained at 52/10 relating to the provision of updates to the Audit Board on any “priority one” and “priority two” findings be approved.

7/11 **VERBAL UPDATES FROM THE LEADER AND/OR OTHER CABINET MEMBERS ON ANY RECENT MEETINGS ATTENDED IN AN EX-OFFICIO CAPACITY**

Councillor M. J. A. Webb reported on a very positive meeting which he had attended with Bromsgrove Sporting.

8/11 **ENFORCEMENT AND FIXED PENALTY NOTICES FOR ENVIRONMENTAL SERVICES**

The Cabinet considered a report on the improvement of environmental enforcement within the District.

Reference was made to a previous report on this issue which had been considered by Cabinet on 2nd February 2011. At that time the proposals had been agreed in principle and this report was setting out in more detail the steps necessary to enable nominated officers to deal with a range of environmental enforcement issues more effectively.

It was intended that a publicity and education campaign would be undertaken to ensure the public were aware of the new range of regulatory powers. It would be made clear that the issuing of Fixed Penalty Notices and any subsequent Court Proceedings would in most instances be a last resort and that there would be a staged process in place including advice and verbal and written warnings.

It was noted there was a typographical error in section 10 of Appendix B in relation to the Fixed Penalty Notice for offences under Dog Control Orders. It was intended the Fixed Penalty Notice level would be set at £75 reducing to £50 if paid within 10 days.

**RESOLVED** that in accordance with the decision made in principle by the Cabinet on 2nd February 2011, the savings previously identified within the Environmental Services budget be vired to fund the post of Environmental Services Officer.

**RECOMMENDED:**

- (a) that the Environmental Strategy set out in Appendix A to the report be approved in accordance with the powers for adoption as set out in Appendix A (i) to the report together with the statutory powers to enable Fixed Penalty Notices to be issued as set out in Appendix B to the report.
- (b) that the delegations to officers set out in Appendix C to the report be approved and that delegated authority be granted to the Head of Legal, Equalities and Democratic Services to make any consequential amendments to the Constitution;

- (c) that the recommended levels for Fixed Penalty Notices as set out in Appendix B to the report be approved on the basis that these amounts form part of the Council's fees and charges and will therefore be subject to future amendment by the Cabinet as part of the annual review of fees and charges.

9/11

**AIR QUALITY MANAGEMENT AREA DECLARATION - WORCESTER ROAD, BROMSGROVE**

The Cabinet considered a report on a proposal to designate Worcester Road, Bromsgrove as an Air Quality Management Area (AQMA).

It was noted that Authorities were required under the Environment Act 1995 to review and assess the current and likely future air quality within their areas against the objectives in the National Air Quality Strategy. The proposal was as a result of monitoring and assessment undertaken at the site which had concluded that the national air quality objective for nitrogen dioxide was being exceeded.

As part of the discussion on this item reference was made to three other areas within the District which had previously been designated as an AQMA. Members felt it would be helpful for the Portfolio Holder, Councillor C. B. Taylor to meet with officers in order to follow up the progress made in addressing the issue of air quality in those areas, including ascertaining whether there was any additional assistance which this Authority could provide, for example further discussions with the County Council or the Highways Agency.

It was noted that the proposed Action Plan in respect of the Worcester Road AQMA would set out the measures to ensure that the air quality objectives within the area covered by the AQMA were not exceeded. There was some concern however regarding the timescale envisaged of up to 18 months for the completion of the provisional Air Quality Action Plan. Officers confirmed that during this period work to address the issue would be on-going but also undertook to produce in advance of the formal Action Plan, an outline of actions in the form of a timeline.

**RECOMMENDED:**

- (a) that the area at Worcester Road, Bromsgrove shown in red on the plan attached as Appendix 1 to the report be formally designated as an Air Quality Management Area by the making of an Order under section 83(1) of the Environment Act 1995;
- (b) that authority be delegated to the Head of Regulatory Services and the Head of Legal, Equalities and Democratic Services to prepare and sign the Air Quality Management Area Order for Worcester Road, Bromsgrove;
- (c) that it be noted that in accordance with the relevant provisions of the Environment Act 1995, a provisional Air Quality Action Plan will be completed within 18 months of the making of the Order and that prior to the production of this Action Plan a timeline will be produced setting out in outline the actions to be taken.

10/11 **BROMSGROVE TOWN CONSERVATION AREA (AMENDMENT TO AREA BOUNDARY) AND DESIGNATION OF ST. JOHN'S CONSERVATION AREA**

Members considered a report on proposed amendments to the Bromsgrove Town Conservation Area together with the designation of a new St. John's Conservation Area.

During the discussion on this item Members paid tribute to the work undertaken by officers in securing funding from the Heritage Lottery Fund which would facilitate the accessing of further funds from the Townscape Heritage Initiative.

**RESOLVED:**

- (a) that the amendments to the boundary of the Bromsgrove Town Centre Conservation Area as described in the notice and schedule of properties attached as Appendix A to the report be approved;
- (b) that the designation of a new St. John's Conservation Area under the Planning (Listed Buildings and Conservation Areas) Act as described in the notice and schedule of properties attached as Appendix B to the report be approved.

11/11 **PERFORMANCE MONITORING QUARTER 4 2010/2011**

The Cabinet considered a report on the Council's performance at the year ending 31st March 2011.

It was reported that Performance Indicators would largely be replaced by measures which better reflected the concerns and needs of the customer. As part of the Transformation Programme work was on-going to develop these measures and it was intended that Members would also be involved in the process.

**RESOLVED:**

- (a) that it be noted that 55% of Performance Indicators were stable or improving ;
- (b) that it be noted that 59% of Performance Indicators met their target at the year end;
- (c) that the performance figures for March 2011 as set out in Appendix 2 and Appendix 3 to the report be noted;
- (d) that the comparisons to previous years as set out in section 4.1 of the report be noted;
- (e) that the proposed revised reporting format for 2011/2012 as set out in sections 4.2 and 4.3 of the report be approved.

12/11 **ARTRIX RIGHT OF WAY - UPDATE**

(The Leader agreed to the consideration of this item as a matter of urgency as a decision was required thereon prior to the next meeting of the Cabinet).

Councillors R. Hollingworth and Dr. D. W. P. Booth JP declared personal interests in this item as Members of the Bromsgrove Arts Centre Holding Trust.

Councillor Mrs M. A. Sherrey JP declared a personal interest in this item as a Member of the Bromsgrove Arts Centre Operating Trust.

Councillor C. B. Taylor declared a personal interest in this item as a Member of the Fire Authority.

A report was circulated updating Members in relation to the proposed development by the Police of land owned by NEW College at Slideslow Drive, Bromsgrove for the purposes of a new combined Police and Fire Station.

At its meeting on 8th September 2010 the Cabinet had agreed in their capacity as Bare Trustees to the request of the Bromsgrove Arts Development Trust (the Holding Trust) to grant an easement over land owned by the Holding Trust to enable the emergency services to have an additional egress route which it was proposed would pass over land forming part of the car park of the Artrix.

Since that meeting there had been changes to the proposals including the alteration of the proposed route of the egress way and the receipt of an offer from the Police to purchase the land required from the Holding Trust. The Holding Trust had considered the latest proposals and the Cabinet were now requested to consider and implement the recommendations made by the Holding Trust.

In their capacity as Bare Trustees (in respect of (a) and (b) below) in order to implement the request from the Holding Trust it was

**RESOLVED:**

(a) that the land shown red on the plan attached as Appendix 2 to the report be sold to West Mercia Police for the sum of £8250 subject to the following conditions:

1. The receipt of written confirmation from the Bromsgrove Arts Centre Operating Trust that its agreement to the revised egress;
2. That the egress is only used for emergency vehicles;
3. That emergency vehicles may exit onto School Drive for the egress but may not use the egress to re-enter the Police/Fire Station;
4. That signs be erected by the Police to warn members of the public and pedestrians of the egress;
5. That sirens are not to be used by emergency vehicles when exiting from the Police/Fire Station on the egress road;
6. That the matters referred to above be secured either as part of the legal documents for the transfer or by way of a separate legal agreement between the Holding Trust and West Mercia Police;

7. That West Mercia police agree to undertake to pay all the costs reasonably incurred in connection with the preparation, negotiation and completion of all legal documentation.
- (b) that NEW College and their successors in title be released from the covenant in the 2003 Transfer Deed under which the College is currently required to provide 20 overspill parking place.
- (c) that authority be delegated to the Head of Legal, Equalities and Democratic Services in consultation with the Portfolio Holder and the Executive Director (Finance and Corporate Resources) to:
1. Agree the terms of the sale of the land to the West Mercia Police incorporating the conditional elements detailed above;
  2. Approve and implement any associated legal documents relating to the sale of the land and variation of the lease between Bromsgrove District Council, the Holding Trust and the Operating Trust;
  3. Approve and implement any associated legal documents relating to the release of the covenant in the 2003 Transfer Deed in relation to overspill parking places

The meeting closed at 7.25 p.m.

Chairman

## COUNCIL

22<sup>nd</sup> June 2011

### REVIEW OF WRITE OFF POLICY

Relevant Portfolio Holder	Cllr Roger Hollingworth
Relevant Head of Service	Teresa Kristunas, Head of Finance & Resources
Non-Key Decision	

#### 1. SUMMARY OF PROPOSALS

- 1.1 The report proposes an amended policy for the write off of debts due to the authority.
- 1.2 The policy would operate across all debt streams and authority to write off all debts, except those where the write off is being recommended due to hardship, vulnerability or as part of a debt matching arrangement, will be delegated to the Council's Section 151 Officer.
- 1.3 The policy introduces a requirement for information on the level of bad debt write off to be reported to Cabinet on a quarterly basis.

#### 2. RECOMMENDATIONS

- 2.1 **That the revised Write Off Policy included at Appendix 1 together with the delegation to the S151 Officer to write off debts be approved.**

#### 3. BACKGROUND

- 3.1 The write off of bad debts is a necessary function of any organisation which deals with the collection of debt. Effective write off procedures contribute to the efficient management of debt as officers time can be concentrated on monitoring and recovering the collectable debt.
- 3.2. The existing policy for the write off of debt was approved in 2007. A review of the procedures for write offs found that :
  - The process was wasteful in terms of the number of officers and levels of authorisation that are required prior to write off.
  - That the referral of write off for Cabinet approval rarely resulted in authorisation to write off being withheld;
  - That the process of referring debts to Cabinet caused delays to the timely write off of debt;

- Cabinet wrote off debt without any knowledge of the effect of the write off on the provision for bad debt.
- The major impact on the provision for bad debt was the larger volumes of small value write offs and liquidation write offs which were approved at levels below Cabinet.
- The review highlighted that improvements to the efficiency of the write off process could be obtained if revisions were made to the debts which were referred for Cabinet approval and better management information were provided to Cabinet. The improved management information would allow scrutiny of the reasons for write off and the effects of all write off on the provision for bad debt.

**4. KEY ISSUES**

- 4.1 The revised policy delegates the authority to write off all debts - except those where write off is requested due to hardship, illness or other exceptional circumstances and those being written off as part of a negotiated debt matching arrangement, to the Council's Section 151 Officer.
- 4.2 The process of reporting debts for write off will be simplified and the majority of write offs will be approved on bulk schedules – this will allow for better automation of the write off approval process and provide efficiency to the procedure.
- 4.3 Evidence of all checks carried out prior to write off will be prepared by the officer requesting write off and will be available for inspection at the approval and authorisation stages.
- 4.4 Quarterly monitoring reports will be provided to Cabinet providing a profile of the existing debt by age and the proportion of debt outstanding for that year. The value of debt written off to date (profiled by reason for write off) and the effect of write offs on the bad debt provision.
- 4.5 Information may also be provided on the level of debt which may become subject to write off.

**5. FINANCIAL IMPLICATIONS**

- 5.1 The policy will operate within the existing provisions for bad debt, the additional monitoring proposed will improve the ability to monitor the appropriateness of those provisions and the total impact of write offs on the provision.

**COUNCIL**

22<sup>nd</sup> June 2011

**6. LEGAL IMPLICATIONS**

6.1 The are no legal implications.

**7. POLICY IMPLICATIONS**

7.1 A revised policy for the write off of debt is proposed.

**8. COUNCIL OBJECTIVES**

8.1 The proposed procedures should enable the Council to improve the process for the write off of debt by clarifying the situations in which debt can be written off and reducing the number of officers involved in the process.

**9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS**

9.1. There is a risk that recoverable debts may be written off or that debts may be written off without the appropriate checks being carried out. Sample testing off write offs by Internal Audit will identify any weaknesses in procedures. Inappropriate write offs can then be reversed and recovery action recommenced.

**10. CUSTOMER IMPLICATIONS**

10.1 There are no customer implications.

**11. EQUALITIES AND DIVERSITY IMPLICATIONS**

11.1 There are no equality and diversity implications.

**12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT**

12.1 The revised write off procedure should be more effective in terms of the use of officer time. There are no procurement or asset management implications.

**13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY**

13.1 There are no climate change, carbon implications or biodiversity implications.

**14. HUMAN RESOURCES IMPLICATIONS**

14.1 There are no human resources implications.

**15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS**

15.1 It is proposed that performance information is reported to the Executive Committee on a quarterly basis.

**16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998**

16.1 There are no community safety implications.

**17. HEALTH INEQUALITIES IMPLICATIONS**

17.1 There are no health inequalities implications.

**18. LESSONS LEARNT**

18.1 The process review has identified improvements that could be made to the write off procedure.

**19. COMMUNITY AND STAKEHOLDER ENGAGEMENT**

19.1 None.

**20. OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	Yes
Chief Executive	Yes
Executive Director (S151 Officer)	Yes
Deputy Chief Executive/Executive Director – Leisure, Environment and Community Services	Yes
Executive Director – Planning & Regeneration, Regulatory and Housing Services	Yes
Director of Policy, Performance and Partnerships	Yes
Head of Service	Yes
Head of Finance & Resources	Yes
Head of Legal, Equalities & Democratic	Yes

**COUNCIL**

**22<sup>nd</sup> June 2011**

Services	
Corporate Procurement Team	N/A

**21. WARDS AFFECTED**

All Wards.

**22. APPENDICES**

Appendix 1 - Draft Write Off Policy

**23. BACKGROUND PAPERS**

Existing Write Off Policy and procedures.

**AUTHOR OF REPORT**

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**Draft**

**Write Off Policy**



**Bromsgrove**  
District Council

[www.bromsgrove.gov.uk](http://www.bromsgrove.gov.uk)

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## **1.0 Introduction**

The purpose of this document is to set out a framework for the authorisation and reporting of debt to be written off.

The Council delivers a wide range of services that involve the recovery of debt. Implementing an effective method for reporting and authorising the write off of irrecoverable debts will ensure that the functions of the council are carried out in an effective and efficient manner.

The effectiveness of the council's debt management will be improved by revising the authority to write off debts and empowering suitably competent officers to authorise the write off of debt.

The authorisation for write off of debt will only be referred to Cabinet in cases where the write off would have a significant and material impact on the financial standing of the authority or where the decision to write off the debt is exceptional and the debt management and write off policy does not provide guidance.

The write off policy introduces a requirement for the Cabinet to be informed on a quarterly basis of the present position with regard to overall debt, the value of debt written off within the financial year and the impact of these write offs on the authority's bad debt provision.

## 2.0 Aims and Objectives

Bromsgrove District Council recognises that the prevention of indebtedness and the effective management of debt are crucial in maximising the resources available to the council and ensuring the well-being of the residents of the Bromsgrove District.

The key aims of the policy are:

To improve the level of Exchequer collected by the Council;

To identify the circumstances when it will be appropriate to write off debts;

To summarise the steps which need to be taken before a debt is written off;

To introduce a scheme for authorising the write off of debt that ensures the decision to write off is made by an appropriate officer of the Council;

To ensure that members are informed of the level of debt owed to the council, the position regarding debts written off and the impact on the council's financial position.

To ensure that there is a coordinated approach to the sharing of debtor information across council departments and to the management and write off of debt.

The policy will apply to the following debts and to any combination of these debts;

Council Tax  
Non-Domestic Rates  
Housing Benefit Overpayments  
Sundry debts  
Excess Charge Notices

### 3.0 Procedures for write off of debt

Each service will have procedures or policies in place to enable timely billing and collection of debts and to ensure that in appropriate cases recovery action is taken promptly. The service's procedures and policies will identify the mechanisms provided by legislation for the recovery of debts.

As a general rule – except in cases of hardship, low value debt or cases where recovery is prevented by law - all recovery processes will be attempted before a debt is considered for write off.

The council recognises that there will be cases where it is not practical for the recovery process to continue because either the debtor has absconded or the costs of recovery are greater than the value of the debt outstanding.

The circumstances listed below are indicative of the situations in which a debt will be written off, the fact that a case falls within the criteria will not compel the council to write the debt off as there may be other factors which would indicate that recovery action is appropriate.

#### Circumstances where debts may be written off

##### *Closed accounts with debt below £50.00*

The costs of pursuing the debt through court action will exceed the outstanding balance. In addition the costs of pursuing a debt from an individual no longer resident in the property could further increase the costs.

Letters warning of the potential for court action will be issued if this does not prompt recovery the debt may be written off.

##### *Individual debts below £5.00*

It is not cost effective to pursue recovery of cases where the debt is below £5.00 and there is no ongoing liability to the Council. In these circumstances the debts will be written off.

##### *Debtor Absconded*

Trace Action will be undertaken and the debtor's details will be checked across all appropriate Council databases, with credit reference agencies and appropriate trace databases i.e. Experian and LOCTA.

If enquiries do not yield a forwarding address then the debt will be written off, if the debtor subsequently reappears the debt will be written back on and recovery action recommenced.

### *Live debt which is uneconomic to pursue*

The costs of commencing bankruptcy action, applying for charging orders or making an application for committal to prison can be high with no guarantee that the debt will be recovered. Where an assessment of the debtor's circumstances indicates that further action would be costly and collection of the outstanding balance is unlikely the debt will be written off.

### *Insolvency – bankrupt individual or insolvent company*

Where an individual has been made bankrupt or a company has entered liquidation no further recovery action can be taken and the debt will be written off.

If a bankrupt individual remains in receipt of Housing Benefit then recovery of Housing Benefit Overpayments can be made from any ongoing benefit entitlement up until the individual's discharge from bankruptcy.

### *Dissolved Companies*

On dissolution the company will have no legal identity and any property of the company will become bona vacantia. There will be no prospect of recovery in these cases and the debt will be written off.

### *Limited companies in administration*

In administrations the debt will be proved in the proceedings and written off. On going trading liabilities will be payable by the administrators and they will be advised to make payment.

### *Debtor deceased with no prospect of recovery from estate*

It is a common misconception that when a person dies, his/her debts are automatically discharged. Debts are not discharged on death unless specific provision has been made for them to be discharged, e.g. by an insurance policy. All debts that are not provided for must be met from the assets of the deceased debtor. Where the assets are insufficient to meet all the debts, the estate is insolvent.

In these circumstances if it is not appropriate to apply for an insolvency administration order then the debt will be written off.

### *Debtor sentenced to term of imprisonment in respect of the debt*

Where a term of imprisonment has been served in respect of a debt the council will be precluded from taking any further action to recover the outstanding balance and the debt will be written off.

### *Debt remitted by court*

Magistrates have the power to remit all or part of a debt. If the magistrates have taken a decision to remit the debt no further recovery action can be taken and the debt will be written off.

### *Out of time for recovery action*

Debts over 6 years of age where action for recovery has not been taken will be statute barred and write off will be necessary.

Where a liability order or judgement has been made in respect of the debt execution of the judgement will still be permitted. Therefore attachment of earnings order or the use of distress can still be made.

### *Debtor out of jurisdiction*

Where a debtor is outside of the jurisdiction of England and Wales and there is unlikely to be any prospect of recovering the debt, it will be written off.

### *Debtor's circumstances are such that it is not appropriate for council to pursue Debtor Infirm or suffering from hardship*

There will be cases where it is not felt to be appropriate to continue with recovery action due to the debtor's mental or physical health or due to particular circumstances of the case. In these cases the Service Manager will recommend that the Cabinet approve write off the debt.

For Council Tax and Non-Domestic Rates debts the Revenue Service Manager should first consider whether a reduction of the debt under the provisions of Section 13a of the Local Government Finance Act 1992 or Section 49 of the Local Government Finance Act 1988 is more appropriate.

### *Debtor enters into a debt matching agreement*

Debt matching is an agreement with the debtor whereby if payments are made under an agreed payment arrangement the Council will write off a portion of the debt, either on receipt of each payment or where payments have been made for a specified period of time.

Debt matching will only be undertaken where there are no prospects of recovering the debt in full and an assessment of the debtors Exchequer indicates that any payment arrangement would extend beyond three years.

Debt matching arrangement will be reviewed periodically to ensure there has not been a change in the debtor's circumstances. If the debtor's circumstances change then the arrangement may be amended or cancelled.

Debt matching will only be undertaken on recommendation of the Service Manager and approval of the Cabinet.

## **Credit balance write offs**

Where accounts are closed and a credit balance is held on the account the credit will be refunded preferably by BACS where the customer's bank account details are held.

In cases where no bank account details are held we will write to the customer advising them of the credit and requesting details of the account into which the credit can be refunded. If we do not hold a forwarding address we will issue notification of the credit to the last known address of the individual.

If after a period of three months the customer has not requested a refund then the amount of the credit will be written off. Where the customer makes contact at a later date or is located at a new address within the area the amount can be written back on and repaid.

Credits held on open accounts will be rolled forward and offset against future year's charges if a request for refund is not made.

In cases where the credit balance is less than £5.00 refunds will not be made unless requested by the customer as the costs of making payment are greater than the credit held. Credit balances below £5.00 will be written off when identified.

Where mutual credits and debits exist across separate debt streams we will offer the customer the opportunity to transfer the credit to offset any debit balances before a refund is made.

### **4.0 Authorisation of write offs**

The table at appendix A details the authorisations required before a debt is written off.

### **5.0 Reporting write offs**

The table at appendix B summarises the action that will be taken prior to write off and the method of reporting the debt.

The Council's Section 151 Officer will approve procedures for the reporting, approval and authorisation of debts for write off.

### **6.0 Monitoring**

Each section will be responsible for ensuring that the policy is applied correctly and is effective. For each debt type management information will be compiled on a quarterly basis. The information will include a profile of debt by age, the value of debt written off to date (profiled by reason code), and the effect on the provision for bad debt.

Information will also be provided on debt which could become subject to write off; this would include debts where recovery is unlikely because the debtor has absconded, there is ongoing insolvency or a write off is pending.

## Appendix A – Authorisation levels for write off

Value	Recommendation	Examined / Approved	Authorised
Credit balances	Exchequer Officer (EO) Revenue Officer (RO) Benefits Overpayments Officer (BOP)	Appropriate Service Supervisors/ Team Leaders	Appropriate Service Managers
Debts up to £100	Exchequer Officer (EO) Revenue Officer (RO) Benefits Overpayments Officer (BOP)		Appropriate Service Supervisors/ Team Leaders.
£101 - £2,000	Exchequer Officer (EO) Revenue Officer (RO) Benefits Overpayments Officers (BOP)		Appropriate Service Managers
Debts over £2,000	Exchequer Officer (EO) Revenue Officer (RO) Benefits Overpayments Officers (BOP)	Service Managers	Executive Director (Finance and Corporate Resources) - Section 151 Officer  Accountancy Services Manager (deputy Section 151 Officer).  Head of Finance & Resources.
Debts remitted by Magistrates or where a term of imprisonment has been served	Exchequer Officer (EO) Revenue Officer (RO) Benefits Overpayments Officer (BOP)		Appropriate Service Managers

Insolvency proceedings Administration Order (where claim has been formally acknowledged)	Exchequer Officer (EO) Revenue Officer (RO) Benefits Overpayments Officer (BOP)		Appropriate Service Managers
Debtor is deceased no prospect of dividend from estate	Exchequer Officer (EO) Revenue Officer (RO) Benefits Overpayments Officer (BOP)		Appropriate Service Managers
Debt matching agreements	Appropriate Service Managers		Cabinet
Cases of hardship or discretionary write offs	Appropriate Service Managers		Cabinet

## Appendix B – Actions to be taken prior to write off

Write off reason	Actions Prior to W/Off	Procedure for Write/off
Credit Balances < £5.00	None	Cases reported on bulk write off schedule for appropriate authorisation
Credit Balances > £5.00	Notice of credit issued to customer.	Cases reported on bulk write off schedule for appropriate authorisation
Closed accounts with debt below £50.00	Invoice/Demand issued to customer  No ongoing liability.  Debt static for 12 months	
Individual debts below £5.00	Invoice/Demand issued to customer.  No ongoing liability.  Debt static for 12 months	Cases reported on bulk schedule for appropriate authorisation.
Debtor Absconded	Check internal databases and trace database, enquiries with property agents.	Cases reported on bulk schedule for appropriate authorisation
Live debt which is uneconomic to pursue	All appropriate recovery routes attempted.  Assessment of costs and likelihood of recovery to be made.	Cases reported on bulk schedule for appropriate authorisation.
Insolvency – bankrupt individual or insolvent company	Claim lodged in proceedings.	Cases reported on bulk schedule for appropriate authorisation.
Dissolved Companies	Confirmation of dissolution received	Cases reported on bulk schedule for appropriate authorisation.
Limited companies in administration.	Confirmation of administration.  Debt lodged in proceedings.	Cases reported on bulk schedule for appropriate authorisation.

<b>Write off reason</b>	<b>Actions Prior to W/Off</b>	<b>Procedure for Write/off</b>
Debtor Infirm or suffering from hardship	Appropriate recovery procedures to be attempted.	Case referred to Cabinet for W/off consideration.
Debtor's circumstances are such that it is not appropriate for council to pursue recovery.	Appropriate recovery procedures to be attempted.	Case referred to Cabinet for W/off consideration.
Debtor deceased with no prospect of recovery from estate respect of the debt	Confirmation of value of the estate and outstanding liabilities obtained.	Cases reported on bulk schedule for appropriate authorisation.
Debtor sentenced to term of imprisonment in respect of debt.	No further powers of recovery	Cases reported on bulk schedule for appropriate authorisation.
<b>Debtor out of jurisdiction</b>		
Debt remitted by court	No further powers of recovery	Cases reported on bulk schedule for appropriate authorisation.
Out of time for recovery action	No further powers of recovery	Cases reported on bulk schedule for appropriate authorisation.
Debtor enters into a debt matching agreement	Debt matching agreement approved by Cabinet.  Payments monitored – portion of debt written off at agreed intervals.	Cases reported on bulk schedule for appropriate authorisation.

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## BROMSGROVE DISTRICT COUNCIL

**COUNCIL**

**22nd June 2011**

### APPOINTMENTS TO OUTSIDE BODIES

Relevant Portfolio Holder	Councillor Mark Bullivant
Relevant Head of Service	Claire Felton

#### **1. SUMMARY OF PROPOSALS**

- 1.1 Council-appointed representatives sit on a number of local community organisations and other bodies in the county and the region. Each year Council is requested to make appointments to these organisations.

#### **2. RECOMMENDATIONS**

- 2.1 That the Council appoints representatives to the positions set out in Appendix 2.
- 2.2 That Council notes the current list of ex-officio appointment at Appendix 3 including the additional appointments detailed at par 4.3 of this report.

#### **3. BACKGROUND**

- 3.1 A number of local and regional community organisations request the Council to appoint a representative to sit on its governing body. Some of these appointments are for a term of one year and some are for longer. Each year the Council appoints representatives accordingly. Members will recall that in 2009 the Council reduced the number of organisations to which it appoints representatives and also agreed that a number of appointments would be ex officio.

#### **4. KEY ISSUES**

- 4.1 For the current municipal year, certain appointments were made at the Annual Meeting of Council on 18<sup>th</sup> May 2011. These are set out in Appendix 1. Members are now required to make the remainder of the appointments to the bodies listed at Appendix 2.
- 4.2 With reference to the list at Appendix 2, members are asked to note that the Leaders Board Strategy Advisory Panel has been disbanded. The West Midlands Reserve Forces & Cadets Association has been included as the current appointment expired in March 2011. The Association has asked for a member to be appointed for a fixed term until March 2015. The

## **BROMSGROVE DISTRICT COUNCIL**

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**22nd June 2011**

Bromsgrove Local Children's Partnership has been added to the list. LCPs have grown out of the Children and Young People theme groups of the Local Strategic Partnership. By including the LCP as an appointment the Council's involvement will be placed on a more formal footing. Finally, two appointees are required for Bromsgrove Sporting. These are new positions which have been created since 2010 for there to be two Councillor representatives on the Bromsgrove Sporting board of directors.

- 4.3 Members are further asked to note the list of ex officio appointments at Appendix 3. For clarification there have been the following changes to the list of ex-officio appointments:-

Organisation	Comment
Greater Birmingham and Solihull Local Enterprise Partnership (LEP)	LEPs are joint local authority/business bodies set up to promote local economic development (replacing the previous Regional Development Agencies (RDAs)). The Greater Birmingham and Solihull LEP includes Bromsgrove, Redditch, Wyre Forest, East Staffordshire, Lichfield, Tamworth, and Cannock in addition to Birmingham and Solihull.
Bromsgrove Local Strategic Partnership	The LSP has been in existence for some years; it is now proposed to formally include it in the ex officio appointments.
West Midlands Councils	This is the body which was previously known as the Leaders Board; the only change is the title of the organisation.
District Council's Network Assembly	This is a special interest group which is part of the LGA (Local Government Association). It has been in existence since 2009 but has now been set up on a more formal footing by the LGA and member authorities (which include BDC) have for the first time been asked to nominate a representative.

### **5. FINANCIAL IMPLICATIONS**

- 5.1 None.

### **6. LEGAL IMPLICATIONS**

## **BROMSGROVE DISTRICT COUNCIL**

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6.1 No specific legislation governs the appointment or nomination of members to outside bodies by the Council. Depending on the nature of the relationship the Council has with the organisation, the legal status of the organisation, its corporate, charity or other status and its constitution, there are differing legal implications for the members sitting on these bodies which will be considered by Council at a future date.

6.2 The Local Authorities (Indemnities for Members and Officers) Order 2004 governs the Council's ability to indemnify of members sitting on outside bodies.

#### **7. POLICY IMPLICATIONS**

7.1 None.

#### **8. COUNCIL OBJECTIVES**

8.1 CO3 – Sense of Community and Well-Being

#### **9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS**

9.1 There are no risks associated with this report.

#### **10. CUSTOMER IMPLICATIONS**

10.1 Organisations will be notified of the appointments.

#### **11. EQUALITIES AND DIVERSITY IMPLICATIONS**

11.1 None identified

#### **12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT**

12.1 None identified

#### **13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY**

13.1 None identified

#### **14. HUMAN RESOURCES IMPLICATIONS**

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14.1 None identified

**15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS**

15.1 None identified

**16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998**

16.1 None identified

**17. HEALTH INEQUALITIES IMPLICATIONS**

17.1 None identified

**18. LESSONS LEARNT**

18.1 N/a

**19. COMMUNITY AND STAKEHOLDER ENGAGEMENT**

19.1 Organisations will be notified of the appointments.

**20. OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	Yes
Chief Executive	No
Executive Director (S151 Officer)	No
Executive Director – Leisure, Cultural, Environmental and Community Services	No
Executive Director – Planning & Regeneration, Regulatory and Housing Services	No
Director of Policy, Performance and Partnerships	No
Head of Service	Yes

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Head of Resources	No
Head of Legal, Equalities & Democratic Services	Yes
Corporate Procurement Team	No

**21. WARDS AFFECTED**

All wards

**22. APPENDICES**

Appendix 1 – Positions appointed to at the Annual Meeting of Council on 18 May 2011

Appendix 2 - List of remaining positions requiring appointment

Appendix 3 – Ex-officio appointments

**23. BACKGROUND PAPERS**

None

**24. KEY**

**AUTHOR OF REPORT**

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**BROMSGROVE DISTRICT COUNCIL**

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**22nd June 2011**

**Appendix 1**

**APPOINTMENTS TO OUTSIDE BODIES MADE ON 18 MAY 2011**

<b>Organisation</b>	<b>Representative(s) Appointed</b>	<b>Length of Term</b>	<b>Expiry of term of office</b>
BDHT (Bromsgrove District Housing Trust)	Councillor C. B. Taylor Councillor Mrs. C. J. Spencer	1 year	May 2012
Shared Services Board			
Non-ex officio nominees	Councillor S. R. Colella	1 year	May 2012
	Councillor M. J. A. Webb	1 year	May 2012
	Councillor M. A. Bullivant (named substitute)	1 year	May 2012
Worcestershire Shared Services Joint Committee	Councillor C. B. Taylor	1 year	May 2012
	Councillor M. A. Bullivant	1 year	May 2012
Note: Two appointees are required to include the relevant Portfolio Holder and one other member from the controlling group and a named substitute	Councillor Mrs. M. A. Sherrey (named substitute)	1 year	May 2012
Bromsgrove Arts Centre Trust – charitable	Councillor J. S. Brogan	Remaining 2 years of 3 year appointment	May 2013

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company no 05455644	Councillor J. R. Boulter	Remaining year of 2 year appointment	May 2012
Bromsgrove Arts Centre Holding Trust	Miss D. H. Campbell JP  Mr. E. C. Tibby Mrs. J. Dyer M.B.E. Mr. G. N. Denaro	Remaining year of 3 year appointment  2 years	April 2012  April 2013

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**Appendix 2**

**APPOINTMENTS TO OUTSIDE BODIES ( NON EX-OFFICIO)**

<b>Organisation</b>	<b>Current representative(s)</b>	<b>Length of term</b>
Amphlett Hall Management Committee	Cllr Mrs Boswell Cllr Mrs Griffiths Ms Marshall Cllr Mrs Sherrey	1 year
Bromsgrove Citizens' Advice Bureau	Cllr Mrs Sherrey Mr Tibby	1 year
Bromsgrove Community Engagement Group	Cllr Mrs Jones Mr Peters Cllr Mrs Spencer Cllr Tidmarsh	1 year
Bromsgrove Local Children's Partnership	Cllr Mrs Griffiths	1 year
Bromsgrove Sporting Board of Directors	2 representatives required	1 year
Leaders' Board Strategy Advisory Panel (non ex officio nominee)	Cllr Mrs Griffiths	1 year
West Midlands Reserve Forces & Cadets Association – County Committee	Cllr Tidmarsh	Until March 2015
WCC Health Overview & Scrutiny Committee (Note: nominee must be a member of the Overview and Scrutiny Board).	Cllr Mrs Griffiths	1 year
WCC Corporate Parenting Steering Group	Cllr Mrs Griffiths	1 year
WCC Highways Partnership (Bromsgrove) Forum	Cllr Mrs Dent Cllr Lewis	1 year

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**Appendix 3**

**EX-OFFICIO APPOINTMENTS**

Age Concern	Portfolio Holder with responsibility for Older People
Greater Birmingham and Solihull Local Enterprise Partnership (LEP)	Leader ( with nominated substitute of the Deputy Leader)
Bromsgrove Local Strategic Partnership	Leader (with nominated substitute of the Deputy Leader)
Bromsgrove Youth Homelessness Forum	Portfolio Holder with responsibility for Young People
District Council's Network Assembly	Leader (with nominated substitute of the Deputy Leader)
West Midlands Councils ( previously known as the Leaders' Board)	Leader (with nominated substitute of the Deputy Leader)
Midlands Joint Advisory Council for Environmental Protection	Member Champions for the Environment and for Climate Change
Shared Services Members Board	Leader Deputy Leader
LGA General Assembly	Leader (with nominated substitute of the Deputy Leader)
Worcestershire Hub Board	Leader and Portfolio Holder with responsibility for Customer Service
Worcestershire Partnership	Leader (with nominated substitute of the Deputy Leader)

**BROMSGROVE DISTRICT COUNCIL**

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**22nd June 2011**

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## STANDARDS COMMITTEE

### RECOMMENDATION TO THE COUNCIL

8TH JUNE 2011

- 1. EXTENSION TO CURRENT TERM OF OFFICE OF INDEPENDENT MEMBER ON THE STANDARDS COMMITTEE**
- 1.1 The current term of office of Mr. Noel Burke, Independent Member Chairman of the Council's Standards Committee, is due to expire on 16th November 2011. This is Mr. Burke's first term of office. In accordance with both Council and national policy he is eligible to stand for a further 4-year term should he so wish. Mr. Burke has confirmed to officers that it would be his intention to stand for a second term of office.
- 1.2 If Mr. Burke were to seek a second term of office this would normally require his making application for the position as part of a full (external) recruitment process. Any resulting recommendations of the Council's Appointments Committee, as part of that process, would be considered by full Council who is responsible for making independent member appointments to the Committee.
- 1.3 In view of the proposals contained within the Localism Bill for the abolition, in 2012, of mandatory Standards Committees, officers have sought guidance from Standards for England (the strategic regulator for the national standards regime) as to whether it would be possible to extend Mr. Burke's current term of office, to cover the period up to the abolition of the Standards Committee in its present format. Such an extension, if approved by the Council, would see the retention of Mr. Burke's expertise on the Committee and would also avoid the costs, in terms of both the required finance for the advertisement of the vacancy and the associated officer and Member support time, involved in carrying out the full recruitment process.
- 1.4 Standards for England have confirmed that provided an independent member's term of office has not yet come to an end, they believe it is acceptable to extend that term with the approval of the Council without going through a full recruitment process. This is applicable to an independent member who has served either one or two terms of office. The crucial factor is that their term has not come to an end before it is extended. Once the independent member's term has expired the full recruitment procedures must be followed.
- 1.5 At the meeting of the Standards Committee which took place on 8th June 2011 Members supported a recommendation to the Council to approve an extension to Mr. Burke's current term of office, for the reasons detailed at point 1.3 above. The Committee noted that the term of office in question related only to Mr. Burke's membership of the existing Standards Committee and not to any successor committee which might be introduced following the cessation of the current Committee.

It is therefore **RECOMMENDED**

that the current term of office of Mr. Noel Burke, Independent Member Chairman of the Standards Committee, be extended until the Standards Committee, in its present format, is abolished in accordance with the proposals contained within the Localism Bill.

Debbie Parker-Jones  
Ethical Standards Officer

## Independent Remuneration Panel for District Councils in Worcestershire

7<sup>th</sup> June 2011

### Changes to Special Responsibility Allowances

#### Bromsgrove District Council

Representations have been made by the Leader of Bromsgrove District Council for changes to be made to the levels of Special Responsibility Allowances (SRAs) payable in 2011/12 for the positions indicated in the table below.

<b>Position</b>	<b>Current SRA</b>	<b>Multiplier of Basic Allowance</b>	<b>Suggested SRA</b>	<b>Multiplier of Basic Allowance</b>	<b>Comments</b>
Chairman of Overview & Scrutiny Board	£3,197	0.87 (Band 6)	£4,796	1.30 (Band 9)	Increase SRA to match level payable to Portfolio Holder
Chairman of Planning Committee	£3,676	1.00 (Band 8)	£4,796	1.30 (Band 9)	Increase SRA to match level payable to Portfolio Holder
Leader of largest Opposition Group	None	-	£1,066	0.29 (Band 3)	New SRA to reflect the increased size of the main opposition group and level of responsibility of the leader of that group

## **Background Details**

### **1. Chairman of Overview & Scrutiny Board**

The Committee Structure of Bromsgrove District Council (BDC) was reviewed in late 2010. Prior to this review there were 3 separate Boards dealing with Overview and Scrutiny functions – namely an Overview Board, a Scrutiny Board and a Joint Overview and Scrutiny Board. As a result of this review the 3 Boards were combined into one Overview and Scrutiny Board. This new Board also took on some functions previously undertaken by a Performance Management Board which ceased to exist as a result of this review.

The Chairmen of the former Overview Board, Scrutiny Board and Performance Management Board were each paid an SRA of £3,197. The Chairman of the former Joint Overview & Scrutiny Board received an SRA of £1,599 on the basis that this met around 4 times per year compared to the other Boards which met each month.

Having created the new Overview & Scrutiny Board it was agreed that the level of SRA payable to the Chairman should match the level of SRA payable to the Chairmen of the former Overview Board, Scrutiny Board and Performance Management Board (i.e. £3,197).

Upon further reflection it is considered that this level of SRA is too low given that the new Board has absorbed the functions of the previous separate Boards and therefore the Chairman has a greater level of responsibility than that of the predecessor Chairmen. Furthermore, as the Overview & Scrutiny Board is the Board which holds the Executive Cabinet to account it is considered appropriate for the level of SRA payable to the Chairman of the Board to match the level of SRA payable to a Cabinet Member/Portfolio Holder (i.e. £4,796 (Band 9) based on a multiplier of 1.30).

The Panel is asked to note that within the County, recommendations were previously agreed for Wychavon District Council and Malvern Hills District Council to pay the same level of SRA to their Executive Portfolio Holders and Chairmen of their Overview and Scrutiny Committees. In these cases the recommended levels of SRA for 2011/12 were £6,300 based on a multiplier of 1.50 of their Basic Allowance. The suggested new SRA for the Chairman of Bromsgrove District Council's Overview and Scrutiny Board in the sum of £4,796, based on a multiplier of 1.30 of its Basic Allowance, compares favourably with the position in those Councils.

### **2. Chairman of Planning Committee**

The Planning Committee at Bromsgrove District Council deals with major planning applications across the District and applications that have been 'called-in' by Ward Members for determination by the Planning Committee rather than under officers' delegated powers. Officers have delegated powers to deal with minor planning applications. The Planning Committee meets every month.

The Leader of the Council is of the view that the responsibility of the Chairman of the Planning Committee is on a par with that of a Portfolio Holder, particularly given the sensitive and controversial applications with which the Committee has to deal with and the public speaking rights which are in place allowing speakers for and against each application. It is therefore suggested that the SRA payable to the Chairman of the Planning Committee be increased to match that of a Portfolio Holder (i.e. (£4,796 (Band 9) based on a multiplier of 1.30).

### **3. Leader of the Largest Opposition Group**

Historically Bromsgrove District Council paid an SRA to the Leader of the Opposition and leaders of other opposition groups. In some years these were flat rate payments and in other years the payments were a combination of a flat rate element and a sum per member of the group. This changed from 2010/11 when such SRAs ceased to be included within the Council's Members' Allowances Scheme. This change came about as a result of two opposition groups being of equal size and a decision being taken by the full Council that the position of Leader of the Opposition should cease to exist as a formal position.

As a result of the recent Local Elections there is now a significant main opposition group (10 members out of a total of 39) and a small opposition group of 2 members. It is therefore considered appropriate for an SRA to be reinstated for payment to the Leader of the largest Opposition Group to reflect the time, effort and responsibility associated with being the holder of that post. It is suggested that the level of SRA payable to the Leader of the largest Opposition Group be £1,066 (Band 3 based on a multiplier of 0.29)

### **Recommendation**

The Panel is asked to consider and agree to recommend to Bromsgrove District Council that the changes set out above be approved.

Karen Firth

Committee Group Leader

Bromsgrove District Council

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**INDEPENDENT REMUNERATION PANEL FOR DISTRICT  
COUNCILS IN WORCESTERSHIRE**

**RECOMMENDATIONS TO THE COUNCIL**

**7th JUNE 2011**

**1. CHANGES TO SPECIAL RESPONSIBILITY ALLOWANCES**

At its meeting on 7th June 2011 the Independent Remuneration Panel for District Councils in Worcestershire considered the representations from the Leader of Bromsgrove District Council for changes to be made to the levels of Special Responsibility Allowance (SRA) payable in 2011/12 for the Chairman of the Overview and Scrutiny Board, Chairman of Planning Committee and Leader of the largest Opposition Group.

The Panel made the following **RECOMMENDATIONS**

- (a) that the SRA payment made to the Chairman of the Overview and Scrutiny Board be increased to 4,796;
- (b) that no change be made to the SRA payment made to the Chairman of the Planning Committee; and
- (c) that the SRA payment made to the Leader of the largest opposition Group be increased to £1,066.

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## BROMSGROVE DISTRICT COUNCIL

### **CABINET REPORT**

1st June 2011

#### **ENFORCEMENT ACTION & FIXED PENALTY NOTICES FOR ENVIRONMENTAL SERVICES**

Relevant Portfolio Holder	Mike Webb
Relevant Head of Service	Guy Revans
Key Decision	

#### **1. SUMMARY OF PROPOSALS**

- 1.1 This report outlines the opportunities for continuing to improve environmental enforcement within Bromsgrove District. With the addition of an Environmental Enforcement Officer, Bromsgrove District Council will be in a position to continue improving Street Cleansing performance
- 1.2 Comparisons with neighbouring Councils and in particular with Redditch Borough Council identify the importance and effectiveness of environmental enforcement.
- 1.3 This report draws attention to the shift in environmental enforcement issues being dealt with at a local level within local authorities and moving away from the jurisdiction of the local police force through the amendments to legislation in the Clean Neighbourhoods and Environment Act (CNEA) 2005.
- 1.4 This report seeks the approval of delegated authorities to nominated officers in order to carry out the relevant regulatory powers to tackle environmental crimes.

#### **2. RECOMMENDATIONS**

- 2.1 **That Cabinet formally resolve the in principle decision made on 2<sup>nd</sup> February 2011 to vire savings within Environment Services to fund the post of Environmental Enforcement Officer.**
- 2.2 **That Cabinet recommend to Full Council:-**
  - (i) **that members approve and adopt the Environmental Strategy at Appendix A in accordance with the powers for adoption as set out at Appendix A (i) together with the statutory powers to enable Fixed Penalty Notices to be issued as set out in Appendix B;**
  - (ii) **that members approve and adopt the delegations to officers set out in Appendix C and grant delegated authority to Head of Legal,**

**Equalities and Democratic Services to make any consequential amendments to the Constitution;**

- (iii) **that members approve and adopt the recommended levels for fixed penalty notices as set out in Appendix B, on the basis that these amounts will form part of the Councils Fees and Charges and will be subject to future adjustment by Cabinet as part of the annual review of fees and charges.**

**3. BACKGROUND**

- 3.1 In order to reduce crime and the fear of crime within a neighbourhood, signs of even low level crimes such as environmental crimes, need to be removed or reduced, as litter and dirty streets, graffiti, dumped rubbish and cars all give a feeling of unease whilst at the same time encouraging similar criminal behaviour. Environmental crimes have an adverse impact on the local environment and quality of life.
- 3.2 To mitigate against environmental crime, a comprehensive Environmental Enforcement Strategy is required which focuses on not only the traditional aspects of environmental management, such as litter picking and sweeping and enforcement but also the softer elements such as advice giving and education (including both perpetrators and observers). However, by ensuring cases which do lead to enforcement are well publicised, a clear message will be sent out to other potential perpetrators of environmental crime.
- 3.3 Under the Environmental Protection Act (EPA) 1990, the Council has a duty to keep streets and public spaces clean and clear of litter and refuse. A range of powers for local authorities came into effect under the Clean Neighbourhoods and Environment Act (CNEA) 2005. The CNEA has extended local authority powers to deal with issues that are considered environmental crime.
- 3.4 There is increasing expectation from residents regarding enforcement against environmental crime. This is particularly pertinent as other Worcestershire<sup>1</sup> authorities have been using Fixed Penalty Notices (FPNs) for some years and the expectation to provide a similar level of same service within this District is not unreasonable.

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<sup>1</sup> Redditch Borough Council, Wyre Forest District Council, Wychavon District Council, Worcester City Council and Malvern District Council

**CABINET REPORT**

**1st June 2011**

- 3.5 Historically the Council has taken a line of no enforcement and instead relied on educating residents where the opportunity arose with positive messages through the press. Awareness campaigns on dog fouling and litter have been carried out and local business have been sent leaflets on fly-tipping through the annual business rates mailer. However education and enforcement need to sit hand in hand in order to give the advisory approach enough authority to become effective.
- 3.6 Limited enforcement activities have been undertaken including warning letters and 2 attempted prosecutions for fly-tipping. Other legislation can be used to deal with environmental problems, for example planning legislation relating to unkempt land and fly-posting will be used by Regulatory Services where officers will decide which is the best legislation to use and where necessary co-ordinate enforcement action.
- 3.7 An Environmental Enforcement Strategy needs to be transparent, making clear what is acceptable and unacceptable and the consequences of non compliance ensuring consistency and proportionality across all offences.
- 3.8 In particular, fly-tipping is a crime which is of significant concern for Bromsgrove District. During 2006-2010 5,164 incidents were recorded and responded to; this is the highest level within the county. For all other authorities in Worcestershire there is an overall decreasing trend in the number of reported fly-tips, conversely for Bromsgrove the figures show an upward trend.
- 3.9 Redditch Borough Council has employed the use of FPNs and 2 environmental enforcement officers since 2005. The officers have used enforcement actions to support operational activities and deter and penalise accordingly for litter and fly-tip offences, dog fouling and offences relating to waste receptacles.
- 3.10 A graduated 5 stage approach is proposed as a fundamental principle when applying any enforcement activity ranging from stage 1 for less serious offences, through to stage 5 as detailed below;

Stage 1	Advice given
Stage 2	Verbal warning
Stage 3	Written warning
Stage 4	Fixed penalty notice
Stage 5	Court proceedings

- 3.11 The Environmental Enforcement Officer would be given complete discretion towards the severity of the penalty. It should also be noted it is not necessary to progress through the stages and offences can be taken to stage 5 on a first account if this is considered appropriate.
- 3.12 The flexible approach as laid out in 3.10 means that the perpetrator of the crime may be allowed to pay for a contractor to clean up the resulting litter or fly posting etc. This allows the Council to direct resources where they are required and reduces Council costs. The perpetrator will therefore bear the full cost of the clean up, whilst foregoing the prescribed FPN which can be higher than the associated FPN itself.
- 3.13 The graduated approach to enforcement reduces the likelihood of appeals being made. However an appeal can be made by using the Council's corporate complaints system. The Service manager will review and respond to each case with the case being referred to the Head of Service or Director where appropriate. Where a fixed penalty notice remains unpaid, cases will be referred to Legal Services in order that prosecution can be considered.

**4. KEY ISSUES**

- 4.1 Essential to the success of an Environmental Enforcement Strategy is an enforcement officer post that will be responsible for applying proportionate enforcement action for environmental crimes where necessary. An environmental enforcement officer position would compliment street cleansing activities and enable thorough investigations of environmental crime as well as acting as a deterrent by having a presence in targeted locations.
- 4.2 The environmental enforcement officer would follow up on environmental crimes and carry out full investigations including gathering evidence, taking witness statements, undertaking PACE <sup>2</sup>interviews, preparing case files and attending court proceedings. Outcomes from all investigations will fall into one of the 5 categories outlined in 3.10.
- 4.3 In particular the officer would pursue enforcement action relating to:
- general littering on both council and private open space
  - fly-tipping

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<sup>2</sup> Police and Criminal Evidence Act Interview as outlined in the Police and Criminal Evidence Act, 1984

- dog fouling
  - abandoned cars
  - graffiti
  - fly-posting
  - waste offences such as bins left on streets and non compliance with the statutory notice
- 4.4 The officer would target particular hotspot areas as well as undertaking reactive investigations from across the district.
- 4.5.1 The creation of the new environmental enforcement officer post will be reliant upon the deletion of an existing street cleansing post which is concerned in the main with fly-tipping clearance; the work of which will be covered by other street cleansing staff, and other changes to the street cleansing service that will release the required resources.
- 4.6 Many local authorities have chosen to use FPNs as an enforcement mechanism in combating environmental crimes. The use of FPNs is considered to be an effective deterrent against environmental crime providing they are used as part of a wider environmental approach as outlined in 3.10. The CNEA extends the range of offence that FPNs may be issued for as well as allowing local authorities discretion to agree the level to be charged. Fixed Penalty Notices should be adopted as an enforcement option as part of the 5 stage approach (see 3.10) as this will provide the Council with a full arsenal of appropriate enforcement measures to tackle environmental crimes.
- 4.7 The Community Safety Team also wishes to use the powers requested by this report, to compliment their existing delegated powers from West Mercia Police to combat anti-social behaviour (ASB). Incidents of anti-social behaviour and environmental crime are often overlapping; for example there are clear links between incidents of fly tipping and the risk of deliberate fires, graffiti and criminal damage, alcohol misuse in the street and litter. The CNEA powers within this report will allow the Community Safety Team to take an integrated approach to tackle ASB and environmental crime.
- 4.8 The Council currently employs two Neighbourhood Wardens and a third is funded through the Community Safety Partnership and joint working with this team will greatly enhance capacity to deal with environmental crime. Neighbourhood Wardens with additional CNEA powers will also have a positive impact in dealing with anti-social behaviour, as one example, an FPN may be issued to those who litter the streets and open spaces with

alcohol containers as well as having their alcohol confiscated. Neighbourhood Wardens already undertake enforcement activities as well as deliver interventions to prevent crime, raise awareness within communities and undertake community engagement. Wardens are well equipped, skilled and experienced in tackling ASB, tackling environmental crime would be a natural evolution in the service they provide to communities.

- 4.8 The environmental enforcement service will be introduced as a shared service with Redditch Borough Council.

**5. FINANCIAL IMPLICATIONS**

- 5.1 The cost of employing one full time environmental enforcement officer , including provision of a vehicle, publicity materials and on costs will be in the region of £40K.
- 5.2 Budgetary provision does not currently exist for this purpose, however funding for the new post will be met from existing staffing budgets, due to an anticipated vacancy within the street cleansing team in the new financial year (2011/12).
- 5.3 There is a potential amount of income generation through the issuing of FPNs, however, the amount is unknown and is unlikely to be significant. Any receipts made from FPNs are currently confined to being directed towards spend by the Council within the area of Environmental Crime.
- 5.4 No monies are required to be vired across into the Street Cleansing budget, however the establishment list will need to be brought into line with any change in staffing structure to reflect staffing cost requirements.

**6. LEGAL IMPLICATIONS**

- 6.1 The Environmental Protection Act 1990 is a key piece of legislation with regards to waste and the Council's responsibilities on dealing with it.
- 6.2 The Clean Neighbourhoods and Environment Act, 2005 is fundamental to allowing authorised officers of the Council to serve Fixed Penalty Notices on perpetrators of environmental crimes.

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- 6.3 The Refuse Disposal (Amenity) Act, 1978 is the legislation that governs the correct disposal and abandonment of vehicles.

**7. POLICY IMPLICATIONS**

- 7.1 A Joint Environmental Enforcement Strategy covering both Bromsgrove and Redditch is attached at Appendix A and will require Council approval prior to implementation.

**8. COUNCIL OBJECTIVES**

- 8.1 One Community  
8.2 Value for Money  
8.3 Town Centre

**9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS**

- 9.1 The main risks associated with the details included in this report are:
- Increasing Environmental Crime;
  - Unsafe communities (real and perceived);
  - Negative Impact on street cleanliness and associate National Indicators<sup>3</sup>
- 9.2 Currently the risks identified in are not addressed by any risk register and will be added to the Environmental Services risk register in due course.

**10. CUSTOMER IMPLICATIONS**

- 10.1 Residents will benefit from the Council undertaking environmental enforcement as the environmental quality of areas will improve.
- 10.2 Publicity will be undertaken to raise awareness of environmental crimes through the activities of the environmental enforcement officer. This will be particularly pertinent at the launch of the new enforcement activities where full coverage will be given to the environmental crimes covered and the new range of enforcements available to the Council.

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<sup>3</sup> NI195 as a measure of litter, detritus, graffiti and fly posting is currently under review.

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- 10.3 The press will be fully utilised to ensure enforcement actions receive a high profile. This itself acts as effective promotion of the activities being undertaken and as a deterrent to potential perpetrators.

**11. EQUALITIES AND DIVERSITY IMPLICATIONS**

- 11.1 The recommendations should not have an impact on equalities; however, all the procedures will take into account an assessment of issues around equality.

**12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT**

- 12.1.1 Through using enforcement to tackle environmental crimes it is envisaged the amount of time spent reacting to situations such as fly-tipping will decrease. This will enable the street cleansing team to concentrate efforts on the general day to day tasks of cleansing and away from these environmental crime elements; as such costs for reactive street cleansing tasks may reduce over a period of time.

**13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY**

- 13.1 The recommendations should not have an impact on climate change, carbon implications or biodiversity directly; however, any procedures will take into account any issues around climate change.

**14. HUMAN RESOURCES IMPLICATIONS**

- 14.1 The creation of the new Environmental Enforcement Officer Post will be overseen by Human Resources and will be governed by relevant policies and procedures.

**15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS**

- 15.1.1 In undertaking enforcement activities for environmental crime, Environmental Services will be able to improve performance on actions against fly-tipping (formerly monitored by NI196) and also to show continuing improvement on the quality of street cleaning (formerly NI195).
- 15.1.2 With the introduction of enforcement activities, over time there should be a marked reduction in environmental crimes as outlined in 4.3.

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**16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998**

16.1 There are significant innate links with community safety and environmental crime. In tackling environmental crime issues there should be a positive influence on community safety matters in the District.

**17. HEALTH INEQUALITIES IMPLICATIONS**

17.1 None.

**18. LESSONS LEARNT**

18.1 In using enforcement actions, other Local Authorities have brought about a reduction in the level of environmental crimes experienced. It is envisaged that on introducing enforcement within Environmental Services a similar level of reduction will be attained. .

**19. COMMUNITY AND STAKEHOLDER ENGAGEMENT**

19.1 None

**20. OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	Yes
Chief Executive	Yes
Executive Director (S151 Officer)	Yes
Executive Director – Leisure, Cultural, Environmental and Community Services	Yes
Executive Director – Planning & Regeneration, Regulatory and Housing Services	Yes
Director of Policy, Performance and Partnerships	Yes
Head of Service	Yes
Head of Resources	Yes
Head of Legal, Equalities & Democratic Services	Yes
Corporate Procurement Team	No

**21. WARDS AFFECTED**

All Wards

**22. APPENDICES**

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Appendix A Joint Environmental Enforcement Strategy for Bromsgrove and Redditch

Appendix A (i) Powers For Adoption

Appendix B Overview of Fixed Penalty Notices

Appendix C Scheme of delegations plus list of legislation

**23. BACKGROUND PAPERS**

None

**24. KEY**

**Clean Neighbourhoods and Environment Act  
Environmental Protection Act  
Fixed Penalty Notices  
Redditch Borough Council  
ASB  
Behaviour**

**CNEA  
EPA  
FPN's  
RBC  
Anti**

**Social**

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## **Joint Environmental Enforcement Strategy**

### **Bromsgrove District Council & Redditch Borough Council**

#### **1.0 Introduction – Why do we need a Strategy?**

- 1.1 In order to reduce crime and the fear of crime within a neighbourhood, signs of even low level crimes such as environmental crimes, need to be removed or reduced, as litter and dirty streets, graffiti, dumped rubbish and cars all give a feeling of unease whilst at the same time encouraging similar criminal behaviour. Environmental crimes have an adverse impact on the local environment and quality of life.
- 1.2 To mitigate against environmental crime, this Strategy focuses on not only the traditional aspects of environmental management, such as litter picking and sweeping and enforcement but also the softer elements such as advice giving and education (including both perpetrators and observers). However, by ensuring cases which do lead to enforcement are well publicised, a clear message will be sent out to other potential perpetrators of environmental crime.
- 1.3 Under the Environmental Protection Act (EPA) 1990, the Council has a duty to keep streets and public spaces clean and clear of litter and refuse. A range of powers for local authorities came into effect under the Clean Neighbourhoods and Environment Act (CNEA) 2005. The CNEA has extended local authority powers to deal with issues that are considered environmental crime.
- 1.4 This Strategy supports Bromsgrove District Council's priorities of economic development, town centre and one community and all three Redditch Borough Council priorities – i.e. enterprising, safe and clean and green.

#### **2.0 What is classed as 'environmental crime'?**

- 2.1 The following are classed as environmental crimes and powers are given to Local Authorities to tackle these primarily through the EPA 1990, the CNEA 2004 and include:

##### **2.2 Litter**

Includes the offence of dropping litter as well as litter emanating from a business or littered private land which is open to the public such as a retail park or train station. Litter can also emanate from a premises which is not containing refuse correctly.

##### **2.3 Fly-tipping**

Varies in size from a single mattress or black bin bag to large-scale truck loads of construction, demolition and excavation waste. Some illegal dumps, whilst small in size, can be serious particularly if hazardous waste is involved. Waste is classed as a fly-tip if it is too large to be removed by a normal hand sweeping barrow. In simple terms, a single full bin bag upwards would constitute a fly-tip. Similarly several carrier bags full of rubbish dumped together would also constitute a single fly-tip. The majority of fly-tipping in Redditch is small amounts of domestic waste. In the more rural areas of Bromsgrove there are more instances of commercial loads of fly-tipping such as tyres, business or construction waste.

### **2.3 Dog fouling**

Offences whereby owners allow their dogs to foul on public open spaces. Please note that this enforcement activity does not include dog control orders or stray dogs, these are dealt with by Regulatory Services.

### **2.4 Abandoned vehicles and nuisance vehicles**

Councils have a duty to deal with abandoned vehicles and can issue Fixed Penalty Notices for the offence. Please note that this enforcement activity does not carry out enforcement activities in relation to parking offences. In Redditch there is also a local policy which deals with the problem of untaxed nuisance vehicles which are parked on Council land which can be extended across Bromsgrove.

### **2.5 Graffiti and fly-posting**

We are currently working on a cross service/partnership approach to tackling graffiti and fly-posting where the responsibilities of the different agencies and land owners will be clarified. However, environmental enforcement officers and Anti Social Behaviour Officers will take enforcement action in relation to these issues.

### **2.6 Waste**

Covers offences in relation to waste receptacles, such as leaving bins permanently on public land, and non compliance with the Statutory Notice issued to all householders in relation to the household waste service. Covers both household and commercial waste issues, e.g. checking on waste transfer notes or waste carrier's licences

## **3.0 Levels of Enforcement**

3.1 The interface between giving advice and more serious enforcement action is critical. In Bromsgrove and Redditch a staged approach is used as outlined below:

Stage 1	Advice given
Stage 2	Verbal warning
Stage 3	Written warning
Stage 4	Fixed penalty notice
Stage 5	Court proceedings

3.2 Environmental Enforcement Officers are given complete discretion towards the severity of the penalty. It should also be noted it is not necessary to progress through the stages and offences can be taken to stage 5 on a first account if this is considered appropriate.

3.3 The authorities will use the power whereby a discount on a FPN can be offered for early payment – full details of the amounts for the various offences are set out in appendix C. The standard period for payment of fixed penalties is set in the legislation at 14 days. Once a FPN has been issued, an authority cannot prosecute for the alleged offence if the fixed penalty is paid within this period and this must be stated on the notice itself. For this reason, the period during which a discount for early payment is offered, must be less than 14 days and to avoid confusion, guidance recommends that it should not be more than 10 days.

**4.0 Awareness raising**

- 4.1 An important part of the role of enforcement officers is to carry out proactive visible enforcement to tackle problems like littering and dog fouling.
- 4.2 Campaigning and the use of good quality promotional materials – statutory notices, standard letters, stickers, cards etc. plays an important part of this enforcement strategy. Additionally, regular publicity to promote our enforcement activities will take place, and we will ensure that we publicise successful outcomes in relation to a specific event.

**5.0 Partnerships across the Council and with other Agencies**

- 5.1 Environmental enforcement work supplements and forms part of our street cleaning and waste collection services. It supplements the schedules which are in place to keep the streets and other public open spaces clean and tidy and household waste collection services.
- 5.2 Working together with other service areas and agencies like social landlords is a critical part of the approach to tackling environmental crime. For example, in Redditch there are regular walkabouts in conjunction with tenancy and ASB officers as well as community support officers and police. Support of and attendance at events like PACT meetings is also an important part of our Strategy.

**6.0 How do we check that what we are doing is working?**

- 6.1 We will provide regular updates to Members on enforcement work and also report activities in relation to fly-tipping through the Flycapture database and any other such reporting systems that are required in the future.

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CNEA powers for Adoption are summarised below:

### 3.15 **Abandoned Vehicles**

The Act removed the requirement for the application of a 24 hour notice to a vehicle, and also introduced a fixed penalty as an alternative to prosecution for the act of abandoning a vehicle.

3.15.1 Section 2 of the (Refuse, Disposal (Amenity) Act 1978 (RDAA) makes it an offence to abandon a motor vehicle, or anything that has formed part of a motor vehicle on any land forming part of a highway. A person guilty of such an offence may be liable on summary conviction to a fine not exceeding level 4 (currently £2,500) on the standard scale or a term not exceeding 3 months imprisonment, or both.

3.15.2 The CNEA inserts a new Section in Section 2A of the RDAA which allows for a (fixed amount) **FPN of £200** to be issued for the offence of abandonment as an alternative to prosecution. This may be used where we get a repeated problem of a person abandoning a vehicle/s.

3.15.3 The CNEA has removed the requirement to affix a 24 hour notice to a vehicle that is deemed fit for destruction. All such vehicles can be removed immediately.

3.15.4 The CNEA has amended legislation relating to disposal of vehicles that do not display a current licence or registration mark, enabling them to be destroyed immediately after removal.

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### 3.16 **Cars on the highway**

The Act creates two new offences to help local authorities deal with nuisance parking: offering for sale two or more vehicles, or repairing a vehicle, on the road as part of a business.

#### 3.16.1 **Sale of vehicles**

A person commits an offence if he leaves two or more motor vehicles parked within 500m of each other on a road or roads where they are exposed or advertised for sale, or he causes two or more motor vehicles to be so left.

#### 3.16.2 **Repairing of vehicles**

A person who carries out restricted works on a motor vehicle on a road is guilty of an offence; however an element of 'reasonableness' must be applied.

3.16.3 The penalty on conviction is currently £2,500 on the standard scale. However, FPNs can be issued when a nuisance vehicle offence has been committed. The amount of **the FPN for either offence is fixed at £100.**

**3.17 Litter**

The Act clarifies the offence of dropping litter, anywhere, including private land (where there is access with or without payment) and rivers, ponds and lakes. It also confirms that cigarette butts and discarded chewing gum are litter.

3.17.1 These powers extend the Council's ability to take enforcement action using FPNs of **between £50 to £80** at the discretion of the Council.

3.17.2 The Act also gives local authorities new powers (litter clearing notices) to require businesses and individuals to clear litter from their land.

3.17.3 This provides for the Principal Litter Authority (The Council) to take action where a duty body (for example, a school or train station) is failing to keep its land clear of litter. As the Principal Litter Authority, the Council will work in partnership with landowners and occupiers to resolve problems caused by heavily littered land. Before issuing the notice, the Council should encourage the occupier/owner of the land to clear it.

3.17.4 If remedial action is not taken where a duty body has failed to clear the land as a result of the action above, a litter abatement notice can be served setting timescales within which the clearance must take place and the specific standard of cleanliness that must be attained. Where the duty body does not comply with the litter abatement notice they may be served with a fine not exceeding £2,500 (together with a £125 daily charge for each day following conviction that the litter remains).

3.17.5 Litter clearance notices can now also be served on all types of land, public and private – such as retail parks or privately owned industrial areas. These can be served without prior designation of a Litter Control Area and it is an offence not to comply with them.

3.17.6 In issuing Litter Clearing Notices, the Council should consider their role in helping to keep the land clear, e.g. to issue FPNs. The Council should also work closely with the landowner to tackle other factors such as graffiti and abandoned vehicles that may be contributing to a poor environmental quality.

3.18 The Act strengthens existing powers for local authorities to require local businesses to help clear up litter they generate (street litter control notices). These powers are primarily aimed at preventing food and drink packaging and other food eaten 'on the go' as well as litter coming from cash points, lottery tickets etc dropped outside shops and banks. The powers now cover movable structures – such as burger vans and market stalls. Proprietors should be educated and encouraged to work together with the Council to keep their area clean. A FPN of **between £75 and £110** may be issued.

- 3.18.1 The Act also enables local authorities to restrict the distribution of flyers, hand-outs and pamphlets that can end up as litter. Local authorities can designate areas by Order, where it is an offence to distribute free printed materials such as leaflets and flyers. It is an offence for a person to distribute any free printed matter, or to cause another person to do so, without the consent of the authority, on any land that the authority has designated under this Schedule.
- 3.18.2 Council's are encouraged to work with retailers and businesses to minimise problems, before imposing restrictions. Authorised officers can seize any materials that are being distributed in contravention of such an Order, and can issue a Fixed Penalty Notice of **between £50 and £80** may be issued. Free newspapers are included and covered by this power.

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### 3.19 Defacement

The Act Extends graffiti removal notices (as introduced by the Anti-social Behaviour Act 2003) to include fly-posting and strengthens the legislation to make it harder for beneficiaries of fly posting to evade prosecution. The Act also enables local authorities to recover the costs of removing illegal posters.

- 3.19.1 Graffiti/fly-posting removal notices ('defacement notices') can be served on owners, occupiers or operators – such as telecommunications companies whose property is defaced with graffiti or fly-posting.
- 3.19.2 The act removes the loophole which allowed owners of premises or events advertised to prove that the advertisement was placed without their knowledge and that they took reasonable steps to prevent it.
- 3.19.3 Authorised Officers may serve a Fixed Penalty Notices of **between £50 - £80** for offences related to graffiti and fly-posting.

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### 3.20 Waste

The Act provides stronger powers, penalties and deterrents to enforce against individuals, businesses and criminal gangs caught fly tipping or disposing of waste illegally or irresponsibly. FPNs can also be issued to householders and businesses not complying with waste collection regulations. The amended provisions with regards to fly-tipping remove the defence of acting under employer's instructions; increasing the penalties; enable local authorities and the Environment Agency to recover investigation and clear-up costs and extend provisions on clear up to the landowner in the absence of the occupier.

- 3.20.1 If there is an incidence of fly-tipping on private land, such as industrial areas, the Council can serve a notice on the occupier of the land and if there is no occupier, on the landowner; previously land owners could not be served with a notice where there was no occupier. However, serving a notice should be a measure of last resort as the first step must always be to find the perpetrator. The LA needs to work closely with all landowners and other organisations to try and prevent future fly-tipping and reduce the costs to all involved.
- 3.20.2 The Act also gives local authorities and the Environment Agency the power to issue fixed penalty notices and, in the case of local authorities, to keep the receipts from such penalties to help to meet the cost of certain specified functions. However, where a local authority is categorised as “good” or “excellent” under the CPA, the authority is able to spend the receipts on any of its functions.
- 3.20.3 The Act also introduces a new provision covering the waste duty of care and the registration of waste carriers and introduces a more effective system for stop, search and seizure of vehicles used in illegal waste disposal; enabling courts to require forfeiture of such vehicles. Any such stop and search exercise would be carried out with the Police, the Vehicle and Operator Services Agency (VOSA), Customs and Excise and the Environment Agency. Authorised Officers are able to request to see waste transfer notes and waste carrier’s licence. For example if someone is seen loading waste into a van, or has been stopped on a stop and search exercise. Fixed Penalty Notices for failure to produce these documents **is fixed at £300**.
- 3.20.4 The EPA states that local authorities can serve notices (setting out reasonable requirements) on occupiers specifying, for example, that they must place their waste receptacles in a certain place for collection. Failure to comply can lead to prosecution through the courts, the Fixed Penalty Notice of **between £75 and £110** is a flexible alternative to prosecution.
- 3.20.5 Guidance suggests that due to the nature of fly-tipping offences they should be the subject of criminal proceedings; this should nevertheless be weighed up against the merits of each individual case and the evidence available to prove burden of proof.

cases for legal action. Despite several promising cases no investigations have successfully led to prosecution.

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### 3.21 Shopping Trolleys

The act clarifies and amends the powers given to charge owners the cost of recovering, storing and disposing of shopping trolleys.

3.21.1 Current Situation:

Establishments using trolleys within the District already employ methods of control over to ensure abandoned trolleys including deposits and staff patrols. There are no undue concerns over the levels of abandoned trolleys recovered within the district.

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3.22 **Dogs & Noise**

The Act also makes amendments to the way local authorities can deal with issues concerning nuisances from dogs and noise.

3.22.1 These amended powers however are dealt with through Worcestershire Regulatory Services and therefore have no impact on the processes and procedures of Environmental Services.

3.23 The CNEA, 2005 allows authorised officers to issue FPNs when they are satisfied beyond reasonable doubt that an offence has been committed. The issue of an FPN provides the offender with an opportunity to avoid prosecution by payment of the penalty.

3.24 The availability and level of fixed penalties for environmental crimes reflect the severity of the offences. The full details relating to offences and levels of fines can be seen in Appendix B. The levels proposed are inline with those currently in use by Redditch Borough Council to harmonise processes across the two authorities in this area.

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Appendix B – Overview of FPNs

	Offence	Amount	Who can issue FPNs	Section & Legislation	Qualifying functions for which receipts may be used*	Recommended level of FPN	Amount if paid within 10 days*
1	Nuisance Parking	Amount fixed at £100	Local authority authorised officers	s.6(1) Clean Neighbourhoods and Environment Act 2005	<ul style="list-style-type: none"> <li>• functions under Refuse Disposal (Amenity) Act 1978</li> <li>• functions under sections 99-102 Road Traffic Regulation Act 1984</li> <li>• enforcement of sections 3 and 4 Clean Neighbourhoods and Environment Act 2005</li> </ul>	<b>Fixed £100</b>	<b>n/a</b>
2	Abandoning a vehicle	Amount fixed at £200	Local authority authorised officers	s.2A(1) Refuse Disposal (Amenity) Act 1978	<ul style="list-style-type: none"> <li>• Functions under the Refuse Disposal (Amenity) Act 1978</li> <li>• functions under sections 99-102 Road Traffic Regulations Act 1984</li> <li>• enforcement of sections 3 and 4 Clean Neighbourhoods and Environment Act 2005</li> </ul>	<b>Fixed £200</b>	<b>n/a</b>
3	Litter	Can be set at local level (between £50-£80). Default £75	Litter authority <sup>2</sup> authorised officers, including persons not directly employed by the authority such as Police Community Support Officers	s.88(1) Environmental Protection Act 1990	<ul style="list-style-type: none"> <li>• Litter-related functions under Part 4, Environmental Protection Act 1990</li> <li>• Graffiti and fly-posting functions under section 43 Anti-social Behaviour Act 2003</li> <li>• Dog Control Orders functions under Part 1, Chapter 6 Clean Neighbourhoods and Environment Act 2005</li> </ul>	<b>£75 (currently set at £50 in RBC)</b>	<b>£50</b>
4	Street litter control notices and litter clearing notices	Can be set at local level (between £75-110). Default £100	Principal Litter authority authorised officers	s.94A(2) Environmental Protection Act 1990	<ul style="list-style-type: none"> <li>• Litter-related functions under Part 4, Environmental Protection Act 1990</li> <li>• Graffiti and fly-posting functions under section 43 Anti-social Behaviour Act 2003</li> <li>• Dog Control Orders functions under Part 1, Chapter 6 Clean Neighbourhoods and Environment Act 2005</li> </ul>	<b>£100 (currently set at £50 in RBC)</b>	<b>£75</b>
5	Unauthorised distribution of	Can be set at	Principal litter	Schedule 3A, para. 7(2)	<ul style="list-style-type: none"> <li>• Litter-related functions under Part 4, Environmental Protection Act 1990</li> </ul>	<b>£75</b>	<b>£50</b>

Appendix B – Overview of FPNs

	Offence	Amount	Who can issue FPNs	Section & Legislation	Qualifying functions for which receipts may be used*	Recommended level of FPN	Amount if paid within 10 days*
	literature on designated land	local level between £50-£80). Default £75	authority authorised officers, including persons not directly employed by the authority	Environmental Protection Act 1990	<ul style="list-style-type: none"> <li>• Graffiti and fly-posting functions under section 43 Anti-social Behaviour Act 2003</li> <li>• Dog Control Orders functions under Part 1, Chapter 6 Clean Neighbourhoods and Environment Act 2005</li> </ul>		
6	Graffiti and fly-posting	Can be set at local level (between £50-£80). Default £75	Local authority <sup>2</sup> authorised officers, including persons not directly employed by the authority such as Police Community Support Officers	s. 43 Anti-social Behaviour Act 2003	<ul style="list-style-type: none"> <li>• Litter-related functions under Part 4, Environmental Protection Act 1990</li> <li>• Graffiti and fly-posting functions under section 43 Anti-social Behaviour Act 2003</li> <li>• Dog Control Orders functions under Part 1, Chapter 6 Clean Neighbourhoods and Environment Act 2005</li> </ul>	<b>£75 (currently set at £50 in RBC)</b>	<b>£50</b>
7	Failure to produce authority (waste transfer notes)	Amount fixed at £300	Officers of Waste collection authorities/ Environment Agency	s. 5B(2) Control of Pollution (Amendment Act 1989	<ul style="list-style-type: none"> <li>• functions, including enforcement concerning offences, under section 5 Control of Pollution (Amendment) Act 1989</li> </ul>	<b>Fixed £300</b>	<b>n/a</b>
8	Failure to furnish documentation (waste carrier's licence)	Amount fixed at £300	Officers of Waste collection authorities/ Environment Agency	s. 34A(2) Environmental Protection Act 1990	<ul style="list-style-type: none"> <li>• functions including enforcement concerning offences, under Part 2 Environmental Protection Act 1990</li> </ul>	<b>Fixed £300</b>	<b>n/a</b>
9	Offences in relation	Can be	Waste	s.47ZA(2)	<ul style="list-style-type: none"> <li>• Functions, including enforcement concerning</li> </ul>	<b>£100</b>	<b>£75</b>

Appendix B – Overview of FPNs

	Offence	Amount	Who can issue FPNs	Section & Legislation	Qualifying functions for which receipts may be used*	Recommended level of FPN	Amount if paid within 10 days*
	to waste receptacles	set at local level (between £75-£110). Default £100	collection authority authorised officers	Environmental Protection Act 1990	offences, under Part 2 Environmental Protection Act 1990	<b>(currently set at £50 in RBC)</b>	
10	Offences under Dog Control Orders	Can be set at local level (between £50-£80). Default £75	Authorised officers of primary and secondary authorities, including persons not directly employed by the authority such as Police Community Support Officers	s. 59(2) Clean Neighbourhoods and Environment Act 2005	<ul style="list-style-type: none"> <li>Litter-related functions under Part 4, Environmental Protection Act 1990</li> <li>Graffiti and fly-posting functions under section 43 Anti-social Behaviour Act 2003</li> <li>Dog Control Orders functions under Part 1, Chapter 6 Clean Neighbourhoods and Environment Act 2005</li> </ul>	<b>£75 (currently set at £50 in RBC)</b>	<b>£50</b>
11	Failure to nominate key-holder (within an alarm notification area) or to notify local authority in writing of nominated key-holder's details	Can be set at local level (between £50-£80). Default £75	Local authority authorised officers, including persons not directly employed by the authority	s. 73(2) Clean Neighbourhoods and Environment Act 2005	<ul style="list-style-type: none"> <li>Functions under Chapter 1, Part 7 Clean Neighbourhoods and Environment Act 2005</li> <li>functions under the Noise Act 1996</li> <li>functions under sections 79 to 82 of the Environmental Protection Act 1990, in connection with statutory nuisances and noise</li> </ul>	<b>Dealt with by Regulatory Services</b>	
12	Noise from dwellings	Can be set at local level (between	Local authority officers	s. 8 noise Act 1996	<ul style="list-style-type: none"> <li>functions under the Noise Act 1996</li> <li>functions under Chapter 1, Part 7 Clean Neighbourhoods and Environment Act 2005</li> <li>functions under sections under 79 to 82 of the</li> </ul>	<b>Dealt with by Regulatory Services</b>	

Appendix B – Overview of FPNs

	<b>Offence</b>	<b>Amount</b>	<b>Who can issue FPNs</b>	<b>Section &amp; Legislation</b>	<b>Qualifying functions for which receipts may be used*</b>	<b>Recommended level of FPN</b>	<b>Amount if paid within 10 days*</b>
	Noise from licensed premises	£75-110). Default £100  Amount fixed at £500	Local authority officers		Environmental Protection Act 1990, in connection with statutory nuisances and noise.		

\* The CNEA introduced a power for authorities to offer a discount for early payment of a fixed penalty. There is a standard period for payment of fixed penalties, set in the legislation at 14 days. Once a FPN has been issued, an authority cannot prosecute for the alleged offence if the fixed penalty is paid within this period and this must be stated on the notice itself. For this reason, the period during which a discount for early payment is offered, must be less than 14 days and to avoid confusion, guidance recommends that it should not be more than 10 days.

## APPENDIX C

### Enforcement and Fixed Penalty Notices within Environmental Services - Scheme of Delegations

<i><b>Subject</b></i>	<i><b>Detail</b></i>	<i><b>Delegated by:</b></i>	<i><b>Delegated to:</b></i>
Enforcement & Fixed Penalty Notices for Environmental Services	1. To take enforcement action in relation to the offences listed at Appendix C including the issuing of Fixed Penalty Notices.	Executive / Leader	Head of Environment
	2. To select and authorise officers to take enforcement action in relation to the offences listed at Appendix C, including the power to give advice to offenders, to issue verbal warning and written warnings and issue Fixed Penalty Notices.	Executive/ Leader	Head of Environmental Enforcement
	3. To commence court proceedings where necessary; including authorising court proceedings, or defending any action.	Executive/ Leader	Head of Environment in consultation with Senior Solicitor
	4. To administer Formal Cautions as an alternative to court proceedings.	Executive/ Leader	Officers authorised in writing by the Head of Environment.

**Legislation relating to Environmental Offences and qualifying functions for which receipts may be used**

	<b>Offence</b>	<b>Who can issue FPNs</b>	<b>Legislation stating offence</b>	<b>Qualifying functions for which receipts may be used*</b>
1.	Abandoned vehicle	Local authority authorised officers.	s.2A(1) Refuse Disposal (Amenity) Act 1978 S 10 – 17 of the Clean Neighbourhoods and Environment Act 2005	<ul style="list-style-type: none"> <li>• Functions under the Refuse Disposal (Amenity) Act 1978</li> <li>• Functions under sections 99-102 Road Traffic Regulation Act 1984</li> <li>• Removal and Disposal of vehicles Regulations 1986 (SI 1986/183)</li> <li>• sections 10-17 Clean Neighbourhoods and Environment Act 2005</li> </ul>
2.	Nuisance parking. Cars on the highway for sale or being repaired.	Local authority authorised officers.	S6 (1)of the Clean Neighbourhood and Environment Act 2005	<ul style="list-style-type: none"> <li>• Functions under the Refuse Disposal (Amenity) Act 1978</li> <li>• Functions under sections 99-102 Road Traffic Regulations Act 1984</li> <li>• Sections 3 and 4 of the Clean Neighbourhoods and Environment Act 2005 deals with offences of vehicles being offered for sale and vehicles being repaired</li> </ul>
3.	Litter	Local authority authorised officers.	s.88(1) Environmental Protection Act 1990 Section 27 of the Clean Neighbourhoods and Environment Act 2005	<ul style="list-style-type: none"> <li>• Litter-related functions under Part 4, Environmental Protection Act 1990</li> <li>• Graffiti and fly-posting functions under section 43 Anti-social Behaviour Act 2003</li> <li>• Dog Control Orders functions under Part 1, Chapter 6 Clean Neighbourhoods and Environment Act 2005</li> <li>•</li> </ul>
4	Street Litter Control Notices and Litter Clearing Notices	Local authority authorised officers	s.94A(2) Environmental Protection Act 1990 Section 20 of the Clean Neighbourhoods and Environment Act 2005	<ul style="list-style-type: none"> <li>• Litter-related functions under Part 4, Environmental Protection Act 1990</li> <li>• Graffiti and fly-posting functions under section 43 Anti-social Behaviour Act 2003</li> <li>• Dog Control Orders functions under Part 1, Chapter 6 Clean Neighbourhoods and Environment Act 2005</li> </ul>
5	Unauthorised distribution of literature on designated land	Local authority authorised officers	Schedule 3A, para 7(2) Environmental Protection Act 1990 Section 23 of the Clean Neighbourhoods and Environment Act 2005	<ul style="list-style-type: none"> <li>• Litter-related functions under Part 4, Environmental Protection Act 1990</li> <li>• Graffiti and fly-posting functions under section 43 Anti-social Behaviour Act 2003</li> <li>• Dog Control Orders functions under Part 1, Chapter 6 Clean</li> </ul>

	<b>Offence</b>	<b>Who can issue FPNs</b>	<b>Legislation stating offence</b>	<b>Qualifying functions for which receipts may be used*</b>
				Neighbourhoods and Environment Act 2005
6.	Graffiti and fly-posting	Local authority authorised officers	s. 43 Anti-social Behaviour Act 2003 Section 31 of the Clean Neighbourhoods and Environment Act 2005	<ul style="list-style-type: none"> <li>• Litter-related functions under Part 4, Environmental Protection Act 1990</li> <li>• Graffiti and fly-posting functions under section 43 Anti-social Behaviour Act 2003</li> <li>• Dog Control Orders functions under Part 1, Chapter 6 Clean Neighbourhoods and Environment Act 2005</li> </ul>
7.	Failure to produce authority (waste transfer notes)	Local authority authorised officers	s. 5B(2) Control of Pollution (Amendment) Act 1989 Section 35-54 of the Clean Neighbourhoods and Environment Act 2005	<ul style="list-style-type: none"> <li>• functions, including enforcement concerning offences, under section 5 Control of Pollution (Amendment) Act 1989</li> </ul>
8	Failure to furnish documentation (waste carrier's licence)	Local authority authorised officers	s 34A(2) Environmental Protection Act 1990 Section 35-54 of the Clean Neighbourhoods and Environment Act 2005	<ul style="list-style-type: none"> <li>• functions including enforcement concerning offences, under Part 2 Environmental Protection Act 1990</li> </ul>
9	Offences in relation to waste receptacles	Local authority authorised officers	s.47ZA(2) Environmental Protection Act 1990 Section 35-54 of the Clean Neighbourhoods and Environment Act 2005	<ul style="list-style-type: none"> <li>• Functions, including enforcement concerning offences, under Part 2 Environmental Protection Act 1990</li> </ul>
10	Offences under Dog Control Orders	Local authority authorised officers	s. 59(2) Clean Neighbourhoods and Environment Act 2005 Section 57 of the Clean Neighbourhoods and Environment Act 2005	<ul style="list-style-type: none"> <li>• Litter-related functions under Part 4, Environmental Protection Act 1990</li> <li>• Dog Control Orders functions under Part 1, Chapter 6 Clean Neighbourhoods and Environment Act 2005</li> </ul>

\*The various Acts under which fixed penalties are issued enable local authorities to use their fixed receipts only to help to meet the cost of certain specified functions. However, where a local authority is categorised as 'excellent' or 'good' under the CPA, the authority is able to spend penalty receipts on any of its functions.

## **CABINET**

Date: 1<sup>st</sup> June 2011

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### **AIR QUALITY MANAGEMENT AREA DECLARATION** **WORCESTER ROAD, BROMSGROVE**

Relevant Portfolio Holder	<b>Councillor Kit Taylor</b>
Relevant Head of Service	<b>Steve Jordan</b>
Non-Key Decision	

#### **1. SUMMARY OF PROPOSALS**

- 1.1 Part IV of the Environment Act 1995 requires local authorities to review and assess the current, and likely future, air quality in their areas against the objectives in the National Air Quality Strategy. Where objectives are likely to be exceeded, the local authority is required to designate an Air Quality Management Area (AQMA) for the relevant locations.
- 1.2 Monitoring and assessment undertaken at Worcester Road, Bromsgrove has concluded that the national air quality objective for nitrogen dioxide is being exceeded. Therefore designation of the area outlined in red on the appended plan as an AQMA is proposed.

#### **2. RECOMMENDATIONS**

- 2.1 That Cabinet recommend to Full Council the formal designation of the area marked red on the plan attached at Appendix 1 as an Air Quality Management Area by the making of an order under section 83(1) of the Environment Act 1995.
- 2.2 That Cabinet recommend to Full Council that authority be delegated to the Head of Regulatory Services and the Head of Legal, Equalities and Democratic Services to prepare and sign the Air Quality Management Area order for Worcester Road.
- 2.3 That Cabinet/ Council note that in accordance with the relevant provisions of the Environment Act 1995, a provisional air quality Action Plan shall be completed within 18 months of the making of the Air Quality Management Area Order.

#### **3. BACKGROUND**

- 3.1 Part IV of the Environment Act 1995 requires local authorities to review

and assess the current, and likely future, air quality in their areas against the objectives in the National Air Quality Strategy. Where objectives are likely to be exceeded, the local authority is required to designate an Air Quality Management Area (AQMA) for the relevant locations. An action plan must then be prepared setting out the measures to ensure that the air quality objectives within the area covered by the AQMA are not exceeded.

- 3.2 Bromsgrove District Council's Updating and Screening Assessment 2009 and Progress report 2010 concluded that it was necessary to proceed to a Detailed Assessment of nitrogen dioxide in Worcester Road, Bromsgrove.
- 3.3 The Detailed Assessment was completed in July 2010 and concluded that the air quality objective for nitrogen dioxide was being exceeded in Worcester Road, Bromsgrove. The report has been accepted by the Department for Environment, Food and Rural Affairs (DEFRA) as satisfactory. The full report can be viewed on Bromsgrove District Council's website or a hard copy can be provided on request.
- 3.4 The Detailed Assessment concluded that there are predicted exceedances of the annual mean nitrogen dioxide Air Quality Strategy objective of 40µg/m<sup>3</sup> at sensitive ground floor and first floor receptors along the Worcester Road. The maximum modelled annual mean nitrogen dioxide concentration in 2009 was 51.5µg/m<sup>3</sup>.
- 3.5 Annual mean nitrogen dioxide contour plots show that where receptors fall outside of the 40 µg/m<sup>3</sup> contour at ground-floor level, they tend to fall within the 36 µg/m<sup>3</sup> contour.
- 3.6 There is some uncertainty surrounding both the measured and modelled concentrations. It is therefore recommended that an AQMA is declared to include, as a minimum, those residential properties that lie within the 36 µg/m<sup>3</sup> contour to be precautionary.

#### **4. KEY ISSUES**

- 4.1 As established by the Environment Act 1995 Part IV, all local authorities in the UK are under a statutory duty to undertake an air quality assessment within their area and determine whether they are likely to meet the air quality objectives set down by Government for a number of specified pollutants. The process of review and assessment of air quality undertaken by local authorities is set out under the Local Air Quality Management (LAQM) regime and involves a phased three yearly assessment of local air quality. Where the results of the review and assessment process highlight that problems in the attainment of health-based objectives for air quality will arise, the authority is under a

statutory obligation to declare an Air Quality Management Area (AQMA) – a geographic area defined by high levels of pollution and exceedances of health-based standards.

The LAQM regime was first set down in the 1997 National Air Quality Strategy (NAQS) and introduced the idea of local authority 'Review and Assessment'. The Government subsequently published policy and technical guidance related to the review and assessment processes in 1998. This guidance has since been reviewed and the latest documents include Policy Guidance (LAQM.PG (09)) and Technical Guidance (LAQM.TG (09)). The guidance lays down a progressive but continuous framework for local authorities to carry out their statutory duties to monitor, assess and review air quality in their area and produce action plans to meet air quality objectives.

DEFRA and the Devolved Administrations released the latest Policy and Technical Guidance in February 2009, in anticipation of the fourth round of review and assessment. The fourth round began with an Updating and Screening Assessment (USA), which was completed by local authorities by the end of April 2009, and builds upon the Council's previous work in the first three rounds.

Previous Local Air Quality Management (LAQM) assessment work conducted by Bromsgrove District Council has also identified three AQMAs in Bromsgrove District:

- Lickey End Bromsgrove ( Junction 1 M42 roundabout)
- Redditch Road, Stoke Heath
- Kidderminster Road Hagley

Birmingham Road in Bromsgrove town centre is a potential location for future Detailed Assessment. However, the Council has been monitoring nitrogen dioxide using diffusion tubes at three worst-case locations on Birmingham Road. The results show that the annual mean objective for nitrogen dioxide has been met there for the last three years. Bromsgrove District Council will continue to monitor nitrogen dioxide concentrations on Birmingham Road and will proceed to a Detailed Assessment if exceedances of the annual mean objective are measured in the future.

## **5. FINANCIAL IMPLICATIONS**

- 5.1 Further assessment work in the AQMA may require additional diffusion tube installation. The cost of this is minimal and can be carried out from the existing budget allocated for Local Air Quality Management.

**6. LEGAL IMPLICATIONS**

- 6.1 Part IV of the Environment Act 1995 requires local authorities to review and assess the current, and likely future, air quality in their areas against the objectives in the National Air Quality Strategy. Where objectives are likely to be exceeded, the local authority is required to designate an AQMA for the relevant locations. An action plan must then be prepared, setting out the measures to ensure that the air quality objectives within the area covered by the AQMA are not exceeded.

**7. POLICY IMPLICATIONS**

None identified in this report.

**8. COUNCIL OBJECTIVES**

- 8.1 Objective two – **Improvement**  
The outcome of this declaration will ensure that air quality issues in respect of traffic are formally highlighted and form part of considerations in the preparation of local transport plans in particular LTP3 that will be developed by the County Council.
- 8.2 Objective three – **Sense of Community and Well Being**  
It is envisaged that the eventual outcome of the declaration will lead to the air quality exceedances being reduced leading to increased well-being in health terms.
- 8.3 Objective four – **Environment**  
Resolution of traffic problems will lead to improvements in the environment.

**9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS**

- 9.1 The main risks associated with the details included in this report are:
- Failing to meet Statutory and Government demands relating to local air quality management as outlined in the above legislation. This item is included on the Planning and Environment Risk Register

- Failing to declare the Air Quality Management Area would be a reputational risk to the Council in relation to the objective Environment and Climate Change

9.2 These risks are being managed as follows:

- Risk Register: Planning and Environment
- Key Objective Ref No: 3
- Key Objective: Effective, efficient and legally compliant Environmental Health Service

**10. CUSTOMER IMPLICATIONS**

10.1 The recommendations will formally highlight the need for improved traffic management in the areas affected with the Highways Agency and Worcestershire County Council acting as the Highways Authority. It will also enable air quality to be a material consideration in respect of applications for new building developments requiring planning permissions.

**11. EQUALITIES AND DIVERSITY IMPLICATIONS**

11.1 There are no implications of this report which adversely affect the Council's Equalities and Diversity Policies.

**12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT**

12.1 None identified in this report.

**13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY**

13.1 It is envisaged that the eventual outcome of the declaration will lead to the air quality exceedances being reduced and a general improvement in air quality.

13.2 The recommendations will formally highlight air quality issues in respect of transport planning. The resolution of traffic problems will lead to improvements in the environment.

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**14. HUMAN RESOURCES IMPLICATIONS**

14.1 There are no human resources implications.

**15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS**

15.1 None identified in this report

**16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998**

16.1 There are no community safety implications

**17. HEALTH INEQUALITIES IMPLICATIONS**

17.1 It is envisaged that the eventual outcome of the declaration will lead to the air quality exceedances being reduced leading to increased well-being in health terms.

**18. LESSONS LEARNT**

18.1 Previous Local Air Quality Management (LAQM) assessment work conducted by Bromsgrove District Council has also identified three AQMAs in Bromsgrove District:

- Lickey End Bromsgrove ( Junction 1 M42 roundabout)
- Redditch Road, Stoke Heath
- Kidderminster Road, Hagley

As referenced in the main body of the report the Council will continue to monitor the current AQMAs, the proposed AQMA at Worcester Road and the wider district

**19. COMMUNITY AND STAKEHOLDER ENGAGEMENT**

19.1 Local residents and businesses were consulted by letter on 15<sup>th</sup> November 2010 in relation to the outcome of the monitoring and the possible introduction of an AQMA.

In addition a drop-in session was held at St. Peters Community Centre, Rock Hill on 30<sup>th</sup> November 2010.

Comments and observations were invited.

**20. OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	Yes
Chief Executive	No
Executive Director (S151 Officer)	No
Deputy Chief Executive/Executive Director – Leisure, Environment and Community Services	No
Executive Director – Planning & Regeneration, Regulatory and Housing Services	No
Director of Policy, Performance and Partnerships	No
Head of Service	Yes
Head of Resources	No
Head of Legal, Equalities & Democratic Services	No
Corporate Procurement Team	No

**21. WARDS AFFECTED**

- Whitford Ward
- St. Johns Ward
- Charford Ward

**22. APPENDICES**

Appendix 1: Proposed AQMA Location Plan

**23. BACKGROUND PAPERS**

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- Detailed Assessment 2010
- Detailed Assessment & Progress Report Appraisal 2010

**24. KEY**

N/A

**AUTHOR OF REPORT**

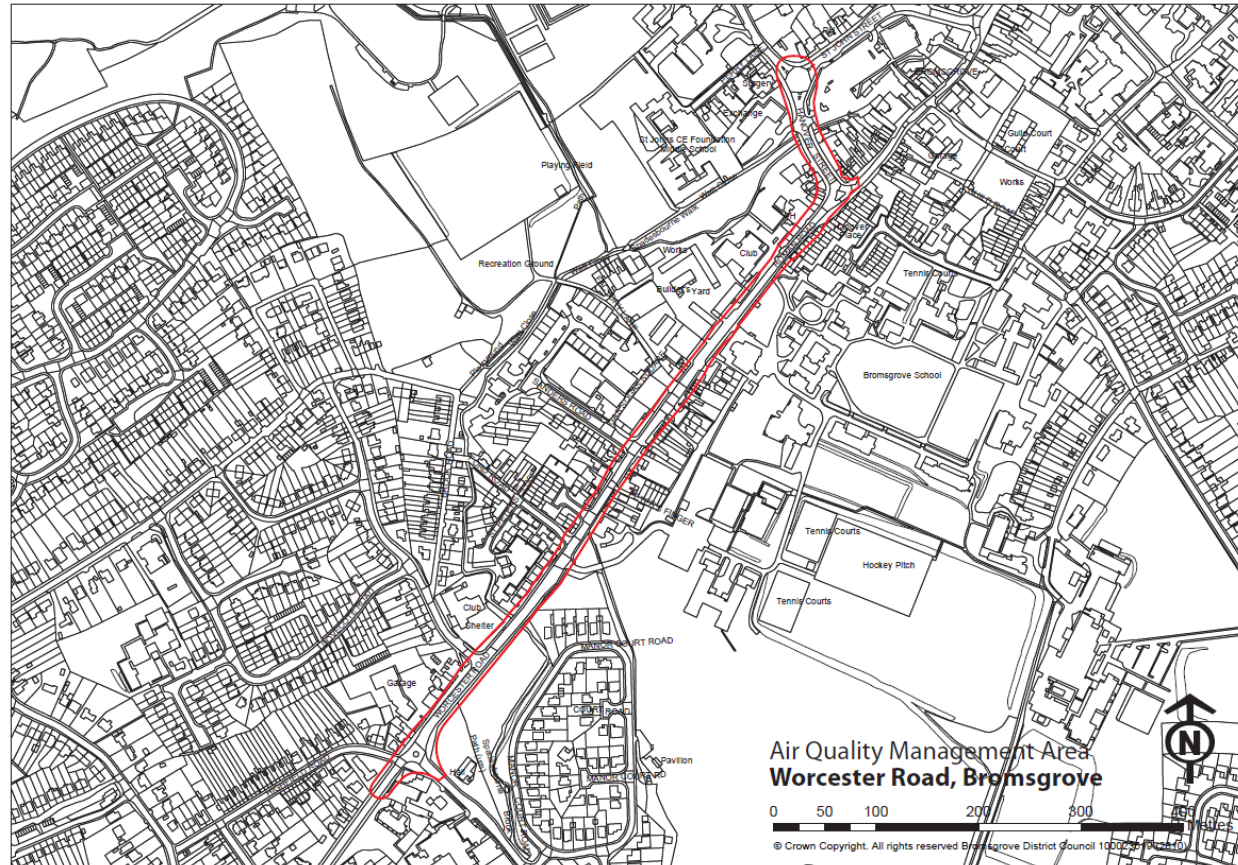
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**BROMSGROVE DISTRICT COUNCIL**

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**APPENDIX 1: Proposed AQMA Location Plan**



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## BROMSGROVE DISTRICT COUNCIL

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**22<sup>nd</sup> JUNE 2011**

#### **FINANCIAL OUTTURN REPORT - 2010/11**

Relevant Portfolio Holder	Councillor Roger Hollingworth
Relevant Head of Service	Jayne Pickering, Executive Director Finance and Corporate Resources
Key Decision / Non-Key Decision	

#### **1. SUMMARY OF PROPOSALS**

- 1.1 To present members with the financial information for the year ended 31 March 2010. This includes:
- Financial Outturn Information 2010/11 for Revenue and Capital Spend
  - Annual Governance Statement 2010/11

#### **2. RECOMMENDATIONS**

- 2.1 That Cabinet note the outturn financial position on Revenue and Capital as detailed in this report.
- 2.2 That Cabinet recommend to Council:
- 2.2.1 the increase in the 2011/12 Capital Programme of £2.479m in relation to the carry forward requests as identified at Appendix 1
- 2.2.2 the release of £5,587 from balances following the abolition of Lickey End Parish Council
- 2.2.3 the approval of the Annual Governance Statement at Appendix 2

#### **3. BACKGROUND**

- 3.1 The Integrated Finance and Performance Report has been presented to Members on a quarterly basis during 2010/11. This report presents a summary of the final financial position for the financial year. This ensures members have a full financial position statement of the Councils activities prior to the formal Statement of Accounts document is approved.
- 3.2 In previous years the formal there has been a requirement for the Statement of Accounts to be approved by Members prior to the 30<sup>th</sup> June. There has been a change for the 2010/11 accounts which will result in the S151 officer approving the accounts by 30<sup>th</sup> June, with full Member approval after the

External Audit and by 30<sup>th</sup> September. This ensures that any Audit changes can be reflected in the accounts final approval.

- 3.3 The net revenue budget for the Council was approved in March 2010 of £15.203m. This included an estimated transfer to balances of £134k. Approved revisions during 2010/11 included additional grant income for services and an increase for recharge figures, and resulted in a revised net position of £16.204m. This is the position that has been used for this report and financial statements.

#### **4. KEY ISSUES**

##### **FINANCIAL POSITION FOR THE YEAR**

##### **4.1 Revenue Budget**

- 4.1.1 The Revenue Account produced a year end surplus of £792k compared to a revised budgeted surplus of £75k, an improvement of £717k. This is due to a number of factors detailed in this report. In addition in December 2010 officers were requested to ensure that any expenditure on general non-essential items were reviewed to ensure that the balances position for the Council was protected in light of the severity of the cuts anticipated. The significant underspend has enabled the Council to increase the amount transferred to balances to support future one off budget pressures.
- 4.1.2 .The increase to balances has resulted in a current position of £2.059m of available for one off items of expenditure (minimum approved level £850k).
- 4.1.3 Within the financial position statement the Council has set aside a number of reserves to ensure sufficient finances are available to fund future commitments including any transition costs associated with shared services and transformation which may be needed to ensure savings are delivered in the future.
- 4.1.4 The Council Revenue Summary is detailed below.

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**Revenue Budget summary – Overall Council 2010/11**

Service Head	Revised Budget 2010/11 £'000	Actual spend 2010/11 £'000	Variance 2010/11 £'000
<b>Environmental Services</b>	4,716	4,463	-253
<b>Community Services</b>	3,505	3,354	-151
<b>Regulatory Services (BDC Client)</b>	1,079	1,032	-47
<b>Leisure &amp; Cultural Services</b>	1,901	1,800	-101
<b>Planning &amp; Regeneration</b>	1,184	1,216	32
<b>Customer Services</b>	66	26	-40
<b>Finance &amp; Resources</b>	1,654	1,503	-151
<b>Legal, Equalities &amp; Democratic Services</b>	1,316	1,248	-68
<b>Policy, Performance &amp; Partnerships</b>	-36	-20	16
<b>Business Transformation</b>	192	0	-192
<b>Corporate Services</b>	658	733	75
<b>SERVICE TOTAL</b>	<b>16,235</b>	<b>15,355</b>	<b>-880</b>
<b>Exceptional Income (Fleming VAT)</b>	0	-154	-154
<b>Capital Expenditure charged to Revenue</b>	80	80	0
<b>Other non-service income</b>	0	-31	-31
<b>Interest on Investments</b>	-87	-122	-35
<b>General Transfer to Earmarked Reserves</b>	-24	359	383
<b>COUNCIL SUMMARY</b>	<b>16,204</b>	<b>15,487</b>	<b>-717</b>

**4.1.5 Financial Commentary**

- 4.1.6 The table shows an under spend of £717k against the revised budget of £16.204m.
- 4.1.7 As previously mentioned measures were instigated in December 2010 to reduce expenditure following the significant reduction in Government Grant income to the Council. This increased the anticipated underspend from £323k in December to £717k at the end of the financial year.
- 4.1.8 These actions included; a full review of all orders to ensure the essential nature of all procurement , to review any general non-essential spend and looked to maximise income opportunities.
- 4.1.9 Contributory factors to the overall under spend include:
- A refund (£49k) of national non-domestic rates in relation to the Dolphin Centre, following assessment by the Valuations office dating back several years. This forms part of the Leisure and Cultural Services reported under spend.
  - An increase in investment income from the anticipated £87k to £122k.
  - Net receipts arising from HMRC as a result of the Fleming VAT case amounting to £154k
  - Due to the VAT monies received and the overall position additional general amounts were transferred back to earmarked reserves, totalling £383k. These are reported for approval in a separate Agenda item to this meeting.
  - The underspend in Environmental is due a number of budgets which have been identified as surplus to service delivery. These have been taken as the “quick wins” part of the budget process 2011/12 and no longer for part of the base budget for these service areas.. Additional savings have also been made during this year while work processes are reviewed posts have remained vacant. There has also been an additional grant (£55k) received from the County Council for the collection of waste.
  - Community Services - the reduction in costs associated with the transfer of the Caravan site to an partner provider has resulted in a significant underspend for the service. This has been factored into the 2011/12 budget projections.
  - Finance and Resources – the refund of business rates for the Council House of £65k together with the review of non-essential spend on facilities maintenance has resulted in the savings position.
  - Transformation & IT – this underspend is due to renegotiation of contracts and a reduction in anticipated spend due to a review of general non-essential expenditure.

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**4.2 Capital Budget**

4.2.1 The Capital Budget relates to assets purchased or improvements to Council facilities.

4.2.2 Capital Summary 2010/11

Department	Revised Budget 2010/11 £'000	Actual spend 2010/11 £'000	Variance £'000
<b>Resources</b>	626	539	-87
<b>Business Transformation</b>	201	156	-45
<b>Environmental Services</b>	331	208	-123
<b>Regulatory Services</b>	493	49	-444
<b>Planning &amp; Regeneration</b>	1,200	140	-1,060
<b>Community Services</b>	1,986	1,545	-441
<b>Leisure &amp; Cultural Services</b>	958	376	-582
<b>TOTAL</b>	<b>5,795</b>	<b>3,013</b>	<b>-2,782</b>

**Financial Commentary**

- The Capital Programme is considered on a monthly basis by the Asset Management Group to ensure projects are on schedule and within budget. In addition Heads of Service

meet regularly with Service Accountants to identify the financial management issues within the programme.

The main areas where Capital Schemes are under spent are:

- The sum of £36k for Building alteration for DDA compliance and £50k for remedial works to Council buildings. It has been assessed that there are no concerns that are required to be resolved that may pose a risk to the Council or the community. It is therefore anticipated that these budgets will remain unspent until a decision is made on the future of the Council's buildings.
- The £95k funds allocated for the Cemetery expansion work is not due to commence until 2011/12 due to a delay in receiving survey results from external providers.
- The funds allocated for New Park Barnsley Hall of £195k have not yet been spent due to the extensive negotiations and planning discussions in relation to the access arrangements to the proposed development. It is anticipated that this budget will be spent within 2011/12.
- A large project commenced during the Financial Year for the District Wide Provision of Sports facilities. Some areas of this project remain outstanding due to final design requirements being confirmed These include the facilities at Braces Lane and Alvechurch. Works are under discussion and are due to commence in the first quarter of 2011/12. It is proposed that the budgets for these projects are carried forward into 2011/12.
- A scheme totalling £83k for the replacement and maintenance of bridges has not yet commenced due to the continued work of assessing the work to be undertaken. It has been proposed that the budget for this scheme is rolled into 2011/12, to allow the work to be carried out which is being commissioned at this time.

4.2.3 The underspend has resulted in £304K being transferred back to the general capital receipts reserve for future capital projects.

4.2.4 Appendix 1 details the requests to carry forward capital funding towards a number of projects to ensure that they can be delivered in 2011/12.

#### **4.3 TREASURY MANAGEMENT**

##### **4.3.1 Investment Interest - updated**

For the year to 31 March 2011 the Council received net investment income amounting to £116k against budgeted receipts of £87k. This income arises on interest earned on in-house managed funds (cash currently surplus to cash flow requirements that is placed on short-term deposit).

- 4.3.2 Due to advice received the Council is maintaining its stance of depositing in ultra low risk investments. In our recent Investment Updates we have been advised to use named UK incorporated institutions as investment counterparties whose long-term ratings are currently in the 'double-A' category.
- 4.3.3 All funds are now managed internally within the Finance department with support from our advisors Arlingclose.

#### **4.4 REVENUE BALANCES AND EARMARKED RESERVES**

##### **4.4.1 Revenue Balances**

The revenue balances brought forward at 1 April 2010 was £1.266m. The revised estimate assumed that £75k would be transferred to balances as part of 2010/11 final position. The increased level of savings as detailed in this report has meant that an increased addition to balances of £717k has been made. The new level of balances is £2.059m, which can be utilised to fund one off items to deliver the priorities of the Council.

- 4.4.2 Members are also asked to consider the transfer of the precept that was returned to the Council from the abolished parish of Lickey End. In December 2010 following the formal abolition of the parish £5,587 was returned to the Council from initial precepts that had been recovered by residents of the parish. These funds were transferred to General Fund balances. It was anticipated that these funds would be spent within the Lickey End area and a recent request has been received to transfer the funds to Lickey End First school to purchase additional books and learning aids for the children. It is recommended by officers that this is an appropriate use of the funds.

##### **4.4.3 Earmarked Reserves**

The Council maintains a number of reserves which have been set up to earmark resources for future spending plans. The balance on these reserves is shown in a separate report being presented to this meeting.

**4.5 GOVERNANCE STATEMENT**

- 4.5.1 The Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for. The Council also has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. In discharging this overall duty, the Council is also responsible for ensuring that there is a sound system of internal control which facilitates the effective exercise of its functions and which includes arrangements for the management of risk.
- 4.5.2 The preparation of an Annual Governance Statement is a statutory requirement and its purpose is to provide and demonstrate that there is a continuous review of the effectiveness of the Council's internal control and risk management systems so as to give assurance on their effectiveness and to produce action plans to address identified weaknesses.
- 4.5.3 The Governance Statement is included in Appendix 2 to this report.

**5. FINANCIAL IMPLICATIONS**

- 5.1 None other than those covered in this report.

**6. LEGAL IMPLICATIONS**

- 6.1 None

**7. POLICY IMPLICATIONS**

- 7.1 The delivery of an effective accounts and financial management service is demonstrated by the Statement of Accounts being presented to the revised statutory deadline.

**8. COUNCIL OBJECTIVES**

- 8.1 The effective management of financial arrangements ensures the Council objectives can be met..

**9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS**

- 9.1 The Financial Services risk register includes the preparation of the accounts and the controls in place to ensure the accounts are closed within the deadline and are accurate and transparent.

**10. CUSTOMER IMPLICATIONS**

- 10.1 The effective use of our resources, as detailed in the statement ensures funds are appropriately utilised to meet customer demand.

**11. EQUALITIES AND DIVERSITY IMPLICATIONS**

- 11.1 None as a direct result of this report.

**12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT**

- 12.1 None as a direct result of this report.

**13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY**

- 13.1 None as a direct result of this report.

**14. HUMAN RESOURCES IMPLICATIONS**

- 14.1 None as a direct result of this report

**15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS**

- 15.1 The Annual Governance Statement demonstrates the Council has sound arrangements in place.

**16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998**

- 16.1 None as a direct result of this report.

**17. HEALTH INEQUALITIES IMPLICATIONS**

- 17.1 None as a direct result of this report.

**18. LESSONS LEARNT**

**BROMSGROVE DISTRICT COUNCIL**

**CABINET**

**22<sup>nd</sup> JUNE 2011**

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18.1 Each year the finance service review best practice across the profession to ensure the Councils accounts show a complete and true view of the financial position.

**19. COMMUNITY AND STAKEHOLDER ENGAGEMENT**

19.1 None as a direct result of this report .

**20. OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	Yes
Chief Executive	Yes
Executive Director (S151 Officer)	Yes
Executive Director – Leisure, Cultural, Environmental and Community Services	Yes
Executive Director – Planning & Regeneration, Regulatory and Housing Services	Yes
Director of Policy, Performance and Partnerships	Yes
Head of Service	Yes
Head of Resources	Yes
Head of Legal, Equalities & Democratic Services	Yes
Corporate Procurement Team	N/A

**21. WARDS AFFECTED**

**All wards**

**22. APPENDICES**

- Appendix 1 Capital Carry Forward Requests 2010/11
- Appendix 2 Annual Governance Statement

**BROMSGROVE DISTRICT COUNCIL**

**CABINET**

**22<sup>nd</sup> JUNE 2011**

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**23. BACKGROUND PAPERS**

None.

**24. KEY**

n/a

**AUTHOR OF REPORT**

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## 2010/11 Capital Schemes to be carried forward into 11/12

Scheme	Carry Forward	Comment
<b>Business transformation</b>		
Internet/Intranet Development (funded from IEG Grant)	3,000	Grant funding for internet/intranet development
Government connect scheme	1,000	On-going scheme, Bromsgrove DC are required to be compliant with Government Connect Scheme
Councillors remote access	4,000	Work to be carried out in 2011/12
Increase bandwidth for internet link	10,000	There are still reviews being made as to the required links needed and spend may occur after the outcome of this.
<b>Environmental Services</b>		
Depot Alarm Site System	10,466	Unfinished work to be completed in 11/12, c/f of budget required.
Street Scene Depot Vehicle Replacement Programme (street cleansing)	21,000	Budget required to add to current year to purchase the correct specification of vehicle
Street Scene Depot Vehicle Replacement Programme (grounds)	28,952	Budget required to add to current year to purchase the correct specification of vehicle
Replacement Vehicles 2009/10 (refuse)	14,000	Budget required to fund additional modifications in 11/12
North Cemetery Phase 2 Expansion	95,000	Surveys requested works to start in 11/12 dependant on survey results
<b>Regulatory Services</b>		
Worcestershire Enhanced Two Tier Programme (WETT)	441,187	Assets under construction project continuing therefore budget required to complete scheme
<b>Planning and regeneration</b>		
Town Centre Development - Project Management	53,256	Work continuing in 11/12 (7500 transferred to Environmental contribution to pay machine)
Town Centre Development - Resurfacing Works	1,000,000	Work to be carried out in 2011/12
<b>Community Services</b>		
Discretionary Home Repair Assistance & Housing Renewal Grants	37,304	The current year's budget has been reduced down to £63k and Government Kick Start Equity Release money has been withdrawn thus putting a greater burden on this budget. Therefore the uncommitted funding from 10/11 is required to meet the significant need for home repair assistance (max £5k per app) from cases requesting assistance that in total amounts to in excess of £200k.
Mandatory Disabled Facilities Grants (DFG's) (Private & BDHT Grants) - Budget Only	35,707	Committed spend but works not yet completed
Grants to RSL's - Low cost Housing/Shared ownership	10,000	This amount of grant is committed and has to be carried forward to pay the last tranche of grant to BDHT on the Forest Way Scheme upon completion.
Grants to owners of Houses in Multiple Occupation (regulatory standard in Fire Precautions and Energy Efficiency)	2,000	Request to carry forward to offer as an incentive to landlords to improve Houses in Multiple Operation and to complement the work of a part time Strategic Housing Officer appointment to encourage privately let accommodation for single homeless.
Grants to Principal Preferred Partners (BDHT/W Mercia) for the development of affordable housing in the district	140,000	Committed to the Perryfields Scheme as last tranche payments of grant to BDHT and West Mercia upon scheme completion.

Scheme	Carry Forward	Comment
<b>Leisure and Cultural Services</b>		
Barnsley Hall - Requisition of land & provision of new play area	7,000	Work to be completed in 11/12 - to be spent in line with new pitch enhancement works and changing rooms
Wythall Teenage sports facility	11,000	L&CS services reviewing local options/need based on upcoming 106 contributions with in Bromsgrove North East.
New Park at Barnsley Hall (funded from the government liveability fund & BDC) - Football pitches	208,547	Scheme delayed due to ongoing discussion with County Highways on access arrangements and easement agreements in order to mitigate additional spend on none essential items. Once completed the contractor will commence formal planning process.
Alvechurch Lions	69,350	Scheme is finalised but requires formal acceptance from the parish with regard to the grant & lease conditions BDC are implementing.
Braces Lane	91,669	Works has commenced on the playing pitches and the car park elements of the project, the build programme will start on 11/12 once formal design (fittings) requirements are agreed.
Briar Close Play Area Refurbishments/Enhancements	28,000	Awaiting developer input to conditions of adoption and their maintenance responsibilities
Laurel Grove - Sidemoor	51,000	Project completed May 2011
Charford Skatepark	2,684	Works completed - initial ground works in 2010/11 and final works on ramp 2011/12 (hence figure change in this year) we are now working with Arts development to instigate a graffitti project to blend ramps into existing site
Play area removals and upgrades	12,000	The scheme has been identified for this funding and order placed. However the scheme is not due to commence until April 2011 and as such 10K of the funds need to be rolled forward and joined with the section 106 scheme in Stoke Heath.
Pavilion roof and toilet enhancements (sanders park)	7,452	Work have commenced and will be completed in 11/12, in order to meet the staged payment plan funding will need to be rolled forward.
Repairs and Maintenance of Bridges	83,000	Final works to be carried in 11/12 working with WCC officers and any remaining funding returned to balances.
	2,478,574	

**Bromsgrove District Council  
Annual Governance Statement  
2010 – 2011**

**1. Scope and responsibility**

Bromsgrove District Council is responsible for ensuring that:

- its business is conducted in accordance with legal requirements and proper standards
- public money is safeguarded, properly accounted for, and used economically, efficiently and effectively.

The Council has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

In discharging this overall responsibility, Bromsgrove District Council is also responsible for maintaining proper arrangements for the governance of its affairs, which facilitate the effective exercise of its functions, including arrangements for the management of risk.

The Council's Executive Director of Finance and Resources is the officer with statutory responsibility for the administration of the Council's financial affairs as set out in section 151 of the Local Government Act 1972.

**2. The purpose of the governance framework**

The governance framework comprises the cultural values, systems and processes used by the Council to direct and control its activities, enabling it to engage, lead and account to the community. The framework allows the Council to monitor the achievement of its strategic objectives and to consider whether appropriate, cost-effective services have been delivered.

A significant part of the framework is the Council's system of internal control which is designed to manage risk to a reasonable level. It cannot eliminate all risks of failure to achieve policies, aims and objectives and can therefore only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement of the Council's policies, aims and objectives, to evaluate the likelihood and potential impact of those risks being realised, and to manage them efficiently, effectively and economically.

The governance framework has been in place at Bromsgrove District Council for the year ended 31 March 2011 and up to the date of approval of the annual report and accounts.

### **3. The governance framework**

The Chartered Institute of Public Finance and Accountancy (CIPFA) has identified six principles of corporate governance that underpin the effective governance of all local authorities. Bromsgrove District Council has used these principles when assessing the adequacy of its governance arrangements. The main elements that contribute to these arrangements are listed below:

#### **Core Principle 1: focusing on the purpose of the Council and on outcomes for the community and creating and implementing a vision for the local area**

- A clear statement of the Council's purpose, vision and priorities for the next three years is set out in the Council Plan 2011/14. This brings together the national, regional and local agenda, in terms of policy, performance and customer feedback, and sets out the recommended priorities and strategic key deliverables for the year ahead, so that they provide a strategic framework for setting the Council's budget.
- For each priority there are clear outcomes for residents and service users, together with identified actions that will deliver the vision.
- The vision is translated into more specific aims and objectives through the departmental service business plans and team action plans
- Progress against the Council Plan's targets and actions are monitored monthly at Corporate Management Team and Cabinet. In addition key projects are managed through the Project Management Board and the Transformational project Board.
- Posters are widely available to communicate priorities and goals
- The residents magazine "Together Bromsgrove" is sent to all households 3 times per year
- Regular staff forums are held by Senior Management Team to communicate aims and objectives of the Council
- The budget jury undertakes annual reviews of the priorities and the link to the budget considerations.
- The Bromsgrove Partnership provides a partnership review forum
- Use of Worcestershire Viewpoint to support the measurement of resident satisfaction
- Consultation informs our Community Strategy which is available to the public
- The Community Strategy and Annual Report articulate the Council's activities and achievements
- The medium term financial plan underpins corporate aims and links funding to the key priorities of the Council
- The Council's budget monitoring statements show financial plans at a detailed level for the financial year

- Effective budgetary monitoring takes place regularly and is reported on a quarterly basis as an integrated report with performance to Cabinet, Overview and Scrutiny and Full Council
- Savings have exceeded targets
- Service standards have been published and are available to the public
- Scrutiny task groups are supported by officers and have delivered tangible outcomes.

**Core Principle 2: members and officers working together to achieve a common purpose with clearly defined functions and roles**

- The Council's Constitution clearly sets out the roles and responsibilities of Councillors, and the procedural rules for Full Council, Cabinet and the other Boards operated by the Council
- Terms of reference for member working groups ( eg Scrutiny Task Groups) are clearly defined
- Officers are appointed with clear job descriptions
- Adoption of statutory and professional standards
- Compliance with Financial Regulations and Contract Procedure Rules that are reviewed and approved by the Council
- Financial administration procedures are agreed by the Executive Director of Finance and Resources
- Appropriate segregation of duties and management supervision.
- A clear scheme of Councillor/officer delegation exists to provide clarity on the powers entrusted to those appointed to make decisions on behalf of the Council.
- The roles and responsibilities of Councillors are underpinned by an extensive Member Development Programme.
- Overarching legal agreement between Bromsgrove District Council and Redditch Borough Council clearly defines the roles and responsibilities and the support from officers to deliver the joint services

**Core Principle 3: promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour**

- The Council's priorities and aims clearly demonstrate its vision and values
- Posters communicating this vision and the values are widely available
- A Member/ Officer protocol is set out within the Constitution
- The behaviour of Councillors is regulated by the Member Code of Conduct and is supported by a number of protocols.
- There is an established and effective Standards Committee.

**Core Principle 4: taking informed and transparent decisions which are subject to effective scrutiny and management of risk**

- There is an established and effective Overview and Scrutiny Board

- There is an established and effective Audit Board to advise Council on the effectiveness of Internal Control arrangements
- Shared Service Board receives regular progress and benefit realisation updates
- A review of the constitution is undertaken on a regular basis to ensure it enables members to make informed and transparent decisions
- A formal Service level agreement is in place with Worcester City Council to ensure Internal Control arrangements are reviewed in a consistent and professional way
- Decisions taken are formally minuted and all formal member meetings are recorded
- A standard report template is in place which is subject to regular review by officers to ensure appropriate information is available to members in making informed decisions
- The Cabinet forward plan is rolled forward and reviewed weekly at Corporate Management Team.
- Overview and Scrutiny have an annual workplan supported by any considerations from the forward plan
- Regular Task Groups are established to review service areas and to make recommendations for their improvement
- Formal governance arrangements are in place for the shared services
- Active risk management, including
  - risk identification, registers and action plans
  - Risk Management Steering Group
  - guidance and training on risk management for members and staff;
  - involvement of members in monitoring departmental risks
  - consideration of risk implications in committee reports and the decision making process
- Active health and safety arrangements, including a robust policy, Member champion, regular consideration of issues at SMT and Joint Health and Safety Committee
- Regular Trade Union liaison meetings with Senior Management Team
- Clear and approved plan to deliver shared services over the next 2 years in consultation with unions and members. This will ensure the Council delivers the savings required and to improve resilience and capacity across the organisation
- Financial management arrangements, where managers are responsible for managing their services within available resources and in accordance with agreed policies and procedures. Elements include:
  - monthly review of budgetary control information by Officers and the appropriate Portfolio Holder, to compare expected and actual performance
  - formal quarterly budgetary monitoring reports to the Cabinet and Overview and Scrutiny Board
- Active performance management arrangements to Corporate Management Team , Cabinet and Overview and Scrutiny Board
- A revised and effective complaints/ compliments procedure is in place and is widely publicised

- A whistle blowing policy is in place and available on the Council's web site
- Freedom of Information requests are dealt with in accordance with established protocols
- All committee reports include reference where relevant to the potential impact on the Council's priorities and objectives, and address as appropriate any financial, staffing, risk, legal , procurement and customer implications.

**Core Principle 5: developing the capacity and capability of members and officers to be effective**

- The Council operates a Member Development Programme, overseen by a cross party Member Development Steering Group. The Programme is extensive and includes: induction, chairmanship training, performance training, portfolio holder training and mock Full Councils. The Council has been awarded primary status of the member development charter in recognition of this.
- Portfolio Holders meet on a monthly basis with Directors and Heads of Service to ensure they are aware of all issues within their service and to enable them to present reports at Cabinet in relation to their portfolio area
- The new single management team has been in place since April 2009 to deliver an effective joint arrangement across Bromsgrove District Council and Redditch Borough
- All staff has the opportunity to attend training courses, provided through the staff training directory. Individual's training needs are discussed formally at the annual Personal Development Review and at the 6 month review. Each member of staff also receives a monthly one to one with their manager, at which training is also discussed.
- An induction programme is in place for Officers and Members
- A managers conference takes place every 2 years to develop managers understanding of new initiatives ( transformation )
- Deputy s151 and Monitoring Officers are in place
- Staff Leadership Training is available
- Development of roles and responsibilities for staff managing the transformation of services

**Core Principle 6: engaging with local people and other stakeholders to ensure robust public accountability**

- The Sustainable Community Strategy is positively used and developed in conjunction with the Bromsgrove Partnership
- The Council has an Inclusive Equalities Scheme, operates an Equalities and Diversity Forum and Disabled Users' Forum, holds an annual equalities conference and supports the community events that are funded via the forum budget considerations

- The Council is defined as “achieving” against the Equality Framework for Local Government
- The District Council has a service level agreement with the voluntary sector infrastructure organisation, Bromsgrove and Redditch Network (BARN) to support the Compact and enable BARN to attend Bromsgrove Partnership Board meetings
- The Council has service agreements with the Artrix and Community transport service delivery ( WRS) to ensure joint decisions are made on service provision
- Surveys are conducted on the Council’s website, at the Customer Service Centre and resident feedback is obtained at Council events ( eg summer events at local parks)
- Board, Cabinet and Council meetings are open to the public, with papers available on the internet
- Clear and colourful publications eg Annual Report, residents’ magazine.

#### **4. Review of effectiveness**

The Council has responsibility for conducting, at least annually, a review of the effectiveness of its governance framework including the system of internal control. This responsibility is in practice carried out by Senior and 4<sup>th</sup> tier Managers, with the S151 officer informing the Cabinet of any significant matters warranting their attention.

During the year the following actions have been undertaken to improve arrangements:

- Approval of a climate change strategy
- Development of harmonised terms and conditions between Bromsgrove District Council and Redditch Borough Council
- Regular reporting to the Shared Service Board
- Financial and Legal Agreement developed and approved for Bromsgrove District Council hosting the Worcestershire Regulatory Services arrangement
- Service Level Agreement approved for Internal Audit services to be delivered by Worcester City
- Business Cases approved for a number of shared services between Bromsgrove District Council and Redditch Borough Council
- Adopted the Strong Leader model

The review of effectiveness of the system of internal control is informed by three main sources: the work of Internal Audit; by managers who have responsibility for the development and maintenance of the internal control environment; and also by comments made by external auditors and other review agencies/inspectorates.

## Internal Audit

Bromsgrove's responsibility for maintaining an effective internal audit function is set out in Regulation 6 of the Accounts and Audit Regulations 2003. This responsibility is delegated to the Executive Director Finance and Resources.

The Worcester City Internal Audit Services Team has been in place since June 2010 and operates in accordance with best practice professional standards and guidelines. It independently and objectively reviews, on a continuous basis, the extent to which the internal control environment supports and promotes the achievement of the Council's objectives and contributes to the proper, economic, efficient and effective use of resources. All audit reports go to the manager of the service, the appropriate Director and the Chief Executive. The Audit Board receives a quarterly report of internal audit activity and approve the annual audit plan for the forthcoming year.

The Audit Function is also responsible for co-ordinating the Council's risk management activity, which is monitored by a Risk Management Steering Group and reported to the Audit Board on a quarterly basis.

## Managers

Individual managers are responsible for establishing and maintaining an adequate system of internal control within their own sections and for contributing to the control environment on a corporate basis. There are a number of significant internal control areas which are subject to review by internal audit. All managers acknowledge their responsibilities and confirm annually that they have implemented and continuously monitored various significant controls. This is done on a checklist covering the following areas: Council objectives and service plans, staffing issues, corporate procedure documents, service specific procedures, risk management, performance management and data quality, and action on independent recommendations. This checklist is reviewed by the Executive Director Finance and Resources.

## External auditors and other review agencies/inspectorates

Our external auditors have not identified any significant weaknesses in our internal control arrangements when working with us throughout the year and in their annual audit letter.

Other external reviews during the year included:

- Department of Work and Pension review of Revenues and Benefits.
- External Auditor work, for example subsidy claim audits and annual audit

## **5. Significant governance and internal control issues**

During 2010/11 the number of complaints against elected members reduced. These were managed through the formal assessment process and where appropriate referred for investigation. Notwithstanding this, the process for managing complaints against elected members at Bromsgrove has been acknowledged by Standards for England as being an example of good practice.

The review of Bromsgrove's system of governance and internal control has not identified any significant weaknesses.

There are however a number of actions to be undertaken to improve the arrangements these include:

- Development of a revised risk management arrangement for departmental and corporate registers. This will focus the Management Team and Audit Board on the corporate risks associated with the delivery of services within the future financial constraints.
- Develop clear guidelines on control and financial arrangements within a shared service environment
- Develop a set of measures to manage the governance arrangements within the transformed services
- Review cost allocation within transformation of services to ensure accurate reflection of revised service cost

(signed)

**ROGER HOLLINGWORTH**  
Leader of the Council

**KEVIN DICKS**  
Chief Executive

(date)

## BROMSGROVE DISTRICT COUNCIL

### **CABINET**

**22<sup>nd</sup> JUNE 2011**

#### **FINANCIAL RESERVES STATEMENT – 2010/11**

Relevant Portfolio Holder	Roger Hollingsworth
Relevant Head of Service	Jayne Pickering
Key Decision / Non-Key Decision	

#### **1. SUMMARY OF PROPOSALS**

- 1.1 To advise members on the earmarked reserves for the year ending 2010/11 and to seek members approval on the creation of new reserves where required to support future plans of the Authority.

#### **2. RECOMMENDATIONS**

##### **2.1 That Cabinet recommend to Council:**

- 2.1.1 approval of the establishment of the new reserves of £474k as detailed at Appendix 1.
- 2.1.2 approval of the release of reserves as included in Appendix 2 of £419k which reflects the approval required for January- March 2011.
- 2.1.3 approval of the addition to existing reserves of £289k as included in Appendix 2. This reflects the approval required for January- March 2011.

#### **3. BACKGROUND**

- 3.1 The Council currently sets aside specific amounts as reserves for future policy purposes or to cover contingencies. In addition the Council has specific provisions for liabilities or losses that result from past events.
- 3.2 In June 2009 Council approved a policy to ensure relevant approval was in place to create and release reserves to support and enhance the delivery of the priorities of the Council.
- 3.3 Within the integrated finance and performance report for the period April – December 2010 approval was received to release a number of funds against existing reserves together with additions to others currently in place.

**4. KEY ISSUES**

- 4.1 The accounts for 2010/11 are in the process of being prepared and as part of the closedown process a review of reserves and provisions has been undertaken.
- 4.2 A number of reserves have been utilised during January – March 2011 together with additional funds made available to existing reserves. The net position on the current reserves is shown in Appendix 2.
- 4.3 In discussion with Heads of Service and in considering the future plans of the Authority a number of new reserves have been proposed, together with the release of funds currently set aside.
- 4.3 The new reserves that are proposed are included at Appendix 1
- 4.4 If approval is granted to the proposed reserves as identified above the revised position will be £1.781m to fund future plans of the Authority. The full schedule including the new reserves is attached at Appendix 2.

**5. FINANCIAL IMPLICATIONS**

- 5.1 The reserves will be included in the Statement of Accounts and will be subject to Audit by the Audit Commission.

**6. LEGAL IMPLICATIONS**

- 6.1 Sections 32 and 43 of the Local Government Finance Act 1992 require billing and precepting authorities in England and Wales to have regard to the level of reserves needed for meeting estimated future expenditure when calculating the budget requirement.
- 6.2 Section 25 of the Local Government Act 2003 places a specific personal duty on the Chief Financial Officer to report on the adequacy of reserves and the robustness of the budget.

**7. POLICY IMPLICATIONS**

- 7.1 The approval of reserves complies with policy established in June 2009.

**8. COUNCIL OBJECTIVES**

- 8.1 Approval of this policy contributes to the Council's objective of improvement to ensure the Council is following best practice in its financial practices.

**9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS**

- 9.1 The closedown of the accounts and the relevant accounting treatment of provisions and reserves is contained within the Financial Services Risk register and monitored on a quarterly basis

**10. CUSTOMER IMPLICATIONS**

- 10.1 The adequate provision of reserves will ensure the Council has appropriate funds in place to meet future demands of its customers.

**11. EQUALITIES AND DIVERSITY IMPLICATIONS**

- 11.1 None as a direct result of this report.

**12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT**

- 12.1 The implementation of policy will ensure the Council sets aside sufficient funds to cover future costs. In addition any expenditure on the services funded by reserves are subject to the Councils procurement and Value for Money considerations.

**13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY**

- 13.1 None as a direct result of this report.

**14. HUMAN RESOURCES IMPLICATIONS**

- 14.1 None as a direct result of this report.

**15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS**

- 15.1 The setting aside of reserves will ensure that the Council has appropriate funds in place to meet future plans and improve performance.

**16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998**

- 16.1 None as a direct result of this report.

**17. HEALTH INEQUALITIES IMPLICATIONS**

17.1 None as a direct result of this report.

**18. LESSONS LEARNT**

18.1 The establishment of policy and the reporting to members of the approval and release of reserves is considered to be good practice in financial management and was recommended by the Audit Commission.

**19. COMMUNITY AND STAKEHOLDER ENGAGEMENT**

19.1 None as a direct result of this report.

**20. OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	Yes
Chief Executive	Yes
Executive Director (S151 Officer)	Yes
Executive Director – Leisure, Cultural, Environmental and Community Services	Yes
Executive Director – Planning & Regeneration, Regulatory and Housing Services	Yes
Director of Policy, Performance and Partnerships	Yes
Head of Service	Yes
Head of Resources	Yes
Head of Legal, Equalities & Democratic Services	Yes
Corporate Procurement Team	No

**21. WARDS AFFECTED**

None

**22. APPENDICES**

Appendix 1 – Statement of new Reserves 2010/11

Appendix 2 – Full schedule of reserves 2010/11

**23. BACKGROUND PAPERS**

Final Accounts working papers 2010/11

**AUTHOR OF REPORT**

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**Appendix 1**

**Proposed New Reserves 2010/11**

<b>RESERVE PROPOSED</b>	<b>Amount to set aside 2010/11 £000</b>	<b>Brief Description of Reserve</b>
Computer Equipment	30	Funding for ICT equipment ordered previously to ensure officers and members have appropriate resources to undertake their roles
Housing – General	77	Fund for various housing schemes including Spend to Save, Step Up, Young People
Land Charges	100	Search Fees reserve to cover both potential claims & loss of fees foregone in 10/11
Emergency Planning – Flood and Watercourse Management	10	Review on Flood and Watercourse management.
Sanders Park – Pavilion Roof	3	Funding for completion of works
Play Areas – Catshill	4	Budget for completion of works
Christmas Lights	2	Repair and maintenance works
Drinks Machines	3	Replacement of outdated equipment
Fire Risk Management System	4	Review of the Fire Risk Management system
Ballot Boxes and Booths	10	Replacement of Elections equipment
Democratic Services	11	Funding for future elections service
Regulatory Services – Partner Underspend	69	Ringfenced monies for use for service redundancy and severance costs for Regulatory Services
Sports Development – Community Projects	2	Grant Funding for the development of sporting community projects
Sports Development – Falls Prevention	1	Grant funding to assist in projects for older people
Health and Wellbeing	24	Contribution from the County Council to assist in the provision of Health and well being projects within the district
CCTV	15	Rollover of funding to complete maintenance project
ATLAS	27	Funding from DWP for systems changes within the Benefit Section
LHA Changes	3	Funding from DWP for systems changes within the Benefit Section
Incap Ben & Reassess	3	Funding from DWP for systems changes within the Benefit Section
Replacement Vehicles/ Plant	76	Build up funding to assist with the replacement of vehicles in future years.
DWP – Temporary Accommodation	1	Funding from DWP for systems changes within the Benefit Section
<b>TOTAL</b>	<b>474</b>	

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**Bromsgrove District Council**  
**Earmarked Reserves Final Accounts Schedule**  
**2010/11**

**Appendix 2**

<b>Description</b>	<b>B/fwd 2010/11 £'000</b>	<b>Transfers to reserve 2010/11 £'000</b>	<b>Transfers from reserves 2010/11 £'000</b>	<b>New Reserves 2010/11 Transfers in - Q4 £'000</b>	<b>Projected balance 31 March 2011 £'000</b>	<b>Comments</b>
Building Control Partnership Reserve	-22	-5	0		-27	Part of 11/12 budget savings
Unspent Plan. Del. Grant res' ve	-27	0	27		0	
Liveability Reserve	-16	0	0		-16	For draw down over 5 years - Barnsley Hall football pitches
LRPA Reserve	-5	-2	5		-2	Reward Grant for Sports Development
Legal Reserve	-50	0	0		-50	Potential liability arising from ongoing legal cases
Litigation Reserve	-19	0	0		-19	Funding post
Sports Partnerships Reserve	-21	0	0		-21	To be released in 2011/12
Area Committees	-243	0	31		-212	£170k part of 11/12 budget savings remainder for future planning enquiries
Local Plans Inquiry	-6	0	0		-6	Part of 11/12 budget savings
Housing - Nightstop	-2	0	0		-2	Money set aside for Housing needs survey
Housing needs assessments and surveys	-7	0	7		0	
Council Chamber equipment	-18	-43	18		-43	To support Town Centre Development
Town Centre Development	-146	0	144		-2	
Single Status/JE	-444	-248	92		-600	To fund costs associated with development of shared services and transformation of services to deliver future savings
Shared Services Agenda incl Joint CE						
Business Start up grants	-6	0	0		-6	Monies set aside for grants to new businesses
Youth Provision Reserve	-32	0	22		-10	To be released in 2011/12
Activity Referral Scheme	-4	-3	3		-4	Sports Development Schemes
Town centre Market Stalls	-4	0	0		-4	
Alcohol Abuse Reserve	-6	0	6		0	
Local Strategic Partnership	-25	-4	28		-1	

Description	B/fwd 2010/11 £'000	Transfers to reserve 2010/11 £'000	Transfers from reserves 2010/11 £'000	New Reserves 2010/11 Transfers in - Q4 £'000	Projected balance 31 March 2011 £'000	Comments
Recycling Extension	-129	0	55		-74	To fund the previously agreed reinstatement of the recycling schemes
Town Centre Conservation Grants	-5	0	5		0	To support equalities strategies across the Council
Equalities	-5	-1	0		-6	
Legal Monitoring Dept	-24	0	24		0	
Market Hall Demolition	-23	0	23		0	
Town Centre Electricity	-6	0	6		0	
Parks and Recreation	-2	0	2		0	
Housing - Education Initiative	-3	0	0		-3	
Community Safety - WCC & LNP Funding	-25	0	25		0	
Sports - H & W SP - Sports Unlimited Grant	-13	-4	5		-12	Grant for Sports Provision
VFA Subscriptions	0	-20	0		-20	
ICT Refresh	0	-100	0		-100	ICT Repairs and renewals Fund
Housing - Mortgage Rescue	0	-25	0		-25	Funding for future provision of scheme
Housing - Homelessness	0	-64	50		-14	To support Homelessness Strategy
DWP - Rules - Temp Accommodation	0	-6	6	-1	-1	Funding received from DWP
DWP - In & Out work	0	-3	0		-3	
Computer Equipment				-30	-30	Equipment ordered within 10/11 but not delivered by 31st March
Housing - General			50	-77	-27	Funding for various housing schemes including Spend to Save, Step up, Young People
Land Charges				-100	-100	To fund potential restitutory claims & loss of fees foregone 10/11
Emergency Planning - Flood & W/Course mgmt				-10	-10	Review works on Flood and watercourse management
Sanders Park - Roof				-3	-3	Remaining budget for completion of works
Play Areas - Catshill / Pitches				-4	-4	Remianing budget for completion of works
Christmas Lights				-2	-2	Maintenance and replacement of equipment
Drinks Machines				-3	-3	Replacement of outdated equipment
Fire Risk Management System				-4	-4	Review of fire risk management system to be done within the HR shared service
Ballot box and Booths				-10	-10	Replacement of elections equipment

B/fwd 2010/11 £'000	Transfers to reserve 2010/11 £'000	Transfers from reserves 2010/11 £'000	New Reserves 2010/11 Transfers in - Q4 £'000	Projected balance 31 March 2011 £'000	Comments
			-11	-11	Funding for future elections/member support
			-69	-69	BDC Share of Ringfenced Regulatory Services underspend for redundancy and severance pay
			-2	-2	Grant funding for the development of sporting community projects
			-1	-1	Grant funding to assist with projects for older people
			-24	-24	Contribution from the County Council to assist in the provision of Health and well being projects within the District
			-15	-15	Repair and maintenance of equipment
			-27	-27	Funding from the DWP for system changes within the Benefit Section
			-3	-3	Funding from the DWP for system changes within the Benefit Section
			-3	-3	Funding from the DWP for system changes within the Benefit Section
			-76	-76	Monies set aside for the purchase of replacement fleet
	-5			-5	Closure of Lickey End PC
	-70			-70	Reward Grant for TRUNK
-1338	-603	634	-474	-1,781	

**Description**

Democratic Services (RBC)

Reg Services - Partner % Underspend

Sports Dev - Community Projects

Sports Dev - Falls Prevention

Health and Wellbeing (CM20)

CCV  
CC

ATHAS

OS  
LHA Changes

Incap Ben & IS Reassess

Replacement Vehicles/Plant

Lickey End

TRUNK/AOHN

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