



BROMSGROVE DISTRICT COUNCIL

YOU ARE HEREBY SUMMONED to attend a MEETING of BROMSGROVE DISTRICT COUNCIL to be held in the Council Chamber at Parkside Suite - Parkside at 6.00 p.m. on Wednesday 25th September 2019, when the business referred to below will be brought under consideration:-

Welcome

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 meetings of the Council held on 26th June and 24th July 2019 (Pages 1 - 34)**

4. **To receive any announcements from the Chairman and/or Head of Paid Service**

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

6. **To receive comments, questions or petitions from members of the public**

A period of up to 15 minutes is allowed for members of the public to make a comment, ask questions or present petitions. Each member of the public has up to 3 minutes to do this. A councillor may also present a petition on behalf of a member of the public.

7. **Constitution Update Report (Pages 35 - 86)**

8. **Recommendations from the Cabinet (Pages 87 - 88)**

To consider the recommendations from the meeting(s) of the Cabinet held on 4th September 2019.

9. **To note the minutes of the meetings of the Cabinet held on 4th September 2019** (Pages 89 - 96)
10. **Planning Obligation Reforms - Charging for Section 106 monitoring (Report to follow)**
11. **To receive and consider a report from the Portfolio Holder for Finance and Enabling** (Pages 97 - 106)

Up to 30 minutes is allowed for this item; no longer than 10 minutes for presentation of the report and then up to 3 minutes for each question to be put and answered.

12. **Questions on Notice (to be circulated at the meeting)**

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

A period of up to 15 minutes is allocated for the asking and answering of questions. This may be extended at the discretion of the Chairman with the agreement of the majority of those present.

13. **Motions on Notice (to follow if any)**

A period of up to one hour is allocated to consider the motions on notice. This may only be extended with the agreement of the Council.

14. **Background Information on the recommendations from the Cabinet**

- (i) **Worcestershire Regulatory Services Board - Enforcement Policy** (Pages 107 - 128)

- (ii) **Bromsgrove Plan Review Update** (Pages 129 - 144)

PLEASE NOTE:

Due to the size of appendices 1 and 3 these have been published in a supplementary agenda pack. Paper copies will not be provided unless specifically requested.

- (iii) **Response to Worcestershire County Council Passenger Transport Strategy** (Pages 145 - 150)

- (iv) **Bromsgrove Council Plan** (Pages 151 - 152)

The final draft of the Council Plan (Appendix 1) will be provided in a supplementary agenda as it is currently being finalised by the Design Team.

- (v) **Finance Monitoring Quarter 1 Report** (Pages 153 - 166)

K. DICKS
Chief Executive

Parkside
Market Street
BROMSGROVE
Worcestershire
B61 8DA

TO ALL MEMBERS OF THE BROMSGROVE DISTRICT COUNCIL

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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE COUNCIL

26TH JUNE 2019, AT 6.00 P.M.

PRESENT: Councillors R. J. Laight (Chairman), A. J. B. Beaumont (Vice-Chairman), S. J. Baxter, S. R. Colella, R. J. Deeming, G. N. Denaro, S. P. Douglas, M. Glass, C.A. Hotham, S. A. Hughes, R. J. Hunter, R. E. Jenkins, H. J. Jones, A. D. Kent, A. D. Kriss, 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

13\19 **APOLOGIES**

Apologies for absence were received from Councillors A. B. L. English, S.G. Hession and L. C. R. Mallett.

14\19 **DECLARATIONS OF INTEREST**

There were no declarations of interest on this occasion. However, Councillor C. Hotham questioned whether dispensations in respect of outside bodies would be covered under this item. The Monitoring Officer confirmed that this was something which would be dealt with through the Audit, Standards and Governance Committee.

15\19 **MINUTES**

The minutes of the meeting of the Council meeting held on 22nd May 2019 were submitted.

The Chairman reminded Members that submission of the minutes was for clarification only and not an opportunity to ask questions, he asked that questions be dealt with either under the questions item of the agenda or directly to the relevant Member or officer outside of the meeting.

Councillor S. Webb asked for it to be noted that under Minute No. 1/19 she had in fact seconded the nomination of Councillor R. Laight as Chairman and not Councillor G. Denaro as stated.

Councillor S. Colella referred to Minute No. 7/19 and whether the Leader had written the letter referred to – the Leader confirmed that she had and would address this within her announcements.

Councillor S. Baxter highlighted that the meeting between Group Leaders had not taken place. The Leader advised that she would respond to this under her announcements, but advised that all those Members whose Motions had been carried forward had been contacted individually.

RESOLVED that the minutes of the meeting of the Council held on 22nd May 2019, subject to the pre-amble above, be approved.

16\19

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

The Chairman welcomed everyone to the meeting and reminded Members of the Code of Conduct and Member to Member protocol. He confirmed that he proposed to be a firm but fair Chairman and hoped that there would be some good debate for those residents present to hear and for the good of the District.

17\19

TO RECEIVE ANY ANNOUNCEMENTS FROM THE LEADER

The Leader advised Members that she had received a response from the Minister for Health following the motion which had been agreed by the Council in April. He had thanked her for raising the Council's concerns and the Leader advised that a copy of this response would be sent to all Members outside of this meeting. She confirmed that she was still awaiting a response from the Shadow Chancellor regarding the request for cross party working on Health concerns in the District.

The Leader went on to advise Members that Portfolio Holder briefings at Council would re-commence from September, this would allow new Portfolio Holders to gain a real understanding of their remit. She had also arranged to meet with all Group Leaders and the first meeting for this term would take place on Monday 1st July.

The Leader also took the opportunity to remind all Members to respond to the Worcestershire County Council Passenger Transport Strategy, which was currently out to consultation until 13th September 2019.

Councillor M. Thompson asked the Leader whether she shared his concerns in that Sajid Javid, MP for Bromsgrove would be unable to devote sufficient time to his constituency work in future (due to him putting his name forward for Prime Minister). The Leader responded that she had no such concerns and that he would continue to have the best interest of Bromsgrove District at the forefront of his work.

Councillor P. McDonald raised concerns around the events which were being held in respect of the Passenger Transport Strategy, as there were no events in either Rubery or Barnt Green. The Leader confirmed that she had written to Worcestershire County Council to ask for more events to be held throughout the District.

18\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.

19\19 **OVERVIEW AND SCRUTINY BOARD ANNUAL REPORT 2018/19**

Councillor M. Thompson as the current Chairman of the Overview and Scrutiny Board presented the Annual Report for 2018/19 on behalf of the previous Chairman, Councillor L. Mallett. He took the opportunity to thank Councillor Mallett for his hard work and advised that he hoped that he was able to continue this work in the forthcoming year.

The Leader also took the opportunity of thanking both Councillor Mallett and Members of the Board for all their hard work which was much appreciated.

Councillor S. Baxter also commented that great progress had been made with the Overview and Scrutiny Board in recent years and that some excellent work had been carried out.

Councillor Thompson thanked everyone for their comments.

RESOLVED that the Overview and Scrutiny Board Annual Report 2018/19 be noted.

20\19 **AUDIT, STANDARDS & GOVERNANCE ANNUAL REPORT 2018/19**

Councillor S. Colella, the Chairman of the Audit, Standards and Governance Committee present the Annual Report for 2018/19. In so doing he highlighted the wide work programme of the Committee and the areas that had been covered during its meetings. He also highlighted the positive feedback from the External auditors and that the Council had received an unqualified opinion for value for money and financial statements. The improvements which had been made were acknowledged and the Section 151 Officer, Monitoring Officer and Democratic Services Officers were thanked for their support.

Councillor M. Thompson questioned the omission of a number of words on the report at page 30 of the agenda pack and Councillor Colella confirmed that this was his error, as he had been unable to provide the information due to being on holiday. He advised that this should read as "an unqualified opinion for value for money and financial statements".

The Leader thanked the Audit, Standards and Governance Committee for its work throughout the 2018/19 municipal year.

RESOLVED that the Audit, Standards and Governance Committee Annual Report 2018/19 be noted.

21\19

RECOMMENDATIONS FROM THE CABINET

Recommendations from the Cabinet meeting on 10th April 2019

Response from the Council on the Solihull Draft Local Plan Supplementary consultation

Councillor A. D. Kent, Portfolio Holder for Planning and Regulatory Services, proposed the recommendation in respect of the Council's response to the Solihull Draft Local Plan Supplementary consultation. This was seconded by Councillor K. May.

In proposing the recommendation Councillor Kent advised that the report was clear and concise so he did not intend to go into detail when presenting the report. This was the Council's response to the consultation from Solihull Metropolitan Borough Council, completed by officers.

Members discussed the report and highlighted the following areas:

- That Cabinet had endorsed the officer response and that it had already been sent to Solihull.
- Concerns were raised in respect of the impact that developments in the Solihull area could have on particular parts of the District.
- Reference to the Hearn Report in respect of future developments. It was suggested that the Council should be more forceful in its response to ensure that it did not "miss out" when suitable sites for future developments were on the border with another authority. Councillor Kent highlighted the covering letter to the consultation response, as detailed on page 79, which addressed some of these concerns.
- It was noted that the letter was dated 15th March 2019 and referred to meetings with Solihull and Members questioned whether any meetings had as yet taken place. Councillor Kent advised that as far as he was aware these had not. He took on board the concerns raised and assured Members that these would be taken into consideration at any future meetings and added that there were a number of other concerns, for example appropriate infrastructure which would continue to be raised.
- The delay in the matter coming to Council and consideration be given to this in any similar responses. Again, the concern was that as other authorities brought forward potential sites for development this Council would be left behind.

Councillor Kent advised Members that he had taken on board the comments made and would be discussing the points raised in detail with officers in due course.

RESOLVED that Council approve the officer response to the Solihull Local Plan Review supplementary consultation as its formal response and that this is confirmed with SMBC.

Recommendations from the Cabinet meeting on 12th June 2019

High Quality Design Supplementary Planning Document

Councillor A. D. Kent, Portfolio Holder for Planning and Regulatory Services, proposed the recommendation in respect of the High Quality Design Supplementary Planning Document. This was seconded by Councillor K. May.

In proposing the recommendation Councillor Kent thanked all those who had commented on the document which had been amended to take account of those comments. This was a live document which would be continually revisited and updated as necessary.

Members considered the report in more detailed and made the following comments:

- Members thought it to be an excellent document which had been well put together.
- Reference to electric car charging points and the need for this to be more robust and that future documents needed to have much more detail in regarding renewable energy. Councillor Kent assured Members that he would ensure that this was addressed in future documents.
- The importance of holding developers to account in respect of such matters.

RESOLVED that the revised version of the High Quality Design SPD be adopted.

Statement of Common Ground and Plan Making Process

Councillor A. D. Kent, Portfolio Holder for Planning and Regulatory Services, proposed the recommendation in respect of the Statement of Common Ground and Plan Making Process. This was seconded by Councillor K. May.

In proposing the recommendation Councillor Kent explained to Members that this was a legislative requirement. It was also noted that all three recommendations, as detailed on page 169 of the agenda pack should be considered by Members and apologised for the error.

During discussion of the item it was suggested that there should be a small, but significant, amendment to the third recommendation to ensure that Members made the final decision in respect of cross boundary decisions for any key planning issues. Councillor Kent confirmed that he was happy for such an amendment to be included.

RESOLVED:

- a) that Members note officer attendance is required at DtC/SoCG meetings where cross boundary issues and draft SoCG agreements are discussed and prepared;
- b) that Council delegates to the Leader and Portfolio Holder for Planning to sign off all relevant SoCG where cross boundary growth is not included; and
- c) that all Statement of Common Grounds which include agreements on cross boundary housing, employment or other development needs or any other key planning issue are reported to Council for consideration prior to signing.

22\19

OVERVIEW & SCRUTINY BOARD TRANSPORT PLANNING REVIEW FINAL REPORT

In the absence of Councillor L. Mallett, the former Chairman of the Overview and Scrutiny Board, Councillor M. Thompson, presented this report. As he had not been involved in the detailed investigation he said he did not propose to go into detail, but was happy to propose the recommendations en bloc and invited any other Members who had been involved in the report to comment. Councillor S. Colella seconded the recommendations.

The Leader asked that the recommendations be taken individual as detailed below:

Recommendation 1

- a) That Worcestershire County Council's Highways Team consult with the relevant County Councillor, when consulted in respect of any planning applications. This should be done as a matter of course, as they may have more detailed local knowledge of a particular area.
- b) BDC Members will continue to receive the weekly list of all planning applications.

This recommendation was noted.

Recommendation 2

That as part of the response to a planning application the Worcestershire County Council's Highways Team should include a full breakdown of the costs of any infrastructure work which needs to be carried out and provide details of how this work would be funded.

This recommendation was noted.

Recommendation 3

That it is recognised that the relationships between Worcestershire County Council and this Council and its parish councils and residents has not been positive and that although the journey to improvement has begun, the improvements to the culture and ways of working need to be ongoing to ensure that the improvements continue.

This recommendation was noted.

Recommendation 4

That Worcestershire County Highways Team recognises that there is no “one size fits all” approach. They should remain open minded and flexible in considering the approach to the analysis of planning applications before reaching any conclusions.

The Leader advised that it was not possible for this Council to agree recommendations relating directly to another authority and she assured Members that officers and the Cabinet would continue to work closely with the County Council to ensure that the lines of communication remained open and positive.

Recommendation 5

At the earliest possible stage of the Strategic Transport Assessment the Project Officers from Worcestershire County Council and this Council arrange a briefing for Members in order to provide details of the scope of the Strategic Transport Assessment, the process and relevant timelines.

New dates in respect of the Strategic Planning Steering Group would be circulated to Members and information in respect of the Strategic Transport Assessment would be channelled through this group.

Recommendation 6

That this Council is fully represented on the Project Team of the Strategic Transport Assessment to be undertaken, by both officer and Member representation.

The Council was already represented at these meetings by the Head of Planning and Regeneration and the Strategic Planning and Conservation Manager.

Recommendation 7

That, throughout the process of the Strategic Transport Assessment, the Strategic Planning Steering Group holds regular meetings dedicated to this with representatives of Worcestershire County Council in attendance, in order to provide updates and listen and taken on board the views of this Council’s Members.

The Leader confirmed that this was the existing forum for communicating strategic planning matters and had been for some time.

Recommendation 8

That the Overview and Scrutiny Board recognises the current need for the additional transport support from Mott MacDonald. However it requests that the Leader and Cabinet make every effort to seek reimbursement of those costs from Worcestershire County Council.

This recommendation was noted.

Recommendation 9

That the Overview and Scrutiny Board formally writes to the Chairman of the Worcestershire Overview and Scrutiny Performance Board requesting that the report be included on its agenda for future consideration to ensure that Members and Officers at Worcestershire County Council are aware of the issues and concerns of this Council.

This recommendation was noted.

RESOLVED that the Overview and Scrutiny Board Transport Planning Review Report be noted.

23\19

TO NOTE THE MINUTES OF THE MEETINGS OF THE CABINET HELD ON 10TH APRIL AND 12TH JUNE 2019

During the consideration of the Minutes of the Cabinet meeting held on 12th June 2019 Councillor C. Hotham asked for clarification in respect of Minute No. 9/19 and the mention of an expression of interest for funding from Central Government. The Leader confirmed that this was in respect of funds for high street improvements.

The Minutes from the Cabinet meetings held on 10th April and 12th June 2019 were submitted for information and noted by Members.

24\19

QUESTIONS ON NOTICE (TO BE CIRCULATED AT THE MEETING)

Question submitted by Councillor M. Thompson

“Please can the leader or new portfolio holder update the council on what they are doing to enact the motion the council passed on the active kitchen?”

Councillor S. Webb, Portfolio Holder for Strategic Housing and Health and Wellbeing responded on behalf of the Leader, confirming that a full report was to be presented to Cabinet in early July to enable Members to make a decision on the role of Active Kitchens. This had taken a little longer than anticipated in order to ensure the relevant data could be

included within the report. In the meantime activities in Sidemoor and Charford would continue during the summer holidays and if approved, other proposed areas would commence in October 2019.

Question submitted by Councillor H. D. N. Rone-Clarke

“How many trees has Bromsgrove District Council cut down in the last 5 years?”

The Leader responded that over the last five years the Council had planted approximately 200 specimen trees (large trees) on its own land for example in Sanders Park and approximately 4,000 to 5,000 small hedgerows all over the District.

In addition, as part of the planning consent processes all new developments must include the planting of trees. Over the last five years with the amount of new developments in the District this could mean that up to 200 to 300 specimen trees and several thousand hedgerows had been planted at each new development.

Question submitted by Councillor A. D. Kriss

“Following the successful application for funding for Ultra low emission charging points, could the Cabinet Member for the Environment advise whether Rubery will be receiving any charging points and what the timescales for implementation are?”

Councillor M. Sherrey, the Portfolio Holder for Environmental Services responded that the Council had recently been successful in an Office of Low Emission Vehicles (OLEV) bid where £300k had been granted for the installation of dedicated electric taxi charger points. A condition of this funding was that it must be spent by 31.3.20.

As part of the bid, officers had identified Rubery, Wythall and Bromsgrove Town as suitable locations for these dedicated electric taxi charger points. General site locations had been identified in conjunction with a wide range of stakeholders including Taxi drivers, operators, Licensing, WRS & Economic Development. Actual locations will be firmed up once a charge point operator had been identified. These locations would be dependent upon a range of factors including accessibility, land ownership and grid constraints.

While the charging points funded under the OLEV grant would be specifically for taxis, the Council would seek to develop a public charging network to sit alongside the taxi charge points, maximising the financial efficiency of the grant funding as much of the installation costs would be shared.

A report would go to full Council on 31 July when it would be recommended that the submitted BDC Ultra low emission vehicle strategy (ULEV) and action plan be adopted and that the OLEV funding committed to assist taxi's

to transition to electric vehicles (EV's) and that the Head of Service had delegated authority in application of and administering future funding in line with the ULEV strategy. The strategy also contained wider aspirations for a comprehensive charge point network across the district.

Officers anticipate tendering for a charge point operator at the earliest possible opportunity following approval of the recommendations in the report.

25\19

MOTIONS ON NOTICE (TO FOLLOW IF ANY)

Living Wage

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

"This Council ensures in future that all contractors, agencies and any organisation or body carrying out work or research on behalf of this Council, pay its employees/workers at least the 'Living Wage.'"

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

In proposing the Motion Councillor McDonald reminded the Chamber that his Group had ensured that no members of staff received less than the living wage. The motion put before Members was an extension of that and would ensure that any contractor employed by the Council did not pay their staff below the rate of the living wage. To not do this would be a double standard for the Council. Councillor McDonald highlighted the struggle of some families to meet the cost of living and how the payment of the living wage would help support them. He saw no excuse for contractors not to meet this requirement. He also referred to the problems of young people, aged 18-20 years, who received a lower rate of pay and needed to work extra hours in order to make ends meet. Councillor McDonald believed that all working age people had a right to a decent standard of live and should not have to rely on food banks for example in order to make ends meet. He therefore put forward the motion for all contractors, agencies and organisations carrying out work on behalf of the Council to be paid the living wage.

Councillor G. Denaro, as Portfolio Holder for Finance and Enabling responded that through this motion Councillor McDonald was trying to restrict the Council's choice when employing outside contractors. When a nearly identical motion had been put forward in 2012 by Councillor McDonald it had been referred to the Overview and Scrutiny Board, who had undertaken a full enquiry into all areas, including the mechanism which could be put in place to encourage contractors to pay the Living Wage, the finance cost to the Council in monitoring contracts and what duty, if any, the Council had to ensure its contractors paid the Living Wage. The conclusion of that investigation had been that no further action be taken in respect of the Living Wage. Councillor Denaro

confirmed that that conclusion stood today and whatever people may think morally, it was not for the Council to force any view on to its contractors.

In responding to the motion Members made the following comments:

- Including the suggestion as part of the procurement process and the implications of this.
- It was a legal requirement to pay the minimum wage, but not the living wage.
- Why there should be a difference in the rate of pay paid to staff and to contractors, the Council should lead by example and insist on the same for all.
- The lower rate of pay for young people and the reasoning behind this, it was suggested that some would not have the experience or knowledge that an older person might have and any increase in pay may lead to higher levels of youth unemployment.

Councillor S. Baxter suggested that an amendment be put forward for the matter to be further reviewed by the Overview and Scrutiny Board as the Council had a responsibility to its residents and any financial impact could have a detrimental effect on them. The amendment was seconded by Councillor S. Colella.

Councillor McDonald did not accept the amendment and the amendment was therefore lost.

Further debate took place when Members discussed a number of areas including:

- The inclusion of the Living Wage for contractors was a positive way in which the Council could demonstrate that it was addressing poverty and supporting some of the most vulnerable in the District.
- Research which had been carried out by the Living Wage Foundation and that £9 per hour was not unduly ambitious and the Council should make a commitment to increase it.
- How the contractors would be monitored and whether imposing such a restriction would put off some contractors from carrying out work for the Council.
- The use of zero hour's contracts.

In summing up Councillor McDonald expressed his disappointment at the negative comments from some Councillors and did not think it was unreasonable for people in employment to receive a decent wage for a week's work and not to have to rely on food banks and have to worry about paying bills. These pressures often led to poor health which did not help them. The Council was not a commercial enterprise and it should not be exploiting people, it should pay the acceptable rates of pay. He believed that currently a number of other authorities had been

able to do put this in place. People of all ages were entitled to a decent proper wage.

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

For the motion: Councillors Baxter, Colella, Douglas, Hotham, Hughes, Hunter, Jenkins, McDonald, Rone-Clarke, Thompson, Van der Plank (11)

Against the motion: Councillors Beaumont, Deeming, Denaro, Glass, Jones, Kent, Kriss, May, Middleton, Sherrey, Spencer, Thomas, Till, Webb, Whittaker (15)

Abstentions: (0)

On being put to the vote the motion was lost.

Community Gardens

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

“This council recognises the excellent work achieved by local volunteers, such as the community garden in Charford. Council resolves to work with its partners, such as BDHT, to identify potential green spaces upon which communities can create similar initiatives.”

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

In proposing the Motion Councillor Thompson paid tribute to Councillor S. Douglas who had started off this project in Charford. It allowed communities to come together and take responsibility and pride in their area whilst also bringing generations together and helped people to up skill whilst enhancing the work of the voluntary sector, who were sometimes taken for granted. It also addressed other areas, such as isolation and mental health and empowered people in their own homes. These projects helped to rebuild people’s confidence and were positive for all concerned. The community garden in Councillor Thompson’s Ward could not stress enough the difference it had made to the people in the community by bringing them together.

The Leader was pleased to support the motion and highlighted that this had been supported in the past through the New Homes bonus Community Grants Scheme. She also highlighted that Councillors S. Webb and J. Till had done something similar in their wards and such initiatives could only enhance the district environment and the lives of the residents.

In discussing the motion in more detail Members were supportive of it and highlighted a number of schemes within their own Wards and identified areas where such projects could be undertaken, this included BDHT land in Councillor Baxter's Ward. The benefits to both young and old were also discussed and how such projects brought all age groups together for the good of the community.

Councillor Thompson thanked everyone for their support with this motion.

On being put to the vote the motion was carried

Assessing the need for a bypass

Members considered the following Notice of Motion submitted by Councillor R. Hunter:

"Increasing traffic congestion on Bromsgrove's road network is a threat to the health and wellbeing of residents and the prosperity of local businesses. Future housing development will likely exacerbate this problem without appropriate new transport infrastructure. Previous attempts to assess the viability of a Western by-pass to address this issue have not concluded satisfactorily.

Council is grateful for the important work of members and officers in seeking solutions to this problem; and welcomes their commitment to working with Worcestershire County Council to undertake a Strategic Transport Assessment that will support the production of a robust Local Development Plan.

Council resolves that this project must include an adequate assessment of the viability of a range of different options when considering locations for future growth, one of which should be a western by-pass. This assessment will model not just existing traffic flows, but also the likely impact of increased volumes of traffic resulting from new developments, ensuring the shortcomings identified in the 2015 feasibility assessment of the bypass, as identified by Mot McDonald are not repeated."

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

In proposing the Motion Councillor Hunter provided Members with information around the road networks and the constant problems which blighted Bromsgrove. He made reference to the A38 and School Lane and that there was not a day when part or all of the M5 was closed and the impact that this had on Bromsgrove and its residents. All these problems were frustrating for everyone and restricted them from being able to go about their daily business. A quarter of all journey times account for the delays which in turn impacted on the hours that people spent on the roads. This further impacted on air quality and people breathing in toxic fumes on a daily basis. It was noted that there was

investment being made to the A38 and huge amount being put into a southern relief road in Worcester. Councillor Hunter was grateful for the Overview and Scrutiny Board Strategic Transport Review Report but it was important that this Council continued to make Worcestershire County Council (WCC) aware of the problems it faced on a daily basis.

Councillor Hunter made reference to the JNP Consultants report, which was at a technical level but did not contain any detail around how the problems needed to be addressed. It was important for Members to ask the right questions to the right people to ensure that Bromsgrove got the investment it deserved to address the ongoing problems.

Councillor Thompson responded to the motion by suggesting that it was very similar to one previously put forward by his own Group. He was of the view that everyone would be in agreement with the content and the ongoing infrastructure problems in the District. Councillor Hunter responded that it was not about politics but about working together and he understood it was some time since such a motion had been put forward and that it was an important issue which needed to remain high on the Council's agenda.

The Leader responded that there was £50m investment in the A38 and that WCC were working on a Strategic Transport Assessment, which would address the issues discussed. She believed therefore that this motion was premature and that the Council needed to wait and see the outcome of that Assessment before lobbying for specific actions to address the problems. She also highlighted that the Council was working proactively with the GBS and Worcestershire LEPs.

Councillor A. Kent responded to the motion by stating that as the new Portfolio Holder for Planning, he was unable to support it as there were a number of options which needed to be explored before a decision was made as to what was the best way forward. As referred to by the Leader, the WCC Strategic Transport Assessment was not yet complete and the Council's own Local Plan was currently under review, so it was premature to suggest a particular route to go down at this moment in time. It was imperative that the Council got it right and did not exacerbate the situation by making a hasty decision.

Councillor Baxter responded that it was clear that a solution needed to be found for both residents and visitors as the current position was very frustrating and there seemed to have been lots of promises made through various consultations and plans, the issues which had occurred in respect of LTP4 and those Members who were "dual hatters" had not helped matters. The important issue was that the problems needed to be resolved for the health and wellbeing of its residents; investment in the A38 would not achieve this. She believed that the Overview and Scrutiny Board Strategic Transport Review Report was an agenda for the leading group to keep the matter open for discussion and to enable it to be brought back to the Chamber.

The Leader responded to Councillor Baxter's comments by advising that there were a number of strategic policies underpinning LTP4 which would provide the "hooks" to address these issues.

Councillor Colella also spoke in favour of the motion and highlighted the problems within his ward, making particular reference to the traffic congestion and the air quality and its impact on the health of residents. This was an opportunity to go back to WCC and hold further in depth discussions to enable them to understand the problems that were faced by this Council. The matter had been going on far too long and it had taken nearly two years for the Overview and Scrutiny Board's report to be brought before Council and it was important that Members came together to resolve the traffic congestion and all the problems it brought to the District.

In summing up Councillor Hunter assured Members that he was not using this motion to make a political statement, but merely wished the Members to work together to address the problems faced by residents and therefore asked for Members support.

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

For the motion: Councillors Baxter, Colella, Douglas, Hotham, Hughes, Hunter, Jenkins, McDonald, Rone-Clarke, Thompson, Van der Plank (11)

Against the motion: Councillors Beaumont, Deeming, Denaro, Glass, Jones, Kent, Kriss, May, Middleton, Sherrey, Spencer, Thomas, Till, Webb, Whittaker (15)

Abstentions: (0)

On being put to the vote the motion was lost.

The Chairman announced that the allotted one hour timescale had expired and therefore the remaining motion would be carried over to the next meeting.

Councillor H. Rone-Clarke asked for an extension of the time allocated and this was seconded by Councillor M. Thompson. The Chairman agreed to put this to the vote and in doing so the extension of time was lost.

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Playing our part in stopping climate change

The Notice of Motion from Councillor S. Hughes would be carried over to the next.

The meeting closed at 7.55 p.m.

Chairman

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE COUNCIL

24TH JULY 2019, AT 6.00 P.M.

PRESENT: Councillors R. J. Laight (Chairman), A. J. B. Beaumont (Vice-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, S. A. Hughes, R. J. Hunter, H. J. Jones, A. D. Kent, J. E. King, A. D. Kriss, K.J. May, M. Middleton, P. M. McDonald, M. A. Sherrey, C. J. Spencer, P.L. Thomas, M. Thompson, K. J. Van Der Plank, S. A. Webb and P. J. Whittaker

WELCOME

The Chairman welcomed everyone to the meeting and invited representatives from Age UK to give a short presentation on the local Age UK partnership with North Worcestershire.

26\19 **TO RECEIVE APOLOGIES FOR ABSENCE**

Apologies from absence were received from Councillors C. A. Hotham, R. E. Jenkins, L. C. R. Mallett, H. D. N. Rone-Clarke and J. Till.

27\19 **DECLARATIONS OF INTEREST**

There were no declarations of interest on this occasion.

28\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.

29\19 **TO RECEIVE ANY ANNOUNCEMENTS FROM THE LEADER**

The Leader advised that on Saturday 6th July, as Members may have been aware, there had been a fire involving the Uninterruptable Power Supply (UPS) to the Server Room at Bromsgrove District Council. She was pleased to report that no one had been injured and the authority had not lost any data.

The Leader took the opportunity to thank the Officers who handled the situation in a most professional manner and restored business as usual by 4pm on 8th July 2019.

The Leader further advised Council that, Councillor M. Thompson had recently spoken with the Chief Executive and her regarding the issue of drugs/ substance mis-use in our District. It had been agreed that a Substance Mis-use Multi-Agency Forum be set up. This was with a view to getting a greater understanding of the issues in Bromsgrove, their impact and the support/ services that were currently available. Once outcomes had been agreed she would look at convene the forum and hold the first meeting. Members would then receive a calendar invite to this first meeting.

Councillor M. Thompson thanked the Leader and Officers for helping to bring forward the Council meeting and allowing the Climate Change motion to be discussed as soon as possible, acknowledging that this was an important matter which warranted being given the appropriate time for debate. He asked that the Chamber consider extending the time allocated to Motions on Notice to allow all those put forward to be debated.

The Chairman thanked Councillor Thompson for his comments and reminded Members that he expected there to be sensible cross party debate of all matters.

The Leader advised Members that whilst the time extension was a matter for Council she was happy for this decision to be made by the Chairman. The Chairman confirmed that he had spoken to the Monitoring Officer and would discuss this further under that item.

Councillor S. Colella asked the Leader whether the fire, to which she had referred, had been appropriately investigated by the relevant authority and also whether this had been the case regarding the fire which had taken place at the Burcot Lane site in 2018.

The Leader advised that she was unable to comment on the Burcot Lane incident, but could confirm that the fire at Parkside had been due to an upgrade carried out by UPS with the fire occurring some 20 minutes later. The circumstances had been thoroughly investigated and the matter dealt with appropriately.

30\19

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

The Chairman confirmed that a member of the public had asked a question as detailed below:

Ms J. Tipper

Ms Tipper asked Councillor M. Sherrey, the Portfolio Holder for Environmental Services the following question:

Could you tell me what proportion of our recyclable waste is actually recycled, and where and how this is carried out, and what is the end

product of these processes? Also, are there plans for a food waste collection?

Councillor Sherrey responded that all of the dry recycling that the Council collect from residents' green bins was transported to a site just outside Worcester called EnviroSort. This facility had been contracted by Worcestershire County Council (WCC) to mechanically sort the recyclables in order for them to be sold on into the recycling industry, to be either reprocessed into new materials, or used as a sustainable material in industry. All of the glass and tin cans were sold on to re-processors who then use it in the UK.

Most of the paper was bought by paper mills in the UK, with a proportion being sold to Europe, and a small amount was sent to Asia where it was also used to make new paper products.

There were a number of different plastics used in packaging, and once sorted at Envirecover, some of them may be further sorted at other facilities to ensure a high quality material, and then sold on to businesses in the UK, Europe and Asia.

There was an element of contamination in recycling bins, where people placed the wrong items in their bin, and this sometimes prevented some material from being processed in full, but this material was separated out and sent to an "energy from waste" facility called Envirecover in Hartlebury near Kidderminster, which burnt the residual waste from grey bins to generate electricity. After incineration, any recoverable metals are separated out and fed back into the recycling stream, and the ash produced is used in the aggregate industry as an inert material. The proportions vary, but approximately 10% of the dry recycling we collect was contaminated, and was processed this way.

The Garden Waste Service was only able to take garden waste, but this was sent to an open window composting facility near Pershore where it was turned into a soil improver that was available to buy for both commercial and domestic use.

As with the recycling collection, any contamination was separated out where possible, and this was then disposed of either to landfill at the nearby Hill & Moor site, or sent across to Envirecover at Hartlebury.

Worcestershire Authorities currently have no specific plans regarding food waste, but it is currently being discussed at a National level, as part of Central Government's Waste & Resources Strategy, and may well be implemented through legislation along with additional funding to allow us to set up the appropriate treatment facilities, as the existing composting facilities were not allowed to take food waste due to Environmental Health legislation. There was an ongoing consultation throughout 2019 and the Council hoped to know later in the year what this might look like and possible timescales which were being considered.

The Chairman thanked Ms Tipper for her question and suggested that should she have any further questions she could contact Councillor Sherrey direct.

31\19

RECOMMENDATIONS FROM THE CABINET

The Chairman advised Members that in respect of the background papers to these recommendations, pages 29 to 33 were attached in error and were not for consideration at this evening's meeting, this was an error on the part of Democratic Services and Members were asked to disregard these pages.

Councillor M. Thompson requested that in respect of the recommendations for the Finance Monitoring Outturn 2018/19 that recommendation (h) be taken separately.

Active Kitchen Report

Councillor S. Webb, Portfolio Holder for Strategic Housing and Health and Wellbeing proposed the recommendations in respect of the Active Kitchen report. These were seconded by Councillor K. May.

In proposing the recommendations Councillor Webb commented that she was happy to put forward these recommendations and hoped that Members would be supportive of the project.

Councillor P. McDonald expressed his disappointment at the incorrect spelling of Rubery within the recommendation and the Leader apologised for this error.

Members discussed a number of areas within the report in more detail, including:

- The fact that such projects were needed.
- An understanding of those areas where the project will be piloted and why they have been chosen and whether it would be rolled out more widely.
- Appreciation that the need had been recognised in the Drakes Cross area.
- Support for the project.
- Whether reviewing the project in July 2020 would be too late for the summer holidays and the date brought forward. Councillor Webb explained that by using that date it would allow for sufficient data to be gathered to ensure that a proper evaluation of the scheme was carried out.
- Clarification as to the format of that evaluation.

RESOLVED:

- (a) that Officers continue to pilot the Active Kitchen service in Sidemoor, Charford, Catshill, Rubery and Drakes Cross in 11

weeks of the school holidays and that approval be given for an estimated £34,000 to be drawn down from balances 2019/20 to fund the service's operational delivery, marketing, research and development be approved; and

- (b) that Officers return to Cabinet in July 2020 to review the pilot and recommend the next steps for the project.

BDC Low Emissions Strategy

Councillor M. Sherrey, Portfolio Holder for Environmental Services proposed the recommendations in respect of the Low Emissions Strategy. These were seconded by Councillor A. Kent.

In proposing the recommendations Councillor Sherrey advised Members that work on this had commenced some time ago and that it was now important it got started in order that the benefits to the District could begin.

Members discussed the following in more detail:

- An important step towards becoming carbon neutral and the need for the Council to set an example for its residents. Councillor Sherrey confirmed that the strategy looked at the wider use of vehicles and that the Council was considering this when replacing the smaller vehicles at the depot.
- The importance of infrastructure to be in place and for there to be suitable charging points for other vehicles available and to promote the greater benefit to the community.
- The need to be conscious of the costs – Worcestershire County Council were considering the matter of electric buses and this was the start of a journey into the future, with a balanced approach needed. It was important that whatever steps the Council took it did them well and they were well thought through.
- The responsibility of Councillors on committees such as Planning to ensure that charging points were included in applications where possible.
- The speed at which technology was changing and bringing with it new opportunities.

In summing up Councillor Sherrey thanked Members for their comments and advised that all the suggestions would be considered.

RESOLVED:

- (a) that the ULEV strategy and associated Action Plan attached at Appendix 1 be adopted;
- (b) that the Head of Environmental Services and Head of Community Services have delegated power to act following consultation with the relevant Portfolio Holder, to administer the (OLEV) Ultra-Low

Emission Taxi Infrastructure Scheme funding including site selection be approved;

- (c) that an increase to the Capital Programme 2019/20 of £300k for the (OLEV) Ultra-Low Emission Taxi Infrastructure Scheme Funding be approved;
- (d) that the Office for Low Emission Vehicles (OLEV) Ultra-Low Emission Taxi Infrastructure Scheme funding be used in procuring the installation of a dedicated electric taxi charging network which supports Bromsgrove Taxi drivers and operators in:
 - Transitioning to electric vehicles
 - Their ability to travel into Birmingham's Clean Air Zone; and
- (e) that the Head of Environmental Services and Head of Community Services have delegated power to act following consultation with the relevant Portfolio Holder, to apply for, accept, and administer (including in partnership with other local authorities) future funding in line with this strategy be approved.

Finance Monitoring Outturn 2018/19

As indicated at the beginning of this item, it was agreed that recommendation (a) – (g) would be taken en bloc with recommendation being considered separately.

Councillor G. Denaro, Portfolio Holder for Finance and Enabling proposed the recommendations in respect of the Finance Monitoring Outturn 2018/19 report. These were seconded by Councillor K. May.

In proposing the recommendations Councillor Denaro highlighted a number of pertinent areas within the report:

- An overall Budget Surplus on Revenue of £186K against a revised Budget of £11.1m amounted to a 1.6% surplus which was well within guidelines. He believed this was evidence of better budget control which the Auditors had been asking the Council to address. Where Commercial Income was concerned, there was no proposed ceiling as all new income fed straight through to protecting services to residents.
- There had been some difficulties in Environmental Services last summer and evidence of that was shown in their overspend position and Council had addressed the problem by approving Business Cases which were now in place and being recruited. Bouts of sudden sickness would never be eradicated, but there was now increased flexibility to deal with such operational occurrences.
- Commercial Income within Environmental Services had risen considerably, and the result was an overspend of 10.1% which

was a better outcome than anticipated. The guidelines would be reviewed as the new finance system came on stream, which would enable more detailed and earlier monitoring of performance.

- Savings continued to be made and exceeded the target by £237k. Further savings would be identified as officers continued to make efficiencies and increased income streams where appropriate.
- Overall the Council's revenue position was encouraging but it still faced challenging financial times ahead with uncertainties remaining in relation to the negative grant and New Homes Bonus funding. However, with £5.7m in earmarked reserves plus £4.9m in balances we can approach the difficult years ahead with concern rather than dread.
- Looking at the Council's Capital position it was obvious that it must do better at pushing projects through. The delay in the Dolphin project was due to the review of the sports hall position. Comparing budgeted spend to actuals the Council had a gap of approximately £5m in its planned borrowing which in turn delivered an unexpected saving in the associated revenue costs. This was an area officers would be focusing on in the coming year to ensure the programme was managed more effectively.
- With the increased Disabled Facilities Grants coming through Councillor Denaro wanted to increase the Council's ability to process them more quickly, as he believed that a quick response kept residents in their own homes and reduced demand on health providers.
- The Council must be clearer on the Capital spend on its projects including the Burcot Lane redevelopment and potential investment opportunities to maximise invest to save opportunities in the future.

Councillor Denaro congratulated Council's officers for the financial performance of the Council in what were increasingly difficult and uncertain financial times. The Council had, in effect, generated a surplus and he expressed the view that, in this day and age, it was a minor triumph to deliver a surplus in local government with no reduction in services and with no use of money from balances.

Councillor Denaro concluded by thanking the Executive Director of Finance and Corporate Resources and the Council's Finance Team for all their excellent work.

Following presentation of the report Councillor Thompson commented that he had briefly spoken to the Portfolio Holder in respect of the Capital Programme but raised concerns in respect of the CCTV item which it had been requested to carry forward. Councillor Thompson's concern was that the increase in anti-social behaviour and the need for an

improved CCTV system this had not been moved forward. He also questioned whether the Portfolio Holder was prepared to be accountable for the delays which had occurred in this and a number of other projects, for example the Burcot Lane site.

Councillor Denaro responded that there were various reasons for the delays which have occurred, it had been Council's decision to reconsider the options for the Dolphin Centre which had caused the delay with that project and in respect of Burcot Lane there had been delays with Homes England, but it was hoped that this would be signed off by the end of July and the Council would continue to press on with Capital Programme.

Members also questioned the inclusion of Section 106 monies within the Capital Programme, as this was not "the Council's" money, but money allocated to be spent within the community. It was agreed it would be useful to see this as a separate item with some sort of audit trail to show where the monies came from and when they had been spent. The Leader assured Members that this was in fact monitored and detailed records kept, but was not currently reported on. This would be considered for future reference.

Councillor P. McDonald proposed an amendment to recommendation (h) as he raised concerns that the recommendation was approving an outside organisation to carry out work on behalf of the Council. It was the Council's responsibility and therefore it should administer how these funds were spent. He appreciated that voluntary organisations, such as Keep Bromsgrove Beautiful provided support in the community but the administering of the funds needed to remain within the Council's control. The amendment was for the words "to administer the grant and any future monies which have similar requirements to this grant" to replace the reference to BARN.

Councillor Denaro and the Leader explained how this funding was allocated and that it was for specific projects which would be co-ordinated by BARN, who were given clear guidance from the Council and therefore they saw no issued with BARN administering the funds.

Members commented that this was a good example of partnership working with the voluntary sector and BARN carried out good work in the District. Councillor Thompson confirmed that he did not have a problem with BARN carrying out the work, but it was not necessary for them to administer the funds which had been given to this Council.

It was confirmed that there was a detailed schedule of work which was to be carried out by BARN, which covered such areas as litter picking in the village centres.

On being put to the vote the amendment was lost.

RESOLVED:

- (a) that the transfer to balances of £186k is actioned as a result of revenue outturn savings 2018/19 be approved;
- (b) that the movement of £60k in existing reserves as included in Appendix 1 be approved;
- (c) that the addition of new reserves of £2,777k included in Appendix 1 be approved;
- (d) that the carry forward to the 2019/20 capital programme of £4,984k as detailed in Appendix 3 be approved;
- (e) that an increase in the 2019/20 Capital Programme of £163k for Disabled Facilities Grants. This is due to the budget allocations having now been announced by the Ministry of Housing, Communities and Local Government (MHCLG). This will increase the available budget to £913k be approved;
- (f) that an increase to the capital programme 2019/20 of £44k s106 monies for re-landscaping the recreation ground, Bromsgrove be approved;
- (g) that an increase to the Capital programme 2019/20 of £41k for a Bromsgrove combined Footpath and Cycle Way Network funded from a grant from Worcestershire County Council. (£390k already approved at quarter 3) be approved; and
- (h) that an increase to the Revenue budget 2019/20 of £7k due to grant being received from Communities and Local Government towards High Street clean up and future community environmental enhancements and approval for BARN to administer the grant and any future monies received which have similar requirements to this grant, as per paragraph 3.4 be approved.

Statement of Accounts Delegation

Councillor G. Denaro, Portfolio Holder for Finance and Enabling proposed the recommendation in respect of the Statement of Accounts Delegation. This was seconded by Councillor K. May.

In proposing the recommendation Councillor Denaro explained that this was a practical way of dealing with this, and confirmed what had been happening for some time. The Audit, Standards and Governance Committee had been dealing with ensuring that all the mechanisms were in place to enable the accounts to be produced. It was therefore sensible for them to complete this last piece of work, which was something which many other authorities had also delegated to this Committee.

RESOLVED that the consideration and approval of the Council's Annual Statement of Accounts be delegated to the Audit, Standards and Governance Committee.

32\19 **TO NOTE THE MINUTES OF THE MEETINGS OF THE CABINET HELD ON 10TH JULY 2019**

The Minutes from the Cabinet meeting held on 10th July were submitted for information and noted by Members.

33\19 **CODE OF CONDUCT REVIEW REPORT**

The Leader confirmed that this item had been withdrawn as the document was currently still out for consultation.

34\19 **QUESTIONS ON NOTICE (TO BE CIRCULATED AT THE MEETING)**

Question submitted by Councillor R. Hunter

How many bus shelters are the responsibility of Bromsgrove District Council, what budget is made available annually for their maintenance and is this sufficient to keep them in good order?

Councillor M. Sherrey, Portfolio Holder for Environmental Services responded that there were 44 bus shelters within the District which Environmental Services were responsible for, with an overall budget of £2k per annum.

Question submitted by Councillor J. King

How is Bromsgrove spending its allocation of the Government's Brexit Preparedness funding and is the District prepared for the potentially devastating consequences of Brexit?

The Leader responded that the Council had received an allocation of £17,484 in March 2019; which had been transferred in to a reserve account as corporately, this Authority had not identified any pressing demands. It was confirmed that should any come forward then the monies would be utilised accordingly.

Question submitted by Councillor S. Hughes

Is the provision of two recycling bins at opposite ends of Bromsgrove high street sufficient and what plans are in place to improve recycling facilities in the town centre?

Councillor M. Sherrey, Portfolio Holder for Environmental Services responded that there were in fact 4 recycling bins at each end of the High Street all of which were well used.

35\19

MOTIONS ON NOTICE

Playing our part in stopping climate change

Before commencement of proceedings, Councillors P. McDonald, A. Kent and S. Baxter indicated that they wished to put forward an amendment to the Motion.

The Chairman reminded Members that it was important that this matter was debated properly and that Members concentrated on the facts and evidence based discussions.

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

“Climate change is already causing serious damage to our community in Bromsgrove and communities around the world. The Inter-Governmental Panel on Climate Change’s 2018 Special Report on Global Warming of 1.5°C calls for urgent action within 12 years to protect people from the consequences of irreversible climate change. All governments: national, regional, and local have a duty to act.

Council declares a climate emergency that requires urgent action. Bromsgrove Council Cabinet will therefore commit to doing the following:

- Work with our partner authorities to review and update the Worcestershire County Climate Change Strategy, which is about to expire, ensuring ambitious targets for improvement.
- Establish a working group to engage with the community, develop an action plan and report regularly on actions taken.
- Explore areas where our services can be delivered in a way that reduces the Council’s carbon emissions and look at ways in which the Council’s energy supplies can be from 100% renewable sources.
- Set an aspiration for Bromsgrove to become carbon neutral.”

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

In proposing the Motion Councillor Hughes explained that it was an area which impacted on everyone and something which people came across every day, whether it be through air pollution from excess traffic or the impact of single use plastics, which had been well documented. Councillor Hughes highlighted to Members that, should no action be taken, then the damage caused by global warming would become irreversible in 12 years’ time. The work that was already being done was recognised but it was imperative that it be acknowledged that much more needed to be done at a faster pace. Direct action needed to be taken to ensure that everyone played their part in making those necessary changes. The importance of educating the young was also highlighted. A working group would be able to co-ordinate and evaluate

the best way forward and engage with local partners and other groups to ensure that Bromsgrove played its part in this global issue. There were already over 90 other local authorities who had signed up to such an agreement and it was felt that Bromsgrove must also take action as a matter of urgency.

Councillor A. Kent proposed some small amendments to the motion, which were seconded by Councillor K. May and accepted by Councillor Hughes.

The amended Motion is detailed below:

Council declares a climate emergency. Bromsgrove Council will look to do the following:

- *Work with our partner authorities to review and update the Worcestershire County Climate Change Strategy, which is about to expire, ensuring ambitious targets for improvement.*
- *Establish a cross party working group to develop an action plan, report regularly on actions taken and engage with local communities.*
- *Explore areas where our services can be delivered in a way that reduces the Council's carbon emissions and look at ways in which the Council's energy supplies can be from 100% renewable sources.*
- *Set an aspiration for Bromsgrove to become carbon neutral and charge officers with working up relevant business cases and the financial impact of this on this Council and its Residents.*

Councillor P. McDonald proposed an amendment "set an aspiration for Bromsgrove to become carbon neutral by 2025", this had been put forward at other local authorities and showed that the Council was committed in taking this matter forward and showed that the Council had a goal to work towards. The amendment was seconded by Councillor M. Thompson.

The Leader responded that the Council needed to set realistic targets, by setting a date the Council was committing to something with financial implications that it did not have the full details of and therefore as she had a responsibility to the tax payers she would need to see a full business case before she could make that commitment. The Council was not in a position to make such a commitment in the current economic climate as there may be budget implications, which could impact on services the Council provided.

Members discussed the merits of the motion and Councillor McDonald's amendment at length and in particular referred to the following areas:

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- The need for a detailed business plan before any decision could be made as the cost would be significant in some areas.
- The Council was committed to making changes where possible and would consider all options available to it.
- The District had a better opportunity than the County Council, in some respects because it was smaller; to make changes and influence is residents.
- The urgent need to address the air pollution and traffic congestion in the district and its impact on residents.
- There were a number of areas where the changes needed were relatively small but had a wider impact.
- Whether there was a need for a specific post to be created in order for the right skills to be available to formulate a policy to move the Council forward. It was important that the Council got this right with the policy being delivered and managed properly.
- It was important that action was taken whether the date was aspirational or not.
- If an aspirational date was included then it would give the Council a goal to aim towards, otherwise it would be open ended and would dilute the importance of the matter.
- It was important to establish the message the Council wanted to give out to its residents and to show that their concerns were being listened to and actioned.
- The need to take account of residents' views.
- The need to set a timeline, some targets and re-prioritise budgets in order to achieve those targets.
- The areas which a cross party working group could look at , including carbon neutral buses and transport links to villages, new buildings for life, tree planting, food waste and recycling for example.

Councillor Hunter commented that the key word was aspirational which was what the motion was based on, there was a need for any actions or plan put in place to be credible and for the Council to think careful about target setting and what it was able to achieve.

In summing up his amendment Councillor McDonald stated that by setting a date it would be something to work towards and ensure that the Council set an example. It should be made easy for residents to be able to go to any charging point and encourage them to have electric vehicles.

On being put to the vote Councillor McDonald's amendment was lost.

Councillor S. Baxter proposed an amendment "set an aspiration for Bromsgrove to become carbon neutral by 2030", as she believed that 2030 was a more realistic date, she also confirmed that she was happy with the amendments proposed by Councillor Kent. She felt that it was key for the Council to set some realistic goals to work towards. Councillor Baxter provided some examples of the direct impact of

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climate change, for example the recent floods in Wythall which showed that it had a really effect on residents. It was therefore important that the Council set itself some challenging milestones, when it put forward the suggested business cases and it was also important that the local communities were involved and engaged in the process, with a positive message being given from the Council. Councillor Baxter's amendment was seconded by Councillor S. Colella.

On being put to the vote Councillor Baxter's amendment was lost.

Councillor Thompson suggested that it needed to be made clear that it was the Council's aim to become carbon neutral by 2025 which would show its commitment to residents by leading by example. It had a small fleet of vehicles and the potential to include solar panels on buildings and therefore he believed that this was achievable. He therefore suggested a further amendment to this effect – "set an aspiration for Bromsgrove District Council to become carbon neutral by 2025." This amendment was seconded by Councillor McDonald.

In supporting the amendment Councillor McDonald stated that urgent action needed to be taken and there was the potential for the Council to begin to address the issues, in particular air quality and the immediate impact on residents. There were already a number of Air Quality Management Areas in the District and there was a need for air quality to be measured, whilst it may be within the legal limits this did not deter from the fact that the quality was poor and impacted on the health of the young and old in particular.

Members discussed a number of areas and suggested alternative wordings to the motion and clarified whether they were referring to the Council or to the district. The Council was only able to make the changes to its own vehicles and buildings and was not able to impose anything on its residents in this respect.

On being put to the vote Councillor Thompson's amendment was lost.

Following the detailed discussions, Councillor Hughes' briefly summed up her motion, and confirmed her acceptance of the amendments put forward by Councillor Kent.

On being put to the vote the amended motion was carried.

Before moving on to the remaining motions the Chairman advised Members that the one hour allocated to this item had been exceeded. He was however, minded to suggest that the meeting be extended by twenty minutes to allow the remaining motions to be considered.

Trees

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

“Council notes the importance on logging trees felled – and re-planting – in the combat against producing a carbon-neutral world. Council resolves to make a log of every tree it cuts down and, to compensate, to plant six new trees to replace them.”

The Motion was proposed by Councillor Thompson and seconded by Councillor P. McDonald.

In proposing the Motion Councillor Thompson said he would keep his presentation of the motion brief, but suffice to say that as the Council did not fell a significant number of trees then the impact of the proposal was nominal. He appreciated that where trees were felled it was for a legitimate reason, for example if a tree was unsafe. He was suggesting that the Council plant 6 trees in place of very tree which was felled.

In speaking in support of the motion Councillor McDonald also highlighted the positive impact that trees had on the environment and the reversal of greenhouse gases. It was important to highlight the value of trees and the replacement of those felled for future generations. A clear example of where such a policy worked was in Scotland and Councillor McDonald provided statistical information which showed that replacements trees planted there were helping to regenerate the forest cover.

Councillor Thompson was asked how the figure of six trees had been chosen and he confirmed that this was a figure provided by the Forestry Commission.

Councillor Kent advised that it was difficult to support such a motion without having the relevant business case to support any costs to the Council. After speaking to the relevant officers he believed that the only trees which had been felled recently in the District were in the Bromsgrove Cemetery and this had been for safety reasons. He was therefore happy to put the matter to the Climate Change Working Group, which would be set up following the motion of Climate Change, for further consideration.

Members discussed a number of other areas in respect of this matter, including the loss of hedgerows and trees for housing developments and the impact on wildlife and it was suggested that this should be recognized within the motion. Although it was accepted that this may complicate matters and therefore should be restricted to Council owned trees.

On being put to the vote the motion was lost.

Residents' Funerals

The Chairman advised Members that Councillor A. Kriss had withdrawn this notice of motion.

Reducing food waste; financial and environmental benefits

Members considered the following Notice of Motion submitted by Councillor K. Van der Plank:

“This Council notes that:

- 1) The estimated annual cost of the food wasted in the UK is around £12bn - an average of £810 per family, per year.
- 2) Across Worcestershire, approximately a third of black bin waste is wasted food. WCC dispose of around 42,000 tonnes of food waste each year which equates to more than £4.5m in disposal costs.
- 3) Education and awareness campaigns such as the national ‘love food hate waste’ initiative can have a big impact on reducing food wastage at the same time as saving both individuals and council’s money.
- 4) More than 8 million people in the UK live in households that struggle to put food on the table, with more than half regularly going a whole day without eating. (Source: Food Foundation, using UN data).
- 5) Using food waste to feed the hungry is not a solution to food poverty, however, whilst both food waste and food poverty co-exist, we should ensure surplus food is used to help people in need.

This Council resolves:

To reduce food waste across the District by developing a practical action plan to include:

- communication and education activities to improve understanding and change behaviours in order to reduce food waste;
- work in partnership with other authorities and organisations on food waste initiatives and campaigns to increase awareness and participation;
- set an ambitious target for food waste reduction across our district and measure our performance against this; and
- support and encourage food redistribution initiatives and encourage local retailers and businesses to sign up to food redistribution schemes. “

The Motion was proposed by Councillor K. Van der Plank and seconded by Councillor A. English.

In proposing the Motion Councillor Van der Plank explained that there was both food waste and food poverty (which had been highlighted earlier in the meeting in respect of the Active Kitchen report) and the Council should do its best to ensure that surplus food in the district was put to good use. There were a variety of ways in which this could be done, including the support of local groups and charities and taking

practical action to educate its residents and work in partnership with those organisations. The essence of the motion was to reduce food waste across the district and help support some of its most vulnerable residents.

Councillor M. Sherrey, Portfolio Holder for Environmental Services responded that Central Government were currently consulting on changes to how and what local authorities collected and processed for disposal and recycling as part of the Resource and Waste Strategy launched in December 2018. This was expected to result in significant changes to the services the Council provided and involved financial support in order to implement the changes once the national picture had been determined. Food waste was a key part of the consultation and the Council was already engaged with Central Government, alongside other Worcestershire authorities, as detailed in the Herefordshire and Worcestershire Municipal Waste Management Strategy. As such, the motion being put forward is already being considered as part of a national review of services to reduce the impact on the natural world. Councillor Sherrey made reference to the ministerial foreword to Central Government's Waste and Resources Strategy and advised Members that the Council was already actively engaged in this process and whilst fully agreeing with the principal of the motion put forward was keen to ensure that the Council's actions coincided with the national position in order to ensure the sustainability of any changes to the Council's services.

The Leader responded that whilst the motion made some good points she wished to reiterate that whilst the matter was still out to consultation it would not be prudent to take any action until a directive had been received from Central Government. Once the consultation was completed then the Council would react appropriately and carry out any necessary actions.

Members discussed the motion in further detail and it was suggested that the motion referred more to the use of food waste rather than its disposal as suggested by the information provided by the Portfolio Holder, and there was still the opportunity for the Council to set a target for this. The schemes referred to in the motion were a good example of this, with the potential cost to the Council being minimal at this stage.

In summing up Councillor Van der Plank commented that although there was a consultation being undertaken at the moment, with a likely outcome of the Council having to collect food waste, this did not prevent the Council from taking a number of practical steps towards reducing food waste within the District, which would help residents save money and broaden their expectations in the future.

On being put to the vote the motion was lost.

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Green Plan

Councillor S. Douglas confirmed that as the matter referred to in her Motion had been discussed under the Climate Change item she would withdraw her motion.

The meeting closed at 8.53 p.m.

Chairman

Changes to the Council's Constitution

Relevant Portfolio Holder	Cllr G Denaro
Portfolio Holder Consulted	Yes
Relevant Head of Service	Claire Felton
Ward(s) Affected	All
Ward Councillor(s) Consulted	N/A
Key Decision / Non-Key Decision	Non-key

1. SUMMARY OF PROPOSALS

- 1.1 This report asks the Council to consider proposed changes to the Constitution arising from recommendation of the Constitution Review Working Group, which has met regularly in the months preceding the elections.

2. RECOMMENDATIONS

- 2.1 The Gifts and Hospitality – guide for Councillors is agreed as set out at Appendix 1.
- 2.2 The updated Licensing Code of Practice is agreed as set out at Appendix 2.
- 2.3 The Council Procedure Rules are agreed as set out at Appendix 3.
- 2.4 The Officer Code of Conduct be removed from the Council's Constitution.

3. KEY ISSUES

Financial Implications

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

Legal Implications

- 3.2 The Council is required by law to maintain a constitution which sets out how the Council makes decisions.

Service / Operational Implications

- 3.3 In 2014 a small working group was set up to review the Constitution. This Working Group has continued to meet regularly since that date and more recently has increased its membership. It is now made up of the Leader and Deputy Leader and the Group Leaders and Deputy Group Leaders from the Labour and Independent Alliance political groups. The Chief Executive and Head of Legal, Equalities and Democratic Services support the work of the Group, with other officers being invited to attend to cover specific areas which are being considered.

3.4 During the last municipal year the Working Group has concentrated on a number of areas, including carrying out a full review of the scheme of delegations, which was presented to Council at its meeting on 19th September 2019. Other areas which have been considered include:

- Gifts and Hospitality – Guidance for Councillors
- Planning Code of Practice (this was considered by Council at its September meeting)
- Licensing Code of Practice
- Council Procedure Rules - Questions and Notices of Motion at Council meetings during the Purdah period.

3.5 There are a number of areas which the Working Group have planned to consider further in the future, including supplementary questions and the role descriptors for a number of Councillor positions. The Group will also look at the work of the Independent Remuneration Panel.

3.6 It has also been agreed that the Scheme of Delegations be a standing item on the agenda for the Working Group and that it would meet regularly throughout the municipal year, with dates being scheduled in to the Calendar of Meetings.

Gifts and Hospitality – guide for Councillors (Part 21)

3.7 When last reviewed, Council agreed that the policy on gifts and Hospitality would not include any threshold on value. This means that currently Councillors have been advised to declare gifts/hospitality which are minor in nature and value and can be considered reasonable in the context of the activity the Councillor was undertaking at the time. As part of the review benchmarking work was undertaken and it was established that in the majority of cases local authorities require their Councillors to declare gifts and hospitality valued at £25 and over.

3.8 The Group asked Officers to simplify the Code and the value of gifts/hospitality has also been reviewed, a shorter version has been produced which has in turn been referred to the Audit, Standards and Governance Committee for its consideration and comment prior to it being brought before full Council.

3.9 A copy of the updated Guidance for Councillors is attached at Appendix 1. Changes are highlighted in italics.

Licensing Code of Practice (Part 26)

3.10 During the course of its work the Constitution Review Working Group has also considered a number of legislative updates in respect of the Licensing Code of Practice, which are included within Appendix 2. Officers also took the opportunity to make a number of small but significant changes (paragraphs 4.2, 4.3 and 4.4) in order to give a clear view in respect of predetermination in order

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to bring it in line with what it said within the Planning Code of Practice. It was confirmed that these changes now made this clearer.

- 3.11 For ease of viewing, as there were extensive track changes, Appendix 2 contains a track change copy and a clean copy of the revised Licensing Code of Practice.

Council Procedure Rules (Part 8)

- 3.12 The proposed changes to this and the other Council procedure rules are highlighted in Appendix 3 to this report. The Working Group has reviewed the Council Procedure Rules, focussing on those which were changed or introduced during 2015.
- 3.13 The Group discussed whether Council meetings should be held during pre-election periods, when national rules relating to public apply. It was suggested that there was a potential risk of aspects of the Council meeting being perceived as promoting the view of election candidates. However, the Group noted that the Government guidance on pre-election advocates "business as usual". It was therefore appropriate to continue to hold Council meetings during this period.
- 3.14 However, arising from its discussions the Working Group considered that Public Participation, questions from Councillors and Notices of Motion should be excluded from the Council agenda for meetings held during pre-election periods, to minimise the risk of business at the meetings being caught by the publicity requirements. The changes required are set out at paragraphs 3.2, 8.1, 9.2 and 10.1 in the appendix attached.

Officer Code of Conduct

At its most recent meeting, held on 21st August the Working Group considered whether it continued to be appropriate for the Officer Code of Conduct to be included within the Council's Constitution. Members noted that this was a Human Resources (HR) matter, which formed part of the terms and conditions and sat within a suite of policies that were part of that HR role and which were monitored and updated on a regular basis, in consultation with the trade unions. Following discussion Members were of the view that this policy did not need to be included in the Constitution.

Customer / Equalities and Diversity Implications

- 3.15 There are no specific customer or equalities implications arising from this report.

4. RISK MANAGEMENT

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

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result in awards of damages and costs against the Council and loss of reputation.

5. APPENDICES

Appendix 1 - Gifts and Hospitality – guide for Councillors
Appendix 2 - Licensing Code of Practice
Appendix 3 – Council Procedure Rules

6. BACKGROUND PAPERS

None

AUTHOR OF REPORT

Name: Amanda Scarce – Senior Democratic Services Officer
email: a.scarce@bromsgroveandredditch.gov.uk
Tel.: 01527 881443

APPENDIX 1: GIFTS AND HOSPITALITY

GUIDANCE FOR COUNCILLORS

The acceptance of gifts and hospitality by Councillors can affect the perception of both Councillors and of the authority. The fundamental principle must always be that any offer of a gift or hospitality should be treated with great care.

The law on the acceptance of gifts and hospitality is set out in the Bribery Act 2010. Under the Act there are monetary fines and imprisonment for offences, which include for attempting to bribe another person or accepting a bribe.

The Council's Code of Conduct also requires that Councillors must not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties. This Guidance should be read in conjunction with the Code of Conduct and the Council's Corporate Anti-Bribery Policy.

The Council has decided that any gifts of hospitality worth £25 or more should be recorded.

1. What do we mean by Gifts and Hospitality?

- 1.1 *Gifts of any goods or services.*
- 1.2 *The opportunity to acquire any goods or services freely or at a discount or on other terms not available to the general public.*
- 1.3 *The offer of food, drink, accommodation or entertainment on terms not available to the general public.*
- 1.4 *The opportunity to attend any cultural, sporting or entertainment event.*
- 1.5 *This guidance cannot cover every eventuality. When considering what to do about gifts or hospitality you should give the term wide definition.*

2. The Register

- 2.1 *You must register receipt of any gifts or hospitality with an estimated value of £25 or more, which are received and accepted by you when you are carrying out;*
 - *Council business*
 - *The business of the office to which you've been elected, or*
 - *Business as a representative of the Council.*
- 2.2 *It may be appropriate to also register any offers of gifts and hospitality which you refuse, in the interests of transparency.*

- 2.3 The Monitoring Officer maintains a register of all declarations by Councillors relating to gifts and hospitality, whether offered, accepted or refused. A form is provided for this purpose, attached as an appendix and available from the Democratic Services Team but you can send the same information by any convenient means.
- 2.4 The register is open to inspection by the public until the approval of the accounts for the financial year in question.

3. Gifts and Hospitality

- 3.1 You should treat with extreme caution any offer or gift, favour or hospitality that is made to you. The person or organisation making the offer may be doing, or be seeking to do, business with the Council. They may be applying to the Council for some sort of decision, such as planning or licensing, where it is essential that the Councillor's independence is not compromised.
- 3.2 In deciding whether it is appropriate to accept any gifts or hospitality you should apply the following principles:
 - 3.2.1 **Never accept a gift or hospitality as an inducement or rewards for anything you do as a Councillor;** as a Councillor you are acting in the public interest and must not be swayed by the potential for any inducement or reward for carrying out your duties in a particular way.
 - 3.2.2 **You should only accept a gift or hospitality if there is a benefit to the authority;** the only proper reason for accepting any gift or hospitality is that there is a benefit to the authority which would not have been available but for the acceptance of it. Unless the benefit to the authority is clear and is commensurate with the value of the gift or hospitality, you should assume that the gift or hospitality is purely for your personal benefit.
 - 3.2.3 **Never accept a gift or hospitality if acceptance might be open to misinterpretation;** the appearance of impropriety can be as damaging to the authority and to you as a Councillor as actual impropriety. If there is any possibility that acceptance of a gift or hospitality might be interpreted as showing that you or the authority favour a person, company or section of the community, you must either refuse it or ensure that such a misunderstanding cannot occur.
 - 3.2.4 **Never accept a gift or hospitality which puts you under an improper obligation;** some organisations and private individuals see the provision of gifts and hospitality as an opportunity to buy influence. Improper acceptance of a gift or hospitality may be used to persuade you to decide an issue in

their favour. If others note that you have been prepared to accept a gift/hospitality improperly, they may feel that they will not be able to secure impartial consideration from the authority.

3.2.5 Never solicit a gift or hospitality; not only should you never solicit or invite an offer of gifts/hospitality, but you should avoid giving any indication that you might be open to such an offer.

3.2 Other than certain exceptions – set out below at 4.2 – you should refuse any gift offered to you or an immediate relative by any person or organisation who has, or may seek to have, dealings with the Council. You are recommended for transparency purposes to notify the Monitoring Officer of any such refusals. Any notifications will be filed in the register.

3.3 Cash or monetary gifts should be refused without exception and the refusal notified to the Monitoring Officer as above.

3.4 In every case the decision whether or not it is appropriate to accept any gift or hospitality is yours. The guidance cannot cover every circumstance. However, as a guide, you should ask yourself some basic questions when deciding whether or not to accept gifts or hospitality:

- Would I have been given this if I was not a member of the Council?
- Is there benefit to the Council in accepting?
- Is the entertainment being offered to me alone?
- What is the scale of the offer?
- Is the offer being repeated?
- Will my attendance at an event be perceived as offering support?

If in doubt consult with the Head of Legal, Equalities and Democratic Services.

4. Exceptions

4.1 *In every case it is the Member's decision whether or not it is appropriate to accept any gift or hospitality, having considered how it might be perceived by a member of the public. To refuse small gifts offered as a thank you for casework or a drink offered at a meeting with a resident may cause embarrassment, so the following guidelines have been drawn up to help members to decide what to do.*

4.2 *If the estimated value is below £25 and you consider that there is no risk to the Council's reputation or to public perception of you or the Council, the following are examples of occasions when the Council has agreed it is appropriate to accept gifts/hospitality:*

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- 4.2.1 civic hospitality provided by another public authority;
- 4.2.2 modest refreshment in connection with any meeting in the ordinary course of your work, such as tea, coffee, soft drinks and biscuits
- 4.2.3 tickets for sporting, cultural and entertainment events which are sponsored by the authority;
- 4.2.4 small gifts of low intrinsic value, such as pens, diaries, calendars and mouse mats, used for promotional advertising and given to a wide range of people. However, you should take care not to display branded items when this might be taken as an indication of favour to a particular supplier or contractor, for example in the course of a procurement exercise. Whilst the monetary value may not require you to register, you are advised to do so to be transparent;
- 4.2.5 a modest alcoholic or soft drink on the occasion of an accidental social meeting. An example is a pint of beer from an employee of a contractor, or an individual with whom you have done business on behalf of the authority, if you meet accidentally in a pub, cafe or bar. In such cases, you should make reasonable efforts to return the offer where this is practicable.
- 4.2.6 a modest working lunch in the course of a meeting in the offices of a person/organisation with whom the authority has an existing business connection, where this is required in order to facilitate the conduct of that business;
- 4.2.7 modest souvenir gifts with a value from another public authority given on the occasion of a visit by or to the authority.
- 4.2.8 Hospitality received in the course of an external visit or meeting which has been duly authorised by the authority. Councillors should not make such arrangements themselves, and officers are under instruction to make it clear that any such hospitality for Councillors and officers is to be no more than commensurate with the nature of the visit.
- 4.2.9 other unsolicited gifts, where it is impracticable to return them to the person or organisation making the gift, provided that the Councillor deals with the gift strictly in accordance with the following procedure: The Councillor must, as soon as practicable after the receipt of the gift, pass it to the Secretary to the Chairman of the Council together with a written statement identifying:

- The nature and your estimate of the market value of the gift/hospitality;
- Who the offer/invitation has been made by;
- The connection you have with the person/organisation making the offer or invitation, such as any work you have carried out for the authority in which they have been involved;
- Any work, permission, concession or facility which you are aware that the person/organisation making the offer may seek from the authority;
- Any special circumstances which lead you to you believe that acceptance if the gift/hospitality will not be improper.

The Chairman's Secretary will write to the person or organisation making the gift. They will be thanked on your behalf for it and told that you have donated the gift to the Chairman's charity Fund, on whose behalf it will be raffled or otherwise disposed of in due course, the proceeds being devoted to a charitable cause chosen by the Chairman.

5. Other circumstances

If you are offered gifts or hospitality either personally or on behalf of the authority, in any other situation which is not covered by the advice above, you should seek advice from the Monitoring Officer as soon as possible.

6 Definitions

References to the "value" or "cost" of any gift or hospitality are references to the higher of:

- (i) your estimate of the cost to the person or organisation of providing the gift or consideration
- (ii) the open market price which a member of the public would have to pay for the gift or hospitality, if it were made available commercially to the public, less the cash sum of any contribution which you would be required to make toward that price to the person or organisation providing or offering the gift or hospitality.

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To:

Declaration of Receipt of Gifts or Hospitality

Name	
What was the gift or hospitality?	
What is its estimated value?	
Who provided it?	
When and where did you receive it?	
Does it come within one of the exceptions set out in the Policy? If so, which?	
Were there any special circumstances justifying acceptance of this gift or hospitality?	
Do you have any contact in your Councillor role with the person or organisation providing the gift or hospitality?	
Signed:	Date:
<i>Office use only.</i> Received by:	Date:

Please return to the Democratic Services Team at Bromsgrove

To be retained until approval of the annual accounts for the relevant financial year.

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CODE OF PRACTICE IN RELATION TO LICENSING MATTERS UNDER THE LICENSING ACT 2003 AND THE GAMBLING ACT 2005

1. Introduction

1.1 The Licensing Act 2003 and the Gambling Act 2005 ~~have put~~ gave local authorities responsibility for deciding ~~firmly in the centre of decision making upon~~ on licences for regulated entertainment, the provision of alcohol, as well as late night refreshment and more recently the use of premises for gambling activities. ~~Concerns regarding this shift in responsibility have centred around doubts surrounding the impartiality of Councillors – especially as regards those who will make up the Licensing Committee or Licensing Sub-Committee that will decide upon applications. This concern arises from a view that Councillors are subject to local political pressures and a belief that they will regard the views of local residents as taking precedence over the other interests of their communities.~~

1.2 Elected Members fulfil different roles: being a Ward councillor, representing their communities is one of them.

1.3 Members of the Licensing Committee constitute the Local Licensing Authority and are charged with discharging the licensing functions of the Council. This is a broad and strategic role, discharged within the statutory licensing framework.

1.4 When sitting on a Licensing Sub-Committee the role of the elected member is to balance the multiple needs and interests of the community, while prioritising the licensing objectives if the relevant Act as a member of the Local Licensing Authority.

1.2 ~~As regards the Licensing Committee or Sub-Committee, the role of the Elected Member as part of that Committee will involve balancing the multiple needs and interests of the local community, whilst prioritising the Licensing Objectives associated with either the Licensing Act 2003 or the Gambling Act 2005.~~

1.5 Good decision making relies on ensuring that councillors act in a way that is lawful and is clearly seen to be fair, open and impartial.

~~In doing so the Elected Member must maintain his/her impartiality and, as public perception of probity is critical, his/her appearance of impartiality too, during the decision making process.~~

1.3 ~~This guidance therefore aims at enabling local Councillors to represent their constituents, whether they be residents, local businesses etc.~~

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~~should they wish to, by acting as an 'other interested party parties' at hearings, without~~

~~1.6 This guidance should be read in conjunction with other parts of the Constitution, including the Member Code of Conduct and the procedure rules for meetings. It is intended to assist councillors to participate in any of these roles at Licensing Committee, without:~~

- ~~(a) opening up the local authority to accusations of pre-determination, bias or maladministration; or~~
- ~~(b) leaving themselves open to allegations under the Members' Code of Conduct.~~

~~1.4 The guidance applies to all the Council's Elected Members, whether they sit on a Licensing Committee/Sub-Committee or not.~~

2. Declaration of Interests Personal and Prejudicial Interests in relation to Licensing Applications

~~2.1 Members must always declare their interests in accordance with are reminded of their responsibilities under the Council's Code of Conduct. Whether they can participate and to what extent will depend on the nature of any interest, which will ideally need to be considered prior to a meeting or raised at the time with the Legal Advisor.~~

~~2.2 Each councillor is personally responsible for deciding whether s/he has an interest that should be declared and the extent to which they can or can not participate in a meeting and should seek advice from the Monitoring Officer as soon as they can.~~

~~to declare a personal interest, and possibly also a prejudicial interest.~~

~~2.2 Personal interests might arise in relation to matters which:~~

- ~~• affect their well being or financial position;~~
- ~~• the well being or financial position of a relevant person (as defined in paragraph 8 of the Code of Conduct);~~

~~to a greater extent than other council tax payers, ratepayers or residents of the electoral division or ward, as the case may be, affected by the decision.~~

~~2.3 Personal interests also arise where the application relates to or is likely to affect any of the organisations you have listed in your Register of Interests form or which fall within the category of organisations listed in paragraph 8 (1) (a) of the Code of Conduct.~~

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2.4 ~~Where you have a personal interest, you will also have a prejudicial interest in a licensing application if:~~

- ~~• it affects your financial position or the financial position of a person or body described in paragraph 8 (1) (a) of the Code of Conduct; or~~
- ~~• The licensing application is made by a person or body described in paragraph 8 (1) (a) of the Code of Conduct and~~

~~your personal interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgment of the public interest.~~

2.5 ~~Personal and possibly prejudicial interests are therefore likely to arise in relation to a licence application where the Member (or their relatives, friends, close associates or employer):~~

- ~~• makes the application;~~
- ~~• lives or has premises very near to the premises in question;~~
- ~~• is a frequent visitor to the premises in a personal capacity;~~
- ~~• belongs to or has been appointed by the Council to an organisation of which the Member is in a position of general control or management to which the application relates or is likely to affect~~

~~or where the Member is a relative or close friend or close associate of the applicant for a licence or of an objector to a licence.~~

2.6 ~~An interest also may arise where the Member carries out a function for another organisation, public authority or another local authority which is making an application for a licence, or which is making a representation, for example, if the local hospital or school is applying for a premises licence either under the Licensing Act 2003 or the Gambling Act 2005 and the Member is on the Board of Governors of the school or involved in the management of the hospital. An interest may also arise where the Member is a 'dual-hatted' Member and is part of the District Council's Licensing Committee but also a Member of the County Council which is applying for a licence for its land. Members of the Licensing Committee or Sub-Committee should regard themselves as having a prejudicial interest in any application made by another local authority or public authority with which they are connected.~~

2.7 ~~**The Code of Conduct applies not only to members of the Licensing Committee or Sub-Committee but also to Members who wish to attend a hearing perhaps as a Ward Councillor, as an Other Interested Party or member of the public. If that Member has a prejudicial interest, the general rule is that he or she is not allowed to even sit in the room to observe the hearing. However, the Code of Conduct allows that Member similar rights to those given to other members of the public and so a Member who is, for**~~

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~~example, an Other Interested Party may attend the meeting at which the application is considered to make representations. However, once the Member has made those representations, he or she must then leave the room until the matter has been decided.~~

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- 2.8 ~~When a Member with a prejudicial interest is considering whether to exercise this right to make representations he or she should consider whether their involvement may put the Council at risk of being accused of bias and of leading a member of the public to think the Licensing Sub Committee's judgement is likely to be prejudiced by the involvement of the Member.~~

3. Improper Influence

Members are also reminded of their obligation under the Code of Conduct not to use their positions as members to confer on or secure for themselves any advantage or disadvantage. This means that Members should not use anything which is available to them as Members (but which is not available to members of the public), e.g. access to officers or other Council members, or access to papers, to influence the outcome of a licensing application. Should a Councillor have an interest in respect of an item before the Committee, they must observe the provisions of the Code of Conduct regarding their declaration of any such interest/s.

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- 3.1 Each Councillor is personally responsible for deciding whether s/he has an interest that should be declared, although advice should be sought in advance from the Monitoring Officer, rather than having to have a discussion in the open forum at the meeting

4. Bias and Predetermination

- 4.1 Bias has been defined as "an attitude of mind which prevents the [decision-maker] from making an objective determination of the issues that he has to resolve". ~~In a quasi-judicial situation, such as a hearing by the Licensing Committee or Sub-Committee, there is no need for proof of actual or potential bias for there to be 'procedural impropriety' shown. It is sufficient that there is an appearance of bias. Accordingly, the test for bias is 'whether a fair-minded and informed observer, having considered the facts would conclude that there was a real possibility of bias'. The appearance of bias is sufficient to result in 'procedural impropriety'~~

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- 4.2 Predisposition and Predetermination: Localism Act 2011

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The law on bias and predetermination (which is a particular form of bias) is part of the general legal obligation to act fairly. The Localism Act 2011 codified the case law on predisposition and predetermination that had developed in the preceding years. Decision makers are

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~~entitled to be **predisposed** to particular views as it is acknowledged that it is almost inevitable that councillors may form some kind of prior view about the merits of a particular proposal. However, **predetermination** occurs where someone closes their mind to any other possibility beyond that predisposition, with the effect that they are unable to apply their judgment fully and properly to the issue requiring a decision.~~

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~~Bias at common law and personal and prejudicial interests under the Code of Conduct are related but do differ as concepts and in their effect. Although the wording and apparent objectives are similar, the test for common law bias has a lower threshold. Bias at common law includes those areas where the potential Licensing Sub-Committee Member has created a real danger of a perception that he/she has prevented him or herself from being able to make an impartial determination of the issues. This is also known as fettering one's discretion.~~

- 4.3 ~~Even where a councillor may have expressed a view about a matter, provided they demonstrate that they have come to the Committee "with an open mind" and will listen to all the material presented at the Committee before deciding on how to exercise their vote, this is acceptable. 'Predetermination' however, is not acceptable and would leave the decision open to challenge by Judicial Review.~~

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- 4.4 ~~It is each individual councillor's responsibility to consider whether their involvement with a particular matter / people / group, or their past comments or conduct before the decision-making stage, is such that it could give rise to a public perception that the councillor might not have an open mind. A councillor in this position will be judged on the objective test set out above – whether the reasonable onlooker with knowledge of the facts, would consider that s/he was biased. If in any doubt, early advice should be sought as to whether or not the councillor should be part of the decision-making process.~~

~~Members should therefore avoid participating as a member of a Licensing Sub-Committee where previous voting or statements of belief may give rise to a public perception that they have pre-determined the application based upon their own prejudices. Members should also be careful to ensure that they only come to a final conclusion on an application when they have given fair consideration to all the evidence and arguments which are presented and it is time to make the decision.~~

- 4.4 ~~However, a Member who has avoided participating as a member of the Committee because there might be a perception that he/she is biased, may still attend the meeting and make representations either in favour or against the application, provided that he/she leaves the room once those representations have been made as referred to above, and provided that he/she plays no part in the decision-making process.~~

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~~4.5 To help to avoid accusations of pre-determination and ensure that Ward Members are free to represent their constituents as Other Interested Parties, Ward Members should not sit on Licensing Sub-Committees where the Sub-Committee is considering an application in that Member's Ward.~~

~~4.6 A further potential issue concerning bias or pre-determination is where a Member sitting on the Licensing Sub-Committee is a Member for another authority function such as economic development/regeneration, where that authority's policy/decisions either impliedly or explicitly support (or oppose) the application. This might, for example, include the scenario where an 'Open Spaces' plan has been agreed and indicates that some areas of the local authority land will be licensed for entertainment purposes under the Licensing Act 2003 (explicit support); or where an economic regeneration plan includes the provision to encourage more theatres, restaurants or premises offering gambling facilities to an area (implicit support).~~

~~4.7 In such a situation, the Member concerned should make a disclosure of his/her position, in advance, to the Monitoring Officer who will advise the Member on the relevant law to enable the Member to decide whether he/she can take part in the decision-making.~~

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4.85 There will also be occasions ~~whenon which the a~~ Licensing ~~Sub-Committee or Sub-Committee~~ considers an application made by the Council itself, in respect of one of its buildings or a piece of its land. In such a situation, Members would not normally be excluded from the ~~Licensing Committee or~~ Sub-Committee in these circumstances as it would make the decision-making process unworkable, but any Member who has been a leading advocate for or against the application, or who is the ~~Cabinet Portfolio Holder Member~~ responsible for the building or land concerned, should not sit on the Sub-Committee when such an application is considered. Applications made by the Council itself will always be referred to the Sub-Committee even where there are no representations, to minimise any potential appearance of bias on the part of the Council.

5. Lobbying of or by Councillors

5.1 The Licensing Act 2003 and the Gambling Act 2005 set out the grounds for making representations on licence applications and limits the parties which may make such representations. It should be borne in mind that one of the key aims of both pieces of legislation is to localise decision-making or 'democratise' the process and Members are therefore legitimately concerned with their locality and the needs/wishes of its constituents, including both the needs for entertainment facilities and employment, as well as the undesirability of crime and public nuisance.

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- 5.2 ~~Once a proposal is in the public domain, interested parties may seek to persuade Committee members, to either approve or refuse an application. Lobbying is a normal and perfectly part of the political process, but unless care and common sense is exercised by all parties, lobbying can lead to the impartiality and integrity of a Committee member being called into question.~~

~~Whilst lobbying of Members is legitimate and certain Members may make representations to the Licensing Committee on behalf of Other Interested Parties, it is crucial for the Licensing Authority and its Committee to ensure that there is neither actual nor an appearance of bias in its decision-making. It should also be remembered that concerns about political lobbying were the basis of the concerns which lead to the first Nolan Committee on Standards in Public Life.~~

5.3 GUIDANCE

To avoid an appearance of bias the following rules should be adhered to:

- No Member sitting on the Licensing Sub-Committee can represent ~~an applicant or another party one of the Other Interested Parties or the applicant.~~ If s/he wishes to do so s/he must excuse him/herself from membership of the Sub-Committee which is considering the application and address the Sub-Committee as an Interested Party.
- If a Member who sits on the Licensing Sub-Committee is approached by persons wishing to lobby him/her as regards the licence application then that Member must politely explain that they cannot discuss the matter and refer the lobbyist to his/her Ward Member or the Licensing Officer who can explain the process of decision making. If the Member who sits on the Licensing Sub-Committee wishes to represent them then s/he will need to excuse him/herself from the Licensing Sub-Committee.
- Members who are part of the Licensing Sub-Committee must avoid expressing personal opinions prior to Licensing Sub-Committee decision. To do so will indicate that the Member has made up his/her mind before hearing all the evidence and that their decision may not be based upon the licensing objectives relating to each piece of legislation nor the Licensing Authority's policy statements.
- Political group meetings should never be used to decide how any Members on the Licensing Sub-Committee should vote. The view of the Ombudsman is that using political whips in this manner may well amount to findings of maladministration.

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- Councillors must not be members of the Licensing Sub-Committee if they are involved in campaigning on the particular application.
- Other Members (i.e. those which do not sit on the Licensing Sub-Committee) need to be careful when discussing issues relating to matters which may come before the Licensing Sub-Committee Members as this can easily be viewed as bias or pressure and may well open that Sub-Committee Member to accusations of such. There is no prohibition on discussing such issues with Committee Members but members should avoid taking measures which might be viewed as excessive e.g. attempting to obtain a commitment as to how the Member might vote.

~~•Members must not pressurise Licensing Officers to make any particular decisions or recommendations as regards applications (such as a decision on whether an application is frivolous or vexatious as per Section 18(7)(c)) of the Licensing Act 2003 and Section 161 and 162 of the Gambling Act 2005.~~

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6. Pre-application / pre-decision discussions

- 6.1 ~~Discussions between the licence applicant and Council officers prior to the submission of an application (or prior to a decision being made) are often helpful to both parties. For example, a premises licence applicant may ask for advice on how to complete an 'operating schedule'. However, these discussions can often be viewed by objectors as a form of 'lobbying' and the Council's officers must ensure that they are not open to accusations or appearance of bias, and must therefore ensure that such advice and assistance is clearly identified as being such and is not any type of 'predetermination'.~~
- 6.2 Although all applicants will be advised that all pre-decision discussions should be addressed to the officers in the Council's Licensing Section, Members of the Licensing Committee or Sub-Committee may also be approached by applicants before the meeting at which the application is to be decided. In such circumstances, a member should inform the person making the approach that they are unable to discuss the matter with him/her prior to the meeting at which the application will be decided and that he/she should address any enquiries to the relevant officer.
- 6.3 ~~Where the officers in the Licensing Section do enter into verbal pre-decision discussions with applicants, a record of any advice will be taken and the applicant will be asked to confirm details of that advice in accordance with the form attached as Appendix "A". Details of discussions which take place by telephone will be retained in the form of file notes and copies of correspondence and emails (which will also~~

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~~make it clear that their contents do not bind the Council to a final decision) will be retained on the appropriate file(s).~~

7. Role of the Licensing Officer

- 7.1 Licensing Officers have no ability under the Licensing Act 2003 to make representations or to be a party to the hearing of an application by the ~~Licensing Committee~~ or Sub-Committee. ~~There is no legal provision for Licensing Officers to make recommendations to the Sub-Committee in terms of the outcome of the application hearing as is seen in planning cases. However,~~ In presenting applications to the Licensing Committee or Sub-Committee, the Licensing Officer will provide a summary report of the application, the representations, and his/her comments as to how these relate to the Licensing Act 2003, the Guidance and the local Licensing Policy Statement.
- 7.2 Decisions taken by officers, e.g. as to whether an application is vexatious or frivolous, will be fully recorded, together with the reasons for them.
- 7.3 ~~Unlike the Licensing Act 2003, the Licensing Authority, in accordance with Section 157 of the Gambling Act 2005, has been identified as a public body who is entitled to make representations on an application and is therefore permitted to recommend to the Sub-Committee that conditions are imposed where necessary in light of local circumstances.~~

8. Decision making

Reasons for decisions made by ~~a the Licensing Committee~~ or ~~Licensing iensing~~ Licensing Sub-Committee ~~must will~~ be clearly documented ~~in the Decision Notice, setting out clearly the rationale for the decision and also to ensure so~~ that any subsequent accusations of bias ~~or predetermination etc.~~ can be defended.

~~It is critical that it is clear that decisions are made according to the Licensing Objectives as set out in each appropriate piece of legislation as well as the Licensing Authority's Policy Statements. Whilst the Government's Guidance accompanying each Act indicates some other factors may influence decisions (e.g. live music/cultural considerations) these will always be subservient to the Licensing Objectives and the Policy Statements.~~

9. Site visits

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- 9.1 A site visit will not normally be undertaken by members of a Licensing Sub-Committee in respect of premises licence each applications unless for some particular reason members consider that it would be helpful to their consideration of the application ~~for a new Premises Licence or Club Premises Certificate or upon applications for a variation or review of an existing Premises Licence or Club Premises Certificate. The visit will be carried out either as an announced visit to the interior of the premises, or as an unannounced visit to the exterior of the premises.~~
- 9.2 The site visit does not constitute a meeting of the Licensing Sub-Committee and members of a Sub-Committee must not discuss the merits of the application during the site visit, before or after the site visit or at any time until the Sub-Committee meets to consider the application. Members should leave each site with no collective view.
- 9.3 Since Members are attending a site merely to “see what is to be seen”; it is inappropriate to hear either the applicant or his representative. Similarly, it is inappropriate to hear anybody else who wishes to make representations such as the Ward Member or a Parish Councillor.
- 9.4 The Democratic Services Officer Licensing Officer ~~Licensing Officer~~ will report the site visit to the meeting of the Licensing Sub-Committee which considers the application.

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bromsgrove council
www.bromsgrove.gov.uk

Record of Advice

In order to provide a clear record of what has been discussed, it is necessary for the District Council to request that members of the public and/or agents sign the following disclaimer when speaking to Officers of the Council with regard to general licensing enquires.

D. Hammond
Head of Planning and Environment Services

Proposal	
Address	
Agreed conclusion	
Signed	
Printed Name	
Date	
Officer seen	

I accept that the advice that I have received regarding my licensing enquiry was given by the Officer in the spirit of helpfulness and without prejudice to the Council's eventual decision, which can only be taken following statutory consultations and completion of formal processes.

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Appendix 2

**CODE OF PRACTICE IN RELATION TO LICENSING MATTERS
UNDER THE LICENSING ACT 2003 AND THE GAMBLING
ACT 2005**

1. Introduction

- 1.1 The Licensing Act 2003 and the Gambling Act 2005 gave local authorities responsibility for deciding on licences for regulated entertainment, and the use of premises for gambling activities.
- 1.2 Elected Members fulfil different roles: being a Ward councillor, representing their communities is one of them.
- 1.3 Members of the Licensing Committee constitute the Local Licensing Authority and are charged with discharging the licensing functions of the Council. This is a broad and strategic role, discharged within the statutory licensing framework.
- 1.4 When sitting on a Licensing Sub-Committee the role of the elected member is to balance the multiple needs and interests of the community, while prioritising the licensing objectives if the relevant Act as a member of the Local Licensing Authority.
- 1.5 Good decision making relies on ensuring that councillors act in a way that is lawful and is clearly seen to be fair, open and impartial.
- 1.6 This guidance should be read in conjunction with other parts of the Constitution, including the Member Code of Conduct and the procedure rules for meetings. It is intended to assist councillors to participate in any of these roles at Licensing Committee, without:
 - (a) opening up the local authority to accusations of pre-determination, bias or maladministration; or
 - (b) leaving themselves open to allegations under the Members' Code of Conduct.

2. Declaration of Interests

- 2.1 Members must always declare their interests in accordance with the Council's Code of Conduct. Whether they can participate and to what extent will depend on the nature of any interest, which will ideally need to be considered prior to a meeting or raised at the time with the Legal Advisor.

- 2.2 Each councillor is personally responsible for deciding whether s/he has an interest that should be declared and the extent to which they can or can not participate in a meeting and should seek advice from the Monitoring Officer as soon as they can.

3. Improper Influence

- 3.1 Members are also reminded of their obligation under the Code of Conduct not to use their positions as members to confer on or secure for themselves any advantage or disadvantage. This means that Members should not use anything which is available to them as Members (but which is not available to members of the public), e.g. access to officers or other Council members, or access to papers, to influence the outcome of a licensing application. Should a Councillor have an interest in respect of an item before the Committee, they must observe the provisions of the Code of Conduct regarding their declaration of any such interest/s.
- 3.2 Each Councillor is personally responsible for deciding whether s/he has an interest that should be declared, although advice should be sought in advance from the Monitoring Officer, rather than having to have a discussion in the open forum at the meeting

4. Bias

- 4.1 Bias has been defined as an attitude of mind which prevents the [decision-maker] from making an objective determination of the issues that he has to resolve". The test for bias is 'whether a fair-minded and informed observer, having considered the facts would conclude that there was a real possibility of bias'. The appearance of bias is sufficient to result in 'procedural impropriety'

- 4.2 Predisposition and Predetermination: Localism Act 2011

The law on bias and predetermination (which is a particular form of bias) is part of the general legal obligation to act fairly. The Localism Act 2011 codified the case law on predisposition and predetermination that had developed in the preceding years. Decision makers are entitled to be **predisposed** to particular views as it is acknowledged that it is almost inevitable that councillors may form some kind of prior view about the merits of a particular proposal. However, **predetermination** occurs where someone closes their mind to any other possibility beyond that predisposition, with the effect that they are unable to apply their judgment fully and properly to the issue requiring a decision.

- 4.3 Even where a councillor may have expressed a view about a matter, provided they demonstrate that they have come to the Committee "with an open mind" and will listen to all the material presented at the

Committee before deciding on how to exercise their vote, this is acceptable. 'Predetermination' however, is not acceptable and would leave the decision open to challenge by Judicial Review.

- 4.4 It is each individual councillor's responsibility to consider whether their involvement with a particular matter / people / group, or their past comments or conduct before the decision-making stage, is such that it could give rise to a public perception that the councillor might not have an open mind. A councillor in this position will be judged on the objective test set out above – whether the reasonable onlooker with knowledge of the facts, would consider that s/he was biased. If in any doubt, early advice should be sought as to whether or not the councillor should be part of the decision-making process.
- 4.5 There will also be occasions when a Licensing Sub-Committee considers an application made by the Council itself, in respect of one of its buildings or a piece of its land. In such a situation, Members would not normally be excluded from the Sub-Committee in these circumstances as it would make the decision-making process unworkable, but any Member who has been a leading advocate for or against the application, or who is the Portfolio Holder responsible for the building or land concerned, should not sit on the Sub-Committee when such an application is considered. Applications made by the Council itself will always be referred to the Sub-Committee even where there are no representations, to minimise any potential appearance of bias on the part of the Council.

5. Lobbying of or by Councillors

- 5.1 The Licensing Act 2003 and the Gambling Act 2005 set out the grounds for making representations on licence applications and limits the parties which may make such representations. It should be borne in mind that one of the key aims of both pieces of legislation is to localise decision-making or 'democratise' the process and Members are therefore legitimately concerned with their locality and the needs/wishes of its constituents, including both the needs for entertainment facilities and employment, as well as the undesirability of crime and public nuisance.
- 5.2 Once a proposal is in the public domain, interested parties may seek to persuade Committee members, to either approve or refuse an application. Lobbying is a normal and perfectly part of the political process, but unless care and common sense is exercised by all parties, lobbying can lead to the impartiality and integrity of a Committee member being called into question.

5.3 GUIDANCE

To avoid an appearance of bias the following rules should be adhered to:

- No Member sitting on the Licensing Sub-Committee can represent an applicant or another party. If s/he wishes to do so s/he must excuse him/herself from membership of the Sub-Committee which is considering the application and address the Sub-Committee as an Interested Party.
- If a Member who sits on the Licensing Sub-Committee is approached by persons wishing to lobby him/her as regards the licence application then that Member must politely explain that they cannot discuss the matter and refer the lobbyist to his/her Ward Member or the Licensing Officer who can explain the process of decision making. If the Member who sits on the Licensing Sub-Committee wishes to represent them then s/he will need to excuse him/herself from the Licensing Sub-Committee.
- Members who are part of the Licensing Sub-Committee must avoid expressing personal opinions prior to Licensing Sub-Committee decision. To do so will indicate that the Member has made up his/her mind before hearing all the evidence and that their decision may not be based upon the licensing objectives relating to each piece of legislation nor the Licensing Authority's policy statements.
- Political group meetings should never be used to decide how any Members on the Licensing Sub-Committee should vote. The view of the Ombudsman is that using political whips in this manner may well amount to findings of maladministration.
- Councillors must not be members of the Licensing Sub-Committee if they are involved in campaigning on the particular application.
- Other Members (i.e. those which do not sit on the Licensing Sub-Committee) need to be careful when discussing issues relating to matters which may come before the Licensing Sub-Committee Members as this can easily be viewed as bias or pressure and may well open that Sub-Committee Member to accusations of such. There is no prohibition on discussing such issues with Committee Members but members should avoid taking measures which might be viewed as excessive e.g. attempting to obtain a commitment as to how the Member might vote.

6. Pre-application / pre-decision discussions

- 6.1 Although all applicants will be advised that all pre-decision discussions should be addressed to the officers in the Council's Licensing Section, Members of the Licensing Committee or Sub-Committee may also be approached by applicants before the meeting at which the application is to be decided. In such circumstances, a member should inform the person making the approach that they are unable to discuss the matter with him/her prior to the meeting at which the application will be decided and that he/she should address any enquiries to the relevant officer.

7. Role of the Licensing Officer

- 7.1 Licensing Officers have no ability under the Licensing Act 2003 to make representations or to be a party to the hearing of an application by the Sub-Committee. In presenting applications to the Licensing Committee or Sub-Committee, the Licensing Officer will provide a summary report of the application, the representations, and his/her comments as to how these relate to the Licensing Act 2003, the Guidance and the local Licensing Policy Statement.
- 7.2 Decisions taken by officers, e.g. as to whether an application is vexatious or frivolous, will be fully recorded, together with the reasons for them.

8. Decision making

- 8.1 Reasons for decisions made by a Licensing Sub-Committee must be clearly documented in the Decision Notice, setting out clearly the rationale for the decision and also to ensure that any subsequent accusations of bias or predetermination. can be defended.

9. Site visits

- 9.1 A site visit will not normally be undertaken by members of a Licensing Sub-Committee in respect of premises licence applications unless for some particular reason members consider that it would be helpful to their consideration of the application
- 9.2 The site visit does not constitute a meeting of the Licensing Sub-Committee and members of a Sub-Committee must not discuss the merits of the application during the site visit, before or after the site visit or at any time until the Sub-Committee meets to consider the application. Members should leave each site with no collective view.

Agenda Item 7

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- 9.3 Since Members are attending a site merely to “see what is to be seen”; it is inappropriate to hear either the applicant or his representative. Similarly, it is inappropriate to hear anybody else who wishes to make representations such as the Ward Member or a Parish Councillor.
- 9.4 The Democratic Services Officer will report the site visit to the meeting of the Licensing Sub-Committee which considers the application.

Bromsgrove District Council

Procedure Rules

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Items marked with # also apply to Committee and Board meetings

Items marked with * cannot be suspended

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Bromsgrove District Council
Procedure Rules for Council and Committee Meetings

1. Introduction

- 1.1 These procedure rules apply to the Council and other meetings.
- 1.2 When a rule applies to a Committee, Sub-committee or Board, this is shown by # next to the heading.
- 1.3 The rules do not apply to the Cabinet or to Joint Committees or other meetings which operate under separate constitutions.
- 1.4 Nothing in these procedure rules overrides legal requirements which apply to the conduct of meetings.

2. Annual Meeting of the Council

Quorum: 16

- 2.1 In a year when there are ordinary elections the Annual Meeting will be held within 21 days of the retirement of the outgoing Councillors. In any other year, the Annual Meeting will take place in May. The meeting will usually start at 6.00pm.
- 2.2 The Annual Meeting will:
 - (a) elect a person to preside if the Chairman and Vice-Chairman are not present;
 - (b) elect the Chairman of the Council;
 - (c) elect the Vice-Chairman of the Council;
 - (d) receive any declarations of interest from Councillors;
 - (e) approve the minutes of the last meeting;
 - (f) receive any announcements from the new Chairman and/or the Chief Executive;
 - (g) in the year of ordinary elections of Councillors, or when there is a vacancy, elect the Leader;
 - (h) agree:
 - (i) the terms of reference of,
 - (ii) size and

(iii) appoint to, in accordance with political balance rules,

Committees and Boards as appropriate to deal with matters which are not functions of the Council or Cabinet;

- (i) agree the scheme of delegation;
- (j) consider other business required by legislation;
- (k) to consider any business set out in the notice for the meeting.

3. Ordinary Meetings of the Council

Quorum: 16

3.1 Ordinary meetings of the Council will take place in accordance with a programme agreed by the Head of Legal, Equalities and Democratic Services following consultation with the Leader and relevant Portfolio Holder. Council meetings will usually start at 6.00pm.

3.2 Ordinary meetings will:

- (a) Elect a person to preside if the Chairman and Vice-Chairman are not present;
- (b) Receive any declarations of interest from Councillors;
- (c) Approve the minutes of the last meeting;
- (d) receive any announcements from the Chairman and/or the Chief Executive;
- (e) receive any announcements from the Leader of the Council (*see also Procedure rule 14*);
- (f) receive comments, questions or petitions from members of the public and/or from Councillors on their behalf, in accordance with procedure rule 8;
- (g) deal with any business from the previous Council meeting;
- (h) deal with questions on notice from members of the Council in the order in which they have been received, in accordance with procedure rule 9;
- (i) receive minutes and/or reports from the Audit, Standards and Governance Committee;

- (j) consider reports and/or recommendations from the Cabinet. These may be presented as minutes of recent meetings of the Cabinet which contain recommendations and are also used to report on recent activity;
- (k) consider recommendations from any other Committees of the Council which require approval;
- (l) receive nominations and make appointments to outside bodies, except where appointment to the bodies has been delegated by Council or can be carried out only by the Cabinet. Details of ex-officio appointments will be set out in the agenda.
- (m) receive and consider reports from officers of the Council;
- (n) Receive and consider an annual report from one Portfolio Holder in accordance with Procedure rule 20;
- (o) Once a year, receive and consider an annual report from the Overview and Scrutiny Board about the work carried out by that Board, presented by its Chairman;
- (p) Once a year, receive and consider an annual report from the Audit, Standards and Governance Committee about the work carried out by that Committee, presented by its Chairman;
- (q) receive reports about activities of joint bodies to which the Council belongs, or other external organisations of interest to the District and ask questions about the report;
- (r) consider motions in the order in which they have been received, in accordance with procedure rule 10;
- (s) Consider any other business set out in the agenda;
- (t) To consider any urgent business not included in the agenda in accordance with legal requirements and subject to agreement with the Chairman prior to the meeting.
- (u) Other than items under paragraphs (a) – (c) the order of business may be varied by the Chairman or by Council resolution.

4. **Extraordinary (“Special”) Meetings of the Council**

Quorum: 16

Extraordinary meetings are additional meetings to those set out in the annual programme and are called to consider specific business.

4.1 The following may ask the Chief Executive to call an Extraordinary meeting of the Council:

- (a) the Council by resolution;
- (b) the Chairman of the Council;
- (c) the Monitoring Officer;
- (d) the Chief Financial Officer
- (e) any 5 members of the Council if they have signed a notice presented to the Chairman asking him/her to call an Extraordinary meeting.

4.2 Business to be carried out at an Extraordinary meeting should:

- (a) Be about a matter for which the Council is responsible or affects the District of Bromsgrove;
- (b) Not be substantially the same as a question or issue which has been put at a meeting of the Council in the past 6 months;
- (c) Relate to the budget and policy framework; or
- (d) Relate to functions undertaken by the Council; or
- (e) Not be business which should more appropriately be dealt with by an officer.

4.3 On receiving a request under paragraph 4.1 (e) the Chairman may:

- (a) Convene an Extraordinary meeting of the Council to take place within 14 days after the date of the request, or on a date agreed between the Chairman and those who signed the request; or
- (b) Following consultation with the Chief Executive and Monitoring Officer, refer the matter to the next available meeting of the Council if the Chairman considers that the business set out in the request is not so urgent as to require an Extraordinary meeting to be called; or

(c) Following consultation with the Chief Executive and Monitoring Officer, refer the matter to the next available meeting of Cabinet or a Committee if the Chairman considers that it would be more appropriate to deal with the business in this way; or

(d) Decline to arrange an Extraordinary meeting if the Chairman, following consultation with the Chief Executive and Monitoring Officer, considers that the business set out in the request does not meet legal or constitutional requirements.

4.5 Extraordinary meetings of the Council will only consider the business on the agenda for the meeting, as set out in the request to convene it, and any other business which in the opinion of the Chief Executive is relevant to it. Meetings will usually start at 6.00pm.

4.6 The agenda for an Extraordinary meeting will not include Motions on Notice or Questions.

4.7 The agenda for an Extraordinary meeting may include approval of the minutes of the previous Council meeting and minutes of the Cabinet or other Committee/Board meeting or such other items of business as may be appropriate to ensure the efficient administration of Council business.

5. Notice of and Summons to Meetings #

5.1 The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules.

5.2 Except in cases of urgency, at least 5 clear days before a meeting, the Chief Executive will send an agenda and reports to each member of the Council/Committee etc.

5.3 The agenda will give the date, time and place of each meeting, the business to be carried out and include available reports.

6. Previous Decisions and Motions

6.1 A motion, the effect of which is to rescind a decision made at a meeting of the Council within the previous 6 months (or has the same effect as one which has been rejected in the last 6 months) cannot be moved unless a Notice of Motion is signed by at least 7 Councillors, or is recommended by a meeting of the Cabinet or a Committee.

7. **Urgent Business #**

- 7.1 If a Councillor wishes to raise an item of urgent business which is not set out in the agenda for a meeting, s/he must discuss the issue before the meeting with the Chairman, Leader, Chief Executive and Monitoring Officer.
- 7.2 Having taken advice, the Chairman will decide whether or not the issue can be considered at the meeting.

8. **Public Participation at Council Meetings**

What is included

- 8.1 The agenda for each ordinary meeting of the Council will include a period of up to 15 minutes for members of the public to put comments about matters in the agenda and/or questions to the Council and to present petitions. The Chairman of the Council may agree to allow a similar arrangement at Extraordinary meetings of the Council.
- 8.2 The Chairman of the Council will have complete discretion as to how public participation is conducted and may agree to extend the time available under exceptional circumstances.
- 8.3 Comments, questions or petitions must be about matters for which the Council is responsible or which affect the District. The Council will not consider comments, questions or petitions that relate to specific planning or licensing matters. Neither will it consider matters which are confidential or exempt.
- 8.4 The Monitoring Officer may reject any comments, questions or petitions that:
- are, or appear to be, defamatory, racist or contain offensive language, or are otherwise not appropriate for consideration at a Council meeting;
 - are substantially the same as a question that has been put to a meeting of the Council in the last 6 months;
 - would more appropriately be considered at a meeting of the Cabinet or a Committee, in which case the request to participate will be passed to the relevant body.
- 8.5 Members of the public do not include:
- Employees of the Council or their representatives, on any matter relating to their employment;
 - Any applicants for, or recipients of, approvals, permissions or licenses;

- Any person in a contractual relationship with the Council on a matter relating to that contract;
- Councillors from a Local Authority on a matter concerning that local authority.
- For the purpose of avoiding potential conflict of interest, no questions from the public are permitted during meetings which fall within a formal Election period.

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How to Apply

- 8.6 A copy of the comment, question or terms of petitions must be provided to the Monitoring Officer by 9.00am on the seventh calendar day before a meeting (usually by 9.00am on the Wednesday of the week before a Council meeting on a Wednesday). This may be in writing or by e-mail and should include:
- The name of the person to whom it is addressed – at the meeting this will go to the Chairman in the first instance;
 - The name and address of the person submitting it;
 - In the case of petitions, the number of signatories with their names and addresses supplied.
- 8.7 The Chairman has discretion to allow a question and/or comment from a member of the public received after the deadline in exceptional circumstances.

At the Meeting

- 8.8 A member of the public may spend up to 3 minutes to:
- (a) Present a petition and explain its purpose;
 - (b) Ask a question, or
 - (c) make a comment on a matter on the agenda
- 8.9 A petition may be presented to the Council by a Councillor acting on his/her own behalf or on behalf of members of the public.
- 8.10 The Chairman will receive a petition. If the petition relates to a matter on the agenda for the meeting it may be referred to during the debate on that item. Usually a petition will be received without comment at the meeting but the Chairman will ensure it is responded to as quickly as possible.
- 8.11 A question should be addressed to the Chairman of the Council who may reply in one of the following ways:

- (a) An oral answer;
- (b) By asking the Leader or another Councillor to reply, either orally or in writing;
- (c) By asking an Officer to reply in writing;
- (d) By referring to information in a publication;
- (e) A written answer following the meeting, a copy of which will be published on the Council's website and included with the signed minutes of the Council meeting.

8.12 No response will be given to a comment under this item but it may be referred to during the debate on the relevant item.

9. Questions from Councillors at Council Meetings

9.1 A Councillor may ask the Leader or the Chairman of a Committee any question without notice on an item of the minutes and/or any report of the Cabinet or Committee when that item is being received or considered by the Council.

Questions on Notice

9.2 A Councillor may ask:

- The Chairman;
- A member of the Cabinet;
- The Chairman of any Committee or Sub-Committee

a question on any matter to which the Council, Cabinet, Committee or sub-committee has powers or duties or which affects the District of Bromsgrove.

The content of the question should comply with Procedure rule 9.8 – Content

For the purpose of avoiding potential conflict of interest, no questions on notice are permitted during meetings which fall within a formal Election period.

Deadline for Questions

9.3 The deadline for questions to be received by the Monitoring Officer is at least 2 clear working days before the meeting (usually 12.00 noon on the Friday before a meeting on the Wednesday).

9.4 A question must be submitted in writing.

- 9.5 If a question relates to an urgent matter, the Councillor should obtain the permission of the Chairman and submit the question to the Monitoring Officer not less than 2 hours before the start of the meeting at which it will be asked.

Content

- 9.6 The Monitoring Officer may reject a question if:
- (a) it is defamatory, frivolous or offensive,
 - (b) it is substantially the same as one submitted within the previous six months;
 - (c) it asks the Council about a matter which is outside the powers or responsibility of the full Council;
 - (d) it relates to a specific planning or licensing matter;
 - (e) it does not relate to functions undertaken by the Council.
 - (f) It could be dealt with more appropriately by an officer;

At the meeting

- 9.7 The question will be read out at the meeting by the Councillor who has asked it or by another Councillor on his/her behalf.
- 9.8 The answer may be given as:
- (a) A direct oral answer;
 - (b) A reference to information contained in a publication; or
 - (c) Where the answer cannot conveniently be given orally, a written answer, circulated to the questioner at the latest with the minutes of the Council meeting and appended to the signed copy of the minutes.
- 9.9 The Councillor who has been asked the question may, if appropriate, refer it to another member to answer.
- 9.10 Every question shall be put and answered without discussion.

Time limit

- 9.11 At each meeting a maximum of 15 minutes will be allowed for the asking and answering of questions under this procedure rule.
- 9.12 The Chairman may at his/her discretion extend the time if s/he and the majority of those present agree.
- 9.13 Any questions that remain unanswered shall be dealt with at the next ordinary meeting of the Council in the order in which they were received, unless the Councillor who gave notice of it agrees to receive the answer in writing.

10 Motions on Notice at Council Meetings

10.1 Any Councillor may give notice of not more than one Motion for consideration at any meeting of the Council.

For the purpose of avoiding potential conflict of interest, no Motions on Notice are permitted during meetings which fall within a formal Election period.

~~10.1~~10.2

Deadline for Motions

- 10.2 Notices of Motion must be submitted to the Monitoring Officer by 9.00am on the seventh calendar day before the date of the meeting (usually 9.00am on the Wednesday the week before a Council meeting on a Wednesday).
- 10.3 A Motion must be submitted in writing.

Urgent Notice of Motion

- 10.4 If a Motion relates to an urgent matter and otherwise complies with the requirements set out in this procedure rule, the Councillor submitting it should obtain the permission of the Chairman and submit the Motion to the Monitoring Officer not less than 24 hours before the start of the meeting at which it will be moved.

Content

- 10.5 The Notice must contain a written notice of the motion;
- 10.6 Motions must be about matters for which the Council is responsible or which affect the District.
- 10.7 The Monitoring Officer may reject a Notice of Motion if:
 - (a) it is defamatory, frivolous or offensive,

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- (b) it is substantially the same as one submitted within the previous six months;
- (d) it requests the Council to make a decision which is outside the powers or responsibility of the full Council;
- (e) it is not of a strategic nature;
- (f) it does not relate to functions undertaken by the Council.

At the meeting – Proposal and Withdrawal of Motion

- 10.8 The Motion can be moved by the Signatory to the Notice or another Councillor on their behalf.
- 10.9 If a Motion is not moved at a Council meeting, it will lapse and can only be moved again if Notice is given in accordance with these procedure rules.

Deferment of Motions

- 10.10 If, having taken advice from the Chief Executive and Monitoring Officer, the Chairman considers that the Motion should be dealt with in conjunction with a report from an Officer, the Motion will be deferred until this can be arranged.
- 10.11 No Motion shall be deferred for longer than one Ordinary meeting of the Council. The Chairman will inform the Council under his/her Announcements of any such deferrals.

Referral of Motions

- 10.12 If a Notice of Motion relates to an Executive function and is proposed and seconded, the Council may discuss the matter in order to inform the Cabinet's consideration of it. It cannot decide the matter.
- 10.13 Motions which relate to matters reserved to the Council or to non-Executive functions may be debated and decided by the Council.
- 10.14 If the motion is not debated, it will be referred to the Cabinet or appropriate body to consider and report back to the Council with recommendations on how to proceed.
- 10.15 If a Motion is referred to the Cabinet or another Committee for consideration, then the Proposer of the Motion will be invited to attend the relevant meeting when it is discussed to introduce and speak to it.

Time Limit for Motions on Notice

- 10.16 At each meeting up to one hour shall be allowed for consideration of all Motions on Notice. This may only be exceeded with the agreement of the Council.
- 10.17 At the end of the hour – or other time period if agreed by the Council – the Chairman will ask the Councillor speaking to conclude immediately.
- (a) If the speaker is proposing the motion then it can be formally seconded without comment;
- (b) If the speaker is moving an amendment, the Chairman will allow the amendment to be formally seconded, without comment, and the mover of the motion to exercise their right of reply;
- (c) If neither (a) nor (b) then the mover of the motion will be allowed to have their right of reply for up to 5 minutes.
- 10.18 The Chairman will put to the vote, without further discussion, all questions necessary to dispose of the motion being debated and put the Motion to the vote.
- 10.19 If as a result of reaching the time limit a motion is not moved by either the Councillor who gave notice or another Councillor on their behalf, it shall be either:
- (a) treated as withdrawn and cannot be moved without fresh notice, although it will not be restricted by the 6 month rule set out at Procedure rule 6; or
- (b) with the consent of the Council, be postponed until the next Ordinary meeting.

11 Chairing the Meeting #

- 11.1 The person presiding at the meeting may exercise any powers or duty of the Chairman.
- 11.2 Where these rules provide for a maximum time to be devoted to an item or speech or other process, the Chairman may, if s/he and the majority of Members present agree, extend that time if it felt appropriate in the interests of effective conduct of Council business.

11.3 Any ruling of the Chairman shall not be challenged.

12 Councillor Conduct # 12.1 only

12.1 Councillors are expected to treat each other with respect and abide by the Code of Conduct.

12.2 When a Councillor speaks at a meeting of the Council s/he must, if able, stand and address the meeting through the Chairman unless the Chairman agrees and directs otherwise. Only one Councillor may stand at a time. Other Councillors must remain seated whilst a Councillor is speaking, unless they wish to make a point of order or a point of personal explanation (Procedure rule 17.6).

12.3 When the Chairman stands during debate, any Councillor speaking at the time must stop and sit down. The meeting must be silent.

Prevention of Disorderly Conduct #

Prevention of Disorderly Conduct – Councillors and Public

12.4 The Chairman may take the following action if a Councillor persists in misconduct:

(a) forbid the Councillor from speaking for all or part of the meeting;

(b) tell the Councillor to leave all or part of the meeting;

(c) order the Councillor to be removed from the meeting;

(d) adjourn the meeting for an appropriate time to try and resolve the situation.

12.5 Similar action can be taken if a member of the public disrupts the meeting.

12.6 If there is more general disorder in any part of the room where the meeting is being held which is open to the public, the Chairman may order that part to be cleared and may adjourn the meeting as appropriate.

12.7 Members of the public are permitted to take photographs, films, video record or audio record a Council and other meetings open to the public, provided that they do not intimidate public speakers or cause disruption and abide by any directions given by the Chairman. Oral commentary is not permitted. Members of the public intending to record meetings should notify the Democratic Services Manager in advance of the meeting. The Council's protocol is on the website and explains this further.

12.8 The taking of photographs, filming, video or audio recording is not permitted at private meetings or where the public have been excluded. Recording

equipment must not be left in a meeting room after the public have been excluded.

13 Quorum #

- 13.1 The quorum of a meeting will be a proportion of the voting members of the Committee, Sub-Committee or Board etc, as agreed by the Council from time to time.
- 13.2 If at any time during the meeting the Chairman declares that there is not a quorum present, the meeting will adjourn immediately for 15 minutes.
- 13.3 If after that time there is still not a quorum present, the meeting shall end.
- 13.4 Any remaining business will be considered at the next meeting, whether ordinary or extraordinary, unless the Chairman makes other arrangements prior to the next meeting.

14. Announcements

- 14.1 Each person entitled to make an announcement may speak for a total of five minutes.
- 14.2 Announcements must not relate to items on the agenda or exempt or confidential items.
- 14.3 In respect of Leader's announcements only, Councillors may ask questions by way of clarification. Up to five minutes in total may be devoted to Councillors' questions to the Leader.

15. Minutes #

- 15.1 The Chairman will sign the minutes of the proceedings at the next suitable meeting.
- 15.2 The Chairman will propose that the minutes of the previous meeting be signed as a correct record. The only aspects of the minutes which can be discussed is their accuracy.

- 15.3* If the next meeting is an Extraordinary meeting (called under Para 3 of Schedule 12 to the Local Government Act 1972) then the minutes will usually be signed at the next following Ordinary meeting.

* *Mandatory procedure rule, Local Authorities (Standing Orders) Regulations 1993*

16. **Advice from Officers #**

- 16.1 Whenever the Chief Executive, the Section 151 Officer or the Monitoring Officer considers it appropriate to give advice to the Council, they shall be at liberty to do so and the Council shall hear such advice.

17. **Rules of Debate**

Not every debating possibility can be covered in these procedure rules. In the event of an issue not being covered by them, the Chairman's ruling shall be final.

Dealing with Motions and Amendments

- 17.1 A motion or amendment must be proposed and seconded before it can be discussed.
- 17.2 The Chairman may require any procedural motion to be written down and handed to him/her before it is discussed.

Speeches

- 17.3 Speeches may not exceed 5 minutes without the consent of the Chairman and a majority of those present.
- 17.4 Speeches must be about the item being discussed or about a point of order or personal explanation.
- 17.5 When seconding a motion or amendment, a Councillor may reserve their speech until later in the debate.

When Councillors may speak more than once, including Point of Order and Personal Explanation

- 17.6 A Councillor may only speak once on a motion except:

- (a) to speak once on an amendment moved by another Councillor;
- (b) if their first speech was on an amendment and that has now been dealt with, to speak on the main proposal;
- (c) to exercise a right of reply as a mover of a motion (not an amendment);
- (d) on a point of order or by way of personal explanation.

(i) A point of order may only relate to an alleged breach of these Council procedure rules or the law and the Councillor must indicate the way in which s/he considers it has been broken. The ruling of the Chairman will be final and not open to discussion.

(ii) Personal explanation may only relate to some material part of an earlier speech by the Councillor at the same meeting which may appear to have been misunderstood in the current debate. The ruling of the Chairman on the admissibility of a personal explanation will be final and not open to discussion.

- (e) to move a further amendment;
- (e) to make a motion to close the debate.

Amendments

17.7 An amendment must be relevant to the motion and will be:

- (a) to refer the matter to an appropriate body or individual for consideration or reconsideration;
- (b) to leave out words
- (c) to leave out words and insert or add others; or
- (d) to insert or add words

As long as the effect of (b) to (d) is not to negate the motion.

17.8 Only one amendment may be dealt with at a time.

17.9 Amendment not carried – a further amendment to the motion may be moved.

17.10 Amendment carried – the amended motion takes the place of the original motion. It is known as the “substantive motion” and further amendments may be moved to this.

17.11 After an amendment is carried the Chairman will read out the amended motion before accepting any amendments. If there are no further amendments the substantive motion is debated before being put to the vote.

Alteration of Motion

17.12 An alteration to a motion must be either:

- (a) to refer the matter to an appropriate body or individual for consideration or reconsideration;
- (b) to leave out words;
- (c) to leave out words and add others;
- (d) to add words;

So long as the effect of (b) to (d) is not to negate the motion.

When a motion can be altered

17.13 A motion may be altered:

- (a) before it has been moved by the Councillor who submitted it (or another Councillor on his/her behalf) if the majority of those present agree;
- (b) after it has been moved and seconded if both the mover and seconder and the majority of those present agree.

Withdrawal of Motion

17.14 A Councillor may withdraw a motion which s/he has moved. Once withdrawn it cannot be discussed any further.

Rights of Reply – motions and amendments

17.15 Mover of motion has right of reply at end of debate on the motion, immediately before it is put to the vote.

17.16 If an amendment is moved, the mover of the original motion has right of reply at close of debate on the amendment but shall not speak on it apart from this. The mover of the amendment has right of reply at end of debate on the amendment, immediately prior to the final right of reply of the mover of the original motion.

Motions which may be moved during debate

17.17 During debate on a motion, the following are the only further motions that can be moved:

- (a) to amend a motion;
- (b) closure motions – see procedure rule 17.19 below;

- (c) under Procedure rule 12.4 that a Councillor is not heard further; or that a Councillor leave the meeting;
- (d) to exclude the public and press in accordance with the Access to Information rules.

Procedural Motions without notice

17.18 The following procedural motions may be moved without notice:

- (a) to appoint a Chairman of the meeting;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or a member arising from an item on the agenda for the meeting;
- (f) to receive reports or adopt recommendations from Committees or Officers and any resolutions following from them;
- (g) closure motions under procedure rule 17.18;
- (m) to suspend a particular procedure rule;
- (n) to exclude the public and press in accordance with Access to Information Rules;
- (o) to not hear further a member named under rule 12.4 or to exclude them from the meeting;
- (p) to give the consent of the Council where it is required under this constitution.

Closure Motions

17.19 A Councillor may move, without comment, the following motions at the end of a speech of another Councillor:

- (a) to proceed to next business;
- (b) that the question now be put to the vote;
- (c) to adjourn a debate;
- (d) to adjourn a meeting.

17.20 **“That the meeting proceed to next business”** – if seconded and the Chairman thinks the item has been sufficiently discussed, s/he gives mover of motion right of reply and procedural motion is put to the vote.

17.21 **“That the question now be put”** – if seconded and the Chairman thinks the item has been sufficiently discussed, s/he will put the procedural motion to the vote. If passed, the mover of the original motion has the right of reply before the motion is put to the vote.

If the Chairman considers there has been insufficient debate, s/he may refuse to accept the motion.

17.22 **“That the debate be now adjourned”** and **“that the meeting do now adjourn”** – if seconded and the Chairman thinks the item has not reasonably been discussed and cannot reasonably be discussed on this occasion, s/he will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

18. **Voting #**

18.1 Unless a recorded vote is demanded or required, voting shall be by general assent or by show of hands. Any matter will be decided by a simple majority of those present and entitled to vote in the meeting at the time the question was put.

18.2 If there is an equal number of votes for and against, the Chairman may use a second or casting vote. There is no restriction on how the Chairman chooses to use a casting vote.

Recorded Votes

18.3 If before the Chairman has called for a show of hands, any Councillor present at a meeting demands it, the vote shall be recorded to show the names of those who voted for or against the motion and those who abstained.

18.4* Where any member requests it immediately after a vote is taken, their vote will be recorded in the minutes to show whether they voted for or against the matter or abstained from voting.

Mandatory Procedure Rule, Local Authorities (Standing Orders) Regulations 1993

18.5* Immediately after any vote is taken on a budget or Council Tax decision at a budget decision meeting of the Council, the names of those who voted for or against the motion or abstained shall be recorded.

Mandatory Procedure Rule, Local Authorities (Standing Orders) (England) Regulations 2014

Voting on Appointments

- 18.6 If there are two or more people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the last number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

19. Consideration of Recommendations from Cabinet and Reports presented by Cabinet Members

- 19.1 Each report or recommendation from Cabinet will be presented by a member of the Cabinet whose initial presentation shall not exceed 10 minutes.
- 19.2 Other speeches shall not exceed 5 minutes.
- 19.3 The member of the Cabinet presenting the report or recommendation may, with the consent of the Chairman, respond to all questions raised or points made during the debate.
- 19.4 The member of the Cabinet presenting the report or recommendation has a right to reply at the end of the debate on the recommendation immediately before it is put to the vote.
- 19.5 The member of the Cabinet presenting the report or recommendation may alter or amend the recommendation if the majority of members present agree, provided such alteration or amendment is one which could be made as an amendment to a motion under Rule 17.7 – 17.11.
- 19.6 An amendment to a report or recommendation from Cabinet may be made provided such amendment is one which could be made as an amendment to a motion under Rule 17.7 and the procedure set out in Rule 17 insofar as it applies to amendments to motions shall apply to amendments to recommendations from Cabinet.

20. Annual Reports from Portfolio Holders

- 20.1 At each ordinary meeting of the Council there will be an item on the agenda to receive and consider an annual report from one portfolio holder.

- 20.2 The report will include important matters from the previous 12 months and forthcoming policy issues which the Portfolio holder wishes to raise with the Council.
- 20.3 Each report will be presented by the Portfolio Holder and their initial presentation shall not exceed 10 minutes.
- 20.4 Councillors may ask questions of the Portfolio Holder. Questions and answers shall not exceed 3 minutes.
- 20.5 A maximum of 30 minutes will be allowed for this item at the meeting.
- 20.6 Councillors will not take any decisions in connection with or vote on the report. The main issues raised during discussion of the reports will be minuted.

21. Suspension and Amendment of Council Procedure Rules

Suspension

- 21.1 All of these Council Rules of Procedure except Rule 15.3, 18.4 and 18.5 may be suspended by motion on notice or without notice if a majority of those present and entitled to vote agree. Suspension shall last until such time as the meeting agrees to reinstate the suspended rule(s), or the end of the meeting, whichever is the earlier.

Amendment

- 21.2 Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

22. Application to Committees and Sub-Committees

- 22.1 All of the preceding Council Rules of Procedure apply to meetings of full Council. None of the rules apply to meetings of the Cabinet.
- 22.2 All of the preceding Rules except Rules 2-4, 6, 8-10, 12.2-12.3, 14, 17, 19, 20 and 21 apply to meetings of committees and sub-committees. Rules 23 – 25 shall apply only to meetings of committees and sub-committees.

23. Election of Chairmen and Vice-Chairmen of Committees #

- 23.1 Every Committee will, at its first meeting following the Annual Meeting of the Council, before proceeding to any other business, elect a Chairman and Vice-Chairman for the municipal year. If both the Chairman and Vice-Chairman

are absent from a meeting of that Committee during the municipal year, the Committee may elect a member to chair that particular meeting.

- 23.2 In the event of a vacancy arising in the office of Chairman or Vice-Chairman of a committee, the committee will at its next meeting following the declaration of the vacancy appoint a member to fill the vacancy for the remainder of the municipal year.

24. Extraordinary Meetings of Committees #

- 24.1 The Chairman of a committee or the Chairman of the Council may summon an extraordinary meeting of the committee at any time.
- 24.2 An extraordinary meeting shall also be summoned on the requisition in writing of a quarter of the members of the committee. The summons shall set out the business to be considered at the extraordinary meeting, and no other business than that set out shall be considered at that meeting.

25. Appointment of Substitute Members of Committees and Sub-Committees #

- 25.1 When a member of the Council is unable to attend a particular meeting of a committee or sub-committee, he/she may appoint another member *from the pool of substitute members for that Committee or sub-committee*, to attend the meeting as his/her substitute. Members may not arrange for substitutes to attend in their place at Cabinet.
- 25.2 Substitute members will have all the powers and duties of any ordinary member of the committee.
- 25.3 Substitute members may attend meetings in that capacity only:
- (a) where the ordinary member will be absent for the whole of the meeting; and
 - (b) after notifying the Head of Legal, Equalities & Democratic Services before or at the commencement of the meeting of the intended substitution.

26. Calculation of Time #

"Working day" shall not include a Saturday, Sunday, bank holiday, public holiday or other day on which the Council House is closed.

"Clear day" shall not include the date on which notice is given, or the date of the meeting.

CABINET RECOMMENDATIONS TO THE COUNCIL

On 25th September 2019

Cabinet meeting 4th September 2019

Worcestershire Regulatory Services Board – Enforcement Policy 2019

The Worcestershire Regulatory Services Board considered a report in respect of the above. Full details of the discussion are detailed in Minute No 10/19 of the attached minutes.

RECOMMENDED TO COUNCIL that, the Council for each Member Authority adopts the Worcestershire Regulatory Services Enforcement Policy 2019, as detailed at Appendix 1 to the report.

Bromsgrove Plan Review Update

Members received an update on the Bromsgrove District Plan Review process and the next steps to be taken over the following months.

RECOMMENDED TO COUNCIL

- a) that Council notes the response to the Issues and Options Consultation (Appendix 1);
- b) that Council notes and publishes for consultation, the Plan Update and Further Consultation document (Appendix 2), for a period of 6 weeks from 30th September to the 11th November 2019;
- c) that Council notes the contents of the Stage 1 Green Belt Purposes Assessment (Appendix 3).
- d) that Council opens the Call for Sites process for a period of 6 weeks between 30th September to the 11th November 2019; and
- e) that delegated authority is 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.

Agenda Item 8

Response to Worcestershire County Council Passenger Transport Strategy

In June 2019 Worcestershire County Council published its Passenger Transport Strategy for consultation. This is seen as a positive step in addressing how public transport across Bromsgrove will operate in the future and is to be supported.

RECOMMENDED TO COUNCIL that the response at Appendix A of the report to the Worcestershire County Council Passenger Transport Strategy be endorsed.

Bromsgrove Council Plan

The Cabinet considered the updated Council Plan and its strategic purposes, priorities and actions.

RECOMMENDED TO COUNCIL that the Council Plan attached at Appendix 1 be approved.

Finance Monitoring Quarter 1 2019/20

RECOMMENDED TO COUNCIL 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.

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE CABINET

4TH SEPTEMBER 2019, AT 6.00 P.M.

PRESENT: Councillors K.J. May (Leader), G. N. Denaro (Deputy Leader), A. D. Kent, M. A. Sherrey, P.L. Thomas and S. A. Webb

Observers: Councillor M. Thompson

Officers: Mrs. S. Hanley, Ms. J. Pickering, Ms. D. Poole, Ms. C. Flanagan, Mr. D. Allen, Mr. M. Dunphy, Mrs. R. Green and Ms. A. Scarce

22/19 **APOLOGIES**

There were no apologies for absence.

23/19 **DECLARATIONS OF INTEREST**

There were no declarations of interest on this occasion.

24/19 **MINUTES**

The minutes of the Cabinet meeting held on 10th July 2019 were submitted.

RESOLVED that the minutes of the Cabinet meeting held on 10th July 2019 be approved as a correct record.

25/19 **MINUTES OF THE MEETING OF THE OVERVIEW AND SCRUTINY BOARD HELD ON 8TH JULY 2019**

The Leader thanked Councillor M. Thompson for attending to present both these minutes and the minute extract from the Overview and Scrutiny Board meeting held on 2nd September, which had been tabled at the meeting (attached as an appendix to these minutes) and which contained a number of recommendations in respect of the wording in the Council Plan, Minute No 31/19.

Councillor Thompson reminded Members of the background to the Short Sharp Review which the Overview and Scrutiny Board had carried out in respect of Business Rates Relief. Following discussions, over a number of meetings, with the Executive Director, Finance and Resources an alternative method of calculating those who were eligible for this relief had been found. This would enable the Council to take advantage of the

full amount of funds available to them, to the benefit of businesses in the District. The Leader also commented that a large proportion of business had had a reduction in business rates following a review.

In respect of the Council Plan recommendations, Councillor Thompson talked through each of the recommendations and provided some context as to why the changes were being made. Particular reference was made to ii) and the inclusion of those with reduced mobility as there had been concern that there may not be sufficient data to support this.

The Leader thanked the Overview and Scrutiny Board for its input into the Council Plan and was happy for the recommendations to be incorporated in to the final version.

RESOLVED:

- a) that the Minutes of the Overview and Scrutiny Board meeting held on 8th July 2019 be noted;
- b) that the Section 151 Officer uses her delegated powers to use the 2018/19 balance from the business rates scheme and reflect this in the allocation for subsequent years be approved; and
- c) that the following amendments to the wording in the Council Plan be agreed:
 - i) Work and financial independence – Ensure people get the benefits they need – amend the measure to read:
“Number of emergency Essential Living Fund payments”.
“Number of emergency Discretionary Housing payments”.
 - ii) Live independent, active & healthy lives – Why? – amend to read:
“Increasing numbers of people living with reduced mobility, dementia and diabetes are a particular issue for the District”.
 - iii) Affordable & sustainable homes – Priority: A balanced housing market – include this priority within the “We will” and “How we will measure progress” section.
 - iv) An effective & sustainable Council – amend “Sustainability – We Will” to read:
“Focus more on commercialisation of services, and where appropriate, maximising every opportunity to generate income”.

26/19

WORCESTERSHIRE REGULATORY SERVICES BOARD - MINUTES OF MEETING HELD ON 27TH JUNE 2019

Councillor A. Kent, as Portfolio Holder for Planning and Regulatory Services, introduced this item and explained that it was a recommendation from the Worcestershire Regulatory Services Board in respect of the Enforcement Policy for 2019.

RECOMMENDED that, the Council for each Member Authority adopts the Worcestershire Regulatory Services Enforcement Policy 2019, as detailed in Appendix 1 to the report.

27/19

NHB COMMUNITY GRANTS PANEL - RECOMMENDATIONS FOR ALLOCATION OF FUNDS

Councillor G. Denaro was invited to introduce this report, as he, together with Councillor S. Webb had sat on the Panel. Councillor Denaro confirmed he was happy to support the allocation of funds as detailed in the appendix to the report and thanked all those concerned for their work in bringing this year's Grants Panel to a satisfactory conclusion. He commented that the scheme would benefit from a full review, as recommended, should there be funds available in future years.

RESOLVED:

- a) that the NHB Grants Panel recommendations attached at appendix 1 to the report, be approved; and
- b) that should the scheme continue into 2020/21 a full review of the process be carried out prior to the commencement of the grants allocation for that year, be approved.

28/19

BROMSGROVE PLAN REVIEW UPDATE

Councillor A. Kent, as Portfolio Holder for Planning and Regulatory Services presented this report and explained that a great deal of work had gone into it, with the responses from the earlier consultation being detailed at appendix 1. This, together with appendix 3, was over 600 pages and had therefore been published as a supplementary agenda, which was available on the Council's website.

The Leader thanked officers for their work to date and advised that this matter had been discussed in detail at a recent meeting and Cabinet was working towards the long term sustainability of the District as a whole and all options would therefore be considered. Councillor Kent reiterated that currently evidence was being collected and that no formal decisions would be made until all that evidence was available.

RECOMMENDED:

- a) that Council notes the response to the Issues and Options Consultation (Appendix 1);
- b) that Council notes and publishes for consultation, the Plan Update and Further Consultation document (Appendix 2), for a period of 6 weeks from 30th September to the 11th November 2019;
- c) that Council notes the contents of the Stage 1 Green Belt Purposes Assessment (Appendix 3).

- d) that Council opens the Call for Sites process for a period of 6 weeks between 30th September to the 11th November 2019; and
- e) that delegated authority is 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.

29/19

RESPONSE TO WCC PASSENGER TRANSPORT STRATEGY

Councillor A. Kent, as Portfolio Holder for Planning and Regulatory Services, advised Members that Cabinet were asked to endorse the detailed response to the Worcestershire County Council (WCC) Transport Strategy which had been out to consultation for some time. It was important to note that the Council was committed to working alongside WCC to improve the infrastructure across North Worcestershire and within the Bromsgrove District.

The Leader thanked officers for the in depth response and reiterated Councillor Kent's comments.

RECOMMENDED that the response at Appendix A to the Worcestershire County Council Passenger Transport Strategy be endorsed.

30/19

WORCESTERSHIRE HOMELESS STRATEGY

Councillor S. Webb as Portfolio Holder for Strategic Housing and Health and Well Being introduced the report and in so doing provided background information and explained that the Strategic Direction for Tackling Homelessness contained within the report expanded on the High Level Partnership Plan which had been produced by the Worcestershire Strategic Housing Partnership in 2017. The introduction of the Homelessness Reduction Act in April 2018 had meant that the Strategic Direction document needed to be updated to take account of the legislative changes. Councillor Webb went on to invite Members to take part in a physical count of homeless people in the District, which would take place in November, with officers and partners. The Leader confirmed her interest in joining this count.

RESOLVED:

- a) that the Worcestershire Strategic Direction for Tackling Homelessness be noted;
- b) that Cabinet note that this document expands on previously agreed high level actions within the Housing Partnership Plan that relate to tackling homelessness be noted; and

- c) that Cabinet note this document will need to be updated and renamed within the next 12 months to ensure compliance with the new national Rough Sleeping Strategy with amendments being made at officer level.

31/19

BROMSGROVE COUNCIL PLAN

The Head of Transformation and Organisational Development introduced the report and explained that following feedback from a Cabinet Away Day in July, the Council Plan had been refreshed to incorporate the areas discussed.

A revised copy of the Plan, containing the more detailed graphics and incorporating the feedback from the Overview and Scrutiny Board was circulated for Members and it was confirmed that any further comments from this meeting would be included in the final version which would be considered by Council at its meeting on 25th September.

The Policy, Performance and Partnerships Manager went through the Council Plan in more detail with Members and highlighted the following areas:

- The strategic purposes together with the Council's priorities and how these were supported.
- The inclusion of the "green thread" throughout which acknowledged the Council's commitment to environmental issues.
- How the Plan would be delivered.
- An explanation around the headings under each section (the sections were broken down into the Council's Strategic Purposes).
- How progress would be measured in implementing the Plan.

The Leader thanked officers for pulling together all the ideas and discussions which had taken place at the away day and invited Members to comment on any particular areas.

Reference was made to the recommendation from the Overview and Scrutiny Board in respect of data supporting the inclusion of reduced mobility and it was confirmed that Officers had checked and there was sufficient data available to include this.

Councillor Denaro, as Portfolio Holder for Finance and Enabling commented that, in view of the announcements in today's statement from the Chancellor, there may be a number of changes that needed to be made in respect of the Council's financial position. The Executive Director, Finance and Resources, confirmed that whilst there would be a number of small changes, as the Council would not receive its settlement figure until December, the current position would remain as stated.

The Leader commented that the Plan gave a clear vision for the Council to work towards in order to ensure that residents could see that all those in need would receive the support and help required over the next four years.

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

32/19

BUDGET FRAMEWORK - PRESENTATION

The Executive Director, Finance and Resources, gave a short presentation (attached as an appendix to these minutes) in respect of this item, including a number of points which had been picked up from the Chancellor's statement made earlier in the day. It was clarified that detail around some of this information was still awaited. The presentation covered the following areas:

- The challenges facing this Council in the coming years.
- The possibility of the Council Tax threshold being reduced to 2%, if this proved to be correct it could have an impact of around £50-60k in the budget
- No mention of the rollover of the Business Rates Pilot Scheme, which would be disappointing if not continued.
- The Negative Revenue Support Grant – it appears that this will be funded by the Government in 2020/21.
- The ongoing issues around Universal Credit and the demand these have on our services – the Council was working with the Citizens' Advice Bureau and other organisations to assist residents with managing debt. It was further explained that this referred to those with a private landlord as the rental payment was made direct to the individual as opposed to the landlord.
- Actions which had been put in place to mitigate overspends and how these would be monitored.
- The need to protect the level of balances.
- The predicted financial position over the next four years and the amount of the shortfall for each period.
- How those gaps will be filled.
- The need to reduce the enabling costs down to between 8-10%.
- The Capital Programme and the need to make improvements in how this was managed and making any business cases much more robust.
- The External Auditors were comfortable with the Council's current financial position and had no immediate concerns.
- The role of the Finance and Budget Working Group in assisting with the process.
- Actions to develop savings, including detailed review of the 2018/19 actual budgets against current allocated budgets for 2019/20.

- The Council Plan being able to help to engage with the public in order for them to understand the need for a sustainable budget and how monies were spent.

Councillor G. Denaro, Deputy Leader and Portfolio Holder for Finance and Enabling, commented that there remained a lot of work to be done and challenges to face going forward, but the Council was in a good position overall.

RESOLVED that the budget framework presentation be noted.

33/19

FINANCE MONITORING QUARTER 1 REPORT

The Executive Director, Finance and Resources presented the report and in so doing highlighted the following:

- The first quarter always contained a number of costs and income from the year end, such as invoices which needed to be paid from the previous year.
- A small underspend was already showing which was good news and helped to protect the Council's balances.
- The increase in income from the Core Waste Services.
- Enabling services and funds from vacant posts. In the case of the Finance Team the vacant posts would be offset against the new Enterprise Resource System and to protect current posts.
- Savings and the monitoring of them.
- Capital budgets – Portfolio Holders were encouraged to work with the relevant Heads of Service to ensure they were up to speed with this and that any projects included in it were current and if not, whether it was possible to give up the Capital budget in some cases. A more detailed breakdown was provided in appendix 1 of the report.
- Background information supporting the increase in the Capital Programme for the replacement CCTV cameras, which was included in the recommendation to Council.

Following presentation of the report Members raised a number of questions, including the saving made from the pension payment adjustment. Councillor Denaro, as Portfolio Holder for Finance and Enabling confirming that each department was within the 10% guideline set down, but this would be monitored closely to ensure that no area was above or below it in future months.

The Leader reiterated the Executive Director, Finance and Resources request for Portfolio Holders to work with Heads of Service in going through the budgets line by line to ensure that any savings available have been realised.

RESOLVED that Cabinet notes the current financial position in relation to revenue and capital budgets for the period April – June 2019 as detailed in the report.

Agenda Item 9

Cabinet
4th September 2019

RECOMMENDED 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.

The meeting closed at 6.42 p.m.

Chairman

Bromsgrove District Council

Report of the Portfolio Holder Portfolio Holder for Finance, ICT, and Enabling Services

Help me to be Financially Independent

FINANCE

The finance team's activities include accountancy, payroll and payments. The Payroll team also provide the service for Redditch Borough Council, Rubicon Leisure and Wyre Forest District Council. Across all of the payrolls there are approximately 1400 staff. The Payment section ensures that all the invoices from our suppliers are paid in a timely manner and on average there are approximately 6000 invoices paid out every year. The finance team provides all financial advice and support to Members and officers, undertakes treasury management and investment activities and prepares all statutory accounting reports.

The Council's accounts for 2018/19 were completed on time with approval by Members by July 2019. The Council received an unqualified judgement for both the statutory accounts and the Value for Money assessment which was a continuation of the previous year's high quality standard.

Officers within the finance teams continue to work with service managers and budget holders to identify savings and support the development of business cases to generate additional income to the Council. Over the next few months the focus will be financial modelling of the Medium Term Financial Plan.

The uncertainties relating to significant future funding streams continue to make projections challenging. The one year spending review makes it difficult for the council to undertake long term financial planning due to the uncertainty this introduces.

Work has now started on the building of an Enterprise Resource Planning solution. It is apparent that over the last few years weaknesses have been identified in the financial management, planning and forecasting capabilities of the systems we currently have in place. In addition, it has been reported by officers, external and internal audit and more recently within the peer challenge report that the finance system we have does not enable the Council to make decisions based on accurate, timely and flexible information which will become increasingly important to meet the future challenges in the commercial environment. It is also recognised that there are a significant number of manual processes that are undertaken in payroll, payments

and HR to ensure that data can be accessed and reported on by officers and external partners. Furthermore there are no seamless links between systems and information has to be manually transferred between the systems. This could cause potential data issues when considering consistent information. The ERP system is expected to allow the council to rectify these weaknesses and improve performance and processes.

The implementation will be led by the Financial Services Manager and will ensure involvement by budget holders and managers to ensure the system meets their needs.

Customer Access and Financial Support

The Service's Role

The Customer Access and Financial Support Service comprise the Council's Customer Services, Revenues and Welfare Support teams.

The Teams aim to support the community of Bromsgrove by

- Providing excellent customer care with clear gateways to access the council's services.
- Help people to pay their rent and council tax by delivering a high performing welfare support service which processes claims for Housing Benefit and Council Tax Support efficiently and accurately.
- Supports the Council's financial position by maximising the Council Tax and Business Rates tax-base.
- Help customers to pay the right amount to the Council through the effective administration and recovery of Council Tax, Sundry Income and Non-Domestic Rates
- Helps Bromsgrove's vulnerable residents through the delivery of Discretionary Housing Payments, Council Tax Hardship Funds, and Essential Living Funds

Our aims for 2019

During 2017/18 and first two quarters of 2018 the Customer Access and Financial Support teams experienced a period of disruptive change with the implementation in November 2017 of a revised structure within the Welfare Support Team, the roll-out of Full Service Universal Credit to Bromsgrove, and changes to the management structure within the Customer Access and Financial Support.

The changes impacted negatively on the performance of the service and therefore the aims for the period from September 2018 to date have been targeted at; first

controlling and normalising performance, and then implementing improvements to performance and service delivery.

Our plans in taking this course of action have been to:

- **Improve Benefit Processing** by working with the DWP to review the management structure within the Welfare Support Team and implementing a revised interim structure that provides support to processing teams and develops a performance culture within the service.
- **Improve Council Tax and Non-Domestic Rates collection rates** by reviewing internal procedures and processes and ensuring that the recovery functions are working efficiently and supporting customers to pay their tax and rates liabilities
- **Maximise Council Tax and Non-Domestic Rates tax-base** through the continued focus of the compliance team on identifying undervalued business premises and ensuring accuracy in Council Tax discount and NNDR relief.
- **Offering Digital Choice to Customers** through the provision of a new customer portal which will enable customers to transact with the council and interrogate their accounts on-line, enabling greater resilience within the CT and NDR administration teams.

How we are performing

Improve Benefit Processing

In August 2018 we entered into discussions with the DWP as to how we could improve performance within the Welfare Support team. Actions were taken to provide greater oversight and support to the processing teams and changes were made to management and reporting lines. Improvements to key performance measures have been achieved and focus will now move to supporting the improvements and implementing efficiencies in service delivery.

Date	Days to Process New Claim	Days to Process CIC
August 2018	61	16
August 2019	25	6

Improve Council Tax and Non-Domestic Rates Collection

The key comparative measure for performance of Council Tax and NDR administration remains CT and NDR collection rates. Actions were taken in 2018/19 to address performance in respect of these measures. At present additional resources have not been delivered to the team, but steps have been taken to rationalise processes and to provide a more efficient recovery procedure.

The tabulation below sets out the relative performance for Council Tax and Non-Domestic Rates collection within Bromsgrove demonstrating improvements within each measure.

Tax Year	2017/2018	2018/2019
Council Tax Collection Rate	98.1%	98.4%
NDR Collection Rate	94.2%	96.7%

In context the improvements within Council Tax collection are in contrast to national and regional figures which show a flattening in performance and slight reduction when comparing year to year.

	2017/2018 Collection Rate	2018/19 Collection Rate	Year to Year change
Bromsgrove	98.1	98.4	0.3
All England	98.0	97.9	-0.1
Shire Districts	97.1	97.0	-0.1
West Midlands Shire Districts	98.2	98.1	-0.1

Non-Domestic Rates collection requires further improvement but performance from 2017/18 to 2018/19 places Bromsgrove within the top 5 most improved councils.

	2017/18 Collection	2018/19 Collection	Year on Year Change
Cherwell	92.3	98.4	6.1
Salford	91.6	95.7	4.0
Redditch	95.1	98.3	3.2
Bromsgrove	94.2	96.7	2.5
South Bucks	96.4	98.8	2.4

Maximising CT and NDR tax-base

The Customer Access and Financial Support Team's compliance officers provide a resource for ensuring the accuracy of the Council's tax-base by identifying missing and undervalued council tax and non-domestic rates assessments, and ensuring the accuracy of Council Tax discounts, and NDR reliefs.

The performance of the team is measured in terms of the additional Council Tax and Non-Domestic Rates that is levied due to their work. The table below sets out the income generated to the period ended 31st March 2019

Work Stream	Additional Income (£000's)
Council Tax discount/exemption compliance	44
Council Tax un-banded properties	148
Non-Domestic Rate unrated and underrated property	485
Total	677

Improving Digital Choice

Council Tax, Non-Domestic Rates and Welfare Benefits are services which experience a large volume of transactional enquiries. In Council Tax administration these transactional enquiries can be high volume/low complexity and by offering customers the opportunity to access services through digital gateways resources can be moved from low complexity activities to income collection or to high complexity work.

The service has begun a process of providing on-line transactional forms which can be accessed by the customer and when fully completed allow for automatic processing of registration for Council Tax and for changes in Council Tax payment method.

The following tabulation shows the number of on-line enquires received to the end of August 2019 and the division of these enquires between those which are processed automatically and those which require an officer to complete the system update.

Month	On-Line enquiries	Automatic Processing	Officer Processed
April	865	478	387
May	860	492	368
June	807	439	368
July	896	430	466
August	545	228	317
Total	3,973	2,067	1,906

The ability to automatically update systems from customer completed on-line forms allows greater efficiency in the way that the Council Tax transactional services are

delivered and the process automation has released the equivalent of 0.70 FTE processing hours for other activities.

2020 Vision – Our Aims for the next year

- **Revise Customer Access and Financial Support Structure:** a revised structure will be implemented during the next 12 months, the aims of this structure will be to embed the improvements that have been realised within the Welfare Support Team, to provide greater support for the Revenues Services Team to ensure continued improvement to collection rates, and to continue to improve the customer experience.
- **Enhance Digital Access to Council Services:** the on-line services for Council Tax, Welfare Support and Non-Domestic Rates will be developed to increase the transactions that can be carried out on-line; to include applications for Council Tax discounts and exemptions, and to provide customers with access to their Council Tax, Non-Domestic Rates, and Housing Benefit accounts.

This enhanced provision of on-line services will enable us to; provide choice to customers in the way that they contact us; to develop 24 hour access to services; allow transactional enquiries to move from physical to digital channels; and to release resources for the completion of complex cases.

- **Investigate risk based recovery for Council Tax and Non-Domestic Rates** which will allow for targeted action to be taken in the event of non-payment and move towards a programme of risk based intervention which will smooth out the issue of recovery notices and enable a more balanced customer service provision that removes peaks in demand and provides more consistent access for the customer
- **Develop stronger levels of discount, relief and rebate compliance** by developing more robust procedures for the review of all Council Tax discounts and Non-Domestic Rate Relief which will ensure that all discounts are verified on a bi-annual basis and by implementing financial penalties and prosecutions as an incentive against fraudulent applications.
- **Increase footprint and visibility of Financial Inclusion Officers** the role of the Financial Inclusion Officers will be developed by partnering with agencies in the outer areas of the Bromsgrove District such as Rubery and Hagley providing a local resource and access for customers with financial hardship or specialist needs.

Customer Services

Payments

Customer services continue to monitor payment methods for council services and regularly work with customers to promote alternative payment methods (e.g. direct debit). Latest figures from finance suggests in costs £1.24 per transaction in cash at cashiers, compared to 2p per transaction via direct debit. When costs of reminders, and summons' are added this figure increases, further highlighting the importance of direct debit.

We are working with Council Tax and housing benefit overpayments to introduce allpay – a barcoded billing system that customer can pay their council tax / HB overpayment at any Post Office or Paypoint location using cash or card. The current scheme provider is limited to only cash, only at post office and only for council tax. It costs approximately 53p per transaction using this service which places it cheaper than the traditional cash office, and more expensive than direct debit. We anticipate this service to be operational for when the year-end bills go out in Feb/March 2020.

Council Tax

Customer Services provides face-to-face support for customers with Council Tax queries. Any customers with complex queries are directed through to the dedicated council tax direct line to be resolved over the telephone by a Council Tax Officer.

We are currently in the process of scoping out some telephone support to Council Tax at times where there are high call demands.

Digital Support

There are 2 public access PC's and free Wi-Fi in the Customer Service Centre. Customer Service staff will provide digital support to those who need help in accessing council services online. We anticipate as more council services increase their online provision that the demand for support will grow in future.

DEMOCRATIC SERVICES

Democratic Services team have been supporting Members in various roles throughout the year, including all Council Committees, Boards and Working Groups.

Overview and Scrutiny

The number of items which have been pre-scrutinised prior to consideration by the Cabinet, has continued to increase and the system of scrutiny is working well. Council has again, referred items directly to the O&S Board, to enable them to be considered in greater detail and in a more meaningful way. The Finance and Budget Working Group continues to work well on a cross party basis. As portfolio holder, I

am hoping to attend the meetings regularly as I want to maintain a good relationship with the Group to help us to address the significant financial challenges that the Council faces.

Member Training

The Member Development Steering Group has in the last year concentrated on preparing for the induction of new Members following the May elections. A new approach was taken which I think was a success, this involved a mix of training sessions to allow new Members to get up and running and the inclusion of briefing notes on a number of areas included in the Induction Packs. More detailed training sessions are being organised on those topics for later in the year.

The Group is also carrying out a review of the IT equipment used by Members and considering a number of options to be made available.

Constitution

The Constitution Review Working Group has already met this new municipal year and the inclusion of deputy leaders has led to some constructive debate. The Group have agreed to meet on a more regular basis in the coming months.

LEGAL SERVICES

The legal team operate as a support service providing advice and guidance to elected Members and officers throughout the Authority and doing the legal work associated with Council services. Their aim is to ensure that the decisions of the Council are legal and proportionate, the actions and decisions of the Council are in the public interest, and all Council documentation is robust. From time to time the team represent the Council in Civil and Criminal proceedings and we also provide contracted external legal support to other public organisations.

IT SERVICES

As an enabling service, the role of the IT Service is to enable other parts of the organisation to deliver against the corporate strategic purposes. IT makes a key contribution to the strategic direction of the Council by providing professional support and guidance relating to the use of technological resources now and for the future.

The main projects that IT *have worked* on over the last twelve months are:-

- Upgrade to Revenues and Benefits system.
- Upgrade of Uniform Database and Application.
- Move to Rubicon SLA operating environment.
- Security patching of PC's and servers.
- New Automation and Robotics environment created.
- Review Of Information Security Policy
- Implemented Bring Your Own Device solution (BYOD)

- Delivered Gas Booking System

The main projects IT *are working* on at the moment are:-

- New corporate enterprise application for Finance, Cash Receipting, Payroll and Self-Serve HR (Human Resources).
- Replacement Housing Management System
- Upgrading from Windows 7 to Windows 10 across the technical estate
- Implementing PSN Security Audit changes.
- Upgrade of the virtual server infrastructure.
- Microsoft Office upgrade to Office 365
- Review of Members IT requirements.
- Upgrade of Server Operating Systems

HR & OD

As an enabling service, the roll of HR is to enable other services to deliver against the corporate strategic purposes. HR & OD makes a key contribution to the Strategic direction of the Council by providing professional support and leadership in terms of the use of employee resources now and in the future. HR & OD also build and maintain good employee relations through collaborative working with the Trade Unions at both a local and regional level.

The key projects HR&OD have delivered over the last twelve months are:

- Review of the corporate HR & OD Strategy
- Designed and launched an employee benefits package
- Reviewed and implemented a revised pay model to incorporate the national agreed pay spines.
- Launched the purchase of annual leave scheme through the employee benefits platform
- Continued to exploit the HR21 system functionality
- Developed online booking element of the HR21 system for training
- Developed a Corporate Training Plan for 18/19

The key projects HR&OD are *currently working* on are:

- Continuing to deliver the actions in the corporate HR&OD strategy
- Reviewing / changing employment policies. Currently in consultation with the Trade Unions to introduce / review the following policies
 - Disciplinary
 - Grievance
 - Code of Conduct
 - Mileage

- Capability
- Continuing to rolling out the new Employee Benefits package which includes various staff discounts for employees.
- Supporting the corporate Culture work including rolling out the skills matrix to identify skills gaps and potential within our workforce and the ability to record the data on the self-serve and supported on the implementation and roll out of the One to One and Appraisal Guidance and process.
- Developed a Leadership Profile and devising a Management development programme.
- Co-ordinating corporate and service based training
- Supporting service reviews & TUPE (where appropriate)
- Reviewing the corporate approach to the use of agency staff and relaunching Matrix
- Planning the next Staff Survey

WORCESTERSHIRE DISTRICT COUNCILS

MEETING OF THE WORCESTERSHIRE REGULATORY SERVICES BOARD

THURSDAY, 27TH JUNE 2019, AT 4.30 P.M.

PRESENT: Councillors H. Dyke (Vice-Chairman, in the Chair), A. D. Kent, H. J. Jones, J. Raine, G. Prosser (substituting for Cllr. J. Grubb), W. King, J. Squires, L. Griffiths, E. Stokes, D. Morris and P. Dyke

Partner Officers: Mr. P. Merrick, Malvern Hills and Wychavon District Councils, Mr. L. Griffiths, Worcester City Council and Mr. M. Parker, Wyre Forest District Council

Officers: Mr. S. Wilkes, Ms. C. Flanagan, Mr. C. Forrester, Mr. M. Cox and Mrs. P. Ross

1/19

PREVIOUS CHAIRMAN'S REPORT

Councillor G. Prosser, Redditch Borough Council, Vice-Chairman of the Worcestershire Regulatory Services Board 2018/2019, suggested that as there were a number of new members to the Board, it would be helpful if Members and officers gave brief introductions.

The Vice-Chairman then introduced the report, which provided an overview of the highlights that the Board covered from 1st April 2018 to 31st March 2019.

Councillor Prosser expressed his sincere thanks to the Board and the Head of Regulatory Services.

RESOLVED that Members note the report, as presented by Councillor G. Prosser, Redditch Borough Council, Vice-Chairman of the Worcestershire Regulatory Services Board for the municipal year 2018/2019.

2/19

ELECTION OF CHAIRMAN FOR THE ENSUING MUNICIPAL YEAR

A nomination for Chairman was received in respect of Councillor J. Grubb, Redditch Borough Council.

RESOLVED that Councillor J. Grubb, Redditch Borough Council be elected as Chairman for the ensuing municipal year.

3/19 **ELECTION OF VICE-CHAIRMAN FOR THE ENSUING MUNICIPAL YEAR**

A nomination for Vice-Chairman was received in respect of Councillor H. Dyke, Wyre Forest District Council.

RESOLVED that Councillor H. Dyke, Wyre Forest District Council be elected as Vice-Chairman for the ensuing municipal year.

The Vice-Chairman took the opportunity to welcome Members and officers to the meeting of the Board.

4/19 **APOLOGIES**

Apologies for absence were received from Councillors J. Grubb, Redditch Borough Council and T. Wells, Malvern Hills District Council.

It was noted that Councillors G. Prosser, Redditch Borough Council, was in attendance as substitute member for Councillor J. Grubb.

Apologies for absence were also received from Ms. J. Pickering, Bromsgrove District and Redditch Borough Councils.

5/19 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

6/19 **MINUTES**

The minutes of the meeting of the Worcestershire Regulatory Services Board held on 14th February 2019, were submitted.

It was noted that Councillor J. Squires, Worcester City Council and Councillor E. Stokes, Wychavon District Council, were present at that meeting and they consecutively proposed and seconded the approval of the minutes.

RESOLVED that the minutes of the Worcestershire Regulatory Services Board held on 14th February 2019, be approved as a correct record.

7/19 **WORCESTERSHIRE REGULATORY SERVICES REVENUE MONITORING APRIL - MARCH 2019 & ANNUAL RETURN**

The Financial Services Manager, Bromsgrove District Council, introduced the report and in doing so highlighted that Worcestershire Regulatory Services (WRS) managers had set themselves an income budget of £309k for 2018/2019; and that through hard work and the successes that WRS had achieved with generating income this year, that the total income generated from all sources including additional spends by partners was £402k.

Members' attention was also drawn to:

- The purchased particulate monitoring kit for £8k, which would also be used as an income generator.
- Due to the increase in the number of taxi licences and the increase in the cost of raw materials there was a £10k overspend within this service line.

In response to Councillor A. Kent, Bromsgrove District Council, with regard to 'Car Allowances' and if there were any incentives for electric/hybrid vehicles to be used. The Head of Regulatory Services commented that officers worked within the Terms and Conditions of the Host Authority, Bromsgrove District Council and that currently there were no incentives. The Technical Services Manager, WRS, further informed the Board that WRS had four vehicles used by the dog wardens and that due to the mileage used it was not deemed cost effective to switch to electric/hybrid vehicles.

RESOLVED:

- (a) that the final financial position for the period April – March 2019 be noted;
- (b) that the 2018/2019 refund of £63k to the participating Councils be approved, as follows:-

Council	Refund from 2018/19 £'000
Bromsgrove	9
Malvern Hills	8
Redditch	11
City of Worcester	11
Wychavon	15
Wyre Forest	10
Total	64

8/19

**WORCESTERSHIRE REGULATORY SERVICES ANNUAL REPORT
2018/2019**

The Board considered a report which detailed the Worcestershire Regulatory Services (WRS) Annual Report 2018/2019. The report covered the performance of the service for the period 1st April 2018 to 31st March 2019.

The Head of Regulatory Services informed the Board that under the Shared Services Partnership Service Level Agreement (SLA) the Board was required to receive the annual report at its annual meeting.

The Head of Regulatory Services further informed Members that the report covered the performance of the service for that period, both in

terms of Key Performance Indicators (KPIs) and highlights of activity, with a short summary activity report, as detailed at Appendix 5 to the report. Appendix 5 to the report had been reduced since the Board now received a separate Activity and Performance Data report which provided more detail. Some detail of the performance indicators were also covered in the Activity and Performance Data report.

Generally performance had remained good. Food business compliance rates remained high. Taxi license renewals were dealt with in a reasonable time in the main. The taxi fleet appeared to be generally in good order, although the results from enforcement exercises suggested that some drivers / operators needed to improve in terms of maintaining vehicles.

Complaints against the service were significantly exceeded by compliments. It was understood that the main issue for complaints were related to either paying for the cost of stray dog recovery or the fact that WRS could not resolve an issue that was causing annoyance to a resident due to the law on nuisances. The latter appeared to be the main cause in the fall in customer satisfaction. Interestingly, the Department for Environment, Food and Rural Affairs (DEFRA) most recent survey of the public in relation to attitudes to noise had detected a statistically significant drop in people's tolerance of noise. This was something that WRS had seen anecdotally at local level and had reported to Board Members previously.

The indicators for licensed premises and noise complaints had been in place long enough now in order to establish good base-lines. The former showed that generally licensed premises in the County were well managed. The figures could now be used, along with intelligence, to focus enforcement resources in a proactive way to tackle any individual problem premises, although these were few and far between.

Most complaints related to minor nuisance issues, usually created when a venue introduced a novel activity like live music to diversify its activities. The rate of noise complaints was relatively low and probably reflective of the general environment in Worcestershire.

The Annual Report also provided a summary of the financial position, the key achievements and covered issues with regard to human resources; plus sections on risk management and equalities.

The Head of Regulatory Services and the Technical Services Manager, WRS, responded to questions from Members with regard to potential growth of the service and noise reporting.

The Head of Regulatory Services informed Members that the Technical Services team were the main income generators within the service and that further income generation was something that could be considered. Previous Board Members had expressed an interest in Business Planning and that was something that he was keen to arrange; a slightly

more informal event for Board Members during September / October 2019.

With regard to noise reporting, the Technical Services Manager, WRS, stated that there were dedicated front line staff and also self-help pages on the WRS website, which helped to make the service more cost effective. The issues were mainly domestic noise issues and not a statutory nuisance. If noise issues could not be resolved complainants were referred to (back-office) staff in order to try and resolve any noise issues.

The Head of Regulatory Services referred to The Members' Eye newsletter that was circulated to Board Members during 2018, which had provided a useful guide for Members on Statutory Nuisance. He further informed Members that he would ensure that a copy was circulated to all current Board Members for information.

In response to a further questions raised, the Head of Regulatory Services advised that the self-help process had removed a lot of early wins with regard to noise nuisance that had been resolved, hence a natural downfall. However, going forward, he and his management team would look to work more closely with colleagues at the partner authorities who may have other tools available to deal with issues, citing the Community Protection Notices available under the Anti-social Behaviour and Policing Act 2014 as an example of a measure that may help.

With regard to food premises scoring 2 or below on the 'Scores on the doors' food hygiene / food safety initiative, some of the issues were down to allergen awareness; with some management / staff not having sufficient understanding / knowledge of food allergens. This would have been rectified as part of the visit process but businesses would need to be re-scored later.

The Vice-Chairman thanked the Head of Regulatory Services, with some Members commenting that the results were good and that the service was an excellent service and that they could see the benefits of the service.

RESOLVED:

- (a) that the Worcestershire Regulatory Services Annual Report 2018/2019 be noted; and
- (b) that a copy of the Worcestershire Regulatory Services Annual Report 2018/2019 be forwarded to the Chief Executive, Managing Director and Members of the six partner authorities.

9/19

ACTIVITY AND PERFORMANCE DATA QUARTERS 1, 2, 3 AND 4

The Technical Services Manager, WRS, presented the Activity and Performance Data Quarters 1, 2, 3, and 4 report; and in doing so stated that the detail of the report focused on quarter 4 but the actual data

allowed comparison with previous quarters and previous years. The report also highlighted a number of headline stories.

Page 88 of the main agenda report detailed the Primary Authority work that was completed for quarter 4, to the satisfaction of the two companies that WRS had engaged with; namely CEMEX and Wienerberger.

Work to support planning officers across Worcestershire had kept the Technical Services team busy throughout the year with a significant increase in demand in quarter 4.

Air quality work had had a high profile nationally and this had been reflected in the work to improve air quality. Worcester City Council, Task and Finish Group (Air Quality) had researched into measures to tackle breaches of nitrogen dioxide in Worcester. The Task and Finish Group had concluded and had reported back to the Licensing & Environmental Health Committee in January 2019 with a number of measures tasked to different Council departments to progress.

In response to a question raised by Councillor Kent, Bromsgrove District Council, in respect of Noise Pollution and the information detailed on page 95 of the main agenda report, with regard to the specific number of different parties that had complained about noise pollution. The Head of Regulatory Services explained that he had spoken with the intelligence officer who would try and identify the different number of complainants and if possible include this information in future reports.

RESOLVED that the Activity and Performance Data report for Quarters 1, 2, 3 and 4, be noted.

10/19

WORCESTERSHIRE REGULATORY SERVICES ENFORCEMENT POLICY 2019

The Board considered a report that provided information on the proposed Worcestershire Regulatory Services Enforcement Policy 2019.

The Head of Regulatory Services explained to Members that in 2011, the then Worcestershire Regulatory Services (WRS) Joint Committee had agreed to support the adoption of a single WRS Enforcement Policy that the service would use in relation to all of its activities. This policy would be an adjunct to other enforcement policies that each partner authority had for its remaining enforcement activities. The policy was based on the requirements of the then Regulator's Compliance Code; the policy would not have contradicted any approach being taken by partners in other areas of enforcement such as planning.

In 2016, when the partnership became a district only arrangement, the Head of WRS had made some minor amendments to the policy and had asked Members of the Board to ratify the amended policy and to

recommend adoption of the amended policy by the six partner authorities.

It was important that Members were reminded of how decision making on enforcement took place and that Members approved the processes that WRS followed when dealing with such serious matters. Virtually all of the legislation the service dealt with had criminal sanctions as its ultimate end-point and Members needed to be happy that the processes being followed would apply such sanctions in the right circumstances.

Local authorities were encouraged to produce Enforcement Policies for many years so that those regulated knew and understood what to expect. This was originally driven by the introduction of the Enforcement Concordat, created by LACORS, the Local Government Association's Regulatory Policy support framework for member authorities, and built upon by the Regulator's Compliance Code, issued by the Better Regulation Executive; under the Legislative and Regulatory Reform Act 2006.

The original Regulators Compliance Code was replaced with the Regulator's Code. The core of the new Code changed little from the original Regulators Compliance Code, but some aspects were clarified and tidied up. Whilst this had not changed since the last review, the Head of Service felt that by reviewing the policy every three years it would ensure that Members were aware of the processes that the service followed during regulatory decision making and that this would give them reassurance that the service was taking a fair and equitable approach when dealing with offending.

Before putting a case before the Courts, local authorities also needed to have regard to the Code for Crown Prosecutors, which laid down the very basic provisions for evidential sufficiency and public interest before a case could be considered a sound candidate to be taken to Court.

The policy, as attached at Appendix 1 to the report, met the criteria of both the Regulators Code and the Code for Crown Prosecutors, which should allow it to easily integrate with existing policies within each of the partner authorities and would allow WRS to operate in a consistent way across the county in relation to all enforcement matters.

By adopting a common approach to enforcing the functions discharged by WRS, partners would directly address these concerns of the business community and show that WRS remained a tool that local authorities could use to support their economies in a positive way.

In response to Members, the Head of Regulatory Services, clarified that the amended policy would be an adjunct to other enforcement policies that each partner authority had for its remaining enforcement activities.

Agenda Item 14a

Worcestershire Regulatory Services Board
27th June 2019

RESOLVED that, the Worcestershire Regulatory Services Enforcement Policy 2019, as detailed at Appendix 1 to the report, be adopted to support decision making within Worcestershire Regulatory Services.

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

The meeting closed at 5.15 p.m.

Chairman



WRS Board

27th June 2019
Enforcement Policy 2019

Recommendations

(i) Members agree this policy be adopted to support decision making within WRS.

Background

(ii) Members recommend the adoption of this amended policy by the individual partner authorities.

In 2011, the then Joint Committee agreed to support the adoption of a single WRS Enforcement Policy that the service would use in relation to all of its activities. This policy would be an adjunct to other enforcement policies that each partner authority had for its remaining enforcement activities. Being based on the requirements of the then Regulator's Compliance Code, the policy would not have contradicted any approach being taken by partners in other areas of enforcement such as planning. In 2016, when the partnership became a district only arrangement, the Head of Service made minor amendments to the policy and asked members of the committee to ratify the policy and recommend adoption by the six councils. It is important that members are reminded of how decision making on enforcement takes place and that they approve the processes that we follow when dealing with such serious matters. Virtually all of the legislation the service deals with has criminal sanction as its ultimate end-point and members need to be happy that the processes being followed will apply such sanctions in the right circumstances.

Report

Local authorities have been encouraged to produce Enforcement Policies for many years so that those they regulate know and understand what to expect. This was originally driven by the introduction of the Enforcement Concordat, created by LACORS, the Local Government Association's Regulatory Policy support framework for member authorities, and built upon by the Regulator's Compliance Code, issued by the Better Regulation Executive, under the Legislative and Regulatory Reform Act 2006, and maintained by what is now the Office for Product Safety and Standards, part of the Department for Business, Energy and Industrial Strategy (BEIS). The concordat and the code provided businesses with a clear framework within which regulation would take place and provided this community with an outline of the kind of responses they might face should they be identified as being non-compliant.

The original Regulators Compliance Code was replaced with the Regulator's Code. The core of the new Code changed little from the original Regulators Compliance Code, but some aspects were clarified and tidied up. Whilst this has not changed since the last review, the Head of Service feels that reviewing this policy every three years ensures that members are aware of the processes that the service follows during regulatory decision making and that this will give them reassurance that the service is taking a fair and equitable approach when dealing with offending.

Before putting a case before the Courts, local authorities also need to have regard to the Code for Crown Prosecutors, which lays down the very basic provisions for evidential sufficiency and public interest before a case can be considered a sound candidate to be taken to Court.

The attached policy meets the criteria of both the Regulators Code and the Code for Crown Prosecutors, which should allow it to easily integrate with existing policies within the partner authorities and it will allow the service to operate in a consistent way across the county in relation to all enforcement matters.

Improved consistency is something that businesses crave, so there is a level playing field for all of those in competition. Businesses have complained for a number of years about the alleged inconsistencies in enforcement between local authorities, although the LGA has always challenged this and the responses containing real evidence have been limited. By adopting a common approach to enforcing the functions discharged by WRS, partners will directly address these concerns of the business community and show that WRS remains a tool that local authorities can use to support their economies in a positive way.

Contact

Simon Wilkes Head of Regulatory Services
01562-738088
Simon.Wilkes@worcsregservices.gov.uk

Background Papers

Enforcement Policy document attached as Appendix 1

Worcestershire Regulatory Services Enforcement Policy

1. Introduction

Worcestershire Regulatory Services (WRS,) is a shared service that is part of the six district councils in Worcestershire (Bromsgrove District Council, Malvern Hills District Council, Redditch Borough Council, Worcester City Council, Wychavon District Council and Wyre Forest District Council.) WRS delivers Environmental Health functions, including Food Safety, Health and Safety, many aspects of Pollution Control, and Licensing administration and enforcement on behalf of the six partner authorities. It reports to a Joint Board of the six authorities which means it is constitutionally part of each council.

This Enforcement Policy is a statement of how the Service will carry out its enforcement duties and, in addition, what business and citizens in Worcestershire can expect from our enforcement staff. It will be applied by WRS in relation to the functions it discharges on behalf of the six local authorities and it has been adopted by each of them. It is distinct from any general Enforcement Policies of the individual local authority partners, which apply to other regulatory functions provided by them such as planning.

The primary aim of WRS is to ensure businesses comply with the legislative framework within which they operate so that, consumers, businesses, employees, individuals and the environment are protected, and transactions are fair and equitable. Fair proportionate and effective enforcement is essential to protecting the health, safety and economic interests of all concerned, and there is a range of tools available to the Service to achieve this. Whilst in the main compliance will be achieved through the use of advice and lower level formal sanctions and actions, there will be a need to take people and businesses through the court process in some circumstances. These are outlined further in the policy.

The Service must also have regard to the various general duties imposed on the partner authorities e.g. section 17 of the Crime and Disorder Act, and the general powers given to local government for the promotion of well-being under the various Local Government Acts. WRS is obliged to comply with the Human Rights Act 1998, so will take its provisions into account when taking decisions relating to enforcement action.

2. Policy Scope

WRS is committed to providing an effective service with officers carrying out their duties in an equitable, practical and consistent manner. To achieve this officers and the service will have regard to the principles in the following documents:

- The Regulators Code (BEIS)

- Local Government Regulation's Home Authority Principle,
- Office for Product Safety and Standards' (OPSS) Primary Authority Principle
- The Crown Prosecution Service Code for Crown Prosecutors (as amended.)
- The Food Safety Act 1990 Code of Practice
- Human Rights Act 1998 and the European Convention on Human Rights.

The Policy applies to actions in relation to all of the legislation enforced by the Service. Enforcement action includes any action taken by officers aimed at ensuring that individuals or businesses comply with the law and goes beyond just formal enforcement action such as prosecution.

3. General Principles

Prevention is generally better than cure and WRS's role therefore involves actively working with businesses to advise on and assist with compliance. Where the service considers that formal action is necessary, each case will be considered on its own merits. However, there are general principles that apply to the way in which each case will be approached. These are set out in this Policy.

The majority of cases involving regulatory matters will relate to businesses, however, there will be some cases put before the Courts that relate to individual members of the public, particularly those involving nuisance. These cases will be treated in the same way as those involving businesses and the general principles outlined around proportionality of action, for example trying informal approaches before resorting to formal action and the Courts, will be followed unless the law mandates that an authority must take action in certain circumstances, for example where a statutory nuisance is identified. Even then, the service will use the discretion that all local authorities have as to the timeliness of formally taking action.

Enforcement decisions will be fair, independent and objective and will not be influenced by issues such as ethnicity or national origin, gender, religious beliefs, political views or the sexual orientation of the suspect, victim, witness or offender. Such decisions will not be affected by improper or undue pressure from any source. We will take into account the views of any victim, injured party or relevant person to establish the nature and extent of any harm or loss, and its significance, in making the decision to take formal action.

This enforcement policy helps to promote efficient and effective approaches to regulatory inspection and enforcement, which improve regulatory outcomes without imposing unnecessary burdens on business. We recognise the positive impact that the service can have on economic progress and growth in the local economy and see it as part of our role to encourage and support the growth of legitimate business activity within the legal framework provided by central government.

4. Intelligence and Risk

We will ensure that our resources are targeted where they will be most effective. We will ensure that work is intelligence-led and that risk assessment informs all aspects of our approach to regulatory activity, including:

- Data collection and other information requirements;
- Inspection programmes;

- Advice and support programmes;
- Enforcement activity and sanctions.

We will normally use the appropriate risk assessment scheme developed either by government or recognised professional bodies to inform any inspection programme. In the absence of these, it is unlikely that routine inspection processes will inform activity. Instead, an intelligence-led approach will be taken and interventions will be driven by the risk and threat that comes from the assessment of intelligence. Decisions on tactical actions to be taken will be influenced by, in the absence of other factors:

- Compliance history and potential future risks
- The existence of effective management systems
- Evidence of recognised external accreditation
- Management competence and willingness to comply

Intelligence will be used to direct inspection based projects, targeting goods or business where there are known issues. Obviously, a complaint may also trigger a visit if that is the most appropriate response. We will review our approach to regulatory activities from time to time, in order to remove any unnecessary burdens from businesses.

5. Advice and Guidance

We will provide general information, advice and guidance to make it easier for businesses to understand and meet their obligations in clear, concise and accessible language, using a range of appropriate formats and media. Information will cover all legal requirements relating to our regulatory activities, as well as changes to legal requirements. Where changes are of great significance, we will look at the best ways of informing businesses of these changes e.g. through newsletters, mail-shots or seminars.

WRS will promote self service via our website and, where possible, provide targeted and practical advice with a focus on encouraging this engagement through Primary Authority relationships. When offering advice, the service will clearly distinguish between statutory requirements and advice or guidance aimed at improvements above minimum legal standards. WRS recognises its advice should help achieve compliance but impose the minimum burden required on the business concerned. Advice will be confirmed in writing, if requested.

Where a business knows it has a problem and seeks advice to remedy the situation, this will not normally trigger enforcement action. Where appropriate WRS will seek to support the remedial action to prevent future problems however must reserve the right to take enforcement action in serious cases.

Where possible, the service will provide advisory services free of charge; however WRS reserves the right to charge a reasonable fee for services beyond the most basic advice and guidance necessary to help ensure compliance. In saying this, the service would take account of the needs and circumstances of smaller businesses and others in need of help and support in deciding whether or not to charge. Charging will be in line with any guidance issued by the OPSS in relation to the Primary Authority principle.

6. Inspection and other market surveillance tactics

WRS business activity will be driven by intelligence. Inspection and other forms of market surveillance will provide a good flow of intelligence about specific outlets but also, when aggregated, will help paint a picture of broader trends within business sectors. The service will ensure that any routine inspections and similar programmed visits to businesses only occur in accordance with a risk assessment methodology and the relevant intelligence picture. Other visits may be requested by businesses, or will result from relevant intelligence so this will not apply in such circumstances.

WRS will focus its efforts on businesses where intelligence and risk assessment show there is a higher likelihood of non-compliance or those which pose a more serious risk to regulatory outcomes. Some processes by their nature present a greater risk to health or the environment, or due to their complexity, may make it more difficult to ensure compliance. These are the areas where we will focus our proactive market surveillance activities including inspection.

Where appropriate, and where required by legislation, including the Protection of Freedoms Act, WRS officers will give a minimum of 48 hours notice prior to a routine inspection unless to do so would undermine the purpose of the visit. So, where giving notice might, for example, lead to additional work being done to hide non-compliance or offending, temporary behaviour changes or evidence being removed, no notice will be given. It should also be noted, however, that there is a general requirement in some Codes of Practice e.g. Food Law Code of Practice, that notice is not provided prior to a routine inspection. Where this is the case, notice will not be given unless it is necessary to achieve the services ends, for example, if the presence of a particular manager is essential at a manufacturing facility.

When officers visit or carry out inspections, they will give feedback to businesses to encourage and reinforce good practice. They will also share information about good practice amongst businesses, and with other regulators. Where serious non-compliances are identified during an inspection that requires some formal action, feedback on minor issues may be delayed until the serious issues are resolved.

Where WRS and another regulator have a shared interest in a business, officers will seek to work together with relevant colleagues to ensure that activities can be rationalised to minimise the burden on the business, where such action is of benefit to the business and does not harm the standard of enforcement for either regulator. The service will also take account of the circumstances of smaller businesses, including any difficulties they may have in achieving compliance unless the non-compliance in question creates a serious risk.

7. Information Requirements

Worcestershire Regulatory Services do not require large quantities of information from businesses on a routine basis. When determining what data we may require, we will consider the costs and benefits of data requests to businesses and,

- Limit the data that we request to that which is either appropriate, or required by statute e.g. food registration, licensing applications, etc,
- Minimise the frequency of collection and seek the information from other sources where relevant and possible.

We will work with our fellow local regulators to minimise the information we request from businesses, and we will seek to maximise our data sharing within the provisions of the Data Protection Act. We will seek to use compatible collection methods to give consistency.

We will involve businesses in vetting data requirements and form design for clarity and simplification. We will also ensure that, where possible, data can be returned electronically.

8.0 Enforcement Action

In accordance with good practice, we will:

- Publish our Enforcement Policy;
- Report on our enforcement activities year on year to interested parties through an Annual Report;
- Follow-up enforcement actions where appropriate;
- Be transparent in the way in which we enforce requirements and, apply and determine penalties (when such powers are made available.)

When considering what action should be taken, we will look to:

- Be proportionate to the nature of the offence and the harm caused,
- Change the behaviour of the offender;
- Eliminate any financial gain or benefit from non-compliance;
- Address the harm caused by regulatory non-compliance, where appropriate;
- Deter future non-compliance,
- Be responsive and consider what is appropriate for the particular offender and regulatory issue, and
- Avoid perverse incentives that might influence the choice of sanctioning response.

When considering formal enforcement action, we will, when appropriate, discuss the circumstances with those suspected of a breach and take these comments into account when deciding on the best approach, (unless immediate action is required to prevent or respond to a serious breach or where to do so would be likely to defeat the purpose of the proposed enforcement action.) Where a prosecution may be an option, the offender is likely to be offered an interview under the provisions of the Police and Criminal Evidence Act 1984, which will give an opportunity for the alleged offender to give their side of the story.

Where the outcome is a decision to send a file to the relevant legal service for them to consider prosecution, this will be reported to the potential defendants. For lesser disposals, an explanation of the need for the action will be provided as soon as is reasonable practicable after the intervention.

8.1 Deciding what enforcement action is appropriate

In assessing what enforcement action is necessary and proportionate, consideration will be given to:

- The seriousness of compliance failure or offence;

- The business's past performance and its current practice;
- The risks being controlled;
- Legal, official or professional guidance;

There are a large number of potential enforcement options in some legislative areas. The level of action taken will vary from no action/ verbal advice & assistance through to proceedings in Court. Examples of the main types of action that can be considered are shown below:

- No action/ verbal advice & assistance;
- Informal Action and Written Advice;
- Fixed penalty Notices;
- Penalty Charge Notices;
- Statutory Notice;
- Formal closure
- Seizure of goods/equipment;
- Injunctive Actions;
- Refusal/revocation of a licence;
- Simple Caution;
- Prosecution.

8.2 No Action/ Verbal Advice or assistance

There will be circumstances where a contravention may not warrant action, or it may be inappropriate. Many minor contraventions can be dealt with via advice and/ or assistance. Domestic nuisance issues may be best resolved by the neighbours entering into dialogue without the direct intervention of officers. Where this is not appropriate, due to the behaviour of one party or where the complainant is from a vulnerable group, the service will consider the best option for intervention depending on the circumstances.

8.3 Informal Action and Written Advice

For minor breaches of the law we will give advice on how to put them right, including a deadline by which this must be done. The time allowed will be reasonable, and take into account the seriousness of the contravention and the implications of the non-compliance. Where the advice required is detailed, or there are potentially serious implications from the failure, the advice will be provided in writing. Failure to comply could result in further enforcement action.

Where ever possible we will advise alleged offenders about 'good practice', but we will clearly distinguish between what they *must do* to comply with the law and what is recommended best practice.

8.4 Statutory Notices

Officers of the Service have the power under various pieces of legislation, or through delegation, to issue notices that:

- Prohibit the sale or distribution of goods where relevant provisions may have been breached,
- Require a business to take specific actions to remedy an identified problem,
- Require a business to desist from particular activities that may not comply with legal requirements.
- Require any person to take action to ameliorate or stop nuisances being caused by their actions

Notices may require immediate action where, for example, there are risks to public health or safety, or an immediate risk of environmental damage or serious nuisance. In other circumstances, a reasonable amount of time will be given, depending on the circumstances, to rectify the problem.

Certain types of notice allow works to be carried out in default. This means that if a notice is not complied with (a breach of the notice) the service may commission the carrying out of any necessary works to satisfy the requirements of the notice. Where the law allows, the partner council may then charge the person/business served with the notice for any costs WRS incurs in carrying out the work.

In certain limited circumstances e.g. under the provisions of food safety legislation, where an authorised officer is satisfied that there is an imminent risk of injury to health from the condition of the premises, the officer may serve notice to close the premises. This would be immediately followed by an application to a Magistrates Court to confirm the closure.

All notices issued will contain details of any Appeals process that may be available to the recipient.

8.5 Fixed Penalty Notices

A few offences prescribed by legislation are subject to fixed penalty notices. These notices are recognised as a low-level enforcement tool and avoid the defendant obtaining a criminal record. They will only be used in appropriate circumstances to give a fast and measured response to a situation. Where legislation permits an offence to be dealt with by way of a Fixed Penalty Notice (FPN), we may choose to administer a FPN on a first occasion, without issuing a warning.

8.6 Penalty Charge Notices

Penalty Charge Notices (PCNs) are prescribed by certain legislation as a method of enforcement by which the offender pays an amount of money in recognition of the breach. Failure to pay the PCN will result in the offender being pursued in the County Court for non-payment of the debt. A PCN does not create a criminal record and we may choose to issue a PCN without first issuing a warning in appropriate circumstances.

8.7 Institution of Legal Proceedings

Once an officer has completed his/ her enquiries, they will submit a case report to a senior officer, independent of the investigation, who will decide the most appropriate course of action using amongst other things, the criteria identified below.

Where the law has been broken, there is a range of enforcement options available and, under normal circumstances, a process of escalation will be used until either compliance is reached or there is no option other than to instigate proceedings. This approach would not be appropriate where there is a serious risk to public safety or the health of the environment, or the offences have been committed deliberately or negligently or involve deception, or where there is significant economic detriment or potential detriment caused by the activity. Each case is unique and will be considered on its own facts and merits.

The senior officer will take into consideration the requirements of the Code for Crown Prosecutors and other relevant codes before deciding whether or not to pass the file to the relevant legal officer for their review and the formal consideration of whether to authorise the institution of legal proceedings.

Before doing this, the senior officer will have to be satisfied that there is sufficient evidence to provide a realistic prospect of conviction against each defendant on each offence identified. They must have concluded that a jury or bench of Magistrates, properly directed in accordance with the law, is more likely than not to convict the defendant of the charge alleged based on the evidence before them. To this end, the senior officer will look at all the available evidence, reliability of witnesses, supporting documentation and any other matters relating to the investigation. Only when this evidential test has been satisfied will the public interest to proceed with the prosecution be considered.

In deciding whether a prosecution will serve the public interest, the senior officer will balance factors for and against the prosecution carefully, fairly and impartially. Some factors may increase the justification to prosecute whereas others may militate against. Below are some of the matters to be taken into consideration for and against criminal proceedings. This is not an exhaustive list and, as such, each case is taken strictly on its own individual merits:

Factors in Favour of Prosecution

- The offender was in a position of control within the business,
- The offender acted dishonestly, wilfully or negligently.
- The product or service was aimed at a vulnerable group or person.
- The product or service has caused or had the potential to cause physical or mental injury or suffering, significant harm or loss.
- The offender has received advice or a warning concerning the circumstances of the offence or similar matters.
- The offender has previous convictions that are relevant.
- The offence, though not serious in its self, is widespread in the area where it was committed.
- There are grounds to believe that the offence is likely to be continued or repeated, for example by a history of recurring conduct.
- The outcome of a prosecution might serve an important, informative purpose or establish a legal precedent.

Factors which would mitigate against the need for a prosecution

- The offence was minor in nature and as a result of a genuine mistake or misunderstanding, which did not involve significant negligence.
- The offender is vulnerable, for example through age-related issues, or was at the time of the offence suffering from significant mental or physical ill health, which

- contributed to the commission of the offence, and the offence was neither serious nor likely to be repeated.
- The loss or harm could be described as minor and was as a result of a single incident, particularly if it was caused by a failure of judgment.
 - The offender put right the loss or harm caused prior to the intervention of the Service.
 - Prior to the Service's intervention, the offender had introduced adequate steps to prevent further similar offences.
 - The defendant was a youth at the time of the offence.
 - There has been a long delay between the offence and any potential court action, unless either:
 - (i) The offence is serious,
 - (ii) The delay has been caused by the defendant or his/ her legal representatives,
 - (iii) The offence has only recently come to light, or
 - (iv) The complexity of the offence meant that there has been a long investigation.

8.8 Proceeds of Crime Applications

Some cases taken by the service can lead to applications being made under the Proceeds of Crime Act 2002 (POCA) for confiscation of assets or a POCA investigation may run alongside an investigation into breaches. These are likely to be the most serious cases, where there is persistence of offending over a long period of time or where the offences are deemed to be "lifestyle crime" under POCA. Their purpose is to recover the financial benefit that the offender has obtained from his criminal conduct. WRS will look to use these provisions in an appropriate manner.

8.9 The use of Simple Cautions

Where the public interest justifies it, the senior officer reviewing a case will consider offering a Simple Caution (or Reprimand/ Final Written Warning if the offender is below the age of 18.) In offering a Simple Caution, we will take account of the Home Office Guidelines in relation to the cautioning of offenders, and the Code for Crown Prosecutors. Where the offender is under 18 and a formal approach is being considered, appropriate bodies such as the Youth Offending Team will be consulted.

A Simple Caution requires an admission of guilt on behalf of the offender, however there is no sentence and there is no recorded conviction. A caution will remain on record for a period of 2 years and may be cited in Court should a further offence be committed and prosecuted during that time.

8.10 Injunctions

Injunctive action is a civil law process that may be used to ensure that person or business desists from a particular pattern of behaviour or action. Whilst these are not the norm in dealing with regulatory matters, seeking an injunction may be the most appropriate method of disposal for an issue. A decision to seek an injunction would be taken by the legal officer for the relevant partner council and is most likely to be relevant where the

normal legal processes such as the issuing of notices and prosecution have not led to resolution of a problem. WRS officers will work with the relevant partner legal team to develop such cases and support them being taken through the Court process.

8.11 Other Orders available

There are a range of orders available in law under various provisions that can be used to tackle what is widely described as “anti-social behaviour.” Where these provisions offer a suitable way of dealing with an issue, the service has sufficient resource to deal with the matter and has delegated authority from the relevant partner, the service will take them forward with the support of the relevant partner legal service. The service may refer such matters back to the relevant partner where there is another enforcement team better placed to deal with the issue.

8.12 Refusal, Suspension and Revocation of Licence/ Permit

Where there is a requirement for a business to be licensed or permitted by the local authority, the licence/ permit may be granted under delegated authority unless representations or objections are received against the application. In the majority of such cases, a Licensing Committee or Sub-Committee will hear the case and decide to grant, grant with conditions, or refuse the licence application. In addition, in relation to the Gambling Act 2005, applications for premises Licence, the Licensing Committee can exclude a condition of licence.

Some Licensing or permitting regimes are based on specialist knowledge and have detailed guidance that would make decision making by a lay-person difficult. In such circumstances officers may have delegated authority to refuse, suspend or revoke such licenses. Where this occurs, the applicant/ licensee will be told why and provided with details of any available appeal process.

In most circumstances, a licence/ permit may be considered for suspension, revocation, or the application of further conditions, where officers become aware of either the commission of offences relating to the conduct of the business, or breaches of existing conditions or similar controls. In the majority of cases, these matters will be heard before the Licensing Committee (or a Sub-Committee,) of the relevant partner Authority, and the elected members will determine what action should be taken unless it is one of the matters mentioned above where officers can make a decision under delegated authority. In relation to the more specialised regimes where officers have full delegated responsibility for decision making, explanations of why further conditions/ suspension or revocation are necessary will be provided to the licence/ permit holder along with any routes of appeal that are available.

9.0 Additional Information

The Senior Managers involved in making the more serious decisions will also have regard to legal advice from the relevant partner Head of Legal Services and will not instigate any legal proceedings without their authority.

9.1 Standards and Accountability

Where relevant WRS will create effective consultation and feedback opportunities to ensure we have continuing cooperative relationships with businesses and other interested parties.

We will ensure our officers provide courteous and efficient services to businesses. We will enable them to interpret and apply relevant legal requirements and ensure that they enforce requirements fairly and consistently between like-businesses in similar situations. We will take account of comments from businesses and other interested parties regarding the behaviour and activity of our staff.

9.2 Liaison with other regulatory bodies and enforcement agencies

Where appropriate, enforcement activities within Worcestershire Regulatory Services will be coordinated with other regulatory bodies and enforcement agencies to maximise the effectiveness of any enforcement.

Where an enforcement matter affects a wide geographical area beyond the County boundaries, or involves enforcement by one or more other local authorities or organisations; where appropriate all relevant authorities and organisations will be informed of the matter as soon as possible and all enforcement activity coordinated with them.

Worcestershire Regulatory Services will share intelligence relating to wider regulatory matters with other regulatory bodies and enforcement agencies, and examples include:

- Government Agencies
- Police Forces
- Fire Authorities
- Other Statutory Bodies
- Local Authorities

9.3 Further Information

Anyone requiring further information on this policy should contact Worcestershire Regulatory Services by writing to:

Worcestershire Regulatory Services
Wyre Forest House
Finelight Way,
Kidderminster,
Worcestershire
DY11 7WF

Or by e-mail to:

wrsenquiries@worcsregservices.gov.uk

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Bromsgrove Plan Review Update

Cabinet

4th September 2019

Bromsgrove Plan Review Update

Relevant Portfolio Holder	Cllr A Kent
Portfolio Holder Consulted	Yes
Relevant Head of Service	Ruth Bamford
Wards Affected	All
Ward Councillor Consulted	Yes – via Strategic Planning Steering Group
Non-Key Decision	Yes

1. SUMMARY OF PROPOSALS

- 1.1 This Report provides and update on the Bromsgrove District Plan Review process and outlines the next steps to be taken over the following months.
- 1.2 There are four main sections to the report
 - Response to the Issues and Options consultation
 - Plan Update and Further Consultation
 - Stage 1 Green Belt Purposes Assessment
 - The Call for Sites process

2. RECOMMENDATIONS

- 2.1 **The Committee is asked to RECOMMEND to the Council**
 - 1. That Council notes the response to the Issues and Options Consultation (Appendix 1).
 - 2. That Council notes and publishes for consultation, the Plan Update and Further Consultation document (Appendix 2), for a period of 6 weeks from 30th September to the 11th November 2019.
 - 3. That Council notes the contents of the Stage 1 Green Belt Purposes Assessment (Appendix 3).
 - 4. That Council opens the Call for Sites process for a period of 6 weeks between 30th September to the 11th November 2019.
 - 5. That delegated authority is 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.

Bromsgrove Plan Review Update

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3. KEY ISSUES

Financial Implications

3.1 There are no financial issues associated with this report at the current time. As the Plan develops, further financial resources will be required to commission the technical evidence which will underpin the policies of the Plan Review. As part of the budget setting process a funding strategy will be required to progress the Plan Review to adoption.

Legal Implications

3.2 Early consultation on development plans is required by Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012.

Service / Operational Implications

Issues and Option Consultation response

3.3 The Issues and Options consultation took place between 24th September and 19th November 2018. Widespread consultation was undertaken across the whole District with officers arranging and attending at least 38 different events over the course of the 7 weeks.

3.4 The Council received representations from 196 individuals, organisations and statutory consultees, including the Environment Agency, Natural England and Historic England. These consultation groups are categorised as follows:

- 21 Statutory Consultees
- 9 Duty to Co-operate Bodies
- 15 Interest Groups
- 83 Landowners/Agents
- 68 Local Residents

The 196 individuals, organisations and statutory consultees generated 3,563 representations in total. The total representations received in relation to each consultation Issue is set out in the table below:

Consultation Section	Number of Reps
Vision & Objectives of the District Plan	140

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Issues and Options	13
Strategic Issue 1 (Scale & Timeframe of the new Plan)	261
Strategic Issue 2 (Growing the Economy and the Provision of Strategic Infrastructure)	105
Strategic Issue 3 (Rebalancing the housing market through housing growth)	212
Strategic Issue 4 (Broad Options for Development distribution and allocating land uses)	278
Strategic Issue 5 (Co-operating with the West Midlands conurbation to address wider development needs)	152
Housing	688
Employment	174
Transport	339
Town Centre and Local Centres	125
Social Infrastructure	177
Natural and Historic Environments	70
Climate Change and Water Resources	72
Sustainability Appraisal	29
Others	30
Green Belt Purposes Assessment Methodology	592
Site Selection Methodology	106

- 3.5 As can be seen from the table above the responses covered all elements of the consultation, with some elements generating more interest than others. This is not unsurprising for this stage in the consultation process. Appendix 1 of this report contains a summary of the responses for each of the sections above, as well as the full response tables where officers' responses to every representation can be seen in Appendix 1 of this report. Where possible, officers have responded in detail to the representations, however in many cases a detailed response cannot be provided at this stage in the plan-making process. Responses will be used to help formulate the evidence base and develop detailed policies for the Preferred Option version of the Plan. This is normal for this stage in the plan-making process; all responses are valued and will continue to be considered as the Plan evolves.
- 3.6 As can be seen from the summary section of Appendix 1, the responses we received in some instances did not provide a consensus view on a number of the topics or questions. In order to help inform the Preferred Option version of the Plan, it is felt that for some of the strategic issues further input is required. In order to facilitate that, a short Plan Update and Further Consultation document has been prepared for consultation to help further inform the development of the Preferred Option.

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Plan Update and Further Consultation

- 3.7 Appendix 2 contains the full version of the Plan Update and Further Consultation document. As described above, it is felt that further views should be sought on some of the more strategic issues which were contained within the original Issues and Options document. This document is not designed to re-consult on everything previously covered under Issues and Options, it is focussed on a number of key areas. The intention of this document is to bridge the gap between Issues and Options and the Preferred Option, by providing a possible direction of travel for some key elements of the Preferred Option.
- 3.8 The sections of the document are listed below.
- Timeframe and Scale of the Plan Review
 - Development Needs
 - Development Distribution
 - The Green Belt Exceptional Circumstances
 - The Call for Sites exercise and approach to Site Selection
 - Evidence Base
 - Infrastructure provision
 - Neighbourhood planning

Stage 1 Green Belt Purposes Assessment

- 3.9 Alongside Issues and Options consultation was consultation on a methodology for the Green Belt Purposes Assessment. The Green belt in Bromsgrove has not benefited from a full assessment for a considerable number of years. The District Plans adopted in 2004 and 2017 did not benefit from the full extent of the Green Belt being assessed against the purposes of the Green Belt as defined in the National Planning Policy Framework (NPPF). During the Examination of the current District Plan, which was adopted in 2017, discussions at one point did focus on the need for a full Green Belt assessment to inform future versions of the Bromsgrove District Plan.
- 3.10 Appendix 3 to this report contains the Stage 1 Green Belt Purposes Assessment. This document should be read as the first stage in a wider process of Green Belt and site allocation work, which will ultimately inform the Preferred Option version of the Plan Review. This document does not, and is not intended to justify the release of land from the Green Belt; it does not consider the development potential of land, it is purely intended to establish a baseline of how the Green Belt currently performs against the purposes of the Green Belt.

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- 3.11 It is not possible to draw very specific conclusions about individual Green Belt parcels or the Green Belt as a whole as at this stage in the process, this is not an unexpected outcome of the work. As can be seen from the maps and table within the document, and the individual parcel assessments, the Green Belt performs differently against the different purposes depending on the location of the parcel and the land around it. This Assessment has provided a baseline for the more detailed site assessment and Green Belt assessment work to follow.

Call for Sites.

- 3.12 It expected that the most intensive element of the Plan Review process will be the consideration of development sites to meet future development needs. As has been discussed in both the original Issues and Options document and also the Plan Update and Further Consultation document (Appendix 2 to this report), land will have to be released from the Green Belt to meet these future development needs.
- 3.13 At the time of the Issues and Options consultation it was hoped that a detailed Site Selection Methodology could be established prior to the Call for Sites process. What has become clear after considering the responses to the consultation, is the inability to publish a detailed and fixed Methodology at this stage, without understanding the full extent of evidence that may be presented to the Council . The intention is now that the Methodology is developed to inform the Preferred Option, and which will be fully explained when the Preferred Option is published in due course.
- 3.14 The Call for Sites will now consist of a detailed form which will be required to be submitted for all sites. It has been designed to allow officers to begin to assess the potential of sites for possible future development. It is expected that many sites will be submitted across the District with differing levels of information to support them. It will be important for officers to fully understand the potential of all these sites and therefore as the Plan progresses it may be necessary for officers to request that further supplementary information is submitted in relation to proposed sites.

Next Steps

- 3.15 Following on from the Plan Update and Further Consultation and the Call for Sites process, a new timetable for Plan production will be produced and presented to members. This will take into account the likely amount of work the Call for Sites process has generated. The diagram in Appendix 2 to this report shows the stages of plan production we are intending to follow.

Customer / Equalities and Diversity Implications

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- 3.16 All the material associated with this report will be placed on the Council's website and notices sent out to all those statutory and non-statutory consultees on our database. This will include all those people and organisations that responded at the Issues and Options stage, and anyone who has requested to be kept informed of the plan-making process. Any further consultation will be carried out in line with the adopted Statement of Community involvement.

4. RISK MANAGEMENT

- 4.1 At this stage in Plan preparation the risks are low, although should the Plan Review not commence and proceed in a timely manner there is a risk that the Council is left without an up to date Plan. An inability to control development across the District could result in development taking place in areas which may not be the preferred locations of the Council

5. APPENDICES

Appendix 1 - Issues and Options Consultation Responses
Appendix 2 - Bromsgrove District Plan Update and Further Consultation
Appendix 3 - Bromsgrove Stage 1 Green Belt Purposes Assessment

6. BACKGROUND PAPERS

Please see District plan evidence base available here

<https://www.bromsgrove.gov.uk/council/policy-and-strategy/planning-policies/bromsgrove-district-plan-review/evidence-base.aspx>

AUTHOR OF REPORT

Name: Mike Dunphy – Strategic Planning and Conservation Manager
E Mail: m.dunphy@bromsgroveandredditch.gov.uk
Tel: 01527 881325

APPENDIX 2

Bromsgrove District Plan Review Update and further Consultation

1 Purpose

1.1 The purpose of this document is to provide an update on the key Strategic Issues which may guide the Bromsgrove District Plan (BDP) Review and outline the next steps towards developing a preferred spatial strategy and accompanying policies. The update below has been directly informed by the previous consultation on the Issues and Options which took place from September to November 2018. A separate report which outlines the key findings of this consultation can be viewed at www.bromsgrove.gov.uk/strategicplanning.

1.2 The considerations below are not policies and should not be read as such. They should be read as a possible direction of travel for strategic issues which could appear in the Preferred Option version of the BDP Review, providing the next 'step' in the plan making process. This paper only addresses Strategic Issues; there are many other issues which were highlighted during the issues and options consultation, which will be appropriately addressed later in the plan-making process.

1.3 If you submitted comments to the Council on matters not covered in this paper, you do not need to submit them again, we will return to the comments we received at an appropriate time in the future. However at this stage we would invite you to submit comments on any aspect of the document below.

2 What do we want to know from you?

2.1 Is the broad direction of travel as articulated below the correct high level approach?

2.2 If not, what else should be considered or included?

2.3 Are there any Strategic issues not mentioned below?

2.4 Are there any other pieces of evidence that you feel the Council will need?

3 Context

3.1 Reviewing the Bromsgrove District Plan is a requirement originally set out in the current version of the Plan in Policy BDP 3.1, because at that time the plan did not allocate enough housing land in locations not covered by Green Belt designation. Whilst it is still the intention of the BDP Review to allocate the unmet need of 2300 houses up to 2030, as explained in section 4 below the Plan should now look beyond the 2030 time period, and new end date of 2040 is now being suggested.

3.2 A requirement of government policy in the National Planning Policy Framework (NPPF) is to review plans to ensure they are kept up to date and relevant. Paragraphs 31 to 33 of the NPPF outlines the government approach to when and how plans should be reviewed, this states that plans should be considered for review at least every 5 years. When taking account of the need to consider a review of the BDP within 5 years coupled with the requirements of 3.1 of the BDP 2011 -2030, it is clear that the BDP needs to be reviewed now in order to maintain up to date plan coverage for the District.

4 Timeframe and Scale of the Plan Review

4.1 The NPPF requires that plans look ahead for a minimum of 15 years from adoption. Our current draft timetable indicates that we will adopt the reviewed Plan in 2023 meaning that original end date of 2030 is now not appropriate. In order to align with infrastructure planning at a Worcestershire County level which includes strategic Transport infrastructure, it is proposed that the new BDP will have likely start date of 2023 and an end date of 2040.

4.2 Reflecting responses received at Issues and Options stage, it is also proposed that the plan will only cover the geographic area covered by Bromsgrove District Council, although discussions under the duty to cooperate will establish any needs from other authorities which the plan could cater for.

5 Development Needs

5.1 Prior to compiling a comprehensive evidence base, the quantum and precise nature of development needed to meet the District's needs is unknown at the present time, but it is likely that site allocations will be needed for a range of land uses, including:

- Housing (including specialist accommodation for older persons, affordable housing, self-build homes Traveller sites, including Travelling Showpeople)
- Economic development uses (including offices, storage and distribution and industrial buildings)
- Retail
- Community facilities
- Leisure facilities

5.2 As required by the standardised methodology for local housing need in the NPPF, the reviewed BDP will need to provide for a minimum of 379 new dwellings per annum equalling 6443 up to the 2040. The Council notes the role of small sites in contributing to meeting housing needs of an area. The NPPF requires that Council's should identify land to accommodate at least 10% of their housing requirement on sites no larger than one hectare. Applying the 10% requirement to Bromsgrove would mean approximately 640 dwellings would be provided on smaller sites. A detailed Housing Needs Assessment will be carried out to look into the housing issues across Bromsgrove District more closely, and establish any additional and specialist needs over and above those identified in the standardised methodology, this is a requirement of Planning Practice Guidance.

The Council notes the role of small sites in contributing to meeting housing needs of an area. The NPPF requires that Council's should identify land to accommodate at least 10% of their housing requirement on sites no larger than one hectare. Applying the 10% requirement to Bromsgrove would mean approximately 640 dwellings would be provided on smaller sites."

5.3 The BDP will also look to provide a step change in employment delivery to ensure that Bromsgrove's economy can grow in a sustainable but positive manner. Basic economic forecasting would suggest that over the period to 2040 only a very small amount of additional employment land would be required. In order to investigate this step change further, more detailed scenarios have

been developed which suggest that the new employment land required for the District could be up to 90 hectares.

5.4 In the adopted BDP, the Council committed to consider its ability to accommodate some of the unmet housing requirement of the Greater Birmingham HMA. Alongside this and to ensure the District grows in a sustainable manner, the housing and employment growth will need to broadly align. It should therefore be emphasised that the above local housing need figure generated by the standard methodology is a minimum. It is anticipated that the housing requirement in the BDP Review will ultimately be higher than this, to reflect the following:

- any additional housing needs of Bromsgrove District identified in the Housing Needs Assessment or to align with the districts employment needs
- any requirement to partially meet the needs of the conurbation

5.5 NPPF Green Belt policy states that when reviewing plans and Green Belt boundaries; *where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period.*; If this policy is to be complied with, additional land will also need to be taken out of the Green Belt for the post 2040 period.

6 Development Distribution

6.1 Whilst it is not possible at this stage to be definitive on where the above development needs will be accommodated, there was some general consensus that a combination of the some of the identified options at Issues and Options stage would be the most likely and favourable approach to meeting future development needs

6.2 There was clearer support for Options 1) *Focussing Development on Bromsgrove Town & Option 2) Focus Development on transport corridors and locations with good transport links.*

6.3 Option 5) *Focus development on the edge of the conurbation, along the border with Solihull/Birmingham and Dudley* was the most favoured approach for accommodating development to meet the needs of the Wider Housing Market Area.

6..4 There was also a level of support for Option 4) *Disperse development around the District, allocating some new growth to a variety of settlements to allow them to grow and sustain services*

6.5 It was generally accepted that Option 9 *Urban intensification - Focus development in existing urban areas and the potential to increase densities on allocated sites in the current BDP* would not be able to play a significant role in meeting future development needs. Overall there was the least support for Option 7 *Focus development in a new settlement* due to concerns about land take and timescales for delivery within the Plan Period.

6.6 What appears to be clear from the Issues and Options responses is that extensions to existing settlements are favoured over large scale interventions such as new settlements. Alongside the lack of support for a new settlement, it is also unrealistic to suggest that a new settlement in excess of 10,000 dwellings and the associated infrastructure could be delivered by 2040. Therefore it is suggested that the BDP Review will focus on a range of sites which can be delivered within the

timeframe of the Plan, rather than more fundamental intervention such as ‘new’ settlements in the order of 10 -15,000 dwellings. The final distribution will be informed by the evidence collected to inform the plan including the call for sites.

7 The Green Belt Exceptional Circumstances

7.1 A key element of the review is the future consideration of the Green Belt. The NPPF at para 137 requires that the following elements need to be considered to help establish if exceptional circumstances exist

“...whether the strategy:

a) makes as much use as possible of suitable brownfield sites and underutilised land;

b) optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport; and

c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.”

7.2 When taking into account the likely level of development needs across the District it would appear that a) above will not provide for the amount of land needed to accommodate the growth needs. The lack of previously developed land (PDL) has been a consistent feature of planning across Bromsgrove for a considerable period of time. This lack of PDL has led to Green Belt land being released in previous plans, and it is expected to be a feature of this plan review. This lack of PDL also draws into question b) above. Whilst some density optimization may increase the amount of development on available sites, the lack of available sites in the first place would suggest that this policy will not overcome need to realised Green Belt land.

7.3 Whilst discussions with neighbouring authorities will be an ongoing feature of the BDP review, through the preparation of the current Bromsgrove District Plan and other development plans across the West Midlands It has also been established, that neighbouring authorities are relying on more rural districts such as Bromsgrove District to accommodate the needs of the conurbation. Therefore it is unlikely that discussions as identified at c) will allow for the development needs of Bromsgrove to be met in non-Green Belt authorities elsewhere.

7.4 A conclusion that could be drawn from the above is the review of the BDP does have exceptional circumstances to support amending green belt boundaries to allow for future development needs.

8 The Call for Sites exercise and approach to Site Selection

8.1 Alongside the publication of this further consultation paper, the Council is launching a ‘Call for Sites’ exercise, where we are inviting landowners, their agents and the public to submit sites to us which they feel have development potential. To guide this process, we have produced a Call for Sites form and table of Identified Considerations. These Considerations provides guidance to

developers and landowners on some of the factors and constraints we will be using when assessing the submitted sites.

8.2 Potential sites for development will be drawn from a range of sources, namely:

- Sites submitted through the Call for Sites process
- Existing Strategic Housing Land Availability Assessment (SHLAA) sites
- Current allocations in the Bromsgrove District Plan
- Site identified by Planning Officers
- Any sites identified in emerging Neighbourhood Plans, and
- a review of Village Envelopes

8.3 It is anticipated that the Council will receive a high volume of sites for consideration, some of which may not represent sustainable locations or be consistent with the spatial strategy for the District which will emerge as the BDP Review progresses. A more specific methodology for selecting sites will develop as the evidence base is collected. This methodology will aid the consistent and objective assessment of sites in a timely manner to inform the BDP Review. The Preferred Option plan and its supporting evidence base, which is envisaged to be the next substantive stage after this consultation, will explain the approach that has been taken to site selection and provide justification for why sites have been included in the Plan or dismissed.

9 Evidence Base

9.1 The Council has begun to gather evidence to inform the BDP Review. A key piece of work since the Issues and Options consultation has been Stage 1 of the Green Belt Purposes Assessment which is now complete and published alongside this paper. This Assessment divides the District into strategic parcels and assesses them against relevant Green Belt purposes from the NPPF. At this stage the Stage 1 Green Belt Purposes Assessment does not look at the development prospects of any piece of land, this will follow as part of the Preferred Option preparation.

9.2 Over the coming months, the Council will gather further evidence to inform our policy approaches for the Preferred Option. Below is a list of the key pieces of evidence that are likely to be needed, it is also envisaged that additional evidence will emerge or be requires as the Plan progresses:

- Green Belt Purposes Assessment (Stage 2)
- Strategic Flood Risk Assessment
- Strategic Transport Assessment
- Infrastructure Delivery Plan
- Sustainability Appraisal
- Settlement Hierarchy Background Paper
- Housing Needs Assessment and Employment Needs Assessment
- Landscape Character Assessment / Landscape visual impact assessment
- Green Infrastructure Strategy
- Viability Assessment
- Site Selection Assessment
- Duty to Cooperate discussions

Are there any other pieces of evidence that you feel the Council will need?

10 Infrastructure provision

10.1 A clear theme from the Issues and Options responses is the need to plan comprehensively for future infrastructure and in particular transport infrastructure. Therefore the Plan will be prepared taking into account the ability to use existing infrastructure capacity. If, as is expected the existing capacity does not facilitate the levels of growth required, the distribution of future growth will be directly influenced by evidence such as the strategic transport assessment which establish the ability for existing capacity to be upgraded or new infrastructure provided in a sustainable and viable manner.

10.2 Infrastructure assessments will feed into the process for developing the spatial strategy and for choosing appropriate sites as early into the process as possible, ensuring that the Plan is making the best use of any existing infrastructure and that new infrastructure is clearly able to deliver the planned growth.

11 Neighbourhood planning

11.1 Neighbourhood planning is a growing feature of the planning system and in the district we now have one 'made' Neighbourhood Plan (NP) covering Alvechurch Parish and also the Lickey & Blackwell and Cofton Hackett NP currently at examination.

11.2 For those NP areas where progress is less advanced, and where there is a desire to prepare a NP, it will be preferable that NPs are prepared in tandem with the BDP Review. The NPPF 65 at para states that within the overall housing requirement for a local authority, "...strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations." In advance of up-to-date district-wide housing needs evidence being produced, and whilst the future spatial strategy for the district is emerging, it is not possible at this stage of the BDP Review to provide a housing requirement figure

11.3 However NPPF para 66 goes on to say that "where it is not possible to provide a requirement figure for a neighbourhood area, the local planning authority should provide an indicative figure, if requested to do so by a neighbourhood planning body." It will be particularly important, where it is the intention of a NP to allocate land for development that any allocation(s) can contribute to meeting the strategic development needs in the BDP Review. The District Council will work closely with neighbourhood areas to ensure a local housing requirement is in conformity with the district's housing requirement and distribution of development.

12 Summary

To summarise, the broad direction of travel for the BDP Review is suggested as

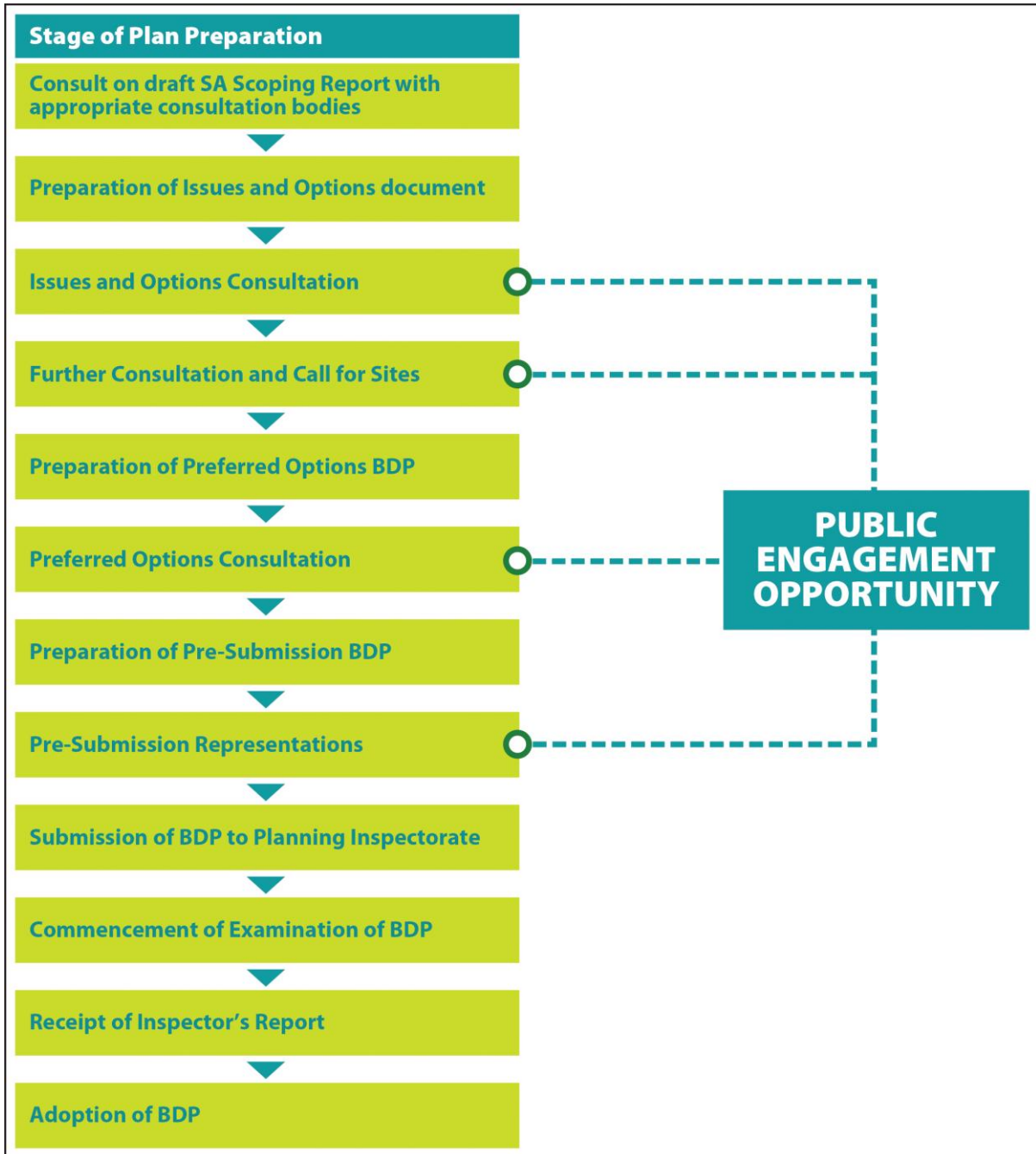
- The necessity to review the current plan still exists.
- Plan for the period up to 2040.

- Identify land for housing needs using the standard methodology as a starting point and taking account of specialist local housing need, balancing housing with increased employment aspirations, and considering the housing needs of the conurbation.
- Removing additional land from the Green Belt to be held as safeguarded land to meet post-2040 development needs.
- Removing land from the Green Belt to allow for the above to happen.
- Continue with the Call for sites process and identifying possible sites from a range of sources.
- Continue to assemble the evidence base
- Infrastructure provision playing a key role in the development of the Strategy
- Continue to work with Neighbourhood planning groups and where possible align the development of the Neighbourhood plan with the plan review process, in order allocate suitable housing requirements to Neighbourhood Plan Areas, where appropriate.

13 Next Steps

13.1 The diagram below shows how we envisage the plan process being carried out in relation to the BDP Review. It can be seen from the diagram that following this consultation and the call for sites exercise the next substantive step is likely to be the preferred option.

13.2 Due to the complex nature of preparing a local plan the Council may decide to alter the process below if circumstances dictate that additional work of consultation is required. The Council's website www.bromsgrove.gov.uk/bdp will be updated as necessary to keep all those involved in the process as up to date as possible, please check the website regularly for updates on the plans progress.



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BROMSGROVE DISTRICT COUNCIL

Response to Worcestershire County Council Passenger Transport Strategy **Cabinet** **4th September 2019**

Response to Worcestershire County Council Passenger Transport Strategy

Relevant Portfolio Holder	Cllr A Kent
Portfolio Holder Consulted	Yes
Relevant Head of Service	Ruth Bamford
Wards Affected	All
Ward Councillor Consulted	N/A

1. SUMMARY OF PROPOSALS

- 1.1 In June 2019 Worcestershire County Council published its Passenger Transport Strategy (The strategy) for consultation. The strategy is seen as a positive step in addressing how public transport across Bromsgrove will operate in the future and is to be supported. The BDC response is attached at Appendix A. The Strategy is listed as a background document and has been circulated to all members previously.

2. RECOMMENDATIONS

- 2.1 **That Cabinet recommend to Council that the response at Appendix A to the Worcestershire County Council Passenger Transport Strategy is endorsed.**

3. KEY ISSUES

Financial Implications

- 3.1 There are no financial implications of this report

Legal Implications

- 3.3 There are no Legal implications of this report

Service / Operational Implications

- 3.5 The strategy contains 8 sections covering the Statutory Duties of WCC in relation to passenger transport, scene setting, geography and demographics, and the aim and objectives of the strategy. Then follows the more substantial elements of Home to School and Social Care Transport, Information & Infrastructure, and Delivery.
- 3.6 The comments at appendix A have been structured where possible to follow the questions in the questionnaire produced by WCC, where

BROMSGROVE DISTRICT COUNCIL

Response to Worcestershire County Council Passenger Transport Strategy

Cabinet

4th September 2019

there was no specific question, the relevant sub heading from the Strategy have been used to give the comment context.

- 3.7 In general terms officers are happy that the strategy is a positive step in the right direction and is a document which will help inform other strategies and plans such as the review of the Bromsgrove District Plan. Further close working with WCC on the Strategic Transport Assessment will help to ensure that the aims and objectives of the strategy can then be translated into delivery through the planning process where possible and appropriate.

Customer / Equalities and Diversity Implications

- 3.8 Access to public transport services is an essential part of daily life for many of the districts residents. Ensuring services are maintained and enhanced in a sustainable way is vitally important. Whilst BDC has no direct control over many element of public transport provision. In responding to this consultation it's clear that BDC see it has a role to play working with WCC, to ensure that services are maintained, increased, and modernised wherever possible.

4. RISK MANAGEMENT

- 4.1 There are no risks associated with this report

5. APPENDICES

Appendix 1 – BDC response to Passenger Transport Strategy

6. BACKGROUND PAPERS

WCC Passenger Transport Strategy Consultation Document

AUTHOR OF REPORT

Name:

E Mail:

Tel:

Worcestershire County Council Passenger Transport strategy consultation.

- 1 BDC are committed to continue working alongside WCC to improve the transport infrastructure across North Worcestershire and beyond. The passenger transport strategy is a positive step and another key document which will help inform other strategies and plans such as the review of the Bromsgrove District Plan review. BDC welcome the opportunity to work with WCC and other stakeholders, such as public transport operators, on implementing the strategy following on from this consultation period.
- 2 The focus of this response has been from the perspective of Planning and climate change. Where possible responses to the specific consultation questions posed have been answered, although opportunity has also been taken to address other issues not covered specifically by the questions asked.
- 3 The strategy contains a wide range of elements which are positive and can be supported. With increased numbers of houses to be built particularly in Bromsgrove Town, and with further housing and employment allocations to be made through the review of the Bromsgrove District plan, whilst the strategy can be supported, it is the view of BDC that more consideration should be given to how passenger transport considerations can influence spatial strategies.

WCC's consultation questions or Section headings have been repeated in **bold** below to give the context to the response.

WCC's aims should focus on meeting essential transport needs in most cost effective way

- 4 If services are not cost effective then there is a danger that they could be lost, however there is ~~also~~ a need to balance the human need with environmental and financial. The social advantages that services such as buses offer should not be overlooked, for some people the bus is the only realistic method of transport, and plays a vital role in allowing people to access day to day locations and services. If financial considerations take precedent and as a result much needed services are lost, then one of many implications will be increasing instances of social exclusion as people become isolated from the wider community in which they live. Instances of social exclusion may then place further pressure on other key local public services. A balance needs to be struck between the cost of the service and the impact it has on people's lives, especially more vulnerable people in society.
- 5 The strategy mentions it will 'Further support the objective in LTP 4 to limit the impacts of transport on the local environment. The environmental benefits of bus provision and in particular more energy efficient modern buses such as those with battery technology should play an increased role in the future fleet. It's key that public transport to be as sustainable as possible, methods which reduce harmful carbon emissions need to be introduced. Innovative power solutions such as solar charging of fleet at bus stations should be considered. All efforts to increase patronage and reduce cost with new innovations will be important in allowing services to operate successfully reducing any burden on the public purse that currently exists.

Home to School transport should be considered for integration with local bus services.

- 6 There is potentially a conflict of purpose / need of service for users in home to school transport. Integration between the various users groups should be explored. If a shared bus service can be achieved in a way which ensures higher quality and more frequent services though increase patronage, this will be a benefit to a larger amount of service users and potential new service users. This could also have additional benefits such as better community cohesion. An alternative model where pupil usage is high could be to continue to separate home to school and general use, although this is not considered the most sustainable way of operating buses.

WCC should explore alternative local transport solutions.

- 7 Agree; It would have been useful to see proposed alternatives. The strategy could elaborate upon issues such as;
- addressing accessibility issues for people with restricted mobility,
 - providing rural locations without a service that is viable,
 - community uber or similar type solution,
 - volunteer community drivers,
 - lower cost vehicles, such as 12 seaters that are more viable to run in rural areas,
 - promoting vehicles with the objective of injecting these solutions into the transport network,
 - bus stops with secure storage (there should be secure storage at all transport nodes eg bus stops and train stations,
- 8 A key issue is the integration of existing modes, it is acknowledged that the strategy does include a section on modal integration, but it is BDCs view that this section lacks sufficient detail for it to be considered a robust strategy at this point. We agree further efforts should be made to join up key nodes throughout Bromsgrove and the district. For example Bromsgrove Town Centre, and Bromsgrove rail station. A more regular and convenient service which operates between key places, should allow for greater modal shift of people away from private cars onto buses and trains. Encouraging people to access the train station by means other than the car, or making it easier to access the train station at peak times from across the town would be advantageous, both from the point of sustainable transport but also encouraging linked trips to the tow centre, helping to support its vitality. Alternatives to the current traditional bus provision including using new technologies and EVs should be explored as a more sustainable option to providing rapid transit between the rail station and the town centre.
- 9 An essential element for more northern parts of the district served by the rail routes that feed into the West Midlands conurbation will be the policy on parking at rail stations. A strategy which ensures that the station car parks are used effectively and parking issues not displaced to other areas will be key. Collaboration with authorities in the conurbation to ensure that there is a coherent strategy for parking all stations is essential.

WCC should consider supporting new technology initiatives.

- 10 Agree; including those which support sustainable transport integration live feed notices (delays, alternative routes), contactless payments, e-tickets and through ticketing. Also use of more sustainable technology in fleets (electric, hydrogen, etc.)
- 11 Smart traffic management such as,
- scheduling additional buses at expected peak times, particularly aligning the arrival and departure times with rail services,
 - giving buses right of way at traffic lights,
 - the creation of bus lanes where possible and appropriate,
 - Creating better links between bus and rail and shared uber/community rides etc. particularly to help support the weekend/retail and evening economy
 - Consider the potential introduction of a congestion charge at certain times, whilst ensuring adequate provision for those that need access via public transport, this could help address congestion issues within the town centre.

To what extent do you agree with how we propose to decide if we financially support a particular bus service?

- 12 Agree: supporting decision to provide access for residents to local centre (healthcare, education, shops etc.). However, we must have due regard to prioritising support to areas with higher population density over those with smaller populations. In theory, with adequate management & partnership working, commercial viability in urban areas could be higher. Funding support should not be targeted to urban areas because they are poorly run, above much needed rural transport that is less commercially viable.
- 13 Deprivation, car ownership, primary journey purpose should be the primate indicator of the benefit of supporting the service, followed by economic viability. However, the strategy suggests that the economic viability of the service is the key priority.
- 14 The commitment to supporting community transport is welcomed. The strategy suggests that in rural areas WCC will work with Parish Councils and interest groups to define the most appropriate solution, BDC would be interested in also being part of this work. The work should not stop at defining the most appropriate solution; it also needs to deliver the most appropriate solution as well.

Worcestershire Developments

- 15 In the longer term this should be the focus of the strategy. Whilst decisions about where new development takes place are complicated, time consuming and influenced by a wide range of factors, the ability of new developments to help sustain existing passenger transport options or create new passenger transport option should not be overlooked. BDC welcomes the commitment to work *'with planning authorities and developer to ensure developments is brought forward in locations that offer genuine opportunities for access by a range of travel modes.'* WCC has already committed to developing a Strategic Transport Assessment (STA) and subsequent strategy with BDC as part of the plan review process. The

STA and subsequent strategy needs to consider all options in terms of the facilitation of passenger transport at the outset. This means the correct tools need to be in place to ensure that the evidence for the required infrastructure is robust, so all infrastructure that is eventually identified to support development is deliverable.

- 16 BDC do not feel that the strategy of encouraging developers to engage with operators goes far enough or is early enough in the process; similarly whilst seeking S106 funding is an essential part of the planning system it should be considered from the outset. It is accepted that in some areas it will be difficult to align the need for development and passenger transport provision. As identified above locations for new development, where possible, should be in places where the development helps sustain existing or create new passenger transport opportunities, and this consideration should be part of the evidence collected to justify the development.
- 17 Leaving the engagement with developers and the operators once a site has been allocated, introduces the very real possibility that the development location is not one which is commercially viable for the operator, and therefore an acceptable passenger transport solution is not provided. Also if likely 106 requirements are not known from the outset before land is allocated, the amount of s106 which may be required for the passenger transport solution could be at a level which is not viable for the development to sustain, therefore again the service does not get provided as intended. Early meaningful and evidenced based engagement with all stakeholders will be key to the ensuring the scenarios above do not happen.
- 18 Other initiatives within new developers and where possible with existing developments, could be the use of some of the following to encourage the use of more sustainable forms of transport.
 - Work place parking schemes
 - Better promotion and education on alternative more sustainable modes
 - Better facilities within new development to encourage cycling and walking such as showers and lockers for staff members, or the ability to hire bikes and scooters
- 19 In conclusion we hope the above proves useful in informing the final strategy, BDC will continue to work with WCC on preparing a robust complimentary planning and transport strategies. Decreasing the reliance on personal motor vehicles and therefore assisting in the reduction of carbon emissions, improving air quality and reducing congestion, providing a better environment for residents and visitors to live and work in.

COUNCIL PLAN

Relevant Portfolio Holder	Cllr Geoff Denaro
Portfolio Holder Consulted	Yes
Relevant Head of Service	Deb Poole, Head of Business Transformation
Ward(s) Affected	All
Ward Councillor(s) Consulted	
Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 To agree the strategic purposes, priorities and actions contained in the draft Council Plan.

2. RECOMMENDATIONS

- 2.1 **Cabinet is asked to RECOMMEND to the Council**

that the Council Plan attached at Appendix 1 be approved.

3. KEY ISSUES

Financial Implications

- 3.1 Finances are already aligned with the current strategic purposes, but following approval of this plan, will reflect the amended strategic purposes and the priorities for 2019-2013, allowing the Council to be more responsive to our customers needs.

Legal Implications

- 3.3 There are no legal implications arising directly from this report.

Service / Operational Implications

- 3.5 The Council Plan and the strategic purposes contained within it will help to set the direction for the Council and how it works with its partners. Service areas will be working towards these purposes which will be supported by operational purposes and measures to ensure that everything we do relates to the demands and needs of our customers.

Customer / Equalities and Diversity Implications

- 3.7 The strategic purposes set out in the Council Plan are all designed to be from our customers perspective, in order for their needs to be the driver for all that we do. The principles also highlight the importance of understanding and listening to our customers, whilst providing excellent customer care at all times. When approved, the Council Plan will be published on the Council's website and the ORB.
- 3.8 There are no equality and diversity implications arising directly from this report; however, the customer focus referred to above is designed to understand the individual needs of our customers and as such empower officers to meet those needs, which would include specific issues relating to equality and diversity.

4. RISK MANAGEMENT

- 4.1 By publishing a Council Plan the strategic direction of the Council will be clear to employees and Members and as such will support the management of risks identified around the delivery of the strategic purposes, robust decision making and the accuracy/effectiveness of performance data.

5. APPENDICES

Appendix 1 - Council Plan

AUTHOR OF REPORT

Name: Rebecca Green, Policy Manager
email: r.green@bromsgroveandredditch.gov.uk
Tel.: 01527 881616

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Finance Monitoring Quarter 1 2019/20

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. Purpose and Summary

- 1.1 To report to Cabinet on the Council’s financial position for Revenue and Capital for the period April 2019 – June 2019.

2. Recommendations

That Cabinet is asked to resolve

- 2.1 That Cabinet note the current financial position in relation to revenue and capital budgets for the period April – June 2019 as detailed in the report.

That Cabinet recommend to Council

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

3. Revenue budgets

- 3.1 This report provides details of the financial performance of the Council. The purpose of this report is to ensure officers and members have relevant information to consider the overall financial position of the Council. The report reflects the finances across all of the Strategic Purposes to enable Members to be aware of the level of funding attributed to each area and how this compares to budget. The summary at 3.4 shows the financial position for revenue funding for the period April – June 2019.
- 3.2 Financial reports are sent to budget holders on a monthly basis. As part of this process a detailed review is undertaken with support from the finance team to ensure that all issues are considered and significant savings or cost pressures are addressed. This report aims to focus on the key variances from budgets to ensure that these are addressed appropriately during the year.

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- 3.3 The £11.837m original budget as included in the table below is made up of the budget approved in February 2019 of £11.676m, which is then adjusted to reflect the approved transfers from reserves of £159k held in Corporate Financing.
- 3.4 In addition the Latest Budget 2019-20 of £12.215m includes transfers to/from reserves of £356k which is shown in appendix 1 and use of balances of £22k.

Revenue Budget summary Financial Year 2019/20 – Overall Council
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Please note figures have been rounded

Strategic Purpose	Original Budget 2019/20	Revised budget 2019/20	Budget to date 2019/20	Actuals to date 2019/20	Variance to date 2019/20
	£'000	£'000	£'000	£'000	£'000
Keep my place safe and looking good	4,492	4,571	83	-89	-172
Help me run a successful business	-506	-506	79	56	-23
Help me be financially independent	231	239	97	103	6
Help me to live my life independently	-58	-58	-193	-196	-3
Help me find somewhere to live in my locality	677	889	296	293	-3
Provide Good things for me to see, do and visit	684	789	153	126	-27
Enable others to work/do what they need to do (to meet their purpose)	6,318	6,293	2,485	2,321	-164
Total	11,837	-12,215	3,000	2,614	-386
Corporate Financing	-11,837	-12,215	-10,238	-10,257	-18
Grand Total	0	0	-7,239	-7,643	-404

Financial Commentary:

There are a number of variances across the strategic purposes. The summary above shows the overall 2019/20 revenue position for the Council and the main variations are as a result of:

Keep my place safe and looking good (£172k saving)

These budgets include those relating mainly to environmental services, planning, CCTV and other activities to deliver against the purpose ensuring an area is both safe and attractive for the community.

The variance position is explained as below: Page 154

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- Within Core Waste services (trade and garden waste) there has been new business across the services and has boosted the quarter 1 income, in line with forecast income shown on budget for this financial year. Additional business may exceed this, and will be reported on as we generate new business throughout the rest of the year **£124k**.

Help me run a successful business (£23k under budget)

The budgets within the strategic purpose include economic development, car parking, all licenses and costs associated with the town and other centres within the District.

- There has been a saving in business rates on the car parks **£15k**, due to a change in the rateable value.

Help me be financially independent (£6k over budget)

The strategic purpose includes all costs relating to the support of benefits and the administration and delivery of Council Tax services and business rates in the District.

- There are no individual variances in the quarter 1 to report.

Help me to live my life independently (£3k saving)

There are a number of budgets relating to the delivery of the strategic purpose including; Lifeline, Community Transport and Disabled Facilities Grants.

- There are no individual variances in the quarter 1 to report.

Help me find somewhere to live in my locality (£3k saving)

The costs associated with homeless prevention, housing strategy and land charges are all included in the strategic purpose.

- There are no individual variances in the quarter 1 to report.

Provide Good things for me to see, do and visit (£27k saving)

The majority of budgets within this purpose relate to Leisure and Culture services.

- There is an underspend of **£12k** within Parks and Events on general supplies and services.
- Sports and Arts Development has a small underspend due to a staff vacancy which has now been filled **£11k**.

Enable others to work/do what they need to do (to meet their purpose) (£188k saving)

All support services and corporate overheads are held within the enabling purpose. These include; IT, HR, Finance, Management team and other support costs.

- There is saving within central overheads **£43k** due to a pension adjustment on paying the pension payment in advance.
- Central post opening has a slight overspend of **£105k** due to postal costs for Neopost (franking

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machine) and CFH (Docmail). This is higher than budget, due to not all departments having transferred to CFH/Docmail. We are continuing to move this out across the departments and therefore the costs should then decrease.

- Facilities Management has an underspend of **£25k** due to supplies and services budgets not yet spent in the first quarter.
- Human resources have an underspend on the training budget **£28k** but it is expected the training programme will have commenced well in to the second quarter of 2019/20
- There are other salary vacancies within CMT, Professional Legal advice & services, ICT and Transformation **£68k**. Whilst some will be filled in the new financial year the remaining savings will be offset against the vacancy management target.

It is worth noting that a vacancy management saving target has been included in the 2019/20 budgets to offset the impact of vacant posts during the year.

Corporate Financing (£18k saving)

- There is a variance in corporate financing due to borrowing costs not being as much as expected due to the spending profile of the capital programme in the first quarter of the year.

4. Savings Monitoring

- 4.1 The medium term financial plan included £332k of savings identified to be delivered during 2019/20 the breakdown of these savings is attached at appendix 2. £166k of these identified savings is in relation to a vacancy factor.

To quarter 1 £88k of the savings has been realised against the budgeted April to June savings £83k.

In addition officers have been required to find further savings throughout the financial year and to date they have identified a further £87k. These will be vired off the relevant services to be returned to working balances by quarter 2.

5. Cash Management

- 5.1 The financial position in relation to borrowing at the start and end of the financial are shown in the table below:

Date	£m	Position
As at 31 st March 2019 (Actual)	13.5	Borrowing
As at 30 th June 2019	10.0	Borrowing

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5.2 Borrowing

Outstanding as at the 30th June 2019 are £10.0m in short term borrowing with associated borrowing costs of £8.1k due to the flexible way debt is managed during the period.

An interest payable budget had been set of £133k for 2019/20 due to expenditure relating to current capital projects.

5.3 Investments

At 30th June 2019 there were £2m investments held.

6. Capital Budgets

Capital Budget summary Financial Year 2019/20 – Overall Council
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Please note figures have been rounded

Strategic Purpose	Original Budget 2019/20 £'000	Revised budget 2019/20 £'000	Budget to date 2019/20 £'000	Actuals to date 2019/20 £'000	Variance to date 2019/20 £'000
Keep my place safe and looking good	3,385	3,385	570	180	-390
Help me to live my life independently	950	950	434	384	-50
Provide good things for me to see, do and visit	170	1,116	867	833	-34
Enable others to work/do what they need to do (to meet their purpose)	10	10	2	0	-2
Totals	4,515	5,461	1,875	1,398	-477

Finance commentary:

- ***Please note capital carry forwards from 2018/19 are not included in the above figures – please see appendix 3 – these budgets now approved will be loaded for quarter 2 monitoring.***

Keep my place safe and looking good

- The main variances for this strategic purpose relate to the following projects;
 - Resurfacing works at the Bromsgrove depot – Design work planned to start in August with

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a possible start on site in November 2019.

- Vehicle replacement budget - Meetings to be held with all service areas to see if their vehicles need to be replaced this year and has their specification requirements changed. Finance will be informed by the end of quarter 2 of all the vehicles planned to be rolled forward into future years. The procurement process for the remaining vehicles will start at the end of August.

Help me to live my life independently

- The small variance relates to Energy Efficiency Installation and Home Repairs Assistance projects. The energy advice service has been procured and is due to commence on July 1st 2019 until March 31st 2022. Discretionary home repairs assistance will hopefully begin uptake within the second quarter of 2019/20.

Provide Good things for me to see, do and visit

- The small underspend here relates to the s106 project re-landscaping of Recreation ground – this is currently going through the tender/procurement process and is likely to commence towards the last end of the quarter of 2019/20.

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

- The variance for this strategic purpose relates to the SAN (storage area network) capacity in ICT services which is expected to commence in the second quarter of 2019/20.

6.1 CCTV

The request for approval of an increased budget £80k at 2.2 is due to the funds to be allocated for the replacement of CCTV analogue cameras to digital cameras in 20/21 and 21/22 now. To release the £80K capital will avoid unnecessary expenditure on encoders and decoders.

The first part of the CCTV digital infrastructure project is to change transmission and telemetry to a digital signal, because the existing cameras are analogue there would be a requirement to purchase an “encoder” and “decoder” in order to make the analogue cameras work.

The cost of an encoder and decoder for each camera location will be around £350 but this equipment will become obsolete when the new digital replacement cameras are purchased 1 to 2 years later.

If Members would release the capital money for years 2 and 3 now this would save on the encoder/decoder costs in the region of £10k allowing us to buy a further 4 or 5 cameras.

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7. Earmarked Reserves

7.1 The position as at 30th June 2019/20 is shown in Appendix 1. This also details the planned use of the reserves for the future budget years 2020/21 and 2021/22.

8. General Fund Balances

8.1 The General Fund Balance as at the 31st March 2019 is £4.926m. A balanced budget was approved in February 2019 to include identified savings which have been built into individual budget allocations. This also included a planned use of balances for 2019/20 of £946k towards the demolition of the Dolphin centre and implementation of associated car parking. The current level of balances will therefore reduce to £3.980m.

9. Legal Implications

9.1 No Legal implications have been identified.

10. Service/Operational Implications

10.1 Managers meet with finance officers on a monthly basis to consider the current financial position and to ensure actions are in place to mitigate any overspends.

11. Risk Management

11.1 Effective budget monitoring supports any risks associated with the Council.

APPENDICES

Appendix 1 - Earmarked Reserves 2019/20
Appendix 2 - Savings Monitoring 2019/20
Appendix 3 – Capital Carry forwards 2018/19

AUTHOR OF REPORT

Name: Kate Goldey – Business Support Senior Accountancy Technician
Email: k.goldey@bromsgroveandredditch.gov.uk
Tel: (01527) 881208

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FINANCIAL RESERVES STATEMENT 2019/20

Please note these figures have been rounded

Description	Balance b/fwd 1/4/2019	Budgeted Release 2019/20	Revised Balance b/fwd 1/4/2019	Transfers in existing reserve 2019/20	Transfers out existing reserve 2019/20	New Reserve 2019/20	C/fwd 31/3/2020	Planned use for 2020/21 Budget	Planned use for 2021/22 Budget	Comment
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	
Building Control	(7)	0	(7)	(11)	0	0	(18)	0	0	To Fund the mobile working project
Building Control Partnership	(61)	0	(61)	0	0	0	(61)	0	0	Partnership income has to be reinvested back in to the service.
Commercialism	(33)	0	(33)	0	0	0	(33)	0	0	To help fund costs in relation to commercialism projects
Community Services	(31)	0	(31)	0	31	0	0	0	0	To help towards a district network feasibility study
Economic Regeneration	(476)	150	(326)	0	0	0	(326)	150	150	To fund the Economic Development opportunities across the District
Election Services	(88)	0	(88)	0	0	0	(88)	50	0	To support the delivery of individual electoral registration and to set aside a reserve for potential refunds to government
Environmental Services	(8)	0	(8)	0	6	0	(2)	0	0	To help towards the unauthorised trespass prevention scheme, Tree works, and single use plastic project within the district
Financial Services	(179)	0	(179)	0	0	0	(179)	0	0	A number of reserves / grants have been set aside to support residents through the changes to welfare reform
Corporate Financing	(3,441)	0	(3,441)	0	0	0	(3,441)	0	0	The reserve has been created to offset the loss on Business rates collection and appeals in 2019/20.
Housing Schemes	(511)	0	(511)	0	181	0	(330)	0	0	To support the feasibility and implementation of housing schemes across the district
ICT/Systems	(164)	11	(152)	0	0	0	(152)	0	0	To provide for replacement ICT systems
Leisure/Community Safety	(266)	0	(266)	0	155	0	(111)	0	0	Grant received and reserves set aside to support a number of leisure and well being schemes across the District
Local Development Framework	(31)	0	(31)	0	0	0	(31)	0	0	To fund the costs associated with the Core Strategy
Local Neighbourhood Partnerships	(16)	0	(16)	0	0	0	(16)	0	0	Grant received in relation to liveability schemes
Other	(86)	0	(86)	0	0	0	(86)	0	0	To support apprentices, set up costs and other general reserves
Planning	(30)	0	(30)	0	0	0	(30)	0	0	To support apprentices, set up costs and other general reserves
Regulatory Services (Partner Share)	(38)	0	(38)	0	0	0	(38)	0	0	BDC Share of WRS grant related reserves
Shared Services Agenda	(311)	0	(311)	0	0	0	(311)	0	0	To fund potential redundancy and other shared costs
Grand Total	(5,777)	161	(5,615)	(11)	373	0	(5,253)	200	150	

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BROMSGROVE - SAVINGS & ADDITIONAL INCOME FROM 19-20 BUDGET ROUND

APPENDIX 2

Department	Description of saving	2019-20 £'000	Comments	Quarter 1			
				On target Y/N	Additional (add to in yr savings) £'000	below target Y/N	Pressure £'000
Community Services	Additional Income from new contract with Cannock Chase Council	-60	New SLA with Cannock	Y			
Community Services	Additional Income from new contract with Cannock Chase Council - SLA with Cannock	-20	New SLA with Cannock	Y			
Corporate Services	New Print Contract	-29	Savings realised on procurement of new print contract	Y	-5		
Corporate Services	Car Mileage	-2	Reduction in Car Mileage	Y			
Corporate Services	Community Group Funding	-5	Budget has decreased due to the impact of the New Homes Bonus scheme reducing	Y			
Environmental Services	Review of budget allocations	-15	Reductions in various materials, equipment & vehicle R&M budgets	Y			
Legal & Democratic	Review of budget allocations within Land charges	-2	Budget no longer required	Y			
Legal & Democratic	Additional income on external legal work	-7		Y			
Customer Services & Financial Support	Reduction in operational budgets	-26		Y			
Corporate Services	Vacancy Management	-166	2% on any employee that does not require agency cover	Y			
		-332			-5		0

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BDC Capital forward requests - 19-20 Budget

Description	Department	strategic purposes	Funding	Full year Budget 2018-19 £'000	Full year expenditure 2018-19 £'000	Full year Variance 2018-19 £'000	Request for Carry Forward into 2019/20 £'000
San (Storage Area Network)	Business Transformation	enabling	Capital Receipts / Borrowing	26	19	-7	7
San Storage Capacity	Business Transformation	enabling	Capital Receipts / Borrowing	20	13	-7	7
Energy Eff Hom Insulation Prog	Community Services	help me be financially independent	Capital Receipts / Borrowing	6	1	-5	5
CCTV	Community Services	help me live my life independently	Capital Receipts / Borrowing	40	0	-40	40
Energy Efficiency Installations	Community Services	help me live my life independently	Capital Receipts / Borrowing	110	0	-110	110
Disabled Facilities Grant	Community Services	help me live my life independently	Grant income WCC	1,122	947	-175	175
Burcot Lane	Customer Access & Financial Support	keep my place safe and looking good	Capital Receipts / Borrowing	1,611	66	-1,545	1,545
North Cemetery - Phase 2 Expansion	Environmental Services	keep my place safe and looking good	Capital Receipts / Borrowing	35	10	-25	25
Refuse Coll Veh Replacement-Garden	Environmental Services	keep my place safe and looking good	Capital Receipts / Borrowing	1,675	1,063	-612	612
Replacement Lighting - Depot	Environmental Services	Keep my place safe and looking good	Capital Receipts / Borrowing	23	0	-23	23
Infrastructure Works Bdc Depot	Environmental Services	Keep my place safe and looking good	Capital Receipts / Borrowing	161	9	-152	152
BDC Combined F/Path & Cycl	Environmental Services	Keep my place safe and looking good	Capital Receipts / Borrowing	390	0	-390	390
Boundary Security at Depot	Environmental Services	Keep my place safe and looking good	Capital Receipts / Borrowing	20	0	-20	20
Replacement Parking machines	Environmental Services	keep my place safe and looking good	Capital Receipts / Borrowing	120	0	-120	120
New Finance Enterprise System	Finance & Resources	enabling	Capital Receipts / Borrowing	455	0	-455	455
BDC Dolphin Centre	Leisure & Cultural Services	provide good things for me to see, do & visit	Capital Receipts / Borrowing/balances	1,080	0	-1,080	1,080
Hagley Scouts	Leisure & Cultural Services	provide good things for me to see, do & visit	Capital Receipts / Borrowing	100	0	-100	100
Replace Perimeter Fencing Allotments	Leisure & Cultural Services	Keep my place safe and looking good	Capital Receipts / Borrowing	21	16	-5	5
Wythall Park Pos Improvement	Leisure & Cultural Services	provide good things for me to see, do & visit	S.106	15	0	-15	15
Barnt Green Millenium Park - Toilet	Leisure & Cultural Services	provide good things for me to see, do & visit	S.106	62	0	-62	62
Rubery Redevelopment Works	Planning & Regeneration	provide good things for me to see, do & visit	Capital Receipts / Borrowing	75	39	-36	36
TOTAL CURRENT CAPITAL PROGRAMME				7,167	2,183	-4,984	4,984

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