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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE COUNCIL

WEDNESDAY 10TH APRIL 2024, AT 6.00 P.M.

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

Officers: Mrs. S. Hanley, Mr P. Carpenter, Mrs. C. Felton, Ms. N Cummings and Mrs. J. Bayley-Hill

103/23

TO RECEIVE APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors A. Bailes, H. Jones and S. Evans.

104/23

DECLARATIONS OF INTEREST

Councillors A. Bailes and M. Marshall each declared an interest in the first Question at minute number 114/23, as they were members of Worcestershire Wildlife Trust.

Councillor K. Taylor also declared an interest in this item as he was a member of the National Gamekeepers Organisation.

Councillor S. Webb declared an interest in the recommendations from Cabinet at minute number 112/23 relating to the Cost of Living Funding Proposal, as she was a Council representative as a trustee on the Citizen's Advice Bureau. She left the room during the debate in respect of that recommendation and did not participate in the debate nor vote thereon.

Councillor S. Ammar also declared an interest in the recommendations from Cabinet at minute number 112/23 relating to the Cost of Living Funding Proposals as she was a trustee of the Citizens Advice Bureau. Councillor Ammar advised the Council that the Vice-Chairman would chair

the meeting for this item as she would leave the meeting during its consideration and determination.

105\23

TO CONFIRM THE ACCURACY OF THE MINUTES OF THE MEETING OF THE COUNCIL HELD ON 21ST FEBRUARY 2024

The minutes of the meeting held on 21st February 2024 were presented for Members' consideration.

In relation to minute number 96/23, Recommendations From The Cabinet Meeting Held on 14th February Medium Term Financial Plan, an alteration was made to the final sentence of the sixth bullet point, so that it read "Councillor Hunter reported that he believed the Liberal Democrat Group had a mandate to seek additional resources from the Council."

RESOLVED that

The minutes of the meeting of the Council held on 21st February 2024 be approved as a correct record, subject to the final sentence in the sixth bullet point in Minute Number 96/23, Medium Term Financial Plan, being amended to read "Councillor Hunter reported that he believed the Liberal Democrat Group had a mandate to seek additional resources from the Council."

106\23

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

Chairman

The Chairman made the following announcements:

She thanked all those who had supported the recent Comedy Night in support of Age UK which had raised approximately £700 for the charity. The next event would be a golf tournament on 10th May which would be followed by a dinner in the evening for the participants and others to enjoy.

Head of Paid Service

There were no announcements from the Head of Paid Service.

107\23

TO RECEIVE ANY ANNOUNCEMENTS FROM THE LEADER

As this was the last meeting of the Municipal year, the Leader thanked all members and officers for their support during the first year of the administration since the elections in 2023.

108\23 **TO RECEIVE COMMENTS, QUESTIONS OR PETITIONS FROM MEMBERS OF THE PUBLIC**

There were no comments, questions or petitions from members of the public.

109\23 **URGENT DECISIONS**

The Chairman advised that there had been no urgent decisions since the last meeting of the Council.

110\23 **POLITICAL BALANCE**

Council considered a report which had been prepared following changes to the political balance of the Council in February 2024. Councillor C.A. Hotham proposed the recommendations in the report and these were seconded by Councillor K. May.

RESOLVED that

- 1) for the remainder of the 2023/24 Municipal Year, the Committees set out in the table in Appendix 1 of the report be appointed and that the representation of the different political groups on the Council on those Committees be as set out in that table until the next Annual Meeting of the Council, or until the next review of political representation under Section 15 of the Local Government and Housing Act 1989, whichever is the earlier; and
- 2) Members be appointed to the Committees and as substitute members in accordance with nominations to be made by Group Leaders as attached in the appendix to these minutes.

111\23 **TO RECEIVE AND CONSIDER A REPORT FROM THE PORTFOLIO HOLDER FOR FINANCE AND ENABLING SERVICES**

Councillor C.A. Hotham presented the annual report for his portfolio. In doing so he thanked the officers who had supported the work of the function over the previous year.

Members asked questions of the Cabinet Member on the following items:

- When the Council's accounts would be signed off. The Cabinet member responded that currently the difference in balances between the two financial software systems used by the Council was £3,000. The transfer of balances had been the cause of delays to the signing off of the accounts over the last 3 years. The details of the balancing work had been forwarded to the Council's auditors and he believed that that they were close to agreeing an acceptable position. Once the balance for the 2020/21 financial year had been agreed, the Cabinet Member hoped that the unaudited 2021/22 financial year accounts could be completed by June, the 2022/23 accounts by August and the 2023/24 accounts by October. However, a risk remained as the Government had introduced a deadline for the completion of the outstanding accounts in 700 Councils, and a capacity issue remained among the companies undertaking audits of local authority accounts.
- Arising from a question about property services and what action was being taken to introduce water fountains in parks as discussed at the budget meeting of the Council, the Leader of the Council undertook to report back on the current situation.
- In response to a question about the use of AI technology, the Cabinet Member undertook to provide further details about how this was being used in Council services. It was suggested that Overview and Scrutiny might wish to consider an item on this issue.
- Reference to Tribepad related to a new HR recruitment package.
- Whether the level of employee vacancies across the Council had an impact on work being carried out. The Cabinet Member responded that funding for some of the vacancies was being applied to other areas of Council work. The Leader also reported that a review was being carried out to ensure the establishment matched the budget for employees.
- The success of the Electoral Matters Working Group in its submission to the Local Government Boundary Commission being quoted as an example of best practice. Members thanked officers in the Elections Team for their hard work.
- In response to a question from Councillor E. Gray about the upgrade of public toilets in Rubery, the Cabinet Member undertook to find more details and report back to her.
- Why the Council was responsible for resurfacing footpaths in St John's churchyard. The Cabinet Member would obtain further details for Councillor S. Peters.

112\23

RECOMMENDATIONS FROM THE CABINET

Recommendations from the meeting of the Cabinet held on 13th March 2024 were presented for the Council's consideration.

Cost of Living Funding Proposal

The Leader of the Council introduced the report and in doing so updated the information which had been circulated with the agenda for the meeting.

The recommendation before the Council included figures for a 12-month period, but the content of the report had recommended funding should be provided for a 14-month period. Updates to the figures quoted would therefore be required as follows:

- a) Citizen's Advice Specialist Housing Adviser - £62,000 (Instead of £52,000)
- b) Voluntary Sector Money Adviser - £38,000 (instead of £32,000) and
- c) Enhancing the support of the Council's Financial Inclusion Team - £50,000 (instead of £42,000)

The Leader then proposed the recommendation but with the exclusion of the Voluntary Sector Money Adviser at (b) consideration of which would be deferred. She explained that she had asked for the areas proposed to be covered by this work to be mapped to avoid potential duplication and to understand where there were gaps in provision.

Further to a query raised at the Cabinet meeting, the Leader reported that the Council had been awarded funds from the Household Support Fund Round 5 of £106,570 for a 6-month period. £29,500 would be spent on supporting Food Banks in the District.

Councillor S. Baxter seconded the recommendation.

During consideration of this item the following were the main points raised:

- How the potential duplication of housing advice with the role of new posts recently agreed in the budget would be avoided.
- Whether the proposals to enhance the Financial Inclusion Team would include outreach work in the community as residents were not always aware of where they could go for help.

- In response to these queries, the Leader gave an assurance that the proposal relating to housing advice was aimed to support and advise landlords to reduce the likelihood of evictions. The principle of outreach work lay behind the proposal for the Financial Inclusion Team.
- A member referred to the essential living fund as an example of good practice and suggested that the proposed extra resource to tackle the cost of living pressures was welcome.
- A member expressed concern at the proposal to remove the Voluntary Sector Money Adviser from the proposal. In response to a request for further details, the Leader reported that she wanted to understand the outcomes from the work the post would undertake and the needs it would address in the community. For example, she was aware that some voluntary organisations in the District were currently also providing money advice. Members also expressed the view that the voluntary sector currently carried out a range of work effectively and it was important that any additional resource provided should not undermine this.
- The view was expressed that the proposed Citizen's Advice (CAB) Specialist Housing Adviser should carry out outreach work to reach communities across the District. A member suggested that the proposed funding would act as a lever to achieve outreach work by the CAB.
- The additional funding for foodbanks was welcomed and members were urged to promote its availability.
- Councillor B.M. McEldowney suggested that additional funding should be awarded to support the white goods scheme. The Leader responded that NewStarts ran a scheme for this and would provide further detail to him outside the meeting.
- When the details about the Voluntary Sector Money Adviser would be brought back to the Cabinet for consideration. The Leader responded that officers were carrying out research at the moment and she was aiming to have a report back as soon as possible. In the meantime, the funding would be ringfenced.
- The work of the Food Bank Task Group could help inform members' understanding of the situation across the District.

RESOLVED that £150,000 contained within earmarked reserves be allocated as a one-off investment to support the estimated costs of the following cost of living initiatives:

- a) Citizen's Advice specialist housing adviser - £62k, and
- b) Enhancing the support of the Council's Financial Inclusion Team - £50k

(Prior to consideration of the recommendation in respect of the Cost of Living Funding Proposal, Councillor S. Ammar declared an interest due to her membership as a trustee of the Citizens Advice Bureau – CAB. She left the room and did not participate in the debate on this recommendation nor vote thereon.

During the consideration of this item, Councillor B. Kumar, Vice Chairman of the Council, chaired the meeting. Councillor Ammar returned to chair the meeting once this matter had been resolved.)

Quarter 3 2023-24 – Financial and Performance Report

The Cabinet Member for Finance and Enabling reported that the proposed changes to the Worcestershire Regulatory Services (WRS) charges resulted from changes to statutory fees since the fees and charges had been agreed in the Council's budget.

Councillor K. May seconded the recommendation.

Arising from consideration of this item, the lack of performance information being presented to member meetings relating to planning was discussed. A member referred in particular to the Government performance requirements for speed and quality of decision making and the risks to the Council of being placed in 'designation' if these were not met. Concerns were raised that Councillors would not currently be aware of planning performance in full and as a consequence whether it was at risk of being put into special measures. An agreed Council resolution from October 2023 for planning appeal and performance information to be reported to the Planning Committee had not yet been actioned.

The Cabinet Member and Chairman of the Planning Committee also expressed concern at this and undertook to pursue the inclusion of the two measures in performance reporting to both the Planning Committee and Cabinet.

A member also raised the performance measure relating to affordable housing and queried the definition of affordable housing when property prices had risen. Members expressed the view that housing in the District was expensive, especially in relation to average (mean) earnings. Reference was made to the Council's First Home policy which aimed to enable local people to get a home in the area where they grew up and had family connections.

In response to a query from a member, the Chief Executive outlined the difference between the definition of market rental and affordable housing.

RESOLVED that the updated WRS 2023/4 charges be approved.

113\23

TO NOTE THE MINUTES OF THE MEETINGS OF THE CABINET HELD ON 21ST FEBRUARY AND 13TH MARCH 2024

The minutes of the meetings of the Cabinet held on 21st February and 13th March 2024 were noted.

114\23

QUESTIONS ON NOTICE

The Chairman advised that four questions on notice had been received for this meeting.

Question submitted by Councillor D. Nicholl

“Bromsgrove District is home to a rich and diverse range of plants, shrubs, and trees. Does the portfolio holder agree with me that we should be doing everything in our power to protect and enhance the biodiversity in our district, and could they confirm what planning tools they intend to use to ensure this happens?”

The Cabinet Member for Planning and Regulatory Services responded that “The Bromsgrove District Plan contains policy BDP21 Natural Environment and BDP 24 Green Infrastructure, which are used alongside the National Planning Policy Framework to ensure that the District’s biodiversity is protected and enhanced by the planning system. The approach of the Development Management team is to ensure that mandatory Biodiversity Net Gain (BNG) is secured, when required. BNG requires a minimum 10% biodiversity gain calculated using a Biodiversity Metric and approval of a biodiversity gain plan. BNG became mandatory for major applications submitted as of 12th February 2024 and for applications for small sites, submitted as of 2nd April 2024.”

Councillor Nicholl asked a supplementary question about whether the Council could compare the metrics on biodiversity used to those of neighbouring Districts. The Cabinet Member responded that there was no need to compare the District to others.

Question submitted by Councillor S. Robinson

“As the local planning authority, please could the portfolio holder tell me what role Bromsgrove District Council has in making sure that unregistered land is adequately maintained to prevent issues such as blocked drains or other nuisances?”

The Cabinet Member for Planning and Regulatory Services responded that unregistered land did not mean that the land did not have an owner but that it had not been registered for 70 years. The Council did not have a specific role. However, there were circumstances in which the Council could take action to establish who owned the land if it was in the wider public interest, but this would depend on the specific circumstances of each case.

Councillor Robinson asked a supplementary question about who would be ultimately responsible for repairs or issues affecting safety in areas of land where the Council was not sure who the owner was.

The Cabinet Member replied that the Council would endeavour to find the owner of the land. If public safety was involved this would potentially be a District or County Council issue.

Question submitted by Councillor J. Robinson

“Residents across Bromsgrove have been asking when the new homes on Burcot Lane will be occupied. Can the portfolio holder please confirm what the hold-up has been and when they expect to see the first homes occupied?”

The Cabinet Member for Strategic Housing and Health and Wellbeing replied that the Council had issued all contracts and transfer documents to BDHT for the sale of the affordable housing to be completed and was waiting on BDHT to finalise their due diligence in the matter. Officers were in regular contact with BDHT to ensure this matter was concluded without delay. This would then enable Spadesbourne Homes to lease the remaining properties and estate management responsibilities. The Cabinet Member confirmed that the first open market sale property was due to complete on the 25th April. The Council had accepted offers on 3 other open market dwellings and was working with Solicitors to bring these to completion.

Councillor Robinson asked a supplementary question that barriers around the site were removed to improve the appeal of the site. The Cabinet

Member replied that these would be removed as the first sale was completed.

Question submitted by Councillor R. Hunter

“Could the cabinet member please inform me if there are any laws or regulations to prevent tree felling during bird nesting season and what powers does Bromsgrove District Council have, planning or otherwise, to enforce these?”

The Cabinet Member for Environmental Services and Community Safety replied:

“The Wildlife and Countryside Act 1981 protects nesting birds and other protected species, though it isn’t to prevent the felling of a tree per se, although it may indeed stop the removal of a tree until a nesting bird is gone.

Unfortunately, Bromsgrove District Council do not have any powers to act or enforce the Act. This would be a matter for the police or a wildlife inspector as sanctioned by the Department of the Environment, Food and Rural Affairs (DEFRA).

Tree Preservation Orders (as part of the Town and Country Planning Act 1990 and within the Town and Country Planning (Tree Preservation (England) Regulations 2012) are made by the local planning authority to protect specific trees, groups of trees or woodlands. Anyone that is in contravention of an Order by damaging or carrying out work on a tree protected by an Order without prior permission from the local planning authority is guilty of an offence and may be fined.”

Councillor Hunter asked a supplementary question about whether Councillor Whittaker supported the submission to make a tree preservation order on a poplar tree on Stratford Road. Councillor Whittaker responded that he would provide a written response to Councillor Hunter.

115\23

MOTIONS ON NOTICE

The Chairman reported that no Motions on Notice had been received for this meeting.

The meeting closed at 8.03 p.m.

Chairman

APPENDIX 1 POLITICAL BALANCE CALCULATION February 2024

The figures in *italics* are the mathematical calculations.

Committee	Cons 11 <i>35.48% of total</i>	Lab 8 <i>25.81% of total</i>	Lib Dems Dem 5 <i>16.13% of total</i>	2023 Independents 6 <i>19.35% of total</i>	Non-aligned 1 <i>3.23% of total</i>	Total
Overview and Scrutiny Board	4 <i>3.90</i>	3 <i>2.84</i>	2 <i>1.77</i>	2 <i>2.13</i>	0 <i>0.36</i>	11 11 members on Board <i>11</i>
Licensing Committee	4 <i>3.90</i>	3 <i>2.84</i>	2 <i>1.77</i> <i>* Take 1</i>	2 <i>2.13</i> <i>* Take 3</i>	0 <i>0.36</i>	11 11 members on Cttee <i>11</i>
Planning Committee	4 <i>3.90</i>	3 <i>2.84</i>	2 <i>1.77</i>	2 <i>2.13</i>	0 <i>0.36</i>	11 11 members on Cttee <i>11</i>
Audit, Stds & Gov'ce Committee	4 <i>3.90</i> <i>* Take 3</i>	3 <i>2.84</i>	2 <i>1.77</i>	2 <i>2.13</i>	0 <i>0.36</i> <i>* Take 1</i>	11 11 members on Cttee <i>11</i>
Electoral Matters Cttee	2 <i>2.48</i>	2 <i>1.81</i>	1 <i>1.13</i>	1 <i>1.35</i>	0 <i>0.23</i> <i>* Take 1</i>	6 7 members on Cttee <i>7</i>
Appeals	2 <i>1.77</i>	1 <i>1.29</i>	1 <i>0.81</i>	1 <i>0.97</i>	0 <i>0.16</i>	5 5 members on Cttee <i>5</i>
Appointment s	2 <i>1.77</i>	1 <i>1.29</i>	1 <i>0.81</i>	1 <i>0.97</i>	0 <i>0.16</i>	5 5 members on Cttee <i>5</i>
Statutory Officers	2 <i>1.77</i>	1 <i>1.29</i>	1 <i>0.81</i>	1 <i>0.97</i>	0 <i>0.16</i>	5 5 members on Cttee <i>5</i>
Entitled to TOTAL seats allocated initially	23 24	17 17	11 12	13 12	2 0	66 65
<i>Exact Mathematical Entitlement</i>	<i>23.42</i>	<i>17.03</i>	<i>10.65</i>	<i>12.77</i>	<i>2.13</i>	66
Final seat allocation	23	17	11	13	2	66

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Bromsgrove District Council

Composition of Committees 2023 - 24

Committee	Cons	Lab	Lib Dem	2023 Indps	Non-aligned	Comments
Overview and Scrutiny Board	4 Cllrs Dale, Kumar, Nock and Stanley (Subs: Cllrs Forsythe and Lambert)	3 Cllrs Gray, McDonald and Rone-Clarke (Subs: Cllr Stewart)	2 Cllrs Hunter and S. Robinson Subs: Cllrs Evans, Nicholl and J Robinson	2 Cllrs A Bailes and R Bailes Subs: Cllrs	0	11 Members on Board
Licensing Committee	4 Cllrs Dale, Forsythe, Jones and Kumar (Subs: for parent committee Cllrs Lambert and Nock)	3 Cllr Elledge, Hopkins and Rone-Clarke Subs (for parent Committee) Cllr	1 Cllr S. Robinson Subs: (for parent Committee) Cllrs Evans, Hunter, Nicholl and J. Robinson	3 Cllrs Colella, Hotham and McEldowney Subs: (for parent Committee) Cllr	0	11 Members on Committee

Planning Committee	4 Cllrs Forsythe, Jones, Lambert and Stanley (Subs:., Cllrs Kumar, Nock + trained Cabinet Members excluding Leader)	3 Cllrs Gray, Marshall and Stewart Subs: Cllrs Elledge and McDonald	2 Cllrs S. Evans and J. Robinson Sub: Cllrs Evans, Hunter, Nicholl and S. Robinson	2 Cllrs A. Bailes, and McEldowney Subs: Cllrs Baxter and Hotham	0	11 Members on Committee
Audit, Standards and Governance Committee	3 Cllrs Forsythe, Nock and Stanley (Subs: Cllrs Dale and Lambert)	3 Cllrs Hopkins, Rone-Clarke and Stewart Subs: Cllrs Gray	2 Cllrs Evans and Nicholl Sub: Cllrs Hunter, J. Robinson and S. Robinson	2 Cllrs R. Bailes and McEldowney Subs:	1 Cllr Peters	11 Members on Committee
Electoral Matters Committee	2 Cllrs Jones and Lambert	2 Cllrs Gray and Rone-Clarke	1 Cllr J. Robinson Subs: Cllrs Evans, Hunter, Nicholl and S. Robinson	1 Cllr Colella	1 Cllr Peters	7 Members on Committee
Appeals Committee	2 Cllrs May and Whittaker	1 Cllr Elledge	1 Cllr Hunter Subs: Cllrs	1 Cllr Colella	0	5 Members on Committee

			Evans, Nicholl, J. Robinson and S. Robinson			
Appointments Committee (nominees as and when necessary)	2 Cllrs May and Whittaker	1 Cllr McDonald Sub: Cllr Ammar	1 Cllr Hunter Subs: Cllrs Evans, Nicholl, J. Robinson and S. Robinson	1 Cllr Hotham Subs: Cllr Baxter	0	5 Members on Committee
Statutory Officers (nominees accepted as and when necessary)	2 Cllrs May and Whittaker	1 Cllr McDonald	1 Cllr Hunter Subs: Cllrs Evans, Nicholl, J. Robinson and S. Robinson	1 Cllr Colella	0	5 Members on Committee
TOTAL	23	17	11	13	2	66 Places

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