

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE CABINET

17TH JANUARY 2024, AT 6.00 P.M.

PRESENT: Councillors S. J. Baxter (Vice-Chairman, in the Chair),
S. R. Colella, C.A. Hotham, K. Taylor, S. A. Webb and
P. J. Whittaker

Observers: Councillor P. M. McDonald, Councillor A. Bailes,
Councillor R. J. Hunter and Councillor J.W. Robinson

Officers: Mrs. S. Hanley, Mr P. Carpenter, Mrs. R. Bamford,
B Ofori-Atta, Mr. S. Wilkes, Ms. N Cummings, Mr M. Cox,
Ms. T. Ainscough and Mrs. J. Bayley-Hill

55/23 **TO RECEIVE APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor K. May.

In the absence of the Leader, the Deputy Leader chaired the meeting.

56/23 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

57/23 **TO CONFIRM THE ACCURACY OF THE MINUTES OF THE MEETING
OF THE CABINET HELD ON 22ND NOVEMBER 2023**

The minutes of the meeting of Cabinet held on 22nd November 2023
were submitted.

RESOLVED that the minutes of the meeting of the Cabinet held on 22nd
November 2023 be approved as a true and correct record.

58/23 **MINUTES OF THE MEETING OF THE OVERVIEW AND SCRUTINY
BOARD HELD ON 20TH NOVEMBER 2023**

The minutes of the Overview and Scrutiny Board meeting held on 20th
November 2023 were submitted.

During consideration of this item, the Chairman of the Overview and
Scrutiny Board, Councillor P. McDonald, also presented
recommendations arising from the meeting of the Board held on 16th
January 2024. The following points were considered whilst these
recommendations were being discussed:

Parking Enforcement

Cabinet was advised that the Overview and Scrutiny Board had received a report on the subject of parking enforcement which had updated Members on the current Service Level Agreement (SLA) and potential future arrangements. Concerns had been raised during this meeting about the extent to which there would be sufficient service cover when Civil Enforcement Officers (CEOs) were on leave or off work due to sickness. The SLA contained a number of references to the term “reasonable” and Cabinet was informed that this had also created concerns amongst Members. In addition, the terms of the SLA stated that only 10 per cent of the service was required to cover parts of the District outside the town of Bromsgrove. Members of the Overview and Scrutiny Board had expressed their frustrations with this stipulation, as they had felt that there was greater need for parking enforcement activities in wards located outside the town of Bromsgrove.

Based on the points raised by Members during the meeting, the Overview and Scrutiny Board had proposed that Cabinet should consider going out to tender or delivering the parking enforcement service in house.

Cabinet discussed this proposal from the Overview and Scrutiny Board and, in doing so, noted that a report in respect of the parking enforcement SLA was scheduled for the consideration of Cabinet at a meeting due to take place on 14th February 2024. Further information regarding the proposals in respect of parking services in the District would be provided for Members’ consideration at this stage.

Reference was made to the existing arrangements that the Council had in place and Members noted that the Council would be obliged to give Wychavon District Council notice should the Council opt to withdraw from existing arrangements. Officers clarified that there would be a notice period that would need to apply should this be required by Members.

Consideration was given to the options that had been suggested by the Overview and Scrutiny Board. Members commented that it would be useful for the Cabinet and Officers to explore both options as part of the authority’s review of parking arrangements. For this reason, Members suggested that the word “and” should be added to the wording of the proposal to ensure that the viability of both options would be investigated further.

Questions were raised about the extent to which the Council’s discussions in respect of future parking enforcement arrangements were likely to impact on the existing service. The Cabinet was advised that the current service would continue to be provided in line with the

Council's SLA with Wychavon District Council. It was also confirmed that, should the Council opt to go out to tender, Wychavon District Council would be eligible to bid to deliver this service.

During consideration of this item, Members noted that if the Council went out to tender for future parking services, a tighter description of the authority's requirements for parking enforcement could be provided in the new tender contract. Furthermore, Members commented that this could form part of a wider strategic review of the Council's approach to managing car parks in the District.

Officers were asked to ensure that the points discussed during both the Cabinet and Overview and Scrutiny Board debates in respect of this item were reflected in the report on the parking enforcement SLA that was scheduled for Cabinet's consideration in February 2024.

Ward Member Budgets

The Chairman of the Overview and Scrutiny Board explained that the Board had also debated the potential to introduce ward budgets for Members at their meeting held on 16th January 2024. Under the arrangements proposed by the Board, each Councillor would be provided with a budget of £2,000, with the Council allocating a total overall budget of £62,000. The idea had been proposed as it was recognised that Councillors were familiar with the needs of their wards and could use this funding to help provide financial assistance to Voluntary and Community Sector groups and activities. Similar ward budget schemes operated at other local authorities, including the Divisional funding scheme in place at Worcestershire County Council, and therefore Bromsgrove District Council would be following established practice in local government in other parts of the country. Cabinet was asked to note that the proposal from Overview and Scrutiny had received the support of the majority of the members of the Board.

Consideration was given to the proposal from the Overview and Scrutiny Board and in doing so, Members commented that more detailed information was required from Officers on this subject, assessing the costs of the scheme, before a decision could be taken. It was noted that there were likely to be administrative costs attached to a ward budget scheme and this would need to be taken into account. Members also expressed concerns about making a decision at the Cabinet meeting in respect of this matter, given Cabinet had been provided with short notice of the proposals from the Board.

The timing of the proposals and the potential for this to be taken into account as part of the budget setting process for 2024/25 was also discussed. Members noted that the Medium Term Financial Plan (MTFP) Tranche 2 report for 2024/25 to 2026/27 was due to be considered at the following meeting of the Cabinet in February 2024. Members suggested that there would not be sufficient time for a separate report on this subject to be prepared for Cabinet and for the

scheme to subsequently be incorporated into the MTFP, should Members agree to introduce ward Member budgets. Therefore, reference would need to be made to this scheme in the MTFP tranche 2 report and Officers confirmed that the proposal would be included in the list of recommendations in the covering report which Members would then need to decide whether to retain in the final budget.

Reference was made to the debate that had been held in respect of this matter at the Overview and Scrutiny Board meeting. Cabinet was informed that, whilst the recommendation had received the support of the majority of Members present, there had been some Councillors who had opposed the recommendation. In particular, there had been concerns about the evidence basis for introducing ward budgets, with some Members having suggested that a review of the extent to which Worcestershire County Council divisional funds were spent by the end of the year should inform the decision about whether to introduce ward budgets, and it was noted that information about these divisional funds could already be accessed on Worcestershire County Council's website. Concerns had also been raised that some wards might be oversubscribed for funding whilst others may have less competition, potentially leaving funds unspent in certain wards. In addition, the process for allocating ward funds had been debated and the suggestion had been made to introduce a Committee to consider submissions for funding, similar to the Committee that had met under the authority's previous New Homes Bonus (NHB) funding scheme. However, Members noted that these opposing views had ultimately been outvoted at the Overview and Scrutiny Board meeting and the Cabinet needed to consider the recommendation that had been put forward by the Board.

It was noted that the Cabinet could not determine the Council's budget, as this was a responsibility of the Council. As such, taking into account the points raised during the debate, Members agreed that the wording of the proposal from the Overview and Scrutiny Board should be rephrased to replace reference to "approval" with "consideration".

Exempt Information in Reports

During the debate in respect of this item, Members noted that both the Overview and Scrutiny Board and Cabinet had received exempt information in reports provided for consideration at recent meetings. Questions were raised about the potential for the exempt information to be printed on pink paper, to help provide clarity to Members that the information provided was exempt. Officers explained that the Council's printing service had changed approximately six months previously and it was no longer possible to provide printed documents on pink paper for Council and Committee meetings. However, a watermark was always printed on pages in agenda packs containing exempt information. In addition, the words "Private Agenda Pack" were being printed on the front cover of agenda packs that contained exempt information.

RESOLVED that

- 1) with regard to the Parking Enforcement Service, the Cabinet consider the following options:
 - a) go out to tender for the parking enforcement contract; and
 - b) have the service delivered in-house.
- 2) the Cabinet, as part of the 2024/5 MTFP Tranche 2, to give consideration to the Ward Budgets proposal contained in the briefing paper now submitted, as tabled at the meeting of Overview and Scrutiny on 16th January 2024.

59/23

PLANNING ENFORCEMENT POLICY

The Head of Planning, Regeneration and Leisure Services presented the proposed Planning Enforcement Policy for the Council for Members' consideration. Cabinet was advised that the content of the policy reflected the national situation for planning enforcement.

Reference was made to the inclusion of the word "harm" in the Planning Enforcement Policy and Members questioned whether this word was required, noting that there was the possibility this could cause unnecessary concerns. The Cabinet was advised that the word "harm" had a very specific meaning in a planning context and related to the harm that might be caused by a specific structure. The example was provided of the harm that might be identified by planning officers when assessing the harm that might be caused by a specific structure when developed in the green belt.

Following the presentation of the report, Members queried the potential for the Council's existing Planning Enforcement Policy to be provided for consideration at the forthcoming Council meeting for comparison purposes, with amendments highlighted in track changes. Officers explained that this would be difficult to arrange as the existing policy was very different to the proposed new planning enforcement policy. However, it was suggested that the existing policy could be published for Members' consideration in an additional background papers pack for the Council meeting.

RECOMMENDED that the Bromsgrove District Council Planning Enforcement Policy be endorsed.

60/23

PLANNING AND ENVIRONMENTAL ENFORCEMENT BUSINESS CASE

The Technical Services Manager (Worcestershire Regulatory Services) presented the Planning and Environmental Enforcement Business Case for Members' consideration.

The report detailed proposals for the future provision of planning and environmental enforcement services by Worcestershire Regulatory Services (WRS) on behalf of the Council. WRS was already providing much of the planning enforcement service for the Council, following identification of a number of challenges that had impacted on the capacity of the Council's Planning Department to deliver this service.

Key issues impacting on the existing service included recruitment and retention of suitably qualified staff, with planning enforcement services having been delivered by Planning Officers as part of their wider job roles. Members were advised that WRS staff were experienced in undertaking enforcement action in relation to a wide range of issues. Many enforcement cases were complex and impacted by other circumstances, such as noise pollution in respect of a planning enforcement case, and the WRS team could help to address these issues.

There was a backlog in planning enforcement cases at the Council and additional funding had been requested from the Council to help address this backlog. Members were asked to note that the backlog had partly arisen due to the impact of the Covid-19 pandemic, as Officers had been unable to take certain necessary actions during the lockdown periods. The complexity of planning enforcement issues also meant that they could take time to resolve properly.

Consideration was given to the financial figures that had been included in the report in respect of salary budgets and Members noted that the figures in the report were incorrect. Officers clarified that the current total salary spend, including on costs, should have been recorded as £147,750 and the current actual spend on salary costs should have been recorded as £248,889 plus supporting costs. Members were advised that accurate figures had been included in the report provided for the consideration of Council on this subject and the typographical errors did not change the figures in the recommendations.

Clarity was provided that the £93,600 requested in the second recommendation would be funded from existing resources. The Council needed to provide an additional £84,777.50 to support the extra actions proposed in recommendations 3, 4 and 5. To ensure clarity in the recommendations, Members agreed that the second recommendation should be reworded to clarify that this would be funded by the Council from existing resources.

RECOMMENDED that

- 1) The Business case be pursued with the intention to bring together the enforcement functions within Environmental Services and Planning and associated current budget within the Shared Regulatory Service provided by WRS;

- 2) An additional £93,600 annually from existing resources be agreed to fund the service to meet the level of demand in Planning Enforcement;
- 3) An additional £55,590 be agreed to fund 1.6 FTE additional (Grade 6) resource to support the work in tackling the backlog of Planning Enforcement cases for the next two years only;
- 4) An additional £7,537.50 be agreed to fund 0.25 FTE additional (Grade 4) resource for the customer service resource element of fly-tipping, littering and enviro-crime; and
- 5) An additional £21,650 be agreed to fund 0.5 FTE additional (Grade 6) resource to support the work on enforcement of fly-tipping, littering and enviro-crime.

(Whilst this item was being debated, there was a brief adjournment, which last from 19.10 to 19.25.)

(During consideration of this item, Members discussed matters that necessitated the disclosure of exempt information. It was therefore agreed to move to exclude the press and public prior to any debate on the grounds that information would be revealed relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority and employees of, or office holders under, the authority. However, there is no exempt information in this record of the debate).

61/23

**COUNCIL TAX DISCRETIONARY COUNCIL TAX REDUCTION POLICY -
COUNCIL SECTION 13A1(C) POLICY**

The Interim Section 151 Officer presented the Council Tax Discretionary Council Tax Reduction– Council Section 13a1(c) Policy for Cabinet's consideration.

Cabinet was advised that local authorities had the power to reduce the level of Council Tax that people were liable to pay. In particular, this power tended to be applied to provide exemptions for care leavers, although some care leavers did contribute Council Tax payments. There were also special circumstances that could arise where a waiver could be applied so that people did not have to pay Council Tax on a temporary basis. For example, when inclement weather resulted in flooding, Councils could choose to suspend Council Tax payments for up to 3 months for impacted householders.

Members discussed the remit of the policy and questioned whether all householders, including homeowners, people living in the private rented sector and those living in social housing, were all eligible to apply for a Council Tax reduction under the scheme. Officers clarified that the

policy applied to anybody in distress and applications were assessed on a case-by-case basis.

RECOMMENDED that.

- 1) The Section 13A(1)(C) policy be approved and adopted from 1st April 2024.
- 2) The Council's scheme of delegation be amended to grant delegated authority to the Head of Finance and Customer Services, and the Financial Support Manager to reduce the Council Tax payable on a case-by-case basis, as provided by Section 13A 1 (c) of the Local Government Finance Act 1992.

62/23

COUNCIL TAX - EMPTY HOMES DISCOUNTS AND PREMIUMS

The Interim Section 151 Officer presented a report in respect of Council Tax empty homes discounts and premiums. The Government had issued guidance during the year that legally, properties would be considered to be empty homes, for the purposes of applying such Council Tax discounts and premiums, once they had been empty for 1 year. Previously, the length of time had been 2 years.

During consideration of this item, it was noted that there was a typographical error at paragraph 2.12. the starting figure, in terms of the number of empty homes in Bromsgrove District that had been subject to the premium in the 2022/23 tax year, should have been recorded as 104 properties.

RECOMMENDED that

- 1) From 1st April 2024, under section 11B(1) of the local government finance act 1992, for long-term empty dwellings the discount under section 11(2)(a) will not apply and the additional council tax premium applied will be:
 - i) For a dwelling that has been unoccupied and substantially unfurnished for less than 5 years – 100% premium.
 - ii) For a dwelling that has been unoccupied and substantially unfurnished for 5 years or more, but less than 10 years – 200% premium.
 - iii) For a dwelling that has been unoccupied and substantially unfurnished for 10 years or more – 300% premium.
- 2) The Head of Financial and Customer Services on a case-by-case basis may consider a reduction to the long-term empty premium under section 13A(1)(C) of the Local Government Finance Act 1992.

63/23

FINAL COUNCIL TAX SUPPORT SCHEME 2024/25

The Interim Section 151 Officer presented the Final Council Tax Support Scheme 2024/25 for Members' consideration.

Cabinet was reminded that the draft scheme had been presented for Cabinet's consideration in the autumn 2023, following a review of the scheme during the summer. The Council's scheme was more generous than many local authorities and Council Tax relief was provided under the scheme to eligible households, both of working age and those who were retired. The scheme had been updated to ensure that potential recipients would not be disadvantaged by increasing costs caused by inflation.

RECOMMENDED that the council tax reduction scheme be retained for 2024-25 tax year, subject to uprating of income bands by 6.7%.

64/23

COUNCIL TAX BASE AND BUSINESS RATES YIELD 2024/25

The Interim Section 151 Officer presented the Council Tax Base and Business Rates Yield 2024/25 report for Cabinet's consideration.

Members were advised that the report detailed the numbers on which the proposed Council Tax for the 2024/25 financial year would be based. The figures were calculated based on information on the authority's Council Tax system as of 30th November 2024. The figures were based on Council Tax Band D equivalent properties in the District.

Cabinet was asked to note that the business rates yield would be addressed in the MTFP 2024/25 to 2026/27 Tranche 2 report, due for consideration in February 2024. Information had been provided to the Council in relation to the Herefordshire and Worcestershire Business Rates Pool on Friday 12th January 2024.

During consideration of this item, Members questioned why the figure provided for Council Tax Band D equivalent properties had decreased in Barnt Green since this matter had previously been reported in January 2023. Officers explained that a decrease in Band D equivalent numbers had occurred in other areas too and this could be caused by a variety of factors, such as the numbers in receipt of Council Tax Support impacting on the figures.

Reference was made to the information that had been provided about Parishes in the report. Members noted that some incorrect titles had been used, with the report needing to be updated to refer to the Barnt Green and Hopwood and Belbroughton and Fairfield Parishes respectively. Officers undertook to update the report in future years to ensure that parishes were correctly cited.

Cabinet referred to the allowance that had been referred to in the report for a 1 per cent non-collection rate and Officers were asked to clarify

whether this meant that it was anticipated that the Council would achieve a 99 per cent Council Tax collection rate in 2024/25. Officers confirmed that it was anticipated that the Council would achieve a 99 per cent collection rate. This corresponded with historic achievements in terms of collection rates, including in recent years.

RESOLVED that the amount calculated by Bromsgrove District Council as the Council Tax Base for the whole area for 2024/25 is approved at 37,997.7 to include the individual parish elements.

65/23

FINANCE RECOVERY PLAN

The Interim Section 151 Officer presented the Finance Recovery Report and in doing so advised that this report was a regular update to Cabinet that was being provided to outline the progress that was being made to address the issues arising from the non-delivery of the Council's accounts. The report was also presented for Members' consideration at every meeting of the Audit, Standards and Governance Committee, which was meeting 6 times a year, rather than the standard 4 meetings that had occurred prior to the issuing of the Section 24 Notice to the Council.

The Council was in discussions with the external auditors, Grant Thornton, regarding progress with the accounts and outstanding issues. Officers would be providing the external auditors with a set of balances which they would cross reference with their information about the Council's balances.

Training continued to be delivered to Council staff, including Officers who managed budgets, in respect of use of the ERP system. New staff had been recruited, including a new Head of Finance and Customer Services, who had already commenced employment in the role, and a new senior accountant, who would be starting with the authority shortly.

The final accounts for the Council for 2021/22 and 2022/23 still needed to be submitted to the external auditors. However, there was uncertainty about when these accounts would then be audited, as nationally there was a backlog of 800 – 900 Council account audits that remained to be completed. The Government had stated that the back stop date for accounts to be completed would be 30th November 2024.

RESOLVED that

- 1) Progress made on the financial recovery be noted including:
 - Delivery of the Statutory Accounts
 - Delivery of Statutory Financial Returns
 - Improvements in the Control Environment
- 2) The work still under way to move back to a best practice operation and the associated timetable for completion of this work be noted.

MEDIUM TERM FINANCIAL PLAN TRANCHE 1 2024/5 TO 2026/7
(FOLLOWING CONSULTATION)

The Interim Section 151 Officer presented the MTFP 2024/25 to 2026/27 Tranche 1 report for Members' consideration.

Cabinet was reminded that this report had been considered in draft form in November 2023. The report had then been subject to consultation, although no feedback had been received from the public. Following publication of the report for the consideration of Cabinet, the need to make adjustments to the fees and charges for WRS had been identified. These fees would therefore be updated and issued in a supplementary pack for consideration at the Council meeting. However, it was proposed that the majority of fees and charges in other service areas should be increased by 7 per cent.

The Local Government settlement had been confirmed by the Government in late December 2023. District Councils were due to receive a 4 per cent settlement and the Government was assuming that lower-tier authorities would increase Council Tax by 3 per cent. Clarification had also been provided that planning income could increase by 25 to 30 per cent. The full implications of the Government settlement would be addressed in the MTFP 2024/25 to 2026/27 Tranche 2 report.

RECOMMENDED that

- 1 Council endorse the inputs into the Council's Medium Term Financial Plan as at the start of October 2023, and the associated risks and opportunities.
- 2 Council note that these inputs have been used, along with the 2023/24-25/26 Medium Term Financial Plan (MTFP) agreed by Council in February 2023, to project an initial "gap" to be closed.
- 3 An initial Tranche of savings proposals, as set out in Section 3.12 - 3.25 and the associated Savings Proposal Document in Appendix A, as published on the 14th November 2023, and considered by Cabinet in January 2024, be approved at Council on the 24th January 2024.
- 4 Fees and charges are increased by 7% as part of this process.
- 5 Commercial fees and charges, as set out in Appendix F are approved.
- 6 Council note that Tranche 2 of this process will add further information such as the Local Government Settlement to give a final financial position for the Council.

RESOLVED to note that Council already approved in December the Play capital works for 2023/4 and their addition to the Capital Programme.

The meeting closed at 7.53 p.m.

Chairman