

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE CABINET

7TH JULY 2021, AT 6.00 P.M.

PRESENT: Councillors K.J. May (Leader), A. D. Kent (Deputy Leader),
G. N. Denaro, M. A. Sherrey, P.L. Thomas and S. A. Webb

Observers: Councillor R. J. Hunter, Councillor C. A. Hotham and
Councillor P. M. McDonald

Officers: J Howse, Mrs. C. Felton, Ms. D. Poole, Mr. M. Hanwell,
Mr. K. Hirons and Mrs. J. Bayley-Hill

1/21 **TO RECEIVE APOLOGIES FOR ABSENCE**

There were no apologies for absence.

2/21 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

3/21 **TO CONFIRM THE ACCURACY OF THE MINUTES OF THE MEETING
OF THE CABINET HELD ON 31ST MARCH 2021**

The minutes of the meeting of Cabinet held on 31st March 2021 were
submitted.

RESOLVED that the minutes of the meeting of Cabinet held on 31st
March 2021 be approved as a correct record.

4/21 **MINUTES OF THE MEETINGS OF THE OVERVIEW AND SCRUTINY
BOARD HELD ON 29TH MARCH 2021 AND 26TH APRIL 2021**

The minutes of the meetings of the Overview and Scrutiny Board held on
29th March and 26th April 2021 were submitted. The Chairman of the
Overview and Scrutiny Board, Councillor C. Hotham, attended the
meeting to present the minutes for Members' consideration.

Cabinet was advised that at the meeting of the Board held on 29th March
2021, Members had considered data arising from the Council's staff
survey and in relation to employees' mileage claim forms. Unfortunately,
this had included data relating to staff employed by Redditch Borough
Council, so the Board had requested further information that focused on
the experiences of staff employed by Bromsgrove District Council. The
Board had welcomed news that home working arrangements had been

successfully rolled out during the Covid-19 pandemic. Green Homes Funding had also been discussed at the meeting.

Members were asked to note that at the March meeting of the Board two final reports submitted by scrutiny Task Groups, focusing on flooding and the impact of changes to library services, had been considered. Whilst the report in respect of flooding was due to be discussed by the Cabinet in July, alongside a scrutiny Task Group report focusing on equalities, a decision had been taken, following consultation with the Chairman of the Board, to postpone consideration of the report from the Libraries Task Group until September 2021, so that the Chairman of the group could attend to present the group's findings.

During the meeting of the Overview and Scrutiny Board held on 26th April 2021, Members had received a presentation focusing on the work of the North Worcestershire Community Safety Partnership in Bromsgrove District. Whilst this had been an interesting update, Members had concluded that it would be useful in future to receive information in advance on this subject for inclusion in the agenda. The Board had also discussed fireworks, particularly the impact that noisy fireworks could have on pets. The Council was undertaking a procurement process in respect of fireworks and it was anticipated that attempts would be made to procure quieter fireworks. The April meeting of the Board had concluded with a discussion of the content of the Overview and Scrutiny Annual Report 2020/21 and this was due to be presented for Members' consideration at the following Council meeting on 14th July 2021.

RESOLVED that the minutes of the meetings of the Overview and Scrutiny Board held on 29th March and 26th April 2021 be noted.

5/21

EQUALITIES TASK GROUP - FINAL REPORT

The Chairman of the Equalities Task Group, Councillor P. McDonald, attended Cabinet to present the group's final report. Members were advised that the aims of the investigation were to ensure that employees at both the Council and staff employed by contractors received fair treatment. Councillor McDonald commented that the group had held numerous meetings and had interviewed both Council Officers and Trades Union representatives. The recommendations that had been proposed by the group had been agreed unanimously by the Members serving on the investigation.

The Portfolio Holder for Finance and Enabling outlined a response on behalf of Cabinet, by addressing each recommendation in turn.

In respect of the first recommendation, which proposed that an annual Equalities Report be prepared for 2021 and annually thereafter, Members were advised that an annual equalities report would support the Council to demonstrate compliance with the Public Sector Equality Duty (PSED), as set out in the Equality Act 2010. The PSED was made

up of a general equality duty, which was supported by further duties; to publish equality information at least once a year, to show how the Council had complied with the equality duty and to prepare and publish equality objectives at least every four years. In this context, Cabinet supported the group's first recommendation.

The group's second recommendation proposed that IOS certification, or equivalent, be included in the Contractors' Questionnaire in respect of equalities. Members were advised that ISO certification was available for a multiplicity of different things, but the Council's Legal department had been unable to identify a specific ISO relating to equalities. This had been discussed with Councillor McDonald, as Chairman of the Task Group, and he had suggested that if there was no specific ISO for this purpose then contractors should be required to hold an ISO relevant to their industry. However, the Council's Legal Department had concluded that the Council was not qualified to assess, for each contract, the relevant ISO that should apply. Furthermore, it had been identified that the ISO certification process could be a lengthy and financially costly process and not something that companies in all sectors would expect to undergo as a matter of course. There was a risk that a requirement for ISO certification could exclude smaller operators from Council procurement and for some contracts, there was a risk that no operators would be able to submit a bid in the procurement process. In recent months, the Council had procured community transport, Christmas lights and mobility scooter services in smallscale contracts and the majority of the successful bidders had been small, local businesses. It was considered unlikely that any of these businesses would have secured ISO certification. For these reasons, Cabinet would not be approving this recommendation.

The response to this recommendation was briefly debated and as part of that process it was noted that the average cost of ISO certification was £7,000. Concerns were raised that this would be expensive for smaller companies as well as businesses that were struggling due to the impact of the Covid-19 pandemic. However, concerns were raised that without ISO certification there would be no way for the Council to ascertain whether contractors were supportive of equal opportunities. As a compromise, Councillor C. Hotham suggested that the Council's Contractors' Questionnaire should be updated to be as robust as possible in respect of equalities issues, without making reference to IOS certification. Cabinet confirmed that this proposal would be acceptable.

In respect of the group's third proposal, which called for data collected from the new finance ERP system in respect of HR issues to be shared with the Overview and Scrutiny Board, Members were advised that the responsibility for staffing and HR issues was operational and rested with senior officers and the HR department. Data from the ERP system would be made available to managers to enable them to manage their services and this data would also be made available to the Corporate Management Team (CMT) on a regular basis. Therefore, whilst data could potentially be provided to the Board in the long-term, this would

need to have been considered by senior officers first and under these circumstances, the recommendation could not be approved.

The group's fourth recommendation had proposed clear guidance in respect of the secondment process for staff, including an appeals mechanism, as well as a formal progression policy. Members were advised that clear written guidance on the secondment process would be useful. However, it was a manager's responsibility to determine whether Officers could be released on secondment. Whilst managers would always try to be supportive of their employee's personal development, there were sometimes circumstances which meant that it was not possible to support a request to enter a secondment. An appeals process would not remove those constraints but might reduce a manager's ability to plan the resources for the delivery of their service. Furthermore, staff could already raise concerns through the Council's grievance process. Members were asked to note that the Council could not guarantee career progression to staff and a progression policy could raise staff expectations that could not necessarily be met. As an alternative, Cabinet was prepared to amend the proposal to agree "that guidance on the benefits of staff development and progression be put in place and made accessible to all staff".

The group's fifth recommendation proposed that there should be a specific section in respect of equalities included in the Council's Community Survey and that Overview and Scrutiny / Equalities Task Group members should be involved in the preparation of questions to be included on this subject in the survey. Cabinet was informed that there was already a section in the Community Survey which was dedicated to addressing equalities issues. Responsibility for the Community Survey and questions with respect to equalities matters rested with Officers, particularly those Officers who had been specifically employed to address equalities issues and had experience in this field. For these reasons, Cabinet would not be approving this recommendation.

RESOLVED that

- (a) The Equalities Task Group's final report be noted;
- (b) An annual Equalities Report be prepared for 2021 and annually thereafter (Recommendation 1);
- (c) The Contractors' Questionnaire should be updated to be as robust as possible in respect of equalities issues;
- (d) Clear guidelines are put in place in respect of the secondment process and made available to all staff; and
- (e) Guidance on the benefits of staff development and progression be put in place and made accessible to all staff.

6/21

IMPACT OF FLOODING IN THE DISTRICT TASK GROUP

The Chairman of the Impact of Flooding in the District Task Group, Councillor R. Hunter, presented the group's final report for Cabinet's consideration. Members were advised that the group had aimed to bring

forward proposals that would help to prepare the District for any future risks of flooding. A range of Officers had been interviewed during the review and the group's proposals were based on the evidence that had been gathered. In particular, Councillor Hunter emphasised the group's conclusion that developers needed to be encouraged to use the most advanced methods to prevent flooding and that this should be emphasised in the Local Plan. Councillor Hunter thanked the other members of the group who had participated in the review, Councillors A. Beaumont, S. Colella, C. Spencer and H. Rone-Clarke, for their hard work as well as the Portfolio Holder for Environmental Services, Councillor M. Sherrey, for providing evidence. Officers were also thanked for their support, particularly the Democratic Services Officer, the Environmental Services Manager and the Senior Water Management Officer.

The Portfolio Holder for Environmental Services subsequently presented the Cabinet's response to the Impact of Flooding in the District Task Group's final report.

In response to the group's first recommendation, which proposed that a business case should be prepared regarding the potential for two additional land drainage operatives to be employed in Bromsgrove, Cabinet was informed that the Senior Water Management Officer was in the process of preparing a maintenance plan covering both Council owned assets and partner' assets. It was anticipated that this plan would provide accurate information about what resources were required to manage assets in the District moving forward. The North Worcestershire Water Management team and Bromsgrove District Council would be communicating with other organisations that owned assets in the District, including Worcestershire County Council and Bromsgrove District Housing Trust (BDHT), to establish how those organisations planned to fulfil their maintenance responsibilities in respect of their assets. As part of this process, opportunities to work in partnership would be discussed. The review work underpinning the plan had been ongoing for approximately 18 months and it was anticipated that this work would be completed by September 2021. In this context, Members were advised that this recommendation would not be accepted at this time.

In relation to the group's second recommendation, which proposed a publicity campaign to raise the profile of the North Worcestershire Water Management service, Members were informed that responsibilities for land drainage were shared between a number of organisations. This included Worcestershire County Council, the North Worcestershire Water Management service, the Environment Agency and Severn Trent Water. Consequently, a publicity campaign that focused on the role of the North Worcestershire Water Management team would only provide a partial overview of the system. For this reason, Cabinet would be rejecting the recommendation. However, Cabinet was proposing that the Council should work with the North Worcestershire Water Management team to make sure that the Council's website clarified

responsibilities and provided accurate contact details. It was also noted that Members could help to raise the profile of the team in their communications with residents and local stakeholders. An example was provided of a local Facebook group that had been developed for Wythall, which the Senior Water Management Officer had visited and submitted information to, and it was agreed that further information about this group could be shared with Councillor Hunter, as Chairman of the Task Group, outside the meeting.

The third recommendation proposed that the responsible authorities should publish a timetable of road sweeping and gully cleaning across the District. In response, the Portfolio Holder for Environmental Services explained that Bromsgrove District Council was responsible for road sweeping and Worcestershire County Council was responsible for gully emptying. Road sweeping was undertaken on a continuous basis and it would be difficult to publish a timetable as it would be impacted by machinery breakdowns, staff leave and sickness absence, abnormal weather conditions and emergency works. For these reasons, the recommendation would be rejected.

The group's fourth recommendation related to an annual report to the Overview and Scrutiny Board, which the Board had the power to request. This was not, therefore, discussed at Cabinet.

The fifth recommendation consisted of three proposals. The first of these proposals called for stricter planning policies that would require all developers to consider the use of sustainable drainage facilities whilst the second proposed that this should include measures for watercourse enhancement and flood alleviation where necessary. In responding to these two proposals, the Portfolio Holder for Environmental Services explained that these actions were planning issues and would need to be referred for consideration through the planning process. The third part of this recommendation suggested that the Council should adopt land related to water courses, subject to securing Section 106 funding. Cabinet was advised that, whilst the Council could seek to adopt land, this would be subject to agreeing a commuted sum for the maintenance. In addition, developers were under no obligation to transfer land or assets to the Council. Members were asked to note that Cabinet was due to receive a report in respect of the adoption of land in September 2021 and there would be further opportunities to discuss this subject then. In this context, this recommendation would be rejected.

The Cabinet's response to the group's proposals was briefly debated. Councillor Hunter expressed some disappointment that the group's proposals had not been accepted at this stage. To some extent, it was commented that the response to these recommendations may have been shaped by the timing of the review, which was being reported back prior to Cabinet's consideration of the findings in the review of assets and open spaces. However, it was proposed that in September, the Overview and Scrutiny Board could revisit the group's findings alongside

the report in respect of the adoption of open spaces and make further recommendations on this subject for Cabinet's consideration.

RESOLVED that the Impact of Flooding in the District Task Group's final report be noted.

7/21

LOCAL DEVELOPMENT SCHEME - BROMSGROVE DISTRICT COUNCIL

The Portfolio Holder for Planning and Regulatory Services presented the Local Development Scheme report for Cabinet's consideration. Members were advised that the focus of the report was on the timetable in respect of the Local Development Scheme. Further reports on this subject would be reported for Members' consideration later in the year.

RECOMMENDED that Appendix A: Bromsgrove District Council Local Development Scheme 2021 is approved as the Council's programme for plan-making, effective as of 8th July 2021.

8/21

MEMBERS' ICT POLICY

The ICT Transformation Manager presented the Members' ICT Policy for Cabinet's consideration. Members were advised that the policy had been updated, following changes in 2020 to the IT equipment and software provided to Members to discharge their roles as elected Councillors.

During 2020/21, Members had been provided with an opportunity to replace the ipads that had previously been used for Council business with alternative equipment. This had been necessary to ensure that Members could participate in virtual meetings effectively during the pandemic, initially on Skype for Business and later on Microsoft Teams. Some Members had opted to receive a Council laptop or Surface Pro device whilst other Councillors were using their own equipment, in accordance with the Bring Your Own Device policy, and these two choices were reflected in the updated policy.

Reference to the Blackberry software that had previously been used for Members' ipads had been removed from the policy as this was no longer required. The policy had also been updated to reflect the fact that Members' emails would be deleted automatically after two years.

The local authority would cover the insurance costs of the Council equipment in the event of loss or damage. There would be an excess charge of £100 which would need to be covered from within existing budgets. When the equipment that Members were using started to be considered no longer fit for purpose, a capital bid would be submitted to pay for Members to receive new, replacement equipment.

The equipment and software that had been provided to Members would enable them to continue to participate in virtual meeting and potentially

in hybrid meetings in the future. The Chairman noted that virtual and hybrid meetings were not currently permitted under the legislation for formal Committee meetings, though Members would welcome the opportunity to participate in hybrid meetings should legislative changes occur.

RESOLVED that the proposed Members' ICT Policy be agreed and implemented for all Members and that the options within it be made available to Members.

The meeting closed at 6.56 p.m.

Chairman