

**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE COUNCIL**

**19TH MAY 2021, AT 6.00 P.M.**

PRESENT: Councillors R. J. Laight (Chairman), A. J. B. Beaumont (Vice-Chairman), S. J. Baxter, R. J. Deeming, G. N. Denaro, A. B. L. English, M. Glass, S. G. Hession, C.A. Hotham, R. J. Hunter, H. J. Jones, A. D. Kent, J. E. King, A. D. Kriss, L. C. R. Mallett, K.J. May, M. Middleton, P. M. McDonald, S. A. Robinson, H. D. N. Rone-Clarke, M. A. Sherrey, C. J. Spencer, P.L. Thomas, M. Thompson, J. Till, S. A. Webb and P. J. Whittaker

Observers:

Officers: Mr. K. Dicks, Mrs. S. Hanley, J Howse, Mrs. C. Felton and Ms. J. Bayley

1\21

**ELECTION OF CHAIRMAN**

The Chairman opened the meeting by acknowledging that this was the first Council meeting to be held in person in over 12 months. Members were advised that arrangements had been made to ensure that the meeting was held in accordance with social distancing requirements and Government guidance in respect of holding meetings at a physical location.

It was proposed by Councillor K. J. May and seconded by Councillor A. Kent and

**RESOLVED** that Councillor R. J. Laight be elected Chairman of the Council for the ensuing year.

Councillor Laight signed the Declaration of Acceptance of Office and thanked Members of the Council for electing him to the Office of Chairman.

2\21

**ELECTION OF VICE CHAIRMAN**

It was proposed by Councillor K. J. May and seconded by Councillor M. Sherrey and

**RESOLVED** that Councillor A. J. B. Beaumont be elected Vice Chairman of the Council for the ensuing year.

Councillor Beaumont signed the Declaration of Acceptance of Office and thanked Members of the Council for electing him to the office of Vice Chairman.

3\21 **TO RECEIVE APOLOGIES FOR ABSENCE**

Apologies for absence were received on behalf of Councillors S. Colella, S. Douglas, and K. Van Der Plank.

4\21 **DECLARATIONS OF INTEREST**

During consideration of this item the Monitoring Officer confirmed that Members who had previously been appointed to the Artrix Holding Trust were permitted to speak and to vote in respect of nominations to replace Councillor H. Rone-Clarke on the trust and did not need to declare an interest.

5\21 **MINUTES OF THE COUNCIL MEETING HELD ON 21ST APRIL 2021**

The minutes of the meeting of Council held on Wednesday, 21<sup>st</sup> April 2021 were submitted.

During consideration of this item Councillor S. Robinson commented that at the previous meeting a proposal had been made that the length of time dedicated to consideration of questions should have been extended. A request was made for it to be noted that this had been proposed by Councillor R. Hunter.

**RESOLVED** that, subject to the amendment detailed in the preamble above, the minutes of the meeting of Council held on Wednesday, 21<sup>st</sup> April 2021 be approved.

6\21 **TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRMAN AND/OR HEAD OF PAID SERVICE**

The Chairman and Head of Paid Service both confirmed that they had no announcements to make on this occasion.

7\21 **TO RECEIVE ANY ANNOUNCEMENTS FROM THE LEADER**

The Leader confirmed that she had no announcements to make on this occasion.

8\21 **URGENT DECISIONS**

The Chairman advised Members that there had been one urgent decision taken since the previous Council meeting in respect of public speaking rules at Council and Planning Committee meetings. However, he reminded Members that there was no debate in respect of this item at the meeting.

9\21 **APPOINTMENTS OF COMMITTEES 2021/22**

The Portfolio Holder for Finance and Enabling Services presented a report detailing the political balance for the 2021/22 municipal year.

Group leaders were urged to notify Democratic Services as soon as possible about their group's nominations to the various Committees.

The recommendations in respect of the political balance and appointments to Committees for 2021/22 were proposed by Councillor G. Denaro and seconded by Councillor K. May.

**RESOLVED** that

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

10\21

**SCHEME OF DELEGATIONS**

The Portfolio Holder for Finance and Enabling Services presented the Officer Scheme of Delegations for Members' consideration. Members were advised that the Council was required to review the content of the Scheme of Delegations on an annual basis and this occurred at the Annual Council meeting.

The recommendation was proposed by Councillor G. Denaro and seconded by Councillor K. May.

**RESOLVED** that

the current version of the Officer Scheme of Delegations is agreed.

11\21

**APPOINTMENTS TO OUTSIDE BODIES**

The Portfolio Holder for Finance and Enabling detailed proposals to extend the existing appointments to the outside bodies to the following meeting of Council. The exception to this was a requirement to appoint a Member to a vacant position on the Artrix Holding Trust, which had arisen following Councillor H. Rone-Clarke's resignation from that body. A nomination had been received for Councillor P. McDonald to serve on the Artrix Holding Trust.

The recommendations were proposed by Councillor G. Denaro and seconded by Councillor K. May.

**RESOLVED** that

- 1) that approval be given to the extension of existing appointments to Outside Bodies pending consideration of a report at the next ordinary meeting of the Council, subject to the following amendment;
- 2) Councillor P. McDonald be appointed to the Artrix Holding Trust.

12\21

**QUESTIONS ON NOTICE**

The Chairman advised that 2 questions were scheduled for consideration at the meeting. There would be no subsidiary questions.

**Question submitted by Councillor K. Van Der Plank**

“On 20<sup>th</sup> March a new ‘Welcome Back Fund’ was announced by Government to help boost the look and feel of high streets and prepare for the safe return of shoppers. I see from the government website that Bromsgrove have been allocated £88,668. Please can the leader tell me how this fund is going to be used and how we are going to make sure it reaches all of our high streets – especially those on the outskirts of our district, not just the main Bromsgrove town centre.”

The Leader responded by explaining that, due to the length of the response, a written answer would be provided to the question after the meeting. Members were also advised that the answer to the question would be recorded in the minutes of the meeting, as detailed below:

“The Welcome Back Fund (WBF) was an extension and re-brand of the Reopening High Streets Safely Fund (RHSSF). The fund would be active until March 2022 and the scope had been widened which would make it more straightforward to allocate funds for different activities and initiatives. The fund had also been doubled which meant that Bromsgrove District Council had been allocated £176,000.

The fund was being managed in Bromsgrove primarily by the Bromsgrove Centres Manager who had reached out to the Parish Councils in Bromsgrove Centres and would engage fully with them to develop a WBF Activity Plan to March 2022, including activities planned for Christmas 2021. The following were initial activities taking place or planned to take place whilst the WBF Activity Form was being finalised and agreed with colleagues and partners locally and then with the WBF Manager at the Ministry for Housing, Communities and Local Government (MHCLG).

- ‘Welcome Back’ banners were being installed spanning Bromsgrove High Street – these were designed by the communications team and the designs could be rolled out in many

different forms. The intention was to utilise this branding in the other local centres as soon as possible.

- A digital van drove around all the local centres on Saturday 24<sup>th</sup> April. The van showed various 'welcome back' slides alongside Bromsgrove District Council and Government messaging. This would happen again at several other dates over the following months.
- 'Welcome Back to BirdBox' / 'Perch safely' signs were installed at the BirdBox in early May. The BirdBox would be a key site for welcome back events over the forthcoming summer months.
  - The first Welcome back event would take place in the form of a 'soft' re-launch of BirdBox on 21<sup>st</sup> and 22<sup>nd</sup> May and the WBF would be used to pay for the event and the low key activities.
- Welcome Back Events combined with Street Theatre events were usually arranged via the Council's events team. This would happen in Bromsgrove and Rubery, with the potential to be explored further for some other local centres.
- The beautification of the town centre and local centres (subject to clarification regarding eligibility from the WBF Manager at MHCLG).
- Commission / procure artists to produce communications and activities with a welcome back message as well as Covid-19 safety measures.
  - A local street artist from Bromsgrove (who worked in Catshill) would transform the hoarding at the BirdBox over the May Bank Holiday weekend. This had been kept under the radar on purpose to create a 'Banksy like' reaction. The artist and his team would then conduct street art workshops later in the year with a welcome back theme.
- Digital Recovery Plan for High Street Business.
  - Commissioning of 'Maybe\*', part of the UK Government's High Street Task Force. Maybe\* would put in place a digital platform and training that would help the Council to support all the businesses in the authority area to leverage digital channels as they learned to trade alongside COVID-19. This was increasingly important given the second wave national lockdown. The platform would connect businesses' social media accounts which would increase collaboration and strengthen their connections with local communities. Sample Maybe\* data showed that across the authority area, less than 34% of businesses used social media and only 16.7% of those were active on social media each day."

### **Question submitted by Councillor A. English**

"Could the Portfolio Holder for Planning and Regulatory Services please inform the council of how many Planning Enforcement cases we have active at the moment and how many are more than two years old?"

The Portfolio Holder for Planning and Regulatory Services responded by explaining that, due to the length of the response, a written answer

would be provided to the question after the meeting. Councillor English commented that she had been keen to receive a verbal response to the question at the meeting but was advised that a written response would instead be provided.

Members were also advised that the answer to the question would be recorded in the minutes of the meeting, as detailed below:

- “1) There were 147 live Bromsgrove planning enforcement cases.
- 2) 50 of the 147 cases were reported prior to 14th April 2019.
- 3) There were an additional 58 pending Bromsgrove cases waiting to be investigated.

In terms of planning enforcement matters, the National Planning Policy Framework (2019) emphasised that planning enforcement was a discretionary activity and Local Planning Authorities should act proportionately in responding to suspected breaches of planning control. When deciding whether to enforce, the Council had to consider the likely impact of harm to the public. Breaches of planning control were generally not criminal offences.

The figures needed to be set against how investigations were conducted and the implications of the pandemic.

Under Section 171B of the Town and Country Planning Act, formal enforcement action had to be taken within 4 years in relation to the erection of buildings, and within 10 years in relation to changes of use (unless it related to the change of use to a dwelling whereby the time limit was 4 years), and breaches of planning conditions. There was no time limit for the enforcement of breaches of listed building legislation. Case Officers were fully aware of the parameters of Section 171B, in addition to dealing with matters in a timely and effective manner.

The first stage of any investigation was to discuss matters with the owner, with this mediation approach advocated by the National Planning Policy Framework. Every planning enforcement case would be different, depending on the complexity of the breach, the need to include other agencies, and the assistance or the non-assistance of landowners and complainants. Some enforcement cases involved multiple site owners or issues that required the input of other agencies or the obtaining of legal advice. Whilst the majority of landowners engaged with the Council, a minority did not wish to and these cases would progress far more slowly.

The enforcement of breaches of planning control provided an opportunity for those contravening to submit a retrospective planning application to regularise the breach and/or the ability to appeal at different stages. Certain types of planning enforcement action, such as the issue of an Enforcement Notice, had a right of appeal, whilst others had an opportunity for compensation to be claimed (for example, for loss or damage attributable to a Stop Notice). Appeals against Notices

could take up to a year to be heard if a Public Inquiry was required. There was a risk of a cost award against the Council at appeal if it was found to have acted unreasonably or the Notice was considered defective. Thus, taking stock to consider the implications and the format of formal enforcement action was key to achieving a successful outcome. But this again added time to the case.

The prosecution route following non-compliance with a Notice required formal court attendance and working with the Police to assist with warrant matters. A number of sites also required monitoring over an extended period and the enforcement case would not be closed until such time as the Council was satisfied that matters were completely resolved.

In terms of more recent live cases and the pending cases, the Council had experienced a marked increase in the number of alleged unauthorised small scale enforcement cases (for example, fencing, decking, outbuildings and extensions) primarily as a consequence of lock-down and more persons being at home undertaking home improvements that might or might not require planning permission and neighbours subsequently monitoring these activities. The Council had risk assessments in place for site visits but restrictions on entering buildings and structures had inevitably led to delays in the ability to thoroughly assess some cases.”

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### **MOTIONS ON NOTICE**

The Chairman advised that the Motions that had been postponed from the meeting of Council held on 21<sup>st</sup> April 2021 would be considered at the following meeting of Council. The exception to this would be the Motion in respect of Waseley Hills Country Park, which in the first instance would be referred to the Overview and Scrutiny Board for consideration, though might subsequently be referred on to Council for debate.

The meeting closed at 6.23 p.m.

Chairman