

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE CABINET

11TH SEPTEMBER 2024, AT 6.00 P.M.

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

Observers: Councillor M. Marshall and Councillor S.T. Nock

Officers: Mrs S. Hanley, Mr P. Carpenter and Mrs J. Bayley-Hill

20/24 **TO RECEIVE APOLOGIES FOR ABSENCE**

An apology for absence was received on behalf of Councillor S. Baxter.

21/24 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

22/24 **TO CONFIRM THE ACCURACY OF THE MINUTES OF THE MEETING
OF THE CABINET HELD ON 24TH JULY 2024**

The minutes of the meeting of the Cabinet held on Wednesday 24th July 2024 were submitted.

RESOLVED that the minutes of the meeting of the Cabinet held on Wednesday 24th July 2024 be approved as a true and correct record.

23/24 **IMPACT OF HEATWAVES TASK GROUP**

The Chairman of the Impact of Heatwaves Task Group, Councillor M. Marshall, presented the group's final report for Members' consideration.

Cabinet was informed that the Task Group had been established by the Overview and Scrutiny Board following referral of a Motion on Notice on this subject from Council. The review had been launched in a context in which the UK had been experiencing increasingly intense heatwaves, particularly in 2022, which had had a negative impact on the health and wellbeing of many people. A number of key lessons had been learned from the heatwave experienced in 2022 and the Council and partner organisations could learn from these. Locally, key lessons included the need to improve communications and a requirement to improve co-ordination between relevant agencies.

Bromsgrove District Council, as a first-tier responder, had a number of responsibilities in this space. There were several contexts in which Council services could be impacted by heatwaves, from environmental

protection to supporting people at risk of homelessness. There was a traffic light system in the region in place to trigger warnings about heatwaves.

The Task Group had been informed about the work of Worcestershire Prepared and Applied Resilience in relation to preparing for and handling the impact of heatwaves. Worcestershire Prepared consisted of a range of partner organisations working together to engage with local communities and to sense check that local measures were working. Applied Resilience, meanwhile, was in the process of undertaking an audit of potential rest centres that could be used in the county.

A key finding of the Task Group had been that, whilst people were aware of climate change and how this had impacted on weather patterns in the UK, there appeared to be less familiarity with some of the risks to people arising from hotter weather. For example, there were some people who were not aware of the risks associated with having barbecues during heatwaves.

At the end of the review, the Task Group had proposed that there should be an annual report to the Overview and Scrutiny Board updating Members on areas of change in relation to heatwaves, the impact of this on the local community and action being taken to address this. The Overview and Scrutiny Board had approved this recommendation in July. As the Board could determine items for consideration on the Overview and Scrutiny Work Programme, the Cabinet was being asked to note the content of the Task Group's final report.

In concluding his presentation, Councillor Marshall thanked the other members of the Impact of Heatwaves Task Group for their hard work. The Officers who had contributed to the review were also thanked for their support, with particular thanks extended to the Senior Democratic Services Officer, who had written the report detailing the group's findings.

Members welcomed the report from the Impact of Heatwaves Task Group and thanked the group for their hard work. Questions were raised about the timing of the annual update to the Overview and Scrutiny Board. Councillor Marshall confirmed that the aim would be to provide an annual update in the spring. This would provide time to learn lessons from the previous summer in preparation for the heatwaves that might occur in the forthcoming summer that year.

RESOLVED that the Impact of Heatwaves Task Group's final report be noted.

FINANCIAL RECOVERY PROGRAMME REPORT

The Deputy Chief Executive and Section 151 Officer presented the Financial Recovery Programme report for Cabinet's consideration.

Members were reminded that the purpose of the report was to provide an update on progress addressing the issues that had been the subject of Section 24 recommendations issued by the external auditors, Grant Thornton, in relation to the Council in 2022. There had been six recommendations included in the Section 24 Notice. The Council had completely addressed five of these recommendations. The sixth recommendation had related to auditing the Council's submitted accounts and this was partially resolved.

Since the Section 24 Notice had been issued to the Council, a lot of progress had been made. This included:

- Submission of the Council's 2020/21 accounts.
- Completion of the 2021/22 accounts for submission.
- Presentation of the financial outturn report for 2023/24 to Cabinet.
- Presentation to Cabinet of Finance and Performance Monitoring Reports for Quarters 1 – 4 of the 2023/24 financial year.
- Presentation to Cabinet of the Finance and Performance Monitoring Report for Quarter 1 of the 2024/25 financial year, included in the Cabinet agenda for this meeting.
- Continuation of the delivery of monthly accounts training for budget managers.
- Recruitment of staff into key roles in the Financial Services team. This had included the recruitment of new staff since the start of 2024.
- The presentation of a Financial Compliance report for the consideration of the Audit, Standards and Governance Committee at every meeting.

The Minister of State for Local Government and English Devolution had recently announced the Government's expectations in terms of the deadlines for submission of local government accounts. As part of this process, local authority accounts for 2023/24 would need to be submitted for audit by the end of February 2025. However, there remained over 1,000 sets of accounts for Councils across England that had not yet been audited, representing roughly three sets of accounts per authority. External auditors were struggling to complete audits of accounts in a timely fashion and unless this issue was addressed, Councils would struggle to meet this deadline.

In this context, Officers suggested that the remaining Section 24 Notice recommendation, to have audited accounts, was no longer relevant. New external auditors, Bishop Fleming, were due to audit the Council's accounts in future and the Council would be formally raising this issue with the auditors once they were actively working with the authority. In the meantime, Members were asked to note that Grant Thornton had written to the Council to advise that they did not have the time to audit the Council's 2021/22 and 2022/23 accounts, which would have implications for the future, as Bishop Fleming was supposed to start in their external audit role by auditing the 2023/24 accounts.

The Audit, Standards and Governance Committee had an important role in relation to considering the Council's accounts prior to submission for audit. The next meeting of the Committee had been postponed from 19th September to 10th October 2024, due to a clash with the date of a by-election in Bromsgrove District. This would coincide with the deadline for submission of two sets of accounts by the authority and it was possible that consideration of both sets of accounts at the same meeting could cause confusion. In this context, it was noted that an extra meeting of the Committee or an Audit Task Group meeting might be required to help reduce the potential for confusion within two weeks of the Committee Meeting as there was still the requirement for both sets of accounts to have been reviewed by the Public by the 13th December 2024 which was a one month process.

The Finance and Budget Working Group had considered the report at a meeting held on 9th September 2024. During the meeting, Members had raised questions about the Council's Workforce Strategy, overall Council staffing numbers and vacancy levels at the authority. Members were asked to note that there were 40 agency staff posts at Bromsgrove District Council and 100 agency staff posts overall, although the latter figure included vacancies in the Redditch Housing Revenue Account (HRA), which did not apply to Bromsgrove. More work was being done to link these agency staff to a report on vacancies.

Following the presentation of the report, Members discussed a number of points in detail:

- The extent to which the Government was likely to impose penalties on any local authorities that did not submit accounts by the deadlines that had been set and whether this would be feasible in a context in which most Councils had outstanding sets of audited accounts.
- The reasons why there were so many outstanding sets of audited accounts across the country. Officers explained that there was a lack of capacity at a national level within the external audit sector, partly due to challenges with funding of the sector.
- The implications arising from the previous external auditors not completing audits of the Council's 2021/22 and 2022/23 accounts prior to the new external auditors commencing their role in support of the authority.
- The extent to which the new external auditors would need to complete audits of the 2021/22 and 2022/23 accounts in order to start an audit on the 2023/24 accounts.
- The potential for the Council to reclaim fees from the previous external auditors, which had had to be paid up front, for incomplete audits.
- The possibility that the new external auditors would need to be paid additional fees in order to cover the costs of extra work arising from the incomplete audits of the 2021/22 and 2022/23 accounts.
- The extent to which the previous external auditors were likely to have been unable to complete audits of accounts for other Councils

resulting in a need to pay other authorities their fees back and the potential risk that the auditors would be unable to pay back funds to multiple authorities at the same time. Officers explained that as members of the Public Sector Audit Appointments (PSAA), the external auditors would have to abide by any rulings from that body on paying fees back to Councils.

- The figures associated with all of the unaudited accounts across the country. Overall, Officers suggested that across the whole of the sector, it was likely that approximately £500 – 600 billion worth of accounts had not yet been signed off and whilst there would be compliance in 99.99 per cent of cases, there were inevitably risks attached to such large figures that would have national implications for the Government.
- The work that had been completed already by the previous external auditors, including the Value for Money assessments which could be reviewed by the new auditors.

RESOLVED to note:

- 1) Progress made on the financial recovery including:
 - a) Delivery of the Statutory Accounts
 - b) Delivery of Statutory Financial Returns
 - c) Improvements in the Control Environment
- 2) The work still under way to move back to a best practice operation and the associated timetable for completion of this work, as contained in this report.

25/24

INITIAL BUDGET SETTING REPORT

The Deputy Chief Executive and Section 151 Officer presented the Initial Budget Setting Report for Members' consideration.

Cabinet was informed that in the Chancellor's statement on 29th July 2024, a number of points relating to the budget had been raised which had implications for local government finances:

- The budget would be announced on 30th October 2024.
- Local government would receive a one-year settlement for 2025/26. There was some uncertainty about when the one-year settlement for local government would be confirmed but Officers were hopeful that this would be at an earlier stage compared to 2023.
- The Government would be undertaking a spending review with a view to making three-year settlements for 2026/27 to 2028/29. The Council would need to make sure that it responded to any consultations on this subject in order to help influence the budget settlement process.
- The pay review for public sector workers was due to be fully funded by the Government. Explicit reference had not been made to local government in this announcement, but Councils were hopeful that local authority staff would be covered through this process.

- Charitable rate relief entitlement would be removed for private schools. Instead of paying 20 per cent of business rates, they would in future have to pay 100 per cent of business rates. The additional 20 per cent revenue would be paid on a 50:50 basis to the Government and the local authorities areas in which the school was situated. Members were asked to note that there were private schools located in Bromsgrove District so the Council would benefit financially from this measure.
- Changes would be made to Capital Gains Tax rules.
- Increases had been announced to fuel duties, which would result in increased costs associated with the Council's vehicle fleet.
- Pension tax relief was being reviewed, which could have negative financial implications for the Council.
- The Government was proposing to limit insurance increases, which could have a positive impact on the Council's budget.

The report proposed that, in line with practice in recent years, there should be a two-tranche process for budget setting at the Council in 2025. Every attempt would be made to ensure that any risks to the Council's finances were addressed in Tranche 1 of the budget to help with transparency and budget planning.

Once the report had been presented, Members discussed the following points in detail:

- The changes to the charitable rate relief status of private schools and the implications of these changes for demand for state school places locally.
- The possible implications of the changes to the charitable rate relief status of private schools for pupils in receipt of bursaries.
- The numbers of pupils attending private schools locally, including the numbers of young people resident in the District.
- The timeframes for agreement of the pay award to staff. Officers advised that it was not known when the pay award would be announced and Members were asked to note that at least one Trade Union was consulting on strike action which would potentially impact on those timeframes.

RESOLVED that the 2 Phase Budget Process is again followed for the 2025/26 to 2027/28 Medium Term Financial Plan.

26/24

Q1 REVENUE AND PERFORMANCE MONITORING 2024/2025

The Deputy Chief Executive and Section 151 Officer presented the Revenue and Performance Monitoring Report for the first quarter of the 2024/25 financial year.

The report included a table detailing anticipated overspends by the end of the financial year based on figures available for the first quarter. Officers were anticipating an overspend of £102,000 by the end of the

financial year. The main pressures on the budget were costs associated with upgrading the Council's vehicle fleet and the potential for the staff pay award to be higher than the 4 per cent rate that had been included in the budget.

The Council had spent £1.9 million of the authority's Capital Programme, primarily on Levelling Up projects. Earmarked reserves were at a level of £10 million. The authority was not engaged in short-term borrowing.

Reference was made to one of the resolutions detailed in the report concerning proposals for a new national forest bid. A report on this subject had originally been due to be considered by Cabinet in September 2024. However, following the general election, the plans at a national level for the new national forest bid process had changed and therefore the report had had to be postponed. New guidance had been issued by the Government on this subject on 9th September 2024 and the implications were in the process of being reviewed. The Council had been planning to issue a bid in partnership with the National Trust and was receiving research assistance from Birmingham University, in terms of air quality monitoring, which it was hoped would have a positive impact on the likely success of the bid. Further consideration needed to be given to issues relating to liabilities, particularly as the Government's new plans involved the Forest Trust allocating funding to successful bidders. Bids needed to be submitted by 27th October 2024 and Members would be consulted prior to this point. As part of this process, the Overview and Scrutiny Board had asked to be kept informed and for scrutiny Members to receive an update on the subject.

There were a number of positive aspects within the budget that were reported for Members' consideration:

- Income had been agreed with and received from Bromsgrove District Housing Trust (BDHT) for the sale of a number of properties at the Burcot Lane site.
- A number of other properties at Burcot Lane had been sold privately, resulting in additional income for the Council.
- The Council was owed an estimated £4 million from VAT receipts from the Government from 2021/22 onwards. This was being followed up with the Council's VAT Advisors and HMRC.

In terms of performance data, there had been an increase in business grants and a slight decrease in reports of homelessness since the end of the previous financial year. Whilst there continued to be staff turnover, this was at half the national average level, which was positive. Council Tax collection rates were slightly under target, but Members were asked to note that they were at a higher level than usual for this stage in the financial year.

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

- The number of Councils in the country that were considered to be debt free. Officers undertook to provide an answer in respect of this matter, based on CIPFA information, after the meeting.
- The national forest bid and the fact that this would entail both tree and hedgerow planting.
- The locations in which trees and hedgerows in a national forest in the District could be planted, given that the Council did not own much land. Clarification was provided that this project would involve working in partnership, including with the National Trust, and focused on the benefits arising to health and wellbeing.
- The potential limitations, in planning terms, of developing houses on land that had been designated as national forest.
- The location of the CCTV cameras that were being used by Birmingham University to monitor air quality in the District as part of the national forest project. Officers undertook to provide further information to Members on this subject after the meeting.
- The role of the Eight Hills Project in leading up to the work on the national forest bid.
- The benefits arising from the national forest bid to local companies, particularly in respect of carbon credits.
- The declining homelessness levels that had been reported for the first quarter of the financial year and whether Government changes to rules in respect of no fault evictions might impact on homelessness rates.
- The financial costs to the Council arising from homelessness cases. Officers clarified that BDHT provided accommodation in the District but there could be financial costs to the Council arising from any future increase in use of bed and breakfast accommodation.
- The timeliness of the reporting of finance and performance data to Cabinet and potential improvements that would be made to this as a consequence of changes to systems used by the Council.

RESOLVED that

- 1) The current Revenue overspend position of £103,000 and actions the Council are taking to mitigate this position be noted.
- 2) The current Capital spending of £1.92 million against a budget of £7.07 million be noted.
- 3) The balance sheet monitoring position be noted, including the Treasury position.
- 4) The updated procurements position set out in the appendix be noted, with any new items over £200,000 to be included on the forward plan.
- 5) The Quarter 1 Performance data for the Period April to June 2024 be noted.
- 6) The proposed process for the approval of the new “National Forest” bid be noted.

27/24

TREASURY MANAGEMENT OUTTURN REPORT

The Deputy Chief Executive and Section 151 Officer presented the Treasury Management Outturn Report 2023/24 for Cabinet's consideration.

Members were advised that this was a really important report that was needed to provide assurance that appropriate controls were in place at the Council for investments and debt management and that prudential indicators would not be breached. Many of the Councils that had received Section 114 Notices in recent years had struggled in this context after the Government had previously granted local authorities the freedom to make investments. Some Councils had made excessive investments and had breached their indicators. Members were advised that paragraphs 3.4 to 3.19 of the report were all recommended for Members' consideration, as the information provided in those sections helped to clarify the context in terms of what had been happening in the sector.

In 2023/24, Bromsgrove District Council had breached one indicator, in terms of cash flow for the year end where the authority had been slightly below levels required. This had been addressed through borrowing from Redditch Borough Council and it was proposed that the two authorities should borrow from each other, where necessary, to help with treasury management moving forward.

Bromsgrove District Council was debt free by the date of the meeting of Cabinet and it was anticipated that this would remain the case for at least the following two years. A challenge to this position would be the costs associated with upgrading the Council's vehicle fleet. However, the Council was considered to be in a relatively good position, particularly compared to other local authorities in respect of cash flow.

Following the presentation of the report, Members discussed the financial costs to the Council arising from the need to upgrade the authority's vehicle fleet. Questions were raised about the potential to use capital receipts towards these costs, subject to changing to alternative sources of fuel. Officers agreed to investigate this option further. However, Members were asked to note that there would be a need to be cautious and to avoid doing anything outside Government limits. Should these limits be breached, this could result in the Council being unable to access the Public Works Loans Board (PWLB) in future, which would have negative implications for the Council as the PWLB offered far lower interest rates than other potential providers of loans.

RECOMMENDED that Council note

1. The Council's Treasury performance for the financial year 23/24.
2. The position in relation to the Council's Prudential indicators.

28/24

MINUTES OF THE MEETING OF THE OVERVIEW AND SCRUTINY BOARD HELD ON 11TH JULY AND 23RD JULY 2024

The minutes of the meetings of the Overview and Scrutiny Board held on Thursday 11th July and Tuesday 23rd July 2024 were submitted. There were no outstanding recommendations from these meetings of the Board for Cabinet's consideration.

RESOLVED that the minutes of the meetings of the Overview and Scrutiny Board held on Thursday 11th July and Tuesday 23rd July 2024 be noted.

29/24

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 item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I of scheme 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:-

Minute Item Paragraph

No

30/24 3

30/24

LEVELLING UP REPORT - APPROVAL OF CONTRACTOR (REPORT TO FOLLOW)

The Deputy Chief Executive and Section 151 Officer presented a report on the subject of Levelling Up and the appointment of a contractor for the project.

Cabinet was reminded that Bromsgrove had been awarded £14.5 million in Levelling Up funding. The majority of this funding would need to be spent by September 2025, although a portion would need to have been used by the end of March 2025. The update followed a report that had been considered by both the Overview and Scrutiny Board and Cabinet in July 2024, at which stage the demolition of the Windsor Street site had been about to commence.

Following the previous report, Kier Group Plc had been granted a further 10 weeks for their works to be delivered at the former Market Hall site.

The public realm works were being delivered by Worcestershire County Council on behalf of Bromsgrove District Council as part of the Levelling

Up project. These public realm works connected the former Market Hall site to the Windsor Street site. Worcestershire County Council was on track to deliver these works by December 2025.

At the Windsor Street site, City Demolition had been awarded the contract as agreed and engaged to deliver works at the site. City Demolition had taken ownership of the site in late July 2024. Prior to that date, there had been issues with anti-social behaviour at this location and this had been an ongoing concern. However, by 9th September 2024, 70 per cent of the site had been demolished. Once the demolition process was completed, fencing would remain in place to help deter further anti-social behaviour.

By the date of the Cabinet meeting, the project was on track to be delivered, with Levelling Up funds due to be spent according to deadline. However, timescales were tight, with a leeway period of only three weeks available. There was a risk that if these deadlines were not met, the Council, as responsible body, would have to cover additional costs on top of the 10 per cent that had been required in the original bid.

During consideration of this item, the Leader highlighted that the report had been pre-scrutinised at a meeting of the Overview and Scrutiny Board held on Tuesday 10th September 2024. Whilst the Board had not made any recommendations on this subject, there had been extensive and robust discussions at the meeting regarding the content of the report. Cabinet thanked the Overview and Scrutiny Board for their contribution in respect of pre-scrutiny of this matter.

Once the report had been presented, Members discussed the following points:

- The stage that had been reached in the planning process for the former Market Hall site. Officers confirmed that this had already gone through the planning process.
- The arrangements for project management of the Levelling Up scheme and the extent to which these arrangements complied with the approach that had been suggested by the Audit, Standards and Governance Committee's Task Group in 2023. Cabinet was reassured that there would be a return to monthly meetings of the Levelling Up Programme Board in order to monitor progress with the project.
- The need for Members to be kept informed of any unexpected occurrences in respect of this project as and when these emerged.

In concluding their discussions regarding this item, Members considered the wording of the proposals detailed in the report. There was agreement that the wording should be altered to emphasise the need to minimise the overall costs arising from works on the former Market Hall site. In this context, the following alteration to the wording was proposed by the Leader:

“The appointment of Kier Group plc for the delivery of the Market Hall works contract be approved *at a maximum as set out in this report and that officers work to minimise overall costs from this level.*”

This alteration to the wording of the resolution was approved by Members.

RESOLVED that

- 1) Cabinet note the challenges and work undertaken to date detailed within this report.
- 2) The appointment of Kier Group plc for the delivery of the Market Hall works contract be approved at a maximum as set out in this report and that officers work to minimise overall costs from this level.

(During consideration of this item, Members discussed matters that necessitated the disclosure of exempt information. It was therefore agreed to move to exclude the press and public prior to any debate on the grounds that information would be revealed Information relating to the financial or business affairs of any particular person (including the authority holding that information)).

The meeting closed at 8.11 p.m.

Chairman