



## **BROMSGROVE DISTRICT COUNCIL**

**YOU ARE HEREBY SUMMONED to attend a 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 14th March 2012, when the business referred to below will be brought under consideration:-**

**The formal business will be preceded by a prayer**

**1. To receive apologies for absence**

**2. Declarations of Interest**

*(Members are reminded that they need to keep their register of interest forms up to date)*

**3. To confirm the accuracy of the minutes of the Extraordinary Meeting of the Council held on 22nd February 2012 (Pages 1 - 10)**

**4. To receive any announcements from the Chairman, the Civic Head or the Head of Paid Service**

**5. To receive any announcements from the Leader**

**6. Recommendations from the Cabinet (Pages 11 - 12)**

To consider recommendations from the meetings of the Cabinet held on 22nd February and 7th March 2012 on the following items *(the full Cabinet reports are enclosed for information at the back of the Council agenda book)*

- Financial Monitoring Report – Quarter 3 2011/12
- CCTV Monitoring *(any recommendations will be circulated separately following the Cabinet meeting on 7th March 2012)*

**7. To receive the minutes of the meetings of the Cabinet held on 1st February and 22nd February 2012 (Pages 13 - 20)**

8. **Constitution Changes** (Pages 21 - 54)

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

9. **Questions on Notice**

To deal with any questions on notice from Members of the Council, in the order in which they have been received.

10. **Motion - Call for the Leader to resign**

To consider the following motion submitted by Councillor P. M. McDonald:-

"In view of this Council's continuing unsatisfactory performance in the provision of services; the spiralling employee costs; £millions spent on the merger with Redditch Borough Council; the £half a million costs of the heads of service who only work two and a half days a week; the debacle of the Marlbrook Tip that has become an environmental disaster through Council negligence; and the incompetent management of the ALDI site, the Labour Group calls upon the leader of the Council to resign."

- **Background information on recommendations from the Cabinet - Financial Monitoring Report - Quarter 3 2012/13** (Pages 55 - 82)
- **Background information on recommendation from the Cabinet - CCTV Monitoring** (Pages 83 - 86)

K. DICKS  
Chief Executive

The Council House  
Burcot Lane  
BROMSGROVE  
Worcestershire  
B60 1AA

TO ALL MEMBERS OF THE BROMSGROVE DISTRICT COUNCIL

## **BROMSGROVE DISTRICT COUNCIL**

### **EXTRAORDINARY MEETING OF THE COUNCIL**

**WEDNESDAY, 22ND FEBRUARY 2012 AT 6.00 P.M.**

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

#### 97/11 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Dr. B. T. Cooper, R. J. Deeming, S. J. Dudley and R. J. Shannon.

#### 98/11 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

#### 99/11 **PETER RIPPINGTON**

The Chairman held a minute's silence in memory of Mr. Peter Rippington, a teacher at Alvechurch Church of England Middle School, who had lost his life in a tragic coach accident.

Councillor R. Hollingworth paid tribute to Mr. Rippington and referred to the effect of the accident on the children at the School.

Having been moved by Councillor R. Hollingworth and seconded by Councillor E. J. Murray, it was

**RESOLVED** that the Council write to the School and to Mr. Rippington's family to convey its condolences.

#### 100/11 **JESS VARNISH**

The Chairman referred to Jess Varnish, a professional track cyclist originally from the Bromsgrove area, who was a member of the British Track Cycling Team. Jess Varnish and her team sprint partner had achieved great success in the UCI Track Cycling World Cup held the previous weekend.

The Chamber supported the Chairman in asking the Chief Executive to convey its congratulations to Jess Varnish on her achievements to date and to wish her every success in the forthcoming London Olympics.

101/11 **MINUTES**

The minutes of the meeting held on 18th January 2012 were submitted.

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

102/11 **RECOMMENDATIONS FROM THE SPECIAL CABINET MEETING HELD ON 22ND FEBRUARY 2012**

(i) **MEDIUM TERM FINANCIAL PLAN 2012/13 – 2014/15**

The recommendations from the Cabinet were moved by Councillor R. Hollingworth and seconded by Councillor Mrs. M. A. Sherrey. Thanks were extended to officers for their hard work in connection with the Medium Term Financial Plan and to the Budget Jury and other stakeholders for their contributions to the budget process.

On a requisition under Council Procedure Rule 17.5, the following details of voting on the recommendations were recorded:

For the recommendations: Councillors Mrs. S. J. Baxter, Dr. D. W. P. Booth, Mrs. J. M. Boswell, J. R. Boulter, J. S. Brogan, M. A. Bullivant, R. A. Clarke, S. R. Colella, Mrs. R. L. Dent, K. A. Grant-Pierce, Miss P. A. Harrison, R. Hollingworth, Mrs. H. J. Jones, R. J. Laight, P. Lammass, B. Lewis, J. A. Ruck, C. R. Scurrall, Mrs. M. A. Sherrey, Mrs. C. J. Spencer, C. B. Taylor, C. J. Tidmarsh, L. J. Turner, M. J. A. Webb and P. J. Whittaker (25);

Against the recommendations: Councillors C. J. Bloore, Ms. M. T. Buxton, L. C. R. Mallett, Mrs. C. M. McDonald, P. M. McDonald, E. J. Murray, Mrs. E. M. Shannon, S. P. Shannon and C. J. K. Wilson (9);

Abstentions: 0

**RESOLVED:**

- (a) that the revenue bids identified as high in Appendix A of the report be included within the Medium Term Financial Plan as follows:

2012/13	£78,000
2013/14	£43,000
2014/15	£43,000

- (b) that the savings and additional income identified in Appendix B of the report be included within the Medium Term Financial Plan as follows:

2012/13	£814,000
2013/14	£1,549,000
2014/15	£2,282,000

- (c) that the capital bids identified as high in Appendix C of the report be included within the Medium Term Financial Plan as follows:

2012/13	£631,000
2013/14	£3,526,000
2014/15	£5,253,000

- (d) that the use of balances totalling £113,000 for 2012/13 be approved;
- (e) that the Pay Policy as set out in Appendix E of the report be approved.

(ii) **TREASURY MANAGEMENT STRATEGY STATEMENT AND INVESTMENT STRATEGY 2012/13 – 2014/15**

The recommendations from the Cabinet were moved by Councillor R. Hollingworth and seconded by Councillor Mrs. M. A. Sherrey.

**RESOLVED:**

- (a) that the Treasury Management Strategy Statement and Investment Strategy 2012/13 - 2014/15 and Prudential Indicators set out in Appendix 1 of the report be approved;
- (b) that the Authorised Limit for borrowing at £7,500,000 if required be approved;
- (c) that the maximum level of investment to be held within each organisation (i.e. Bank or Building Society) be set as detailed in the report at £3,000,000 subject to market conditions;
- (d) that the unlimited level for investment in Debt Management Account Deposit Facility be approved; and
- (e) that the Treasury Management Policy as set out in Appendix 2 of the report be approved.

103/11 **COUNCIL TAX 2012/13**

Members received a report of the Executive Director (Finance & Resources) with regard to the setting of the Council Tax for 2012/13.

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

**RESOLVED** that the recommendations set out as an Appendix to these minutes, setting a Council Tax for 2012/13 of £192.85 for a Band D unparished property be approved.

104/11 **BOUNDARY REVIEW REPORT ON PROPOSED COUNCIL SIZE**

Members received a report of the Head of Legal, Equalities and Democratic Services which referred to the review of the size of the Council (i.e. number of elected representatives) being undertaken by the Boundary Commission in response to a request from the Council. As part of the review the Council had been invited to make a recommendation on the most appropriate size and to provide evidence to support this.

Councillor R. Hollingworth thanked officers for producing the report and expressed the view that it would not be worthwhile discussing the matter as the Chamber would not be able to agree a size that was acceptable to all.

Having been moved by Councillor R. Hollingworth and seconded by Councillor P. M. McDonald, it was

**RESOLVED** that Group Leaders make their own submissions on the future size of the Council to the Boundary Commission before 5 March 2012.

The meeting closed at 7.10 p.m.

Chairman

# BROMSGROVE DISTRICT COUNCIL

## Revenue Budget and Council Tax Setting 2012/13

### Appendix

#### REPORT OF THE EXECUTIVE DIRECTOR FINANCE & RESOURCES

##### 1.0 PURPOSE

To seek approval of the appropriate formal resolutions to determine the levels of Council Tax for Bromsgrove District Council for 2012/13. The levels of tax take account of the requirements of Bromsgrove District Council, Worcestershire County Council, the West Mercia Police Authority, Hereford and Worcester Fire & Rescue Authority and the various Parish Councils.

##### 2.0 BACKGROUND

The Localism Act 2011 has made significant changes to the Local Government Finance Act 1992 and now requires the billing authority to calculate a Council Tax requirement for the year, not its budget requirement as previously.

##### 3.0 PRECEPTS AND LEVIES

Details have been received from the various precepting bodies to enable the Council to set the Council Tax for 2012/13. The amounts of the precepts are set out below:

	£
Worcestershire County Council	38,075,279
West Mercia Police Authority	6,548,991
Hereford & Worcester Fire & Rescue Authority	2,698,539.90
Bromsgrove District Council	7,066,768
Parish precepts	670,549
<b>Total</b>	<b>55,060,126.90</b>

The Parish Council Precepts for 2012/13 are detailed in the attached **Schedule 3**.

##### 4.0 INFORMATION

Based on the recommendation from Cabinet, it is now necessary to formally set Council Tax levels throughout the area for the spending requirements of Bromsgrove District Council, Worcestershire County Council, the West Mercia Police Authority, Hereford and Worcester Fire & Rescue Authority and the various Parish Councils. If the Council approves the recommendations set out below the average band D Council Tax in 2012/13 will be £1,502.57, made up as follows:

**BROMSGROVE DISTRICT COUNCIL**  
**Revenue Budget and Council Tax Setting 2012/13**

Authority	2011/12 £	2012/13 £	Increase %
Bromsgrove District Council	192.85	192.85	0.00
Worcestershire County Council	1,039.06	1,039.06	0.00
West Mercia Police Authority	178.72	178.72	0.00
Hereford & Worcester Fire & Rescue	73.64	73.64	0.00
Parish Councils (Average)	18.17	18.30	0.72
Total Council Tax	1,502.44	1,502.57	0.01

The % increases all relate to the change from current year levels.

Council Tax for all the major preceptors, including Bromsgrove District Council, has been frozen for a second year at 2010/11 levels. The average increase in overall bills represents a range from -0.07% to +0.10% depending on variations in parish council spending and precepts.

The necessary formal resolutions are set out below.

**The Council is recommended to resolve as follows:**

1. that it be noted at its meeting on 7 December 2011 the Executive Cabinet calculated the Council Tax Base 2012/13
  - (a) for the whole Council area as 36,643.86 [Item T in the formula in Section 31B of the Local Government Act 1992, as amended (the "Act")]; and
  - (b) for dwellings in those parts of its area to which a Parish precept relates the amounts as shown in Column 4 of the attached **Schedule 1**.
2. that
  - (i) the Council determines the level of Council Tax discount to be applied to second homes as defined in the Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003 for
    - (a) Class A be set at 10%
    - (b) Class B be set at 10%
  - (ii) the Council determines to reduce or remove the Council Tax discount that is applied to long term empty properties defined as Class C to 0% - no discount.
  - (iii) these powers are delegated to the Executive Director Finance & Resources and the Revenues Services Manager to award case by case discounts or exemptions.



BROMSGROVE DISTRICT COUNCIL  
Revenue Budget and Council Tax Setting 2012/13

3. Calculate the Council Tax requirement for the Council's own purposes for 2012/13 (excluding Parish precepts) is £7,066,768
4. That the following amounts be calculated for the year 2012/13 in accordance with sections 31 to 36 of the Act:
  - (a) £36,884,203 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (2) of the Act (taking into account all precepts issued to it by Parish Councils) (*i.e. Gross expenditure*)
  - (b) £29,146,886 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (3) of the Act. (*i.e. Gross income*)
  - (c) £7,737,317 being the amount by which the aggregate of 3 (a) above exceeds the aggregate at 3 (b) above, calculated by the Council, in accordance with Section 31A (4) of the Act, as its Council Tax requirement for the year. (Item R in the formula in Section 31B of the Act).
  - (d) £211.15 being the amount at 3 (c) above (Item R), all divided by Item T (1(a) above), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts).
  - (e) £670,549.00 being the aggregate amount of all special items (Parish precepts) referred to in Section 34 (1) of the Act (as per the attached **Schedule 3**).
  - (f) £192.85 being the amount at 3 (d) above less the result given by dividing the amount at 3 (e) above by Item T (1 (a) above), calculated by the Council, in accordance with Section 34 (2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates.
  - (g) the amounts shown in Column 3 of **Schedule 1**. These are the basic amounts of the council tax for the year for dwellings in those parts of the Council's area shown in Column 1 of the schedule respectively to which special items relate, calculated by the Council in accordance with Section 34(3) of the Act. (District and Parish combined at Band D).

# BROMSGROVE DISTRICT COUNCIL

## Revenue Budget and Council Tax Setting 2012/13

- (h) The amounts shown in Column 5 of **Schedule 1** being the amount given by multiplying the amounts at 4(g) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands;

5. It be noted that for the year 2012/13 Worcestershire County Council, West Mercia Police Authority and Hereford and Worcester Fire and Rescue Authority have issued precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each category of dwelling in the Council's area as indicated below:

	Valuation Bands							
	A	B	C	D	E	F	G	H
	£	£	£	£	£	£	£	£
Worcestershire County Council	692.71	808.16	923.61	<b>1039.06</b>	1269.97	1500.87	1731.77	2078.13
West Mercia Police Authority	119.15	139.00	158.86	<b>178.72</b>	218.44	258.15	297.87	357.44
Hereford and Worcester Fire and Rescue Authority	49.09	57.28	65.46	<b>73.64</b>	90.01	106.37	122.74	147.28

6. Having calculated the aggregate in each case of the amounts at 4(h) and 5 above, that Bromsgrove District Council in accordance with Sections 30 and 36 of the Local Government Finance Act 1992 hereby sets the amounts shown in **Schedule 2** as the amounts of Council Tax for 2012/13 for each part of its area and for each of the categories of dwellings.

7. That the Executive Director Finance & Resources be authorised to make payments under Section 90(2) of the Local Government Finance Act 1988 from the Collection Fund by ten equal installments between April 2012 to March 2013 as detailed below:

	Precept £	Surplus on Collection Fund £	Total to pay £
Worcestershire County Council	38,075,279	525,388	38,600,667
West Mercia Police Authority	6,548,991	90,367	6,639,358
Hereford & Worcester Fire	2,698,539.90	37,237	2,735,776.90

BROMSGROVE DISTRICT COUNCIL  
Revenue Budget and Council Tax Setting 2012/13

8. That the Executive Director Finance & Resources be authorised to make transfers under Section 97 of the Local Government Finance Act 1988 from the Collection Fund to the General Fund the sum of £7,844,014.00 being the Council's own demand on the Collection Fund (£7,066,768), Parish Precepts (£670,549.00) and the distribution of the Surplus on the Collection Fund (£106,697).

9. That the Executive Director Finance & Resources be authorised to make payments from the General Fund to the Parish Councils the sums listed on **Schedule 3** by two equal instalments on 1 April 2012 and 1 October 2012 in respect of the precept levied on the Council.

10. That the above resolutions 4 to 6 be signed by the Chief Executive for use in legal proceedings in the Magistrates Court for the recovery of unpaid Council Taxes.

11. Notices of the making of the said Council Taxes signed by the Chief Executive are given by advertisement in the local press under Section 38(2) of the Local Government Finance Act 1992.

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## CABINET

### RECOMMENDATIONS TO THE COUNCIL

#### 22ND FEBRUARY 2012

#### **1. FINANCIAL MONITORING REPORT – QUARTER3 2011/12**

The Cabinet has considered a report on the Council's financial position for the period April to December 2011 (Quarter 3 2011/12).

It is therefore RECOMMENDED:

- (a) that the increase to the 2012/13 Capital Programme of £659,000 in respect of the schemes carried forward from the 2011/12 Capital Programme, as set out in Appendix 3 to the report , be approved; and
- (b) that the increase to the 2012/13 capital Programme of £12,000 (to be funded from revenue underspend) in respect of GIS software be approved.

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## **BROMSGROVE DISTRICT COUNCIL**

### **MEETING OF THE CABINET**

**WEDNESDAY, 1ST FEBRUARY 2012 AT 6.00 P.M.**

PRESENT: Councillors R. Hollingworth (Leader), Mrs. M. A. Sherrey JP (Deputy Leader), Dr. D. W. P. Booth JP, M. A. Bullivant, C. B. Taylor and M. J. A. Webb (during part of Minute No. 106/11 to Minute No. 110/11)

Officers: Ms. S. Hanley, Mrs. S. Sellers, Ms. D. Randall, Mr. A. Coel, Mr. M. Dunphy, Ms. A. Glennie, Ms. K Hooper and Ms. R. Cole.

100/11 **APOLOGIES FOR ABSENCE**

No apologies for absence were received.

101/11 **DECLARATIONS OF INTEREST**

No Declarations of interest were received.

102/11 **REFERRAL FROM THE COUNCIL - CCTV MOTION**

It was noted that this item had been deferred and would now be considered at the Cabinet meeting on 22nd February 2012.

103/11 **MINUTES**

The minutes of the meeting of the Cabinet held on 4th January 2012 were submitted.

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

104/11 **OVERVIEW AND SCRUTINY BOARD**

The minutes of the meetings of the Overview and Scrutiny Board held on 3rd January and 23rd January 2012 were submitted.

Members were reminded that the recommendations set out in minute 77/11 of the Overview and Scrutiny Board meeting held on 3rd January 2012, relating to the Medium Term Financial Plan 2012/13 – 2014/15, had already been considered as part of the Cabinet discussion on 4th January 2012. It was

**RESOLVED** that the remainder of the minutes be noted.

105/11 **VERBAL UPDATES FROM THE LEADER AND/OR OTHER CABINET MEMBERS ON ANY RECENT MEETINGS ATTENDED IN AN EX-OFFICIO CAPACITY**

The Leader reported that he had recently attended a meeting of the Greater Birmingham and Solihull Local Enterprise Partnership.

106/11 **MEDIUM TERM FINANCIAL PLAN 2012/13 - 2014/15**

The Accountancy Services Manager gave a brief presentation on the latest position regarding the Medium Term Financial Plan 2012/13 – 2014/15. It was reported that in relation to the Revenue Budget 2012/13 the current gap was £113,000.

It was noted that a further Report would be considered by the Cabinet at its next meeting on 22nd February 2012

**RESOLVED** that the current position be noted.

107/11 **BROMSGROVE TOWN CENTRE TOWNSCAPE HERITAGE INITIATIVE - DRAFT SECOND ROUND SUBMISSION**

The Cabinet considered a report on the Draft Second Round Submission in relation to the Bromsgrove Town Centre Heritage Initiative.

Members were reminded that the Council had been provisionally awarded £1.2 million from the Heritage Lottery Fund to operate a Townscape Heritage Initiative in Bromsgrove Town Centre Conservation Area. The submission and accompanying documents were now required in order to release the funding. These provided much greater detail on issues relating to the Conservation Area, how these issues would be addressed and how the funding would be utilised in order to achieve lasting improvements and add historic value to the area.

It was reported that an essential element of the Townscape Heritage Initiative was to ensure that there was support and “buy in” from the Local Community. It was therefore proposed that the draft bid document together with accompanying Conservation Area Appraisal and Management Plan be published as part of a process of public consultation with the results thereof to be included within the final bid due to be submitted in April 2012.

It was reported that the consultation process would include displays in Bromsgrove Library and the Customer Service Centre together with the inclusion of notices in the local press and the publication of full details on the Council’s website. In addition specific consultation would be undertaken with key stakeholders.

Members expressed thanks to officers for the work they had undertaken to produce the Draft Submission.



**RESOLVED** that the Bromsgrove Town Centre Townscape Heritage Initiative Draft Second Round Submission, together with the Bromsgrove Town Centre Conservation Area Appraisal and Management Plan, be published for the purposes of public consultation for a period of six weeks commencing on 2nd February 2012.

108/11 **HOMELESSNESS GRANT - PERFORMANCE OF 2011/12 SCHEMES AND PROPOSED FUNDING OF SCHEMES FOR 2012/13**

Members considered a report on existing homelessness prevention schemes which had been funded during 2011/12, together with proposals for the award of grant expenditure to specific schemes in 2012/13. It was reported that the proposals had been considered and recommended by the Homelessness Strategy Steering Group.

Following discussion on the proposals and the possible impact of proposed Welfare reforms it was

**RESOLVED:**

- (a) that the update on the Homelessness Prevention and Support Schemes funded through Department of Communities and Local Government (DCLG) during 2011/12 be noted;
- (b) that, subject to the Council on 22nd February 2012 agreeing to the allocation of Homelessness Grant for 2012/13 being fully utilised for homelessness projects, the submissions for the funding of schemes during 2012/13 recommended by the Homelessness Strategy Steering Group totalling £92,100 as set out in section 3.9 of the report be approved;
- (c) that, in accordance with the additional recommendation of the Homelessness Strategy Steering Group, £21,000 of the DCLG Homelessness Grant be utilised to fund an additional resource to deliver the Step Up Private Tenancy Scheme as set out in section 3.11 of the report; and
- (d) that the Head of Community Services, in consultation with the Portfolio Holder for Strategic Housing, be granted delegated authority to (i) allocate any under spend, or make further adjustments necessary, to ensure full utilisation of the grant allocation for 2012/13 in support of existing or new schemes; and (ii) to approve expenditure of the Non Tenure Specific Economic Recovery Fund.

109/11 **PRIVATE SECTOR HOUSING ENFORCEMENT POLICY**

The Cabinet considered a report on the introduction of a Private Sector Housing Enforcement Policy. It was noted that Authorities were now required to produce and publish such an Enforcement Policy to demonstrate how national regulation in relation to Private Sector Housing would be enforced at a local level.

It was noted that set out within the Enforcement Policy were the legal responsibilities, policies, principles and priorities which the Private Sector Housing Service would follow when enforcing legislation.

It was also noted that the proposed charges referred to in Section 11 of the Policy would be imposed only when it was not possible for issues to be successfully resolved by way of informal discussions, or to recover costs when works had been carried out by the Authority to protect public health or the environment.

**RESOLVED** that the Private Sector Housing Enforcement Policy as set out in appendix 1 to the report be approved, subject to the proposed charges included in Section 11 of the Policy being considered as part of a separate Cabinet Report on Fees and Charges for 2012/13.

110/11 **REVISION OF LICENCE STANDARDS AND CONDITIONS FOR MOBILE HOMES AND CARAVAN SITES**

Members considered a report which gave an update on the introduction of the Model Standard Licence Conditions for Caravan and Mobile Home Sites which were previously approved for phased implementation by the Cabinet.

The report referred to discussions which had subsequently taken place with site owners and residents together with the Fire Officer and suggested a way forward to address the issues raised. Following discussion it was

**RESOLVED:**

- (a) that the 2008 Mobile Home Site Licence Conditions be revised to include Transitional Arrangements (subject to a risk assessment ) for existing residents as set out at appendix 1 to the report;
- (b) that the phased approach to the implementation of the 2008 Model Standards be limited to the licensing of new sites and sites which have been substantially redeveloped; and
- (c) that cases of non compliance with either the 1989 or 2008 Site Condition Standards be considered on a case by case, risk assessed basis and that enforcement action be undertaken where the level of risk is considered sufficient to necessitate the taking of such action.

The meeting closed at 7.40 p.m.

Chairman

**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE CABINET**

**WEDNESDAY, 22ND FEBRUARY 2012 AT 3.00 P.M.**

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

Observers: Councillor L. C. R. Mallett

Officers: Mr. K. Dicks, Ms. S. Hanley, Ms. J. Pickering, Mr. J. Godwin, Mr. G Revans, Ms. J. Willis, Ms. D. Randall and Ms. R. Cole.

111/11 **APOLOGIES FOR ABSENCE**

No apologies for absence were received.

112/11 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

113/11 **REFERRAL FROM COUNCIL - MOTION ON FREE PARKING FOR BLUE BADGE HOLDERS**

It was noted that this item had been deferred and the Leader invited the Portfolio Holder Councillor M. J. A. Webb to comment further.

Councillor Webb reported that together with officers he had been working for some time on a report reviewing the whole issue of car parking, in particular in relation to vulnerable and disabled groups. It had been agreed with Councillor L. C. R. Mallett, the proposer of the Council motion, that the proposal contained therein should be included within the remit of the review. Councillor Mallett had accepted an invitation to participate on a cross party basis in the review.

Whilst initial meetings had already taken place with the community and with groups representing vulnerable people and those with mobility issues, it had become apparent that in order to properly consult with all concerned it would be necessary to extend the consultation process. This would enable a fuller and more meaningful examination of the issues to take place.

In view of the above it was anticipated the report would be submitted to Cabinet in September 2012 at the latest. It was possible that this could be brought forward to July 2012.

This was noted.

**114/11 REFERRAL FROM THE COUNCIL - MOTION ON CCTV**

The Leader reported that this item was deferred until the next meeting of the Cabinet to allow officers further time to report on the issue. This was noted.

**115/11 FEES AND CHARGES 2012/13**

The Cabinet considered a report on fees and charges for 2012/13 in respect of services provided by the Authority. It was reported that in general the overall increase was 2.5% although this varied slightly between services.

It was noted that it was proposed that some fees and charges would remain the same including car parking charges.

**RESOLVED** that the fees and charges for 2012/13 as contained in Appendix A to the report be approved.

**116/11 MEDIUM TERM FINANCIAL PLAN 2012/13 - 2014/15**

Consideration was given to the report on the Medium Term Financial Plan 2012/13 to 2014/15 relating to revenue and capital expenditure. The Executive Director for Finance and Corporate Resources and the Leader referred to the background to the Medium Term Financial Plan and the detailed work undertaken by officers and members during the budget process.

It was reported that the work undertaken had allowed services to be maintained whilst savings were maximised. In addition attention was drawn to the work undertaken by the budget jury and the requirement under the Localism Act for the Authority to adopt a Pay Policy Statement.

Following discussion it was

**RECOMMENDED:**

- (a) that the revenue bids identified as high in Appendix A of the report be included within the Medium Term Financial Plan as follows:

2012/13	£78,000
2013/14	£43,000
2014/15	£43,000

- (b) that the savings and additional income identified in Appendix B of the report be included within the Medium Term Financial Plan as follows:

2012/13	£814,000
2013/14	£1,549,000
2014/15	£2,282,000

- (c) that the capital bids identified as high in Appendix C of the report be included within the Medium Term Financial Plan as follows:

2012/13	£631,000
2013/14	£3,526,000
2014/15	£5,253,000

- (d) that the use of balances totalling £113,000 for 2012/13 be approved;
- (e) that the Pay Policy as set out in Appendix E be approved.

117/11 **TREASURY MANAGEMENT STATEMENT**

The Cabinet considered a report on the Treasury Management Strategy Statement and Investment Strategy 2012/13 to 2014/15. It was noted these were required to ensure that the Authority could demonstrate accountability and effectiveness in the management of its funds.

**RECOMMENDED:**

- (a) that the Treasury Management Strategy Statement and Investment Strategy 2012/13 to 2014/15 and Prudential Indicators set out in Appendix 1 be approved;
- (b) that the Authorised Limit for borrowing at £7,500,000 if required be approved;
- (c) that the maximum level of investment to be held within each organisation (i.e. Bank or Building Society) be set as detailed at £3,000,000 subject to market conditions;
- (d) that the unlimited level for investment in Debt Management Account Deposit facility be approved; and
- (e) that the Treasury Management Policy as set out in Appendix 2 be approved.

**RESOLVED:**

- (a) that it be noted that training for Treasury Management has been identified and will be incorporated within the Modern Councillor Programme on the basis it is to be prioritised together with other training needs; and
- (b) that it be noted that the Audit Board will be undertaking additional scrutiny of the Strategy during 2012/13 to ensure that the Council's investments are being managed in a risk controlled environment

118/11 **FINANCIAL MONITORING REPORT - QUARTER 3 2011/12**

Members considered a report on the Council's financial position for the period April to December 2011 (Quarter 3 2011/12).

It was reported that there was a projected year end underspend in the revenue budget following actions taken by officers to restrict expenditure to items deemed critical for the provision of services.

Reference was also made to the proposed amendment to the 2012/13 Capital Programme to reflect the carry forward of £659,000 in respect of schemes within the 2011/12 Capital Programme.

Following discussion it was

**RECOMMENDED:**

- (a) that the increase to the 2012/13 Capital Programme of £659,000 in respect of the schemes carried forward from the 2011/12 Capital Programme, as set out in Appendix 3 to the report, be approved; and
- (b) that the increase to the 2012/13 Capital Programme of £12,000 (to be funded from revenue underspend) in respect of GIS software be approved.

**RESOLVED:**

- (a) that the current financial position on Revenue and Capital as detailed in the report be noted;
- (b) that the budget virements between £15,000 and £100,000 as set out in Appendix 2 to the report be approved; and
- (c) that the financial position and movements in relation to the earmarked reserves as set out in Appendix 1 be noted.

The meeting closed at 3.55 p.m.

Chairman

**Council**

**14<sup>th</sup> March 2012**

**CONSTITUTION CHANGES**

Relevant Portfolio Holder	Councillor M. A. Bullivant, Portfolio Holder for Policy, Performance, Communications, Customer Services, Legal, Equalities, Democratic Services and Human Resources
Portfolio Holder Consulted	Yes
Relevant Head of Service	Claire Felton, Head of Legal, Equalities and Democratic Services
Wards Affected	All
Ward Councillor Consulted	
Non-Key Decision	

**1. SUMMARY OF PROPOSALS**

- 1.1 Council is asked to approve the amendments to the Constitution outlined in this report.

**2. RECOMMENDATIONS**

**It is recommended that:**

- 2.1 Council considers and approves the proposed amendments of the Constitution as referred to in the Appendices to this report in relation to the following issues;**
- (a) Planning Committee Procedure Rules and Code of Practice**
  - (b) Overview and Scrutiny Rules**
  - (c) Council Procedure Rules**

**3. KEY ISSUES**

**Financial Implications**

- 3.1 There are no direct financial implications arising from this report.

**Legal Implications**

- 3.2 Review and Revision of the Constitution is governed by Article 15 of the Constitution.

**Service / Operational Implications**

- 3.3 The Constitution is a working document which is regularly amended and updated to reflect changes to the way in which the Council operates and carries out its functions.
- 3.4 As a result of the latest review of the Constitution carried out by the Monitoring Officer, and following consultation with the Leaders of both the Conservative and Labour Group it has been identified that certain updating needs to be carried out to Part 10 the Planning Procedure Rules and Part 20 the Planning Code of Practice. Copies of the revised versions of these documents are attached at Appendix 1 and Appendix 2. The Leader and the Leader of the Labour Group (being the largest non controlling group) have put forward other suggestions for amendments to Part 8, the Overview and Scrutiny Procedure Rules and to Part 4, the Council Procedure Rules. A copy of the Overview and Scrutiny Procedure Rules in the amended format is attached at Appendix 3. A summary of the changes proposed by the Leader of the Opposition is attached at Appendix 4.

**Part 10 – Planning Procedure Rules**

- 3.5 It is proposed that this part of the Constitution be amended to give greater clarity around the procedure for public speaking at Planning Committee. Members are referred to the revised version of the Planning Procedure Rules at Appendix 1 to this report, and in particular to section 8 of the document. The key changes are:-

- Clarification of the four categories of interested parties who may exercise the opportunity to speak at Planning Committee.
- Clarification of the role of the Ward Councillor in speaking at Planning Committee including the introduction of the ability of the Ward Councillor to nominate another member to take their place in order to represent the views of the local residents if they are unable to attend Planning Committee.
- Clarification of the role of the Chairman in deciding the order of speakers and for the time limits for public speaking to be extended in very exceptional circumstances.
- Confirmation that public speaking rights may only be exercised once in the lifetime of any planning application.
- Confirmation that it will be the role of the representative of the Head of Planning to correct any factual inaccuracies in the speeches of the public speakers. This is to ensure that Members of the Planning Committee are not influenced by any inaccurate information when making their decisions.



**Part 20 – Code of Practice – Planning Services**

3.6 The review of this document has identified a number of changes that are needed. There are a variety of reasons for this including changes to the planning regime nationally, changes that are soon to be made to the way in which Members declare interests under the Localism Act and the need for clarification around the process for site visits and the processing of Member and staff planning applications. A copy of the revised Code of Practice - Planning Service is attached at Appendix 2. In relation to Site Visits for Planning the proposed changes include:-

- Clarification of the purpose of site visits and the need to ensure that Members are not “lobbied” during visits or using the visit to form a collective view on the application.
- Clarification of the process to request a site visit, including that the final decision will rest with the Development Control Manager

**Part 8 – Overview and Scrutiny Procedure Rules**

3.7 There are two proposals for Members to consider in relation to the Overview and Scrutiny Procedure Rules. Firstly, it is proposed by the Leader that the Overview and Scrutiny Procedure Rules be amended to permit the use of substitutes to sit on the Overview and Scrutiny Board. Currently substitutes are not permitted for the purposes of the Overview and Scrutiny Board meetings. It is hoped that by introducing substitutes there will be a greater degree of flexibility around meetings which will allow the Board to carry out its role more effectively. Members are asked to note that substitutes would have to have had the requisite training in order to carry out this role. A copy of the proposed change to the Overview and Scrutiny Procedure Rules is attached to this report at Appendix 3.

3.8 Secondly, the Labour Group are putting forward a proposal that paragraph 8 of Part 6 of the Overview and Scrutiny Procedure Rules be amended to require the Chairman of Overview and Scrutiny to be selected from the largest non controlling party. This is the position adopted in many Councils and is thought to reflect good practice with regard to encouraging the scrutiny function.

**Part 4 – Council Procedure Rules**

3.9 The proposed changes to the Council Procedure Rules put forward by the Leader relate to section 11 of Part 4 – Notices of Motion. The proposals are :-

- a That that the number of motions to be debated at each ordinary meeting of the Council should be limited to four; and

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- b That a Notice of Motion which relies on factual information will be rejected unless when it is submitted the author provides a report setting out the basis of the factual details and the sources from which that information was obtained.
- 3.10 The proposed changes to the Council Procedure Rules put forward by Labour Group are set out at paragraphs 1 to 7 of Appendix 4. To summarise these are :-
- a. That the deadline for delivering Notices of Motion to the Monitoring Officer be moved back to allow Members more time to submit them ( para11.1)
  - b. That the ability to reject a Notice of Motion if it is not “ of a strategic nature” be removed from the Constitution ( para 11.6)
  - c. That there be clarification around the use of para 11.8 – referral of a motion to Cabinet or another committee on the basis that this should only take place in advance of the item being placed on the agenda.
  - d. That the time limit for debating Notices of Motion should be extended to two hours ( para 11.12)
  - e. That the ability to amend a Notice of Motion to refer it to “ an appropriate body or individual for consideration or re-consideration” should be removed from the Constitution (para 13.11 (c))
  - f. That the ability for Members to move that a matter be put to the vote during debates be more strictly defined to exclude the proposer or seconder of the motion under debate (para 13.11 (c))
  - g. That there should be greater clarification of the procedure around Leaders Announcements ( para 10.3)
- 3.11 Members are asked to note that as a result of other decisions made by Council and Cabinet in recent months there are some other updates which need to be made to the constitution to give effect to those decisions. A full pack of updates including those which are agreed as a result of this report and the other updates will be issued to Members as soon as possible.

**Customer / Equalities and Diversity Implications**

- 3.9 The recommendations will have minimal impact on internal/external customers. No Equality and Diversity implications have been identified.

## **Council**

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### **4. RISK MANAGEMENT**

- 4.1 The main risks associated with the details included in this report are failure to comply with governance requirements which may expose the Council to the risk of challenge by way of judicial review or appeal which may result in awards of damages and costs against the Council and loss of reputation

### **5. APPENDICES**

Appendix 1 : Revised Planning Committee Procedure Rules ( Part 10)

Appendix 2 : Revised Code of Practice – Planning Services ( Part 20)

Appendix 3 : Revised Overview and Scrutiny Rules ( Part 8)

Appendix 4 : Proposed amendments to the Constitution: Labour  
Group suggestions

### **6. BACKGROUND PAPERS**

Council's Constitution

### **7. KEY**

N/A

### **AUTHOR OF REPORT**

Name: Claire Felton

E Mail: c.felton@bromsgroveandredditch.gov.uk

Tel: 01527 881249

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## **PLANNING COMMITTEE PROCEDURE RULES**

### **1. Terms of Reference of Planning Committee**

- 1.1 The Council will appoint a Planning Committee.
- 1.2 The Terms of Reference of the Planning Committee are set out in Table 2 of Part 3 of the Constitution.

### **2. Time and Place of Meetings**

- 1.1 There shall be at least 10 meetings of the Planning Committee each year.
- 1.2 The time and place of Planning Committee meetings will be determined by the Chief Executive and notified in the agenda.

### **3. Composition of the Planning Committee**

- 3.1 The Planning Committee will comprise 13 Councillors.
- 3.2 Article 8.4 of the Articles at Part 2 of this Constitution applies to the Planning Committee.
- 3.3 Members of the Planning Committee who cannot attend a particular meeting may arrange for a substitute to attend in his or her place in accordance with Article 8.4 of the Articles at Part 2 of this Constitution.
- 3.4 The Leader of the Council cannot be a member of the Planning Committee and cannot sit as a substitute on the Planning Committee.

### **4. Chairman**

- 4.1 The Planning Committee will appoint one of its members as Chairman at its first meeting following the Annual Council Meeting.
- 4.2 The Chairman of the Planning Committee cannot be a member of the Cabinet.

### **5. Quroum**

The quorum for a meeting of the Planning Committee is 5.

**6. Application of Council Procedure Rules**

The Council Procedure Rules (as specified in Council Procedure Rule 24) will apply to all meetings of the Planning Committee except as modified by these Rules.

**7 Procedure for Determining Applications for Planning Permission**

- 7.1 An officer will present the report of the Head of Planning and Regeneration Services.
- 7.2 Members of the public who have registered to speak may address the meeting when invited to do so by the Chairman and in accordance with the public speaking rules.
- 7.3 Ward members who have registered to speak may then address the meeting when invited to do so by the Chairman and in accordance with both the public speaking rules and these Procedure Rules.
- 7.4 The Chairman will invite members of the Committee to address the meeting. With the consent of the Chairman, members of the Committee are entitled to address the meeting more than once.
- 7.5 Before taking the vote the Chairman will read out the recommendation of the Head of Planning and Regeneration Services and ascertain if any member of the Committee wishes to put forward an alternative recommendation.
- 7.6 If no alternative recommendation is put forward the Chairman will proceed to the vote.
- 7.7 If one or more alternative recommendations are put forward the Chairman will:
  - (a) request each member who puts forward an alternative recommendation to read out the alternative recommendation and specify the reasons for the alternative recommendation;
  - (b) invite the Head of Planning and Regeneration Services to advise the Committee on the extent to which the alternative recommendation and reasons for it fall within or outside planning policy;
  - (c) consider whether an adjournment is required to enable the member proposing the alternative recommendation to take advice from officers;

and only then proceed to the vote.

- 7.8 Each member of the Committee may vote only once in favour of either the recommendation proposed by the Head of Planning and Regeneration Services or an alternative recommendation.

**8. Public Speaking at Planning Committee**

- 8.1 The Council has decided to introduce a public speaking scheme to allow members of the public and other parties to give their views in person about an application for planning permission which affects them when it is being considered by the Planning Committee.
- 8.2 The four classes of speaker who may exercise the opportunity to speak publically at Planning Committee are:
- a. objector (or agent/ spokesperson on behalf of objectors);
  - b. applicant, or their agent (or supporter);
  - c. Parish Council representative (if applicable);
  - d. Ward Councillor
- 8.3 Any interested party wishing to address the Planning Committee must give notice to the Committee Services Team of his or her intention to do so by 12:00 noon on the day of the Planning Committee meeting.
- 8.3 A total of three minutes shall be allocated to the applicant and/or his/her agent (or to a member of the public) who wish speak in favour of a planning application; if more than one person wishes to speak the time will be allocated in accordance with the Council's Guidance for Public Speaking at Planning Committee.
- 8.4 A total of three minutes shall be allocated to members of the public who wish to speak against a planning application; if more than one person wishes to speak the time will be allocated in accordance with the Council's Guidance for Public Speaking at Planning Committee.
- 8.5 A total of three minutes public speaking time shall be allocated to the representative of the local Parish Council; if more than one Parish Council representative wishes to speak the time will be divided equally between them. The time limits for public speaking may be extended at the discretion of the Chairman but only in exceptional circumstances.
- 8.6 A total of three minutes shall be allocated to Ward Councillors who wish to speak in relation to a planning application in their ward; if more than one Ward Councillor wishes to speak the time will be divided equally between them. In the event that a Ward Councillor is unable for any reason to exercise their Ward Councillor speaking rights they may nominate a substitute member to represent the views of the ward residents.

## **Appendix 1**

### **PART 10**

- 8.7 Guidance for public participation at Planning Committee is published from time to time by the Council. The Chairman of the Planning Committee will retain the discretion to decide at the meeting in which order the public speakers will address the Committee.
- 8.8 The Chairman shall invite the representative of Head of Planning and Regeneration at the conclusion of public speaking on planning applications to correct any factual inaccuracies.
- 8.9 Where a planning application is fully considered at Planning Committee and public speaking rights are exercised, in the event that Members decide to defer application there will be no further public speaking rights. This rule will apply to all classes of public speaker listed at paragraph 8.2. above.

#### **9 Members of the Planning Committee with Prejudicial Interests and Public Speaking**

Members of the Planning Committee who have declared a prejudicial interest in an item on the agenda at a meeting may participate in Planning Committee meetings to the extent permitted by paragraph 12 (2) of the Code of Conduct in Part 16 of this Constitution and in accordance with paragraph 8 of these Procedure Rules. Once the member has made his or her representations he or she must leave the room.



**CODE OF PRACTICE - PLANNING SERVICES**

**1. INTRODUCTION**

- 1.1 The role of a Member serving on the Planning Committee involves balancing the representation of the needs and interests of individual constituents and the community, with the need to maintain an ethic of impartial decision-making on what can be highly controversial proposals.
- 1.2 This document has been prepared to guide Members and Officers in dealing with planning matters in a manner consistent with good practice, including the conduct of Members in its processes and procedures and should be read alongside the Council's Code of Conduct.
- 1.3 Failure to follow the recommendations set out in this Code of Practice, without good reason, may be regarded as being incompatible with good administration by the Local Government Ombudsman and affect how the Council, its Officers or Members may be perceived by others.
- 1.4 By setting out clearly what is expected of both Members and Officers, it is anticipated that this Code will engender greater mutual understanding and support between all those involved in the planning process. The Code has been produced in the spirit of looking for continuous improvements in the delivery of services, discharging duties responsibly in an open, professional and consistent way compatible with the Council's Code of Conduct and its Protocol for Members/Officer relations.
- 1.5 Both Members and Officers dealing with planning matters and advising Committees will be required to observe all the provisions of this Code.
- 1.6 The Code is set out in the form of a series of headings followed by a brief discussion of the issues involved and best practice advice.
- 1.7 In light of the Localism Act 2011 Members are advised that from 01 July 2011 the description of interests will change. Under the Localism Act Members will need to make sure that they are clear whether they have a disclosable pecuniary interest or a non pecuniary interest when involving themselves in planning matters. Guidance will be issued to Members on the new categories of interests but if Members are not sure then they are advised to contact the Monitoring Officer for clarification.

**2. THE ROLE OF COUNCILLORS**

- 2.1 The role of Members is central to the planning system, which operates within a political arena. It is well recognised that planning is not an exact science and, provided that Members are properly briefed by Officers, they are well placed to make decisions.

Ward Interests

- 2.2 Members have a special duty to their ward constituents but their overriding responsibility is to the whole community. In terms of the planning process, this can produce a conflict of interest between Members legitimately and effectively giving vent to local, sometimes individual, concerns and the need to reflect the interests of the wider community in decisions reached on planning merits alone. Much is often at stake in this process, and opposing views are often strongly held by those involved. Whilst Members should take account of these views, they should not favour any person, company, group or locality above the wider community interest, nor put themselves in a position where they appear to do so. Members should be mindful of the need to carefully weigh up all of the arguments before deciding what view to take. Where a Member of Planning Committee takes the view that they would wish to speak in relation to an application affecting their ward they may do so as Ward Councillor under the procedure for Public Speaking at Planning Committee. However, they will have to remain in the public gallery after they have spoken and take no part in the debate or vote on the application.
- 2.3 Members should also be very cautious about accepting gifts and hospitality. The Code of Conduct requires any Members receiving any gift or hospitality, in his or her capacity as a Member, over the value of £25, to record that gift or hospitality in the Register of Interests which is open to inspection by the public. .

Lobbying

- 2.4 It is a fact of public life that Members will be subject to varying degrees of lobbying. This is part of the democratic process. However, when individuals or groups seek to influence the outcome of a planning decision, which should be treated upon its individual planning merits in the wider public interest, the impartiality of the decision may be questioned. Such problems might arise if Members indicate their voting intention or support for a particular cause in advance of all the relevant information and Officer advice.
- 2.5 When being lobbied, Members should take care about expressing an opinion that may be taken as indicating that they have already made up their mind on the likely outcome of a planning application before they have heard all the evidence and arguments. If they do express an opinion, they should make it clear that they will only be in a position to make a final decision when all the facts are known and they have heard both sides of the argument at Committee. However, if the Member responds to lobbying by deciding to go public in support of a particular outcome, or even campaigning actively for it, the proper course of

action for such a Member would be to withdraw from the meeting while the application is being considered.

- 2.6 Members should not represent an applicant or individual objector and should not organise support or opposition. In particular, they should avoid representing applicants or objectors in discussions with Planning Officers which may take place before an application is considered by the Planning Committee. Instead they should suggest to those who are lobbying, that they should speak or write to the relevant Planning Officer, in order that their opinions can be included in the officer's report to committee. Any letters referred to and relied upon by Councillors in speaking on an application should be given to the Head of Planning and Regeneration to be placed on the respective planning file immediately after the meeting.
- 2.7 Members should not lobby other Members or put pressure on Officers to make a particular recommendation. Therefore no political group meeting must take place prior to the committee meeting to discuss the planning applications.
- 2.8 Members of the Planning Committee need to take account of the general public's expectation that a planning application will be processed and determined in an open and fair manner. There is the possibility that an aggrieved party may seek judicial review on the way in which a decision has been arrived at, or complain to the Local Government Ombudsman on the grounds of maladministration.
- 2.9 Members who are unsure as to whether an interest should be declared should seek the advice of the Council's Monitoring Officer.

### **3. MEMBERSHIP OF PARISH COUNCILS**

- 3.1 Parish Councils are consulted and asked to comment on planning applications prior to their being considered by the District Council's Planning Committee. Sometimes, a member of the Planning Committee will also be a member of a Parish Council and such a situation could give rise to a perception that there is a conflict between these two roles.
- 3.2 Members of the Planning Committee may participate in the formulation of their Parish Council's comments on a planning application and may vote on motions put forward in connection with the making of such comments. However, in doing so, they must recognise that they have not yet received full information about the application e.g. the planning history, comments by other consultees and officer recommendation. They should therefore declare, at the Parish Council's meeting, that in assisting in the formulation of the Parish Council's comments, that they are only forming a preliminary view on the application, that they recognise that there is further information about the application which

they have not yet received, and that they reserve the right to change their preliminary view, in the light of such further information, when the application is considered by the District Council's Planning Committee.

- 3.3 In this way, members of the Planning Committee, who are also members of Parish Councils, will avoid any perception that they have fettered their judgment on an application before knowing the full facts about it.

#### **4. PLANNING SITE VISITS PROCEDURE**

- 4.1 Members of Planning Committee will have the opportunity to attend site visits for some of the planning applications which are decided by the Planning Committee.

- 4.2 The purpose of site visits is to allow Members to consider the general setting of the application site so that they will be in the best position to decide whether or not planning permission should be granted. In particular Members will be able to:-

- Observe the geography of the site including the boundaries and it's relationship to adjoining properties;
- Consider the scale and impact of the proposed development in relation to the site;
- Use the visit to assess whether any planning conditions might need to be considered.

- 4.3 The procedure for Members of Planning Committee to request a site visit is as follows:-

- The Member must contact the Case Officer dealing with the application or the Manager of Development Control to request the site visit at least 14 days before the date of the Planning Committee meeting when the application relating to the site is due to be decided.
- The Member must explain when making the request for the site visit the reason why he/she believes a site visit is needed.
- The decision as to whether a site visit will take place will be at the discretion of the Development Control Manager. There may be reasons why a request would be refused. For example if Members had visited the site recently for an earlier application or if the nature of the application was limited in terms of size and impact, or if there was already sufficient other information available to the Members to assist them in understanding the site.

## **Appendix 2**

### **PART 20**

- Site visits will normally take place on the Thursday preceding Planning Committee. A list of the sites visits will be circulated to Members of Planning Committee in advance.
- 4.4 There may also be circumstances when officers recommend that a site visit should take place based on their professional judgment of the application and in those cases Members will be notified via the list referred to above.
- 4.5 The site visit does not constitute a meeting of the Planning Committee. Accordingly, Members should not form a collective view on the issue.
- 4.6 Since Members are attending a site merely to “see what is to be seen”; it is inappropriate to hear from either the applicant or his representative during the site visit. Similarly, it is inappropriate to hear from anybody else who wishes to make representations. This includes the Ward Councillor for the area in which the site is located. The occasion is not a local hearing. Members should leave each site with no collective view - the occasion is simply to assist them individually to form a view.
- 4.7 When the application is next considered by the Planning Committee, the Chairman of the Committee should remind Members that the application was the subject of a site visit, and then let the debate proceed normally.

## **5. THE ROLE OF OFFICERS**

- 5.1 Officers, as the paid employees of the Council, have the principal responsibility for carrying out the Council’s work. They should provide professional and impartial advice to Members to assist them in reaching their decisions and to the public at large on all planning matters. It is very important that such advice is consistent with the provisions of the prevailing planning policies and guidance so that the planning system is seen to be fair whatever the outcome.
- 5.2 The Planning Committee has given delegated authority to the Head of Planning and Regeneration Services to approve certain categories of planning application as set out in the Council’s Scheme of Delegation.
- 5.3 Any decisions delegated to Officers should be clearly minuted.

## **6. OFFICER REPORTS TO COMMITTEE**

- 6.1 All reports shall provide a clear technical appraisal of the application including site location and description, planning history, consultations received and the policy contents for the recommendation, which should be justified in the Officers’ written comments.

- 6.2 Reports should have a written recommendation of action; oral reporting (except to update a report) should be avoided and carefully minuted.
- 6.3 Reports should contain technical appraisals, which clearly justify a recommendation.
- 6.4 If the report's recommendation is contrary to the provisions of the development plan or Local Development Framework, the material considerations, which justify the departure, must be clearly stated.
- 6.5 Terms for Planning Obligations (Section 106 Agreements) must be clearly set out, discussed openly and recorded in the minutes.
- 6.6 The Monitoring Officer or his or her representative shall attend all Planning Committee meetings and provide advice, together with legal advice as required.

## **7. PRE-APPLICATION DISCUSSIONS**

- 7.1 Officers are often asked informally during meetings whether planning permission is required for changes of use and/or for new development.
- 7.2 Officers will always endeavour to be as helpful as they can in this matter but can only offer an informal opinion as to whether or not planning permission is required for the development someone wishes to undertake, whether it is a new building, an extension to a home, or a change of use of land or building. Any advice that they offer in this respect is an individual opinion based on the information the enquirer has provided at the time. It is not binding on the Council.
- 7.3 For an official decision, enquirers should be invited to apply for a Certificate of Lawfulness of Proposed Use or Development, under Section 192 of the Town and Country Planning Act 1990. A fee is payable for the processing of such an application but the enquirer will be presented with a legally binding determination, in other words, an official decision of the Council telling him/her whether or not planning permission is required.
- 7.4 The fee varies according to the type of development proposed and staff will be able to advise on the amount payable. It is in the interests of the enquirer to have an official written determination relating to development should he/she want to sell his/her land/property or should any legal challenge arise relating to the work which has been undertaken.
- 7.5 The following guidelines have been adopted to ensure that all parties involved are treated fairly and that the Planning Officers' role is clearly understood:

- Planning Officers will give informal advice in the spirit of helpfulness. It is however only informal advice which is not binding on the Local Planning Authority;
- Planning Officers will negotiate and offer advice to overcome problems at application stage where a solution is apparent and the proposal can be determined within eight weeks as a consequence;
- The onus to negotiate falls upon the applicant/agent to offer alternatives to the original submission;
- Planning Officers cannot advise what a potential recommendation will be should an application be made.

**8. DECISIONS CONTRARY TO THE DEVELOPMENT PLAN/ LOCAL DEVELOPMENT FRAMEWORK**

- 8.1 The law requires that where the development plan/Local Development Framework is relevant, decisions should be taken in accordance with it, unless material considerations indicate otherwise.

**9. DECISIONS CONTRARY TO OFFICER RECOMMENDATION**

- 9.1 Members are perfectly entitled to reach different decisions to those recommended to them by Officers by attaching different weight to the various relevant planning criteria. That this happens from time to time is inevitable but it is essential that the public be left in no doubt as to how the decision was reached. Officer reports must be well structured and the public should not be given the impression that decisions reached contrary to advice are made hastily or new conditions imposed on the spur of the moment. A full detailed minute of the Committee's reasons should be made. The Officer should also be given an opportunity to explain the implications of the contrary decision.
- 9.3 Where a Member is minded to raise new issues, information or questions, they are advised to contact the respective Planning Officer or Head of Planning and Regeneration before the meeting wherever possible.
- 9.4 Where a Member is minded to make a recommendation, which is contrary to the Officer recommendation, then:-
- (i) in the case of a refusal, the planning reasons should be clearly set out;

- (ii) in the case of an approval, the type of conditions proposed should be indicated.
- 9.5 If an imminent decision is thought to be perverse, the Head of Planning and Regeneration or the Monitoring Officer should so advise the Committee, but it remains the role of the Chairman to decide whether or not it would be preferable to defer consideration to allow for a period of reflection on the advice given before proceeding.
- 9.6 Where an application is refused or conditions imposed contrary to an officer recommendation, it may not be in the Council's best interests for the Case Officer to give evidence at any subsequent public inquiry or hearing resulting from an appeal. In such circumstances it will be a matter for the Head of Planning and Regeneration in consultation with the Head of Legal, Equalities and Democratic Services to establish whether a suitably experienced and qualified Officer exists within his establishment who is able to concur professionally with the decision taken. If so, then they will act as the Council's professional witness. If not, then the use of planning consultants will be explored. It is rarely in the Council's best interests for individual Members to represent the Council but this may be appropriate where factual evidence is in dispute particularly in enforcement appeals.
- 9.7 All planning approvals and refusals shall be fully minuted. Unless otherwise stated, these should accord with those set out in the Agenda subject to the incorporation of any further conditions or reasons (or variations) thought to be necessary by the Head of Planning & Environment Services to give full effect to the Council's wishes about any particular application.

## **10. DEALING WITH APPLICATIONS SUBMITTED BY MEMBERS AND OFFICERS AND COUNCIL SERVICE AREAS**

- 10.1 The submission of planning applications and/or development plan proposals by serving Members, Officers, or their close friends and relatives can easily give rise to suspicions of impropriety, including proposals for the Council's own development. The following points should be taken into account:
  - Members**
- 10.2 Serving Members of the Council who act as agents for people pursuing planning matters shall not be Members of the Planning Committee.
- 10.3 Members should take no part in the processing of their own applications or those of their immediate family or close friends or anyone with whom the Member has a close personal association.
- 10.4 As soon as a planning application is received from a Member, the Head of Planning and Regeneration must inform the Council's Monitoring



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Officer, who will take such steps as are necessary to ensure that applications for dispensations from other Members of the Planning Committee are considered as soon as possible.

- 10.5 Members who are members of the Planning Committee should declare an interest in respect of applications prepared by them or on their behalf and leave the meeting while such applications are under consideration..

- 10.6 Applications of currently serving Members should not be dealt with under delegated powers and should be decided by the Planning Committee.

#### **Officers**

- 10.7 Serving Officers should never act as agents for people pursuing a planning matter.

- 10.8 Officers should take no part in the processing of their own planning applications or those of their immediate family or close friends.

- 10.9 Applications for Planning Consents made to Bromsgrove District Council by Officers currently working for either Bromsgrove District Council or Redditch Borough Council should not be dealt with under delegated powers and should be decided by the Planning Committee.

#### **Developments by the Council**

- 10.10 Planning applications made by Council Service Areas must be processed in accordance with existing policy and treated in the same way as a private application except that all such applications shall be considered by the Planning Committee and not determined under delegated powers.

#### **Applications submitted by former Members and former employees**

- 10.11 There has been some considerable concern about former employees setting up their own consultancies and providing planning advice in the Bromsgrove District area and about the consideration of applications by or on behalf of former Members. Both circumstances occur from time to time and the guiding principles should be that:-

- (i) applications by former Members will be treated in the same way as any other application;
- (ii) applications by former employees whether they are acting for themselves or an agent for others will be treated in exactly the same way as any other application.

#### **Applications by Members of Political Associations**

- 10.12 Where a planning application is made by someone who is not a Member, but is known to be a member of the same Political Association as some of the members of the Planning Committee,

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those Members will need to give consideration as to whether they should declare an interest when the application is considered.

- 10.13 In some cases, no declaration will be necessary, but in other cases the relationship between the parties may be close enough to warrant a declaration of interest. Councillors should have regard to the Council's Code of Conduct and should err on the side of safety.

## **OVERVIEW AND SCRUTINY PROCEDURE RULES**

### **1. Arrangements for Overview and Scrutiny**

- 1.1** The Council will appoint an Overview and Scrutiny Board, as set out in Article 6 of this Constitution.
- a. The Overview and Scrutiny Board will have responsibility for the Council's overview and scrutiny and call-in functions, scrutiny of the budget, petitions, Councillor Calls for Action and scrutiny of the Crime and Disorder Reduction Partnership.
  - b. The Overview and Scrutiny Board will establish time limited Task Groups, the terms of reference of which will be agreed by the Board, to investigate issues in depth and agree reports prepared by the Task Groups; or itself undertake selected reviews.
  - c. The Overview and Scrutiny Board will have responsibility for monitoring performance improvement, identifying unsatisfactory progress or performance and making recommendations on remedial action to the Cabinet
  - d. The Overview and Scrutiny Board will have responsibility for monitoring the Council Plan and the Sustainable Community Strategy and making recommendations to Cabinet.
- 1.2** The Overview and Scrutiny Board will comprise 13 Councillors. All Councillors except members of the Cabinet may be members of the Overview and Scrutiny Board.
- 1.3** Members of the Overview and Scrutiny Board who cannot attend a particular board meeting may arrange for a trained substitute to attend in his or her place.
- 1.4** The Overview and Scrutiny Board may (except in relation to call-ins) appoint such Task Groups as it considers appropriate to enable it to perform the overview and scrutiny functions on behalf of the Council. The size of each Task Group will vary according to the purpose for which it is established. The terms of reference, the chairmanship and membership shall be agreed by the Board. .

### **2. Co-optees**

- 2.1** The Board shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees of the Board.

**3. Meetings of the Boards**

- 3.1** There shall be at least 9 ordinary meetings of the Overview and Scrutiny Board in each year.
- 3.2** There shall be not less than 1 meeting every 12 month period of the Overview and Scrutiny Board in its capacity to scrutinise and review the Council's responsibilities for the crime and disorder functions.
- 3.3** Extraordinary meetings may be called from time to time as and when appropriate.
- 3.4** An extraordinary meeting may be called by the Chairman of the Board or by any 3 members of the Board.
- 3.5** Members of the Board who cannot attend a particular meeting may not arrange for substitutes to attend.

**4. Quorum**

The quorum for meetings of the Overview and Scrutiny Board shall be 5.

**5. Participation in Meetings**

No member may be involved in scrutinising a decision in which he/she has been directly involved. If any member of a Board finds that a decision in which he/she has been directly involved is to be scrutinised, he/she shall declare the fact to the relevant Board and take no part in the discussion and voting in the part of the meeting which relates to that decision.

**6. Chairman**

- 6.1** At its first meeting following the Annual Council Meeting the Board will:
- a. appoint one of its members as Chairman; and
  - b. appoint one of its members as Vice-Chairman.

**7. Work Programme**

**7.1** The Overview and Scrutiny Board will be responsible for setting its own work programme and in doing so shall make provision for:-

- a. the views of members of the Overview and Scrutiny Board who are not members of the largest political group on the Council;
- b. the Forward Plan;
- c. suggestions of matters for scrutiny made by the Council or by Cabinet;
- d. suggestions of matters for scrutiny made by the Leader arising from his/her quarterly meeting with the Chairmen of the Overview and Scrutiny Board and Audit Board in accordance with paragraph 7.2 below;
- e. suggestions of matters for scrutiny made by Councillors, members of the public or partner organizations;
- f. Councillor Calls for Action;
- g. Scrutiny of the Crime and Disorder Reduction Partnership;
- h. Petitions referred to the Overview and Scrutiny Board by the Chief Executive and Monitoring Officer;
- i. Scrutiny of the budget (Medium Term Financial Plan);

**7.2** The Leader shall meet quarterly with the Chairman of the Overview and Scrutiny Board and Audit Board with appropriate officers in attendance to review and, where appropriate, co-ordinate their respective work programmes.

**8. Procedure at Board meetings**

**8.1** The Overview and Scrutiny Board shall at each meeting consider the following business:

- a. consideration of the accuracy of the minutes of the last meeting;

- b. declarations of interest (including whipping declarations);
- c. responses of the Cabinet to reports of the Overview and Scrutiny Board;
- d. the Forward Plan;
- e. progress on on-going overview and scrutiny exercises (if appropriate);
- f. reports from the quarterly meetings between the Leader and Chairmen of the Overview and Scrutiny Board and Audit Board (if appropriate);
- g. matters set out on the agenda for the meeting in accordance with paragraph 9 below;
- h. consideration of any matters referred to the Overview and Scrutiny Board in relation to call-in of a decision;
- i. any petitions referred by the Chief Executive or the Monitoring Officer;
- j. any Councillor Calls for Action which have been received;
- k. scrutiny of the Medium Term Financial Plan ( if appropriate);and
- l. scrutiny of the Crime and Disorder Reduction Partnership.

**9. Agenda items**

- 9.1** Any member of the Board shall be entitled to give notice to the Chief Executive that he/she wishes an item relevant to the functions of the Board to be included on the agenda for the next available meeting of the Board. On receipt of such a request the Chief Executive will ensure that it is included on the next available agenda.
- 9.2** Where a matter is referred to the Board by the Council (including a matter referred by the Monitoring Officer under Council Procedure Rule 11.10), it shall be considered at either the first or second ordinary meeting of the Board following the referral.
- 9.3** The Board shall also respond, as soon as their work programme permits, to requests to review particular areas of Council activity from the Council, the Cabinet or the Leader (arising from his/her quarterly meeting with the Chairmen of the Overview and Scrutiny Board, and Audit Board).

**10. Rights of Board members to documents**

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**10.1** In addition to their rights as Councillors, members of the Board have the additional right to documents and to notice of meetings as set out in the Access to Information Procedure Rules in part 5 of the Constitution.

**10.2** Nothing in this paragraph prevents more detailed liaison between the Cabinet and/or the Board as appropriate depending on the particular matter under consideration.

#### **11. Policy review and development**

**11.1** The role of the Board in relation to the development of the Council's Budget and Policy Framework is set out in detail in the Budget and Policy Framework Procedure Rules in Part 6 of the Constitution.

**11.2** In relation to the development of the Council's approach to other matters not forming part of its Budget and Policy Framework, the Board may make proposals to Cabinet for developments in so far as they relate to matters within their terms of reference.

**11.3** The Board and any Task Group may:

- a. hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process;
- b. conduct site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations;
- c. ask witnesses to attend to address them on any matter under consideration;
- d. pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so, provided that the budget set by the Council each year for such purposes is not exceeded.

#### **12. Members and officers giving account**

**12.1** The Board or a Task Group may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Cabinet, the Chief Executive and/or any senior officer to attend before it to explain in relation to matters within their remit:

- a. any particular decision or series of decisions;
- b. the extent to which the actions taken implement Council policy; and/or
- c. his/her performance

and it is the duty of those persons to attend if so required.

**12.2** If any Councillor or officer is required to attend meetings of the Board, or a Task Group under this provision, the Councillor or officer will be given reasonable notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Board or Task Group. Where the account to be given to the Board will require the production of a report, then the Councillor or officer concerned will be given sufficient notice to allow for preparation of that documentation.

**12.3** If the Councillor or officer is unable to attend on the required date, the Board or Task Group shall in consultation with the Councillor or officer arrange an alternative date for attendance.

### **13. Attendance by others**

**13.1** The Board and/or Task Groups may invite people other than those people referred to in paragraph 12 above to attend a meeting to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend. The person invited will be given reasonable notice and the notice will state the nature of the item on which he/she is invited to attend and whether any papers are requested.

**13.2** If the Board is to consider a motion referred to it by the Council meeting, the proposer and seconder of the motion shall (if they are not members of the Board) have the right to attend the relevant meeting and to explain the reasons for their motion, although they may not propose, second or vote on recommendations by the Board which arise from that motion.

**13.3** If the Board or a Task Group invites a person to address a meeting or to give evidence, the following principles will be observed:

- a. the investigation will be conducted fairly and all members of the Board or Task Group will be given the opportunity to ask questions of attendees, and to contribute and speak;



- b. those assisting the Board or Task Group by giving evidence will be treated with respect and courtesy; and
- c. the investigation will be conducted so as to maximise the efficiency of the investigation or analysis.

**14. Reports from the Board**

- 14.1** Once it has formed recommendations on proposals for development, the Board will make its report and findings public and will submit a formal report to the Chief Executive for consideration by the Cabinet.
- 14.2** If the Board cannot agree on one single final report to the Council or Cabinet as appropriate, then no more than one minority report may be prepared and submitted for consideration by the Council or Cabinet with the majority report.
- 14.3** The Cabinet shall consider the report of the Board within two months of it being submitted to the Chief Executive and shall issue a formal response to the report.

**15. Consideration of Overview and Scrutiny Board Reports by the Cabinet**

- 15.1** The agenda for Cabinet meetings shall include an item to consider minutes and/or reports from the Board and reports of the Board referred to the Cabinet shall be included at this point in the agenda (unless they have been considered in the context of the Cabinet's deliberations on a substantive item on the agenda) within two months of the Board completing its report/recommendations.
- 15.2** The Cabinet will consider all reports and recommendations presented by the Board and will provide the Board with a response.
- 15.3** A Board report which includes one or more proposals which would require a departure from the Budget and Policy Framework will be considered in the first instance by the Cabinet. The Cabinet will decide whether to recommend to the Council that those proposals be implemented. If the Cabinet decides not to recommend to Council that those proposals be implemented, its decision, together with the reasons for that decision, shall be reported back to the Board. The Board may then request the Chief Executive to place an item on the next available meeting of the Council to enable the Council to consider those proposals.

- 15.4** Once a report has been considered by the Cabinet and/or Council, and any questions or issues raised by the Cabinet and/or Council have been resolved, the Board will disband any Task Group appointed in connection with the preparation of that report.

**16. Review of Overview and Scrutiny Board Reports**

The Board will review implementation of recommendations made in any report not sooner than 12 months after consideration of its report by the Cabinet.

**17. Call-in**

- 17.1** Call-in should only be used in exceptional circumstances when members of the Overview and Scrutiny Board have evidence which suggests that the Cabinet did not take a decision in accordance with the principles of Decision Making in Article 13. Those principles are:-

- a. proportionality (i.e. the action must be proportionate to the proposed outcome);
- b. due consultation and the taking of professional advice from officers;
- c. respect for human rights;
- d. a presumption in favour of openness;
- e. clarity of aims and desired outcomes;
- f. due regard for the Council's environmental objectives;
- g. due regard for the Council's duties in relation to crime and disorder;
- h. clear explanations of the options considered and the reasons for the decision reached.

- 17.2** When a decision is made by the Cabinet, or a key decision is made by an officer with delegated authority from the Cabinet, or under joint arrangements, the decision shall be published, including where possible

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by electronic means, and shall be available at the main offices of the Council normally within 3 working days of being made. All members of the Council will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.

**17.3** That decision (which may take the form of the minutes of a meeting of the Cabinet) will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless the decision is the subject of a valid request for call-in.

**17.4** A valid request is required to initiate call-in a decision referred to at 17.3 above. The request must be in writing addressed to the Monitoring Officer on the approved form (at Appendix B) giving the reasons for the request for call-in and must be:-

- signed by the Chairman of the Overview and Scrutiny Board;
- signed by any other 3 members of the Overview and Scrutiny Board;
- signed by any 5 members of the Council who are not members of the Cabinet

and in any case must:-

- state the reason(s) for the call-in; and
- be delivered to the Monitoring Officer by hand, post or email, within 5 clear working days of the publication of the decision.

The decision on whether the call-in is valid will be taken by the Monitoring Officer following consultation with the Chairman of the Overview and Scrutiny Board. The final decision shall rest with the Monitoring Officer. If the Monitoring Officer decides the call-in is valid the Monitoring Officer will notify the Chief Executive, who will notify the decision-taker of the request for call-in.

**17.5** Implementation of the decision which is the subject of the call-in will be suspended from the date of receipt of the request for call-in pending consideration by the Overview and Scrutiny Board.

**17.6** The call-in will be considered by the Overview and Scrutiny Board at either:

- a. the next scheduled meeting of the Overview and Scrutiny Board; or

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- b. a special meeting of the Overview and Scrutiny Board to be convened by the Chief Executive within 10 working days of receipt of the request to call-in, or such other date as may be agreed by the Chief Executive in consultation with the author of the call-in and the Chairman of the Overview and Scrutiny Board.
- 17.7** The Overview and Scrutiny Board will determine the call-in in such manner as it considers appropriate but in any event expeditiously and within a maximum of 20 working days from the date of the meeting at which the call-in is first considered by the Board. If more detailed evidence or consideration of the issues is required to determine the call-in, the Board may during that period hold one or more additional meetings to determine the call-in.
- 17.8** The Overview and Scrutiny Board may require the relevant Cabinet member with responsibility or another member of the Cabinet, if appropriate, to attend any meeting and explain the decision taken by Cabinet.
- 17.9** Having considered the decision subject to the call-in the Overview and Scrutiny Board will either:
  - a. accept the decision without qualification or comment; or
  - b. require reconsideration of the decision setting out its reasons in a report; or
  - c. in exceptional circumstances refer the decision to the Council to consider whether the decision should be accepted without qualification or comment or reconsidered.
- 17.10** Exceptional circumstances referred to in paragraph 17.9c include, but are not limited to, decisions which the Overview and Scrutiny Board considers:-
  - a. the Cabinet cannot in law take; or
  - b. is reserved to the Council; or
  - c. is contrary or not wholly in accordance with the Budget and Policy Framework.
- 17.11** If the Overview and Scrutiny Board accepts the decision without qualification or comment under paragraph 17.9a the decision may be implemented with immediate effect.

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- 17.12** If the Overview and Scrutiny Board refers the decision to the Cabinet for reconsideration under paragraph 17.9b implementation of the decision is deferred pending the meeting of the Cabinet at which it is reconsidered.
- 17.13** If the Overview and Scrutiny Board refers the decision to the Council under paragraph 17.9c implementation of the decision is deferred pending the meeting of the Council at which it is considered. If the Council decides to request the Cabinet to reconsider the decision, implementation of the decision remains deferred until the Cabinet has reconsidered the matter.
- 17.14** Any report of the Overview and Scrutiny Board or Council pursuant to paragraph 17.9b or c will be submitted to the Cabinet which will consider that report within 10 working days and either:-
- a. confirm the decision without modification; or
  - b. confirm the decision with modification; or
  - c. rescind the decision and if considered appropriate take a new one.

In each case the Cabinet must give reasons for its decision. The decision taken by the Cabinet following consideration of the report of the Overview and Scrutiny Board or Council on the call-in is final.

- 17.15** The Chairman or Vice-Chairman of the Overview and Scrutiny Board may attend any meeting of the Cabinet at which a report of the Overview and Scrutiny Board is being considered and may speak but not vote.
- 17.16** Any decision may be called in only once in respect any decision.
- 17.17** The call-in procedure shall not apply where the decision being taken by the Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the interest of either the Council or public. The record of the decision and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chairman of the Overview and Scrutiny Board must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairman of the Board, the Vice-Chairman's consent shall be required. In the absence of both, the Chief Executive or his/her nominees' consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency

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**17.18** The operation of the provisions relating to call-in and urgency shall be monitored annually by the Overview and Scrutiny Board, and a report submitted to Council with proposals for review if necessary.

#### **18. The party whip**

When considering any matter in respect of which a member of the Overview and Scrutiny Board is subject to a party whip, the Councillor must declare the existence of the whip and the nature of it before the commencement of the Board's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

#### **19. Petitions**

All petitions submitted to the Council will be received by the Chief Executive. The Chief Executive will refer the petition to the Overview and Scrutiny Board which will consider the petition and determine whether any further action is required.

## Proposed Amendments to the Constitution

### Labour Group suggestions

1. Part 4 para 11.1 – current time limit for Notices on Motion is that they must be received on the 12<sup>th</sup> day before the meeting. This is usually the Friday two weeks before Council. Proposal is to reduce this to 7 days i.e. for the motions to be received by the Monitoring Officer by 9 am on the Wednesday of the week preceding the meeting.
2. Part 4 para 11.6 – rules regarding rejection of Notices of Motion – proposal to remove 11.6 (e) i.e. that the Monitoring Officer may reject a notice if “ it is not of a strategic nature”.
3. Part 4 para 11.8 – the ability to use this section to refer a matter to Cabinet or another committee should only be exercised in advance of the time being placed on the agenda and not at a later stage i.e. at the Council meeting itself. If used as intended will then align with 11.10 re putting an explanation of the referral on the agenda.
4. Part 4 para 11.12 – current time limit for debate of motions at Full Council is one hour. Proposal is that this be extended to two hours.
5. Part 4 para 13.6 (a) (i) – amendments to motions – proposal is to remove this ground for amending a motion. Current wording is “ to refer the matter to an appropriate body or individual for consideration or reconsideration.”
6. Part 4 para 13.11 (c) - motion that question be now put to the vote – ability to put this be more strictly defined to stop either the proposer or seconder from being able to have their own motion moved to a vote.
7. Part 4 para 10.3 – Announcements by the Leader – greater clarification needed of what Leaders Announcements should consist of. If it is to include political comments ( as opposed to neutral announcements regarding the activities of the Council) then there should be a right of reply.

8. Part 8 para 6 – Overview and Scrutiny Procedure Rules – proposed change that the Chairman of Overview and Scrutiny Board be from the largest non controlling party.



## **BROMSGROVE DISTRICT COUNCIL**

### **CABINET**

**22 FEBRUARY 2012**

#### **APRIL – DECEMBER (QUARTER 3) FINANCE MONITORING REPORT 2011/12**

Relevant Portfolio Holder	Roger Hollingworth
Portfolio Holder Consulted	Yes
Relevant Head of Service	Teresa Kristunas
Wards Affected	<b>All</b>
Ward Councillor Consulted	None specific

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

- 1.1 To report to Cabinet on the Council's financial position for the period April - December 2011 (Quarter 3 – 2011/12).

#### **2. RECOMMENDATIONS**

- 2.1 That Cabinet note the current financial position on Revenue and Capital as detailed in the report.
- 2.2 That Cabinet approves the budget virements between £15k and £100k, listed in Appendix 2.
- 2.3 That Cabinet note the financial position and movements on the earmarked reserves as detailed in Appendix 1.
- 2.4 That Cabinet recommend to Council :
- 2.4.1 Approval of an increase to the 2012/13 Capital Programme of £659k to support the c/fwd requests as detailed in Appendix 3.
- 2.4.2 Approval of an increase to the Capital Programme 2012/13 of £12k, to be funded from revenue underspends to support the GIS software

#### **3. KEY ISSUES**

##### **Financial Implications**

- 3.1 A separate finance report for each department plus a council summary, is shown on the following pages.

**BROMSGROVE DISTRICT COUNCIL**

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**Revenue Budget summary Quarter 3 (April – Dec) 2011/12 – Overall Council**

Service Head	Revised Budget 2011/12 £'000	Budget April - Dec £'000	Actual spend April - Dec £'000	Variance to date April - Dec £'000	Projected outturn 2011/12 £'000	Projected variance 2011/12 £'000
<b>Environment al Services</b>	4,457	1,667	1,044	-623	4,132	-325
<b>Community Services</b>	2,443	1,105	1,027	-78	2,275	-168
<b>Pre- Regulatory Services</b>	1,119	461	392	-69	1,050	-69
<b>Leisure &amp; Cultural Services</b>	1,937	1,376	1,322	-54	1,867	-70
<b>Planning &amp; Regeneration</b>	1,346	415	342	-73	1,291	-55
<b>Customer Services</b>	-40	352	305	-47	-88	-48
<b>Finance &amp; Resources</b>	2,105	1,682	1,671	-11	2,111	6
<b>Legal &amp; Democratic Services</b>	1,440	800	718	-82	1,347	-93
<b>Policy, Performance &amp; Partnerships</b>	-24	469	425	-44	-79	-55
<b>Business Transformati on</b>	36	925	808	-117	-119	-155
<b>Corporate Services</b>	688	69	319	250	1023	335
<b>SERVICE TOTAL</b>	<b>15,507</b>	<b>9,321</b>	<b>8,373</b>	<b>-948</b>	<b>14,810</b>	<b>-697</b>
<b>Interest on Investments</b>	<b>-68</b>	<b>-51</b>	<b>-83</b>	<b>-32</b>	<b>-90</b>	<b>-22</b>
<b>Change in Financing</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>22</b>	<b>22</b>
<b>COUNCIL SUMMARY</b>	<b>15,439</b>	<b>9,270</b>	<b>8,290</b>	<b>-980</b>	<b>14,742</b>	<b>-697</b>

## **BROMSGROVE DISTRICT COUNCIL**

# **CABINET**

**22 FEBRUARY 2012**

### **Financial Commentary:**

- The year end underspend of £620k includes additional interest on investments of £22k above that originally budgeted. The general services underspend of £620k relates to a number of factors, including:-
  1. Additional income levels have been maintained by the Development Control function following an increase in the number of planning applications received.
  2. An underspend is predicted within the Policy, Performance and Partnership function, which is partly due to the shared service provision.
  3. Following a request from the Executive Director of Finance and Resources, expenditure throughout the Council has been reduced to that deemed critical for the provision of services, this has helped to increase the level of savings attributable to services from £293k to £620k.
- The budget for Corporate Services includes the Council wide vacancy management provision and the corporate savings target. The current net underspend is £185k.
- Interest on investments remains higher than expected because of additional income received from the investment of Business Rate monies held by the Council.

### **Agency & Consultancy**

Within the summary above there are costs associated with covering vacancies together with consultancy costs arising from the Council seeking external professional support for projects undertaken (eg Specialist employee legal advice).

	Revised Budget 2011/12 £'000	Budget April – Dec £'000	Actual Spend April – Dec £'000	Variance To date April – Dec £'000
<b>Temporary Agency Staff</b>	59	42	250	<b>208</b>
<b>Underspend on staffing</b>	8,270	6,289	5,798	<b>-491</b>
<b>External consultancy / professional advice</b>	258	214	312	<b>98</b>
<b>TOTAL</b>	<b>8,587</b>	<b>6,545</b>	<b>6,360</b>	<b>-185</b>

**BROMSGROVE DISTRICT COUNCIL**

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**Capital Budget summary Quarter 3 (April – December) 2011/12 – Overall Council**

Department	Revised Budget 2011/12 £'000	Budget April – Dec £'000	Actual Spend April – Dec £'000	Variance To date April – Dec £'000	Projected Outturn £'000	Projected Variance £'000
<b>Business Transformation</b>	173	156	103	-53	159	-14
<b>Environmental Services</b>	1,062	994	688	-306	882	-180
<b>Planning &amp; Regeneration</b>	53	40	30	-10	79	26
<b>Regulatory Services</b>	491	368	82	-286	491	0
<b>Community Services</b>	988	744	643	-101	769	-219
<b>Legal &amp; Democratic Services</b>	0	0	26	26	26	26
<b>Leisure &amp; Cultural Services</b>	685	75	75	0	197	-488
<b>Budget for Support Services Recharges</b>	100	75	75	0	100	0
<b>Total</b>	<b>3,552</b>	<b>2,452</b>	<b>1,722</b>	<b>-730</b>	<b>2,703</b>	<b>-849</b>

**Financial Commentary:**

- Expenditure has been incurred on the Perryfields Housing scheme which is progressing as planned. The budget of £200k has been committed to assist the bid by Bromsgrove District Housing Trust and West Mercia Developments to the Housing Corporation.
- Work has commenced on several projects in Leisure and Cultural Services, however

## **BROMSGROVE DISTRICT COUNCIL**

# **CABINET**

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- contracting arrangements still have to be undertaken for some projects.
- Three of the four new refuse freighters have now been delivered, other replacement fleet items have been delivered or are on order, these include sweepers, mowers and other items of plant.

### **3.1.1 Environmental Services**

**Quarter 3 (April – December) 2011/12**

### **Revenue Budget summary Quarter 3 (April – December) 2011/12 – Environmental Services**

Service Head	Revised Budget 2011/12 £'000	Profiled Budget April - Dec £'000	Actual Spend April - Dec £'000	Variance to date April - Dec £'000	Projected outturn 2011/12 £'000	Projected variance 2011/12 £'000
<b>Waste Management Policy</b>	-4	-3	-8	-5	-6	-2
<b>Depot</b>	-47	523	445	-78	-62	-15
<b>Car Parks / Civil Enforcement Parking</b>	-618	-678	-642	36	-572	46
<b>Cemeteries / Crematorium</b>	104	31	7	-24	94	-10
<b>Highways</b>	324	109	22	-87	254	-70
<b>Street Cleansing</b>	1,383	612	531	-81	1,285	-98
<b>Grounds Maintenance</b>	634	267	230	-37	624	-10
<b>Waste</b>	2,657	857	477	-380	2,457	-200
<b>Garage</b>	24	-51	-18	33	58	34
<b>TOTAL</b>	<b>4,457</b>	<b>1,667</b>	<b>1,044</b>	<b>-623</b>	<b>4,132</b>	<b>-325</b>

#### **Financial Commentary**

- A grant received from the County Council for waste minimisation has increased the level of savings from that previously anticipated, this grant has now been included in the medium term financial plan for the following two years.

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**Capital Budget summary Quarter 3 (April – December) 2011/12  
Environmental Services**

Service	Revised Budget 2011/12 £'000	Budget April – Dec 2011/12 £'000	Actual spend April – Dec £'000	Variance To date April – Dec £'000	Projected outturn 2011/12 £'000	Projected variance 2011/12 £'000
<b>Depot Services</b>	78	10	0	-10	10	-68
<b>Vehicle &amp; Equipment replacement programme</b>	889	889	673	-216	846	-43
<b>North Cemetery – Phase 2</b>	95	95	15	-80	26	-69
<b>TOTAL</b>	<b>1,062</b>	<b>994</b>	<b>688</b>	<b>-306</b>	<b>882</b>	<b>-180</b>

**Financial Commentary:**

- An order was placed in January for Solar panels but it is uncertain whether the project will be completed by the end of March.
- Three of the four freighters have been delivered, other replacement fleet items have been delivered or are on order including sweepers, mowers and plant. The £43k under spend is requested to be carried forward to cover committed orders.
- Work has commenced on the North Cemetery and some costs have been incurred however, the budget will be required in the early part of 2012/13 financial year and a carry has been requested in this report of £69k.

<b>3.1.2 Community Services</b>	<b>Quarter 3 (April – December) 2011/12</b>
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**Revenue Budget summary Quarter 3 (April – December) 2011/12 –  
Community Services**

Service Head	Revised Budget 2011/12 £'000	Profiled Budget April - Dec £'000	Actual spend April – Dec £'000	Variance to date April - Dec £'000	Projected outturn 2011/12 £'000	Projected variance 2011/12 £'000
<b>Housing Strategy &amp; CMT</b>	1,686	692	693	1	1,646	-40

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<b>Community Safety &amp; Transport</b>	726	382	297	-85	592	-134
<b>Travel Concessions</b>	0	0	6	6	6	6
<b>Community Cohesion</b>	31	31	31	0	31	0
<b>TOTAL</b>	<b>2,443</b>	<b>1,105</b>	<b>1,027</b>	<b>-78</b>	<b>2,275</b>	<b>-168</b>

**Financial Commentary**

- There will be an under-spend on Community Safety and Transport due to efficiency savings achieved by the shared provision of the CCTV and lifeline service.
- There is also a vacancy within the Housing Strategy Section which has resulted in an under-spend at the year end.

**Capital Budget summary Quarter 3 (April – December) 2011/12 Community Services**

Service	Revised Budget 2011/12 £'000	Budget April – Dec £'000	Actual spend April – Dec £'000	Variance To date April – Dec £'000	Projected outturn 2011/12 £'000	Projected variance 2011/12 £'000
<b>Strategic Housing</b>	988	744	643	-101	769	-219
<b>TOTAL</b>	<b>988</b>	<b>744</b>	<b>643</b>	<b>-101</b>	<b>769</b>	<b>-219</b>

**Financial Commentary:**

- Expenditure has been incurred on the Perryfields Housing scheme which is progressing as planned. £200k of the budget has been committed to assist the Bromsgrove District Housing Trust/West Mercia Developments bid to the Housing Corporation. Actual expenditure will be dependant upon scheme development with payments being made to the partners by instalments on completion of 40% on land purchase, 40% commencement of site works, and the final 20% on completion subject to the original Grant agreement.
- There is a request for carry forward of the committed balance on the Disabled Facilities Grant budget and BDHT developments budget.

<b>3.1.3 Leisure and Cultural Services</b>	<b>Quarter 3 (April-December) 2011/12</b>
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**Revenue Budget summary Quarter 3 (April – December) 2011/12 – Leisure and Cultural Services**

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Service Head	Revised Budget 2011/12 £'000	Profiled Budget April - Dec £'000	Actual spend April - Dec £'000	Variance to date April - Dec £'000	Projected outturn 2011/12 £'000	Projected variance 2011/12 £'000
<b>Parks &amp; Open Spaces</b>	473	133	124	-9	456	-17
<b>Allotments</b>	42	5	5	0	42	0
<b>Promotions</b>	168	99	133	35	202	34
<b>Sports &amp; Recreation Development</b>	316	148	122	-26	284	-32
<b>Property, Assets &amp; Facilities Management</b>	27	453	413	-40	-13	-40
<b>Leisure Services / Sports Centres / CMT</b>	911	539	525	-14	896	-15
<b>TOTAL</b>	<b>1,937</b>	<b>1,376</b>	<b>1,322</b>	<b>-54</b>	<b>1,867</b>	<b>-70</b>

**Financial Commentary**

- Leisure and Cultural Services are now part of the shared service provision hosted by Redditch Borough Council, all staff were transferred to Redditch on the 22<sup>nd</sup> May 2011. As part of the shared service Property, Assets & Facilities Management were transferred into Leisure & Cultural Services from Finance & Resources.
- The under spend in the Sports and Recreation Development Service is because there are currently vacancies which will be resolved within the new structure.
- The underspend within Property, Assets and Facilities Management is due to a saving in relation to business rates and the ad-hoc nature of spend for repairs and maintenance for the Council House.
- The overspend within Promotions has resulted from a net budget of £16k income for the firework display, however it is anticipated that this display will result in net expenditure of £13k. Therefore resulting in a budget deficit of £29k, this has been addressed within the 2012/13 budget round.



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#### **Capital Budget summary Quarter 2 (April – December) 2011/12 Leisure and Cultural Services**

Service	Revised Budget 2011/12 £'000	Budget April – Dec £'000	Actual spend April – Dec £'000	Variance To date April – Dec £'000	Projected outturn 2011/12 £'000	Projected variance 2011/12 £'000
<b>Sports Facilities</b>	430	2	2	0	65	-365
<b>Sanders Park</b>	79	19	19	0	19	-60
<b>Play Areas</b>	146	54	54	0	113	-33
<b>Other Schemes</b>	30	0	0	0	0	-30
<b>TOTAL</b>	<b>685</b>	<b>75</b>	<b>75</b>	<b>0</b>	<b>197</b>	<b>-488</b>

#### **Financial Commentary:**

- Work has commenced on some of the capital projects, but at this stage of the financial year several schemes are still to begin. The total capital budget of £685k is all committed to schemes that were approved by Members as part of the 2011/12 budget, however contracting arrangements still have to be undertaken in relation to some of the schemes agreed.
- Due to the failure to agree a formal scheme by the Parish Council, the scheme for Alvechurch Lions has been withdrawn and will be addressed as part of 2012/13 budget round.
- The s106 monies allocated for the refurbishment and enhancement of Briar Close Play area is to be removed from the capital programme until additional monies are received from the Developer.

#### **3.1.4 Planning and Regeneration**

**Quarter 3 (April – December ) 2011/12**

#### **Revenue Budget summary Quarter 3 (April – December) 2011/12 – Planning and Regeneration**

Service Head	Revised Budget 2011/12 £'000	Profiled Budget April – Dec £'000	Actual spend April – Dec £'000	Variance to date April - Dec £'000	Projected outturn 2011/12 £'000	Projected variance 2011/12 £'000
<b>Building Control</b>	12	-75	-39	36	43	31
<b>Development Control</b>	503	72	55	-17	474	-29

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<b>Economic &amp; Tourism Development</b>	204	99	77	-22	174	-30
<b>Emergency Planning</b>	15	11	6	-5	14	-1
<b>Land Charges</b>	-57	-71	-29	42	-19	38
<b>Strategic Planning</b>	523	285	234	-51	497	-26
<b>Town Centre Development</b>	146	94	38	-56	108	-38
<b>TOTAL</b>	<b>1,346</b>	<b>415</b>	<b>342</b>	<b>-73</b>	<b>1,291</b>	<b>-55</b>

**Financial Commentary:**

- North Worcestershire Building Control Shared Service went live on 1<sup>st</sup> September 2011. The Business Case projected a small saving in the first year but extra staffing costs have been incurred in the initial stages. Fee income is also lower than budgeted levels.
- The income from planning applications within Development Control is still in excess of budget but the rate has decreased and some of the additional income has been off-set against additional staffing costs required.
- Within Economic Development the rent income from Market Stalls is exceeding that budgeted.
- The Local Land Charges Shared Service went live on 1<sup>st</sup> November 2011. The Business Case projected a saving but initial staffing costs are higher than anticipated. Income from search fees is also lower than budgeted levels.
- Strategic Planning includes a budget for consultants fees related to progressing the core strategy and associated inquiry in due course.
- The Town Centre Development budget includes an initial £25k funding from the Heritage Lottery Fund. This is the first payment for the development stage of the Townscape Heritage Initiative project and as such has not yet been spent. A further £25k is projected to be received before the end of the financial year.

**Capital Budget summary Quarter 3(April – December) 2011/12 Planning and Regeneration**

Service	Revised Budget 2011/12 £'000	Budget April – Dec £'000	Actual spend April – Dec £'000	Variance To date April – Dec £'000	Projected outturn 2011/12 £'000	Projected variance 2011/12 £'000
<b>Town Centre Development</b>	53	40	16	-24	65	12

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- Project Management						
Public Access Software for LLC	0	0	14	14	14	14
<b>TOTAL</b>	<b>53</b>	<b>40</b>	<b>30</b>	<b>-10</b>	<b>79</b>	<b>26</b>

#### Financial Commentary:

- Worcestershire County Council have not yet raised an invoice for Project Management costs for this financial year. The costs that have been incurred up to this point relate to design work which is required prior to the main public realm works.
- The Public Access Software for Local Land Charges has been funded from revenue but the spend is capital in nature.

#### 3.1.5 Regulatory - Client

**Quarter 3 (April – December) 2011/12**

#### Revenue Budget summary Quarter 3 (April – Dec) 2011/12 – Regulatory Client

Service Head	Revised Budget 2011/12 £'000	Profiled Budget April - Dec £'000	Actual spend April - Dec £'000	Variance to date April - Dec £'000	Projected outturn 2011/12 £'000	Projected variance 2011/12 £'000
<b>Environmental Health</b>	1,270	595	534	-61	1,207	-63
<b>Licensing</b>	-173	-139	-147	-8	-181	-8
<b>Land Drainage</b>	22	5	5	0	24	2
<b>TOTAL</b>	<b>1,119</b>	<b>461</b>	<b>392</b>	<b>-69</b>	<b>1,050</b>	<b>-69</b>

#### Financial Commentary:

- Environmental Health transferred to Regulatory Services 1<sup>st</sup> June 2010.
- Regulatory Services paid accommodation charges to partners for the period of April to June 2011, all staff then transferred into Wyatt House in Worcester.
- Worcestershire Regulatory Shared Services transferred £300k of the under spend for financial year 2010/11 back to partners, the balance of £301k was ringfenced in accordance with the Joint Committee for future severance and redundancy costs. This Council received a refund of £31k as its share of the refunded element of the under spend.

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<b>3.1.6 Worcestershire Regulatory Services</b>	<b>Quarter 3 (April – December) 2011/12</b>
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**Revenue Budget summary Quarter 3 (April – Dec) 2010/11 – Regulatory Services**

The main revenue expenditure relating to Regulatory Services is reported on a quarterly basis to the Joint Committee and reflects the total costs associated with providing the service across all of the participating Councils.

**Capital Budget summary Quarter 3 (April – September) 2010/11 Regulatory Services**

Service	Revised Budget 2011/12 £'000	Budget April – Dec £'000	Actual Spend April – Dec £'000	Variance To date April – Dec £'000	Projected outturn 2011/12 £'000	Projected variance 2011/12 £'000
<b>Worcestershire Enhanced Two Tier Programme (WETT)</b>	491	368	82	-286	491	0
<b>TOTAL</b>	<b>491</b>	<b>368</b>	<b>82</b>	<b>-286</b>	<b>491</b>	<b>0</b>

**Financial Commentary:**

The expenditure is jointly funded by all partners to the Joint Committee in accordance with the business case. Following a decision to carry out service transformation before making the decision as to the system requirements for the service, procurement of the management information system has been postponed until February 2012.

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<b>3.1.7 Customer Services</b>	<b>Quarter 3 (April – December) 2011/12</b>
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**Revenue Budget summary Quarter 3 (April – December) 2011/12 – Customer Services**

Service Head	Revised Budget 2011/12 £'000	Profiled Budget April - Dec £'000	Actual spend April - Dec £'000	Variance to date April - Dec £'000	Projected outturn 2011/12 £'000	Projected variance 2011/12 £'000
<b>Customer Services</b>	-40	352	305	-47	-88	-48
<b>TOTAL</b>	<b>-40</b>	<b>352</b>	<b>305</b>	<b>-47</b>	<b>-88</b>	<b>-48</b>

**Financial Commentary:**

- The underspend within the customer services department is due to a number of vacancies that exist within the department and spending has been reduced to a minimum.

<b>3.1.8 Finance and Resources</b>	<b>Quarter 3 (April – December) 2011/12</b>
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**Revenue Budget summary Quarter 3 (April – December) 2011/12 – Finance and Resources**

Service Head	Revised Budget 2011/12 £'000	Profiled Budget April - Dec £'000	Actual spend April - Dec £'000	Variance to date April - Dec £'000	Projected outturn 2011/12 £'000	Projected variance 2011/12 £'000
<b>Central Overheads</b>	840	657	569	-88	740	-100
<b>Accounts &amp; Financial Mgmt</b>	19	475	475	0	25	6
<b>Human Resources &amp; Welfare</b>	-15	234	249	15	4	19
<b>Grants &amp; Donations</b>	93	84	83	-1	94	1
<b>Revenues &amp; Benefits</b>	1,168	232	295	63	1,248	80
<b>TOTAL</b>	<b>2,105</b>	<b>1,682</b>	<b>1,671</b>	<b>-11</b>	<b>2,111</b>	<b>6</b>

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### **Financial Commentary:**

- There is a predicted shortfall in relation to benefit subsidy received by the Council. It is estimated that this will reduce due to recovery of benefit overpayment which is repaid to offset any reduction in subsidy due to errors made on benefit calculations.

### **3.1.9 Legal, Equalities and Democratic Services**

**Quarter 3 (April – Dec) 2011/12**

### **Revenue Budget summary Quarter 3 (April – December) 2011/12 – Legal, Equalities and Democratic Services**

Service Head	Revised Budget 2011/12 £'000	Profiled Budget April - Dec £'000	Actual spend April - Dec £'000	Variance to date April - Dec £'000	Projected outturn 2011/12 £'000	Projected variance 2011/12 £'000
<b>Democratic Services &amp; Member Support</b>	1,185	344	331	-13	1,169	-16
<b>Elections &amp; Electoral Services</b>	263	196	137	-59	197	-66
<b>Legal Advice &amp; Services &amp; CMT</b>	-8	260	250	-10	-19	-11
<b>TOTAL</b>	<b>1,440</b>	<b>800</b>	<b>718</b>	<b>-82</b>	<b>1,347</b>	<b>-93</b>

### **Financial Commentary:**

- There will be an under-spend on Elections and Electoral services due to the National Referendum taking place on the same day as the District Elections.
- There are some small salary under-spends also within other areas of the department.

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**Capital Budget summary Quarter 3 (April – December) 2011/12 Legal,  
Equalities and Democratic Services**

Service	Revised Budget 2011/12 £'000	Budget April – Dec £'000	Actual spend April – Dec £'000	Variance To date April – Dec £'000	Projected outturn 2011/12 £'000	Projected variance 2011/12 £'000
<b>Elections &amp; Electoral Services</b>	0	0	26	26	26	26
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>26</b>	<b>26</b>	<b>26</b>	<b>26</b>

**Financial Commentary:**

- This scheme relates to a new electoral system, Xpress, the scheme will be funded from Revenue Reserves.

**3.1.10 Policy, Performance and Partnerships Quarter 3 (April – December) 2011/12**

**Revenue Budget summary Quarter 3 (April – December) 2011/12 – Policy,  
Performance and Partnerships**

Service Head	Revised Budget 2011/12 £'000	Profiled Budget April - Dec £'000	Actual spend April - Dec £'000	Variance to date April - Dec £'000	Projected outturn 2011/12 £'000	Projected variance 2011/12 £'000
<b>Printing</b>	-2	69	44	-25	-31	-29
<b>Corporate Admin / Central Post</b>	-9	138	134	-4	-10	-2
<b>Policy &amp; Performance &amp; SMT</b>	-13	262	247	-15	-37	-24
<b>TOTAL</b>	<b>-24</b>	<b>469</b>	<b>425</b>	<b>-44</b>	<b>-79</b>	<b>-55</b>

**Financial Commentary:**

- There is an under-spend at the end of quarter 3 which is projected to the end of the financial year, this is due to the shared service provision of Policy and Performance and a vacancy within the department.

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<b>3.1.11 Business Transformation</b>	<b>Quarter 3 (April – December) 2011/12</b>
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**Revenue Budget summary Quarter 2 (April – December) 2011/12 – Business Transformation**

Service Head	Revised Budget 2011/12 £'000	Profiled Budget April - Dec £'000	Actual Spend April - Dec £'000	Variance to date April - Dec £'000	Projected outturn 2011/12 £'000	Projected variance 2011/12 £'000
<b>IT Services</b>	-23	823	706	-117	-178	-155
<b>Business Transformation</b>	59	102	102	0	59	0
<b>TOTAL</b>	<b>36</b>	<b>925</b>	<b>808</b>	<b>-117</b>	<b>-119</b>	<b>-155</b>

**Financial Commentary**

- The under spend within the IT Services department is due to the renegotiation of IT contracts.

**Capital Budget summary Quarter 3 (April – December) 2011/12 Business Transformation**

Service	Revised Budget 2011/12 £'000	Budget April – Dec £'000	Actual spend April – Dec £'000	Variance To date April – Dec £'000	Projected outturn 2011/12 £'000	Projected variance 2011/12 £'000
<b>Internet/ Intranet Development</b>	3	0	0	0	0	-3
<b>Government Connect Scheme</b>	1	0	0	0	0	-1
<b>Member ICT Facilities</b>	14	11	3	-8	14	0
<b>Voice over IP</b>	90	90	90	0	90	0
<b>Increased Bandwidth for Internet Link</b>	10	0	0	0	0	-10



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<b>Backup Device</b>	10	10	10	0	10	0
<b>Electronic Storage Device</b>	45	45	0	-45	45	0
<b>TOTAL</b>	<b>173</b>	<b>156</b>	<b>103</b>	<b>-53</b>	<b>159</b>	<b>-14</b>

**Financial Commentary:**

- The budget for Increased Bandwidth for Internet Link and Government Connect Scheme can be released as these have been completed as part of other projects and will therefore no longer be required.
- A review of the requirements for the Members facilities is currently being made and tenders are currently being reviewed for the implementation of the electronic storage device.

**3.1.12 Corporate Resources**

**Quarter 3 (April – December) 2011/12**

**Revenue Budget summary Quarter 3 (April – December) 2011/12 – Corporate Resources**

Service Head	Revised Budget 2011/12 £'000	Profiled Budget April - Dec £'000	Actual Spend April - Dec £'000	Variance to date April - Dec £'000	Projected outturn 2011/12 £'000	Projected variance 2011/12 £'000
<b>Corporate Resources</b>	688	69	319	250	1,023	335
<b>TOTAL</b>	<b>688</b>	<b>69</b>	<b>319</b>	<b>250</b>	<b>1,023</b>	<b>335</b>

**Financial Commentary**

- The budget for Corporate services includes the council wide vacancy management provision and the corporate savings target. Both these elements are offset by actual savings reflected in other departments. The current under spend on the staffing budget is £491k which more than funds the existing overspend noted.

**3.2 Sundry Debtors**

Sundry Debt is raised by the Council to ensure effective recovery of debts owing. The outstanding balance at 31/12/11 was £514k (balance to 30/09/11 was £797k) which includes:-

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<b>Type of Debt</b>	<b>Amount £'000</b>
Car Parking Fines	30
Lifeline debts	28
Rents/Hire Charges	11
Trade Waste and Cesspool emptying	26
Developer Contributions – s106 monies	1
Housing Schemes	30
Licensing	21
Sponsorship	9
Shared Services	16
Garden Waste	316
Salary Overpayments	4
Elections	14
Trunk	15

There has been a significant increase in the balance outstanding for Garden Waste Collections because the bills for service provision were sent out during December 2011.

The age of the debt is represented as follows:

<b>Age of Debt</b>	<b>Balance as at 30/09/11 £'000</b>	<b>Balance as at 31/12/11 £'000</b>
<i>Under 30 days (not yet due)</i>	654	425
Up to 1 month	27	8
1 – 2 months	2	0
3 – 6 months	77	30
Over 6 months	37	51

Debts recovery is originally carried out by the Exchequer Section with 2 reminders being sent to debtors. Debts over 90 days are currently under review and recovered by the legal team.

**3.3 TREASURY MANAGEMENT**

The Council's Treasury Management Strategy has been developed in accordance with the Prudential Code for Capital Finance prudential indicators and is used to manage risks arising from financial instruments. Additionally treasury management practices are followed on a day to day basis.

**3.3.1 Credit Risk**

Credit risk arises from deposits with banks and financial institutions, as well as credit exposures to the Council's customers. Credit risk is minimised by use of a specified list of investment counterparty criteria and by limiting the amount invested with each institution. The Council receives credit rating details from its Treasury Management advisers on a daily basis and any counterparty falling below the criteria is removed from the list.

The Council has not had and does not expect any default losses by any of its counterparties in relation to investments.

Due to market conditions the Council has reduced its credit risk for all new investments by only investing in the highest rated instruments and has shortened the allowable length of investments in order to reduce risk.

The credit criteria in respect of financial assets managed in-house by the Council are as follows:

<b>Financial Asset Category</b>	<b>Criteria (Fitch ratings)</b>	<b>Maximum Investment</b>
Deposits with banks	Short Term: F1+/F1 Support: 1,2,3 Long Term: minimum 'AA-/A	£3million/£2million
Deposits with building societies	Short Term: F1+/F1 Support: 1,2,3 Long Term: minimum 'AA-/A	£3million/£2million
Deposits with Debt Management Account – Deposit Facility (DMADF)		£no upper limit *

Fitch Ratings is an international credit rating agency (one of three nationally recognised rating agencies alongside Moody's and Standard & Poor's). Fitch Rating's long-term credit ratings are set up along a scale from 'AAA' to 'D' where 'AAA' designates the best quality companies, reliable and stable through to 'D' where the company has defaulted on obligations and Fitch believes that it will generally default on all or most of

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its obligations. Fitch's short term ratings indicate the potential level of default within a 12 month period. F1+ is the best quality grade, indicating exceptionally strong capacity of obligor to meet its financial commitment

At 31 December short term investments comprised:

	31 March 2011 £000	31 December 2011 £000
Deposits with DMADF*	0	10,500
Deposits with Banks/Building Societies	12,575	8,750
<b>Total</b>	<b>12,575</b>	<b>19,250</b>

Deposits are at a point in time and overall balances are expected to decrease in the final quarter of the financial year due to e.g. the timing of precept payments.

Following the conclusion of the Moody's review of UK financial institutions in early October our treasury advisors issued advice in relation to withdrawal of funds from institutions no longer meeting our minimum criteria. We were advised to withdraw funds from call/instant access accounts held with affected institutions and to give notice where applicable. However it was not advised to break the terms of deposits held to a fixed date. As a consequence the majority of the Council's investments are currently placed with the DMADF.

- \*Investments with the DMADF are guaranteed by HM Treasury. Following advice from the Council's treasury advisors, from a credit perspective no upper limit was imposed on investments with the DMADF.

#### **3.3.2 Income from investments and other interest**

An investment income target of £68k has been set for 2011/12 using a projected return rate of 0.75% – 1.50 %. During the past financial year bank base rates have remained 0.5% and current indications are projecting minimal upward movement for the short term.

In the 9 months to 31 December the Council received income from investments of £71k together with other interest of £12k.

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### **3.4 REVENUE BALANCES**

#### **3.4.1 Revenue Balances**

The revenue balances brought forward at 1 April 2011 were £1.918m. Excluding the impact of any projected over or under spends it is anticipated that £389k will be transferred from balances during 2011/12 to fund revenue expenditure; giving a current projected balance at 31 March 2012 of £1.529m. However if the underspend as included in this report is realised the balances position will increase to £2.149m.

### **3.5 CAPITAL RECEIPTS**

- 3.5.1 The Original Capital Programme was approved by Members in January 2011, this has now been updated for the capital bids in the Medium Term Financial Plan, the effect of the level of Capital Spend to 2013/14 on capital receipts is estimated below:

<b>Capital Programme</b>	<b>2011/12 £'000</b>	<b>2012/13 £'000</b>	<b>2013/14 £'000</b>
Balance b/fwd	3,650	1,625	30
Actual funding to date (April – Sept)	-634		
Estimated use for the remainder of the year	-2,166	-2,145	-4,957
Received in year			
- General Sales	100	550	100
- Sale of freehold at Sherwood Road	675		
Balance c/fwd	1,625	30	-4,827

- 3.5.2 The figures in the above table include general capital receipts for the funding of projects throughout the District. In addition, an estimate of capital receipts has been made of £100k per annum in relation to any sales of assets. The impact of the sale of the Council House has not been reflected in the above figures due to the unknown timing and amount from any possible sale.
- 3.5.3 Finance officers are working with the Town Centre project team to ensure all potential capital receipts are included in future reports.

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### **Legal Implications**

3.6 None

### **Service / Operational Issues**

3.7 All included in financial implications

### **Customer / Equalities and Diversity Implications**

3.8 None as a direct result of this report

## **4. RISK MANAGEMENT**

4.1 Failure to manage the budgets effectively can lead to an overspend that has to be funded or services not being provided to the customer. Departmental registers include controls in place to support effective financial management.

## **5. APPENDICES**

Appendix 1	Current Position (April – Dec) on Earmarked Reserves
Appendix 2	Virements for approval by Cabinet
Appendix 3	Capital Programme carry forwards into 2012/13

## **AUTHORS OF REPORT**

Teresa Kristunas, Head of Finance and Resources  
Debbie Randall, Accountancy Services Manager

**Bromsgrove District Council**  
**Earmarked Reserves Final Accounts Schedule**  
**2011/12**

Appendix 1

<b>Description</b>	<b>Balance c/fwd 31 March 2011 £000</b>	<b>Balance at 30 Sept 2011 (Q2) £000</b>	<b>Transfers In (New &amp; Existing Reserves) £000</b>	<b>Budgeted release (budget saving 11/12) &amp; budgeted R&amp;R £000</b>	<b>Drawdown from Reserves £000</b>	<b>Q3 movement</b>	<b>Balance at 31 Dec 2011 (Q3) £000</b>	<b>Planned movement Jan 12 - Mar 12</b>	<b>Projected balance 31 March 2012</b>	<b>Additional Information</b>
Building Control Partnership Reserve	-27	-27	0	22	3	25	-2	0	-2	Part of 11/12 budget savings For draw down over 5 years - Barnsley Hall football pitches
Liveability Reserve	-16	-16	0	0	0	0	-16	3	-13	
LPSA Reserve	-2	-2	0	0	0	0	-2	0	-2	
Litigation Reserve	-50	-50	0	0	0	0	-50	0	-50	Potential liability arising from ongoing legal cases
Sports Partnerships Reserve	-19	-19	0	0	0	0	-19	9	-10	Funding post
Area Committees	-21	-21	0	21	0	21	0	0	0	
Local Plans Inquiry	-212	-212	0	170	0	170	-42	0	-42	£170k part of 11/12 budget savings
Housing - Nightstop	-6	-6	0	6	0	6	0	0	0	Part of 11/12 budget savings
Housing needs assessments and surveys	-2	-2	0	0	0	0	-2	0	-2	
Town Centre Development	-43	-38	0	0	0	0	-38	0	-38	Support for projects
Single Status/JE	-3	-3	0	0	0	0	-3	0	-3	
Shared Services Agenda incl Joint CE	-601	-591	0	0	0	0	-591	187	-404	To fund costs relating to extension of shared services
Business Start up grants	-6	-6	0	0	0	0	-6	0	-6	
Youth Provision Reserve	-10	-10	0	10	0	10	0	0	0	
Activity Referral Scheme	-4	-4	0	0	0	0	-4	0	-4	
Town centre Market Stalls	-4	-4	0	0	0	0	-4	0	-4	This will now help fund new market stalls following the Town Centre Public Realm work
Local Strategic Partnership	-2	-2	0	0	0	-1	-3	0	-3	
Recycling Extension	-74	-74	0	0	0	0	-74	74	0	
Equalities	-6	-5	0	5	0	5	0	0	0	Part of 11/12 budget savings / 1.5k added from 10/11 for use in 11/12
Repairs & Renewals Fund	0	0	0	0	0	0	0	0	0	
Housing - Education Initiative	-3	-3	0	0	0	0	-3	1	-2	
Sports - H & W SP - Sports Unlimited Grant	-12	-12	0	0	0	0	-12	12	0	
VRA Subscriptions	-20	-11	0	0	9	9	-2	0	-2	
ICT refresh	-100	-100	0	-100	0	-100	-200	100	-100	11/12 projected spend £100k to fund voice over IP capital project
Housing - Mortgage Rescue	-23	-23	0	0	0	0	-23	0	-23	

Description	Balance c/fwd 31 March 2011 £000	Balance at 30 Sept 2011 (Q2) £000	Transfers In (New & Existing Reserves) £000	Budgeted release (budget saving 11/12) & budgeted R&R £000	Drawdown from Reserves £000	Q3 movement	Balance at 31 Dec 2011 (Q3) £000	Planned movement Jan 12 - Mar 12	Projected balance 31 March 2012	Additional Information
Housing - Homelessness	-14	-14	0	0	0	0	-14	0	-14	
DWP - Rules - Temp Accommodation	-2	-2	0	0	0	0	-2	0	-2	
DWP - In & Out work	-3	-3	0	0	0	0	-3	3	0	Equipment ordered within 10/11 but not delivered by 31st March
Computer Equipment	-30	-30	0	0	0	0	-30	30	0	£500 spend to save/ £1,450 Step Up/ £6,000 CBL / £10,000 Young peoples/1,038 SHMA/3,721 home energy/4,740 24hr foyer/7k mgmt fee increase to fund potential restitutionary claims & loss of fees foregone 10/11
Housing - General	-27	-27	-7	0	0	-7	-34	0	-34	Flood and watercourse mgmt
Land Charges	-100	-100	0	0	0	0	-100	0	-100	
Emergency Planning - Flood & W/Course mgmt	-10	-6	0	0	0	0	-6	0	-6	
Sanders Park - Roof	-3	-3	0	-3	0	-3	-6	0	-6	
Play Areas - Catshill / Pitches	-4	-4	0	-4	0	-4	-8	0	-8	
Christmas Lights	-2	-2	0	-2	0	-2	-4	0	-4	
Drinks Machines	-3	-1	0	0	0	0	-1	0	-1	Replacement of machines
Fire Risk Management System	-4	-4	0	0	0	0	-4	0	-4	Review of fire risk management system to be done within the HR shared service
Ballot box and Booths	-10	-10	0	0	0	0	-10	10	0	
Democratic Services (RBC)	-11	-11	0	0	0	0	-11	11	0	
Reg Services - Partner % Underspend	-69	0	0	0	0	0	0	0	0	
Sports Dev - Community Projects	-2	-2	0	0	0	0	-2	0	-2	
Sports Dev - Falls Prevention	-1	-1	0	0	0	0	-1	0	-1	
Health and Wellbeing (CM20)	-24	-15	0	0	0	0	-15	0	-15	Repairs and maintenance work/Delaware.
CCTV	-15	-15	0	0	0	0	-15	15	0	
ATLAS	-27	-2	0	0	0	0	-2	0	-2	
LHA Changes	-3	0	-2	0	0	-2	-1	0	-1	
Incap Ben & IS Reassess	-3	-1	-3	0	0	-3	-4	0	-4	
Replacement Vehicles/Plant	-76	-76	0	-112	0	-112	-188	0	-188	
Lickey End	-6	0	0	0	0	0	0	0	0	
TRUNK/AOHN	-70	-80	0	0	0	0	-80	0	-80	TRUNK Funding
Absent Voters			-7	0	0	-7	-7	0	-7	To fund pressure in 12/13
	-1,781	-1,646	-18	13	12	5	-1,640	455	-1,186	



Is the virement for 2011/12 Only or for future years?	Virement From:			Virement To:			Reason for virement
	Account	Cost Centre	Amount £	Account	Cost Centre	Amount £	
2011/12	N03 – Earmarked Reserves	GF03	-30,000	D56 – Computer Hardware	IT12	30,000	Release of Reserve – Equipment Purchase

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2011/12 Capital Schemes  
to be carried forward into  
12/13

Appendix 3

Scheme Title	Carry Forward Request Amount (£)	Reason
Barnsley Hall - Requisition of Land & Provision of New Play Area	7,000	Project delayed due to final access arrangement being agreed
New Park at Barnsley Hall (Funded from Government & BDC) Football Pitches	208,546	Contract has been awarded, project delayed due to access issues. Due to commence March/April 2012 subject to planning agreed as part of planning process.
Pitch Enhancements - previously at Alvechurch Lions	69,350	Previously identified location no longer suitable, new location identified at Bromsgrove rugby club, project cost £50k, remainder to be spent on pitch enhancements within the district.
Braces Lane	60,000	Work to commence March/April 2012 - scheme linked to Barnsley Hall project, £30k expected to be spent in this year and the remainder in 2012/13
Play Area Removals & Upgrades	12,000	10K earmarked for use to support the Stoke Heath enhancement scheme delayed due to re-issuing of play frame contract
Repair & Maintenance of Bridges	15,000	Following discussions with county the bridge at Watt Close is being redesigned for pedestrian only. Due to these negotiations work is unlikely to be completed in this financial year, the delay is due to EA permissions being granted.
Repair & Maintenance of Bridges	14,752	Awaiting confirmation to vire this amount to help finance Battlefield brook project, but unlikely to be spent in this year - new project code to be allocated
Sanders Park - Enhancements of play areas	60,000	Awaiting Play Framework Contract to commence
Replacement Vehicles (Refuse)	43,000	Four of the five potential vehicles have been purchased the balance is required to enable the purchase of the fifth vehicle.
North Cemetery Phase 2 Expansion	69,000	Due to scheduling this expenditure will not be incurred until 2012/13
Mandatory Disabled Facilities Grants (DFG's) (Private & BDHT Grants) - Budget Only	100,000	All expenditure committed, but work unlikely to be completed before the 31st March. Annual recurring issue due to timing and availability of contractors to undertake works.
	658,648	

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**7th March 2012**

## **CCTV MONITORING – MOTION TO COUNCIL**

Relevant Portfolio Holder	Councillor Margaret Sherrey
Portfolio Holder Consulted	yes
Relevant Head of Service	Head of Community Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Key Decision N/A	

## 1. SUMMARY OF PROPOSALS

- 1.1 At the meeting of Full Council on 18th January 2012 the following motion was put forward by Councillor McDonald:  
  
“That this Council no longer monitors CCTV coverage outside of Bromsgrove and Redditch and gives due notice of this to those it may concern.”
- 1.2 The outcome of the debate at Full Council was that Members voted in favour of referring the issue to Cabinet for consideration as part of the budget process so that relevant facts and figures could be reported and taken into account.
- 1.3 The purpose of this report is to inform Members of the facts relating to the current arrangements whereby the Council operates CCTV cameras on behalf of Wyre Forest District Council (WFDC) under a Service Level Agreement, and to highlight the implications that would be associated with terminating that arrangement.

## 2. RECOMMENDATIONS

- 2.1 That the Cabinet consider the motion to council and determine whether to continue to provide CCTV services outside of Bromsgrove and Redditch, subject to suitable agreements being in place:
- 2.2 That Cabinet determines whether to re-negotiate the CCTV services SLA with Wyre Forest District Council.

### 3. KEY ISSUES

## Financial Implications

- 3.1 In 2004 Bromsgrove District Council agreed to start providing CCTV services for Wyre Forest District Council. That arrangement is currently subject to a Service Level Agreement between the Council and Wyre Forest District Council under which Bromsgrove is funded and has responsibility for monitoring the Wyre Forest CCTV cameras.

The purpose of the 3 year Service Level Agreement is to provide control, monitoring, and recording of CCTV.

- 3.2 If the Council was to withdraw from the current arrangement this would result in a loss of income starting from April 2012. As the contract was initially set up by Bromsgrove Council, this income is and will continue to be paid solely in to this Council's budget, without any apportionment to Redditch.
- 3.3 The income from the contract brings about economies of scale and subsidises the fixed cost for the service, including salaries. If the contract is terminated and income is withdrawn the fixed costs would still have to be found by Bromsgrove District Council.
- 3.4 Financial Services have been consulted on this report.

**4. Legal Implications**

- 4.1 The current arrangements for Bromsgrove District Council to monitor the CCTV cameras of Wyre Forrest District Council date back to October 2004 when Cabinet gave approval for the service to be provided following a request made by Wyre Forest. The background at the time was that Wyre Forest had been recommended to enter into a sharing arrangement by Government Office West Midlands in line with the Government's Shared Policy facility.
- 4.2 The original proposal was to monitor 7 cameras for Wyre Forest. The scheme was renegotiated and expanded by a further 10 cameras in 2007. The current SLA for 17 cameras runs for three years from April 2009 and will expire in April 2012. Officer's are currently in contact with colleagues at WFDC to actively re-negotiate the contract with WFDC, with a view to the service continuing to be provided on the same terms as at present.
- 4.3 There is no provision in the current SLA for early termination of the agreement by BDC and therefore the Council would be in breach of contract if it ended the arrangement before the expiry of the SLA in April 2012. To terminate early would lead to a claim for damages/ compensation. The current SLA is drafted on the basis that the term of agreement cannot be extended. Therefore the legal team would be looking to enter into a new SLA with Wyre Forest on the same terms as the current agreement starting in April 2012.
- 4.4 The Senior Solicitor has been consulted with regard to the legal implications.

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## 5. Service/Operational Implications

- 5.1 The contract requires the Council to monitor 17 public space CCTV cameras in Kidderminster, Bewdley and Stourport. This compares to 97 cameras in Bromsgrove and 50 in Redditch.
- 5.2 It should be noted that not all cameras are on display on the monitor wall at all times. The wall can be configured to various plans and operators have defined the optimum viewing for both day time and night time, showing up to 72 images at one time (more than that means the images become too small for effective monitoring). The monitors run through a sequence of cameras which changes every 2 minutes. However all cameras are recorded at all times and play back is instant when a review is required. All cameras are set to look at predefined locations and automatically move when not being controlled by an operator. Operators work to a 'proactive monitoring timetable' to ensure that all locations are monitored and not just high traffic areas.
- 5.3 Staffing of the monitoring centre is profiled to meet the peaks and troughs of the work demand. Officers regularly monitor call response times to ensure the staffing levels are appropriate and can easily map out the activity of a shift to establish that sufficient staff are in place. All operators are trained and competent in all aspects of the operation, and no individual is assigned to WFDC only. The cessation of the WFDC contract would not result in a change in the staffing levels required for CCTV, Lifeline and Out of Hours services.
- 5.4 As set out above, from an operational point of view the provision of the service to Wyre Forest is managed as part of the overall CCTV service. There are no reasons operationally, legally or financially why officers would consider changing the arrangements. As referred to at para 4.2 discussions are taking place with Wyre Forest with a view to the current arrangements continuing under an updated Service Level Agreement.

## 6 Customer / Equalities and Diversity Implications

CCTV reduces the fear of crime for those living in, working in, and visiting the areas covered. It helps deter crime, detect crime and prevent crime. CCTV is used to assist in the apprehension of offenders, to produce evidence for prosecution, maintain public order and enhance community safety.

## 7. RISK MANAGEMENT

- 7.1 The risk to BDC is financial loss of income from April 2012.
- 7.2 Members should also consider the risk to partnership relations with WFDC in the future. WFDC would have a large capital out lay to

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redirect their camera fibres to another organisation. As a minimum it would be advisable for withdrawal of services to be carried out as a planned and staged process to allow WFDC sufficient time to make alternative arrangements.

## 8. APPENDICES

Appendix – None.

## 9. BACKGROUND PAPERS

- a) Executive Cabinet Report 13 October 2004.
- c) Minutes of Executive Cabinet 13 October 2004.

## 10. AUTHOR OF REPORT

Name: Judith Willis  
E Mail: Judith.willis@bromsgroveandredditchbc.gov.uk  
Tel: (01527) 534149