

# Public Document Pack



## **BROMSGROVE DISTRICT COUNCIL**

### **MEETING OF THE CABINET**

**TUESDAY 7TH JANUARY 2025**

**AT 6.00 P.M.**

**PARKSIDE SUITE, PARKSIDE, MARKET STREET, BROMSGROVE,**  
**WORCESTERSHIRE, B61 8DA**

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

### **AGENDA**

1. To receive apologies for absence
2. Declarations of Interest  
  
To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.
3. To confirm the accuracy of the minutes of the meeting of the Cabinet held on 10th December 2024 (Pages 5 - 32)

4. Minutes of the meeting of the Overview and Scrutiny Board held on 9th December 2024 (Pages 33 - 42)
  - a) To receive and note the minutes
  - b) To consider any recommendations contained within the minutes
5. Refuse Fleet Replacement and Wheeled Bin Pressures (Pages 43 - 52)
6. Introduction of Food Waste Collection (Pages 53 - 62)
7. Final Council Tax Support Scheme 2025/26 (Pages 63 - 68)
8. Council Tax Base 2025/26 (Pages 69 - 72)
9. Disabled Facility Grant Ombudsman's Report (Pages 73 - 96)
10. Medium Term Financial Plan (MTFP) Tranche 1 - (TO FOLLOW)
11. To consider any urgent business, details of which have been notified to the Assistant Director of Legal, Democratic and Property Services prior to the commencement of the meeting and which the Chairman, by reason of special circumstances, considers to be of so urgent a nature that it cannot wait until the next meeting.

Sue Hanley  
Chief Executive

Parkside  
Market Street  
BROMSGROVE  
Worcestershire  
B61 8DA

20th December 2024

**If you have any queries on this Agenda please contact  
Jess Bayley-Hill / Pauline Ross**

**Parkside, Market Street, Bromsgrove, B61 8DA  
Tel: (01527) 64252 Ext: 3072 / 01527 881406  
Email: [jess.bayley-hill@bromsgroveandredditch.gov.uk](mailto:jess.bayley-hill@bromsgroveandredditch.gov.uk)  
[p.ross@bromsgroveandredditch.gov.uk](mailto:p.ross@bromsgroveandredditch.gov.uk)**

## **GUIDANCE ON FACE-TO-FACE MEETINGS**

**If you have any questions regarding the agenda or attached papers,  
please do not hesitate to contact the officers named above.**

### **GUIDANCE FOR ELECTED MEMBERS AND MEMBERS OF THE PUBLIC ATTENDING MEETINGS IN PERSON**

Meeting attendees and members of the public are encouraged not to attend a Committee if they have if they have common cold symptoms or any of the following common symptoms of Covid-19 on the day of the meeting; a high temperature, a new and continuous cough or a loss of smell and / or taste.

#### **Notes:**

**Although this is a public meeting, there are circumstances when the Cabinet might have to move into closed session to consider exempt or confidential information. For agenda items that are exempt, the public are excluded.**



## **INFORMATION FOR THE PUBLIC**

### **Access to Information**

The Local Government (Access to Information) Act 1985 widened the rights of press and public to attend Local Authority meetings and to see certain documents. Recently the Freedom of Information Act 2000 has further broadened these rights, and limited exemptions under the 1985 Act.

- You can inspect agenda and public reports at least five days before the date of the meeting.
- You can inspect minutes of the Council, Cabinet and its Committees/Boards for up to six years following a meeting.
- You can have access, upon request, to the background papers on which reports are based for a period of up to six years from the date of the meeting. These are listed at the end of each report.
- An electronic register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees etc. is available on our website.
- A reasonable number of copies of agendas and reports relating to items to be considered in public will be made available to the public attending meetings of the Council, Cabinet and its Committees/Boards.
- You have access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned, as detailed in the Council's Constitution, Scheme of Delegation.

You can access the following documents:

- Meeting Agendas
- Meeting Minutes
- The Council's Constitution

at [www.bromsgrove.gov.uk](http://www.bromsgrove.gov.uk)

## **BROMSGROVE DISTRICT COUNCIL**

### **MEETING OF THE CABINET**

**TUESDAY 10TH DECEMBER 2024, AT 2.00 P.M.**

PRESENT: Councillors K.J. May (Leader, in the Chair during Minute No's 46/24 to 53/24), S. J. Baxter (Deputy Leader, in the Chair during Minute No's 38/24 to 45/24), B. McEldowney, K. Taylor (during Minute No's 38/24 and part of 47/24), S. A. Webb and P. J. Whittaker

In attendance: Councillor P. M. McDonald, Chairman, Overview and Scrutiny Board

Officers: Mrs. S. Hanley, Mr P. Carpenter, Mrs. R. Bamford, Ms J. Willis, Mr. G. Revans, Ms. N Cummings, Ms. M. Worsfold, Mr. M. Dunphy, Ms. A. Delahunty, Mr. M. Eccles, Mr. M. Cox and Mr. C. Poole, Worcestershire Regulatory Services (both via Microsoft Teams), Ms. Karimi Fini, Mrs. C. Green (both via Microsoft Teams), and Mrs. P. Ross

38/24

#### **TO RECEIVE APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor S. R. Colella.

It was noted that the Leader had been called to an emergency Cabinet meeting at Worcestershire County Council, and would therefore be late joining the meeting.

39/24

#### **DECLARATIONS OF INTEREST**

Councillor S. J. Baxter declared an Other Disclosable Interest as the Chair of Trustees for Wythall Community Association and Park, in relation to Agenda Item Number 9, Minute Number 46/24 – Bromsgrove Play Audit and Investment Strategy.

Councillor Baxter remained in the meeting for the consideration of this item and took part in the vote thereon.

There were no further Declarations of Interest.

40/24

#### **BROMSGROVE LOCAL HERITAGE LIST**

Members received a report on the Bromsgrove Local Heritage List (LHL).

The Principal Conservation Officer presented the report and in doing so informed Members that the Local Heritage List, as detailed at Appendix 1 to the report, was for the following parishes to be adopted:-

- Alvechurch
- Beoley
- Belbroughton and Fairfield
- Dodford with Grafton

In preparing this report the governance and decision making background for approval of the LHL was re-visited. This had resulted in the need for some adjustments as set out in paragraphs 3.16 to 3.20 in the report. The changes were around ensuring that the final list was approved by the correct decision making arm of the Council, and did not affect the consultation process itself or the day to day work being carried out by the Conservation Team.

Cabinet approved a revised LHL Strategy in March 2024, a summary of the Strategy was detailed on page 8 of the main agenda pack.

Draft lists for Alvechurch, Beoley, Belbroughton and Fairfield, and Dodford with Grafton Parishes, were compiled earlier this year, ready for consultation. These lists add 140 properties to the draft LHL, and covered a diverse range of properties including houses, schools, village halls, places of worship and canal infrastructure.

A six-week consultation period commenced on Monday 27th May. Letters were sent to all owners/occupiers providing information about the consultation, including the listing for their property. This included a description and information on how the building met the LHL criteria. It also detailed the consultation event to be held in each parish as well as other ways of contacting the Conservation Team. Parish councils and Ward Members were also notified. The LHL page on the Conservation Section on the Council's website also provided details of the consultation, with links to all relevant documents as well as the draft lists by parish. The Council's Communications Team also promoted the consultation using social media.

Conservation officers also held conservation events in the village hall in each parish.

Seven objections were received. The Conservation Team considered these objections and reconsidered the properties. In all cases it was considered that the properties met the criteria and therefore should be included on the list, although descriptions and reasons for inclusion were amended in light of the comments and the re-examination.

Five further nominations were submitted. Of these, two were supported by the Conservation Team, one had already been considered and rejected, one was listed so could not be included, and the Wiggins Memorial Park in Alvechurch would be considered when officers

considered parks and gardens as a separate category within the LHL. The owners of the two supported nominations were consulted with.

The LHL was pre-scrutinised by the Overview and Scrutiny Board, and a further update on the LHL was presented at the Overview and Scrutiny Board meeting on 23<sup>rd</sup> July 2024.

**RECOMMENDED** that

1.1 the Local Heritage List, as set out in Appendix 1 to the report for the following parishes, be adopted:-

- Alvechurch
- Beoley
- Belbroughton and Fairfield
- Dodford with Grafton;

1.2 the wording of the Officer Scheme of Delegations for the Local Heritage List be updated, as set out in Appendix 2 to the report; and

1.3 the amended Local Heritage List Strategy as set out at Appendix 3 to the report, be approved.

41/24

**HOMELESSNESS PREVENTION GRANT AND DOMESTIC ABUSE GRANT**

The Housing Development & Enabling Manager presented a report on the Homelessness Prevention Grant and Domestic Abuse Grant Allocation for 2025/26, and in doing so informed Members that, the report sought Members approval to award the MHCLG Homelessness Prevention Grant and Domestic Abuse New Burdens Grant and the Council's own Homelessness Grant to specific schemes as recommended.

Additionally, it further sought to delegate authority to the Assistant Director Community and Housing Services, in consultation with the Portfolio Holder for Strategic Housing, to allocate any underspend of the grant during 225/26 on schemes to prevent homelessness and to assist those who became homeless.

Members' attention was also drawn to the financial implications, as detailed in the report, in that in addition to the annual Homelessness Grant £112,000, the Council was expecting to be awarded by the Ministry of Housing and Local Government (MHCLG), Homelessness Prevention Grant £260,432 and £35,298 Domestic Abuse New Burdens funding. The report sets out how the Council intended to utilise this funding to create a package of support and services to prevent homelessness and support those who became homeless.

Paragraph 3.5 in the report highlighted how the monies would be allocated, however, Members were informed that CCP service had been

# Agenda Item 3

Cabinet  
10th December 2024

funded across Bromsgrove and Redditch since 2017/18 and had provided a good service. However, this service was no longer providing value for money. Therefore, as detailed in paragraph 3.8 in the report, MAGGS service would now be providing this service, as they were more cost effective.

The Homelessness Prevention Grant and Domestic Abuse Grant supported the Council's strategic priority of Housing.

Furthermore, the Homelessness Grant and Homelessness Prevention Grant would benefit customers by offering household's more options to prevent their homelessness, support them to remain in their own homes or help the Council to manage and support households in Temporary Accommodation.

Members' attention was drawn to risk management and that if the recommended schemes were not approved there was a risk that more households who were threatened with homelessness, or who were in housing need, would have limited alternative options. There was also the risk that they might have to make a homeless approach, and this could consequently lead to the following negative outcomes:-

- Increased B&B costs with 80% having to be picked up by the local authority.
- Increased rough sleeping in the District.
- Impacts on physical and mental health, educational achievement, ability to work and similar through increased homelessness.

Councillor S. A. Webb took the opportunity to express her sincere thanks to the Housing Development & Enabling Manager and team for all their hard work, in dividing the funds to worthy agencies and support workers, and the funds for St. Basil's, which was a vital service for Bromsgrove.

The Housing Development & Enabling Manager responded to a number of questions from Members with regards to the following:-

- The location of St. Basils and St. Basils Crash pad.
- The revenue funding for an additional 4 static temporary accommodation units, which were used to help eliminate the use of unsuitable bed and breakfast accommodation for families.
- Spend to Save Top Up.

**RESOLVED** that

1.1 the following initiatives be approved to receive an allocation of funding 2025/26;



# Agenda Item 3

Cabinet  
10th December 2024

<b>Homelessness Grant Allocation</b>	<b>2025/26 £ (up to £396,328)</b>
BDHT Housing Agency Agreement Top Up	52,475
St Basils Young Persons Pathway Worker – support to prevent homelessness for under 25's and Crash Pad to provide a unit of emergency accommodation for young people.	40,316
Worcestershire Strategic Housing Partnership Co-ordinator – contribution towards county-wide development and delivery of housing initiatives in partnership with other agencies	7,500
CCP Single Person and Childless Couples Homelessness Prevention Service	18,347
NewStarts - Provide Furniture and Volunteering Opportunities for Ex-Offenders – supports tenancy sustainment and provides future employment opportunities/reduces risk of reoffending	10,000
GreenSquare Accord Housing Related Support – helping ex-offenders remain housed/seek employment	26,227
St Basils Foyer – provides stable accommodation/support for young people - 14 units – fully occupied during last financial year	48,616
St Basils Crash pad – provides emergency temporary accommodation for 16 and 17 year olds	16,596
Maggs Rough Sleeper outreach and prevention service targeting rough sleepers and those at risk of rough sleeping.	34,302
North Worcestershire Basement Project - Support for young people at risk of homelessness	24,541
Step Up – Private Tenancy Scheme	23,000
BDHT - Sunrise Project intensive support	45,300
Revenue Funding for an Additional 4 Static Temporary Accommodation units	30,688
Mental Health Link Worker (part funded)	6,800

# Agenda Item 3

Cabinet  
10th December 2024

CAB – Affordability Assessments	5,490
Spend to Save Top Up	6,130
<b>Total committed expenditure</b>	<b>£396.328</b>
<b>Underspend</b>	<b>£0</b>

<b>Domestic Abuse Grant Allocation</b>	<b>2025/26 Up to £35,298</b>
County Domestic Abuse Co-ordinator	4,813
County Domestic Abuse Research and Intelligence Officer	4,426
Top up to DA Housing Options Officer	5,600
NewStarts Furniture Project	5,000
Basement Project	15,459
<b>Total committed expenditure</b>	<b>£35,298</b>
<b>Underspend</b>	<b>£ 0</b>

and

- 1.2 delegated authority be granted to the Assistant Director Community and Housing Services following consultation with the Portfolio Holder for Strategic Housing, to use any unallocated Grant during the year or make further adjustments as necessary, to ensure full utilisation of the Grants for 2025/26 in support of existing or new schemes.

42/24

## **LOW COST HOUSING CAPITAL RECEIPTS**

The Housing Development & Enabling Manager presented a report on Bromsgrove Low Cost Housing Scheme capital receipts and increasing the supply of accommodation, and in doing so referred to the Recommendations, as detailed on page 27 of the main agenda report.

Members were informed that a report was taken to Cabinet at the meeting held on 1<sup>st</sup> February 2017, whereby Members resolved that:

“As and when these properties are offered for sale, so far as possible the Council’s share should also be sold and;

That any Capital receipt be ring-fenced to provide funding to assist the Council in meeting its Strategic Purpose “Help me find somewhere to live in my locality”

The capital receipts received from this decision amounted to £547,912.26, and to date none of this capital money had been spent. This report was asking Members to approve a plan to increase the supply of affordable housing to support its homelessness function through the use of these capital receipts in partnership with Bromsgrove District Housing Trust (BDHT).

The Council had seen a significant reduction in the number of affordable housing units becoming available since Covid. Some of this was due to households not being able to afford to move. It was also due to a shortage of new build developments in the District.

The cost of B&B had increased significantly over this period. This was not unique to Bromsgrove. According to analysis of the Local Government Association's (LGA) revenue account data, the total amount spent by councils on temporary accommodation had soared by more than £733m since 2015/16. According to the LGA, temporary accommodation bills presented a growing risk to councils. Other authorities were under the same pressure.

Some Members referred to paragraph 2.2 in the report, which detailed that Bromsgrove District Council had launched a low cost housing scheme approximately 27 years ago. Through this scheme the Council currently held a 30% share in each of the 111 remaining low cost housing properties.

Members questioned if this would make it more difficult to purchase under the shared ownership scheme.

The Housing Development & Enabling Manager stated that yes it would.

Councillor S. A. Webb took the opportunity to thank the Housing Development & Enabling Manager and the team.

**RESOLVED** that the Supply and Demand of Temporary Accommodation report, be noted; and

**RECOMMENDED** that

- 1) the low cost housing receipts be used to purchase existing properties, flip shared ownership into social or affordable rented accommodation or invest in new build developments with BDHT to increase the supply of affordable housing and temporary accommodation to meet the growing demand; and
- 2) delegated authority be granted to the Assistant Director Community and Housing Services following consultation with the Portfolio Holder for Strategic Housing, to approve individual proposals for new developments or the purchase of existing satisfactory dwellings and flipping Shared Ownership to

affordable or social rented properties and the spend relating to these, as and when they were brought forward.

43/24

## **CARBON REDUCTION STRATEGY AND IMPLEMENTATION PLAN**

The Climate Change Manager presented the Carbon Reduction Strategy Annual Review.

The UK Government had committed to Net Zero by 2050.

Members were informed that the Strategy and Action Plan supported the Council's priorities of Environment, Housing and Infrastructure, and carbon reduction measures were contained with the Council Plan. In addition, it supported the delivery of achieving carbon reduction across council services.

This Strategy was specifically to achieve carbon reduction and net zero for our internal activities across all service areas. Furthermore, the Strategy also identified our influencing role in supporting the reduction of carbon emissions from other organisations e.g., our contractors.

The Section on Measuring and Setting Emissions Targets in the Strategy outlined the targets to be achieved to ensure net zero by 2040. The Strategy was key to addressing Climate Change. The Strategy and action plan sought to deliver a 50% reduction by 2030 and 100% by 2040. As part of our current work to establish a figure for the council's activities we arrived at an estimated figure of 1,746 tonnes of carbon emissions per year for 2021.

As highlighted in the report the Council's fleet would be fuelled by HVO until alternative vehicles were sourced.

As detailed in the Strategy, currently the carbon emission figure for the district of Bromsgrove was 669,200 tonnes per year (2019). The latest carbon emission for BDC was 818 tonnes (2019). In order to reach an interim target of 50% by 2030 we needed to reduce our emissions by approximately 41 tonnes of carbon dioxide per year. To achieve net zero in the remaining 10 years to 2040 we would need a target of approximately 51 tonnes of savings per year.

Carbon savings had been made at Parkside and the Leisure Centre. Staff mileage claims were being looked at. Claims were reducing but this did not take into account officers driving from Parkside to the Depot.

Other initiatives including in the Strategy were:-

- Support BDHT to apply for funding to improve efficiency of housing stock.
- Reduce staff travel and make further use of video conferencing.

- Assess the viability of Council car parks and other sites for EV charges and Solar Canopies. Continue to work with Worcestershire County Council on a standardised approach to EV charger facilities.

The Strategy and Action Plan would be reviewed annually and refreshed every three years.

Members raised a number of questions with regards to video conferencing and meetings that brought people together face to face.

The Chief Executive informed Members that there was currently a Government consultation on Local Authority Remote Meetings – Call for Evidence, which related to formal council meeting. Senior officers would respond to the consultation, once their responses had been shared with Group Leaders.

Should Members require face to face meetings, officers would try and accommodate this. Officers did join meetings remotely, but meetings were not routinely hybrid meetings. Senior officers did promote face to face meetings for team engagement.

**RECOMMENDED** that the Council endorses the findings of the Annual Review of the Carbon Reduction Strategy, as detailed at Appendix 2 to the report.

44/24

## **DISTRICT HEAT NETWORK REVISIONS**

The Deputy Leader announced that prior to the commencement of the meeting, it was agreed that the running order of the agenda would, if necessary, be changed in order to accommodate the officers from Worcestershire Regulatory Services who had a prior commitment until 14:45pm.

The Climate Change Manager therefore continued and presented the District Heat Network Revisions.

Members were informed that Bromsgrove District Council was developing a zero-carbon heat network project to supply clean heat to homes, businesses, and public buildings in Bromsgrove Town Centre, with potential for future expansion to Bromsgrove Town. A feasibility study conducted in 2019 identified a low-carbon district heating network based on an open loop aquifer ground source heat pump as the preferred technology. However, the project's original approach, which included a natural gas-fired combined heat and powerplant, was no longer aligned with current government decarbonisation targets.

The Council had already secured £247,500 in funding for the project in 2020. This included £227,500 from the Department of Business, Energy & Industrial Strategy (BEIS) Heat Network Delivery Unit (HNDU) and contributions from Bromsgrove School £10,000 and Worcestershire

# Agenda Item 3

Cabinet  
10th December 2024

Health and Care NHS Trust £10,000. In addition, the Council had matched the funding with a contribution of £112,500.

The government's approach to heat network development had evolved since the feasibility study, with a focus on:

- **Phased out of Combined Heat and Power.**
- **Heat Network Zoning.**
- **Green Heat Network Fund (GNHF).**

Recognising the importance of maximizing the initial impact of the project, the Council proposed to explore alternative locations for Phase 1 of the heat network within the Bromsgrove Town Centre area.

Bromsgrove District Council recognised that it did not currently have the internal expertise and knowledge to fully deliver a district heat network project. Therefore, the Council was actively seeking a strong and experienced partner organisation to collaborate with.

The key criteria for partner selection included:

- **Proven track record.**
- **Financial strength and stability.**
- **Commitment to sustainability.**
- **Community engagement.**

Members thanked the officer for a very interesting report, which was in theory fantastic. However Members questioned the practicality for new developments, and it being expensive to retro fit. The Government was looking to phase out combined heating power, which then left air / water heat pumps or small plant that burnt waste.

Members further commented that moving forward the Council needed to know where houses were going to be built in order to agree what would be put in place.

In response the Deputy Chief Executive stated that it was about putting an infrastructure in place prior to a major development.

The Chief Executive reassured Members that mitigation strategies were included in the report.

A brief debate followed on the English Devolution White Paper.

The Assistant Director Assistant for Planning, Leisure and Culture Services briefly stated that in terms of the Local Plan review, it was in our gift to concur what the Council wanted, and that developers could be asked to look at new developments.

**RESOLVED** that

- 1) the revised approach to deliver the Bromsgrove District Heat Network, be approved; and
- 2) the exploration of alternative locations for phase one of the Bromsgrove District Heat Network, be approved.

45/24

## **BROMSGROVE DRAFT AIR QUALITY ACTION PLAN**

The Assistant Director Community and Housing Services briefly presented the report, and in doing so referred to paragraph 2.3 in the report.

“Section 83A of the Environment Act 1995 requires Local Authorities (in response to declaring an AQMA) to prepare a written Air Quality Action Plan (AQAP). This must set out how the local authority and other stakeholders will take the necessary measures to secure the achievement, and maintenance, of air quality standards and objectives in the area to which the plan relates and must in relation to each measure specify a date by which it will be carried out and how it will be reviewed.”

The report further highlighted that in September 2023 officers contacted DEFRA raising concerns regarding the process and requested an alternative timetable for submission of AQAPs for four Worcestershire districts including Bromsgrove District Council. A revised timetable for submission of an AQMA was agreed and submission of a final AQAP was due to be submitted by April 2025.

The Assistant Director Community and Housing Services then took the opportunity to introduce the officers from Worcestershire Regulatory Services (WRS), the Technical Services Manager and the Specialist Lead Officer (Air Quality).

The Technical Services Manager informed Members that a piece of work was carried out with colleagues from Public Health and BDC to look at nitrogen dioxide (NO<sub>2</sub>) levels and the legal requirements.

The highest concentration of NO<sub>2</sub> was 36.6µ/m<sup>3</sup> (microgrammes per meter cubed) recorded across the monitoring network in 2023 within the Worcester Road AQMA. As this was within the 10% of the national Air Quality objective for annual NO<sub>2</sub> the Council were required to put in place an Air Quality Action Plan.

The last exceedance of NO<sub>2</sub> or measured concentrations within 10% of the annual objective within the Redditch Road and Lickey End AQMAs were recorded in 2016. Due to the number of years, they had not exceeded the annual objective, Bromsgrove District Council were now required to undertake the work to revoke both of these AQMAs.

Therefore, following discussions with the Defra LAQM team in May 2024 it was confirmed that an AQAP was required for the Worcester Road, Bromsgrove AQMA only.

In response to questions from Members with regards to levels declining due to cleaner running engines, the WRS officers commented that there was a national trend with figures declining. This could possibly be due to cleaner running engines from vehicle manufacturers. However, modern vehicles would decline their efficiencies over time.

Recent data from Worcestershire County Council. Highways indicated that travel had gone up but NO<sub>2</sub> levels were down.

**RECOMMENDED** that

- 1.1 the Draft Air Quality Action Plan 2025-2030 be approved;
- 1.2 a Consultation on the Plan be undertaken for 2 months from Mid-December to February 2025: and
- 1.3 authority be delegated to the Assistant Director Community and Housing, following consultation with the Portfolio Holder for Planning, Licencing Worcestershire Regulatory Services, to approve the final Plan following the consultation, and for submission to DEFRA by April 2025.

46/24

## **BROMSGROVE PLAY AUDIT AND INVESTMENT STRATEGY**

The Assistant Director Planning and Leisure Services presented the Bromsgrove Play Audit and Investment Strategy, and in doing so informed Members that the Bromsgrove Play Audit and Investment Strategy was presented at the Overview and Scrutiny Board meeting on 9<sup>th</sup> December 2024.

Appendix 1 to the report detailed all of the play areas locations and their condition.

Appendix 2 to the report detailed the order of investment needed for play areas that would be within 10/15 minutes walking time for nearby residents.

The report detailed that currently there were 85 play areas across the district. A total of 40 of these were owned and managed by Bromsgrove District Council, the other 45 were owned / managed by other organisations including parish councils, community associations, and private management companies.

Bromsgrove Play Investment Strategy was focused on the 40 play spaces that Bromsgrove District Council were responsible for.



# Agenda Item 3

Cabinet  
10th December 2024

At the invitation of the Leader, Councillor P. M. McDonald, Chairman of the Overview and Scrutiny Board stated that the Board had raised a few minor questions, with regards to some minor detail anomalies in the cfp document.

Councillor McDonald drew Members attention to the Boards suggested amendment to Recommendation 2 in the report, as follows:-

2. That the approach to capital investment as presented in The Bromsgrove Play Audit and Investment Strategy (Appendix 2) is accepted and that officers are requested to prepare bids for capital funding, as applicable, to be considered in due course and in the context of other funding bids in consultation with Ward Members.

The Leader thanked Councillor McDonald.

The Leader further referred to the English Devolution White Paper and sought reassurance from the Deputy Chief Executive (and s151 officer) in securing funding for Bromsgrove ensuring that the Council had enough reserves. We needed to ensure sustainable provision.

The Deputy Chief Executive (and s151 officer) that the capital programme funding and capital spend, along with earmarked reserves would be looked at.

The Deputy Leader commented that funding could not be secured for broken play equipment only for the replacement of play equipment. Should this be referred to in the Risk Management, as this could impact on the delivery of the Strategy.

In response the Assistant Director Planning and Leisure Services agreed this was correct and that Parish Council mapping needed to be carried out and included in the next MTFP. The Deputy Chief Executive further agreed that this would be included in Tranche 2 of the MTFP.

Further discussions followed on the play areas that were managed by management companies and their maintenance.

**RESOLVED** that

- 1) the approach to improve the accessibility of equipped children's play as presented in the Bromsgrove Play Assessment, as detailed at Appendix1 to the report, be adopted; and

the amended Recommendation, from the Overview and Scrutiny Board, as referred to in the preamble above, as follows:-

- 2) the approach to capital investment as presented in, The Bromsgrove Play Audit and Investment Strategy, as detailed

at Appendix 2 to the report, be accepted and that officers be requested to prepare bids for capital funding, as applicable, to be considered in due course and in the context of other funding bids in consultation with Ward Members.

47/24

## **MEDIUM TERM FINANCIAL PLAN - TRANCHE 1 BUDGET INCLUDING FEES AND CHARGES (PRIOR TO CONSULTATION)**

The Deputy Chief Executive presented the Medium Term Financial Plan (MTFP) – Tranche 1 Budget including Fees and Charges.

### **MTFP 2025/6 Tranche 1**

The Council sets a 3-year Medium Term Financial Plan every year, with the final Council Tax Resolution being approved by Council in February. This year's process takes account of the following factors:

- The starting point from the 2024/5 MTFP being neutral starting balances.
- This was the first budget of a new National Government and would be for only 1 year in duration. Future budgets would be multi year.
- The present cost of living crisis which continued to impact our most vulnerable residents.
- Three years accounts (2020/21 to 2022/23) where the Council had/would receive a disclaimer opinion (like many other Councils).
- The continued uncertainty of the existing movement of the Government to funding projects as per the Chancellors Statement on the 30<sup>th</sup> October and not knowing yet those allocations.
- Uncertainty over what would be required by the new Government, and other stakeholders.
- Loss of key personnel, present vacancies rates, and staff retention
- Business Rates and Council Tax Income – and associated collection rates and reliefs linked to the “cost of living” crisis and C-19 grants working their way through our system.
- Inflation now moving back to the Government target of 2%.

As such, it was prudent to split the budget process into two tranches,

- Having an initial Tranche which sought to close as much of the deficit as possible using information known as at the end of October, after the Chancellors Statement but before the Local Government Settlement) and seeking approval for those savings to be implemented at Council in January,
- Having a second Tranche after the Christmas break, for which approval would be sought in February, that takes account of the Local Government Settlement whose final detail would not be known until early January.

**The emerging national picture was in many ways quite similar to last year**

# Agenda Item 3

Cabinet  
10th December 2024

- The War in Ukraine had still not been resolved impacting inflation rates that impacted everyone.
- Councils having declared “Climate Emergencies” and having challenging carbon reduction targets to deliver by 2030, 2040 and 2050. These needed to move into implementation.
- We had the Office for Local Government in 2023 looking at Council data to assess performance and trying to predict if Councils were getting into difficulty.
- The data provided was important as the Government now worked on an allocation’s method using data to inform its decisions.
- In the Local Government area
  - There were a number of Local Authorities who had now issued S114 Statements.
  - Bromsgrove would have 3 years of accounts that would have a Disclaimer Opinion issued by the External Auditor.
  - That in the Local Government sector, there were still circa 700 Audits up to 2022/23 that were still not Audited at this time across Councils in England.

The Chancellors Autumn Statement made on the 30<sup>th</sup> October had the following impacts on Council budgets:

- A 3.2% real-terms increase in Core Spending Power (CSP) for the whole sector in 2025-26. This would include £1.3b additional grant funding, of which at least £600m would be directed to social care.
- The Budget was silent on council tax referendum limits, but the DCN expectation was that referendum principles would stay at 2.99% for districts.
- £233m new funding for homelessness prevention. This would be in addition to the £1.3b grant funding mentioned above.
- £1b to extend the Household Support Fund and Discretionary Housing Payments into 2025-26.
- £1.1b new funding through implementation of the Extended Producer Responsibility scheme for recycling.
- Right to Buy: councils would be permanently allowed to retain 100% of receipts locally and discount levels would revert to pre-2012 levels from 21st November.
- Business Rates support to the retail, hospitality and Leisure sector, although it was not known the route of compensation yet for Councils.
- A £500m increase to the Affordable Homes Programme in 2025-26.
- UK Shared Prosperity Fund had been extended for 2025-26 at a reduced level of £900m, a 40% decrease on the current year. It was not yet clear whether this funding would continue.
- to be allocated directly to district councils in two-tier areas.

It was good news that the sector would get a real-terms funding increase, but it was not yet clear how this increase would be distributed.

# Agenda Item 3

Cabinet  
10th December 2024

The Government signalled it would reform the local government funding system after 2025-26. It had also signalled its intention to embark on local government reorganisation to deliver “efficiency savings”. It would set out more detail in the English Devolution White Paper, likely to be published in late 2024.

It was expected to publish a finance policy statement in mid/late November to set out the key decisions and principles for the provisional Local Government Finance Settlement.

On the cost side, as an employer there were the following additional costs:-

- Employer national insurance (NI) contributions would increase by 1.2% to 15% from April 2025 but the public sector would be covered. Our rates if not funded would have been £144k.
- The National Living Wage would increase by 6.7% to £12.21. Minimum wage for 18- to 20-year-olds would increase by 16% to £10 per hour. Officers were assessing the impact of this.

The report takes account of the Council’s new Strategic Plan which was set out in Sections 3.15 thought to 3.19. The Council’s strategic approach continued to be to set a balanced budget over the next three year period having over the past 2 years moved to a fair level of financial sustainability.

In building the 2025/6 budget, our base assumptions were set out in paragraphs 3.25 to 3.30.

Tax Base and Corporate Financing underlying assumptions were as follows:

- Council Tax – Figures assumed the full 1.99% allowable increase over all years of the 3 year MTFP, with growth of 200 and 150 over these years.
- Business Rates increases assumed growth based on Pooling with the other Districts and the County Council.
- There would be no New Homes Bonus .
- Central Government Grants were at similar levels to previous years.

Other Corporate Pressures:-

- At Q2 the overall revenue financial position was a £344k overspend position. This position was set out in detail in an additional report to the Cabinet today.
- The Pay Award was increased from 2% to 3% for 25/6. This would be an additional £154k cost. In her Statement on the 30th July, the Chancellor did say that Government would accept acceptance of the recommendations of the independent Pay Review Bodies for public sector workers’ pay. It was not clear if this was included in the 3.2% Spending uplift.

# Agenda Item 3

Cabinet  
10th December 2024

- Pension Fund Actuarial Triennial Revaluation. Although the fund continued to perform well we were concerned on the reducing numbers of live members in the scheme and so had included an amount from 2026/7 of £200k as a potential risk.
- Fees and Charges had assumed an increase of 2%. However, given 50% of fees and charges costs were linked to staff costs and these possibly would increase at 5% for the 2024/5 financial year. Therefore, to keep pace on this increase of costs it was proposed that 3%, 4% and 5% increases were looked at. These amounted to additional income of the following for each scenario:
  - 3% Increase - £100k
  - 4% Increase - £200k
  - 5% Increase - £300k
- Until more information was understood in the detailed Local Government Settlement in December, it was assumed that Grant levels would remain at present levels.
- The largest change however would link to upcoming Waste Requirements. The Council was required to implement these proposals from April 2026, which the Council challenged present Government Funding allocations. The impact on Council budgets was significant in terms of both Revenue and Capital:
  - There was the requirement for additional Capital Investment, over and above any Grant, of £540k. It assumed that this was required to be spent in 2025/6 and costs apportioned accordingly.
  - At the present time, additional revenue costs were estimated to be circa £950k a year.
- Bromsgrove School loses its Business Rates reliefs as part of the Budget. Presently, circa £600k of business rates were charged against the school to which it received 80% relief. This relief of circa £500k would become part of the collection fund calculation, with planning purposes circa 50% coming to the Council and 50% going back to the Government.
- Additional Artrix Costs were limited at the Empty Business rates which amounted to £31k.
- Additional inflation of 5% on contract was included at 5% which was £90k.
- A review had been undertaken of Corporate Budgets (Council Tax/Business Rate, Investment Income and Debt) against expected numbers and due to a number of factors there was a positive position.
- The Council had 4% in to cover staff inflation in 2024/5. This pay award was now circa 5% and a 1% adjustment had also been made in the corporate budgets. To be adjusted for actual in Tranche 2.
- As set out in section 3.9 the Chancellors Statement on the 30th September set out significant additional grant funding. The allocation

# Agenda Item 3

Cabinet  
10th December 2024

of these grants would not be known until December and the Provisional Local Government Finance settlement.

- Adjustments, following the establishment review would need to be made across both Councils to account for the £1m in-balance between pay budgets and recharges across both Councils.
- Analysis would be undertaken on Benchmarking data as well – as this would inform areas where further savings, if required, would be initially looked at.

Corporate pressures were summarised in the table at 3.30 and amounted to a surplus of £329k in 2025/6 changing to an ongoing deficit of £858k in 2026/7 and £644k from 2027/8.

Departmental pressures were requested to be returned by the 24<sup>th</sup> October. These were attached in Appendix A and covered both revenue and capital pressures. These departmental changes resulted in an overall £1.387m revenue pressure in the 2025/6 financial year and then £938k by 2027/8. This was summarised in the table at 3.31. This table was reviewed during the meeting.

This resulted in an ongoing pressure of circa £1m rising to £1.5m. It should be noted that if the Council received the full 3.2% Core Spending Power increase set out in the 2024 Chancellors budget, then this would result in circa £490k of additional funding, reducing the gap to circa £500k in 2025/26 and £1m by 2027/8. It should be noted that there would also be political pressures as well.

Another key factor in balancing the budget would be the allocation methods for Grants set out in para 3.9 as they impacted a number of the “pressure areas. This would not be known until the Provisional Local Government Finance Settlement.

To meet strategic priorities, the Council required more funding. For Tranche 2 it needed to review a number of areas including:

- Ensuring Grants were maximised.
- Ensuring Agency work reflected the income provided for its delivery.
- Reviewing the effectiveness of the Council’s largest Contracts.
- Reviewing the location and effectiveness of our Depot
- Assessing the Council’s leisure and cultural strategy in terms of affordability
- Reviewing recharging mechanisms between the Councils for appropriateness.
- Rationalisation of Back Office services as we embrace technology.

The Transformation Team had looked at Income and fees/charges levels for:

- Its deliverability in 2023/4 and 24/5

- Views on if additional % increases would be deliverable

The outcome of that high level analysis was that:

- A blanket % increase on all controllable fees and charges and budgets would not be advisable, as this would just increase the rolling year variances in specific areas. Those budgets needed adjusting to the correct base (both up and down).
- Car parking, given the changes in 2024/5 should not be increased and allowed to stabilize at the new rates and take account of the full VAT implications.
- Knowledge of the full extent of what was or was not Vatable in income lines also needs to be clarified – so the right budgets were set.
- Garden and trade waste and cesspools were all areas where above inflation increases could be variable with previous years and current forecasting showing promise.

Detailed Fees and Charges, at a 4% increase were set out in Appendix B.

The existing 24/25 MTFP saw general fund balances increase by £27k over the three year period as the original plan moved the Council towards sustainability. Now that the 2020/21 and 2021/22 accounts had been closed and we had far clearer positions on the 2022/23 and 2023/4 outturn positions a stronger reserves position was reflected in Appendix C.

Appendix D sets out the present capital programme as agreed at Council in February. Spend to date at Q2 is £1.993m. The table at 3.44 highlights the present Capital programme position to 2029/30 rolling forward the “Rolling Budgets” for an additional year. To date only two new capital items had been added.

Initial Risk Assessments and Robust Statement implications were set out in paragraphs 3.46 to 3.52. It should be noted that the MTFP highlights that the current financial position was potentially untenable without some form of intervention or further substantial savings, and that this would become clearer with the Provisional Local Government Settlement in December.

Tranche One was the first Phase of the 2025/26 budget process. There would be consultation via the quarterly “Customer Survey” to see if more stakeholders could be reached. This would happen over November and December.

At the invitation of the Leader, Councillor P.M. McDonald commented that the Finance and Budget Working Group had raised some questions with regards to the Parking Report and Parking Machine Replacements.

The Executive Director - Environment and Communities agreed to check on the progress of this.

Members referred to the upcoming waste requirements and the impact on the Councils budgets in meeting these proposals. Officers provided brief information on local authorities that had moved to three weekly collections, a reduction in grey bin collections and paper and card specific collections. Officers also referred briefly to the green bag scheme in Norway.

The Leader commented that a number of local authorities had been running such services for a number of years and had therefore made service savings.

**RESOLVED** that Cabinet notes

1. the inputs into the Council's Medium Term Financial Plan as at the start of October, and the associated risks and opportunities;
2. these inputs had been used, along with the 2024/25-26/27 Medium Term Financial Plan (MTFP) agreed by Council in February 2024, to project an initial "gap" to be closed;
3. an initial Tranche of savings proposals, as set out in Section 3.25 and the associated Savings Proposal Document in Appendix A, published on the 2<sup>nd</sup> December and any feedback would be considered by Cabinet in January 2025 prior to seeking approval at Council in January 2025; and
4. Tranche 2 of this process would add further information such as the Provisional Local Government Settlement to give a final financial position for the Council.

48/24

## **QUARTER 2 REVENUE AND PERFORMANCE MONITORING 2024/2025**

The Deputy Chief Executive presented the Quarter 2 Finance and Performance Monitoring report.

Members were informed that the purpose of this report was to set out the Council's draft Revenue and Capital Outturn position for the second quarter of the financial year July 2024 – September 2024 and associated performance data. This report presented:-

- The Council's forecast outturn revenue monitoring position for 2024/25 based on data to the end of Quarter 2.
- The position in respect of balance sheet monitoring as requested by the Audit, Governance and Standards Committee.
- The spending as of Q2 of Ward Budget Funds.
- The updated procurement pipeline of Council projects to be delivered over the next 12 months in order to properly plan for the delivery of these projects.
- The organisations performance against the strategic priorities outlined in the Council Plan Addendum, including operational



measures to demonstrate how the council was delivering its services to customers.

## **Financial Performance**

The draft position was a £343k overspend position, up from the £103k position set out in the Q1 report. As this was expenditure at Q2 it was important to note that, at this stage in the financial year there were a number of instances where annual expenditure or accruals may distort the profiling as reflected in the Q2 actual. The above profiles had assumed support services and grant were adjusted to budgetary levels and accruals were netted out of the figures.

Detail of the overspends were set out in paragraph 3.5. The overspends (£1.364m) were offset by additional income (£1.02m) in Corporate Financing from additional grant income together with increased investment interest receivable and lower interest payable. It should be noted that in the Planning, Regeneration and Leisure area there were £385k of additional UKSPF costs. These needed to be assessed at this should be grant funded. This would bring the overspend position back to parity.

As set out in the MTFP report, additional funding had been added for the level of the Pay Award made recently, which was above the 4% allowed for in the 2024/5 budget.

## **Cash Management**

Borrowing - As of the 30th September 2024, there was no short-term borrowings. The Council had no long-term borrowings.

Investments - On 30<sup>th</sup> September 2024 there were £4.5m short-term investments held.

## **Capital Monitoring**

A capital programme of £7.1m was approved in the Budget for 2024/25 in April 2024. The table in 3.9 and the detail in Appendix A set out the Capital Programme schemes that were approved for the MTFP time horizon.

The outturn spend was £1.994m against a capital budget totalling £7.069m and was detailed in Appendix A. It should be noted that as per the budget decision carry forwards of £7.166m would be rolled forward from 2023/24 into 2024/25 to take account of slippage from 2023/24.

Included in this funding the Council also had the following Grant Funded Schemes which were being delivered in 2024/25:

# Agenda Item 3

Cabinet  
10th December 2024

- The two Levelling Up schemes – Old Fire Station and Market which were funded via £14.5m of Government Funding, and the Council was funding £1.6m of works.
  - With the Market Hall, the Council had agreed the final works contract with Kier in October. A report went to Cabinet in September to approve the overall budget for the works. The Council did have a 6-month extension until the 30<sup>th</sup> September 2025 to “spend” government funding on this project. After this point it would become the Council’s responsibility for the payment.
  - The Windsor Street demolition tender had been awarded to City Demolition and they were now on site starting the demolition process.
  - Public Realm work was under way and expected to be completed before the end of the calendar year.
  - The report in September set out that there would be an overspend position on the overall projects of circa £1.1m although there was scope to bring this down by £300-£500k. To mitigate this position the Council could either fund through debt financing or use other potential funding routes. One of these was the former GBSLEP. The Council could claim up to £2.45m although this would require the final costs as a complete application process needed to be followed.

UK Shared Prosperity Schemes totalling £2.8m (although it should be noted that these grants funded schemes were a mix of capital and revenue) needed to be completely spend by the end of the 2024/5 financial year.

## **Earmarked Reserves**

The updated position, taking account of the now submitted draft accounts for 2020/21 and 2021/22 as well as the reported outturn positions for 2022/23 and 2023/4 were set out in Appendix B. As part of the MTFP all reserves were thoroughly reviewed for their requirement and additional reserves set up for inflationary pressures such as utility increases. At the 30th June 2024, the Council held £10.867m of Earmarked Reserves.

Cabinet were asked to consider allocating £40,000 from the earmarked reserves to support community hubs (following the recent allocation to support Cost of Living initiatives there was £50,000 remaining in this reserve. The cost would be around £120,000 – and it was proposed that this was funded a third by the Council , a third from other partners and a third via VCS funding bids. A PTC was operating in Malvern District Council, with a £50k contribution from the Council.

## **Ward Budgets**

This report was the first quarterly report to show what had been spent to date on Ward budgets. Each Ward Member had £2,000 to spend on Ward Initiatives subject to the rules of the Scheme which were approved by Council in February. To date, there had been 13 approved applications totalling £5,579. This year's funding allocations must be spent by the 31<sup>st</sup> March. The full detail was set out in Appendix C.

## **Balance Sheet Monitoring Position**

This initial balance sheet reporting was set out as the Q2 Treasury Report which was attached as Appendix D. This report sets out the Council's debt and borrowing position for Q2 2024/5. Included in this was how the Council was using its working capital as well as measurement of the Council's Prudential Indicators. It should be noted that one indicator was not compliant. This was a short term loan between Redditch and Bromsgrove undertaken at year end which was repaid at the start of Quarter 2 2024/5. As reporting on the half yearly treasury position was a Statutory Requirement, this appendix would need to be noted and approved that Council note the position.

## **Procurement Pipeline**

The Procurement pipeline was shown in Appendix E. The Council's Procurement Pipeline included details of contracts expected to be reprocured and new procurement projects expected to be undertaken in the future. Those happening in the next 12 months would need to be within the next 12 Months and over £200k would need to be put on the forward Plan. The pipeline would be refreshed quarterly.

- There were 16 contracts between the old threshold of £50k and the new threshold of £200k.
- There were 7 contracts that were over the key decision threshold of £200k.
- There were no new contracts procured by Redditch Bromsgrove on behalf of Bromsgrove.

## **Performance**

The first section of this report showed the organisations performance against the strategic priorities outlined in the Council Plan Addendum. Additional comments and updates had been provided for the success measures to explain progress/activity. The final section of the report included some operational measures to demonstrate how the council was delivering its services to customers. This was Quarter 2 of a new financial year, and as this year moved forward these indicators would link to business plans and the requirements of the new Council Plan which was approved at Cabinet and Council in July.

The process of performance reporting would develop iteratively; however, this document was a snapshot in time and very much a temperature check of the organisation, the layout comprised:-

- Strategic Priorities – success measures
- Operational Measures – by service area
- Financial Data
- Corporate Projects (by exception)

These measures were the same as what was reported in the 2023/4 financial year and were shown in Appendix F.

New performance indicators required by the Council Plan approved in July were set out in Appendix G for reference. These would be incorporated into the Q3 Performance Report along with updated performance measures from departmental business plans.

At the invitation of the Leader, Councillor P. M. McDonald stated that with regards to Community Hubs, that this had been brought to the attention of the Overview and Scrutiny Board. A number of organisations did their best and the Overview and Scrutiny Board Members would be scrutinising projects and their funding, as some funding was being spent on projects in Evesham.

Councillor McDonald further referred to the Poverty Truth Commission in Bromsgrove, as he had never heard of this.

In response the Leader and Chief Executive suggested that it would prove useful if the Bromsgrove and Redditch Partnership Manager be asked to provide an all Member Briefing on the Poverty Truth Commission in Bromsgrove.

Following a query from the Overview and Scrutiny Board with regards to one of the performance measures, as follows:-

“Increased number of sustainable transport projects being progressed or implemented across the district.”

The Deputy Chief Executive agreed to look into this. The Chief Executive commented that this performance measure may have originally come from the Corporate Plan.

In response to Councillor McDonald, in respect of the Planning Appeal costs, the Assistant Director Planning and Leisure Services confirmed that information on Planning Appeal costs was reported to the Planning Committee.

**RESOLVED** that

- 1) the current Revenue overspend position of £344k and actions the Council were taking to mitigate this position be noted;
- 2) the current Capital spending of £1.99m against a budget of £7.07m be noted;

# Agenda Item 3

Cabinet  
10th December 2024

- 3) the Ward Budget allocation position to date was 13 approved allocations at £5,759;
- 4) there was an updated procurements position set out in the appendix, with any new items over £200k to be included on the forward plan; and
- 5) the Q2 Performance data for the Period July to September 2024 be noted.

**RECOMMENDED** that

- 6) Council approve the £40,000 from the Community Hub earmarked reserves to be allocated to contribute to a Poverty Truth Commission in Bromsgrove;
- 7) The Balance Sheet Monitoring Position for Q2 be noted – which was the Treasury Monitoring Report and required to be reported to Council; and
- 8) the £50,000 be transferred to earmarked Reserves from the General Fund for Planning Appeal costs.

49/24

**TO CONSIDER, AND IF CONSIDERED APPROPRIATE, TO PASS THE FOLLOWING RESOLUTION TO EXCLUDE THE PUBLIC FROM THE MEETING DURING THE CONSIDERATION OF ITEMS OF BUSINESS CONTAINING EXEMPT INFORMATION:-**

It was agreed by Members that exclusion of the press and public was not necessary in relation to Minute Numbers 50/24 and 51/24 (To confirm the accuracy of the minutes of the Cabinet held on 21<sup>st</sup> October 2024 and the Overview and Scrutiny Board held on 17<sup>th</sup> October and 19<sup>th</sup> November 2024). The meeting remained in public session for its entire duration.

50/24

**MINUTES OF THE MEETING OF CABINET HELD ON 21ST OCTOBER 2024**

The minutes from the Cabinet meeting held on 21<sup>st</sup> October 2024 were submitted for Members' consideration.

**RESOLVED** that the minutes from the Cabinet meeting held on 21<sup>st</sup> October 2024 be approved as a true and accurate record.

51/24

**MINUTES OF THE MEETINGS OF THE OVERVIEW AND SCRUTINY BOARD HELD ON 17TH OCTOBER AND 19TH NOVEMBER 2024**

The Chairman of the Overview and Scrutiny Board was present for consideration of this item. It was noted that there were no outstanding recommendations from the meetings of the Board held on 17<sup>th</sup> October and 19<sup>th</sup> November 2024.

This included the Recommendation from the Foodbank and Community Shop Provision Task Group – Proposed Amendment to Recommendation, as detailed in the Minutes from the meeting held on

19<sup>th</sup> November 2024, Minute Number 54/23. The suggested Recommendation to Council had now been approved by the Overview and Scrutiny Board.

**RESOLVED** that the minutes from the Overview and Scrutiny Board meeting held on 17<sup>th</sup> October and 19<sup>th</sup> November 2024 be noted.

52/24

## **SHAREHOLDERS COMMITTEE REPORT**

In the brief absence of the Council's Principal Solicitor and with the agreement of the Leader, the Deputy Chief Executive presented the Shareholders Committee Report.

The report detailed the arrangements for the operation of the Shareholders Committee for the Council company, Spadesbourne Homes Limited.

The draft Terms of Reference for the Cabinet Shareholders Committee were detailed at Appendix 1 to the report.

The Table of Reserved Matters for the Shareholders Committee were detailed at Appendix 2 to the report.

Members were now being asked to nominate five Members of the Cabinet to sit on the Shareholders Committee, with one of those Members also being nominated as Chairman of the Committee.

Having joined the meeting, the Council's Principal Solicitor commented that the report was quite self-explanatory.

At a meeting of Cabinet held on 12<sup>th</sup> July 2023, Members had agreed to establish a housing company limited by shares and wholly owned by the Council to manage retained housing stock initially at Burcot Lane in Bromsgrove. This company was named Spadesbourne Homes Limited.

A further report on this subject, detailing proposed arrangements for the governance structure for the company, specifically the introduction of a Shareholders Committee as a sub-committee of the Cabinet, was considered at a meeting of the Cabinet subsequently held on 13<sup>th</sup> September 2023.

As the Shareholders Committee was a sub-committee of Cabinet, only Cabinet Members could be appointed to serve on the Committee.

A brief discussion took place with Members agreeing the nominations and Chairman of the Shareholders Committee, as follows:-

1. Councillor K. J. May – Committee Member and Chairman
2. Councillor S. R. Colella
3. Councillor S. J. Baxter
4. Councillor P. J. Whittaker

5. Councillor B. McEldowney

**RESOLVED** that

- 3) the proposed terms of reference for the Shareholders Committee be noted;
- 4) Members agree five Members of the Cabinet to be appointed to sit on the Shareholders Committee for the remainder of the 2024/25 municipal year. (Members nominated as detailed in the preamble above);
- 5) Members agree one of these five Members of the Cabinet to be the Chairman of the Shareholders Committee. (Chairman nominated as detailed in the preamble above); and
- 6) the matters reserved to the Shareholders Committee for determination under the terms of the Council's agreement with Spadesbourne Homes Limited, be noted.

53/24

**TO CONSIDER ANY URGENT BUSINESS, DETAILS OF WHICH HAVE BEEN NOTIFIED TO THE ASSISTANT DIRECTOR OF LEGAL, DEMOCRATIC AND PROPERTY SERVICES PRIOR TO THE COMMENCEMENT OF THE MEETING AND WHICH THE CHAIRMAN, BY REASON OF SPECIAL CIRCUMSTANCES, CONSIDERS TO BE OF SO URGENT A NATURE THAT IT CANNOT WAIT UNTIL THE NEXT MEETING**

There was no Urgent Business on this occasion.

The meeting closed at 4.15 p.m.

Chairman

This page is intentionally left blank



## **BROMSGROVE DISTRICT COUNCIL**

### **MEETING OF THE OVERVIEW AND SCRUTINY BOARD**

**9TH DECEMBER 2024, AT 6.00 P.M.**

PRESENT: Councillors P. M. McDonald (Chairman), S. T. Nock (Vice-Chairman), A. Bailes, R. Bailes, A. M. Dale, E. M. S. Gray, R. J. Hunter, B. Kumar, J. D. Stanley, D. J. Nicholl and J. Robinson (Substitute)

Observers: Councillor K. J. May - Leader and Cabinet Member for Strategic Partnerships and Enabling  
Councillor B. M. McEldowney - Cabinet Member of Leisure and Climate Change  
Councillor K. Taylor – Cabinet Member for Planning, Licensing and WRS

Officers: Mrs. S. Hanley, Ms. N Cummings, Mrs. R. Bamford, Mr. M. Dunphy, Ms. M. Worsfold, Ms Karimi Fini, Mr. M. Sliwinski and Mrs S. Woodfield

62/24

#### **APOLOGIES FOR ABSENCE AND NAMED SUBSTITUTES**

Apologies for absence were submitted on behalf of Councillor S.A. Robinson.

It was noted that Councillor J.W. Robinson was a substitute member for Councillor S.A. Robinson.

63/24

#### **DECLARATIONS OF INTEREST AND WHIPPING ARRANGEMENTS**

No declarations of interest were received nor of any whipping arrangements.

64/24

#### **BROMSGROVE PLAY AUDIT AND INVESTMENT STRATEGY - PRE-SCRUTINY**

The Assistant Director of Planning and Leisure Services presented the Bromsgrove Play Audit and Investment Strategy report to the Board as detailed below:

- The report set out a factual analysis of the play equipment within the District, detailing Council owned sites, location and who managed the specific areas.

# Agenda Item 4

Overview and Scrutiny Board  
9th December 2024

- The Play Audit and Investment Strategy sought to address deficiencies in play provision across the District, allowing all households, where reasonably practicable, to have access to good quality play spaces within walking times of up to 10 to 15 minutes.
- Responding to the recommendations in the Leisure and Culture Strategy for Bromsgrove, a detailed Play Audit and Investment Strategy had been completed with costings also included.
- There were currently 85 play areas across the District. A total of 40 were owned and managed by Bromsgrove District Council, the other 45 were owned and managed by other Organisations including Parish Councils, Community Associations and private Management Companies. The Bromsgrove Play Audit which considered the accessibility of play provision, considered the contribution of all 85 play spaces. The Bromsgrove Play Investment Strategy was focused on the 40 play spaces for which Bromsgrove District Council had responsibility.
- The formation of the Cabinet Advisory Group (CAG) provided some useful discussions including the condition of play areas, approaching “end of life”. As instructed by CAG, Officers carried out a public consultation, with a useful session being held with the Consultant to discuss Foxgrove Way in more detail.
- The Assistant Director of Planning and Leisure Services concluded the presentation, adding that the analysis had been useful to define the location, condition and the work that was required for the play equipment. It was also fundamental that decisions regarding funding should be done in a controlled and managed way. S106 contributions would also be a factor when allocating the appropriate funding.

During consideration of the item, Members discussed a number of points:

- Members expressed the view that it was disappointing the Consultant was not present for the meeting. – It was advised that the consultancy was relatively small and specialised but that the matter would be addressed.
- It was also queried why consultancy was necessary for the project. – It was explained that there had been an opportunity for funding through salary savings. Various recommendations from Cabinet had been set in terms of the leisure strategy and required completion within short timescales.
- Members discussed that the CAG sessions had been productive and demonstrated that the forums were beneficial.

# Agenda Item 4

Overview and Scrutiny Board  
9th December 2024

- It was queried how the assessments had been carried out, in particular, with regard to the number of households in the District, having accessibility to play areas within a walking time of up to 10 to 15 minutes. Members also expressed the view that the quality of the equipment should have been more of a consideration over the distance it took to access the area. - Members were advised that accessibility has been cross referenced with demographic health data including Inherited Metabolic Diseases (IMD), Health Deprivation and Disability with the population aged 12 and under including child obesity.
- The Board also queried if the necessary British and European Standards had been considered in significant detail, in particular, concerning the critical fall height. – It was advised that The Royal Society for the Prevention of Accidents (ROSPA) guidance determined the adequate fall height. Officers agreed to obtain an official guidance and report back to Members as an action.
- The Members expressed the need to review areas with no play area provision also as part of the assessment.
- The Board discussed areas being reviewed at a late stage in the process and expressed the view, could run the risk of losing its provision, particularly, if the play area were deemed to be unsafe. – The Board was advised that some areas were being reviewed later as they were not considered an urgent issue and would be the subject of a public consultation.
- Members queried if the review standards were considered nationally acceptable? – Members were informed that there were national standards for what was considered acceptable and unacceptable.
- The Board queried The Play Audit and Investment Strategy which set out an approach that would improve the accessibility of play provision so that 82.5% of households (baseline 81.7%) in the District had access to a play space within a walking time of up to 10 to 15 minutes. Members expressed their view that the statistics within the report were not considered adequate. – It was noted that the review considered walking distance, quality and also in areas where improvements were required. Some areas were also being converted from local to neighbourhood play areas.
- The capital funding bids timeframe was also considered, suggesting that Officers provided Ward Councillors with the necessary paperwork to assist with the process. – Members were advised that finances had been set aside but if the specified period lapsed, Officers would be required to discuss funding with the Board through the budget setting process to request the necessary monies. Members were also advised that there was a

# Agenda Item 4

Overview and Scrutiny Board  
9th December 2024

specific form which required completion for requests of capital spending.

- Typographical errors were discussed for the All Play Provision by Ward document. Officers sought to amend the necessary information.
- Members discussed play areas not being considered for upgrading for 1-3 years. It was queried if a business case could be considered to look at profiling and sequencing some areas? – The Chief Executive informed the Board that the finance and funding for the review (Tranche 1) had already been considered. Tranche 2 was for consideration in the new year and that further proposals could be reviewed at that point.
- The Board also discussed the population forecasts which were shown as out of date. With the new local plan which would be a necessary consideration, would the Council be Community Infrastructure Levy (CIL) compliant? – Members were advised that Funds were collected from the Developer to pay for work on development sites and that legislation governed that process.
- Members also queried if it could be a consideration for Parish Councils to get access to funding to provide a fairer and more equitable process. – It was advised that Parish Councils could apply for the necessary funding, although they had not had a comprehensive presentation but communications were in progress.
- It was also queried how the consultancy fees had been calculated? – The Board was advised that an agreement with the Consultant to pay on an hourly rate was discussed to better manage the costs, based on extra works and scrutiny.
- The Board also queried how some areas were being measured which were not being replaced or reviewed for a significant period? – Members were asked to note that some areas were planned for larger play area or neighbourhood play areas.
- Members also queried if there would be any additional consultancy costs if work has not been carried out correctly? – It was advised that the brief set had been met and had not been carried out incorrectly. Members expressed the view that some had not been given the opportunity to review the brief and would have been helpful to review prior to the Overview and Scrutiny Board meeting. - The Leader of the Council informed Members that the brief was discussed and reviewed during CAG meetings with the consultant and it was thought that all Members had been briefed accordingly.

# Agenda Item 4

Overview and Scrutiny Board  
9th December 2024

- The Leader of the Council expressed the view that an audit for Parish Council play area provision should be carried out and for transparency and scrutiny, be reviewed through the Finance and Budget Working Group.
- Members also queried if, as part of the assessment process, there could be more consideration to the quality of the play areas.  
– It was advised Officers would be working through improvements as part of the review.
- It was also discussed by the Board if CAG could consider as part of their process, review combining some areas to save money in the long term.
- The Chairman queried why some calculations in the report were unspecified ie the use of 10/15 minutes. – It was noted that it was deemed acceptable for residents to walk to a larger play area, for example.
- Members also requested that the wording for Belbroughton and Romsley Ward documentation in the report be reviewed and amended accordingly. Officers agreed to review this as an action.

Also during consideration of the item, an amendment to number 2) recommendation was proposed by Councillor R. Hunter. The recommendation was:

“That the approach to capital investment as presented in, The Bromsgrove Play Audit and Investment Strategy (Appendix 2) is accepted and that officers are requested to prepare bids *in consultation with Ward Members* for capital funding, as applicable, to be considered in due course and in the context of other funding bids”.

The recommendation was proposed by Councillor R. Hunter and seconded by Councillor D. Nicholl.

The Board agreed to endorse the proposed change to the wording of the Bromsgrove Play Audit and Investment Strategy recommendation.

**RECOMMENDED** that

The Cabinet RESOLVE that:-

- 1) The approach to improve the accessibility of equipped children’s play as presented in the Bromsgrove Play Assessment (Appendix 1) is adopted.
- 2) That the approach to capital investment as presented in, The Bromsgrove Play Audit and Investment Strategy (Appendix 2) is accepted and that officers are requested to prepare bids in consultation

with Ward Members for capital funding, as applicable, to be considered in due course and in the context of other funding bids.

65/24

## **BROMSGROVE LOCAL HERITAGE LIST - PRE-SCRUTINY**

The Principal Conservation Officer presented the Bromsgrove Local Heritage List to Members and discussed the following:

- The report updated Members on the tasks which were undertaken by the Conservation Team to prepare the Bromsgrove Local Heritage List (LHL). Work for the Parishes of Alvechurch, Beoley, Belbroughton and Fairfield and Dodford with Grafton had been completed and Members were being asked to recommend to Council that the final version of the lists be approved. The report also gave an update of progress for other areas within the District.
- Draft lists for Alvechurch, Beoley, Belbroughton and Fairfield and Dodford with Grafton Parishes were compiled earlier in the year, ready for consultation. The lists would add 140 properties to the draft LHL, covering a diverse range of properties including houses, schools, village halls, places of worship and canal infrastructure.
- A six-week consultation period had commenced on Monday 27th May 2024. Letters were sent to all owners/occupiers providing information about the consultation, including the listing for their property.
- Conservation Officers had attended conservation events in village halls for each parish. Information on the LHL was made available and Conservation Officers answered questions accordingly.
- Following completion of the Consultation process and having considered all the comments received, the LHL for each parish was finalised. The Conservation Team were asking Cabinet to recommend that Council approve the LHL list which would then be a material consideration in the planning process.
- Work was continuing with the lists for Bromsgrove Town and the parishes of Lickey and Blackwell and Wythall. In relation to Bromsgrove Town, a meeting had been held with the History Group of the Bromsgrove Society.
- The Conservation Team had also reviewed better use of the GIS and databases to digitise as much of the process as possible for efficiency and to pre-empt changes likely to flow from the corporate GIS strategy.
- The new Conservation Officer had commenced work on Bournheath Parish. The work for Wythall and Bromsgrove, subject to the input from the Bromsgrove Society, was nearer

completion. Work on Lickey and Blackwell had been delayed due to the Principal Conservation Officer responding to the consultation on the first four parishes. Relevant Officers were proposed to go out to consultation and then moving onto preparing another tranche of draft lists.

Following the presentation Members thanked the Conservation Team for the tasks undertaken to prepare the Bromsgrove Local Heritage List (LHL), noting that it was positive that some areas of the District were getting recognition.

**RECOMMENDED** that

The Cabinet RECOMMEND that:-

- 1) The Local Heritage List at Appendix 1 for the following parishes is adopted.  
Alvechurch  
Beoley  
Belbroughton and Fairfield  
Dodford with Grafton
- 2) The wording of the Officer Scheme of Delegations for the Local Heritage List be updated as set on in Appendix 2.
- 3) The amended Local Heritage List Strategy set out at Appendix 3 be approved.

66/24

**TO CONSIDER ANY URGENT BUSINESS, DETAILS OF WHICH HAVE BEEN NOTIFIED TO THE HEAD OF LEGAL, DEMOCRATIC AND PROPERTY SERVICES PRIOR TO THE COMMENCEMENT OF THE MEETING AND WHICH THE CHAIRMAN, BY REASON OF SPECIAL CIRCUMSTANCES, CONSIDERS TO BE OF SO URGENT A NATURE THAT IT CANNOT WAIT UNTIL THE NEXT MEETING.**

There was no urgent business for consideration.

67/24

**CABINET WORK PROGRAMME**

The Cabinet Work Programme was discussed by the Board as follows:

- The Democratic Services Officer informed Members of an addition to the Cabinet Work Programme, since the last Overview and Scrutiny Board meeting with Bin Replacements being considered by Cabinet on 7<sup>th</sup> January 2025.
- The Board agreed to the proposal made by the Chairman that the Food Waste Business Case and Associated Waste Related Issues item, to be considered by Cabinet on 7<sup>th</sup> January 2025, be pre-scrutinised by the Overview and Scrutiny Board on 6<sup>th</sup> January 2025.

- A Member requested that the Cabinet Membership be reviewed and amended on the Cabinet Work Programme. Officers agreed to action the request accordingly.
- Members queried why an Independent Remuneration Panel Recommendation meeting was being held when a pay review was imminent. - Members were advised that the item was an annual review, in advance of the municipal year.
- The Bromsgrove District Plan Consultation key decision was discussed. Members expressed the view that there should be a full consultation carried out with public engagement being part of the formal process. – It was advised by the Chief Executive that the purpose of the report was to enable Officers to go out to consultation. The report would be prepared with options for Council and Cabinet to agree the basis of the consultation and would also be available for the Overview and Scrutiny Board to consider the report prior to Council and Cabinet review. Members also expressed the view that the consultation period was considered short and that an effective consultation period was required. The Leader of the Council advised Members that timeframes would be considered based on Government policy.

**RESOLVED** that the content of the Cabinet Work Programme be noted as per the preamble above.

68/24

## **OVERVIEW AND SCRUTINY WORK PROGRAMME**

The Overview and Scrutiny Board work programme was considered by Members.

The Democratic Services Officer agreed to add the Food Waste Business Case and Associated Waste Related Issues to the Work Programme, to be pre-scrutinised by the Board on 6<sup>th</sup> January 2025.

**RESOLVED** that the Overview and Scrutiny Work Programme be noted.

69/24

## **OVERVIEW AND SCRUTINY ACTION SHEET**

The Democratic Services Officer informed Members of two additions to the Cabinet Work Programme, since the last Overview and Scrutiny Board meeting which were as follows:

- The repainting of the lampposts in Windsor Street for the Levelling Up project would be commencing in the Spring/Summer 2025 (weather permitting).
- The review of wording in the report regarding Climate Change Implications for the Levelling Up project would be implemented in future reports.



# Agenda Item 4

Overview and Scrutiny Board  
9th December 2024

**RESOLVED** that the Overview and Scrutiny Board Action sheet be noted.

70/24

**TO CONSIDER, AND IF CONSIDERED APPROPRIATE, TO PASS THE FOLLOWING RESOLUTION TO EXCLUDE THE PUBLIC FROM THE MEETING DURING THE CONSIDERATION OF ITEM(S) OF BUSINESS CONTAINING EXEMPT INFORMATION:**

**RESOLVED:** that under Section 100 I of the Local Government Act 1972, as amended, the public be excluded from the meeting during the consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act, as amended, the relevant paragraph of that part, in each case, being as set out below and that it is in the public interest to do so:-

<u>Item No</u>	<u>Paragraph</u>
10	3

71/24

**TO CONFIRM THE ACCURACY OF THE MINUTES OF THE MEETING OF THE OVERVIEW AND SCRUTINY BOARD HELD ON 19TH NOVEMBER 2024**

The minutes of the Overview and Scrutiny Board meeting held on 19<sup>th</sup> November 2024 were considered.

**RESOLVED** that the minutes of the Overview and Scrutiny Board meeting held on 19<sup>th</sup> November 2024 be agreed as a true and correct record.

The meeting closed at 7.15 p.m.

Chairman

This page is intentionally left blank

### Cabinet

7 January 2025

**Report title: Refuse Fleet Replacement & Wheeled Bin Pressures**

Relevant Portfolio Holder		Councillor Whittaker
Portfolio Holder Consulted		Yes
Relevant Head of Service		Simon Parry
Report Author: Matthew Austin	Job Title: Environmental Services Manager Contact email: matthew.austin@bromsgroveandredditch.gov.uk Contact Tel: 01527 548206	
Wards Affected		All
Ward Councillor(s) consulted		No
Relevant Strategic Purpose(s)		Environment - supporting recycling to reducing waste production
Key Decision: YES		
If you have any questions about this report, please contact the report author in advance of the meeting.		

#### 1. RECOMMENDATIONS

The Cabinet RECOMMEND that:

**1.1. The Council agrees to replace all “Diamond” lift bins in use across the Residual, Recycling, and Garden Waste services in Bromsgrove District during the 2025/26 financial year with industry standard “Comb” lift bins.**

**1.2. The Council allocates £2,200,00 Capital funding in the Medium-Term Financial Plan for the 2025/26 financial year for the purchase and distribution of these bins.**

#### 2. Context:

2.1. Bromsgrove District Council previously received significant government funding from DEFRA to support waste collection improvements with the introduction of a wheeled bin service in 2004.

2.2. As part of this funding, a decision was made to invest in highly specialised vehicles that used a mechanical arm to pick up wheeled bins and empty them with far less human involvement.

2.3. To support this system, the wheeled bins that were purchased for the new service were required to be compatible with the “Diamond” lift system, which is common on the continent, but was only invested in by three LA’s in the UK, with every other LA investing in the standard “comb” lift mechanism, which is cheaper to manufacture than the diamond bins.

### **Cabinet**

**7 January 2025**

- 2.4. The benefits of the Diamond system are that it supports bins to self-centre on the lifting mechanism as part of being clamped for lifting, reducing the need for manual intervention.
- 2.5. Unfortunately, the new technology failed to provide the efficiency gains expected, and as a result of prolonged mechanical issues, the decision was taken to revert to a more conventional lifting mechanism and emptying process on our vehicles, although the bins remained.
- 2.6. We have operated this system for 20 years now, and in that time, the other Local Authorities who operated Diamond bins have invested to migrate across to Comb lift bins, due to the increased cost of the wheeled bins, lengthy delays in the provision of diamond bins by manufacturers, and the risk to service provision of operating a non-standard collection fleet.
- 2.7. The last authority to move to Comb Bins was Aberdeenshire Council, with the decision made in 2021/22, leaving Bromsgrove District as the only Local Authority in the UK utilising diamond Bins.

### **3. Background:**

- 3.1. The hire sector does not offer “diamond lift” equipment, due to its rarity in the waste sector, which means that the only vehicles available to support domestic waste collection in Bromsgrove when there is a vehicle failure are the six refuse vehicles operating from the Redditch Depot, as they have been fitted with a reversible lifting system that allows them to empty Bromsgrove Bins as well as the standard Comb Bins, as part of the shared services arrangement.
- 3.2. In the event of a significant event affecting the Bromsgrove Depot, such as a fire or other large-scale accident affecting our fleet, there is currently no way to source sufficient vehicles with the necessary lifting mechanisms to continue the provision of waste collection services for Bromsgrove residents.
- 3.3. As has previously been identified in reports to Council, the Waste Collection Service has had significant challenges in maintaining services over the last two years as a result of an aging fleet and a failed refurbishment programme, that was intended to extend the life of existing vehicles.
- 3.4. To address this, Capital Budgets have been reprofiled to support the replacement of the fleet to stabilise services, but since then we have had difficulty procuring the necessary lifting mechanism on new vehicles, as a result of increased safety requirements by the vehicle manufacturer in response to a fatality involving one of its vehicles whilst in service with Coventry City Council in 2022.

### **Cabinet**

**7 January 2025**

- 3.5. In response to the “Future Prevention of Deaths” report by the coroner who reviewed this accidental death, the vehicle manufacturer has made changes to how it constructs and certifies its equipment and variations to it by third parties, which means they are unable to provide the combination we would need to continue with our current collection arrangements.
- 3.6. Having also spoken with the Chief Executive responsible for manufacture of our current bin lifts, there is no route to procure vehicles that can meet our needs at the current time, although they are continuing to work with us to maintain our existing mechanisms, which are experiencing a high failure rate due to their age, and wear commensurate with the 17.5 million bins they have emptied to date.
- 3.7. This is not a long-term resolution, and is costing us considerably more on maintenance than is currently budgeted, as well as vehicle hire costs.
- 3.8. To maintain waste collection services across Bromsgrove District, this will require the replacement of approximately 87,000 wheeled bins, which will allow the fleet to transition to the industry standard lifting mechanism, safeguarding future service resilience.
- 3.9. Whilst costly, this will re-set the condition of our wheeled bins, many of which are over 15 years old now, which is expected to reduce our Capital outlay on replacement bins lost either due to damage to the bin, or issues with our current worn out vehicles and lifter mechanisms.
- 3.10. In addition, this will allow for consideration of how we provide our service to residents, and the potential to mirror the arrangements already in place across the South of Worcestershire.
- 3.11. As part of the Environment Act 2021, the Council has a legal duty to provide a weekly food waste collection service from 2026, and is currently looking at the options for implementing such a service.
- 3.12. As part of this work, it has been identified that food waste makes up to 35% of the residual waste collected in Bromsgrove, with a further 11% made up of items that could be recycled in our existing recycling services.
- 3.13. Although we provide a good quality service to residents, our current recycling rates have plateaued in recent years, and experience in other Local Authorities has shown that pressuring the residual waste stream by reducing the frequency, or reducing capacity, is the means to improve recycling performance, which is what South Worcestershire Local Authorities have done by providing a 180ltr grey bin for their residual waste, which encourages residents to ensure they are recycling everything they can.

### Cabinet

7 January 2025

- 3.14. On 29 November the Government set out a new policy statement regarding “Simpler Recycling<sup>1</sup>”, which set out a “maximum default requirement” for councils to collect card and paper separately from April 2026, which would require an additional recycling bin to be provided to our residents.
- 3.15. No reference is made to new burdens funding for this activity, and it is recognised alongside this requirement, that councils and other waste collectors will “still have the flexibility to make the best choices to suit local need”.
- 3.16. It is believed that as with previous legislation regarding waste collection, there is scope to maintain our existing comingled approach for now, using a TEEP (Technical, Economic and Environmentally Practicable) assessment<sup>2</sup>, although this will require us to set out how we will attain the required quality of recycling, and so will need to be considered alongside the ERP funding to ensure we can demonstrate the necessary outcomes and benefits to justify this.
- 3.17. Replacing our wheeled bins gives us an opportunity to reduce the size of our grey wheeled bins in order to achieve similar gains to South Worcestershire in the short term, which will also help increase engagement with the new food waste service when it starts in 2026.
- 3.18. Whilst also having a financial benefit in reducing the cost of replacing our existing residual bins, this would potentially limit future variation of the collection frequency on residual waste, such as a three weekly collection interval, which would have the potential to significantly reduce the operating costs of our waste collection arrangements whilst also boosting the use of our recycling collections, which would include the odour elements linked to food waste which are typically the main concern regarding reduced frequencies of residual waste collection.
- 3.19. Bromsgrove has signed up to the Joint Municipal Waste Management Strategy with all of the other Worcestershire Authorities, committing to work towards the reduction of waste, and a reduction in the size of our residual waste bins, or the reduction of our residual waste collection frequency, would have a significant impact to reduce the volume of recyclable waste disposed of through incineration for energy creation rather than reuse.

---

<sup>1</sup> This is the umbrella term for the rationalisation of waste collection arrangements nationally to ensure that all residents can dispose of the same core recyclable items wherever in the country they live.

<sup>2</sup> Officers already reviewing this with the other Worcestershire Authorities as a joint initiative.

### Cabinet

7 January 2025

#### 4. Proposals:

4.1. Given that our current “Diamond” bins are limiting our ability to meet our statutory duties, as well as increasing our operating costs, it is proposed that Bromsgrove District Council takes the following steps:

4.1.1. Replace all of our existing “Diamond” wheeled bins with industry standard “Comb” 240ltr wheeled bins (no change in size for any waste streams)

Or

4.1.2. Replace all of our existing green and brown “Diamond” wheeled bins with industry standard “Comb” 240ltr wheeled bins, and replace the existing 240ltr wheeled bins for residual waste, with 180ltr “comb” wheeled bins<sup>3</sup>.

4.2. In regards to the option to reduce the size of our residual waste bin, although this will support immediate benefits regarding our recycling performance, it may add additional challenges should we look to make further changes to expand our service and/or reduce the frequency of residual waste collection to further pressurise the waste stream and reduce operating costs linked to the non-recyclable waste.

#### 5. FINANCIAL IMPLICATIONS

5.1. Like for like replacement of all our existing Diamond Wheeled bins would require Capital investment of approximately **£2,200,000**<sup>4</sup> including delivery and expected credits against the recycled “Diamond” bins.

5.2. A decision to reduce the size of the 240ltr residual waste bins to 180ltrs will reduce that cost by **£60,000**, and would also support increased recycling quantities and take up of the food waste service expected to start in 2026 based on our current fortnightly collection service.

5.3. The cost breakdown of these two options are shown below, and would place an average yearly pressure of **£365,000** per year on Capital repayment budgets from 2025/26 until 2031/32.

---

<sup>3</sup> Reduced capacity offset by the new food waste collection service, which provide a 23ltr food caddy giving 46ltrs capacity per fortnight to residents to offset the reduction in capacity and ensure residents make full and efficient use of our services to manage their waste.

<sup>4</sup> Estimated cost based on current prices. A tender exercise for the provision, delivery, and recycling will be needed to confirm the final cost and ensure best value.

### Cabinet

7 January 2025

	Like for Like bin swaps across all waste streams	Residual Reduced to 180ltr wheeled bins
Purchasing Costs	£1,810,337	£1,747,490
Delivery Costs	£185,961	£185,961
Collection Costs	£164,084	£164,084
<b>Total Costs (estimated)</b>	<b>£2,160,382</b>	<b>£2,097,535</b>

Option 1 - 240's Residual, Recycling, & Garden	25/6	26/7	27/8	28/9	29/30	30/1	31/2	32/3
<b>MRP</b>	£108,019	£416,645	£416,645	£416,645	£416,645	£416,645	£416,645	£308,626
Repayment		£308,626	£308,626	£308,626	£308,626	£308,626	£308,626	£308,626
Interest	£108,019	£108,019	£108,019	£108,019	£108,019	£108,019	£108,019	

Option 2 - 180's Residual, 240's Recycling/Garden	25/6	26/7	27/8	28/9	29/30	30/1	31/2	32/3
<b>MRP</b>	£104,877	£404,525	£404,525	£404,525	£404,525	£404,525	£404,525	£299,648
Repayment		£299,648	£299,648	£299,648	£299,648	£299,648	£299,648	£299,648
Interest	£104,877	£104,877	£104,877	£104,877	£104,877	£104,877	£104,877	

5.4. It is expected that replacing these bins would reduce costs on vehicle purchase by approximately 2% (£80,000 across the replacement cycle of our fleet), and vehicle maintenance on our waste fleet by up to 8% (£30,000 per year<sup>5</sup> as a result of the move to the comb lifting mechanism and reduced wear and tear of not having a reversible system with so many moving parts to accommodate the two styles of bin).

5.5. This will also be supported by the financial benefits previously identified as part of reprofiling the Capital Replacement plan for the Domestic Waste Fleet, which will address current overspends on maintenance and hire vehicles, alongside a reliance on Redditch Borough Council vehicles to maintain services.

5.6. In addition to these benefits, the Council has also now had confirmation that DEFRA will be transferring funding of **£1,004,000** to Bromsgrove District Council linked to dry recyclable material through the Extended Producer Responsibilities (EPR) scheme for the 2025/26 financial year, with further funding from this scheme each year thereafter.

<sup>5</sup> In Chargeable Mechanic's time as well as parts – so some of this benefit will be linked to increased capacity within the workshop to support the entire fleet and further reduce the use of third parties for maintenance support.



### **Cabinet**

**7 January 2025**

- 5.7. This is effectively a tax on packaging manufacturers under the “producer pays” principle and not direct government funding per se.
- 5.8. EPR funding is intended to support costs of our existing waste collection arrangements and support communication and education on dry recycling to further improve this to divert waste from landfill/incineration; and although there are currently no limits on how this money is spent, this is not guaranteed income.
- 5.9. From 2028 this funding will be linked to the quality as well as quantity of recycling we collect, and may be required to support education and engagement with residents regarding their waste in order to maintain this level of funding.
- 5.10. The government have emphasised repeatedly the need to demonstrate “efficient” collections ensuring a high quality of collected recycling, and it may be appropriate to link this on-going revenue funding with the replacement of our existing wheeled bins, and consideration of whether a split stream recycling service may be appropriate in the future as well.
- 5.11. The additional costs of moving to a twin stream recycling service would be significant as an addition to our existing service, but such a system would support a transition to a three weekly residual collection cycle alongside the weekly food waste service and alternating fortnightly collections of the two dry recycling streams and our existing fortnightly garden waste service, and this would likely generate the highest quality of recycling as well as influence recycling behaviour and engagement to a greater degree with residents to realise the reductions in residual non-recyclable waste identified from previous waste sampling across the District.

### **6. Environmental/Climate Change Implications**

- 6.1. As part of replacing the “Diamond” wheeled bins, arrangements would be made for the old bins to be recycled as part of the arrangements, with the raw material fed back into the recycling stream.
- 6.2. Given the likely timescale of this project, it is expected that wheeled bins produced for delivery to our residents will be made with plastic recycled from our existing diamond bins, and further illustrating the circular economy principle of waste reduction.
- 6.3. The value of this recyclable material from our old bins is part of the quoted price for collection and processing of our old bins, which keeps the costs lower for the Council.

### **Cabinet**

**7 January 2025**

6.4. We do not have the storage capacity or arrangements in place to realise a greater value for this material ourselves.

### **7. LEGAL IMPLICATIONS**

7.1. Wheeled bins are provided to each property to support engagement with our waste collection arrangements, as per Section 46 of the Environmental Protection Act 1990.

7.2. As such, bins remain the property of Bromsgrove District Council, and we can support the change by reissuing the section 46 notice to all residents, with details of the new wheeled bin requirements for residents to access our collection service.

7.3. Procurement is viable through either a competitive tender process, or direct award under a framework, and this will be managed to ensure compliance and quality regarding new wheeled bins.

### **8. OTHER - IMPLICATIONS**

#### **8.1. Equalities and Diversity Implications**

8.2. Replacement of wheeled bins may impact on residents with medical needs/disabilities.

8.3. This will be managed through direct engagement with those residents currently receiving support under our assisted waste collection arrangements, and included in our communications plan to ensure that any concerns are identified and addressed.

### Cabinet

7 January 2025

#### 9. REPORT SIGN OFF

Department	Name and Job Title	Date
Portfolio Holder	Cllr Whittaker – Environmental Services Portfolio Holder	
Lead Director / Head of Service	Simon Parry - Head of Environmental Services	
Financial Services	Peter Carpenter – Section 151 Officer	
Legal Services	Claire Green – Principal Solicitor	
Policy Team (if equalities implications apply)	N/A	
Climate Change Team (if climate change implications apply)	Matt Eccles – Climate Change Manager	

This page is intentionally left blank

#### Strategic Update - Introduction of Food Waste Collection

Relevant Portfolio Holder		Councillor Peter Whittaker	
Portfolio Holder Consulted		Yes	
Relevant Head of Service		Simon Parry	
Report Author: Matthew Austin	Job Title: Environmental Services Manager Contact matthew.austin@bromsgroveandredditch.gov.uk email: Contact Tel: 01527 548206		
Wards Affected		All	
Ward Councillor(s) consulted		No	
Relevant Strategic Purpose(s)		Environment - supporting recycling to reducing waste production	
Key Decision			
If you have any questions about this report, please contact the report author in advance of the meeting.			

#### 1. RECOMMENDATIONS (Provisional)

The Cabinet **RECOMMEND** that:

- 1) **Subject to the outcome of negotiations, the Council approves the introduction of a joint Food Waste Collection Service, working with Redditch Borough Council and Wyre Forest District Council to deliver the authority’s statutory duties under the Environment Act 2021 regarding a Food Waste Collection service;**
  
- 2) **The Council allocate £1,000,000 Revenue Funding in the Medium-Term Financial Plan as an operational budget from 2026/27 to fund the Food Waste Collection Service in the Borough, as accounted for within tranche 1 of the budget;**
  
- 3) **Delegated authority be granted to the Assistant Director of Environmental and Housing Property Services following consultation with the Section 151 Officer, the Principal Solicitor (Contracts, Commercial and Procurement) and the Portfolio Holders for Finance and Environmental Services respectively to:**
  - a) **subject to the agreement of recommendation 1 above, to negotiate and agree terms with Redditch Borough Council and Wyre Forest District Council to enter into a joint tender for a shared food waste collection service;**
  
  - b) **tender and award a dedicated weekly food waste collection service through a third party for a period of 8 years commencing no later than 31 March 2026.**

### Cabinet

7<sup>th</sup> January 2025

---

#### 2. Context

- 2.1. The Government has set a new statutory duty under the Environment Act 2021 to introduce a dedicated separate weekly collection of food waste from all households by 31st March 2026, alongside expanded requirements on dry recycling.
- 2.2. Working closely with Worcestershire County Council as the Waste Disposal Authority, we are able to accommodate the changes to dry recycling without any changes to our existing green bin service, so this report is focusing primarily on the changes required from the new food waste service.
- 2.3. As we do not currently operate such a service, this will require additional resources to operate, and due to the current size restrictions of our depots, we are unable to add these to our existing arrangements without significant investment in additional land as well as an expansion of our Operators Licence with the Traffic Commissioner and DVSA.
- 2.4. In addition to the challenges regarding space restrictions on providing this service, it will require procurement and delivery of food waste caddies for each property, additional bins for communal properties, and additional dedicated vehicles and staff to collect the waste.
- 2.5. To achieve the Government requirements on time, it is vital that the Council takes decisions by the end of January 2026 to allow the procurement of resources to supply the service to our residents, either as an in-house service, or through an external provider.

#### 3. Background

- 3.1. Over the last five years, considerable work has been carried out in partnership with the other Worcestershire Authorities to consider how to meet the new requirements, and model the resources required to operate such a service, as well as what the associated environmental benefits will be as a result of implementing this service.
- 3.2. This has given us a good understanding of what will be required, and the benefits arising from such a service, as well as potential other changes to offset some of the potential costs arising from the new burden.
- 3.3. Due to persistent delays in the communication of funding and precise requirements for local authorities, we are currently only able to give assurance on some of the costs and associated income relating to Capital costs, without any detail or confidence in additional revenue income to offset on-going costs, despite assurances that the cost of this new burden will be supported by Central Government.
- 3.4. For this reason, many Local Authorities operating in-house services have been waiting for more detail on the financial support for implementing the new service, although a number of LA's with externally contracted services (such as Stratford on Avon District Council) have had to implement the new duties as part of contract renewals in advance of the deadline, and as a consequence have not received any funding from central government.
- 3.5. If we are to meet the deadline for implementing this new service though, there is now a need for a decision regarding how we will implement the new service, as procurement timescales and lead in times for the manufacture of food collection vehicles are currently estimated at up to 12 months, with the purchase and delivery of sufficient food caddies also requiring up to 6 months in order to ensure that the service is able to commence for all our residents.

### Cabinet

7<sup>th</sup> January 2025

---

- 3.6. These timescales will likely increase as councils nationwide are now starting to place orders to support their needs in time for the deadline, and funding announcements are expected in November that will support the remaining authorities to commit to spending.
- 3.7. It is important to note that management of waste in Worcestershire is split between ourselves as the Waste Collection Authority (WCA), and the County Council as the Waste Disposal Authority (WDA), who arrange for waste to be processed/treated once collected.
- 3.8. There is currently nowhere within Worcestershire that can support the disposal of food waste, and the nearest facility that can meet our needs is to the west of Stourbridge, but the County Council are not able to secure that as the destination for our food waste until there is clarity regarding our future collection service, and this presents a risk that the available capacity may be committed elsewhere, and require us to transport food waste further for disposal – increasing costs and reducing the efficiency of a collection service.
- 3.9. To support discussions and secure a disposal route, the WDA will need clarity around the parameters of the future service.
- 3.10. Key parameters include:
- assumption of food waste yield based on 1.25kg/hh/week
  - if caddy liners are to be provided;
  - Any changes to current residual services (which will influence yield);
  - planned service start date;
  - property coverage – if all premises will be covered from service start date or if the service will be phased in.
- 3.11. Options for the future management of collected food waste, including the provision of new transfer stations and/or combined transfer stations and collection depots, are being explored by WCC currently to support the longer-term efficiency of managing food waste.
- 3.12. A report to Worcestershire Leaders Board in July examined the implications of direct delivery versus the use of transfer stations. Transfer stations are generally beneficial for the WCA as they reduce mileage and impact on collection rounds. Additionally, transfer manages risk – for example if a facility is offline for any reason, bulked up waste can easily be diverted elsewhere.

#### **4. Current Options:**

- 4.1. There are currently three core options open to the Council regarding the new Statutory requirement, each with variant elements and different risks:
- 4.2. **Option 1:** Expand our current services to operate a Food Waste Collection ourselves.
- 4.3. **Option 2:** Outsource the Food Waste Collection service through the private sector.
- 4.4. **Option 3:** Consider the legal options to not meet the new statutory duty.

### Cabinet

7<sup>th</sup> January 2025

---

#### **4.5. Option 1 Outline Information: In House Provision**

- 4.6. Approximately 40% of local authorities fulfil waste collections via an in-house workforce, and this would give opportunity to share local knowledge from our existing workforce, but also require us to take on the responsibilities associated with all aspects of the service.
- 4.7. This would consist of recruiting and training approximately 26 additional staff, and procuring/operating 11 vehicles.
- 4.8. This would also involve maintenance of the additional vehicles, which is a current concern for our existing fleet, and taking responsibility for all operational risks – which as a brand-new service are higher than normal.
- 4.9. In order to operate these additional resources, we would also need to acquire a new site to operate from, as our existing depots do not have capacity, or the relevant certification to operate the size of fleet that this would produce.
- 4.10. Our current O Licenses (that regulate the maximum number of Heavy Goods Vehicles we can legally operate) are already at capacity across the two existing sites, and cannot be extended without increasing the space and maintenance facilities to support such a fleet.

#### **4.11. Option 2 Outline Information: Outsource a Food Waste Collection Contract**

- 4.12. Option 2 under this requirement would be to commission the food waste collection service by procuring a new contract for waste collections.
- 4.13. The Council will be able to use the contract to allocate much of the uncertainty around participation and necessary logistics to the Contractor in return for a set cost that would allow the Council to budget more effectively, but potentially reduce the ability to make savings during the life of such a contract.
- 4.14. If the Council opted to outsource this service, then it will need to consider the procurement strategy which it adopts, but there are procurement frameworks that will support an open process with minimal risk – subject to sufficient interested parties looking to engage with this process.
- 4.15. The Council should be aware that undertaking a procurement exercise would not guarantee a satisfactory outcome. The waste collection market has contracted due to consolidation and companies exiting the market.
- 4.16. Contractors do not have sufficient capacity to bid for all projects, and so they are selective about which projects they pursue. It can therefore be difficult to generate sufficient competition to drive value for money through such a procurement exercise.
- 4.17. In addition, a dedicated waste collections contract for the District may not be an attractive proposition for private sector waste contractors not already operating in this area, unless they seek to use this as an entry-point to expand operations in the Worcestershire area.
- 4.18. To address this, opportunities to let a joint tender with Redditch Borough Council under our shared service would help to increase the attraction of our contract, although further partnership with other Worcestershire LA's would further increase this and support increased resilience and best value if such an agreement could be reached, and transparency of costs between the individual authorities be built into the pricing.



### Cabinet

7<sup>th</sup> January 2025

---

**4.19. Option 3 Outline Information: Alternatives to full implementation of a Food Waste Collection Service**

4.20. This option may breach our statutory duty under the Environment Act 2021, and is not one presented lightly.

4.21. It is currently unknown what the funding from Central Government will support regarding the new burden of implementing a food waste collection service, and it is expected that there will likely be some initial shortfall against our costs, with further financial pressure over time in the form of future capital investment and uncertainties regarding the period for which central government will support revenue funding of the new service.

4.22. Current estimated costs of implementing the service are presented in section 4 below, but place an exceptional additional pressure on Council Finances.

4.23. If the funding from Central Government does not meet our expected costs, we may require legal advice to consider our options, and any relevant interpretation of the new requirements that may allow us to either defer, partially implement, or simply not meet the new statutory duty.

**4.24. Summary of Options:**

4.25. Whichever mechanism is chosen, the logistical challenges will remain, and due to the number of Local Authorities that are also planning to implement additional services to meet this requirement, there are now significant concerns that further delay in making arrangements will result in us failing to meet this new Statutory Duty.

4.26. Due to the costs and capacity concerns outlined in the main body of this report associated with operating a new in-house food waste collection service, Officer recommendations at this point will be to outsource this element of our services, as per option 2 above, and will be reviewed to support a final report paper in January to present additional detail and appraisal of options to meet this duty.

**5. FINANCIAL IMPLICATIONS**

5.1. Working with external consultants "Circulogic", who have supported modelling for the new requirements, the modelled indicative cost of operating a food waste collection service across Bromsgrove is just under £1 million per year, not including any additional expenditure on infrastructure.

5.2. Government is providing three funding streams to support Councils implement food waste collections:

- Capital transitional funding (to buy vehicles and containers)
- Transitional resource funding (one off start-up costs)
- Ongoing resource (revenue) funding

5.3. The details of this revenue funding were expected to be provided in November 2024, but have still not been shared.

5.4. Waste Collection Authorities (WCA) have been given a one-off capital fund for the purchase of vehicles and containers to commence the service, although future Capital costs to replace vehicles

and bins are expected to be funded by Collection Authorities thereafter, which is an additional financial pressure for the Council.

5.4.1. **BDC - £902,511**

Waste Collection Authority	Allocated DEFRA capital funding for containers	Actual capital funding needed for containers	Shortfall
Bromsgrove DC	£288,711	£317,060	£28,349

- 5.5. An appeal regarding the allocated Capital funding was submitted to Defra in early March 2024.
- 5.6. In our appeal to Defra, for illustrative purposes, we also highlighted the current market rate of land with an estimate of the additional land area required to support the operation of a food waste fleet and meet the criteria to support potential expansion of our Operators Licence.
- 5.7. For BDC this added a further **£309,000** to the total funding shortfall (without any other investment in facilities/infrastructure on that land).
- 5.8. Food waste collection vehicles are generally smaller than those used for the main residual and recycling collections. 7.5 tonne vehicles have been used in our modelling and by Government to calculate funding. The funding does not cover the cost of procuring alternative fuel vehicles and equates to just over £100,000 per 7.5 tonne vehicle. Electric versions of these vehicles are quoted at more than £300,000.

Waste Collection Authority	Allocated DEFRA capital funding for Vehicles	Actual capital funding needed for vehicles	Shortfall
Bromsgrove DC	£613,800	£1,125,300	£511,500

- 5.9. Ongoing revenue funding will be paid from 2026/27 when the New Burden payments commence, but the estimated figures have not yet been provided for consideration.
- 5.10. Transitional resource funding will be provided in late 2024/25 and again in early 2025/26 with a caveat from Defra that this will be 'subject to agreement and our spending review allocation, we plan to fund procurement, project management, communications and container delivery'.
- 5.11. Based on the modelling carried out for Bromsgrove, we will need up to 11 vehicles, with a minimum of 2 staff per vehicle, not including cover for annual leave/sickness.

### Cabinet

7<sup>th</sup> January 2025

---

- 5.12. The Revenue costs associated with operating this service are estimated at nearly £1 million per year for Bromsgrove, although updated modelling is currently being prepared by *Circulogic*<sup>1</sup> to more clearly define this to support inclusion in the MTFP.
- 5.13. It is worth noting that the figures above are solely for Bromsgrove, and there may be financial benefits arising from our shared service arrangements with Redditch Borough Council that would support a reduction on these figures, although this cannot be verified until planning has commenced in earnest to deliver the service operationally – either inhouse, or through an external supplier.
- 5.14. In addition to the funding and resource requirements linked to Food Waste, the Council has now had confirmation that DEFRA will be transferring funding of **£1,004,000** to Bromsgrove District Council linked to dry recyclable material through the Extended Producer Responsibilities (EPR) scheme for the 2025/26 financial year.
- 5.15. This is effectively a tax on packaging manufacturers under the “producer pays” principle and not direct government funding per se.
- 5.16. EPR funding is intended to support costs of our existing waste collection arrangements and support service changes, communication and education on dry recycling to further improve this to divert waste from landfill/incineration; and although there are currently no limits on how this money is spent, this is not guaranteed income and we expect further guidance on this in 2025.
- 5.17. From 2028 this funding will be linked to the quality as well as quantity of recycling we collect, and may be required to support education and engagement with residents regarding their waste in order to secure and maintain this level of funding.
- 5.18. On 29 November the Government set out a new policy statement regarding “Simpler Recycling<sup>2</sup>”, which set out a “maximum default requirement” for councils to collect card and paper separately from April 2026. No reference is made to new burdens funding for this activity which – at a minimum – would require provision of separate containers and either separate containers in vehicles for holding the material (with slower collection times as crews have to empty two containers rather than one) or even separate vehicles and crews to undertake the collections.
- 5.19. The additional costs of moving to a twin stream recycling service would be significant as an addition to our existing service, but such a system would support a transition to a three weekly residual collection cycle alongside the weekly food waste service and alternating fortnightly collections of the two dry recycling streams and our existing fortnightly garden waste service.
- 5.20. This would likely generate the highest quality of recycling as well as influence recycling behaviour and engagement to a greater degree with residents to realise the reductions in residual non-recyclable waste identified from previous waste sampling across the Borough, whilst also reducing our operating costs to offset the costs associated with the additional arrangements for recycling.
- 5.21. It is recognised within this that councils and other waste collectors will “still have the flexibility to make the best choices to suit local need” though, and it is believed that as with previous legislation regarding waste collection, there is scope to maintain our existing comingled approach using a TEEP (Technical, Economic and Environmentally Practicable) assessment.

---

<sup>1</sup> Results expected early November 2024

<sup>2</sup> This is the umbrella term for the rationalisation of waste collection arrangements nationally to ensure that all residents can dispose of the same core recyclable items wherever in the country they live.

- 5.22. We are already discussing this with the other Worcestershire Authorities as a joint initiative to support our current service arrangements, as this will require us to set out how we will attain the required quality of recycling, and so will need to be considered alongside the ERP funding to ensure we can demonstrate the necessary outcomes and benefits to justify this.
- 5.23. Whilst this funding may be used to offset potential shortfalls in funding for food waste, the government have emphasised repeatedly the need to demonstrate “efficient” collections ensuring a high quality of collected recycling, and it should not be seen as a windfall that can be relied on without careful consideration of the potential impact of not being able to demonstrate how this funding has been used to support this.

### 6. LEGAL IMPLICATIONS

- 6.1. The Environment Act 2021 sets out the legislative framework for Simpler Recycling which was launched in October 2023. The Council already meets many of the requirements, but it will need to provide new services to provide a separate weekly collection of food waste from homes from 31 March 2026.

### 7. OTHER – IMPLICATIONS

#### 7.1. Climate Change Implications

- 7.2. The introduction of food waste will give the potential to divert nearly a third of the residual waste (by weight) we currently collect based on sampling of what Redditch residents are throwing away.

<b>Residual Waste – Composition Analysis 2022 (Percentage by weight)</b>			BDC
<b>ORGANIC CATERING</b>	UNAVOIDABLE FOOD WASTE		<b>7.98%</b>
	POTENTIALLY AVOIDABLE FOOD WASTE		<b>2.58%</b>
	AVOIDABLE FOOD WASTE - LOOSE		<b>3.08%</b>
	AVOIDABLE FOOD WASTE - PACKAGED		<b>17.76%</b>
	CONSUMABLE LIQUIDS, FATS AND OILS.		<b>0.88%</b>
			<b>32.27%</b>

- 7.3. For Bromsgrove, it is estimated that the food waste service has the potential to reduce the Carbon impact of managing our residents waste by up to 1,800 tons per year subject to how well our residents engage with the service.
- 7.4. Subject to the success of the new service, the diversion of this waste out of the residual waste stream may also support improved efficiency in our wider waste collection rounds, giving further reductions to our carbon impact.

#### **8. Equalities and Diversity Implications**

- 8.1. People with disabilities may require assistance in presenting their food waste caddy for collection, which will be provided as part of our existing assisted collection scheme, and will be publicised alongside the introduction of a new collection scheme as part of the information provided directly to every household when the caddies are delivered.
- 8.2. There could potentially be a negative impact on people from particular ethnic groups whose first language is not English and any subsequent misunderstandings about the correct food waste disposal instructions. Imagery will be used to help simplify the message as much as possible, and further assessment will be needed to identify the scale of this, and consider how to address these concerns.
- 8.3. A detailed Equality Impact Assessment will be carried out as part of final selection and implementation of the new service alongside the creation of a final specification and implementation plan.

#### **9. RISK MANAGEMENT**

- 9.1. There are several risks to meeting the domestic requirement to collect food waste by April 2026, which include:
- Capital and revenue financial uncertainty (New Burdens)
  - Capacity of supply chain to meet unprecedented nationwide demand for specialist vehicles, caddies, and bins
  - Capacity and suitability of existing depot(s) to accommodate increased number of trucks (impacts on O Licence)
  - Capacity and availability of local AD facilities to reduce travel time and impact on collection rounds
  - Availability of supporting infrastructure (waste transfer stations) which will increase the cost of providing service in short-medium term
  - Lack of suppliers for provision of food waste collection contract.
  - On-Going ERP funding not guaranteed, and still uncertainty over how this will be calculated and linked to service provision, efficiency of collections, and quality of recycling material collected in the future, which will be needed to support appropriate use of this funding.
- 9.2. Five of the Worcestershire councils collaborated on a Soft Market Testing exercise in June this year to identify factors relevant to outsourcing food waste with potential suppliers, but did not receive any responses to the questions posed to the private sector.
- 9.3. A further market engagement exercise is being developed alongside this report to address the uncertainty regarding interest from the private sector in providing the service as a dedicated food waste contract only, using a simpler premise to gauge interest specifically to support a decision on whether the private sector will engage with a tender process should we start one.

### Cabinet

7<sup>th</sup> January 2025

---

10. **REPORT SIGN OFF**

Department	Name and Job Title	Date
Portfolio Holder	Cllr Whittaker – Environmental Services Portfolio Holder	5/12/24
Lead Director / Head of Service	Guy Revans - Director Simon Parry – Asst. Director Environmental Services	5/12/24
Financial Services	Peter Carpenter – Section 151 Officer	5/12/24
Legal Services	Nicola Cummings – Principal Solicitor	5/12/24
Policy Team (if equalities implications apply)	N/A	
Climate Change Team (if climate change implications apply)	Matt Eccles – Climate Change Manager	

#### FINAL COUNCIL TAX SUPPORT SCHEME 2025/2026

Relevant Portfolio Holder		
Portfolio Holder Consulted		
Relevant Assistant Director		Debra Goodall
Report Author  David Riley	Job Title: Financial Support Manager Contact email: david.riley@bromsgroveandredditch.gov.uk Contact Tel: 01527 548 418	
Wards Affected		All
Ward Councillor(s) consulted		N/A
Relevant Council Priority		An effective and sustainable Council
Non-Key Decision		
If you have any questions about this report, please contact the report author in advance of the meeting.		

#### 1. RECOMMENDATIONS

The Cabinet **RECOMMEND** that:-

- 1) **The council tax reduction scheme is retained for 2025-26 tax year, subject to uprating of income bands by 1.7% in-line with increases to national benefits as set out in the table at appendix a.**

#### 2. BACKGROUND

- 2.1 The council is required by section 13A(2) of the Local Government Finance Act 1992 (LGFA '92) to make a council tax reduction (CTR) scheme specifying the reductions in council tax that will be provided to people who are in financial need, or to classes of people who are in general in financial need.
- 2.2 When a scheme has been made the council must, for each tax year, consider whether to revise or replace its scheme. If the council intends to revise or replace the scheme, then there is a requirement to undertake a formal consultation before making a new scheme.
- 2.3 The council introduced a new income banded scheme for working age applicants with effect from 1st April 2021. The rationale for the new scheme was to ensure that it was future proofed, and it reduced the administrative burden placed on the council and more closely integrated with universal credit.

### Cabinet

7<sup>th</sup> January 2025

---

- 2.4 In the years from 2022 onwards the council has amended the scheme to adjust the level of support in-line with available funding available; to amend income bands and tapers to adjust for the impact of inflation; and to aid administration by simplifying elements of the scheme.
- 2.5 The existing scheme includes a provision for the uprating of income bands by an inflation factor decided by the council. The scheme will usually be uprated by an inflation factor in-line with the increases to national welfare benefits.
- 2.6 The benefit and pension rates for 2026 are increasing 1.7% and it is recommended that the income bands within the council's scheme are adjusted by this amount.

### **3. OPERATIONAL ISSUES**

- 3.1 Retaining the existing scheme and uprating the income bands will have no additional operational implications.

### **4. FINANCIAL IMPLICATIONS**

- 4.1 Changes to the income bands will impact the amount of council tax reduction provided to claimants. The change may result in an increase in the total cost of council tax reduction.
- 4.2 The intention of uprating to income bands is to protect claimants from the impact of inflation and to ensure that inflationary increases to universal credit or wages do not remove their eligibility for CTR.
- 4.3 Uprating is essential to ensure that support is provided to residents in financial need, and that ordinary increases in national benefits and wages do not remove eligibility for support.

### **5. LEGAL IMPLICATIONS**

- 5.1 The council is required by paragraph 5 of Schedule 1A to the LGFA '92 to consider whether to revise or replace its CTR scheme. Where a council makes a revision or replacement there is a requirement to carry out a formal consultation which consists of three steps:
- a) consultation with major precepting authorities; and
  - b) publication of a draft scheme; and
  - c) consultation with persons who are likely to have an interest in the operation of the scheme.
- 5.2 Where a revised scheme reduces or removes a reduction the new scheme must include such transitional provision as the council sees fit.



### Cabinet

7<sup>th</sup> January 2025

5.3 The existing scheme includes a provision to uprate income bands by the appropriate level of inflation in each tax year; therefore, changes that increase the income bands in each tax year can be carried out without consultation.

5.4 Changes to the scheme which reduce the income bands are not provided for within the existing scheme. Any changes that reduce the % discount provided under the scheme would constitute a revision to the scheme and would require full consultation and approval of full council.

### **6. OTHER - IMPLICATIONS**

#### **Relevant Council Priority**

6.1 The council tax reduction scheme supports residents in financial need and it is a requirement that the design of the scheme incentivises work.

6.2 The scheme supports the strategic purpose of Aspiration, Work and Financial Independence through the provision of a council tax reduction to people on low income and people transitioning to work.

6.3 Uprating of income bands will ensure that low-income residents do not lose support through general inflationary increases to their income and will ensure that the scheme continues to incentivise employment.

#### **Climate Change Implications**

6.4 There are no specific climate change implications.

#### **Equalities and Diversity Implications**

6.5 When the existing income band based CTR scheme was introduced a full equalities impact assessment was completed. The uprating of income bands has no further equalities and diversity implications.

### **7. RISK MANAGEMENT**

7.1 The relevant risk management considerations are summarised in the tabulation – “Risk Management CTS Scheme”.

<b>Risk</b>	<b>Mitigations</b>
Loss of support for residents in financial need.	Revision of income bands as provided for within the council’s scheme will ensure that lowincome residents are not phased out of the existing scheme

	through general inflationary increases in their income.
Increased financial costs of CTR scheme	The scheme reduces the council tax collected by the authority. Increases in the level of incomebands can increase the amount of support provided to residents and the costs of the CTR scheme. Options for revision of the scheme will be modelled so that the costs of the scheme can be considered when increases to the income bands are agreed.

Risk Management CTS Scheme

**8. APPENDICES and BACKGROUND PAPERS**

Appendix A – Income Band Table

**9. REPORT SIGN OFF**

Department	Name and Job Title	Date
Portfolio Holder		
Lead Director / Assistant Director		
Financial Services		
Legal Services		
Policy Team (if equalities implications apply)		
Climate Change Team (if climate change implications apply)		

Discount Band	Discount	Single Person	Single Person with one Child	Single Person with two or more children	Couple	Couple with one child	Couple with two or more children
Income Band 1	100%	£0.00 to £125	£0.00 to £195	£0.00 to £266	£0.00 to £179	£0.00 to £250	£0.00 to £320
Income Band 2	80%	£125.01 to £153	£195.01 to £234	£266.01 to £304	£179.01 to £206	£250.01 to £288	£320.01 to £358
Income Band 3	55%	£153.01 to £179	£234.01 to £272	£304.01 to £342	£206.01 to £234	£288.01 to £325	£358.01 to £397
Income Band 4	30%	£179.01 to £206	£272.01 to £309	£342.01 to £380	£234.01 to £260	£325.01 to £364	£397.01 to £434
Nil Award	0%	Over £206	Over £309	Over £380	Over £260	Over £364	Over £434

This page is intentionally left blank

### Cabinet

7<sup>th</sup> January 2025

#### Council Tax Base

Relevant Portfolio Holder		Cllr Steve Colella – Cabinet Member for Finance
Portfolio Holder Consulted		Yes
Relevant Assistant Director		Debra Goodall
Report Author  David Riley	Job Title: Financial Support Manager Contact email: david.riley@bromsgroveandredditch.gov.uk Contact Tel: 01527 548 418	
Wards Affected		All
Ward Councillor(s) consulted		N/A
Relevant Council Priority		An effective and sustainable Council
Non-Key Decision		
If you have any questions about this report, please contact the report author in advance of the meeting.		

#### 1. RECOMMENDATIONS

**Cabinet is asked to RESOLVE that:-**

**The amount calculated by Bromsgrove District Council as the Council Tax Base for the whole area for 2025/26 is approved at 38,359.9 as detailed in appendix 1 to include the individual parish elements**

#### 2. BACKGROUND

2.1 The report sets out the details of the calculation of the tax base for council tax setting purposes. The calculation of the council tax base is required as part of the determination of the council tax for 2025/26.

#### 3. OPERATIONAL ISSUES

3.1 The council tax base is calculated based on information held by the authority on 30th November 2024. The base reflects the number of dwellings in each valuation band on that date, and those dwellings which are subject to exemptions, discounts, and reductions.

3.2 The information extracted on 30th November is then adjusted for the council's anticipated changes to the number of dwellings, and changes to discounts and exemptions. This figure is then adjusted to reflect the anticipated collection rates. An allowance of 1.00% has been made for non-collection of tax.

### Cabinet

7<sup>th</sup> January 2025

---

- 3.3 The council is required to set the council tax base each year, this forms part of the process of setting the following year budget.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 The calculation of the council tax base forms the basis of the calculation of council tax for the new financial year.
- 4.2 The council tax base is calculated using a prescribed formula to generate the equivalent number of band D dwellings in a district and accounts for the costs of council tax support provided to residents within the area.

#### **5. LEGAL IMPLICATIONS**

- 5.1 The Local Authorities (Calculation of Tax Base) (England) Regulations 2012 (as amended) set out the process for the calculation of the council tax base, for the whole or any part of the area for the following financial year.
- 5.2 The tax base information is required by Worcestershire County Council, West Mercia Police and Crime Commissioner, and Hereford Fire and Rescue Service to calculate and notify the district council of their precept requirements for the forthcoming tax year.
- 5.3 The legislation requires the billing authority to calculate the tax base for any "special areas" within its boundary. There are no such areas in the Bromsgrove District

#### **6. OTHER - IMPLICATIONS**

##### **Relevant Council Priority**

- 6.1 The council tax reduction scheme supports residents in financial need and it is a requirement that the design of the scheme incentivises work.
- 6.2 The scheme supports the strategic purpose of Aspiration, Work and Financial Independence through the provision of a council tax reduction to people on low income and people transitioning to work.
- 6.3 Uprating of income bands will ensure that low-income residents do not lose support through general inflationary increases to their income and will ensure that the scheme continue to incentivise employment.

##### **Climate Change Implications**

- 6.4 There are no specific climate change implications.

### Cabinet

7<sup>th</sup> January 2025

---

#### **Equalities and Diversity Implications**

6.5 There are no specific equalities and climate change implications.

#### **7. RISK MANAGEMENT**

7.1 None

#### **8. APPENDICES and BACKGROUND PAPERS**

Appendix A – Council Tax Base Calculations

#### **9. REPORT SIGN OFF**

Department	Name and Job Title	Date
Portfolio Holder	Councillor Steve Colella	
Lead Director / Assistant Director	Pete Carpenter – Director of Resources/Deputy Chief Executive	
Financial Services	Debra Goodall – AD Finance and Customer Services	
Legal Services		
Policy Team (if equalities implications apply)		
Climate Change Team (if climate change implications apply)		

### Cabinet

7<sup>th</sup> January 2025

#### Appendix A – Schedule of Council Tax Base by Parish Areas 2025/26

<b>Council Taxbase Calculation 2025-26</b>				
<b>The Council Taxbase for each parish is detailed below (Band D Equivalents)</b>				
	<b>Parish Name</b>			
	<b>Whole Area</b>		<b>38,359.9</b>	
<b>101/107</b>	<b>Unparished</b>		<b>14,266.6</b>	
<b>111</b>	<b>Alvechurch</b>		<b>2,395.4</b>	
<b>102</b>	<b>Barnt Green</b>		<b>1,040.1</b>	
<b>116</b>	<b>Belbroughton</b>		<b>1,245.4</b>	
<b>118</b>	<b>Bentley Pauncefoot</b>		<b>264.5</b>	
<b>119</b>	<b>Beoley</b>		<b>474.7</b>	
<b>103</b>	<b>Bournheath</b>		<b>220.6</b>	
<b>104</b>	<b>Catshill and North Marlbrook</b>		<b>2,348.0</b>	
<b>120</b>	<b>Clent</b>		<b>570.7</b>	
<b>121</b>	<b>Cofton Hackett</b>		<b>1,274.0</b>	
<b>122</b>	<b>Dodford with Grafton</b>		<b>414.0</b>	
<b>105</b>	<b>Finstall</b>		<b>317.9</b>	
<b>123</b>	<b>Frankley</b>		<b>49.1</b>	
<b>124</b>	<b>Hagley</b>		<b>3,227.2</b>	
<b>106</b>	<b>Lickey and Blackwell</b>		<b>2,144.7</b>	
<b>125</b>	<b>Hunnington</b>		<b>266.7</b>	
<b>126</b>	<b>Romsley</b>		<b>672.1</b>	
<b>127/131</b>	<b>Parish of Stoke</b>		<b>1,933.6</b>	
<b>129</b>	<b>Tutnall and Cobley</b>		<b>386.7</b>	
<b>130</b>	<b>Wythall</b>		<b>4,848.1</b>	
			<b>38,359.9</b>	
	<b>Trent Flood Defence Area</b>		<b>7,136.5</b>	
	<b>Severn Flood Defence Area</b>		<b>31,223.4</b>	



#### DISABLED FACILITY GRANT OMBUDSMAN'S REPORT

Relevant Portfolio Holder		Shirley Webb
Portfolio Holder Consulted		Yes
Relevant Assistant Director		Judith Willis
Report Author  Matthew Bough	Job Title: Strategic Housing & Business Support Manager Contact email: matthew.bough@bromsgroveandredditch.gov.uk Contact Tel: 01527 64252 ext:3120	
Wards Affected		All
Ward Councillor(s) consulted		N/A
Relevant Council Priority		Housing
Non-Key Decision		
If you have any questions about this report, please contact the report author in advance of the meeting.		

#### 1. RECOMMENDATIONS

The Cabinet resolves **RESOLVE** that:-

- 1) the content of the report be noted; and
- 2) Endorse the actions implemented in response to the recommendations of the Local Government & Social Care Ombudsman in 3.4.

#### 2. BACKGROUND

- 2.1 Ms X complained about the actions of both Bromsgrove District Council and Worcestershire County Council. Ms X complained the District Council delayed carrying out adaptations required to meet Y's care needs. In particular, there was poor communication, a lack of understanding of Y's needs and a failure to properly consider building regulations and fire safety.
- 2.2 Ms X approached the Council as homeless due to her current property not being suitable for the family's needs due to one of her children (Y) having significant health and learning needs. The application was subsequently approved and a duty to provide suitable housing was agreed.
- 2.3 A property through BDHT was obtained within close proximity to Ms X's support network, however the property was in need of significant void works and required adapting to meet the needs of the family.

### Cabinet

22<sup>nd</sup> January 2025

---

- 2.4 It was agreed that BDHT would undertake both voids works and adaptations at the same time. Plans were drawn up to meet Y's needs, and referred to the Community Occupation Therapist (COT) service for agreement that they would meet the family's needs.
- 2.5 The plans were approved by the COT, Ms X signed the tenancy and work to complete the adaptation and voids works was started in May 2022.
- 2.6 Ms X raised concerns that the extension was not big enough to meet Y's needs now and in the future. It was agreed that the adaptations did not meet the needs of the family and officers from all relevant parties discussed the options to make alterations to the property to meet the needs.
- 2.7 Several options were considered to make the property suitable to meet the family's needs and a decision to extend the extension was agreed by all parties and Ms X. These works started in February 2024 and were completed in June 2024.
- 2.8 The guidance suggests urgent complex major adaptations should be completed within 130 working days (around six months). Given the complexities of this case and the need to secure additional funding, the Ombudsman agreed the works may have been expected to take longer.
- 2.9 The Ombudsman found that the COT and the Council failed to involve Ms X early enough in the proposals for the scheme to enable her to contribute effectively to the decision-making process and this was fault.
- 2.10 The Ombudsman considers that the adaptations took three months longer than it should have and that the Council failed to ensure Ms X fully understood what works were being undertaken to the property and garden and considers this to be fault causing injustice

### **3. OPERATIONAL ISSUES**

- 3.1 The Ombudsman's finding that Ms X suffered injustice as a result of fault and maladministration requires that report should be presented to the local authority concerned and they must formally consider the report under Section 31(2) of the Local Government Act 1974.
- 3.2 Section 30 of the Local Government Act 1974 requires the Council to place two public notices in local newspapers and/or newspaper websites which has been undertaken in partnership with Worcestershire County Council.

### Cabinet

22<sup>nd</sup> January 2025

---

- 3.3 As a result of the Ombudsman findings the following payments have been made.
- a) The District Council will apologise and pay Ms X £2,000 to acknowledge the distress and frustration caused by its delays and poor communication.
  - b) The District Council and County Council, on a 50:50 basis, will refund to Ms X the cost of her private occupational therapy and architect reports on production of a receipt/invoice. This cost is £1183.50.
  - c) The District Council and County Council will each pay Y £500 (a total of £1,000) to acknowledge the direct impact on Y of the Councils' failings.

- 3.4 As a result of the report the following actions be taken:

- a) Review procedures to ensure communication with applicants is effective, that plans are clearly explained to applicants, so they understand what adaptations they are agreeing to.

Officer have implemented a consent form for applicants to sign to confirm they are fully aware of works being undertaken and technical drawings (Appendix B).

- b) Ensure there is agreement between the Council and Worcestershire County Council as to who should be the specific point of contact for the applicant for major schemes where the adaptations are substantial.

Agreement has been made that Bromsgrove District Council as the responsible authority will undertake the role of point of contact in relation to any disabled facility works.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 The payment of compensation and refunding of the costs of the private occupational therapist and architect is £3,683.50 and has been paid.

#### **5. LEGAL IMPLICATIONS**

- 5.1 The legal implications are contained within the report.

#### **6. OTHER - IMPLICATIONS**

##### **Relevant Council Priority**

### Cabinet

22<sup>nd</sup> January 2025

- 6.1 Housing - The actions within the report will ensure disabled facilities funding is used appropriately in meeting the housing needs of disabled occupants.

#### **Climate Change Implications**

- 6.4 There are no specific climate change implications.

#### **Equalities and Diversity Implications**

- 6.5 It is anticipated that the proposed management recommendations will ensure an improved approach to the specific needs of applicants from vulnerable groups.

### **7. RISK MANAGEMENT**

- 7.1 Implementing the recommendations of the Ombudsman will mitigate the risk of incorrect adaptation being undertaken.

### **8. APPENDICES and BACKGROUND PAPERS**

Appendix A – Report by the Local Government and Social Care Ombudsman  
Appendix B – Consent form for works.

### **9. REPORT SIGN OFF**

Department	Name and Job Title	Date
Portfolio Holder		
Lead Director / Assistant Director	Judith Willis	06/12/24
Financial Services	Debra Goodall	06/12/24
Legal Services	Nicola Cummings	06/12/24
Policy Team (if equalities implications apply)	N/A	

## Cabinet

22<sup>nd</sup> January 2025

---

Climate Change Team (if climate change implications apply)	N/A	
--	-----	--

This page is intentionally left blank

**Report by the Local Government and Social Care  
Ombudsman**

**Investigation into a complaint about  
Bromsgrove District Council and Worcestershire  
County Council  
(reference numbers: 23 004 976 and 23 004 979)**

**10 October 2024**

## The Ombudsman's role

We independently and impartially investigate complaints about councils and other organisations in our jurisdiction. If we decide to investigate, we look at whether organisations have made decisions the right way. Where we find fault has caused injustice, we can recommend actions to put things right, which are proportionate, appropriate and reasonable based on all the facts of the complaint. We can also identify service improvements so similar problems don't happen again. Our service is free.

We cannot force organisations to follow our recommendations, but they almost always do. Some of the things we might ask an organisation to do are:

- > apologise
- > pay a financial remedy
- > improve its procedures so similar problems don't happen again.

We publish public interest reports to raise awareness of significant issues, encourage scrutiny of local services and hold organisations to account.

Section 30 of the 1974 Local Government Act says that a report should not normally name or identify any person. The people involved in this complaint are referred to by a letter or job role.

### Key to names used

Ms X	The complainant
Y	Her child
The District Council:	Bromsgrove District Council
The County Council:	Worcestershire County Council



## Report summary

### Children's services – disabled child and disabled facilities grant

Ms X complained about the actions of the District Council and County Council in undertaking adaptations to a property to meet the needs of her disabled child Y. As a result, Ms X says the adaptations were not appropriate and further works were required. This meant the family was living in an unsuitable property for longer than necessary, which caused the family significant distress and disruption and meant Y had to spend six weeks in respite away from the family.

Since 2019, Worcestershire Children First has provided children's services functions, as a wholly Council owned company, on behalf of Worcestershire County Council, following a direction by the Department of Education. This has included having a Chairperson and Board made up of non-executive and executive Directors who were responsible for the day to day running of the Company. Where an organisation is providing services on behalf of a council, we can investigate complaints about the actions of these providers, but the council remains responsible for the services, actions, and our recommendations. (Local Government Act 1974, sections 24A(1)(a) and 25(7), as amended)

### Finding

Fault causing injustice and recommendations made.

### Recommendations

The Councils must consider the report and confirm within three months the action they have taken or propose to take. The Councils should consider the report at their full Council, Cabinet or other appropriately delegated committee of elected members and we will require evidence of this. (Local Government Act 1974, section 31(2), as amended)

To remedy the injustice caused we recommend:

- a) The District Council apologises and pays Ms X £2,000 to acknowledge the distress and frustration caused by its delays and poor communication.
- b) The County Council apologises and pays Ms X £4,000 to acknowledge the injustice caused by the failure to ensure the initial plans met Y's needs.
- c) The District Council and County Council, on a 50:50 basis, refund to Ms X the cost of her private occupational therapy and architect reports on production of a receipt/invoice.
- d) The District Council and County Council each pay Y £500 (a total of £1,000) to acknowledge the direct impact on Y of the Councils' failings.

We publish [guidance on remedies](#) which sets out our expectations for how organisations should apologise effectively to remedy injustice. The Councils should consider this guidance in making the apologies we have recommended.

It is unlikely that the specific circumstances of this case will arise in future due to Y's complex needs. However, there are still wider points of learning that can be taken from this case and so we recommend, within three months:

- e) The District Council reviews its procedures to ensure:
  - i. communication with applicants is effective, that plans are clearly explained to applicants, so they understand what adaptations they are agreeing to;

- ii. any changes to plans are agreed with the occupational therapist to ensure they continue to meet the individual's assessed needs and the applicant is made aware of these changes.
- f) The County Council meets with Worcestershire Children First to discuss this decision and takes appropriate steps to assure itself that Worcestershire Children First has taken suitable action.
- g) There is an agreement between the District and County Council (in consultation with Worcestershire Children First when it is acting on its behalf) as to who should be the specific point of contact for the applicant for major schemes where the adaptations are substantial.
- h) The County Council agrees a policy requiring its occupational therapists to involve an applicant as early as possible in the adaptations process to ensure the recommendations made are appropriate to meet the assessed needs of the child.

The Councils have accepted these recommendations.

## **The complaint**

1. Ms X complained about the actions of both the District Council and County Council.
2. Ms X complained about the quality of the Occupational Therapy assessment carried out on behalf of the County Council as part of a disabled facilities grant application for her child Y. Ms X complained the assessment made recommendations which were unsuitable and did not meet Y's current or long term needs.
3. Ms X complained the District Council delayed carrying out adaptations required to meet Y's care needs. In particular, there was poor communication, a lack of understanding of Y's needs and a failure to properly consider building regulations and fire safety.
4. As a result, Ms X says the adaptations were not appropriate and further works were required. This meant the family was living in an unsuitable property for longer than necessary, which caused the family significant distress and disruption and meant Y had to spend six weeks in respite away from the family.

## **Legal and administrative background**

### **The Ombudsman's role and powers**

5. We investigate complaints about 'maladministration' and 'service failure'. In this report, we have used the word 'fault' to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. We refer to this as 'injustice'. If there has been fault which has caused an injustice, we may suggest a remedy. (Local Government Act 1974, sections 26(1) and 26A(1), as amended)
6. We cannot investigate late complaints unless we decide there are good reasons. Late complaints are when someone takes more than 12 months to complain to us about something a council has done. (Local Government Act 1974, sections 26B and 34D, as amended). Because of the complexity of the case and number of agencies involved, alongside Ms X's caring role, we have exercised our discretion to consider what happened from August 2021 onwards as we are satisfied Ms X could not have reasonably complained to us sooner.
7. Under our information sharing agreement, we will share this decision with the Office for Standards in Education, Children's Services and Skills (Ofsted).

### **Relevant law and guidance**

#### **Disabled facilities grants**

8. Under the Housing Grants, Construction and Regeneration Act 1996, councils can award Disabled Facilities Grants (DFG) to people whose disability means their home needs adaptation. If the person applying meets the qualifying criteria the council must award the grant.
9. A council must decide if the proposed works are necessary and appropriate to meet the needs of the disabled person. It must also be satisfied it is reasonable and practicable to carry out the works given the condition of the property to be adapted. Where a district council is responsible for DFGs, the occupational therapist may work for a county council.

10. The maximum amount of mandatory grant is £30,000. Grants for children are not means-tested. Councils can decide to give more help if they think it is necessary. If an adaptation is required to meet an assessed need and the cost of the works will exceed the maximum grant available, the remainder should be met either by the district council using its discretionary powers or by social services departments at the county council under the other legislation set out below.
11. Under the Chronically Sick and Disabled Persons Act 1970, councils with social services functions have a duty to arrange for adaptations to a person's home to secure their safety, comfort or convenience.
12. Under Section 17 of the Children Act 1989, councils with social services functions have a duty to safeguard and promote the welfare of children in need in their area. A child with a disability is a child in need. Under the Act, councils can provide financial help to a child or family. Such financial help may be unconditional or subject to repayment in full or part. The courts have said the functions of a council under Section 17 of the Act can extend to providing major adaptations to a child's home.
13. In March 2022 the government issued non-statutory guidance "Disabled facilities Grant (DFG) Delivery: Guidance for local authorities in England". This guidance replaced the "Home adaptations for Disabled People: A detailed guide to related legislation, guidance and good practice (2013)".
14. Both the previous and current guidance set out best practice target timescales for moving through the stages which depend on the urgency and complexity of the works required. The guidance suggests 95% of urgent and complex works should be carried out within 130 working days and 95% of non-urgent and complex works should be carried out within 180 working days.
15. The legislation sets out the purposes for which a grant can be used. This includes access to the home and garden and access to a room suitable for sleeping, the principal family room and a bathroom. It also includes making the premises safer. Of relevance to this complaint, the guidance says:
  - Access to the garden should allow the disabled person to access their home or garden for drying clothes, playing, or supervising play, and gardening.
  - There is a need to make the home safer for the disabled person and other people living with them. It is not appropriate to be too prescriptive, but the needs covered under this subsection might include situations where someone with a physical disability could not safely escape in the event of a fire.
  - It is important that the assessment considers the need for a disabled child to be able to participate in all aspects of family life, for example, in ensuring that dining space is available to enable all members of the family to eat together.
16. District and county councils should work together to provide a well-coordinated DFG service. They should keep service users informed about progress including any problems arising. The Ombudsman considers the duty to meet assessed eligible needs is only met when adaptations have been satisfactorily finished.

## **Key agencies involved**

17. In this case:
  - Worcestershire Children First is the company responsible for delivering children's services across Worcestershire since 2019. It is a not-for-profit company owned by the County Council. When a council commissions or arranges for another organisation to provide its services (in this case children's

services), we treat actions taken by or on behalf of that organisation as actions taken on behalf of the council and in the exercise of the council's functions. We therefore consider the actions of Worcestershire Children First are the actions of the County Council. From 1 October 2024, Worcestershire County Council will take back control of early help, children's social care and education services from Worcestershire Children First.

- Bromsgrove District Council is the District Council responsible for the DFG.
  - Bromsgrove and District Housing Trust (BDHT) is the largest social housing provider in the area. It is contracted by the District Council to provide its homelessness service.
  - The Community Occupational Therapist (COT) works for the National Health Service (NHS) and is funded by the County Council to provide support with adaptations. BDHT also contracts some COT hours to support it in assessing adaptations for its properties.
18. This complaint concerns the actions of the County Council which has the overarching responsibility to meet Y's assessed eligible needs as a disabled child, and the District Council, and those acting on its behalf, in awarding grants and carrying out approved works under the DFG.

## **How we considered this complaint**

19. We produced this report after considering the information provided by Ms X and having discussed the complaint with her on the phone. We considered the Councils' responses to our enquiries and the relevant law and guidance.
20. We gave Ms X, the Councils and Worcestershire Children First the opportunity to comment on this draft report. We took into account the comments we received before completing the report.

## **What we found**

21. The chronology below is a summary of the key events.

### **Background**

22. Ms X was living in a property with her children. One of her children has significant health and learning needs. The District Council accepted Ms X was homeless due to the current property not being suitable for the family's needs.
23. The NHS had commissioned a care package of a waking carer to sit with Y at night, but Ms X was unable to use the package as Y shared a room with a sibling. Ms X was therefore meeting Y's nighttime care needs and suffering from sleep deprivation. Ms X was also carrying Y up and down the stairs in the property which was not safe and was impacting Ms X's health.
24. In late March 2021 BDHT proposed a property which it considered could meet the family's needs subject to adaptations. The Community OT (COT) proposed some internal adaptations which Ms X did not consider were suitable. BDHT offered Ms X the property. She appealed its suitability, and the District Council upheld the appeal. The District Council decided to extend the property it had offered instead of carrying out internal adaptations.

## **The original extension**

25. In August 2021 BDHT submitted some indicative drawings to the COT for a ground floor extension to the property to include a bedroom and bathroom. The COT was not satisfied the proposed extension was big enough to meet Y's needs. Y's Paediatric OT (POT) advised that access was needed to both sides of Y's bed and was concerned the extension was not large enough.
26. The COT visited the property with the District Council and BDHT. Ms X was not invited to attend. The COT noted the property needed significant work to make it suitable to live in. This included replastering, central heating, rewiring and a kitchen and bathroom. The COT noted the back garden would be cleared, levelled, and grassed to make a good safe and secure garden for Ms X's children to play in. The District Council advised the extension could be increased to three metres wide with permitted development rights (development allowed without the need to apply for planning permission) but extending any further would require full planning permission.
27. The COT spoke with Ms X on the phone in late September to discuss the plans and timescales.
28. The District Council revised the plans to increase the extension size to the maximum allowed under permitted development rights and in October the COT sent the revised plans to Ms X. The notes record the COT spoke with Ms X and said the build was as large as it physically could be, there being no further space to expand into. Ms X emailed the COT and both Councils about the plans. She raised concerns that there needed to be a dining area with space for two adults, as a carer would need to support Y and this area would also be used for activities with Y and Y's sibling. Ms X said the bed needed to be accessible at both sides (it showed as against the side wall in the plan), the bedroom needed space for a chair for the carer and it needed storage space for Y's wheelchair and other equipment. Ms X said she was concerned two sets of plans had been drawn up without actively involving anyone that knew Y or Y's medical/care needs. She said she was told the garden would be level to the rear, but this was not shown on the plans. She asked that her concerns be shared at the professionals meeting which was being held the next day.
29. The District Council met with the County Council, BDHT, COT and Y's Paediatric OT (POT). They discussed the plans produced for the extension. Ms X was not invited to the meeting. The key concern was the cost of the works. The District Council had agreed to provide £20,000 discretionary funding on top of the £30,000 DFG funding but the meeting considered the costs would exceed this. BDHT agreed to complete the works as it would carry out the general works at the same time. The minutes record it also agreed to "level the garden and provide a small patio with the rest of the garden being put out to grass". The COT and POT agreed the plans and that there was enough room for the hospital bed to be central as an island.
30. Following the meeting the POT emailed the COT with concerns about whether the bedroom was wide enough to allow carers at both sides of the bed and asked if the doors were to be sliding doors. The COT responded that the size of the bedroom was covered at the professionals' meeting and the bed not being drawn to scale gave a misleading picture. The COT agreed sliding doors would give more space.

31. In early November 2021 the COT visited Ms X for the first time. Ms X explained about Y's equipment which included a standing frame, push chair, wheelchair and specialist armchair, all of which would get bigger as Y got older.
32. In December 2021 BDHT asked the COT to confirm the drawings met the assessed housing need. The COT discussed the extension with Ms X and explained the bedroom was as physically large as it could be. The COT said it was large enough for a profiling bed to be accessible at all sides and for a chair for a waking carer. The COT emailed BDHT with a couple of issues including that steps in the garden needed removing from the plan as BDHT had agreed at the first meeting to level the garden and grass it and asked that the bathroom be made a fraction smaller to increase the bedroom space.
33. In January 2022 the District Council produced a schedule of works. This costed the total works to the property at just under £174,000. This included around £55,000 of costs to make the property suitable to live in. BDHT requested tenders for the project. This included the costs for all the works to the property.
34. In late February the County Council advised Ms X that funding for the extension had been agreed between BDHT, the NHS, the District Council, and the County Council.
35. In March 2022 the COT discussed the final plans for the extension with Y's POT. The COT considered the bedroom was a very good size, but space could be increased with a sliding door or the bedroom door opening outwards. They agreed the bathroom size would increase if the door was a sliding door. The COT submitted the paperwork to BDHT for the DFG.
36. The COT also updated the NHS about the planned adaptations. They reported the bedroom was large enough for the bed to be an island site with enough wheelchair turning space for an adult to plan for the future as far as physically possible. This included that they had asked for the doors to be altered to sliding doors to give more room in the bedroom. They said that at the back of the house would be a level access patio area suitable for wheelchair access and the rest of the garden levelled and lawned.
37. The District Council formally offered Ms X the property later that month, subject to the agreed adaptations, and sent her a copy of the plans. Ms X said the plans provided to her at this time did not include the plans for the external works. The plans did not include sliding doors but doors that opened inwards. In April 2022 BDHT amended the schedule of works regarding works to the front driveway.
38. A month later, in May 2022 the District Council met with Ms X and she signed the tenancy and DFG paperwork and BDHT appointed a builder.
39. In May 2022 work commenced. Shortly after, Ms X raised concerns about the garden works. She understood it would be levelled to allow wheelchair access. BDHT advised it would be a level access patio for wheelchair access, but the rest would not be levelled due to the significant number of retaining walls which would be required. Ms X complained to the District Council.
40. The District Council responded that while Ms X believed the garden would be levelled the final decision on the nature of the works was not agreed until all funding was in place. It said Ms X had been sent the finalised plans. Ms X said the District Council never sent her the final plans and the plans sent in late March 2022 did not make clear the garden was not level.

41. Ms X contacted the District Council in August 2022. She was concerned the driveway was not wide enough for the car and wheelchair and was not in line with the plans she had seen. BDHT responded that the plans were agreed by all parties prior to the works commencing. The COT and POT both confirmed they were not consulted about the changes to the driveway, which had been altered since the plans initially produced. As a result, BDHT installed a path next to the driveway.
42. Between May and September, the District Council's Building Control Service inspected the site at varying stages of the development.
43. The District Council's Building Control Service issued a certificate of completion to BDHT. This referred to 'a side extension and internal remodel to create additional living space to the ground floor and additional bedroom space to the first floor'.

### **Further adaptations**

44. In mid-September 2022 Ms X, through a representative, submitted a complaint to both the District Council and County Council. She complained she was told the back garden would be levelled so it was accessible for Y. She considered the front garden was not suitable as it was not near Y's access to the house and could not be accessed without moving the car off the driveway. The driveway was not as set out in the original plans and meant Y would have to cross the grass to exit and access the car. The bedroom was very small, and the doors installed in the extension opened inwards although the COT had requested sliding doors. Ms X was also concerned about the costs and how much were attributable to the DFG and how much to the general works to make the property habitable.
45. Later that month Ms X moved into the property with her children. She raised concerns the doors were not sliding doors and that the bed could not be in the middle of the room so both sides could not be accessed.
46. BDHT responded to Ms X that the driveway was altered to reduce costs. However, it had installed an additional path after she raised her initial concerns. It said the plans showed the bedroom doors opened inwards and said the COT had raised this in March but had said they were a 'wish list' item. It said the plans for the garden were clear.
47. In October 2022 the District Council met with the County Council and BDHT to discuss the provision of sliding doors at the property and garden works. Ms X was not invited. BDHT said the cost would be above its minor works budget. It did not want to manage any further adaptations at the property. The meeting agreed a second DFG should be considered to fund the works which the OT considered necessary and appropriate to meet Y's needs.
48. The District Council carried out a site visit in December 2022 with Ms X, the COT and the Home Improvement Agency, which had agreed to take over responsibility for delivering the adaptations. The COT acknowledged there was limited bedroom space which made essential care activities challenging. They noted the current doors limited the workable space as they opened inwards and asked that sliding doors be explored. They noted that outdoor play space was required for both children. Y could not access the higher level garden and the patio had limited space. The COT agreed to support the identified need for access to the garden for play. There was a need to consider future planning for Y and the officers concluded two options were available: to extend the bedroom into the kitchen space using the dining area or for the family to move house. Following this the COT submitted a major adaptations request for sliding doors.



49. Ms X raised her concerns with the County Council, in February 2023, that the adaptations carried out did not meet Y's needs.
50. In February 2023 the County Council organised a meeting of all professionals. Following this an OT assessed the property, and a further meeting was arranged to discuss their recommendations. Ms X raised concerns with the County Council that the proposed changes would take up half the dining space, and there would be no room for the tumble dryer which was necessary to meet Y's needs. Y could not access the garden and the bedroom window was too high to be a safe emergency exit. She was also concerned about where Y would live whilst further adaptations were carried out.
51. The professionals' meeting in March 2023 proposed:
  - an area in the front garden be fenced off for the children to play;
  - replacing the bedroom window with a larger window which the County Council agreed to fund, as the current one was too small to escape from in an emergency;
  - the door between the kitchen and bedroom be replaced with a sliding fire door as there was a gap underneath the one installed;
  - internal changes including moving the wall between the kitchen and bedroom into the dining area to create more space for the bed and the installation of sliding doors;
  - the need to consider the impact of any changes on the dining space, in line with the DFG guidance (the need for a disabled child to be able to participate in all aspects of family life, for example, in ensuring that dining space is available to enable all members of the family to eat together).
52. Ms X did not agree to the proposals. She said Y needed quick access into the house from the front garden due to their medical needs which was not currently possible. She said she would obtain her own reports.
53. In June 2023 the Fire Service carried out a risk assessment. It concluded the bedroom window was not appropriate for Y's medical condition and would hinder crews and family from getting Y out if trapped by fire. It also highlighted a gap beneath the door between the bedroom and kitchen which would let smoke enter the room.
54. Ms X obtained private OT and architect reports. Representatives from the District Council and County Council met with Ms X in June 2023 to discuss these reports. They noted:
  - the independent OT and architect had addressed the need for storage space for Y's equipment which the Council assessment had not;
  - the proposed outdoor space at the front would meet Y's needs and could commence;
  - the bedroom window met building regulations but was not a suitable fire exit for a disabled child. It could be widened to improve its suitability as a fire exit;
  - Ms X remained opposed to using dining area space to expand the bedroom as this would limit social interaction and remove the space for the tumble dryer which was essential for meeting Y's bedding and clothing needs. The Council agreed to obtain architect plans to compare with those prepared by Ms X's architect.

55. At a further meeting of all parties in July the District Council confirmed it had made enquiries of its planning department regarding fencing the front garden. Taking account of the plans produced on Ms X's behalf, the Home Improvement Agency produced some revised plans. These included:
- a new access at the front of the property to the play area;
  - an extension which would provide just under two metres extra space in the bedroom;
  - switching the bedroom and bathroom with a pocket sliding door between the two;
  - an increase in the window size at the property rear.
56. The Council explained the new works would require planning permission which would impact the timescale for completion. The notes record Ms X agreed to wait for the front access to be completed before the front garden works commenced as the garden would not be suitable for Y without quick access to the house.
57. The COT submitted a referral for a major adaptation to increase the extension, install sliding doors and a new front access, and to fence a play area at the front of the property.
58. In August 2023 Ms X agreed the plans. The works received planning permission later that year.
59. The works started in February 2024 and were completed in June 2024 although there remained issues with garden access. Y had to go into respite for six weeks whilst the works were undertaken. The Councils completed the garden works in September 2024.

## Conclusions

### Delay

60. The property was identified as suitable to relieve Ms X's homelessness subject to significant adaptations. It required not only a DFG but extensive works to make it fit for occupation. Due to the extent of the works required and Y's complex needs the cost of the proposed DFG exceeded the £30,000 DFG limit, even taking into account the discretionary £20,000 the District Council had put aside. Without additional funding, the adaptations could not proceed. Obtaining the funding to carry out the adaptations took time to resolve.
61. The County Council in seeking to meet Y's needs, agreed to contribute to the cost of the adaptations. The NHS also contributed funding which enabled the adaptations to proceed.
62. There was some initial delay as BDHT, acting on behalf of the District Council, obtained plans for an extension in August 2021 prior to consulting the COT and without Ms X's input. This was fault. These plans were not suitable to meet Y's needs and it was another two months before further plans were drawn up which, at the time, the OTs considered would meet Y's needs. Once further plans were drawn up it took an additional 12 months to complete the extension. The guidance suggests urgent complex major adaptations should be completed within 130 working days, so around six months. Given the complexities of this case and the need to secure additional funding, the works may have been expected to take longer. However, the works took twice as long as the guidance recommends and having considered the chronology, took around three months longer than it should

have. This was fault and meant Ms X and Y were living in an unsuitable property for longer than they should have been.

## **The assessments**

63. The COT was employed by the NHS but funded by the County Council as part of the DFG process. We therefore consider the actions of the COT to be on behalf of the County Council which has the primary duty under social care legislation to meet Y's needs.
64. The original adaptations carried out did not meet Y's needs. This was because the initial assessment was inadequate and failed to properly consider Y's needs. This was fault. Two sets of plans were drawn up before the COT even met Ms X and Y. As a result of the fault, the extension was too small to allow the bed to be in the middle of the room and the doors, which were significantly wider than standard doors to accommodate a wheelchair, opened into the bedroom, limiting space. The COT failed to consider that Y would need a bigger bed as they grew plus the extent of the equipment Y needed. The back garden included a patio which Y could access but was not wide enough for a turning circle, and the grassed area required steps to access it, and so it was not accessible to Y.
65. The plans agreed by the COT did not plan for the future. This was fault. There were references to the bed in the plans not being drawn to scale and the drawings showed the bed against the side wall and not as an island site which all parties agreed was necessary to meet Y's needs. It was clear from these plans that the bed could not be in the middle of the room if the door was to open fully. The records also show the COT and POT considered sliding doors were appropriate to free up space in the bedroom, but these were not included in the original plans. There is a lack of clarity over why internally opening doors were fitted rather than sliding doors as recommended by the POT and agreed by the COT.
66. In October 2022, shortly after Ms X moved in, the COT accepted further works were necessary. When all parties met in December 2022, they agreed the adaptations as they stood did not meet Y's needs. When they agreed further works were required, they sought to extend into the kitchen. They focussed on changing what was already there when it was clear the extension was too small. Ms X was concerned the revised proposals still did not meet Y's needs and so had to obtain her own OT and architect reports. It was only on receipt of these that in July 2023, the District Council accepted a further extension was necessary and appropriate to meet Y's needs. It took too long for all parties to agree that they could not adapt what was already in place and that a further extension was required. This delay was fault.

## **The extent of the adaptations**

67. The Councils failed to properly consider Y's needs both in the short and long term, when deciding on the extent of the extension. This was fault. The District Council sought to adapt the property within permitted development rights. This artificially restricted its consideration of what would meet Y's needs and contributed to the COT's error as the COT appeared to believe the extension was the maximum size it could be. The District Council was overly focussed on minimising costs and avoiding the need to apply for planning permission. Whilst it must use public money carefully, and the extension was above the maximum funding for a DFG, in this case it allowed those concerns to override Y's needs. Ultimately this led to significant further costs than if it had ensured the scheme was suitable to meet Y's needs in the first place.

## **Communication**

68. The COT and District Council failed to involve Ms X early enough in the proposals for the scheme to enable her to contribute effectively to the decision-making process. This was fault. The District Council relies on the OT to provide expert input as to what adaptations are necessary to meet an individual's needs. However, as the ultimate decision maker the District Council should make sure it is satisfied the adaptations are necessary and appropriate.
69. The District Council failed to ensure Ms X understood the technical plans before she agreed to them. This was fault. Ms X was not aware the driveway had altered from earlier plans she had seen. Ms X understood the garden would be levelled and believed sliding doors were to be installed. Had the Council ensured Ms X understood the plans it is likely the schedule of works would have been different and more in line with Y's needs and Ms X's concerns would have been addressed much earlier. Ultimately all parties have had to spend more money and time than they otherwise would have needed to.
70. The District Council failed to clarify exactly what works BDHT had agreed to carry out in relation to the garden and driveway and to ensure Ms X understood these and any changes from what was initially agreed. Not levelling the garden and the changes to the driveway may have saved costs but they did not meet Y's needs as Y had no access to the garden beyond entering and exiting the patio and this was not in line with the DFG guidance. The driveway, as initially installed, was not wide enough to accommodate the car and wheelchair and did not meet Y's needs. The records show the COT was also not aware of the changes to the driveway. The COT understood the garden was to be levelled so the plans were not explained clearly to the COT either. The District Council's failure to communicate effectively with Ms X and the COT about the plans was fault.
71. The agencies involved sought to work together to ensure Y's needs were met and held several professional meetings to try and resolve the concerns. However, Ms X was dealing with the District Council, BDHT, the County Council and COT. It would have been good practice to have a single point of contact for Ms X to both keep her updated and for her to feed her views into the process.
72. The building regulations certificate issued by the District Council was wrong as it referred to a ground floor and first floor extension. We have considered the records kept by the District Council's building control team and are satisfied that it carried out the appropriate checks throughout the build and this fault was an administrative error. There was no evidence of fault in the way building control inspected the works.
73. The extension and windows installed met building regulations. However, Y's bedroom was off the kitchen. In normal circumstances the window would be considered a suitable fire exit. However, it was too high and too small to be suitable for Y to use in an emergency and this was confirmed by the Fire Service. The Councils failed to properly consider Y's need to be able to exit safely in the event of a fire in agreeing the adaptations, which is part of the consideration of a DFG. The County Council agreed to fund a replacement window to alleviate Ms X's concerns. However, the failure to consider this sooner caused Ms X frustration and distress.

## **Injustice**

74. The delays in carrying out the original adaptations meant the family was living in a property that was not suitable to meet their needs for longer than necessary. Ms X had to meet Y's nighttime care needs, significantly impacting her sleep, and

had to carry Y downstairs for longer than necessary which also impacted her health. Ms X has been caused significant distress and frustration and had to pay for a private OT report and architect's plans to persuade the District Council its previous plans did not meet Y's needs.

75. This should have been resolved promptly when the family moved into the adapted property in September 2022. However, the original adaptations did not meet Y's needs and further adaptations have been necessary. At the centre of this is a child, who between September 2022 and June 2024, continued to live in a property which did not meet their needs. They could not access the garden to play, and Y's carers have struggled to provide appropriate care in the limited space available. Y also had to stay in respite for six weeks whilst the additional works were undertaken, impacting Y's right to a family life, which is one of the fundamental rights and freedoms under the Human Rights Act 1998.
76. Both Councils have had a part to play in building an extension which did not meet Y's needs. On balance we consider the County Council had greater responsibility in that it should have recognised from the start that the extension was not big enough. However, delay and poor communication by the District Council, and the failure to focus on need before cost, added to the injustice to Ms X and Y and meant it missed the opportunity to address Ms X's concerns sooner.

## Recommendations

77. The Councils must consider the report and confirm within three months the action they have taken or propose to take. The Councils should consider the report at their full Council, Cabinet or other appropriately delegated committee of elected members and we will require evidence of this. (Local Government Act 1974, section 31(2), as amended)
78. In addition to the requirements set out above, the Councils have agreed to take the following action to remedy the injustice caused by the fault we identified:
  - a) The District Council will apologise and pay Ms X £2,000 to acknowledge the distress and frustration caused by its delays and poor communication.
  - b) The County Council will apologise and pay Ms X £4,000 to acknowledge the injustice caused by the failure to ensure the initial plans met Y's needs.
  - c) The District Council and County Council, on a 50:50 basis, will refund to Ms X the cost of her private occupational therapy and architect reports on production of a receipt/invoice.
  - d) The District Council and County Council will each pay Y £500 (a total of £1,000) to acknowledge the direct impact on Y of the Councils' failings.
79. We publish [guidance on remedies](#) which sets out our expectations for how organisations should apologise effectively to remedy injustice. The organisations should consider this guidance in making the apologies we have recommended.
80. It is unlikely that the specific circumstances of this case will arise in future due to Y's complex needs. However, there are still wider points of learning that can be taken from this case and so the Councils have agreed to our recommendations, within three months:
  - a) The District Council will review its procedures to ensure:
    - i. communication with applicants is effective, that plans are clearly explained to applicants, so they understand what adaptations they are agreeing to;

- ii. any changes to plans are agreed with the OT to ensure they continue to meet the individual's assessed needs and the applicant is made aware of these changes.
- b) The County Council will meet with Worcestershire Children First to discuss this decision and takes appropriate steps to assure itself that Worcestershire Children First has taken suitable action.
- c) To ensure there is an agreement between the District and County Council (in consultation with Worcestershire Children First when it is acting on its behalf) as to who should be the specific point of contact for the applicant for major schemes where the adaptations are substantial.
- d) The County Council agrees to produce a policy requiring its occupational therapists to involve an applicant as early as possible in the adaptations process to ensure the recommendations made are appropriate to meet the assessed needs of the child.

## **Decision**

- 81. We have completed our investigation. There was fault by the Councils causing injustice to Ms X and Y for the reasons set out in the report. The Councils have agreed to take the actions identified in paragraphs 78 to 80 to remedy that injustice.

---

**HOUSING GRANTS, CONSTRUCTION AND REGENERATION ACT 1996 SECTION 34**

**APPROVAL OF WORKS AND TECHNICAL DRAWINGS FOR AN APPLICATION FOR A  
DISABLED FACILITIES GRANT**

---

**DECLARATION**

For the purposes of my application for A Disabled Facilities Grant in respect of

Name of applicant: .....

Address: .....

.....

I hereby declare that

- (i) I fully understand the works being delivered to my property
- (ii) I fully understand the technical drawings being delivered to my property

**Signed**

---

**Date**

---

This page is intentionally left blank