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Cabinet
24th July 2024

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE CABINET

WEDNESDAY 24TH JULY 2024, AT 6.00 P.M.

PRESENT: Councillors K.J. May (Leader), S. J. Baxter (Deputy Leader), S. R. Colella, B. McEldowney, S. A. Webb and P. J. Whittaker

Observers: Councillor E. M. S. Gray, Councillor P. M. McDonald and Councillor S.T. Nock

Officers: Mrs. S. Hanley, D. Goodall, Ms J. Willis and Mrs. J. Bayley-Hill

11/24

TO RECEIVE APOLOGIES FOR ABSENCE

An apology for absence was received on behalf of Councillor K. Taylor.

12/24

DECLARATIONS OF INTEREST

Councillor S. Webb declared a pecuniary interest in respect of Minute Item No. 17/24 – Cost of Living Proposal Update - due to her appointment to the Citizens Advice Bureau (CAB) as an outside body on behalf of the Council. During consideration of that item, she left the room and took no part in the debate nor vote thereon.

Councillor E. Gray also declared a pecuniary interest in relation to Minute Item No. 17/24 – Cost of Living Proposal Update - due to her appointment to the Citizens Advice Bureau (CAB) as an outside body on behalf of the Council. She left the meeting prior to consideration of this item and therefore took no part in the debate nor did she observe the vote thereon.

13/24

MINUTES OF THE MEETING OF THE OVERVIEW AND SCRUTINY BOARD HELD ON 25TH JUNE 2024

The Chairman of the Overview and Scrutiny Board, Councillor P. McDonald, presented the minutes from the meeting of the Board held on 25th June 2024.

During consideration of these minutes, Members noted that a typographical error had been highlighted in the minutes of the previous meeting, held on 22nd April 2024, which had referred to “Operational Therapists” and Members commented that the minutes from the 25th June 2024 meeting had not noted what the appropriate term should

have been. Officers confirmed that this should have been referred to as “Occupational Therapist”.

RESOLVED that the minutes of the Overview and Scrutiny Board held on 25th June 2024 be noted.

14/24

FOODBANK AND COMMUNITY SHOP PROVISION TASK GROUP - FINAL REPORT

The Chairman of the Foodbank and Community Shop Provision Task Group, Councillor E. Gray, presented the group’s final report for the Cabinet’s consideration.

Members were advised that the Task Group had commenced their review in December 2023. During the course of the review, the Task Group had considered the findings of the previous Fuel Poverty Task Group, had interviewed relevant Council Officers and had undertaken visits to food banks in the District.

Cabinet was advised that there had been a delay since the Task Group’s report had been presented to the Overview and Scrutiny Board in April 2024. The delay had arisen partly due to the transfer from one municipal year to another but also due to changes to meeting dates that had occurred in the build up to the general election. As a consequence of this delay, Members were asked to note that there had been some changes locally in respect of food bank and community shop provision, including the closure of a food bank in Sidemoor ward.

Based on the evidence gathered during the review, the Task Group had proposed five recommendations, which had been endorsed by the Overview and Scrutiny Board.

The intention of the first recommendation was primarily to enhance communications in relation to food banks. This would help to more easily signpost residents to the food banks and community shops in the District that were available to use.

The second recommendation focused on the support that the Council could provide to food banks and community groups. It was recognised that Officers already undertook a lot of work in this space and the Bromsgrove Partnership also had an important role in relation to this matter. However, Councillor Gray commented that newer groups did not necessarily have links to the partnership and this created some challenges.

The third recommendation related to enabling access to food banks and community shops. The group had learned that many food banks required residents to provide personal data and to have received referrals, such as from local churches, in order to access support. The suggestion was made that this could have GDPR implications, in terms of data use and storage.

In respect of the fourth recommendation, Cabinet was advised that the group had considered potential gaps in provision geographically. As part of this process, a gap in provision had been identified by the Task Group in Rubery and it was felt that residents living in this ward should be able to access a Food Bank within Bromsgrove District.

The final recommendation focused on developing a network of food banks across the District. It was suggested that participation in this network should be a prerequisite in order for groups that were operating these venues to be permitted to apply for Council funding and other support.

In concluding her remarks, Councillor Gray suggested that the Task Group's findings should not be considered in isolation. Instead, she urged Cabinet to consider this matter in a wider context, in terms of the impact of the cost of living on local residents. Members were asked to note that it was within the same context that the Impact of Heatwaves Task Group had been launched and alongside concerns about managing the costs of heatwaves was the concern that many residents had about covering heating costs during the winter months.

Following the presentation of the report, Cabinet thanked Councillor Gray and the other Members of the Task Group for their hard work and report. There was general consensus amongst Cabinet Members that recommendations 1, 2, 3 and 5 could be endorsed as printed in the Task Group's report and that these proposals, once enacted, would have a positive impact on the local community. Indeed, it was reported that some of the actions proposed in the report were already in place and this was welcomed by Cabinet Members.

In respect of recommendation 3, Members commented that the Council had no control over how Voluntary and Community Sector (VCS) groups managed food banks, including the data they gathered. As such, each of the community groups involved in co-ordinating food banks and community shops were responsible for how they managed data and for their compliance with GDPR regulations.

Concerns were raised about the wording of the Task Group's fourth recommendation. It was noted that the Council had not previously been involved in establishing and running a food bank in a particular location and therefore this recommendation would not be appropriate to take forward in its current form. However, the suggestion was made that this recommendation could potentially be supported subject to amending the wording of the proposal to reflect the Council's role working to support VCS groups that might wish to be involved in establishing a food bank in Rubery. It was with this in mind that the following changes to the wording of recommendation 4 were proposed:

"That the Council endeavour to investigate, under the auspices of existing arrangements available to the Council, such as the

Bromsgrove Partnership, whether communities in areas of the district that do not currently have foodbanks require this provision, and that the Council make best effort to *support the local community and Voluntary and Community Sector (VCS)* to create a food bank in Rubery where a need has already been identified.

Consideration was given to the proposed amendment to the wording of recommendation 4 and as part of that process, Councillor Gray, as Chairman of the Task Group, and Councillor McDonald, as Chairman of the Overview and Scrutiny Board, were consulted on their views. It was noted that the wording of the Task Group's recommendations had been agreed collectively by Members of the group and, as such, it was suggested to the Cabinet that the Task Group should be permitted to reconvene to consider this proposal further. It was therefore agreed that this recommendation should be referred back to the Task Group, via the Overview and Scrutiny Board, for further consideration.

RESOLVED that

- 1) That the Council update its website to include contact details of all foodbanks in the district which wish to be on the list. The Council will ensure that the webpage links to the foodbanks' websites and/or other contact details of the foodbanks, such as telephone and social media, are up-to-date and that information on how to get in touch is easily accessible.
- 2) That all organisations providing foodbanks receive the appropriate and necessary support and resources from Bromsgrove District Council, which is proportionate and equivalent to their size and what they require. In the transition period, if the organisation is growing, appropriate support and funding needs to be allocated.
- 3) That the Council develop a consistent universal understanding/guidelines of what level of recording of users' personal information is required for the needs of the community engaged in the foodbank service without breaching the GDPR legislation. That the Council recognise there might be specific recording requirements as conditions attached to accessing specific funding streams.
- 4) That the Council continues to develop opportunities to enable foodbank organisations to come together as part of a network to support each other and to promote the sustainability of the help being provided to the community across the district. That the Council makes clear that joining the network is a pre-requisite if applying for Council funding, should this become available in future.

RECOMMENDED to the Overview and Scrutiny Board that the Foodbank and Community Shop Provision Task Group be reconvened to consider the proposed amendments to the wording of recommendation 4, as detailed in the preamble above.

The Head of Finance and Customer Services presented the Quarter 4 Performance Outturn Report for 2023/24. Members were advised that the report detailed performance in relation to a range of measures and this data had been provided for Members' information.

During consideration of this item, it was noted that the report had been pre-scrutinised at a meeting of the Finance and Budget Working Group held on 19th July 2024. The group had agreed recommendations which had subsequently been considered at a meeting of the Overview and Scrutiny Board held on 23rd July 2024. One of the group's recommendations, which had raised concerns about information not being included in the report in respect of Levelling Up, had subsequently been rejected by the Overview and Scrutiny Board on the basis that the report had been drafted before information on that subject had emerged and it was therefore recognised that this recommendation was not appropriate to take forward.

In respect of the other proposals from the Finance and Budget Working Group, which had been published in a second supplementary pack for the consideration of Cabinet, Members were advised that the group had felt that report authors were not being realistic about the dates on which they were programming reports for future consideration by Cabinet. This lack of clarity on dates had been raised in respect of finance reports specifically at the meeting of the Finance and Budget Working Group but it was noted that this was a wider issue at the Council. Cabinet was advised that the consequence of this situation was that it weakened Members' confidence in the democratic process and decision making at the Council.

Members discussed this recommendation and in so doing noted that at the meeting of the Overview and Scrutiny Board held on 23rd July, reference had been made to the potential for items to be recorded on the Cabinet Work Programme, which gave notice of forthcoming items, as due for consideration "not before" a particular date. Use of this functionality could help to provide some flexibility, although the Leader also noted that Cabinet Members should be monitoring progress with all items within their remit on the work programme with a view to ensure that reports remained on track for consideration in a timely manner.

Cabinet was also invited to consider two other recommendations made by the Finance and Budget Working Group in respect of this report, which related to planning policy, specifically in terms of affordable housing, which had been recorded in the following manner:

- 1) "The Council seek maximum threshold of developer contribution (as set out below) in respect of the rate / proportion of affordable housing delivered for housing developments taking place in the District;

The thresholds, as per the Council's Local Plan, are:

- Up to 40% affordable housing (or a higher % if proposed [by a developer]) on greenfield sites or any site accommodating 200 or more dwellings.
 - Up to 30% affordable housing (or a higher % if proposed [by a developer]) on brownfield sites accommodating less than 200 dwellings.
- 2) The 40 % thresholds referred to above should be extended to any site accommodating below 100 dwellings, to narrow the ever-increasing gap between Market Houses and Affordable.”

In presenting these recommendations, Councillor McDonald commented that there was a significant gap in terms of the availability of affordable housing in the District and he expressed concerns that this gap appeared to be widening. Cabinet was informed that the current average cost of a property in Bromsgrove District was circa £349,000 and people on average earnings would struggle to get a mortgage to pay for a house of this value. Consequently, Councillor McDonald commented that people born, raised and working in the District would feel unable to remain living in the area and there was a risk that Bromsgrove District would become a commuter location.

To address this, at present, the Council could require 40 per cent of a housing development to be affordable once more than 101 properties were due to be developed at a site that was subject to a planning application. The recommendations were designed to enable this requirement to be implemented for developments consisting of fewer than 100 houses, preferably as low as 11 houses or more.

Cabinet subsequently discussed the recommendations in relation to planning policy. Members recognised some of the difficulties that local residents were experiencing in terms of affording to buy properties in the District. Concerns were raised about the data in respect of the numbers of residents aged 30 – 39 who could afford to buy properties in the District, as this generation were likely to be raising young families and without them the number of children and young people living in the District were likely to decline.

Concerns were also raised by Members regarding the approach of some developers to the Council’s rules in respect of affordable housing provision for large developments. Historic cases were cited where Members noted that the developers had managed to reduce the requirements for affordable house numbers as part of their application due to affordability and other considerations and it was suggested that this could have a detrimental impact in the local community. However, it was also noted that on brownfield sites, a rigid insistence on compliance with these rules could impact on the viability of development at those sites and potentially deter developers from submitting applications.

Members commented that these matters would be more appropriate for consideration at a meeting of the Strategic Planning Steering Group

(SPSG). The role of the SPSG was to review the content of the Council's Local Plan and meetings of the group had been taking place in recent months. In this context, it was proposed that those recommendations should be noted by Cabinet and referred on to the SPSG for further consideration.

Consideration was also given to the content of the Quarter 4 Performance Monitoring Report and in doing so Members commented on the potential for the layout of the reports to be amended to align with each Portfolio. Members also noted that this was the last time that Cabinet would receive the report in this form as, following approval of the Bromsgrove Council Plan 2024 – 2027, the content would be updated to focus on the new Council priorities and Key Performance Indicators (KPIs).

RESOLVED that

- 1) subject to updating the Cabinet Work Programme to schedule items for consideration "not before" particular dates, to ensure that when deadlines are provided in Council reports, these are realistic and are being adhered to; and
- 2) the Finance and Budget Working Group's recommendations in respect of planning policy and affordable housing, as detailed in the preamble above, be NOTED and referred to the Strategic Planning Steering Group for consideration.

16/24

CABINET APPOINTMENTS TO OUTSIDE BODIES

The Principal Democratic Services Officer presented a report detailing proposed Cabinet appointments to outside bodies.

Cabinet was reminded that this report followed consideration of other outside body appointments at the Annual Council meeting held in May 2024. The Cabinet appointments to outside bodies were generally made in an ex officio capacity, meaning that the relevant Cabinet Member, including the Leader and / or Deputy Leader, needed to be appointed to specific positions on outside bodies on behalf of the Council. An updated list of outside bodies, including proposed nominations to outside bodies where the position was held jointly with Redditch Borough and Wyre Forest District Councils, had been circulated in supplementary papers prior to the meeting.

RESOLVED that the nominations to outside bodies, as detailed in Appendix 1 to the minutes, be approved.

17/24

COST OF LIVING PROPOSAL -UPDATE

The Head of Community and Housing Services presented an update report on the subject of Cost of Living Proposals.

This report followed a previous report on this subject that had been considered by Members earlier in the year. Cabinet was informed that during consideration of the previous report, Members had requested that outreach work be delivered across the District as part of the arrangements for use of the available funding. The latest update report provided details in respect of that outreach work. Members were asked to note that, subject to Council approval, the funding for the CAB would be subject to requirements that would be detailed in a funding agreement, which would include clear measures in respect of outcomes.

Following the presentation of the report, Members raised a number of points during the debate:

- The breakdown of funding provided by the Council to the CAB, the Basement Project and NewStarts and the arrangements by which referrals would be made to the CAB outreach worker.
- The differences between the roles of the CAB outreach worker and the Voluntary Sector Money Advisor. Members were advised that the CAB outreach worker would enhance existing services provided by the CAB whilst the Voluntary Sector Money Advisor would have a more specialist housing role.
- The Council Department in which the Voluntary Sector Money Advisor would be employed. Cabinet was informed that the Officer would be based in the Council's Financial Inclusion Team (FIT).
- The extent to which there was a risk that the two post holders might duplicate each other's work. Officers clarified that they would have distinct roles and that they would need to comply with the Financial Conduct Authority's (FCA's) rules for working with clients.
- The extent to which the CAB outreach worker post was likely to become a permanent position. Members were advised that the funding available was time limited. However, the VCS were aiming to submit a lottery bid for funding for this position, which could help to extend the timeframes in which the post was in place.
- The stage that had been reached with the lottery bid. Officers clarified that work had already commenced within the VCS in terms of preparing the paperwork for submission.
- The potential support that could be provided for the lottery bid arising from monitoring the CAB outreach worker's output.
- The resource implications to the Council arising from monitoring the work of the CAB outreach worker. Officers clarified that the CAB would be required to undertake this monitoring, so the resource implications for the Council were minimal.
- The cohort of residents who were most likely to seek advice from the CAB, according to the available data. Members commented that this was most likely for people earning wages valued at between £49,000 and £53,000 per annum.

RECOMMENDED that

- 1) from the remaining £150,000 contained within earmarked reserves to support cost of living initiatives, £38,000 is allocated to a Voluntary Sector Money Adviser;
- 2) the £62,000 allocation to Citizen's Advice be amended to fund an Outreach Development Worker through to March 2026.

(During consideration of this item, Councillor S. Webb declared a pecuniary interest due to her appointment to the Citizens Advice Bureau (CAB) as an outside body on behalf of the Council. She therefore left the room and took no part in the debate nor vote thereon.

Councillor E. Gray declared a pecuniary interest in relation to her appointment to the Citizens Advice Bureau (CAB) as an outside body on behalf of the Council. She left the meeting prior to consideration of this item and therefore took no part in the debate nor did she observe the vote thereon.)

18/24

COMBINED FINANCIAL OUTTURN AND QUARTER 4 FINANCIAL MONITORING REPORT (INCLUDING UPDATE ON THE FLEET)

The Head of Finance and Customer Services presented the Combined Financial Outturn and Quarter 4 Financial Monitoring Report (Including Update on the Fleet) for Cabinet's consideration.

During the presentation of the report, the following matters were highlighted for Members' consideration:

- The report highlighted a projected overspend of £453,000 by the end of the 2023/24 financial year. This was a higher level of overspend than had been anticipated in the third quarter.
- The main reason for this increase in projected overspend related to costs arising from maintenance of the Council's vehicle fleet.
- The Council had spent £4 million of the authority's £11.1 million capital budget, primarily on the Levelling Up projects.
- Earmarked reserves, as detailed in the report, were considered to be at a reasonable level.
- The Council still needed to submit accounts for the 2021/22 and 2022/23 financial years. Once these had been audited, it was possible that the financial figures projected for the 2023/24 financial year would change.
- The original approach of the Council to updating the fleet had been to maintain the existing vehicle fleet and replace second-hand parts. However, this approach had become increasingly expensive for the Council and therefore Officers were now proposing to replace the Council's vehicle fleet in batches over the following three-year period, starting with 10 vehicles replaced in the first year.

Once the report had been presented, Members discussed a number of points in detail:

- The previous approach to updating the existing vehicle fleet that had been adopted by the Council and the fact that the authority had now ceased to take this approach due to the cost implications.
- The implications, in terms of Council insurance, arising from the Council's approach to managing the vehicle fleet. Members noted that insurance costs had increased for Council vehicles and this had financial implications for the authority.
- The potential for the Council to share vehicles in the fleet with Redditch Borough Council. Officers clarified that the Councils would adopt a shared approach to procurement of new vehicles, but each authority would own their own vehicles. There were also reported to be synergies, in terms of delivery of services in partnership with Redditch Borough Council to ensure that these were delivered in the most cost effective manner possible.
- The Finance and Budget Working Group's recent discussions in respect of the update on the vehicle fleet and the questions that had been raised by Members about the reasons for delaying making a decision on replacement of the fleet until this point.
- The types of fuel that could be used by vehicles in the fleet and the higher financial costs associated with some energy efficient sources of fuel, such as hydrogenated oil.
- The difficulties that had been encountered by the Council under the previous policy of maintaining the existing fleet, particularly as there was no budget available to hire other vehicles when a vehicle was unavailable due to maintenance work. This had impacted on the financial costs of the project.
- The competition nationally for staff with suitable skills and qualifications to drive waste vehicles.
- The non-compliance with procurement rules that had been listed for the Council's previous approach to maintaining the existing vehicle fleet in the commentary within the report on legal implications. Officers were asked to provide clarification after the meeting about the potential implications of this non-compliance for the authority.
- The figures that had been recorded for Bereavement Services and the extent to which these reflected an increase in costs. Officers undertook to provide further information outside the meeting regarding the financial implications to the Council in respect of Bereavement Services costs.
- The reasons for the large underspend on ICT purchases and what this entailed. Officers clarified that this related to provision of replacement ICT kit to staff and Members rather than to obtaining updated ICT software.
- The £152,000 savings that had been recorded for staffing in Community Housing and what this entailed. Members were advised that this related to savings arising from staff vacancies.
- The extent to which the savings recorded for Community Housing could be incorporated as permanent savings into the Council's budget. It was suggested that these savings were likely to be

temporary and related to staff vacancies at the time. There had subsequently been a service review, however, Members were advised that additional information would be requested and circulated for Members' consideration after the meeting.

- The financial costs associated with ending the shared service arrangements with Wyre Forest District Council for the former North Worcestershire Economic Regeneration and Development (NWeDR) service. Officers clarified that the NWeDR service had ceased to exist at the end of June 2024 and a new service had been established which would have a new Assistant Director funded by ongoing Council budgets.
- The underspend that had been recorded for the Public Realm works in Bromsgrove and what this entailed. The Leader clarified that the Public Realm works formed part of the Levelling Up Project. The Council had contracted Worcestershire County Council to deliver these public realm works and there was an underspend in relation to these works which had been recorded in the report.

In concluding their discussions in respect of this matter, Members were asked to note that it was likely an urgent decision would be required in respect of the additional funding that would be recommended for the Council's vehicle fleet. This would ensure that action could be taken as soon as necessary, rather than having to wait until the next Council meeting took place in October. It was noted that this would be helpful as there was a six-month waiting list for new waste fleet vehicles nationally and the Council would be competing with other authorities to procure new vehicles.

RESOLVED to NOTE:

- 1) That the 2023/24 provisional outturn position in relation to revenue budgets is a projected revenue overspend of £453,000 after applying £351,000 from the Utilities Reserve as approved at Quarter 1.
- 2) That the 2023/24 provisional outturn position in relation to capital expenditure is £4.0 million against a total of an approved programme of £11.1 million.
- 3) The provisional outturn position in respect of the General Fund Reserves.
- 4) The provisional outturn position in respect of Earmarked Reserves.
- 5) That at the time of writing, the Council is yet to formally close its accounts for the 2020/21, 2021/22 and 2022/23 financial years. This could therefore result in adjustments to actual income and expenditure in those years and could have a consequential impact on the 2023/24 accounts.

RESOLVED that (subject to Council approving the overall funding)

- 6) The revised Fleet Replacement Programme be approved.

RECOMMENDED that:

- 7) The reprofiling of the Capital Fleet Replacement budget, relating to the Domestic Waste Collection Service, be approved.

19/24

MINUTES OF THE CABINET MEETING HELD ON 17TH JULY 2024

The Chairman explained that the minutes of the Cabinet meeting held on 17th July 2024 had been published in a supplementary pack for consideration at the end of the meeting and notice had been provided that the Cabinet might have needed to go into exempt session to consider the content of the minutes. This was because the agenda for the Cabinet meeting held on 24th July had had to be published prior to the date of the Cabinet meeting held on 17th July and the latter meeting could have gone into exempt session. However, in the event, the Cabinet meeting held on 17th July 2024 had stayed in public session throughout and there were therefore no exempt minutes for consideration on this occasion.

RESOLVED that the minutes of the meeting of the Cabinet held on Wednesday 17th July 2024 be approved as a true and correct record and signed by the Chairman.

The meeting closed at 7.25 p.m.

Chairman

Appendix 1: Outside Bodies By Office (Cabinet appointments) –

| Organisation | Number of representatives and length of term | Representatives Appointed 2023/2024 | Nominations to be Appointed 2024/2025 |
|--|---|--|--|
| Bromsgrove Partnership (Local Strategic Partnership) | Leader Substitute – Deputy Leader | Cllr Karen May Sub: Cllr Sue Baxter | Councillor Karen May Sub: Cllr Sue Baxter |
| District Councils Network | Leader Substitute – Deputy Leader | Cllr Karen May Sub: Cllr Sue Baxter | Councillor Karen May Sub: Cllr Sue Baxter |
| Local Government Association General Assembly | Leader Substitute – Deputy Leader | Cllr Karen May Sub: Cllr Sue Baxter | Councillor Karen May Sub: Cllr Sue Baxter |
| North Worcestershire Community Safety Partnership | Cabinet member | Cllr Peter Whittaker | Councillor Peter Whittaker |
| PATROL (Parking And Traffic Regulations Outside London) Adjudication Joint Committee | Portfolio Holder for Environmental Services Substitute: | Cllr Peter Whittaker Sub: Cllr Shirley Webb | Councillor Sue Baxter Sub: Councillor Peter Whittaker |
| West Midlands Employers | Portfolio Holder for Human Resources | Cllr Charlie Hotham | Councillor Karen May |
| West Midlands Employers Shareholder Board (established in 2024) | Leader, hold a cabinet role, or have a specific interest or expertise in the services of WME (2024-2028) | New | Councillor Karen May |

| Organisation | Number of representatives and length of term | Representatives Appointed 2023/2024 | Nominations to be Appointed 2024/2025 |
|---|--|--|--|
| Worcestershire Health and Wellbeing Board | 1 Rep for each council | Cllr Shirley Webb Sub: Cllr Sue Baxter | Councillor Shirley Webb Sub: Councillor Sue Baxter |
| Worcestershire Local Enterprise Partnership (LEP) | One representative on behalf of the 3 North Worcestershire Councils – required by LEP constitution | Cllr Marcus Hart (Wyre Forest District Council) Sub: Cllr Karen May | Cllr Karen May Sub: Cllr Joe Baker (Redditch Borough Council) |
| Worcestershire Local Transport Body | Two representatives and one substitute from the North Worcestershire authorities | Cllr Matt Dormer (Redditch Borough Council) Sub: Cllr Karen May | This body no longer exists. |