

Open

Cabinet

Agenda

**To be held remotely
6pm
Tuesday, 6th July 2021**



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 16th July 2021.

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.

1. The Cabinet meeting is open to the public except for any exempt/confidential items. These items are normally discussed at the end of the meeting. Where a meeting is held remotely, “open” means available for live or subsequent viewing.
2. Members of the public will be able to hear and see the meetings by a live stream on the Council’s website:

<https://www.wyreforestdc.gov.uk/streaming.aspx>
3. This meeting is being held remotely online and will be recorded for play back. You should be aware that the Council is a Data Controller under the Data Protection Act 2018. All streamed footage is the copyright of Wyre Forest District Council.

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, 6th July 2021

To be held remotely

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 19th May 2021.	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 28 th June 2021. (See front cover for contact details).	
7.		
7.1	Councillor H Dyke Localism – Asset Transfers To consider a report from the Chief Executive to agree various asset transfers as part of the localism agenda.	12

8.		
8.1	<p style="text-align: right;">Councillor N Martin</p> <p>Flood Mitigation Scheme – Externally Funded</p> <p>To consider a report from the Head of Strategic Growth to recommend amending the Capital Programme to include the external funding to be received from the national flood schemes funding for 3 flood mitigation schemes in Areley Kings in the Wyre Forest District, Plack Brook in the Redditch Borough and property level resilience measures in Bromsgrove and Redditch.</p> <p>To also consider recommendations from the Overview and Scrutiny Committee from its meeting on 1st July 2021.</p>	<p style="text-align: center;">16</p> <p>To follow</p>
8.2	<p style="text-align: right;">Councillor N Martin</p> <p>Recommendations from the Overview & Scrutiny Committee – 1st July 2021</p> <ul style="list-style-type: none"> • Climate Change Action Plan 	<p>To follow</p>

9.		
9.1	<p style="text-align: right;">Councillor M Rayner</p> <p>Write-off of Amounts Outstanding Report</p> <p>To consider a report from the Corporate Director: Resources to enable the Cabinet to give consideration to writing off the sum of £91,057.94 in respect of debts that cannot be collected.</p>	<p style="text-align: center;">20</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.	<p>Exclusion of the Press and Public</p> <p>To consider passing the following resolution:</p> <p>“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”.</p>	

Part 2

Not open to the Press and Public

12.		
12.1	Councillor M Rayner Agenda Item No. 9.1 – Write-off of Amounts Outstanding Report EXEMPT Appendix 2 – Proposed Property Debt Write-off	
12.2	Councillor J Thomas Unity Park (Former Frenco Site) – Erection of Industrial Units – Amendment to Capital Programme To consider a report from the Corporate Director: Economic Prosperity and Place on the current position regarding the finalisation of the construction of the industrial units at the Unity Park site, off Silverwoods Way and to agree to recommend to Council that the Capital Programme is amended to enable the completion of the works.	
13.	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.	

**WYRE FOREST DISTRICT COUNCIL
CABINET
HELD REMOTELY
19TH MAY 2021 (6PM)**

Present:

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

Observers:

Councillors: A Coleman, R H Coleman, C Edginton-White, I Hardiman, M J Hart, F M Oborski MBE and C Rogers.

CAB.01 Apologies for Absence

There were no apologies for absence.

CAB.02 Declarations of Interests by Members

No declarations of interest were made.

CAB.03 Minutes

Decision: The minutes of the Cabinet meeting held on 23rd March 2021 be confirmed as a correct record and signed by the Chairman.

CAB.04 Call Ins

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

CAB.05 Items Requiring Urgent Attention

There were no items requiring urgent attention.

CAB.06 Public Participation

There was no public participation.

CAB.07 Enterprise and Business Growth Strategy

A report was considered from the Corporate Director: Economic Prosperity and Place to agree the refreshed strategy that the Council would use to support local enterprise and business growth.

The Leader presented the report and reminded Members that one of the Council's priorities was to support a successful local economy and that the

report listed the initiatives where the Council had invested its own resources, showing how the Council was actively supporting local economic growth.

She informed Members that the original Enterprise and Business Growth Strategy was adopted in 2016 and this was the first refresh of that document. It remains the principal document to guide how the Council plans to encourage enterprise and business growth. This strategy was considered by the Council's Overview and Scrutiny Committee on 1st April 2021 at which time it was agreed to recommend to Cabinet that the Strategy be adopted, but with the inclusion of reference to the Green Growth Agenda within the Council's aspirations. The Strategy has been updated to reflect the comments of the Overview & Scrutiny committee.

The Leader proposed that the business and enterprise strategy be adopted and this was seconded by the Cabinet Member for Culture, Leisure and Community Safety.

The Chairman of the Overview & Scrutiny Committee, Councillor M Hart, confirmed that matter had been well received by all Members of the Committee. He felt that the Growth ambitions were a good addition and endorsed the growth agenda with green business growth included.

Decision: In line with the recommendations from the Overview and Scrutiny Committee from its meeting on 1st April 2021 the Business Growth and Enterprise Strategy 2021-2026 be adopted by Cabinet.

CAB.08 Strategic Asset Management Plan

A report was considered from the Corporate Director: Economic Prosperity and Place to agree the adoption of the Strategic Asset Management Plan (SAMP) 2021-2026 and associated Property Disposal Strategy.

The Leader presented the report giving background to the plan including the review that took place in 2014 where the Council reviewed its approach to using its assets to support the local economy via plans to regenerate key sites in the district. This included supporting local businesses to invest in their own plans for growth and as a result the Council adopted a new approach considering investing in the existing and new assets to support its Corporate priorities. Consequently, the Evergreen investment fund was established with the aim to use the Council's assets to generate capital receipts and/or improve revenue streams and contribute to regeneration. She informed Members that SAMP was the principal document to identify how the Council planned to manage its diverse portfolio of property and land assets and this portfolio was key to both the delivery of Council services and its corporate plan priorities. SAMP and the disposal strategy were considered by the meeting of the Overview & Scrutiny committee on the 1st April and the Committee recommended that the Cabinet adopt the SAMP with the addition that it is recognised that the Council hold some assets that are for community benefit rather than just financial gain.

The Leader confirmed that the SAMP had been amended to reflect these comments and formally proposed the adoption of Strategic Asset Management

Plan 2021 - 2026 and associated Property Disposal Strategy. The Cabinet Member for Operational Services seconded the proposal.

As there were no questions on the financial or commercial aspects of the report there was no need to exclude the press and public.

The Chairman of the Overview & Scrutiny Committee informed Members that both the open and exempt reports had received a 'thorough airing' with a number of Members having questions for Officers on minor parcels of land but the Committee agreed that, given the assets the Council owns, it was important that there was a strategic asset plan in place to make the best use of the assets.

Decision: In line with the recommendations from the Overview and Scrutiny Committee from its meeting on 1st April 2021, the Cabinet DECIDED to adopt the Strategic Assessment Management Plan 2021-2026 and Property Disposal Strategy 2021.

CAB.09 Strategic Facilities and Asset Management Plan

Cabinet considered a report from the Corporate Director: Economic Prosperity and Place to agree the adoption of the Strategic Facilities and Asset Management Plan 2021-2026.

The Leader presented the report stating that the Facilities and Asset Management team were key to ensuring the Council's operational buildings and site portfolio were fit for purpose, accessible and well maintained. This plan was the principal document to identify how the Council planned to look after its operational sites and building portfolio. The report detailed occupancy of Wyre Forest House (WFH) and the commercial approach being taken by the District Council to market the space and income generating opportunities. She reminded Members that the administration had asked Officers to look at the future of WFH with regards to other opportunities to benefit the Council and its residents.

The Leader proposed to Cabinet that the Strategic Facilities and Asset Management Plan 2021-2026, including the Wyre Forest House Tenancy Management & Marketing Strategy be adopted. The Cabinet Member for Operational Services seconded the proposal.

The Chairman of the Overview & Scrutiny Committee informed Cabinet that it made perfect sense to have the Strategic Facilities and Asset Management Plan working alongside the Strategic Asset Management Plan that had already been agreed, and that the Committee had considered the report and unanimously supported the recommendation.

Decision: In line with the recommendations from the Overview and Scrutiny Committee from its meeting on 1st April 2021, Cabinet DECIDED to adopt the Strategic Facilities & Asset Management Plan 2021-2026, including the Wyre Forest House Tenancy Management & Marketing Strategy.

CAB.10 Kidderminster 2040 - A Town Centre Vision

Cabinet considered a report from the Corporate Director: Economic Prosperity and Place to agree the adoption of the vision for the future of Kidderminster town centre 2040.

The Leader said that the District Council had a strong record of planning strategically for Kidderminster town centre dating to the adoption of the ReWyre initiative back in 2009 and successfully attracting funding from Worcestershire County Council for works in the town centre. In 2016 the Council adopted the vision that is now referred to as Lionfields and had looked at development of the former Glades Leisure Centre site. She said that work was undoubtedly a factor in the successful award under the Future High Streets Fund to enable the further enhancement of the town centre. In order to develop a vision for the long term development of the town centre a successful bid to the Greater Birmingham & Solihull Local Enterprise Partnership (GBSLEP) was made, which allowed the appointment of Hemingway design to develop a new town wide vision for Kidderminster over the next 20 years but that this vision was not set in stone and was open to change throughout the process. The Leader informed Cabinet that it was positive that just under 2000 responses were received during a public consultation and responses were received from all ages offering a range of views.

The Leader proposed the adoption of the vision for the future of Kidderminster town centre 2040 which was seconded by the Cabinet Member for Culture, Leisure and Community Safety.

The Chairman of the Overview & Scrutiny Committee informed Cabinet that the report had been considered by the Committee, which felt that this was an exciting opportunity for regeneration of the town along with the other improvements that were already underway such as Churchfields, Silverwoods and the Crown House site. The Chairman of the Overview & Scrutiny Committee and the Leader discussed timescales and agreed that, although the expectation may be that things would move quickly, these developments would take time and it was important to remain patient whilst also keeping on top of timescales.

Decision: In line with the recommendations from the Overview and Scrutiny Committee from its meeting on 13th May 2021: Cabinet DECIDED to adopt the Kidderminster 2040 Vision for the Town Centre.

CAB.11 Recommendations from the Overview & Scrutiny Committee - 13th May 2021 - Health Action Plan 2021-2022

The Chairman of Overview & Scrutiny Committee informed Cabinet that the Health Action Plan had been considered by the Committee at its meeting held on the 13th May and there was great discussion around resource, the difference between the County and District role and importance of collaborative working, mental health and the issues around social isolation. He was pleased to say that the Health Action Plan was unanimously supported by the Committee

with all Members agreeing to its importance.

The Cabinet Member for Housing, Health, Wellbeing and Democratic Services thanked the Chairman and the Committee for recommending the plan and offered her thanks to Jenny Moreton and the Officers who worked to deliver it. She asked that it be noted that, on behalf of the Council, she offered thanks to the public because so many people came forward to support others in the community during the pandemic with many going above and beyond expectations.

Decision: Cabinet APPROVED the Wyre Forest Health and Wellbeing Strategy and Health Action Plan 2021-22, as attached at Appendix 1 of the report to the Overview and Scrutiny Committee.

The Leader thanked Councillor M Hart and the Overview & Scrutiny Committee for their involvement in the reports considered by Cabinet during the meeting.

There being no further business the meeting ended at 6:23pm

WYRE FOREST DISTRICT COUNCIL

CABINET
6TH July 2021

LOCALISM – ASSET TRANSFERS

OPEN	
CABINET MEMBER:	Councillor Helen Dyke – Leader and Cabinet Member for Economic regeneration, Planning and Localism
RESPONSIBLE OFFICER	Chief Executive
CONTACT OFFICER	Ian Miller, Chief Executive x 2700
APPENDICES:	Nil

1. PURPOSE OF REPORT

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

2. RECOMMENDATIONS

- 2.1 The Cabinet is asked to **agree** that, subject to the satisfactory conclusion of the matters delegated under paragraph 2.3, the transfer of the following land and buildings for a consideration of £1 for each site 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
The Guildhall (WR106170), 12 Load Street; Bewdley Museum (WR106170), 12 Load Street: and Queen Elizabeth II Jubilee Gardens (WR108752), High Street, all in Bewdley	Bewdley Town Council Subject to a lease to the proposed Bewdley Museum Trust (see paragraph 2.2)

- 2.2 The Cabinet is asked to **agree** that the transfer to Bewdley Town Council will be subject to the completion of a lease with the proposed Bewdley Museum Trust in respect of the land and buildings in Bewdley mentioned in paragraph 2.1. The terms of the lease shall be a full repairing lease for a period of not less than 99 years, to run from the date of the transfer of the freehold to Bewdley Town Council, with an annual rental (payable to Bewdley Town Council) of not more than £1 a year and otherwise on such terms as the Chief Executive, in consultation with the Leader and the Solicitor to Council may decide;
- 2.3 The Cabinet is asked to **give delegated authority** to the Corporate Director: Economic Prosperity and Place, in consultation with the Leader, to advertise the intention to dispose of such areas of the land referred to in paragraph 2.1 as constitutes public 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.

3. BACKGROUND

- 3.1 In November 2020, the Cabinet agreed key steps towards establishing Bewdley museum as an independent trust. Good progress is being made: trustees have been identified to serve and progress under the project plan is consistent at this time with the aim of seeing the trust fully operational in January 2022. At the time of the November 2020 report it was envisaged that the land and buildings would be transferred to the trust although it was also agreed there could be provision for a “right of first refusal” for Bewdley Town Council if, at some point in the future, the trust failed and was seeking to hand the property back to the District Council. Bewdley Town Council has given further consideration to this matter and has now resolved at its meeting on 7 June 2021:

“Motion: Bewdley Town Council resolve to accept the transfer from Wyre Forest District Council of the freehold of the Guildhall, Bewdley Museum and QEII Jubilee Gardens, subject to the following points:

1. The transfer to take effect no later than the date on which the new museum trust becomes fully operational (expected to be in January 2022);
 2. The granting of a concurrent lease of the Guildhall, Bewdley Museum and QEII Jubilee Gardens to the new museum trust, which will assume full and sole responsibility for the operation and maintenance of the land and buildings;
 3. The lease to be for a term of at least 99 years, a full repairing lease and at a nominal rent of no more than £1 a year.”
- 3.2 Many of the land and buildings in paragraph 2.1 have parts that are in addition subject to a variety of leases, licences and other formal agreements: it is not the intention that these will be disturbed by the process of transfer if they extend beyond the date of transfer, although it may require the entering into of new agreements where there are only licences in place as these are personal to the parties.

4. KEY ISSUES

- 4.1 The change of approach by Bewdley Town Council permits a different recommendation to Cabinet for its agreement compared to the position in November 2020. In accordance with the localism strategy and the adopted corporate plan It continues to meet WFDC’s objective which is to move the land and buildings from being its responsibility to be in the hands of others to maintain and operate. In practical terms, it is intended that the proposed museum trust will be entirely responsible for the maintenance and operation of the site. Granting a long lease would mean that it should not face any difficulty in accessing grant funding from other sources such as the Heritage Lottery Fund. As with any lease, there will need to be a relationship with the landlord but this would be limited to “normal” matters that arise under leases, such as the need to obtain landlord’s consent for certain works. The Town Council’s role as landlord would not give it any role in the museum trust or in decision-making on the operation of the museum.

Disposal of land at less than best value

- 4.2 The proposal is that the land and buildings should be transferred at £1 consideration for each site, 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 Council has commissioned an independent valuation of the properties in question and this shows that the value of the Bewdley properties is £780k. (A valuation for disposal is conducted on a different basis from the balance sheet valuation in the Council's accounts which is calculated solely for accounting purposes. Unsurprisingly, the different basis of valuation produces different results.) 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.

Disposal of public open space

4.3 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.”

4.4 This is considered to be relevant to the QEII Jubilee Gardens. The Council will advertise its intention to dispose of the public open space for two consecutive weeks in the Kidderminster 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 taken under the proposed delegation.

5. FINANCIAL IMPLICATIONS

5.1 The relevant figures about operational costs in respect of the museum and QEII Jubilee Gardens were set out in the November 2020 report. This report involves only a change of the transfer arrangements for the land and buildings and therefore it is not necessary to repeat the information from the November 2020 report. The cost of processes relating to the proposed transfer and lease will be borne by WFDC in respect of its interests.

6. LEGAL AND POLICY IMPLICATIONS

6.1 Relevant legislation on disposal of assets is referred to above.

6.2 The Council will enter into appropriate discussions with leaseholders, licence holders and other bodies that have rights in respect of the land and buildings proposed for transfer. In simple terms, it is not proposed that the nature of arrangements existing immediately before the point of transfer would alter at the point of transfer although arrangements beyond that point would be a matter for the museum trust. As advised, there will be the need for some of the documents to be entered into by the new owners where they cannot legally automatically continue due to their personal nature.

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. Otherwise, the principal risk relates to compliance with legislation of disposal of 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 driving forward the localism agenda.

10. CONSULTEES

- 10.1 Cabinet
10.2 Corporate Leadership Team

11. BACKGROUND PAPERS

- 11.1 Report to Cabinet, 10 November 2020 - Establishment of independent museum trust
11.2 WFDC Localism Strategy 2019

WYRE FOREST DISTRICT COUNCIL**CABINET REPORT****6 July 2021****Flood Mitigation Schemes – externally funded**

OPEN	
CABINET MEMBER:	Nicky Martin - Cabinet Member for Housing, Health, Wellbeing and Democratic services
RESPONSIBLE OFFICER:	Kate Bailey - Head of Strategic Growth
CONTACT OFFICER:	Richard Osborne Richard.osborne@nwwm.org.uk 01562 732564
APPENDICES:	N/A

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to recommend amending the Capital Programme to include the external funding to be received from the national flood schemes funding for 3 flood mitigation schemes in Areley Kings in the Wyre Forest District, Plack Brook in the Redditch Borough and property level resilience measures in Bromsgrove and Redditch.

2. RECOMMENDATION

Cabinet is asked to **APPROVE** that:

- 2.1 There is an amendment to the Capital Programme of £115k for flood mitigation schemes funded from an external grant.

3. BACKGROUND

- 3.1 On behalf of the local authorities in North Worcestershire, the North Worcestershire Water Management service applied for funding towards the costs of flood mitigation schemes in various locations. Funding applications were made during 2020 to the national six year (2021 to 2027) Environment Agency led Project Application and Funding Service (PAFS). The programme of funding is agreed through consultation with the Regional Flood Committees that include representation from County Councils as well as the Environment Agency.
- 3.2 Funding requests were put in for locations where officers knew of properties affected and there appeared to be potential to mitigate flood risk through works to the landscape or properties themselves. For the Wyre Forest district the only project put forward was the Areley Kings scheme and this was successful. Areley Kings has suffered flooding of roads, gardens and some properties from the surface water network becoming overwhelmed by rainwater and silt run off. There are 5 properties on Pearl Lane that have had multiple significant flood events. The NWWM team has

been working over the last couple of years with Severn Trent Water to model the watercourse and drainage network and identify options for flood mitigation. Highways have given in principal approval for a scheme on their land at Pearl Lane.

4. KEY ISSUES

- 4.1 This funding has been awarded for reducing flood risk to properties in Wyre Forest, Bromsgrove and Redditch. Approximately 29 properties in the Wyre Forest district will have flood risk reduced and 7 of those will have a significant reduction in flood risk. Approximately 10 properties in Redditch and Bromsgrove will have flood risk reduced. Highway flooding will also be reduced.
- 4.2 The grant application was made to the Environment Agency and the capital will be drawn down from the Environment Agency who oversee the grants administration process.
- 4.3 The schemes include partnership working with Severn Trent Water, Worcestershire County Council Highways and the Environment Agency.
- 4.4 For Areley Kings this is a multi-agency project that is seeking to mitigate flooding from the integrated watercourse / storm water sewer system for 20+ homes and a number of roads in Areley Kings by creating upstream storage in the verge of Pearl Lane and improving conveyance in the currently piped sections in the downstream end of the system near Malvern Edge Court. The measures will be informed by holistic modelling of the system, undertaken in partnership with Severn Trent Water Ltd. The scheme will specifically reduce significant flood risk for 7 of those homes. The grant obtained for this scheme is £65k with some additional in-kind officer time from NWWM. The NWWM service have previously part funded some modelling for the scheme.
- 4.5 In Redditch the Plack Brook scheme is a diversion of a watercourse into an old unused watercourse creating habitat and space for flood waters and major clearance and some highways work to reduce flood risk to approximately 4 properties, reduce highways flood risk that impacts on residents and the nearby school. NWWM has been awarded a £40k grant and the total project costs are £65k. The remaining costs are to be met from officer in-kind time contributions, Worcestershire County Council Highways funding and Natural Network Funding for biodiversity gain.
- 4.6 For Redditch and Bromsgrove the Property Level Resilience scheme is a minor scheme to assist approximately 6 houses where the most practical measures are to provide property level protection measures such as flood resisting doors, replacement airbricks and non-return valves on the drainage systems. This is similar to the measures being undertaken on properties in Bewdley and Stourport where funding was bid for and allocated by DEFRA following the 2020 River Severn flooding. The grant is for £10k with a total budget of £20k based on householder contributions and officer in kind contributions. The Council has been advised there will be opportunities to receive further Property Level Resilience funding in future financial years and, if this is the case, a further report will come before Cabinet in due course.

5. FINANCIAL IMPLICATIONS

- 5.1 A Capital Programme amendment of £115k that will be fully funded by external grant from the Environment Agency, made up of £65k for Areley Kings, £40k for Plack Brook and £10k property resilience (the latter two being in Redditch and Bromsgrove).
- 5.2 Since North Worcestershire Water Management have made the grant applications and will administer these schemes, the funding must be paid to Wyre Forest as the host and be included in our capital programme.
- 5.3 No additional council financial resources will be required to meet the total scheme costs but officers time will be a contribution in-kind.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 Council on the 12th May 2021 approved a recommendation from December Cabinet to delegate authority to Cabinet to make amendments to the Cabinet Programme where the Council receives external grants and the resultant capital expenditure is fully funded.
- 6.2 The management of the schemes and procurement will be undertaken by North Worcestershire Water Management, the shared service hosted by Wyre Forest District Council.

7. EQUALITY IMPACT NEEDS ASSESSMENT

- 7.1 A full Equalities Impact Assessment is not required as a screening assessment has not identified any potential impacts.

8. RISK MANAGEMENT

- 8.1 The 3 local authorities have a successful long standing shared service and have experience of managing projects of this nature utilising grant funding.
- 8.2 The Environment Agency will monitor scheme delivery.

9. CONCLUSION

- 9.1 The Council will has been awarded external funding to reduce flood risk to properties in North Worcestershire and therefore needs to amend the Capital Programme to include an additional provision of £115k into the programme to reflect this external funding and resultant expenditure.
- 9.2 The schemes will be delivered in partnership with the Environment Agency, who will give out the funding and monitor the delivery.

10. CONSULTEES

- 10.1 CLT

11. BACKGROUND PAPERS

- 11.1 Council 12th May 2021 – agenda item 20 (a) – approval of delegation to Cabinet for amendments to capital programme for fully externally funded schemes.

WYRE FOREST DISTRICT COUNCIL

CABINET MEETING

6th July 2021

WRITE OFF OF AMOUNTS OUTSTANDING

OPEN REPORT WITH EXEMPT APPENDIX 2 APPENDIX 2 IS EXEMPT AS IT CONTAINS INFORMATION RELATING TO THE FINANCIAL OR BUSINESS AFFAIRS OF ANY PARTICULAR PERSON (INCLUDING THE AUTHORITY HOLDING THAT INFORMATION)	
CABINET MEMBER:	Cllr. Mary Rayner
RESPONSIBLE OFFICER:	Corporate Director: Resources
CONTACT OFFICERS:	Fiona Johnson Ext. 2661 E-mail Fiona.johnson@wyreforestdc.gov.uk Mike Parker Ext. 2500 E-mail Mike.parker@wyreforestdc.gov.uk
APPENDIX 1	Proposed Business Rate Write-Offs – Open
APPENDIX 2	Proposed Property Debt Write-off - Exempt

1. PURPOSE OF REPORT

- 1.1 To enable the Cabinet to give consideration to writing off the sum of £91,057.94 in respect of debts that cannot be collected.

2. RECOMMENDATION

The Cabinet is asked to DECIDE that:

- 2.1 The total of £81,057.94 as detailed in Appendix 1 to this report, be written off, for National Non-Domestic Rates and £10,000 for Property debts as detailed in Exempt Appendix 2.

3. BACKGROUND

- 3.1 Part 4 of the Council's Constitution, Delegation to Officers, paragraph 1.13, authorises the Corporate Director: Resources as Chief Financial 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 debts relate to non-domestic rates and to a single property debt.

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 £30 million, our overall collection rate for 2020/21 was 94.96%. Recovery action is taken in the event of non-payment under the various regulations made by this Act.
- 4.2 The Council has a number of property tenants whose trading has been affected by the Coronavirus pandemic, most notably those in the food and beverage industry some of whom are in arrears. The Council's property managing agents, BNP Paribas, are liaising with all of the businesses in an attempt to agree terms to ensure that as much of the arrears as possible is settled as quickly as possible; as most of the operators have other outlets elsewhere in the country, the final agreement may not necessarily be a locally negotiated one. The unit referred to in the exempt appendix to this report is the first tenant to have settled their arrears. The others are still in negotiation, and details of the write off in Appendix 2 are exempt from disclosure in order to avoid prejudicing the council's position in those negotiations.
- 4.3 Every effort has been made to pursue the debts 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 £81,057.94 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.
- 5.2 As part of the accounting for the Council's Capital Portfolio Fund a bad debt provision has been created and will be utilised for this write-off request.

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 £30m. 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.
- 8.2 The Coronavirus pandemic has had an impact on the ability of both individuals and businesses to pay their debts due to the Council. The Government's business rate relief and raft of other Covid-19 related support to businesses has been helpful to mitigate the risk of write-off but those in the food and beverage sectors have inevitably suffered during the pandemic. The Council's property managing agents, BNP Paribas, are liaising with all of the businesses in an attempt to agree terms to ensure that as much of the arrears as possible is settled as quickly as possible to mitigate the risk of the need for write-off whilst also allowing the businesses sufficient cash flow to continue trading.

9. CONCLUSION

- 9.1 The amount set out in the Appendices 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 Overview and Scrutiny Report 5th October 2017– Processes for Business Rates Debt Recovery.

PROPOSED WRITE-OFFSAPPENDIX 1

Appendix Open Companies				
Debt Type	Payer	Address	Reason for Write-Off	Amount £
NNDR	UK Discount Flooring Limited 00400297	Retail Warehouse and premises, Kopernikus House, 118 Worcester Road, Kidderminster. DY10 1JR	Business rate debt related to occupied rates for the period 31/08/2018 to 31/03/2019 and 01/04/2019 to 31/03/2020. The company sold carpets and rugs from the premises. Liability Orders were made by Kidderminster Magistrates Court on 11th March 2020. The company was dissolved at Companies House 22nd December 2020.	11,359.40
NNDR	Mrs Muge Cox T/A Yesteryears 00380199	Restaurant and premises, 6-7 Blackwell Street, Kidderminster	Business rate debt related to occupied rates for the period 21/07/2016 to 31/03/2017, 01/04/2017 to 31/03/2018 and 01/04/2018 to 20/08/2018, and then void rates for the period 21/08/2018 to 31/03/2019, 01/04/19 to 31/03/2020, 01/04/2020 to 31/03/2021 and 01/04/2021 to 20/07/2021 when the tenancy ends. Mrs Cox operated a restaurant but when it closed she had signed a lease for several years so was liable for the void rates. Liability Orders were made by Kidderminster Magistrates Court on 10th March 2017, 28th July 2017, 20th June 2018, 30th January 2019 and 3rd July 2019. Instructions were then passed to Enforcement Agents but they were unable to collect any payments and returned the warrants no trace. Mrs Cox has left the last known address and following further investigations we have not been able to find a forwarding address.	29,481.35
NNDR	Easter Development Partnership 00334049	Warehouse and premises, Unit 2 Easter Park, Worcester Road	Business rate debt related to void rates for the period 02/10/2012 to 31/03/2013 and 01/04/2013 to 04/04/2013. The company were landlords of the premises. Liability Orders were made by Kidderminster Magistrates Court on 26th July 2013. Instructions were passed to Enforcement Agents but they were unable to collect any payments and returned the warrants no trace. We have undertook further investigation with an Insolvency company but they were unable to supply any further information.	12,671.99
NNDR	Blackwater Online Ltd 00399736	Shop and premises, Unit B at 9-10 Worcester Street, Kidderminster, DY10 1EA	Business rate debt related to occupied rates for the period 10/12/2018 to 31/03/2019, 01/04/19 to 31/03/2020 and 01/04/2020 to 02/11/2020. Blackwater Online Ltd traded in freshwater aquaculture. Liability Orders were made by Kidderminster Magistrates Court on 20th November 2019. Instructions were then passed to Enforcement Agents but they were unable to collect any payments and instructions were returned no trace. Blackwater Online Ltd was dissolved at Companies House with effect from 3rd November 2020.	27,545.20

PROPOSED WRITE-OFFS

APPENDIX 1

Debt Type	Payer	Address	Reason for Write-Off	Amount £
				81,057.94