



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE CABINET

WEDNESDAY 3RD APRIL 2013
AT 6.00 P.M.

COMMITTEE ROOM, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors R. Hollingworth (Leader), Mrs. M. A. Sherrey JP (Deputy Leader), Dr. D. W. P. Booth JP, M. A. Bullivant, C. B. Taylor and M. J. A. Webb

AGENDA

1. To receive apologies for absence
2. Declarations of Interest
3. To confirm the accuracy of the minutes of the meeting of the Cabinet held on 6th March 2013 (Pages 1 - 6)
4. To receive the minutes of the Worcestershire Shared Services Joint Committee held on 21st February 2013 (Pages 7 - 12)
 - (a) To receive and note the minutes
 - (b) To consider any recommendations contained within the minutes
5. Minutes of the meeting of the Audit Board held on 14th March 2013 (to follow)
 - (a) To receive and note the minutes
 - (b) To consider any recommendations contained within the minutes
6. Presentation on Transformation Work from the Head of Business Transformation
7. Discharging the Homelessness Duty in the Private Rented Sector Policy (Pages 13 - 34)

8. Fees Amendment for Hostels and Bed and Breakfast (Pages 35 - 42)
9. Asset of Community Value - Nomination (Pages 43 - 52)
10. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman, by reason of special circumstances, considers to be of so urgent a nature that it cannot wait until the next meeting

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

21st March 2013



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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE CABINET

WEDNESDAY, 6TH MARCH 2013 AT 6.00 P.M.

PRESENT: Councillors R. Hollingworth (Leader), Mrs. M. A. Sherrey JP (Deputy Leader), Dr. D. W. P. Booth JP, M. A. Bullivant, C. B. Taylor and M. J. A. Webb

Officers: Ms. S. Hanley, Ms. T. Kristunas, Mr. G. Revans, Ms. S. Morgan, Mrs. S. Sellers, Ms. C. John and Ms. R. Cole.

117/12 **APOLOGIES FOR ABSENCE**

No apologies for absence were received.

118/12 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

119/12 **MINUTES**

The minutes of the meeting of the Cabinet held on 20th February 2013 were submitted.

RESOLVED that the minutes be approved as a correct record.

120/12 **SHARED SERVICES BOARD**

The minutes of the meeting of the Shared Services Board held on 10th January 2013 were submitted.

RESOLVED that the minutes be noted.

121/12 **OVERVIEW AND SCRUTINY BOARD**

The minutes of the Overview and Scrutiny Board held on 25th February 2013 were submitted.

RESOLVED that the minutes be noted.

122/12 **HOME ENERGY CONSERVATION ACT**

The Cabinet considered the requirement to present a "further report" to the Department of Energy and Climate Change (DECC) under the Home Energy

Conservation Act 1995 (HECA). The proposed “further report” was set out in Appendix 1 to the report of the Head of Environmental Services.

It was noted that the HECA report specifically committed the Authority to undertake its obligations in relation to domestic home energy efficiency, to tackle fuel security, combat fuel poverty and to contribute to the mitigation of carbon emissions locally. The report detailed progress made so far and confirmed that the Council would participate in and utilise the Green Deal and Energy Company Obligation as its main delivery mechanism for HECA aims.

It was further noted that DECC guidance requested Authorities to set “ambitious targets” to improve home energy efficiency. Whilst the Council was committed to acting on issues relating to energy and had agreed strategies in place to address these issues, the current report specifically did not set targets in view of the unknown additional resource implications. Targets would be established when there was a clear idea of how the Green Deal would be delivered.

It was stated that a further report including details of the Green Deal would be submitted to the Cabinet in June 2013.

RESOLVED:

- (a) that the HECA further report contained at Appendix 1 to the report of the Head of Environmental Services be approved for submission to DECC and for publication on the Council’s website; and
- (b) That the current position in relation to the Green Deal be noted.

123/12 **FLOODING MITIGATION MEASURES**

Members considered a report on proposed works to mitigate flooding across the District. The majority of the work involved the replacement of existing vertical trash screens with a screen of an alternative design to include an angled grille which would help to prevent excess debris building up and blocking culverts. There was a clear relationship between the presence of the vertical grilles and instances of flooding problems. The cost of dealing with instances of blockages in an attempt to prevent flooding was significant in relation to emergency call outs and clearly there was great concern from residents who in some cases had been attempting to deal with the problems themselves.

It was reported that 10 sites around the District had been identified to date as requiring replacement grilles together with an additional new site adjacent to St. Chad’s Recreation Ground, Rubery where currently no grille was in place. In addition the survey work across the District was not yet complete and there was a likelihood of further sites being identified. There was therefore a proposal for contingency funding to cover the costs of replacement grilles at an additional 5 sites.

It was confirmed that in areas where there were private landowners or joint or multiple ownership, joint arrangements for funding would be sought with

riparian owners. At 2 sites in Catshill, Bromsgrove District Housing Trust was meeting the cost of replacing grilles within its ownership.

Following discussion it was

RECOMMENDED:

- (a) that the Capital Programme 2013/14 be increased by £37,400 to meet the costs in relation to the provision of 11 grilles and associated works in the locations listed in the report and that the funding be met from balances; and
- (b) that the Capital programme 2013/14 be increased by £17,000 to meet the costs in relation to the provision of 5 further grilles and associated works, on a contingency basis and that the funding be met from balances.

124/12 **FINANCE MONITORING 2012/2013 Q3**

The Cabinet considered a report on the Council's financial position for the period April to December 2013 together with a number of budget amendments.

Members commented on the good work undertaken by officers in the current economic circumstances to reach a position of a projected overspend of £135,000 at this stage. It was anticipated that savings would be made within the final quarter of the financial year and that this figure would be reduced.

It was noted that it had not been possible to complete a number of capital schemes during the current financial year and that officers were requesting that the capital funding be carried forward to the following year's capital programme.

Following discussion it was

RESOLVED that the current financial position in respect of revenue and capital, as detailed in the report, be noted.

RECOMMENDED:

- (a) that £30,000 from the ICT revenue budget be approved for capital expenditure for the purchase of new computer equipment;
- (b) that capital funding totalling £45,000 be reallocated to the project at Barnsley Hall as set out in section 3.1.3 of the report;
- (c) that £32,000 of Section 106 funding from Holy Cross Lodge, Clent be carried forward into 2013/2014;
- (d) that the remaining £49,600 of Section 106 funding for the scheme at Heath Close, Stoke Heath be carried forward into 2013/2014;
- (e) that £15,000 capital funding in respect of repairs and maintenance of bridges be carried forward into 2013/2014;
- (f) that £200,000 capital funding in respect of affordable housing development be carried forward to 2013/2014;
- (g) that £25,000 in respect of toilets in Bromsgrove Cemetery be carried forward to 2013/2014; and

- (h) that £10,000 in respect of Members' ICT facilities be carried forward to 2013/2014.

125/12 **WRITE OFF OF DEBTS 2012/2013 Q3**

The Cabinet considered a report on the actions taken by officers with respect to the write off of debts during the first three quarters of 2012/2013, including the profile and level of outstanding debt.

Members raised queries on the level of the Non Domestic Rates write offs and officers confirmed that all steps were taken to recover the sums owed before moving to write off the debt.

In addition there was discussion on the need to review the levels of bad debt provision in respect of Housing Benefit and Council Tax.

RESOLVED:

- (a) that the contents of the report be noted; and
- (b) that the bad debt provision in respect of Housing Benefit be reduced by £200,000 and the bad debt provision in respect of Council Tax be increased by £200,000.

126/12 **TREASURY MANAGEMENT AND INVESTMENT STRATEGY**

The Cabinet considered a report on the Treasury Management Strategy Statement and Investment Strategy 2012/13 to 2013/14. It was noted that approval of the Strategy Statement was required under the Local Government Act 2003.

RECOMMENDED:

- (a) that the Treasury Management Strategy Statement and Investment Strategy and Prudential Indicators set out in Appendix 1 be approved;
- (b) that the Authorised Limit for borrowing at £7,500,000 if required be approved;
- (c) that the maximum level of investment to be held within each organisation (i.e. bank or building society) be set as detailed at £3,000,000 subject to market conditions;
- (d) that an unlimited level for investment in Debt Management Account Deposit Facility be approved; and
- (e) that the Treasury Management Policy as set out in Appendix 2 be approved.

RESOLVED that it be noted that the Audit Board will undertake additional scrutiny of the Strategy during 2013/12 to ensure the Council's investments are being managed in a risk controlled environment.

127/12 **WELFARE REFORMS POLICY**

Members considered a report on proposed operational arrangements for the delivery of the Community Care Grants and Crisis Loans service. The principal

of this service (to be re titled Essential Living Fund) being delivered by the District Council rather than Worcestershire County Council had previously been agreed by this Authority. Funding for this purpose would be transferred from the County Council.

The Cabinet felt that the District Council would be better able to respond to local needs but that there would need to be a review of the new arrangements when they were in operation so any necessary amendments could be made in a timely manner.

RESOLVED that the details of the operation of the proposed Essential Living Fund, as set out in Appendix 1 to the report, be approved.

The meeting closed at 6.55 p.m.

Chairman

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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE WORCESTERSHIRE SHARED SERVICES JOINT COMMITTEE

THURSDAY, 21ST FEBRUARY 2013 AT 4.33 P.M.

PRESENT: Councillors M. Hart (Chairman), D. Thain (Vice-Chairman), C. B. Taylor (during Minute No's part of 38/12 to 42/12), M. A. Bullivant, Mrs. B. Behan, D. Hughes, M. Braley, P. Mould, Mrs. L. Hodgson, K. Jennings and P. Harrison

Observers: Ruth Mullen, Corporate Director – Service Delivery, Worcester City Council and Mr. I. Pumfrey, Head of Customer Services, Malvern Hills District Council

Invitees: Mr. D. Trafford, Key Account Manager, Idox

Officers: Mr. S. Jorden, Ms. C. Flanagan, Mr. M. Kay, Mr. S. Wilkes, Mr. M. Thomas, Ms. S. Morgan and Mrs. P. Ross

35/12 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J. Riaz, Worcester City Council, A. N. Blagg, Worcestershire County Council and Mrs. E. Stokes, Wychavon District Council.

36/12 DECLARATIONS OF INTEREST

No declarations of interest were received.

37/12 MINUTES

The minutes of the meeting of the Worcestershire Shared Services Joint Committee held on 22nd November 2012 were submitted.

RESOLVED that the minutes be approved as a correct record.

38/12 ICT IMPLEMENTATION - HIGHLIGHT, PRESENTATION FROM MARTIN THOMAS, PROJECT MANAGER

The Joint Committee received a presentation from Mr. M. Thomas, Project Manager in respect of the ICT Implementation – Highlight. The presentation provided an overview of the ICT project. Mr. Thomas informed Members that the ICT project had started in September 2012 and was moving at a rapid pace. Project Governance was in place with fortnightly Project Board meetings and weekly checkpoint meetings being held. After looking at the amount of resources involved from Worcestershire Regulatory Services

(WRS) officers, and mitigating the risks; it was agreed that data scoping would be transferred to Idox. WRS had liaised with key agencies in respect of training required and a core team would be trained in order to deliver training. Mr. Thomas highlighted to the Committee that all risks were being monitored and mitigated and the overall project status was Green.

The Head of Worcestershire Regulatory Services responded to Members' questions with regard to the mobile devices to be used and remote printing facilities. Members were informed that a preferred supplier for the mobile hand held devices had been sourced, and that the devices would be purchased on a business based need and not on personal requirements. Each hand held device would be linked to a document management system, which would enable users to retrieve any cleansed historical data stored, send emails, letters or reports to customers or request printed documents to be forwarded to customers.

The Chairman thanked Mr. Thomas for his presentation.

(A copy of the presentation is attached at Appendix 1 for information).

39/12

WORCESTERSHIRE REGULATORY SERVICES PERFORMANCE DATA - QUARTER 3, 2012/2013

Members were asked to note the Performance Data - Quarter 3, 2012 / 2013 report produced by officers who were currently working in Worcestershire Regulatory Services experimental Intelligence Unit.

The Head of Worcestershire Regulatory Services (WRS) informed Members that officers would appreciate feedback on the performance report as to the usefulness of the information provided and if Members required any further information to be included in future performance reports. The Head of WRS highlighted that producing the report, from such a wide range of systems had been time consuming, but once a single database was operational it would be more straight forward.

Mr. S. Wilkes, Business Manager, WRS introduced the report and in doing so informed Members that performance remained at an acceptable level during this time. The report highlighted performance in a range of areas with district specific information where possible. The report included the Top 5 consumer complaint categories for each partner authority. The Business Manager (WRS) responded to Members' questions in respect of the planning information detailed in the report for each partner authority; and explained that the information provided was a reflection of the support provided to planning teams and not the number of planning applications. Planning teams could request from WRS a whole range of information dependant on the complexity of individual planning applications, for example noise, vibration, land contamination and air quality.

In response to Councillor K. Jennings, the Business Manager (WRS) informed the Committee that he would look to include in future performance reports, the

number of new cases received and incidents dealt with, therefore providing Members with a comparison on previous quarters.

Following further discussion, and with Members aware that performance data currently had to be extracted from nine different databases, officers agreed to scope the following information being included in future performance reports:

- Licensing Information and taxi data
- Number of food hygiene and safety inspections per district
- Detailed information on where good / bad premises were located within a district

RESOLVED that, subject to officers scoping the additional information to be included in future reports, as detailed in the preamble above, the Worcestershire Regulatory Services, Performance Data - Quarter 3, 2012/2013 be noted.

40/12 **IDOX AND WORCESTERSHIRE REGULATORY SERVICES - PRESENTATION FROM DAVE TRAFFORD, KEY ACCOUNT MANAGER**

The Joint Committee received a presentation from Mr. D. Trafford, Key Account Manager, Idox, suppliers of the Worcestershire Regulatory Services integrated IT solution.

Mr. Trafford informed the Committee that Idox was a provider of software solutions to local government who currently provided and supported software solutions for approximately 320 local authorities throughout the United Kingdom.

The presentation provided Members with information on 'What Worcestershire Regulatory Services brings' and 'What Idox brings' to the partnership relationship. Mr. Trafford highlighted that during an initial meeting in May 2012, officers from Worcestershire Regulatory Services (WRS) had explained and detailed the 'Systems Thinking' approach, which had taken place within the service, and this had struck a chord with Idox who had been impressed with the innovation shown by WRS. All WRS staff worked well with lots of intense activity. The IT Solution was not just a traditional Environmental Health, Trading Standards or Licensing system; it was a system that was flexible and able to support both customers and staff. A fully integrated solution with the ability to share data with other organisations and able to support a multi-skilled, mobile workforce.

Mr. Trafford responded to Members' questions and in doing so informed the Committee that a high percentage of the delivery and cost of developing the innovative solution was being met by Idox, however WRS would receive some recompense in providing the IT Solution to other local authorities.

The Chairman thanked Mr. Trafford for his presentation.

(A copy of the presentation is attached at Appendix 2 for information).

41/12 **WORCESTERSHIRE REGULATORY SERVICES SERVICE PLAN 2013 / 2014**

The Committee considered a report that outlined the way in which the Worcestershire Regulatory Services activities linked to National and Local Priorities taken from the relevant Sustainable Community Strategies.

The Head of Worcestershire Regulatory Services (WRS) introduced the report and in doing so informed the Committee that under the Worcestershire Shared Services Partnership, Service Level Agreement; WRS would normally produce a three year service plan, for adoption by all partner authorities. Since the operating environment was undergoing rapid change and the financial situation beyond 2014 was so uncertain, the Management Board had agreed for a one year service plan to be produced.

Mr. M. Kay, Business Manager, WRS, informed the Committee that the WRS Service Plan 2013/2014 provided a clear picture of the challenges ahead and included an Executive Summary. The streamlined suite of outcomes and measures, as detailed in the service plan, were a departure from the usual Local Government performance indicators, this new approach reflected what was important to the customer and had been developed through the Management Board and Joint Committee.

The Head of WRS responded to Councillor K. Jennings in respect of item 6, Finance, as detailed in the service plan, and agreed to provide further details to the next meeting of the Joint Committee, with regard to the potential of a one year pilot of modified service standards for Worcester City Council.

The Head of WRS informed the Committee that the Business Continuity, as detailed in the report, would be presented to the Joint Committee during early 2013.

Further discussion followed with regard to Audit Arrangements, joint scrutiny arrangements, as detailed on page 32 of the report. Wychavon District Council's, Scrutiny Committee had proposed a joint scrutiny of Worcestershire Regulatory Services. All of the shared service partner authorities with the exception of Worcestershire County Council had agreed to participate in the proposed joint scrutiny. The Head of WRS was tasked to provide the following information to the next meeting of the Joint Committee in respect of the proposed joint scrutiny of WRS:-

- The agreed Terms of Reference for any proposed joint scrutiny arrangement of Worcestershire Regulatory Services; and
- The Joint Committee's involvement in any proposed joint scrutiny arrangement of Worcestershire Regulatory Services.

RESOLVED:

- (a) that the Head of Worcestershire Regulatory Services be tasked to provide further details to the next meeting of the Joint Committee, with

- regard to the potential of a one year pilot of modified service standards for Worcester City Council; and
- (b) that the Head of Worcestershire Regulatory Services be tasked to provide the information, as detailed in the preamble above, in respect of the proposed joint scrutiny arrangements of Worcestershire Regulatory Services to the next meeting of the Joint Committee; and
 - (c) that the Worcestershire Regulatory Services, Service Plan, 2013/2014 be approved.

42/12 **WORCESTERSHIRE REGULATORY SERVICES FINANCIAL MONITORING**
APRIL - NOVEMBER 2012

The Committee were asked to consider a report which detailed the financial position for the period April to November 2012.

The Financial Services Manager introduced the report and in doing so informed Members of the revenue monitoring current underspend of £164,000 and a predicted year end saving of £193,000; and the reasons for the underspend. Member's attention was drawn to page 66 of the agenda and the revised charging for 2013/2014. It had been anticipated that a review of charging would be undertaken by April 2013. Officers continued to work through the options and variable methods of reallocating costs and it was proposed that a formal review would be completed by June 2013.

RESOLVED:

- (a) that an extension until June 2013 of the basis of charging, be approved; and
- (b) that the financial position for the period April to November 2012 be noted.

The meeting closed at 5.47 p.m.

Chairman

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CABINET

3rd April 2013

BROMSGROVE DISTRICT COUNCIL TO DISCHARGE THE HOMELESSNESS DUTY IN THE PRIVATE RENTED SECTOR POLICY

Relevant Portfolio Holder	Cllr Del Booth
Portfolio Holder Consulted	Yes
Relevant Head of Service	Sue Hanley
Wards Affected	All
Ward Councillor Consulted	N/A
Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 The Localism Act 2011 allows local authorities to discharge the main homelessness duty by making an offer of private rented accommodation, with a minimum 12 month assured shorthold tenancy, to the person or persons presenting as homeless. There is no longer a requirement for the applicant to consent to being re-housed in the private sector.
- 1.2 On the 7th November it was resolved that the Council adopts the power available under sections 148 and 149 of the Localism Act 2011 to discharge homelessness duties into the private rented sector. This report brings forward a policy to implement this power.
- 1.3 This new opportunity to discharge the Homelessness Duty into the Private Rented Sector without consent is voluntary and the Council will continue to have the option of placing households in social housing. However, the lack of social housing in Bromsgrove District means that this alternative tenure may enable the Council to accommodate those to whom they owe a duty more easily.
- 1.4 A policy to discharge the Homelessness Duty in the Private Rented Sector has been developed which sets out how the Council intends to utilise the private rented sector wherever possible in order to discharge the full homelessness duty where it is considered appropriate to do so and the property is 'suitable' for the household.
- 1.5 Accordingly, Members are asked to approve the new Policy which is attached as Appendix 1.

2. RECOMMENDATIONS

- 2.1 That Members approve and adopt the Policy to Discharge the Homelessness Duty into the Private Rented Sector.

3. KEY ISSUES

Financial Implications

- 3.1 The increased pressure on the homelessness service due to the economic climate and austerity measures means that the use of temporary accommodation is increasing and more households are being placed in Bed and Breakfast. The cost of this must be met by the Council. The expenditure on Bed and Breakfast for 2011/12 was £594.00 and is anticipated to increase to £7,500 for 2012/13.
- 3.2 There is an expectation through the Homelessness (Suitability of Accommodation) (England) Order 2012, that carbon monoxide safety has been considered. This means that in addition to a gas safety certificate, provided by the landlord, the local authority will provide households with a carbon monoxide alarm. The Council has access to alarms at approx £12 per unit and has existing funding to provide these.

Legal Implications

- 3.3 As set out above, the relevant legislation is the Localism Act 2011. In particular sections 148 and 149 make amendments to the existing legislation on homelessness set out in the Housing Act 1996. The effect of section 148 is to enable local authorities to fully discharge the main homelessness duty to secure accommodation with an offer of suitable accommodation from a private landlord, without requiring the applicant's agreement. Tenancies must be for a minimum fixed term of 12 months. Under section 149 if the applicant becomes unintentionally homeless again within 2 years of accepting a private sector offer and re-applies for accommodation, the main homelessness duty will recur, regardless of whether the applicant has a priority need for accommodation.
- 3.4 As identified in the Risk Management section of this report, Officers are mindful that the use of offers of private sector accommodation to discharge the homelessness duty might lead to an increase in the number of Review applications. The next stage if a Review is unsuccessful is to bring a legal challenge to the Council's decision through the courts. Currently the Council rarely deals with appeal applications to the courts but the adoption of the new policy might lead to an increase in the number of these applications.

Service / Operational Implications

- 3.5 In order to discharge the homelessness duty in the private rented sector the Council will need to increase the number of private sector properties available that comply with statutory requirements. This will require officers to work more closely with landlords and may result in an incentive scheme being developed and may lead to an incentive fund being established.
- 3.6 There may be a need for increased officer time to be spent upon developing the links with the private sector. It is anticipated that this will be accommodated within the existing Strategic Housing Team structure.
- 3.7 Ending the Duty into the Private Rented Sector may lead to more reviews in respect of the suitability of the accommodation. These reviews will be undertaken by officers with assistance if required from an independent housing specialist that assists the Council with homelessness decision reviews.
- 3.8 The private rented sector is less regulated than the social rented sector and may offer a poorer standard of accommodation. In order to mitigate the potential impact of this on homeless households, all properties will be inspected prior to the applicant being made an offer and the Homelessness Duty being discharged in this way.
- 3.9 By securing additional properties in the private rented sector, the local authority may reduce the pressure for temporary accommodation and B&B in the District, than would otherwise exist.
- 3.10 This new policy will be implemented by the Housing Options Team at bdht with support from the Council's Strategic Housing Team and the private tenancy schemes that operate within the District. It is anticipated that this additional workload will be met by existing officers, however, if demand for services continues to increase, there may be a need to increase staffing resources to meet this demand.

Customer / Equalities and Diversity Implications

- 3.11 An Equalities Assessment Record has been completed which identifies areas of potential adverse impact and the measures that will be implemented to mitigate this. For example the provision of landlord training and a landlord pack which sets out the Council's expectations in terms of Equalities groups.

CABINET

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3.12 Consultation has taken place with relevant stakeholders in the production of the policy to Discharge the Homelessness Duty into the Private Rented Sector.

4. RISK MANAGEMENT

Risk	Consequence	Controls
Insecurity of tenure.	May result in increased repeat homelessness.	<ul style="list-style-type: none"> • Strong working relationships with landlords • ensuring the property is suitable • Applicant can return if made unintentionally homeless within 2 yrs and offered housing
Standard of accommodation	Impact on health and well being of homeless households.	<ul style="list-style-type: none"> • Suitability of accommodation order 2012 • Inspections carried out by officers prior to accepting property.
Capacity of the Private Rented Sector	More households in temporary accommodation and bed and breakfast	<ul style="list-style-type: none"> • Landlords steering group • Improved relationship with landlords • Development of incentive scheme
Landlord suitability	<p>Landlord not behaving in a professional manner towards homeless households and not understanding their obligations and their tenant's rights.</p> <p>Harassment and illegal eviction</p>	<ul style="list-style-type: none"> • Suitability of accommodation order 2012 requires landlord to be 'Fit and Proper Person' as for HMO license • Private Sector Team active engagement with landlords • Private Rented Sector Team Complaints register

More Review claims in respect of the Suitability of Accommodation.	Expense of Reviews in terms of officer time and consultant time. Uncertainty for homeless household.	<ul style="list-style-type: none">• Officers will carry out inspections prior to the offer being made and therefore the property should be suitable for the household.
What happens if a review of suitability claim is upheld?	The households will have signed a 12 month assured shorthold tenancy.	<ul style="list-style-type: none">• Officers will carry out inspections prior to the offer being made and therefore the property should be considered suitable.• Officers will work with the landlord to end the tenancy and secure alternative accommodation for the household and alternative tenant for the landlord

5. APPENDICES

Appendix 1 - Discharging the Homelessness Duty into the Private Rented Sector Policy
Appendix 2 – Discharging the Homelessness Duty into the Private Rented Sector Equalities Assessment Record

6. BACKGROUND PAPERS

Localism Act 2011
Homelessness (Suitability of Accommodation) (England) Order 2012.

AUTHOR OF REPORT

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Bromsgrove District Council

Discharging the Homelessness Duty in the Private Rented Sector Policy

1. Statement of Intent

- 1.1 In Bromsgrove District the demand for social rented accommodation considerably outstrips supply.
- 1.2 Bromsgrove Council has various duties under homelessness legislation (Part 7 of the Housing Act 1996). The main homelessness duty requires the Council to secure accommodation for households who are homeless through no fault of their own; are eligible for assistance; and in 'priority need' eg families with dependent children and those who are vulnerable for some reason. In addition, the local authority may also make enquiries under s.184(2) to decide whether the applicant has a local connection to the District or whether the an applicant or any person who might reasonably be expected to reside with them would be at risk of violence in the area where a local connection exists. In addition a local connection is applied to those who are currently serving in the regular forces or who were serving in the regular forces at any time in the five years preceding their application and bereaved spouses or civil partners of those serving in the regular forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service and existing or former members of the reserve forces who are suffering from a serious injury, illness, or disability which is wholly or partly attributable to their service
- 1.3 Whilst the Housing Act 1996 as amended by the Homelessness Act 2002 allows authorities to Discharge the Homelessness Duty in a variety of ways, the Localism Act contains measures to allow local authorities to Discharge the main homelessness duty with an offer of suitable private rented accommodation, with a minimum 12 month assured shorthold tenancy, without requiring the applicant's consent.
- 1.4 The opportunity to Discharge the Homelessness Duty into the Private Rented Sector without consent is a voluntary power and the Council will continue to place households in social housing. However, the lack of social housing in Bromsgrove District means that the Private Rented Sector will enable the Council to meet the housing requirements of homeless households more easily.
- 1.5 Therefore, the Council intends to utilise the private rented sector where appropriate in order to meet the full homelessness duty where it is considered appropriate to do so and the property is 'suitable' for the
- 1.6 Where a full re-housing Duty has been accepted, homeless households will be advised that they may have the Duty Discharged through one offer in the Private Rented Sector. This will not apply to homeless applicants where applications were taken prior to the 9th November 2012. Homeless applicants will still retain reasonable preference on the Council's Home Choice Plus, Choice Based Lettings scheme until the Duty is Discharged.

2. Legislative Framework

- 2.1 This policy will be applied within the constraints of current and future legislation to include:
- Localism Act 2011
 - Homelessness (Suitability of Accommodation) (England) Order 2012.
 - Part VI Housing Act 1996
 - Part VII Housing Act 1996
 - Homelessness Act 2002
 - Allocation of Accommodation: Guidance for local authorities in England
 - Homelessness Code of Guidance
 - Housing Act 2004
 - Equality Act 2010
 - Human Rights Act 1998
 - Articles 6 & 8 of the European Convention on Human Rights
 - Allocation of Housing and Homelessness (Review Procedures) Regulations 1999
 - The Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012
 - Any subsequent relevant legislation

3. Objectives

- 3.1 Greater use of the Private Rented Sector will assist the Council in its' Duty to secure accommodation for households who are homeless through no fault of their own; are eligible for assistance and in 'priority need'.
- 3.2 The use of the Private Rented Sector will prevent homeless households spending lengthy periods in temporary accommodation including hostel or B&B accommodation and will minimise expensive costs associated with B&B accommodation.
- 3.4 The Council will proactively engage with Private landlords to encourage them to work in partnership with the Council and offer homeless households suitable accommodation with the required minimum 12 month tenancies.
- 3.5 Officers will inspect all Private Rented Sector properties to be used to Discharge the Homelessness Duty against the Suitability Order before making an offer and will support landlords to provide tenancy agreements and understand their responsibilities.

4.0 Selecting Households for Properties

- 4.1 Households will be prioritised for 'suitable' properties which become available in the Private Rented sector based on the date that the Homeless Duty is accepted. Therefore, the household with the oldest acceptance date and for whom the property is 'suitable' and affordable will have the homelessness duty Discharged in the private rented sector.

- 4.2 In exceptional circumstances a household may be selected based on the property characteristics. An example of this might be that the property has disabled adaptations and facilities that would best meet the needs of a household including a person with physical disabilities or impairments.

5. Homelessness (Suitability of Accommodation) (England) Order 2012

- 5.1 The Suitability Order sets out the specific circumstances in which a private rented sector offer used to Discharge the main homelessness duty is not regarded as suitable. The Order requires local authorities in determining suitability to take a view that:

- The accommodation is in reasonable physical condition
- The accommodation, appliances and furnishings comply with relevant fire and electrical safety legislation.
- If subject to House in Multiple Occupancy licensing the property is licensed;
- There is a valid Energy Performance Certificate
- There is a current Gas Safety record
- That carbon monoxide safety has been considered:
- There is a written tenancy agreement between the landlord and tenant which the local authority considers to be adequate; and
- That landlord is a 'fit and proper' person to act in the capacity of landlord (already a requirement in a House of Multiple Occupancy).

6. Affordability Assessment

Officers have carried out affordability modelling for private rented accommodation which will be used in the assessment of the Suitability of a Private Rented Sector property. Any private rented properties used to Discharge the Council's homelessness duty will be required to meet the Suitability of Accommodation Order 2012 in order to protect vulnerable households being placed in unaffordable housing.

7. Location of Accommodation

- 7.1 Wherever possible, placements into the private rented sector will be made within Bromsgrove District. It may be considered to be suitable for some applicants to be offered accommodation outside of the District. In particular some of the outlying areas of the District are more strongly connected to adjacent local authorities areas such as Redditch, Birmingham Stourbridge, Halesowen and Dudley.

- 7.2 When considering the suitability of accommodation, the authority will take into account:

- distance of accommodation from the applicant's previous home
- disruption to the employment, caring responsibilities, or education of members of the household
- access to amenities such as transport, shops and other necessary facilities; and

- established links with schools, doctors, social workers and other key services and support essential to the well being of the household.
 - If the households previous address or connection is in an area where there is limited affordable accommodation the Council may make an offer in another part of the District or an adjacent Local Authority.
- 7.3 Placements in isolated accommodation, away from public transport, shops and other facilities will be avoided.
- 7.4 In exceptional circumstances where there is no available accommodation within the District a placement may be made outside the District. When using accommodation outside the District, wherever possible, the accommodation will be in the nearest practicable Local Authority Area.
- 7.5 Where a placement is made outside of the District, notice shall be given to the receiving local housing authority in whose district the accommodation is situated.

8.0 The Re-application Duty

- 8.1 Where the homelessness duty has been Discharged in the private rented sector and the household becomes homeless within a two year period of being offered the property, a Re-application Duty will apply unless they have become homeless intentionally. The household will be eligible for the full statutory Homelessness Duty regardless of the household's Priority Need status, subject to them being eligible, homeless and not intentionally homeless.
- 8.2 The Re-application Duty can only be applied once. If the household becomes homeless a second time within the two years, a new homeless application will be taken.
- 8.3 If the household was placed outside the District but re-applies within the two years to the new local authority, the local authority will have to consider the Re-application Duty. If the Re-application Duty applies, the household can be referred back to the original Local Authority unless there is a risk of Domestic Abuse or a Hate Crime.

9. Private Rented Sector Offer Reviews

- 9.1 If the household offered private rented sector accommodation disputes that it is suitable for their needs, they can request a review of the Council's decision.
- 9.2 Where the household is disputing the suitability of accommodation due to the landlord not allowing pets the Council will expect that the pet will be found an alternative home unless there are exceptional circumstances such as the animal being an assistance dog for a disabled person or a support/companion for a household with a long and enduring mental illness. Where a landlord has requested no smoking in the property, an applicant will be expected to comply with this tenancy condition and only smoke outside the property.
- 9.3 Where the review relates to the suitability of the accommodation under homelessness legislation the individual can first accept the offer of accommodation and then request a review regarding its suitability. The review must be requested within 21 days of the offer being made. If the decision is overturned then the local authority will need to secure

alternative accommodation. The Council will need to work with the landlord to end the tenancy early and provide a replacement tenant so that the landlords support is not lost.

- 9.4 If the original decision is upheld the local authority will provide written confirmation of the reasons for reaching that decision. No further offer of accommodation will be made and should the client leave the accommodation without good reason, or the consent of the local authority, the Council will consider that the Duty has been Discharged.

10. Monitoring and Reviewing the Policy

- 10.1 The Council will establish a monitoring system to collect information relating to the number of households being placed in the Private Rented Sector as a discharge of the Homelessness Duty the number of repeat homelessness from this sector, the number households placed into the Private Rented Sector under homelessness prevention and the number and reason for any failed tenancies.

The policy will be reviewed after 12 months of implementation.

11. Consultation Arrangements

- 11.1 Partners and service users were consulted in the development of this policy.

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Equality Assessment Record

1. What is the name of the service, policy, procedure or project being assessed?

Discharging the Homeless Duty in the Private Rented Sector Policy

2. Briefly describe the aim of the service, policy, procedure or project. What needs or duties is it designed to meet?

The policy is designed to assist the Council in carrying out its statutory function towards homeless households where a duty to accommodate exists.

3. Indicate which of the following applies:-

This is a current service or policy and should be equally accessible to all sections of the community or all employees

No, this is not a current service or policy.

A decision is likely to be made to change, reduce or stop providing this service.

No

A new initiative or service is being considered or proposed.

Yes, this is a new policy.

4. List your known customers and stakeholders (e.g. partner organisations, community groups)

Customers are any households who have approached the Council's agent (bdht) as homeless and have been assessed to be homeless, eligible, in priority need and not intentional and therefore the Council has accepted a duty to accommodate.

Bdht carry out the homelessness function on behalf of the Council under a Service Level Agreement.

5. Describe simply how you know who they are?

The Council has a statutory duty to secure accommodation for households who are homeless through no fault of their own, are eligible for assistance and in 'priority need' eg: families with dependent children and those who are vulnerable for some reason. Customers are those household who approach bdht, the Councils agent and are accepted as being eligible, in priority need and not intentional.

6. How relevant is equality to this service, policy or procedure? Rate as H, M, L (high, medium or low) or No relevance. If all answers are “low” or “no” relevance go straight to question 10.

High

When considering relevance to equality for each protected group, use professional judgment and experience, previous Equality Impact Assessments, or any other information that you have to hand which demonstrates how relevant a service is to a particular protected group.

Protected Group	Indicate H/M/L or No Relevance	Evidence used	Further evidence needed Yes/No
Age	H	It is anticipated that 50% of all homeless acceptances are under 35 yrs. The majority of whom will have fewer options in the private rented sector if they rely on LHA for to meet their rental obligations as they are only entitled to the shared room rate.	Yes
Disability	H	In 2012 32.9% homeless acceptances had a physical or mental disability compared to 17.6% households in the District having day to day activities limited.	Yes
Transgender (Gender Dysphoria)	Not Known		
Marriage and Civil Partnership	L		
Pregnancy and Maternity	L	In 2012 10% of homeless acceptances are pregnant with no other children.	
Race	Not known	In 2012 7.1% of homeless acceptances were from an ethnic minority compared to 6.4% for the District. This is high than the number of ethnic minority households in the District but the actual numbers are still quite small – 5 households for the whole year.	
Religion or Belief	Not known		
Sex (Male/ Female)	H	30% of homeless acceptances in 2012 were female lone parents. 24.7% of one person	

		homeless acceptances were male and 18% female.	
Sexual Orientation	Not known		

7. Is there evidence of actual or potential unfairness for the following equality groups?

Protected Group	Indicate Yes or No	Evidence of unfairness	Further Evidence Needed Yes/No
Age	Y	<p>Currently, if a single homeless applicant is offered social rented accommodation, they could expect to receive full housing benefit on a one bedroom flat. However, single households under the age of 35 yrs are only entitled to the shared room rate in the private rented sector. The applicant is likely to be vulnerable as otherwise a Duty is unlikely to be accepted, therefore the challenge will be to find suitable accommodation in the private sector taking into account any support needs they may have. Where suitable accommodation cannot be found it will still be possible to make an offer of social rented accommodation subject to a property becoming available. This may also mean that they spend excessive time in B&B or temporary accommodation awaiting a 'suitable' offer</p>	The effect of this policy will be reviewed 12 months following implementation.
Disability	Y	<p>It may be more difficult to secure a property with the necessary adaptations for some applicants with a physical disability. This may mean that these applicants are more likely to be offered social rented accommodation. In respect of mental illness those who are under 35 years of age will only be eligible for the shared room rate of LHA and therefore it may be difficult to Discharge the homelessness duty in the PRS for these</p>	The effect of this policy will be reviewed 12 months following implementation.

		households.	
Transgender (Gender Dysphoria)	N	No known	The effect of this policy will be reviewed 12 months following implementation.
Marriage and Civil Partnership	N	Not known – however, according to anecdotal evidence this is unlikely to be an issue.	The effect of this policy will be reviewed 12 months following implementation.
Pregnancy and Maternity	N	These households may not be initially eligible for the 2 Bed LHA rate, and officers would need to arrange for DHP to be awarded to meet any initial shortfall in housing costs.	The effect of this policy will be reviewed 12 months following implementation.
Race	N	Not known – it is proposed that a landlord pack is developed which includes information around equalities and the Council’s expectations prior to working with a landlord. It is proposed that equalities will be discussed further at the private landlord’s steering group to consider opportunities to raise awareness in the sector.	The effect of this policy will be reviewed 12 months following implementation.
Religion or Belief	N	Not known. See above.	The effect of this policy will be reviewed 12 months following implementation.
Sex (Male/ Female)	Y	Homelessness affects high numbers of lone parents, the majority of whom are female. Homelessness acceptances to vulnerable young men is also high when compared to the demographics of the District.	The effect of this policy will be reviewed 12 months following implementation.
Sexual Orientation	N	Not known. See above	The effect of this policy will be reviewed 12 months following implementation.

If all answers are “No”, go straight to Question 10.

8. What is the justification for any actual or potential unfairness identified in question 7, for example, disproportionate cost? Describe briefly your reasons.

Protected Group	Justification for actual or potential unfairness
Age	A lack of social housing in the District means that supply exceeds demand and therefore, by securing suitable private rented accommodation, households will spend less time in temporary accommodation. This means that they may have a settled solution to their housing need earlier and the local authority will not have to pay for what might be expensive bed and breakfast accommodation.
Disability	See above
Transgender (Gender Dysphoria)	See above
Marriage and Civil Partnership	See above
Pregnancy and Maternity	See above
Race	See above
Religion or Belief	See above
Sex (Male/ Female)	See above
Sexual Orientation	See above

9. If you have identified any area of actual or potential unfairness that cannot be justified, can you eliminate or minimise this?

Please include actions to eliminate or minimise any unfairness answer to Question 12.

Yes – properties must be considered suitable under the Homelessness (Suitability of Accommodation) (England) Order 2012. The local authority intends to carry out inspections of the standard of the property, the landlord suitability and carry out financial assessments of applicants prior to an offer of accommodation in the private rented sector that discharges the local authority's homelessness duty.

A landlord pack will be developed to give landlords equalities issues will be discussed at the next landlords steering group with a view to providing equalities awareness raising training for landlords.

10. Describe simply or list the additional information used to complete this assessment including professional judgement and how that was used in your decisions.

Meetings have been held with specialist officers in Strategic Housing and the Private Rented Sector to discuss current practice in respect of the Step Up private tenancy scheme, current relationships with private landlords and private sector housing standards.

Meetings have also been held with the Council's agent, bdht, to consider the consequences of not adopting this policy on the number of homeless households in bed and breakfast accommodation.

The Homelessness Strategy Steering Group have been consulted on the draft document and made comments which have been identified under risks in the Cabinet Report dated 3rd April 2013.

11. What plans do you have to monitor any changes identified?

The policy will be reviewed 12 months following implementation to consider equalities and other issues and ensure that the policy meets its objectives of providing suitable accommodation for homeless households and avoids the use of expensive bed and breakfast.

12. The actions required to address these findings are set out below.

Action Required	By Whom	By When	Signed when completed	Priority	Expected outcomes
Policy Review 12 months following implementation	Amanda Glennie	June 2014		H	Greater understanding of the impact of the policy on equalities groups.
Equalities Agenda Item for landlords steering group	Jenny Delorenzo	Aug 2013		H	Greater awareness of equalities issues and local authority expectations
Equalities information to be added to the existing landlords pack.	Jenny Delorenzo	Aug 2013		H	Greater awareness of equalities issues and local authority expectations

13. Equality assessment undertaken by (name/ names) Amanda Glennie

Position in the council: Strategic Housing and Enabling Officer

Date 14th February 2013

When you have completed this assessment, retain a copy and send an electronic copy to the Equality Champion for your department and a copy to the Policy, Performance and Partnerships Officer (Equalities) attaching any supporting evidence used to carry out the assessment.

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Cabinet

Date 3 April 2013

Amendment to Fees and charges for Burcot Hostel

Relevant Portfolio Holder	Del Booth
Portfolio Holder Consulted	Yes
Relevant Head of Service	Sue Hanley
Wards Affected	None
Ward Councillor Consulted	None
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 On the 20th February 2013 Cabinet approved the fees and charges in respect of Burcot Hostel that will apply from 1 April 2013.
- 1.2 The table of fees and charges has been found to be erroneous. The baseline figures for the charges for 2012-13 were incorrect and the subsequent increases calculated from that data are therefore inaccurate.
- 1.3 Two tables are attached to this report. Appendix 1 shows the figures agreed on 20 February 2013. Appendix 2 shows the correct figures calculated from the correct base data

2. RECOMMENDATIONS

- 2.1 That the fees and charges in appendix 2 be approved

3. KEY ISSUES

Financial Implications

- 3.1 If left uncorrected there will be no clear audit trail of how the fees and charges have been calculated.
- 3.2 There will be a loss of revenue, albeit a relatively insignificant one.

Legal Implications

- 3.3 Fees and charges need to be calculated accurately to give transparency and protection from any challenge

Service / Operational Implications

- 3.5 Charges are currently made when households occupy the hostel and therefore there will be no operational changes, other than a change in the charges made, relating to this matter.

Customer / Equalities and Diversity Implications

- 3.7 This change does not disadvantage any particular groups more than the previous charging arrangement did. It will apply to all households who are placed temporarily in Burcot Hostel.

4. RISK MANAGEMENT

- 4.1 If left uncorrected there will be no clear audit trail of how the fees and charges have been calculated.
- 4.2 Fees and charges need to be calculated accurately to give transparency and protection from any challenge

5. APPENDICES

Appendix 1 – Table of incorrect Fees and charges
Appendix 2 - Table of correct fees and charges

6. BACKGROUND PAPERS

Fees & Charges Cabinet Report 2013/14

7. **KEY**

AUTHOR OF REPORT

Name: Jayne Burton -Strategic Housing and Enabling Officer
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[Tel:01527 881385](tel:01527881385)

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BROMSGROVE DISTRICT COUNCIL
Community Services
Scale of Proposed Charges 1st April 2013

SERVICE CATEGORY	Agreed charge 1st April 2012 £	Net £	Vat £	Gross £	VAT Treatment	Agresso Treatment	% increase (TBD) %	Revised Net total £	VAT to be applied	Proposed charge from 1 April 2013 £
STRATEGIC HOUSING										
Homeless persons' hostels										
- Single room (incl. 45p heating)	8.00	8.00	0.00	8.00	Exempt	N/A	0.24	8.24	0.00	8.24
- Heating	0.51	0.51	0.00	0.51	Exempt	N/A	0.02	0.53	0.00	0.53
- Two single rooms (incl. 70p heating)	12.35	12.35	0.00	12.35	Exempt	N/A	0.37	12.72	0.00	12.72
- Heating	0.82	0.82	0.00	0.82	Exempt	N/A	0.02	0.84	0.00	0.84
- Double room (incl. 70p heating)	16.91	16.91	0.00	16.91	Exempt	N/A	0.51	17.42	0.00	17.42
- Heating	1.33	1.33	0.00	1.33	Exempt	N/A	0.04	1.37	0.00	1.37
- More than one double room (incl £1.15 heating)	6.86	6.86	0.00	6.86	Exempt	N/A	0.21	7.07	0.00	7.07
- Heating	10.45	10.45	0.00	10.45	Exempt	N/A	0.31	10.76	0.00	10.76
Bed and breakfast										
- Single room	14.00	14.00	0.00	14.00	Exempt	N/A	0.00	14.00	0.00	14.00
- Two single rooms	28.00	28.00	0.00	28.00	Exempt	N/A	0.00	28.00	0.00	28.00
- Double room	14.00	14.00	0.00	14.00	Exempt	N/A	0.00	14.00	0.00	14.00
- More than one double room	18.00	18.00	0.00	18.00	Exempt	N/A	0.00	18.00	0.00	18.00
Breakfast										
- adult	1.95	1.95	0.00	1.95	Exempt	N/A	0.06	2.01	0.00	2.01
- child	1.60	1.60	0.00	1.60	Exempt	N/A	0.05	1.65	0.00	1.65
- Storage of effects (per night)	2.00	2.00	0.00	2.00	Exempt	N/A	0.06	2.06	0.00	2.06
- RTB Plan Preparation for BDHT	100.25	100.25	0.00	100.25	Exempt	N/A	3.01	103.26	0.00	103.26

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BROMSGROVE DISTRICT COUNCIL
 Community Services
 Scale of Proposed Charges 1st April 2013

SERVICE CATEGORY	Agreed charge 1st April 2012 £	Net £	Vat £	Gross £	VAT Treatment	Agresso Treatment	% increase (TBD) %	Revised Net total £	VAT to be applied	Proposed charge from 1 April 2013 £
STRATEGIC HOUSING										
Homeless persons' hostels										
- Single room (incl. 45p heating)	8.00	8.00	0.00	8.00	Exempt	N/A	0.24	8.24	0.00	8.24
- Heating	0.55	0.55	0.00	0.55	Exempt	N/A	0.02	0.57	0.00	0.57
- Two single rooms (incl. 70p heating)	12.35	12.35	0.00	12.35	Exempt	N/A	0.37	12.72	0.00	12.72
- Heating	1.30	1.30	0.00	1.30	Exempt	N/A	0.04	1.34	0.00	1.34
- Double room (incl. 70p heating)	12.35	12.35	0.00	12.35	Exempt	N/A	0.37	12.72	0.00	12.72
- Heating	1.30	1.30	0.00	1.30	Exempt	N/A	0.04	1.34	0.00	1.34
- More than one double room (incl £1.15 heating)	16.85	16.85	0.00	16.85	Exempt	N/A	0.51	17.36	0.00	17.36
- Heating	1.85	1.85	0.00	1.85	Exempt	N/A	0.06	1.91	0.00	1.91
Bed and breakfast										
- Single room	14.00	14.00	0.00	14.00	Exempt	N/A	0.00	14.00	0.00	14.00
- Two single rooms	28.00	28.00	0.00	28.00	Exempt	N/A	0.00	28.00	0.00	28.00
- Double room	14.00	14.00	0.00	14.00	Exempt	N/A	0.00	14.00	0.00	14.00
- More than one double room	18.00	18.00	0.00	18.00	Exempt	N/A	0.00	18.00	0.00	18.00
Breakfast										
- adult	1.95	1.95	0.00	1.95	Exempt	N/A	0.06	2.01	0.00	2.01
- child	1.60	1.60	0.00	1.60	Exempt	N/A	0.05	1.65	0.00	1.65
- Storage of effects (per night)	2.00	2.00	0.00	2.00	Exempt	N/A	0.06	2.06	0.00	2.06
- RTB Plan Preparation for BDHT	100.25	100.25	0.00	100.25	Exempt	N/A	3.01	103.26	0.00	103.26

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CABINET

3RD APRIL 2013

NOMINATION OF AN ASSET OF COMMUNITY VALUE

Relevant Portfolio Holder	Cllr Roger Hollingworth
Portfolio Holder Consulted	√
Relevant Head of Service	Ruth Bamford – Head of Planning & Regeneration
Wards Affected	Catshill & Marlbrook
Key Decision – Yes	

1. SUMMARY OF PROPOSALS

To consider a request to list the Catshill Library as an Asset of Community Value

2. RECOMMENDATIONS

That Cabinet approve the listing of the Catshill Library as an Asset of Community Value

3. KEY ISSUES

- 3.1 As Members are aware from previous reports the Localism Act included the 'Community Right to Bid' which gave communities a right to identify a building or other land that they believe to be of importance to their community's social well-being so that if it comes up for sale there is a six month period within which they can prepare their bid to buy the asset. The property in question can then be sold on the open market. Community groups have the same rights as any other bidders but there is no preference given to the local community bid.
- 3.2 Officers have received a nomination for the Catshill Library which is owned by the County Council and currently vacant. The nomination has been made by the Catshill and North Marlbrook Parish Council. The Parish has requested that the asset be nominated to give the ability for it to remain as a community asset in the future.
- 3.3 The County Council have been consulted as part of the process and they have confirmed that they have no objection to the asset being placed on the register.
- 3.4 Consideration of the nomination has been undertaken by the Portfolio Holder for Planning and Regeneration, as prescribed in the current process and it is understood that the approval of the nomination would support the provision of community activities within the District if a community group were able to purchase the property.

Financial Implications

- 3.5 There are no financial implications for the Council as the ongoing security of the building and any associated costs will be the responsibility of the County Council. Claims for costs incurred can only be made by private owners not Local Authorities.

Legal Implications

- 3.6 There is a legal requirement within the Localism Act 2011 to implement the provisions as defined for Assets of Community Value regulations 2012.

Service/Operational Implications

- 3.7 There are no specific operational implications for the District. The list of nominated assets will be maintained by Land Charges officers and will be available on the Councils Website.

Customer / Equalities and Diversity Implications

- 3.8 The approval of the nomination of Catshill Library will ensure that should the property be declared for sale any community group would be able to express an interest in purchasing the asset. This would result in up to 6 months of moratorium whereby any sale could only be to a community group. Following this the owner can sell to any purchaser.

4. RISK MANAGEMENT

- 4.1 The register will be maintained to ensure that all assets nominated are included to mitigate any risks associated with assets not being included on the register. Consideration by officers and members will be undertaken at each nomination to ensure a consistent approach is taken.

AUTHOR OF REPORT

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Tel: (01527) 881202

BROMSGROVE DISTRICT COUNCIL

ASSETS OF COMMUNITY VALUE – THE COMMUNITY RIGHT TO BID

NOMINATION FORM

Section A: About your organisation

A1 Organisation's name and address

Name of organisation*	Catshill and North Marlbrook Parish Council
Address including postcode	Parish Council office, Catshill Village Hall, Golden Cross Lane, Catshill BROMSGROVE B61 0JZ

**full name as written in your constitution or rules (if appropriate)*

A2 Contact details

Name	Gill Lungley
Position in organisation	Clerk to the Council
Address including postcode	Parish Council office, Catshill Village Hall, Golden Cross Lane, Catshill BROMSGROVE B61 0JZ
Daytime telephone no.	07813 671899
Email address	clerk@catshillandnorthmarlbrook-pc.gov.uk
How and when can we contact you?*	At any time, phone messaging service and e-mails are checked daily

**by email or phone, and days of the week and/or times of day you would prefer*

A3 Type of organisation

Description	Put a cross against all those that apply	Registration number of charity and/or company (if applicable)
Neighbourhood forum		
Parish Council	X	
Charity		
Community interest company		
Unincorporated body		
Company limited by guarantee		
Industrial and provident society		

A4 Number of members registered to vote locally (unincorporated bodies only)

In the case of an unincorporated body, at least 21 of its members must be registered to vote in the Bromsgrove District . If relevant, please confirm the number of such members. If they are registered to vote in the area of a neighbouring local authority, rather than in Bromsgrove , please confirm which area that is.

N/A

A5 Local connection

Your organisation must have a local connection, which means that its activities are wholly or partly concerned with the administrative area of Bromsgrove District Council or a neighbouring local authority. In some cases this will be obvious, eg. a parish council in Bromsgrove, or an organisation whose activities are confined to the district. If your connection may not be obvious to us please explain what your organisation's local connection is.

Connection as the Parish Council

A6 Distribution of surplus funds (certain types of organisation only)

If your organisation is an unincorporated body, a company limited by guarantee, or an industrial and provident society, its rules must provide that surplus funds are not distributed to members, but are applied wholly or partly for the benefit of the local area (ie. within the administrative area of Bromsgrove or a neighbouring local authority). If relevant, please confirm that this is the case, and specifically which area this applies to.

N/A

A7 More about your organisation

What are the main aims and activities of your organisation?

AS the parish council for the area the organisation provides grass-roots local democracy with the aim of improving the quality of life of all residents in the parish through effective and accountable local government.

A8 Your organisation's rules

Please send us a copy of the relevant type of document for your organisation, and put a cross in the next column to indicate which one this is	X
Memorandum and Articles of Association (for a company)	N/A
Trust Deed (for a trust)	N/A
Constitution and/or rules (for other organisations)	N/A

Part B: About the land or building(s) you are nominating

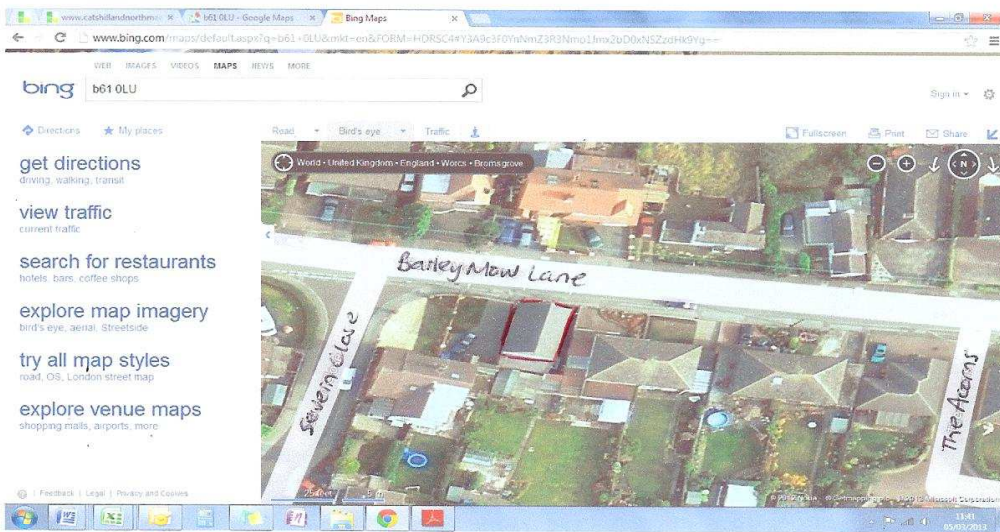
B1 Description and address

What it is (eg. pub, local shop)
As at time of application the building is used as a library.
Name of premises (eg. Post office , Community Centre)
Catshill Library
Address including postcode (if known)
Barley Mow Lane, Catshill, BROMSGROVE B61 0LU

B2 Sketch plan

<p>Please include (here or on a separate sheet) a sketch plan of the land. This should show:-</p> <ul style="list-style-type: none">• The boundaries of the land that you are nominating• The approximate size and position of any building(s) on the land.• Any roads bordering the site. <p>2 plans shown below: one sketch map and one screen shot from 'bing' maps. The library is outlined in red; there is no other land associated with the building apart from the land on which the building stands.</p>

CATS HILL LIBRARY



B3 Owners and others with an interest in the building or land

You should supply the following information, if possible. If any information is not known to you, please say so.

	Name(s)	Address(es)
Names of all current occupants of the land	Worcestershire County Council	County Hall, Spetchley Road, WORCESTER WR5 2NP
Names and current or last known addresses of all those owning the freehold of the land (ie. owner, head landlord, head lessor)	As above	As above
Names and current or last known addresses of all those having a leasehold interest in the land (ie. tenant, intermediate landlord, intermediate lessor)	As above	As above

B4 Why you think the building or land is of community value

Note that the following are not able to be assets of community value:-

- A building wholly used as a residence, together with land “connected with” that residence. This means adjoining land in the same ownership. Land is treated as adjoining if it is separated only by a road, railway, river or canal.
- A caravan site.
- Operational land. This is generally land belonging to the former utilities and other statutory operators.

Does it currently further the social wellbeing or social interests* of the local community, or has it done so in the recent past? If so, how?

The building is established as a well-used local amenity helping to promote cultural, recreational and educational wellbeing. Before use as a library the building was used for religious purposes as a Wesleyan Chapel. The Parish Council is keen to see it retained for continued community benefit.

Could it in future further the social wellbeing or social interests* of the local community? If so, how? (This could be different from its current or past use.)

The building could be used to support community needs in the area of recreation and culture relating to the under-represented groups eg youth.

*These could be cultural, recreational and/or sporting interests, so please say which one(s) apply.

Section C: Submitting this nomination

C1 What to include

- The rules of your organisation (question A8). N/A
- Your sketch plan (question B2). Attached

C2 Signature

By signing your name here (if submitting by post) or typing it (if submitting by email) you are confirming that the contents of this form are correct, to the best of your knowledge.

Signature	Gill Lungley	5 th March 2013
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C3 Where to send this form

You can submit this nomination:-

- **By post to:** Jayne Pickering , Executive Director Finance and Resources, Bromsgrove District Council , Council House , Bromsgrove B60 1AA
- **By email to:** j.pickering@bromsgroveandredditch.gov.uk

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