



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE CABINET

WEDNESDAY 2ND SEPTEMBER 2015 AT 6.00 P.M.

THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors M. A. Sherrey (Leader), C. B. Taylor (Deputy Leader),
G. N. Denaro, R. L. Dent, R. J. Laight and P. J. Whittaker

AGENDA

1. To receive apologies for absence
2. Declarations of Interest

To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.
3. To confirm the accuracy of the minutes of the meeting of the Cabinet held on 1st July 2015 (Pages 1 - 8)
4. Minutes of the meeting of the Overview and Scrutiny Board held on 22nd June 2015 and 20th July 2015 (Pages 9 - 24)
 - (a) To receive and note the minutes
 - (b) To consider any recommendations contained within the minutes
5. Minutes of the meeting of the Audit, Standards and Governance Committee held on 16th July 2015 (Pages 25 - 36)
 - (a) To receive and note the minutes
 - (b) To consider any recommendations contained within the minutes
6. To receive the minutes of the meeting of the Worcestershire Shared Services Joint Committee held on 25th June 2015 (Pages 37 - 56)
 - (a) to receive and note the minutes.

(b) on this occasion the recommendations contained within the minutes at Min. No 6/15 has already been approved by Cabinet on 1st July 2015 and Council on 15th July 2015. Approval is needed for the recommendation at Min. No. 11/15

7. Charging For Street Naming and Numbering Discretionary Services (Pages 57 - 62)
8. Finance Monitoring Quarter 1 Report 2015/16 (Pages 63 - 74)
9. Leasehold Issues at Sherwood Road, Bromsgrove (Pages 75 - 80)
10. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman, by reason of special circumstances, considers to be of so urgent a nature that it cannot wait until the next meeting
11. To consider, and if considered appropriate, to pass the following resolution to exclude the public from the meeting during the consideration of item(s) of business containing exempt information:-

"RESOLVED: that under Section 100 I of the Local Government Act 1972, as amended, the public be excluded from the meeting during the consideration of the following item(s) of business on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act, as amended, the relevant paragraph of that part, in each case, being as set out below, and that it is in the public interest to do so:-

<u>Item No.</u>	<u>Paragraph(s)</u>
12	3 & 5
13	3 & 5

12. To confirm the accuracy of the confidential minutes of the meeting of the Cabinet held on 1st July 2015 (Pages 81 - 82)
13. Leasehold Issues at Sherwood Road, Bromsgrove (Pages 83 - 92)

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire B60 1AA
24th August 2015

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE CABINET

1ST JULY 2015 AT 6.00 P.M.

PRESENT: Councillors M. A. Sherrey (Leader), G. N. Denaro, R. L. Dent, R. J. Laight and P. J. Whittaker

Observers: Councillors K. J. May and M. A. Glass

Officers: Mr K. Dicks, Ms. J. Pickering, Mr D. Piper Mrs S. Sellers, Mr S. Singleton and Ms. R. Cole

10/15 **APOLOGIES**

An apology for absence was received from Councillor C. B. Taylor.

11/15 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

12/15 **MINUTES**

The minutes of the meeting of the Cabinet held on 1st July 2015 were submitted.

RESOLVED that the minutes of the meeting of the Cabinet held on 1st July 2015 be approved as a correct record.

13/15 **OVERVIEW AND SCRUTINY BOARD**

The minutes of the meeting of the Overview and Scrutiny Board held on 2nd June 2015 were submitted.

RESOLVED that the minutes of the Overview and Scrutiny Board held on 2nd June 2015 be noted.

14/15 **WORCESTERSHIRE SHARED SERVICES - FUTURE ARRANGEMENTS FOR JOINT COMMITTEE AND WORCESTERSHIRE SHARED SERVICES**

The Cabinet considered a report on the proposals for changes to the Worcestershire Regulatory Services (WRS) Partnership Agreement. The changes were necessary in view of the need for the Authorities within the partnership to be protected as far as possible from financial pressures and for

services re-aligned to better meet the requirements of the partner authorities. This was in particular related to changes in respect of Worcestershire County Council, which would no longer be a partner but would receive services related to its Trading Standards services under a contractual arrangement.

The report also referred to associated changes required to the governance arrangements which were currently based on a WRS Joint Committee made up of Members of the participating Authorities and a WRS Management Board made up of the Head of Service, senior managers from WRS and officer representatives of partner authorities.

It was noted that the proposed changes had been considered at the meeting of the Joint Committee on 25th June 2015. The Joint Committee had received an updated report and at its meeting decided to make changes to Appendix 2 and updated recommendations were circulated at the Cabinet meeting. The recommendations from the Joint Committee were considered.

Following discussion it was

RESOLVED:

- (a) that the contents of the report be noted; and
- (b) that the Cabinet delegates those Executive functions in relation to the administration and operational activities of WRS to the new Joint Committee in place from 1st April 2016 in accordance with Section 101 of the Local Government Act 1972 and Section 20 of the Local Authorities (Arrangements for the Discharge of Functions) (England) (Regulations) 2000 as amended.

RECOMMENDED:

- (a) that the current Worcestershire Shared Services Partnership be dissolved by mutual agreement on 31st March 2016;
- (b) that a new Worcestershire Shared Services partnership comprising the six District Councils be created on 1st April 2016 in accordance with the terms set out in appendix 2 to the report (as amended); and that the composition of partner authority Member representatives on the Joint Committee be reviewed after a period of one year;
- (c) that the new Worcestershire Shared Services partnership enters into a service level agreement with Worcestershire County Council for the provision of Trading Standards services in accordance with terms to be agreed by the Acting Head of Worcestershire Regulatory Services;
- (d) that all existing contracts and service level agreements between the existing Worcestershire Shared Services partnership and other Local Authorities be novated to the new Worcestershire Shared Services Partnership;
- (e) that the new management structure for Worcestershire Regulatory Services set out in appendix 4 be approved for consultation with staff and recognised trade unions;
- (f) that authority be delegated to the Acting head of Worcestershire Regulatory Services, having consulted with the Chair of the Joint Committee to finalise the future management structure and undertake

- recruitment in accordance with the terms set out in the Worcestershire Shared Services Partnership Agreement;
- (g) that an Appointment sub Committee be established comprising 3 Members of the Joint Committee; an Executive Member from the Host Authority and the Chairman and Vice Chairman supported by officers as detailed in the legal obligations contained within the report;
 - (h) that the Councils functions in relation to Environmental Health and Licensing (other than those Licensing functions which cannot be delegated) be delegated to the new Joint Committee in place from 1st April 2016 in accordance with Section 101 of the Local Government Act 1972 and Section 20 of the Local Authorities (Arrangements for the Discharge of Functions) (England) (regulations) 2000 as amended.

15/15 **COUNCIL TAX SUPPORT SCHEME REVIEW**

Members considered a report on the local Council Tax Support Scheme which the Authority was required to review annually.

It was noted that changes to the scheme had been introduced from April 2015 which had resulted in support being capped at 80% of Council Tax liability for all working age claimants. It was reported that as at 31st May 2015 the proportion of Council Tax collected was 0.03% higher than at the same time last year. Whilst there had been an increase in the number of reminders sent out during the first two months of operating the scheme, evidence suggested that the majority of residents who were now liable to pay some Council Tax had arrangements in place to pay.

Members were reminded that a Hardship Policy had been introduced to protect the most vulnerable and to provide transitional support. It was reported that so far officers had worked with 101 people through the Hardship Scheme and as at 31st May £3,449 of the funding had been allocated. In many cases help had been offered through identifying other financial support which could be provided and debt/money management support. This was fully detailed within the report.

RESOLVED:

- (a) that no changes be made to the Council tax Support Scheme for 2016/2017; and
- (b) that the contents of the report in relation to the take up of the Hardship Fund and other measures data be noted.

16/15 **RISK BASED VERIFICATION FOR HOUSING BENEFIT AND COUNCIL TAX SUPPORT**

Cabinet considered a report which proposed the introduction of a new Risk Based Verification Policy in respect of Housing Benefit and Council Tax Support Claims. The draft Policy as attached to the report was also considered.

It was noted that in 2011 the Department for Work had adopted a risk-based verification approach which had been set out in a Housing Benefit and Council tax Circular HB/CTBS11/2011. Since then a large proportion of Local Authorities had used this approach with great success. The percentage of fraud and error identified had increased and processing times had improved. Other public sector organisations such as Job Centre Plus and the pensions service also used this approach.

It was reported that the Council's internal and external auditors had been notified of the possible move to Risk Based Verification . Implementation of the policy would mean that resources could be focussed appropriately on the claims in the high risk category and reduce processing time for those in the low risk category. It was intended that resources would be freed up to deal with more complex customer needs.

Following discussion it was

RECOMMENDED that the Risk Based Verification Policy in respect of Housing Benefit and Local Council Tax Support as set out in appendix 1 to the report be approved.

17/15

ECONOMIC STRATEGY - PRIORITIES AND ACTIONS

Members considered a report on a new set of economic priorities and aspirations for Bromsgrove which contained the ambitions of the Authority and its key partners. It was noted that the economic priorities had been developed in close consultation with the Bromsgrove Economic Development Theme Group which was part of the Bromsgrove Partnership and included a number of business representatives and partner organisations.

The Action Plan which had been developed to support the delivery of the new economic priorities was also noted. Whilst it was proposed that a formal report setting out progress against delivery of the Action Plan be brought back to Cabinet on an annual basis, other means would be utilised to report on progress such as briefings when appropriate and the Portfolio Holder's report to Council.

It was recognised that the approval of the new economic priorities for the District together with the Action Plan was vital to reinforcing the Council's commitment to supporting the local economy and the regeneration programme. The economic priorities would drive the delivery of the Council's strategic purpose "help me run a successful business".

RESOLVED:

- (a) that the economic priorities for Bromsgrove District and the associated deliverables set out in appendix 1 to the report be approved;
- (b) that the management and monitoring of the Action Plan be delegated to the Head of Economic Development and Regeneration; and
- (c) that a report setting out progress against delivery of the priorities and Action Plan be submitted to Cabinet on an annual basis;

18/15

FUTURE MANAGEMENT OF BROMSGROVE MARKET

Cabinet considered a report in relation to the future operation and management of Bromsgrove Market. Members were reminded that at the Cabinet meeting on 1st April 2015 authority was given to North Worcestershire Economic Development and Regeneration (NWEDR) to invite informal expressions of interest from market operators for the future management of Bromsgrove Outdoor Market. This was to inform any future consideration as to whether to procure an external market operator.

It was reported that informal expressions of interest had been sought from existing market operators in a "soft market testing" exercise and comments had been sought on the draft specification. The comments were included within the report, in particular in relation to the current "single trade policy" which was felt to potentially restrict the future success of the market.

The existing Market Stallholders had been contacted twice during the process and a number of Traders had attended a briefing meeting in June.

It was noted that a further report would be submitted to Cabinet in early 2016.

Following discussion it was

RESOLVED:

- (a) that authority be given to undertake the procurement process in order to select an external provider in respect of the management of Bromsgrove Outdoor Market for an initial term of 5 years with an option to renew for a further term of between 2 and 5 years;
- (b) that the current "single trade policy" for Bromsgrove Outdoor Market be rescinded;
- (c) that the delegation in relation to the direct management of the market contained in the Collaboration Agreement relating to the provision of Economic Development and Regeneration Services, be amended to reflect the decision in (a) above;
- (d) that the conduct of the procurement and contracting process to select and appoint a contractor to manage Bromsgrove Outdoor market be delegated to Wyre Forest District Council in consultation with the Chief Executive and Portfolio Holder for Economic Development, Regeneration and the Town Centre; and
- (e) that delegated authority be granted to the Head of Legal, Equalities and Democratic Services to amend the Collaboration Agreement referred to in (c) above.

19/15

FINANCIAL OUTTURN 2014/2015

Members considered a report on the Council's financial position on Revenue and Capital for the Financial Year 2014/15.

It was noted that at the end of the financial year there was a saving against budget of £403k. It was reported that this included interest of £283k due to the inclusion in the budget of costs associated with borrowing to support the Capital Programme during 2014/15. There had been slippage on some Capital schemes and therefore borrowing had not been required.

There was consideration of the position within each service area. It was noted that in Environmental Services the overspend within Refuse and Recycling related mainly to the deferral in income anticipated in relation to the sale of the Trade Waste List. Officers were considering alternative options available to support this service and therefore any sale had been delayed.

Members also considered the position on Financial Reserves Statement in detail. It was noted that the reserve of £581k within Financial Services included the Small Businesses Rate Relief Grant that would offset the costs 2014/15.

The Corporate Director Finance and Resources reported that the new reserve under the description "Leisure/Community Safety" also included funds set aside to support facilities management of the Council's buildings.

RESOLVED that the outturn financial position on Revenue and Capital for 2014/15 as set out in the report be noted together with the transfer to balances of £403k.

RECOMMENDED:

- (a) that the movements of £237k in existing reserves as included in appendix 1 to the report which reflects the approval required for April-March 2015 be approved; and
- (b) that approval of the addition of new reserves of £600k as included in appendix 1 to the report which reflects the approval required for April – March 2015.

20/15

LEASEHOLD ISSUES AFFECTING SHERWOOD ROAD INDUSTRIAL UNITS

Whilst a report had also been included on the public agenda for this meeting, in view of the nature of the item and to enable full consideration of relevant "exempt" information to take place, the issue was discussed fully following the exclusion of the public from the meeting.

21/15

LOCAL GOVERNMENT ACT 1972

That under Section 100 I of the Local Government Act 1972, as amended, the public be excluded from the meeting during the consideration of the items of business the subject of the following minutes on the grounds that they involve the disclosure of "Exempt Information" as defined in Part 1 of Schedule 12A to the Act, the relevant parts being as set out below and that it is in the public interest to do so.

Agenda Item 3

Cabinet
1st July 2015

<u>Minute No</u>	<u>Paragraphs</u>
22/15	3
23/15	3 and 5

22/15 **CONFIDENTIAL MINUTES - 3RD JUNE 2015**

The confidential section of the Minutes of the Cabinet held on 3rd June 2015 were submitted.

RESOLVED that the confidential section of the Minutes of the Cabinet held on 3rd June 2015 be approved as a correct record.

23/15 **LEASEHOLD ISSUES AFFECTING SHERWOOD ROAD INDUSTRIAL UNITS**

Members gave consideration to the report on this issue.

Following discussion it was

RESOLVED:

- (a) that the contents of the report be noted; and
- (b) that officers submit a further report to Cabinet in the Autumn to advise Members of the progress in relation to the legal steps.

The meeting closed at 6.50 p.m.

Chairman

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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE OVERVIEW AND SCRUTINY BOARD

22ND JUNE 2015 AT 6.00 P.M.

PRESENT: Councillors L. C. R. Mallett (Chairman), K.J. May (Vice-Chairman), C. Allen-Jones, S. J. Baxter, C. J. Bloore, B. T. Cooper, M. Glass, R. D. Smith, P.L. Thomas, L. J. Turner and S. A. Webb

Observers: Councillor R. L. Dent

Invitees: Councillor G. N. Denaro

Officers: Mrs. S. Hanley, Ms. A. De Warr, Ms. A. Scarce and Ms. J. Bayley

10/15 APOLOGIES

Apologies for absence were received on behalf of Councillors S. R. Colella and J. M. L. A. Griffiths with Councillors L. Turner and S. Webb attending as their respective substitutes.

Members noted that during the Overview and Scrutiny training on 15th June 2015 the need to be apolitical had been discussed as a means to achieve effective overview and scrutiny. The Chairman and Vice Chairman had therefore agreed to trial a new, alphabetical seating order at future meetings of the Board and to use white name plates, rather than coloured name plates.

11/15 DECLARATIONS OF INTEREST AND WHIPPING ARRANGEMENTS

There were no declarations of interest or whipping arrangements.

12/15 MINUTES - 13TH APRIL 2015

The minutes of the meeting of the Overview and Scrutiny Board held on Monday 13th April 2015 were submitted.

RESOLVED that the minutes of the Overview and Scrutiny Board held on 13th April 2015 be approved as a correct record.

13/15 MINUTES - 2ND JUNE 2015

The minutes of the meeting of the Overview and Scrutiny Board held on Tuesday 2nd June were submitted.

The Chairman commented that Councillor Dent's surname had been misspelt in the minutes and needed to be amended.

RESOLVED that subject to the amendment detailed in the preamble above the minutes of the Overview and Scrutiny Board held on 2nd June 2015 be approved as a correct record.

14/15

WRITE OFF OF DEBTS QUARTER 4 REPORT

The Head of Customer Access and Financial Support presented the Quarterly Monitoring of Write Offs report covering the period 1st January 2015 to 31st March 2015. During presentation of this report the following points were highlighted for Members' consideration:

- Debt write offs were a last resort and only occurred when the Council had no other recourse.
- Debts that had been written off could subsequently be pursued once again if there was a change in circumstances.
- The majority of debts that were written off had been owed for a number of years; it was rare to write off a debt within the space of a single year.
- The timing of write offs could not be considered indicative of trends in payments or customer behaviour but, rather, as representative of the point in the recovery process that had been reached.
- An incorrect figure had been recorded in the covering report for the total unrecoverable debt that had been written off during the period. This figure should actually have been recorded as £23,188.31.
- There had been a change to the Council's finance system at the start of the new financial year. This had impacted on the potential to obtain data for previous years for comparative purposes.
- It was difficult to assess sundry debts in a quarterly report as the figures recorded varied according to the time of year. For example garden waste charges were issued to all customers at the same time.
- Similarly the total Council Tax due was recorded as due from 1st April. This recording arrangement did not easily recognise that many customers could legitimately pay in instalments over 10 or 12 months.
- Bankruptcy remained the primary reason for writing off debts.
- Cases classified as 'uneconomical to pursue' were usually debts where it could potentially cost the Council more to pursue payment than to write off the debt.
- Only a small proportion of Council debts were written off. For example 0.5 per cent of non domestic rates arrears were written off by the Council in the period.

Following presentation of the report a number of key issues were discussed in further detail:

- The figure that had been recorded in the report for the total cumulative Council tax arrears, for the period 1999/2000 to 2014/15, appeared to be inaccurate and needed to be clarified.

- The Council had to follow a specific process for collecting Council Tax and recording Council Tax arrears in line with legislative requirements.
- The district Council collected Council Tax for other organisations such as the police and Worcestershire County Council. These organisations would be owed some of the Council tax arrears.
- The Council could use bad debts provision to manage risks and protect against any write offs.
- Debts could be secured against the value of a customer's property, though this would not be the first step taken by the Council to recover debts. However, many customers were not property owners and therefore this process could not always be applied.
- Officers confirmed that sundry debtors included both residents and companies.
- Figures were not collected in terms of how the Council's debts compared to other local authorities. However, comparative data was provided in respect of collection rates.
- Concerns were expressed about the total figure owed to the Council and the potential for greater recovery of debts to have a beneficial impact on the Council's finances.
- However, Members were advised that the Council had a good recovery rate, with approximately 97 per cent of debts collected.
- The Council used different methods to recover debts, including credit ratings and bailiffs.
- Debts classified as 'statute barred' had not been included in the report and did not apply to Council Tax or to business rates.
- It would be easier to present a clearer outline of the level of debts owed to the Council and progress made in recovering debts at the end of the financial year.
- In respect of the cumulative debts, Members suggested that changes might need to be made to make it easier to understand the data provided.
- The inclusion of Historic data in future versions of the report in order to compare year on year progress in respect of recovering debts owed to the Council.
- Information about the payment methods used by customers to resolve any debts to the Council was also discussed for inclusion in future reports, Officers advised that whilst this was possible, Members should be mindful that it was also time consuming to prepare.

RESOLVED that

- (a) The format of the report be revised for future versions of the Write off of Debts report;
- (b) Future monitoring reports be received annually; and
- (c) The report be noted.

15/15

ACTION LIST

Officers explained that the Action List provided Members with updates in relation to actions which, although not formal recommendations, had been requested at previous meetings of the Board. Officers circulated updates by

email in advance of meetings of the Board, although sometimes further information was provided during the course of meetings.

Following publication of the agenda two additional updates had been received:

a) Medium Term Financial Plan

Further information had been provided about the opportunity for Members to propose a project in need of capital funding in order to help achieve the Council's strategic purposes with the relevant Head of Service. Any such proposals needed to be considered as part of the Council's budget setting process.

Officers had also confirmed that changes with regard to Redditch CAB would not have an impact on Bromsgrove District Council in terms of financial costs.

b) Making Experiences Count – Quarters 2 and 3 Report

An update provided in respect of payments to the Council had confirmed that there were no Council services which could not now be paid for by direct debit.

The provision of further information about the identity of complainants and those providing compliments about Council services was briefly discussed. It was clarified that this would involve identifying whether the individual was a Councillor or a resident rather than revealing the identity of the person concerned.

16/15

ITEMS FOR FUTURE CONSIDERATION

The Board considered a report which detailed the outcomes of the Overview and Scrutiny training which had been delivered on 15th June 2015. During consideration of this item the following matters were discussed:

- The links between the issues identified during the training session and the demand reported by residents to Councillors.
- The potential to include topics identified during the interactive sessions on the Board's Work Programme.
- The need for the Board to be selective and to consider carefully any suggestions for scrutiny during the year.
- The possibility that the range of subjects discussed during the training did not reflect the full range of strategic issues impacting on the Council and which scrutiny could influence.
- The extent to which Members had been aware that topics discussed during the training would subsequently be discussed at a Board meeting. The Chairman advised Members that explicit reference had been made during the training to the fact that the outcomes would be reported at the subsequent meeting.

- The date when the report had been published. Officers confirmed that the pack had been published and circulated in an electronic form the week before the meeting.
- The costs involved in undertaking Task Group reviews. Members were advised that Chairmen of Task Groups received one off payments of £260 and members of Task Groups received one off payments of £160. These figures were budgeted for in advance and therefore did not require additional expenditure.
- Members were advised that generally a maximum of 4 Task Groups per year were advisable and could be delivered within budget.
- The information provided in biannual Environmental Enforcement reports and the benefits of additional information about proposed action to tackle enforcement problems in future years. Members suggested that any information about future plans should be included in a presentation on the subject of environmental enforcement together with data relating to operational measures.
- An update on the outcomes of the Place team's work, focusing on one of the key locations for a single Place team as a case study, was requested. Members agreed this could form the basis of a presentation to the Board.
- The need for scrutiny to undertake a detailed review of the Council's budget. The Chairman explained that the Board consistently contributed to the Council's budget setting process during meetings between September and February and also considered the Finance Quarterly Monitoring reports throughout the year.
- The potential for a Task Group focusing on specific elements of the budget to make a valuable contribution to the Council's long-term financial position. The Board noted that a review of this subject would need to have a clear scope and would need to be brought before the next meeting of the Board.

RESOLVED that

- (a) A presentation on the work of the environmental enforcement teams, encompassing future plans, be delivered at a forthcoming meeting of the Board;
- (b) A presentation focusing on the outcomes of the work of the Place Team in a particular location be provided at a future meeting of the Board; and
- (c) The report and items proposed during the Overview and Scrutiny training on 15th June 2015 be noted.

17/15

CABINET WORK PROGRAMME 1ST JULY TO 31ST OCTOBER 2015

The Board considered the content of the Cabinet Leader's Work Programme for the period 1st July 2015 to 31st October 2015. During consideration of the Work Programme a number of key points were raised:

July Cabinet meeting

The Chairman commented that a significant number of items were listed for consideration at the July meeting of Cabinet. Unless an additional meeting of

the Board took place it would be difficult for Overview and Scrutiny to make a constructive contribution to decisions made about these items through pre-scrutiny.

Modifications to the Bromsgrove District Local Plan

The date for Cabinet to consider any modifications to the Bromsgrove District Local Plan was briefly discussed. Officers explained that this item had been postponed on a number of occasions and that no date had been finalised for the presentation of this report to Cabinet. The plan was in the process of being considered by the Planning Inspectorate and any recommendations arising from this stage of the process would be reported to Cabinet.

New Homes Bonus

Members noted that the recommendations from the New Homes Bonus Grants Panel were scheduled for the consideration of Cabinet on 2nd September. Members were reminded that there had been public interest in the scheme which had evolved following a petition with a significant number of signatures being submitted for the Council's consideration. It had been agreed that the New Homes Bonus Scheme would be reviewed annually from inception.

The Board discussed the appropriate group that could lead a review of the New Homes Bonus. There were some concerns that a review would not be appropriate until a decision had been made following the first round of grants. As this would be taking place in the autumn there would be limited time available for the Board to review the process effectively and to report any recommendations prior to the Council's budget being finalised. It was suggested that the New Homes Bonus Working Group would be in a better position to review the outcomes of the scheme in its first year.

RECOMMENDED to the New Homes Bonus Working Group that it review the outcomes of the New Homes Bonus Community Grants Scheme and report any recommendations about the future of the scheme to Cabinet.

18/15

OVERVIEW AND SCRUTINY BOARD WORK PROGRAMME

Members considered the content of the Overview and Scrutiny Board's Work Programme. Officers explained that a number of items had been suggested for inclusion on the Work Programme by members of the Board in the previous municipal year. In respect of these items Members expressed particular interest in continuing to receive quarterly updates on the application backlog in the Planning Department.

The focus of the report on the subject of the Staff Survey was briefly discussed. The Chairman explained that the Board had reviewed the outcome of a previous Staff Survey and had identified concerns particularly in relation to bullying and the frequency of staff performance appraisals. The Board had also contributed to the 10 key issues which Members had felt

needed to be tracked and had been keen to provide input into future versions of the survey.

Councillors' laptops had also been the subject of a discussion at a Board meeting in the previous municipal year. The extent to which problems with the laptops had been resolved in recent months was briefly discussed and it was noted that some new Members had encountered practical difficulties in respect of using the equipment. However, Members concurred that until and unless concrete problems were identified it would be more appropriate to list this item for consideration at a later date if required.

Overview and Scrutiny Members had previously undertaken a number of reviews of car parking. Members suggested that the appropriate time for the Board to revisit this subject would be once the trial for free evening car parking in Bromsgrove had come to an end. There was the possibility that a mechanism had already been identified for a review of this trial and that a date had been set for this review. Officers were asked to seek clarification on this point to enable the Board to determine the most appropriate time for scrutiny to contribute to the process.

19/15

WORCESTERSHIRE COUNTY COUNCIL JOINT SCRUTINY - INCREASING PHYSICAL ACTIVITY

Members considered a proposal that had been received from Worcestershire County Council (WCC) to participate in a joint scrutiny review of increasing physical activity in Worcestershire. During consideration of the contents of this draft proposal the following points were discussed:

- Joint reviews took place from time to time where Members were tasked with reviewing cross cutting issues.
- Many physical activities were delivered by Leisure Services teams based at the district rather than the County Council level.
- There was the possibility that a joint scrutiny Task Group could propose recommendations which might impact on the Council's services.
- A review of this subject would link to 2 of the Council's strategic purposes: help me live my life independently and provide good things for me to do, see and visit.
- Participation in this review would not count as one of the 2 Task Groups that could take place at any one time in the district because the review would be hosted by WCC.

Based on this information and, in particular, acknowledgement that the Council needed to be able to influence any review that could impact on Council services, the Board agreed that the Council should participate in this exercise. Members went on to discuss a suitable candidate to represent the Council on the joint scrutiny Task Group, taking the following into account when making this appointment:

- Prior knowledge of leisure activities would be useful for the nominated Councillor.

Agenda Item 4

Overview and Scrutiny Board
22nd June 2015

- It would be helpful to appoint a Councillor who was available during the day as the majority of Committee meetings hosted by Worcestershire County Council took place during the day.
- Familiarity with WCC would be useful.
- Preferably a representative of the Board would need to be appointed so that regular verbal updates on the progress of the review could be provided.

Based on these considerations Members provisionally agreed to nominate Councillor J. M. L. A. Griffiths to serve on the review due to; her experience as the former Chair of the Youth Provision Task Group which had reviewed physical activities as part of their remit, her position as a county Councillor and her role as a member of the Board. As Councillor Griffiths was not present during the meeting the Board concurred that this nomination could only be approved subject to her agreement.

RESOLVED

- (a) That the Overview & Scrutiny Board participate in the Joint Increasing Physical Activity in Worcestershire Task Group; and
- (b) Subject to her agreement, Councillor J. M. L. A. Griffiths be nominated to represent the Council on this joint scrutiny review.

The meeting closed at 7.27 p.m.

Chairman

Agenda Item 4

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE OVERVIEW AND SCRUTINY BOARD

20TH JULY 2015 AT 6.00 P.M.

PRESENT: Councillors L. C. R. Mallett (Chairman), K.J. May (Vice-Chairman), S. J. Baxter, C. J. Bloore, S. R. Colella, B. T. Cooper, J. M. L. A. Griffiths, R. D. Smith and P.L. Thomas

Officers: Ms. J. Pickering, Ms. A. Scarce and Ms. J. Bayley

APOLOGIES FOR ABSENCE AND NAMES SUBSTITUTES

Apologies for absence were received on behalf of Councillors C. Allen-Jones and M. Glass.

Councillor K. J. May requested that in future she be notified of any apologies from Members of the Board in the Conservative Group so that substitutes could be organised accordingly.

DECLARATIONS OF INTEREST AND WHIPPING ARRANGEMENTS

In respect of Minute No. 24/15, Councillor J. M. L. A. Griffiths declared an other discloseable interest as a member of the Bromsgrove Arts Centre Trust and Councillors K. J. May and R. D. Smith declared an other discloseable interest in their capacity as members of the Bromsgrove Arts Development Trust.

There were no declarations of any whipping arrangements.

MINUTES

The Minutes of the Overview and Scrutiny Board held on Monday 22nd June 2015 were submitted.

Referring to discussions at the previous meeting of the Board the Chairman thanked Councillor J. M. L. A. Griffiths for having subsequently agreed to act as the Council's representative on the Joint Increasing Physical Activity in Worcestershire Task Group.

RESOLVED that the minutes of the Overview and Scrutiny Board held on 22nd June 2015 be approved as a correct record.

ACTION LIST

Officers explained that all but one of the actions requested at the previous meeting of the Board had been resolved. The outstanding item, requesting changes to the Quarterly Monitoring of Write Offs report, would be implemented when the Board next received the report.

QUARTERLY RECOMMENDATION TRACKER

The Board considered the Quarterly Recommendation Tracker, containing updates on the action that had been taken to implement scrutiny recommendations.

There had been a number of developments with regard to the recommendations that had been made by the Joint Worcestershire Regulatory Services (WRS) Scrutiny Task Group. The decision making body for WRS, the Worcestershire Shared Services Joint Committee, had recently considered a report on the subject of the future governance of the partnership. This report had contained a number of proposals which reflected many of the actions that had been proposed by the Task Group. The Worcestershire Shared Services Joint Committee had concluded that the existing partnership should be dissolved, to be replaced by a partnership involving the six district Councils whilst the County Council would be delivering a reduced trading standards function. The final proposals were in the process of being considered by partners. In light of these developments the Board agreed that the recommendations arising from the joint scrutiny review could be removed from the Quarterly Recommendation Tracker.

The Board noted that a significant number of updates had been received from both representatives of the Artrix and from relevant Officers in respect of the Artrix Outreach Provision Task Group. It was therefore agreed that these recommendations be removed from the tracking report.

CABINET WORK PROGRAMME 1ST AUGUST TO 30TH NOVEMBER 2015

The Board considered the content of the Cabinet Leader's Work Programme for the period 1st August 2015 to 30th November 2015. During consideration of the report a number of key issues were discussed in detail:

a) High Street Refurbishment – Phase 2 Consideration of Options

Members noted that the Licensing Committee had, in recent months, approved a new street trading policy. However, Members had received little information to indicate that the requirements of this policy had been enacted, particularly in Bromsgrove town centre. Whilst the High Street Refurbishment report would focus on a separate matter it was agreed that Officers should be asked to check how the street trading policy was being implemented on the High Street.

The Chairman commented that the subject of the High Street Refurbishment had been discussed during the Overview and Scrutiny

training session in June 2015 and there had been interest in scrutinising the subject further. Some Members suggested that the item should only be considered if there was evidence to suggest that problems had arisen, whilst others commented that, as an item listed on the Council's Corporate Risk Register, this would be an ideal subject for the Board to scrutinise. There was a short debate about the contribution the Overview and Scrutiny Board could make through pre-scrutinising this item and the suggestion was made that the Board receive a briefing paper at its next meeting for consideration and in order to feed in to the decision making process.

b) New Homes Bonus

The Board discussed the New Homes Bonus (NHB) report, scheduled for the consideration of Cabinet on 2nd September. Members noted that there had been significant public interest in the NHB, with a petition regarding the distribution of the NHB funding having been submitted to Council in 2014. Following this petition the Council had agreed that £87,000 should be made available to community bids. The deadline for these bids had passed and a summary of the applications that had been received had been loaded onto the Council's website. The report to Cabinet would contain recommendations from the NHB Grants Panel about which applicants should be awarded funding.

As the £87,000 for the NHB had only been agreed for 2015/16 there would be a need to discuss future use of the fund as part of the budget setting process. The Overview and Scrutiny Board would have an opportunity to contribute to these discussions through budget scrutiny.

c) Modifications to the Bromsgrove District Local Plan

The Bromsgrove District Local Plan was an item that the Board agreed would be of interest to Members. Unfortunately, no date was listed for the consideration of this item by Cabinet. However, a number of briefings for all Members were due to take place in forthcoming weeks, which would provide a useful opportunity to learn about the Local Plan.

d) Fees and Charges

Members suggested that the Overview and Scrutiny Board could make a useful contribution through pre-scrutiny of the Council's proposed fees and charges for 2016/17. However, due to the timing of the Overview and Scrutiny Board and Cabinet meetings, there would be limited time available to present the proposed fees and charges for Members' consideration prior to a decision being taken.

The Executive Director, Finance and Corporate Resources suggested that it would be useful to consider this matter in further detail at a later meeting. Officers were scheduled to deliver finance training to Members at the following meeting of the Board and this matter could be addressed as part of that item.

e) Churchfields Multi Storey Car Park Improvements

The focus of the report concerning improvements to Churchfields Multi Storey Car Park was discussed. Members were advised that there had been issues with the car park in terms of vandalism and decay of the structure. The aim was to make the car park fit for purpose.

Members noted that the intention was for the top floor of this car park to be used by Council staff following the move to Parkside. There would be a need to ensure that the parking provision was considered to be safe and secure by staff, particularly given the distance that staff would need to walk from the car park to Parkside. There was a risk that staff would park on neighbouring streets where there were no parking restrictions, which could impact on parking for local residents. Members agreed that it would be useful to receive a briefing paper from the relevant officers, at the following meeting of the Board.

RESOLVED

- (a) The contribution of Overview and Scrutiny to consideration of the Council's fees and charges 2016/17 be reconsidered at a future meeting of the Board;
- (b) A briefing paper on the High Street Refurbishment Phase 2 be presented at the meeting of the Overview and Scrutiny Board held on 24th August 2015;
- (c) A briefing paper on the Churchfields Multi Storey Car Park Improvements be presented at the meeting of the Overview and Scrutiny Board to be held on 24th August 2015; and
- (d) That the Cabinet Work Programme 1st August to 30th November 2015 be noted.

OVERVIEW AND SCRUTINY BOARD WORK PROGRAMME

The Board considered the content of the Overview and Scrutiny Work Programme. During consideration of this item a number of issues were considered.

a) Worcestershire Health Overview and Scrutiny Committee (HOSC)

Councillor B. T. Cooper, the Council's representative on Worcestershire HOSC, explained that the latest meeting of the Committee had taken place on 15th July. During this meeting 2 key items were considered:

i) Primary Care Commissioning and GP Access

In 2015 there was due to be a change to the commissioning responsibilities for primary care services and for basic general practice, with some services being devolved from NHS England to local Clinical Commissioning Groups (CCGs).

Patient satisfaction surveys had been undertaken in recent months which appeared to indicate that the CCGs in Worcestershire were performing slightly better than general for CCGs at a national level. In total 87 per cent of patients in practices that formed part of the Redditch and Bromsgrove CCG had reported that they had been able to get an appointment to see a medical practitioner when needed compared to 85 per cent of patients nationally.

Issues had been reported during the Committee meeting concerning the experiences of patients living on the borders of Worcestershire. This included:

- Patients with a GP in Alvechurch had discovered that their practices were part of a satellite group of practices for the South Birmingham CCG. These patients were finding that access to services within Worcestershire were partly restricted as a consequence.
- Anecdotal reports had been received that elderly residents from Alvechurch had been sent to hospitals outside Worcestershire rather than the Princess of Wales Community Hospital due to the funding implications of being a patient served by a GP Practice that was not part of a Worcestershire CCG.
- Councillor J. M. L. A. Griffiths reported that as a patient in a GP Practice that did not form part of a Worcestershire GP Practice she had been informed she was not eligible for a free flu vaccination in Worcestershire.
- Delays had occurred in terms of discharging patients from the Alexandra Hospital who lived in Hagley and who were patients with a GP Practice that was not part of a Worcestershire CCG.
- Patients discharged from hospital had found that they had limited access to post-operative care in cases where their GP practice was not part of a Worcestershire CCG.

This problem had been raised during a recent CALC meeting and the Chair of the Redditch and Bromsgrove CCG had been invited to attend a future meeting in order to discuss potential solutions. Members were also advised that Councillor J. M. L. A. Griffiths was due to attend a meeting alongside Parish Council members and representatives of Worcestershire Healthwatch, to discuss this matter further.

Members were advised that the CCGs had been made aware of these issues though had not yet identified a solution to the problem. In part it was suggested that this problem, in terms of a “postcode lottery” for residents living in border areas, was not a new phenomenon within the health service. However, this did not mean that no action should be taken in an attempt to resolve it.

In order to address these issues and residents’ concerns the Board agreed that the Chief Executive of the Council should be asked to write a letter to the Chief Executive and Medical Director of NHS

Arden Herefordshire and Worcestershire Area Team. In their capacity as the senior leads for the regional branch of NHS England it was suggested that they might be in a position to influence CCGs to work better together to resolve this problem to the benefit of patients. To help ensure that this letter was effective Members were urged to inform Officers of any particular examples that had been reported to them which might help to demonstrate the impact of this situation on patients.

Members also noted that at a future date it might be useful to invite the Chairman of Worcestershire Healthwatch to attend a meeting of the Board to discuss this matter.

ii) Worcestershire Acute Hospitals NHS Trust: Update on CQC Unannounced Inspection

The Committee had received information about the Worcestershire Acute Hospital NHS Trust's response to the findings from the CQC's unannounced inspection. This inspection had identified a number of concerns, including staffing levels and the patient flow within emergency departments. Progress had been achieved in relation to the majority of the issues that had been found by the CQC, though 2 areas were considered to be medium risk and would continue to be monitored.

b) Burcot Lodge Homeless Unit – Topic Proposal Form

The Chairman explained that a topic proposal form had been submitted by Councillor S. Shannon. In Councillor Shannon's absence the Chairman provided a brief overview of the topic proposal. Members noted that Burcot Lodge, which provided emergency housing to vulnerable individuals at risk of homelessness, was due to be included as part of the sale of the Council House site. Councillor Shannon was keen to ensure that an alternative service was made available to residents in need of this service following the sale of the site. In the topic proposal form it had been suggested that this subject could be the focus of either a Task Group exercise or a Short, Sharp Review.

The Executive Director, Finance and Corporate Resources explained that Officers were aware of the issues surrounding Burcot Lodge. The Council House site had not yet been placed on the market as Officers were waiting until the move to Parkside had been completed. However, it was likely that any purchaser of the site would want to apply for planning permission and this could take additional time to process.

Officers had already considered the future provision of homeless services and the implications of the sale of Burcot Lodge. Discussions had been held with representatives of Bromsgrove District Housing Trust (BDHT) and a representative of the trust would continue to be involved in on-going discussions as part of an officer working group that had been established to investigate this matter further. No decisions had been

taken, though alternative methods of service provision would be considered alongside the existing model and an initial decision would need to be reached by October 2015. Officers suggested that a Short, Sharp Review of this subject could be helpful to enable the Council to identify alternative models that might not otherwise be considered.

Members felt it would be useful to obtain further information about the current situation before determining whether to launch a Short, Sharp Review. It was therefore agreed that the Housing Strategy Manager be invited to attend the August meeting of the Board to present a briefing paper on the subject and Councillor Shannon should also be invited to attend this meeting.

c) General Work Programme Items

Officers reported that the backlog in planning applications data would be presented at the meeting of the Board in August 2015. The briefing concerning the work of the place team, which had been requested by Members, would be presented September meeting of the Board. The Head of Environmental Services, Environmental Services Managers and with a number of the operatives would be in attendance.

The Executive Director, Finance and Corporate Resources noted that a significant number of areas were due to be addressed in the finance training session, and she suggested that it might be more appropriate for 2 separate briefings to be delivered, with a bespoke session dedicated to budget scrutiny being delivered at the September meeting. As the finance briefing would be of interest to all Councillors, the Board agreed that it all Members would be invited to attend.

RECOMMENDED that the Chief Executive of Bromsgrove District Council write to the Chief Executive and Medical Director of NHS Arden Herefordshire and Worcestershire Area Team to urge them to take action to encourage Clinical Commissioning Groups to work together to ensure that residents living in border areas are not penalised in terms of patient care, with copies being sent to Healthwatch and the Chairman of the Clinical Commissioning Group.

RESOLVED that

- (a) The Housing Strategy Manager be invited to attend the following meeting of the Board to present a briefing paper on the subject of the future plans for Burcot Lodge;
- (b) The finance training be delivered in two stages in August and September; and
- (c) Subject to the comments detailed in the preamble above, the Overview and Scrutiny Work Programme be noted.

The meeting closed at 6.43 p.m.

Chairman

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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE AUDIT, STANDARDS AND GOVERNANCE COMMITTEE

16TH JULY 2015 AT 6.00 P.M.

PRESENT: Councillors R. D. Smith (Chairman), P.L. Thomas (Vice-Chairman), S. R. Colella, M. Glass, C.A. Hotham, H. J. Jones, P. M. McDonald, M. Thompson and S. A. Webb

Parish Councillors: J. Ellis, (Stoke Parish Council) and C. Scurrall, (Belbroughton Parish Council)

Observers: Councillor G. N. Denaro and M Sherrey

Invitees: Mr P Jones and Ms Z Thomas (Grant Thornton)

Officers: Ms. J. Pickering, Mrs. C. Felton, Mr. A. Bromage and Ms S. Knight

1/15 **INTRODUCTION AND WELCOME TO THE NEW AUDIT, STANDARDS AND GOVERNANCE COMMITTEE**

Officers welcomed Members to the first meeting of the new Audit, Standards and Governance Committee. As the Audit Board and Standards Committee had merged into this Committee after the publication of the calendar of meetings for the year it was necessary to confirm the dates of future meetings of the Committee; which were due to take place on the evenings of 17th September 2015, 10th December 2015 and 24th March 2016.

During consideration of this item the extent to which it was appropriate for the Vice Chairman of the Council to serve as a Member of the Audit, Standards and Governance Committee was discussed. It was suggested that this might compromise the Vice Chairman's position at meetings of Council. However, the Monitoring Officer explained that there were currently no restrictions preventing the Vice Chairman of the Council from serving on the Committee.

2/15 **ELECTION OF CHAIRMAN**

Nominations for the position of Chairman were received in respect of Councillors R. D. Smith and M. Thompson.

RESOLVED that Councillor R. D. Smith be nominated Chairman of the Committee for the ensuing municipal year.

3/15 **ELECTION OF VICE CHAIRMAN**

Nominations for the position of Vice Chairman were received in respect of Councillors P. L. Thomas and M. Thompson.

RESOLVED that Councillor P. L. Thomas be elected as Vice Chairman of the Committee for the ensuing municipal year.

4/15 **APOLOGIES AND NAMED SUBSTITUTES**

An apology for absence was received on behalf of Councillor S. R. Peters and Councillor C. Hotham was confirmed as attending as his substitute.

5/15 **DECLARATIONS OF INTERESTS**

There were no declarations of interest.

6/15 **TO CONFIRM THE ACCURACY OF THE MINUTES OF THE AUDIT BOARD MEETING HELD ON 19TH MARCH 2015**

The minutes of the meeting of the Audit Board held on 19th March 2015 were submitted.

Members noted that Councillor H. J. Jones had been present at that meeting of the Audit Board and was in a position to comment on the accuracy of the minutes.

RESOLVED that the minutes of the meeting of the Audit Board held on 19th March be approved as a correct record.

7/15 **TO CONFIRM THE ACCURACY OF THE MINUTES OF THE STANDARDS COMMITTEE MEETING HELD ON 15TH JANUARY 2015**

The minutes of the meeting of the Standards Committee held on 15th January were submitted.

Officers explained that as there were no district Councillors present who had also attended this meeting the item would need to be deferred. This would provide time for an elected Member who had been present to confirm in writing whether the content of the minutes were accurate.

RESOLVED that confirmation of the accuracy of the minutes of the meeting of the Standards Committee held on 15th January 2015 be deferred until the following meeting for the reasons detailed in the preamble above.

8/15 **STANDARDS REGIME - MONITORING OFFICER'S REPORT**

The Committee was advised that at the beginning of every meeting the Monitoring Officer's report would be presented for Members' consideration. The report would focus on any developments relevant to the Council's standards regime.

During presentation of this report the Monitoring Officer highlighted a number of points for Members' consideration, including:

- A significant number of Member training sessions had been delivered since January 2015. This included 3 standards and code of conduct training sessions in June 2015. Members were advised that if any particular training needs were identified these should be reported to group leaders.
- This legislation had removed the right of Parish Councillors to vote at Standards Committee meetings, however, Parish Council representatives continued to be appointed to the Audit, Standards and Governance Committee in a non-voting capacity due to their interest in the proceedings.
- Parish Councillor J. Ellis had incorrectly been recorded in the report as the Chairman of Belbroughton Parish Council when he was in fact Vice Chairman of Stoke Parish Council.
- There were 2 independent persons under the standards regime with whom the Monitoring Officer was required to consult regarding any complaints about Members.
- The independent persons were not Members of the Committee but could attend meetings to observe proceedings.
- Officers were investigating the potential to reduce the number of independent persons to one, and it was noted that one of the independent persons had struggled to attend meetings.

The Parish Council representatives requested and it was agreed that in future the two Parish Council representatives would be listed as Parish Councillors on both the agenda and in the minutes of the meetings. In response to a question the Monitoring Officer reported that the political affiliation of Parish Council representatives was excluded from the political balance of the Committee.

RESOLVED that subject to the comments detailed in the preamble above the report be noted.

9/15

LOCALISM ACT 2011 - STANDARDS REGIME - DISPENSATIONS

The Monitoring Officer presented a report concerning the granting of dispensations under the standards regime as set out in the Localism Act 2011. Members were advised that this was an exceptional report intended to provide Members with a chance to declare any potential interests and to be granted with dispensations to take part in particular decisions at appropriate Council meetings. An updated copy of Appendix 1 to the report, detailing Individual Member Dispensations, was tabled at the meeting (Also attached at Appendix 1 to these minutes).

During consideration of this report the following matters were among those considered by Members.

- Dispensations for Parish Councillors were handled through a separate mechanism.

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Audit, Standards and Governance Committee
16th July 2015

- Councillor Cooper's contract with the Sandwell and West Birmingham Hospitals NHS Trust and the extent to which this might compromise him in his position as the Council's representative on the Worcestershire Health Overview and Scrutiny Committee (HOSC). Was there any answer to this?
- The extent to which the items listed on Appendix 1 in terms of Individual Member Dispensations matched the content of elected Members' completed disclosable pecuniary interest (DPI) forms.
- The role of the Audit, Standards and Governance Committee in granting individual Member dispensations which was a power that had been delegated to the Committee by Council.
- The delays in respect of uploading completed DPI forms onto the Council's website. The Monitoring Officer confirmed that these would be made available to view shortly; delays had mainly occurred due to the volume of forms that had been received from both District and Parish Councillors.
- The requirement for Members to complete a written request in order for the dispensations to take an effect and whether this process could be more efficient. The Monitoring Officer explained that the dispensation system in relation to the budget setting process had worked effectively in previous years.
- The possible implications of applying the individual Member dispensations requested up until the first meeting of the Audit, Standards and Governance Committee meeting in 2019 after the District Council elections.
- The possibility of reviewing Members' dispensations on an annual basis. The Monitoring Officer explained that updates in respect of any changes to appointments to outside bodies mid-way through a term of office would be identified and reported to the Committee on an on-going basis.

It was noted in the report that provision of dispensations concerning the budget, Council Tax and Members' Allowances was subject to a caveat; that any Member in 2 month's arrears or more with their Council Tax payments could not participate in any Council meeting concerning the budget.

At Members' request the following details of the voting were recorded in respect of the continuing validity of Councillor B. T. Cooper's Individual Member's Dispensation as detailed in Appendix 1 to the report.

For the granting of the dispensation: Councillors M. Glass, H. J. Jones, P. L. Thomas and S. A. Webb.

Against the granting of the dispensation: Councillors S. R. Colella, C. Hotham, P. M. McDonald and M. Thompson.

The Chairman advised that he was satisfied that the dispensation was appropriate and made the casting vote in favour of granting the dispensation to Councillor B. T. Cooper.

Councillor P. M. McDonald requested that it be noted in the minutes that he had abstained from voting on resolutions (e) and (f) detailed below.

RESOLVED that

- (a) subject to the caveat detailed above in relation to setting the Budget, the Audit, Standards and Governance Committee grants dispensations under Section 33 (2) of the Localism Act 2011 to allow all Members to participate in and vote at Council and Committee meetings when considering the setting of:
 - (i) the Budget;
 - (ii) Council Tax; and
 - (iii) Members' Allowances.
- (b) The Audit, Standards and Governance Committee grant a dispensation under Section 33 (2) of the Localism Act 2011 to allow Members to address Council and committees in circumstances where a member of the public may elect to speak.
- (c) The Audit, Standards and Governance Committee grants the individual dispensations which are being sought by Members, as detailed in Appendix 1, under section 33 (2) of the Localism Act 2011, to allow those Members to participate in and vote at Council and committee meetings in the individual circumstances detailed.
- (d) the Audit, Standards and Governance Committee grant a dispensation under Section 33 (2) of the Localism Act 2011 to allow Members to participate and vote at Council and committee meetings when considering the adoption of any new or updated Non-Domestic Rates – Discretionary Rate Relief Policy and Guidance affecting properties within the District.
- (e) the dispensations referred to at (a), (b), (c) and (d) above take effect on receipt of a written request from Members for a dispensation and where Members may have a Disclosable Pecuniary Interest in the matter under consideration, which would otherwise preclude such participation and voting
- (f) the dispensations referred to at (a), (b), (c) and (d) above be valid until the first meeting of the Audit, Standards and Governance Committee after the District Council Elections in 2019.

10/15 **STANDARDS - PARISH COUNCILS' REPRESENTATIVES' REPORT (ORAL UPDATE)**

The Parish Councillor representatives on the Committee confirmed that they had no updates to provide for the consideration of Members.

11/15 **AUDIT, STANDARDS AND GOVERNANCE COMMITTEE WORK PROGRAMME**

The Audit, Standards and Governance Committee's Work Programme was submitted for noting alongside the terms of reference and procedure rules for the Committee.

During consideration of this item the following issues were discussed:

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- The reference to “informed recommendations” in paragraph 1.3, which was not repeated in paragraph 12.3 of the Procedure Rules and the extent to which this different wording was contradictory. Members noted that a few changes to the phraseology would help to clarify the roles outlined in these 2 paragraphs.
- The potential for the Audit, Standards and Governance Committee to request that Internal Audit investigate particular services or projects.
- The budget available for the Committee to make payments to advisers, assessors and witnesses as detailed in paragraph 13 (d) to the Committee’s procedure rules. The Monitoring Officer explained that there was a small budget which covered the expenses of the independent person, though approximately £6k remained available to use for Committee investigations.
- The difficulties that the Committee might encounter with proposing a single minority report alongside a majority report if agreement could not be reached in relation to a particular issue.
The Monitoring Officer suggested that if this proved to be challenging Members could review the process for producing minority reports as part of the review of the operation of the Committee at the end of the municipal year.
- The stipulation in the procedure rules that the party whip should not be applied at meetings of the Committee. Declarations of Party Whip had not formally been incorporated into the agenda for the Committee. However, for future meetings Members requested that declarations of whipping arrangements should be considered on the agenda.
- Members confirmed that they had not been subject to whipping arrangements for any of the items on the agenda for the meeting.

RECOMMENDED to Council that the word “informed” be removed from paragraph 1.3 in the Audit, Standards and Governances Procedure Rules; and

RESOLVED that the Committee’s Work Programme be noted.

12/15

BENEFITS FRAUD INVESTIGATIONS QUARTER 4 UPDATE REPORT

The Assistant Benefits Manager, Shona Knight, presented the Benefits Fraud Quarter 4 Update report for the Committee’s consideration.

During consideration of this report Members discussed the following matters:

- Housing Benefit claims and Council Tax Support claims and the extent to which errors in the system for these claims were due to staff error.
Members were advised that whilst some errors were as a result of staff actions in many cases the errors arose due to inaccurate information provided by the customer. To ensure this was clear it was suggested that references should be made to “claimant errors” where applicable in future versions of the report.
- The types of investigations that might result in a decision to prosecute a customer and the extent to which these decisions needed to be taken early in the process.

- The value to Members of further information within the report about the total projected spend for the year compared to overpayments during the quarter.
- The potential for similar figures to be provided for other local authorities for benchmarking purposes. Officers explained that in many areas the function had already transferred to the Department for Work and Pensions and this would make the provision of comparable data difficult..

RESOLVED that subject to the comments detailed in the preamble above the report be noted.

13/15 **GRANT THORNTON AUDIT FEE REPORT**

The Chairman welcomed Mr. P.Jones (Engagement Lead) and Ms Z Thomas (Manager) from the Council's external auditors, Grant Thornton, to the meeting. Members were advised that Grant Thornton had been the Council's external auditors for the past 3 years.

The Committee was invited to consider the Grant Thornton Audit Fee Letter 2015/16. The audit fee for 2015/16 had been calculated and set by the Audit Commission before it closed on 31st March 2015. The figure of £48,680 set by the commission was less than the £64,006 that had been set in the previous year. Despite the reduction in the fee the level of work that Grant Thornton would be expected to deliver for that fee would remain the same as in 2014/15. The Council's budget for 2015/16 had assumed the level of fee as set in the letter and therefore the costs of the fee could be covered.

RESOLVED that the audit fee for 2015/16 of £48,680 be agreed.

14/15 **GRANT THORNTON UPDATE REPORT**

The Committee was asked to note the latest Grant Thornton Update report to June 2015.

As Councillor C. Hotham, as a substitute Member, had not had prior sight of the supplementary pack containing a copy of this report Members agreed to hold a brief adjournment at 7.28pm.

The meeting reconvened at 7.30pm.

Members were advised that the report provided updates on progress achieved in relation to a number of areas of external audit work, highlighted areas for Members' attention and provided an opportunity for Members to consider areas of topical interest to local government.

The following matters were highlighted during consideration of this report:

- A new financial ledger had been introduced during the year. This had led to some delays in terms of completing various processes.
- Due to the risks associated with the new ledger there was a need for external auditors to review the system.

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- Additional tests would be required to secure assurance that the new ledger was effective. This testing represented additional work for the external auditors which would be subject to additional fees.
- There had been a restructure of the Council's Finance Team and turnover of key staff.
- The statement of accounts had not been submitted by the deadline set by Government. In part this had been due to the turnover in specialist staff. Due to the timing of this occurrence and difficulties recruiting to posts a decision had been taken to recruit a team of technical accountants to provide support on a temporary basis.
- References within the report to support that had been received by the Finance team from consultants should actually have been referring to these Technical Accountants. Members were assured that no consultants had actually been involved in this process.
- Further information was requested regarding the financial costs involved in recruiting the technical accountants to provide support in these circumstances.
- No penalties at the national level had been identified in terms of failing to submit the statement of accounts by the deadline. However, there was a risk that this could lead to delays in terms of the external auditors completing investigations.
- The Payroll Manager had also left the organisation and had not been immediately replaced. Due to the risks involved it had been determined that this would be suitable for consideration by the external auditors.
- Some issues had been identified in relation to Housing Subsidy in the previous year. However, investigations indicated that improvements had been made in recent months.
- The external auditors would be considering the valuation of the Council House and Dolphin Centre as operational assets due to the changing demand for use of these assets in recent months. Members were advised that this valuation would be separate to the market valuation of the properties.
- There had been some criticisms from external audit regarding the business case for Parkside. Officers had learned from these criticisms and the business case for the Dolphin Centre had been considerably more robust.
- External audit had not been able to complete reviews of the Council's IT controls, in part due to a considerable number of updates to the Council's systems.
- The content of the Devolution White Paper might be of interest to Members in the context of the discussions about a combined authority that were due to take place. The external auditors would be keen to ensure that Members reached well informed decisions on this subject.
- Guidance had been provided by Grant Thornton to assist Members in terms of reviewing Council accounts.

RESOLVED that the Grant Thornton progress reports and updates be noted.

15/15 **ANNUAL GOVERNANCE STATEMENT 2014/15**

The Executive Director of Finance and Corporate Resources presented the Annual Governance Statement 2014/15.

During consideration of the Annual Governance Statement Members discussed the following points:

- The Service Level Agreement (SLA) with the Bromsgrove and Redditch Network (BARN), the financial costs of this agreement and the outcomes from joint working.
- The potential for copies of the report concerning the future governance of Worcestershire Regulatory Services (WRS) to be made available for the consideration of Members of the Committee.
- The arrangements for meeting borrowing costs for the replacement of the Dolphin Centre. Officers explained that these would partly be covered by balances, though it was also anticipated that revenue generated by future leisure services would also help to address these costs.
- The potential to review the financial costs involved in the capital programme for both the Dolphin Centre and the move to Parkside and the extent to which decisions that had already been made on this subject could be revisited.
- An alternative option to review the stage that had been reached in terms of the funding position for all of the Council's capital schemes. Officers suggested that this might be a more appropriate task for the Overview and Scrutiny Board to consider.

Following further debate it was

RESOLVED that subject to the comments detailed in the preamble above the Annual Governance statement be recommended for inclusion in the Statement of Accounts.

16/15 **INTERNAL AUDIT ANNUAL REPORT AND DRAFT AUDIT OPINION 2014/15**

The Worcestershire Internal Audit Shared Service Manager presented the 2014/15 Internal Audit Annual Report. Members were advised that the report was presented for Members' consideration on an annual basis and outlined progress that had been achieved during the preceding year in terms of delivering internal audit reviews.

During the presentation of this report the following issues were highlighted:

- The Internal Audit team would be reporting to the Committee in relation to a number of performance indicators during the year.
- In total 5 of the 6 audit reports that had been listed as draft in the agenda pack had since been finalised. There had, however, been no changes to the assurance that had been detailed in the report.

- There was one outstanding audit report concerning Worcestershire Regulatory Services (WRS). Internal Audit were working with partners in an attempt to finalise the content as soon as possible.
- Internal Audit had assessed there to be limited assurance for WRS, though noted that this was an unusual, joint service.
- Internal Audit had followed up on all recommendations detailed in the Internal Audit Plan 2014/15.
- The Worcestershire Internal Audit Shared Services Manager had responsibility for producing the audit opinion which had been included in the report. This reflected on the work that had been undertaken during the previous 12 month period.
- The majority of internal audits during the year had been awarded a moderate or above rating.

Following the presentation a number of points were discussed in detail:

- The fact that services, including shared services, were assessed on a case by case basis.
- The influence that, as a partner, Bromsgrove District Council had over WRS and the limited assurance rating that the shared service had been awarded. For example each Council set their own licensing fees and partners could not influence each other in this process to ensure moderate or above assurance.
- No other shared services had been rated as having limited assurance by Internal Audit to date.
- The possibility of benchmarking data being provided for other local authorities in future versions of the report for comparative purposes.

RESOLVED that the 2014/15 Internal Audit Annual Report be noted.

17/15

CORPORATE RISK REGISTER

The Executive Director of Finance and Corporate Resources presented the draft Corporate Risk Register.

A number of key issues were brought to Members' attention during the presentation of this report:

- The register was designed to address corporate and strategic risks to the Council.
- The content of the register had been reviewed by the Corporate Management Team (CMT) and fourth tier managers.
- Some risks, included in the register at the start of the year, would be removed during the course of the year as the risks reduced or were removed.
- Operational risks were more likely to be listed in service level risk registers. Action plans focusing on key risks might also be produced for particular projects as and when required.
- A scoring matrix was used to assess the level of risk in particular contexts.

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- The Impact Scoring Criteria was used to classify risks from negligible, where the risk was low, to catastrophic, where the risks entailed reputational damage and expenditure in excess of £1 million.
- Inherent risks were those where there was a significant chance that if the Council did not take action it was likely that the risk would occur. Only 2 cases had been classified as inherent risks.
- There was action that could be taken to mitigate risks arising when poor decisions had previously been made. However, the Council had less flexibility where there was a need to comply with particular legislative requirements.
- At the national level corporate fraud, procurement fraud and HR fraud were becoming topic issues and it was possible that these would need to be added to the Corporate Risk Register in the long-term.

Members discussed the following areas after the presentation had been delivered:

- The risks associated with the Council entering into a combined authority and the extent to which this had been addressed within the Corporate Risk Register.
- Officers explained that there were sections dedicated to joint working, though this could be expanded to encompass the risks involved in taking part in a combined authority.
- The extent to which Members had been provided with information about combined authorities and the financial risks involved.
- The risks associated with the potential failure of the Council's Development Plan.
- Officers explained that it was likely the Development Plan would already be listed on the Planning Risk Register, though other local authorities had recorded this in their Corporate Risk Register and Bromsgrove District Council could adopt a similar approach.
- The level of monitoring undertaken in relation to the risk register. The Committee was advised that Officers monitored developments in relation to the register on a monthly basis.
- The risks associated with capital expenditure on the Dolphin Centre and the extent to which it would be more suitable to list these risks on the Leisure Services risks register.
- The impact of LOBO loans on local government finances. Officers confirmed that Bromsgrove District Council had not received any LOBO loans.

At the end of the Committee's discussions Members agreed that a number of items should be added to the Corporate Risk Register including:

- Corporate fraud.
- The Statement of Accounts.
- The designation status of Planning Services.
- The Planning Development Plan.

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The Committee discussed the value of appointing a Member to act as Risk Champion. The Risk Champion could meet with relevant Officers and assess risks from an elected Members' perspective. The Risk Champion's findings could then be reported back for the Committee's consideration.

Nominations were received on behalf of Councillors M. Glass and M. Thompson to serve as the Committee's Risk Champion.

RESOLVED that

- (a) Councillor M. Thompson be appointed to serve as the Committee's Risk Champion for the remainder of the municipal years; and
- (b) Subject to the changes detailed in the preamble above, the proposed Corporate Risk Register 2015/16 be approved.

18/15

AUDIT BOARD DRAFT END OF YEAR REPORT 2014/15

The Audit Board Annual Report 2014/15 was submitted for Members' consideration.

RESOLVED that the content of the Audit Board Annual Report 2014/15 be noted.

The meeting closed at 8.55 p.m.

Chairman

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WORCESTERSHIRE DISTRICT COUNCILS AND COUNTY COUNCIL

WORCESTERSHIRE REGULATORY SERVICES

MEETING OF THE WORCESTERSHIRE SHARED SERVICES JOINT COMMITTEE

THURSDAY 25TH JUNE 2015 AT 4.30 P.M.

PRESENT: Councillors R. J. Laight, P. J. Whittaker, B. Behan, D. Chambers, J. Fisher, B. Clayton (during Minute No's 1/15 to 8/15), M. Johnson, A. N. Blagg, E. Stokes. M. King (substituting for R. Davis), M. Hart (substituting for S. Chambers) and J. Hart

Observers: Mr. V. Allison, Deputy Managing Director, Wychavon District Council and Mr. D. Sutton, Worcester City Council

Officers: Mr. I. Pumfrey, Ms. J. Pickering, Mrs. S. Sellers, Mr. M. Kay, Mr. S. Wilkes (during Minute No's 7/15 to 11/15) and Mrs. P. Ross

1/15 **ELECTION OF CHAIRMAN**

RESOLVED that Councillor B. Behan, Malvern Hills District Council be elected as Chairman of the Joint Committee for the ensuing municipal year.

2/15 **ELECTION OF VICE-CHAIRMAN**

RESOLVED that Councillor E. Stokes, Wychavon District Council be elected as Chairman of the Joint Committee for the ensuing municipal year.

3/15 **APOLOGIES**

Apologies for absence were received from Councillors A. Roberts, Worcester City Council, L. Hodgson, Worcestershire County Council and R. Davis, Wychavon District Council.

4/15 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

5/15 **MINUTES**

The minutes of the meeting of the Worcestershire Shared Services Joint Committee held on 19th February 2015 were submitted.

RESOLVED that the minutes be approved as a correct record.

6/15

FUTURE ARRANGEMENTS FOR WORCESTERSHIRE SHARED SERVICES JOINT COMMITTEE AND WORCESTERSHIRE REGULATORY SERVICES

Following on from the Worcestershire Shared Services Joint Committee meeting held on 19th February 2015, where Members approved for consultation purposes the proposals for creating and delivery a sustainable regulatory partnership for Worcestershire; the Committee considered a further report which detailed the findings of those consultation events held.

The Chairman announced that, in light of the revised recommendations and legal implications, as detailed in the amended report tabled, she was prepared to adjourn the meeting for approximately ten minutes to allow Members to read the revised document.

Accordingly the meeting stood adjourned from 4.45pm until 4.55pm.

The Acting Head of Worcestershire Regulatory Services introduced the amended report, as tabled, and in doing so provided a brief update, for the benefit of new Members to the Committee, on the proposals presented at the Worcestershire Shared Services Joint Committee meeting on 19th February 2015.

The Acting Head of WRS informed the Committee that the Worcestershire Shared Services Joint Committee had been established in 2010. The governance model at that time was based upon established arrangements for shared service delivery operating within the County and was structured to allow for the addition of other shared services. The original business case for WRS was founded on all partner authorities having closely aligned policy positions and service levels. WRS had been extremely successful and had delivered savings to all partner authorities. However in recent years there had been increasing financial pressures and challenges within the partnership arising from differences in partner authorities service requirements, driven by the individual financial pressures on each partner authority.

Members were further informed that Capita had withdrawn from the strategic partnering process as they felt that since WRS was already so efficient they would be unable to meet their own financial requirements.

The consultation events that took place did not reveal any objections to the proposals, for creating and delivery of a sustainable regulatory partnership for Worcestershire, and were broadly supportive of the proposals. WRS staff recognised the need for change and was supportive of the proposals. The main concerns highlighted during the consultation events were about the future level of trading standards service provision.

The extant partnership agreement signed on 1st June 2010 contained provisions enabling partners to leave the partnership. However, these were cumbersome and complex to invoke. Notice periods had to be given and the terms of exit determined by agreement of all partners. This included arrangements for departing partners to bear the financial consequences of

their exit. These provisions were never utilised in relation to this or other similar shared services using this basic agreement.

Legal advice was that it was more appropriate in these circumstances not to rely upon these provisions but for the partners to dissolve the current partnership by mutual agreement and immediately constitute a successor partnership of the six Worcestershire districts. A service level agreement between the new partnership and the County Council for provision of trading standards services would be entered into as the basis for continuing provision of these services recognising the significant investment made by the County Council in the original partnership and in WRS.

Dissolution and reconstitution was not a matter within the competence of the Joint Committee and required a decision from each partner authority. Taking into account the time period required for this, it was proposed that these changes take place at the beginning of the municipal year 1st April 2016. This timescale also enabled WRS management and officers of the partner authorities to make the necessary detailed administrative arrangements.

The report detailed the key changes to the partnership and partnership agreement, with Appendix 2 to the report, detailing the principal terms of the proposed new partnership agreement.

The current WRS senior management structure had been in place since inception when the shared service had both a larger complement of staff and budget. Reducing senior management numbers had been progressive as the WRS budget and workforce had reduced year on year. The departure of the Head of Service in January 2015 provided an opportunity to re-examine the senior management structure in light of the proposed new partnership and the opportunity to create a leaner much more focused senior management structure aligned to a commercial approach to the delivery of the service. Appendix 4 to the report detailed the proposed future senior management structure.

Further discussion followed with several Members expressing their concerns with regard to Part 1 – 4.1, as detailed in Appendix 2 to the report, which stated:

“Amend to ‘one member’ from ‘two members’ in line 1 and delete ‘at least one of those members from’ ‘authority’ from line 3. Insert ‘The member shall be the portfolio holder responsible for regulatory matters’

Councillor M. Hart, Wyre Forest District Council proposed an amended recommendation, seconded by Councillor E. Stokes, that Part 1 – 4.1, as detailed in Appendix 2 to the report, be deleted in its entirety.

A lengthy debate followed with differing views being expressed as to the advantages and disadvantages of either reducing to one member from each partner authority on the Joint Committee as set out in the report, or retaining the current arrangements of two members per partner authority which would be the outcome under the proposed amendment.

During the debate Members made reference to a range of issues including:-

- That the Joint WRS Scrutiny Task Group had recommended a reduction to one Elected Member with arrangements for substitutes. It had been felt that this would improve strategic decision making and become a more efficient business model for WRS. The Task Group had been aware of concerns that even though two Members were nominated onto the Joint Committee some Members had little knowledge of the concept of WRS.
- That in some partner authorities it was felt that there would be a benefit to retaining two Members on the Joint Committee, to increase democratic participation in the governance of WRS. Reference was made to this being of importance to partner authorities where political control can change.
- That the report which addressed the findings of the Joint WRS Scrutiny Task Group should be adopted without any changes to enable a more coherent customer focused service going forward.
- That circumstances have changed since the involvement of the WRS Joint Scrutiny Task Group in that the direction being pursued at the time was a partner arrangement with an external organisation, whereas the current proposal was for WRS to continue without any outside partners and with a reduced number of local authority partners.

Members continued with the debate, and it was proposed by Councillor M. King, Wychavon District Council that after a period of twelve months from April 2016 the composition of the Joint Committee could be reviewed.

The Chairman sought clarification that Members felt in a position to vote on the recommendations as detailed in the report tabled and recommendation 2 as proposed by Councillor M. Hart, Wychavon District Council, as detailed in the preamble above, with the inclusion that the membership of the partnership be reviewed after a period of twelve months from April 2016.

The Chairman further informed the Committee that the decision would have to be a unanimous decision, as detailed in the Worcestershire Shared Services Partnership agreement.

RESOLVED that the outcome of the consultation with partner authorities, Worcestershire Regulatory Services staff and stakeholders be noted.

RECOMMENDED:

- (a) that the current Worcestershire Shared Services Partnership is dissolved by mutual agreement on 31st March 2016;
- (b) that a new Worcestershire Shared Services Partnership comprising the six district councils is created on 1st April 2016 in accordance with the terms set out in Appendix 2 (as amended); and that the composition of partner authority member representatives on the Joint Committee be reviewed after a period of twelve months from April 2016;

- (c) that the new Worcestershire Shared Services Partnership enters into a service level agreement with Worcestershire County Council for the provision of trading standards services in accordance with the terms to be agreed by the Acting Head of Worcestershire Regulatory Services;
- (d) that all existing contracts and service level agreements between the existing Worcestershire Shared Services Partnership and the other local authorities are novated to the new Worcestershire Shared Services Partnership;
- (e) approve the new management structure for Worcestershire Regulatory Services, as set out in Appendix 4 , for consultation with staff and recognised trades unions;
- (f) that following consultation, authority be delegated to the Acting Head of Worcestershire Regulatory Services, in consultation with the Chairman of the Joint Committee to finalise the future management structure and undertake recruitment in accordance with the terms as set out in the Worcestershire Shared Services Partnership Agreement; and
- (g) to establish an appointment sub-committee comprising three Members of the Joint Committee; an Executive Member from the Host Authority and the Chairman and Vice-Chairman supported by officers, as detailed in the legal implications contained within the amended report tabled at the meeting.

7/15

WORCESTERSHIRE REGULATORY SERVICES REVENUE MONITORING APRIL - MARCH 2015 AND ANNUAL RETURN

The Committee considered a report which detailed the financial position for the period April 2014 to March 2015.

The Executive Director, Finance and Corporate Resources, Bromsgrove District Council introduced the report and in doing so informed the Committee that the report presented the final financial position for Worcestershire Regulatory Services for the period April 2014 to March 2015 and the formal annual return to be submitted to the External Auditors. The Annual Return was in a prescribed format as required by the accounting regulations for small bodies.

The Executive Director, Finance and Corporate Resources, Bromsgrove District Council drew Members' attention to the detailed revenue report, as detailed at Appendix 1 to the report. This showed a final outturn underspend of £227,000. The underspend was more than expected at quarter 3 and was mainly due to further vacant posts within the service together with savings resulting from maternity leave and long term sick. Part of the underspend was offset by the costs associated with additional agency staff being used to cover the vacancies and to backfill for staff seconded to support the service transformation project. Recharge for services / repairs and maintenance at Wyatt House was lower than anticipated. There was a significant underspend on IT, due to a freeze on IT spend during strategic partnering and a lower than expected expenditure on certain projects. Contracts on Nuisance Work, Contaminated Land and Stray Dogs were extended until the end of March and generated an additional income of £39,000. The Feed Grant received from Central England Trading Standards Authorities (CEntSA) had included the cost of the feed samples and generated a further £11,000 income.

The Executive Director, Finance and Corporate Resources, Bromsgrove District Council drew Members' attention to Appendix 3 to the report, the Annual Return for the financial year ended 31st March 2015.

RESOLVED:

- (a) that the financial position for the period April 2014 to March 2015, be noted;
- (b) that the ICT funding required from partner Councils for 2015/2016 as detailed at Appendix 2 to the report, be approved;
- (c) that the refund of the 2014/2015 underspend of £227,000 to the participating Councils, as set out below, be approved: and

Council	Refund of Savings £'000
Bromsgrove	25
Malvern Hills	22
Redditch	23
City of Worcester	31
Wychavon	31
Wyre Forest	17
Worcestershire County Council	78
TOTAL	227

- (d) that the Annual Return as set out at Appendix 3 to the report, including the Accounting Statements for the Joint Committee for the period 1st April 2014 – 31st March 2015 be approved.

8/15

WORCESTERSHIRE REGULATORY SERVICES ANNUAL REPORT

The Committee considered a report which detailed the Worcestershire Regulatory Services Annual Report 2014 / 2015.

The Acting Head of Worcestershire Regulatory Services (WRS) informed the Committee that under the Worcestershire Shared Services Partner Agreement the Joint Committee was required to receive the annual report at its annual meeting. The report covered the performance of the service for the period 1st April 2014 to 31st March 2015.

The Acting Head of WRS informed Members that as Acting Head of WRS he felt the report highlighted the terrific of performance of WRS. Performance indicators had improved with service transformation and the report was a tribute to the team. He was proud to see what had been achieved not only against the financial restraints the service had had to face but also the outcome of the recent procurement exercise undertaken. Although procurement did not deliver a strategic partnership, it showed the strengths of WRS and that other authorities saw WRS as professional, robust and sustainable for the future.

Mr. M. Kay, Business Manager, WRS drew Members' attention to the key achievements for WRS in 2014/2015 as detailed in the report. WRS key performance measures continued to focus on customer satisfaction and the positive compliance of businesses, with all but one performance indicator going up. There was an increase in income generation with income generated from a range of sources. Over twenty staff members of the Community Environmental Health Team have undertaken Housing Health and Safety Rating Scheme training, which could provide the potential for extending the work of WRS into this sector.

Mr. S. Wilkes, Business Manager, WRS continued to inform Members on the service delivery highlights throughout the year, the year had been the busiest year for WRS on record for formal actions, with fifteen case investigations currently either in the court system or in the final stages of investigation. The Technical Pollution Team had worked in conjunction with Hitachi Zosen on managing the environmental impact of the construction phase of Severn Waste's Energy from Waste plant in Hartlebury. Following evidence from reports produced following the Rochdale and Rotherham incidents, the sexual exploitation of children was identified as something that could happen anywhere and local authorities needed to take action to reduce risks and support the detection of crime. WRS recognised they had a role to play, particularly in relation to some of the individuals and businesses licensed by partners. WRS were now at the forefront of raising awareness of these dangers and have raised awareness to over 2,500 Hackney Carriage and Private Hire drivers, by means of letters to individual taxi drivers and taxi forums to provide information. WRS officers have been made aware of signs to look out for and to pass these onto the trade.

Members agreed that it would be good practice to send a copy of the WRS Annual Report to all partner authorities Members as well as partner authorities Chief Executives and Managing Directors.

The Chairman thanked officers for an excellent report, with Members in agreement that issues raised by them throughout the year had been taken into account. The report reflected the excellent work of WRS to ensure the protection of our communities.

Councillor J. Fisher reiterated this and expressed his thanks to the WRS Management Team and staff on their continued hard work. He felt that the Joint Committee depended on the professionalism and hard work of WRS.

RESOLVED:

- (a) that the Worcestershire Regulatory Services Annual Report 2014/2015 be noted; and
- (b) that a copy of the Worcestershire Regulatory Services Annual Report 2014/2015 be forwarded to the Chief Executive, Managing Director and Members of each partner authority.

9/15 **ACTIVITY AND PERFORMANCE DATA - QUARTERS 1, 2, 3 AND 4, 2014/2015**

The Committee considered a report which detailed Worcestershire Regulatory Services Activity Data for Quarters 1, 2, 3 and 4, 2014/2015.

Mr. S. Wilkes, Business Manager, Worcestershire Regulatory Services (WRS) introduced the report and in doing so informed Members that the activity report, as detailed at Appendix A to the report, was a summary report as requested by Members. The full report had been distributed to all Members for information and provided Members with wide ranging information across a number of parameters. The summary report was an extract from the full report and covered all of the key county-wide data, with each Team Manager providing a written commentary on each of their areas of work in order to provide Members with information on what was happening and to explain some of the wider activity of work undertaken.

In response Councillor M. King commented that as a new Member to the Committee he had found the information very useful.

RESOLVED:

- a) that the Activity Data for Quarters 1, 2, 3 and 4, 2014/2015 be noted; and
- b) that Members use relevant forums within their respective authorities to share this information with all elected Members.

10/15 **ACCOMMODATION AND ICT HOSTING RELOCATION UPDATE**

The Committee was asked to note a report which provided an update on the recent WRS accommodation and ICT hosting relocation.

Mr. M. Kay, Business Manager, Worcestershire Regulatory Services (WRS) informed the Committee that WRS had successfully moved on 20th March 2015 from Wyatt House, Worcester to Wyre Forest House, there had been a small number of email glitches. WRS now occupied 58 work stations at the new location. The project board consisting of representatives from the current hosts, the proposed hosts and WRS officers had ensured the smooth transition and he expressed his thanks to Alison Braithwaite and her team for their hard work.

The Chairman requested that further thanks from the Joint Committee were given to all those involved in ensuring the move was successful.

RESOLVED that the Accommodation and ICT Hosting Relocation Update report be noted.

11/15 **HOME OFFICE - CODE OF PRACTICE ON THE EXERCISE POWERS OF ENTRY**

The Committee considered a report which detailed the Home Office Code of Practice on the Exercise of Powers of entry. On 6th April 2015, a code of

practice issued by the Home Office under section 48 of the Protection of Freedoms Act 2012 came into force.

Mr. S. Wilkes, Business Manager, Worcestershire Regulatory Services (WRS) introduced the report and in doing so informed the Committee that exercising powers of entry was at the heart of all enforcement work and therefore vital to the functioning of the regulatory service. The report proposed the adoption of a policy document, as detailed at Appendix 1 to the report, of a framework policy for the exercise of WRS officers of power of entry and associated statutory powers, not subject to other codes. The code also applied where legislation was silent on particular matters or where relevant legislation provided fewer safeguards than those provided in it.

On 6 April 2015, a code of practice issued by the Home Office under section 48 of the Protection of Freedoms Act 2012 came into force. The code provided guidance and set out considerations that apply before, during and after powers of entry and associated powers were exercised by a range of bodies including local authorities. The purpose of the Code was to ensure “greater consistency in the exercise of powers of entry and greater clarity for those affected by them while upholding effective enforcement.”

The Code did not override already existing statutory codes e.g. PACE codes, Food Standards Agency codes, but it did have an effect where no existing code covering the exercise of powers existed.

Mr. S. Wilkes, Business Manager responded to Members’ questions and clarified that there was no financial impact on WRS, but if the proposed code was not followed it could leave WRS open to legal challenge

Members were further informed that much of legislation enforced by WRS was silent as to the approval of the use of powers of entry. Given that the code indicated that not every individual visit needed to be approved, it was suggested that approval of service plans and team plans by managers, could fulfil the requirements of the code. The detailed team plans that sit below the service plan outlined all of the proposed activities for the year and it was therefore possible for managers to give consideration to the use of powers at this stage and record the decisions that were made.

RESOLVED that the policy document, as detailed at Appendix 1 to report, which provided an operating framework for the use of statutory powers of entry and related powers by Worcestershire Regulatory Services officers, acting on behalf of all partner authorities, be approved.

RECOMMENDED that consideration be given by partner authorities to adopt a similar approach for their retained regulatory service elements to ensure consistency of operation in all regulatory fields across the authorities in Worcestershire and to support joint operational working.

The meeting closed at 6.29 p.m.

Chairman

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JOINT COMMITTEE

Date 25th June 2015

Home Office Code of Practice on the Exercise of Powers of entry

Recommendation

It is recommended that the Joint Committee:

- 1.1 Agree to the adoption of the policy document attached at Appendix 1, which provides an operating framework for the use of statutory powers of entry and related powers by the officers of WRS, acting on behalf of its seven partners;
- 1.2 Consider recommending that partners adopt a similar approach for their retained regulatory service elements to ensure consistency of operation in all regulatory fields across the authorities in Worcestershire and to support joint operational working when it takes place.

Contribution to Priorities/ Recommendations

Exercising powers of entry is at the heart of all enforcement work and therefore vital to the functioning of the regulatory service. A Code of Practice governing the use of these powers was introduced by the Home Office under the Protection of Freedoms Act 2012. Local authorities need to provide a framework for their officers to operate within, to ensure that powers of entry and associated powers are deployed in the correct manner. The attached policy document provides such a framework.

Introduction/Summary Background

This report presents and proposes for adoption by the Joint Committee, a framework policy for the exercise by WRS officers of powers of entry and associated statutory powers, not subject to other codes. The Code also applies where legislation is silent on particular matters or where relevant legislation provides fewer safeguards than those provided in it.

Report

On 6 April 2015, a code of practice issued by the Home Office under section 48 of the Protection of Freedoms Act 2012 came into force. The code provides guidance and sets out considerations that apply before, during and after powers

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of entry and associated powers are exercised by a range of bodies including local authorities.

The purpose of the Code is to ensure “greater consistency in the exercise of powers of entry and greater clarity for those affected by them while upholding effective enforcement.”

The Code does not override already existing statutory codes e.g. PACE codes, Food Standards Agency codes, but it does have effect where no existing code covering the exercise of powers exists..

Paragraph 6.3 of the code states:

“There should also be a proper process of approval for the exercise of powers of entry, whether for specific visits or for programmes of visits. If an approval process is laid out in legislation, this should be followed, otherwise organisations should ensure that an approval process is in place for the exercise of powers of entry. Where routine inspections or visits for large scale operations are involved, processes should be agreed and approval granted by a senior official or manager (this should be someone sufficiently senior in the chain of command who is authorised to approve the exercise of powers). It is not necessary for every individual visit to be separately approved.”

Much of legislation enforced by WRS is silent as to the approval of the use of powers of entry. Given that the code indicates that not every individual visit needs to be approved, it is suggested that approval of service plans and team plans by managers, can fulfil the requirements of the code. The detailed team plans that sit below the service plan outline all of the proposed activities for the year and it is therefore possible for managers to give consideration to the use of powers at this stage and record the decisions that are made.

Two major changes in practice contained in the code are:

- The giving of notice prior to routine inspection where this would not frustrate the purpose of the visit; and
- The requirement to seek the consent of the occupier/ owner where this is practicable, unless this would frustrate the purpose of the visit (where consent is informed consent)

Whilst WRS officers do make appointments to visit premises where appropriate, the majority of inspection visits are unannounced. Food law provisions are governed by another statutory code and the EU Directive on food law enforcement requires unannounced inspection as part of the control regime. WRS officers will continue to use this approach for district council food hygiene purposes or county council food standards purposes. However, the

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requirements of the code may make visits for multiple functions (e.g. Food Hygiene/ Health and Safety, or Food Standards and Weights and Measures) more problematic.

The Code outlines the way in which officers should conduct themselves whilst exercising powers. The requirements are no more than we would expect from an officer behaving in a way that meets our own code of professional conduct.

Generally, where a visit is undertaken with the consent of the occupier and no issues of significance are identified, a note of the legislation used and the power exercised should be recorded.

However, where a visit results in the identification of a more significant issue, which may result in some form of enforcement action, the code requires the officer exercising the power to ensure that the following is recorded:

- The statutory provision under which the power was exercised;
- The approval process that allowed for the exercise of the power of entry;
- Whether the power was exercised with or without a warrant;
- Whether the occupier granted consent and what attempts were made to obtain consent;
- The date time and duration that the powers were exercised;
- The address of the premise;
- Names of officers involved in exercising powers
- Names of other persons present (if known);
- Any grounds for the refusal of any requests made by an occupier;
- A list of any items seized and, if not covered by a warrant, the grounds for seizure;
- Whether reasonable force was used and, if so, why;
- Details of any damage caused and the circumstances for this;
- Details, where known, of premises crossed to gain access to other premise

There are further requirements for recording where the exercise of a power is done under a magistrates' warrant.

The code suggests that all of this information should be available in the form of a register which presumably would be subject to the provisions of the Freedom of Information Act. Given the level of activity of lobbying organisations in relation to the protection of freedoms agenda, it would seem sensible to try to use an IT based solution to ensure that, once recorded, this information can be easily extracted in response to the likely arrival of information requests.

This code of practice applies more widely than the regulatory functions delivered by WRS. It will impact on all local authority

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	<p>enforcement functions where there is no existing code for officers to follow. Given the desire for consistency of conduct by regulators from businesses and the fact that WRS staff often work on joint operations with officers from partner authorities in other regulatory teams, it would seem sensible for the Joint Committee to recommend that, within their retained regulatory functions, partners take a similar approach to the one recommended.</p>
Financial Implications	<p>There are unlikely to be direct monetary implications from the Code, however, the additional data recording and the additional processes are an additional burden which the service will have to deal with.</p>
Sustainability	<p>NA</p>
Contact Points	<p>Simon Wilkes Business Manager 01527-549314 swilkes@worcsregservices.gov.uk</p>
Background Papers	<p>Home Office Code Proposed WRS policy and process document</p>



Worcestershire Regulatory Services

Policy on the exercise of statutory powers of entry and associated powers

1. Background

In April 2015, the Secretary of State at the Home Office introduced a Code of Practice [“The Code”] under Sections 47 and 48 of the Protection of Freedoms Act 2012.

Section 47 of the Act requires this Code to be one, ‘containing guidance about the exercise of powers of entry and associated powers’. Section 51 of the Act states that a ‘relevant person’ must have regard to the Code. Authorised officers of Worcestershire Regulatory Service [“WRS”], no matter what activities they undertake on behalf of partners, are “relevant persons” for the purposes of the Act in relation to legislation for which they have enforcement responsibilities.

The Code states that local authorities should ensure that all relevant persons are familiar with its contents. The Code is admissible in respect of both criminal and civil proceedings and failure to adhere to its requirements may be taken into account in any such proceedings.

2. Aim of this policy and its relationship with the Service’s Enforcement Policy

The aim of this policy document is to:

- outline the approach that WRS will take in managing the exercise statutory powers of entry and associated powers, on behalf of its partners and customers (where contracts require WRS to operate within its own policy frameworks as opposed to those of the customer);
- ensure that officers at all levels of the service will be clear where the responsibility rests for making decisions around the exercise of these powers;
- clarify the recording requirements of the Code; and
- who will be responsible for monitoring and oversight of the decision making process.

The Code states that each use of powers does not need to be subject to a defined decision making process. This policy document will help officers to identify where they can continue to operate as previously using their authorised officer and delegated powers at their own discretion, and where their use should be subject to further scrutiny before deployment.

This policy does not supersede the Enforcement Policy but sits alongside it, supporting and helping to detail the use of powers in certain circumstances within this wider policy framework.

3. General Requirements of the Code

Where an operation, project, investigation or similar activity requires the exercise of statutory powers, the Code requires a proper process of approval for the exercise of powers, whether for specific visits or for programmes of visits and, for large scale operations, that this be granted by a senior officer

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Within WRS, where proactive activities are developed for the purposes of the service's annual plan, the exercise of statutory powers will be identified in the individual project plan for that element of the service plan. As part of the planning process, officers and senior practitioners will give consideration to:

- Whether or not the exercise of powers is caught by the Code, and, if not, whether the provisions of the Code may be appropriately applied. For example, The EC Directive governing the inspection of premises for Food Hygiene purposes requires unannounced inspection therefore the use of certain of the provisions within the Code would be inappropriate.
- Where the exercise of powers is caught, officers and senior practitioners will consider whether or not the necessary objectives can be met by less intrusive means without the exercise of statutory powers
- This consideration and its outcome should be recorded within the project plan for each activity.

All project plans will be signed off by the Team Manager before the activity is undertaken. The service plan is reviewed by the Management Team and Head of Service on a regular basis and, from time to time, the Head of Service may review the explanation for the use of powers within any project plan.

Where the exercise of statutory powers may be necessary in relation to a reactive piece of work i.e. a service request or consumer complaint, the officer allocated the piece of work, along with their senior practitioner, will consider the appropriateness of exercising powers in relation to the matter in hand, and will only take appropriate and proportionate action.

For larger scale operations and investigations, an operational order or an investigation plan will be created, which identifies what action will be taken including the exercise of powers. These will be overseen by Senior Practitioners and reviewed by Team Managers in order to ensure the use of powers remains both necessary and proportionate during the process.

The exercise of powers will be done in a manner which is impartial and fair at all times, causes as little disruption to legitimate business operations and complies with any restrictions e.g. legally privileged material. Officers must notify their manager immediately if any situation arises which might be perceived as a conflict of interest.

4. Application of the Code Pre, During and Post Routine Visit Requirements

Where a routine visit (i.e. one where there is no established suspicion of non-compliance being present) is to be made using powers of entry that do not fall within the exemption section of this policy, and, where it is appropriate and practical to do so, reasonable notice (usually not less than 48 hours) will be provided to the occupier or landowner. Notice will, where practicable, be given in writing, which will include email. Where giving such notice would frustrate the purpose of the visit or where it is not practicable to do so, officers will still visit unannounced.

Where the Code applies, reasonable efforts will be made to try and carry out any routine visit or proactive inspection by consent, unless this would frustrate the purpose of the exercise, e.g. by causing undue delay. Attempts to gain consent and the response (or lack of one) to such approaches will be recorded.

Officers will do their best to ensure that consent is informed such that the occupier of a premise understands:

- : The purpose of the visit;
- What their powers of entry and associated powers are;
- How these powers will be used;

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A notice of powers and rights relevant to the visit in question that complies with the provisions of the Code will be issued to a business at the beginning of the visit and officers will explain the nature of any relevant provisions.

Visits will be undertaken at reasonable hours, this being by reference to working hours of the business concerned. During such visits, only reasonable and proportionate numbers of personnel will be present sufficient to undertake any activity associated with the visit in an efficient, timely and cost effective manner.

Officers will produce their identification at the commencement of a visit so that the person can be certain who they are dealing with. Where any requirement for assistance from any occupier of a premise is required, this will be clearly explained in terms of what is required, why it is required and what sanctions may apply for non-compliance.

Where goods or documents are seized in accordance with powers exercised under this Code (rather than one such as PACE Code B,) the occupier will be provided with the following information:

- Details of the items seized;
- Procedures relating to the retention of property;
- Any appeal rights;
- How long items may be held until they are returned (although counterfeit, illegal or hazardous items may be destroyed);
- Any compensation procedures;

Seized items will be held securely and safely and reviewed within a reasonable amount of time to ensure their evidential value. Any items of no evidential value or not required for other reasons as part of the legal process will be returned to the occupier as soon after their review as is reasonably practicable.

Where a person is, for whatever reason, unhappy with the actual use or the manner of use of statutory powers, the officer exercising the powers will provide them with a copy of the service's complaints procedure, which explains in straightforward language, how to make a complaint. It will also include details of how a copy of the Code can be obtained

5. Visits to private dwellings

Where a visit is to a private dwelling, this will only be undertaken with informed consent unless a warrant has been obtained under judicial authorisation, or a warrant issued by a duty Inspector under the provisions of PACE. The timing of visits to private dwellings will be agreed with the occupier except where entry is made under one of the forms of warrant described above.

6. Exceptions

This policy document does not apply to entry to premises for purposes, and in circumstances, which are subject to a separate statutory Code of Practice, for example:

- Police and Criminal Evidence Act 1984 Code B
- Food Law (Code of Practice) England made under the Food Safety Act 1990

Also, where a UK legislative provision is derived from an EU provision requiring unannounced proactive visit processes as part of the control mechanism, WRS will continue

to use this method as part of its control strategy for these provisions. Other provisions of the policy may be followed to allow ease and consistency of recording.

There will be circumstances where the initial exercise of powers could be subject to the Code, but may later become subject to another Code of Practice, for example, if offending is identified, at which point the requirements of this Code will cease to have effect.

e.g. An officer is exercising a routine power of entry for inspection purposes in accordance with product safety legislation. During the course of that visit suspicion of an offence is formed and the purpose of the visit changes to one of gathering evidence.

At that point, this policy document will cease to be relevant and actions would follow the normal provisions of the Service's Enforcement Policy and any relevant provisions of PACE Codes.

7. Records of the use of powers

Where a visit is undertaken with the consent of the occupier and no issues of significance are identified, as part of the recording process for this activity, a note of the legislation used and the power exercised should be made.

Where a visit results in the identification of a more significant issue then the officer exercising the power will ensure that the following is recorded:

- The statutory provision under which the power was exercised;
- The approval process that allowed for the exercise of the power of entry;
- Whether the power was exercised with or without a warrant;
- Whether the occupier granted consent and what attempts were made to obtain consent;
- The date time and duration that the powers were exercised;
- The address of the premise;
- Names of officers involved in exercising powers
- Names of other persons present (if known);
- Any grounds for the refusal of any requests made by an occupier;
- A list of any items seized and, if not covered by a warrant, the grounds for seizure;
- Whether reasonable force was used and, if so, why;
- Details of any damage caused and the circumstances for this;
- Details, where known, of premises crossed to gain access to other premise

Where a warrant is executed, the officer in charge will ensure that the following information is recorded:

- Name of the justice of the peace or judge;
- Advice provided to the occupier about consequences of any obstruction;
- Information about any obstructive conduct by an occupier;
- Date and time the warrant was executed;
- Name of occupier or person in charge of the premises;
- Names of authorised persons executing the warrant and anyone accompanying them;
- Whether a copy of the warrant and a notice of powers and rights was handed to the occupier, or left at the premises and where;
- Whether any articles specified in the warrant were sought and their location;
- Whether any other articles were seized

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These records will be kept in such a manner that they can be retrieved if required without undue activity difficulty or cost being incurred, for example if they were requested as part of a Freedom of Information Act request.

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CHARGING FOR STREET NAMING AND NUMBERING DISCRETIONARY SERVICES

Relevant Portfolio Holder	Cllr Geoff Denaro
Portfolio Holder Consulted	Yes
Relevant Head of Service	Deb Poole, Head of Transformation & OD
Wards Affected	All
Ward Councillor Consulted	No
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 The Council discharges statutory functions relating to street naming and numbering and has the power to charge for those parts of the service that are not statutory duties. This report proposes the introduction of charges for providing these discretionary aspects of the service.
- 1.2 If agreed, the Council's Policy in relation to Street Naming and Numbering will need to be amended to include reference to these charges. The report recommends delegation to officers to implement the necessary changes to the policy.

2. RECOMMENDATIONS

The Cabinet is requested to **RECOMMEND** :

- 2.1 That Sections 64 and 65 of the Town Improvement Clauses Act 1847 and Sections 17, 18 and 19 of the Public Health Act 1925 be adopted by the Council.
- 2.2 That charging for the discretionary element of Street Naming and Numbering be introduced and that the fees set out at Appendix1 be adopted.
- 2.3 That authority be delegated to the Head of Transformation and Organisational Development, to make the necessary amendments to the Street Naming and Numbering Policy resulting from the decision at 2.1 and 2.2.

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3. KEY ISSUES

Financial Implications

- 3.1 The income generated by charging for these services will be used to cover the cost of providing the street naming and numbering post within I.T. Services. The total cost is £27,000 which will be shared equally between Bromsgrove and Redditch Councils.
- 3.2 The charges proposed within this document are in line with neighbouring authorities such as Wyre Forest.
- 3.3 An estimated income of £16,000 per year for Bromsgrove is expected, based on the projected development of approximately 514 residential premises per year, over the next 5 years.
- 3.5 Adjustment to the charges may be required on an on-going basis to ensure that they comply with the costs recovery requirement and charges will be reviewed annually as part of the setting of corporate fees and charges during the Council's budget setting process.
- 3.6 The proposed charges are set out at Appendix 1. The charges will be paid by developers and house builders rather than being met by individual residents.

Legal Implications

- 3.7 The legislation under which naming and numbering can be carried out is:
 - Section 21 Public Health Acts Amenity Act 1907 (alteration of street name)
 - Sections 17 – 19 Public Health Act 1925 (the 1925 Act)(naming of streets and alteration and indication of street names)
 - Town Improvement Clauses Act 1847 (TICA) (street naming provisions)
 - Sections 64 and 65 Town Improvement Clauses Act 1847(street numbering provisions)
- 3.8 The Council must formally adopt the legislation it intends to use for street naming and street numbering. However, it has not been possible to pinpoint the adoption by the Council (or any of its predecessor bodies) of the relevant acts. Accordingly, it is proposed as part of the process for introducing charges for the discretionary services the adoption of the relevant legislation be confirmed by Council.

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- 3.9 The table below sets out the different provisions that it is proposed to adopt and which part of the process they enable the Council to undertake.

Section 17 Public Health Act 1925	Power to name streets
Section 18 Public Health Act 1925	Power to alter street names
Section 19 Public Health Act 1925	Power to identify street/ attach nameplates including attaching to buildings plus introduces penalties for damage to street signs.
Sections 64 and 65 Towns Improvement Clauses Act 1847	Power to name streets and identify buildings (property numbers); power to identify street and erect street nameplates; penalties for unapproved numbering/ naming and damage to street signs.

- 3.10 The Power to charge for the provision of discretionary services is contained in s93 of the Local Government Act 2003. An authority may charge where the party receiving the service has agreed to its provision and the charge must not exceed the cost of providing the service.
- 3.11 The Council has a duty to see that street names are conspicuously indicated in or near a street. The Act states that the initiative may come from a developer, who will provide the initial nameplates for new developments. Once new road names have been established, it is the Council's responsibility to produce the numbering scheme for a new development.

Service / Operational Implications

- 3.12 Agreement to the proposal to charge for the discretionary parts of the street naming and numbering service will assist in securing staff positions going forward.
- 3.13 There will be a requirement to manage the invoicing process, which will be managed by ICT and Finance.

Customer / Equalities and Diversity Implications

- 3.14 The service will continue to be provided as currently. Local residents should not be affected; the charges that are being introduced will be paid by developers and house builders.

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4. RISK MANAGEMENT

- 4.1 Failure to adopt and introduce will increase the risk of redundancy to ICT staff if the service is unable to recover its costs from customers where it is permitted to do so.

5. APPENDICES

Appendix 1 – schedule of proposed fees.

6. BACKGROUND PAPERS

None

AUTHOR OF REPORT

Name: Deb Poole

E Mail: d.poole@bromsgroveandredditch.gov.uk

Tel: 01527 881256

Name: Mark Hanwell

E Mail: m.hanwell@bromsgroveandredditch.gov.uk

Tel: 01527 881248

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Appendix 1

Street Naming and Numbering

Proposed Schedule of Fees

New Properties	Charge
Naming a new street	£244
Naming and numbering new premises.	£121 + £24 for each additional adjoining premise.
Confirmation of address to solicitors/conveyancers/occupiers or owners	£24
Additional charge where this includes naming of a building (e.g. block of flats)	£61

Calculation of expected income based on BDC Local Plan

Properties	514
Approx Properties per street	50
Number of streets	10
Cost per road	£244
1st property/street	£121
Cost for other properties	£24
New properties:	£12,336
New streets	£2,684
1st property/street	£997
Total	£16,017

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2nd September 2015

FINANCE MONITORING REPORT 2015/16

Relevant Portfolio Holder	Councillor Geoff Denaro, Portfolio Holder for Finance and Enabling Services
Relevant Head of Service	Jayne Pickering, Executive Director Finance and Corporate Resources
Non-Key Decision	

1. SUMMARY OF PROPOSALS

To report to Cabinet on the Council’s financial position for Revenue and Capital for the period April –June 2015 (Quarter 1 – 2015/16)

2. RECOMMENDATIONS

- 2.1 That Cabinet note the current financial position on Revenue and Capital as detailed in the report.
- 2.2 The 2015/16 Capital Programme is increased by £40k to include a Section 106 funded project for financial support towards the South Bromsgrove High School 3G Astro Turf pitch.

3. KEY ISSUES

- 3.1 This report provides details of the financial information across the Council. The aim is to ensure officers and members can make informed and considered judgement of the overall position of the Council. The report reflects the financial position across the Strategic Purposes to enable Members to be aware of the level of funding attributed to these areas.
- 3.2 This report includes both a summary for revenue and capital expenditure with a summary for the Council followed by the departmental analysis of expenditure detailed appendices showing the areas that link to the Strategic Purposes. A projected outturn will be reported within the April – September report.

<p>Revenue Budget summary Financial Year 2015/16 – Overall Council</p>

3.3 Internal recharges have not been included in these figures to allow comparison for each service area. However Support costs have been included

Strategic Purpose	Annual budget £'000	Budget to date £'000	Actuals to date £'000	Variance to date £'000
Keep my place safe and looking good	4,858	451	554	103
Help me run a successful business	-511	-116	-121	-5
Help me be financially independent	68	410	406	-4
Help me to live my life independently	651	34	10	-24
Help me find somewhere to live in my locality	1,148	256	239	-17
Provide Good things for me to see, do and visit	1,439	231	226	-5
Enable others to work/do what they need to do (to meet their purpose)	6,587	1,593	1,600	7
Totals	14,241	2,859	2,913	54

Financial Commentary:

There are little variances shown within the first quarter. However within 'Keep my place safe and looking good' it is showing a high variance due to development controls income not being achieved and additional resources needed within the Planning Service to process complex applications.

Capital Budget summary Financial Year 2015/16 – Overall Council

Strategic Purpose	Annual budget £'000	Budget to date £'000	Actuals to date £'000	Variance to date £'000
Keep my place safe and looking good	3,387	491	485	-5
Help me run a successful business	10	2	1	-1
Help me be financially independent	17	4	0	-4
Help me to live my life independently	770	140	140	0
Help me find somewhere to live in my locality	293	73	78	5
Provide Good things for me to see, do and visit	7,792	1,983	1,987	4
Enable others to work/do what they need to do (to meet their purpose)	110	27	13	-14
Totals	12,379	2,721	2,705	-16

Financial Commentary:

There is a recommendation for the capital programme to be increased by £40k to enable use of funding from the Oakhalls Grange development to provide funding towards the South Bromsgrove High School 3G Astro Turf pitch. An agreement will be put in place to enable community use of the facility.

All other capital projects are currently in progress.

4. TREASURY MANAGEMENT

- 4.1 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.
- 4.2 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 of approved institutions.
- 4.3 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.
- 4.4 At 30th June 2015 short term investments comprised:

	31st March 2015 £'000	30th June 2015 £'000
Deposits	6,400	3,600
Total	6,400	3,600

Income from investments and other interest

- 4.5 An investment income target of £36k has been set for 2015/16 using a projected return rate of 0.5%. During the past financial year bank base rates have remained 0.5% and current indications are projecting minimal upward movement for the short term.
- 4.6 In the year to 30th June 2015 the Council received income from investments of £8k.

5. REVENUE BALANCES

5.1 Revenue Balances

The revenue balances brought forward at 1 April 2015 were £4.083m

Legal Implications

None.

Service/Operational Implications

All included in financial implications.

Customer / Equalities and Diversity Implications

None as a direct result of this report

7. RISK MANAGEMENT

7.1 Risk considerations covered in the report. There are no Health & Safety considerations

8. APPENDICES

Appendix 1 – Strategic Purposes

9. BACKGROUND PAPERS

Available from Financial Services

AUTHORS OF REPORT

Name: Sam Morgan – Financial Services Manager
Email: sam.morgan@bromsgroveandredditch.gov.uk
Tel: (01527) 549130 ext 3790
Name: Kate Goldey – Business Support Senior Accountancy Technician
Email: k.goldey@bromsgroveandredditch.gov.uk
Tel: (01527) 881208

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Keep my place safe and looking good.

Department		Annual budget £'000	To date budget £'000	Actuals to date £'000	Variance to date £'000
BDC Reg Client	Exp	571	122	122	-0
	Inc	-113	-28	-28	0
	Net	458	94	94	-0
Bereavement Services	Exp	141	35	46	11
	Inc	-132	-33	-46	-13
	Net	9	2	-0	-3
Building Control	Exp	555	139	135	-4
	Inc	-609	-152	-154	-2
	Net	-54	-13	-19	-6
Cesspools/Sewers	Exp	96	24	46	22
	Inc	-208	-52	-38	13
	Net	-111	-28	8	35
Climate Change	Exp	16	4	3	-1
	Inc	0	0	0	0
	Net	16	4	3	-1
Community Safety	Exp	422	88	96	8
	Inc	-64	-16	-0	16
	Net	358	72	96	24
Depot	Exp	1,177	284	293	9
	Inc	-458	-115	-122	-7
	Net	719	170	171	2
Development Control	Exp	603	151	194	43
	Inc	-446	-111	-52	60
	Net	157	39	142	103
Environmental Health / Protection / Enforcement	Exp	0	0	0	0
	Inc	-11	-7	-6	0
	Net	-11	-7	-6	0
Grounds Maintenance	Exp	577	144	137	-7
	Inc	-95	-14	-15	-1
	Net	482	130	122	-8
Highways	Exp	331	74	72	-1
	Inc	-138	-35	-39	-4
	Net	193	39	33	-6
Land Drainage	Exp	61	15	15	0
	Inc	0	0	0	0
	Net	61	15	15	0
LSP/P'ships	Exp	98	23	33	10
	Inc	-50	-12	-23	-10
	Net	49	11	11	-0
Pest & Dog control	Exp	0	0	1	1
	Inc	0	0	-2	-2
	Net	0	0	-1	-1
Refuse & Recycling	Exp	2,178	545	528	-16
	Inc	-1,093	-959	-945	14
	Net	1,085	-415	-417	-3
Strategic Housing	Exp	18	5	0	-5
	Inc	-11	-3	0	3
	Net	7	2	0	-2
Strategic Planning	Exp	336	84	55	-29
	Inc	0	0	0	0
	Net	336	84	55	-29
Street Cleansing	Exp	1,032	247	237	-10
	Inc	-64	-25	-22	3
	Net	968	221	215	-7
Town Centre Development	Exp	122	31	16	-14
	Inc	-67	-17	-0	17
	Net	56	14	16	2
Waste Management, policy, promotion, management	Exp	38	9	4	-5

Department		Annual budget £'000	To date budget £'000	Actuals to date £'000	Variance to date £'000
	Inc	-43	-11	-4	7
	Net	-5	-1	-0	1
Public Conveniences	Exp	87	17	16	-1
	Inc	-0	-0	-0	-0
	Net	87	17	16	-1
Totals:		4,858	451	554	103

Financial commentary:

Within Strategic planning there is saving currently due to salary vacancies. The overspend on Cesspools occurred as a result of the responsibility of emptying the pumping stations as a result of a dispute this impacts on the resources available to service existing customers and therefore has incurred additional water disposal charges. There is an overspend in development control due to income not being received and additional staffing costs.

Help me run a successful business

Department		Annual budget £'000	To date budget £'000	Actuals to date £'000	Variance to date £'000
Business Development - Business	Exp	82	25	11	-13
	Inc	-1	-0	-2	-1
	Net	81	24	10	-15
Car Parks/Civil Enforcement Parking	Exp	752	188	158	-30
	Inc	-1,275	-319	-288	31
	Net	-523	-131	-130	0
Economic & Tourism Development	Exp	227	57	56	-1
	Inc	-106	-27	-19	7
	Net	121	30	37	6
Licenses (all)	Exp	0	0	0	0
	Inc	-191	-40	-38	2
	Net	-191	-40	-38	2
Totals:		-511	-116	-122	-6

Financial commentary:

Parking Enforcement continues to see a reduction in income due to increased compliance. There are plans in place to recruit to a vacant post. Civil

Help me to be financially independent

Department		Annual budget £'000	To date budget £'000	Actuals to date £'000	Variance to date £'000
Revenues & Benefits	Exp	16,716	4,037	4,048	11
	Inc	-16,647	-3,628	-3,643	-15
	Net	68	410	406	-4
Totals:		68	410	406	-4

Financial commentary:

There are no significant variances this quarter.

Help me to live my life independently **Agenda Item 8**

Department		Annual budget £'000	To date budget £'000	Actuals to date £'000	Variance to date £'000
Community Safety - lifeline	Exp	216	54	54	0
	Inc	-163	-163	-187	-24
	Net	53	-109	-133	-24
Community Transport / Dial a ride	Exp	28	2	2	-0
	Inc	0	0	0	0
	Net	28	2	2	-0
Disabled Facilities grants	Exp	563	141	141	-0
	Inc	0	0	0	0
	Net	563	141	141	-0
Totals:		643	33	10	-23

Financial commentary:

The variance within community safety relates to extra income received for Lifeline due to additional service users.

Help me to find somewhere to live in my locality

Department		Annual budget £'000	To date budget £'000	Actuals to date £'000	Variance to date £'000
Housing Strategy & Enabling	Exp	1,165	261	241	-20
	Inc	-217	-54	-52	2
	Net	948	206	189	-17
Private Sector Housing	Exp	200	50	50	-0
	Inc	0	0	0	0
	Net	200	50	50	-0
Totals:		1,148	256	239	-16

Financial commentary:

The variance within housing strategy and enabling is due to extra income received for Burcot hostel.

Provide things for me to do, see and visit

Department		Annual budget £'000	To date budget £'000	Actuals to date £'000	Variance to date £'000
Business Development - Cultural	Exp	12	2	2	0
	Inc	0	0	0	0
	Net	12	2	2	0
Community Cohesion (older and young people) social inc	Exp	29	7	7	-1
	Inc	0	0	0	0
	Net	29	7	7	-1
Cultural Services	Exp	222	46	45	-1
	Inc	-34	-0	-2	-2
	Net	188	46	43	-3
Grants & Donations	Exp	108	0	0	-0
	Inc	0	0	0	0
	Net	108	0	0	-0
Highways - Seasonal	Exp	35	7	3	-4
	Inc	-31	-8	-4	4
	Net	4	-1	-0	0
Parks & Green Space	Exp	333	52	44	-8
	Inc	-61	-16	-9	6
	Net	272	37	35	-2
Shopmobility	Exp	8	1	0	-0
	Inc	0	0	0	-0

Department		Annual budget £'000	To date budget £'000	Actuals to date £'000	Variance to date £'000
Sports Services	Net	8	1	0	-0
	Exp	870	154	152	-1
	Inc	-44	-14	-13	1
	Net	826	140	139	-1
Totals:		1,447	232	226	-6

Financial commentary:
There are no significant variances this quarter.

Enable others to work/do what they need to do (to meet purpose)

Department		Annual budget £'000	To date budget £'000	Actuals to date £'000	Variance to date £'000
Accounts & Financial Management	Exp	473	112	112	-0
	Inc	0	0	0	0
	Net	473	112	112	-0
Business Development	Exp	553	102	94	-8
	Inc	-43	-11	-5	6
	Net	510	91	89	-2
Central Overheads	Exp	1,198	288	289	1
	Inc	-2	-2	-2	-0
	Net	1,197	287	288	1
CMT	Exp	366	91	90	-2
	Inc	-146	-37	-36	1
	Net	220	55	54	-1
Communications	Exp	155	31	27	-4
	Inc	-64	-16	-14	2
	Net	92	15	13	-2
Corporate	Exp	78	20	43	23
	Inc	-0	0	0	-0
	Net	77	20	43	23
Corporate Administration / Central Post Opening	Exp	143	35	37	1
	Inc	-31	-8	-8	0
	Net	112	28	29	2
Customer service centre	Exp	332	77	74	-2
	Inc	-42	-10	-11	-0
	Net	291	66	64	-2
Democratic Services & Member Support	Exp	647	137	127	-10
	Inc	-181	-38	-35	3
	Net	466	100	93	-7
Election & Electoral Services	Exp	731	143	143	-0
	Inc	-470	-113	-112	1
	Net	260	31	31	1
Emergency Planning / Business Continuity	Exp	14	4	4	-0
	Inc	0	0	0	0
	Net	14	4	4	-0
Equalities	Exp	56	14	1	-13
	Inc	-23	-6	-0	5
	Net	33	8	0	-8
Human Resources & Welfare	Exp	264	66	63	-3
	Inc	0	0	0	0
	Net	264	66	63	-3
ICT	Exp	2,556	709	912	202
	Inc	-695	-174	-359	-185
	Net	1,862	535	553	17
Land Charges	Exp	90	21	21	0
	Inc	-184	-40	-40	-0
	Net	-94	-19	-19	0

Department		Annual budget £'000	To date budget £'000	Actual to date £'000	Variance to date £'000
Leisure & Cultural Mgt	Exp	83	21	27	7
	Inc	-48	-12	-12	0
	Net	35	9	16	7
Policy	Exp	146	37	21	-16
	Inc	-67	-17	-10	6
	Net	79	20	10	-10
Printing & Reprographics	Exp	177	44	39	-5
	Inc	-66	-16	-17	-0
	Net	111	28	23	-5
Professional Legal Advice & Services	Exp	518	122	113	-9
	Inc	-266	-64	-59	5
	Net	252	58	54	-4
SMT	Exp	442	106	105	-1
	Inc	-142	-36	-35	0
	Net	300	71	70	-1
Transport	Exp	231	58	64	6
	Inc	-263	-66	-70	-5
	Net	-33	-8	-7	1
Transformation	Exp	134	34	37	4
	Inc	-68	-17	-19	-2
	Net	67	17	19	2
Totals:		6,587	1,593	1,601	8

Financial commentary:

The overspend currently in Corporate services is due to corporate savings to be met the financial year 15/16. Democratic Services is showing a saving due to the Boundary review taking place resulting in a saving on Members allowances. ICT is currently showing an overspend of 17k mainly due to ongoing costs associated with Parkside, officers are working to reclaim these costs from Worcestershire County Council, officers are also working to alleviate the loss of WRS funding. Equalities has an underspend due to a vacant post which has now been recruited to, officer to start 1st September 2015. Within BDC Policy the underspend is due to a vacant post.

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Leasehold issues affecting Sherwood Road Industrial Units

Relevant Portfolio Holder	Cllr Denaro
Portfolio Holder Consulted	Yes
Relevant Head of Service	Jayne Pickering
Wards Affected	Aston Fields
Ward Councillor Consulted	Yes
Key Decision	

1. SUMMARY OF PROPOSALS

1.1 This report gives members an update into legal issues affecting the industrial units formerly owned by the Council located at 33 -51 Sherwood Road (also known as Plot 31 Sherwood Road). The buildings are made up of 10 industrial starter units forming a small self-contained industrial estate. In 2009 members approved the disposal of the site and the Council's freehold interest was sold in 2011. The site is subject to complex leasing arrangements the details of which are set out in this report.

1.2 In March 2015 the holder of the head lease issued a demand for the council to pay rent owing by the Sublessee. The Council is legally bound to make those payments even though it no longer holds any legal interest in the property. Officers have been working to explore what options are available to the Council to address this situation and to mitigate any future payments that may have to be made. This report sets out the legal advice received and outlines the alternative solutions available.

1.3 This report sets out the information in relation to this matter which is not exempt and can be made available publically. Members will be supplied with a separate exempt report. The exempt report will cover information regarding legal advice received by the Council and commercial information about the other parties involved that cannot be released publically.

2. RECOMMENDATIONS

2.1 That Members note the contents of this report

2.2 That Members give approval to the Council applying for and entering into an overriding lease of Sherwood Road Industrial Estate (33 – 51 Sherwood Road) and if the Sublessee (LNX) continues not to pay the rent due under the sublease to take steps to forfeit or agree a

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surrender of the sub-lease and take on responsibility for managing the existing occupying tenants.

- 2.3 That authority be delegated to the Head of Legal and Democratic Services to take the steps necessary to implement recommendation 2.2.
- 2.4 That Cabinet recommend to Council that financial provision of £265k be set aside from revenue balances to cover the expenses that the Council will incur due to its obligations under the current lease arrangements (£200k) together with estimates to fund potential dilapidation costs (£60k) and any legal costs arising from the steps set out in 2.2 above (£5k).

3. KEY ISSUES

Financial Implications

- 3.1 In response to the section 17 notices served on the Council since March 2015, the Council has had to make payments to the Current Lessee of £36,151.25. Members are referred to the detailed breakdown set out at paragraph 3.9.
- 3.2 As set out in paragraph 3.10, the Council faces an on-going liability of circa £45k per year arising from the fact that the Sublessee is not paying the rent due to the Current Lessee, although this has the potential to be mitigated following the grant of an overriding lease by the receipt of rent from the occupiers of the units. The Council also has a potential dilapidations liability of circa £60k (as estimated by Worcestershire County Council) as to which a more accurate estimate can be obtained once the overriding lease has been granted as this will enable the Council to inspect the Property. This liability has the potential to be mitigated by the Council enforcing the repair obligations of the occupiers of the units.
- 3.3 Due to the costs associated with the potential on-going liability and dilapidations it is proposed that sufficient funds are set aside from revenue balances which currently stand at over £4m to provide for any resulting expenditure. This will enable the Council to meet its future liability and cover the estimated cost of ensuring the buildings are of an adequate standard. A more detailed survey will be undertaken once the overriding lease has been granted.

Legal Implications

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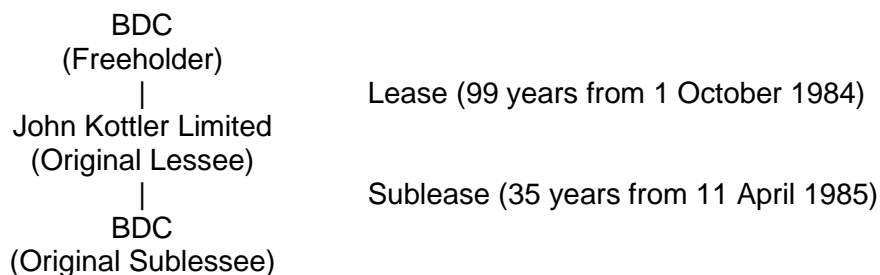
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History of the site

3.4 Prior to 1985, BDC was the freehold owner of 33 to 51 Sherwood Road (the Property) which was not subject to any long leases. The Council at the time operated the Property as a small business park letting out the units.

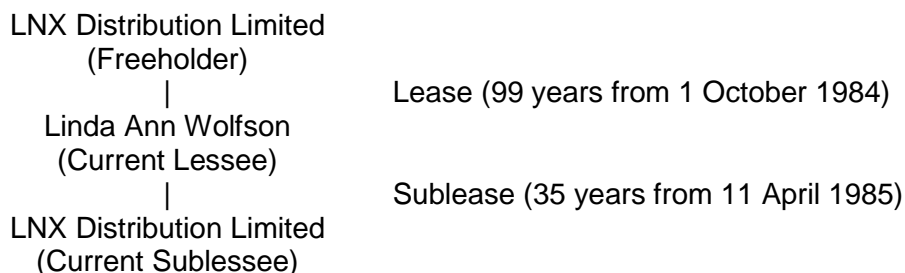
3.5 In April 1985, BDC granted a 99 year lease (“the Lease”) of the Property to John Kottler Limited (“the Original Lessee”) and took a 35 year sublease (“the Sublease”) from the Original Lessee.

1985



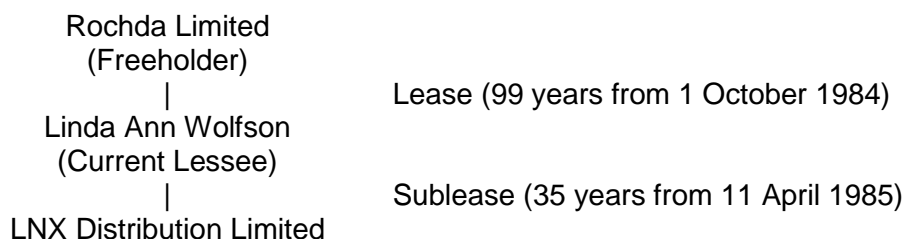
3.6 In 2011, the Original Lessee transferred its interest to Linda Ann Wolfson (“the Current Lessee”), and BDC transferred both its freehold and leasehold interests to LNX Distribution Limited (“the Current Sublessee”).

2011



3.7 In 2015 LNX Distribution Limited transferred its freehold interest to Rochda Limited.

2015 – current position



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(Current Sublessee)

|
Occupying Tenants

- 3.8 The Current Sublessee is not in occupation of the Property. It has itself let the units, most of which appear to be occupied. BDC does not have detail of these leasing arrangements, but understands that 9 of the 10 units are occupied and that rent payable by the occupiers is, in total, in the region of £44,000 per annum. The Current Sublessee claims that these tenants (“the Occupying Tenants”) pay their rent late or not at all, hence the Current Sublessee’s inability to pay its rent to the Current Lessee.
- 3.9 The legal position is complicated, but in essence because the Sublease was entered into prior to the 1 January 1996, the original contracting tenant (BDC) remains bound by the covenants in the lease (including the covenant to pay rent) even though it has disposed of its interest in the Property. The law has subsequently been altered but due to the date of the lease the Council is caught by the covenant to pay the rent and there is nothing that BDC could have done on its disposal of the Sublease to escape from this ongoing liability.
- 3.10 It is obviously more advantageous to the Current Lessee to claim unpaid rent from BDC than to pursue the Current Subtenant for the debt or forfeit the Sublease for non-payment of rent. The Current Lessee has consequently served three demands for the unpaid rent (and the interest thereon) under section 17 of the Landlord and Tenants (Covenants) Act 1995 on BDC together with a demand for payment of buildings insurance. In order to avoid court proceedings against it and the associated costs thereof the Council has had no option but to pay the demands and the amounts in question are set out in the table below:-

Date of Notice	Period	Rent	Interest	Other	Amount paid
2 nd February 2015	29 Sept 2014 to 24 Dec 2014	£10,647	£370		Nil – rent paid late by the subtenant
	25 December 2015 to 24 March 2015	£10,647	£116		£10,647
16 th April 2015	20 th Sept to 24 Dec 2014		£438 (re-calculated and carried forward from above)		

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	25 December 2014 to 27 March 2015		£271 (re-calculated and carried over from above)		
	25 th March 2015 to 24 June 2015	£10,647	£67		£11,423
25 th May 2015	2015/2016			Buildings Insurance of £2977	£2977
2 July 2015	25 th June 2015 to 28 th September 2015	£10,647	£26.25		£10,673.25
TOTAL PAID TO DATE					£36,151.25

Future liabilities and VAT position

3.11 If no action is taken BDC will remain liable to pay any unpaid rent until the expiry of the Sublease in April 2020, together with any further incidental expenses covered by the covenants that are not paid by the subtenant such as the buildings insurance. Assuming that the subtenant continues to default this represents an on-going liability of circa £45k per annum.

Remainder of this section excluded as exempt information

Service / Operational Implications

3.31 See legal implications

Customer / Equalities and Diversity Implications

3.32 Excluded as exempt information

4. RISK MANAGEMENT

4.1 Excluded as exempt information

5. APPENDICES

Appendix 1 – Plan of site

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6. **BACKGROUND PAPERS**

Bromsgrove District Council Cabinet Report 29 July 2009

7. **KEY**

N/A

AUTHOR OF REPORT

Name: Sarah Sellers Principal Solicitor
E Mail: s.sellers@bromsgroveandredditch.gov.uk
Tel: 01527 881397

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of the Local Government Act 1972.

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