

Open

Cabinet

Agenda

**6pm
Tuesday, 21 March 2023
Council Chamber
Wyre Forest House
Finepoint Way
Kidderminster**



Wyre Forest District Council



Cabinet

The Cabinet Members and their responsibilities:-

Councillor H Dyke	Leader of the Council & Economic Regeneration, Planning & Localism
Councillor G Ballinger	Deputy Leader & Culture, Leisure & Community Safety
Councillor N Martin	Housing, Health, Well-being & Democratic Services
Councillor M Rayner	Finance & Capital Portfolio
Councillor J Thomas	Operational Services

Scrutiny of Decisions of the Cabinet

The Council has one Scrutiny Committee that has power to investigate policy issues and question members of the Cabinet who have special responsibility for a particular area of the Council's activities. The Cabinet also considers recommendations from this Committee.

In accordance with Section 10 of the Council's Constitution, Overview and Scrutiny Procedure Rules, and Standing Order 2.4 of Section 7, any item on this agenda may be scrutinised by the Scrutiny Committee if it is "called in" by the Chairman or Vice-Chairman of the Overview & Scrutiny Committee and any other three non-Cabinet members.

The deadline for "calling in" Cabinet decisions is 5pm on Friday 31 March 2023.

Councillors wishing to "call in" a decision on this agenda should contact Louisa Bright, Principal Committee and Member Services Officer, Wyre Forest House, Finepoint Way, Kidderminster. Telephone: 01562 732763 or email louisa.bright@wyreforestdc.gov.uk

Urgent Key Decisions

If the Cabinet needs to take an urgent key decision, the consent of the Scrutiny Committee Chairman must be obtained. If the Scrutiny Committee Chairman is unable to act the Chairman of the Council or in his/her absence the Vice-Chairman of the Council, must give consent. Such decisions will not be the subject to the call in procedure.

Declaration of Interests by Members – interests of members in contracts and other matters

Declarations of Interest are a standard item on every Council and Committee agenda and each Member must provide a full record of their interests in the Public Register.

In addition, alongside the Register of Interest, the Members Code of Conduct ("the Code") requires the Declaration of Interests at meetings. Members have to decide first whether or not they have a disclosable interest in the matter under discussion.

Please see the Members' Code of Conduct as set out in Section 14 of the Council's constitution for full details.

Disclosable Pecuniary Interest (DPI) / Other Disclosable Interest (ODI)

DPI's and ODI's are interests defined in the Code of Conduct that has been adopted by the District.

If you have a DPI (as defined in the Code) in a matter being considered at a meeting of the Council (as defined in the Code), the Council's Standing Orders require you to leave the room where the meeting is held, for the duration of any discussion or voting on that matter.

If you have an ODI (as defined in the Code) you will need to consider whether you need to leave the room during the consideration of the matter.

For further information

If you have any queries about this Agenda or require any details of background papers, further documents or information you should contact Louisa Bright, Principal Committee and Member Services Officer, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF. Telephone: 01562 732763 or email louisa.bright@wyreforestdc.gov.uk

Documents referred to in this agenda may be viewed on the Council's website - www.wyreforestdc.gov.uk/council/meetings/main.htm

Wyre Forest District Council

Cabinet

Tuesday, 21 March 2023

Council Chamber, Wyre Forest House, Finepoint Way, Kidderminster

Part 1

Open to the press and public

Agenda item	Subject	Page Number
1.	Apologies for Absence	
2.	Declarations of Interests by Members In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any Disclosable Pecuniary Interests (DPI's) and / or Other Disclosable Interests (ODI's) in the following agenda items and indicate the action that they will be taking when the item is considered. Please see the Members' Code of Conduct as set out in Section 14 of the Council's Constitution for full details.	
3.	Minutes To confirm as a correct record the Minutes of the meeting held on the 7 February 2023.	7
4.	CALL INS a verbal update will be given on any decisions which have been "called in" since the last meeting of the Cabinet.	
5.	Items Requiring Urgent Attention To consider any item which, in the opinion of the Chairman requires consideration at the meeting as a matter of urgency.	
6.	Public Participation In accordance with the Council's Scheme for Public Speaking at Meetings of Full Council/Cabinet, to allow members of the public to present petitions, ask questions, or make statements, details of which have been received by 12 noon on Monday 13 March 2023. (See front cover for contact details). No requests for public participation were received by the deadline.	

7.		
7.1	<p style="text-align: right;">Councillor M Rayner</p> <p>Budget and Performance Monitoring Third Quarter 2022-23</p> <p>To consider a report from the Head of Resources and s151 Officer that briefs members on the Council's financial and other performance at the end of Quarter 3 ending 31st December 2022 and to present the current projected outturn position for the 2022-23 financial year.</p> <p><i>The appendices to this report have been circulated electronically.</i></p> <p>To also consider recommendations from the Overview & Scrutiny Committee from its meeting on 2 March 2023.</p>	<p>12</p> <p>30</p>
7.2	<p>Write off of Amounts Outstanding</p> <p>To consider a report from the Head of Resources to enable the Cabinet to consider writing off debts that cannot be collected.</p>	<p>31</p>

8.		
8.1	<p style="text-align: right;">Councillor G Ballinger & Councillor H Dyke</p> <p>Localism Including Bewdley Leisure Centre</p> <p>To consider a report from the Chief Executive to agree various asset transfers and disposals as part of the localism agenda.</p> <p>To also consider recommendations from the Overview & Scrutiny Committee from its meeting on 2 March 2023.</p>	<p>35</p>

9.		
9.1	<p style="text-align: right;">Councillor H Dyke</p> <p>Chaddesley Corbett Revised Neighbourhood Plan (NP) 2022-2036 – Referendum</p> <p>To consider a report from the Head of Strategic Growth to agree that the Chaddesley Corbett Neighbourhood Plan should be made part of the Development Plan for Wyre Forest District following the referendum which was held on Wednesday 8th February 2023.</p> <p>To also consider recommendations from the Overview & Scrutiny Committee from its meeting on 2 March 2023.</p>	<p>46</p> <p>51</p>
9.2	<p>Report on the Local Enforcement Plan (LEP)</p> <p>To consider a report from the Senior Planning Policy Officer to approve the Wyre Forest District Council (WFDC) Local Enforcement Plan (LEP) which covers action to be taken in cases of planning enforcement.</p> <p><i>The appendix to this report has been circulated electronically.</i></p> <p>To also consider recommendations from the Overview & Scrutiny Committee from its meeting on 2 March 2023.</p>	<p>52</p> <p>57</p>

10.	To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.	
11.	Exclusion of the Press and Public To consider passing the following resolution: “That under Section 100A(4) of the Local Government Act 1972 the press and 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 paragraph 3 of Part 1 of Schedule 12A to the Act”.	

Part 2

Not open to the Press and Public

12.	To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.	
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WYRE FOREST DISTRICT COUNCIL

CABINET

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER

7 FEBRUARY 2023 (6PM)

Present:

Councillors: H E Dyke (Chairman), G W Ballinger (Vice-Chairman), N Martin, M Rayner and J W R Thomas.

Observers:

Councillors: M J Hart and F M Oborski MBE.

Observed remotely: Councillors: P Dyke, C Edginton-White and I Hardiman.

CAB.44 Apologies for Absence

There were no apologies for absence.

CAB.45 Declarations of Interests by Members

No declarations of interest were made.

CAB.46 Minutes

Decision: The minutes of the Cabinet meeting held on 20 December 2022 be confirmed as a correct record and signed by the Chairman.

CAB.47 Call Ins

No decisions had been called in since the last Cabinet meeting.

CAB.48 Items Requiring Urgent Attention

There were no items requiring urgent attention.

CAB.49 Public Participation

There was no public participation.

CAB.50 Medium Term Financial Strategy 2023-2026 & Capital Strategy 2023-2033

A report was considered from the Head of Resources that updated Cabinet on the Medium-Term Financial Strategy (MTFS) 2023-2026 and made recommendations to Council on the proposed budget decision. The report also sought approval of the Capital Strategy for 2023-2033 including prudential indicators which set limits for non-financial investments and to fulfil the key requirements of the DLUHC Investment Guidance.

The Cabinet Member for Finance and Capital Portfolio presented the report and formally moved the recommendations for approval. She said that the proposals had been shaped by the views of residents who completed the council's annual budget consultation and consideration of the alternative budgets shared by the Liberal Democrat and Conservative groups at the Strategic Review Panel meeting on 12 January. She added that the proposals in the report had been scrutinised at the Strategic Review Panel meeting on 29 January.

She said that the Cabinet were grateful to the public for sharing their views and to the other groups for their suggestions.

The Cabinet Member outlined the nine Cabinet proposals as set out in the report. She said the MTFS was set against ongoing uncertainty and resultant risk due to rising prices, uncertain global and national political and economic conditions and further delays to funding reform.

She said the strategy continued with the programme of work to consider options for how the council might deliver services differently in future to save costs and protect front line services. She said the ongoing service transformation was not easy and not all risk could be mitigated, however the authority would continue to work hard to build on its impressive track record to achieve the savings required whilst also protecting services as far as possible.

In conclusion, the Cabinet Member said that the proposals represented a realistic way forward that reflected the aspirations of the Cabinet. They acknowledged the alternative proposals put forward by the opposition groups, whilst still allowing the authority to continue to balance the books in these challenging times.

The Leader of the Council seconded the proposals.

Decision: The CABINET having re-considered the Financial Strategy 2023-2026, the results of the Budget consultation exercise, alternative budget proposal and recommendations of the Strategic Review Panel RECOMMEND TO COUNCIL that it:

- 1.1 THREE YEAR BUDGET, CAPITAL STRATEGY AND POLICY FRAMEWORK 2023-2026**
- 1.1.1 APPROVES the updated Medium-Term Financial Strategy 2023-2026.**
- 1.1.2 APPROVES the Cabinet Proposals – taking into account the impact on the Council's Capital and Revenue Budgets for 2023-2026 as shown in the tables in paragraphs 6.1 and 6.3 and as set out below:**
 - a) Approval to provide community leadership funding of £1,000 for each councillor in 2023-24, at a cost of £33,000 in 2023-24.**
 - b) Approval to provide additional staffing resources to address**

capacity issues at a cost of £119,000 in 2023-24, £166,000 in 2024-25 and £189,000 in 2025-26.

- c) **Approve investment for a further 5 year period in the ICT strategy which has revenue implications of £6,000 in 2023-24, £49,000 in 2024-25 and £123,000 in 2025-26. The ICT Strategy will deliver £1.6m capital investment over the period 2023-24 to 2028-29.**
 - d) **Approval to fund 2 generic Civil and Environmental enforcement posts £65,140 in 2023-24 and £67,740 in 2024-25.**
 - e) **Approval to provide additional litter picking resource in Stourport and Bewdley, a £10,000 pa core element to cover six weeks in the summer and a £10,000 pa match funding element subject to match funding from the Town Councils.**
 - f) **Approval to provide a £5,000 Community Fund to provide grants of £100 - £500 to support community, charity and residents' groups to deliver events to celebrate the Coronation of King Charles III.**
 - g) **Approval to provide new culture/arts events grants to town councils £20,000 pa.**
 - h) **Approval of up to £1,000 pa for the costs of the No Barriers Awards scheme on the basis that there is an absolute minimum of administrative support provided by WFDC.**
 - i) **Approval of the inclusion of the Housing Fund grant offer in the Capital Programme. The grant offer of £706,000 will support capital expenditure in 2023-24 of £876,000. The balance to be met from the Evergreen Investment Fund.**
- 1.1.3 APPROVES the fees and charges in line with this Strategy, and the impact on the Council's Revenue Budget for 2023-2026, as shown in Appendix 3.**
- 1.1.4 APPROVES the Council's updated Capital Strategy:**
- a) **Approval of the Capital Strategy 2023-2033 set out in Appendix 1 of the December Cabinet report and the updated, associated Qualitative Indicators set out in Appendix 2C of the report.**
 - b) **Approval of variations to the Capital Programme and Vehicle, Equipment and Systems Renewals Schedule as set out in Appendices 2A and 2B, of the report (which updates Appendix 1 of the Capital Strategy report to December 2022 Cabinet).**
 - c) **Approval of the limits for gross debt for non-treasury investments compared to net service expenditure and for commercial income as a percentage of net service expenditure**

as set out in Appendix 2C of the report.

- 1.1.5 **APPROVES** that any Final Accounts savings arising from 2022-2023, together with surplus Earmarked Reserves, be allocated by the Head of Resources in consultation with the Cabinet Member for Finance and Capital Portfolio.
- 1.1.6 The General Fund Revenue Budget be **APPROVED** including all updates from the position in December 2022 as set out in the report.
- 1.2 **COUNCIL TAX AND BUSINESS RATES**
 - 1.2.1 a. **SETS** the Council Tax for Wyre Forest District Council on a Band D Property at £236.21 for 2022-2023 (£229.34 2022-2023) which represents an increase of 3% on Council Tax from 2022-2023.
 - b. **ENDORSES** the provisional Council Tax on a Band D Property in 2023-2024 of £234.27 and £250.57 in 2024-2025, being increases of 3%.
- 1.2.2 **NOTES** the Head of Resources (as Chief Financial Officer) opinion on the budget proposals, recommended by the Cabinet in the report, as detailed in Appendix 4 of the report.
- 1.3 **The Cabinet APPROVED:**
 - 1.3.1 Delegated authority is given to the Head of Resources, in consultation with the Cabinet Member for Finance and Capital portfolio, to make any appropriate adjustments to the General Fund Revenue Budget recommended under paragraph 1.1.6 above, as a result of any further notifications from Central Government.
- 1.4 **The Cabinet NOTED** in line with the recommendations of the Strategic Review Panel:
 - 1.4.1 The Alternative budget proposals as detailed within Appendix 5 of the report, further noting that updated versions as appropriate will be provided for Full Council on the 22nd February 2023.

CAB.51 Wyre Forest District Council Health and Wellbeing Supplementary Planning Document

A report was considered from the Head of Strategic Growth that presented the draft Wyre Forest District Council (WFDC) Health and Wellbeing Supplementary Planning Document (SPD) for public consultation.

The Leader presented the report and formally moved the recommendations for approval.

The Leader gave a summary of the background and key issues detailed in the report. She explained that the SPD gave details on how matters on health and wellbeing should be positively addressed through the development planning process in the district.

The Chairman of the Overview and Scrutiny Committee, Councillor M Hart presented the recommendations from its meeting on 2 February 2023. He said the document was well written and would help interested parties. He said the Committee had suggested a number of minor points of refinement and were unanimous in their endorsement of the document.

The Cabinet Member for Culture, Leisure and Community Safety seconded the proposal.

Decision: In line with the recommendations from the Overview and Scrutiny Committee from its meeting on 2 February 2023, Cabinet AGREED that the Health and Wellbeing Supplementary Planning Document (SPD) is consulted on from February for 6 weeks.

There being no further business, the meeting ended at 6.23pm.

WYRE FOREST DISTRICT COUNCIL

**CABINET
21st MARCH 2023**

Budget and Performance Monitoring Third Quarter 2022-23

OPEN	
CABINET MEMBER:	Councillor M Rayner, Cabinet Member for Finance and Capital Portfolio
RESPONSIBLE OFFICER:	Head of Resources and s151 Officer
CONTACT OFFICERS:	Helen Ogram Ext. 2907 Helen.Ogram@wyreforestdc.gov.uk Kath Pearsall Ext.2165 Kathryn.pearsall@wyreforestdc.gov.uk Lisa Hutchinson Ext. 2120 Lisa.Hutchinson@wyreforestdc.gov.uk Rhiannon Foxall Ext. 2786 Rhiannon.foxall@wyreforestdc.gov.uk
APPENDICES:	Appendix 1 - Wyre Forest District Council Revenue Budget Total Requirements - District Council Purposes Appendix 2 - Capital Programme Appendix 3 - Budget Risk Matrix Appendix 4 – Income analysis Appendix 5 – Outstanding debt Appendix 6 – Organisational Health/Wyre Forest Forward measures not associated with corporate priorities <i>The appendices to this report have been circulated electronically and a public inspection copy is available on request. (See front cover for details.)</i>

1. PURPOSE

- 1.1 The purpose of the report is to brief members on the Council's financial and other performance at the end of Quarter 3 ending 31st December 2022 and to present the current projected outturn position for the 2022-23 financial year.
- 1.2 The report sets out the current forecast of income and expenditure against budget for 2022-23 for revenue expenditure.

Revenue - the year-end position on services is forecast to be £330k worse than the position forecast in the 2022-25 Medium Term Financial Strategy (MTFS) and £45k better than the position reported in the 2023-26 MTFS.

Capital – The latest Capital Programme for 2022-23 (detailed in Appendix 2) stands at £25.099m, however £3.908m of this has currently been identified to slip into 2023-24. Although the 2022-23 forecast expenditure at Q3 is £21.191m this does include budgets that are dependent on various outcomes in Q4; hence there may be further slippage at year end. Budgets remain in 2022-23 for maximum flexibility. Actual expenditure at Q3 is £3.053m.

- 1.3 The report also briefs members on current progress against the savings and efficiency targets being delivered by the Wyre Forest Forward Programme and the Localism agenda. Some progress against meeting the Wyre Forest Forward target and Localism savings of for 2022-23 has been achieved. A review of expected transformation savings was undertaken during the Quarter to inform preparation of the MTFS 2023-26.
- 1.4 The report also includes the quarterly “How are we doing?” performance report. This report allows both Cabinet and Overview and Scrutiny Committee a rounded view of the Council’s performance including its financial position.

2. RECOMMENDATIONS

2.1 The Cabinet is asked to NOTE:

- 2.1.1 **The projected budget variations and comments within this report and appendices 1 to 5.**
- 2.1.2 **The performance against measures and actions as set out in the report and appendix 6.**

2.2 The Cabinet is asked to APPROVE:

- 2.2.1 **a contribution of up to £80k from the Evergreen Investment Fund to fund the improvement works at Buntsford Gate, with the balance being met from the Property Risk reserve (paragraph 7.7).**
- 2.2.2 **a contribution of up to £170k from the Evergreen Investment Fund as match funding towards the Government’s Housing Fund grant (paragraph 7.11).**

3 BACKGROUND

- 3.1 Budget projections are reviewed regularly and reported to Cabinet on a quarterly basis. The 2022-23 Original Budget was approved as part of the 2022-25 Medium Term Financial Strategy (MTFS) by Council on 23rd February 2022, the revised budget was approved by Council on 22nd February 2023 as part of the MTFS 2023-26. Performance is measured against both the original budget and the Revised Budget presented within the 2023-26 Strategy (Appendix 1).
- 3.2 The political turmoil seen during the first half of the year settled a little during the quarter and is reflected in a modest improvement in the outlook for Council finances compared to the position reported at Quarter 2 and in the MTFS. The Bank of England currently predicts that inflation will fall quickly during 2023 and be around 4% by the end of the year. The measures introduced to support households with energy prices this winter will have mitigated some of the demand led pressures on services, but we continue to see increased demand for support for those most in need.
- 3.3 The current outturn forecast of £12.381m shows an underspend against the draft Revised Budget of £45k and is an improvement over the quarter 2 projection. The assessment is based on a wide range of assumptions, predicted patterns of cost, service demand and behaviours, and will continue to be monitored throughout the final quarter.

- 3.4 The balanced budget presented in the Medium Term Financial Strategy 2023-26 focuses on ensuring that the Council optimises the full range of income sources that affect its overall budget including Council Tax and Business Rates revenue, Government funding and other external specific grants, fees and charges and other elements of income from activities including returns from treasury investments.
- 3.5 During 2022-23 Wyre Forest District Council is a member of the Pan-Worcestershire business rates pool and receives a share of any growth in rateable value achieved. Any gain is shared between the County Council, the Fire authority and the 6 District Councils.
- 3.6 Year-to-date monitoring shows that income from business rates payers will be in line with the position previously estimated with no noticeable increase in empty reliefs. Collection rates at the end of the third quarter are much improved compared to the last 2 years and are consistent with pre pandemic rates. The position in relation to the 2022-23 year-end provisions for appeals and bad debts is subject to experience during the final quarter so cannot be predicted with accuracy at this time. Any growth above expectation or variation in appeals or bad debt provision will impact on the surplus/deficit position and be carried forward to future years.
- 3.7 The 2023-26 Medium Term Financial Strategy makes prudent assumptions about the lease income that is expected to be generated from the Capital Portfolio Fund. The uncertainty and ongoing risk inherent in this income stream is recognised. We continue to work to ensure that current financial performance, specifically the impact on the MTFS, is clearly presented.
- 3.8 A revised Capital Strategy 2023-33 was approved by Council on 22nd February 2023. The revised Strategy covers all capital expenditure and sets out reporting and planning for financial risk implications in relation to non-treasury investments.

4 FINANCIAL PERFORMANCE

4.1 Revenue Overview

Quarterly budget monitoring includes the forecast position for the current financial year. The Revenue Summary shows net expenditure by reporting group and where some costs are funded by reserves this is incorporated.

The following table details the current projected outturn position with variances against the revised budget approved by Council on 22nd February 2023. The projection is based on known and emerging cost pressures and cost reductions or income growth:

Agenda Item No. 7.1

SERVICE REPORTING GROUP	Original Budget	Q2 Outturn Projection	Revised Budget	Q3 Outturn Projection	Outturn to Revised Variance
	£000	£000	£000	£000	£000
Chief Executive and Solicitor to the Council	1,294	2,090	2,313	2,302	(11)
Community and Environment	4,660	5,038	4,837	4,822	(15)
Economic Development and Regeneration	(94)	138	284	284	0
Resources	2,940	2,559	2,611	2,608	(3)
Revenues Benefits and Customer Services	978	1,052	1,034	1,048	14
Strategic Growth	1,894	1,975	1,847	1,842	(5)
Pay variances	0	284	0	0	0
Capital Account	355	(160)	(525)	(525)	0
	12,027	12,976	12,401	12,381	(20)

The assessment is based on a wide range of assumptions, and forecasts.

- 4.2 **Capital programme** – progress of spend against capital programme is summarised below:

REPORTING GROUP	2022-23 latest Capital Programme (including slippage & reprofiling)	Quarter 3 Actual
	£	£
Community and Environmental Services	768,850	(16,209)
Strategic Growth	5,667,290	1,098,778
Economic Development and Regeneration	16,978,140	772,803
Resources And Revenues, Benefits and Customer Services	784,140	478,647
Vehicle, Equipment and Systems Renewal Schedule	900,900	719,209
Total	25,099,320	3,053,228

Supply and inflationary pressures have created some significant risks for the Council's capital programme, such as increasing costs for construction and equipment renewals. Full detail of scheme progress is provided in Appendix 2 to this report.

The majority of the Council's Capital Programme is financed from either borrowing or capital grants. There are revenue implications from capital expenditure funded from borrowing through interest charges and the statutory Minimum Revenue Provision (MRP).

5. **RESERVES POSITION**

General Reserves

- 5.1 The table below provides key information relating to the latest estimated outturn position. It takes into account the latest Quarter 3 Budgetary Control projections presented in this report.

Reserves Statement	2022-23 £	2023-24 £	2024-25 £	2025-26 £
Reserves as at 1st April	3,840,860	3,468,110	3,309,100	2,914,250
Contribution to/(from) Reserves (MTFS 2023-26)	(372,750)	(159,010)	(394,850)	(939,040)
Reserves as at 31st March - MTFS 2023-26	3,468,110	3,309,100	2,914,250	1,975,210
Quarter 3 Outturn projection - improved position	44,615			
Reserves as at 31st March - Latest projection	3,512,725	3,353,715	2,958,865	2,019,825

Earmarked Reserves

- 5.2 The Council's earmarked reserves held at 1st April 2022 totalled £15.314m. The balance includes some exceptional balances in relation to Covid grants from DLUHC and Business Rates reserves including those held in respect of the time lag inherent within the current Business Rates Retention (BRR) system.
- 5.3 A General Risk Reserve is held to meet one-off unexpected costs and to manage most future operational risks. Allocations against the reserve are approved by the Corporate Leadership Team. Following in year allocations and top-ups the current level of the General Risk Reserve is £1.980m.

Earmarked Reserves	Reserves b/f at 01/04/22	Quarter 3 Spend	New Reserves Added	Commitments outstanding	Balance available
	£000	£000	£000	£000	£000
External Funding	1,860	318	0	592	950
Shared Service	480	82	0	227	171
WFDC Budget	2,777	19	(400)	564	2,594
Innovation Fund	1,054	45	(275)	532	751
General Risks	1,820	50	(245)	36	1,980
Sub Total	7,991	514	(920)	1,951	6,446
Covid Reserves	239	8	0	0	231
Business Rates Reserves	7,085	0	0	3,185	3,900
Total	15,314	522	(920)	5,135	10,577

Information and Analysis – Financial Performance Summary

6. REVENUE DETAIL

- 6.1 This report draws attention to the latest budget pressures that are likely to have an impact on the council's ability to deliver services within the budget envelope presented to Cabinet on 7th February 2023 and approved by Council on 22nd February. The report is produced in consultation with CLT, Heads of Service and Service Managers.
- 6.2 The following table presents an overview of the current and previously reported budget pressures and savings:

Agenda Item No. 7.1

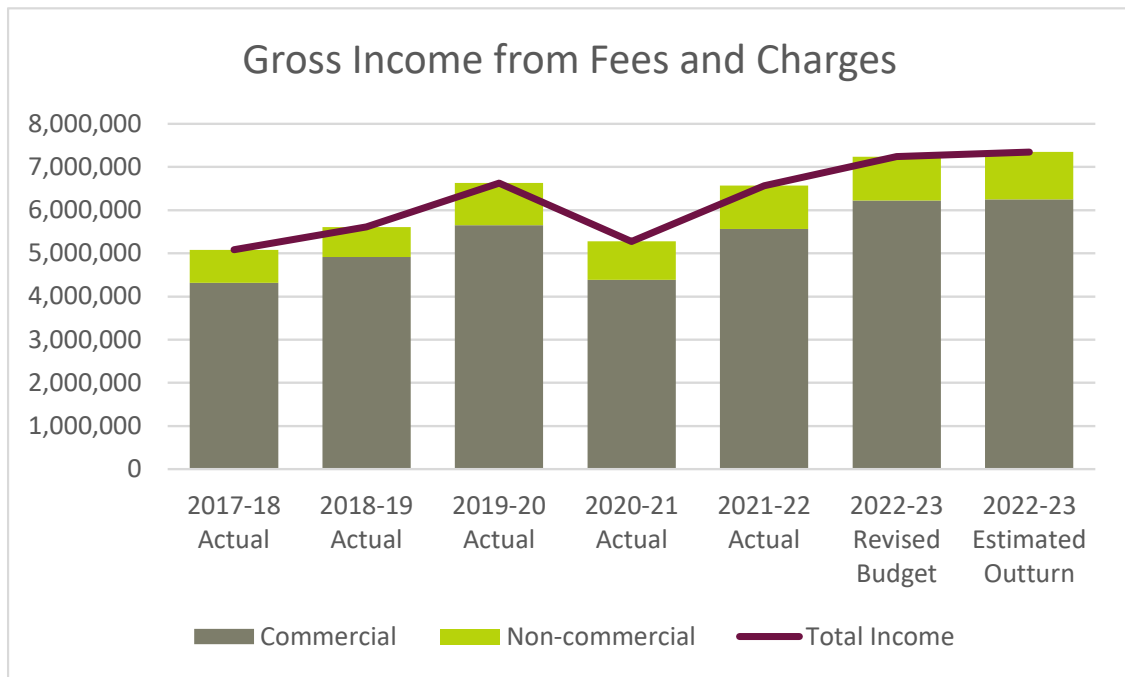
Estimate of major variances compared to approved budget assumptions	Variance to Original Budget		Q3 Variance to Revised Budget
	Reported at Quarter 2	Revised Budget	
	£	£	£
General Inflation	370,000	133,580	0
Pay variances	315,700	315,000	0
Utility bills - gas and electricity	181,200	226,660	0
Leisure centre utility benchmarking	150,000	140,000	0
Fuel	57,000	42,760	0
Service cost pressures (other)	118,200	132,270	70,980
Treasury investment income/loan debt expense	(450,000)	(939,110)	0
Other income growth	(195,400)	(123,590)	(91,750)
Transformation proposals	500,000	500,000	0
MRP savings due to Capital Programme slippage	(65,000)	(52,720)	0
Total Service variances	981,700	374,850	(20,770)
Business Rates growth	(225,000)	0	0
Business Rates redistributed levy			(23,845)
Total variances	756,700	374,850	(44,615)

- 6.3 In addition, positive pay variances of £71k have been identified which will be used to off-set the balance of the Wyre Forest Forward savings target for 2022-23.

7. REVENUE DETAIL - External Income

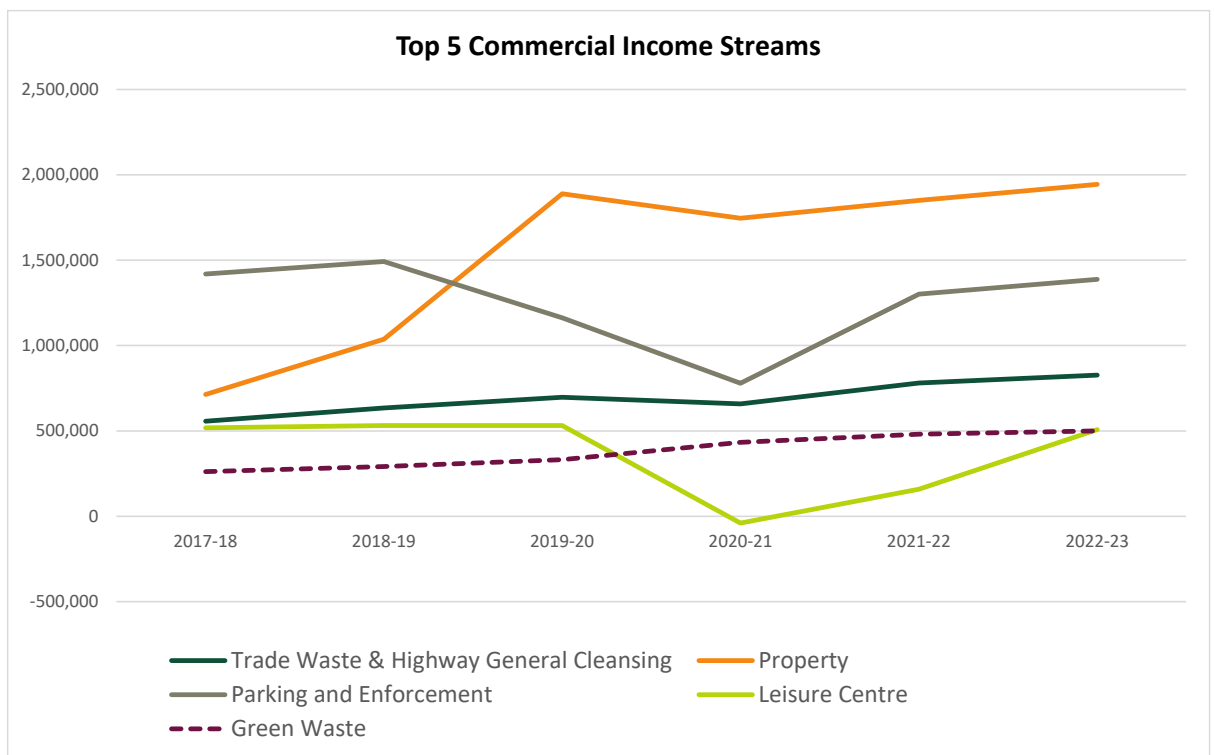
- 7.1 External Income is an important element within the finances of the Council, it affects the level of resources available to fund services and makes an important contribution to a balanced budget. The Covid-19 pandemic had a significant impact on demand led income streams and also on the revenue received from the management agreement for Wyre Forest Leisure Centre. In general income has recovered to pre pandemic levels however the position is mixed and some of the fees and charges from commercial activities are behind target. The summary revised budget and estimated outturn position at the end of quarter 3 is shown in the graph below. Current performance indicates that performance is likely to be ahead (£91,750) of the target set and contained within the budget approved by Council in February. The majority of this growth is in relation to Planning Fee income. Demand led income streams continue to be closely monitored.

Summary Income performance 2017-18 to 2022-23

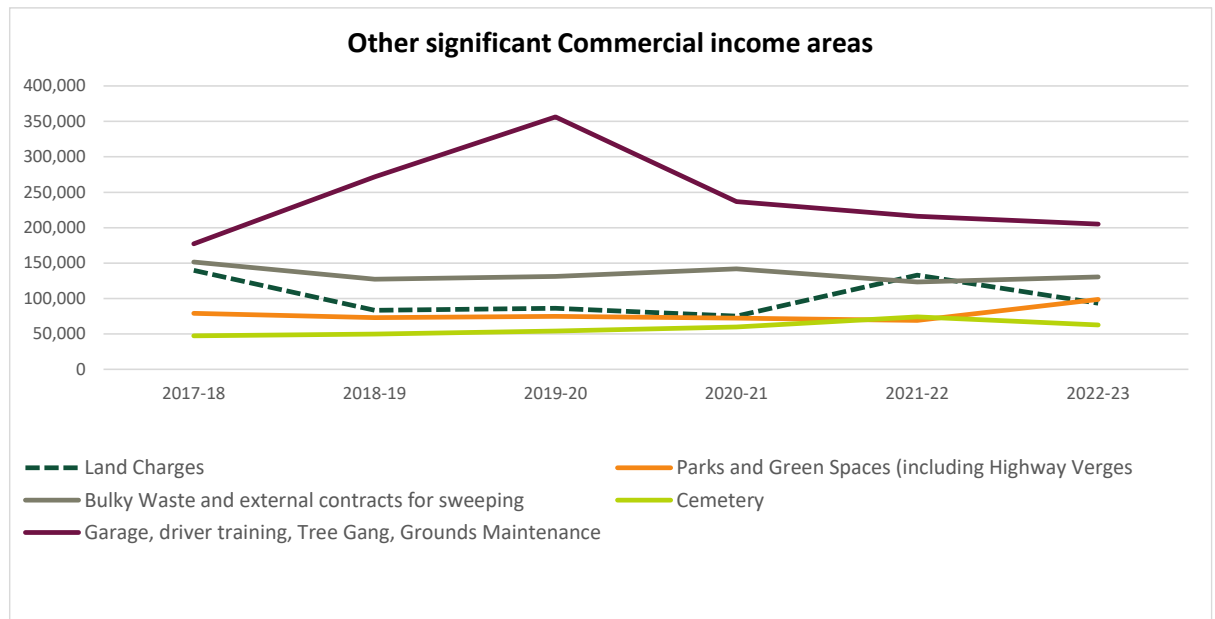


7.2 The graphs below provide a breakdown of performance against target for the income streams that fall under the Commercial Strategy.

Gross Commercial Income 2017-18 to 2022-23 – Top 5



Gross Commercial Income 2017-18 to 2022-23 – Other



- 7.3 The Council expanded its commercial activities to generate revenue from fees and charges that reduces net cost to help close the funding gap. These new commercial services have struggled the most to recover to levels seen pre pandemic. Further detail on commercial income performance is contained in Appendix 4
- 7.4 Income from the leisure management contract has returned to the pre-pandemic level. In general, the Centre appears to have recovered well, and in some cases activities and headcounts are outperforming that achieved in 2019 (pre-pandemic). The risk of increases to the cost of utility bills is borne by the Council. Current estimates suggest that the full year impact of this increase in cost could be £140k.
- 7.5 The Council's income collection position at the end of Quarter 3 is presented in Appendix 5.
- 7.6 **Capital Portfolio Fund** - The Capital Portfolio Fund supports regeneration, economic growth and housing. Each property was subject to a business case to demonstrate viability and performance against target is presented in the quarterly performance monitoring reports. The investment in economic growth and regeneration through the fund is financed from borrowing. The table at 7.6 below shows the net income position after loan interest and statutory debt charges (Minimum Revenue Provision) are taken into account.
- 7.7 The table below summaries the current projection of the revenue impact of the Capital Portfolio Fund in 2022-23. The Quarter 3 outturn projection shows that the target included within the original budget is unlikely to be achieved although income is expected to cover the full cost of borrowing. The pandemic resulted in vacant office accommodation proving more difficult to relet leading to longer void periods. The outturn position will be in-line with the Revised Budget. There are now very few void units and once the rent incentives in respect of newly granted leases have expired the portfolio will show a much stronger position.

Property Portfolio Fund		2023-26 MTFS			
		2022-23 Original Budget £	2022-23 Revised Budget £	Q3 Outturn projection £	Variance £
R276	High Sreet/Worcester Street	(11,190)	(12,680)	(12,682)	(2)
R277	Stratford Court	(22,770)	(56,170)	(33,589)	22,581
R278	Buntsford Gate	(8,760)	104,320	104,320	0
R279	Forest House	13,800	31,700	31,700	0
R280	Riverside	(43,400)	(3,450)	(23,450)	(20,000)
R281	Goldthorn Road	(48,310)	(129,490)	(129,490)	0
R282	Unity Park	(1,470)	35,850	35,850	0
R275	Property Portfolio Fund Admin account	0	0	0	0
Total		(122,100)	(29,920)	(27,341)	2,579

Note that the net cost of Forest House will be met from State of the Area funding

- 7.8 Income at Buntsford Gate is significantly below the target in the original business case due to the first floor being unoccupied whilst fire compliance work is completed and the space is split into two lettable units to better meet market requirements. The cost of this work is expected to be circa. £200k and will be funded from the property risk reserve (£120k) with the balance of up to £80k being met from the Evergreen Investment Fund. The works will now be progressed in line with the council's contract procedure rules.
- 7.9 The variance reported at Stratford Court is due to rent incentives offered in respect of newly granted leases.
- 7.10 The units at Unity Park are now fully let. The outturn is in line with the revised budget projection. The increased costs above the original estimate are due to incidental expenses of bringing the asset into use that did not meet the definition of capital expenditure.
- 7.11 **Capital Portfolio Fund Debt** - The total overdue debt at 31st January 2023 was £86k which represents 12% of the overall balance collected each year. The majority of the arrears older than 3 months relates to a single tenant. Significant progress has been made in recovering rents and service charges outstanding and the position is closely managed and monitored.
- 7.12 Housing Fund grant offer – the Medium Term Financial Strategy due to be considered by Council on 22 February 2023 includes in the capital programme £876k in respect of the acquisition of properties for Ukrainian and Afghan refugees. £706k will be funded by the Government's grant with the balance of up to £170k to be funded from the Evergreen Investment Fund. The report includes a recommendation seeking the Cabinet's formal approval for that allocation.

8. **WYRE FOREST FORWARD SAVINGS PROGRAMME AND LOCALISM TARGETS**

- 8.1 The 2023-26 MTFS projects a funding gap in 2025-26 of just under £1.8m. Any new cost pressures will, in the absence of additional government support, widen the gap further. Against this background it is essential that expenditure is kept within the overall approved budget and that savings proposals continue to be developed so that the Council has as much flexibility as possible to meet the challenges which lie ahead.
- 8.2 Achieving financial sustainability is still the most significant challenge facing the Council. Since 2009 the Council has had a track record of continuously identifying

opportunities to make savings however savings targets are proving increasingly challenging to achieve and are now focussed on the transformation programme introduced in the 2021-24 MTFS to review and reassess how we deliver services with the objective of reducing net cost by making Wyre Forest a smaller Council. Opportunities for service collaborations with neighbouring authorities continue to be progressed albeit at a slower pace and smaller scale than originally envisaged. Work is now also focussed on reshaping the in-house service.

- 8.3 The Council has done exceptionally well in generating additional income and implementing efficiency savings that have put back the date at which it has to bring its expenditure into line with income. However, in the absence of additional Government funding the legacy impact of COVID-19 and price inflation will result in the Council continuing to draw on its general balances at the end of the current MTFS, unless savings and efficiency targets are met.
- 8.4 The Wyre Forest Forward savings programme was established to review all aspects of the Council to ensure we deliver a balanced budget and services of real value to our residents. Substantial savings have already been achieved.
- 8.5 The budget approved for 2022-23 is summarised in the table below. Good progress was made in 2021-22 towards achieving the target with items of a recurring nature, the outstanding savings target for 2021-22 was achieved from one-off final accounts savings. The 2021-22 final account savings were examined carefully to identify budgets that require re-basing, the savings identified from this project are captured in the table below.
- 8.6 The outstanding target, not yet achieved in 2022-23, will be met from positive pay variances at the financial year end.

Wyre Forest Forward Savings summary	2022-23 £000	2023-24 £000	2024-25 £000	2025-26 £000
Savings Target	3,890	4,382	4,682	4,682
Savings achieved at 31/03/2022	3,604	3,685	3,751	3,761
Savings Target at 01/04/2022	286	697	931	921
Savings achieved 2022-23				
Re-basing the Budget	215	216	224	232
Business rates growth - economic development and Regen	0	303	318	331
Savings identified in year	215	519	542	563
Total WFF Savings not yet achieved	71	177	388	358

Note that this table only considers WFF savings and income targets and is only part of the funding gap. Localism savings are reported separately below.

Localism Partnership Target

- 8.7 Achievement of future targets is progressing, and future budgets will be adjusted subject to the savings being achieved. Good progress has been made during the quarter. Details of savings achieved are provided below:

LOCALISM PARTNERSHIP SAVINGS	2022-23 £000	2023-24 £000	2024-25 £000	2025-26 £000
Savings Target	350	525	700	700
Slippage approved MTFS 2021-24	15	0	0	0
Savings achieved at 31/03/2022	149	152	154	155
Balance b/f 2021-22	216	373	546	545
Reduction/Increase of Target Savings	-71	0	0	0
Savings Target at 01/04/2022	144	373	546	545
Savings achieved 2022-23				
Britannia Gardens	50	52	54	55
Riverside Meadows Toilets	8	9	9	9
Load Street Toilets	6	7	7	7
Blakedown Shopper's Car Park	2	2	2	2
Savings identified in year	66	69	71	72
Total Localism Savings not yet achieved	79	304	475	473

9. Supplementary Estimates and Virements

- 9.1 Service managers who wish to incur expenditure that falls within approved Council Policy for which either there is no or insufficient provision within approved estimates, may incur that expenditure by virement (transferring from one approved budget cost centre to another) or by supplementary estimate, subject to specified conditions as set out in the Financial Regulations – 6.7 and 6.8.
- 9.2 There are no requests for a Supplementary Estimates to be considered by Cabinet this quarter.

10. REVENUE DETAIL – Central Items Business Rates and Council Tax

- 10.1 **Council Tax** - The level of discounts and awards, together with collection rates, and write-offs are being closely monitored. There is a risk that assumed growth in the tax base might not be achieved in year.
- 10.2 **Business Rates** – Officers continue to liaise closely with the Valuation Office Agency to monitor developments in the sector particularly around material changes of circumstance and new applications lodged in the Check, Challenge, Appeal system. The overall impact of transactions in the collection fund will continue to be monitored to assess the impact on the council's MTFS.
- 10.3 **Collection Rates**

Council Tax: As at December 2022, Council Tax in year collection rates are at 85.32% compared to 85.63% last year. The slight reduction is likely to be attributable to the impact of the cost of living crisis. However, more households have opted to pay their instalments over 12 months rather than 10 months so the true impact won't be fully understood until the end of March 2023.

Business Rates: As at December 2022, collection rates for NNDR are 88.98% compared to 80.54% last year; showing a significant improvement and returning to pre pandemic levels.

11. TREASURY MANAGEMENT PERFORMANCE SUMMARY

Investments

- 11.1 The Council held £54.2m in investments as at 31st December 2022. The level of funds available was mainly dependent on the timing of precept payments and receipt of grants in advance of progress on the Capital Programme. The average interest rate achieved at quarter 3 was 2.455%, compared to the 7 day backward looking Sterling Overnight Index Average (SONIA) benchmark rate of 1.743%. Yields continued to increase during the quarter and current forecasts expect bank rates to reach 4.25% by the year end. The impact on interest received is likely to be a budget surplus of circa £795k compared to the original budget of £55k in line with the Revised estimate in the MTFS.
- 11.2 The approved limits as set out in the Treasury Management Strategy report to Council 23rd February 2022 within the Annual Investment Strategy were not breached during the year to 31st December 2022.

External Borrowing

- 11.3 The Council had borrowing of £34m as at 31st December 2022. The Council's Capital Financing Requirements (CFR) as at 31st December 2022 is £40.418m. The CFR denotes the Council's underlying need to borrow for capital purposes. If the CFR is positive the Council may borrow from the PWLB or the market (External Borrowing) or from internal balances on a temporary basis (Internal Borrowing); an internal borrowing position of circa £6.4m is currently being held.

Compliance with Treasury and Prudential Limits

- 11.4 The Council's approved Treasury and Prudential Indicators are outlined in the approved Treasury Management Strategy Statement (TMSS). The Council has a duty to determine and keep under review the "Affordable Borrowing Limits".
- 11.5 During the period to 31st December 2022 the Council has operated within treasury limits and the prudential indicators set out in the Council's TMSS and with the Council's Treasury Management Practices. The Prudential and Treasury Indicators are shown below:

Prudential Indicator as Per Original Budget (to be updated during revised budget process)	2022-23 Budgeted Indicator	Actual as at 31 Dec 2022
Capital Financing Requirement (CFR)	61,551,000	40,418,000
Gross Borrowing	61,000,000	34,000,000
Internal Borrowing	551,000	6,418,000
Internal Borrowing as % of CFR	0.90%	15.56%
Authorised Limit for external debt	75,000,000	34,000,000
Operational Boundary for external debt	65,000,000	34,000,000
Limit on Principal sums invested > 365 days	2,000,000	0
Maturity structure of borrowing limits		
Under 12 months	100%	0%
12 months to 2 years	100%	6%
2 years to 5 years	100%	6%
5 years to 10 years	100%	18%
10 years and above	100%	71%

12. **HOW ARE WE DOING PERFORMANCE SUMMARY**

12.1 Performance management is instrumental in all council activities as it helps us to keep track of how well we are performing and enables any potential issues to be identified at an early stage so remedial action can be taken. It also informs our decision making processes which underpin the delivery of our Corporate Plan 2019-23, as amended

12.2 The Council has a number of processes in place to monitor our performance including:

- Corporate Plan Actions
- Corporate Risks and associated actions
- Leading Measures
- Lagging Measures

12.3 The Corporate Plan 2021-23 is being delivered through the following strategic actions:

- Adopt the new Local Plan (now completed)
- Implement measures to increase affordable housing (Supporting a successful local economy)
- Work with partners to protect our environment, to address air quality issues and to help to tackle climate change (Safe, clean and green living environment)
- Work with partners to secure external funding and investment to support the economy (Supporting a successful local economy)
- Oversee regeneration of central Kidderminster including Future High Streets projects (Supporting a successful local economy)

- Support the visitor economy in Stourport-on-Severn and Bewdley (Supporting a successful local economy)
- Work with partners to tackle abuse of vulnerable people and environmental crimes (Safe, clean and green living environment)
- Work with town and parish councils so that they have local control over assets and services (Safe, clean and green living environment)
- Seek a sustainable future for Bewdley Museum (Supporting a successful local economy)

Progress against the corporate plan priorities and our strategic actions is summarised below:

12.4 Corporate Plan – A safe clean and green living environment

- a) The Council's enforcement team continues to tackle environmental crime. The team is leading a successful project alongside our North Worcestershire partners to tackle fly tipping on private land. Parking enforcement and other environmental and civil enforcement activity continues across the district.
- b) The private sector housing team has been undertaking focussed work with landlords regarding thermal comfort through work on energy performance, the housing, health and safety rating system and the commencement of the Local Authority Delivery Scheme 3.
- c) Work is on-going to encourage good recycling practices in collaboration with partners across Herefordshire and Worcestershire to maximise the region's recycling rate and reducing the amount of residual waste (rubbish). The region's recycling rate for last year was 43.6%. Analysis is on-going around the amounts and types of waste that are disposed of across the region to inform the design of future service provision.
- d) We continue to progress our climate change agenda through the Climate Change/Green Advisory Panel action plan. This includes developments in alternative fuelled fleet vehicles and looking at ways we can create renewable energy in the district. The feasibility work is complete and capital funding agreed for Electric vehicle charging infrastructure on Council owned land with work due to start later in the spring; the feasibility work on the solar farm is ongoing with the consultants' initial report due back at the end of February. We are also improving our car parks by installing LED lighting.
- e) Work around Community Safety continues with secured funding of over £100,000 from the West Mercia PCC for North Worcestershire Community Safety Projects, with £32,000 dedicated to Wyre Forest. Kidderminster & District Youth Trust has been commissioned to provide a district wide detached youth team with a focus on preventing anti-social behaviour (ASB). Mobile CCTV cameras have been deployed in hot spot areas around the district and the section continues to lead on the management and operation of those cameras on a case-by-case basis. Work continues with partners to tackle crime and ASB at a local level through the Safer Wyre Forest Tasking, a subgroup of the North Worcestershire Community Safety Partnership. The section continues to collaborate with partners in preparing for new and forthcoming statutory duties including tackling serious violence, the Protect Duty also known as Martyn's Law (Counter Terrorism) and Combating Drugs Partnership work.

- f) Work continues on developing the Wyre Forest Wild project, an exciting and ambitious open space project that will, given the necessary external funding, provide a network of pathways and cycle tracks across all the district's nature reserves and key open spaces. To date the mapping of habitats and carbon absorption has been undertaken and external funding sought.
- g) Work on the Brinton Park Heritage Lottery Project continues. Because of increased construction costs, the project has been re-scoped to omit improvements to the Sons of Rest Pavilion. The team is awaiting final authority from HLF to proceed with formal procurement of contractors for the revised project.
- h) The transfer of St George's Park, Broadwaters and Baxter Gardens to Kidderminster Town Council took place on 5th January 2023. A proposal for Bewdley Town Council to take over the ownership and running of the museum and QE2 jubilee gardens was provided in the autumn and a briefing meeting was held with the Town Council in November. The Town Council has requested further information and indicated that any formal decision will not be taken until after the May elections.
- i) A large amount of work is ongoing with local community volunteer groups to engage and support these people with the council's priority of keeping the place safe clean and looking good. We recognise the value that these groups bring, and every effort is being made to equip and assist them in this process. Over 30 people involved from a range of community groups attended a special thank you and networking meeting on 17th September. We offered litter picking equipment out on loan to both groups and volunteers who attended the thank you event.
- j) This year we have also been able to support The Little Litter Warriors, a community group who work with the Scouts in the Wyre Forest, by purchasing their very own litter picking equipment. The groups enjoy working towards helping and protecting the environment and they gain a sense of pride and can work towards scout badges.

12.5 Corporate Plan – Supporting a successful local economy

- a) Work continues to support and develop the visitor economy in Stourport and Bewdley through work with Visit Worcestershire, the destination management organisation (DMO) for the County.
- b) Business grants – we continue to work with partners to secure external funding to support local businesses and the local economy. The grant funding available through the EU Structural Funds comes to an end on 31st March 2023. The EU Structural Funds have been replaced by the UK Shared Prosperity Fund. Wyre Forest has been allocated £3.1m by the government, which will be distributed locally through the UKSPF Investment Plan. Approval of the Investment Plan was received late in the quarter and, in line with advice from the ReWyre Board, project allocations for current and future years, including allocations for business grants, are in the process of being confirmed to successful applicants.

- c) We continue to support start-up businesses across the district with our incubator units (industrial and office) at Forest House. We achieved 94% occupation during the period previous period, which was maintained in quarter 3.
- d) The projects to oversee the regeneration of central Kidderminster are progressing. The Levelling Up Fund programme aimed at re-kindling Kidderminster's heritage by making the canal and river a focus, encouraging visitors by making them special, vibrant places with cafes, arts and cultural activities is progressing. The original programme has been realigned for all three elements. The planning and listed building consent have now been granted for the town hall improvements. During the quarter due diligence has continued and alternative delivery models explored for the Piano building, and the canal tow path works have been scheduled for quarter 4 of 2022-23.
- e) Good progress has been achieved across the Future High Street Programme comprising of the following projects: -
 - Kidderminster Creative Hub (Former Magistrates Court)
 - Worcester Street Connectivity Project and
 - Bull Ring Public Realm Project

Kidderminster Creative Hub

Project has now progressed to the delivery phase with the appointment of a preferred Construction Contractor BAM Construction under the Pre-Construction Service Agreement (PCSA).

BAM Construction have submitted their second (2nd) stage tender submission and are expected to start on site in the first half of March 2023. Practical completion is scheduled for the first half of March 2024.

Worcester Connectivity and the Bull Ring Public Realm Projects

McBain's Consultancy appointed as the Architectural and Engineering Design consultants for both the Worcester Street Connectivity and Bull Ring Public Realm projects.

The design work is progressing and early engagement with planning has commenced. Planning application will be submitted in quarter 4.

The asbestos removal work has started and will be completed by May 2023.

Consultation with National Grid regarding the relocation of the electricity sub-station in the basement of 2-6 Worcester Street (Megavalue) and the diversion of a high voltage cable underneath step entry linking the basement sub-station with the Woolworth sub-station (Prospects Hill) is on-going.

- f) Preparation of a preferred development scheme for Parcel One of Lionfields (former Glades site) is being progressed. This will result in Parcel One being taken to market for development, subject to the outcome of the feasibility study, in 2023-24. The tendering of the feasibility study has been delayed as a result of the delay in the government's approval of the UK Shared Prosperity Fund Investment Plan, which includes a grant allocation for the feasibility study. The announcement was initially scheduled for October 2022 but was given in December 2022 with the first tranche of funding paid into the council's account on 31st January 2023. The Invitation to Tender will be issued in February 2023.

- g) We continue to work with Registered Providers to identify appropriate funding and end uses on Radford Avenue and Clensmore Street. The land sale negotiations for the adjacent site next to the council owned land in Radford Avenue are continuing.
- h) We have contracted with consultants to confirm feasibility and are working with registered providers to identify appropriate end users on three sites in Kidderminster to increase affordable housing in the district, including Radford Avenue and Clensmore Street. Council officers are working with County Council colleagues to identify funding streams for support provision in relation to one of the sites and with the Housing Benefits team regarding intensive management on a second site. The third site is likely to be for general housing need.
- i) The Castle Road housing scheme for temporary accommodation has been approved by Planning Committee and officers have developed specifications for procuring consultants and the contractor. Approval of the procurement process was secured on 12 January 2023. Contractor expected to be in place before the end of quarter 4 and start on site during the spring.

12.6 Organisational Health - includes information on turnover of staff, sickness absence, organisational health related investment areas and other performance measures requested by committee. A full update is provided in Appendix 6. There will continue to be a focus on investing in organisational health related areas, for example ICT infrastructure and related projects.

13. LEGAL AND POLICY IMPLICATIONS

- 13.1 The Local Government Act 2003 (sections 25–29) placed additional duties on Local Authorities on how they set and prioritise budgets.
- 13.2 Section 28 places a statutory duty on an authority to review its budget from time to time during the year. If the Budget Monitoring Report shows that there has been deterioration in the Authority's financial position, the Authority must take such action as it concludes necessary. The Cabinet currently reviews the Budget on a quarterly basis.
- 13.3 Our External Auditor Grant Thornton makes an assessment based on the annual programme of external audit work. The focus is on ensuring there are proper arrangements in place for securing financial resilience and that the organisation has proper arrangements for challenging how it secures economy, efficiency and effectiveness.

14. EQUALITY IMPACT ASSESSMENT

- 14.1 This is a financial report and there is no requirement to undertake an Equality Impact Assessment.

15. RISK MANAGEMENT

- 15.1 A number of corporate risks are perceived to have increased in recent months. The inability to deliver a balanced budget is one of the Council's key corporate risks and has been adversely impacted by inflation in general and on construction costs in particular which will affect the Council's many capital projects. During the first quarter the Council has had a higher turnover of staff and recruitment and retention of suitably

qualified staff is increasingly more difficult. This may have an impact on delivery or performance during remaining quarters. The Budget Risk Matrix has been reviewed to reflect the current assessment of risk. A copy is enclosed for information as Appendix 3 and further update on risks will be given to Audit Committee later in September.

16. CONCLUSIONS/ACTION

- 16.1 The information contained within Appendices 1 to 4 provides Members with an overview of financial trends and performance within the period to 31st December 2022.
- 16.2 The estimates and assumptions included in this report will continue to be updated and refined as more information becomes available particularly as more clarification on government funding emerges, and the position will be clarified as part of the revised budget process. What is certain is the position will change but work to address the funding gap cannot be delayed.

17. CONSULTEES

Corporate Leadership Team
Cabinet
Service Managers

18. BACKGROUND PAPERS

Budget setting papers Council 23rd February 2022
Budget setting papers Council 22nd February 2023
Medium Term Financial Strategy 2023-26
Corporate Plan action information is available on the Council's Performance Management System, Pentana Performance.

Hyperlink to Committee Reports
<http://www.wyreforest.gov.uk/council/meetings/main.htm>

WYRE FOREST DISTRICT COUNCIL

REVENUE BUDGET TOTAL REQUIREMENTS - DISTRICT COUNCIL PURPOSES

SERVICE	2022/23		2023/24			2024/25			2025/26		
	Original Estimate £	Revised Estimate £	At Nov.21 Prices £	Inflation £	TOTAL £	At Nov.21 Prices £	Inflation £	TOTAL £	At Nov.21 Prices £	Inflation £	TOTAL £
CHIEF EXECUTIVE AND SOLICITOR TO THE COUNCIL	1,293,870	2,313,470	2,108,840	81,020	2,189,860	1,650,890	150,340	1,801,230	1,668,080	221,630	1,889,710
COMMUNITY AND ENVIRONMENT	4,659,590	4,837,110	5,052,290	270,880	5,323,170	4,973,150	494,260	5,467,410	4,825,580	722,580	5,548,160
ECONOMIC DEVELOPMENT & REGENERATION	(93,790)	283,770	131,260	42,690	173,950	3,480	78,880	82,360	(7,190)	117,680	110,490
RESOURCES	2,939,970	2,610,850	2,431,700	16,420	2,448,120	2,097,740	38,110	2,135,850	2,056,700	52,480	2,109,180
REVENUES, BENEFITS & CUSTOMER SERVICES	977,580	1,033,640	1,312,430	77,560	1,389,990	1,328,400	141,240	1,469,640	1,319,990	206,500	1,526,490
STRATEGIC GROWTH	1,894,040	1,847,480	1,960,280	103,490	2,063,770	1,985,630	177,670	2,163,300	1,990,420	230,950	2,221,370
LESS: CAPITAL ACCOUNT	11,671,260	12,926,320	12,996,800	592,060	13,588,860	12,039,290	1,080,500	13,119,790	11,853,580	1,551,820	13,405,400
INTEREST RECEIVED	275,420	325,210	575,070	4,420	579,490	856,220	7,960	864,180	987,560	11,580	999,140
CAPITAL PORTFOLIO FUND AND DEVELOPMENT	(55,000)	(850,000)	(750,000)	0	(750,000)	(500,000)	0	(500,000)	(444,600)	0	(444,600)
LOANS FUND	135,000	0	0	0	0	0	0	0	0	0	0
TOTAL NET EXPENDITURE ON SERVICES	12,026,680	12,401,530	12,821,870	596,480	13,418,350	12,395,510	1,088,460	13,483,970	12,396,540	1,563,400	13,959,940
LESS: CONTRIBUTION (FROM) TO RESERVES	(21,750)	(372,750)			110,130			(70,050)			(584,970)
NET BUDGET REQUIREMENT	12,004,930	12,028,780			13,528,480			13,413,920			13,374,970
LESS: REVENUE SUPPORT GRANT	0	0			(150,380)			(150,380)			(150,000)
BUSINESS RATES INCOME	(2,956,940)	(2,956,940)			(3,442,050)			(3,590,130)			(3,697,830)
BUSINESS RATES GROWTH	(400,000)	(400,000)			(950,200)			(1,000,000)			0
BUSINESS RATES - NATIONAL LEVY REDISTRIBUTED	0	(23,850)			0			0			0
FUNDING GUARANTEE	0	0			(425,370)			0			0
COLLECTION FUND (SURPLUS)/DEFICIT	(10,150)	(10,150)			0			0			0
NEW HOMES BONUS	(463,760)	(463,760)			(240,030)			0			0
TRANSITIONAL FUNDING (assumption)	0	0			0			0			(571,200)
LOWER TIER SERVICES GRANT	(130,070)	(130,070)			0			0			0
ONE OFF SERVICES GRANT	(196,000)	(196,000)			(114,990)			(100,000)			0
GENERAL EXPENSES -											
COUNCIL TAX INCOME	7,848,010	7,848,010			8,205,460			8,573,410			8,955,940
COUNCIL TAX LEVY		229.34			236.21			243.30			250.60
COUNCIL TAX BASE		34,220			34,738			35,238			35,738

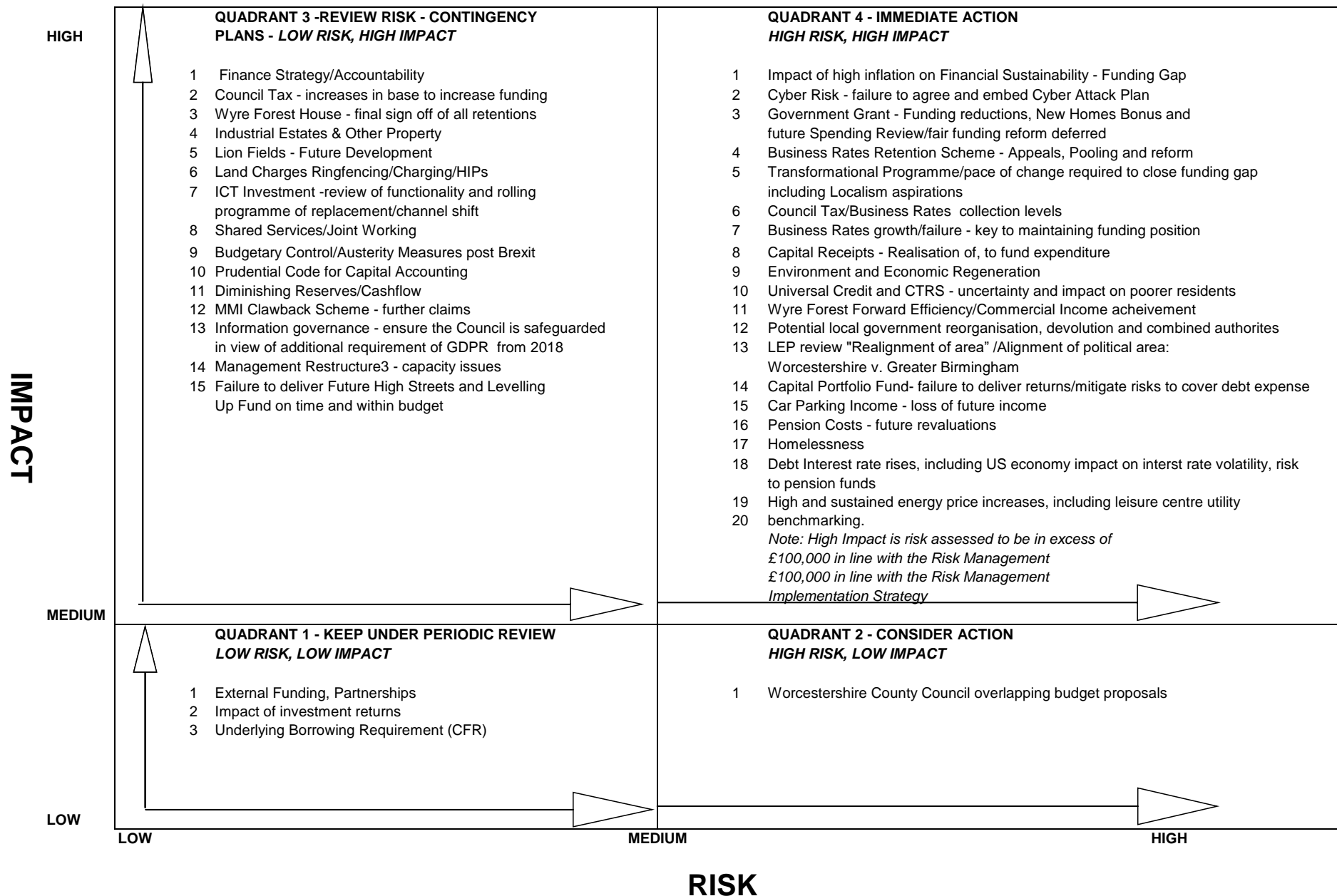
Q3 Budget Monitoring 2022-23 (to December 2022)
Capital Programme 2022-23 including slippage from 2021-22 and latest Draft Revised Budgets for February 2023 Council

	Revised Capital Budgets 2022-23 (Draft version for Council Feb 2023) £	2022-23 Q3 Actual Expenditure £	Slippage/ reprofiling to future years Position as at Q3 £	Comments
EXPENDITURE				
COMMUNITY AND ENVIRONMENTAL SERVICES				
Parking Facilities: Improvement to Car Parks	25,000	-		Final specification being prepared for LED lighting upgrades. £25k spend expected this year.
Stourport Riverside	28,000	(24,203)		Final invoices to be paid by year end.
Community Safety CCTV Upgrade (Grant Funded)	5,460	1,000		CCTV upgrade in Kidderminster Town Centre complete. Any unspent balance will slip.
Brinton Park HLF Scheme (subject to successful HLF bid)	500,000	6,994	450,000	Works anticipated to commence in 2023-24 - £450k is likely to slip.
Innovation Capital Funding*	210,390	-	210,390	Scheme expenditure is subject to successful business case. No spend expected in Q4 2022-23. Budget likely to slip to 2023-24.
* Subject to Business Cases and approval by Cab/CLT				
SUB TOTAL	768,850	(16,209)	660,390	
STRATEGIC GROWTH				
Disabled Facilities Grants	1,918,560	773,556	918,560	Expenditure likely to be circa £1m due to contractor capacity and other delays. Balance will slip.
BCF Energy Efficiency	200,000	-	200,000	Scheme will slip to 2023-24.
BCF Disabled Adapted Units	150,000	-	150,000	Waiting for Heads of Terms sign off by estates. Funding requirement likely to increase due to rising costs but will be paid 2023-24.
Property Flood Grants	137,950	137,950		Scheme complete. Budget reduced to match total expenditure.
Castle Road Development	1,453,360	114,960	1,153,360	Contract will be advertised end of January subject to agreement by Cabinet. Majority of budget anticipated to slip.
Housing Assistance - Private Sector Measures (including Decent Homes Grant)	69,800	-	(10,200)	Spend anticipated at £80k for year
Flood Recovery Support	40,000	8,300	20,000	A further £10k anticipated by year end, so balance will slip.
Green Homes Grants Phase 2	61,620	61,612		Grant scheme now closed. Budget now reduced to actual level.
Local Authority Delivery Scheme Phase 3 (LADS3)	460,000	-	310,000	Strong Leader approval for new scheme 20/09/22 - 100% externally funded
Home Upgrade Grant Phase 1 (HUGS1)	260,000	-	235,000	Strong Leader approval for new scheme 20/09/22 - 100% externally funded
Future Investment Evergreen Fund (unallocated balance)*	145,000	2,400		Budget available if any business cases are successful.
Electric Vehicle Chargepoints	271,000	-	271,000	Anticipate appointing contractor by March so budget likely to slip to 2023-24.
Capital Projects Fund*	500,000	-		Budget available if any business cases are successful.
* Subject to Business Cases and approval by O&S and Cabinet				
SUB TOTAL	5,667,290	1,098,778	3,247,720	

Q3 Budget Monitoring 2022-23 (to December 2022)
Capital Programme 2022-23 including slippage from 2021-22 and latest Draft Revised Budgets for February 2023 Council

	Revised Capital Budgets 2022-23 (Draft version for Council Feb 2023) £	2022-23 Q3 Actual Expenditure £	Slippage/ reprofiling to future years Position as at Q3 £	Comments
ECONOMIC DEVELOPMENT AND REGENERATION				
Levelling Up Fund**	8,775,110	492,356		Schemes progressing - some delays and reprofiling may be necessary but timescales unknown at this stage, hence budget remains in 2022-23 at Q3. Final retention payment due March 2023 Completed the competitive professional services - architectural & engineering design tender and appointed the lead consultant. Scheme designs currently at RIBA Stage 3. Completed the competitive construction 2nd stage tender and appointed the contractor. Project adjustment request application has been submitted to DLUHC for approval due to budget pressures as a result of rising inflation costs. Despite these challenges the project is on track and due for completion within the set timescales of 31 st March 2024. New initiative - 100% externally funded
Industrial Units Franco Development - Silverwoods	10,860	-		
Future High Streets Fund** - Public Realm	4,938,240	194,715		
Future High Streets Fund** - Creative Hub	3,095,430	85,732		
UK Shared Prosperity Fund * Subject to Business Cases & Due Diligence ** Co-funding subject to full Business Case following the principles of the Capital Portfolio Fund	158,500	-		
SUB TOTAL	16,978,140	772,803	0	
RESOURCES & REVENUES, BENEFITS AND CUSTOMER SERVICES				
ICT Strategy	784,140	478,647		Various schemes in progress that are anticipated to be complete by 31st March 2023. ICT Strategy refresh for next 5 years is awaiting approval.
SUB TOTAL	784,140	478,647	0	
VEHICLE, EQUIPMENT & SYSTEMS RENEWAL SCHEDULE				
Vehicles & Equipment & Systems Renewal Schedule	900,900	719,209		Inflation impact & order book/delivery delays. Programme currently being reviewed. Green alternatives may need to be considered as part of the separate Green Projects capital scheme.
SUB TOTAL	900,900	719,209	0	
TOTAL COMMITTED EXPENDITURE	25,099,320	3,053,228	3,908,110	

BUDGET RISK MATRIX 2022-25



Commercial Income Report Period 9

C&E Income	2021-22 Actual £	2022-23 Revised Budget £	2022-23 Actual (P9) £	Q3 Outturn Projections			Notes provided by C&E
				Income Growth £	Income shortfall £	Estimated Outturn £	
Car Parks and Enforcement							
Car parking (coin and pay-by-phone)	1,099,316	1,195,060	943,313		10,000	1,185,060	Additional c.£79k parking revenue by P9 compared to 2021-22. This year's Christmas parking offer was expected to create additional revenue as previous parking sessions after 3pm have been free. The value of free Christmas parking to the consumer doubled in April 2020 when the council's parking structure extended chargeable hours from 6pm to 9pm. December parking totalled £75k, more than any of the previous five years. New app provider being progressed for next financial year that will unite areas of Worcestershire onto one parking app.
Car park season tickets and resident parking	80,810	105,600	86,826			105,600	
PCNs (off-street)	40,884	41,250	20,924			41,250	
PCNs (on-street)	112,494	85,000	79,008	10,000		95,000	
Weavers Wharf management fee	173,141	173,140	141,082			173,140	
FPNs and misc. enforcement income	28,650	15,000	10,940			15,000	
Aldi rent, rental space and misc.	12,614	12,540	1,235			12,540	
							Off-street enforcement expected to bring in revenue below original budget, however on-street expected to exceed original budget. High turnover of staff this financial year.
Total	1,547,909	1,627,590	1,283,329	10,000	10,000	1,627,590	
Wyre Forest Leisure Centre							
Management contract	165,464	592,910	620,184	55,000		647,910	Additional income relates to 2021-22 following conclusion of open book accounting reconciliation.
Total	165,464	592,910	620,184	55,000	0	647,910	
Waste							
Business waste	755,023	810,000	599,889			810,000	Expected to meet revised target of £810k. Service review on-going and service efficiencies made while improving service standards. Expected to generate extra 5-10% more revenue whilst collecting 10% less waste when compared to 2021-22. Work on-going to maximise efficiencies and service delivery standards including: additional crew, rebranding, mileage/fuel reduction, route and delivery optimisation. Waste management software options being explored as part of the above to further enhance the customer journey.
Garden waste	480,550	500,000	385,206			500,000	
Waste transfer station	16,800	16,800	8,400			16,800	
Developers bins, extra bins and collections	19,148	30,000	42,548	13,000		43,000	Increased income above original budget due to the large number of housing developments in the district.
Total	1,271,521	1,356,800	1,036,043	13,000	0	1,369,800	
Garage							
MOTs and servicing	19,308	18,000	16,175			18,000	
Total	19,308	18,000	16,175	0	0	18,000	
Driver Training							
Training	8,002	20,000	9,824		5,000	15,000	
Total	8,002	20,000	9,824	0	5,000	15,000	

Commercial Income Report Period 9

Arboricultural and Grounds Maintenance							
Tree gang	98,989	80,000	32,897		20,000	60,000	<p>Staffing issues have seen the team operating at roughly 50% capacity this year. Discussions are ongoing with neighbouring authorities and businesses about the arboricultural team agreeing annual contracts for tree services. Some invoices still to be raised, however expected to fall short of revised target this financial year.</p> <p>Area that has been hit hardest following the Covid pandemic.</p> <p>The true value of advertising on our own refuse freighters is now being recognised. Advertising of internal services and other corporate initiatives (eg. business waste; We Are Watching You enforcement campaign) is and will be on council owned refuse freighters. Roundabout advertising is being managed closely by the Commercial Sales Officer. Signs are being redesigned to ensure they are consistent and revenue being more actively pursued. Income is profiled to reflect the period in which the service is received.</p>
Grounds maintenance	31,335	85,000	11,444		20,000	65,000	
Landscaping	14,280	20,000	4,386		10,000	10,000	
Advertising	24,844	25,000	23,898			25,000	
Total	169,447	210,000	72,625	0	50,000	160,000	
Parks and Green Spaces							
Maintenance of highways verges	54,130	75,000	75,000			75,000	
Parks licences	14,849	13,590	15,377			13,590	
Rangers and nature reserves	351	50	50			50	
Total	69,331	88,640	90,427	0	0	88,640	
Highways and General Cleansing							
Bulky waste	66,225	64,000	42,473		5,000	69,000	
Highways external	55,815	80,000	29,927		14,000	94,000	
Total	122,039	144,000	72,400	0	19,000	163,000	
Bewdley Museum							
Shop income	66,144	53,800	60,588			53,800	
Educational visits	10,270	20,000	10,580			20,000	
Museum activities	19,578	20,000	25,679			20,000	
Weddings	12,909	12,000	15,159			12,000	
Property and rents	18,296	18,280	17,648			18,280	
Misc fees and income	2,193	12,500	2,193			12,500	
Guildhall	660	660	550			660	
Total	130,049	137,240	132,396	0	0	137,240	
Cemetery							
Burial Fees	74,281	52,820	54,816	10,000		62,820	
Total	74,281	52,820	54,816	10,000	0	62,820	
Other							
Green street depot rents	4,500	2,830	3,000			2,830	
Total	4,500	2,830	3,000	0	0	2,830	
Grand Total	3,581,851	4,250,830	3,391,219	88,000	84,000	4,292,830	

Agenda Item No. 7.1 Appendix 5 – Analysis of Outstanding Debt

WYRE FOREST DISTRICT COUNCIL

CABINET
21st March 2023

Budget Monitoring Third Quarter 2022-23

ANALYSIS OF OUTSTANDING DEBT

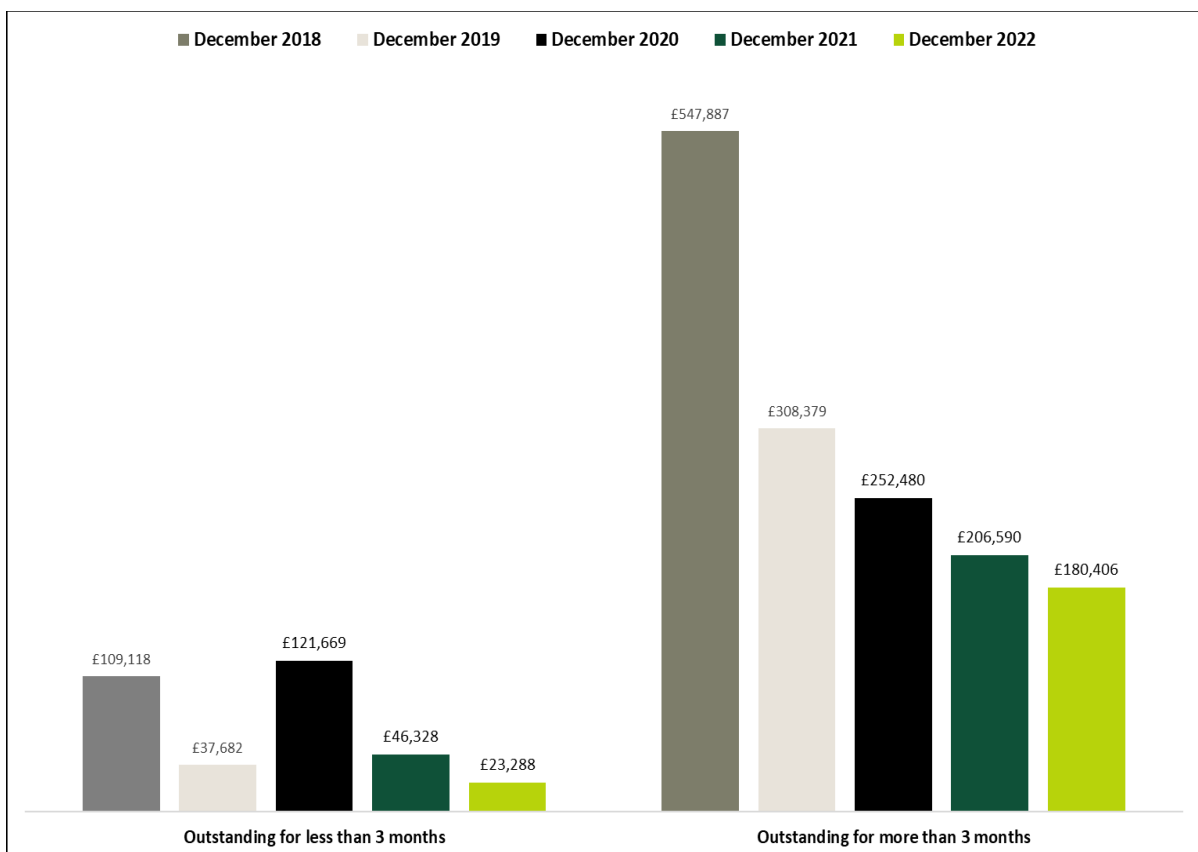
This appendix details the Council's income collection position at the end of Quarter 3 (31st December 2022).

1.1. Housing Benefit Overpayment Recovery

Where customers have a change in their circumstances and we are later made aware of this, any Housing Benefit that has been overpaid is due for repayment. A change in circumstances transfers the customer to Universal Credit and the overpayment is recovered via a customer invoice. Customers who remain on Housing Benefit and have received an overpayment, have a deduction from their on-going benefit.

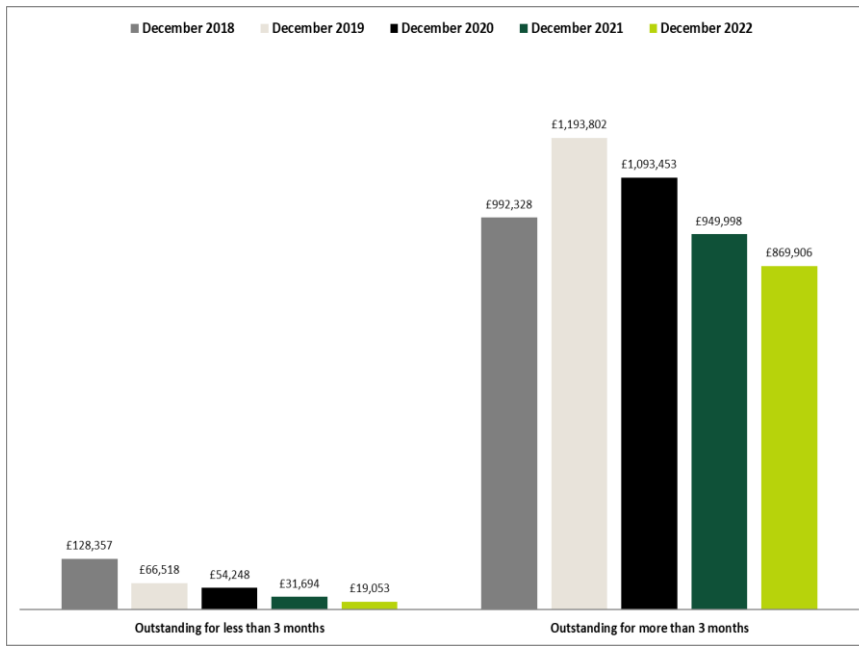
The position relating to Housing Benefit overpayment is shown in the next two graphs:

Recovery by On-going Benefit



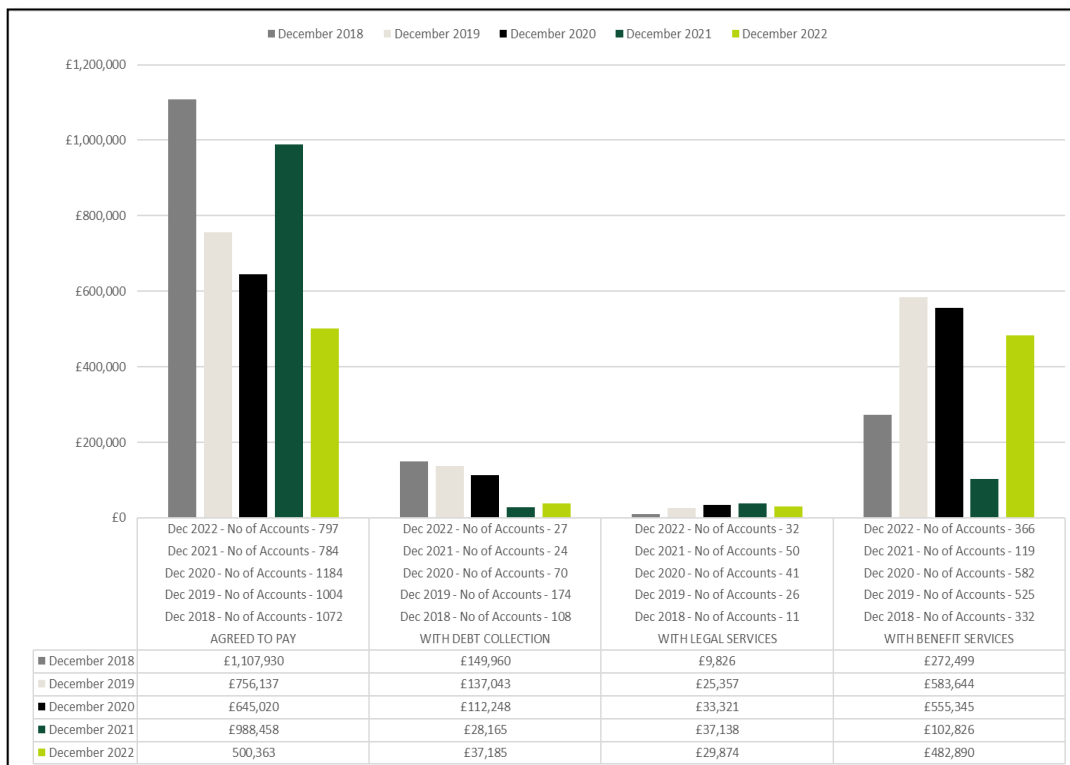
Agenda Item No. 7.1 Appendix 5 – Analysis of Outstanding Debt

Recovery by Customer Invoice



Debts over three months old have either agreements in place to pay, have been referred to the Council's Legal Services, or remain with the Benefit Service to pursue. The Council employs the Debt Collection Agency Dukes. As at December 2022 debts of £901.67 have been recovered at a cost of £135.25 (2021-22 debts of £643.00 at a cost of £96.45). The number of accounts, the value outstanding and how this will be collected is shown in the following graph:

Value and Number of Housing Benefit Overpayments Accounts and Status



Agenda Item No. 7.1 Appendix 5 – Analysis of Outstanding Debt

The total debt outstanding at 31st December is £1,092,653 which represents an 11% decrease over the balance outstanding at the end of Quarter 3 2021-22 (including debt within payment terms). The number of cases where there is an agreement to pay or our Benefit/Legal Services are dealing with the case, have increased to 1,195 (953 in 2021-22) an increase of 242 cases. Cases referred to an external debt collection agency have increased to 27 (24 in 2021-22).

The introduction of Universal Credit in November 2018 has reduced the number of customers claiming Housing Benefit and the occurrence of overpayment and its collection via on-going benefit. Collection of overpayments via customer invoice has seen an increase in overdue debt as has the collection of debt from customers on Universal Credit through the Department for Work and Pensions (DWP) and our own collection.

1.2. Sundry/ Property Debt

The total debt outstanding at 31st December (including debt within payment terms) was £2,567,096 (Sundry Debt £2,049,878 Property Debt £517,218) which represents a 157% increase over the balance outstanding at the end of Quarter 3 2021 of £998,600 (Sundry Debt £569,500 Property Debt £429,100).

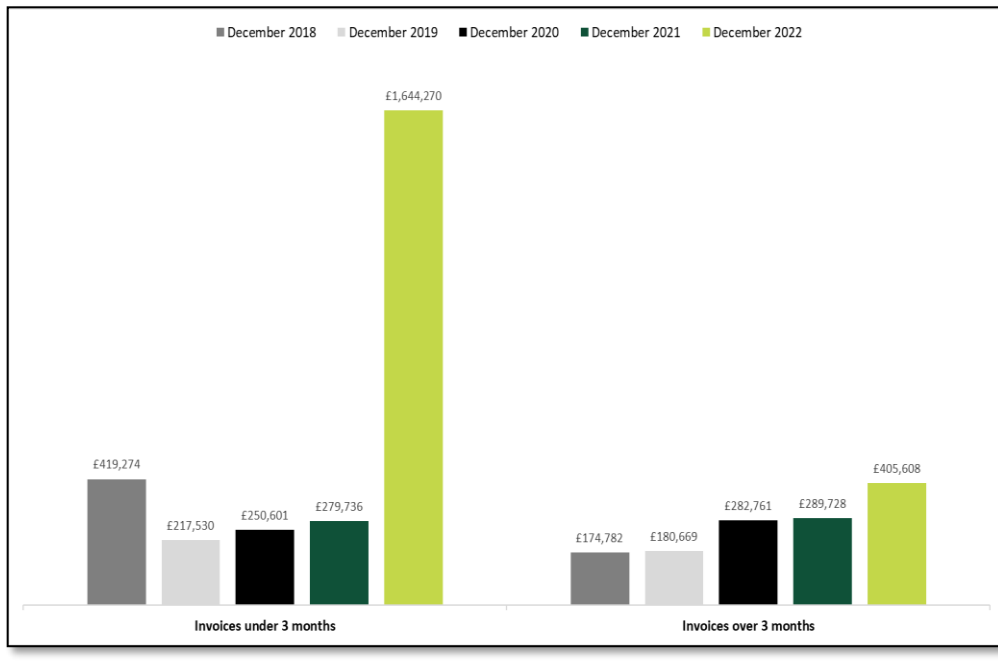
Arrears have continued to increase and there has been an increase in the 2022-23 Quarter 3 overdue debt (more than 3 months old) (2019 £294,900, 2020 £413,300, 2021 £448,500, 2022 £602,000).

Invoices overdue (older than 3 months)	Quarter 3 2019 £	Quarter 3 2020 £	Quarter 3 2021 £	Quarter 3 2022 £	Movement £
Sundry Invoice	180,700	282,800	289,700	405,700	116,000
Property Invoices	114,200	130,500	158,700	196,300	37,600
Total Invoices	294,900	413,300	448,400	602,000	153,600

- 1.3. The overdue debts over 3 months old over previous years had remain low due to the introduction of a revised approach to the management of accounts in arrears. The pandemic saw the Council suspended the recovery of debt during the first 2 months 2020-21.
- 1.4. The position relating to Sundry Debtor and Property Invoices are as follows:

Agenda Item No. 7.1 Appendix 5 – Analysis of Outstanding Debt

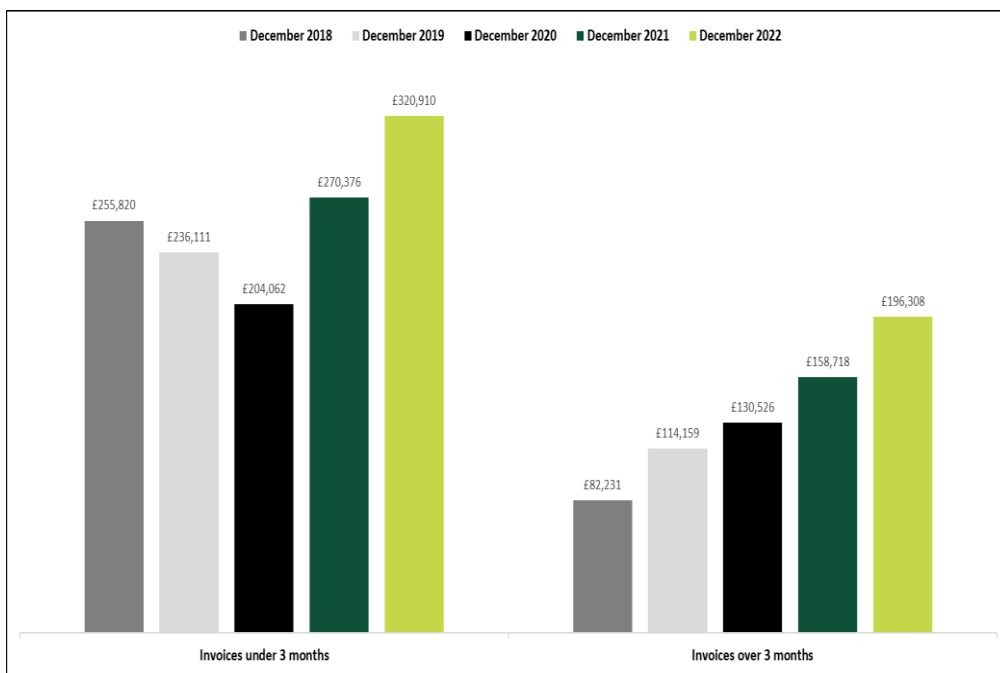
Sundry Debtors



The increase in debts outstanding for less than 3 months is due to 3 invoices:

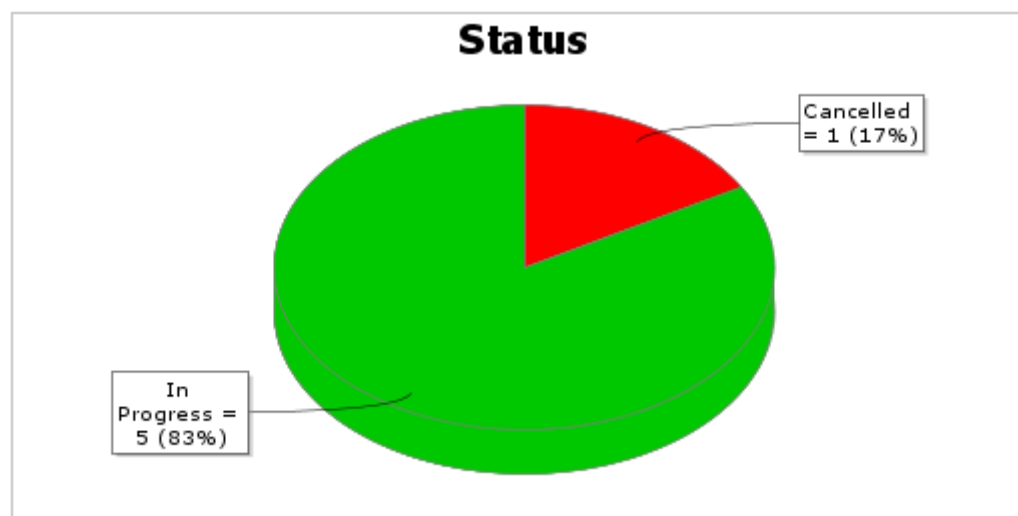
- Wyre Forest Leisure Centre - Management fees and additional work - £933K – queries raised by Places for People Leisure Management have been resolved and payment is expected in Quarter 4.
- Worcestershire County Council – Grass cutting - £90K
- Worcestershire County Council totalling £285K for Betaden project have now been paid.

Property Invoices and Debt



Corporate Plan Priority: A safe, clean and green living environment

This report details the progress we have made against the Corporate Plan Priority of 'a safe, clean and green living environment'.



WFF 22/23 30

Stourport Canal Basins



Due Date	Managed By	Latest Note	Latest Note Date
31-Oct-2021		Awaiting any firm proposals from Stourport Town Council or Stourport Forward	25-Apr-2022

WFF 22/23 87

To monitor the potential impact of the government's waste strategy as this could reduce current commercial income streams



Due Date	Managed By	Latest Note	Latest Note Date
23-Mar-2023	Steve Brant	Consultation on DRS and PPNs has been issued. Awaiting Government response on consistency. The joint task and finish group across the region continues to develop work. Clarity on food waste collections issued by DEFRA which we are currently reviewing. Briefing reports in progress.	03-Feb-2023

WFF 22/23 99

Electric Vehicle Charging Points



Due Date	Managed By	Latest Note	Latest Note Date
31-Mar-2023	Kate Bailey	Contract advertisement not yet live, however will be in the near-distant future.	10-Feb-2023

WFF 22/23 100

Wyre Forest Wild



Due Date	Managed By	Latest Note	Latest Note Date
31-Mar-2023	Steve Brant	Outcome of bid still awaited.	03-Feb-2023

WFF 22/23 104

Brinton Park HLF



Due Date	Managed By	Latest Note	Latest Note Date
31-Mar-2023	Steve Brant	Revised outline plan being proposed to HLF which excludes the Scouts group. Revised project will seek to value engineer project and remove the pavilion.	03-Feb-2023

WFF 22/23 105

Solar Farm

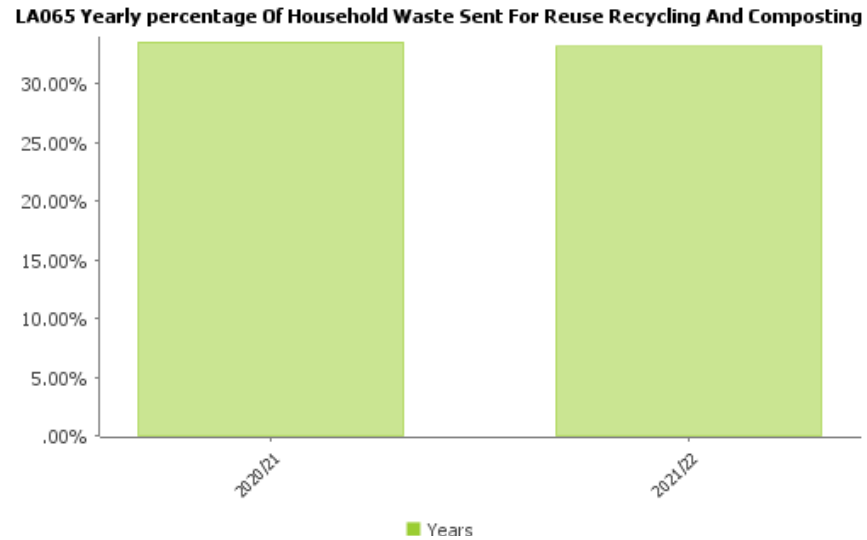


Due Date	Managed By	Latest Note	Latest Note Date
31-Mar-2023	Kate Bailey	Additional work commissioned. Due to complete 28th February 2023.	01-Feb-2023

Measures

As a way of measuring the progress with our purpose, we collect key data to monitor trends and patterns. This data not only helps us to understand the impact of the work that we are doing but it also assists with decision making at a corporate level. The latest available data is detailed below:

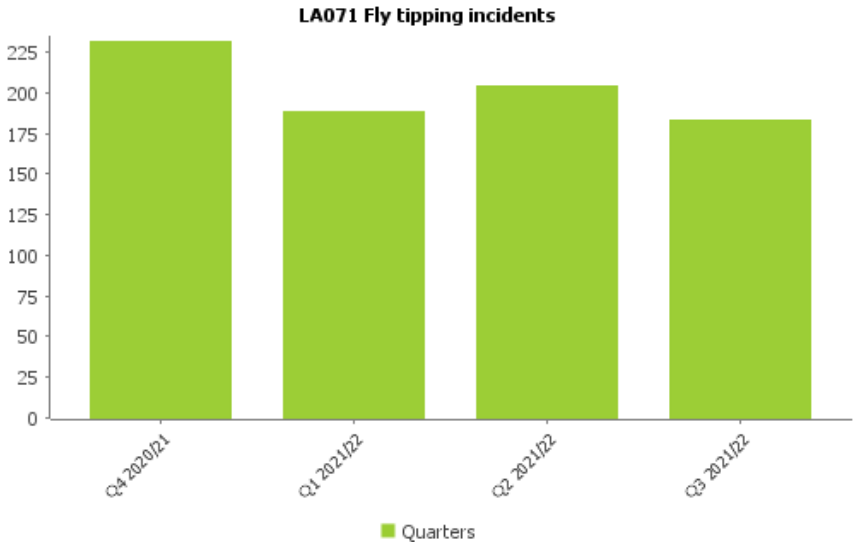
LA065 Yearly percentage Of Household Waste Sent For Reuse Recycling And Composting



Current Value 33.20%

Managed By Steve Brant

LA071 Fly tipping incidents

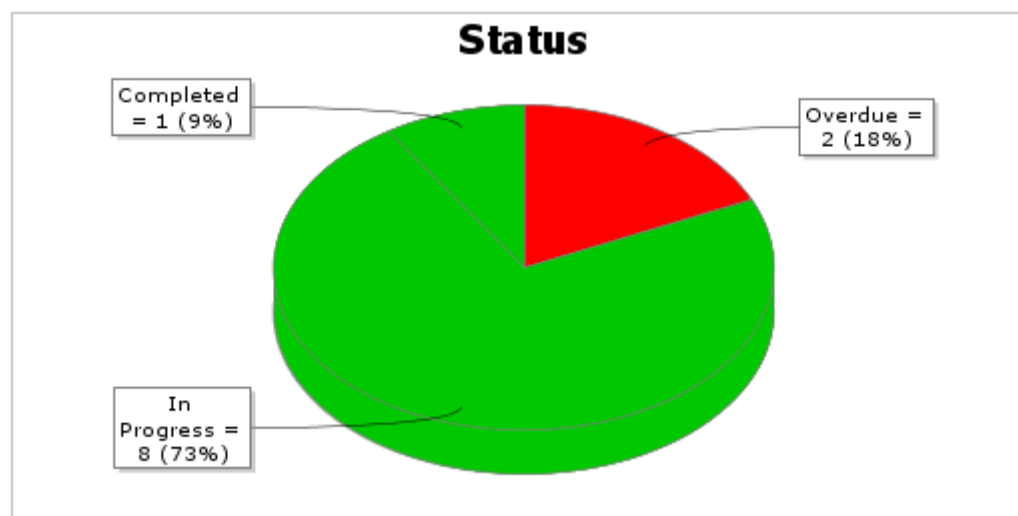


Current Value 183

Managed By Steve Brant

Corporate Plan Priority: Supporting a successful local economy

This report details the progress we have made against the Corporate Plan Priority of 'supporting a successful local economy'.



RA22/23 58

Governance arrangements: programme board in place



Due Date	Managed By	Latest Note	Latest Note Date
31-Mar-2023	Head of North Worcestershire Economic Development and Regeneration; Head of Resources; Solicitor to the	Progression of Audit plan to provide assurance. All boards in place and take place every 2 months for FHSF and LUF projects	16-FEB-2023

Council

RA22/23 59

Project management including delivery managers in place and project specific issues and risk registers maintained



Due Date	Managed By	Latest Note	Latest Note Date
31-Mar-2023	Head of North Worcestershire Economic Development and Regeneration	Project and delivery managers continue to deliver against their respective briefs.	16-Feb-2023

RA22/23 61

Financial contingencies



Due Date	Managed By	Latest Note	Latest Note Date
31-Mar-2023	Head of North Worcestershire Economic Development and Regeneration; Head of Resources	On-going – revenue contingencies reviewed for adequacy at quarter end. External experts commissioned to progress Check Challenge Appeal with VOA to remove properties due for demolition from rating list, currently temporarily removed from rating while Asbestos removal underway. To be and completed June 2023.	23-Feb-2023

WFF 22/23 89

Future High Streets Fund Programme



Due Date	Managed By	Latest Note	Latest Note Date
31-Mar-2024	Ostap Paparega	Mc Bains appointed to develop designs for the Bull Ring/ connectivity designs, planning application to be submitted in Q4	23-Feb-2023

WFF 22/23 90 Lionfields Phase One (Former Glades Leisure Centre site) feasibility study 

Due Date	Managed By	Latest Note	Latest Note Date
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WFF 22/23 96 Redevelopment of Land at Radford Avenue 

Due Date	Managed By	Latest Note	Latest Note Date
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31-Dec-2022	Kate Bailey	Continued negotiations with landowner regarding the sale.	01-Feb-2023
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WFF 22/23 97 Levelling up fund 

Due Date	Managed By	Latest Note	Latest Note Date
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31-Mar-2025	Ostap Paparega	Kidderminster Town Hall	23-Feb-2023
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KTH secured Planning and Listed Building consent on 10th October 2022. Currently in RIBA Stage 4 design phase which is progressing with Speller Metcalfe (contractor). As part of the second stage design and build tender process.

Canal Tow Path

Works completed to 70%

Piano Building

Acquisition of building pending.

WFF 22/23 98 Redevelopment of land at Clensmore Street 

Due Date	Managed By	Latest Note	Latest Note Date
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31-Mar-2023	Kate Bailey	Draft Head of Terms being discussed with registered	01-Feb-2023
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provider. Agreement being reached with Homes England regarding their housing infrastructure fund requirements.

WFF 22/23 101 Town Centre Masterplan including former Crown House, Woolworths and Mega Value sites 

Due Date	Managed By	Latest Note	Latest Note Date
31-Mar-2023	Ostap Paparega	Draft masterplan completed as at 31st October 2022.	02-Nov-2022

WFF 22/23 103 UK shared Prosperity Fund 

Due Date	Managed By	Latest Note	Latest Note Date
31-Mar-2025	Ostap Paparega	UKSPF approval was expected in October 2022, delayed to December. ReWyre board to meet in Q4 to agree project allocations.	23-Feb-2023

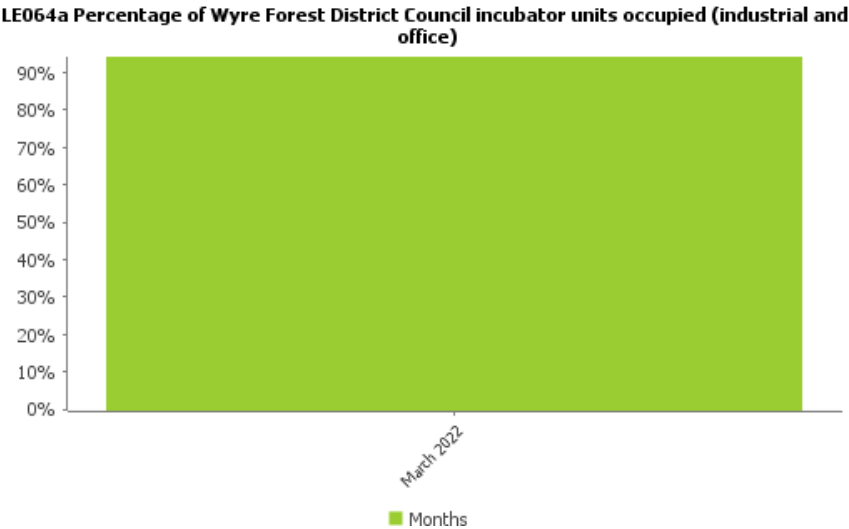
WFF 22/23 106 Castle Road – temporary accommodation 

Due Date	Managed By	Latest Note	Latest Note Date
31-Oct-2024	Kate Bailey	Contract advert live, with a closing date of 12:00, 24th February 2023	10-Feb-2023

Measures

As a way of measuring the progress with our purpose, we collect key data to monitor trends and patterns. This data not only helps us to understand the impact of the work that we are doing but it also assists with decision making at a corporate level. The latest available data is detailed below:

LE064 Percentage of Wyre Forest District Council incubator units occupied (industrial and office)



Current Value 94%

Managed By Ostap Paparega

Risks
The below risk(s) has been identified as part of our Corporate Risk Register. All of the actions and measures detailed in this report aim to mitigate this risk(s) as well as drive forward our priority of 'supporting a successful local economy'.

CORPRISK02

Unable to improve the economic prosperity of the district. Lack of vitality in the local economy – although the District is holding up reasonably well in the current economic conditions it still aims to stimulate growth to support the economic recovery and to support the recovery of the local economy. The Council is now in its eleventh year of the State of the Area Programme which includes a number of projects to assist in the stimulation of economic recovery. The Council continues to host of the North Worcestershire Economic Development and

Current Risk Matrix

Impact Marginal
Likelihood Significant

Target Risk Matrix

Impact Marginal
Likelihood Very Low

Regeneration Service (having adopted a new North Worcestershire Economic Strategy in 2019 and new Strategic Asset Management and Business Growth and Enterprise Strategies in 2021) and maintains its membership of two Local Enterprise Partnerships and continues to maximise the benefit of that position, although it is recognised that this may change as the Government seeks to eliminate dual LEP membership from a future date that is as yet unknown. The Business Rates Retention Scheme introduced in 2013/14 increases the incentive to promote growth as there is significant financial risk to this Council if we are unable to sustain the baseline level of the business rates reflected in government projections. The detail in relation to reform of the Business Rates System has been delayed yet again so we will continue to review our position as more information is released. Ongoing membership of the Worcestershire Business Rates Pool has only mitigated this risk to a certain extent and economic growth is key to the future financial sustainability of the Council, this may change following Business Rates Reform. The Council has successfully bid for funding through the Future High Streets Fund initiative and begins its £20.5m programme in earnest to ensure delivery by end of March 2024. The announcement of the Levelling Up Fund and Community Renewal Fund offer additional opportunities to secure further funding for projects in the district. The impact of Brexit influences this risk and COVID-19 presents a significant challenge and increase in this key risk, but the Council has been

	proactive in distributing Covid related funding to businesses.						
CORPRISK11	Includes waste shared service; food waste collections; solar farm; temporary accommodation, Castle Road; localism including future arrangements for Bewdley Museum; ICT strategy; solar farm and other “green” projects; Lionfields Phase One; UKSPF; Wyre Forest Wild	Current Risk Matrix	 Impact Moderate Likelihood Likely		Target Risk Matrix	 Impact Likelihood	
CORPRISK16	Risk that the three-year programme to end of March 2024 delivering £20.5million programme of interventions across Kidderminster Town Centre will not be delivered on time and within budget. Governance arrangements established with board overseeing programme delivery and individual project boards to oversee each specific intervention. Additional capacity to be added to NWEDR to oversee programme and project delivery. Regular liaison with MHCLG to ensure delivery in accordance with programme and specifically focussing on monitoring and evaluation. Provision made in capital programme at February 2021 Council.	Current Risk Matrix	 Impact Critical Likelihood Low		Target Risk Matrix	 Impact Critical Likelihood Very Low	
CORPRISK16	Description to be provided	Current Risk Matrix	 Impact Major		Target Risk Matrix	 Impact	



Likelihood Possible



Likelihood

Wyre Forest Forward Actions

This report details the progress against Wyre Forest Forward actions that are not directly associated with a Corporate Plan Priority



Completed

WFF 22/23 94 Review of operational floor space requirements at Wyre Forest House and Green Street 

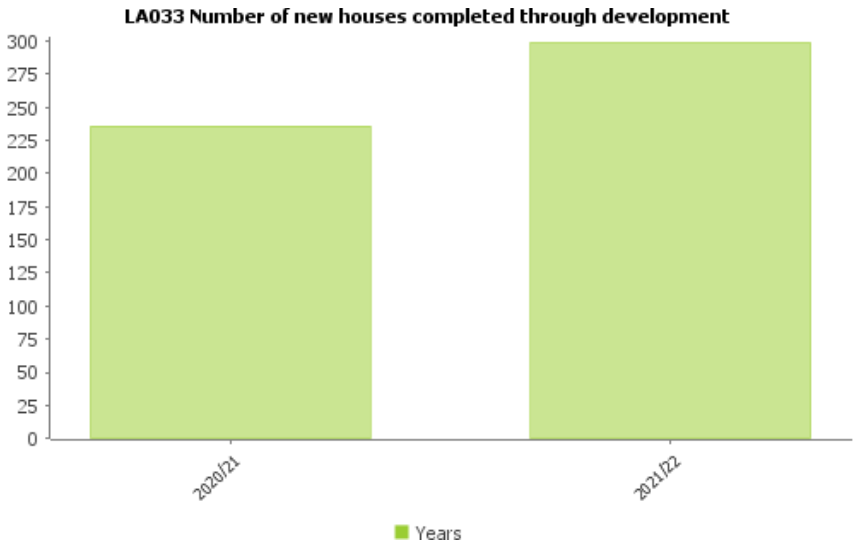
Due Date	Managed By	Latest Note	Latest Note Date
30-Sep-2021	Ostap Paparega	Reduction in WFDC footprint at Wyre Forest House confirmed August 2022. Housing Team relocated to Green Street. New tenants partially occupying vacated space. Former Betaden space on the Ground Floor now fully let to new tenants	16-02-2023

Measures

This report details the latest date for our measures that are not directly associated with a Corporate Plan Priority



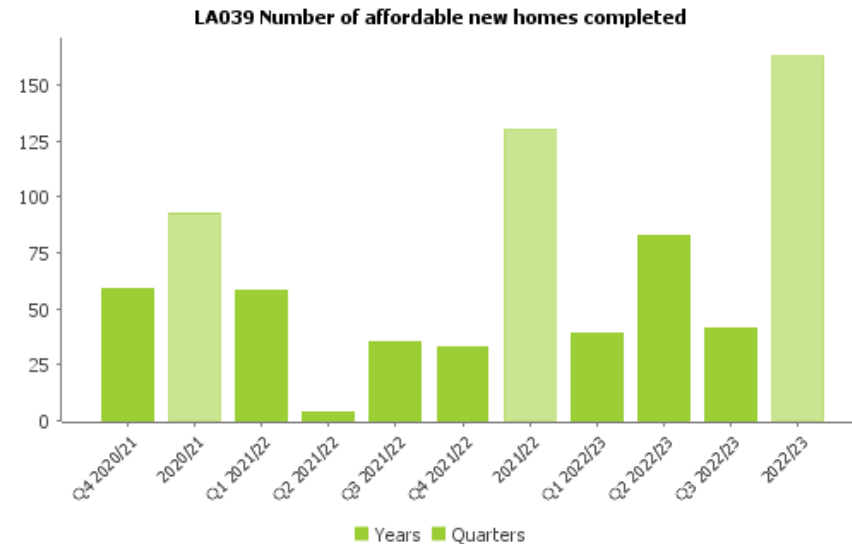
LA033 Number of new houses completed through development



Current Value 299

Managed By Kate Bailey

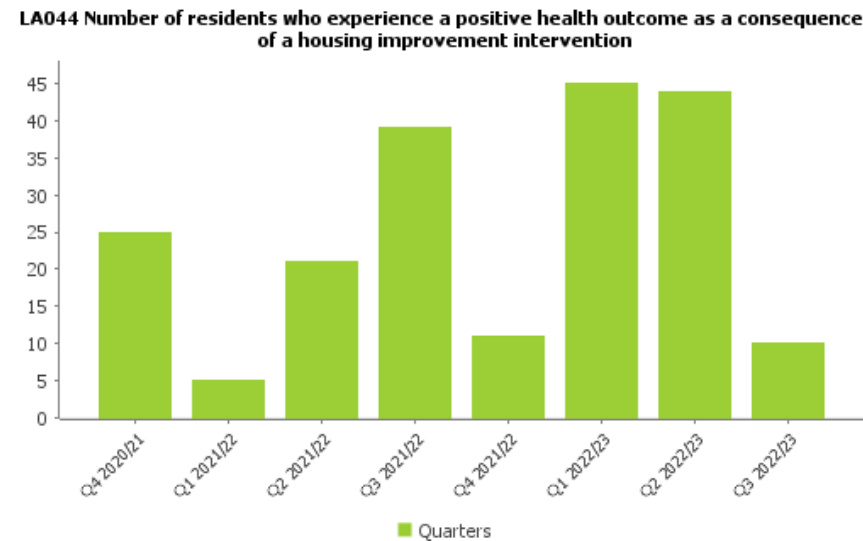
LA039 Number of affordable new homes completed



Current Value 41

Managed By Kate Bailey

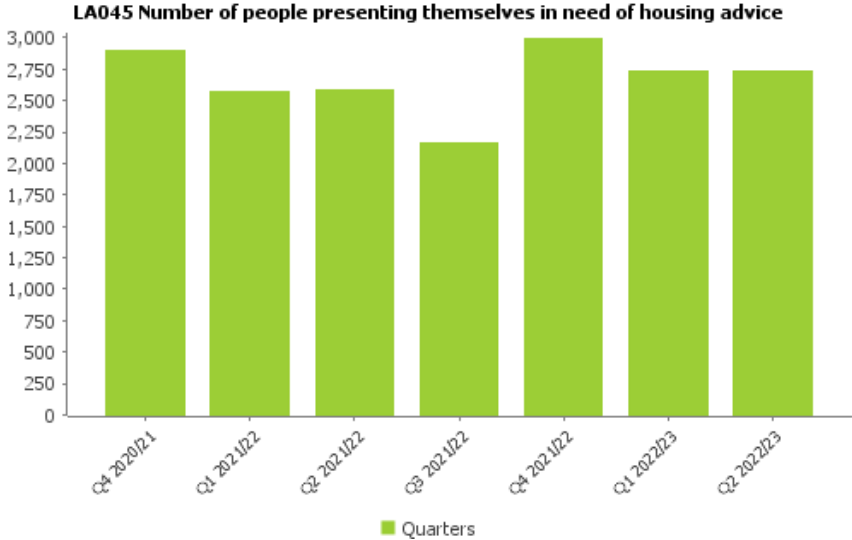
LA044 Number of residents who experience a positive health outcome as a consequence of a housing improvement intervention



Current Value 10

Managed By Kate Bailey

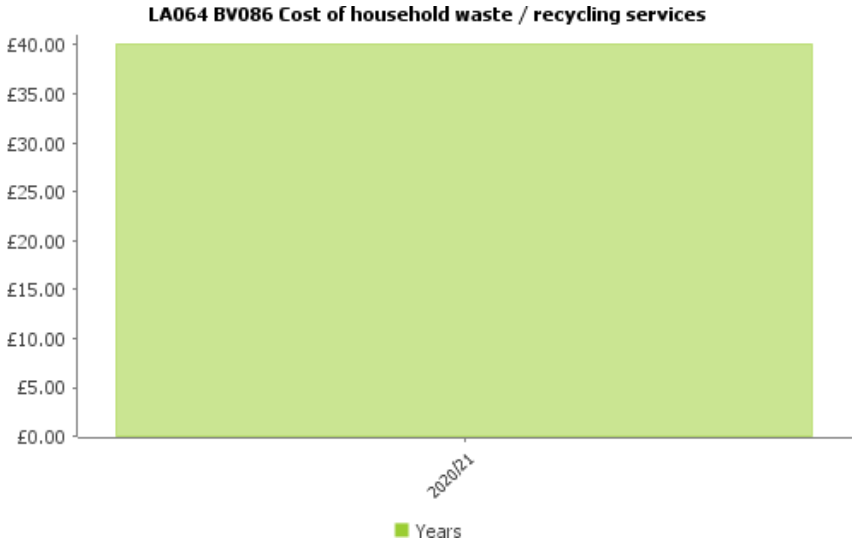
LA045 Number of people presenting themselves in need of housing advice



Current Value 2,739

Managed By Kate Bailey

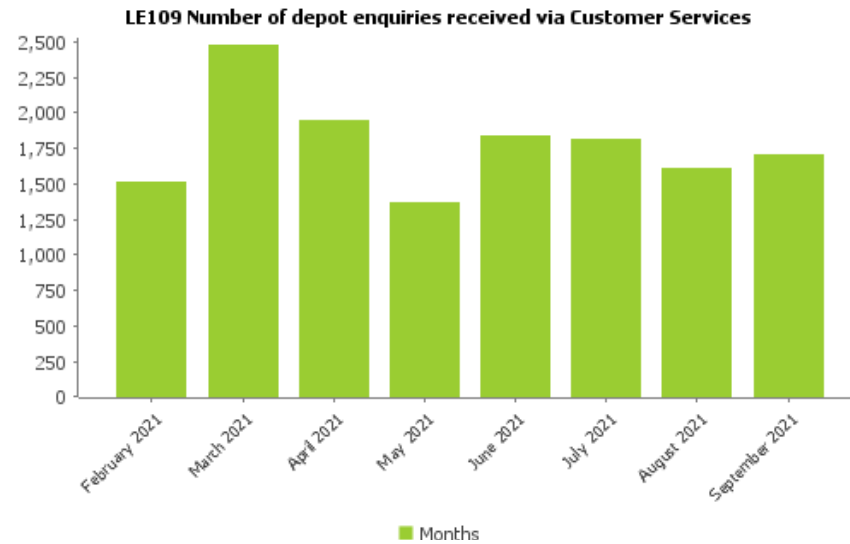
LA064 Cost of household waste / recycling services
BV086



Current Value £40.08

Managed By Steve Brant

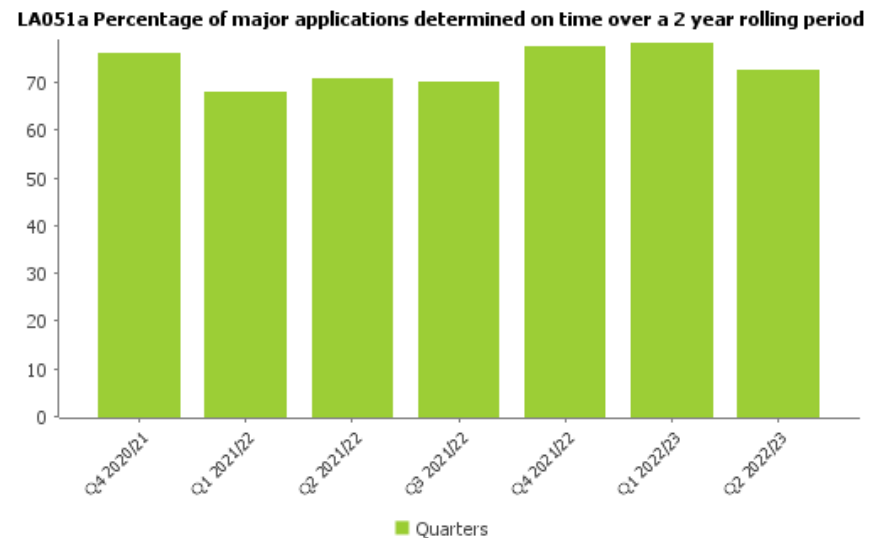
LE109 Number of depot enquiries received via Customer Services



Current Value 1,705

Managed By Steve Brant

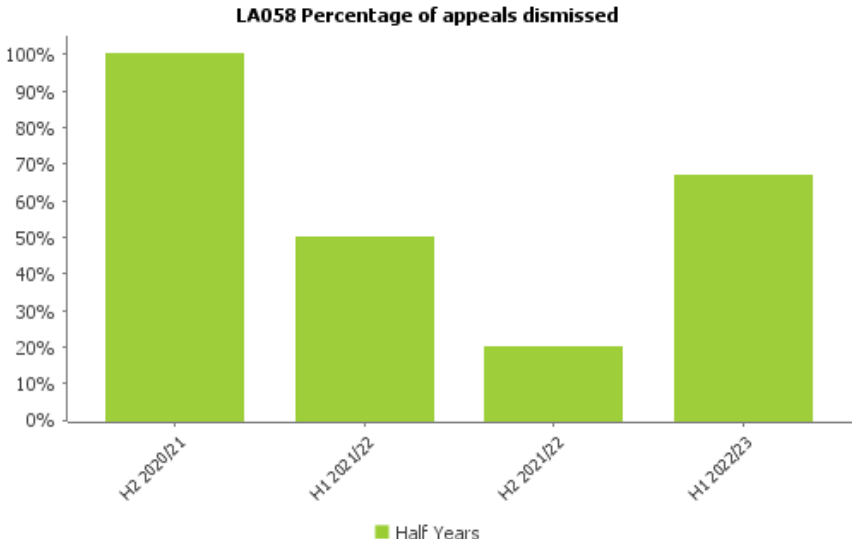
LA051 Percentage of major applications determined on time over a 2 year rolling period
a



Current Value 72.7

Managed By Helen Hawkes;
Paul Round

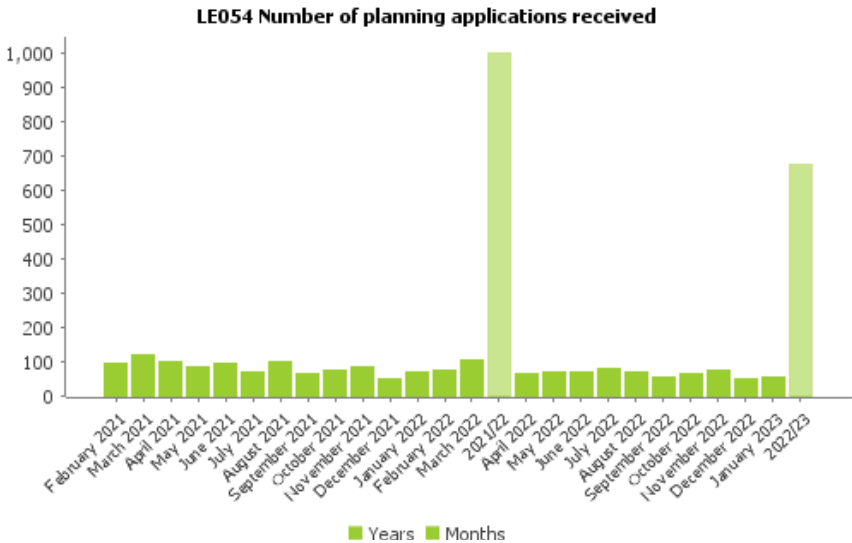
LA058 Percentage of appeals dismissed



Current Value 67%

Managed By Helen Hawkes; Paul Round

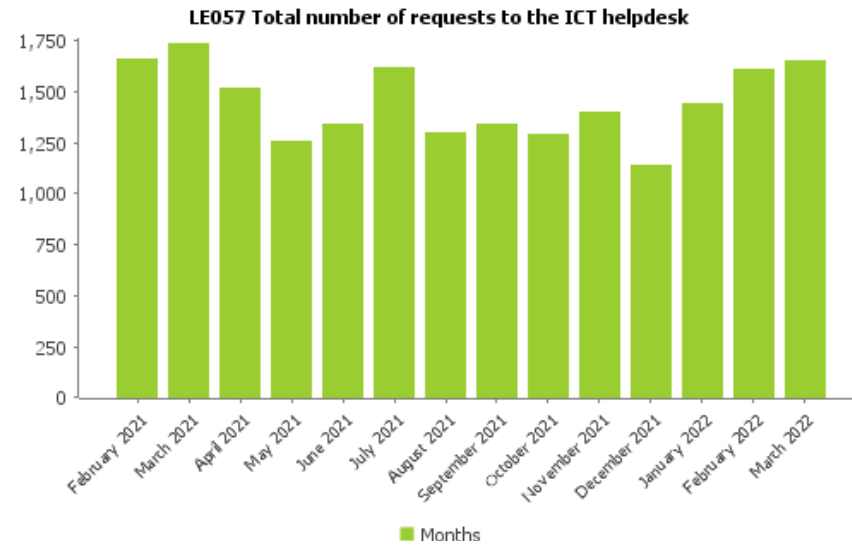
LE054 Number of planning applications received



Current Value 57

Managed By Helen Hawkes; Paul Round

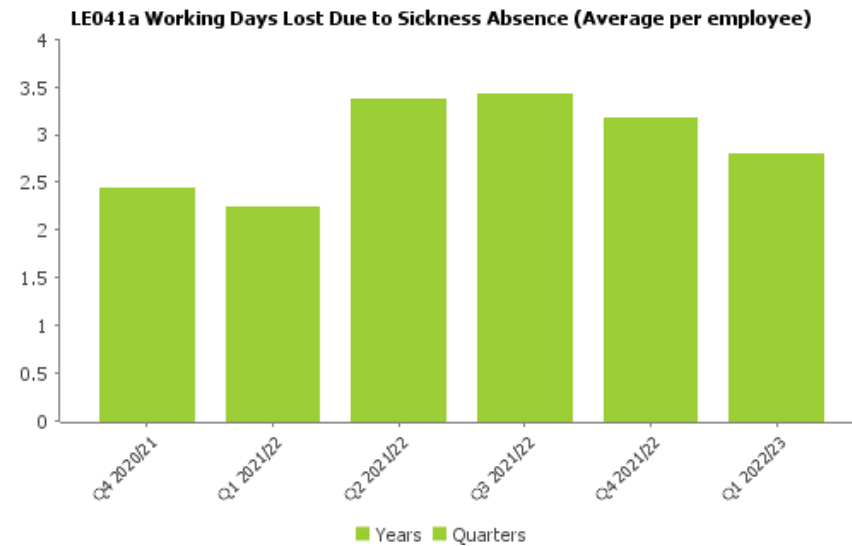
LE057 Total number of requests to the ICT helpdesk



Current Value 1,654

Managed By Dave Johnson

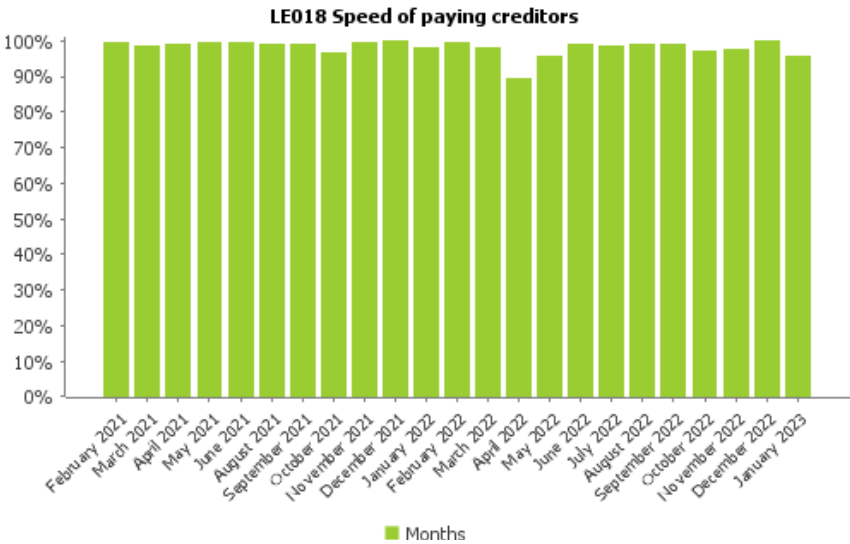
LE041 a Working Days Lost Due to Sickness Absence (Average per employee)



Current Value 2.79

Managed By Caroline Newlands

LE018 Speed of paying creditors



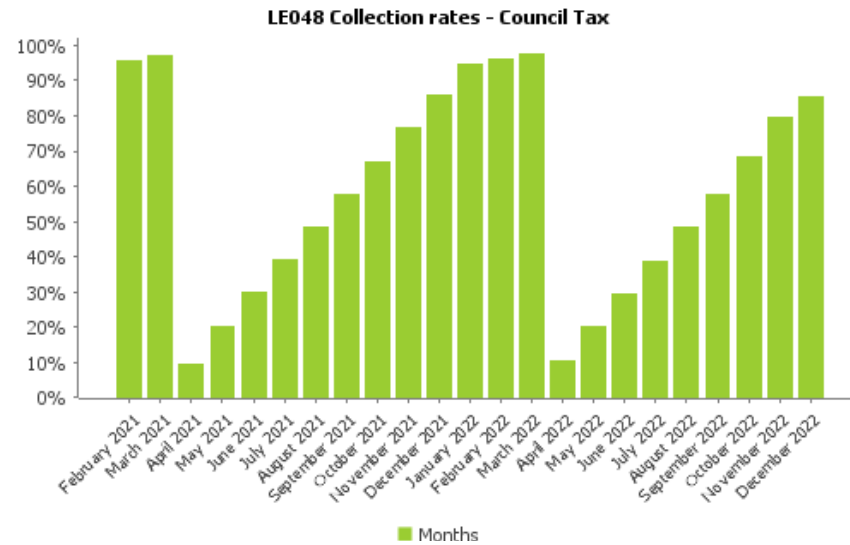
Current Value

95.81%

Managed By

Helen Ogram

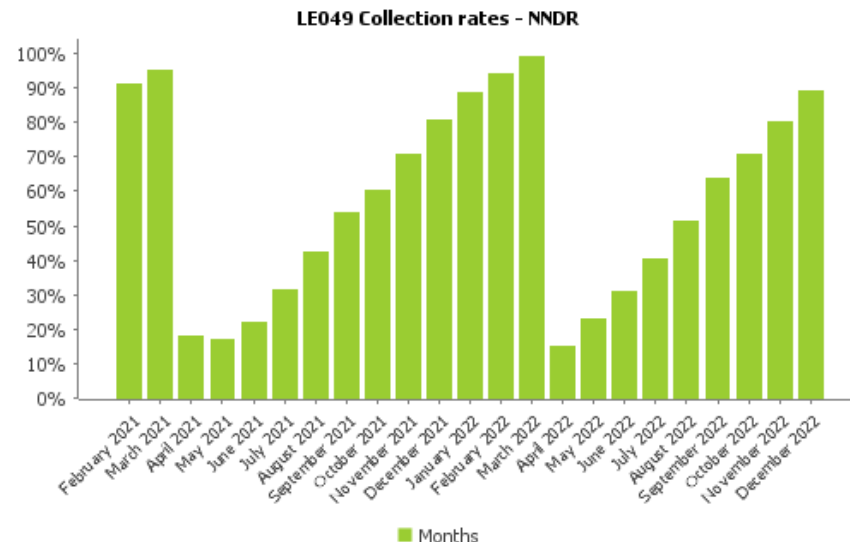
LE048 Collection rates – Council Tax



Current Value 85.32%

Managed By Lucy Wright

LE049 Collection rates – NNDR



Current Value 88.98%

Managed By Lucy Wright

Exception report for all Wyre Forest Forward and Risk Actions

Those actions that are approaching their due date or are overdue



Help me have access to a good quality and affordable home; Make good development happen

WFF 22/23 96 Redevelopment of Land at Radford Avenue 

Due Date	Managed By	Latest Note	Latest Note Date
31-Dec-2022	Kate Bailey	Continued negotiations with landowner regarding the sale.	01-Feb-2023

Make good development happen

WFF 22/23 30 Stourport Canal Basins 

Due Date	Managed By	Latest Note	Latest Note Date
31-Oct-2021		Awaiting any firm proposals from Stourport Town Council or Stourport Forward	25-Apr-2022

WFF 22/23 90 Lionfields Phase One (Former Glades Leisure Centre site) feasibility study 

Due Date	Managed By	Latest Note	Latest Note Date
31-Oct-2022	Ostap Paparega	As per Cabinet on the 30th June: APPROVED the preparation of a preferred development option to RIBA Stage 2 for Lionfields Parcel One	09-Aug-2022

DELEGATED to the Head of NWEDR (acting jointly with the Solicitor to the Council and Head of Resources), in consultation with the Cabinet Member for Economic Regeneration, Planning and Localism, authority to procure a professional multi-disciplinary team to prepare the following documents: feasibility study; site options appraisal; financial viability appraisal; delivery mechanisms options; route to market/procurement strategy; funding strategy and undertake soft market testing to enable the design of a preferred development scheme to RIBA Stage 2 for Lionfields Parcel One

DELEGATED to the Head of NWEDR, in consultation with the Cabinet Member for Economic Regeneration, Planning and Localism, Solicitor to the Council and Head of Resources authority to settle the terms of any agreement between the Council and Worcestershire County Council in respect of developing Parcel One. This delegation includes, but is not limited to, such matters as sharing of costs between both parties to bring Parcel One to the market for development.

WYRE FOREST DISTRICT COUNCIL

**Cabinet
Tuesday 21 March 2023**

**Recommendations from the Overview and Scrutiny Committee
Thursday 2 March 2023**

Budget and Performance Monitoring Third Quarter 2022-23

The Committee considered a draft of a Cabinet Report from the Head of Resources and s151 Officer on the Council's financial and other performance at the end of Quarter 3 ending 31st December 2022. The report also presented the current projected outturn position for the 2022-23 financial year.

The Committee fully scrutinised the report and the Head of Resources, the Head of Strategic Growth and the Head of Community & Environment Services were able to provide members with verbal responses to their questions.

The Overview and Scrutiny Committee noted the draft Cabinet report.

Background papers:

See the report on page 43 of the pdf at this link:

https://forms.wyreforestdc.gov.uk/council/docs/doc58380_20230302_o_and_s_agenda.pdf

WYRE FOREST DISTRICT COUNCIL

CABINET MEETING
21st MARCH 2023

WRITE OFF OF AMOUNTS OUTSTANDING

OPEN	
CABINET MEMBER:	Cllr. Mary Rayner
RESPONSIBLE OFFICER:	Head of Resources and S151
CONTACT OFFICER:	Fiona Johnson Ext. 2661 E-mail Fiona.johnson@wyreforestdc.gov.uk
APPENDIX 1	Proposed Write-Off

1. PURPOSE OF REPORT

- 1.1 To enable the Cabinet to consider writing off the sum of £45,054.68 in respect of debts that cannot be collected.

2. RECOMMENDATION

The Cabinet is asked to DECIDE that:

- 2.1 The total of £45,054.68 as detailed in the Appendix to this report, be written off for National Non-Domestic Rates.

3. BACKGROUND

- 3.1 Part 4 of the Council's Constitution, Delegation to Officers, paragraph 1.13, authorises Head of Resources & S151 Officer to write off individual debts up to the value, in each case of £5,000. For values, between £5,000 and £9,999.99 write-offs can be made with the approval of the delegated Cabinet Member. The Cabinet is authorised to write off debts of £10,000 and over.
- 3.2 It is therefore necessary for Cabinet to give consideration to the cases scheduled on the appendix to this report. On this occasion, the debt relates to non-domestic rates.

4. KEY ISSUES

- 4.1 National Non-Domestic Rates are demanded in accordance with the provisions laid down by The Local Government Finance Act 1988; the total annual sum collectable by this Council is circa £26 million, our overall collection rate for 2021-22 was 99.02%, 80.54% at quarter 3. Our collection rate at the end of quarter 3 2022-23 was 88.98%. Recovery action is taken in the event of non-payment under the various regulations made by this Act.

- 4.2 Every effort has been made to pursue the debt set out in the Appendix. This rigorous recovery work has been a prolonged exercise due to the necessary stages that must be followed for debt recovery.

Write off is only recommended when all recovery avenues have been fully explored, and this is the reason for the debts now presented for write off.

5. FINANCIAL IMPLICATIONS

- 5.1 Under the current Business Rates Retention Regime, the cost of non-collection of National Non-Domestic Rates is met both by the Government and the Worcestershire Business Rate Pool. Approval of the proposed write-off detailed in the Appendix of £45,054.68 will be accounted for as part of the Worcestershire Business Rates Pool and result in a loss of income shared between the Pool members and the Government.

6. LEGAL AND POLICY IMPLICATIONS:

- 6.1 None.

7. EQUALITY IMPACT NEEDS ASSESSMENT

- 7.1 This is a financial report and there is no requirement to undertake an Equality Impact Needs Assessment.

8. RISK MANAGEMENT

- 8.1 The principal risk to the Council is loss of National Non-Domestic Rates (Business Rates) income which is a key funding source. However, the budgeting process includes an estimate each year for a small percentage of potential write-offs/provision for bad debts that are unfortunately inevitable given the total annual sum collectable of circa £26m. The Business Rates accounting regime and membership of the Worcestershire Pool mitigates the risk of impact on this Council as the loss of income is shared between Pool members and the Government.

9. CONCLUSION

- 9.1 The amount set out in the Appendix cannot be collected and should be written off.

10. CONSULTEES

- 10.1 Corporate Leadership Team
Cabinet Member for Finance and Capital Portfolio

11. BACKGROUND PAPERS

11.1 None.

Appendix Companies and Council Tax

Debt Type	Payer	Address	Reason for Write-Off	Amount £
NNDR	Synergy Security Group Ltd 00413690	Shop and premises, 7 Vicar Street, Kidderminster, DY10 1DE	Business rate debt related to occupied rates for the period 25/04/2019 to 31/03/2020 and 01/04/2020 - 28/01/2021. The company was listed on Companies House that they provided private security activities. Liability orders were made by Kidderminster Magistrates Court on 9th March 2022. Warrants were passed to Enforcement Agents but they were unable to collect any monies and the warrants were returned no trace. Per Companies House the company was struck off 13/12/2022 and dissolution of the company 20/12/2022.	25,616.47
NNDR	Mr A Sandford T/A Sandford Park Homes 00383031	Store and premises, Unit 22 Broach Road, Stourport-on-Severn, DY13 9PU	Business rate debt related to occupied rates for the period 01/04/2017 to 31/03/2018, 01/04/2018 to 31/03/2019 and 01/04/2019 to 31/03/2020 and 01/04/2020 to 31/05/2020. Liability orders were made by Kidderminster Magistrates Court on 22nd September 2017, 8th May 2019, 11th September 2019 and 10th February 2021. Warrants were passed to Enforcement Agents and they did collect some payments, however payments stopped being made when covid started. Warrants were returned no legal access. Since then we have been unable to trace the debtor. We have tried several trace enquiries but have not been able to find a current address.	19,438.21
				45,054.68

WYRE FOREST DISTRICT COUNCIL

CABINET
21st March 2023

LOCALISM INCLUDING BEWDLEY LEISURE CENTRE

OPEN	
CABINET MEMBER:	Councillor Helen Dyke – Leader and Cabinet Member for Economic regeneration, Planning and Localism Councillor Graham Ballinger – Deputy Leader and Cabinet Member for Culture, Leisure and Community Safety
RESPONSIBLE OFFICER	Ian Miller, Chief Executive
CONTACT OFFICER	Ali Bakr, Community and Environment Strategic Manager, Ext 2970
APPENDICES:	Appendix 1: summary of legal agreements relating to Bewdley Leisure Centre Appendix 2: recommendations from Overview and Scrutiny Committee, 2 March 2023

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to agree various asset transfers and disposals as part of the localism agenda.

2. RECOMMENDATIONS

- 2.1 The Cabinet is asked to **note** the recommendations from the Overview and Scrutiny Committee.

Bewdley Leisure Centre

- 2.2 The Cabinet is asked to **agree** the termination of the dual use agreement, management agreement, trust deed and cesser agreement in respect of Bewdley Leisure Centre and playing fields, subject to:
- a) the satisfactory conclusion of the matters delegated under paragraph 2.3.
 - b) a binding commitment from the Bewdley School Foundation about continued community use of the leisure centre and playing pitches outside school hours
 - c) a binding commitment about creation of a broad access strip from Stourport Road to the riverbank.

- 2.3 The Cabinet is asked to **give delegated authority** to the Chief Executive, in consultation with the Leader, to advertise the intention to release its rights under the various agreements (which constitutes a disposal of land that is open space) and to consider any objections made as a result of the advertisement and to take the final decision on disposal in the event of objections having been received.

Cookley allotments

- 2.4 The Cabinet is asked to **agree** the disposal of the following land for a consideration of £1 in accordance with the Council's power under section 123 of the Local Government Act 1972 to dispose of land at less than best value:

Description of land and buildings	Freehold to be transferred to
Allotments at Lionfields Road, Cookley DY10 3UG (WR106733)	Wolverley and Cookley Parish Council

Former toilets, Upper Arley

- 2.5 The Cabinet is asked to **agree** the disposal of the former toilets, Upper Arley (WR106745) on the basis set out in paragraph 4.8; and if disposal to a third party cannot be achieved on a commercial basis, to **agree** that the site should be cleared and be offered to the parish council for transfer for consideration of £1.

3. BACKGROUND

- 3.1 Since 2019, the Council has continued with a wide-ranging programme in accordance with the Localism Strategy under which assets and services are transferred to local bodies or organisations to run. Principally this has involved working with town and parish councils, but localism approaches are not limited to local government bodies.
- 3.2 Discussions with a range of bodies about their interest have reached the point where decisions can now be taken to authorise disposals. Some of the land and buildings that are the subject of this report have parts that are in addition subject to a variety of leases, licences and other formal agreements in favour of third parties: it is not the intention that these will be disturbed by the process of transfer if they extend beyond the date of transfer.

4. KEY ISSUES RELATING TO EACH SITE

- 4.1 The principle of exiting WFDC from involvement in the **Bewdley Leisure Centre** was agreed as part of the Medium-Term Financial Strategy for 2022-25. There is a very complex set of arrangements that were agreed when the leisure centre was built by WFDC over 30 years ago, a simplified summary of which is in Appendix 1.
- 4.2 County council officers have confirmed that the transfer of freehold ownership of the land including the school site from the county council happened as a result of statutory provision under the School Standards and Framework Act 1998 when the school became a foundation school in 2008. WCC has not yet updated the land

registration. The Bewdley School Foundation, of which the school is a part, is a company that is a charitable trust. The Object of the Company is “to advance the education of the pupils at Bewdley School, it being acknowledged that in carrying out the Object the Company must (where applicable) have regard to its obligation to promote community cohesion under the Education Acts”. It has wide ranging powers in the articles including: “to buy, take on, lease or in exchange, hire or otherwise acquire any property, including but not limited to the acquisition of freehold or leasehold property to be held by the charity (either alone or jointly with any other person) in trust for the purpose of Bewdley School; to sell, lease or otherwise dispose of all or any part of the property belonging to the charity. In exercising this power, the charity must comply as appropriate with sections 117-121 of the Charities Act.”

- 4.3 The headteacher has provided the following background information in respect of why the school formed (acquired) the Trust: “The rationale for acquiring the Trust is to create a vehicle for developing the school estate for the mutual benefit of students at the school and members of the Bewdley community. This will include developing facilities for the arts, sports and exercise and improving, enhancing or providing new large spaces or halls within the school in relation to the provision of these facilities.” The school’s future development proposals are not the subject of this report and are not relevant to the question of how the Council exits its involvement in the leisure centre. Any developments would be subject to planning application(s) in due course and to the Trust being able to attract funding. The planning issues would almost certainly fall to be determined by the Planning Committee as the site is located in the green belt. The planning considerations are likewise not relevant to the decision on how the Council should exit its involvement in the Bewdley Leisure Centre. The school has indicated that it intends to provide a broad fenced access strip from the Stourport end of the field around the edge of the field to the riverbank, thus securing public access to part of the site. In line with normal arrangements for school playing fields, public access is not generally permitted for reasons of safeguarding, including matters such as dog fouling, risk of attacks by dogs etc.
- 4.4 While the documents drafted in 1989/1990 were never formally signed, legal advice is that they are in force as all parties have behaved in accordance with them. In simple terms, the process would be for all relevant parties to agree that the documents should be terminated and should cease to have effect. Worcestershire County Council have confirmed their willingness to be party to the termination agreements, but this is without prejudice to their position (which is that all the contractual liabilities of the county council under the documents have passed to the school). The precise legal position does not matter in the sense that, if WFDC, WCC and the school agree the termination of the current documents, the provisions in them will cease to be of any effect. It will also be necessary for WFDC to amend its contract with Places for Leisure to omit Bewdley Leisure Centre, as the school would operate the leisure centre. The operative dates for these changes to take effect is to be determined but expected to be later in 2023.
- 4.5 Before agreeing to take such steps, the Cabinet would need to be satisfied that the school/Bewdley School Foundation was committed to:
- 4.5.1 continuation of community use outside school hours of the leisure centre and playing pitches (it would be for the school to regulate use including any charges

levied). The headteacher has confirmed that “Increased community use is a core aim of the project for us, not just of the leisure facilities but of the school site as a whole. We are happy to make a permanent commitment to this”.

- 4.5.2 continuation of public access to at least part of the field to enable access to the riverside from Stourport Road. This would be delivered by the broad access strip around the edge of the field, the closest edge to Stourport, and that this would be fenced off. The cost of fencing would fall to the school.

The recommendation includes conditions to obtain binding agreements on both of these matters. For its part, the school would not be able to proceed with any transfer of responsibilities until a full feasibility study that will be carried out by The Bewdley School Foundation, to establish the financial sustainability of the leisure centre and sports fields in the long-term. Such a feasibility study might include establishing external funding streams to enable capital improvements to take place. The study is expected to be undertaken by the end of the summer term and would therefore still allow for the possibility of implementation of the recommendations in this report during 2023.

- 4.6 The consequences of these steps would be:

- 4.6.1 WFDC would cease to have any involvement in the leisure centre and fields, in line with the decision already taken by full Council. In particular it would cease to contribute toward the cost of operation.

- 4.6.2 The school and Places for Leisure would need to consider and resolve the question of whether the provisions of the transfer of undertaking regulations, TUPE, apply to Places for Leisure staff who work solely or mainly at the leisure centre. If it is demonstrated that TUPE would not apply, then the staff would be redundant and the Council would have to meet the redundancy costs which are estimated at £3k, which would be funded from existing budgets. There may also be some other modest costs relating to termination of the contract, in respect of equipment.

- 4.6.3 WFDC could not receive any capital receipt on unilateral termination of the trust by WFDC, a provision that could have been triggered only in the future and only from 2030. This might have involved a capital receipt of £426k in 2030. Bringing the arrangements agreed in 1989/90 to an end now does not involve WFDC giving up or losing anything now. The community and school have already had the benefit of WFDC's capital investment of £626k for 30+ years, which works out at a relatively modest sum of about £20k/year if spread across that period, and that benefit will continue: there is no “loss”. Bringing the Council's involvement to an end would avoid net costs of c£30k/year. Exiting the arrangement now will allow the community facility to be improved and expanded and mitigates the risk of unforeseen future expense. The revenue savings provide the equivalent of a 6 year pay back after 2030 for the capital receipt foregone after lost interest is factored in, as shown in the table below. It is therefore considered that the Council can demonstrate value for money for its original capital investment.

Receipt foregone 426,000.00
Annual revenue reduction 30,000.00

Year		Interest rate /Inflation	Balance b/f (£)	Interest (£)	Reduced expense (£)	Balance c/f (£)
2023		4%	0	0	(30,000)	(30,000)
2024		3%	(30,000)	(900)	(30,900)	(61,800)
2025		3%	(61,800)	(1,854)	(31,827)	(95,481)
2026		3%	(95,481)	(2,864)	(32,782)	(131,127)
2027		2%	(131,127)	(2,623)	(33,437)	(167,187)
2028		2%	(167,187)	(3,344)	(34,106)	(204,637)
2029		2%	(204,637)	(4,093)	(34,788)	(243,518)
2030	1	2%	182,482	3,650	(35,484)	150,647
2031	2	2%	150,647	3,013	(36,194)	117,466
2032	3	2%	117,466	2,349	(36,918)	82,898
2033	4	2%	82,898	1,658	(37,656)	46,900
2034	5	2%	46,900	938	(38,409)	9,429
2035	6	2%	9,429	189	(39,177)	(29,560)

4.7 Positive discussions were held with Wolverley and Cookley Parish Council during 2021 and 2022 about the localism agenda, as part of which it has been agreed to transfer the **allotments at Cookley** to the parish council for consideration of £1. This will be subject to an overage provision in the event that the parish council were to decide to redevelop the site. All other allotments in the district are owned and operated by parish councils, such as the long-standing arrangements in Stourport and the transfer of allotments to Kidderminster Town Council which occurred as a result of legislation when that council was created. (For completeness, the allotments at Seabright Road/Lowe Lane in Wolverley are located on land which was acquired for housing purposes and is held as a potential site allocation in a future local plan: therefore there is no intention for the District Council to give up ownership of that site.)

4.8 Finally, **the toilets at Upper Arley** are surplus to requirements. They were operated for a number of years by Upper Arley Parish Council, but it did not wish to continue and it has rejected offers to transfer the toilets to its ownership. Enquiries about potential interest from tourism venues in the village have also borne no fruit. The toilets have been closed since May 2022 and have been boarded up. In the absence of any local interest in owning and operating the toilets, the site now needs to be redeveloped and disposed of. The Council's Localism Strategy seeks that assets and services should continue on a financially viable footing but such an outcome is plainly not achievable in this case. The plot is a small, attractive riverside location, albeit subject to flooding, most recently in January 2023. Officers are working on a range of options which include disposal after obtaining planning permission for erection of one dwelling (although there are significant issues to address in respect of flooding risk and provision of an emergency escape route);

disposal for non-residential purposes such as supporting water-based recreation or a tourist-related commercial site (cycle hire, cafe etc.); or disposal to a neighbouring landowner. The Cabinet's approval to seek disposal on commercial terms is sought, noting that, during the time that the land is owned by the District Council, any planning application would fall to be considered by the Planning Committee. If no viable development or purchaser can be found on commercial terms, then the site will need to be cleared to remove the risk relating to the dilapidated building: funding for that would be agreed with Cabinet if it cannot be funded from earmarked reserves. If that scenario arises, this report also seeks Cabinet's approval to offer the cleared site to the parish council for consideration of £1. The parish council would be free to use it for a variety of potential purposes such as a riverside garden or play area.

Disposal of land at less than best value

- 4.9 The proposal is that the Cookley allotments should be transferred at £1 consideration, in accordance with the Council's power under section 123 of the Local Government Act 1972 to dispose of land at less than best value. The value of the allotments is less than £10k. Therefore the Council can rely upon the general disposal consent from the Secretary of State. This allows a council to dispose of land and buildings where the estimated value is less than £2m without reference to him, if the council is proposing to obtain less than best value and it considers that the disposal will help it to secure the promotion or improvement of the economic, social or environmental well-being of its area. The Council would also rely on these provisions in respect of the possible transfer of the former toilets to Upper Arley Parish Council as a cleared site if the District Council could not secure disposal of the site on commercial terms.

Disposal of public open space

- 4.10 Section 123 of the Local Government Act 1972 stipulates that:

“(2A) A principal council may not dispose under subsection (1) above of any land consisting or forming part of an open space unless before disposing of the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed disposal which may be made to them.”

- 4.11 This is considered to be relevant to the land at Bewdley Leisure Centre. While the Council is not disposing of a freehold or leasehold interest in land at Bewdley Leisure Centre, the definition of what constitutes a “disposal” of land in section 205 of the Law of Property Act 1925 is very wide and would include releasing the rights that the Council has in the dual use agreement. The Council will advertise its intention to dispose of the open space for two consecutive weeks in the Shuttle. The publication of this notice is required by law and does not mean that the sale of the land will take place. Any comments following the consultation will be taken into consideration before a final decision is taken under the proposed delegation.

5. **FINANCIAL IMPLICATIONS**

- 5.1 The proposals in this report will relieve the Council of some revenue costs estimated at £30k/year and may produce some capital receipts, which will be added to the Evergreen Investment Fund. It will also avoid costs for the Council such as future investment required at the leisure centre or other sites and the cost of continuing to secure the dilapidated toilets at Upper Arley.
- 5.2 The cost of developing and implementing these proposals relate primarily to staff time although there are costs associated with:
- advertisements in the local newspaper;
 - redundancy costs/any termination fee in respect of Places for Leisure
 - (if required) either applying for planning permission at the site of the former toilets or their demolition.

These costs are expected to be met within existing budgets or earmarked reserves, or as otherwise determined by Cabinet. Paragraph 4.6.3 sets out information to demonstrate the payback period in respect of the capital receipt foregone.

- 5.3 Any accounting loss in the disposal of assets will be reflected in the Council's Comprehensive Income and Expenditure Statement and in the Movement in Reserves Statement. The value of assets held on the Council's balance sheet will be reduced, but there would be no direct impact on council tax arising from the disposals. For transparency, the current balance sheet valuations are shown in the table. These will have been prepared on various bases, such as assumed amenity land value at £10k/acre or depreciated replacement cost method. The balance sheet valuations are not the same as the market value that would be paid for the freehold by a willing purchaser, having regard to any covenants or other restrictions that would affect the market value.

Asset	Valuation in balance sheet at 31 March 2022
Bewdley Leisure Centre	£580,000
Sports fields at BLC	£105,000
Allotments, Cookley	De minimis (<£10,000)
Former toilets, Upper Arley	De minimis (<£10,000)

6. **LEGAL AND POLICY IMPLICATIONS**

- 6.1 The Council's Localism Strategy and relevant legislation, including on disposal of assets, are referred to throughout the report.

7. **EQUALITY IMPACT NEEDS ASSESSMENT**

- 7.1 An EIA screening has been undertaken and no adverse equality impacts have been identified. A full assessment is not required.

8. RISK MANAGEMENT

- 8.1 Appropriate provision will be included as necessary in the terms of disposal to protect the District Council's interest. The proposal in respect of the toilets at Upper Arley will remove the risk of continuing to own a boarded up property that will deteriorate over time and be a potential risk to members of the public who enter the site or a source of vandalism or anti-social behaviour. Otherwise, the principal risk relates to compliance with legislation on disposal of open space and land at less than best value, which is being addressed as set out above.

9. CONCLUSION

- 9.1 The Cabinet is invited to consider the recommendations in this report that assist in taking forward the localism agenda.

10. CONSULTEES

- 10.1 Cabinet
10.2 Corporate Leadership Team

11. BACKGROUND PAPERS

- 11.1 WFDC Localism Strategy 2019

APPENDIX 1

SIMPLIFIED SUMMARY OF LEGAL AGREEMENTS RELATING TO BEWDLEY LEISURE CENTRE

Dual Use arrangement with Worcestershire County Council in respect of the Centre which is built on land owned on a freehold basis by the County (building and layout of pitches was funded by WFDC).

In 1989 a memorandum of agreement was entered into between the two Councils.

The agreement referred to further documentation that would be entered into:-

1. A declaration of trust (part of the Site) acknowledging the land ownership of the County and the costs incurred by the District in laying out the playing field.

Trust was to subsist for a period of 40 years and stated that the County held the land upon trust for itself and the District in accordance with the Management Agreement.

2. A declaration of trust (Remainder of the Site) acknowledging the land ownership of the County and the costs incurred by the District in building the Sports Hall, car park etc but could be terminated by 2 years notice provided it had been in existence for at least 40 years.

3. A cesser agreement

Deals with what should happen in the event of early termination of the trust.

If terminated between 40 and 125 years there was provision for capital repayment by County to the District.

4. Management Agreement

Sets out the responsibilities of and benefits to the County and District Councils.

The Sports Hall and sports field are under the exclusive management and control of the District.

Appointment of staff to manage the facilities is the responsibility of the District.

It sets out hours during which the Sports Hall must be available for school use for physical recreation and education.

The District fix charges for community use and retain all income from such use.

The District are responsible for all internal and external repairs including plant and cleaning.

The District are responsible for buildings insurance.

Annual running costs by supervisory staff, cleaners, attendants, maintenance, repair renewal and decoration of buildings, grounds maintenance, heating and lighting, cleaning materials, replacement of furniture and fittings, fixed equipment,

NNDR, water rates, staff protective clothing, building insurance and plant maintenance, are split are apportioned so that the County pay 45% in 2 half year instalments.

5. A lease

This would be entered into if the County terminated the Trust referred to at 2. above.

All documents were bound with the Agreement which was executed by both parties.

The documents also make it clear that, if the High School opts out of LEA control, references to the County Council would include both the School and the County Council whilst they are LEA for Schools within the current geographical area of the District Council.

The current position:-

The agreement was entered into on 25th July 1989. The remaining agreements were to take effect on practical completion of the development or 12 months from the date of the agreement, whichever was the later.

Taking the 12 months date, the obligations were to take effect on 25th July 1990.

The minimum period for the operation of the Trust was 40 years so the earliest date that either party could unilaterally determine the agreement would be 24th July 2030. If terminated at that date by Wyre Forest District Council, the County Council must pay a proportion of the capital sums expended by the District Council in respect of the construction of the Sports Hall and laying out of the sports field calculated as follows: -

Initial construction/capital costs-reduced by one/ one hundred and twenty fifth in respect of each year during which the Trust has subsisted.

Subsequently incurred construction/capital costs there is a mechanism for calculating the period to be used, together with an additional amount to bring those sums to the current value of the capital costs incurred.

If the County Council serve notice, they must grant a lease to the District Council for the remainder of the 125-year trust period.

The School and County Council have liability under the terms of the agreements.

APPENDIX 2

Recommendations from the Overview and Scrutiny Committee Thursday 2 March 2023

Localism Including Bewdley Leisure Centre

The Committee considered a draft of a Cabinet report from the Chief Executive that sought agreement to various asset transfers and disposals as part of the localism agenda.

The Community and Environment Strategic Manager presented the report and outlined the key issues. The Committee discussed the report at length, with many reservations, and took the opportunity to question the Community and Environment Strategic Manager, the Head of Community and Environment Services and the Community and Strategic Projects Manager on the report.

Recommend to Cabinet that: The Overview and Scrutiny Committee invite Cabinet to seriously consider whether this report is even tabled at the meeting on 21 March 2023, given there is still time to make adjustments. However, if the Leader decides to include this item on the Cabinet agenda, the Scrutiny Committee strongly recommend that Cabinet do not proceed with Items 2.1, 2.2, 2.3, 2.4 and 2.6 of the report.

Background papers:

See the report on page 116 of the pdf at this link:

https://forms.wyreforestdc.gov.uk/council/docs/doc58380_20230302_o_and_s_agenda.pdf

WYRE FOREST DISTRICT COUNCIL

CABINET
21 MARCH 2023

Chaddesley Corbett Revised Neighbourhood Plan 2022 to 2036 – Referendum

OPEN	
CABINET MEMBER:	Cllr Helen Dyke, Leader of the Council and Cabinet Member for Economic Regeneration, Planning and Localism
RESPONSIBLE OFFICER:	Kate Bailey, Head of Strategic Growth
CONTACT OFFICER:	Sally Horne, Senior Planning Policy Officer
APPENDICES:	Appendix One: Decision Statement

1. PURPOSE OF REPORT

To agree that the Chaddesley Corbett Neighbourhood Plan should be made part of the Development Plan for Wyre Forest District following the referendum which was held on Wednesday 8th February 2023.

2. RECOMMENDATION

The Cabinet is invited to:

2.1.1 agree that the Chaddesley Corbett Neighbourhood Plan should form part of the Development Plan for Wyre Forest District Council and that the Decision Statement set out at Appendix One to this Report is approved.

3. BACKGROUND

3.1 Chaddesley Corbett Parish Council, as the qualifying body, successfully applied for Chaddesley Corbett Parish to be designated as a Neighbourhood Area under the Neighbourhood Planning (General) regulations 2012. The Neighbourhood Area was designated on 14th September 2012.

3.2 Chaddesley Corbett's first NDP 2014 – 2026 came into effect on the 25 September 2014. It contains policies on:

- 3.2.1 Housing and the Built Environment
- 3.2.2 Business Agriculture and Commerce
- 3.2.3 Community and Leisure
- 3.2.4 Historic Environment, Architecture and Conservation

3.3 In 2019 Chaddesley Corbett Parish Council made the decision to review the NDP, taking into account the following:

- Changes in local (Wyre Forest District Council) and national planning policy since 2014;
- The results of a Parish Housing Needs Survey undertaken in June 2019;
- Consideration of local residents' and stakeholders' concerns gathered through a Parish Residents' Survey undertaken in autumn 2019;

- A Call for Sites and Site Assessment Process and public consultation on possible sites for local affordable housing schemes undertaken in 2020; and
- The preparation of a Design Codes document in 2020 to underpin detailed local design policies.

4. KEY ISSUES

4.1 The Review NDP includes the following Planning Policies and Proposals:

- Policy CF1 Supporting Health and Wellbeing
- Policy CF2 Protecting the Local Group of Shops and Public Houses in Chaddesley Corbett and other Local Facilities
- Policy GI1 Local Green Infrastructure Network and Biodiversity
- Policy H1 House Types, Sizes and Tenures
- Policy H2 Housing Site Allocations
- Policy H3 Criteria for Assessing the Suitability of Potential Housing Sites
- Policy H4 Backland and Rear and Side Garden Development and Extensions
- Policy C1 Conversion of Insubstantial Buildings
- Policy B1 Small Scale Employment Proposals on Previously Developed Sites and Conversions of Former Agricultural Buildings for Business Use
- Policy B2 Working from Home
- Policy D1 Promoting High Quality Design in New Development
- Policy D2 Architectural Details and Materials
- Policy D3 Protecting and Enhancing Heritage Assets and Archaeology
- Policy D4 Protected Views and Landmarks
- Policy D5 Local Green Spaces
- Policy T1 Parking in the Village.

4.2 The draft NDP has been through the prescribed process as set out in the of the Neighbourhood Planning (General) Regulations 2012 (as amended), including two rounds of public consultation, in March 2022 and June 2022, examination in September 2022 and referendum in February 2023.

4.3 With the Examiner's recommended modifications the Neighbourhood Plan meets the basic conditions set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990, is compatible with EU obligations and the Convention Rights and complies with relevant provision made by or under Section 38A and B of the Planning and Compulsory Purchase Act 2004 as amended.

4.4 The referendum, which was held in the Parish of Chaddesley Corbett on the 8 February 2023, posed the question "Do you want Wyre Forest District Council to use the Neighbourhood Plan for Chaddesley Corbett to help it decide planning applications in the neighbourhood area?".

4.5 Of those that voted, 78% voted in favour of the Neighbourhood Plan.

5. FINANCIAL IMPLICATIONS

5.1 The District Council's costs relating to preparing the Neighbourhood Plan for Chaddesley Corbett and running the referendum have been met through the Government's Neighbourhood Planning Grant.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 2004 as amended requires that the Council must make the neighbourhood plan if more than half of those voting have voted in favour of the plan. The council are not subject to this duty if the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).
- 6.2 Once made, the Neighbourhood Plan will become part of the Development Plan for the District and will be used to help determine planning applications within the parish.

7. EQUALITY IMPACT NEEDS ASSESSMENT

- 7.1 The Plan does not raise an equalities issue and has been subject to Sustainability Appraisal which includes an assessment of potential impact on equalities issues.

8. RISK MANAGEMENT

- 8.1 The District Council must 'make' the Plan subject to it meeting all legal requirements. Should the referendum vote against the Plan then the District Council must not 'make' the Plan. Any decision which is not in accordance with this regulatory requirement could result in a legal challenge.

9. CONCLUSION

- 9.1 Neighbourhood planning is part of the Government's Localism agenda and allows communities to have more control over the way their local areas develop. Chaddesley Corbett Parish Council have prepared a Neighbourhood Plan to provide more specific planning policies and land allocations for the Parish.
- 9.2 A referendum was held in the Chaddesley Corbett Neighbourhood Area on Wednesday 8th February 2023 to ask 'Do you want Wyre Forest District Council to use the **Neighbourhood Plan for Chaddesley Corbett** to help it decide planning applications in the neighbourhood area? 78% of those that voted, did so in favour of the Neighbourhood Plan.

10. CONSULTEES

- 10.1 CLT

11. BACKGROUND PAPERS

- 11.1 Chaddesley Corbett Neighbourhood Development Plan 2022-2036

WYRE FOREST DISTRICT COUNCIL

CHADDESLEY CORBETT NEIGHBOURHOOD PLAN – DECISION STATEMENT

21 March 2023

1 Summary

- 1.1** Following a positive referendum result Wyre Forest District Council is publishing its decision to ‘make’ the Chaddesley Corbett Neighbourhood Plan as part of Wyre Forest District Council’s Development Plan in accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012.

2 Background

- 2.1** Chaddesley Corbett Parish Council, as the qualifying body, successfully applied for Chaddesley Corbett Parish to be designated as a Neighbourhood Area under the Neighbourhood Planning (General Regulations 2012). The Neighbourhood Area was designated on 14th September 2012.
- 2.2** Following the submission of the Chaddesley Corbett Neighbourhood Plan to the District Council, it was publicised and comments were invited from the public and stakeholders. The publication period closed on 22nd July 2022.
- 2.3** Wyre Forest District Council appointed an independent examiner; Ann Skippers MRTPI, to review whether the Neighbourhood Plan met the basic conditions required by legislation and whether it should proceed to referendum.
- 2.4** The Examiner’s Report concluded that the Neighbourhood Plan met the basic conditions and that subject to the modifications which are proposed in the report and set out in the Chaddesley Corbett Neighbourhood Plan Decision Statement of 23rd November 2022, the Neighbourhood Plan should proceed to a referendum.
- 2.5** A referendum was held on Wednesday 8th February 2023, 78% of those who voted were in favour of the Neighbourhood Plan. Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 2004 as amended requires that the Council must make the Neighbourhood Plan if more than half of those voting have voted in favour of the plan. The council are not subject to this duty if the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

3 Decision and Reasons

- 3.1** With the Examiner’s recommended modifications the Neighbourhood Plan meets the basic conditions set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990, is compatible with EU obligations and the Convention Rights and

Agenda Item No. 9.1 Appendix 1

complies with relevant provision made by or under Section 38A and B of the Planning and Compulsory Purchase Act 2004 as amended.

- 3.2** The referendum held on Wednesday 8th February 2023 the requirements of the Localism Act 2011, it was held in the Parish of Chaddesley Corbett and posed the question “Do you want Wyre Forest District Council to use the Neighbourhood Plan for Chaddesley Corbett to help it decide planning applications in the neighbourhood area?”.
- 3.3** The count took place on Wednesday 8th February 2023 and greater than 50% of those who voted were in favour of the plan being used to help decide planning applications in the plan area. The results of the referendum were:

Response	Votes	Percentage of Total
Yes	179	78%
No	49	22%
Turnout 19.8%		

- 3.4** The Council has assessed the Neighbourhood Plan including its preparation does not breach, and would not otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).
- 3.5** In accordance with the Regulations Chaddesley Corbett Neighbourhood Plan is ‘made’ and planning applications in the Parish must be considered against the Chaddesley Corbett Neighbourhood Plan, as well as existing planning policy.

Kate Bailey
Head of Strategic Growth
21 March 2023

WYRE FOREST DISTRICT COUNCIL

**Cabinet
Tuesday 21 March 2023**

**Recommendations from the Overview and Scrutiny Committee
Thursday 2 March 2023**

Chaddesley Corbett Revised Neighbourhood Plan 2022 to 2036 – Referendum

The Committee considered a report from the Head of Strategic Growth to seek agreement that the Chaddesley Corbett Neighbourhood Plan should be made part of the Development Plan for Wyre Forest District following the referendum which was held on Wednesday 8 February 2023.

The Senior Planning Policy Officer presented the report and outlined the key issues. The Committee discussed the report and took the opportunity to question the Head of Strategic Growth and the Senior Planning Policy Officer on the report.

The Overview and Scrutiny Committee noted the draft Cabinet report.

Background papers:

See the report on page 91 of the pdf at this link:

https://forms.wyreforestdc.gov.uk/council/docs/doc58380_20230302_o_and_s_agenda.pdf

WYRE FOREST DISTRICT COUNCIL

CABINET
21 March 2023

Report on the Local Enforcement Plan

OPEN	
CABINET MEMBER:	Cllr Helen Dyke, Leader of the Council and Cabinet Member for Economic Regeneration, Planning and Localism
RESPONSIBLE OFFICER:	Kate Bailey, Head of Strategic Growth
CONTACT OFFICER:	Sally Horne, Senior Planning Policy Officer
APPENDICES: The appendix to this report has been circulated electronically.	Appendix One: WFDC Local Enforcement Plan

1. PURPOSE OF REPORT

To approve the Wyre Forest District Council (WFDC) Local Enforcement Plan (LEP) which covers action to be taken in cases of planning enforcement.

2. RECOMMENDATION

The Cabinet is invited to:

- 2.1 approve the adoption of the Local Enforcement Plan.

3. BACKGROUND

- 3.1 The draft LEP is an update to the 2018 Plan currently on the WFDC website.
- 3.2 It has been updated to reflect current guidance in the National Planning Policy Framework 2019 (NPPF) and the National Planning Policy Guidance (NPPG). In particular, paragraph 58 of the National Planning Policy Framework (revised February 2019) states:

“Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.”

- 3.3 In addition, the Local Plan has now been adopted and so the Local Enforcement Plan requires a review.

4. KEY ISSUES

- 4.1 The LEP, attached to this report at Appendix One, aims to provide clarity about the planning enforcement process at WFDC. The following topics are covered in the document:
- what is considered a planning breach
 - the enforcement process
 - how planning breaches are likely to be dealt with
 - proactive monitoring and compliance

- 4.2 It should be noted by members that the LEP only covers enforcement against planning breaches. It does not relate to:
- private civil matters
 - the Party Wall Act 1986
 - pest, noise nuisance and light pollution where it is not associated with an unlawful development or any other breach in planning control
 - building control structural issues
 - when there has been no material change in the use of a building or land

The plan indicates, where relevant, how issues about those matters may be pursued.

- 4.3 The Plan identifies that the following types of planning breaches will be investigated.
- Unlawful development
 - Works to a listed building
 - Installing an unauthorised advertisement
 - Works to a tree subject to a Tree Preservation Order or located in a Conservation area
 - Use of a caravan for permanent residency or stationing of a caravan for permanent residency that is not incidental to a dwelling house and involves the use of land for more than permitted without being located in a park with a camping and caravan permit
 - Not building in accordance with the conditions set out in the Planning Permission decision notice or s106 agreement
 - Development impacting upon public amenity
- 4.4 Local Authorities are bound by the Human Rights Act and so will consider, when determining whether enforcement action is taken, the potential impact on the health, housing needs and welfare of those affected by the proposed action, and those who are affected by a breach of planning control.
- 4.5 Enforcement notices can be the subject of an appeal. Officers will always try to minimise risk of appeal by ensuring that breaches are not immune from action due to passage of time and that sufficient time is allowed for compliance.
- 4.6 If an enforcement notice is not complied with, the Council can prosecute. However, it should be noted that the Magistrates are not able to order compliance; they can fine an individual to incentivise them to comply and there can be multiple prosecutions and fines for the same breach, but ultimately that may not result in compliance. In that case, direct action by the Council to remedy the breach may be the only option.

- 4.7 The LEP was discussed by Overview and Scrutiny (O&S) who made the following recommendations for Cabinet to consider;
- 4.7.1 Regular updates are provided to Members and Parish Councils.
- 4.7.2 A clearer timeline is provided to complainants and incorporated in the Enforcement Process flow chart.
- 4.8 In relation to 4.7.1 Officers will provide an update of cases that members and parish/town councillors are aware of, emailed prior to relevant parish/town council meetings, so that they are kept informed of the latest position regarding a complaint. This will set out the address of the planning breach and the stage where the planning enforcement team are at, for example pending further investigation; seeking remediation; awaiting completion of PCN/IUC; undertaking enforcement action; awaiting outcome of enforcement appeal or court decision; or case closed on grounds that it is not expedient to take enforcement action.
- 4.9 In relation to 4.7.2 enforcement issues are dealt with on a case by case basis and it is therefore difficult to provide a standardised timeline. However, to address the recommendation, additional text has been added to the flow chart. It states:

An email / letter to the complainant, setting out outcome of first investigation (either pending further investigation, setting out case-specific timescale (where possible) or case closed) will be sent. If enforcement action is ongoing, a regular email / letter will be sent to the complainant keeping them informed.

5. FINANCIAL IMPLICATIONS

- 5.1 The existing staffing costs are met through the base budget and the additional planning application fees.
- 5.2 Enforcement work is a discretionary service and the merits of undertaking enforcement action will be considered in light of the LEP on a case by case basis.
- 5.3. As stated, enforcement notices can result in appeals. If evidence needs to be tested under cross examination at appeal, it is likely that there will be a Public Inquiry. This will require the use of a barrister, which will result in costs that cannot be recovered from the appellant (unless they have acted unreasonably).
- 5.4 The aim of enforcement action is that service of a notice will result in remedy of the breach. As a result, not all enforcement work will result in formal court action. However, the costs of undertaking enforcement prosecution for noncompliance can be significant if the matter proceeds to appeal in the Crown Court as the Council needs to instruct a barrister in these cases. For example, cases in the last year have cost between £2500 and £3500 without considering the internal officer costs involved in bringing the prosecution. It may be possible to recover some of these costs through an award by the court but this is becoming increasingly unlikely as the courts are reluctant to award costs particularly if the financial circumstances of the defendant are limited. If a fine is imposed the money goes to the Court, not the Council and any payments made by the defendant cover the fine before the costs

so recovery is very slow or unlikely even where costs are awarded as payments are often agreed by instalments.

- 5.5 If direct action is required to ensure that the notice is complied with, there will be additional costs incurred by the Council. Whilst these are recoverable, if the landowner does not have resources, the only way to recover the money may be through the registration of a local land charge so that the money is payable on any later sale of the property. This may be many years after the costs have been incurred.
- 5.6 It is necessary to establish a budget for this work as several cases are underway. Costs for 22/23 will be met from an existing earmarked reserve. The Government promised in May 2022 and again in December 2022 to consult on significant increases in planning fees but it has not yet done so. Assuming that such increases will be implemented in 2023-24, they will reduce the net cost of the planning function to the Council and free up resources to fund additional costs relating to enforcement. Otherwise, officers will work with the Head of Resources and s151 officer to establish an appropriate budget for 2023/24 which might involve the need to request a supplementary virement.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 The National Planning Policy Framework and the National Planning Policy Guidance state that enforcement action is discretionary. However, it is recognised by the Government as being good practice for a Local Planning Authority to have a Local Enforcement Plan, to help manage planning breaches proactively and instil public confidence in the planning system.
- 6.2 The process for undertaking enforcement action is complex and can be costly so the Council will only undertake enforcement action where it meets the objectives within the LEP.

7. EQUALITY IMPACT NEEDS ASSESSMENT

- 7.1 An equality impact assessment has been undertaken and it has been found that there are no negative impacts due to the LEP.

8. RISK MANAGEMENT

- 8.1 The LEP provides details of how WFDC seeks to address planning breaches within its current resources. It aims to instil confidence in the WFDC planning system by managing expectations of complainants and providing details for people subject to enforcement action. There is a risk of an increase of complaints against WFDC if the LEP is not adopted.

9. CONCLUSION

- 9.1 To have an effective planning system in Wyre Forest and to ensure the public has confidence in the planning system, the Local Planning Authority must ensure they are ready to take effective enforcement action when it is essential, or in other words, expedient to do so in the public interest.

- 9.2 The LEP sets out how WFDC will address planning enforcement breaches in the district and it will be used by officers to provide guidance to complainants and those subject to enforcement action through the enforcement process.

10. CONSULTEES

- 10.1 CLT
10.2 Planning Manager, WFDC

11. BACKGROUND PAPERS

- 11.1 [National Planning Policy Framework \(publishing.service.gov.uk\)](https://publishing.service.gov.uk).

WFDC Local Enforcement Plan

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Introduction

The purpose of the planning system is to deliver sustainable communities, ensuring that development occurs in the right places and makes a positive contribution to people's lives. This means providing homes and jobs in the right locations, allowing people to extend their homes and businesses when it is appropriate to do so and enhancing the quality of life. The planning system must also protect and enhance the natural and historic environment and conserve the countryside and open spaces, that are important to everyone.

To have an effective planning system in Wyre Forest and to ensure the public has confidence in the planning system, the local planning authority must ensure they are ready to take effective enforcement action when it is expedient to do so in the public interest.

Enforcement action is discretionary and, depending on the degree of harm, it may not be expedient to take enforcement action.

Examples of enforcement action that WFDC has taken can be found on our planning webpages of the WFDC website.

Policy and Legislative Context

National Legislation and Guidance

The key legislative and statutory instruments relevant to enforcement are:

- The Town and Country Planning Act 1990 (as amended)
- The Town and Country Planning (Tree Preservation) (England) Regulations 2012.
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended, or any Order amending, revoking and/or re-enacting that order with or without modification)

Government guidance and regulation is also provided in the following:

- The National Planning Policy Framework 2019 (or any future amendment)
- Planning Practice Guidance

This Local Enforcement Plan has been prepared in accordance with the guidance set out in paragraph 58 of the National Planning Policy Framework - Revised, February 2019 (NPPF), which states:

“Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.”

The WFDC Local Plan was adopted in April 2022 and sets out the vision and the policies guiding development in the district and is therefore a tool used to guide decision on breaches of planning.

The General Approach to Enforcement - Guiding Principles

Government guidance on enforcement focuses not just on the impact of any breach on the complainant but on the rights of the owner or occupier where the alleged breach is occurring. With this in mind, the Council is committed to acting in a fair and consistent manner. When exercising its enforcement functions the council will act in a way that is:

- Consistent and fair. We will look at past cases and try to take a similar approach, for consistency, where this seems fair and reasonable. Cases will be investigated in accordance with the priorities set out within this plan.
- Transparent and accountable. Members, residents, existing and potential local businesses, complainants, alleged offenders and council staff should understand how we provide the service and the principles that guide it. We will provide an easy-to-access service, where the procedures, level of service provided and the rights of appeal for the alleged offenders are clearly explained and easy to understand.
- Proportionate and targeted

Reporting a Breach

What constitutes a breach?

Planning Enforcement only seeks to regulate the planning system. It does not relate to:

- private civil matters;
- the Party Wall Act 1986;
- pest, noise nuisance and light pollution (where it is not associated with an unlawful development or any other breach in planning control)
- building control structural issues;
- or when there has been no material change in the use of a building or land.

Guidance on how issues about such matters can be pursued is set out on page 8 and in Appendix Two.

Planning Enforcement will investigate the following:

- Unlawful development
- Works to a listed building
- Installing an unauthorised advertisement
- Works to a tree subject to a Tree Preservation Order or located in a Conservation area
- Use of a caravan for permanent residency or stationing of a caravan for permanent residency that is not incidental to a dwelling house and involves the use of land for more than permitted without being located in a park with a camping and caravan permit
- Not building in accordance with the conditions set out in the Planning Permission decision notice or s106 agreement
- Development impacting upon public amenity

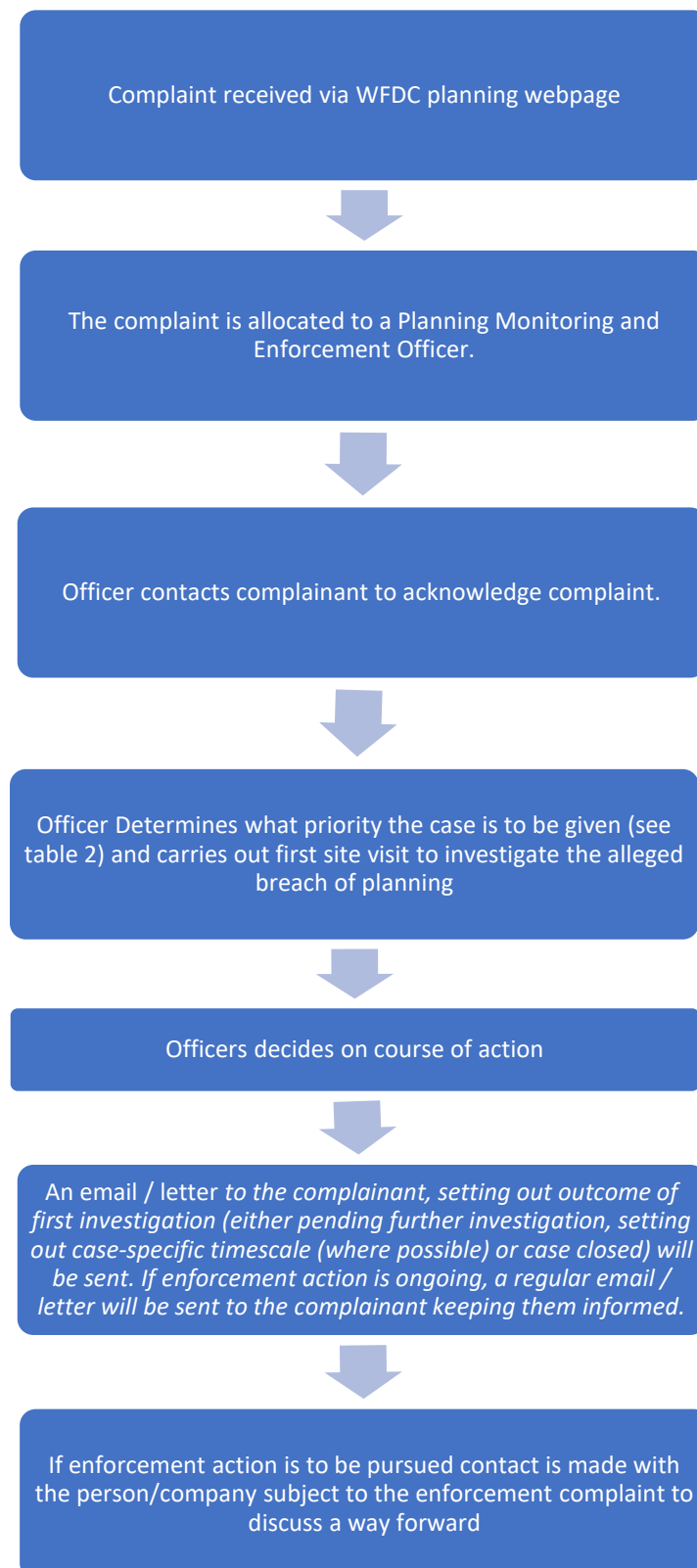
Process for Reporting a Breach

Complaints about alleged breaches of planning control will only be accepted in writing using the council's [enforcement complaint form](#). The form can be provided to the council by:

- submission of an online form
- e-mailing the form to dev.management@wyreforestdc.gov.uk ; or
- posting the form to the Development Management Section.

Anonymous complaints will not usually be investigated unless relating to a matter of public safety. The council determines whether the alleged breach merits investigation. Complainants who do not give their personal details will be advised to contact either their local ward member or their parish council who may then raise their concerns on their behalf. Personal details provided by a complainant will be kept confidential and will not be disclosed unless required as a result of any formal court proceedings.

The Enforcement Process at Wyre Forest



The Council has two planning monitoring and enforcement officers and to make the best use of resources available it is important to prioritise the complaints received in accordance with the seriousness of the alleged breach. This will initially be decided by the council following receipt of the complaint but may be subject to change following a site inspection or when further information comes to light.

Timescales for First Investigation (including site visit where necessary) following receipt of a planning breach:

Priority One Severe Irreversible Harm	Priority Two Harm to amenity or risk to public safety	Priority Three No significant harm
<u>Investigations</u> will commence and a <u>site visit</u> will take place, wherever possible, on the <u>same working day</u> or failing that the working day after receipt (subject to Monitoring and Enforcement Officer availability)	<u>Investigations</u> will commence <u>within 5 working days</u> of receipt; <u>a site visit</u> will take place <u>within 10 working days</u> of receipt (subject to Monitoring and Enforcement Officer availability)	<u>Investigations</u> will commence <u>within 15 working days</u> of receipt; <u>a site visit</u> will take place <u>within 20 working days</u> (subject to Monitoring and Enforcement Officer availability)
<ul style="list-style-type: none"> • Breaches of listed building control (which include damage to or demolition of listed buildings) • Works to trees which are protected by Tree Preservation Orders/within Conservation Areas • Damaging works to SSSIs • Demolition of building in a conservation area 	<ul style="list-style-type: none"> • Public risk from breaches of condition • Unauthorised encampments on private land • On-going building works, including extensions where there is continuous harm or danger 	<ul style="list-style-type: none"> • Adverts • Domestic structures such as extensions, sheds, and fences • Breaches of planning conditions that have little or no harm

It is important to note that, just because there may be a breach of planning control, this in itself is not sufficient reason to take enforcement action. The council must firstly decide, having given regard to policies contained within the Development Plan, guidance contained in the National Planning Policy Framework (NPPF) and all other material planning considerations, whether or not it is 'expedient' to take formal action. Generally expediency means an unauthorised development that is causing serious harm, rather than it being a minor or technical breach of planning control. The matter of 'expediency' covers a range of matters upon which a judgement needs to be based. A key issue is whether the breach would unacceptably affect public amenity or use of land that should be protected in the public interest. Any enforcement action should be proportionate to the breach so, for example, it would be inappropriate to take formal action against a trivial or technical breach. Examples of harm resulting from a breach of planning control, include;

- harm to amenity
- highway safety issues
- noise nuisance
- loss of daylight or privacy.

This is not an exhaustive list of 'harm' but indicates that there must be recognisable harm in planning terms.

If the development is causing a degree of harm then WFDC will start procedures to require the landowner who carried out the development without permission, or who is in breach of planning, to 'undo' the development or stop the carrying out or continuation of the development which is in breach of planning. WFDC will also seek to remedy the planning breach, which may involve several site visits, meetings and duration since receiving the initial complaint. If this occurs officers will ensure the complainant is kept up to date of the procedure being undertaken.

Works to a listed building or to a TPO tree or the installation of advertisements without permission are criminal offences and will lead to immediate enforcement action.

If the development falls within Permitted Development Rights, which allows homeowners and businesses to enlarge and alter their homes/buildings subject to meeting specific conditions/criteria without requiring planning permission, then the enforcement case is likely to be closed.

If the development does not fall within permitted development rights but the degree of harm is not serious, then the Council will invite a retrospective planning application to be submitted.

The planning enforcement team will not investigate the following:

- neighbour disputes or other civil issues including boundary disputes or enforcement of covenants. In these matters, complainants need to contact their solicitor or local Citizens Advice Bureau
- the use of or development on adopted highways, pavements or highway grass verges. These matters should be addressed to Worcestershire County Council as the Highways Authority
- dangerous structures. These matters should be addressed to the council's building control team <https://www.wyreforestdc.gov.uk/planning-and-buildings/building-control/>

- fly-tipping, litter and fly posting on public places. These should be addressed to the council's waste and street scene service <https://www.wyreforestdc.gov.uk/streets-and-parking/street-care-and-cleaning/>

What happens if the complaint is against you?

If a complaint is received that affects you then the first thing that will happen is either you will be contacted (where your details are known to the council) or the site in question will be visited by an officer. The purpose of this visit is to establish the facts of the case and whether there is any basis to the allegations made. The officer will, where necessary, take measurements and photographs of the development or activity taking place. This site inspection may be undertaken without any prior notification.

If there is a breach of planning control you will be advised of the details of the breach and what steps need to be taken to rectify the breach or regularise the situation. If you have no involvement with the identified breach no action will be taken against you.

You will be given a reasonable period of time (subject to the nature of the breach) to resolve any breach of planning control. If compliance is not secured through amicable negotiations or the submission of a retrospective planning application formal action may be instigated.

The Government's Planning Policy Guidance states that:

"The provisions of the [European Convention on Human Rights such as Article 1 of the First Protocol, Article 8 and Article 14](#) are relevant when considering enforcement action. There is a clear public interest in enforcing planning law and planning regulation in a proportionate way. In deciding whether enforcement action is taken, local planning authorities should, where relevant, have regard to the potential impact on the health, housing needs and welfare of those affected by the proposed action, and those who are affected by a breach of planning control."

Therefore, WFDC will give regard to this when considering enforcement action.

Proactive Compliance and Monitoring

In addition to the service's role in reacting to complaints regarding alleged unauthorised developments or breaches of condition, the council provides a proactive approach to ensure compliance with planning permissions and other consents. It should be noted that it is the responsibility of individual developers to comply with the conditions imposed on any planning permission or consent or with any terms identified in legal agreements, such as Section 106 agreements.

In order to be proactive the council must operate a risk based approach in deciding which cases are to be investigated or monitored. In so doing the resources available must be provided in a targeted and focussed way.

Priority will be given to monitor the following developments:

- All developments over 10 dwellings;
- All commercial developments over 1000sq metres floor area;
- All proposals which have trees which are protected by Tree Preservation Orders;
- Where there has been a history of non-compliance; or

- Significant works to Listed Buildings.

Any other developments may be inspected on a random basis at any time to ensure compliance.

Complaints about the Service

If you are unhappy about the level of service you have received or how the process has been managed, then you may firstly discuss your concerns with the Development Manager or take it further through the council's 'Let us know what you think' procedure <add link> If you remain unhappy then you may write to the Local Government Ombudsman who may investigate your concerns in certain circumstances. More information is available on [their website](#)

Appendix One: Enforcement Powers

There are a number of enforcement actions that WFDC can take. These are set out in the next table.

Type of Action	Detail
No formal action	Guidance from Central Government is that enforcement action should be a last resort and that Councils are expected to give those responsible for a breach of planning control the opportunity to put matters right or to seek to regularise the breach before resorting to serving a formal notice. Any such service of a formal notice must be proportionate and commensurate with the breach of planning control.
Retrospective Planning Application	A retrospective application will be invited where it is considered that there is a reasonable likelihood that planning permission may be granted in line with local and national planning policies or where a development may be made acceptable by way of the imposition of conditions.
Request for Information	Section 16(1) of the Town and Country Planning Act 1990 enables a notice to be served requesting details to be provided of any owners, occupiers or any other persons with an interest in the land
Planning Contravention Notice	Section 171(c) of the Town and Country Planning Act 1990 enables the service of a notice requiring persons to provide information in relation to land or activities on land where a breach of planning control is suspected

Enforcement Notice	Section 172 of the Town and Country Planning Act 1990 enables the service of a notice which requires specific steps to be undertaken to remedy the breach of planning control
Planning Enforcement Order	Where a person deliberately conceals unauthorised development, the deception may not come to light until after the time limits for taking enforcement action (section 171B of the Town and Country Planning Act 1990) have expired. A planning enforcement order enables an authority to act in relation to an apparent breach of planning control notwithstanding that the time limits may have expired.
Stop Notice or Temporary Stop Notice	Section 183 and Section 171(e) of the Town and Country Planning Act 1990 enables the service of a notice requiring the cessation of unauthorised activities. A Stop Notice may only be served in conjunction with an Enforcement Notice referred to above
Breach of Condition Notice	Section 187(a) enables the service of a notice to secure compliance with conditions imposed on a planning permission
Injunction	A local planning authority can, where they consider it expedient for any actual or apprehended breach of planning control to be restrained, apply to the High Court or County Court for an injunction to restrain a breach of planning control (section 187B of the Town and Country Planning Act 1990).
Rights of Entry	Local planning authorities and Justices of the Peace can authorise named officers to enter land specifically for enforcement purposes (sections 196A, 196B and section 196C of the Town and Country Planning Act 1990). This right is limited to what is regarded as essential, in the particular circumstances, for effective enforcement of planning control.
Listed Building Enforcement	The listed building enforcement provisions are in sections 38 to 46 of the Planning (Listed Buildings and Conservation Areas) Act 1990 , and the enforcement provisions relating to the demolition of an unlisted building in a conservation area (“relevant demolition”) are in the Town and Country Planning Act 1990.
Untidy Land	The service of a Section 215 Notice under the Town and Country Planning Act 1990 enables the service of a notice requiring the proper maintenance of land and buildings.
Discontinuance Notice: Unauthorised advertisements	Section 225A of the Town and Country Planning Act 1990 (as amended) allows local planning authorities to remove and dispose of any display structure – such as an advertisement hoarding – which, in their opinion, is used for the display of illegal advertisements. This provision does not apply to a structure in a building to which the public have no right of access and cannot be seen publicly.
Enforcement and protected trees	Anyone who contravenes an Order by damaging or carrying out work on a tree protected by an Order without getting permission from the local planning authority is guilty of an offence and may be fined.

	The local planning authority may also impose a condition requiring replacement planting when granting consent under an Order for the removal of trees. The authority can enforce tree replacement by serving a 'tree replacement notice'.
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The council will comply with the provisions of the Police and Criminal Evidence Act 1984 when interviewing persons suspected of a criminal offence and with the Criminal Procedures and Investigations Act 1996 and Section 222 of the Local Government Act 1972, when carrying out prosecutions.

The Government's Planning Policy Guidance recommends that local planning authorities keep a record of their enforcement decisions and actions, including no further action and informal action (Paragraph: 010 Reference ID: 17b-010-20140306, PPG: enforcement and post-permission matters).

Appendix Two: What is a Breach of Planning Control?

Breach of Planning Control	Matters <u>not</u> a Breach of Planning Control
Unauthorised erection of a building or extension to a building	Internal works to a non-listed building
A material change of use of land	Obstruction of a highway or public right of way (PROW). Obstruction of the highway is dealt with by the police. Obstruction of a public right of way such as a public footpath should be reported to the county council.
The display of unauthorised advertisements	Parking of commercial vehicles on the highway or on grass verges. This is a matter for the county council as highways authority.
Unauthorised works to Listed Buildings	Parking caravans on residential driveways or within the curtilage of domestic properties as long as they are incidental to the enjoyment of the property
Unauthorised works to trees subject of a tree preservation order (TPO) or in a conservation area	Running a business from home where the residential use remains the primary use and there is no adverse impact on residential amenity

Unauthorised demolition within conservation areas	Land ownership disputes or trespass issues. These are private matters – you should seek advice from a solicitor or Citizens' Advice Bureau.
Breaches of conditions attached to planning permissions	Covenants imposed on property Deeds. This is a matter on which to seek advice from a solicitor.
Not building in accordance with the approved plans of planning permissions	Any works that are deemed to be 'permitted development' under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)
Untidy land where it affects the amenity of the area	Advertisements that are excepted from deemed or express consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007
Unauthorised engineering operations, such as raising of ground levels or earth bunds	Dangerous structures or other health and safety issues. If these could affect the safety of the public – such as a wall that might fall onto a road or footpath – it should be raised with the council's building control team who can be contacted via https://www.wyreforestdc.gov.uk/planning-and-buildings/building-control/
Failure to comply with a Section 106 agreement	High hedge disputes – these are dealt with by the Development Management team but under Part 8 of the Anti-Social Behaviour Act 2003 dev.management@wyreforestdc.gov.uk
Deliberate concealment of unauthorised building works or changes of use	Any noise, pest control, traffic or rubbish complaints, these should be directed to Worcestershire Regulatory Services. <give link or email address>
Unauthorised encampments	

Glossary

Development: Is defined as the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

Expedient: In general terms this means where an unauthorised development is causing serious harm, rather than it being a minor or technical breach.

Material Change: A change in kind, for example a change from a house to a shop, is material but a change in degree is material only if the change is substantial and it has resulted in a change of character of the land or building. For example, a family dwelling where the owner/tenant has taken in lodgers does not in itself constitute a material change so long as the main use of the house remains that of a private residence.

WYRE FOREST DISTRICT COUNCIL

**Cabinet
Tuesday 21 March 2023**

**Recommendations from the Overview and Scrutiny Committee
Thursday 2 March 2023**

Local Enforcement Plan

The Committee considered a draft of a Cabinet report from the Head of Strategic Growth that sought approval to adopt the Local Enforcement Plan.

The Senior Development Management Officer presented the report and outlined the key issues. The Committee discussed the report and took the opportunity to question the Head of Strategic Growth and the Senior Development Management Officer on the report.

Recommend to Cabinet that: The Overview and Scrutiny Committee support the proposed recommendation at Item 2.1 of the report and that Cabinet approve the adoption of the Local Enforcement Plan on the basis that:

- **Regular updates are provided to Members and Parish Councils.**
- **A clearer timeline is provided to complainants and incorporated in the Enforcement Process flow chart.**

Background papers:

See the report on page 97 of the pdf at this link:

https://forms.wyreforestdc.gov.uk/council/docs/doc58380_20230302_o_and_s_agenda.pdf