

Open

# Overview & Scrutiny Committee

## Agenda

6pm  
Monday, 4 September 2023  
Council Chamber  
Wyre Forest House  
Finepoint Way  
Kidderminster



## Overview & Scrutiny Committee

### Members of Committee:

**Chairman: Councillor N Martin**  
**Vice-Chairman: Councillor F M Oborski MBE**

**Councillor V Caulfield**  
**Councillor N J Desmond**  
**Councillor N Gale**  
**Councillor D Little**  
**Councillor D Russell**

**Councillor G Connolly**  
**Councillor H E Dyke**  
**Councillor P Harrison**  
**Councillor C Rogers**  
**Councillor L Whitehouse**

**Would Members please note that, to ensure continuity in scrutiny, substitutes should only be appointed for the Scrutiny Committee in exceptional circumstances.**

### Information for Members of the Public:

**Part I** of the Agenda includes items for discussion in public. You have the right to inspect copies of Minutes and reports on this Agenda as well as the background documents used in the preparation of these reports.

**Part II** of the Agenda (if applicable) deals with items of "Exempt Information" for which it is anticipated that the public may be excluded from the meeting and neither reports nor background papers are open to public inspection.

### Disclosure of Interests

Members and co-opted Members of the Council are reminded that, in accordance with the Council's Code of Conduct and the statutory provisions of the Localism Act, they are required to consider in ADVANCE of each meeting whether they have a disclosable pecuniary interest (DPI), an other registrable interest (ORI) or a non-registrable interest (NRI) in relation to any matter on the agenda. If advice is needed, Members should contact the Monitoring Officer or other legal officer in good time before the meeting.

If any Member or co-opted Member of the Council identifies a DPI or ORI which they have not already registered on the Council's register of interests or which requires updating, they should complete the disclosure form which can be obtained from Democratic Services at any time, copies of which will be available at the meeting for return to the Monitoring Officer.

Members and co-opted Members are required to disclose any DPIs and ORIs at the meeting.

Where the matter relates to a DPI they may not participate in any discussion or vote on the matter and must not stay in the meeting unless granted a dispensation.

Where the matter relates to an ORI they may not vote on the matter unless granted an advance dispensation.

Where a Member or co-opted Member has an NRI which directly relates to their financial interest or wellbeing, or that of a relative or close associate, they must disclose the interest at the meeting, may not take part in any discussion or vote on the matter and must not stay in the meeting unless granted a dispensation.

Where a matter affects the NRI of a Member or co-opted Member, the Code of Conduct sets out the test which must be applied by the MEMBER to decide whether disclosure is required. Again please ensure you have spoken in ADVANCE to the relevant legal officer and determined whether it is appropriate to declare the NRI and leave.

### Co-opted Members

Scrutiny Committees may wish to appoint Co-Opted Members to sit on their committee in order to add value to the scrutiny process. To appoint a Co-Opted Member, a Committee must first agree to appoint either a specific person or to approach a relevant organisation to request that they put forward a suitable representative (e.g. the local Police Authority). Co-Optees are non voting by default but Committees can decide to appoint voting rights to a Co-Optee. The Co-Option of the Member will last no longer than the remainder of the municipal year.

Scrutiny Committees can at any meeting agree to terminate the Co-Option of a Co-Opted Member with immediate effect. Where an organisation is appointed to put forward a Co-Opted Member, they are able to send a substitute in exceptional circumstances, provided that they notify Democratic Services in advance. Co-Opted Members must sign up to the Members Code of Conduct before attending their first meeting, failure to sign will mean that they are unable to participate. This also applies to substitute Co-Opted Members, who will need to allow sufficient time before a meeting in order to sign the Code of Conduct.

The following will apply:

- i) The total number of voting co-opted members on any Scrutiny Committee will not exceed 25% at any one time.
- ii) The total number of voting Co-opted Members on any Review Panel will not be limited.
- iii) Those Co-opted Members with voting rights will exercise their rights in accordance with the principles of decision making set out in the constitution.

### **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](mailto:louisa.bright@wyreforestdc.gov.uk)**

Wyre Forest District Council  
Overview & Scrutiny Committee

Monday, 4 September 2023

Council Chamber, Wyre Forest House, Finepoint Way, Kidderminster

Part 1

Open to the press and public

<b>Agenda item</b>	<b>Subject</b>	<b>Page Number</b>
1.	<b>Apologies for Absence</b>	
2.	<b>Appointment of Substitute Members</b>  To receive the name of any Councillor who is to act as a substitute, together with the name of the Councillor for whom he/she is acting.	
3.	<b>Declarations of Interests by Members</b>  In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any disclosable pecuniary interest (DPI), an other registrable interest (ORI) or a non-registrable interest (NRI) in relation to any matter on the agenda.  Please see the Members' Code of Conduct as set out in Section 14 of the Council's Constitution for full details.	
4.	<b>Minutes</b>  To confirm as a correct record the Minutes of the meeting held on the 6 July 2023.	6
5.	<b>Budget and Performance Monitoring Q1 update</b>  To consider a draft of a Cabinet 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 1 ending 30th June 2023 and presents the current projected outturn position for the 2023-24 financial year.	9
6.	<b>Environmental Enforcement Policy</b>  To consider a draft of a Cabinet report from the Community and Strategic Projects Manager to approve the adoption of the Environmental Enforcement Plan and to agree increased penalty charges .	59
7.	<b>Localism Strategy</b>  To consider a draft of a Cabinet report from the Chief Executive to agree a revised Localism Strategy.	81

8.	<p><b>Work Programme</b></p> <p>To review the work programme for the current municipal year with regard to the Corporate Plan Priority, Annual Priorities and the Forward Plan.</p>	86
9.	<p><b>Press Involvement</b></p> <p>To consider any future items for scrutiny that might require publicity.</p>	
10.	<p><b>To consider any other business, details of which have been communicated to the Solicitor of 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.</b></p>	
11.	<p><b>Exclusion of the Press and Public</b></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.	<p><b>To consider any other business, details of which have been communicated to the Solicitor of 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.</b></p>	
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**WYRE FOREST DISTRICT COUNCIL**

**OVERVIEW & SCRUTINY COMMITTEE**

**COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY, KIDDERMINSTER**

**6 JULY 2023 (6PM)**

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**Present:**

Councillors: N Martin (Chairman), V Caulfield, G Connolly, R Drew, P Dyke, N Gale, P Harrison, D Little, S Miah, C Rogers, D Russell and L Whitehouse.

**Observers**

Councillors: B Brookes, I Hardiman, D Morehead and T L Onslow.

Observed remotely: Councillor F Oborski MBE.

**OS.09 Apologies for Absence**

Apologies for absence were received from Councillors:  
F M Oborski MBE (Vice-Chairman), N J Desmond and H E Dyke.

**OS.10 Appointment of Substitutes**

Councillor R Drew was a substitute for Councillor N Desmond.  
Councillor P Dyke was a substitute for Councillor H Dyke.  
Councillor S Miah was a substitute for Councillor F Oborski MBE.

**OS.11 Declarations of Interests by Members**

No declarations of interest were made.

**OS.12 Minutes**

**Decision: The minutes of the meeting held on 8 June 2023 be confirmed as a correct record and signed by the Chairman.**

The Chairman announced a revised running order for the agenda in that Item No. 7 would be taken before Item 5.

**OS.13 Review of Public Spaces Protection Orders**

The Committee received a Strong Leader report delegating the decision to propose retaining the district wide Dog Control PSPO and PSPOs restricting alcohol consumption in Bewdley, Kidderminster and Stourport-on-Severn and to commence consultation on them.

The Community and Strategic Projects Manager presented the report and outlined key issues. The Committee discussed the report and they had the

opportunity to ask questions, to which the Community and Strategic Projects Manager and the Head of Community & Environment Services were able to provide verbal responses.

The Overview and Scrutiny considered the report and discussed their participation in the consultation.

**Decision: The Overview and Scrutiny Committee considered the information in the Strong Leader Report, accepted the report and are willing to take part in the consultation on the proposal to retain the PSPOs, with the addition to the Dog Control PSPO of new offences of failing to provide a name and address and of providing a false name and address.**

Councillor Tracy Onslow left the meeting at 6.12pm.

**OS.14 Worcestershire Housing Strategy 2023-40**

The Committee considered a draft of a Cabinet report from the Head of Strategic Growth that outlined the Worcestershire Housing Strategy that has been developed in partnership with councils and partners across the county.

The Committee fully scrutinised the report and the Head of Strategic Growth was able to provide members with verbal responses to their questions. Members were in agreement to accept the report.

**Agreed: The Overview and Scrutiny Committee considered the information in the draft Cabinet Report and recommended to Cabinet to:**

**2.1 NOTE the Worcestershire Housing Strategy AND**

**2.2 AGREE that a local action plan should be developed for Wyre Forest and brought back through the committee process to a future Cabinet meeting for approval.**

**OS.15 Wyre Forest District Council Health and Wellbeing Supplementary Planning Document**

The Committee considered a draft of a Cabinet report from the Head of Strategic Growth that presents a report on the Wyre Forest District Council (WFDC) Health and Wellbeing Supplementary Planning Document (SPD), following the recent consultation exercise.

The Senior Planning Policy Officer presented the report and outlined key issues. The Committee discussed the report and the Head of Strategic Growth & Senior Planning Policy Officer provided members with verbal responses to their questions.

**Agreed: The Overview and Scrutiny Committee considered the information in the draft Cabinet Report and recommended to Cabinet to:**

**2.1 CONSIDER the amended Health and Wellbeing SPD and**

**consultation statement following the public consultation responses AND**

**2.2 AGREE that the Health and Wellbeing SPD be adopted.**

**OS.16 Treasury Management Review Panel**

Given the meeting dates of Monday 13 November 2023 and Monday 29 January 2024 at 6pm remotely via Zoom (and mandatory training dates to be advised), the Chairman requested nominations from members to form the Treasury Management Review Panel.

Councillor C Rogers was nominated to stand as Chair of the Panel by Councillor R Drew and seconded by Councillor G Connolly, and the Committee agreed. Councillor Rogers was willing to accept.

Councillors E Bourne and K Gale were nominated to be members by Councillor R Drew.

Councillor J Griffiths was nominated by Councillor L Whitehouse.

Councillor P Dyke was willing to stand and the Chairman will confirm his nomination with the Group Leader of the Independent and Green Parties.

Councillor F Oborski had nominated herself and Councillor S Miah, who was willing to accept.

**Agreed: Councillor C Rogers was appointed as Chairman of the Treasury Management Review Panel for the current municipal year and the Overview and Scrutiny Committee accepted the nominations for Treasury Management Review Panel membership.**

**OS.17 Work Programme**

The published Work Programme 2023-24 was reviewed by the committee and, there being no meeting in August, the items for September and the rest of the year were noted.

**OS.18 Press Involvement**

There were no further items for scrutiny that might require publicity.

There being no further business, the meeting ended at 6.42pm.



## **Report of: Helen Ogram, Head of Resources and s151 Officer**

### **Date**

04/09/2023

### **Open**

## **Agenda Item 5 - Budget and Performance Monitoring First Quarter 2023-24** Title/Subject of item

### **Summary**

Attached is a draft of a Cabinet report on this subject, which Cabinet is expected to consider on 12 September 2023.

The Overview and Scrutiny Committee is invited to consider the report and provide recommendations to Cabinet.

### **Officer contact details**

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**WYRE FOREST DISTRICT COUNCIL**

**CABINET**

**12<sup>TH</sup> SEPTEMBER 2023**

**Budget and Performance Monitoring First Quarter 2023-24**

<b>OPEN</b>	
<b>CABINET MEMBER:</b>	Councillor D Ross, Cabinet Member for Finance and Capital Portfolio
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<b>APPENDICES:</b>	Appendix 1 - Wyre Forest District Council Revenue Budget Total Requirements - District Council Purposes Appendix 2 - Capital Programme Appendix 3 - Budget Risk Matrix Appendix 4 – Analysis of Outstanding Debt Appendix 5 – Commercial Manager’s Income analysis Appendix 6 – How we are doing performance reports <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 1 ending 30<sup>th</sup> June 2023 and to present the current projected outturn position for the 2023-24 financial year.
- 1.2 The report sets out the current forecast of income and expenditure against budget for 2023-24 for revenue expenditure. In addition to the usual information presented in the Quarterly Budget Monitoring Reports, the report provides key information relating to estimates of the Council’s financial position for the next three years, highlighting the revised Funding Gap that will need to be closed to bring expenditure into line with income.

**Revenue** – after application of risk and contingency reserves the year-end outturn position on services is forecast to be **£215k** worse than the position forecast in the 2023-26 Medium Term Financial Strategy (MTFS). Before application of reserves the service overspend is projected to be **£3.097m**.

**Capital** – after including slippage of £19.776m from 2022-23, the approved Capital Programme for 2023-24 is £60.455m. The forecast slippage to future years at Quarter 1 is currently anticipated to be circa £815k. However, many of the major schemes, including the Capital Portfolio Fund, Capital Projects Fund and Levelling Up Fund, will be reprofiled during the Revised Budget process, so the projected capital outturn for 2023-24 will likely reduce when reported in future quarterly

budget monitoring reports. Council approved two additional allocations for the Future High Street Scheme in July 2023. These have been included in the current Capital Programme total of £60.455m.

- 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. Only limited progress against meeting the 2023-24 Wyre Forest Forward target of £177,000 has been achieved and it is likely that the new administration's policy changes will result in the Localism savings of £208,000 for 2023-24 not being achieved. A review of recurring final account savings will be undertaken during Quarter 2 to capture and record efficiencies made.
- 1.4 The report includes the quarterly "How are we doing?" performance report. This combined report allows both Cabinet and Overview and Scrutiny Committee a rounded view of the Council's performance including its financial position.

## **2. RECOMMENDATIONS**

**The Cabinet is asked to NOTE:**

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

## **3. BACKGROUND**

- 3.1 Budget projections are reviewed regularly and reported to Cabinet on a quarterly basis. The 2023-24 Original Budget was approved as part of the 2023-26 Medium Term Financial Strategy (MTFS) by Council on 22<sup>nd</sup> February 2023. Performance is measured against the Original Budget presented within the 2023-26 Strategy (Appendix 1). The current forecast shows a net overspend against the Original Budget of £215k. The current employer's pay offer adds a further cost pressure of circa £330k, but this is largely being met by a transfer from the General Risk Reserve, created from the 2022-23 Final Account savings. The significant additional capital costs of delivering the Future High Street Fund projects will be met, in part, from a transfer from revenue risk and contingency reserves (£2.582m). The assessment of the outturn position is based on a wide range of assumptions, predicted patterns of cost, service demand and behaviours and the forecasts will be refined as part of preparation of the MTFS 2024-27.
- 3.2 The balanced budget approved by Council 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 property and treasury investments.
- 3.3 Wyre Forest District Council is a member of the Herefordshire and Worcestershire business rates pool and receives a share of any growth in rateable value achieved. Any gain is shared between Worcestershire County Council, the Fire authority, the Herefordshire unitary authority (Herefordshire Council) and the 6 District Councils in Worcestershire.
- 3.4 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 first quarter are consistent with those

## **Agenda Item No. 5**

achieved last year. The MTFS took a prudent assessment of growth above baseline this position is being closely monitored and assumptions revised, if necessary, when the MTFS 2024-27 is prepared. The position in relation to the 2023-24 year-end provisions for appeals cannot be estimated with accuracy at this time so this could result in variances. Any variation in appeals provision will impact on the surplus/deficit position and carried forward to future years.

- 3.5 The 2023-26 Medium Term Financial Strategy makes prudent assumptions about the income stream that is expected to be generated from the Capital Portfolio Fund. The uncertainty and ongoing risk inherent in this income stream is recognised and the properties are actively managed to minimise any risk to Council Tax payers. We continue to work to ensure that current financial performance of the fund, specifically the impact on the MTFS, is clearly presented.
- 3.6 The best value theme centred around use of resources in the Best Value Standards and Intervention guidance, highlights that dependency on high-risk commercial income for service delivery and balancing budgets is one of the indicators of potential failure. All business cases are subjected to due diligence checks, give a full appraisal of risks and a prudent view of likely income arising with appropriate sensitivity analysis presented to aid decision making. Lessons have been learnt from the Covid pandemic from over reliance by District Councils on demand led income streams. It is noted that the Government did not recompense Councils for any commercially generated income through the Covid Fees and Charges Support scheme.
- 3.7 A revised Capital Strategy 2023-33 was approved by Council on 23<sup>rd</sup> 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. The capital programme has been updated following consideration by Council at the 17<sup>th</sup> July 2023 meeting.

## **4. FINANCIAL PERFORMANCE**

### **4.1 Revenue Overview**

The 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 an early projected outturn position with variances against the budget approved by Council on 22<sup>nd</sup> February 2023. The projection is based on known and emerging cost pressures and cost reductions or income growth and does not take into account any management action plans still to be developed to address potential overspends:

SERVICE REPORTING GROUP	Original Budget	Quarter 1 Outturn Projection	Quarter 1 Variance
	<b>£000</b>	<b>£000</b>	<b>£000</b>
Chief Executive and Solicitor to the Council	2,219	2,477	258
Community and Environment	5,482	5,677	195
Economic Development and Regeneration Resources	249	264	15
Revenues Benefits and Customer Services	2,448	2,506	58
Strategic Growth	1,390	1,463	73
	2,064	2,169	105
<b>Services Total</b>	<b>13,852</b>	<b>14,557</b>	<b>705</b>
External Investment Income	(750)	(1,500)	(750)
Capital Account	585	3,727	3,142
<b>Grand Totals</b>	<b>13,687</b>	<b>16,784</b>	<b>3,097</b>
Contribution from General Risk Reserve (Pay)		(300)	(300)
Contribution from General Risk Reserve (FHSF)		(682)	(682)
Contribution from FHSF Revenue contingency		(500)	(500)
Contribution from Business Rates Reserve (FHSF)		(1,400)	(1,400)
<b>Total transfer from Earmarked Reserves</b>		<b>(2,882)</b>	<b>(2,882)</b>
	<b>13,687</b>	<b>13,902</b>	<b>215</b>

The table includes the revenue impact of the decision to increase the Capital Programme allocation for the Public Realm Connectivity project and the Creative Hub at the former Magistrates Court at Full Council on 17<sup>th</sup> July 2023 by £5.738m, despite occurring after the quarter end date, due to the significance of the impact being known at the reporting date. The funding for the additional expenditure includes £2.950m direct revenue financing. This expenditure is met by transfers from Earmarked Reserves.

The assessment of variances is based on a wide range of assumptions, and the forecasts will be refined and reset as preparation of the Medium Term Financial Strategy 2024-27 progresses.

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

2023-24 Capital Programme	Original 2023-24 Capital Programme	Updated Capital Programme 2023-24 (including slippage from 2022-23)	Q1 Capital Outturn 2023-24	Draft Outturn Slippage at Q1
	£	£	£	£
Community and Environmental Services	2,145,720	2,818,780	2,875	190,390
Resources and Revenues, Benefits & Customer Services	250,000	502,480	17,537	0
Strategic Growth	9,784,700	13,947,030	473,082	211,210
Economic Development & Regeneration	21,498,690	41,653,400	1,118,916	0
Chief Executive and Solicitor to the Council	413,610	413,610	0	413,610
Vehicle, Equipment and Systems Renewal Schedule	1,012,040	1,119,720	83,641	0
<b>Total</b>	<b>35,104,760</b>	<b>60,455,020</b>	<b>1,696,051</b>	<b>815,210</b>

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. Two additional capital allocations relating to the Future High Street Schemes were approved by Council in July 2023; these have been included in the updated Capital Programme budget above since they were approved at the reporting date.

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

Reprofiling (slippage) of the 2022-23 spend to 2023-24 has only a modest impact on the MRP charge in 2023-24, since the majority of the reprofiling related to grant funded schemes.

**5. RESERVES POSITION AND FUNDING GAP**

Local authorities are required by law to have a balanced budget i.e. a plan based on sound assumptions which shows how income will equal spend over the short and medium term. Plans can take account of deliverable cost savings and/or income growth strategies as well as useable reserves. A budget is considered not to balance where increased uncertainty leads to budget overspends of a level which reduces reserves to unacceptably low levels. Any significant alteration in either expenditure or income may result in an unbalanced budget. Factors affecting a budget could include:

- Natural disaster
- sudden policy change
- demographic pressures
- unexpected funding pressures
- failure to realise planned savings or income growth

To avoid an unbalanced budget the council needs to be financially resilient to ensure that finances can withstand unexpected pressures. A large part of our financial resilience is secured via the adequacy of our general and earmarked reserves.

**General Reserves**

- 5.1 The tables below provide key information relating to early estimates of the Council's financial position through to 2026-27, taking into account the impact of new and emerging cost pressures and the Quarter 1 Budgetary Control projections presented in this report.
- 5.2 In the years up to the pandemic the Council had 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. The new administration expects to focus on generating higher levels of commercial income although the implications across the current MTFS are not yet known.
- 5.3 The tables below present the reserves position with the current projected outturn position for 2023-24.

<b>Revised Reserves Statement</b>	<b>Outturn 2022-23 £</b>	<b>2023-24 £</b>	<b>2024-25 £</b>	<b>2025-26 £</b>	<b>2026-27 £</b>
Reserves as at 1st April	3,840,860	3,468,190	3,094,390	1,982,558	310,787
Contribution to/(from) Reserves	(372,670)	(159,010)	(394,850)	(939,040)	(1,309,200)
Estimate of major variances		(214,790)	(716,982)	(732,731)	(732,731)
Reserves as at 31st March	<b>3,468,190</b>	<b>3,094,390</b>	<b>1,982,558</b>	<b>310,787</b>	<b>(1,731,144)</b>
<b>Impact on MTFS</b>	<b>(80)</b>	<b>214,710</b>	<b>931,692</b>	<b>1,664,423</b>	<b>2,397,154</b>

- 5.4 In the absence of additional income, further savings and efficiency measures or additional Government funding, the Council will exhaust its general fund balances at the end of the current MTFS, likely to be before the end of 2026-27 and will be unable to set a balanced budget beyond 2025-26.

**Earmarked Reserves**

- 5.5 The Council’s earmarked reserves held at 1<sup>st</sup> April 2023 totalled £13.193m. The balance includes Business Rates reserves including those held in respect of the time lag inherent within the current Business Rates Retention (BRR) system.
- 5.6 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 £1.176m. (reported after the allocation for FHSF £682k and pay costs £300k).

Earmarked Reserves	Reserves b/f at 01/04/23	Quarter 1 Spend	New Reserves Added	Commitments outstanding	Balance available
	£000	£000	£000	£000	£000
External Funding	2,318	20	0	0	2,298
Shared Service	468	7	0	0	460
WFDC Budget	3,683	3	(15)	892	2,804
Innovation Fund	1,178	0	0	472	706
General Risks	2,299	0	0	1,123	1,176
<b>Sub Total</b>	<b>9,945</b>	<b>30</b>	<b>(15)</b>	<b>2,486</b>	<b>7,444</b>
Covid Reserves	52	0	0	0	52
Business Rates (timing)	1,796			1,424	372
Business Rates (Risk)	1,400	0	0	1,400	0
<b>Total</b>	<b>13,193</b>	<b>30</b>	<b>(15)</b>	<b>5,310</b>	<b>7,868</b>

- 5.7 Reserves are very useful for balancing unexpected expenditure in the short term. However, CIPFA’s advice is that they are replaced when the short term need has passed and that the use of reserves must be very measured. The Business Rates (Risk) reserve was held to smooth the impact of business rates reform or a business rates reset. Use of the was considered acceptable to support regeneration due to business rates growth that can be expected to be generated from the completed schemes and the government’s commitment to transitional protection when funding reform is introduced. Further application of the General Risk Earmarked Reserves to meet inflated costs of approved capital projects or any day to day operational expenditure would put the financial viability of the Council at risk.

**The Funding gap**

The funding gap analysis takes account of assumptions of cost savings and/or income growth strategies built into the budget and the contribution required from reserves to balance the budget.

5.8 **Starting position MTFs 2023-26**

	2023-24	2024-25	2025-26
Financial Gap	£	£	£
Wyre Forest Forward Savings not yet achieved	177,240	388,310	357,810
Generic Localism Savings target	304,230	475,400	473,270
<b>SUB- Total</b>	<b>481,470</b>	<b>863,710</b>	<b>831,080</b>
Use of reserves from proposed 2022-25 Strategy	159,010	394,850	939,040
<b>TOTAL</b>	<b>640,480</b>	<b>1,258,560</b>	<b>1,770,120</b>

5.9 Major variations

Estimate of major variances compared to approved budget assumptions			
	2023-24 £000	2024-25 £000	2025-26 £000
General inflation	105	109	112
Pay inflation	330	343	353
Other Cost Pressures	74	77	79
Insurance renewal	45	47	48
Localism savings target	200	300	300
External Borrowing to support FHSF projects		42	42
Net income growth*	(49)	(51)	(53)
Investment Income (net of ringfenced sums)	(190)	(100)	(50)
<b>Total Service Variances</b>	<b>515</b>	<b>867</b>	<b>883</b>
Business Rates Growth and CPI uplift	0	(150)	(150)
Transfer from general risk reserve re pay	(300)		
<b>Total Variances</b>	<b>215</b>	<b>717</b>	<b>733</b>

\*a re-energised focus on commercialism and income growth is expected to generate additional future revenue although the implications across the current MTFS are not yet known. These estimates will be refined as part of the preparation for the 2024-27 Medium Term Financial Strategy.

5.10 Revised Funding Gap analysis

Financial Gap	2023-24 £	2024-25 £	2025-26 £
Wyre Forest Forward Savings not yet achieved	177,240	388,310	357,810
Generic Localism Savings target	104,230	175,400	173,270
<b>SUB- Total</b>	<b>281,470</b>	<b>563,710</b>	<b>531,080</b>
Revised use of reserves based on Quarter 1	373,800	1,111,832	1,671,771
<b>TOTAL</b>	<b>655,270</b>	<b>1,675,542</b>	<b>2,202,851</b>

Information and Analysis – Financial Performance Summary

6. REVENUE DETAIL

6.1 This report draws attention to new and emerging budget pressures that will potentially have a significant impact on the council’s ability to deliver services within the budget envelope approved February 2023 Council. The report is produced in consultation with CLT, Heads of Service and Service Managers.

6.2 The following table presents an overview of the new and emerging budget pressures:



Estimate of major variations – New and Emerging Cost Pressures

Area	MTFS Assumption	Current Estimate	Impact	Detail
Additional Capital Programme approvals			£££	The additional capital expenditure on the Kidderminster Connectivity and Creative Hub projects, approved by Council on 17 <sup>th</sup> July 2023 will be part financed from revenue. The expenditure will be matched by a contribution from revenue reserves.
April 2023 Pay award	4%	7% minimum	£££	The initial employers offer adds circa 7% to the pay bill
Localism Target			£££	Savings target previously agreed may require amendment as a result of policy position of the new administration. Re energised focus on commercialisation and income generation may reduce any impact.
Slippage on capital programme increasing revenue spend/decreasing income			£££	Void property expenses reduced rental income, increased expenses (including business rates). Impact of inflation on supplies, materials and labour.
Planning appeal decision allowed			£££	The appeal decision relating to Low Habberley application ref 21/0421/OUT is pending, potential for costs to be awarded to the appellant.
General Inflation	3%	7%	£££	The 2023-24 Budget included an uplift of £155k for general non pay inflation. The full impact of inflationary pressures is expected to be double the original assumption
Recruitment and retention of specialist senior staff			££	There continues to be pressures around staff recruitment due to pay levels at these grades been uncompetitive nationally. In some areas, where shortages are acute, hybrid working across the sector means we are now competing with councils in London and the South East.
Insurance renewal	3%		££	Terms agreed for 1st July renewal, awaiting final invoices. Total cost increase expected to be £65k, budget variance of circa £45k.
Members' allowances			£	Following local elections there is an additional Cabinet member, additional Group Leader and Scrutiny Committee chair not already in receipt of special responsibility allowance (previously held by Group Leader).

Area	MTFS Assumption	Current Estimate	Impact	Detail
Stourport Sports Club			£	Savings that had previously been recognised will not materialise (confirmed by Cabinet and Council decisions in July).

**Key £ = £10k to £25k/year; ££ = £25k to £100k/year; £££ = over £100k/year**

**7. REVENUE DETAIL - External Income**

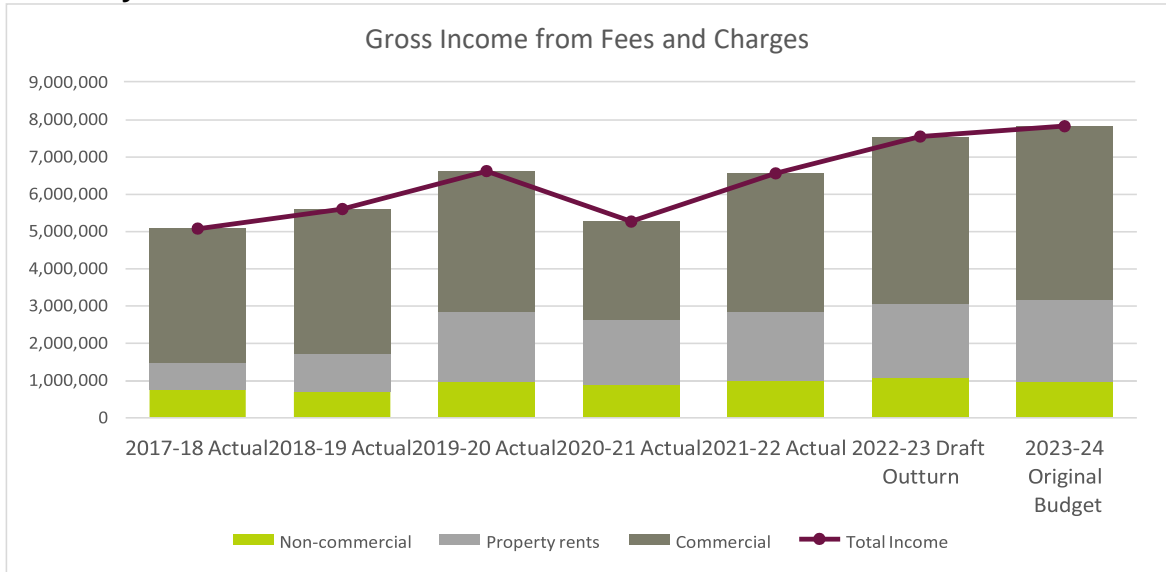
7.1 External Income is an important element within the finances of the Council, it affects the level of resources available to fund services and makes an important contribution to a balanced budget. The Covid-19 pandemic had a significant impact on demand led income streams and on the revenue received from the management agreement for Wyre Forest Leisure Centre. In general, income has recovered well however the position is mixed and some of the fees and charges from commercial activities have struggled to return to pre pandemic levels. The summary budget and estimated outturn position is shown in the graph below. Overall, performance is expected to be below (£152k) the target approved by Council in February. The majority of the shortfall in gross income is in relation to the Garage, driver training, Tree works and Grounds maintenance. It should be noted that the shortfall in income is to a large extent off-set by reduced cost (vacant posts and materials).

7.2 The table below details current projections for the Council’s main revenue income sources

SOURCE OF INCOME	2022-23 Draft Outturn	2023-24 Original Budget	2023-23 Estimated Outturn at Q1	Variance	% Variance
	£000	£000	£000	£000	
<b>Commercial Strategy</b>					
Bulky Waste and external contracts for sweeping	-121	-144	-131	13	-8.8%
Cemetery	-71	-55	-55	0	
Garage, driver training, Tree Gang, Grounds Maintenance	-205	-363	-213	150	-41.2%
Green Waste	-526	-500	-550	-50	10.0%
Land Charges	-78	-89	-89	0	
Leisure Centre	-620	-623	-623	0	
Parking and Enforcement	-1,387	-1,589	-1,604	-15	0.9%
Parks and Green Spaces (including Highway Verges)	-106	-89	-117	-28	31.7%
Property Rental (incl CPF)	-1,753	-1,915	-1,887	28	-1.5%
Property Rental WFH	-247	-253	-311	-58	22.7%
Trade Waste	-855	-962	-850	112	-11.6%
Various	-355	-287	-287	0	
<b>Total Commercial Strategy Income</b>	<b>-6,324</b>	<b>-6,869</b>	<b>-6,717</b>	<b>152</b>	<b>-2.2%</b>
<b>Regulatory and Other</b>					
Licensing	-237	-235	-235	0	
Planning	-530	-530	-530	0	
Building Control	-232	-192	-192	0	
Other Income	-232	-11	-11	0	
<b>Total Regulatory and Other Income</b>	<b>-1,231</b>	<b>-968</b>	<b>-968</b>	<b>0</b>	
<b>TOTAL INCOME</b>	<b>-7,555</b>	<b>-7,837</b>	<b>-7,685</b>	<b>152</b>	

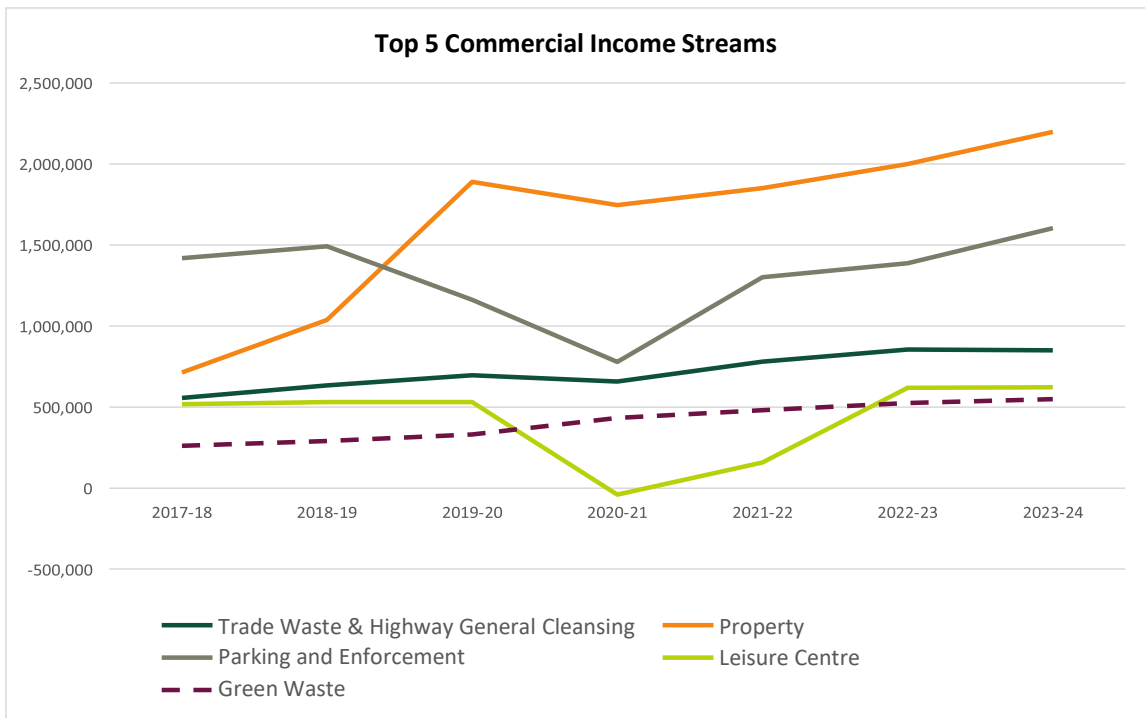
7.3 The previous success of the commercial income generation work and the extent of the shortfall against previous targets is shown in the graph below.

**Summary Income Performance 2017-18 to 2023-24**

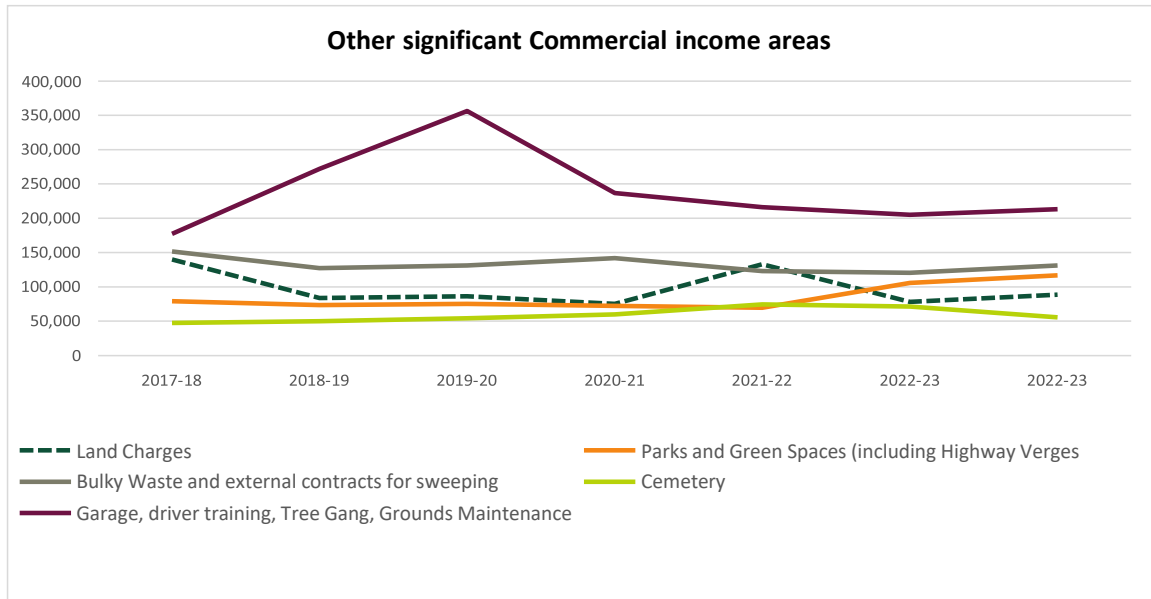


7.4 The graphs below detail performance for the income streams that fall under the Commercial Strategy.

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



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



- 7.5 The Council expanded its commercial activities to generate revenue from fees and charges to help close the funding gap. These demand-led commercial services have struggled the most to recover to levels seen pre-pandemic. Income is 40% below that achieved in 2019-20. Further detail on commercial income performance is contained in Appendix 5.
- 7.6 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. A provision has been created to cover those costs relating to 2022-23. At this stage it is expected that the budget will be sufficient to meet the costs arising in 2023-24. This additional cost is not shown in the gross income figures presented in the graph.
- 7.7 The Council’s income collection position at the end of Quarter 1 is presented in Appendix 4.
- 7.7 **Capital Portfolio Fund** - The Capital Portfolio Fund supports regeneration, economic growth and housing, is allied to the Council’s income generation/commercialism objectives and is financed from borrowing.
- 7.8 The table below summaries the current projection of the revenue impact of the Capital Portfolio Fund in 2023-24. The Quarter 1 outturn projection shows that the target included within the original budget is unlikely to be achieved as final rents agreed at review were below levels originally assumed. However, it should be noted that the portfolio is expected to perform better in 2023-24 than in any of the years since the pandemic. The pandemic resulted in vacant office accommodation proving more difficult to relet, leading to long void periods, and market rents being suppressed. There are now very few void units and the rent incentives in respect of newly granted leases in 2022-23 are now expiring and the portfolio is showing a much stronger position.

Property Portfolio Fund Net Impact on Council Tax after Statutory Charges		2022-23 Outturn £	2023-26 MTFS		
			2023-24 Original Budget £	Q1 Outturn projection £	Variance £
R276	High Street/Worcester Street	4,118	(12,300)	(12,302)	(2)
R277	Stratford Court	15,779	(187,970)	(121,075)	66,895
R278	Buntsford Gate	62,306	82,780	82,780	0
R279	Forest House	31,700	31,700	31,700	0
R280	Riverside	(10,209)	(15,120)	(53,870)	(38,750)
R281	Goldthorn Road	(127,238)	(110,520)	(110,520)	0
R282	Unity Park	27,691	8,510	8,510	0
R275	Property Portfolio Fund Admin account	0	0	0	0
Total		<b>4,147</b>	<b>(202,920)</b>	<b>(174,777)</b>	<b>28,143</b>

7.9 **Capital Portfolio Fund Debt** - The total overdue rent debt at 30<sup>th</sup> June 2023 is £15k which represents just 1% of the overall balance collected each year. The majority of the arrears is in the 3 to 6 months category and is being actively managed. There is a further £10k outstanding in respect of electricity recharges.

## 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 and the new and emerging cost pressures outlined above 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 that lie ahead. The refreshed funding gap at paragraph 3.8 shows that the 2025-26 funding gap is likely to increase to £2.203m.
- 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 at present are focussed largely 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. The ambition of the new administration is to make the Council leaner, more productive and more commercially aware. Despite the projected financial gap, the administration is prepared to invest in capacity where necessary in order to increase net income or deliver other contributions to improving the Council's financial position.
- 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. The new administration expects to focus on generating higher levels of commercial income although the implications across the current MTFS are not yet known. Action will need to be taken to address adverse budget variations arising from price inflation and the legacy impact of COVID-19, and the existing savings and efficiency targets will need to be met. In the absence of additional income, further savings and efficiency measures or additional Government funding, the Council will exhaust its general balances at the end of the current MTFS in 2026-27..
- 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 2023-24 is summarised in the table below. Good progress was made in 2022-23 towards achieving the target with items of a recurring nature, with the outstanding savings target for 2022-23 being achieved from one-off final accounts savings. No new savings have been scored against the target during the first quarter of 2023-24.

Wyre Forest Forward Savings summary	2023-24 £000	2024-25 £000	2025-26 £000	2026-27 £000
Savings Target	4,382	4,682	4,682	4,682
Savings achieved at 31/03/2023	4,205	4,294	4,324	4,341
<b>Savings Target at 01/04/2023</b>	<b>177</b>	<b>388</b>	<b>358</b>	<b>341</b>
<b>Savings achieved 2023-24</b> TBC	0	0	0	0
<b>Savings identified in year</b> <i>None currently identified in Quarter 1, although work is on-going to identify recurring final account savings</i>	0	0	0	0
<b>Total WFF Savings not yet achieved</b>	<b>177</b>	<b>388</b>	<b>358</b>	<b>341</b>

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

- 8.6 Significant progress was made in 2022-23 towards achieving the Localism savings target but only limited further progress is currently expected in 2023-24. The savings achieved to date are summarised below. The new localism strategy will set out the administration's ambition and approach. In light of that, it will be possible to assess what change is needed to future targets - future budgets will be adjusted as necessary when the MTFs 2024-27 is considered. Savings not yet achieved are shown as a budget variation. Details are provided below:

LOCALISM PARTNERSHIP SAVINGS	2023-24 £000	2024-25 £000	2025-26 £000	2026-27 £000
Savings Target	525	700	700	700
Savings achieved at 31/03/2023	(317)	(324)	(377)	(377)
<b>Balance b/f 2022-23</b>	<b>208</b>	<b>376</b>	<b>323</b>	<b>323</b>
<b>Savings Target at 1st April 2023</b>	<b>208</b>	<b>376</b>	<b>323</b>	<b>323</b>
<b>Savings achieved 2023-24</b> <i>None identified in Quarter 1</i>	0	0	0	0
<b>Savings identified in year</b>	0	0	0	0
<b>Total Localism Savings not yet achieved</b>	<b>208</b>	<b>376</b>	<b>323</b>	<b>323</b>

## 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 virement or 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 continued 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 1st July 23, Council Tax in year collection rates are at 29.50% compared to 29.55% last year.

**Business Rates:** At the end of Q1 2023-24, collection rates for NNDR show an improvement over last year, at 31.81% compared to 30.83% last year.

However, it should be noted that there has been an increase in debts being written off due to voluntary bankruptcy orders and petitions, individual voluntary arrangements and debt relief orders. The level of write-offs will continue to be closely monitored.

## 11. **TREASURY MANAGEMENT PERFORMANCE SUMMARY**

### **Investments**

- 11.1 As at 30<sup>th</sup> June the council held £51.175m in investments. The level of funds available fluctuates due to the timing of precept payments and receipt of grants. The current balance is high due to payment in advance of the FHSF grant and the LUF grant. The average interest rate achieved for quarter 1 was 4.25% compared to the 90 day backwards looking SONIA of 4.10%. Yields continued to increase during the quarter and current forecasts expect bank rates to reach 5.5% for the remainder of this financial year. The impact on interest received is likely to be a budget surplus of circa £750k compared to original budget. The additional interest achieved from investing the FHSF and LUF grant will be reserved to bolster the revenue contingencies for those projects (estimated to be £560k of the total interest for the year).
- 11.2 The approved limits as set out in the Treasury Management Strategy report to Council 22<sup>nd</sup> February 2023 within the Annual Investment Strategy were not breached during the first quarter of 2023-24

### **External Borrowing**

- 11.3 The Council had borrowing of £34m as at 30<sup>th</sup> June 2023. The Council's Capital Financing Requirements (CFR) as at 30<sup>th</sup> June 2023 is £41.282m. 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 £7m 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 30<sup>th</sup> June 2023 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:

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<b>Prudential Indicator as Per Original Budget(to be updated during revised budget process)</b>	<b>2023-24 Budgeted Indicator</b>	<b>Actual as at 30<sup>th</sup> June 2023</b>
Capital Financing Requirement (CFR)	56,193,000	41,282,000
Gross Borrowing	56,000,000	34,000,000
Internal Borrowing	193,000	7,282,000
Internal Borrowing as % of CFR	0.34%	17.68%
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	5,000,000	0
<b>Maturity structure of fixed interest rate borrowing – upper limits (for future borrowing undertaken)</b>		<b>Maturity structure of existing loan portfolio (No new borrowing undertaken during Q1)</b>
Under 12 months	100%	0%
12 months to 2 years	40%	8%
2 years to 5 years	10%	5%
5 years to 10 years	10%	17%
10 years and above	10%	70%

**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. Parking enforcement and other environmental and civil enforcement activity continues across the district. The team are currently looking at Love Your District/Love Where You Live Campaign driving people to engage with the council and encourage the reporting of environmental crime such as litter and fly tipping, which the team can then follow up on.
- b) The private sector housing team has been undertaking focussed work with landlords regarding thermal comfort through work on energy performance and the housing, health and safety rating system. The Local Authority Delivery Scheme 3 has now concluded and officers have procured a contractor for HUGS2 and hopefully the work will commence late September.
- 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) Our climate change agenda continues to be progressed through the Climate Change action plan. This includes developments in alternative fuelled fleet vehicles and looking at ways we can create renewable energy in the district. In September the Corporate Policy Officer, in conjunction with Strategic Growth and Community and Environment Services will commence work on the Carbon Reduction Plan. We are also improving our car parks by installing LED lighting and the Depot took delivery of its first electric vehicle.
- 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.
- 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

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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 sources sought.

- g) Work on the Brinton Park Heritage Lottery Project continues. We are liaising closely with HLF to refine the scope of the project and in turn the construction costs. We hope to go out to tender in Autumn 2023.
- h) The transfer of St George's Park, Broadwaters and Baxter Gardens to Kidderminster Town Council took place on 5<sup>th</sup> January 2023.
- 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. We offered litter picking equipment out on loan to both groups and volunteers who attended the thank you event. We are about to launch our Adopt a Street initiative to encourage individuals, schools and community groups to take some ownership of their own area and to make a pledge to litter pick at least 3 times a year at a date and time of their choosing. We will loan out equipment and collect bags if needed.
- j) We are also continuing to work with our parks volunteers established as Friends Groups. We have been working closely this year with a new group to help them set up officially with a constitution and partnership agreement. The Friends of White Wickets want to bring a community family feel to the park and so a group has now been formed with a community picnic being their first event in the park this summer.
- k) 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. This group that we helped last year continues to grow and we have regular updates on their progress. In two months, May and June a total of 58 bags of litter was collected across the district by various sections of the Scouting and Girl Guiding movement.

### **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 came to an end on 31<sup>st</sup> 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 2022 and, in line with advice from the ReWyre Board, project allocations for current and future years, including allocations for business grants, have been confirmed to successful applicants.
- c) We continue to support start-up businesses across the district with our incubator units (industrial and office) at Space at Hoo Farm (Forest House). Current occupancy is 78.6% as a result of several businesses vacating their space. Vacant units are being marketed for new tenants.
- 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

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realigned for all three elements. The planning and listed building consent have been granted for the Town Hall improvements and a preferred contractor will be appointed in September 2023. During the quarter due diligence has continued and alternative delivery models explored for the Piano building with a decision expected from DLUHC in Quarter 2. The canal tow path works are 100% complete.

- 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 and Public Realm Project

### **Kidderminster Creative Hub**

Project has now progressed to the delivery phase with the appointment of the contractor, BAM Construction, under a design and Build (D&B) contract.

BAM Construction have started on site. Practical completion is scheduled for September 2024.

### **Worcester Connectivity and the Bull Ring Public Realm Projects**

McBain's Consultancy appointed as the Architectural and Engineering Design consultants.

The design work is progressing and the asbestos removal work is complete.

- Demolition contractor (DSM) formally appointed May 2023, phase 1 (internal soft strip) carried out
- Completion of demolition works expected by Oct 2023
- Completion of new public realm works (including new slopes/steps) expected May 2024. Public consultation on the public realm designs took place in July 2023 and the planning application was submitted in August 2023.

### Crown House site

- Feasibility report for the culvert opening complete.
- Feasibility report - redevelopment options for multi-purpose use e.g. market space; pop-up markets – completed.

- 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. The feasibility work will **be commissioned during quarter 2 2023-24.**
- g) We continue to work with a Registered Provider to identify an appropriate delivery mechanism for Clensmore Street and to resolve the land purchase negotiations for the adjacent site next to the council owned land in Radford Avenue.
- i) The Castle Road housing scheme for temporary accommodation has been approved by Planning Committee. Stepnells were appointed through a pre-contract service agreement to work up the design. The RIBA stage 4 design is nearing completion and Stepnells are currently obtaining final scheme costs.

- 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 7. 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 turn over 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 5 provides Members with an overview of financial trends and performance within the period to 30<sup>th</sup> June 2023.
- 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.

**17. CONSULTEES**

Corporate Leadership Team  
Cabinet  
Service Managers

**18. BACKGROUND PAPERS**

Budget setting papers Council 22<sup>nd</sup> February 2023  
Draft Final Accounts 2022-23 and Quarter 4 Budget and Performance Report 2022-23

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 RESOURCES	(93,790)	283,770	131,260	42,690	173,950	3,480	78,880	82,360	(7,190)	117,680	110,490
REVENUES, BENEFITS & CUSTOMER SERVICES	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
STRATEGIC GROWTH	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
	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
<b>LESS: CAPITAL ACCOUNT</b>	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 LOANS FUND	(55,000)	(850,000)	(750,000)	0	(750,000)	(500,000)	0	(500,000)	(444,600)	0	(444,600)
	135,000	0	0	0	0	0	0	0	0	0	0
<b>TOTAL NET EXPENDITURE ON SERVICES</b>	<b>12,026,680</b>	<b>12,401,530</b>	<b>12,821,870</b>	<b>596,480</b>	<b>13,418,350</b>	<b>12,395,510</b>	<b>1,088,460</b>	<b>13,483,970</b>	<b>12,396,540</b>	<b>1,563,400</b>	<b>13,959,940</b>
<b>LESS: CONTRIBUTION (FROM) TO RESERVES</b>	(21,750)	(372,750)			110,130			(70,050)			(584,970)
<b>NET BUDGET REQUIREMENT</b>	<b>12,004,930</b>	<b>12,028,780</b>			<b>13,528,480</b>			<b>13,413,920</b>			<b>13,374,970</b>
<b>LESS: REVENUE SUPPORT GRANT</b>	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
<b>GENERAL EXPENSES - COUNCIL TAX INCOME</b>	<b>7,848,010</b>	<b>7,848,010</b>			<b>8,205,460</b>			<b>8,573,410</b>			<b>8,955,940</b>
<b>COUNCIL TAX LEVY</b>		<b>229.34</b>			<b>236.21</b>			<b>243.30</b>			<b>250.60</b>
<b>COUNCIL TAX BASE</b>		<b>34,220</b>			<b>34,738</b>			<b>35,238</b>			<b>35,738</b>

**Capital Programme 2023-24 (including Slippage from 2022-23)**  
**Quarter 1 Position**

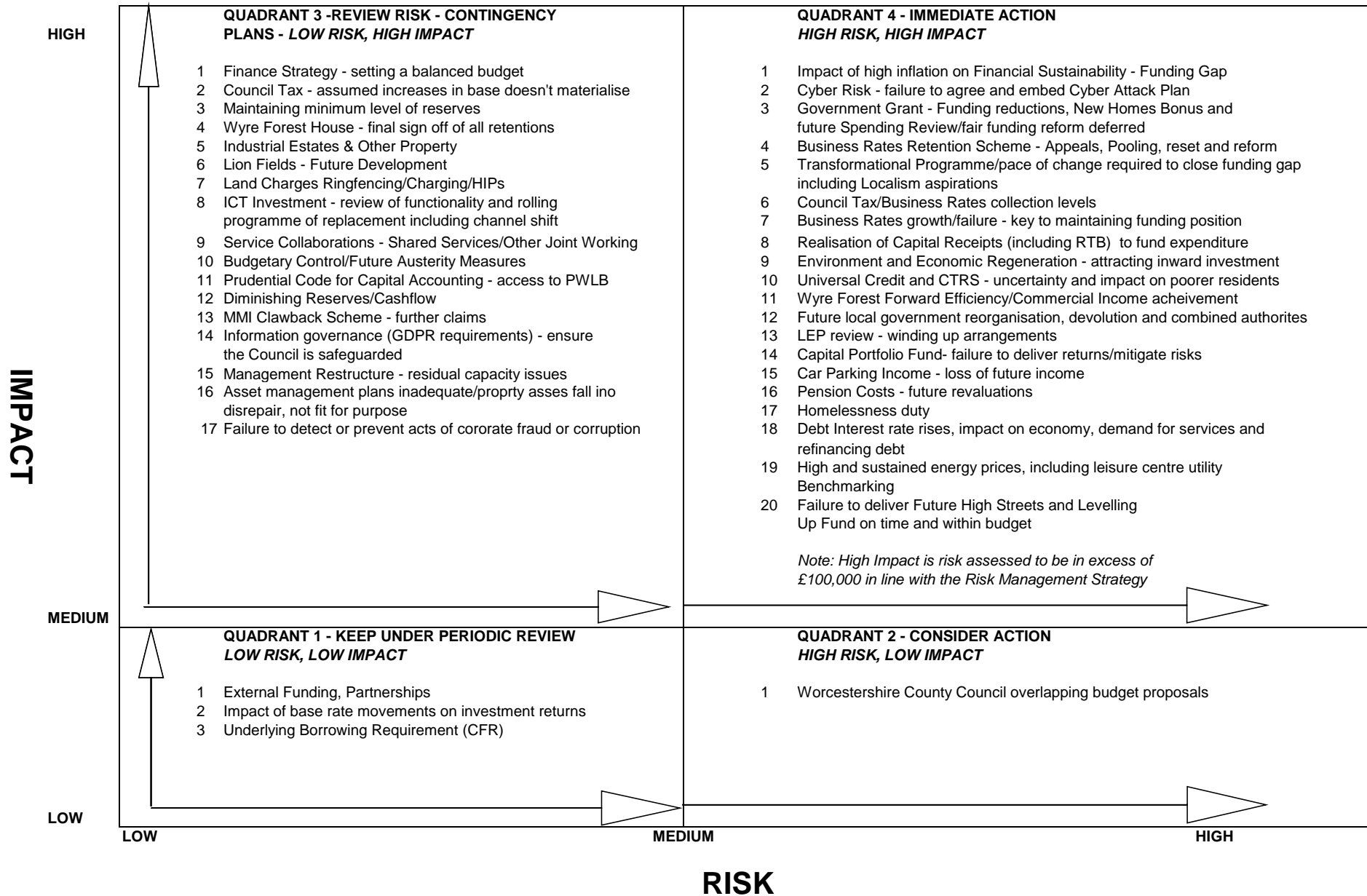
	2023-24	2023-24	2023-24	2023-24	
	Original Budget £	Updated Budget (including slippage from 22-23) £	Q1 Actual Expenditure £	Draft Outturn Slippage at Q1 £	Progress Notes
<b>COMMITTED EXPENDITURE</b>					
<b>CHIEF EXECUTIVE AND SOLICITOR TO THE COUNCIL</b>					
Headquarters - Office Accommodation	413,610	413,610	0	413,610	Final account not resolved. Budget slipped to 2024-25
<b>SUB TOTAL</b>	<b>413,610</b>	<b>413,610</b>	<b>0</b>	<b>413,610</b>	
<b>COMMUNITY AND ENVIRONMENTAL SERVICES</b>					
Parking Facilities: Improvements to Car Parks	29,530	54,530	0	0	Low energy lighting being installed across all car parks to reduce energy/carbon.
Brinton Park HLF Scheme (subject to successful HLF bid)	1,931,190	2,417,200	2,875	0	Project is currently predicted over budget. Officers are value engineering procurement within budget. Budget will be re profiled during revised budget process.
Innovation Fund Capital*	185,000	290,390	0	190,390	Currently a project for digital weighing system on commercial RCVs circa £60k.
Stouport Riverside	0	52,200	0	0	Ongoing project which will look to compete during this year.
CCTV Upgrade Bewdley and Stouport (PCC Funded)	0	4,460	0	0	Project ongoing and no slippage predicted. Will look to spend budget by end of financial year.
*Subject to Business Cases & approval by the Cabinet/CLT					
<b>SUB TOTAL</b>	<b>2,145,720</b>	<b>2,818,780</b>	<b>2,875</b>	<b>190,390</b>	
<b>STRATEGIC GROWTH</b>					
Housing Strategy:					
Disabled Facilities Grants	2,000,000	2,888,810	94,200	0	Q1 and Q2 funding of approximately £400k due to be transferred to the Home Improvement Agency shortly, and direct application cases are being processed that will accelerate spend during next quarter. Will be reprofiled as part of the Revised Budget Process.
Housing Fund	876,000	876,000	0	0	Scheme being progressed.
Flood Relief	28,410	28,410	0	0	Identified potential projects may need some funding in 2023-24, but timescales are dependent upon partner agencies including Environment Agency and Severn Trent Water. Will be reprofiled if necessary as part of the Revised Budget Process.
Housing Assistance - Private Sector Measures (including Decent Homes Grant)	290,230	361,210	25,234	211,210	Recycled grant funding has supported to maintain this budget. Landlord grants tied to landlords supporting rehoming referrals from the council will likely achieve around £150k this year. Remaining funds to be reprofiled over the next 2 years.
Future Investment Evergreen Fund (unallocated balance)*	890,470	1,009,970	0	0	Various projects earmarked - budget will be re profiled where necessary as part of the revised budget process.
Capital Projects Fund*	3,500,000	4,000,000	0	0	Full budget allocation currently sits in 2023-24 to give maximum flexibility for any schemes that may be developed. Likely that some will be reprofiled during the Revised Budget process.
Castle Road Development	2,000,000	3,314,290	97,416	0	This project is progressing - procurement exercise to appoint construction contract is underway. Expenditure will be reprofiled across 2023-24 and 2024-25 once contractor appointed. It is likely that a larger proportion of this capital budget will slip to 2024-25 during the Revised Budget process.
BCF Energy Efficiency	0	200,000	0	0	HUGS2 grants scheme now in place with a confirmed contractor. This will provide referrals for this fund that will supplement and provide an alternative to HUGS2 energy grants where HUGS cannot be applied for some reason or will not cover the whole costs.

**Capital Programme 2023-24 (including Slippage from 2022-23)**  
**Quarter 1 Position**

	2023-24	2023-24	2023-24	2023-24	
	Original Budget £	Updated Budget (including slippage from 22-23) £	Q1 Actual Expenditure £	Draft Outturn Slippage at Q1 £	Progress Notes
BCF Disabled Adapted Units	0	150,000	0	0	0 Scheme being progressed.
Flood Recovery Support (BEIS Funded)	150,000	0	0	0	0 Scheme transferred to Revenue
Electric Vehicle Chargepoints	0	271,000	0	0	0 The original procurement was cost prohibitive, alternative scheme design is being explored.
Local Authority Delivery Scheme Phase 3 (LADS3)	0	432,750	233,435	0	0 Scheme extension to end of September. Cases being worked on now to maximise this expenditure.
Home Upgrade Grant (HUGS1)	0	260,000	22,797	0	0 Scheme extension to end of September. Cases being worked on now to maximise this expenditure.
Innovation Fund Capital*	0	105,000	0	0	0 Allocation towards Bridge Street redevelopment project. Likely to be reprofiled during the Revised Project process as scoping work relating to scheme options is in progress.
Acquisition of Land at Horsefair, Kidderminster	49,590	49,590	0	0	0 Scheme being progressed.
* Subject to Business Cases & Due Diligence					
<b>SUB TOTAL</b>	<b>9,784,700</b>	<b>13,947,030</b>	<b>473,082</b>	<b>211,210</b>	
<b>ECONOMIC DEVELOPMENT AND REGENERATION</b>					
FHSF - Public Realm (Worcester St, Oxford St & Crown House)	249,390	6,781,710	176,800	0	0 Council approved an additional capital allocation of £2,737,730 in July 2023 for the increased project costs. This is included in the Updated Budget. Contractor has been appointed for the demolition of the former shops. Budget will be reprofiled as necessary during the revised budget process.
Levelling Up Fund**	5,517,050	13,502,140	139,677	0	0 Only projects likely to incur capital spend currently are Tow Path & Town Hall. Significant figure forecast but exact figure & budget profile available once contractor is appointed (mid-August).
FHSF - Creative Hub (former Magistrates Court)**	9,502,530	15,031,360	802,439	0	0 Council approved an additional capital allocation of £3m in July 2023 for the increased project costs. This is included in the Updated Budget. Work on site is continuing. Budget will be reprofiled as necessary during the revised budget process.
Capital Portfolio Fund*	6,050,830	6,050,830	0	0	0 any schemes that may be developed. Likely that some will be reprofiled during the Revised Budget process.
UK Shared Prosperity Fund*	178,890	287,360	0	0	0 Work is continuing to fund various projects.
*Subject to Business Cases & Due Diligence					
**Any Co-funding subject to full Business Case following the principles of the Capital Portfolio Fund					
<b>SUB TOTAL</b>	<b>21,498,690</b>	<b>41,653,400</b>	<b>1,118,916</b>	<b>0</b>	
<b>RESOURCES &amp; REVENUES, BENEFITS AND CUSTOMER SERVICES</b>					
ICT Strategy	250,000	502,480	17,537	0	0 Work is progressing on various ICT projects.
<b>SUB TOTAL</b>	<b>250,000</b>	<b>502,480</b>	<b>17,537</b>	<b>0</b>	
<b>VEHICLE, EQUIPMENT &amp; SYSTEMS RENEWAL SCHEDULE</b>					
Vehicles & Equipment & Systems Renewal Schedule	1,012,040	1,119,720	83,641	0	0 Procurement is progressing on the various scheduled renewals.
<b>SUB TOTAL</b>	<b>1,012,040</b>	<b>1,119,720</b>	<b>83,641</b>	<b>0</b>	
<b>TOTAL COMMITTED EXPENDITURE</b>	<b>35,104,760</b>	<b>60,455,020</b>	<b>1,696,051</b>	<b>815,210</b>	



**BUDGET RISK MATRIX 2023-26**



**WYRE FOREST DISTRICT COUNCIL**

**CABINET**  
**13<sup>th</sup> September 2023**

**Budget Monitoring First Quarter 2023-24**

**ANALYSIS OF OUTSTANDING DEBT**

This appendix details the Council's income collection position at the end of Quarter 1 (30<sup>th</sup> June 2023)

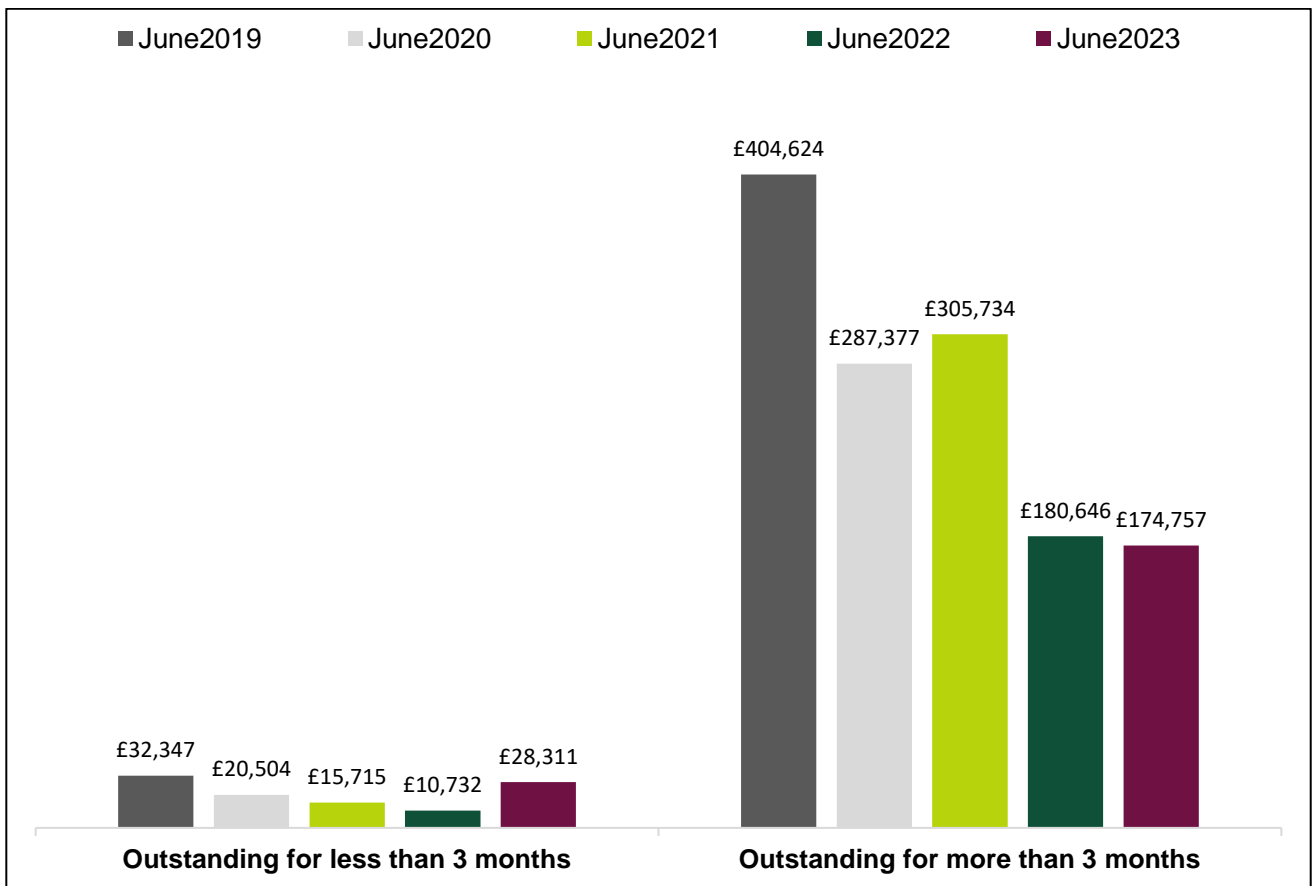
**1.1. Housing Benefit Overpayment Recovery**

Where customers have a change in their circumstances and we are later made aware of this, customers are expected to repay any Housing Benefit that has been overpaid.

Customers who remain on Housing Benefit and have received an overpayment, have a deduction from their on-going benefit. Where a change in circumstance transfers the customer to Universal Credit, the overpayment is via a customer invoice.

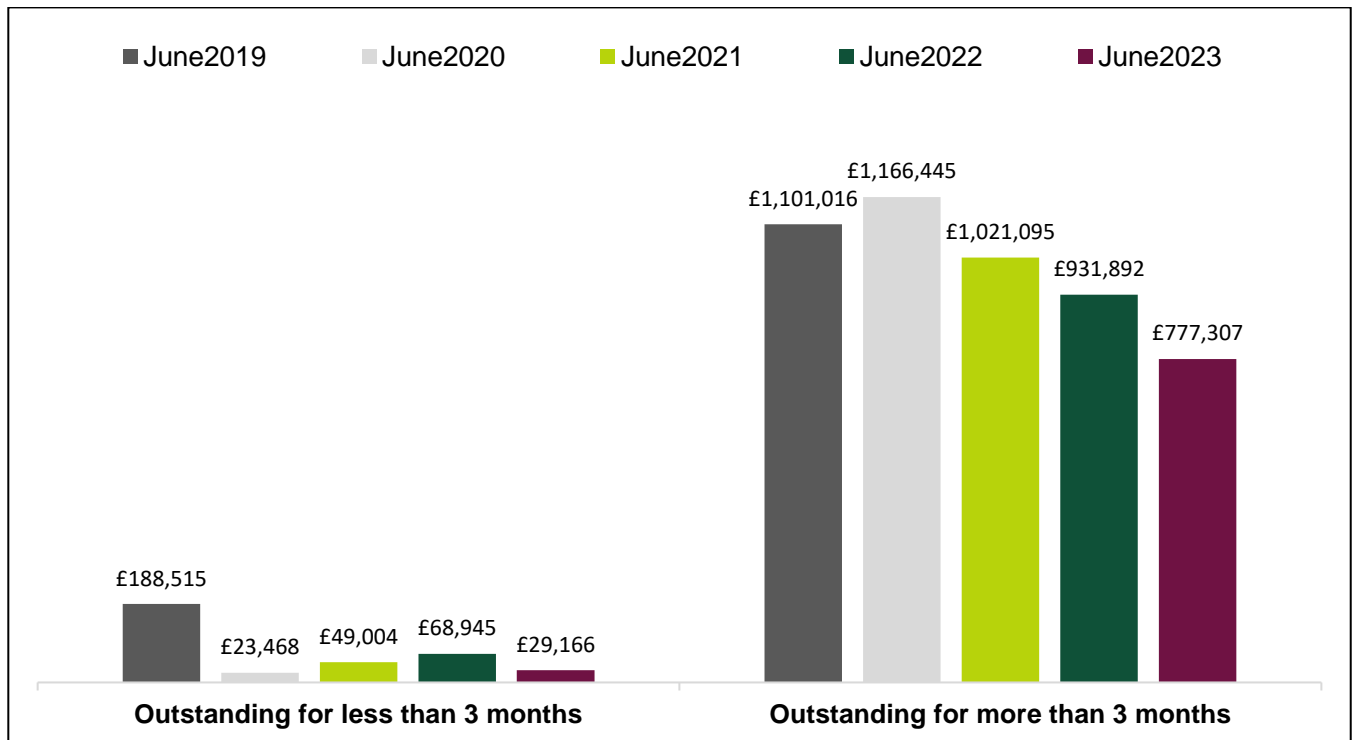
The arears position relating to Housing Benefit overpayment is shown in the next two graphs:

**Recovery by On-going Benefit**



## Agenda Item No. 5 Appendix 4 – Analysis of Outstanding Debt

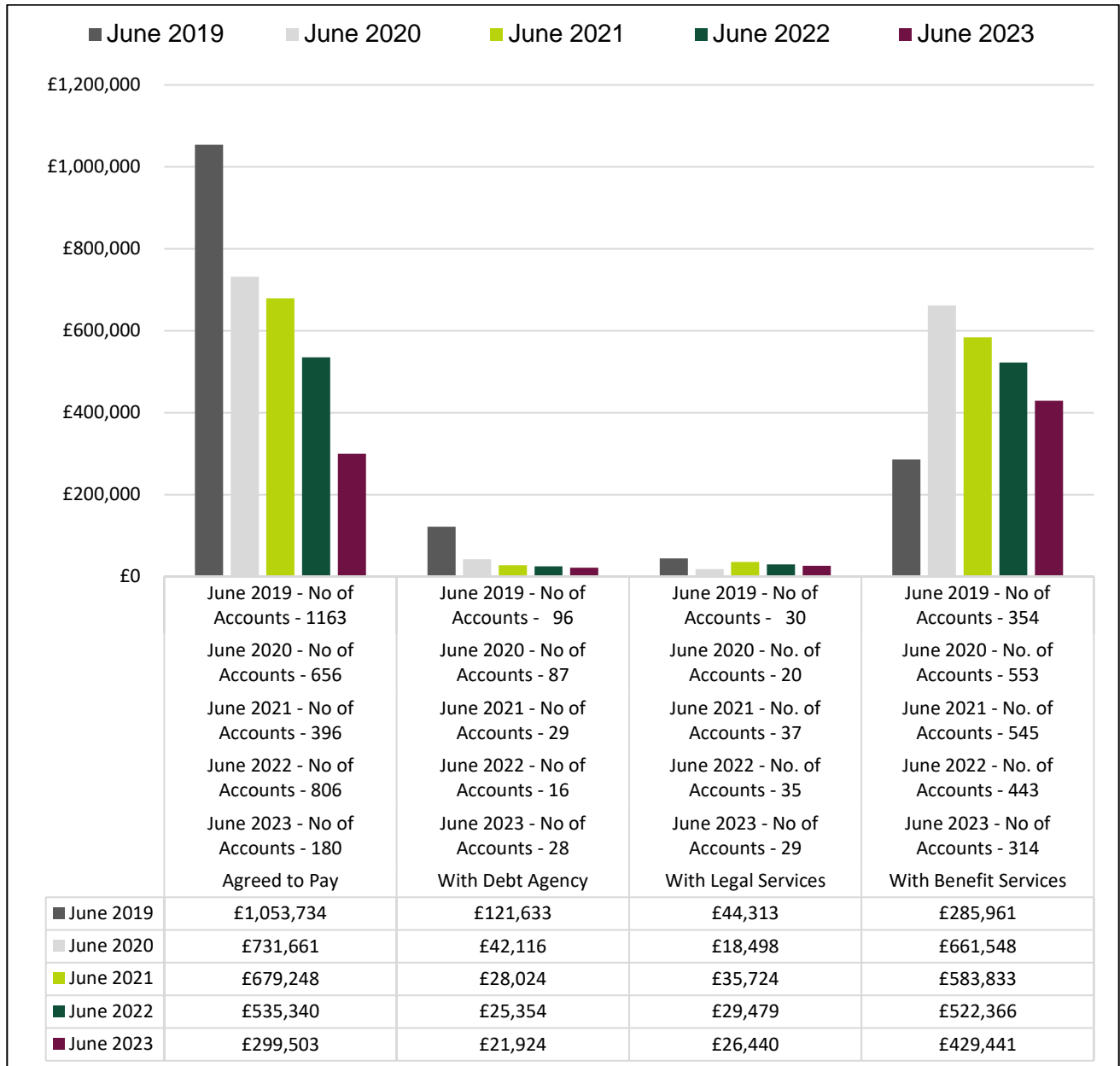
### Recovery by Customer Invoice



Debts over three months old have either agreement 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. Debts are referred as a last resort. As at June 2023 debts of £426 have been recovered at a cost of £64 (during the same period in 2022-23, £438 was recovered at a fee of £66). The number of accounts, the value outstanding and how this will be collected is shown in the following graph:

## Agenda Item No. 5 Appendix 4 – Analysis of Outstanding Debt

### Value and Number of Housing Benefit Overpayments over 3 months and Status



The total debt outstanding as at 30<sup>th</sup> June is £1,009,541 (including debt within payment terms) which represents a **15% decrease** over the balance outstanding at the end of Quarter 1 2022-23 (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 decreased to 237 (857 in 2022-23), a decrease of 620 cases. Cases referred to an external debt collection agency have increased to 28 (16 in 2022-23).

The introduction of Universal Credit in November 2018 continues to reduce the number of customers claiming Housing Benefit year on year and also the occurrence of overpayment and its collection via on-going benefit. Collection of overpayments via customer invoice has seen a decrease in overdue debt of less than 3 months as customers transfer to Universal Credit. In addition, collections rates on overdue debt for more than 3 months continues to improve as these debts are now collected via the DWP.

## Agenda Item No. 5 Appendix 4 – Analysis of Outstanding Debt

### 1.2. Sundry/ Property Debt

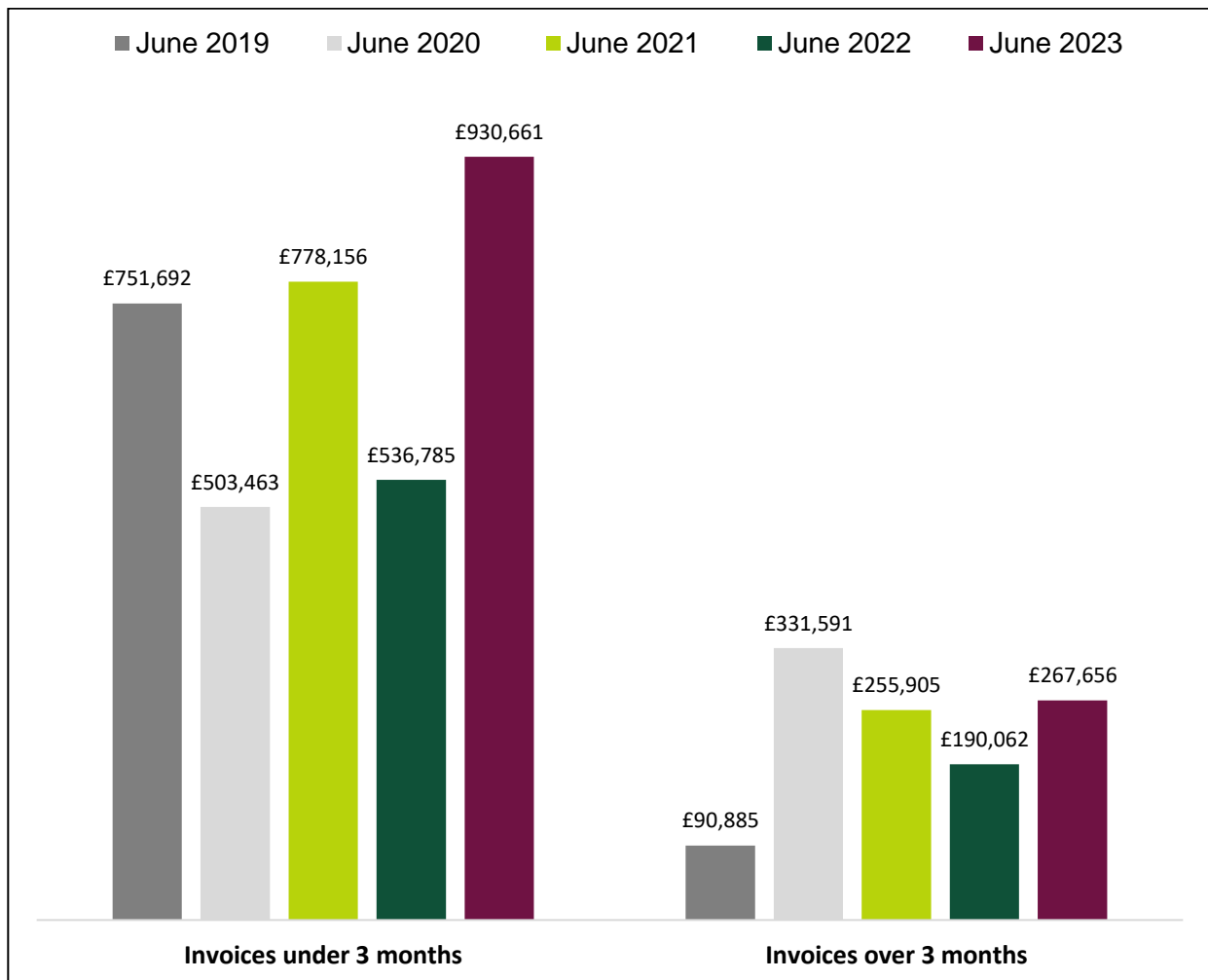
The total debt outstanding as at 30<sup>th</sup> June (including debt within payment terms) was £1,779,604 (Sundry Debt - £1,198,317 Property Debt - £581,287) which represents a 40.96% increase over the total balance outstanding at the end of Quarter 1 2022 of £1,262,527 (Sundry Debt - £726,847 Property Debt £535,679). The majority of this increase is due to the late invoicing in relation to shared service income with Bromsgrove and Redditch Councils due to challenges and delays in receiving purchase orders.

The 2023-24 Quarter 1 overdue debt (more than 3 months old) has increased to £489,183 (2022-23 £398,504).

Invoices overdue (older than 3 months)	Quarter 1 2020	Quarter 1 2021	Quarter 1 2022	Quarter 1 2023	Movements
Sundry Invoices	£331,600	£255,900	£190,000	£267,700	£77,700
Property Invoices	£131,100	£163,600	£208,400	£221,500	£13,100
Total Invoices	£462,700	£419,500	£398,400	£489,200	£90,800

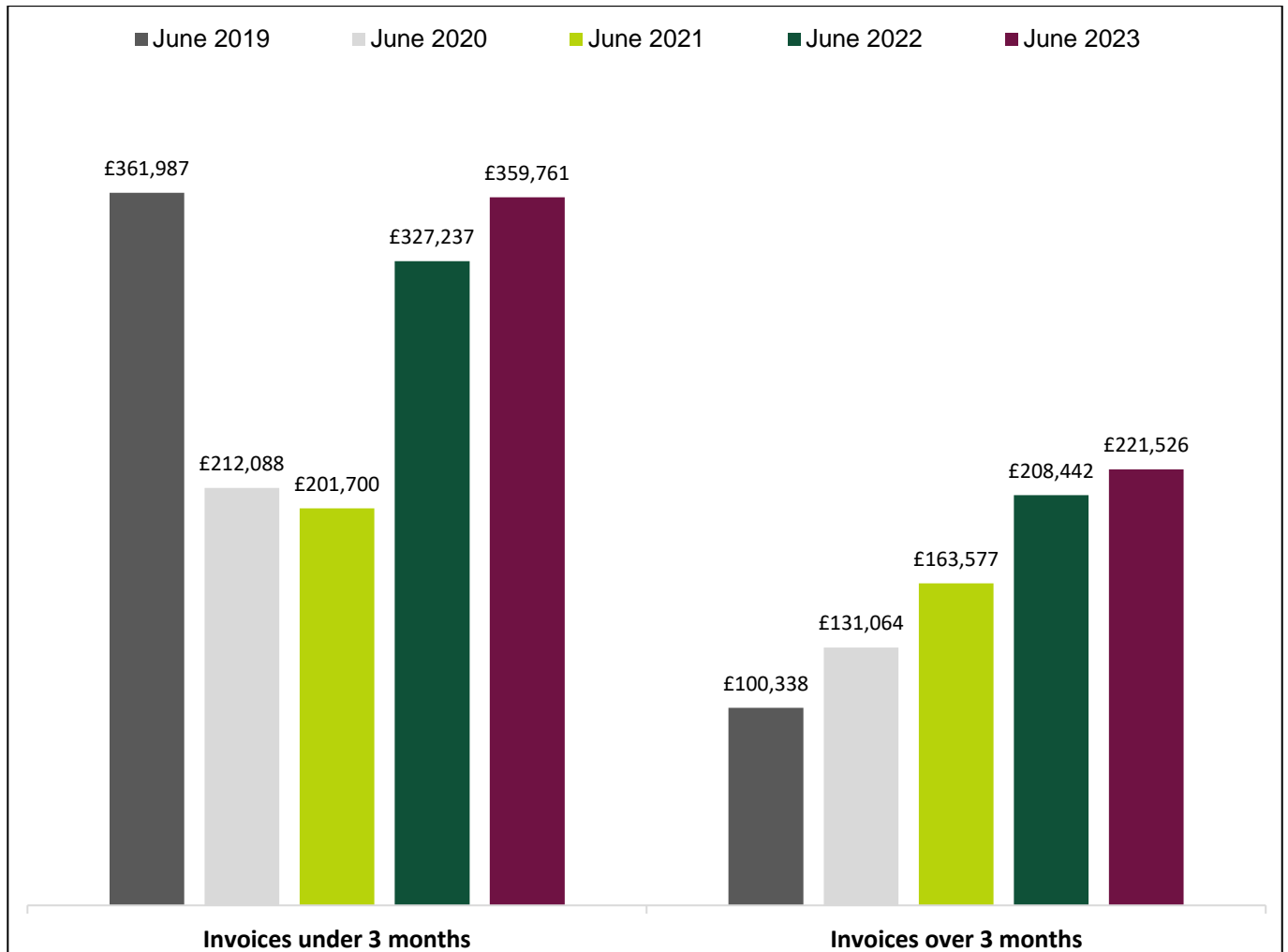
1.4. The position relating to Sundry Debtor and Property Invoices are as follows:

### Sundry Debtors



## Agenda Item No. 5 Appendix 4 – Analysis of Outstanding Debt

### Property Invoices and Debt



### **C&E Commercial Income Report P3**

The figures in the income report are from live sources and there may be timing differences between these figures and Agresso. Furthermore, there are accounting principles that have been applied to opening balances in Agresso and will also be made at year-end. Note that this report has been prepared prior to the accounting period being closed.

#### **Car Parks and Enforcement**

##### **Parking and Season Tickets**

- New parking app (MiPermit) introduced in April saw expected small reduction in parking revenue due to requirement to download a new app
- Ease-of-use of MiPermit has encouraged greater app-use in May and June compared to the same period last year (£94k vs £85k)
- More accurate forecast will be available for Q2 report, following the end of the summer period – historically when majority of parking revenue is generated

##### **PCNs (on and off-street)**

- High turnover of staff continues to impact PCN income
- Recruiting issues are ongoing however officers looking into alternatives
- Optimistic of achieving current targets

#### **Waste Collection**

##### **Commercial Waste**

- Expected to fall short of original budget due to inclusion of 2019 business case figures aimed at increasing revenue by £150k with an additional collection crew
- Expected to build on 2022-23 outturn of £840k following internal service review
- Work ongoing to maximise efficiencies and improve service delivery standards including:
  - o Review charging structure including retro-fitting of weighing scales
  - o Management software with route and delivery optimisation
  - o Rebranding

##### **Garden Waste**

- Internal service reviews being completed to build on 2022-23 record turnover of £526k
- Expected to exceed original budget, however important to note that new garden waste contracts will see some revenue accounted for in next financial year (2024-25) due to the IFRS15 accounting regulation
- Eg. garden waste contract starting 1<sup>st</sup> October 2024 will see half accounted for in 2023-24 and half in 2024-25

##### **Developers Bins**

- Increased income above original budget due to the large number of housing developments in the district.
- Estimated to exceed original budget by c.£30k.

Arboricultural and Grounds Maintenance

Arboricultural Services

- Staffing issues sees the team continue to operate at roughly 50% capacity
- Discussions are ongoing with neighbouring authorities and businesses about the arboricultural team agreeing annual contracts for tree services
- Expected to fall short of original budget
- Team setup being reviewed

Grounds Maintenance and Landscaping

- Teams generating revenue from spare capacity and current high-demand for work in internal services
- Expected to fall short of original external income target

Advertising

Refuse freighters

- The true value of advertising our own services on our refuse freighters is being recognised
- Advertising of internal services and other corporate initiatives (eg. Commercial waste waste, We Are Watching You enforcement campaign) is and will be on council owned refuse freighters

Islands/roundabouts

- Signs have been redesigned to ensure they are consistent and revenue being more actively pursued
- Expected to exceed original budget, however future income will be subject to IFRS15 accounting regulations

Highways and General Cleansing

Highways external

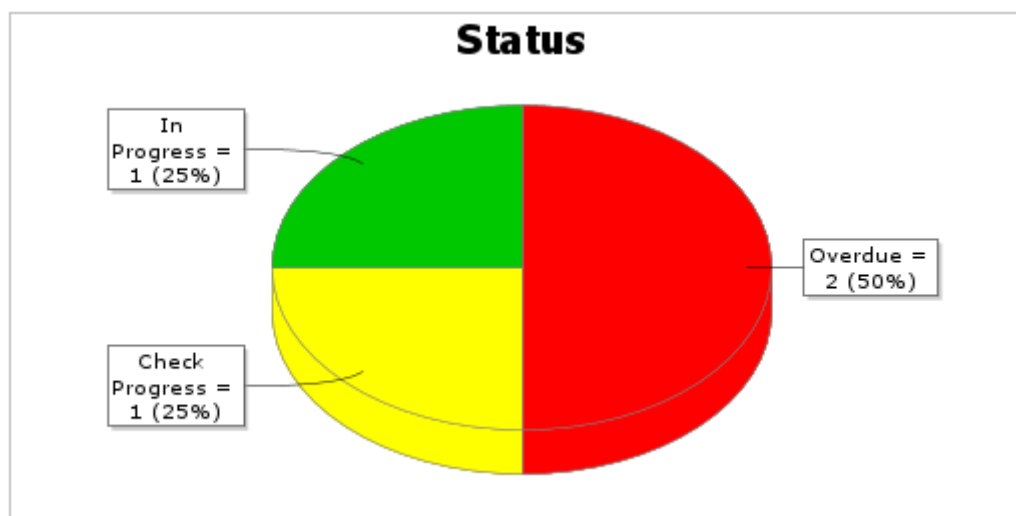
- Teams generating revenue from spare capacity and current high-demand for work in internal services
- Expected to fall short of original external income target



<b>C&amp;E Income</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2023-24</b>		<b>Original vs</b>
	<b>Actual</b>	<b>Original</b>	<b>Actual (P3)</b>	<b>Forecast</b>	<b>Forecast</b>
<b>Car Parks and Enforcement</b>					
Car parking (coin and pay-by-phone)	£1,191,709	£1,246,800	£331,387	£1,246,800	£0
Car park season tickets and resident parking	£176,042	£105,600	£52,888	£208,300	£102,700
PCNs (off-street)	£26,693	£41,250	£7,487	£41,250	£0
PCNs (on-street)	£110,418	£85,000	£16,095	£100,000	£15,000
Weavers Wharf management fee	£173,140	£188,730	£0	£188,730	£0
FPNs and misc. enforcement income	£16,405	£15,000	£1,665	£15,000	£0
Aldi rent, rental space and misc.	£11,767	£12,540	£408	£12,540	£0
<b>Total</b>	<b>£1,706,174</b>	<b>£1,694,920</b>	<b>£409,930</b>	<b>£1,812,620</b>	<b>£117,700</b>
<b>Wyre Forest Leisure Centre</b>					
Management contract	£620,184	£622,560	£0	£622,560	£0
<b>Total</b>	<b>£620,184</b>	<b>£622,560</b>	<b>£0</b>	<b>£622,560</b>	<b>£0</b>
<b>Waste</b>					
Business waste	£839,341	£962,000	£138,368	£850,000	-£112,000
Garden waste	£525,884	£500,000	£474,710	£550,000	£50,000
Waste transfer station	£17,083	£16,800	£8,400	£16,800	£0
Developers bins and domestic replacements	£48,152	£15,270	£8,325	£50,000	£34,730
<b>Total</b>	<b>£1,430,460</b>	<b>£1,494,070</b>	<b>£629,803</b>	<b>£1,466,800</b>	<b>-£27,270</b>
<b>Garage</b>					
MOTs and servicing	£21,206	£21,500	£2,079	£7,800	-£13,700
<b>Total</b>	<b>£21,206</b>	<b>£21,500</b>	<b>£2,079</b>	<b>£7,800</b>	<b>-£13,700</b>
<b>Driver Training</b>					
Training	£11,219	£26,250	£0	£15,000	-£11,250
<b>Total</b>	<b>£11,219</b>	<b>£26,250</b>	<b>£0</b>	<b>£15,000</b>	<b>-£11,250</b>
<b>Arboricultural and Grounds Maintenance</b>					
Tree gang	£64,410	£155,000	£5,741	£70,000	-£85,000
Grounds maintenance	£75,427	£85,000	£0	£75,400	-£9,600
Landscaping	£11,945	£50,000	£0	£20,000	-£30,000
Advertising	£18,886	£25,000	£0	£25,000	£0
<b>Total</b>	<b>£170,668</b>	<b>£315,000</b>	<b>£5,741</b>	<b>£190,400</b>	<b>-£124,600</b>
<b>Parks and Green Spaces</b>					
Maintenance of highways verges	£75,000	£75,000	£86,250	£86,250	£11,250
Parks licences and rentals	£24,789	£13,590	£9,839	£30,400	£16,810
Rangers and nature reserves	£54	£50	£50	£50	£0
<b>Total</b>	<b>£99,843</b>	<b>£88,640</b>	<b>£96,139</b>	<b>£116,700</b>	<b>£28,060</b>
<b>Highways and General Cleansing</b>					
Bulky waste	£56,315	£64,000	£16,906	£67,100	£3,100
Highways external	£64,335	£80,000	£29,927	£64,300	-£15,700
<b>Total</b>	<b>£120,650</b>	<b>£144,000</b>	<b>£46,833</b>	<b>£131,400</b>	<b>-£12,600</b>
<b>Bewdley Museum</b>					
Shop income	£66,126	£54,800	£18,321	£62,770	£7,970
Educational visits	£12,597	£20,000	£4,931	£29,850	£9,850
Museum activities	£26,804	£20,000	£7,689	£20,730	£730
Weddings	£10,619	£15,000	£11,164	£19,370	£4,370
Property and rents	£21,443	£17,280	£5,661	£23,340	£6,060
Misc fees and income	£7,359	£12,500	£2,193	£12,500	£0
Guildhall	£660	£660	£550	£660	£0
<b>Total</b>	<b>£145,607</b>	<b>£140,240</b>	<b>£50,509</b>	<b>£169,220</b>	<b>£28,980</b>
<b>Cemetery</b>					
Burial Fees	£71,363	£55,420	£12,281	£55,420	£0
<b>Total</b>	<b>£71,363</b>	<b>£55,420</b>	<b>£12,281</b>	<b>£55,420</b>	<b>£0</b>
<b>Other</b>					
Green street depot rents	£4,500	£2,000	£1,000	£2,000	£0
<b>Total</b>	<b>£4,500</b>	<b>£2,000</b>	<b>£1,000</b>	<b>£2,000</b>	<b>£0</b>
<b>Grand Total</b>	<b>£4,401,874</b>	<b>£4,604,600</b>	<b>£1,254,315</b>	<b>£4,589,920</b>	<b>-£14,680</b>

### 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 99 Electric Vehicle Charging Points 

Due Date	Managed By	Latest Note	Latest Note Date
30-Jun-2023	Kate Bailey	Selected contractor going through procurement checks.	10-May-2023

WFF 23/23 104 Brinton Park HLF 

Due Date	Managed By	Latest Note	Latest Note Date
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30-Sep-2024	Steve Brant	Currently undertaking a value engineering exercise due to increased costs. Procurement exercise will commence after this review.	20-Jul-2023
-------------	-------------	--	-------------

WFF 23/24 105 Solar Farm 

Due Date	Managed By	Latest Note	Latest Note Date
30-Jun-2023	Kate Bailey	Proposals received from consultant regarding new connection to grid. Awaiting timeline.	10-May-2023

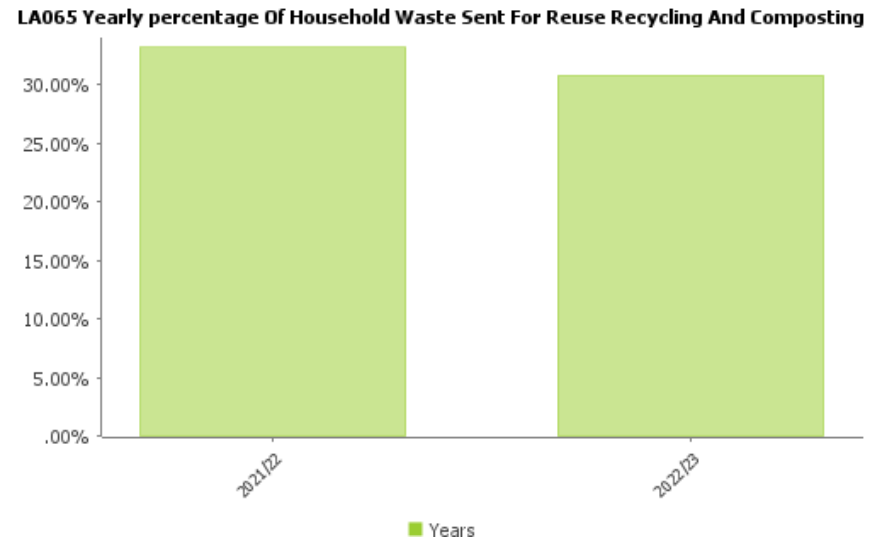
WFF 23/24 110 Wyre Forest Wild 

Due Date	Managed By	Latest Note	Latest Note Date
31-Mar-2024	Steve Brant	Bid to Innovation Fund unsuccessful. Engaged contractors and currently preparing brand identity with an intention to make a third funding bid.	20-Jul-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:

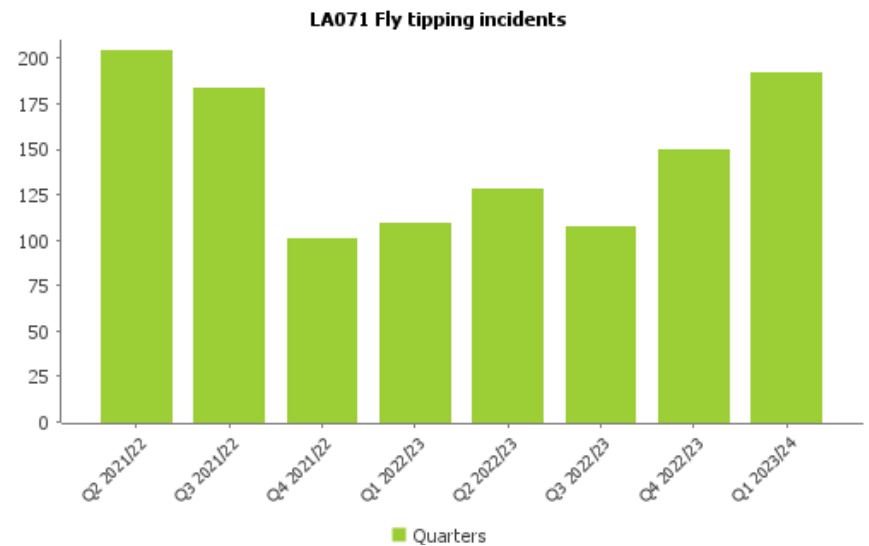
**LA065** Yearly percentage Of Household Waste Sent For Reuse Recycling And Composting



Current Value 30.81%

Managed By Steve Brant

**LA071** Fly tipping incidents



Current Value 192

Managed By Steve Brant

### 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



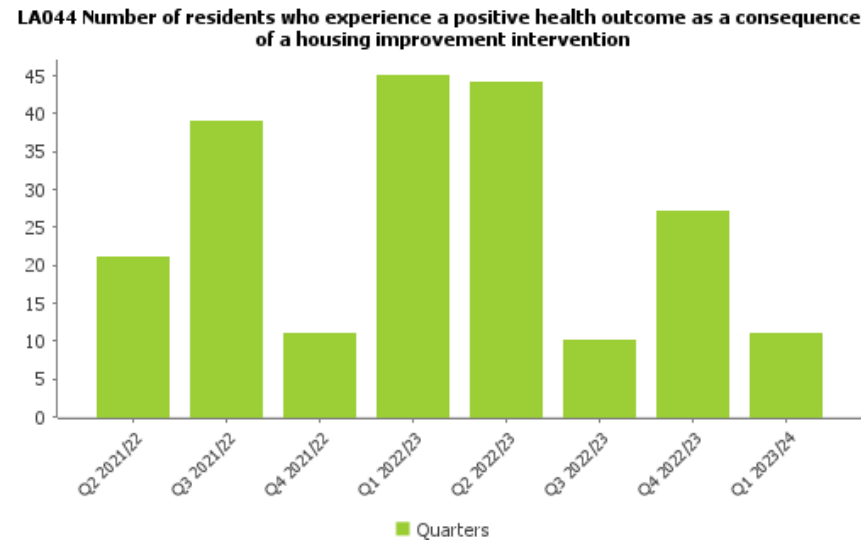
**LA039** Number of affordable new homes completed



Current Value 7

Managed By Kate Bailey

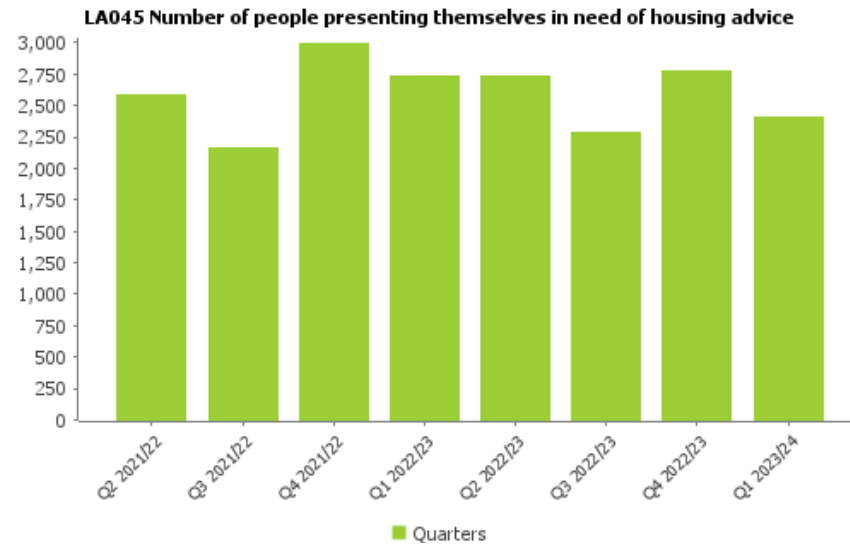
**LA044** Number of residents who experience a positive health outcome as a consequence of a housing improvement intervention



Current Value 11

Managed By Kate Bailey

**LA045** Number of people presenting themselves in need of housing advice



Current Value 2,401

Managed By Kate Bailey

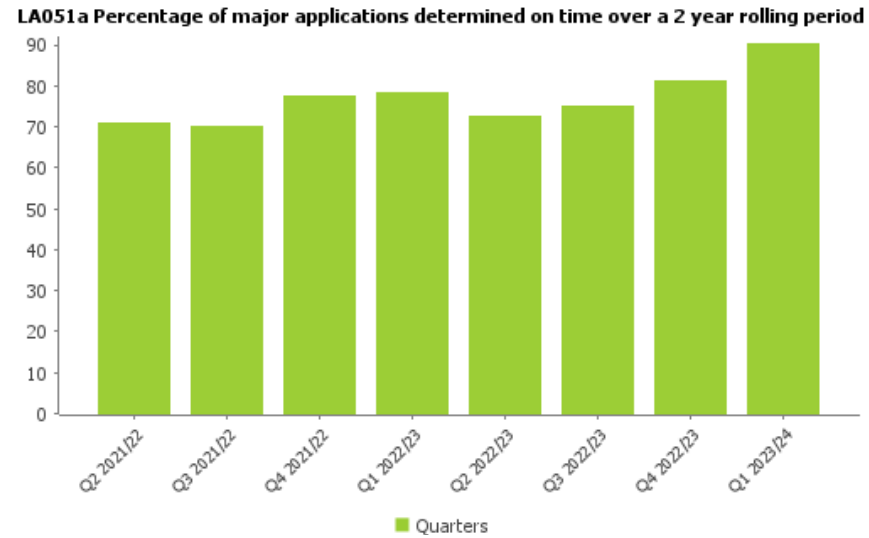
**LE016** Number of visitors to Bewdley Museum



Current Value 245,000

Managed By Alison Bakr

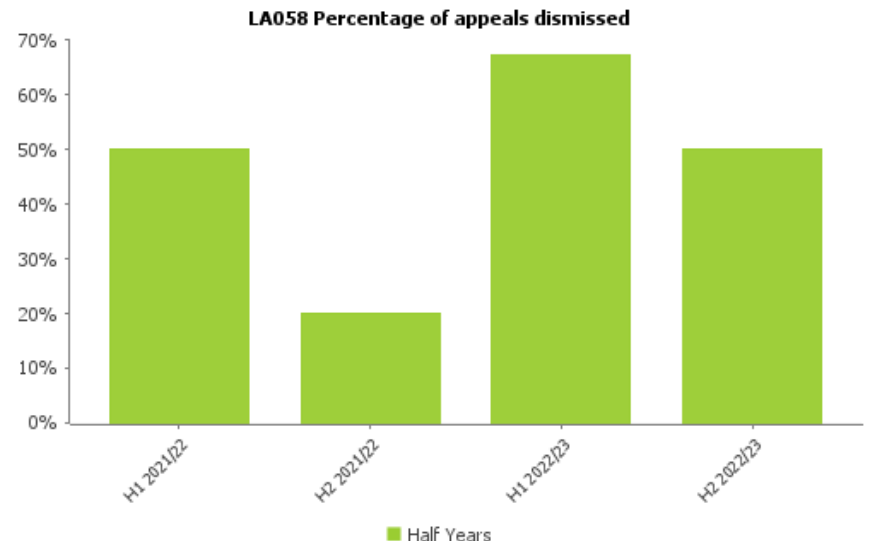
**LA051** Percentage of major applications determined on time over a 2 year rolling period  
**a**



Current Value 90.4

Managed By Helen Hawkes

**LA058** Percentage of appeals dismissed



Current Value 50%

Managed By Helen Hawkes



LA058 Number of appeals determined

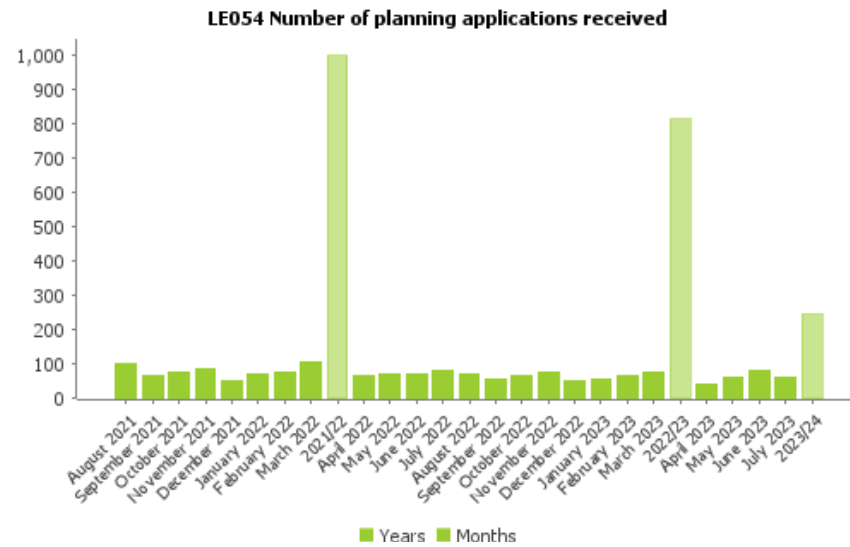
a



Current Value 33%

Managed By Helen Hawkes

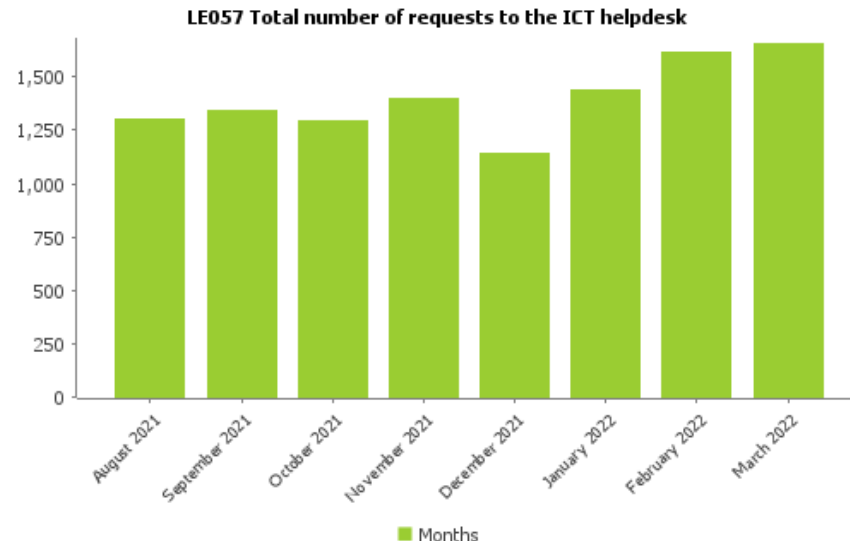
LE054 Number of planning applications received



Current Value 62

Managed By Helen Hawkes

**LE057** Total number of requests to the ICT helpdesk



Current Value 1,654

Managed By Dave Johnson

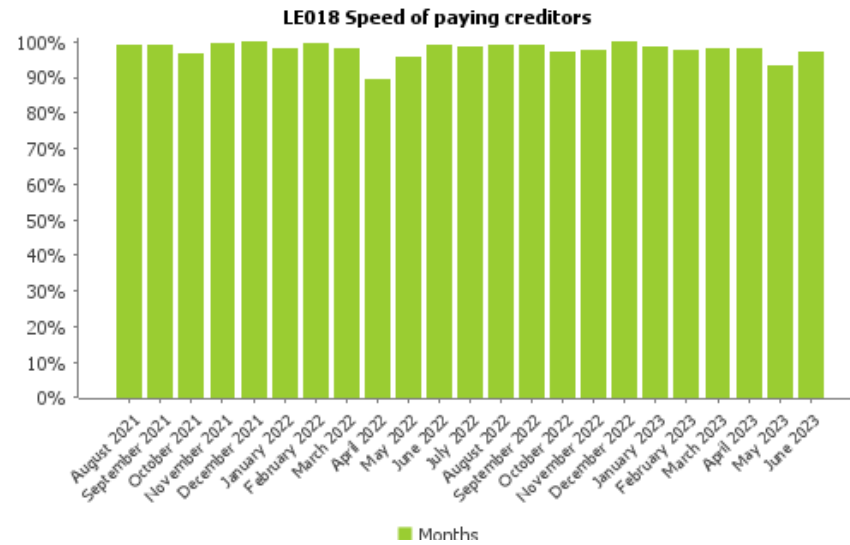
**LE041 a** Working Days Lost Due to Sickness Absence (Average per FTE)



Current Value 1.5

Managed By Caroline Newlands

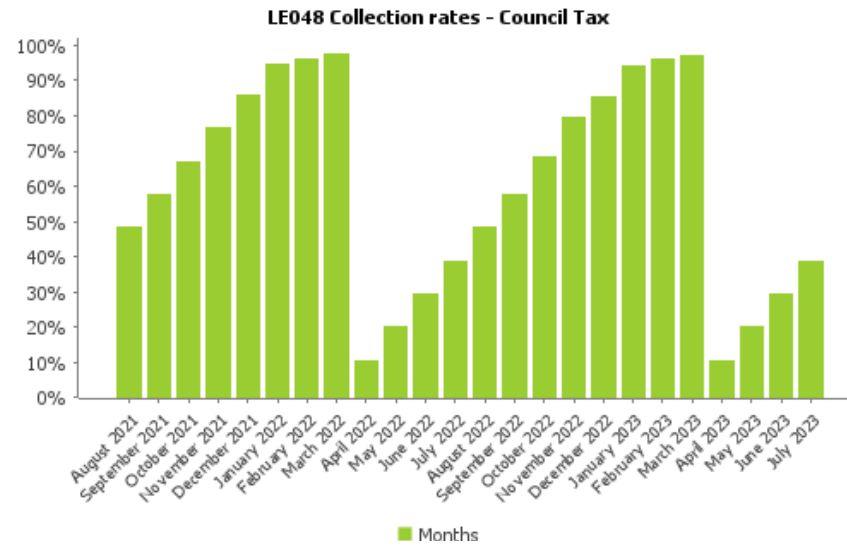
LE018 Speed of paying creditors



Current Value 97%

Managed By Helen Ogram

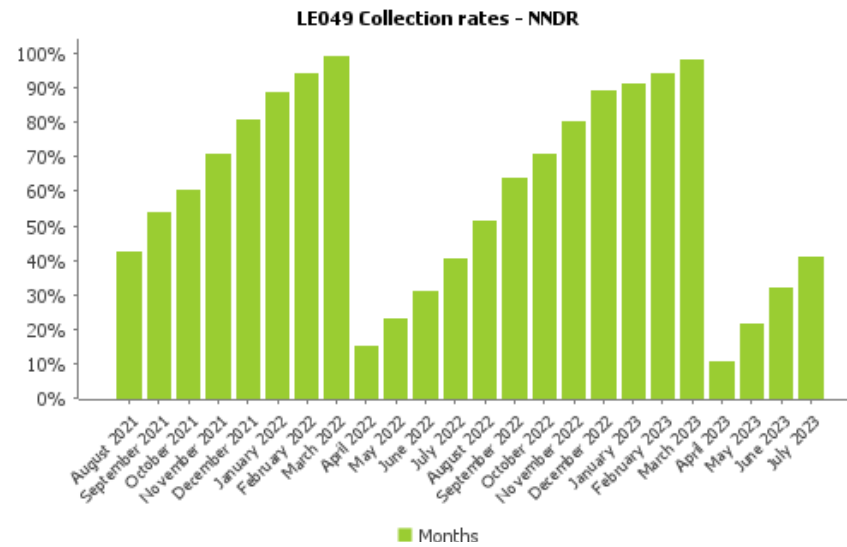
LE048 Collection rates – Council Tax



Current Value 38.86%

Managed By Lucy Wright

LE049 Collection rates – NNDR

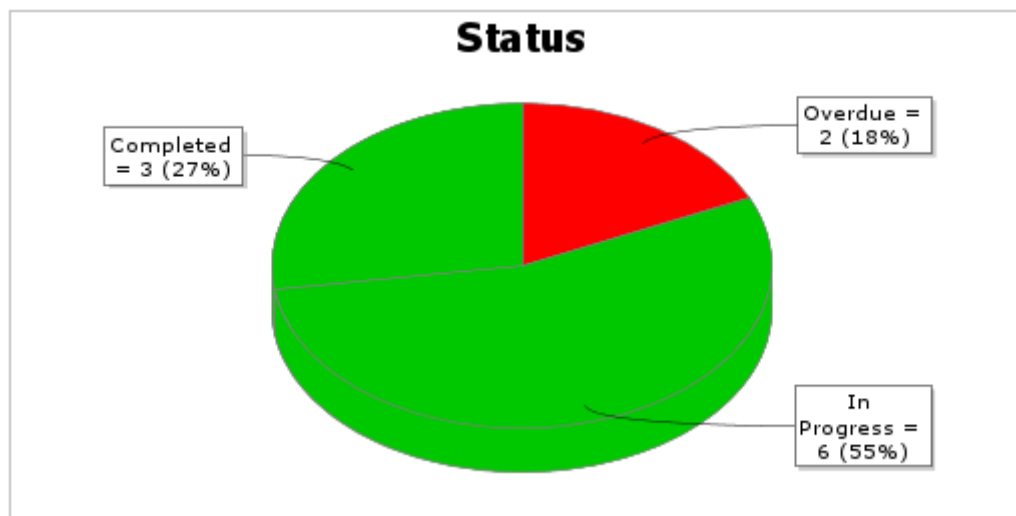



Current Value 41.08%

Managed By Lucy Wright

### 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'.



RA23/24 58 Governance arrangements: programme board in place 

Due Date	Managed By	Latest Note	Latest Note Date
31-Mar-2024	Head of North Worcestershire Economic Development and Regeneration; Head of Resources; Solicitor to the	Structure in place and on-going attendance and participation in LUF and FHSF board meetings. Robust arrangements maintained for budgetary control and governance. Audit plan provides resource for contract audit assurance. Report to Government on quarterly	21-Jul-2023

Council

basis. Risk registers are updated at each board meeting.

RA23/24 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-2024	Head of North Worcestershire Economic Development and Regeneration	Programme team report to Interim Regeneration Manager who reports to Head of NWEDR. Structure in place and reflecting needs currently. More external resource may come in to reflect the project need.	21-Jul-2023

RA23/24 61

Financial contingencies



Due Date	Managed By	Latest Note	Latest Note Date
31-Mar-2024	Head of North Worcestershire Economic Development and Regeneration; Head of Resources	VOA approved the Council request to remove the properties due for demolition from the rating list.	21-Jul-2023

WFF 22/23 89

Future High Streets Fund Programme



Due Date	Managed By	Latest Note	Latest Note Date
31-Mar-2024	Ostap Paparega	The FHSF is still on programme and the key next steps for this program are:-  Procurement of Design Team to work on the connecting projects and former Bull Ring designs and this is currently being progressed	29-Aug-2023

Concurrently, we are considering the asbestos removal and demolition requirements for the acquired properties and progressing these packages of work. The programme has identified that this can be delivered in two stages, and this is linked to the requirement to relocate a substation in 2-6 Worcester Street before the building can be demolished. Advanced negotiations with Western Power Distribution on the relocation of the sub-station are underway.

FHSF site wide master plan, consultants have been commissioned to develop the site wide master plan and an induction meeting has been arranged. Will be able to report on the outputs and timescales after the meeting.

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	Funding secured from the UK SPF	29-Aug-2023

WFF 22/23 96

Redevelopment of Land at Radford Avenue



Due Date	Managed By	Latest Note	Latest Note Date
31-Dec-2024	Kate Bailey	Requires new Cabinet approval to pursue compulsory purchase order. Report likely to come forward in July.	10-May-2023

WFF 22/23 97

Levelling up fund



Due Date	Managed By	Latest Note	Latest Note Date
----------	------------	-------------	------------------

31-Mar-2025

Ostap Paparega

**Kidderminster Town Hall**

29-Aug-2023

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
31-Dec-2023	Kate Bailey	Heads of Terms with Housing Provider – awaiting sign off.	10-May-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

WFF 23/24 101 ⬮  
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 23/24 103 ▶  
UK shared Prosperity Fund

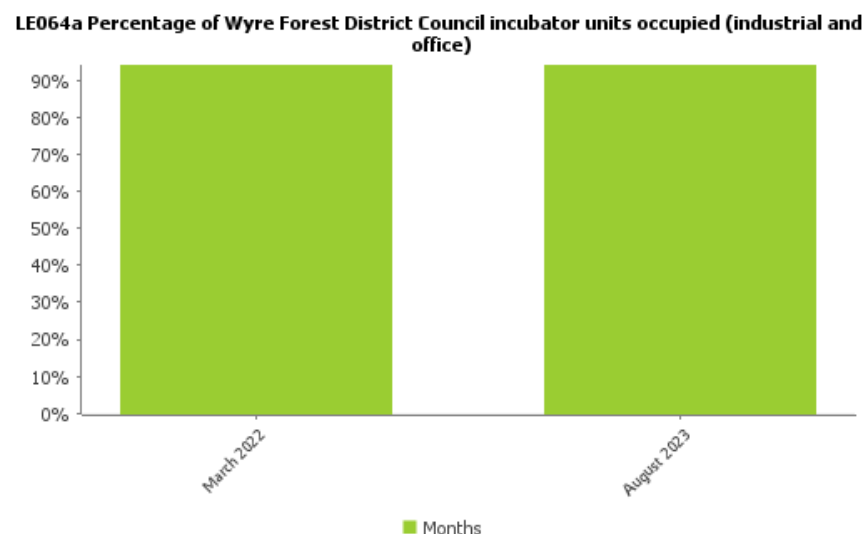


Due Date	Managed By	Latest Note	Latest Note Date
31-Mar-2025	Ostap Paparega	UKSPF approval was expected in October 2022, delayed to December. ReWyre board met in Q4 to agree project allocations.	29-Aug-2023

**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)  
**a**



Current Value 94%

Managed By Ostap Paparega

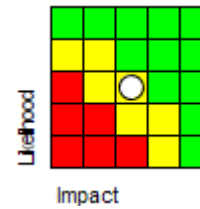
**Risks**

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'.

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

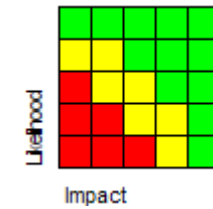
Current Risk Matrix



Impact Moderate  
Likelihood Likely



Target Risk Matrix

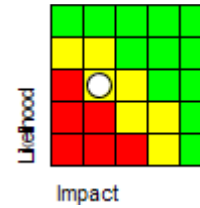


Impact  
Likelihood

Description to be provided

CORPRISK15

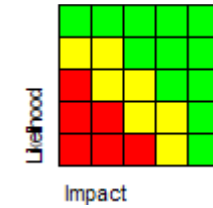
Current Risk Matrix



Impact Major  
Likelihood Likely



Target Risk Matrix



Impact  
Likelihood

# Overview & Scrutiny Committee



**Report of:** Kathryn Underhill, Community & Strategic Projects Manager

## **Date**

04/09/2023

## **Open**

## **Environmental Enforcement Policy and to agree increased penalty charges**

## **Summary**

Attached is a draft of a Cabinet report on a new Environmental Enforcement Policy, which Cabinet is expected to consider on 12 September 2023.

The Overview and Scrutiny Committee is invited to consider the report and provide recommendations to Cabinet.

## **Officer contact details**

Name: Kathryn Underhill

Title: Community & Strategic Projects Manager

Contact number: 01562 732956

**WYRE FOREST DISTRICT COUNCIL**  
**CABINET**  
**12<sup>th</sup> September 2023**

**ENVIRONMENTAL ENFORCEMENT POLICY**

<b>OPEN</b>	
<b>CABINET MEMBER:</b>	Councillor Ben Brookes, Cabinet Member for Operational Services
<b>RESPONSIBLE OFFICER:</b>	Steve Brant, Head of Community and Environment Services
<b>CONTACT OFFICER:</b>	Kathryn Underhill, Community and Strategic Projects Manager
<b>APPENDICES:</b>	Appendix One: Environmental Enforcement Policy

**1. PURPOSE OF REPORT**

- 1.1 The purpose of this report is to agree the Environmental Enforcement Policy and to adopt the increases in penalty charges.

**2. RECOMMENDATION**

**Cabinet is recommended to:**

- 2.1 **ADOPT the Environmental Enforcement Policy in Appendix One.**
- 2.2 **ADOPT the increases in penalty charges outlined in Table One at paragraph 5 with effect from 13 September 2023.**

**3. BACKGROUND**

- 3.1 The report presents an updated Environmental Enforcement Policy which sets out the Council's approach to enforcing environmental crimes. It replaces the Environmental, Education and Enforcement Strategy (January 2007).
- 3.2 The Council's existing enforcement policy has been updated to ensure it reflects the most recent legislation and powers which were introduced as a result of the Anti-Social Behaviour, Crime and Policing Act 2014. The policy outlines how we will use these and all other relevant powers in our current enforcement work, to ensure an effective and consistent approach is taken to all environmental crime across Wyre Forest.
- 3.3 While the policy provides a framework for Council employees whilst they are carrying out their day-to-day duties, it is also designed to provide an overview of the Council's approach and general operating principles to those who might be affected by its use; this would include members of the public, commercial businesses, and voluntary organisations.

- 3.4 The local environment influences our quality of life and also impacts on experience whether living, visiting, or working within the district. Whilst Wyre Forest District Council, alongside other local authority partners, has a responsibility for maintaining a clean environment for all, our communities have an integral part to play in achieving a safer and cleaner district.

#### **4. KEY ISSUES**

- 4.1 The Enforcement Policy has been considered by the Overview and Scrutiny Committee and its recommendations will be reported separately.
- 4.2 Enforcement plays a vital role in maintaining a clean and safe environment by initially providing information and advice to individuals, but also acting as a deterrent regarding their responsibilities. Where individuals and/or businesses fail to recognise and change their negative behaviour, enforcement ensures that they are made accountable for their actions, through various legislative processes.
- 4.3 The Clean Neighbourhoods and Environment Act 2005 enhanced existing powers under the Environmental Protection Act 1990 and saw the introduction of powers for local authorities to help tackle environmental crime. The Anti-Social Behaviour, Crime and Policing Act 2014 further enhanced the powers available to deal with anti-social behaviour and introduced Public Space Protection Orders (PSPOs) across a wide range of environmental areas. All of the Acts provide effective powers and tools to tackle and deal quickly with environmental issues.
- 4.4 The Prime Minister's Anti-Social Behaviour Action Plan (May 2023) stated that police and local authorities would be given the tools they need to act and restore pride in communities. A statutory instrument, the Environmental Offences (Fixed Penalties) (Amendment) (England) Regulations 2023 No 770, came into force on 31 July and gives local authorities the ability to increase the maximum amounts for Fixed Penalty Notices. The upper limits have been increased to £1,000 for fly-tipping, £600 for breach of household waste duty of care and £500 for litter and graffiti. The Government is clear that they wish to see more fines handed out to help deter environmental crime in the first place.
- 4.5 Local authorities have the freedom to set the rates that offenders should pay, within the limits outlined above. Table One outlines the new maximum amounts proposed for adoption at a local level, which are based on the maxima in the 2023 Regulations, as well as the reduced amounts if the penalty is paid within the prescribed period. The full table of all Local Level Settings is contained on page 15 within the Enforcement Policy at Appendix One. For information, Table Two shows the current maximum and reduced amounts that apply for these environmental crimes.
- 4.6 The higher level of fines is expected to have a deterrent effect and the Council will use all appropriate measures to ensure that fine income is collected. The impact of the higher fines will be kept under review. If necessary in order to seek to change the unacceptable behaviour of those who are responsible for environmental crimes, it is open to the Cabinet to raise the reduced amounts at a future date in order to increase the deterrent effect.

**5. Table One: Proposed WFDC Full and Reduced Penalty Amounts, to take effect on 13 September 2023**

Description of Offence	Legislation	WFDC Full Penalty Amount	WFDC Reduced amount if paid within prescribed period
Littering	Section 87 & 88 - Environmental Protection Act 1990	£500	£150
Graffiti	Section 43 - Anti-Social Behaviour Act 2003	£500	£150
Fly Posting	Section 43 - Anti-Social Behaviour Act 2003	£500	£150
Failure to Produce Documentation	Section 34 & 34ZA - Environmental Protection Act 1990	£600	£300
Fly-Tipping	Section 33 & 33ZA - Environmental Protection Act 1990	£1000	£500

**Table Two: penalty amounts prior to the changes being made as a consequence of this report – for information only**

Description of Offence	Legislation	WFDC Full Penalty Amount	WFDC Reduced amount if paid within prescribed period
Littering	Section 87 & 88 - Environmental Protection Act 1990	£150	£100
Graffiti	Section 43 - Anti-Social Behaviour Act 2003	£150	£100
Fly Posting	Section 43 - Anti-Social Behaviour Act 2003	£150	£100
Failure to Produce Documentation	Section 34 & 34ZA - Environmental Protection Act 1990	£300	£200

Description of Offence	Legislation	WFDC Full Penalty Amount	WFDC Reduced amount if paid within prescribed period
Fly-Tipping	Section 33 & 33ZA - Environmental Protection Act 1990	£400	£300

## **6. FINANCIAL IMPLICATIONS**

- 6.1 Preparation and adoption of the policy has no additional financial implications as it has been undertaken by staff within existing resources. The policy reflects current delivery of the enforcement service and is met within existing budgets. As part of the approved medium term financial strategy for 2023-27, the Council has provided funding to expand the enforcement team by two environmental and civil enforcement officers.
- 6.2 If behaviour of those who commit environmental crimes does not change, the higher level of fixed penalty amounts is expected to increase the contribution to the cost of environmental enforcement by approximately 50%. In 2022-23, 156 fixed penalty notices were issued, and total fine income was £16.5k.

Years	Number of FPNs	Income
2020/21	191	£17,668
2021/22	234	£28,350
2022/23	156	£16,405

## **7. LEGAL AND POLICY IMPLICATIONS**

- 7.1 Relevant legislation is referred to in the proposed Environmental Enforcement Policy and in this report. The policy also supports the statutory requirements of Section 17 of the Crime and Disorder Act 1998: implications with regards to the duty of local authorities to consider the impact of their decisions and actions on crime and disorder in the local area.

## **8. EQUALITY IMPACT NEEDS ASSESSMENT**

- 8.1 An Equality Impact Needs Assessment has been completed and is available on request. There are no adverse implications on any of the protected characteristics.

## **9. RISK MANAGEMENT**

- 9.1 The policy does not change the current arrangements or standards. The higher level of fixed penalties should increase the deterrent effect and may reduce the incidence of littering, fly-tipping etc. However higher penalties may prove more difficult to collect as those responsible for environmental crimes may make more strenuous efforts to challenge or avoid them. This risk is mitigated because FPNs are issued only where there is a strong evidence base, and the Council has robust procedures in place to recover amounts owed including court action if necessary.

**10. CONCLUSION**

10.1 The Cabinet is invited to adopt the Environmental Enforcement Policy and to approve the increase level of fixed penalty notices.

**11. CONSULTEES**

11.1 Corporate Leadership Team

11.2 Litigation Solicitor

**12. BACKGROUND PAPERS**

WFDC Environmental Compliance Fixed Penalty Operational Guidance  
Environmental Protection Act 1990 (as amended) Clean Neighbourhoods and  
Environment Act 2005  
Refuse Disposal (Amenity) Act 1978  
Town and Country Planning (Control of Advertisement) Regulations 1990 (as  
amended)  
Criminal Justice and Public Order Act 1994  
Anti-Social Behaviour Act 2003 (as amended)  
Anti-Social Behaviour, Crime and Policing Act 2014  
Environment Act 1995



# Environmental Enforcement Policy

Date: September 2023

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## 1 Introduction

Wyre Forest District Council is committed to maintaining a clean and safe environment for the benefit of everyone across the district. The commitment recognises the Council's responsibility to keep the streets and local environment clear of litter and deal with other local environmental quality issues.

Along with all other local authorities in England, Wyre Forest District Council has extended powers to enable enforcement of legislation intended to protect both the individual and community. This activity is set within the following legislation:

Environmental Protection Act 1990 (as amended)  
 Clean Neighbourhoods and Environment Act 2005  
 Refuse Disposal (Amenity) Act 1978  
 Town and Country Planning (Control of Advertisement) Regulations 1990 (as amended)  
 Criminal Justice and Public order Act 1994  
 Anti-Social Behaviour Act 2003 (as amended)  
 Anti-Social Behaviour, Crime and Policing Act 2014  
 Environment Act 1995

This document sets out the enforcement policy of Wyre Forest District Council and how the Council uses this legislation and powers to ensure an effective, consistent and clear approach to street environment enforcement. It covers offences including the following:

Littering Waste  
 Failure to produce authority (certificate of registration) to transport controlled waste  
 Failure to produce transfer notices  
 Community Protection Notices  
 Abandoned vehicles  
 Graffiti and fly posting  
 Nuisance vehicles  
 Public Spaces Protection Order breaches

The Council enforce a wide range of legislation that aims to protect the interests and rights of people in relation to the environment that they use.

The term "enforcement" is used in this policy to mean "actions taken by Council officers to prevent or rectify infringements of legislation". These actions include preventative work (including advice), informal warnings; and more formal actions such as the service of formal warning notices, fixed penalty notices (FPN) and prosecutions.

This policy sets out the general principles and approach which Wyre Forest District Council will follow when enforcing environmental legislation as the enforcing authority. Wyre Forest District Council regards the principle of prevention as a better means of dealing with compliance than enforcement and offers information and advice to those the Council regulates and seeks to secure compliance avoiding bureaucracy or excessive cost. Individuals and businesses ('Duty Holders') are encouraged to act responsibly and to do so in all activities that could affect the environment.

Wyre Forest District Council ensures that all appointed officers are competent and trained in the use of this policy.

## **2 Background**

### **2.1 Current enforcement**

The Clean Neighbourhoods and Environment Act 2005 widened the types of offences for which FPNs can be used and the persons that can issue them. This was enhanced by the Anti-Social Behaviour, Crime and Policing Act 2014.

The introduction of FPNs allows low level environmental crime in the district to be tackled, using a more cost effective and proportionate response to these offences. The FPN level is set to provide a deterrent aspect which goes towards the need to educate not just enforce.

The implementation of FPNs delivers a firm commitment made in the Corporate Plan to introduce on the spot fines for littering in our streets to help clean up Wyre Forest. It also links directly by prioritising a safe, clean and green living environment and supporting a successful local economy.

The ultimate aim is to ensure that residents and others increasingly take control of their own behaviour to the benefit of the wider community.

## **3 The Principles of Enforcement**

Wyre Forest District Council believes in firm but fair enforcement of environmental law. This is informed by the principles of proportionality in applying the law and securing compliance; consistency of approach; targeting of enforcement action; transparency about how the Council operates and what those regulated may expect; and accountability for the Council's actions.

These principles apply both to enforcement in particular cases and to the management of enforcement activities.

### **3.1 Proportionality**

Proportionality here means relating enforcement action taken to the risk<sup>1</sup> to health and the environment. Those whom the law protects and those on whom it places duties expect that action taken by Wyre Forest District Council to achieve compliance or bring businesses or individuals to account for non-compliance should be proportionate to any risks to health and the environment, or to the seriousness of any breach, which includes any actual or potential harm arising from the breach of the law.

In practice, applying the principle of proportionality means that Wyre Forest District Council will take account of how far the individual / business has fallen short of what the law requires and the extent of the risks to people arising from the breach.

Some duties may be specific and absolute. Others require action as far as is reasonably practicable. Wyre Forest District Council will apply the principle of proportionality in relation to both kinds of duty.

<sup>1</sup> In this policy, 'risk' (where the term is used alone) is defined broadly to include a source of possible harm, the likelihood of the harm occurring, and the severity of any harm to health and the environment.

Enforcement activities undertaken by Wyre Forest District Council will therefore reflect the level of risk to the public and the type of enforcement action will relate to the seriousness of the offence committed.

### **3.2 Targeting**

Targeting means making sure that regulatory effort is directed primarily towards those whose activities give rise to serious and / or persistent non-compliance. Action will be primarily focused on breaches of the law or those directly responsible for the risk and who are best placed to control it.

Any enforcement action will be directed against those responsible for a breach. This may be businesses, residents or visitors to the district. Where several people / businesses have been identified in the act(s) of non-compliance, Wyre Forest District Council may take action against more than one when it is appropriate to do so in accordance with this policy.

Wyre Forest District Council will ensure that an appropriate senior officer is informed through daily reporting when officers issue warnings, fixed penalty notices, issue formal cautions or prosecute.

### **3.3 Consistency**

Consistency of approach does not mean uniformity. It means taking a similar approach in similar circumstances to achieve similar ends.

Individuals and / or businesses found to be carrying out similar activities can expect a consistent approach from Wyre Forest District Council in the advice tendered; the use of enforcement notices; decisions on whether to prosecute; and in the response to incidents and complaints.

Wyre Forest District Council recognises that in practice consistency is not a simple matter. Officers are faced with many variables including the degree of risk, the attitude of individuals, any history of incidents or breaches involving the individual / business, previous enforcement action and the seriousness of any breach, which includes the persistence of the offence and any cumulative impact aspect.

### **3.4 Transparency**

Transparency means helping people understand what is expected of them and what they should expect from Wyre Forest District Council. It also means making clear to businesses and individuals, not only what they have to do, but where relevant, what they should not. That means distinguishing between statutory requirements and advice or guidance about what is desirable but not compulsory.

Businesses and individuals also need to know what to expect from an Officer and what rights of complaint are open to them. This is linked directly to the policies and procedures of the Council, including the expectations placed upon Officers in the conduct of their duties. The following can be expected when an officer visits a business:

- When officers offer businesses and individuals information or advice, face to face or in writing, including any warnings, officers will tell them what to do to comply with the law and explain why. Officers will, if asked, write to confirm any advice, and to distinguish legal requirements from best practice advice.
- In the case of fixed penalty notices the officer will discuss the notice and explain the payment method. The notice will state the offence, date and time of offence, reason for issue of FPN, and in the Officer's opinion what legislation has been breached.

### **3.5 Accountability**

Regulators are accountable to the public for their actions and as such enforcement action is open to public scrutiny. This means that Wyre Forest District Council has accessible policies and standards including a complaints procedure.

## **4 The Purpose and Method of Enforcement**

Wyre Forest District Council's Environmental Compliance Law Enforcement function is to ensure that the legislative requirements are met. This is achieved through a balance of proactive interventions and enforcement. The following up of complaints and service requests related to environmental requirements, and the use of enforcement to seek compliance and remedy damage. The purpose of enforcement is to:

- Ensure that individuals and businesses take action to deal immediately with failures of their duties
- Promote and achieve sustained compliance with the law,
- Ensure that those that breach legal requirements are held to account, which may include bringing alleged offenders before the courts

Wyre Forest District Council has a range of interventions at its disposal in seeking to secure compliance with the law and to ensure a proportionate response to criminal offences. Officers may offer information and advice, both face to face and in writing. This may include a warning that in the opinion of the officer, they are failing to comply with the law. Where appropriate, officers may also serve fixed penalty notices (where applicable), issue simple cautions, issue Community Protection Warnings/Notices and they may pass the matter on for prosecution.

Investigating the circumstances encountered during interventions or following incidents or complaints is essential before taking any enforcement action. In deciding what resources to devote to these investigations, Wyre Forest District Council will have regard to the principles of enforcement set out in this statement and the objectives of the Council. Each case will ultimately be assessed on its specific merits.

Wyre Forest District Council will use discretion in deciding when to investigate or what enforcement action may be appropriate. Officers will refer to this policy, and associated guidance, when determining enforcement action. Such judgements will be made in accordance with the principles of the Enforcement Concordat and the Regulators' Code under the Legislative and Regulatory Reform Act 2006.

Any proposed enforcement action relating to prosecution and simple cautions will result in completion of a Legal Review Form, and the proposed action signed off by the Senior

Community and Environmental Protection Officer or Community and Strategic Projects Manager.

All officers when making enforcement decisions shall abide by this policy and guidance issued in conjunction with it. While case law has shown that the enforcement policy such as this is “guidance”, it is accepted good practice that such policies are followed unless good cause is given why it was not. Ultimately, the spirit of the enforcement policy must be maintained, especially in terms of being consistent, transparent, and proportional.

#### **4.1 Investigation**

Wyre Forest District Council uses discretion in deciding whether incidents, complaints, or cases should be investigated. This is based on risk, potential legislative breach, and seriousness of the issue.

Investigations are undertaken to determine:

- Causes;
- Whether action has been taken or needs to be taken to prevent a recurrence and to secure compliance with the law;
- Lessons to be learnt and to influence the law and guidance;
- What response is appropriate to a breach of the law.

To maintain a proportionate response, most resources available for investigation of incidents will be devoted to the more serious circumstances. The Council recognises that it is neither possible nor necessary to investigate all issues of non-compliance with the law which are uncovered in the course of preventive intervention, or in the investigation of reported events.

In selecting which complaints or reports to investigate and in deciding the level of resources to be used, Wyre Forest District Council will take account of the following factors:

- The severity and scale of potential or actual harm to person or land;
- The seriousness of any potential breach of the law;
- Knowledge of the past relevant compliance issues;
- The enforcement priorities;
- The practicality of achieving results;
- The wider relevance of the event, including serious public concern

#### **4.2 Authorisation of Officers**

Before an officer of the Council can carry out any enforcement duties, an officer will be authorised in accordance with the council’s constitution and in accordance with legislation. Only competent officers who have appropriate qualifications or experience will be authorised to take enforcement action.

Photo cards identify the Officer and provide evidence of the powers vested in the individual. Authorisation will be issued under delegated powers contained under the Council’s Scheme of Delegation and will authorise suitably qualified / competent officers for the purposes of the Council’s enforcement functions

### **4.3 Powers of Entry**

Officers are authorised to hold the power of entry into commercial and residential premises in line with legislative requirements. Such powers are restricted in terms of environmental legislation. Primarily such powers will be under the Environmental Protection Act 1990 and the Environment Act 1995 and regard will be given to the Code of Practice: Powers of Entry issued by the Secretary of State under the Protection of Freedoms Act 2012, when using this power.

### **4.4 Obstruction of Officers**

Areas of legislation enforced make it a clear offence to obstruct authorised officers in carrying out their roles. This includes offering the officer reasonable assistance in the conduct of their duties and investigations / inspections.

Section 6 and 7 of the Clean Neighbourhoods and Environment Act 2005 and section 88 (8A) and (8B) of the Environmental Protection Act 1990 make it an offence to fail to provide name and address or provide false or inaccurate name and address if an authorised officer proposes to give that person a fixed penalty notice in respect of nuisance parking or littering, respectively. These will be enforced, with Police assistance as required, to ensure that offences are dealt with at the lowest level possible.

The Council regards the obstruction of, or assaults (physical and/or verbal) on, staff whilst lawfully carrying out their duties as a serious matter. Any instances will be referred to senior managers to determine the next steps, which may lead to legal proceedings against the perpetrator. Any threat or assault will not be tolerated.

## **5 Enforcement Options**

The main options for action are:

- a) Prosecution
- b) Simple Cautions
- c) Fixed Penalty Notice
- d) Written Warning and Advice
- e) No Action

The Council works to ensure that enforcement decisions are consistent, balanced and fair and relate to common standards both locally and nationally. Internal guidance is issued relating to these matters with the purpose of encouraging consistency.

### **5.1 Prosecution**

Wyre Forest District Council, when deciding whether to prosecute, will have regard to the provisions of The Code for Crown Prosecutors as issued by the Director of Public Prosecutions. The Code sets out two tests that must be satisfied, commonly referred to as the 'Evidential Test' and the 'Public Interest Test'. No prosecution may go ahead unless the Council finds there is sufficient evidence to provide a realistic prospect of conviction and that prosecution would be in the public interest.

Criminal proceedings are taken against those persons responsible for the offence. Where a company is involved, it will be usual practice to prosecute the company where



the offence resulted from the company's activities. However, the Council will also consider any part played in the offence by the employees of the company, including Directors, Managers and the Company Secretary. Action may also be taken against such employees (as well as the company) where it can be shown that the offence was committed with their consent or connivance or is attributable to neglect on their part. Prosecution will generally be restricted to persons who blatantly disregard the law, refuse to achieve even the basic minimum legal requirements, often following previous contact with the Council.

Circumstances which are likely to warrant prosecution are:

- a) Where the alleged offence involves a flagrant breach of the law such that public health, safety or well-being is or has been put at risk.
- b) Where the alleged offence involves a failure by the suspected offender to correct an identified serious potential risk having been given a reasonable opportunity to comply with the lawful requirements of an authorised officer.
- c) Where the offence involves a failure to comply in full or in part with the requirements of a statutory notice.
- d) Where there is a history of related similar offences.
- e) Where the offence is likely to lead to a cumulative impact on the district if left un (e.g., cases of fly tipping that are likely to encourage others to duplicate this action)

The above is not an exhaustive list.

When circumstances have been identified which may warrant a prosecution all relevant evidence and information will be considered to ensure a consistent, fair and objective decision is made. Suspected offenders will be invited to offer an explanation before proceedings are commenced unless circumstances dictate otherwise.

Before a matter is submitted to Legal Services with recommendation to prosecute, the officer will ensure that there is relevant, substantial, and reliable evidence and that an identifiable person or company has committed an offence. There must also be a realistic prospect of conviction; a bare prima facie case is insufficient.

A Legal Review Form will be completed and signed off by a Service Manager prior to being approved.

Once the decision to submit the matter to Legal Services with recommendation to prosecute has been made the matter will be referred to Legal Services without undue delay. The referral must include a legal review form stating the reasons for bringing the prosecution. When bringing a Prosecution, the Council will always seek to recover the costs of the prosecution, this also includes the costs of the investigation.

## **5.2 Simple Cautions**

The Simple Caution may be used as an alternative to prosecution. To be able to issue a simple caution a number of criteria must be satisfied. For a simple caution to be issued the following criteria must be satisfied:

- Sufficient evidence must be available to prove the case
- The offender must admit the offence

- It must be in the public interest to use a simple caution
- The offender must be 18 years old or over

The offender should not have received a simple caution for similar offence within the last 2 years.

The investigating officer in agreement with the service manager will determine if a simple caution is the most appropriate form of sanction given the circumstances of the case. The individual or company concerned will be advised of the decision and requested to confirm acceptance. The officer authorised to issue simple cautions for offences will be the service manager.

A record of the simple caution will be kept on file for two years. If the offender commits a further offence, the simple caution may influence the Council's decision to proceed to prosecution.

If during the time the caution is in force the offender pleads guilty to or is found guilty of another offence the caution may be cited in the court, and this may influence the severity of the sentence that the court imposes.

The aims of a simple caution are:

- To offer a proportionate response to low level offending where the offender has admitted the offence;
- To deliver swift, simple, and effective justice that carries a deterrent effect.
- To record an individual's offences for the reference in future formal action.
- To reduce the likelihood of re-offending.
- To increase the amount of time officers spend dealing with more serious offences and reduce the amount of time officers spend completing paperwork and attending court, whilst simultaneously reducing the burden on the courts.

Reference should be made to Guidance to Simple Cautions for Adult Offenders [Simple Cautions guidance \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk)

### **5.3 Fixed Penalty Notice (FPN)**

Fixed Penalty Notices may be used as an alternative to prosecution in respect of certain offences, e.g., littering and graffiti. This option gives the offender the opportunity to discharge liability for the offence by payment of a specified amount. Criminal proceedings cannot be brought against that person for the offence to which the notice relates before the end of the period given for payment. FPNs must only be issued where there is sufficient evidence to prosecute. Failure to pay within this timeframe is not an offence, but the protection against prosecution will lapse and a prosecution may be brought in respect of the original offence.

The Council will use all appropriate measures to ensure that penalties are collected.

Further information is provided in the Council's Environmental Compliance Fixed Penalty Operational Guidance document.

### **5.4 Written Warning and Advice**

For some contraventions the offender will be sent a firm but polite letter clearly identifying the contravention's, giving advice on how to put them right and include a deadline by which this must be done. Failure to comply could result in a notice being served.

Informal action should be considered when:

- a) Past history is good;
- b) The contravention is insufficiently serious to warrant formal action;
- c) Confidence in the individual/management;
- d) Non-compliance will not pose a significant risk to health or the environment

Such advice cannot be cited in court as a previous conviction but it may be presented in evidence.

### **5.5 No Action**

In exceptional circumstances, contraventions may not warrant any action. This is likely to be when the cost of compliance to the offender outweighs the impact of the offence. A decision of no action may also be taken when a trader has ceased to trade. The decision to take no action will be recorded detailing the decision making process.

It is expected that, even in cases where the duty holder has remedied the breach informally, this is followed up in writing as part of the "education" process to prevent recurrence of the issue.

## **6 Community Protection Notices**

Community protection notices (CPNs) are designed to stop a person aged 16 or over, business or organisation committing antisocial behaviour (ASB) which spoils the community's quality of life. This can include offences such as noise nuisance, eyesore rubbish on private land and antisocial behaviour.

Grounds for issuing a CPN include instances in which an individual's behaviour has a detrimental effect on the quality of life of those in the locality is unreasonable and is of a persistent nature. Before a CPN can be issued, the person, business or organisation suspected of causing the problem must be given a written warning stating that a community protection notice will be issued unless their conduct changes and ceases to have a detrimental effect on the community. The warning must also detail that a breach of a CPN is a criminal offence.

Failure to comply with the warning can lead to the issue of a community protection notice. The notice will list the following requirements:

- to stop doing something specified and/or to do some specified action
- to take reasonable steps to achieve a specified result - this will be aimed at either preventing the effect of the unacceptable conduct continuing or preventing the likelihood of it recurring.

If a recipient of a CPN fails to comply with the requirements, the council may take action to ensure that the failure is remedied. Failure to comply with a CPN can lead to a court summons and, on conviction, can result in a fine of up to Level 4, currently £2,500 for individuals, or £20,000 for businesses. A fixed penalty notice may also be issued for

this behaviour (maximum £100 fine). An appeal against a CPN or its terms can be made to a magistrates' court within 21 days of issue.

## **7 Seizure**

The Council has powers to seize a vehicle, trailer or mobile plant and their contents in certain circumstances. The Courts also have powers to order forfeiture of vehicles. Vehicles and their contents can be seized under the Control of Pollution (Amendment) Act 1989 or the Environmental Protection Act 1990.

A vehicle can be seized or forfeit:

- If it is used in fly-tipping
- If it is driven by somebody who is not registered as a waste carrier
- If it is used to transfer waste to somebody who is not registered as the waste carrier
- If it is being used at a site that is breaking the rules of an environmental permit

When a vehicle is seized, the Council are required to put details of the seizure on a public notice. This will be displayed on the first working day after the seizure has taken place and will be displayed for at least 15 days afterwards on our website or in a local newspaper. The police and the registered keeper will be notified in writing. To claim a seized vehicle you must be the legal owner of the vehicle and be able to provide the following documents to prove this:

- V5C Vehicle registration document in your name with your correct address and;
- Current certificate of motor insurance in your name with your correct address.

If we require further proof of legal ownership we would notify you within one working day. Any further proof must be received within two working days from receipt of the request. We will then notify you of a decision within three working days.

Where a vehicle has been claimed the owner will have 10 working days to collect the vehicle, unless we need to keep the vehicle for further investigation or are prosecuting the owner. If a claimed vehicle is to be released and is not collected within 10 working days, it can be sold or destroyed. If a vehicle is not claimed within 15 working days, it will be sold or destroyed. Neither option shall be taken without a prosecution taking place. If the Officer considers that these are viable for the case, the matter shall be discussed and taken forward by the Council's Legal Department.

## **8 Conflict of Interest**

Where investigating enforcement action involving the enforcing authority itself, or it involves the activities related to an employee or Member of the Council, then the Chief Executive or Section 151 officer will be informed of serious breaches without delay or in cases where formal action is being considered. The Council's Constitution contains the Members' Code of Conduct and the Employees' Code of Conduct which cover the conduct of Members and Officers including declaration and conflicts of interest.

## **9 Publicity**

Details of criminal convictions are public records and it is a generally accepted principle of privacy rights that this information should be accessible. Wyre Forest District Council will therefore consider making publicly available on its website information about companies and individuals who have been convicted in the previous 12 months to

highlight the consequences of disregarding duties imposed by the relevant legislation.

In addition, the council will also publicise anonymised information about the number of fixed penalty notices issued in the same period.

## **10 Partnership working**

This policy relies on strong partnership working. We aim to work with the following partners in delivering the policy:

- Kidderminster Business Improvement District
- Town and Parish Councils
- West Mercia Police

## **11 The Storing and Disclosure of Information**

Information collected or recorded as part of the Council's enforcement activities will be securely retained in a paper and/or electronic format for a period defined by legislation or required for future reference by the service. This information will include decisions taken about the choice of enforcement options.

The identity of a person providing the Council with information about other people committing crime, will remain confidential unless prior agreement by the person is obtained, or its disclosure is authorised by law or by a court of law.

Personal data held manually or as computer records will be handled in accordance with the Data Protection Act 2018 (DPA). This information will be used in accordance with the Council's DPA registration. Exemptions to this include where information is disclosed to other agencies or used for another reason for the purposes of detecting or preventing crime. This will include the sharing of information between Council services and with the police and other enforcement agencies. Sharing of information relating to the Crime and Disorder Act will be undertaken in accordance with the appropriate information sharing protocol.

Right of access to information held by the Council will be given on request, in accordance with the Freedom of Information Act 2000 and Environmental Information regulations 2004 unless the information is already publicly available (as described in the Council's Publication Scheme). Exemptions can be found in the Act, Regulations and the Council's publication scheme.

## **12 Complaints**

Any complaint should be raised under the Council's feedback policy "Let Us Know".

[Let us know | Wyre Forest District Council \(wyreforestdc.gov.uk\)](http://wyreforestdc.gov.uk)

For clarity, the Let Us Know process cannot be used to dispute whether or not an environmental offence was committed. It is the process where feedback or complaints about the Council's officers or administrative processes can be raised. Stage 1 will be investigated by the Line Manager. Stage 2 will be carried out by the Service Manager or other senior officer. Please note that an officer will not automatically be withdrawn from any case as a result of a customer complaint.

In the event of a history of complaints by a business / individual against an officer, the Council reserves the right to send an additional officer on future visits to ensure:

- Verification of the officer's actions; and
- Protection for the officer should the complaints be made for reasons of intimidation.

This decision will be documented in the case file as well as on the database system.

### **13 Appeals**

There is no appeal process against the issuing of a Fixed Penalty Notice. Any dispute relating to the issue of a Fixed Penalty Notice may mean the appellant will be invited to attend an interview under caution in accordance with the Police and Criminal Evidence Act. In the event of refusal to pay, then the matter will be considered for prosecution.

The Community & Strategic Projects Manager / Senior Community & Environmental Protection Officer shall have the authority to cancel fixed penalty notices, but only if the notice is shown to have been wrongly served.

### **14 Monitoring and Review**

This policy will be reviewed within two years of its implementation. The review will highlight successes as well as areas for improvement and how effective the policy has been in reducing the impact on local environmental policy. Reviews will also seek to introduce where necessary any new powers granted to local authorities in managing local environmental quality. The review will include measures such as:

- Reduction in the level of fly tipping
- Improvements in resident satisfaction relating to the cleanliness of the district
- Reduction in levels of abandoned vehicles
- Review numbers of FPNs issued, cancelled and the subsequent payment rate
- Review of complaints statistics
- Evaluation of waste and recycling statistics

### **15 Amendments to this Policy**

As may be necessary, for instance with the issuing of new guidance by Government, amendments may be made to this Enforcement Policy at any time prior to a formal review. If such amendments do not deviate away from the overall spirit, they will be attached through an amendment document rather than re-issuing of the Enforcement Policy as a whole.

The Council's Legal Section will be consulted on any amendments, prior to being introduced as part of the policy.

**16 Appendix A – Local Level Settings**

<b>Description of Offence</b>	<b>Legislation</b>	<b>Full Penalty Amount</b>	<b>Amount If paid within 14 days</b>
Littering	Section 87 & 88 - Environmental Protection Act 1990	£500	£150
Graffiti	Section 43 - Anti-Social Behaviour Act 2003	£500	£150
Fly Posting	Section 43 - Anti-Social Behaviour Act 2003	£500	£150
Unauthorised Distribution of Free Literature on Designated Land	Schedule 3A, Paras 1 & 7 - Environmental Protection Act 1990	£150	£100
Nuisance Parking	Section 3 & 4 - Clean Neighbourhoods Act 2005	£100	n/a
Abandoning a Vehicle	Section 2A - Refuse Disposal (Amenity) Act 1978	£200	n/a
Fly-tipping	Section 33 & 33ZA - Environmental Protection Act 1990	£1000	£500
Failure to Produce Documentation	Section 34 & 34ZA - Environmental Protection Act 1990	£600	£300
Failure to Produce Authority	Section 5 - Control of Pollution (Amendment) Act 1989	£300	£200
Industrial & Commercial Waste Receptacle Offences	Section 47 - Environmental Protection Act 1990	£100	£75
Breach of Public Spaces Protection Order	Sections 63 & 67 - Anti Social behaviour, Crime, and Policing Act 2014	£100	n/a

## Agenda Item 6

<b>Description of Offence</b>	<b>Legislation</b>	<b>Full Penalty Amount</b>	<b>Amount If paid within 14 days</b>
Failure to comply with a Community Protection Notice	Sections 48 & 52 – Anti Social behaviour, Crime, and Policing Act 2014	£100	n/a



**WYRE FOREST DISTRICT COUNCIL**

**CABINET**  
**12<sup>th</sup> September 2023**

**LOCALISM STRATEGY**

<b>OPEN</b>	
<b>CABINET MEMBER:</b>	Councillor Tracey Onslow, Cabinet Member for Culture, Leisure, Arts and Community Safety
<b>RESPONSIBLE OFFICER</b>	Ian Miller, Chief Executive
<b>CONTACT OFFICER</b>	Kathryn Underhill, Community and Strategic Projects Manager
<b>APPENDICES:</b>	Appendix 1: Localism strategy

**1. PURPOSE OF REPORT**

1.1 The purpose of this report is to agree a revised Localism strategy.

**2. RECOMMENDATION**

**2.1 The Cabinet is recommended to ADOPT the Localism strategy in Appendix 1.**

**3. BACKGROUND**

3.1 The current strategy was adopted in 2019, and its main focus was on seeking to reduce or eliminate running costs and other financial implications for the Council by the transfer of assets and services to local bodies or organisations. That strategy had involved principally working with town and parish councils but was not limited to local government bodies.

3.2 As mentioned in a report to Cabinet on 17 July, the Cabinet expects the focus of the new strategy to be on the District Council working collaboratively and proactively with town and parish councils and other groups, to enhance and improve the offer, and also to encourage and empower volunteering to support local assets and services, building on existing arrangements. The strategy will retain the option of town and parish councils and other bodies asking to take over an asset or service: that is a legal requirement in respect of certain services as a result of the community right to challenge in the Localism Act 2011.

**4. KEY ISSUES**

4.1 The revised strategy sets out the new administration's aspiration for and approach to localism. It has been considered by the Overview and Scrutiny Committee and its recommendations will be reported separately.

4.2 In addition to maintaining the opportunity for councils and other organisations to be funded by the District Council to undertake certain duties and responsibilities, the revised strategy also focuses on ways in which councils and other organisations – in particular

town and parish councils - might enhance assets or services provided by the District Council.

**5. FINANCIAL IMPLICATIONS**

- 5.1 Preparation and adoption of the strategy has no additional financial implications.
- 5.2 The savings assumed in respect of localism in the adopted Medium Term Financial Strategy amount to £200k in the current year and £900k across the three years of the MTFS. The Cabinet's approach to addressing the savings targets will change in line with the strategy and will be reflected in revised targets in its proposals for the MTFS for 2024-2027.

**6. LEGAL AND POLICY IMPLICATIONS**

- 6.1 Relevant legislation is referred to in the report and the proposed strategy.

**7. EQUALITY IMPACT NEEDS ASSESSMENT**

- 7.1 An EIA screening is not required as there are no specific proposals for implementation – this is a strategy document that will guide how the Council approaches localism.

**8. RISK MANAGEMENT**

- 8.1 There is no significant risk arising from the process of adopting a revised strategy. There remains a risk – which existed in respect of the 2019 strategy – of whether it will be possible to deliver the level of localism savings for WFDC that is assumed in the approved Medium Term Financial Strategy. Any specific proposals for transfers of land will have to comply, if relevant, with legislation on disposal of public open space and disposal of land at less than best value.

**9. CONCLUSION**

- 9.1 The Cabinet is invited to adopt the revised Localism strategy.

**10. CONSULTEES**

- 10.1 Cabinet
- 10.2 Corporate Leadership Team

**11. BACKGROUND PAPERS**

- 11.1 WFDC Localism Strategy 2019 [Localism strategy | Wyre Forest District Council \(wyreforestdc.gov.uk\)](http://wyreforestdc.gov.uk)

**APPENDIX 1  
LOCALISM STRATEGY  
September 2023**

The Localism Strategy sets out how we will work with councils and other local and community organisations to safeguard services and facilities that are vital and/or beneficial to the community.

**Local context**

Wyre Forest is a district in the north of the county of Worcestershire. The district has a population of over 100,000 and consists of three towns and large areas of rural countryside.

Kidderminster is the largest of the three towns with a population of over 55,000 residents. Stourport-on-Severn is located on the confluence of the rivers Severn and Stour. It has a population of around 20,000. Bewdley has a population of around 10,000 and is located on the western bank of the River Severn.

The district has three Town Councils – Bewdley, Kidderminster and Stourport-on-Severn and nine parish councils – Broome, Chaddesley Corbett, Churchill and Blakedown, Kidderminster Foreign, Rock, Rushock, Stone, Upper Arley and Wolverley and Cookley.

There are legal limits on the services parish councils can deliver but those with the General Power of Competence have more flexibility.

**Our ambition**

The Council's ambition is to work collaboratively with any council or other organisation to improve local services that are important to residents and communities.

We will work with town and parish councils to safeguard the future of our much-loved local parks and open spaces and other assets. We are prepared to consider transferring responsibility for parks and open spaces to town councils: this might involve transfer of the freehold or entering long leases up to 125 years.

The District Council has a range of duties or responsibilities including clearing litter from streets, highway verges and other areas and to ensure parks are well-maintained. We will continue to devolve some of these functions, by agreement, to parish and town councils and will provide adequate support and funding.

We welcome and will give careful consideration to proposals under the community right to challenge in the Localism Act 2011.

**Local delivery of services in Wyre Forest**

Communities across Wyre Forest have different needs. We recognise the principle that community-based services can best be delivered - based on local need and with strong local accountability - by councils or other local organisations.

We welcome proposals, particularly from town and parish councils, that would enhance the offer that the District Council is able to make to local communities – whether by initiatives such as funding events or planting in parks, or by taking on responsibility for assets, services or activities in a way that reduces the net cost for the District Council.

We are prepared to consider proposals particularly from town councils for the transfer of parks or green spaces to them, whether the transfer of the freehold or long leases of up to 125 years. The District Council is prepared to offer grant support, but only on the basis of a significant reduction in the net cost for the District Council. Grant agreements would ordinarily be for a period of 5 to 10 years, to give confidence that funding is guaranteed for a significant period.

We will continue to offer grants for town and parish councils or other organisations to undertake service delivery on behalf of the District Council for litter picking and emptying of litter bins. These grants are also available if town councils or other organisations wish to assume responsibility for maintaining public open space, including play areas, but without taking on an interest in the land (whether freehold or long leasehold). Local councils are often able to secure service delivery with lower overheads than the District Council and can provide an even more responsive localised service. The District Council is prepared to enter grant agreements for lengthy periods, e.g. up to 5 to 10 years, to give confidence that funding is guaranteed for a significant period.

### **How will we achieve this?**

- Putting robust processes in place to implement the Localism Act 2011.
- Building on existing work with town and parish councils and other local organisations.
- Sharing best practice and celebrating success.

### **How will we know if we have been successful?**

- The assets and services continue on a sufficient and financially viable footing
- Assets and services will be enhanced by the input from local organisations
- There is more local control over assets and services
- The local impact of service reductions will be minimised, savings targets will be achieved and services will continue, tailored to meet local needs and resources.

### **How will we deliver the Localism Strategy?**

Everyone at Wyre Forest District Council has a part to play in delivering localism. This includes Councillors, Cabinet Members and officers. Officers will work closely with the Cabinet Member for Culture, Leisure, Arts and Community Safety, who is the lead for the localism agenda to support delivery of the strategy.

### **Principles of asset and service transfers**

We recognise that town and parish councils and organisations across the district are keen to develop their activities and deliver more local services. This is their opportunity to play an even more significant role in their local community.

Wyre Forest District Council will respond to the priorities and ambitions of the local area on a collaborative basis. The District Council may raise its own proposals about asset transfers or new service delivery arrangements. However the initiative for launching a community right to challenge under the legislation rests with town and parish councils and other local organisations.

We intend to adhere to the following broad principles when responding to any such initiative:

1. A local organisation proposing a transfer of asset and services must have been in existence for a sufficient period to show that it is engaging widely in the community, managing its finances well and being inclusive and open in its approach. Town and parish councils are statutory bodies and are assumed automatically to meet this test;

2. The assets or services under consideration must be things that a town or parish council or other organisation can legally provide. In the case of town and parish councils, this means that they must be able to rely on one or more of their statutory powers; in the case of other organisations, such as charities or community interest companies, their purposes set out in their formal documentation should be sufficiently wide;
3. We will consider all requests received and will give reasons if there are any assets or services which we do not consider appropriate for transfer;
4. Proposals can include joint service delivery and management arrangements as well as a full transfer of services. They can be made by a collaboration of more than one town or parish council or other local organisations;
5. Services considered for a transfer of management must be capable of being delivered at the scale proposed, either through the town or parish council or other organisation's own resources or through a management arrangement with the District Council;
6. Proposals should demonstrate that the service will be provided at broadly the same or better standard than previously provided by the District Council.
7. The town or parish council or other local organisation will have to demonstrate a sound business case for all proposals, including the management and other resources that will be put in place – including any grant that might be required from the District Council - to demonstrate the capacity to manage the asset independently and to put the asset to good use for the community.

In respect of proposals that involve the transfer of freehold of land or granting of a long lease, the District Council may use its powers under section 123 of the Local Government Act 1972 to dispose of land at less than best value. In addition, any transfer of land consisting or forming part of an open space is subject to compliance by the District Council with the requirement in section 123 to advertise the proposed disposal and consider and any objections received.

### **Risk**

It is recognised that the process of transferring assets or services to third parties is not without risk. The level of competence, financial stability and sustainability of third party organisations are key factors in any negotiations. It is also the case that the process can take time especially in building trust between the District Council and interested parties.

### **Section 106 contributions**

In its role as planning authority, the District Council negotiates section 106 contributions for public open space, outdoor amenity space and children's play space. If a section 106 contribution has been allocated for use at a particular site but has not been spent or committed by the time that that land is transferred to a town council (whether the freehold or a long lease), the District Council would transfer the funding to the town council for it to ensure it is spent in accordance with the section 106 agreement.

As planning authority, the District Council continues to welcome proposals from town and parish councils for negotiating section 106 contributions arising from developments in their areas. Such contributions could be deployed in respect of improving or enhancing public open space, outdoor amenity space and children's play space on sites owned by town and parish councils or held on long leases. The sites do not have to be ones that have been transferred under the District Council's approach to localism.

**Overview & Scrutiny Committee  
Work Programme 2023-2024**

**June 2023**

Budget and Performance Monitoring Q4 update  
Review of inclusive play equipment in the parks owned by WFDC

**July 2023**

Worcestershire Housing Strategy 2023 – 2040  
Wyre Forest District Council Health and Wellbeing Supplementary Planning Document  
Review of Public Space Protection Orders – consultation  
Nominations for Treasury Management Review Panel (Chair to be appointed)

**September 2023**

Budget and Performance Monitoring Q1 update  
Environmental Enforcement Policy  
Localism Strategy

**October 2023**

Housing Supplementary Planning Document

**November 2023**

Budget and Performance Monitoring Q2 update

**December 2023**

Climate Change Action Plan Update  
Health Action Plan Update  
Cost of Living Action Plan

**March 2024**

Annual review of the North Worcestershire Community Safety Partnership 2023/24