



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 20th November 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 meeting of the Council held on 25th September 2019 (Pages 1 - 26)**

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. **Record of Decision Taken Under Urgency Procedures (Pages 27 - 30)**

8. **Revised Political Balance Report (Pages 31 - 36)**

9. **Constitution Update Report** (Pages 37 - 40)
10. **Recommendations from the Audit, Standards & Governance Committee** (Pages 41 - 42)
11. **To note the Minutes from the Audit, Standards & Governance Committee meeting held on 10th October 2019** (Pages 43 - 52)
12. **Recommendations from the Cabinet** (Pages 53 - 54)

To consider the recommendations from the meeting(s) of the Cabinet held on 23rd October 2019.

13. **To note the minutes of the meetings of the Cabinet held on 23rd October 2019** (Pages 55 - 58)
14. **To receive and consider a report from the Portfolio Holder for Strategic Housing and Health and Wellbeing** (Pages 59 - 68)

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.

15. **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.

16. **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.

17. **Background information on the recommendation from the Audit, Governance and Standards Committee** (Pages 69 - 104)

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

- (i) **Wyre Forest Local Plan - BDC Response to Pre Submission Plan** (Pages 105 - 118)
- (ii) **Local Council Tax Reduction Scheme 2020/21** (Pages 119 - 122)

K. DICKS
Chief Executive

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TO ALL MEMBERS OF THE BROMSGROVE DISTRICT COUNCIL

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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE COUNCIL

25TH SEPTEMBER 2019, AT 6.00 P.M.

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

WELCOME

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

36\19

APOLOGIES

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

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DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

38\19

MINUTES

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

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

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

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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.

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TO RECEIVE ANY ANNOUNCEMENTS FROM THE LEADER

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

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

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

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

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

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

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

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

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

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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.

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CONSTITUTION UPDATE REPORT

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

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

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

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

RESOLVED that

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

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RECOMMENDATIONS FROM THE CABINET

Worcestershire Regulatory Services Board – Enforcement Policy 2019

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

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

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

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

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

Bromsgrove Plan Review Update

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

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

Members debated the following in more detail:

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

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

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

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

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

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

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

On being put to the vote the amendment was lost.

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

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

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

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

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

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

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

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

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

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

On being put to the vote the amendment was lost.

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

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

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

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

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

In debating the amendment, Members discussed the following:

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

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

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

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

Abstentions: (0)

On being put to the vote the amendment was lost.

RESOLVED that

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

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

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

Response to Worcestershire County Council Passenger Transport Strategy

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

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

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

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

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

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

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

RESOLVED that

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

Bromsgrove Council Plan

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

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

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

Finance Monitoring Quarter 1 2019/20

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

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

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

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

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

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

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

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

45\19

PLANNING OBLIGATION REFORMS - CHARGING FOR SECTION 106 MONITORING

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

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

Members raised the following points during the ensuing debate:

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

RESOLVED that

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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QUESTIONS ON NOTICE

Question submitted by Councillor M. Thompson

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

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

What is c?”

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

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

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

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

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

Questions Submitted by Councillor P. McDonald

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

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

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

Question Submitted by Councillor J. King

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

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

Question Submitted by Councillor R. Hunter

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

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

Question Submitted by Councillor S. Hughes

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

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

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

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

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

Question Submitted by Councillor S. Colella

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

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

Question Submitted by Councillor H. Rone-Clarke

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

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

Question Submitted by Councillor A. English

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

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

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MOTIONS ON NOTICE

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

Brexit

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Assessment of all financial risks to Bromsgrove District

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

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

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

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

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

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

On being put to the vote the Motion was lost.

Rights of Persons with Disabilities

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

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

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

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

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

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

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

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

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

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

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

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

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

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

On being put to the vote the Motion was carried.

Shelter for rough sleepers/homeless

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

On being put to the vote the motion was lost.

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

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

Fly tipping

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

Free Swimming

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

Restoring pride, improving bus shelters

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

The meeting closed at 10.15 p.m.

Chairman

BROMSGROVE DISTRICT COUNCIL

RECORD OF DECISION TAKEN UNDER URGENCY PROCEDURES

Subject: WORCESTERSHIRE BUSINESS RATES POOL 2020/21

Brief Statement of Subject Matter:

To request approval of Bromsgrove District Council joining the Worcestershire Business Rates Pool for 2020/21, following the recent Government announcement that the Worcestershire Business Rates Pilot Pool will not continue into 2020/21.

Briefing note below

Decision:

That Bromsgrove Council joins the Worcestershire Business Rates Pool for 2020/21 and authority for the decision on the 2020/21 final arrangements be delegated to the Executive Director Finance and Resources in agreement with the Portfolio Holder for Finance and the Leader.

Date: 23/10/19

RESOLVED:

That Bromsgrove Council joins the Worcestershire Business Rates Pool for 2020/21 and authority for the decision on the 2020/21 final arrangements be delegated to the Executive Director Finance and Resources in agreement with the Portfolio Holder for Finance and the Leader.

Grounds for Urgency:

Announcement made in the Government proposed Settlement that the current Worcestershire Pilot Pool will not continue into 2020/21 and therefore a decision needs to be made urgently to join the Worcestershire Pool to ensure that any share of Business Rates growth for 2020/21 is not returned to Central Government but remains in Worcestershire. Financial projections are still being calculated to estimate the potential benefit to the Council and the wider County area.

DECISION APPROVED BY:

.....
Chief Executive

.....
Dated

.....
Section 151 Officer

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Dated

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Monitoring Officer

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Dated

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Leader

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Dated

.....
Chairman, Overview & Scrutiny Board

.....
Dated

.....
Chairman

.....
Dated

BACKGROUND

The Council is currently a member of the Pan- Worcestershire 75% Pilot Business Rates Pool but these arrangements will cease on 31st March 2020. The Spending Round 2019 confirmed that the Business Rates Reset and the Fair Funding Review will be deferred until 2021-22. It also confirmed that 75% Business Rates Pilots will come to an end in March 2020 and there are no new pilots planned for 2020-21. The Ministry of Housing, Communities and Local Government has invited Councils to indicate their preferred pooling arrangements for the financial year, 2020-21, with the deadline for submission of proposals for 2020-21 pools being 25th October 2019. Therefore the Council needs to make an urgent decision as to the option of joining the Worcestershire Pool.

The pan- Worcestershire 75% Pilot is proving to be beneficial, enabling additional levy to be retained locally, estimated to be circa £5m for the year. This will be used to help relieve funding pressures on the County wide services of adult social care. These arrangements are for one year only and the Council must now make a decision for 2020-21.

The Council was previously part of the Greater Birmingham and Solihull Pool. It has been confirmed that this Pool will not be re-established for 2020/21. The options available to the Council are:

- to join the Worcestershire Business Rates Pool for 2020/21
- to not be in a Business Rates Pool and return a higher proportion of business rates growth (levy) to Central Government.

It is understood from other Districts that the previous Worcestershire Pool operated successfully from 2013-14 to 2018-19, enabling volatility risks to be shared with other councils and also additional financial benefits in terms of levy on business rates growth that was retained locally rather than paid over to the Government.

KEY ISSUES

The Council therefore needs to determine whether it wishes to continue to participate in a Worcestershire wide pool for the year 2020/21 only, pending the introduction of the 75% scheme.

The benefits of being in a Pool in terms of levy being retained locally remain, albeit that the benefit of 75% retention will be reduced to the former 50% retention basis.

Pool membership also allows for a degree of risk sharing between Pool members, provided losses are not significant and that there are sufficient resources within the overall retained levy to compensate councils with business rate losses. In summary, Pool membership benefits are:

- To drive forward economic growth through increased collaboration amongst members;
- To allow local retention of levy on business rates growth which would otherwise be paid to Government;
- To provide a degree of protection against business rates through a provision in the Governance Arrangements

As a general principle the Worcestershire Pool and other Pools locally operate on the principle that no council is worse off in the Pool than outside the Pool. This means that the amounts paid into the Pool by councils are limited to the levy amount that they would have otherwise paid to the Government. However in the event of significant losses, as in the case of the revaluation of GP surgeries, then the amount available from the Pool may be less than would be available from the Government National safety net facility.

The most significant factor in the Council's decision regarding Pool membership from 1 April 2020 is our view on the probability of further significant business rate losses in Bromsgrove. Based on current appeals outstanding we have no reason to suspect there will be such losses. We have already made reasonable provision for outstanding appeals and we are not aware of any changes which would lead to further significant losses. Uncertainty around the claims for mandatory business rates relief for NHS Hospital Foundation Trusts remains; this is a national issue and is very unlikely to be settled in the timeframe for the proposed Pool. The claims are strongly refuted with the LGA working closely with Councils and as such are not recognised within the accounts.

The proposal for the governance arrangements is that there is a similar position for the shares of the retained levy as for the former WBRP but without a Risk Reserve as this Pooling arrangement is for one year only. However there will be provision within the governance arrangements to ensure there is protection for Pool Members if they do not hit their baseline income figures by means of a pro rata contribution from the higher retained growth of fellow Pool members.

Notifications of new pilots must be received by the Government by 25th October 2019. The section 151 officer for each council is required to sign off proposals before they are submitted.

FINANCIAL IMPLICATIONS

The arrangements for the business rates pool will continue to mitigate some but not all of the financial risk of the current business rates system. Based on information known at this point in time the pooling arrangements (if approved) remain of overall financial benefit to this Council. The precise impact on Council finances cannot be known as this will vary depending on a range of factors including whether business rates grow or contract, future appeals and mandatory reliefs.

The Government is currently making changes to the business rates system that have now been deferred until April 2021 and our participation as a pilot last year will inform and influence this process. However the detail and impact on this council will not be known until further information is made available.

Based on the information available to date, the Council's position together with the overall position of the wider Worcestershire family will be best protected by joining the proposed revised WBRP.

The proposed pool is only concerned with the money which is generated through the levy which would have been paid to central Government if the Pool members were not in the pool. The deferment of the Funding Reforms, including the business rates baseline reset, and the opportunity to enter into a further Pooling arrangement for 2020-21 should be of financial benefit to this Council.

The revised Pool is designed to continue to protect member authorities from the small ups and downs that are likely to arise in Business Rate income in the future. These will have a direct impact on the amount of funding for the Council. By remaining in a pool, the Council can better protect against these smaller variations and thus provide some protection to its base funding.

APPOINTMENT OF COMMITTEES 2019-20 - REVISED

Relevant Portfolio Holder	Cllr G Denaro
Portfolio Holder Consulted	Yes
Relevant Head of Service	Claire Felton, Head of Legal, Equalities & Democratic Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 Members are asked to approve the appointment and composition of the Council's Boards and Committees for the remainder of the 2019-20 Municipal Year. The need for this to be revised is following a recent change to the political proportionality.

2. RECOMMENDATIONS

- 2.1 That for the ensuing Municipal Year, the Committees set out in the table in Appendix 1 of the report be appointed and that the representation of the different political groups on the Council on those Committees be as set out in that table until the next Annual Meeting of the Council, or until the next review of political representation under Section 15 of the Local Government and Housing Act 1989, whichever is the earlier.
- 2.3 That Members be appointed to the Committees and as substitute members in accordance with nominations to be made by Group Leaders.

Financial Implications

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

Legal Implications

- 3.2 Sections 15 -17 of the Local Government and Housing Act 1989 place a duty on Councils to allocate the seats on certain committees in proportion to the size of the political groups on the Council.

Service / Operational Implications

COUNCIL

20th November 2019

- 3.3 The Council is required by law and/or its own Constitution to appoint various Boards and Committees, agree their terms of reference and to agree the allocation of seats which are subject to the rules of political proportionality. It must review the political balance on an annual basis or when any changes to the political proportionality occur.
- 3.4 The rules of political proportionality mean that the political balance of the Council needs to be reflected in the political composition of individual Boards and Committees. In addition, the total number of seats allocated to each group must reflect the political balance of the Council.
- 3.5 The proposed allocation of seats on each Board/Committee is done on a strict mathematical basis.
- 3.6 When the Council reviewed the constitution in June 2015, it agreed the principle of substitute members on the Planning and Licensing Committees undertaking the same training as the full members of the Committees. In order that such training can be run effectively by including all Councillors for whom it is most relevant, group leaders area asked to identify who will act as substitute members for the Licensing and Planning Committees for this municipal year.
- 3.7 For all other committees substitutes will be notified to the Democratic Services Officers, as required on the instruction of the Group concerned.

Customer / Equalities and Diversity Implications

- 3.8 No implications have been identified.

4. RISK MANAGEMENT

- 4.1 There are no significant risks associated with this item.

5. APPENDICES

Appendix 1 Revised Committees and Allocation of Committee Places
2019-20

6. BACKGROUND PAPERS

None

AUTHOR OF REPORT

Name: Amanda Scarce – Senior Democratic Services Officer

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Tel: (01527) 881443

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Agenda Item 8

POLITICAL BALANCE CALCULATION 2019/20 (revised 20th November 2019)

The figures in *italics* are the mathematical calculations.

Committee	Cons 17 54.84% of total	Lab 4 12.90% of total	Lib Dems Dem 3 9.68% of total	Bromsgrove Alliance 7 22.58% of total	Total
Overview and Scrutiny Board	6 <i>6.03</i>	1 <i>1.42</i>	1 <i>1.06</i>	3 <i>2.48</i>	11 11 members on Board <i>11</i>
Licensing Committee	6 <i>6.03</i>	1 <i>1.42</i>	2 <i>1.06</i>	2 <i>2.48</i>	11 11 members on Cttee <i>11</i>
Planning Committee	6 <i>6.03</i>	1 <i>1.42</i>	1 <i>1.06</i>	3 <i>2.48</i>	11 11 members on Cttee <i>11</i>
Audit, Stds & Gov'ce Committee	5 <i>4.94</i>	1 <i>1.16</i>	1 <i>0.87</i>	2 <i>2.03</i>	9 9 members on Cttee <i>9</i>
Electoral Matters Cttee	4 <i>3.84</i>	1 <i>0.90</i>	1 <i>0.68</i>	1 <i>1.58</i>	7 7 members on Cttee <i>7</i>
Appeals	3 <i>2.74</i>	1 <i>0.65</i>	0 <i>0.48</i>	1 <i>1.13</i>	5 5 members on Cttee <i>5</i>
Appointments	3 <i>2.74</i>	1 <i>0.65</i>	0 <i>0.48</i>	1 <i>1.13</i>	5 5 members on Cttee <i>5</i>
Statutory Officers	3 <i>2.74</i>	1 <i>0.65</i>	0 <i>0.48</i>	1 <i>1.13</i>	5 5 members on Cttee <i>5</i>
TOTAL <i>Exact Mathematical Entitlement</i>	36 <i>35.10</i>	8 <i>8.26</i>	6 <i>6.20</i>	14 <i>14.45</i>	64 <i>64</i>

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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 a recommendation of the Constitution Review Working Group, which meets on a regular basis, the most recent meetings been 3rd October and 11th November 2019.

2. RECOMMENDATIONS

- 2.1 That the Council Procedure Rules in respect of extra ordinary meetings be amended as detailed in Appendix 1.

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 At its meeting held on 3rd October 2019 the Constitution Review Working Group considered a number of topics, including amendments to the Council Procedural rules in respect of Extra Ordinary meetings.

COUNCIL

20th November 2019

- 3.5 The changes included were legislative and merely brought the Procedure Rules in line with the legal requirement. These are attached at Appendix 1 in track changes for Members consideration.
- 3.7 The Working Group continue to meet regularly throughout the municipal year and review the Constitution and make any necessary changes in order to ensure that it is up to date and meets all legal requirements.

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

5. APPENDICES

Appendix 1 - 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

1. 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.

1.1 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 requisition presented to the Chairman of the Council asking him/her to call an Extraordinary meeting and he/she has either refused to call such a meeting, or has failed to do so within seven days of the presentation of the requisition.

1.2 Business to be Transacted

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.~~

1.3 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~~

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- ~~(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 requisition 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.

RECOMMENDATIONS TO THE COUNCIL

On 20th November 2019

Audit, Standards & Governance Committee – 10th October 2019

Code of Conduct

The Committee were asked to consider a report on a Review by the Committee on Standards in Public Life (CSPL) into Local Government Ethical Standards.

The Monitoring Officer presented the report and informed the Committee that in January 2019 authorities received the Review by the Committee on Standards in Public Life (CSPL) into Local Government Ethical Standards.

The Monitoring Officer highlighted that at the Council's Constitution Review Working Group meeting, Members requested the following:

- That the 'Gifts and Hospitality' threshold be reduced to £15 and that the Monitoring Officer requested that the rest of the county followed suit. The rationale being that a drink and plate of food could be accommodated within a £15 threshold;
- That 'Trolling' be included under 'Bullying and Harassment'. 'Trolling' related to a deliberate act of making random, unsolicited and/or controversial comments on various internet forums.

The Monitoring Officer concluded that a collective agreement had been reached, whereby the Worcestershire Councils had agreed to take the amendments, as detailed in the preamble above, to their respective authorities.

RECOMMENDED TO COUNCIL that subject to the amendments, as detailed in the preamble above, as requested by the Council's Constitution Review Working Group, that Council approve the changes to the Code of Conduct; to reflect the Committee on Standards in Public Life (CSPL) Best Practice Recommendations.

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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE AUDIT, STANDARDS AND GOVERNANCE COMMITTEE

THURSDAY, 10TH OCTOBER 2019, AT 6.00 P.M.

PRESENT: Councillors L. C. R. Mallett (Chairman), P. J. Whittaker (Vice-Chairman), S. J. Baxter, M. Glass (substitute), J. E. King, A. D. Kriss, C. J. Spencer and K. J. Van Der Plank

Invitees: Councillor J. Cypher (Parish Councils' Representative) and Richard D. Percival, Engagement Lead, Grant Thornton

Officers: Ms. J. Pickering, Mrs. C. Felton, Mr. A. Bromage and Mrs. P. Ross

18/19 **APOLOGIES FOR ABSENCE AND NAMED SUBSTITUTES**

Apologies for absence were received from Councillors A. J. B. Beaumont, with Councillor M. Glass present as substitute.

19/19 **DECLARATIONS OF INTEREST AND WHIPPING ARRANGEMENTS**

There were no declarations of interest nor of any whipping arrangements.

20/19 **MINUTES**

Councillor L. C. R. Mallett took the opportunity to express his sincere thanks to Committee Members for their confidence in voting and electing him as Chairman of the Audit, Standards and Governance Committee for the municipal year 2019/2020.

The minutes of the meeting of the Audit, Standards and Governance Committee held on 30th July 2019 were submitted.

RESOLVED that the minutes of the Audit, Standards and Governance Committee meeting held on 30th July 2019 be approved as a correct record.

21/19 **STANDARDS REGIME - MONITORING OFFICERS' REPORT**

The Monitoring Officer presented the report which covered activity since the last meeting. There had been no new Member complaints and there were none outstanding.

The Monitoring Officer drew Members' attention to paragraph 3.4 in the report and highlighted the sessions that had been planned for October 2019 as part of the phased Induction Programme for new Members. The

sessions, as agreed by the Member Development Steering Group, included Data Protection training, which she would encourage all Members to attend.

In response to Councillor Kriss, the Monitoring Officer clarified that with regard to the Standards regime, that co-opted members could be appointed, but that currently no co-opted members had been appointed.

RESOLVED that the Standards Regime – Monitoring Officer's Report be noted.

22/19

CODE OF CONDUCT - UPDATE REPORT

The Committee were asked to consider a report on a Review by the Committee on Standards in Public Life (CSPL) into Local Government Ethical Standards.

The Monitoring Officer presented the report and informed the Committee that in January 2019 authorities received the Review by the Committee on Standards in Public Life (CSPL) into Local Government Ethical Standards.

The CSPL had concluded that high standards of conduct in local government were needed to protect the integrity of decision-making, maintain public confidence and safeguard local democracy.

Local authorities were currently required to have in place a code of conduct of their choosing which outlined the behaviour required of councillors. There was considerable variation in the length, quality and clarity of codes of conduct. This created confusion among members of the public, and among councillors who represented more than one tier of local government. The CSPL report records that many codes of conduct fail to address adequately important areas of behaviour such as social media use and bullying and harassment.

There were, however, benefits to local authorities being able to amend and have ownership of their own codes of conduct. The committee recommended that the updated model code that they intended to propose should therefore be voluntary and able to be adapted by local authorities. The committee also recommended that the scope of the code of conduct should also be widened, with a rebuttable presumption that a councillor's public behaviour, including comments made on publicly accessible social media, was in their official capacity.

The Worcestershire Councils to date had already taken the decision to agree a Code of Conduct that was used by all such Councils, for consistency and to assist Councillors that, due to multiple roles, were subjected to the Code of Conduct of more than one authority. It was this Code of Conduct previously agreed by all Worcestershire Councils that had been updated, as detailed in Appendices 1 and 2 to the report, in order to reflect the recommendations in the CSPL report.

The Monitoring Officer highlighted that at the Council's Constitution Review Working Group meeting, Members requested the following:

- That the 'Gifts and Hospitality' threshold be reduced to £15 and that the Monitoring Officer requested that the rest of the county followed suit. The rationale being that a drink and plate of food could be accommodated within a £15 threshold;
- That 'Trolling' be included under 'Bullying and Harassment'. 'Trolling' related to a deliberate act of making random, unsolicited and/or controversial comments on various internet forums.

The Monitoring Officer concluded that a collective agreement had been reached, whereby the Worcestershire Councils had agreed to take the amendments, as detailed in the preamble above, to their respective authorities.

In response to Councillor Cypher and Councillor Baxter, the Monitoring Officer agreed to inform the Executive Officer, Worcestershire County Association of Local Councils (CALC) of the Worcestershire Councils proposed Code of Conduct.

RECOMMENDED that subject to the amendments, as detailed in the preamble above, as requested by the Council's Constitution Review Working Group, that Council approve the changes to the Code of Conduct; to reflect the Committee on Standards in Public Life (CSPL) Best Practice Recommendations.

23/19

BENEFITS AND COMPLIANCE UPDATE REPORT 2019/2019

The Executive Director, Finance and Resources presented the report for April to June 2019/2020. The report detailed the savings delivered for the first quarter against those identified in the Medium Term Financial Plan (MTFP).

The Council's External Auditors, Grant Thornton, had recommended that the delivery of savings be monitored more closely to ensure that the Council was meeting savings in the way that was expected when the budget was set.

The Executive Director, Finance and Resources gave Members the reassurance that savings were well on target.

In response to questions on vacancy savings, the Executive Director, Finance and Resources informed the Committee that business critical staff vacancies were filled.

Councillor Baxter commented that Council Tax income was not shared across all preceptors, and that future reports should show that Council Tax income was shared across major preceptors; Worcestershire County Council, the Fire and Rescue Authority and the Police Authority.

RESOLVED that the Benefits and Compliance Update Report for 2018/19 be noted.

24/19

GRANT THORNTON ANNUAL AUDIT LETTER 2018/2019

Members were presented with the Grant Thornton Annual Audit Letter for the 2018/19 financial year, which summarised the key findings arising from the work carried out at the Council for year ended 31st March, 2019.

Mr. Richard Percival, Engagement Lead, Grant Thornton informed Members that Grant Thornton were required to provide an annual audit letter.

Members' attention was drawn to page 59 of the main agenda pack, which provided the Executive Summary and details on the work carried out by Grant Thornton. Mr. Percival explained that work on the Council's Housing Benefit subsidy claim was not yet complete; the deadline date was 30th November 2019, but he was hoping to finalise before the deadline date.

It was reported that unqualified opinions were given for the accounts and Value for Money Judgements. Officers acknowledged that there remained financial pressures for the Council and that these would be considered as part of the Medium Term Financial Plan (MTFP).

Members raised several questions on the Grant Thornton fee for 2018/19, more specifically the additional £8k which related to additional work undertaken. An explanation of the additional work undertaken was detailed on page 65 of the main agenda report.

In response Mr. Percival commented that things had slipped back a bit, with many changes repeated from the previous year; however, the Executive Director, Finance and Resources and the finance team now had a clear grip of what was required for 2019/2020.

The Executive Director, Finance and Resources further stated that a lot of resources had been allocated in order to close the previous year's accounts. Officers thought they could achieve a better result this year, but the Asset Management spreadsheets proved to be limited and weak. She would reassure Members that new spreadsheets were now in place, which officers would go through with Grant Thornton. The Executive Director, Finance and Resources informed the Committee that having spoken with other treasurers across the County, she had been made aware that they had incurred additional charges in their fees, due to an increase in audit work.

Mr. Percival further commented that in terms of a broader context it had been a mixed year, with some authorities having stated that they had struggled to maintain momentum with the pressure on resources due to a significant increase in assets. Grant Thornton would continue to work with

the Executive Director, Finance and Resources and the finance team to reduce the amount of any possible future additional work.

In response to further questions and reassurance sought from the Committee, the Executive Director, Finance and Resources, stated that resources were now in place and that there was a specific timetable for next year's accounts. The new finance system would not go live until after the 2019/2020 end year accounts in order to avoid any possible disruption. The new finance system would go live in June / July 2020.

In response to further questions from Members, Mr. Percival stated that the Council was currently in a sound financial position. Grant Thornton would continue to focus on financial stability, whilst being aware of the roll over for this year and the challenges that the Council would continue to face in the future. The Council had reserves for at least three years, he would be less confident if those reserves were low in the future.

The Executive Director, Finance and Resources further commented that the MTFP for the year going forward had to be a balanced budget, with a 4 year plan, and maintaining a reserve balance level that Members had approved. There were various uncertainties and Members would have to make some difficult future decisions. It was understood that the New Homes Bonus (NHB) community grant funding would be received in 2020/2021 but it was expected that this would only be for one year without the further 4 years as previously anticipated.

In response to questions with regard to the impact of the future pension strain, Mr. Percival explained that at the Council's request the actuary had re-run the valuation report with their best estimate of the impact re McCloud. Authorities had had a huge number of significant liabilities on their balance sheets. Members should note that the estimated figure of current pension liability would be susceptible to any changes in rates.

The Executive Director, Finance and Resources, further responded with regards to the pension strain and in doing so explained that the percentage rate as agreed with the actuary would be included in the financial projections for the following 3 years.

RESOLVED that the Grant Thornton Annual Audit Letter 2018/19, as detailed at Appendix 1 to the report, be noted.

25/19

INTERNAL AUDIT PROGRESS MONITORING REPORT

The Head of Internal Audit Shared Services presented a report that informed the Committee on Internal Audit's performance for the period 1st April 2019 to 31st August 2019.

The Head of Internal Audit Shared Services asked the Committee to note that the report had been written at the end of August and that he would provide a verbal update where required.

Members' attention was drawn to page 79 of the main agenda pack and the 'Summary of Assurance Levels', more specifically the audits with a 'limited' assurance level. It was highlighted that all 'limited' assurance reviews went before the Corporate Management team (CMT) for full consideration, with any potential risk to the Council and how to mitigate those risks.

The Head of Internal Audit Shared Services further informed the Committee that a follow up would be conducted on all of the actions, as detailed at Appendix 3 to the report, to ensure they had been implemented in order to provide a satisfactory control of the risks identified.

Following a lengthy debate, the Executive Director, Finance and Resources and the Head of Internal Audit Shared Services, responded and provided clarification to Members on the following items:-

- DWP Intervention – Processing times for new housing benefit claims, council tax Support claims. The DWP intervention was withdrawn on 16th September 2019. The DWP were no longer concerned and had complimented the work of the benefits team with addressing their initial concerns. Members were asked to note that additional management support to officers had been provided and that an interim management structure had been put in place to support the concerns raised by staff and the DWP. The processing times for new claims had significantly decreased, with processing times well within the average processing time.
- Health and Safety – A Senior Health and Safety advisor had been appointed, who had formulated a comprehensive and robust action plan to address the points raised in the audit. There would be a planned follow up audit in quarter 4.
- Risk Management – Zurich had been commissioned to assist with the compilation of the corporate risk register during October 2019.
- Transport – Untaxed vehicles, it was clarified that there was only one untaxed vehicle.
- What was in place for a potential terrorist attack?

Members expressed their concern with the number of audits with a 'Limited' assurance level. It was agreed that the Corporate Management Team (CMT) be asked to provide an action plan, which would include timescales for 'Limited' assurance level audits.

Although Members were mindful that a considerable amount of the findings detailed on the Health and Safety audit had been actioned, they had concerns that the Health and Safety (H & S) audit had highlighted that basic health and safety checks had not been in place. Members were of the opinion that H & S should be fully embedded in the Council, with an ethos on health and safety. The CMT was charged with and accountable for health and safety, effective leadership for Health and Safety was fundamental. The H & S audit had highlighted that the CMT appeared to be somewhat adrift from their corporate H & S responsibilities.

The Executive Director, Finance and Resources agreed to discuss the concerns raised by Members with the CMT.

The Executive Director, Finance and Resources responded and stated that lessons had been learnt in relation to Health and Safety issues. However, she would reassure Members that the appointed Senior Health and Safety advisor was fully aware of the audit findings; and as Members had already noted, a consideration amount of the findings had been addressed. A follow up audit would be conducted in quarter 4 and she would assure Members that the aim was for the assurance level to be improved.

The Head of Internal Audit Shared Services acknowledged the Committee's comments that, the audit reports were somewhat difficult to navigate; and agreed to take this into account for future audit reports.

The following actions were agreed by the Committee:

- Page 90 of the main agenda report - "There was a high risk item set in 2016 which was not complete as of 11th June 2018. Review date stated mentions 2019". The Executive Director, Finance and Resources to provide Committee Members with more detail.
- Any 'Limited' assurance audits that have taken place, information to be provided to Committee Members.
- The relevant Head of Service to be invited to attend any future meetings where a 'Limited' assurance level was given.
- The CMT to provide an action plan, to include timescales for 'Limited' assurance level audits.
- Terrorist attack - include on the Corporate Risk Register.

RESOLVED that the Internal Audit Progress Report be noted.

26/19

FINANCIAL SAVINGS MONITORING REPORT APRIL - JUNE 2019/2020

The Executive Director, Finance and Resources presented the Financial Savings Monitoring Report for 2019/20. In doing so she highlighted the savings of £332k which had been delivered in the financial year. It was also noted that the Council's External Auditors, Grant Thornton had recommended that these savings be more closely monitored and this was reflected in the report.

The Executive Director, Finance and Resources reassured the Committee that savings were on target.

In response to questions from Members with regard to vacancy savings and staff being put under pressure; the Executive Director, Finance and

Resources informed the Committee that there was currently a freeze on recruitment; however, any business critical vacancies would be filled.

RESOLVED that the final financial position for savings for April to June 2019/20, as presented in the report and as detailed at Appendix 1 to the report, be noted.

27/19

RISK MANAGEMENT REVIEW

The Executive Director, Finance and Resources presented a report on the Risk Management Review and in doing so informed the Committee that the review had that there was evidence that the Council took the management of risk to its objectives seriously and some key stakeholders recognised the value that the risk management framework brought to the organisation.

However, the review found that there was not a consistent approach to robust risk management processes.

Three priority areas were identified by Zurich:-

- Improve the link between performance and risk by developing the role of the Cabinet and Portfolio Holders within the Risk Management framework to include consideration of, and input into, Strategic and Service Level Risk whilst being conscious of releasing such information into the public domain.
- Provide greater direct support to Departmental management teams to build a robust risk profile and support the embedding of effective risk management practices.
- Improve the level of risk management capability and awareness across Member and Officer groups, tailored to needs. Possibly supported by the establishment of a Risk Management Group.

A session with the Corporate Management team had been undertaken in order to go through the recommendations from Zurich and a further session had been set up to risk appetite. The risk management group has been re-established and an action plan to address the recommendations was being developed and would be presented to future meetings of the Committee. Training had been agreed with Zurich and was due to be delivered to 4th tier managers in October 2019.

RESOLVED that current review of risk management arrangements being undertaken, be noted.

28/19

RISK CHAMPION - VERBAL UPDATE REPORT (COUNCILLOR VAN DER PLANK)

Councillor Van der Plank provided the Committee with a verbal update, as her role of Risk Champion, as detailed at Appendix 1 to the minutes. The following was noted:

Risk Strategy and Management Processes – Headline Summary

It was noted that Members had been updated on the recent Risk Management Review undertaken by Zurich and the findings of that review, during the course of the meeting.

That the Risk Steering Group be renamed as the Risk User Group. Risk Champions meetings to be made a higher priority, as meetings were frequently cancelled.

Current top 5 strategic risks need reviewing and updating, they have not be updated for some time and should include terrorist attacks, as suggested by Councillor Kriss.

Emergency Planning, Business Continuity response plan & communication strategy had worked really well.

Members commented that the update was really well aligned with the findings of internal audit.

The Chairman thanked Councillor Van der Plank for her detailed update.

The Executive Director, Finance and Resources also expressed her thanks and thought that the update would be insightful for officers.

29/19

AUDIT, STANDARDS AND GOVERNANCE COMMITTEE WORK PROGRAMME

Members considered the Audit, Standards and Governance Committee's Work Programme for 2029/20.

It was noted that the Council's, Senior Health and Safety advisor be invited to attend the next meeting of the Committee.

The Executive Director, Finance and Resources agreed to provide the Committee with more information on the Council's Brexit strategy. Members were informed that the Deputy Chief Executive & Executive Director, Redditch Borough & Bromsgrove District Councils was the lead officer with regard to Brexit.

RESOLVED that the Audit, Standards and Governance Committee's Work Programme for 2019/20, be updated to include the items discussed and agreed during the course of the meeting.

The meeting closed at 7.54 p.m.

Chairman

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CABINET RECOMMENDATIONS TO THE COUNCIL

On 20th November 2019

Cabinet meeting 23rd October 2019

Wyre Forest Local Plan – BDC Response to Pre Submission Plan

Cabinet considered the above report and made the following recommendation.

RECOMMENDED TO COUNCIL that

- a) Council approve the officer response to the Wyre Forest Local Plan Review Pre Submission Plan as its formal response and that it is confirmed with Wyre Forest District Council as such; and
- b) Delegated Authority is given to the Head of Planning and Regeneration to ensure that BDC is represented at the Examination in Public element of the Wyre Forest Local Plan review.

LOCAL COUNCIL TAX REDUCTION SCHEME 2020/21

Cabinet considered the report in respect of the Local Council Tax Reduction Scheme for 2020/21.

RECOMMENDED TO COUNCIL that no changes be made to the Council Tax Reduction Scheme for 2020/21 other than the uprating of allowances, disregards and other financial limits.

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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE CABINET

23RD OCTOBER 2019, AT 6.00 P.M.

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

Officers: Mr. K. Dicks, Ms. J. Pickering, Mrs. C. Felton, Mr. M. Dunphy, Mr D Riley and Ms. A. Scarce

34/19 **APOLOGIES**

An apology for absence was received from Councillor M. Sherrey.

35/19 **DECLARATIONS OF INTEREST**

There were no declarations of interest on this occasion.

36/19 **MINUTES**

The minutes of the Cabinet meeting held on 4th September 2019 were submitted.

RESOLVED that the minutes of the Cabinet meeting held on 4th September 2019 be approved as a correct record.

37/19 **MINUTES OF THE MEETING OF THE OVERVIEW AND SCRUTINY BOARD HELD ON 2ND SEPTEMBER 2019**

It was noted that the recommendations within these minutes had been tabled at the previous meeting and therefore the minutes were merely for noting.

RESOLVED that the minutes of the Overview and Scrutiny Board meeting held on 2nd September 2019 be noted.

38/19 **ASSET OF COMMUNITY VALUE - HIGH HOUSE WOOD**

Councillor A. Kent, as Portfolio Holder for Planning and Regulatory Services presented the report and reminded Members of the process that gave communities a right to identify a building or other land that they believed would be of value to their community.

He believed from the information that he had been provided with that it was appropriate for the Council to support this application.

Members were in agreement and after a short discussion it was

RESOLVED that Cabinet support the listing of High House Wood as an Asset of Community Value.

39/19

WYRE FOREST LOCAL PLAN - BDC RESPONSE TO PRE SUBMISSION PLAN

The Strategic Planning and Conservation Manager introduced the report and reminded Members that they would be aware of the situation from the previous response and the concerns raised around the lack of a transport assessment, which had still not been received.

He went on to explain that the objections were therefore similar to those in the original response, as little had changed in respect of the concerns that had been raised at that time in respect of the transport implications of the proposed development sites. The response covered a number of technicalities, but had stopped short of making reference to the duty to co-operate. However, if the issues did not get resolved then further down the line there was the potential for this to be considered.

The Strategic Planning and Conservation Manager advised that a meeting had been arranged in three weeks' time with officers at Wyre Forest District Council and it was hoped more evidence would be made available at that meeting. The Strategic Planning Conservation Manager confirmed that he would continue to update Members with any progress made in this respect.

Following presentation of the report Members were happy with the measured response prepared by Officers. However, concerns were raised that no responses had been received to date. The Strategic Planning and Conservation Manager explained there was no reason for Wyre Forest District Council not to respond and he was hopeful progress would be made, particularly as there would be an examination in public. Councillor Kent reiterated that every effort had been made to engage with Wyre Forest.

RESOLVED that Cabinet endorse the officer response to the Wyre Forest Local Plan Review Pre Submission Plan (as attached at Appendix A to the report).

RECOMMENDED that

- a) Council approve the officer response to the Wyre Forest Local Plan Review Pre Submission Plan as its formal response, and that it is confirmed with Wyre Forest district Council as such; and

- b) Delegated Authority is given to the Head of Planning and Regeneration to ensure that BDC is represented at the Examination in Public element of the Wyre Forest Local Plan review.

40/19

LOCAL COUNCIL TAX REDUCTION SCHEME 2018/19

It was noted that the date at the top of the report should read 2020/21 and not 2018/19 as stated. It was also noted that within the recommendation the date should read 2020/21.

The Financial Support Manager provided background information in respect of the report and explained that the proposal was for it to continue unchanged for 2020/21. This was due to a number of reasons including stability within the team after the introduction of Universal Credit. However, a full review in 2021/22 would take place which would also allow the opportunity to learn from other authorities and the introduction of Universal Credit.

The Leader acknowledged that it had been a difficult time for the Team and asked for it to be recorded that all their hard work was noted and appreciated.

The Financial Support Manager went on to explain the purpose of the Council Tax Support Scheme and the provision for those on a low income. It covered up to 85% of Council Tax dependent on income and household make up.

It was explained that the current scheme was too reactive to change and was no longer viable, with each change implemented by Universal Credit resulting in a reassessment due to the current scheme's structure. This made it difficult for recipients to be able to calculate their regular income each month. The move to a more efficient scheme would address this by simplifying the administration scheme for both the Council and applicants.

RECOMMENDED that no changes be made to the Council Tax Reduction Scheme for 2020/21 other than the uprating of allowances, disregards and other financial limits.

41/19

MEDIUM TERM FINANCIAL PLAN - FINANCIAL FRAMEWORK

The Executive Director, Finance and Resources introduced the report which had been prepared in order for Members to be able to consider the overall financial strategic framework and objectives for the Council from 2020/21 to 2023/24.

In light of the financial pressures it faced, the framework set out the strategy aims in order for the Council to become financially sustainable whilst delivering its priorities to the Community. The key objectives were detailed within the report and were referenced within the Council Plan, which had recently been agreed at full Council. A timeline of reports to

be received over the next six months was also included and reference was made to the work carried out by the Overview and Scrutiny Board's Finance and Budget Working Group in reviewing a number of those reports and making relevant recommendations to Cabinet.

It was noted that the current Medium Term Financial Plan, for the Council presented an increasing gap over the next three years. The report detailed how measures were in place to address these challenges with the aim to maximise savings in 2019/20 to enable balances to be increased. Those measures included a non-essential spending freeze, a recruitment freeze and a full review of capital spending to enable a reduction in borrowing costs, together with all commercial activities being marketed to maximise income potential.

Following a brief discussion it was

RESOLVED that the overarching financial objectives and framework to be used in developing the detailed financial plan, to enable the Council to realise savings and additional income whilst delivering the strategic priorities of the Council be noted.

The meeting closed at 6.24 p.m.

Chairman

Bromsgrove District Council

Report of the Portfolio Holder for Strategic Housing and Health and Well Being

HEALTH AND WELLBEING

Aligned to: Help me to Keep my Place Safe and Looking Good

Health And Physical Activity

Health Intervention

Bromsgrove shows a middle-high level of excess weight which is 0.8% higher than the national average; however levels of activity across the district are middle-high. The Active People's Survey (2016) shows an increase in people exercising 3 x or more per week but a decrease in lower level activity such as 1 x week. Bromsgrove are retaining active people but not engaging as many inactive people as previous years.

Sports Development works to improve the health of the Bromsgrove Community through physical activity and mental health and wellbeing:

Activity Referral: A referral scheme where people can self-refer in to the scheme. This is currently run out of three centres across Bromsgrove, Bromsgrove Sport and Leisure Centre, Altered Images Gym and Rush Active in Wythall. Participants who have completed the programme have experienced reduced blood pressure, improved mental health, better weight management as well as improving strength, mobility and the ability to carry out everyday tasks



Healthy Horizons

Bromsgrove Sport & Leisure Centre, School Drive or Altered Images, 80 Worcester Rd, Bromsgrove

An individually tailored programme of physical activity for people experiencing:

- Stroke • Chronic Heart Failure
- Depression • ME • Low Back Pain
- Heart Attack • Diabetes • COPD
- Chronic Fatigue Syndrome
- Cancer • Arthritis • Fibromyalgia
- Any long term health condition

To include:
A combination of lifestyle advice and gentle to moderate exercise in a gym environment. Sessions are led by qualified exercise and health professionals providing benefit is such as improving lifestyle, chances to socialise and creating pathways to continue participation after the programme.

For only \$17.00 you will receive a 6 week programme, full leisure centre membership, plus access to all of our community exercise sessions.

For more information about course dates and content, or a copy of the referral form contact:
Tel: 01527 548203
email: hayley.gwilliam@bromsgroveandredditch.gov.uk




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Bromsgrove Sport & Leisure Centre, School Drive or Altered Images, 80 Worcester Rd, Bromsgrove

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Mental Health and Wellbeing: Mental Health and wellbeing has become a high priority for Bromsgrove for all age groups. The significance of this has been highlighted in the Worcestershire Health and Wellbeing Strategy as it is one of the top 3 priorities. All of our instructors have been trained to help with mental health and wellbeing.

Strong and Steady (Falls Prevention Intervention): This is a national scheme which helps people who may be at risk of falling. People can self-refer into this scheme or be referred through a medical professional. This scheme is run in partnership with Public Health and the County Sports Partnership. The intervention helps to improve strength and mobility as well as improving confidence as many of the participants live alone so are socially isolated. We have committed to the provision of 5 rolling programmes across the borough.

Strong & Steady

Bromsgrove Methodist Centre
Wednesdays 2.30pm
Gilbert Court
Thursdays 1.30pm

£3.50 per session

Do you want to improve your balance and co-ordination?
Do you want to increase your strength, mobility and flexibility?
Do you want to improve your posture and stamina?

Then this class could be just right for you - helping to improve all of those things.

A light and enjoyable way to exercise and a great social group too!

Call the number below to book your place

Please contact the strength and balance co-ordinator at Bromsgrove District and Redditch Borough Councils on 01527 881404 or sd@bromsgroveandredditch.gov.uk




Rubery Social Club
Mondays 11.15am

Strong & Steady

£3.50 per session

Do you want to improve your balance and co-ordination?
Do you want to increase your strength, mobility and flexibility?
Do you want to improve your posture and stamina?

Then this class could be just right for you - helping to improve all of those things.

A light and enjoyable way to exercise and a great social group too!

Call the number below to book your place

Please contact the strength and balance co-ordinator at Bromsgrove District and Redditch Borough Councils on 01527 881404 or sd@bromsgroveandredditch.gov.uk





Couch 2 5k: This scheme has been hugely successful in getting inactive residents engaged in physical activity. The programme encourages people to walk/run their way up to 5km over a 9 week period. It is all inclusive and the age range is vast. 33% of those taking part are inactive i.e. they do not meet the recommended weekly activity level of 1 x 30 minutes. Targeting this population will see the greatest health benefits in terms of reduction in NHS admissions/appointments, increased mental health and wellbeing and improved community cohesion.

Community Exercise Classes: Aimed at people over the age of 50, but welcomes all ages. These sessions are targeted to improve levels of physical activity in the older age group as well as provide social opportunities to improve mental health and wellbeing. Activities provided include yoga, pilates, tai chi, Zumba. Access to facilities and transport is important and can be a barrier to exercise.

Walking for Health: There are currently 5 free Walking for Health sessions across the Borough, with plans to set up more in the new year.

ESCAPE-pain: Education and exercise for people living with osteoarthritis of the hip/knee. 12 sessions over 6 weeks.

escape pain

Do you have knee or hip pain?

Join our ESCAPE-pain class, meet other people living with arthritis and learn: An education and exercise programme for people living with Osteoarthritis

CLASS DETAILS

Venue

Bromsgrove Sport & Leisure Centre

Day/Time

Tuesdays and Thursdays
10.30am to 11.30am

Starting

Tuesday 7th January 2020

Cost

£3.30 per 1 hr session



HOW DO I SIGN UP?

Contact Hayley Gwilliam - Bromsgrove District Council

Telephone 01527 881404

Email: hayley.gwilliam@bromsgroveandredditch.gov.uk



NEURO exercise – currently working with the neuro physios at POWCH and Images gym on the provision of an exercise class for people living with neuro conditions such as MS, Parkinson's disease, head injuries, and many more.

Health – SD are currently working with local GP's, physios and other providers to identify the gaps in provision for sessions targeted at specific health conditions.

Disability sessions: Disabled activities such as Sailing, Keep on Moving, Climbing and Boccia are run weekly as well as more targeted activities being offered through

partnerships with schools (Chadsgrove and Rigby), community groups (YMCA) and charities (Age UK, Alzheimer's Society).

Positive Activities: These sessions are being supported by West Mercia Police, Community Safety Partnership, YMCA. This promotes interaction and acts as a diversionary activity to reduce anti-social behaviour and improve community cohesion.

Active Kitchen

October Half term saw the first roll out of the Active Kitchen programme over the identified areas of need in the District. This saw 4 programmes run in Catshill, Charford, Rubery and Sidemoor, these sites were all staffed through our partnership with the YMCA Worcestershire and hot meals provided by Life, Fork & Spoon.

There was 18 hours of activity delivered and 57 meals served to young people aged 8-16. As this was the first holiday delivery in most of these areas and working with the targeted audience participation was at an expected lower level than sites where delivery has been ongoing for 12 months plus. New partnerships have been forged with Catshill Baptist Church and the foodbank there, St Chads Church in Rubery and the West Mercia Police Safer Neighbourhood teams in the 5 targeted wards. Due to staffing with the Youth Club at Woodrush Hub it was not possible to run the programme during this holiday, but plans are now already taking place to run the programme in February half term.

The participants were 65% female and 74% were aged 12-16 showing that the programme reached the key demographics that tend not to engage as much with youth provision and physical activity. As well as the impact for the young people in the communities, there was also 12 volunteers that engaged and helped with the delivery.

Linking to the Active Kitchen programme to an outreach and diversionary activity programme which has also started will create a consistency of activity in these areas producing a natural feed in to the February delivery of Active Kitchen.

There is an evaluation meeting planned on Nov 14th bringing all the delivery partners together to look at what went well and actions ahead of the February delivery to ensure this pilot scheme is as big a success as possible and producing the learning and outcomes needed for a sustainable model moving forward.

Active Kitchen Bromsgrove

Catshill, Charford, Rubery, Sidemoor
October 2019

18 hours
of activities



57
Total meals
served

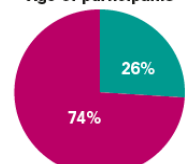


10
Volunteers



Age of participants

65% Sex
35%



8 - 11 yrs 12 - 16 yrs

For more information please contact Sports Development on
01527 881289 or email sd@bromsgroveandredditch.gov.uk



Development Services

The Bromsgrove Arts and Cultural Consortium (BACC), of which BDC is a core member, will soon launch its action plan for growing cultural engagement across Bromsgrove District. Produced as part of the Arts Council England-funded 'Tell Me What You Want' project, this plan is the result of 18 months of research and over 1000 individual engagements with Bromsgrove residents and organisations. The 'Tell Me What You Want' plan has wellbeing at its heart, providing a framework for ambitious partnership working in the field of arts and public health, including mental health. As such, we could signpost Mr Dean Smith to BACC via the Council's Arts Development service – who would be happy to explore how Mental Health Together might potentially become involved as partners in this project.

We are currently in dialogue with a number of organisations around approaches to the arts and social prescribing. We have committed a considerable amount of the capacity of a recently created, full-time Arts Development Officer post to building these kinds of relationships and associated projects.

'Tell Me What You Want' has provided us with a firm evidence base for our action in Bromsgrove over the next ten years. As a result of this work we can show that there is a need for more cultural engagement among, particularly: isolated elderly people, young people aged 15-20, young parents with older children and people from lower socio-economic backgrounds. We also have a well-developed, publicly-sourced programme of actions which will, we hope, enable us to turn Bromsgrove into a place where everyone's health and wellbeing is enhanced by cultural engagement.

COMMUNITY TRANSPORT

BURT (Bromsgrove Urban and Rural Transport)

I am pleased to update you in respect for our community transport scheme that is delivered by Bromsgrove and Redditch Network (BARN) in our District. Community Transport supports our residents to live their lives independently and enables them to access a wide range of services and activities ranging from trips to day centres, shopping and social groups. In doing this the services helps prevents loneliness and improves users physical and mental well-being.

BURT has 263 registered users and in the last quarter took on 26 new users, provided 1138 single passenger trips of which 178 where wheelchair passengers.

BROMSGROVE PARTNERSHIP

Background

The Bromsgrove Partnership is the Local Strategic Partnership (LSP) for the District. An LSP is a voluntary partnership which brings together different organisations from the public, private, voluntary and community sectors. Instead of each organisation working separately in isolation, the Bromsgrove Partnership provides a forum for local organisations to come together and address issues that are important to those living, working and visiting Bromsgrove District, in a more effective and cohesive way.

Bromsgrove Partnership's vision is: "We will make Bromsgrove District the place to live, do business and to visit."

Bromsgrove Partnership operates a Strategic Board with Theme and Sub Groups underneath. As the relevant Portfolio Holder, I sit on two Bromsgrove Partnership Groups: Community Wellbeing Theme Group and Ageing Well Sub Group.

Both groups are made up of representatives from a number of different local agencies, primarily within the public and voluntary and community sectors. As this is a new Portfolio, to increase my understanding of all the services and support provided by the different local agencies, I have been meeting with them on an individual basis. This has been invaluable and very positively received by those I have met so far.

Community Wellbeing Theme Group

This Theme Group covers: Health and Wellbeing; Children and Young People; and Ageing Well. The focus for this group is aligned with priorities within the Worcestershire Health and Wellbeing Strategy 2016-21 which are: improving mental wellbeing; increasing physical activity; and reducing harm from alcohol.

Although Bromsgrove District is considered overall relatively healthy, there is an understanding amongst partners that the statistics often mask pockets of deprivation and health inequalities. The latest Public Health England profile has recently been published and is likely to be discussed at the next meeting.

At recent meetings I have attended there has been a focus on children and young people including a presentation on Worcestershire Children First as well as discussions on Positive Activities and future partnership approaches to working with young people. This has been picked up and discussed further by the Children and Young People Provider Group which links to the Bromsgrove Partnership as well as the Community Safety Partnership.

Other items that have been discussed recently have been: Drug and Alcohol Needs Assessment; the work of the Sunrise Team (BDHT lead but was conceived at a

Bromsgrove Partnership meeting a few years ago to help support individuals/families with complex multiple needs); and the work of the Bromsgrove Arts, Culture and Heritage Consortium to identify and address barriers for people to engage with the arts locally.

At a County level, I provide the link between the Theme Group and the Worcestershire Health Improvement Group (HIG). This is a sub group of the Health and Wellbeing Board (HWBB), which oversees the system for local health commissioning in the County. I am the District Council representative on the HIG and the North Worcestershire District Council representative on the HWBB. At the last HIG meeting, items discussed included Child Poverty, Substance Misuse Needs Assessment and Early Help. At the last HWBB meeting, items discussed included: Safeguarding (both Adults and Children); Housing and Health Joint Strategic Needs Assessment (JSNA); JSNA Annual Summary; and Better Care Fund.

Ageing Well Sub Group

Due to the wide remit of the Community Wellbeing Theme Group, and given the demographic of the District, a sub group, specifically focusing the older population locally, was formed some time ago. It is chaired by the Chief Executive of Age UK Bromsgrove, Redditch and Wyre Forest (BRWF).

Earlier this year partners on this group decided to have themed meetings relating to Age Friendly Communities with the last meeting focussing on 'Enough money to live well'. This meeting included brief talks from Department of Work and Pensions (DWP), Citizens Advice, Age UK BRWF, Act on Energy as well as Bromsgrove District Council's Financial Independence Team. Through this Group, we have produced a Winter 2019 version of New Horizons, which is a leaflet for over 50s containing useful contacts loosely listed around the five ways to wellbeing, with extra information on keeping warm this winter. This is being distributed amongst partners, including the Bromsgrove Forum for Older People, together with the Warmer Worcestershire Thermocards and Warm Homes Fund leaflets.

The Group links with the Bromsgrove and Redditch Dementia Friendly Group which again is made up of different representatives. It is Chaired and supported by two volunteers who happen to be BDC officers (Helen Mole and Katie Sharp-Fisher) who kindly give up their own time to help run the group. The group supports the aim for Bromsgrove District to be dementia friendly by raising awareness locally. In turn it therefore contributes towards helping those affected to live well with dementia. Although this is separate to the Bromsgrove Partnership, I would like to highlight the new 'Live Well with Dementia' Guide that has been produced through that group, sponsored by one of the partner organisations, and free copies are available to local residents.

The next meeting of the Ageing Well Sub Group will be focussing on 'Keep safe at home' and will involve: West Mercia Police; Hereford & Worcester Fire and Rescue Service; Community Safety Team; Lifeline; and a variety of other local agencies.

Wellbeing in Partnership E-Newsletter

There is a 'Wellbeing in Partnership' E-Newsletter which is circulated monthly across Bromsgrove and Redditch partner organisations including BDC Councillors for information. The content comes from different organisations to help keep other organisations informed which ultimately helps ensure our local residents are appropriately signposted to services that might be of benefit to them, no matter which agency they initially contact. This has been picked up by the NHS Redditch and Bromsgrove Clinical Commissioning Group's Alliance Board which has it on every agenda as a standing item for information.

Report of the Portfolio Holder for Strategic Housing and Health and Well Being

STRATEGIC HOUSING

Aligned to all strategic purposes but in particular to “Help me to Find Somewhere to Live in my Locality” and “Help me to Run a Successful Business”

I am pleased to present an update report to the Council about the areas covered by my portfolio. Members will be aware that I am relatively new in post, so I would like to take this opportunity to cover some of the latest headlines from a local housing perspective.

Homelessness - homelessness is always a measure of the health or otherwise of a local housing market, and I am pleased to be able to report that homelessness remains relatively stable in Bromsgrove. It's certainly rare to see someone rough sleeping in Bromsgrove and we continue to fund a rapid-response service via Caring for Communities and People (CCP) who specialize in helping people at risk of homelessness avoid ending up on the streets.

BDHT also continue to do a good job of tackling homelessness and housing need across the district and they're certainly busy, conducting over 100 housing options interviews a quarter. With around 3000 households registered on our housing register there's no room for complacency because demand for affordable options remains high.

The council continues to use all MHCLG homelessness grants to prevent or respond to homelessness locally, with a particular focus on the needs of young people and ex-offenders.

Affordable Housing - as members will be aware, we regularly negotiate for up to 40% affordable housing provision in our Section 106 agreements with developers. Over the last five years these have delivered an average of 100 affordable homes a year and these homes go on to be owned by local Registered Providers, such as BDHT, who will be renting the properties to local residents. The pipeline of new homes coming on-line is healthy, and we have 15 housing providers operating in our area, but there's always a need to do more, and I am looking forward to examining what extra steps we might be able to take to increase the supply of affordable housing, especially for local residents struggling to purchase a home, given that property prices are high here.

The Immediate Future - for local residents living and working in Bromsgrove the housing situation is challenging, and we are trying to rebalance the market from this perspective. Preparations for the redevelopment of the site of our old headquarters at Burcot Lane to produce 61 new homes are continuing with Homes England and local people were very positive about plans for the area at a recent consultation event.

I would conclude my comments on housing by mentioning some new work that's being done by officers in the private sector housing team to protect overseas workers from exploitation and poor housing conditions locally. With the help of a central fund our officers are working closely with our partners including the police and fire service to ensure migrants aren't facing risk of harm. I will provide more detail on this new work in the future but in here and now I thought members across the chamber might like to hear that we are taking steps to protect a group who can be vulnerable without the necessary support on the housing front.

LOCAL GOVERNMENT ETHICAL STANDARDS

Relevant Portfolio Holder	Councillor Geoff Denaro
Portfolio Holder Consulted	YES
Relevant Head of Service	Claire Felton
Ward(s) Affected	n/a
Ward Councillor(s) Consulted	n/a
Key Decision / Non-Key Decision	Non-Key Decision

1. SUMMARY OF PROPOSALS

- 1.1 The purpose of this report is to consider a Review by the Committee on Standards in Public Life (CSPL) into Local Government Ethical Standards.

2. RECOMMENDATIONS

The Committee is asked consider and review the changes to the Code of Conduct to reflect the CSPL Best Practice Recommendations and to recommend to Council that the changes be approved and that authority be delegated to the Head of Legal and Democratic Services to update the constitution accordingly.

3. KEY ISSUES

Background

In January 2019 Authorities received the Review by the Committee on Standards in Public Life (CSPL) into Local Government Ethical Standards.

The CSPL concluded that high standards of conduct in local government are needed to protect the integrity of decision-making, maintain public confidence, and safeguard local democracy.

Their evidence supports the view that the vast majority of councillors and officers maintain high standards of conduct. There is, however, clear evidence of misconduct by some councillors. The majority of these cases relate to bullying or harassment, or other disruptive behaviour. There is also evidence of persistent or repeated misconduct by a minority of councillors.

The committee were also concerned about a risk to standards under the current arrangements, as a result of the current rules around declaring interests, gifts and hospitality, and the increased complexity of local government decision-making.

The CSPL best practice recommendations for local authorities should be

considered a benchmark of good ethical practice, which they expect that all local authorities can and should implement. CSPL will review the implementation of best practice in 2020. An updated draft Code of Conduct with ‘track changes’ is attached at appendix 1 of this report. A clean copy of the updated draft Code of Conduct with the ‘track changes’ accepted is attached at appendix 2 of this report.

Codes of Conduct

Local authorities are currently required to have in place a code of conduct of their choosing which outlines the behaviour required of councillors. There is considerable variation in the length, quality and clarity of codes of conduct. This creates confusion among members of the public, and among councillors who represent more than one tier of local government. The CSPL report records that many codes of conduct fail to address adequately important areas of behaviour such as social media use and bullying and harassment.

There are, however, benefits to local authorities being able to amend and have ownership of their own codes of conduct. The committee recommends that the updated model code that they intend to propose should therefore be voluntary and able to be adapted by local authorities. The committee also recommend that the scope of the code of conduct should also be widened, with a rebuttable presumption that a councillor’s public behaviour, including comments made on publicly accessible social media, is in their official capacity.

The Worcestershire Councils to date had already taken the decision to agree a Code of Conduct that is used by all such Councils, for consistency and to assist those Councillor’s that due to multiple roles are subject to the Code of Conduct at more than one authority. It is that Code of Conduct previously agreed by all Worcestershire Councils that has been updated in Appendixes 1 and 2 to reflect the recommendations of the CSPL report.

List of Recommendations

Number	Recommendation	Responsible body
1	The Local Government Association should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government.	Local Government Association
2	The government should ensure that candidates standing for or accepting public offices are not required publicly to disclose their home address. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to clarify that a councillor does not need to	Government

BROMSGROVE DISTRICT COUNCIL

AUDIT, STANDARDS AND GOVERNANCE

10th October 2019

	register their home address on an authority's register of interests.	
3	Councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly-accessible social media. Section 27(2) of the Localism Act 2011 should be amended to permit local authorities to presume so when deciding upon code of conduct breaches.	Government
4	Section 27(2) of the Localism Act 2011 should be amended to state that a local authority's code of conduct applies to a member when they claim to act, or give the impression they are acting, in their capacity as a member or as a representative of the local authority.	Government
5	The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to include: unpaid directorships; trusteeships; management roles in a charity or a body of a public nature; and membership of any organisations that seek to influence opinion or public policy.	Government
6	Local authorities should be required to establish a register of gifts and hospitality, with councillors required to record any gifts and hospitality received over a value of £50, or totalling £100 over a year from a single source. This requirement should be included in an updated model code of conduct.	Government
7	Section 31 of the Localism Act 2011 should be repealed, and replaced with a requirement that councils include in their code of conduct that a councillor must not participate in a discussion or vote in a matter to be considered at a meeting if they have any interest, whether registered or not, "if a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision-making in relation to that matter".	Government
8	The Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of two years, renewable once.	Government
9	The Local Government Transparency Code should be updated to provide that the view of the Independent Person in relation to a decision on which they are consulted should be formally recorded in any decision notice or minutes.	Government
10	A local authority should only be able to suspend a councillor where the authority's Independent Person agrees both with the finding of a breach and that suspending the councillor would be a proportionate sanction.	Government

BROMSGROVE DISTRICT COUNCIL

AUDIT, STANDARDS AND GOVERNANCE

10th October 2019

11	Local authorities should provide legal indemnity to Independent Persons if their views or advice are disclosed. The government should require this through secondary legislation if needed.	Government / all local authorities
12	Local authorities should be given the discretionary power to establish a decision-making standards committee with voting independent members and voting members from dependent parishes, to decide on allegations and impose sanctions.	Government
13	Councillors should be given the right to appeal to the Local Government Ombudsman if their local authority imposes a period of suspension for breaching the code of conduct.	Government
14	The Local Government Ombudsman should be given the power to investigate and decide upon an allegation of a code of conduct breach by a councillor, and the appropriate sanction, on appeal by a councillor who has had a suspension imposed. The Ombudsman's decision should be binding on the local authority.	Government
15	The Local Government Transparency Code should be updated to require councils to publish annually: the number of code of conduct complaints they receive; what the complaints broadly relate to (e.g. bullying; conflict of interest); the outcome of those complaints, including if they are rejected as trivial or vexatious; and any sanctions applied.	Government
16	Local authorities should be given the power to suspend councillors, without allowances, for up to six months.	Government
17	The government should clarify if councils may lawfully bar councillors from council premises or withdraw facilities as sanctions. These powers should be put beyond doubt in legislation if necessary.	Government
18	The criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished.	Government
19	Parish council clerks should hold an appropriate qualification, such as those provided by the Society of Local Council Clerks.	Parish councils
20	Section 27(3) of the Localism Act 2011 should be amended to state that parish councils must adopt the code of conduct of their principal authority, with the necessary amendments, or the new model code.	Government
21	Section 28(11) of the Localism Act 2011 should be amended to state that any sanction imposed on a parish councillor following the finding of a breach is to be determined by the relevant principal authority.	Government

22	The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 should be amended to provide that disciplinary protections for statutory officers extend to all disciplinary action, not just dismissal.	Government
23	The Local Government Transparency Code should be updated to provide that local authorities must ensure that their whistleblowing policy specifies a named contact for the external auditor alongside their contact details, which should be available on the authority's website.	Government
24	Councillors should be listed as 'prescribed persons' for the purposes of the Public Interest Disclosure Act 1988.	Government
25	Councillors should be required to attend formal induction training by their political groups. National parties should add such a requirement to their model group rules.	Political groups National political parties
26	Local Government Association corporate peer reviews should also include consideration of a local authority's processes for maintaining ethical standards.	Local Government Association

List of Best Practice

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

AUDIT, STANDARDS AND GOVERNANCE

10th October 2019

The full report is attached electronically using this link;

<https://www.gov.uk/government/publications/local-government-ethical-standards-report>

Financial Implications

- 3.1 It is not anticipated that amending the Code of Conduct in line with the recommendations will have any financial implications.
- 3.2 Failure to comply adopt the recommendations into our Code of Conduct, may leave us more vulnerable to an appeal against any decision made, this may have cost implications should any appeals be successful.

Legal Implications

- 3.3 CSPL have made a number of recommendations and identified best practice to improve ethical standards in local government. Their recommendations are made to government and to specific groups of public officeholders. They recommend a number of changes to primary legislation, which would be subject to Parliamentary timetabling; but also to secondary legislation and the Local Government Transparency Code, which could be implemented more swiftly.
- 3.4 In the meantime Councils are expected to consider the findings and recommendations and compliance with them or failure to comply with them would be a consideration upon any process involving the code such as a review or an appeal.

Service / Operational Implications

- 3.5 None.

Customer / Equalities and Diversity Implications

- 3.6 No Equality Impact Needs Assessment has been undertaken.

4. RISK MANAGEMENT

- 4.1 None.

5. APPENDICES

AUDIT, STANDARDS AND GOVERNANCE

10th October 2019

Appendix 1 - Proposed draft Code of Conduct with 'track changes' to show amendments to the current Code of Conduct.

Appendix 2 - Proposed draft Code of Conduct with 'track changes' accepted.

6. KEY

Non-key.

AUTHOR OF REPORT

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Tel.: 01527 881488

PART 20

(Draft for adoption September 2019)

BROMSGROVE DISTRICT COUNCIL

CODE OF CONDUCT

Part 1

General provisions

Introduction and interpretation

1. (1) This Code applies to **you** as a member or co-opted member of Bromsgrove District Council.

(2) You should read this Code together with the Ten Principles of Public Life (also known as the Nolan Principles) which are set out in Appendix 1

(3) It is your responsibility to comply with the provisions of this Code.

(4) In this Code—

"meeting" means any meeting of

(a) the authority (Bromsgrove District Council);

(b) any of the authority's, committees, sub-committees, joint committees, joint sub-committees, or area committees;

(c) the executive (Cabinet) of the authority or its committees

~~(e)~~(d) an external body upon which the member sits as a representative of the authority;

"Monitoring Officer" means the Monitoring Officer for the principal Council which is ~~Bromsgrove District Council~~;

"bullying and harassment includes;

oppressive behaviour or the abuse of power, which makes the recipient feel threatened, humiliated or vulnerable, and which may undermine his/her self confidence and cause him/her to suffer stress."

Examples are set out at Appendix 3 to this Code.

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Scope

2. (1) This Code applies to you as a member of this authority when you act in your role as a Member or as a representative of the authority in the circumstances described in para 2 (b) below.
- (2) Where you act as a representative of the authority:
 - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with the authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3. (1) You must treat others with respect in accordance with the Nolan principles.
- (2) You must co-operate with any standards investigations.
- ~~(3)~~ You must not:
 - (a) do anything which may cause your authority to breach any of the equality enactments;
 - (b) bully or harass any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be:
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings,in relation to an allegation that a member (including yourself) has failed to comply with the authority's Code of Conduct;
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the authority.

4. You must not:

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(a) do anything that is likely to cause your authority to breach Data Protection law;

(b) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:

- (i) you have the consent of a person authorised to give it;
- (ii) you are required by law to do so;
- (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
- (iv) the disclosure is:
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or

(c) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6. You:

(a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

(b) must, when using or authorising the use by others of the resources of, or under the control of, the authority:

- (i) act in accordance with the authority's reasonable requirements including in relation to the use of authority stationery and official logos and branding;
- (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

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(c) must have regard to any applicable Local Authority Code of Publicity.

7. You must:

(a) when reaching decisions on any matter have regard to any relevant advice provided to you by the authority's officers and in particular by the authority's Monitoring Officer and Section 151 Officer; and

(b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the authority

8. You must not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties, **and must comply with the authority's guidance on gifts and hospitality (attached as Appendix 4).**

Part 2

Interests

Disclosable Pecuniary Interests ("DPI")

9. (1) You will have a Disclosable Pecuniary Interest ("DPI") under this Code if:-

(a) such interest meets the definition prescribed by The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 regulations as amended from time to time and set out in Appendix 2 to this Code; and

(b) it is either an interest of yourself; or it is an interest of :-

(i) your spouse or civil partner; or

(ii) a person with whom you are living as husband and wife: or

(iii) a person with whom you are living as if you were civil partners;

And you are aware that the other person has the interest.

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Registration of DPIs

10. (1) You must within 28 days of becoming a member of the authority or being re-elected notify the Monitoring Officer in writing of any DPI which you hold at the time notification is given
- (2) You must within 28 days of becoming aware of any new DPI, or changes to existing DPIs notify the Monitoring Officer in writing of the detail.

Other Disclosable Interests (ODI)

11. (1) You will have a Disclosable Interest in any matter if you are aware that you or a member of your family or person or organisation with whom you are associated have a:-
 - a pecuniary interest in the matter under discussion; or
 - b a close connection with the matter under discussion.
- (2) If you are a member of another local authority, or public body, or you have been appointed as the Council's representative on an outside body, you do not have a Disclosable Interest unless a member of the public knowing the circumstances would reasonably regard membership of the body concerned as being likely to prejudice your judgment of what is in the public interest.

Disclosure of Interests

- 12.(1) ~~FDPIs: formal M~~meetings

Disclosable Pecuniary Interest (DPI)

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If you are present at a meeting of the Council and you have a DPI then you must:

- a Disclose the nature and existence of the interest; and
- b Leave the meeting (including the meeting room and public gallery) and take no part in the discussion ; and

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- c If the interest has not already been recorded notify the Monitoring Officer of the interest within 28 days beginning with the date of the meeting.

Other Disclosable Interest (ODI)

If you are present at a Meeting and you have an ODI then you must:

- a disclose the nature and existence of the interest; and
 - b if the interest;
 - i affects your pecuniary interests or relates to the determination of a planning or regulatory matter; and
 - ii is one which a member of the public knowing the circumstances would reasonably regard as being likely to prejudice your judgment of what is in the public interest
- then you must leave the Meeting (including the meeting room and public gallery) and take no part in the discussion.

- (2) ~~IDPIs~~: informal ~~m~~Meetings and Correspondence

Disclosable Pecuniary Interest (DPI)

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If you have a DPI in the matter you must not participate in informal meetings, briefings or site visits, and must disclose the DPI in any correspondence with the authority.

Other Disclosable Interest (ODI)

If you have an ODI in the matter, then you must disclose the existence and nature of that interest at informal meetings, briefings or site visits, and must disclose the ODI in any correspondence with the authority.

If the ODI is such that you would be required to leave a formal Meeting as above, then you must not participate in the informal meeting.

- (3) Single Member Decisions

Disclosable Pecuniary Interest (DPI)

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If when participating in single member decision making you have a DPI in affecting the matter being decided then you may take no steps in relation to the decision other than asking for the matter to be decided in some other manner.

Other Disclosable Interest (ODI)

If you have an ODI in the matter being decided, then you must disclose the existence and nature and record it on the record of decision.

If the ODI is such that you would be required to leave a formal Meeting as set out above, then you must take no steps in relation to the decision other than asking for the matter to be decided in some other manner.

(45) Dispensations

You may take part in the discussion of and any decision or vote on a matter in which you have ~~a~~ been granted a formal dispensation.

Sensitive Information

13. (1) ~~An~~ interest will be a sensitive interest if the two following conditions apply:

- (a) That you have an interest (whether or not a DPI); and
 - (b) the nature of the interest is such that you and the Monitoring Officer consider that disclosure of the details of the interest could lead to you or a person connected to you being subject to violence or intimidation.
- (2) Where it is decided that an interest is a “sensitive interest ” it will be excluded from published versions of the register. The Monitoring Officer may state on the register that the member has an interest the details of which are excluded under this section.
- (3) Where the sensitive interest is a DPI the usual rules relating to disclosure will apply save that the member will only be required to disclose that they hold a DPI in the matter concerned.

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APPENDIX 1

The Ten General Principles of Public Life

APPENDIX 2

The Localism Act Definition of Disclosable Pecuniary Interests Regulations

APPENDIX 3

Examples of bullying and harassment

Appendix 4

Gifts and hospitality

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APPENDIX 1

THE TEN GENERAL PRINCIPLES OF PUBLIC LIFE

Selflessness – members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and integrity – members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.

Objectivity – members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability – members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness – members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal judgment – members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for others – members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

Duty to uphold the law – members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship – members should do whatever they are able to do to ensure that their authorities use their resources prudently, and in accordance with the law.

Leadership – members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

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APPENDIX 2

DISCLOSABLE PECUNIARY INTERESTS

This note explains the requirements of the Localism Act 2011 (Ss 29-34) in relation to disclosable pecuniary interests.

These provisions are enforced by criminal sanction.

They come into force on 1 July.

1 Notification of disclosable pecuniary interests

Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'.

A 'disclosable pecuniary interest' is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

<i>Interest</i>	<i>description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to

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occupy land in the area of the relevant authority for a month or longer.

Corporate tenancies

Any tenancy where (to M's knowledge)—
(a) the landlord is the relevant authority;
and
(b) the tenant is a body in which the relevant person has a beneficial interest.

Securities

Any beneficial interest in securities of a body where—
(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and
(b) either—

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

These descriptions on interests are subject to the following definitions;

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” includes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means the person M referred to in section 30 of the Act;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000() and other securities of any description, other than money deposited with a building society.

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APPENDIX 3

EXAMPLES OF BULLYING AND HARRASSMENT

Bullying and harassment may include:

- physical contact ranging from touching to assault
- verbal and written comments through jokes, offensive language, personal comments about appearance, size, clothing etc
- innuendo, gossip and letters etc.
- malicious rumours and allegations, including fabricating complaints from clients and other members of staff.
- open aggression, threats, shouting, abuse and obscenities, persistent negative attacks.
- constant humiliation, criticism and ridicule, belittling efforts and undervaluing contribution.

Harassment is unwanted conduct on the grounds of any protected characteristic as defined by the Equality Act 2010, political or Trade Union affiliation, or take the form of victimisation, that:

- has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
- is reasonably considered by that person to have the effect of violating his/her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her, even if this effect was not intended by the person responsible for the conduct.

This is not exhaustive and there are other examples which are equally unacceptable as set out in the Council's HR Employment Information and Guidance Dignity at Work Policy and Procedure.

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APPENDIX 4

GIFTS AND HOSPITALITY

1. Minor gifts and hospitality are sometimes part of the normal courtesies of life: a resident may offer a modest gift as a token of appreciation and sometimes simple items such as diaries and pens are distributed as advertising matter. In dealing with a matter in your division you may be offered a cup of tea or light refreshments.
2. As a guideline, any gift or hospitality with a value of £25 or more is highly unlikely to be viewed as a 'token'. You must consider whether it is appropriate to accept even token gifts, especially where you are dealing with regulatory or procurement matters when it would usually be inappropriate to receive any gift from involved parties. In case of doubt you should consult the Monitoring Officer.
3. Offers of hospitality, even if seemingly minor in nature, must be treated with particular caution as they can leave individuals and the Council open to allegations of impropriety. The timing of offers of hospitality, for example in relation to the award of contracts, granting of applications or other decisions, should be considered equally to the generosity of the hospitality offered. Accepting hospitality must be justified in the public interest, for example when there is a genuine need to represent the Council.
4. All offers and receipt of gifts and hospitality with a value of £25 or higher must be reported to the Monitoring Officer who will ensure it is recorded in the Council's register of gifts and hospitality, which will be published.

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BROMSGROVE DISTRICT COUNCIL

CODE OF CONDUCT

Part 1

General provisions

Introduction and interpretation

1. (1) This Code applies to **you** as a member or co-opted member of Bromsgrove District Council.

(2) You should read this Code together with the Ten Principles of Public Life (also known as the Nolan Principles) which are set out in Appendix 1

(3) It is your responsibility to comply with the provisions of this Code.

(4) In this Code—

"meeting" means any meeting of

(a) the authority (Bromsgrove District Council);

(b) any of the authority's, committees, sub-committees, joint committees, joint sub-committees, or area committees;

(c) the executive (Cabinet) of the authority or its committees

(d) an external body upon which the member sits as a representative of the authority;

"Monitoring Officer" means the Monitoring Officer for the principal Council which is Bromsgrove District Council;

"bullying and harassment includes;

oppressive behaviour or the abuse of power, which makes the recipient feel threatened, humiliated or vulnerable, and which may undermine his/her self confidence and cause him/her to suffer stress."

Examples are set out at Appendix 3 to this Code.

Scope

2. (1) This Code applies to you as a member of this authority when you act in your role as a Member or as a representative of the authority in the circumstances described in para 2 (b) below.
- (2) Where you act as a representative of the authority:
 - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with the authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3. (1) You must treat others with respect in accordance with the Nolan principles).
- (2) You must co-operate with any standards investigations.
- (3) You must not:
 - (a) do anything which may cause your authority to breach any of the equality enactments;
 - (b) bully or harass any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be:
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings,in relation to an allegation that a member (including yourself) has failed to comply with the authority's Code of Conduct;
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the authority.
4. You must not:

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- (a) do anything that is likely to cause your authority to breach Data Protection law;
 - (b) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is:
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
 - (c) prevent another person from gaining access to information to which that person is entitled by law.
- 5.** You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
- 6.** You:
- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
 - (b) must, when using or authorising the use by others of the resources of, or under the control of, the authority:
 - (i) act in accordance with the authority's reasonable requirements including in relation to the use of authority stationery and official logos and branding;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

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(c) must have regard to any applicable Local Authority Code of Publicity.

7. You must:

(a) when reaching decisions on any matter have regard to any relevant advice provided to you by the authority's officers and in particular by the authority's Monitoring Officer and Section 151 Officer; and

(b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the authority

8. You must not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties, and must comply with the authority's guidance on gifts and hospitality (attached as Appendix 4).

Part 2

Interests

Disclosable Pecuniary Interests ("DPI")

9. (1) You will have a Disclosable Pecuniary Interest ("DPI") under this Code if:-

(a) such interest meets the definition prescribed by The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 regulations as amended from time to time and set out in Appendix 2 to this Code; and

(b) it is either an interest of yourself; or it is an interest of :-

(i) your spouse or civil partner; or

(ii) a person with whom you are living as husband and wife: or

(iii) a person with whom you are living as if you were civil partners;

And you are aware that the other person has the interest.

Registration of DPIs

10. (1) You must within 28 days of becoming a member of the authority or being re-elected notify the Monitoring Officer in writing of any DPI which you hold at the time notification is given
- (2) You must within 28 days of becoming aware of any new DPI, or changes to existing DPIs notify the Monitoring Officer in writing of the detail.

Other Disclosable Interests (ODI)

- 11.(1) You will have a Disclosable Interest in any matter if you are aware that you or a member of your family or person or organisation with whom you are associated have a:-
 - a pecuniary interest in the matter under discussion; or
 - b a close connection with the matter under discussion.
- (2) If you are a member of another local authority, or public body, or you have been appointed as the Council's representative on an outside body, you do not have a Disclosable Interest unless a member of the public knowing the circumstances would reasonably regard membership of the body concerned as being likely to prejudice your judgment of what is in the public interest.

Disclosure of Interests

12.(1) Formal Meetings

Disclosable Pecuniary Interest (DPI)

If you are present at a meeting of the Council and you have a DPI then you must:

- a Disclose the nature and existence of the interest; and
- b Leave the meeting (including the meeting room and public gallery) and take no part in the discussion ; and

- c If the interest has not already been recorded notify the Monitoring Officer of the interest within 28 days beginning with the date of the meeting.

Other Disclosable Interest (ODI)

If you are present at a Meeting and you have an ODI then you must:

- a disclose the nature and existence of the interest; and
- b if the interest;
 - i affects your pecuniary interests or relates to the determination of a planning or regulatory matter; and
 - ii is one which a member of the public knowing the circumstances would reasonably regard as being likely to prejudice your judgment of what is in the public interest

then you must leave the Meeting (including the meeting room and public gallery) and take no part in the discussion.

(2) Informal Meetings and Correspondence

Disclosable Pecuniary Interest (DPI)

If you have a DPI in the matter you must not participate in informal meetings, briefings or site visits, and must disclose the DPI in any correspondence with the authority.

Other Disclosable Interest (ODI)

If you have an ODI in the matter, then you must disclose the existence and nature of that interest at informal meetings, briefings or site visits, and must disclose the ODI in any correspondence with the authority.

If the ODI is such that you would be required to leave a formal Meeting as above, then you must not participate in the informal meeting.

(3) Single Member Decisions

Disclosable Pecuniary Interest (DPI)

If when participating in single member decision making you have a DPI in the matter being decided then you may take no steps in relation to the decision other than asking for the matter to be decided in some other manner.

Other Disclosable Interest (ODI)

If you have an ODI in the matter being decided, then you must disclose the existence and nature and record it on the record of decision.

If the ODI is such that you would be required to leave a formal Meeting as set out above, then you must take no steps in relation to the decision other than asking for the matter to be decided in some other manner.

(4) Dispensations

You may take part in the discussion of and any decision or vote on a matter in which you have been granted a formal dispensation.

Sensitive Information

13. (1) An interest will be a sensitive interest if the two following conditions apply:

- (a) That you have an interest (whether or not a DPI); and
 - (b) the nature of the interest is such that you and the Monitoring Officer consider that disclosure of the details of the interest could lead to you or a person connected to you being subject to violence or intimidation.
- (2) Where it is decided that an interest is a “sensitive interest” it will be excluded from published versions of the register. The Monitoring Officer may state on the register that the member has an interest the details of which are excluded under this section.
- (3) Where the sensitive interest is a DPI the usual rules relating to disclosure will apply save that the member will only be required to disclose that they hold a DPI in the matter concerned.

APPENDIX 1

The Ten General Principles of Public Life

APPENDIX 2

The Localism Act Definition of Disclosable Pecuniary Interests Regulations

APPENDIX 3

Examples of bullying and harassment

Appendix 4

Gifts and hospitality

APPENDIX 1

THE TEN GENERAL PRINCIPLES OF PUBLIC LIFE

Selflessness – members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and integrity – members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.

Objectivity – members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability – members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness – members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal judgment – members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for others – members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

Duty to uphold the law – members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship – members should do whatever they are able to do to ensure that their authorities use their resources prudently, and in accordance with the law.

Leadership – members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

APPENDIX 2

DISCLOSABLE PECUNIARY INTERESTS

This note explains the requirements of the Localism Act 2011 (Ss 29-34) in relation to disclosable pecuniary interests.

These provisions are enforced by criminal sanction.

They come into force on 1 July.

1 Notification of disclosable pecuniary interests

Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'.

A 'disclosable pecuniary interest' is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

<i>Interest</i>	<i>description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to

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PART 20

(Draft for adoption September 2019)

occupy land in the area of the relevant authority for a month or longer.

Corporate tenancies

Any tenancy where (to M's knowledge)—
(a) the landlord is the relevant authority;
and
(b) the tenant is a body in which the relevant person has a beneficial interest.

Securities

Any beneficial interest in securities of a body where—
(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and
(b) either—

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

These descriptions on interests are subject to the following definitions;

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” includes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means the person M referred to in section 30 of the Act;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000() and other securities of any description, other than money deposited with a building society.

APPENDIX 3

EXAMPLES OF BULLYING AND HARRASSMENT

Bullying and harassment may include:

- physical contact ranging from touching to assault
- verbal and written comments through jokes, offensive language, personal comments about appearance, size, clothing etc
- innuendo, gossip and letters etc.
- malicious rumours and allegations, including fabricating complaints from clients and other members of staff.
- open aggression, threats, shouting, abuse and obscenities, persistent negative attacks.
- constant humiliation, criticism and ridicule, belittling efforts and undervaluing contribution.

Harassment is unwanted conduct on the grounds of any protected characteristic as defined by the Equality Act 2010, political or Trade Union affiliation, or take the form of victimisation, that:

- has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
- is reasonably considered by that person to have the effect of violating his/her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her, even if this effect was not intended by the person responsible for the conduct.

This is not exhaustive and there are other examples which are equally unacceptable as set out in the Council's HR Employment Information and Guidance Dignity at Work Policy and Procedure.

APPENDIX 4

GIFTS AND HOSPITALITY

1. Minor gifts and hospitality are sometimes part of the normal courtesies of life: a resident may offer a modest gift as a token of appreciation and sometimes simple items such as diaries and pens are distributed as advertising matter. In dealing with a matter in your division you may be offered a cup of tea or light refreshments.
2. As a guideline, any gift or hospitality with a value of £25 or more is highly unlikely to be viewed as a 'token'. You must consider whether it is appropriate to accept even token gifts, especially where you are dealing with regulatory or procurement matters when it would usually be inappropriate to receive any gift from involved parties. In case of doubt you should consult the Monitoring Officer.
3. Offers of hospitality, even if seemingly minor in nature, must be treated with particular caution as they can leave individuals and the Council open to allegations of impropriety. The timing of offers of hospitality, for example in relation to the award of contracts, granting of applications or other decisions, should be considered equally to the generosity of the hospitality offered. Accepting hospitality must be justified in the public interest, for example when there is a genuine need to represent the Council.
4. All offers and receipt of gifts and hospitality with a value of £25 or higher must be reported to the Monitoring Officer who will ensure it is recorded in the Council's register of gifts and hospitality, which will be published.

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Response of BDC on Wyre Forest Local Plan Pre-Submission Version

Relevant Portfolio Holder	Councillor Adam Kent
Portfolio Holder Consulted	Yes
Relevant Head of Service	Ruth Bamford
Wards Affected	All Wards
Ward Councillor Consulted	Yes
Non-Key Decision	Yes

1. SUMMARY OF PROPOSALS

- 1.1 Wyre Forest District Council (WFDC) has republished the Wyre Forest Local Plan Review pre submission plan (WFLP), the representation period on this plan and its supporting evidence is taking place between 1st September 2019 and 14th October 2019.
- 1.2 It is requested that the objection as summarised below and included in full at appendix A, is submitted to WFDC as BDC's formal response to the pre submission plan. Due to the deadline of the representations period, the initial response had to be submitted as an officer response.

2. RECOMMENDATION

- 2.1 **That cabinet endorses the officer response to the Wyre Forest Local Plan Review Pre submission plan (as attached at Appendix A)**
- 2.2 **That Cabinet recommends to Council, that the officer response to the Wyre Forest Local Plan Review Pre submission plan be approved by Council as its formal response, and that it is confirmed with Wyre Forest District Council as such.**
- 2.3 **That Delegated Authority is given to the Head of Planning and Regeneration to ensure that BDC is represented at the Examination in Public element of the Wyre Forest Local Plan review.**

3. KEY ISSUES

Financial Implications

- 3.1 There are no direct financial implications associated with this report.

Legal Implications

- 3.2 WFDC has republished its pre submission plan in accordance with Regulation 19 of the Town & Country Planning (Local Planning) (England) Regulations 2012.
- 3.3 It is important that the Bromsgrove District Council submit a representation at this stage as this is the last opportunity to respond to the plan before the Examination in Public. Not responding at this stage would end BDC's ability to influence the content of the WFLP.

Service / Operational Implications

Summary of Response - Wyre Forest Local Plan pre-submission

- 3.4 The WFLP is in effect the final draft version of the plan and that which WFDC will be submitting to the Secretary of State to undergo Examination in Public, this is the second time this version of the plan has been published.
- 3.5 BDC has responded to previous versions of the WFLP, most notably at preferred option stage in August 2017 and at the first pre submission representations period in December 2018. At both stages the Council expressed concerns that the transport implications of the proposed development sites in Wyre Forest were not able to be quantified; and therefore possible mitigation strategies not properly identified.
- 3.6 Within the WFLP the focus for major new development remains predominantly to the north and east of Kidderminster, and adjacent to transport routes that flow towards Bromsgrove. The concerns expressed at the preferred option stage and first pre submission stage largely remain as the transport evidence that supports the plan has not advanced enough to be able to clearly see the level of impact from development contained within the WFLP.
- 3.7 Of particular concern is the outcome of the modelling which shows additional traffic flows on the routes into Bromsgrove District and most notably through Hagley. The information only shows an increase in traffic, it does not compare it with a base information, therefore it is not possible to clearly understand what the impacts are likely to be. As a result it is not entirely clear how the schemes in the Infrastructure Delivery Plan (IDP) have been developed to mitigate the impacts, when the impacts have not been shown in the evidence available. In addition to this no modeling has been done with the mitigation in place to demonstrate if the schemes do indeed mitigate the impacts.

- 3.8 The concerns outlined above are almost identical to the concerns raised at the same point in the process last year. Officers have been working with WFDC and WCC to attempt to address these concerns. Meetings have taken place where actions were agreed by all parties in an attempt to ensure that the revised evidence supporting the WFLP contains the information for the judgments outlined above to have been made.
- 3.9 Unfortunately arrangements made in the summer of 2019 which would have allowed more evidence to be available for this representation period, have not resulted in the delivery of the evidence. Therefore in addition to the concerns raised about the availability and quality of the evidence supporting the plan, it is felt that the Council has to raise the possibility of non-compliance with the duty to co-operate.

Customer / Equalities and Diversity Implications

- 3.10 There are no Customer / Equalities and Diversity Implications associated with this report.

4. RISK MANAGEMENT

- 4.1 The risks associated with not submitting a representation is that BDCs views will not be taken into account by the inspector examining the WFLP.

5. APPENDICES

Appendix A – BDC officer response to WFLP

6. BACKGROUND PAPERS

- WFLP Pre submission Document
- WFLP Infrastructure Delivery Plan
- WFLP evidence base
- BDC response to WFLP December 2018

AUTHOR OF REPORT

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Strategic Planning and Conservation Manager

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Tel:01527 881325

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Wyre Forest District Local Plan Pre-Submission Publication 2019

Consultation Response Form

2 September – 14 October 2019

REF OFFICE USE ONLY:

Representor number:
 Representation number:
 Plan reference:
 Tests of soundness:

This form has two parts: **Part A** Personal Details and **Part B** Your Comments

To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has issued this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments at the public examination. Using the form to submit your comments also means that you can register your interest in speaking at the examination.

Please read the guidance notes carefully before completing the form. If you responded to the last Pre-Submission consultation held in 2018, you do not have to respond again unless you want to add to them, withdraw them or make completely new comments.

Please fill in a separate part B for each issue/comments you wish to make. Any additional sheets must be clearly referenced. This form can be submitted electronically. If hand writing, please write clearly in blue or black ink. Consultation response forms can be completed and submitted online at www.wyreforestdc.gov.uk/localplanreview

Comments must be received by 5:00pm on 14 October 2019. Comments received after this time will not be considered.

Part A

(Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title	Mr	
First Name	Mike	
Last Name	Dunphy	
Organisation (where relevant)	Bromsgrove District Council	
Job title (where relevant)	Strategic Planning and Conservation Manager	
Address – line 1	Parkside	
Address – line 2	Market Street	
Address – line 3	Bromsgrove	
Postcode	B61 8DA	
E-mail Address	m.dunphy@bromsgroveandredditch.gov.uk	
Telephone Number	01527 881325	

Part B - Please use a separate sheet for each comment

Your representation should cover all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations following this publication stage.

After this stage, further submission will only be at the request of the Inspector, based on the matters and issues he/she identifies for examination.

Name or Organisation

3. Did you submit a consultation response form to the last Pre-Submission consultation held in 2018?

Yes No

a) If yes, would you like to withdraw any/all of your previous comments?

Yes, all Yes, specific comments

b) If specific comments only, please specify which ones?

BDC made comments to the 2018 pre submission. Previous comments still stand and BDC would like to add to them, as per section 9 below.

4. To which document of the Local Plan does this representation relate?

Amendments to Pre-Submission Local Plan (July 2019 version) Yes No

Pre-Submission Local Plan (October 2018 version) Yes No

5. Please specify which part of the Local Plan you are commenting on (e.g. paragraph, policy, map, table or figure reference)?

Paragraph Policy Other: e.g. Policies map, table, figure, key diagram

6. Do you want to support/object/comment on this part of the Local Plan?:

Support Comment Object

7. Do you consider the Local Plan is:

a) Legally Compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
b) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
c) Complies with the Duty to co-operate	Yes	<input type="checkbox"/> See section 9 comments	No	<input type="checkbox"/> See section 9 comments

8. If you answered 'No' to Question 7b, please specify on what grounds you consider the Local Plan to be unsound? (see guidance notes part 3 for explaining of terms)

Positively Prepared Justified Effective Consistent with National Policy
Please Tick as appropriate

9. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the Duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the Duty to co-operate, please also use this box to set out your comments.

See separate document

10. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the Matter you have identified at 9 above where this relates to soundness. (NB Please note that any non-compliance with the Duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound. It would be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

BDC considers that the wording of policies 12 and 13 could be amended to strengthen them and provide more clarity in relation to the mitigation required. However, as the fundamental issue is with the evidence which underpins these policies, without more robust evidence base BDC still does not consider this plan can be made sound with simple policy wording changes.

If it can be demonstrated clearly what the impacts of development are on infrastructure in Bromsgrove, then a clear policy requirement for the delivery of cross boundary infrastructure will need to be included in the plan.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. **After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.**

11. If your representation is seeking a modification, do you consider it necessary to speak at the examination?

No I do not wish to speak at the examination.

Yes I would like to speak at the examination.

12. If you wish to speak at the examination, please outline why you consider this to be necessary:

To hopefully aid the inspector's understanding of the particular local circumstances specific to the objections raised.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to speak at the examination.

13. Are there any other comments you would like to make?:

All our comments have been made in the relation to section 9 above.

Expand box / continue on a separate sheet if necessary

Data Protection

The information you provide on the form will be stored on a database used solely in connection with the Local Plan. Representations will be available to view on the council's website, but address, signature and contact details will not be included. However, as copies of representations must be made available for public inspection, they cannot be treated as confidential and will be available for inspection in full. Copies of all representations will also be provided to the Planning Inspectorate as part of the submission of the Wyre Forest District Local Plan. By submitting this form you are agreeing to these conditions.

Please see the Councils Data Protection and Privacy statement:

<http://www.wyreforestdc.gov.uk/the-council/data-protection-and-privacy.aspx>

By signing this form you are agreeing to The Council's Data Protection Policy above and the storage of your information.

Signature

Mike Dunphy

Date

14th October 2019

Please return the completed form by **no later than 5:00pm on 14 October 2019** to:

Email: LPR@wyreforestdc.gov.uk

Or post to: Planning Policy Team, Wyre Forest District Council, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF

Consultation response forms can be completed and submitted online at: www.wyreforestdc.gov.uk/localplanreview



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Introduction

1. The previous comments submitted by Bromsgrove District Council BDC in relation to this plan still stand, the comments below expand on those submitted previously. At the time of submission they are submitted as officer comments, they will be presented to BDC members in due course for their consideration.
2. It remains the view of BDC that unfortunately The Wyre Forest Local Plan (WFLP) is unsound, BDC do not consider that the plan is Justified, Effective, or Consistent with National Policy. It is also unfortunate that BDC also now raises concerns about whether the requirements of the Duty to Co-operate to have been met.

Evidence concerns

3. Without repeating the previous concerns verbatim the issue that BDC has is that it is still unclear as to what the transport impacts are, of the WFLP on Bromsgrove District. Concerns were expressed previously on the clarity of the work provided to support the 2018 publication version of the plan. Although efforts have been made to address these concerns, the fact remains that from the published information it is, in the view of BDC, not possible to clearly see what the impacts of the developments sites are, and then clearly understand the mitigation strategy.
4. The need for a more robust transport evidence base has been something that BDC has been raising throughout the development of the WFLP. In response to BDCs November 2018 objection, further discussions took place in February and March 2019 where BDC continued to express its position, with WCC officers in attendance. It is BDCs understanding that these discussion in part led to the additional document that has been published, *Wyre Forest Local Plan Review, Transport Evidence June 2019*. It had been hoped that the content of this document would have addressed the previous concerns BDC raised but unfortunately it does not do this. The position of BDC is, and has always been, that the Council would like to be able to understand the impacts of the plan on the infrastructure within Bromsgrove District, and then to clearly understand how the proposed mitigation and its delivery has been arrived at.
5. Unfortunately the Wyre Forest Local Plan Review, Transport Evidence June 2019 does not satisfy this information gap. It is the view of BDC that the document has flaws. The document at section 4 attempts to suggest that an assessment has been done to confirm that the model is fit for purpose. BDC does not see how any actual assessment has been done, and consider that it is not possible to make the conclusion at para 4.6 based on the information in the preceding section.
6. A more significant concern is that although there is new information in this report, it is still not possible to ascertain from the information provided what the actual impact of development would be. The document shows that flows and journey times will increase in many locations, but without a base year, or updated base year to compare against, all that can be concluded is that there will be more trips on the network. Without being able to compare a scenario where WFLP developments are not present, and where WFLP developments are present, understanding what the actual impacts of development are, is impossible.
7. Another concern with this piece of evidence is that there is no modelling with any mitigation included. Therefore from the evidence available it is not possible to understand if the suggested mitigation in the Infrastructure Delivery Plan (IDP) actually mitigates both individual development sites and also the cumulative impacts of the WFLP.

Infrastructure Delivery Plan

8. Turning to the IDP the BDC position remains the same as previously expressed. The Council's previous concerns centered on the untested and in some cases un-costed schemes and proposals in the IDP. Whilst it is acknowledged that changes have been made to the IDP it is still unclear what the links are between the impact of development and the mitigation that is specified. This is a particular concern for the A456 through Hagley, where previous proposals for a bypass have been softened and the need for a wider review working with other councils seems to have replaced this proposal. BDC has no objection in principle to a wider review of transport infrastructure; indeed it would expect this consideration to come to the fore as the review of the Bromsgrove District Plan gathers momentum. However it is not considered appropriate at this stage to leave it to a wider infrastructure review to mitigate the specific impacts of the WFLP, should they ever be clearly identified, it maybe that the impacts are not significant to warrant such a review or if the impacts are proved to be significant, it is something which may be too late to address via plan making.
9. It is also considered that the Duty to Cooperate and Statements of Common ground that BDC will prepare to support its plan are not the place to decide what infrastructure is required to support the developments in Wyre Forest, as para 3.1.21 of the IDP seems to be suggesting. It is the view of BDC that the infrastructure needs of the WFLP need to be clearly identified in the evidence that supports that plan, and mechanisms put in place to allow for any cross border infrastructure to be delivered. BDC has a strong track record of such an approach both working with Birmingham City Council on the Longbridge Area Action plan, and more recently in working with Redditch Borough Council in providing cross boundary allocations in Bromsgrove District to meet the needs of Redditch Borough.
10. Para 3.1.24 of the IDP discusses the rail enhancement taking place at Blakedown station. BDC does not have an objection in principle to this enhancement. However there are concerns with the following statement:

'Enhancements to parking facilities at Blakedown Station will also help to mitigate the impact of growth on Hagley within Bromsgrove District. Hagley currently suffers from congestion at peak times and this is considered to be a first step in reducing congestion before wider strategic improvements can be considered and implemented.'

It is not clear how the addition of parking at this station combined with other strategies such as improving of the A450 corridor work together to reduce congestion in Hagley. It could be argued that improving the A450 corridor without complementary improvements on the Hagley area just allows the congestion to get to Hagley quicker. It is of interest to BDC to understand the amount of congestion that improvements at Blakedown will relieve in Hagley, and also the process which has been undertaken to identify this reduction.

Duty to Co-operate

11. The above paragraphs largely reiterate the concerns that BDC has over the robustness of evidence base to support the plan. BDC considers it has engaged fully in the attempts to ensure that the DTC has been met. As highlighted above these evidence related issues are longstanding concerns that BDC has expressed many times. It had been hoped that early engagement initiated by BDC in May 2018, where

concerns were expressed about the evidence base that was being worked on to support the previous publication version on the WFLP, would have ensured that no objection needed to be submitted at that time; unfortunately that was not the case, and the Council's previous objection was submitted.

12. As referred to above in an attempt to ensure constructive engagement, meetings took place in February and March 2019, where a set of actions were agreed by all parties which it had hoped would result in a robust evidence base which addresses the concerns of BDC. The work which was prepared as a result of these discussions was only seen by BDC in June 2019.
13. In June 2019 WFDC published the local plan documents as part of its Overview and scrutiny agenda for the meeting of 4th July 2019. On initial review of these documents BDC again expressed concerns that this evidence still does not address the longstanding issue of clarity of the development impacts. It was agreed that a DTC meeting needed to take place. This meeting took place on the 30th July 2019, at this meeting a set of actions were agreed which would provide BDC the information it sought, in particular the impacts of development on the Hagley area. It was agreed that this information should be provided for the 29th August 2019, prior to the representation period on the publication version of the plan opening. A meeting was penciled in to discuss this additional work on the 29th August. Subsequent to this meeting it is understood that WFDC contacted WCC separately to request that the work is not provided for the 29th August as agreed, minutes of that meeting confirm this;

Following on from this meeting WFDC reviewed the proposed meeting date for discussion of Hagley paper and next steps (29th August). They concluded that as there was not time for them to review all the information in advance of the regulation 19 consultation, they would rather the meeting was postponed until late September to allow more time for the paper to be prepared and reviewed and the consultation to commence.

14. On receiving notification on the minute above BDC requested a further amendment was made to the minutes as below,

BDC must point out on the record that the reason for the timescale was to allow for all the documents to be available for the start of the representations period. We have reservations about this revised timescale for the publication of the work and the possible implication that BDC and other stakeholders will not have full access to the evidence for the full duration of the regulation 19 representation period.

15. At the time of writing this representation the information which was agreed on the meeting of the 29th July has still not been provided, and therefore this objection has had to be drafted.

Concluding Comments

16. BDC continues to raise concerns about the lack of a robust evidence base and, also unfortunately raises potential concerns about the ability of WFDC to meet the DTC. It is hoped that working within the relevant regulations which dictate the plan making process from this point forward, and by continuing to engage with Wyre Forest District Council and Worcestershire County Council, that a solution to the issues above can be found in advance of the submission of the Wyre Forest Local

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Plan. The outcomes of this ongoing engagement can then be reported in the Statement of Common ground which we understand will accompany the submission.

CABINET

LOCAL COUNCIL TAX REDUCTION SCHEME 2018/19

Relevant Portfolio Holder	Cllr Geoff Denaro
Portfolio Holder Consulted	Yes
Relevant Head of Service	Jayne Pickering
Ward(s) Affected	All
Ward Councillor(s) Consulted	None Specific
Key Decision / Non-Key Decision	Key Decision

1. SUMMARY OF PROPOSALS

- 1.1 In each year the council must consider whether to revise or replace its council tax reduction scheme (CTRS).
- 1.2 The report proposes no changes are made to the scheme for 2020/21 other than the uprating of personal allowances, disregards and other financial matters as already provided for by the scheme.

2. RECOMMENDATIONS

Cabinet is asked to note the information and RECOMMEND that

2.1 No changes are made to the council tax reduction scheme for 2021/22 other than the uprating of allowances, disregards and other financial limits.

3. KEY ISSUES

Financial Implications

- 3.1 The Council's local Council tax reduction scheme was amended with effect from 1st April 2018 and the maximum level of support for working age claimants was increased to 85% of Council Tax liability.
- 3.2 It is proposed that there are no changes to the level of support provided by the Council, and as previously agreed the various allowances be uprated in line with the Secretary of State's annual announcement.
- 3.3 There are currently 41,997 properties within the Bromsgrove District and 4,783 CTRS claimants. 2,612 claimants are working age and 2,171 claimants are pension age.
- 3.4 The total cost of council tax reduction for the 2019/20 tax year is projected to be £4,049,057. Council tax reduction is a discount on the council tax payable and the costs are shared between precepting authority with roughly 13% of the costs falling on Bromsgrove District Council (BDC).

CABINET

- 3.5 The cost of support for working age claimants is £1,880,954. This cost is based on the current 85% maximum support.
- 3.6 The costs of council tax reduction in 2020/21 will increase in-line with the general increase in the level of council tax.

Legal Implications

- 3.7 On 1 April 2013 Council Tax Benefit was abolished and replaced by a new scheme of Council Tax support called "Council Tax Reduction Schemes". Under s13A and Schedule 1A of the Local Government Finance Act 1992 (inserted by the Local Government Finance Act 2012), each billing authority is required to make and adopt a council tax reduction scheme specifying the reductions which are to apply to the amounts of council tax payable within their districts
- 3.8 As the billing authority the Council is required by Schedule 1A of the Local Government Finance Act 1992 to consider whether to revise its scheme or to replace it with another scheme, for each financial year.
- 3.9 The council must adopt its scheme, and make any revisions, no later than 11th March in the financial year preceding the one when it will take effect. It will be necessary for the Council's 2019/20 scheme to be in place by 11th March 2020.
- 3.11 Paragraph 3 to Schedule 1A into The Local Government Finance Act 1992 set out the preparation that must be undertaken prior to the replacement or revision of a scheme, including prescribed consultation requirements. As the recommendation is that no revisions to the current scheme should be made for the financial year 2020/21 (to which this report applies), the requirement to consult does not have to be met. However, officers will publicise the fact that the current scheme is to continue, subject to up-lift in rates as set by the Department of Work and Pensions, as referred to at 3.12 below.
- 3.12 Instruction is received from the Department of Work and Pensions on an annual basis, of changes to benefits rates and personal allowances. These must be taken into account for housing benefit calculations and it streamlines the claims process if they are also applied to the local council tax reduction scheme.

Service / Operational Implications

- 3.13 The continuation of the existing scheme into 2020/21 will provide for stability within the service and allow for capacity for a full review of the council tax reduction scheme, which is essential following the full roll-out of universal credit.
- 3.14 The existing council tax reduction scheme is structured in-line with the default scheme introduced in April 2013. This scheme does not provide for integration with universal credit and places administrative burdens on the council.

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- 3.14 The introduction of Universal Credit led to a number of challenges to the administration of CTR and also the collection of Council Tax generally. Following the Universal Credit full service roll out in Bromsgrove, and nationally, we have seen:
- The reluctance of Universal Credit claimants to make a prompt claim for CTR leading to loss of entitlement;
 - A high number of changes to Universal Credit cases are received from the Department for Work and Pensions (DWP) requiring a change to CTR entitlement. On average 40% of Universal Credit claimants have between eight and twelve changes in entitlement per annum.
 - These changes result in amendments to Council Tax liability, the re-calculation of instalments, re-issued bills, delays and the loss in collection; and
 - An increased cost in administration as a result creating a need for additional staff resource.
- 3.15 The existing means tested CTRS is too reactive to change and is no longer viable. UC changes frequently and each change currently results in a re-assessment of CTR because of the way the current scheme is structured. To be able to manage the workload and maintain administrative costs we must consider a scheme which is less reactive to every small change in income.
- 3.16 The move to a new more efficient scheme from 2021 must be considered to avoid increased staffing costs and to simplify the administration scheme for the Council and for applicants.

Customer / Equalities and Diversity Implications

- 3.28 The 'uprating' of the benefits rates and personal allowances to be taken into account, in line with the Secretary of States announcement on those that must be taken into account for other benefits, will potentially result in small changes to the amounts of support provided. These will vary according to circumstances.

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4. RISK MANAGEMENT

- 4.1 Any reduction to council tax support whilst increasing council tax income to the Council and our major preceptors has financial implications for our residents and therefore officers ensure that support on managing finances and advice on other potential benefits is made available.
- 4.2 An increase in support has a direct impact on the budgets of the main precepting authorities.

5. APPENDICES

None

6. BACKGROUND PAPERS

None

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