

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE COUNCIL

25TH SEPTEMBER 2019, AT 6.00 P.M.

PRESENT: Councillors R. J. Laight (Chairman), S. J. Baxter, S. R. Colella, R. J. Deeming, G. N. Denaro, S. P. Douglas, A. B. L. English, M. Glass, S. G. Hession, C.A. Hotham, S. A. Hughes, R. J. Hunter, R. E. Jenkins, A. D. Kent, J. E. King, A. D. Kriss, L. C. R. Mallett, K.J. May, M. Middleton, P. M. McDonald, H. D. N. Rone-Clarke, M. A. Sherrey, C. J. Spencer, P.L. Thomas, M. Thompson, J. Till, K. J. Van Der Plank, S. A. Webb and P. J. Whittaker

WELCOME

The Chairman welcomed everyone to the meeting and invited representatives from the Basement Project to give a short talk on the work that they carried out. Members thanked them for their attendance and the vital work that they did in supporting young people in the district.

36\19

APOLOGIES

Apologies for absence were received from Councillors A. Beaumont and H. Jones.

37\19

DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

38\19

MINUTES

The minutes of the meeting of the Council held on 26th June 2019 were submitted. The following points of clarification were discussed:

- Councillor C. Hotham asked whether the dispensations in respect of outside bodies had been addressed. The Monitoring Officer confirmed that these had been dealt with at the meeting of the Audit, Standards and Governance Committee held on 30th July 2019.
- It was confirmed that there had not been a named vote in respect of Councillor M. Thompson's amendment to the Climate Change notice of motion discussed at the meeting on 24th July 2019.

RESOLVED that the minutes of the meetings of the Council held on 26th June 2019 and 24th July 2019 be approved.

39\19

TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRMAN AND/OR HEAD OF PAID SERVICE

There were no announcements from the Chairman or Head of Paid Service.

40\19

TO RECEIVE ANY ANNOUNCEMENTS FROM THE LEADER

The Leader confirmed that Redditch Borough Council had received a Section 24 Notice in relation to its financial sustainability from 2020/21. She advised members that this was due to Redditch Borough Council not having the levels of balances and reserves at a level that enabled them to fund their £1.5m budget deficit that they had to find over the next 3 years. It was highlighted that whilst Bromsgrove had to make savings of £1.2m over the next 3 years, if necessary, it had sufficient balances to meet that shortfall.

Both Councils therefore had to reduce costs and generate additional income in order to address the budget gap that was faced. It was vital that the funding reductions were met to enable services to be delivered to all the Council's communities.

In assessing Redditch Borough Council, there were a number of services that it provided that were chargeable only to Redditch; any savings from these services would only be attributable to Redditch. As Members were aware officers had already been asked to look at the split of charges between the 2 Councils and any resulting savings from these reviews, together with the aim to reduce enabling costs would be split between the 2 organisations.

The Leader advised that she had spoken to the leader of Redditch Borough Council, Councillor Matt Dormer, and had been assured that they would take the difficult decisions that were required to balance their budget. Members were assured that the financial difficulties Redditch Council found itself in would not impact on the delivery of this Council's services. However, the Leader reaffirmed the position that this Council had to make significant savings to mitigate the impact of funding reductions in the medium term.

Members discussed the following areas in respect of the Leader's announcement:

- The regrettable situation and any impact on Bromsgrove services arising from it.
- Whether, if the Council had not already been in the shared services partnership with Redditch Borough Council, this Council would have considered such an agreement. The Leader advised that she was looking at the current situation, not looking back.
- Clarification in respect of the potential impact on this Council and whether it would be appropriate for the Overview and Scrutiny

Board's Finance and Budget Working Group to look at this matter in more detail.

- The need to be proactive in looking at how the Section 24 order could impact on this Council.
- The role of the Finance and Budget Working Group in being set up to consider situations in more detail and the need of this Council to be aware of any impact on its services at the earliest possible stage.
- The amount of savings that this Council needed to make over the next two years was clarified by the Section 151 Officer.

The Leader initially did not feel it was necessary at this stage for the Finance and Budget Working Group to consider the matter; however, after some debate she conceded that she had no objection to the Working Group looking into the matter in more detail should it so wish.

41\19

TO RECEIVE COMMENTS, QUESTIONS OR PETITIONS FROM MEMBERS OF THE PUBLIC

There were no comments, questions or petitions from members of the public on this occasion.

42\19

CONSTITUTION UPDATE REPORT

Councillor G. Denaro, the Portfolio Holder for Finance and Enabling introduced the report and explained that since the report had been published, he had been approached to withdraw two recommendations, with a view to these being further considered. He therefore requested that recommendations 2.1 and 2.2 in respect of Gifts and Hospitality Guide for Councillors and the Council Procedure Rules in respect of Purdah, be withdrawn.

The remaining recommendations were proposed by Councillor Denaro and seconded by Councillor K. May.

Members questioned the need to remove the Officers' Code of Conduct from the Constitution and Councillor Denaro responded that, as detailed in paragraph 3.14 of the report, this was a Human Resources matter, which formed part of the terms and conditions of employment of officers and sat within a suite of policies that were part of that HR role and which were monitored and updated on a regular basis. This was confirmed by the Monitoring Officer, who added that, it was appropriate for clarity, for those policies all to sit in one area.

In respect of the Licensing Code of Practice, it was requested that the inclusion of all new taxis to have wheelchair access be added. However, it was confirmed that this item related to legislative changes under the Licensing and Gambling Acts and did not relate in any way to the taxi-licensing regime. Such a requirement would be a matter for the Licensing Committee.

RESOLVED that

- a) the updated Licensing Code of Practice be agreed as set out in Appendix 2; and
- b) the Officer Code of Conduct be removed from the Council's Constitution.

43\19

RECOMMENDATIONS FROM THE CABINET

Worcestershire Regulatory Services Board – Enforcement Policy 2019

Councillor A. D. Kent, Portfolio Holder for Planning and Regulatory Services, proposed the recommendation in respect of Worcestershire Regulatory Services Board, Enforcement Policy 2019 as detailed at page 115 of the agenda pack, and this was seconded by Councillor K. May.

Members discussed a number of areas in respect of this item, including:

- The differences between the updated policy and the previous policy. It was commented that it would be more helpful for Members to, in future, receive this in tracked changes format in order to establish what, if any changes had been made.
- It was suggested that it would be more appropriate to defer the item until such information was made available.
- The policy had been discussed at the Worcestershire Regulatory Services Board meeting and any queries Members had could have been raised at that meeting. The purpose of bringing the matter forward to this meeting, was merely to “rubber stamp” the decision reached by the Board.
- Whether the Portfolio Holder should have been briefed in more detail about any changes and able to respond to questions from Members on it. The Portfolio Holder drew Members’ attention to page 116 of the agenda pack which highlighted the changes which had been made.
- The wording of the recommendation was discussed as this did not make specific reference to this Council.

Councillor R. Hunter proposed that the report be deferred until the next meeting and this was seconded by Councillor H. Rone-Clarke. On being put to the vote the amendment was lost.

RESOLVED that, the Council for each Member Authority adopt the Worcestershire Regulatory Services Enforcement Policy 2019, as detailed at Appendix 1 to the report.

Bromsgrove Plan Review Update

Councillor A. D. Kent, Portfolio Holder for Planning and Regulatory Services, proposed the recommendations in respect of the Bromsgrove Plan Review update, and this was seconded by Councillor K. May.

In proposing the recommendation Councillor Kent advised Members that there had been almost 3.5k responses during the six week public consultation, a summary of which had been published, although not included within the agenda packs.

Members debated the following in more detail:

- Whether, given the comprehensive and detailed nature of the report, six weeks was sufficient time for the consultation to take place and the need to protect the valued landscape of the District. Councillor Kent responded that the Plan was a living document and would continue to be discussed in various forums and in particular Members were able to input to the process through the Strategic Planning Steering Group meetings and therefore he did not believe it was necessary to extend the consultation period beyond the six week period recommended.
- It was suggested that the recommendation be taken individually rather than en bloc in order for Members to propose any amendments if they so wished.
- Whilst there was a breakdown of the comments received, there was no detail around what people had actually said. Councillor Kent referred Members to the larger document, which had been published as a supplementary agenda, but not printed due to its size and which contained those detailed responses.
- It was noted that 83 responses had been received from land owners and agents and it was questioned whether officers had been guided by those professional responses as opposed to the more “emotional” responses received from local residents, who may not have been able to articulate their views in an appropriate manner. Councillor Kent believed that there was some confusion in respect of the responses received and advised Members that currently all officers were doing was collating the responses and Members were being asked to do was note the responses.
- The information had been published in order for the Council to be seen as open and transparent, there was the possibility that people other than developers may come forward with suggested development sites. Those sites, wherever they were located, needed to be sustainable and meet the appropriate guidelines. No decision would be made until the information received had been analysed and assessed on its merits.
- The importance of the District being sustainable and having the appropriate infrastructure in place and being able to provide well paid employment opportunities locally and housing in order for them to continue to live locally.
- It was reiterated that all the information was available for everyone to see on the Council’s website. Members had also able to discuss the detail at the Strategic Planning Steering Group meetings, which were open to all Members. Although it was commented that the full document had not been available at the time of the last meeting of this Group.

- The Green Belt Purposes Assessment had not been discussed at the Strategic Planning Working Group meeting.
- The importance of residents getting involved and letting the Council know their views and concerns.
- The importance of affordable housing was reiterated, as there were many areas in the District where people on lower incomes were unable to purchase a property.

It was commented that some reasonable points had been made, which needed to be considered, especially in light of the challenges that the Council had had as a District, with little land available and that this had been a good way to start the debate. There was a need for affordable housing and the concerns raised were understandable. Many of the concerns had been ongoing for a number of years and were not all related to the infrastructure issues, although these played a large part and as a result there may be sites which would never be built on.

Councillor Kent reassured Members that the issues which had been raised were important to him and the Team and he would ensure that these were taken back to the Strategic Planning Steering Group and discussed in full detail.

The importance of transparency and engagement were paramount if the Council were to get residents on-side as it went along this journey.

An amendment to recommendation (b) was proposed by Councillor S. Baxter, which requested the consultation period to be extended to 12 weeks. This was seconded by Councillor R. Hunter. On speaking to the amendment Councillor Baxter informed Members that as there had been such a high response to the initial consultation, which reflected the public interest in the matter and as the document was so large then residents should be given more time to consider it. She went on to say that it was the most important piece of work that the Council was likely to carry out and therefore should be given the appropriate amount of time for consideration.

Councillor Kent responded that it was important that the Council kept to the timeline that had been set, in order for the process to remain on track.

On being put to the vote the amendment was lost.

(The Monitoring Officer confirmed that the amendment had been lost following the Chairman exercising his casting vote.)

It was commented that a 6 week consultation would be resources intensive and it was questioned whether there were sufficient officers available to complete this work in the allotted time-frame. Members requested reassurance that the appropriate resources would be available in order that the consultation was carried out properly and that it did not impact on their other workload. Councillor Kent advised

Members that the timeline had been put together by officers and he was therefore confident that they were able to do the work. However, it was also the responsibility of Councillors to go out into their communities and encourage residents to take part in the consultation and have their say.

Councillor C. Hotham proposed an amendment to recommendation (c) to including the following:

“and Council welcomes the strengths and purposes shown by the larger settlements in this regard.”

Councillor Kent commented that the recommendation as it currently stood was simply asking for the Stage 1 Green Belt Purposes Assessment to be noted and that the amendment appeared to confuse the matter.

The Head of Planning and Regeneration was asked to clarify the position and she advised Council that the purpose of the study was to set out the methodology to be used in the process and areas which Members may wish to put particular emphasis on. It was not setting out a conclusion, although it could be used to do this in due course. It provided areas that needed to be thought about before a decision was made in the future.

In speaking to the amendment, Members made the following comments:

- Some Members were not clear on what the amendment was expected to achieve and it was commented that Members should be up to speed with such important issues.
- The number of Members who attended the Strategic Planning Steering Group meetings.
- Confusion around the proposed amendment and the suggestion that Members just needed to look at the matter further in the future.
- No decision was being made on sites and their location at the present time

On summing up Councillor Hotham advised that his understanding was that sites would be around the town and smaller settlements, and would be welcomed, but it was important that the Council was open and honest with its residents.

On being put to the vote the amendment was lost.

In respect of recommendation (d) Councillor Hotham put forward an amendment:

“that Council suspends the call for sites and completes a statement of common ground with Redditch, Wychavon and Wyre Forest Councils.”

In speaking to the amendment Councillor Hotham explained that since the report had been published and looking at appendix 2 he was

concerned that the Council was “jumping the gun” and made reference to the NPPF, paragraph 37 and concluded that there were exceptional circumstances and the need to talk with neighbouring authorities around what can be done. The Council needed to have that in place before moving forward in order to establish how they can help with the housing need of this District. It may also be prudent to include Birmingham in those discussions before any further action was taken.

Councillor Kent, as Portfolio Holder for Planning and Regulatory Services responded that the Call for Sites would help the Council understand what was available and then consider whether those site were suitable and whether the land could be released for development. A statement of common ground would follow once that initial process had been completed and evidence gathered. It was not appropriate to issue that before the call for sites was completed. Members were reminded that there was a duty to co-operate between all neighbouring authorities should the need arise. By issuing a Statement of Common ground at this stage there was the possibility of alienating the other authorities and reducing the credibility of the plan going forward. He would therefore not support such an approach.

In debating the amendment, Members discussed the following:

- The point made by Councillor Hotham was a good one but would it hold up the process.
- The need to protect the District’s Green Belt and protect it from becoming a suburb of Birmingham.
- The need to ensure any decisions made were in the best interest of Bromsgrove District.

In accordance with procedure Rule 18.3 a recorded vote was taken and the voting was as follows:

For the amendment: Councillors Baxter, Colella, Douglas, English, Hotham, Hughes, Hunter, Jenkins, King, Mallett, Rone-Clarke, Thompson, Van der Plank (13)

Against the amendment: Councillors Deeming, Denaro, Glass, Hession, Kent, Kriss, May, Middleton, Sherrey, Spencer, Thomas, Till, Webb, Whittaker (14)

Abstentions: (0)

On being put to the vote the amendment was lost.

RESOLVED that

- a) the response to the Issues and Options Consultation (Appendix 1 be noted);

- b) the consultation, the Plan Update and Further Consultation document (Appendix 2), be noted and published for a period of 6 weeks from 30th September to the 11th November 2019;
- c) the contents of the Stage 1 Green Belt Purposes Assessment (Appendix 3) be noted;
- d) the Call for Sites process be opened for a period of 6 weeks between 30th September to the 11th November 2019; and
- e) delegated authority be given to the Head of Planning and Regeneration Services in conjunction with the Portfolio Holder for Planning and Regulatory Services, to make any minor technical corrections and editorial changes deemed necessary to aid the understanding of the documentation prior to final publishing.

Councillor Baxter requested that in respect of the delegated authority could any changes agreed be reported back to Members for information in order that they could monitor changes that had been made. Councillor Kent confirmed that this would be done.

Response to Worcestershire County Council Passenger Transport Strategy

Councillor A. D. Kent, Portfolio Holder for Planning and Regulatory Services, proposed the recommendation in respect of the response to the Worcestershire County Council Passenger Transport Strategy, and this was seconded by Councillor K. May.

In proposing the recommendations Councillor Kent highlighted that many of the concerns raised in the previous item had been picked up and included within the response.

In debating the matter, Members discussed a number of areas including:

- The response was a solid response and set out the concerns of the Council.
- The need for rural transport in particular and the use of more sustainable forms of transport.
- It was noted that the response had already been submitted but could be amended and those amendments forwarded to Worcestershire County Council (WCC).
- Young people in the District were reliant on public transport.
- The need to be pro-active in ensuring that the Climate change agenda was also a consideration. Councillor Kent confirmed that he was keen for this to be one of the areas that were looked at, particularly in respect of electric buses, although it was acknowledge that there was a high capital cost to these and all options needed to be considered.
- Reference was made as to whether those Councillors who were also County Councillors had a conflict of interest and whether

they would be supportive of this Council's views when the matter was debated at WCC.

- Improvements should also be made to the railway infrastructure – parking at railway stations was also highlighted. The Station at Warwick Parkway was given as a good example of how such a station worked and was well used.
- Councillor Kent drew Members attention to Section 8 Paragraph 8 of the response which highlighted the need for all parties to work together.
- The subsidies which had previously been withdrawn for a number of public transport routes as they were not seen as cost effective by WCC. However, the need for public transport to be available in the rural areas was paramount.
- What was needed was not reflected in the consultation and it was important that alternative strategies were looked at in order to capture everything. Councillor Kent confirmed that he was happy to include an item on this within the next agenda of the Strategic Planning Steering Group to ensure that all comments had been included.
- The need to ensure that the Council's voice was heard and listened to at WCC.
- Both bus shelters and cycle paths were an important part of ensuring that these forms of transport were utilised as much as possible. These being available would encourage residents to use these forms of transport more.

Councillor Kent confirmed that whilst the consultation was now closed, he was happy for this to be discussed further at the Strategic Planning Steering Group and if necessary for an additional response to be sent to WCC following those discussions.

RESOLVED that

- a) the response at Appendix A of the report to the Worcestershire County Council Passenger Transport Strategy be endorsed; and
- b) the matter be referred to the Strategic Planning Steering Group for further discussion.

Bromsgrove Council Plan

Councillor K. May, as Leader of the Council, proposed the recommendation in respect of the Bromsgrove Council Plan, and this was seconded by Councillor G. Denaro.

In proposing the recommendation, Councillor May explained that the Council's priorities had been reduced to five as set out in the Plan and that there was a now a "green thread" which ran through all areas. Each key priority had underneath it a set of measures in order to ensure that those priorities were met.

RESOLVED that the Council Plan attached at Appendix 1 be approved.

Finance Monitoring Quarter 1 2019/20

Councillor G. Denaro, Portfolio Holder for Finance and Enabling, proposed the recommendation in respect of the Finance Monitoring Quarter 1 2019/20 Report and this was seconded by Councillor K. May.

In proposing the recommendation, Councillor Denaro explained that the request was simply to move capital from the following years to this year in order to purchase more modern CCTV equipment and allow for a number of mobile cameras to be purchased. This would be of benefit to everyone and was not an additional cost, but simply bring funds forward.

A number of areas were discussed in more detail by Members, including:

- The welcomed investment in CCTV and the use of it for surveillance as well as a deterrent.
- Concerns in respect of the Monitoring Unit and whether it was sufficiently manned to allow the Police to be alerted, for example in the increasing cases of criminal damage that were happening in some areas of the District.
- The work of the Overview and Scrutiny Board's Short Sharp Review, which had supported the updating of the CCTV system and highlighted the need for more mobile cameras.

RESOLVED that an increase in the 2019-20 Capital Programme of £80K (as detailed at 6.1 of the report) for CCTV Cameras funded by releasing funds allocated in 2020-21 £40k and 2021-22 £40k to increase the existing budget already approved in 2019-20 be approved.

44\19

TO NOTE THE MINUTES OF THE MEETINGS OF THE CABINET HELD ON 4TH SEPTEMBER 2019

During consideration of the Cabinet minutes from the meeting held on 4th September clarification was sought in respect of the Cabinet Away Day which had been referred to under in Minute No. 31/19. The Leader confirmed that this had in fact been held at the Parkside Office in Room 54.

The Minutes from the Cabinet meeting held on 4th September 2019 were submitted for information and noted by Members.

45\19

PLANNING OBLIGATION REFORMS - CHARGING FOR SECTION 106 MONITORING

Councillor A. Kent, Portfolio Holder for Planning and Regulatory Services proposed the recommendations in respect of the Planning Obligation Reforms – Changing for Section 106 Monitoring. These were seconded by Councillor G. Denaro.

In proposing the recommendations Councillor Kent explained that following Planning Obligation Reforms, as detailed within the report, which allowed a sum to be paid under Section 106 monies for the monitoring of delivery of planning obligations. Approval was sought for this to take immediate effect, in accordance with the new regulations.

Members raised the following points during the ensuing debate:

- It was understood that Officers were already employed to do this and it was therefore questioned why there should be a deduction from S106 funds to cover the cost. Councillor Kent explained that this was a charge for monitoring and would not be deducted from any S106 monies agreed, which put the onerous task on to the developer.
- Concerns were still raised that any charge made against the developer would impact on the amount of funds received for S106. The Head of Planning and Regeneration confirmed that this charge would be in addition to the S106 funds.
- The funds were well needed as the Council currently carried the burden of monitoring such funds.
- It was noted that there were a number of large applications coming up and as Council were asking for this to take immediate effect it was assumed that those applications would be covered by this. It was confirmed that this was correct.
- Further work would be carried out and the charging mechanism would be included within the fees and charges to be agreed later in the year. In the meantime delegated powers to the Head of Planning and Regeneration would allow for the charges to be made immediately.
- Concerns that any charge to the developer would impact on the houses provided. It was commented that in comparison to the cost of a house, any such charge would be nominal.
- It was confirmed that the mechanism for calculating the cost was still being worked on.

RESOLVED that

- (a) the inclusion of a monitoring charge within Section 106 agreements in accordance with the Regulations with immediate effect be approved; and
- (b) delegated authority be given to the Head of Planning and Regeneration Services in consultation with the Portfolio Holder for Planning and Regulatory Services, to develop and implement as soon as possible a charging approach in line with the Regulations as stated below at para 3.4 be approved.

46\19

TO RECEIVE AND CONSIDER A REPORT FROM THE PORTFOLIO HOLDER FOR FINANCE AND ENABLING

Councillor G. Denaro, Portfolio Holder for Finance and Enabling, took the opportunity to thank all officers who had helped collate the report and he also apologised for the omission of the section on Electoral Services, which had been included in Supplementary Agenda Documentation 3. Councillor Denaro advised that he did not intend to repeat the report in his overview but would start with some initial comments overall on the Council's financial situation, especially following the Leaders comments in respect of the financial position at Redditch Borough Council.

He reminded Members that the Audit, Standards and Governance Committee had met at the end of July, after the full Council meeting, when the Accounts for 2018/2019 had been presented and approved accordingly. The Auditors had commented that "Many councils would give their right arm to have figures like these". This had been very rewarding, especially in light of some comments in this chamber in recent years in respect of the Council's financial position. He hoped that those Members were now able to recognise the progress that had been made and acknowledge the hard work by all concerned to achieve this.

Councillor Denaro went on to advise that the Council must not be complacent as there were other challenges ahead. The Medium Term Finance Plan (MTFP) showed that over the next 3 years the Council would have to find savings and additional income in excess of £3m to balance its books without resorting to reserves. The recent Spending Review had brought both good and bad news. The provisional settlement indicated there may be no changes to New Homes Bonus but Council Tax maybe capped at 2% rather than 2.99% as before, which would mean that an additional £30K plus each year would need to be found. The Council need to wait for the final settlement in December to be sure; however work had already started on addressing the deficit. Overall the Council's finances were in a good place at present but work still needed to be done to ensure that the Council continued to protect the front line Services it delivered to its residents.

Turning to the Finance report Councillor Denaro drew Members attention to the thread running through it in increasing our residents' ability to engage with the Council digitally. The new Enterprise system would make this available as implementation progressed, but the Council would also be mindful that many residents did not have Smart phones or internet access, it would therefore always ensure face to face and phone access with residents was available.

In respect of Customer Access there was a substantial section of the report that covered many aspects of the Council's contact with its residents. It was highlighted that online enquiries were now partially responded to automatically in respect of Council Tax Registration and changes in payment methods.

Democratic and Legal Services both provided support to Members and the Council. All Members worked closely with this team and Councillor

Denaro took the opportunity to thank the Head of Legal, Democratic and Electoral Services and her teams for all the support received in dealing with increasing service demands, and paperwork which did not appear to be reducing.

Electoral Services had recently completed a Places and Stations review, which was timely in view of the expected elections that may take place in the near future.

It was anticipated that IT Services would have a challenging year with major upgrades due to its systems and operations. A review of Members equipment needs was also under review through the Member Development Steering Group.

Within Human Resource and Operational Development, considerable progress had been made in updating many areas as shown within the report.

As Worcestershire representative of the Board of West Midland Employers Councillor Denaro explained that he got involved in contributing to the National Settlement team.

Finally, he thanked the Leader and Cabinet colleagues for their support and also, from the Chief Executive, the S151 Officer and other senior officers of the Council. He advised that he would attempt to answer any questions but if they required a detailed or technical answer, he would provide a considered written response outside of the meeting.

Following presentation of the report Members raised a number of points with the Portfolio Holder, who responded as follows:

- The reference made to the improvements to the Council Tax collection rates being only 0.3% and whether this was actually a significant improvement.
- The need for the DWP to be involved in looking at the structure of the team to improve performance within it. It was noted that the main cause of problems had been brought about by an unexpected bout of sickness, which had in turn highlighted the need for a review of the structure, the Executive Director, Finance and Resources provided some context around this.
- Whether there had been any settlement agreements with staff made following the restructure.
- The structure changes had brought stability to the team and a formal restructure across the teams would be brought forward to Cabinet and Council in December and January 2020.
- Whilst it was acknowledged that the financial position was improved, it was highlighted that this was not through the Council's efforts but due to the removal of the negative support grant and not through the measures listed in the Efficiency Plan. An update on progress of those would be more useful. It was

confirmed that the Council was on target and details would be sent to Members outside of the meeting.

- Risk based recovery and the targeted action referred to – it was confirmed that this information was set out in the table on page 101 of the main agenda pack and Members were reminded that 70% of anything recovered was returned to Worcestershire County Council.

47\19

QUESTIONS ON NOTICE

Question submitted by Councillor M. Thompson

“In the last full council meeting the Labour Group moved a motion for the council to replace every tree it cut down with 6 saplings. The motion was rejected because of lack of a business case. The Labour Group do not believe that such (small) gestures, which help reduce carbon dioxide in the atmosphere to help combat the enhanced Greenhouse Effect, require a business case. However, in view of the above, please can the relevant portfolio holder answer the following question, to help with the so-called business case:

If a = average price of a sapling, b = average number of trees felled per annum by Bromsgrove District Council and $c = 6ab$.

What is c ?”

The Leader referred the question to the Portfolio Holder who had answered this question at the last Council meeting.

The Portfolio Holder for Planning advised that he had previously carried out some research with regard to this question and had looked at various nursery suppliers who provided Whip or Bareroot plants which were small i.e. up to 60cm tall. Due to their very low costs, far less time and effort was required to get them established therefore the potential cost of plant failure was also very low.

The Portfolio Holder added that he had randomly chosen some nursery sites online to look at prices for this type of planting stock and in general they range from around 90p - £2.22 per tree – normally based on ordering a multiple bundle of say 10 – 20 at a time. Each one of these would probably require a protective planting tube and stake at approx. £2 per tree. For the planting of say 6 – 10 trees on a single site he estimated a requirement for one member of staff for 1 hour maximum at a salary cost of £10 per hour plus a vehicle to travel to the location. As is clearly evident this type of planting is very low cost.

However, if there were any increase in the size of tree to be planted then it was expected the cost would increase exponentially – larger Standard size trees for example could cost several hundreds of pounds each and the aftercare costs were also much higher. The appropriateness of the type, size and location of any tree planting would need to be evaluated and a general cost was very difficult to accurately quantify, as each site would most likely have different requirements and restrictions.

Apart from half a dozen young trees that came down as part of the Sanders Park cycle path scheme (which were taken down by WCC rather than ourselves) the Portfolio Holder did not think that the Council had felled any trees in the last financial year – some were pruned but not felled and he added that Leisure would have had around 400 new trees planted at one of the Bromsgrove allotment sites.

Questions Submitted by Councillor P. McDonald

“Would the Chairman please inform me of the total travelling costs of all employees over the last two years?”

The Chairman referred this matter to the Leader, who responded that for illustrative purposes the last 3 years of BDC costs were provided, in order for Members to see the downward trend.

16/17 – £80,907k
17/18 - £64,476k
18/19 - £57,323k

Question Submitted by Councillor J. King

“Can you confirm if any Bromsgrove Council Services use the chemical Glyphosate and if so what measures are you putting in place to protect the health and safety of employees and the public given the increasing evidence of the serious harm this chemical can cause?”

Councillor M. Sherrey, the Portfolio Holder for Environmental Services responded that the Council did use it and where it was used the Council complied with all relevant guidelines in regards to Health & Safety.

Question Submitted by Councillor R. Hunter

“How are you addressing residents’ concerns about the recent introduction of charges at the Artrix Car Park and could you comment on whether it would be feasible for Bromsgrove District Council to offer assistance?”

The Leader thanked Councillor Hunter for his question and responded that, as Members were aware the Artrix was not part of the Council, so it would not be appropriate and nor was she able to address residents’ concerns about the parking. This was a matter for the Artrix and the college. However, she assured Members that as a community leader the Council would continue to work with the Artrix to help and support where it was able.

Question Submitted by Councillor S. Hughes

“Can you explain why both Worcester and Redditch but not Bromsgrove have been invited to bid for a Town Deal as part of the £241 million Towns Fund announced by Chancellor Sajid Javid, MP for Bromsgrove, in the Spending Review earlier this month?”

The Leader responded that she believed it was fair to say that the details on this matter were very limited at present but she understood from the Department for Business, Energy & Industrial Strategy that the criteria for those areas that had been invited to bid included:

- Income deprivation
- Skills
- Productivity
- EU exit exposure
- Economic shocks (whether there have been any)
- Investment opportunities
- Policy alignment (I have asked for clarification on this but I assume this is alignment to government policies).

The Leader further understood that the prospectus for the bids has, as yet to be published.”

The Government had outlined that as part of the process of identifying the initial 100 places, towns had been chosen on the basis of a number of criteria. This took into account various qualitative and quantitative indicators and had included income deprivation, skills, productivity, investment opportunities, and policy alignment.

Question Submitted by Councillor S. Colella

“Would the leader thank the Head of Strategic Planning on behalf of Hagley for writing in such clear terms to Wyre Forest DC on its Local Plan Review consultation in particular its failed processes and the total lack of a transport infrastructure plan to support its development growth?”

The Leader thanked Councillor Colella for his question and confirmed that she would pass on his thanks.

Question Submitted by Councillor H. Rone-Clarke

“Given the recent reporting regarding parking at the Artrix, does the leader share my concerns regarding the sustainability of the current model, and will she act so that people won’t be deterred from visiting the Artrix so, like our sports hall, our town doesn’t lose another valuable facility?”

It was confirmed that this question had been withdrawn by Councillor Rone-Clarke.

Question Submitted by Councillor A. English

“I note from a local newspaper article that BDC have been awarded £50K from the Government to help prevent illegal developments in the Green Belt. I am disappointed that members of this Council have been briefed through a newspaper but am pleased that we applied for and have been granted this money. I am now interested to know how this money will be spent and whether it will be used to address the cultural shortfall of 17 authorised pitches (figures including turnover) for the five year period (2019/20 to 2023/24) for the Gypsy/Traveller community in Bromsgrove District, so helping to mitigate unauthorised development in the Green Belt.”

The Leader responded that the press release had come from Sajid Javid MP's Office; not from Bromsgrove District Council and that the monies were specifically for planning enforcement matters, with an emphasis on tackling unauthorised and illegal traveller encampment matters in the Green Belt.

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MOTIONS ON NOTICE

Councillor R. Hunter asked for it to be noted that he had, prior to the meeting, agreed with Councillor S. Baxter to allow her Notice of Motion to be considered as the first Notice of Motion, as it was such an important subject and he would allow his to be considered last. The Chairman asked those Members who had also submitted Motions if they were in agreement with this arrangement and it was confirmed that they were.

Brexit

Members considered the following Notice of Motion submitted by Councillor S. Baxter:

Council recognises that a no-deal Brexit is still a possibility and this could have serious implications for our district.

Council notes that All District Councils have been awarded Government funding with £17,400 already allocated to Bromsgrove.

There are 3m European nationals working in the UK many of whom are employed in the agriculture, care and hospitality industries who are currently dependant on their contribution to the workforce. According to government information, these residents will have until December 31st 2020 to apply for UK residency under the European residency scheme, however there is confusion over the government's announcement that free movement [would end immediately](#) on 31 October 2019 and that a planned transition period would not be implemented.

To date, there have only been 1m applications for UK residency which presents a known risk to our local businesses and community in the event of a no deal Brexit.

We call upon this council to take the following actions to mitigate against all risks associated with a no deal brexit:

- 1. To use some of the funding that it has received from central government to support our businesses and our local economy by urgently developing a programme which will maximise the take up of the European residency scheme and the need to apply for it.*
- 2. To ask officers to produce an assessment of all financial risks of a no-deal Brexit to Bromsgrove District and ask the Leader to establish a cross party working group to consider how the total available funds can be used in the best interests of the community.*

The Motion was proposed by Councillor Baxter and seconded by Councillor R. Hunter.

In proposing the Motion Councillor Baxter firstly thanked Councillor Hunter for allowing her to put the motion first. She then explained that she wanted to make it clear to Members, what the motion should not be about; Brexit. The aim of the motion was to ensure that local businesses and communities were protected. It was clear to her that this was currently the only grant funding available to support local communities, by supporting this Motion Members would ensure that residents' best interests were being addressed. She had attended an LGA event where this matter had been high on the agenda as there was little time left and it was something that this Council could do to help its residents, communities and businesses. Councillor Baxter provided statistical information in respect of the number of European nationals and the areas of work which were reliant on those people, which illustrated the risks to, for example the agricultural industry and its dependency on European nationals. Many of these people would be unaware of the need to act now and complete the relevant forms so it was important that this Council provided as much help and support to actively promote this.

In seconding the Motion, Councillor Hunter commented that this was an urgent matter and that the information needed to be communicated to residents and businesses as quickly as possible to ensure they were protected in the future. Many businesses relied on imports and exports and it was important that contingency plans were in place to support them.

Councillor M. Thompson commented that it was important to protect the diversity of nationalities in this country and Councillor L. Mallett also commented that this matter had been discussed some months ago, at a meeting of the Audit Committee at Worcestershire County Council, who were working in partnership with other authorities to support these issues and concerns that had been raised in respect of food and fuel shortages which may also arise as a result of this matter.

The Leader responded that the Council did recognise that a 'no deal' Brexit was a possibility and could have implications for its communities, residents and businesses within the District. She further confirmed that the award of Government funding to Bromsgrove, had actually been £51,000 of which the Council had received £34,000 to date.

The Council was been fully engaged and represented on the West Mercia Local Resilience Forum, who were the recognised body considering Brexit preparedness. Local planning assumptions were being regularly reviewed and submitted to the Government, supported by constant risk assessment based on any presenting issues.

Locally for Bromsgrove the designated lead officer, as required by the Secretary of State (Deputy Chief Executive), had convened meetings with officer and partner colleagues with actions to date including:-

- Engagement with Worcestershire Regulatory Services/Trading Standards.
- Representation on the West Mercia Communications Group.
- Contact links with business leads (Chamber of Commerce/LEP and North Worcestershire Business Leaders Chair). Offer to support further Brexit Business events.
- Shared local planning assumptions with the Corporate Management Team.
- Review of Business Continuity Plans.
- Leader/Portfolio Holder Briefings.

Specific response(s) to the actions requested in the motion were detailed as follows:-

1. Maximise the take up of the European Residency Scheme and the need to apply for it

The Council's website directed all enquiries to HM Government's 'Get Ready for Brexit website' as directed to Local Authorities by the Home Office and advised by the Local Government Association (LGA) Communications Director.

2. Assessment of all financial risks to Bromsgrove District

Whilst the ambition was understood, this was not achievable. The uncertainty of local government finances was further exacerbated with only a one year financial settlement expected for 2020/2021 rather than a four year funding agreement/settlement. The Council continued to be involved with all Brexit planning assumptions and arrangements to ensure a coherent and consolidated multi-agency approach based on national guidance and local intelligence which was being dynamically reviewed in the lead up to Brexit. Allocated funds would be held in reserves and directed to areas of need (as and when identified) and done so with the Leader's agreement and supported by Cabinet as required. For the reasons outlined she was therefore not supporting the Motion.

Members debated the motion further and the following areas were discussed in more detail:

- The inclusion of the information referred to being placed on the front page of the Council's website, as currently it was not readily available or easy to find. It was confirmed that all Members would also be provided with the link in order to respond to any queries raised by residents directly.
- Information available on the Home Office website, which provided details of the number of applications already completed and the availability of posters providing the relevant information and

whether these could also be put up in more prominent places, for example libraries.

- The lack of communication within the district.
- Clarification as to whether the funds that had been made available were ring fence for a specific purpose – it was confirmed that they were.

In summing up Councillor Baxter thanked the Leader for the information she had provided and commented that this showed that whilst work on such things was going on in the background, not all Members were aware of it and that it would be helpful for all Groups to be aware of such things in the future and that there was a real need for the Council to be proactive. It was important that the applications were completed and that the local communities were engaged with and the relevant groups reached. She was disappointed and unable to understand why, if the Council was already carrying out the work she was suggesting, that the Leader chose not to support the motion.

On being put to the vote the Motion was lost.

Rights of Persons with Disabilities

Members considered the following Notice of Motion submitted by Councillor M. Thompson:

“Council notes the Concluding Observations of the United Nations Committee on the Convention of the Rights of Persons with Disabilities¹.

This Council puts at the front of its agenda the rights of disabled people and the belief that disabled people and their carers should be supported by Central Government to meet the recommendations contained within the Concluding Observations and what it is doing to encourage / support local councils to do the same.

Council, working with partners such as Worcestershire County Council, will undertake to prepare a review on how the council meets local obligations within the Convention on the Rights of Persons with Disabilities. Council will write to Boris Johnson for an update on what steps are being taken by Central Government to meet the recommendations contained within the Concluding Observations and what it is doing to encourage / support local councils to do the same.”

The Motion was proposed by Councillor Thompson and seconded by Councillor S. Douglas.

In proposing the Motion Councillor Thompson explained that he did not think it was too much to ask for the Council to ensure that those with a disability had for example, access to buildings or a water supply. He commented that there was a lack of consistency and there was a need to revisit existing laws and priorities to ensure the Council was doing all it could to ensure those with a disability were able to participate in society and feel valued. The Council had a duty to make reasonable

adjustments to properties and he suggested that it looked at its policy framework for families with children with disabilities.

Councillor Thompson also commented that, access to public transport, shops and buildings, drop kerbs at all junctions and free parking with those with a disability were all areas that should be taken into account, together with easier and cheap access to equipment.

In seconding the Motion Councillor Douglas commented that she knew what it was like to be disabled.

In responding to the Motion, Councillor G. Denaro advised that the Council recognised the importance of the UN Convention on the Rights of Persons with Disabilities (the Disability Convention) and was committed to supporting people with disabilities to access support, services and wider opportunities within society and to work towards the elimination of unlawful discrimination against them. The Council would actively work with Central Government and other local partners to implement any further actions in relation to the Disability Convention. The Council had an Equality Strategy which explicitly stated the approach to meeting the Public Sector Equality Duty and the protected characteristics detailed in the Equality Act, of which disability was one. Internally, the Council had an Equal Opportunity Policy, which applied to all aspects of employment and vocational training, including work experience. As part of that policy, the Council had a discrete Disability Policy which provided more detailed information and set out the responsibilities of the Council.

The Strategy and Policies would be reviewed this year as part of a two year rolling programme to ensure that they reflected the most up to date legislation, case law and local context.

During the following debate Members discussed a number of areas, including:

- Voluntary groups who supported those with a disability and projects within the District.
- The problems facing families who had a child with a disability and the care which those families had to provide.
- How not all disabilities were visible and the importance of people being aware of the many different aspects.

In summing up, Councillor Thompson took the opportunity to pay tribute to Councillor Douglas and her grit and determination to carry out her duties to the full despite her own disability. She worked hard on all the committees she was a Member of and was often the first to volunteer to take on extra responsibilities and he felt she should be an inspiration to everyone.

On being put to the vote the Motion was carried.

Shelter for rough sleepers/homeless

Members considered the following Notice of Motion submitted by Councillor P. McDonald:

“At this present time Bromsgrove District Council fails to provide shelter for those who are sleeping rough/homeless within the district and forces them out of Bromsgrove to find shelter.

It is time this Council faced up to its obligations and ensure that there is shelter within the district for these unfortunate people who are the recipients of the government’s austerity policy and not pushed from pillar to post.

Council resolves to refer the matter to Cabinet to review the provision of a homelessness shelter and associated provisions as part of its wider duties to address homelessness.”

The Motion was proposed by Councillor McDonald and seconded by Councillor H. Rone-Clarke.

In proposing the Motion Councillor McDonald advised Members that there was a wealth of inequality which had led to this situation; this was as a result of the actions at both national level and by this Council. He believed that the numbers were increasing and that there was a danger that the situation would escalate further and that those affected by it were seventeen times more likely to be the victim of crime and they were much more vulnerable due to their circumstances. Councillor McDonald quoted that he understood that 600 people had died in 2017 and that the average age at death was 44 years for men and 42 years old for women. Homelessness had a significant impact on a person’s mental and physical health and subsequently needed more help and support. They were also often forced out of the District and away from any family they had and treated as outcasts. He believed that the figures would continue to increase due to the issues with the benefit system and the introduction of Universal Credit. It was important the Bromsgrove realised that it was not immune to this problem and that action needed to be taken and those affected by it treated with humanity.

In seconding the Motion, Councillor Rone-Clarke also highlighted that there was also the possibility that those young people who were currently “sofa surfing” could easily find themselves homeless very quickly. Many were one pay slip away from being unable to make ends meet, which could also lead to being in a much more serious situation. It was important that the Council acted now to help support those in most need and provided shelters in order for them to be able to stay within the District.

Councillor S. Webb, Portfolio Holder for Strategic Housing and Health and Wellbeing thanked Councillor McDonald for his Motion and took the

opportunity to clarify the situation for Members to ensure that there was no confusion about the matter.

Members were reminded that Bromsgrove District Housing Trust (BDHT) delivered housing options and homelessness services on behalf of the Council and currently had access to hostel facilities at Burcot Lane. It was noted that in due course this facility would close and BDHT would replace the resource with alternative housing stock, which would act as alternative temporary accommodation for homeless households in the District.

Councillor Webb confirmed that Councillor MacDonald was correct to say that there was no homelessness shelter in Bromsgrove but there was a good reason why the Council did not have a direct access hostel in the district. Across the county amongst housing providers and support agencies there was widespread agreement that Bromsgrove had fewer issues with rough sleeping than any of the other councils in Worcestershire.

Members were further advised that the Council rarely saw rough sleeping in Bromsgrove and if it was thought that someone may be in that position they get timely and targeted support from BDHT, and Caring for Communities and People (CCP), who provided a speedy response to any reports from Streetlink of a potential rough sleeper in the area.

Members were informed that the Council (in partnership with Redditch Borough Council) was the only council in the county to fully fund a dedicated CCP service locally which Councillor Webb was sure helped to explain why the Council's number of rough sleepers was so small. Councillor Webb could not therefore agree with Councillor MacDonald that the Council needed to open a shelter in Bromsgrove because it did not have the numbers to justify this and should instead continue to provide the existing services to ensure it continued Bromsgrove's strong track record of minimising rough sleeping across the district.

Councillor Webb also mentioned what happened at the coldest time of year; during periods of cold weather the Council adhered to a countywide Severe Weather Protocol to ensure no-one was sleeping out in sub-zero temperatures. She reassured Members that, in the absence of a local hostel, the various facilities that were available elsewhere in the county were used. However, only one Bromsgrove person was referred out of our district and into accommodation in another part of the county (Redditch on this occasion) last winter. Transport to reach these alternative facilities was available via CCP when required.

Councillor Webb hoped that Members would agree that it made sense to focus resources where most needed and that there was no merit in establishing a hostel locally because there was not sufficient rough sleepers to justify such an intervention.

Finally, Councillor Webb advised that all councils across Worcestershire had just begun to undertake bi-monthly estimates of rough sleeping in their areas, and this Council would be undertaking a check of rough sleeping by way of a physical count across Bromsgrove sometime in November 2019. Councillor Webb would report back the outcome of this activity once it had been completed. In the meantime, Councillor Webb asked that, should members see anyone who looks like they may be sleeping rough in the district, to please contact Streetlink on 0300 500 0914 to trigger immediate help. (She also agreed to provide these details to all Members outside of the meeting.)

Councillor R. Hunter suggested, in light of the information provided by Councillor Webb, an amendment to the Motion should be made, in order to satisfy everyone and not to undermine the motion. However, Councillor McDonald was not prepared to accept an amendment.

During the following debate, a number of areas were discussed in more detail including:

- Reference was made to a previous Overview and Scrutiny Task Group in respect of Homelessness, which had provided Members with an insight into the work carried out by both BDHT and the voluntary sector in the District.
- It was important that adequate provision was provided within the District.
- There was a great deal of different aspect to consider and take into account to ensure that support was in place for those concerned.
- It was understood that currently, there were no recorded homeless people in the District – the Leader confirmed that there were currently no rough sleepers in the District.
- The work that Officers and partners did to prevent people becoming homeless and sign posting them to the appropriate agencies for support.
- The option to postpone the Motion and for it to come to the next meeting with more appropriate wording, which focused on supporting those in need. It was highlighted that the Council was considering the Motion before them.

In summing up, Councillor McDonald highlighted that sign posting was not sufficient especially if there was not sufficient funds available, the Council and BDHT had a statutory duty and it did not appear that at the moment they were meeting this. He believed that there were at least five people sleeping rough in the District, including two in the Church yard and two in Rubery. He did not believe it would cost very much for the Council to be able to support these people. It was important that a physical count was done to show that the circumstances were not as the Council appeared to be reporting them and that whether the Council liked it or not, there were people sleeping rough and it was the Council's responsibility to address the matter urgently.

In accordance with Procedure Rule 18.3 a recorded vote was taken and the voting was as follows:

For the motion: Councillors Douglas, Mallett, McDonald, Rone-Clarke, Thompson (5)

Against the motion: Councillors Deeming, Denaro, Glass, Hession, Kent, Kriss, May, Middleton, Sherrey, Spencer, Thomas, Till, Webb, Whittaker (14)

Abstentions: Councillors Baxter, Colella, English, Hotham, Hughes, Hunter, King, Van der Plank (8)

On being put to the vote the motion was lost.

The Chairman had previously announced that the allotted one hour timescale had expired, he had extended this by a further 15 minutes in order for Councillor McDonald's motion to be completed and therefore the remaining motions would be carried over to the next meeting.

Councillor M. Thompson asked for an extension of the time allocated and the Chairman agreed to put this to the vote and in doing so the extension of time was lost.

Fly tipping

The Notice of Motion from Councillor K. Van der Plank would be carried over to the next Council meeting.

Free Swimming

The notice of Motion from Councillor S. Douglas would be carried over to the next Council meeting.

Restoring pride, improving bus shelters

The Notice of motion from Councillor R. Hunter would be carried over to the next Council meeting.

The meeting closed at 10.15 p.m.

Chairman