

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE COUNCIL

7TH DECEMBER 2022, AT 6.00 P.M.

PRESENT: Councillors R. J. Laight (Chairman), A. J. B. Beaumont (Vice-Chairman), S. J. Baxter, S. R. Colella, R. J. Deeming, G. N. Denaro, S. P. Douglas, A. B. L. English, M. Glass, S. G. Hession, C.A. Hotham, R. J. Hunter, H. J. Jones, A. D. Kriss, L. C. R. Mallett, K.J. May, P. M. McDonald, S. A. Robinson, P.L. Thomas, M. Thompson, J. Till, K. J. Van Der Plank, S. A. Webb and P. J. Whittaker

Officers: Mr. K. Dicks, Mr P. Carpenter, Mrs. C. Felton, Mrs. R. Bamford and Mrs J. Gresham

58/22

TO RECEIVE APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors R. Jenkins, A. Kent, J. King, M. Middleton, H. Rone-Clark, M. A. Sherrey and C. Spencer.

Councillor A. English arrived at 6.10pm.

59/22

DECLARATIONS OF INTEREST

Councillor S. Baxter declared an 'other disclosable interest' in respect of Minute Item No 71/22 - Fees and Charges 2023/24 – due to being a member of the Royal Council of Parish Councils.

The Monitoring Officer confirmed that there was no need to declare an interest in this particular area as the Audit, Standards and Governance Committee had granted a dispensation to all Members when considering Budget setting items including Fees and Charges.

During consideration of Minute Item 70/22 – Motions on Notice, Councillor M. Thompson declared a pecuniary interest on the grounds that his employer, Bromsgrove School, may benefit financially from the implementation of Free School Meals. During this item, Councillor Thompson left the meeting and took no part in the debate or voting thereon.

60/22 **TO CONFIRM THE ACCURACY OF THE MINUTES OF THE MEETING OF THE COUNCIL HELD ON 17TH OCTOBER 2022**

The minutes of the meeting of Council held on 17th October 2022 were submitted.

During consideration of the minutes Councillor C. Hotham indicated that the information requested at the last Council meeting in respect of the Bromsgrove Partnership, had not been received. It was confirmed that the relevant officers be contacted in respect of this matter and that the information be circulated to Members accordingly.

RESOLVED that, subject to the query detailed in the preamble above, the minutes of the meeting of Council held on 17th October 2022 be approved as a true and correct record.

61/22 **TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRMAN AND/OR HEAD OF PAID SERVICE**

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

62/22 **TO RECEIVE ANY ANNOUNCEMENTS FROM THE LEADER**

There were no announcements from the Leader at the meeting.

63/22 **TO RECEIVE COMMENTS, QUESTIONS OR PETITIONS FROM MEMBERS OF THE PUBLIC**

There were no comments, questions or petitions from the public for consideration at this meeting.

64/22 **URGENT DECISIONS**

The Chairman confirmed that there had been no urgent decisions taken since the previous meeting in Council.

65/22 **TO RECEIVE AND CONSIDER A REPORT FROM THE PORTFOLIO HOLDER FOR PLANNING AND REGULATORY SERVICES**

The Portfolio Holder for Planning and Regulatory Services presented an annual report which outlined the work that had been undertaken under his remit as portfolio holder over the preceding 12 months.

Council was informed that the report covered three main areas; Planning, Enforcement and Worcestershire Regulatory Services (WRS). It was reported that due to the unprecedented circumstances during Covid-19 there had been an increase in reports and challenges experienced in previous years.

After the report had been presented, Members discussed the following points in detail:

- How the area of work contained within the report was assessed by the Portfolio Holder and the residents of Bromsgrove. It was reported that WRS had performed well throughout the municipal year. The effectiveness of Enforcement over the year was highlighted and it was confirmed that there had been an increase in the numbers of queries and complaints made during the Covid-19 lockdown in this area. Members were informed that this was being managed and that WRS were now overseeing Enforcement and as a result the numbers of queries were reducing. In respect of Planning, it was confirmed that the numbers were considered sound and stable. There was further discussion regarding whether the area of Planning was as effective as reported, particularly in respect of major applications and appeal processes.
- The Bromsgrove District Housing and Economic Development Needs Assessment (HEDNA) and the information regarding the housing needs of the District. Members queried, whether, in light of the recent announcement by Central Government regarding the flexibility of the housing targets and the use of brownfield sites would this mean that the HEDNA would be revisited to incorporate any changes. The Portfolio Holder for Planning and Regulatory Services confirmed that this may be the case, however as the announcement was made very recently this would need to be looked at once the consultation period for Central Government had been carried out which would not be completed prior to the end of 2022.
- The number of homes that had been provided for refugees from the Ukraine and Afghanistan. The Portfolio Holder for Planning and Regulatory Services undertook to contact the relevant officers and circulate the information as requested.
- The standards of Food Safety within the District and whether the information contained within the report was accurate. There was some discussion regarding specific locations within the District, and it was highlighted that it was not appropriate to consider specific Planning and Licensing matters at this meeting and

confirmed that Officers would contact the relevant Members to discuss the matter further.

- The number of houses in developments that needed to be social housing and the extent to which sufficient numbers of social houses were being built in the District. The Portfolio Holder for Planning and Regulatory Services informed Council that this could be considered as part of the Local Plan and Members could be involved in this as part of the Strategic Planning Strategic Group (SPSG) meetings.
- The Enforcement data contained within the report was queried by some Members and clarification was requested on the number of injunctions noted within the report. In addition to this, there was a discussion regarding the decisions made by the Court to overrule the Council's Planning Committee decisions and any subsequent appeals. It was confirmed that, in this instance, and as there was some confusion regarding the specific Planning application being referred to, it would be more appropriate to further the discussions at the SPSG.
- The robustness of the Climate Change agenda for the Council including environmental growth and rehabilitation.
- The Air Quality Management and the positive impact the Council was having in this area particularly as a result of the funding that had been agreed by Cabinet regarding new Air Quality monitoring equipment.
- The Blue Bird Confectionery Development including the number of affordable housing units included within the development. It was confirmed that, as had happened on many developments of brownfields sites, a large amount of clean-up work would be needed prior to the development of the site. This would inevitably have an impact on the number of affordable homes allocated on that site.
- The duty to cooperate with local Councils in respect of the development of Green Belt land surrounding the District.
- The status of the difficult contamination work being undertaken by the Environment Agency (EA) in respect of the Windsor Street Fire Station site. It was thought by some Members that this issue had already been resolved and that a tender process was already underway. It was confirmed that the works were on target and that this was being monitored at Levelling Up Board meetings.
- The information regarding the emergency prohibition order in respect of a hidden room at a business within the District. It was confirmed that as this was likely to be a confidential matter, information could not be provided at this public meeting.

- The cost effectiveness of using WRS Enforcement Officers rather than looking to employing enforcement officers within the Council. It was confirmed by the Portfolio Holder for Planning and Regulatory Services that this was being looked into. However, at the time of the meeting, no decisions had yet been made. Further queries were made in respect of the recruitment of Planning Officers. Council was informed that the majority of Local Authorities were experiencing difficulties in recruiting to Planning Officer vacancies and that recruitment to these vacant positions was ongoing.

RESOLVED that the report be noted

66/22

RECOMMENDATIONS FROM THE AUDIT, STANDARDS AND GOVERNANCE COMMITTEE MEETING HELD ON 9TH NOVEMBER 2022

Section 24 Report

The Portfolio Holder for Finance and Governance presented the Recommendations from the Audit, Standards and Governance Committee as a result of their consideration of the Section 24 Notice and External Auditor's Interim Annual Reports at the meeting held on 9th November 2022.

During consideration of this item, reference was made to the financial issues that had led to the non-delivery of the Statement of Accounts for 2020/21. In addition to this, the delivery of in-year monitoring for 2021/22 and Government Returns were also considered.

Council was informed that detailed updates had been provided to Members at a number of Committee meetings during 2022. It was clarified that during these updates, specific issues encountered during the implementation of the new Enterprise Resource Planning (ERP) system in February 2021 during Covid-19 had been highlighted. Furthermore, it was reported that the issues that had impacted on staffing levels and staff retention had also been raised.

Members were advised that discussions in respect of the issues outlined above had taken place at the Audit, Standards and Governance Committee meetings in July and October 2022, at the Cabinet meeting in September 2022 during consideration of the Finance Recovery Report, and at the Full Council meeting on 17th October 2022 during consideration of the report from the Portfolio Holder for Finance and

Governance. It was noted that the majority of these issues had now been resolved or were in the process of being resolved. This included the recruitment of the new Finance Team and the delivery of monitoring and compliance reporting in 2022/23.

Members were advised that at the time of issuing of the Section 24 Notice Report, the Council had still not completed the 2020/21 Statement of Accounts and therefore the external auditors had concluded it was appropriate for them to use their powers to make written recommendations under Section 24 of the Local Audit and Accountability Act 2014. The key reason for the Statutory Recommendation being the non-delivery of the Statutory Accounts for 2020/21.

Council was informed that under Schedule 7 of the Local Audit and Accountability Act 2014, the Council must consider the Section 24 Statutory Recommendation at a meeting held before the end of the period of one month, beginning with the day on which it was sent to the Council. In this instance, it was clarified that this was taking place 14 days after the issuing of the report. Council were being asked to decide whether the recommendations should be accepted and what, if any, action should be taken in response to these recommendations. It was reported that the external auditors had noted in their Interim Annual Auditor's Report 2020/21, also due to be considered at this meeting, that progress in respect of the Statutory Recommendation had already been made.

During consideration of this item, reference was made to the Council's disappointment in having received the Section 24 Recommendation, particularly in light of the work that had already been undertaken. However, it was accepted that the Council must provide the external auditors with accounts for 2020/21 that they were satisfied with.

Council was informed that the draft Statement of Accounts for 2020/21 were currently in the process of final validation by the Finance Team. This would ensure compliance across all legislative requirements. Once the validation had been completed, the draft accounts would be considered at the additional Audit, Standards and Governance Committee meeting due to take place on Wednesday 14th December 2022. Once this had taken place, the external auditors would be able to commence their work on the Statement of Accounts 2020/21. Clarification was provided to Members that following the completion of the 2020/21 accounts, the Finance Team would move straight on to the delivery of the 2021/22 accounts.

Council was advised that during a detailed update on the Section 24 Notice report at the Audit, Standards and Governance Committee meeting held on 9th November 2022, Officers had reported that, following substantial testing, the issues arising in the Cash Receipting system had been rectified. As a result, the Cash Receipting module had been moved into the live environment over the weekend of 5th and 6th of November 2022. Also confirmed at this meeting, was that the frequency of Audit, Standards and Governance Committee meetings would increase to bi-monthly. This would allow Members to review progress on the Statutory Recommendation to ensure all items set out in the recommendation and associated management actions were implemented. Following the detailed update provided by Officers at this meeting, the Audit, Standards and Governance Committee recommended that the Section 24 Statutory Recommendation be accepted, and that Council endorse the actions included in the Management Response to rectify the position. This recommendation was endorsed by Cabinet at its meeting held on 23rd November during consideration of the Section 24 Notice Report.

The recommendations from the Audit, Standards and Governance Committee meeting held on 9th November 2022 in respect of the Section 24 Notice report were proposed by Councillor G.N Denaro and seconded by Councillor P. Whittaker.

Following the presentation of the report, Councillor L.C.R Mallet addressed Council in his role as Chairman of the Audit, Standards and Governance Committee. In doing so, he announced that he wished to resign as Chairman of the Committee and outlined his reasons for doing so. He stated that the information contained within the Section 24 Notice report was not new information and had been raised several times previously by the Audit, Standards and Governance Committee and the external auditors. Reference was made to the implementation of the new ERP system and the significant failures that had been experienced in this area, which had resulted in the loss of staff, across all levels of the Finance Team.

Concerns were also raised regarding Risk Management at Bromsgrove District Council and the lack of risk reporting that had taken place in previous municipal years resulting in a 'No Assurance' audit conclusion by Internal Audit. Frustration was expressed by the response of the Corporate Management Team (CMT) in order to address the issues highlighted within this Internal Audit report. It was requested that Officers contact the Council's insurance provider to check the validity of its

insurance policy in light of the 'No Assurance' audit conclusion received from Internal Audit in relation to Risk Management.

In terms of financial issues and the transparency of the Council's Budget position and Risk Management, it was queried when the issues had been highlighted by Officers, particularly in light of the lack of financial monitoring and performance monitoring. In addition to these issues, the Council's Savings Plan was highlighted as a further area of concern.

All Members were then invited to comment on the report and in doing so it was noted that work needed to be undertaken in order to fully understand how the Council had arrived at the Section 24 Notice. With this in mind, Councillor S. Colella proposed an additional recommendation to the one contained within the report. The recommendation read as follows:

'that the Audit, Standards and Governance Committee carry out a root and branch investigation on how the Council arrived at the Section 24 Notice.'

In proposing the additional recommendation, Councillor Colella requested that, if agreed, it be included as an urgent item of business at the Audit, Standards and Governance Committee meeting due to take place on 14th December 2022. This additional recommendation was seconded by Councillor S. Baxter.

Following this recommendation, Councillor Mallett stated that he wished to propose an additional action to the recommendation included in the report. This action read as follows:

'that Bromsgrove District Council refers itself into Special Measures and to the Ombudsman.'

In proposing this action, Councillor Mallett once again raised his concerns in the areas of 'Limited' and 'No Assurance' audits that had taken place in previous years, the Savings Plan, the amount of the Council's reserves and his lack of confidence in the current leadership of the Council.

Following the proposals outlined above, it was raised by some Members that there had been an opportunity for all Members of the Council to attend the Audit, Standards and Governance Committee meeting that took place on 9th November 2022. Members were advised that some of the issues raised at the Council meeting had been addressed during the

robust debate by the Committee. It was confirmed that the Audit, Standards and Governance Committee took these issues very seriously and it was disappointing that more Members had not been present at the meeting on 9th November 2022. Although it was noted that some Members did have a number of other commitments separate from their Council duties which made it difficult to always attend additional meetings.

In response to some of the points outlined above, Councillor Mallett stated that he had not been notified of the date of the additional Audit, Standards and Governance Committee meeting that took place in November 2022. In response, the Monitoring Officer explained that she had been informed that both the Interim Section 151 Officer and Democratic Services Officers had made attempts to contact Councillor Mallett regarding the date of the additional Audit, Standards and Governance Committee meeting, however all attempts had been unsuccessful. Further to this response, Councillor Mallett provided clarification that he was on leave at the time contact was attempted. He highlighted that he had contacted Officers on his return regarding his unavailability for the date of the next meeting, due to be held on 14th December 2022. However, at this time it had been clarified that due to Officer availability, this was the only suitable date for the meeting to go ahead. It was agreed that discussion of this matter would be continued outside of the meeting in order to resolve any issues in the future.

During consideration of this item, it was reiterated that the Council had experienced a 'perfect storm' in respect of the issues it had encountered. In addition to the issues during the implementation of the ERP system, Members were advised that Bromsgrove District Council was not unique in its experiences of staff retention within its Finance Team and that this had been seen throughout the Finance sector at a local and national level. Furthermore, the additional pressures of work undertaken in the administering of grants during Covid-19 had impacted on the delivery of the Statement of Accounts 2020/21.

In returning to the additional recommendation proposed by Councillor Colella earlier in the meeting, it was suggested that it was hugely important, given the findings of the external auditors, that a detailed and transparent investigation be undertaken by the Audit, Standards and Governance Committee. This would ensure that the Council understood the issues that had been identified and had the correct measures in place to rectify them going forward. It was confirmed that questions had been previously asked regarding the implementation of the ERP system

at the Finance and Budget Scrutiny Working Group, however the responses had not always been clear.

Council was reminded of the wording of the additional recommendation proposed by Councillor Colella as detailed earlier in the meeting. On being put to the vote this recommendation was carried.

Following this vote, Members returned to the action proposed by Councillor Mallett earlier in the meeting and were reminded of the proposed action as detailed in the preamble above. Councillor Mallett reported to Members that he wished to move this as an amendment to the recommendation as detailed in the Section 24 Report and put on notice that should the amendment not be carried, he would deem it necessary to call an emergency meeting of the Council and call for the recruitment of an Independent Person. This amendment was seconded by Councillor P. McDonald.

At this point in the meeting, an adjournment was requested.

[The adjournment took place between 7.30pm and 8.00pm].

On reconvening the meeting, the Interim Section 151 Officer stated the following for Members' attention:

'Following discussion, the Council, through the Leader, would commission a Corporate Peer Review by the Local Government Association (LGA) to look into Corporate Governance linked to the Section 24 Notice report and the draft External Audit Report for 2020/21. The Review would then be reported back to the Chief Executive and the Leader of the Council, who in turn would discuss the outcomes with the other Group Leaders'.

It was clarified by Councillor Mallett that, as a result of the statement made by the Interim Section 151 Officer, his earlier action and amendment to the recommendation had been withdrawn.

On being put to the vote the statement presented by the Interim Section 151 Officer was carried.

RESOLVED that

- 1) the Section 24 Statutory Recommendation be accepted, and that Council review the recommendation, endorse the actions included

in the management responses which form the rectification process required as per legislation and;

- 2) the Council, through the Leader, commission a Corporate Peer Review by the Local Government Association (LGA) to look into Corporate Governance linked to the Section 24 Notice report and the draft External Audit Report for 2020/21. The review would then be reported back to the Chief Executive and the Leader of the Council, who in turn would discuss the outcomes with other Group Leaders.
- 3) the Audit, Standards and Governance Committee carry out a root and branch investigation on how the Council arrived at the Section 24 Notice.

External Auditor's Interim Annual Report

Following the robust debate regarding the Section 24 Notice recommendation from the Audit, Standards and Governance Committee meeting held on 9th November 2022, the second recommendation regarding the External Auditor's Interim Annual Report was considered by Members. In doing so, the following was highlighted:

- The report covered arrangements that the Council had in place up to the 31st March 2021.
- The External Auditors, Grant Thornton, began their work in February 2022 and were pleased to see that officers had responded positively to the ongoing discussions and had begun to address many of the key concerns. The External Auditors noted that the changes made would still need to be embedded.
- The key recommendations contained within the report were highlighted in the Finance Improvement Recovery Plan report considered by Cabinet on 12th October 2022.
- There were five key recommendations set out in the External Auditor's Interim Annual Report. These recommendations were:
 1. The Council needed to ensure that the Medium Term Financial Plan presented to Members was completely transparent regarding the financial challenge and that any savings schemes included were fully established and approved by Members in advance.
 2. The Council needed to improve management of key projects, such as the financial ledger implementation, to ensure that expected benefits were realised. As part of this, the Council needed to undertake a comprehensive

review of the financial ledger implementation and ensure lessons were learned for future key projects.

3. The Council review and implement effective governance arrangements in respect of performance monitoring to allow Members to make informed decisions. In order to achieve this the Council should reinstate public reporting on performance, linking this to the Council Plan and the related strategic objectives, allowing Members to scrutinise performance. This should be done at least twice per year.
4. The Council should review and implement effective governance arrangements in respect of risk monitoring to allow Members to make informed decisions. In order to achieve this the Council should make Risk Management reporting a standing item on the Audit, Governance and Standards Committee agenda, with Members considering the Corporate Risk Register and Risk Management arrangements in an appropriate forum.
5. The Council should ensure timely and relevant financial monitoring reporting be undertaken and presented to the appropriate public forum.

The Council's view in respect of these five Key Recommendations was that management actions were in place to mitigate all of them. These mitigations included:

- A fully staffed Finance Team in order to ensure correct capacity for delivery of the Key Recommendations.
- Delivery of the 2023/24 Medium Term Financial Plan in two Tranches.
- Holding a monthly Cross Council Assurance Review meeting in order to assess priorities and the delivery of other cross cutting meetings.
- Integrating Performance and Financial monitoring in one report. It was reported that the first of these reports (Q1) was considered by Cabinet on 6th September 2022. The second report (Q2) was considered by Cabinet on 23rd November 2022.
- Risk Monitoring Governance had been updated and reporting was now considered by the Audit, Standards and Governance Committee on a quarterly basis.

Grant Thornton had also commented on the Council's arrangements to secure economy, efficiency, and effectiveness in its use of resources. The majority of these points were included in the 13 Improvement Recommendations. As with the Key Recommendations, it was the

Council's view that the process of integrating these recommendations into normal processing had already commenced as set out in the management responses contained within the External Auditor's Interim Report.

The Council was informed that the Audit, Standards and Governance Committee would be reviewing implementation of both Key and Performance Recommendations going forward.

The recommendations from the Audit, Standards and Governance Committee meeting held on 9th November 2022 in respect of the External Auditor's Interim Annual Report were proposed by Councillor G.N Denaro and seconded by Councillor K. May.

Prior to the vote, there was a query as to whether the recommendations could be split into two recommendations. However, it was confirmed that the Auditors were supportive of the responses provided by the management team and were unsure of the reason why the recommendation would need to be split.

As a result of the detailed consideration of the Recommendations from the Audit, Standards and Governance Committee meeting held on 9th November 2022 it was

RESOLVED that

- 1) the 5 Key Recommendations and 13 Improvement Recommendations within this report be agreed.
- 2) Council agree that the Management Actions contained within this report will rectify these issues

67/22

RECOMMENDATIONS FROM THE CABINET

The Chairman advised that one recommendation had been made at the meeting of the Cabinet held on 26th October 2022 and three recommendations had been made at the meeting held on 23rd November 2022, which had been highlighted for Council's consideration.

Fees and Charges 2023/24

The Portfolio Holder for Finance and Governance presented a report on the subject of the Fees and Charges 2023/24. Members were advised that the Medium Term Financial Plan was being prepared on the basis

that additional income would be generated from Fees and Charges. It was clarified that the process being followed for the review of income to be realised from 1st April 2023 included an assessment of each fee to identify how it met the Council's Strategic Purposes and the level of increase that was proposed as well as taking account of present economic conditions, including current inflation of over 10%. Council was informed that the levels of increase had been based on a robust estimate of the impact of cost increases and demand within the services and the Council's overall financial position. This included assessing the affordability of any of these increases to our residents and customers.

The Portfolio Holder for Finance and Governance highlighted that Appendix 1 contained within the report detailed all the Fees and Charges for each area with a commentary against each block. Members were advised that the Council's proposal was to increase all Fees and Charges by 10%. It was confirmed that the 10% had been applied to contributions and Fees and Charges budgets, however, had not been applied where charges were set statutorily i.e. for, Lifeline, SLA Income, or services that were charged across a number of Councils, such as Worcestershire Regulatory Services.

It was estimated that the increase in income generated from the proposed increases were:

Year	2023/24	2024/25	2025/26
Base Budget	3,820,000	3,899,000	3,904,000
10% Increase	382,000	389,000	390,000

If these Fees and Charges 2023/24 were agreed, it was confirmed that they would be included in the Medium-Term Financial Plan Tranche 1.

Following the presentation of the report it was confirmed by Members that there was no longer car parking at the Alvechurch Sports and Social Club.

Concerns were raised about the increases in Fees and Charges 2023/24 and although the level of inflation was currently over 10% this did not necessarily transfer to the increase in income for residents. It was queried by some Members whether the necessary level of scrutiny had been applied to the increases. Specific reference was made to the increase of 49% on allotment charges and it was confirmed that this proposed increase would bring Bromsgrove District Council more in line with charges made by other Councils across the County.

The recommendation was proposed by Councillor G. N Denaro and seconded by Councillor K. May.

RESOLVED that all of the proposed fees and charges for 2023/24 be approved.

Sherwood Road Footbridge, Aston Fields - Permanent Closure of the Footbridge, Removal of Bridge Deck and Transfer of Ownership to Severn Trent Water Ltd

The Portfolio Holder for Planning and Regulatory Services presented the report and in doing so highlighted that the footbridge was decaying and was not a public right of way and that the costs to repair the footbridge were high and it was thought to be more cost effective to transfer the ownership to Severn Trent Water as detailed within the report.

It was raised by some Members that there was no legal obligation to make these repairs and therefore the footbridge could remain in its current condition so that no costs would be incurred. It was, however, confirmed that should there be an injury on the footbridge the Council would be liable should any accidents occur and that the advice from the civil engineer involved was that the £10k worth of works must be carried out in order to make the footbridge safe.

Some Members raised the procurement process that had been undertaken and it was confirmed that a procurement process would have had to be carried out within the appropriate framework.

The recommendation was proposed by Councillor P.L. Thomas and seconded by Councillor K. May.

RESOLVED that a budget of £10k be added to the 2022/2023 Capital Programme to be funded from internal resources.

Medium Term Financial Plan 2023/24 to 2025/26 - Update Report

The Portfolio Holder for Finance and Governance presented the report and explained to Council that it had been hoped that more detail would have been available from the Chancellor's Statement on 17th November 2022 in readiness for this meeting. It was confirmed that information regarding the Local Government Financial Settlement (pLGFS) would not be available until the week commencing the 19th December 2022, which, it was clarified, was a week later than expected. However, in a statement from the Department for Levelling Up, Housing and

Communities (DLUHC), it had been reported that in recognition of the Settlement being late in the year, an update on the pLGFS, including information on the measures that would be maintained into 2024/25, would be provided soon. It was clarified that it was the Government's intention that support for Local Authorities' budget setting processes, would be provided ahead of the publication of the pLGFS."

Council was advised that the following information was currently known:

- An increase of 1% of Council Tax base from 2% to 3% at the 2023/4 base level of £9.243m was 92k.
- The Council no longer faced the additional pressure of increased employer National Insurance (NI) contributions. However, as a result of this, DLUHC were revising the additional grant funding for Councils. The 1.25% increase in NI rates was being checked against the 23/24 assumptions as it was announced as part of the previous year's budget. It was clarified that this saving was potentially worth £139k on the Council's £11.1m salary budgets.
- The Autumn Statement announced a £13.6 billion support package to protect ratepayers facing increases. This included a freezing of the Business Rates multipliers for 23/24, a Transitional Relief scheme to limit the rate at which bills could increase, a more generous Retail, Hospitality and Leisure relief, and the Supporting Small Business scheme to cap bill increases for businesses that lost relief due to the revaluation. It was confirmed that Local Authorities would be fully compensated for any loss of income as a result of these business rates measures and would receive new burdens funding for administrative and IT costs.
- An extension to the Household Support Fund over 2023-24, providing £1 billion additional funding.

The Portfolio Holder for Finance and Governance explained that the update on the provisional settlement was greatly anticipated as it would hopefully provide some clarity around the Lower Tier Services Grant and hopefully the New Homes Bonus scheme. Planning was underway for the worst possible settlement, and it was highlighted that time would be very tight to produce the budget. This had also been acknowledged by the Government. Officers were working on reducing the present deficit level of an ongoing £1.3m gap and the strategic approach was included within the report.

It was also highlighted for Members' attention that the updated fee schedule for WRS was included within the report as Environmental Health Charges had been omitted from the list presented to Members as

part of the Tranche 1 budget. Council was informed that although the Council had made huge steps in delivering over £1.6m of savings in Tranche 1, there was still significant work to be done.

The recommendation was proposed by Councillor G. N Denaro and seconded by Councillor K. May.

RESOLVED that the Tranche 1 savings proposals, Fees and Charges increases including updated WRS charges, and the single Growth item in respect of the Climate Change Officer are approved for implementation to ensure maximum benefit as at 1st April 2023.

Fees and Charges Update

The Portfolio Holder for Finance and Governance informed Council that a report had been considered at the Cabinet meeting held on 26th October 2022 as part of the suite of papers for the Tranche 1 Medium Term Financial Plan, around increases to Fees and Charges. It was recommended that the approach taken by the Council was to raise fees and charges generally by 10% with exceptions like WRS where increases would be 5%.

Members were advised that included in this Fees and Charges update report were the exempt Fees and Charges where the Council was in direct competition with the Private Sector. These included Cesspool Emptying and Commercial Waste Collections. It was reported that a 10% increase, in line with other Council Services, would still ensure that the Council remained competitive in these areas.

The recommendation was proposed by Councillor G. N Denaro and seconded by Councillor K. May.

RESOLVED the approval of all exempt fees and charges.

68/22

TO NOTE THE MINUTES OF THE MEETINGS OF THE CABINET HELD ON 26TH OCTOBER AND 23RD NOVEMBER 2022

The minutes of the Cabinet meetings held on 26th October and 23rd November 2022 were noted.

69/22

QUESTIONS ON NOTICE

The Chairman explained that 6 Questions on Notice had been received for the meeting and would be considered in the order they had been submitted.

It was explained that due to recent changes to Council meetings, Group Leaders had agreed that an extended period of up to 30 minutes would be allocated to the consideration of these questions and the answers provided and there were no supplementary questions.

Question submitted by Councillor P. M McDonald

"Does the Chairman not agree with me that he should allow supplementary questions to ensure there is no ambiguity in the response to questions."

The Chairman responded that it was not appropriate for him to determine permitting supplementary questions at Council meetings and that the question should be referred to the Constitution Review Working Group.

Question submitted by Councillor R. Hunter

"It has now been three years since this Council agreed to reverse the long standing neglect of our bus shelters and provide the modern well maintained facilities that residents deserve. However very few improvements have been made and the budget allocation is sitting unspent. I understand there are now further delays due to a review at County Council, but please could you provide some reassurance of when you expect so see these much needed improvements actually installed?"

In the absence of the Portfolio Holder for Environmental Services and Community Safety, the response to this question was provided by the Portfolio Holder for Strategic Housing and Health and Well Being who stated that prior to installing new bus shelters, Officers had contacted Worcestershire County Council (WCC) to establish the continued future of the bus routes using that particular shelter to ensure that time and money was not wasted installing a shelter that would no longer be utilised. It was explained that WCC were undertaking a comprehensive review of bus route provisions within the County, with a 'Bus Travel Task Force for Worcestershire' being set up to review current bus provision

and to ensure bus travel was able to meet residents' needs across the County.

It was further clarified that once Bromsgrove District Council had been made aware of this action, a temporary hold was put on the upgrading programme for new shelters as existing routes were then at risk of being removed.

Members were informed that, prior to this announcement, the Council had installed new shelters in Littleton Avenue, Worcester Road, Whetty Lane and Callow Bridge Road. Further information was provided that there were also shelters being held at Bromsgrove depot and were ready to be installed once there was confirmation that particular bus routes would continue. It was stated that currently no information was available as to when this review would be completed, and the County Council web link did not provide a timescale for the review.

Question submitted by Councillor J. King (read by Councillor R. Hunter in the absence of Councillor J. King)

“Could you please explain why it costs £234 for a planning application for a dropped kerb?”

The Portfolio Holder for Planning and Regulatory Services explained that Planning fees in England were set nationally by the Government and were detailed in the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (as amended).

Question submitted by Councillor S. Robinson

“Are you concerned about the dark open spaces in our town centre that have developed as a result of this Council no longer maintaining lighting on void car parks such as School Drive, Stourbridge Road and Churchfields?”

The Leader provided a response to this question on behalf of the Portfolio Holder for Environmental Services and Community Safety and explained that Officers were aware of the problems with the lighting in these car parks. It was reported that Stourbridge Road and School Drive car parks had both been inspected and surveyed by the contractor to determine why the lighting had failed. In addition to this, orders had been placed with the lighting contractor in order to purchase the replacement parts and undertake the work. Members were informed that the work

had been started and completed on Stourbridge Road and that the works on School Drive car park would be completed within the following two weeks. In respect of Churchfields car park, it was explained that it had been closed due to the level of antisocial behaviour and the lighting was turned off to conserve electricity and that as this car park was closed to the public, Members were advised that as such it did not pose a health and safety risk.

It was confirmed that the Community Safety Team had not been made aware of any specific issues in these areas. However, if Members had concerns about these locations, they could report any issues as follows:

- To report serious incidents as they happened and, in an emergency, to always call 999.
- Other incidents and ASB concerns could be reported by calling 101 or online at Report Antisocial Behaviour, West Mercia Police.
- General neighbourhood concerns could be reported to the Councillor's Safer Neighbourhood Team.

Question submitted by Councillor S. Douglas

“It appears that less able people who use mobility scooters are being denied access to buses unless they have been assessed by the bus company as to their competence to drive a mobility scooter. This is degrading and humiliating and clearly an example of disability discrimination. This awful situation can result in unaware scooter users being left stranded at the roadside. Will the Leader join with me in condemning this practice and do all she can to ensure that all buses can be used by all appropriately sized mobility scooter users?”

The Leader responded by explaining that there was currently no legal requirement for bus operators to carry mobility scooters, and that they were carried at each operator's individual discretion. The Equality Act 2010 did not refer to mobility scooters in its provisions on public service vehicles or bus services.

It was further explained that some companies had signed up to the Confederation for Passenger Transport (CPT) Code for the use and acceptance of Mobility Scooters on low floor Buses', which was developed by the CPT and the Department for Transport. The Code did have certain conditions which included:

- Class 2 mobility scooters only, maintained in good working order

- The scooter could not be wider than 600mm or longer than 1000mm
- The scooter needed to have a turning radius of no more than 1200mm
- The safe working limit for the weight of the scooter plus the occupant was 300kg
- The scooter needed to be assessed by the operator, both in terms of the design of the scooter and the ability of the user to control and manoeuvre it safely
- Mobility scooter users needed to receive on bus training from the operator before travelling on the bus for the first time, including how to use the ramp
- Approval needed to be issued in the form of a 'permit for travel' with a fixed duration of no more than five years; this had to be obtained prior to their scooter being carried on any bus.

Members were informed that information as to whether an individual operator accepted mobility scooters would be available on their website. Operators who adhered to the code would make this publicly known, particularly to groups representing people with mobility difficulties. The Leader shared the concerns raised by Councillor Douglas and confirmed that she would raise this issue with the local MP at their next meeting.

Question submitted by Councillor C. Hotham

“Since the introduction of wheelie bins, residents have been instructed to place the handle side inwards away from the kerb and highway. This seems perverse as it awkward and adds extra work as the operators have to turn the bins round before emptying them. Some residents have taken matters into their own hands and do place the handles towards the highway. Is it now time for the council to review the advice on bin handle positioning?”

The Portfolio Holder for Finance and Governance provided a response to this question on behalf of the Portfolio Holder for Environmental Services and Community Safety and in doing so informed Members that the Council did not currently have any guidance for residents requiring this, and that this may have been something released when wheelie bins were first introduced to Bromsgrove to help highlight the potential safety issue of stepping into the road whilst people got used to handling the wheelie bins.

The Portfolio Holder for Finance and Governance thanked Cllr Hotham for highlighting that this may have previously been advised.

Council was informed that waste procedures and information for residents would be updated over the next few months and this information would be included in the Council Tax Bill as usual the following year. Members were reassured that this point would be taken into consideration in order to avoid any potential confusion for residents.

70/22

MOTIONS ON NOTICE

The Chairman explained that 2 Motions on Notice had been received for consideration at this meeting. However, it was confirmed that Councillor C. Hotham had withdrawn his Motion on Notice for this meeting.

Free School Meals

Council considered the following Motion on Notice that was submitted by Councillor P. McDonald:

"Over 3.8 million children in the UK currently live below the poverty line and for those young people the price of school meals is prohibitive. In addition, with the cost-of-living crisis that is predicted to increase rapidly.

Council request our MP to lobby the Government to implement free school meals."

The Motion was proposed by Councillor McDonald and seconded by Councillor L. C. R. Mallett.

In proposing the Motion, Councillor McDonald commented that it had been well documented that children's education was being impacted during the current cost of living crisis. As a result, it had been reported that teachers were providing financial support and making referrals to Food Banks for needy families. Members were asked to note that it should not be the responsibility of teachers to provide this sort of care to their pupils and that more could be done by Government to help prevent this occurring in the future.

The suggestion was made that Free School Meals could go some way in mitigating the financial crisis that many families were currently experiencing. It was reported that it was expected that children living in households experiencing Fuel Poverty was set to rise by 38.6%. It was also suggested that over 3.8m children in the UK were living below the poverty line and that a positive and robust response was required. Furthermore, Councillor McDonald called upon Bromsgrove District

Council to lobby the local MP to act and introduce Free School Meals for all children in the District.

Following the presentation of the Motion, there was a query regarding the wording of the Motion. It was highlighted that there was ambiguity regarding whether the Motion was to 'implement free school meals' to all children as stated in the proposed Motion, or if it was for all school children within the District as outlined in the preamble above. If it was the case that it be for all school children, the question was raised as to whether this would also include private school pupils and international pupils. Councillor McDonald confirmed that the Motion was concerned with the implementation of free school meals for all children in the District of Bromsgrove and clarified that the Motion should read as follows:

"Over 3.8 million children in the UK currently live below the poverty line and for those young people the price of school meals is prohibitive. In addition, with the cost-of-living crisis that is predicted to increase rapidly.

Council request our MP to lobby the Government to implement free school meals for all children in the District of Bromsgrove."

The Portfolio Holder for Finance and Governance responded to the Motion and in doing so reported that in October, each year every school completed a census which formed the basis for their following year's funding. It was noted that at present across Worcestershire there were 12,336 claimants of Free School Meals at a cost of £3,022,320, with Bromsgrove's figures totalling 2,171 claimants. This number was a result of a steady increase since October 2020. The annual payment from the Department for Education was £245 per annum per claimant, and prior to the clarification from Councillor McDonald it was noted that the figure for Free School Meals for all children in the UK would be astronomical.

The Portfolio Holder for Finance and Governance explained that supporting the current wording was not a viable option due to the costs involved. However, he commented that were there an addition of the following wording support could be provided. This wording was clarified as follows:

"Over 3.8 million children in the UK currently live below the poverty line and for those young people the price of school meals is prohibitive. In addition, with the cost-of-living crisis that is predicted to increase rapidly.

Council request our MP to lobby the Government to implement free school meals to all qualifiers on a termly basis.”

It was noted that the qualifying terms were quite wide and were stated as follows:

- Income Support
- Income-based Jobseeker’s Allowance
- Support under part 6 of the Immigration and Asylum Act, 1999
- Child Tax Credit, and an annual income less than £16,190
- Guaranteed Pension Credit
- Income-based Employment and Support Allowance
- Working Tax Credit run-on
- Universal Credit, and an annual household income of £7,400 per annum (£616 per month) or less after tax, and not including any benefits.

Councillor McDonald did not accept the amendment as proposed by Councillor Denaro and confirmed that the Motion was to be proposed as written, including the addition of the wording “all children in the District of Bromsgrove” as noted above.

During the debate, it was noted that this was a serious issue and that 300k children were eligible for Free School Meals. However, these were not accessed by all those who were eligible due to the stigma attached to receiving Free School Meals, particularly in more affluent areas. It was stated that this was the purpose of the proposed Motion and that receipt of free school meals for all children would remove this stigma and also would improve access and accessibility of free school meals.

Council was informed that during the Covid-19 pandemic WCC had utilised Household Support Grant funding to provide free school meals during the school holidays for those that were eligible and that this was set to continue in the forthcoming school holidays.

In summing up, Councillor McDonald suggested that this was a serious Motion that would make some steps in ensuring that children received the help they needed during a cost of living crisis. In lobbying the MP this could be an opportunity for this to be realised.

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

Members voting FOR the Motion:

Councillors P. McDonald and L.C.R Mallett (2)

Members voting AGAINST the Motion:

Councillors A. Beaumont, S. Colella, R. Deeming, G.N Denaro, A. English, M, Glass, H. Jones, A. Kriss, R. Laight, K. May, P. Thomas, J. Till, K. Van der Plank, S. Webb and P. Whittaker (15).

Members ABSTAINING in the vote on the Motion:

Councillors S. Douglas, C. Hotham, R. Hunter and S. Robinson (4).

The vote on the Motion was therefore lost.

[During consideration of Minute Item 70/22 – Motions on Notice, Councillor M. Thompson declared a pecuniary interest on the grounds that his employer, Bromsgrove School, may benefit financially from the implementation of Free School Meals. During this item, Councillor Thompson left the meeting and took no part in the debate or voting thereon].

The meeting closed at 9.11 p.m.

Chairman