

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE COUNCIL

25TH OCTOBER 2023, AT 6.00 P.M.

PRESENT: Councillors S. Ammar (Chairman), B. Kumar (Vice-Chairman), A. Bailes, R. Bailes, S. J. Baxter, S. R. Colella, A. M. Dale, J. Elledge, S. M. Evans, D. J. A. Forsythe, E. M. S. Gray, C.A. Hotham, D. Hopkins, R. J. Hunter, H. J. Jones, R. Lambert, M. Marshall, K.J. May, P. M. McDonald, B. McEldowney, S. T. Nock, D. J. Nicholl, J. Robinson, S. A. Robinson, H. D. N. Rone-Clarke, J. D. Stanley, K. Taylor, S. A. Webb and P. J. Whittaker

Officers: Mrs S. Hanley, Mrs C. Felton, Mr P. Carpenter, Mr G. Revans, Ms J. Bayley-Hill

42\23 **TO RECEIVE APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor D.G. Stewart.

43\23 **DECLARATIONS OF INTEREST**

Councillor H. Jones declared an other interest in agenda item no. 14i, minute number 54\23, Recommendations from Cabinet, Equal Opportunities Annual Report, in relation to the Small Grants Scheme, as she was a leader of a scout group which had been awarded a grant.

The following Councillors declared an other interest in agenda item 14iii, minute number 54/23, Upgrading of Sewage Treatment Plants, as local members:

Councillors K. May, S.T. Nock and P. Whittaker – Frankley Green
Councillors K. Taylor and S. Webb (as County Councillors) – Dodford and Tutnall.

44\23 **TO CONFIRM THE ACCURACY OF THE MINUTES OF THE MEETING OF THE COUNCIL HELD ON 20TH SEPTEMBER 2023**

The minutes from the Council meeting held on 20th September 2023 were submitted for Members' consideration.

RESOLVED that the minutes of the meeting held on 20th September 2023 be approved as a true and accurate record.

45\23

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

The Chairman read the following statement:

Group leaders and myself, as Chairman, have come together to express our deep sadness and horror at the ongoing events in the Middle East. As advocates of democracy, we firmly believe in and support the universal right of all people to live in safety, security, and freedom.

We recognise the immense loss of life suffered by both Palestinians and Israelis, who are just like us, ordinary civilians caught in the midst of this conflict. It is heartbreaking to witness the devastating impact these events have had on their lives, forever altering their futures.

Both in our prayers and our thoughts we call for an immediate end to the violence and urge all parties involved to engage in peaceful dialogue and negotiations. It is only through understanding, empathy, and a commitment to finding common ground that a lasting solution can be achieved.

Let us stand together in solidarity, supporting the rights and aspirations of all people around the world. May peace, justice, and compassion prevail in this troubled region, and may the innocent lives lost never be forgotten.

46\23

TO RECEIVE ANY ANNOUNCEMENTS FROM THE LEADER

The Leader welcomed Councillor S Baxter as Leader of the 2023 Independents Group and thanked her predecessor, Councillor C. Hotham for his contribution.

The Leader referred to working arrangements and thanked members for their participation in Cabinet Surgeries, which were a valuable opportunity to understand local and wider community issues and brief on forthcoming Council wide issues. She hoped that the introduction of the Cabinet Advisory Groups would provide better opportunities to manage issues of greatest concern to members.

The Leader updated members about the decision to provide financial and practical help and support by the Council to the Artrix Holding Trust following the closure of the venue. Currently the Holding Trust was working with Solihull Council to provide them with temporary accommodation and council staff were supporting this activity. The Leader thanked those involved for their work in this regard. If members had queries, the Leader suggested they direct them to the Artrix Holding Trust in the first instance.

47\23

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

The Chairman welcomed Ms Clinton who asked the following question:

“Can the Bromsgrove Council please advise as to why their charges for a High Hedge Complaint is £595.10 when neighbouring councils charge significantly less?

It is recognised that the Bromsgrove Council do offer a reduced rate for those that qualify on certain benefits.

Examples of the charges from other local Councils are as follows:

Coventry City Council - £190

Telford & Wrekin Council - £250

Redditch Council - £250

Birmingham City Council - £350.”

Councillor K. Taylor responded that officers were proactive in trying to avoid people needing to make a formal complaint and this involved a lot of work for which no charge was made. The charge only applied when a formal complaint was made and there had been very few instances where this had occurred.

The high hedge legislation provided a framework for charging and the Council complied with this. However, he would ask Officers to review the fees to ensure they reflected the service being provided and to report to the Overview and Scrutiny Working group. In the meantime, he would work with Ms. Clinton’s local member to try and resolve the specific issue she had raised.

48\23 **URGENT DECISIONS**

Members were advised that no urgent decisions had been taken since the previous meeting of Council.

49\23 **CHANGES TO COMMITTEE MEMBERSHIP**

Further to the agenda item, the Chairman reported that there would not be any changes to the membership to the Licensing Committee.

50\23 **OUTSIDE BODIES - APPOINTMENT**

The Chairman reported that the Council had been advised that Worcestershire County Council were in the process of reviewing the rules for appointments further. Therefore, no decision would be taken in respect of this matter at this meeting.

51\23 **AUDIT, STANDARDS AND GOVERNANCE COMMITTEE ANNUAL REPORT 2022-2023**

The Chairman of the Audit, Standards and Governance Committee, Councillor S. Colella, introduced the Committee's Annual Report for 2022-23.

Councillor Colella referred to his tenure as Chairman of the Committee between December 2022 - May 2023. During that time he had led a Scrutiny Task Group into the Section 24 notice and the report for that group formed part of the financial recovery plan.

Councillor D.J. Nicholl, the current Chairman of the Committee, drew attention to reference in the report to the introduction of an Independent Member to sit on Audit Committees. This had not yet been considered in detail by the Committee.

In response to a question whether, in light of concerns about the Council's accounts and subsequent Task Group review the committee should meet more frequently, Councillor Nicholl reported that the committee was fully engaged and all meetings this municipal year had been quorate. This enabled a consistent review of all matters and in his view at the moment it was not necessary to introduce extra meetings.

RESOLVED that the Annual Report of the Audit, Standards and Governance Committee for 2022-23 be noted.

RECOMMENDATIONS FROM THE CONSTITUTION REVIEW WORKING GROUP

Councillor C. Hotham presented the report of the Constitution Review Working Group, which covered 5 areas: Planning reform, Audit, Standards and Governance Committee; Policy Framework; Councillor non-attendance and Questions on Notice.

Councillor Hotham suggested that since the recommendation relating to the Audit, Standards and Governance Committee about reducing the quorum for its meeting was compiled in the previous Municipal year, Council might seek the advice of the current Chairman of the Committee as to whether the proposed change to the quorum was necessary. Councillor Nichol agreed that the quorum should remain at 5, and it was agreed by the proposer and seconder that the recommendation to change it would be withdrawn.

During discussion of this item, Councillors thanked officers from the Planning and Democratic Services teams for their hard work in supporting the Planning Committee generally and during the external review carried out by the Planning Advisory Service (PAS).

RESOLVED that;

- 1) Meetings of the Planning Committee should be live streamed;
- 2) White nameplates should be used at meetings of the Planning Committee for Councillors;
- 3) The Chairman should introduce all the officers present at the start of Planning Committee meetings;
- 4) A review should be carried out of the content of officer reports to ensure that they are proportionate to the size and complexity of the proposal being determined;
- 5) Members of the Planning Committee should continue to be offered the choice to either access agenda packs for meetings electronically or in paper form;
- 6) A greater number of spare copies of the supplementary packs containing the update reports should be made available for the

consideration of the public at meetings of the Planning Committee, with clarification provided to the public that copies will be made available on a first come first served basis to residents attending meetings in person;

- 7) Where possible, members of the Planning Committee should provide Officers with prior notice of any technical questions relating to applications on the agenda;
- 8) Refresher training should be provided on the roles and responsibilities of Planning Committee members;
- 9) Appeal decisions and planning application performance should be reported to and discussed by the Planning Committee;
- 10) the Code of Practice – Planning Services, at Part 25 of the Constitution, be amended to require all Members to leave the room when they have spoken as a Ward Councillor on a Planning Matter, draft wording of the amendments proposed was contained within Appendix 1. These amendments should be incorporated into the Constitution for ratification at Full Council;
- 11) the content of the Policy Framework be updated as detailed in Appendix 5 to the report;
- 12) the Chief Executive be delegated authority, as Proper Officer, to declare the office of Councillor vacant immediately after a person has ceased to be a Councillor where they have not attended a Council or Committee meeting for six months or more; and
- 13) the Council should undertake a trial allowing Members to ask supplementary questions at Council meetings during consideration of Questions on Notice.

53\23

TO RECEIVE AND CONSIDER A REPORT FROM THE PORTFOLIO HOLDER FOR ENVIRONMENTAL SERVICES AND COMMUNITY SAFETY

Council considered a report by the Portfolio Holder for Environmental Services and Community Safety, which outlined services and activities within the remit of the Portfolio Holder. Information was included in

relation to the Council's Strategic Purposes, relevant key activities, partnership working, projects and programmes and news stories.

In presenting his report, Councillor P. Whittaker highlighted the commitment and hard work of the relevant officers and the community safety team's work with diverse agencies. He also referred to residents' satisfaction with the alternate residual waste and recycling collections which were likely to change under the Environment Act 2021. This introduced a requirement for councils across the country to introduce a weekly waste food collection. Working with county council colleagues the possibility of a county wide system of collection and disposal would have synergy in terms of cost savings. Details from DEFRA had been published within the last week and 'simpler recycling' was the main message. However, no details had been given about how the additional costs in introducing this would be met.

During this item the following items were raised:

- The Leader clarified that Councillor Colella was the portfolio holder for climate change.
- The view was expressed that climate change should have been given greater prominence in the report.
- A member asked how many recommendations of the Flooding Task Group had been taken forward. The portfolio holder undertook to communicate this to Councillor Robinson outside the meeting.
- A member asked for details of how many hate incidents had been reported in Bromsgrove and it was agreed that these details would be circulated to all councillors.
- How continuing to operate old refuse vehicles was better than procuring new, potentially more efficient vehicles. The portfolio holder responded that refurbishment enabled a vehicle to stay on the road rather than procure new and extended its life for 6 years. The continuation of the programme of refurbishment would be reviewed on a regular basis. Arising from this item, the Chairman asked that the Interim Director undertake a presentation to all members about the fleet.
- It was suggested that performance statistics relating to fly tipping should be included in the report; the portfolio holder undertook to circulate these. A member suggested that having comparisons with similar councils might give the data meaningful context.
- How diversionary youth work would occur across the District as some wards did not have specific youth clubs or provision. The portfolio holder suggested that it was open to local members to

approach relevant officers about developing outreach in their areas.

- It was suggested that the approach to blue badge parking across the District was inconsistent. The portfolio holder responded that car parking charges would be subject to a review.

54\23

RECOMMENDATIONS FROM THE CABINET

The Chairman advised that there was one recommendation from the meeting of the Cabinet held on 13th September 2023 and seven recommendations from the meeting on 18th October, which were presented for the Council's consideration.

Equality Annual Report 2022

The Portfolio holder presented the Equalities Annual report 2022 and highlighted a number of areas of work which had been carried out. Covid 19 had impacted the work on Equalities, but several community events and activities had been delivered, some for the first time since the pandemic. The Equalities small grants scheme had also awarded grants to 10 community organisations.

During consideration of the report, the following areas were discussed:

- Using the demographic profile of the District from the 2021 census data to analyse whether this was reflected in the Council's workforce and service users. The portfolio holder agreed that this would be worked on.
- The report didn't appear to indicate staff progression. Emphasis would be placed on staff having a progression path through the organisation consistently.
- How many young people attended holiday activities and had received meals from the food programme referred to in the report. The portfolio holder undertook to share this information with councillors outside the meeting.
- Asset based community development – attempts to develop committed were welcome but should be grounded in local knowledge, which local councillors should be involved in. A councillor reported that residents had to be referred to some services via a church which was not inclusive. The portfolio holder responded that he would check what was happening in this regard.
- Members expressed concerns that where wards abutted adjacent local authorities, residents attempted to get resources from New

Starts in South Birmingham. The funding was intended for Worcestershire councils so the community development team should consult people embedded in the community, such as local councillors, about how the money should be applied. Councillor S. Webb reported that the community builders worked for WCC Public Health, and the initiative was still being developed. The Leader highlighted addressing disparities in public health – preventative action was shown to improve health outcomes. The Council was the first District to introduce the community builder initiative, it would develop and it was intended to launch one stop shops where a number of services could be hosted and offered.

- In response to a query about the availability and take-up of community transport, Cllr. Webb responded that there was one BERT bus in the District and she would obtain details of the data for Councillor Bailes outside the meeting.
- Cllr Robinson thanked the Council for the support being offered to the vulnerable in the District, and asked whether there was resistance to this support in the community. Cllr Webb responded that this had been picked up as a potential barrier and efforts were being made to address this.

The recommendation was proposed by Councillor C. Hotham and seconded by Councillor K. May.

RESOLVED that the Equality Annual Report 2022 be endorsed.

Finance and Performance Quarter 1 Monitoring 2023/24

The Chairman reported that one of the recommendations that was originally included in the report, recommendation 7, was withdrawn at the Cabinet meeting on 18th October and was therefore not due to be debated at this meeting.

In proposing the recommendations, the Portfolio holder reminded the Council that the provisional financial outturn 2022-2023 was a deficit of £956k. £341k of reserves were also being used in the base budget, which left a deficit overall of nearly £1.4m. However, reserves at March 2023 were £5.8m.

There was a headline predicted overspend of £437k, and it was planned to use £250k of reserves. Previously the Council had set up a reserve for potential significant increases in utility costs. This had not come to fruition in way that was predicted. It was therefore suggested that as the

Council had not had to use it, the funds could offset some of deficit by moving into general balances and reduce the overall deficit.

During consideration of this item the following issues were discussed:

- The robustness of original financial estimates was queried, as items such as forecast employee variances could impact on the financial decisions made by the Council. It was noted that the utilities reserve was arrived at during a time of extreme volatility and advice had been taken at the time about what would be a prudent reserve.
- What would happen to savings achieved by not filling vacancies.
- How arrangements were made to keep a fund for replacement of the council's fleet. The Chairman reminded members that the senior officer would be making a presentation to all members about the fleet. It was noted that there had been a reserve for fleet replacement but this had not been applied yet until the Council was certain of the kind of vehicles were required in future. The Cabinet Member agreed that all vacancies should be reflected accurately in the accounts.

RESOLVED that

- 1) £351k is allocated from the Utilities Reserve to part mitigate the overspend position in 2023/4;
- 2) Changes to the Capital Programme as set out in para 3.13 of the report with an ongoing revenue cost of £40k, £17k fleet replacement, £13k Wheely Bins and £10k wild flowers equipment be approved:
and
- 3) the £11.0k increase to the Engineering Services base budget in 2023/4 from reserves be approved and this change is included in the 2024/25 Medium Term Financial Plan.

Upgrading of Sewage Treatment Plants and introduction of Service Charging to contributing properties - 1) Frankley Green Lane, Frankley Green, 2) Fockbury Road, Dodford 3) Dusthouse Lane, Tutnall

Council considered the recommendations to upgrade sewage treatment plants in order for them to meet Environment Agency standards. During debate the following issues were discussed:

- A member sought clarification about the Council's responsibilities for meeting these costs and whether they should be met by Severn Trent and/or Bromsgrove and District Housing Trust (BDHT). It was noted that when the Council undertook large scale transfer of its housing stock to the Housing Association there were some historic arrangements for sewage, depending on whether individuals had purchased their properties or were tenants of the Council at that time. The costs of the upgrade would be split between the Council and BDHT accordingly. The sewage treatment plants were treated as private assets rather than public.
- A member queried what level of revenue was predicted following the introduction of annual service charges. Whilst a total could not be provided, it was noted that it was proposed that the charge would be similar to that which Severn Trent would charge for sewage disposal. It was likely that once the upgrade was complete that BDHT would approach Severn Trent again about it taking on the service.

Council was reminded that it had a duty to make sure residents had adequate sewage disposal from their properties and that was the fundamental reason for undertaking the work.

RESOLVED that:

- 1) A budget of £72k be added to the 2023/2024 Capital Programme, for the agreed contribution for upgrading of the 1) Frankley Green Sewage Treatment Plant, to be funded from borrowing or balances following consideration as part of the medium-term financial plan review;
- 2) A budget of £69k be added to the 2024/2025 Capital Programme, for the agreed contribution for upgrading of the 2) Dodford Sewage Treatment Plant, to be funded from borrowing or balances following consideration as part of the medium-term financial plan review;
- 3) A budget of £57k be added to the 2025/2026 Capital Programme, for the agreed contribution for upgrading of the 3) Tutnall Sewage Treatment Plant, to be funded from borrowing or balances following consideration as part of the medium-term financial plan review;
- 4) An annual service charge be introduced, subject to agreement with Bromsgrove and District Housing Trust (BDHT), for all contributing properties to the three Sewage Treatment Plants from 1st April 2024,

equivalent to the annual sum payable to Severn Trent Water Ltd for sewage treatment, if the property was connected to the public foul water sewerage system.

55\23

TO NOTE THE MINUTES OF THE MEETINGS OF THE CABINET HELD ON 13TH SEPTEMBER AND 18TH OCTOBER 2023

The minutes of the meetings of the Cabinet held on 13th September and 18th October 2023 were noted.

56\23

QUESTIONS ON NOTICE

The Chairman advised that four Questions on Notice had been received for this meeting.

Question Submitted by Councillor Rone-Clark:

“In April 2021, in response to a petition with 5000 signatures and a motion submitted by then Cllr Mallett, calling for an urgent feasibility study R.E. a potential Western Relief Road, then portfolio holder for planning Cllr Kent told this council he had commissioned a Strategic Transport Assessment (STA) to be released to the public by 'the end of the summer (2022)'.

In September 2022, 17 months after the STA was first promised, I made an FOI request in response to the lack of communication on this from BDC...it returned nothing of substance, not even a draft overview of findings...

At a subsequent meeting in late 2022, I asked Cllr Thomas, my 2nd planning portfolio holder, to comment on the status of the STA...he informed me that the STA didn't really exist and was merely a small extension of the local plan; despite the fact that in March 2021, Bromsgrove District Council went out to tender for a contractor to carry out a strategic transport assessment, advertising this on their website and social media!

Then, on April 9th 2023, two years after this issue was first raised in this chamber, The Bromsgrove Conservatives tweeted 'pledge #4 for Bromsgrove: we have commissioned a strategic transport assessment for the district...'

My question, put simply: what on earth is going on?"

The Cabinet Member for Planning, Licensing and WRS responded that the Strategic Transport assessment would be a suite of reports and

assessments which primarily shaped and then supported the policies that would be contained in a new local plan for Bromsgrove District. It would be published alongside all the other elements of the evidence base when the plan was next ready for consultation. As explained at recent Strategic Planning Steering Group (SPSG) meetings, the planning system was subject to significant reforms now which made plan making a difficult process. Officers had continued to progress the local plan as far as possible whilst these ongoing reforms were being considered. This had included working with Worcestershire County Council on developing tools to assess the likely impacts of new development across Bromsgrove District, and then predict the infrastructure improvements that would be required as a result. As explained at the SPSG meeting on the 5th October, WCC officers had been asked to present the STA tools they had developed to BDC members, this would be taking place at the SPSG meeting on the 16th November, to which all members were invited.

Cllr Rone Clark asked a supplementary question about how much STA modelling Councillor Taylor had inherited when he took up the portfolio. Councillor Taylor responded that there had been robust conversations with Worcestershire County Council about the lack of progress. He reiterated that County Council representatives had been invited to the meeting on 16th November.

Question Submitted by Councillor D Nicholls:

“To ask the Leader, following information from the Royal British Legion, why are benefits assessments for veterans in Bromsgrove being means-tested more harshly compared to other Councils?

In councils such as Walsall Metropolitan Council, Cannock Chase DC or Warwick DC, there is no means testing of veterans over a range of benefits (i.e. Council Tax Support, Housing Benefit, Discretionary Housing Payment and Disabled Facilities Grants), whereas in Bromsgrove, Discretionary Housing Payments in both the Armed Forces Compensation Scheme and the War Pension Scheme are means tested for armed forces veterans.

As we head towards Remembrance Sunday, do not those who have been in service of the defence of our country and Bromsgrove deserve to be fairly treated compared to military veterans in other areas?

I agree with the Royal British Legion that this is fundamentally unfair to the veterans of Bromsgrove.”

The Cabinet Member for Health and Wellbeing and Strategic Housing responded that as with many local authorities, Bromsgrove District Council did not have prescribed rules for awarding Discretionary Housing Payments, and each application was looked at in its own merit. The Council looked at each individual's needs, housing requirements, income, expenditure, medical requirements to name but a few. The Financial Independence Team processed the applications and also looked at benefit maximisation, budgeting advice and signposting to partners where appropriate.

Several incomes were disregarded for Housing Benefits/Council Tax Support, and where these incomes were in payment it typically saw a full award of eligible Housing Benefit/Council Tax Support. Obviously, other factors could cause a shortfall in Housing Benefit, mainly LHA rates, benefit caps and under occupancy charges – with the latter 2 only applying to working age claimants.

Discretionary Housing Payments were intended to be a short-term solution to help residents whilst long term solutions could be investigated and supported.

In addition to this, in the Council's Housing Policy the Council recognised the contribution that armed forces personnel had made, with members of the UK armed forces stationed abroad being considered as living in the United Kingdom for the purposes of applying for social housing. The Council also considered high medical need or disability in the allocation of accommodation.

The Cabinet Member invited any Councillors who had queries to get in touch.

Councillor Nicolls asked a supplementary question about the voracity of data about Bromsgrove's approach, which had been provided via a Freedom of Information request. The Cabinet member undertook to answer Councillor Nicholls outside the meeting.

Question submitted by Councillor R. Hunter

"I am continuing to find it very difficult to get firm commitments from this Council about repairing broken bus shelters. Please could you confirm that residents can expect broken bus shelters to be repaired or replaced and the timescale within which they can expect this work to be completed?"

The Cabinet Member for Environmental Services and Community Safety replied that the minor works team in the Engineering and Design Team undertook repairs to Bus Shelters, however where a new Shelter was required these were procured individually which caused delays, although the system of procurement was undergoing a review. The Council was currently finalising tender documents which would see a contract awarded and started in January 2024. This would mean that shelters that the Council was responsible for, would be replaced within a 6-week period going forward.

The Stourbridge Road shelter was to be removed this Friday and the Cabinet Member was awaiting feedback on when the replacement would be installed.

Also as context the Minor Works team was currently supporting the works that were being undertaken at the Artrix which had impacted in the short term on turnaround times for repairs to bus shelters.

Councillor Hunter asked a supplementary question about whether the Cabinet Member would give an assurance that every bus shelter reported as damaged would be replaced.

The Cabinet Member replied that he could not commit to the request because finances were limited, and the budget was set. Subject to this he was prepared to commit that some bus shelters would be repair or replaced as set out in his answer to the original question.

Question Submitted by Councillor J. Robinson

I understand the Council is working on a solution where a forward look of intended road sweeping rounds can be published, although there will be no guarantee as to exact dates due to the responsive nature of the service. Do you have a timescale for when this is likely to go live, please and could you confirm if the council is also intending to publish backdated information of roads that have already been swept?

The Cabinet Member for Environmental Services and Community Safety responded that the sweeper service had been significantly disrupted over a number of months due to availability of drivers as there had been long term sickness together with the need to recruit into the vacancy. At the start of October 2023, the Council had been able to operate with 3 drivers for the first time for a while. Officers had therefore been working in a reactive manner based on issues that had been raised in order to

return areas to the required standard and they were now targeting known flooding areas and road networks outside of the settlements to improve the overall appearance of the roads. It was envisaged that they would soon return to planned routes for regular sweeping to maintain standards that had lapsed. Responsibility had recently moved to the Place team for this service and routes were being reviewed and it was anticipated that these would be published at the beginning of December.

Councillor Robinson asked a supplementary question that if councillors brought forward roads in their wards for sweeping, whether the Council would respond to these requests?

The Cabinet Member responded that he had passed on an e-mail Councillor Robinson had sent him to the relevant team at the Depot. He referred to some practical issues which could prevent prompt action (such as cars parked on residential roads). However, he referred to the previous answer relating to the publication of routes in December and advised that councillors pass on requests to the Place team with responsibility for co-ordination in their wards. They could also raise any specific issues with him as Cabinet Member.

57\23

MOTIONS ON NOTICE

The Chairman reported that 7 Motions on Notice had been submitted for this meeting. In advance of the meeting, the proposer of the last Motion, Councillor Hunter, had discussed his Motion with the Leader, and had agreed to withdraw it, on the basis that work was already ongoing and it had been agreed it would be prioritised going forwards.

Candy and Vape Stores

Council considered the following Motion on Notice submitted by Councillor E. Gray:

This Council calls upon the Bromsgrove MP to lobby Government to call a halt to American-style candy and vape stores opening up on high streets. These entice young people to take up dangerous habits which cause significant risk to young people/children's health and well-being.

Councillor P. McDonald seconded the motion. He referred to the emergence of shops selling sweets and e-cigarettes on local high streets and promoting their wares to children of all ages. The lack of legislation

about advertising vapes and powers of enforcement meant that local regulatory services had not been able to take action.

Councillor J. Robinson proposed an amendment as follows:

To remove the wording 'call a halt to American style candy and vape stores opening up on high streets' and replace with 'limit the sale of disposable vapes'.

At the end of the Motion to add 'Furthermore this Council agrees with the cross party LGA view that disposable vapes should be banned and the Leader of the Council agrees to write to Worcestershire County Council to ensure the Trading Standards Team that polices activity has a full complement of officers in place in Bromsgrove to ensure that we crack down on any illegal sales of vapes in our District'.

The Council was adjourned between 8.43 and 8.48pm whilst the Chairman sought procedural advice and subsequently advised that the Motion on Notice was very specific and as such the amendment was not accepted.

During debate on the Motion on Notice the following points were raised:

- That the motion related to the risks associated with the sale of disposable vapes and sweets. Some shops such as supermarkets sold vapes and sweets. 5 million vapes were sold each week across the country. Whilst members agreed there was an impact on children from their availability and sale and understood the sentiment behind the Motion, some considered that it was impractical.
- The motion addressed a specific issue in a councillor's ward and also concerned other wards and sought to support members in their ward role.
- The action proposed by the motion did not address the issue sufficiently and approaching the MP was not likely to have an impact in practical terms.
- The limitations of the planning system in addressing the concerns raised in the Motion. There was no route in the planning regime to prevent vapes being sold in shops.
- The Government was currently consulting on changes to the controls on vapes as part of its policy to create a smoke free generation. The Council could consider the issue of vaping in a Cabinet Working Group as a vehicle to agreeing a response to the Government consultation.

- The Motion sought to prevent young people trying vapes; this was an objective of PHSE classes in schools which focused on building resilience so that children did not try vapes or cigarettes. Councillors could encourage the delivery of these sessions in schools in their wards.
- The Motion was seeking a statement by the Council to Parliament about concerns of the impact of the specific shops on the health and wellbeing of children and young people.
- The Motion did not address the root cause of the issue and risked undermining legitimate businesses and livelihoods.

At the conclusion of the debate the proposer and seconder withdrew the motion on the basis that the Leader of the Council offered to establish a Cabinet Working Group to submit a response to the Government consultation on changes to the controls on vapes as part of its policy to create a smoke free generation. Any Councillor with an interest in this topic would be able to participate in the work of the Working Group.

Funds to Develop Parks and Recreation Grounds

Council considered a Motion on Notice submitted by Councillor J. Elledge:

"We call upon officers to immediately meet with all members of the council who want council staff to submit bids for funds to develop Bromsgrove's parks and recreation grounds".

The Motion was seconded by Councillor D. Hopkins.

Councillor R.J. Hunter proposed an amendment to insert after 'We call upon officers' the words 'to conclude the existing play audit as soon as possible and then'.

Councillor Hunter explained he was keen to see investment in parks and recreation facilities. However, he understood that a play audit was being undertaken on behalf of the Council by independent experts in order to prioritise work and future investment. Whilst he agreed with the thrust of the motion, he considered that the result of the independent review should be obtained as evidence and a context for consideration of bids for funding.

On the basis that officers had advised that the play audit should be concluded within the next two months, Councillor J. Elledge accepted the amendment.

During consideration of the motion, the following points were made:

- a councillor sought clarification whether the funding being sought would be internal to the Council or from external sources. The Council was not able to bid for sources of funding such as the Lottery, but community groups could do so. The Council should consider how it wished to proceed once the outcome of the play audit was known.
- A Councillor suggested that the Council would be able to put in bids for certain external funds.
- The Cabinet member responded that a report on the outcome of the play audit would be presented to councillors in the new year, at which point members could consider the order of spend for new and/or improved play equipment.
- The Cabinet member would hold a portfolio drop-in session for members about the outcome of the audit and there would be informal briefings for all members about the audit before Christmas.
- The emerging Medium Term Financial Plan 2024/25 – 2026/27 tranche 1 report would be presented by the s151 officer on 22 November and would include bids for capital funding for improving play areas. Some of these would be specific and others would seek authority to set money aside for play areas, so they could be allocated once the audit was complete and priorities known.

RESOLVED that

We call upon officers to conclude the existing play audit as soon as possible and then immediately meet with all members of the council who want council staff to submit bids for funds to develop Bromsgrove's parks and recreation grounds.

144 Bus Service

Council considered a Motion on Notice proposed by Councillor D. Hopkins:

“The Council calls upon the Leader of the Council to lobby the County Council to ensure that the full route previously covered by the 144 bus is restored as whilst the 20 bus route has been in place for some time it is currently failing to meet the needs of residents”.

In proposing the motion Councillor Hopkins referred to residents who worked in Birmingham who faced more complicated and expensive journeys to work as the service no longer went into the city. The alternative of using a train was not always straightforward.

The motion was seconded by Councillor E.M.S. Gray.

Councillor K. May proposed an amendment, to insert the words 'continue to' after 'The Council calls upon the Leader to...'. She explained that the Council had been lobbying on this issue for some time. The amendment was accepted by the proposer.

RESOLVED that

The Council calls upon the Leader of the Council to continue to lobby the County Council to ensure that the full route previously covered by the 144 bus is restored as whilst the 20 bus route has been in place for some time it is currently failing to meet the needs of residents.

As the Council was close to reaching the one hour time limit for consideration of Motions on Notice, it was agreed that the Motion on Notice about Fairer Funding for Canals would be deferred for consideration at the next meeting of the Council.

The meeting closed at 9.39 p.m.

Chairman