

**WYRE FOREST DISTRICT COUNCIL
CABINET
HELD REMOTELY
10TH NOVEMBER 2020 (6PM)**

Present:

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

Observers:

Councillors: A Coleman, R H Coleman, N J Desmond, C Edginton-White, S Griffiths, I Hardiman, M J Hart, M Rayner, C Rogers and P W M Young.

CAB.32 Apologies for Absence

There were no apologies for absence.

CAB.33 Declarations of Interests by Members

No declarations of interest were made.

CAB.34 Minutes

Decision: The minutes of the Cabinet meeting held on 16th September 2020 be confirmed as a correct record and signed by the Chairman.

CAB.35 Call Ins

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

CAB.36 Items Requiring Urgent Attention

There were no items requiring urgent attention.

CAB.37 Public Participation

There was no public participation.

CAB.38 Financial and Strategic Policy Context for the Medium Term Financial Strategy

A report was considered from the Chief Executive on the financial and policy context for the medium term financial strategy (MTFS) for 2021-2024.

The Leader introduced the report and formally moved the recommendations for approval. He said this was an important report on the road to shaping the Council's MTFS for the three years from 2021 to 2024, and the draft strategy

would come to the December meeting of Cabinet.

He said whichever administration was in power now would have to face up to the fact that urgent action was required to reduce the council's expenditure. The Government was not going to cover 100% of the costs and lost income that the council has suffered this year because of COVID-19.

He added that the impact was expected to continue beyond the current year. Even if the virus was defeated by the recently announced vaccine, the Government had already made legislation to spread the deficit on collection funds over three years; and had not promised to meet those deficits by extra funding. He said COVID would continue to affect Wyre Forest District Council adversely for years to come, even if income including local taxation miraculously recover to its former levels by 1 April 2021.

The Leader explained that the report set out a bold and ambitious agenda for change to close the £2.7m gap that was predicted for 2023-24. He said that, if approved, the suggested approach would be the subject of consultation prior to the MTFs coming to Cabinet meeting in December. He said it was only right that the public and others should have their say and that Cabinet should hear their views before it moved ahead.

In response to public comments from the opposition, the Leader said it was simply wrong to characterise the proposals in the report as a plan to 'close more services' or a plan that simply means "dumping services on to the local Town Councils". He added that the previous administration enthusiastically embarked on a programme of shared services ten years ago. The Progressive Alliance was going to build on that, but not limit themselves to shared services with councils. He said they were prepared to consider joint ventures with other bodies including the private sector and outsourcing to the private sector if appropriate.

In conclusion, the Leader said the Progressive Alliance was not shying away from tackling the funding gap which was inherited from the previous administration and which had been made worse by COVID. He said they were planning to go wider and deeper in their efforts to protect front-line services that local communities value and leave no stone unturned. He added it was right to explore if the sale of part or all of Wyre Forest House represented a viable proposition; If the authority was going to be a smaller council, it would need less space. However, they would need to see if the business case stacked up first. He said the proposals are a massive programme of radical change, not cuts in services. This would have an unavoidable impact on staff and on management costs, and change the role of councillors, allowing their numbers to be reduced as well. He said that the Progressive Alliance agreed that front line services that local communities value should be protected and believed that the approach outlined in the report was a credible route map for achieving that.

The Cabinet Member for Economic Regeneration, Planning and Capital Investments seconded the proposals.

Decision: The Cabinet AGREED the suggested approach to the medium

term financial strategy set out in section 4 of the report, and that this should now be the subject of consultation prior to the Cabinet taking final decisions on its proposals for the strategy at its meeting in December.

CAB.39 Capital Portfolio Fund Temporary Arrangements for Acquisition Geography

A report was considered from the Corporate Director: Resources and the Corporate Director: Economic Prosperity & Place to agree temporary arrangements for the acquisition geography for the Capital Portfolio Fund during the uncertain times brought about by the Coronavirus pandemic.

The Cabinet Member for Economic Regeneration, Planning and Capital Investments presented the report and formally moved the recommendations for approval.

She said that the authority did not have much choice on this issue. She explained that the PWLB recently announced that councils should not now be making out of area purchases. This was in response to controversial actions taken by other councils. She added that the out of area purchases made by Wyre Forest District Council had not been controversial and were compliant with all legislative and code requirements.

The Cabinet Member for Economic Regeneration, Planning and Capital Investments said the exact impact of COVID-19 on the property market was unknown. It was quite likely that in some very big urban areas empty offices would be hanging like lead balloons and the market not moving at all. What effect there would be in Wyre Forest was unknown, and she said it was appropriate at this time to put the temporary arrangements in place.

In conclusion she said that a revised strategy for the Capital Portfolio Fund would accompany the MTFs in December which would include the Capital Strategy. She said the strategy would not change the temporary position about purchases within district, and hopefully when things settled down the authority would be able to look again at its wider economic geography.

The Leader seconded the proposals.

The Chairman of the Overview and Scrutiny Committee, Councillor M Hart, presented the recommendations from the Committee which fully supported the Cabinet proposals.

Decision: In line with the recommendations from the Overview and Scrutiny Committee from its meeting on 5th November 2020;

The Cabinet RECOMMEND to Council:-

- 1.1 That until further notice, only within district purchase proposals are considered for the balance of the Capital Portfolio Fund.**
- 1.2 That the Capital Strategy is temporarily amended to reflect 1.1**

above.

- 1.3 That for the duration of the period in 1.1 above, for acquisitions made through the Capital Portfolio Fund a threshold of a score of 200 will be used when assessing proposals against the scoring criterial matrix.

CAB.40 Write Off of Amounts Outstanding

A report was considered from the Corporate Director: Resources to enable the Cabinet to consider writing off the sum of £107,071.23 in respect of debts that cannot be collected.

The Cabinet Member for Operational Services presented the report and formally moved the recommendation for approval. He said that despite considerable efforts the authority had been unable to collect the 5 cases detailed in the appendix of the report that are in respect of National Non-Domestic Rates (NNDR).

The Cabinet Member for Operational Services explained that it was for Cabinet to authorise the write off of debts over £10k and, as billing authority, the council was responsible for the collection of NNDR rates circa £30m pa and also for the recovery of any related debt in the event of non-payment.

He said as a council it is never satisfactory to write off debt and he was sure that the Corporate Director: Resources, as the council's Chief Financial Officer, would have pursued every avenue to recover these debts. He added that debts would continue to be monitored even after write off and will be pursued if circumstances change. He explained that the council was a member of the Worcestershire Business Rate Pool, and these business rate write offs will go into the Worcestershire Business Rate Pool accounts for the year 2020-2021, and the costs of the non-collection will be met by both the Government and the Pool.

The Cabinet Member for Housing, Health, Well-being and Democratic Services seconded the proposal. She said that the council's financial team had done extensive work to try and recover the debts and it was very sad that authority was in the position of having to write them off.

Decision: The Cabinet DECIDED that:

The total of £107,071.23 as detailed in the Appendix to the report, be written off, for National Non-Domestic Rates.

CAB.41 Response to Homeworking Consultation

A report was considered from the Corporate Director: Economic Prosperity & Place to agree responses to the recently completed homeworking consultation and to agree the recommendations to Council in December. The consultation was undertaken between 4th September and 5th October 2020.

The Cabinet Member for Housing, Health, Well-being and Democratic

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Services presented the report and formally moved the recommendations for approval. She explained that in July Council agreed to undertake a consultation with staff and unions regarding the future arrangements for homeworking. She said a total of 28 mixed responses had been received; some were followed up where cause for concern had been raised and a number of them did not relate to homeworking. She said that financial allowances regarding working from home would be dealt with separately as the authority was currently undertaking a pay and grade review, in which the unions were involved; she confirmed that the unions had no issues with the homeworking consultation.

The Cabinet Member for Housing, Health, Well-being and Democratic Services further explained that all the consultation responses had been carefully considered and, as the Council moved forward, any practical actions which could be adopted would be. She said the harsh reality faced by the Council was that at least for the foreseeable future the pandemic situation was not likely to change and the Council would need to continue to ensure the safety of its employees by continuing to enable homeworking where services can be delivered effectively that way. She added that the Council had to plan positively for the future and a hybrid system of working by way of a combination of home and office offered the best of both worlds. It was proposed that the Council proceeds with the review of services with team managers with a view to introduce new hybrid ways of working from 1st April 2021. She said team managers were best placed to do this as they know how their service areas worked and would explore all avenues within their own teams.

In conclusion, she said the authority had undertaken a consultation, taken on board those that did reply and confirmed that the unions had no issues. She added that recommendations would be made to Council at its meeting in December on how to make homeworking a more permanent feature going forward. She thanked the Chairman and members of the Overview and Scrutiny Committee for an extensive exploration of this issue. She said she acknowledged their comments and respected their opinion, but did not agree with them. She thanked all members of staff for their outstanding and exemplary work; and how all departments had adapted to home and new ways of working, and that was how Cabinet want to proceed.

The Leader seconded the proposals. He said he hoped homeworking would continue with an option of a hybrid model in the long term. He acknowledged that there would be issues that would need to be addressed, such as mental health well-being. However he was confident that the authority had appropriate support in place to deal this this.

The Chairman of the Overview and Scrutiny Committee presented the recommendations from the Committee which did not support the Cabinet proposals. He said it was important that the Council did not confuse this important issue with the current Government guidance in relation to homeworking as a result of the Covid-19 pandemic; he said it was about the future working of the Council and the majority of the Committee had real concerns about the lack of detail and felt that the process should be halted and revised post April 2021.

Decision: Having had regard to the recommendations from the Overview and Scrutiny Committee from its meeting on 5th November 2020;

The Cabinet DECIDED that Council be recommended to:

- 1.1 Note the responses which were submitted in response to the consultation process;**
- 1.2 Agree to proceed with a review of teams and the services they deliver with a view to enabling more individuals to operate on a hybrid model working at home and in the office where it is feasible for employees to do so; and to introduce such working from 1st April 2021 or when the Government advice is such that a return to working from the office is safe, in the event that this is later than 1st April 2021.**

CAB.42 Green Homes Grant – Local Authority Delivery Scheme

A report was considered from the Corporate Director: Economic Prosperity & Place to recommend amending the Capital Programme to enable the distribution of the Green Homes Grant.

The Cabinet Member for Housing, Health, Well-being and Democratic Services presented the report and formally moved the recommendation for approval. She explained that the authority supported a Wychavon-led consortium bid by Worcestershire Council's and had been awarded £200k for measures to properties in the district.

She added that as a joint bid there was some flexibility that, if any council was underspent, the funding can be moved across to areas where a higher demand was identified. The recommendation to council allowed for such flexibility. She said as the Green Homes Grant was capital expenditure it would need to be included in the Council's capital programme.

The Leader seconded the proposals.

The Chairman of the Overview and Scrutiny Committee presented the recommendation from the Committee which fully supported the Cabinet proposal to Council.

Decision: In line with the recommendations from the Overview and Scrutiny Committee from its meeting on 5th November 2020;

The Cabinet RECOMMEND to Council that:

There is an amendment to the Capital Programme to include expenditure of £300,000 to provide Green Homes Grants fully matched by the Department of Business, Energy and Industrial Strategy (BEIS) funding.

CAB.43 Establishment of Independent Museum Trust

A report was considered from the Chief Executive to agree the steps necessary to establish Bewdley Museum as a fully independent trust, no longer part of Wyre Forest District Council. Once fully in place the only relationship would be that the Council would expect to be the principal funding partner.

The Cabinet Member for Culture, Leisure and Community Protection presented the report and thanked the Overview and Scrutiny Committee for their recommendations and comments.

She explained that paragraph 4.3 of the report dealt with the point that the committee made regarding items deposited with the museum, but which are not owned by the existing charitable trust or by the district council. She said it confirms that depositors have the right, just as they do now, to remove items that are on deposit because they have not transferred ownership to the existing charitable trust or to the district council. She further explained that the authority would make efforts to contact depositors before the proposed new trustees take over so that depositors have the opportunity, if they wish, to withdraw their items. She was happy to confirm that recommendation 2.3 (c) did not intend to change the status of deposited items or the depositors' rights. However, if it would assist, she would add the words at the end of paragraph 2.3 (c) "and without affecting depositors' rights in respect of deposited items".

The Cabinet Member for Culture, Leisure and Community Protection said she had considered the point about a reversion clause very carefully. She explained that the purpose of what the authority was trying to achieve was the creation of a successful stand-alone charity that allows the museum to prosper and thrive but at lower cost to the council than the current arrangements. She added a reversion clause would, in her opinion, regrettably encourage trustees to think that they had a parachute: that if the charity experienced significant financial or operational difficulties for whatever reason, it would not be necessary for the trustees to address the issue and that they could simply propose the collapse of the charity and everything would come back to the district council to deal with.

She added that, if Bewdley Town Council wished to agree to put itself forward as the recipient of such a reversion clause, she would be happy to consider it, however it would have to be lock, stock and barrel: all the buildings and land and all the museum collection, and all the financial and charitable obligations that go with it. She said that she suspected that the town council would not rush to take up that suggestion, nor should the district council. In conclusion she proposed that Cabinet do not accept that part of the Overview and Scrutiny Committee's recommendation. She formally moved the recommendations set out in the report, as amended, for approval.

The Leader said he agreed with what the Cabinet Member had said and was happy to second the proposals.

The Chairman of the Overview and Scrutiny Committee said he was grateful to the Cabinet Member for the revision to point 2.3 (c), and thanked the Chief

Executive for his presentation to the Overview and Scrutiny Committee and for answering the questions raised by Committee members.

Decision: Having had regard to the recommendations from the Overview and Scrutiny Committee from its meeting on 5th November 2020;

The Cabinet DECIDED to:

- 1.1 endorse the project plan to establish Bewdley Museum as a self-standing trust with a board of trustees with the Council transferring its role as trustee of the Bewdley Museum Trust (No 527511) to the new trustees or to a new charitable incorporated organisation that would subsume that Trust (“the museum trust”);**
- 1.2 note that all property and collection items vested in the Bewdley Museum Trust will remain vested in the museum trust;**
- 1.3 subject to confirmation that sufficient trustees can be appointed, agree that**
 - a. the properties known as The Guildhall, 12 Load Street; Bewdley Museum, 12 Load Street; 11 Load Street and Queen Elizabeth II Jubilee Gardens, High Street, all in Bewdley, should be transferred to the museum trust at nil 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;**
 - b. the Council’s leasehold interest in Unit 4 Building 329, Rushock Trading Estate should be assigned to the museum trust;**
 - c. any collection items owned by or deposited with the Council should be transferred to the museum trust, at nil consideration in respect of items owned by the Council and without affecting depositors’ rights in respect of deposited items;**
 - d. the stock of the shop as it exists immediately prior to the new trustees assuming responsibility for the museum should be transferred to the museum trust but the value of the stock should be appropriately recognised in the agreement about financial arrangements that will be reached between the Council and the Museum trust;**
- 1.4 note that, subject to completion of the steps outlined above, relevant staff of the Council will be transferred to the museum trust in accordance with the Transfer of Undertakings (Protection of Employment) Regulations 2006 (“TUPE”);**

- 1.5 **note that estimated costs of up to £100k will be incurred in establishing the museum trust and that these will be funded from the innovation fund;**
- 1.6 **note that the medium term financial strategy will need to address the future funding levels from the Council, as set out in paragraph 5.5;**
- 1.7 **delegate to the Chief Executive in consultation with the Corporate Director: Resources and the Solicitor to the Council all steps necessary to implement the successful establishment of the museum trust. This includes but is not limited to:**
 - a. **Arrangements to recruit trustees, the arrangements to be made in consultation with the Cabinet Member for Culture, Leisure and Community Protection;**
 - b. **Advertising the disposal of public open space and, in consultation with the said Cabinet Member, considering and deciding on any objections received;**
 - c. **Dealing with all matters related to transfer of staff from the Council to the museum trust in accordance with TUPE;**
 - d. **obtaining landlord's consent for the assignment of the leasehold interest in the store and consent to share occupation with the Council to enable the Council's archive to remain;**
 - e. **Agreement of the financial arrangements with the museum trust, including the level of grant to reflect the adopted medium term financial strategy.**

There being no further business, the meeting closed at 7.12pm.