

BARNT GREEN PARISH COUNCIL

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Summons and Notice of Meeting

Members are summoned to the **Parish Council** meeting to be held on **Monday 19 July 2021 at 7.00pm at Barnt Green Cricket Club, Cherry Hill Road, Barnt Green, B45 8LN**

Parish Councillors are hereby summoned to attend.

The meeting is open to the press and members of the public who are welcome to attend all or part of the meeting but may only speak during the allocated time as listed under agenda item 21/029a below.

The public may ask questions or raise concerns regarding matters on this agenda or for future consideration. There is no expectation on the council to respond to any comments made at this time.

Meeting Agenda

21/026 Apologies

To receive apologies from absent members and record the reason for absence.

21/027 Declarations of Interest: Councillors are reminded that to ensure transparency and retain public confidence in the council's decisions they are required to -

- a) Keep their Register of Interests form up to date;
- b) Declare any Disclosable Pecuniary Interests (DPI) and any Other Disclosable Interests (ODI) in agenda items and the nature of those interests.

21/028 To consider any dispensations

Written requests for the council to grant a dispensation to a councillor (as per Localism Act 2011, s33) must be with the Executive Officer before the meeting starts

21/029 Open Session – Participation to hear from:

- a) Members of the public
- b) Supporting organisations, e.g. Safer Neighbourhood Team, Footpath Warden
- c) Worcestershire County Councillor – Adrian Kriss (Beacon division)
- d) Bromsgrove District Councillor - Charles Hotham (Barnt Green & Hopwood)

21/030 To adopt previous minutes

To approve adoption of the minutes of the Parish Council meeting held 21 June 2021, previously circulated but also attached.

21/031 Policy and Documents Review – All approved policies will be uploaded onto the Council's website

- a) Balances and Reserves - This annual policy enables the council to manage its funds. The General Fund is calculated using the current expected annual receipt figures and an appropriate contingency set to accommodate any unforeseen expenditure. Earmarked funds is an amount allocated for expenditure the council may wish to provide during this financial period, however it is only used as a guide to enable an appropriate level of reserves to be held, rather than agreed and committed expenditure. This policy requires approval and signature by the Chairman.

- b) Home Working Policy – As identified and recommended by the Internal Auditor this is a newly created document identifying associated risk whilst working in a home office environment requiring approval and signature of the Chairmen.
- c) Home Working Risk Assessment – In parallel to the Home Working Policy the Risk Assessment identifies risk and highlights action points if required.
- d) Publication Scheme – This policy has been reviewed requiring minimal change and requires approval.
- e) Operation London Bridge Protocol – having been circulated in advance of the meeting to identify any updates, the reviewed protocol requires approval and signature of the Chairman.

21/032 Chairman’s Report - A verbal report may be given during this agenda item.

21/033 Executive Officer’s Report

To be advised of any decisions taken under delegated powers, receive updates to ongoing matters and list any relevant office communications since the last council meeting.

a) Station Lift update	An update was requested on 8 July 2021 and will be reported at the meeting should it be received.
b) Bromsgrove District Council – Consultation on Draft Hackney Carriage and Private Hire Policy	<p>BDC has launched a consultation on proposals introducing new policies to its hackney carriage (taxi) and private hire licensing function..</p> <p>The draft policy documentation forms part the Council’s review of existing policies prompted by the publication by the (DfT) of the “Statutory Taxi and Private Hire Vehicle Standards” in July 2020.</p> <p>The statutory standards contain recommendations to help keep children and vulnerable adults safe and it is expected that local authorities follow these recommendations.</p> <p>Full consultation details can be found by visiting www.bromsgrove.gov.uk/consultations</p> <p>BDC would like to hear views from all relevant stakeholders.</p> <p>This consultation will remain open for responses until 3rd September 2021.</p>
c) WCC Update on Minerals Local Plan and Mineral Site Allocations Development Plan Document	<p>A new Minerals Local Plan (MLP) is being prepared to replace the existing plan from 1997. The MLP will be used by the County Council to guide the location of mineral workings and make decisions about planning applications for mineral extraction and processing.</p> <p>The MLP is currently at the Examination-in-Public stage, and Planning Inspectors are checking that the plan complies with the law. WCC expects to commence consultation on the proposed modifications and updated Sustainability Appraisal, Habitats Regulations Assessment and Equality Impact Assessment and is consulting on the SA Scoping Report from 28th June 2021 to 9th August 2021.</p> <p>It will be available to view online from 28th June. All responses must be made in writing, either by email or post.</p>

21/034 Finance

- a) To note the current financial position and bill for payment. See page 4 of the agenda.
- b) To be advised of any expenditure decisions taken by Executive Officer. See Monzo reconciliation with request for authorisation to top up the balance to the agreed sum of £200.00. Top Up request of £199.41 see page 5 of the agenda.
- c) Office Lease Renewal – To consider options for Council presence and lease terms. The rental increase being 11.11% per annum over a 5 year term in relation

to refusal to carry out works to improve disability access into the building. Please see separate report, page 6 of the agenda.

21/035 Environment & Community Wellbeing

- a) Brass Beatz – The 9-piece part band that BGPC approved to hold a free entertainment event has organised this to take place on Saturday 31 July between 3pm – 6pm. Food and Drink will also be made available through local traders and the EO has arranged to meet the group at 1pm to assist with set up and loan gazebos. It is requested that a volunteer close up the event by taking receipt of the electric box key and placing gazebos back in the shed.
- b) Public Footpath BG507 – Village Green Status. Information has been sent to members in advance of the meeting regarding town and village greens under the Commons Act 2006. Members are asked if it wishes to pursue making an application and forming a small working group to formulate the application.
- c) Outdoor Gym Equipment Support Session – This has been arranged for Saturday 21 August from 10am – 12noon. Freshair Fitness will provide posters for display in the noticeboards and publicised on the Council’s website and social media. Councillors are encouraged to take part in the event and local press have been notified.
- d) Commuter Car Park, Electric Rapid Charging Point Lease for Ratification – It is expected that the lease should be ready for signature by the end of this week (16/07/2021). Should this be received a copy will be forwarded to members for information. To be ratified at the parish council meeting on Monday 19 July 2021.

21/036 Planning

- a) To consider response to consultations received including:

BDC ref	Site Address	Proposal
21/00966/FUL	35 Orchard Croft	Small rear extension, new pitched roof to existing single storey to provide shower room above kitchen, new porch, replacing garage doors with window and level parking area and stepped ramp access to front garden
21/01031/FUL	17 Sandhills Lane	Proposed two storey rear extension

21/037 Date and Venue of Next Meetings

Next Parish Council Meeting, Monday 20 September 2021, time and venue to be confirmed.

Council Members: R Cholmondeley (Chairman), C Hotham (vice-Chairman), J Jagger, J Nilsson, P Perry, O Polton, M Roberts and S Whitehand



Tracy Bodley
Executive Officer
13/07/2021

Agenda Item 21/034 a) Bank Reconciliation 30 June 2021

Bank Reconciliation at 05/07/2021			
A	Cash in Hand 01/04/2021		104,006.27
	ADD Receipts 01/04/2021 - 05/07/2021		34,079.07
			138,085.34
	SUBTRACT Payments 01/04/2021 - 05/07/2021		18,039.33
	Cash in Hand 05/07/2021 (per Cash Book)		120,046.01
B	Cash in hand per Bank Statements		
	Petty Cash	30/06/2021	0.00
	Cambridge Building Society	30/06/2021	64,187.34
	Unity Bank Deposit Account	30/06/2021	55,159.35
	Unity Bank Current Account	30/06/2021	1,149.32
			120,496.01
	Less unrepresented payments		450.00
		120,046.01	
Plus unrepresented receipts		0.00	
Adjusted Bank Balance		120,046.01	
A = B Checks out OK			

Agenda Item 21/034 a) To note the current financial position and bills for payment.

July Payments to approve

July Payments List				
Voucher	Description	Net	VAT	Total
47	Pension contributions	178.61	0.00	178.61
48	Landline and Broadband	40.28	8.06	48.34
49	Continuous footpath lighting energy	13.04	0.65	13.69
50	Dusk to dawn footpath lighting energy	228.43	45.69	274.12
51	Grass Cutting - Millennium Park	120.00	0.00	120.00
52	Cutting Verges - Hewell Road	32.00	0.00	32.00
53	Petty cash top up	199.41	0.00	199.41
54	Picnic Bench	459.00	91.80	550.80
55	Grounds maintenance at playing field	266.72	53.34	320.06
56	Salary	1,446.03	0.00	1,446.03
57	Summer and winter planting	850.00	170.00	1,020.00
58	Hanging baskets	400.00	80.00	480.00
59	Room Hire	50.00	10.00	60.00
60	Outdoor Parish Caretaker	450.00	0.00	450.00
61	Bench repair	40.00	0.00	40.00
62	Repair rubber ground millennium park	48.00	0.00	48.00
63	Secure goal posts	60.00	0.00	60.00
64	Lengthsman Work	165.00	0.00	165.00
		5,046.52	459.54	5,506.06

Agenda Item 21/034 b) Monzo Top up reconciliation.

Monzo Reconciliation up to 30/06/2021				
Date	Description	Supplier	Expenditure	Deposit
	Opening Balance			26.44
18/05/2021	BGPC Topup			173.56
				200.00
21/05/2021	Monthly Subscription	Adobe	15.17	
30/05/2021	Online Communication Subscription	Zoom	14.39	
15/06/2021	Ink Cartridges	Amazon	134.95	
15/06/2021	Monthly file dividers	Amazon	2.94	
15/06/2021	Key tags	Amazon	2.40	
21/06/2021	Monthly Subscription	Adobe	15.17	
30/06/2021	Online Communication Subscription	Zoom	14.39	
		Sub-Total Spend	199.41	
		Balance		0.59
		Top Up Request		199.41

Agenda Item 21/034 c) Office Lease Renewal

Background:

Barnt Green Parish Council has leased 80 Hewell Road since April 2010 on a five-year tenancy agreement. In April 2020, a third tenancy term was due for renewal with an annual increase from £4,950 to £5,500, an increase of 11.11%. The five-year term, if assumed, would follow the same terms as per 2010 and 2015 with a break after 3 years.

During December 2019, the EO wrote to the landlord with concerns over disability access into the building to comply with the Equalities Act 2010 for service users and the Council's own Equal Opportunities Policy.

In parallel safety inspections over the same period carried out by the landlord's contractor, condemned the emergency lighting stating that there was a complete failure on the system with the backup fire alarm battery also requiring replacement. Other issues relating to the fused spur being non-compliant with current legislation, no zone diagram, no call signage points, and no logbook risk assessment also being recorded. The EO requested that these be remedied at the landlords earliest convenience prior to signing off a new lease agreement and are yet to be completed.

A meeting took place on 2 March 2020 with a representative of John Truslove identifying the accessibility issues with the agreement that quotations would be sought for improvements to access into the building.

Without addressing either fire safety issues or disability access concerns, the council received a letter on 14 April 21 requesting imperatively that the terms for renewal of the lease were discussed.

The EO responded reverting to correspondence dating back to December 2019 and again in March 2020 requesting for the above issues to be addressed prior to entering into a lease renewal. No response was forthcoming, and a second letter dated 30 June was then received stating that the landlord would not undertake works to enable improvement to disability access on the grounds that it was an unreasonable request making little difference to the accessibility with cost outweighing benefit to the user and the veiled threat that nonresponse would result in an increased annual rent in line with current market value or serving a section 25 notice to terminate the current lease agreement.

Legal Rights and Council Obligations

Referencing the Equalities Act 2010 and the Parish Council's approved Equal Opportunities Policy, section 5 and 6, BGPC should strive to ensure that all services provided by the Council are made accessible to all individuals without discrimination, ensuring that no members of the public are disadvantaged or treated less favourably than others in terms of accessing Council services.

Please refer to the following links:

<https://www.equalityhumanrights.com/en/multipage-guide/building-or-other-place-where-services-are-delivered>

<https://www.barntgreen.org.uk/wp-content/uploads/2020/02/Equal-Opportunities-Policy.pdf>

If a building where services are delivered is open to the public, a service provider must make sure that the user is not:

- Unlawfully discriminated against
- Harassed or victimised in using their premises, and

The service provider must:

- Make reasonable adjustments for disabled people.

In making reasonable adjustments, a service provider is not allowed to wait until a disabled person wants to use their services. They must think in advance about what people with a range of impairments might reasonably need. If they have not done this and a disabled person wants to use a service, then the service provider must make the reasonable adjustments as quickly as possible.

Service providers have to think about every aspect of their building or other premises, including:

- how people enter
- how they find their way around
- what signs they provide
- how people communicate with staff
- information they provide

Equality law recognises that bringing about equality for disabled people may mean changing the way in which services are delivered, providing extra equipment and/or the removal of physical barriers.

This is the 'duty to make reasonable adjustments'. A duty is something someone must do, in this case because the law says they must.

The duty to make reasonable adjustments aims to make sure that if you are a disabled person, you can use an organisation's services as close as it is reasonably possible to get to the standard usually offered to non-disabled people.

If a disabled person can show that there are barriers an organisation should have identified and reasonable adjustments made, a claim against that organisation could be made and the organisation may be told to pay compensation and make reasonable adjustments.

Rented Premises

The duty to make reasonable adjustments applies to landlords and managers of rented premises.

The letting of both commercial premises (subject to some exceptions) are also covered.

The duty to make reasonable adjustments in relation to the letting of premises is different from the usual duty to make reasonable adjustments relating to services.

First, it is not anticipatory. The duty only arises if the controller of the premises is requested to make an adjustment by a person to whom the premises are let, or someone on their behalf. The request may not necessarily be made formally, and the landlord should presume that they are under an obligation to make a reasonable adjustment if it is reasonable to assume that a request has been made.

There is no requirement to make any changes which would consist of or include the removal or alteration of a physical feature, which includes:

- any feature arising from the design or construction of a building
- any feature of any approach to exit from or access to a building
- any fixtures or fittings in or on premises
- any other physical element or quality.

Changes are unlikely to be treated as consisting of or including the alteration of a physical feature where they have only an incidental effect on a physical feature.

For example:

Attaching something to a physical feature, such as a wall, with a screw is unlikely to amount to an alteration of the physical feature. However, something more significant, such as installing a concrete ramp between a step and a path, is likely to amount to an alteration of a physical feature.

The same tests apply when deciding if an adjustment is a reasonable adjustment:

- how effective the change will be in assisting the tenant who needs the adjustment
- whether it can actually be done
- the cost
- the controller's resources and size.

Although a controller of premises is not required to alter physical features, there are specific rules about when a controller of premises must agree to tenants themselves making alterations to physical features.

Council Options Available:

Given it is established that the landlord is not required to make alterations of a physical feature the Parish Council has several options to consider.

1. Sign the renewal (letter dated 30 Jan provide on page 8), on the terms offered and request permission to undertake work to improve disability access into the building with the council bearing the cost.
2. Terminate the current lease agreement, giving notice and look for a suitable alternative permanent office space with disability access provision within the village.
3. Terminate the current lease agreement, giving notice and look for room hire with disability access for council presence covering a set number of hours per week, the remainder of which worked from home.
4. Terminate the current lease agreement, giving notice, don't have an office presence with all hours worked from home.

In the case of parish council meetings hall hire will be required for all options as given the size of the current office to accommodate space for anyone with a disability when tables are laid out in meeting style there is insufficient space to accommodate a wheelchair or walking frame. This will need to be recognised when undertaking budget provision for room hire going forward and suitable premises will need to be found.

The Council also needs to be aware that not only does it need to provide reasonable adjustment for disabled people to access council services to comply with the Equality Act, it also has a duty of care as an employer and given the office is non-compliant with regard to fire safety regulations and having no fire exit from the building, it needs to give serious consideration to the suitability of the current office.

The Parish Council has requested a meeting with the letting agent and the Chairman will speak on this agenda item with a suggested plan of action for member to consider.

30 January 2020

Our Ref: JTT/IP/LM.39328

Ms T Bodley
Barnt Green Parish Council
Ground Floor Front Office
80 Hewell Road
Barnt Green
B45 8NF

Sales
Lettings
Acquisitions
Investments
Valuations
Building Surveying
Management
Rating
Rent Reviews
Lease Renewals

**SUBJECT TO CONTRACT
& WITHOUT PREJUDICE**

Dear Tracey

Re:- 80 Hewell Road, Barnt Green

I note from our files that the Lease of the above premises expires on 7 April this year, and we have been instructed, as part of our Management duties, to contact you to discuss terms for Renewal.

I can confirm that the Landlord will be pleased to offer you terms, as follows:-

1. 5-year Lease.
2. Rent - £5,500 (Five Thousand, Five Hundred Pounds) per annum.
3. All other terms to be as contained within the existing Lease.

I look forward to hearing from you once you have had chance to consider the above in order that a new Lease can be drafted; however, if you have any questions or queries, please do not hesitate to contact me.

With kind regards

Yours sincerely



Ian Parker BSc (Hons) MRICS