



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE CABINET

WEDNESDAY 4TH JUNE 2014 AT 6.00 P.M.

THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

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

AGENDA

1. To receive apologies for absence
2. Declarations of Interest

To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.
3. To confirm the accuracy of the minutes of the meeting of the Cabinet held on 2nd April 2014, 7th April 2014 and 14th May 2014 (Pages 1 - 12)
4. Minutes of the meeting of the Overview and Scrutiny Board held on 24th March 2014 and 14th April 2014 (Pages 13 - 26)
 - (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 20th March 2014 (Pages 27 - 34)
 - (a) To receive and note the minutes
 - (b) To consider any recommendations contained within the minutes
6. Artrix Outreach Provision Task Group Report (Pages 35 - 64)
7. Non Domestic Rates - Discretionary Rate Relief Policy (Pages 65 - 94)

8. Bromsgrove Low Cost Housing Scheme - Consultation (Pages 95 - 98)
9. Nomination of Asset of Community Value - Bromsgrove Museum Building (Pages 99 - 126)
10. Nomination of Asset of Community Value - Football Ground, Birmingham Road, Bromsgrove (Pages 127 - 144)
11. 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

23rd May 2014

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE CABINET

WEDNESDAY, 2ND APRIL 2014 AT 6.00 P.M.

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

Observers: Councillors C. J. Bloore, L.C. R. Mallett and E. J. Murray

Officers: Ms J. Pickering, Mrs S. Sellers, Mr D. Allen and Ms R. Cole

103/13 APOLOGIES

There were no apologies for absence.

104/13 DECLARATIONS OF INTEREST

Councillor M. A. Sherrey declared a Disclosable Pecuniary Interest in item 7 - Homelessness Grant Funding as a Trustee of Citizens' Advice Bureau and Basement. Councillor Sherrey left the room during the consideration of this item.

Councillor R. Hollingworth declared an Other Disclosable Interest in item 12 – Nomination of an Asset of Community Value as a Member of Alvechurch Sports and Social Club.

105/13 BROMSGROVE MUSEUM

The Cabinet considered a detailed report updating Members in relation to the Bromsgrove Museum Building in Birmingham Road, Bromsgrove. The report also set out a number of options available to the Authority for the potential sale or alternative use of the Museum Building.

Members were reminded of the extensive background to this matter dating back over a number of years. Since the closure of the Museum in 2008 various options to reopen the Museum had been pursued by the former donor of the Collection, by the Friends of the Norton Charitable Trust which was now known as the Norton Collection Museum Trust. This had culminated in Cabinet approval in July 2013 of an offer from the Trust to purchase the Museum Building for the sum of £200,000 to include completion of the sale within 6 months.

It was noted that since that decision officers had continued to negotiate with the Solicitors acting for the former donor of the Norton Collection and the

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Norton Collection Museum Trust to reach an agreed position regarding the status of the artefacts and the historic terms of the Trust Deed. In addition, since July 2013, officers had been informed on two occasions that the Trust were attempting to secure an alternative site for the Museum firstly at the former United Reformed Church and then Steps House. In the event these efforts proved to be unsuccessful and therefore the Trust were now putting forward further proposals to secure the use of the Birmingham Road site.

The report set out in full the two options put forward by the Trust. In essence these were:

- (a) the grant to the Trust of a long term lease (at least 25 years) at a peppercorn or substantially discounted rent. The Trust would be responsible for repair and upkeep of the building and had offered to provide a Tourist Information Service (with a grant payable towards this by this Council); and
- (b) the purchase the building for the sum of £150,000 with half to be paid on completion and the other half to be paid over a 25 year period. It was clarified that this would result in a £75,000 loss of capital receipt to the Council.

Officers explained that if Members wished to pursue option (a) above this proposal would need to be amended to refer to the payment of a commercial rent and the payment of a grant by the Council to the Trust. It was confirmed that no budget provision had been made in this regard.

Members considered the options and the detailed information contained within the report. The Section 151 Officer confirmed that the Asset Management Group had considered these two options and were concerned that the proposals would not support the delivery of value for money in relation to the management of the Council's assets. The Asset Management Group had also suggested an alternative option of sale of the building on the open market following confirmation of the position regarding the artefacts and the legal considerations. A further option, as the Town Centre redevelopment progresses, would be to consider leasing the building on a commercial basis.

Officers confirmed that it was still open to the Trust to make an approach to either lease or purchase the building but this would need to be at market value and would be considered alongside any other expressions of interest. The Museum Trust had previously been given an option to purchase the building but had failed to raise the requisite funding during the relevant time period and the option had therefore expired.

The Cabinet fully acknowledged the work which had been undertaken by the former donor of the Museum and by the Trust to attempt to generate the funding required for this project including the recent open day where members of the public had been able to visit the Museum for free. Members also referred to the extensive work undertaken by officers over a long period to attempt to meet the requests and requirements of the Trust and to enable the Museum to reopen.

The Cabinet considered the options set out in the report in the light of the Council's duty to obtain best value from the Council's assets, and the need to ensure that there was wider community benefit from the presence of a Museum in Bromsgrove in a time of significant financial restraint. It was

RESOLVED:

- (a) that officers be instructed to explore the dual options of either leasing the building on a commercial basis or disposal of the building to generate the best return for the Authority; and
- (b) that authority be delegated to the Executive Director (Finance and Resources) and the Head of Legal, Equalities and Democratic Services, in consultation with the Leader of the Council, to determine the precise terms for dealing with the Museum Building going forward in an arrangement for either lease or sale.

106/13 **MINUTES**

The minutes of the meeting of the Cabinet held on 5th March 2014 were submitted.

RESOLVED that the minutes be approved as a correct record.

107/13 **OVERVIEW AND SCRUTINY BOARD**

The minutes of the meeting of the Overview and Scrutiny Board held on 24th February 2014 were submitted.

RESOLVED that the minutes be noted.

108/13 **WORCESTERSHIRE SHARED SERVICES JOINT COMMITTEE**

The minutes of the meeting of the Worcestershire Shared Services Joint Committee held on 20th February 2014 were submitted.

Members considered the recommendation contained within minute no. 40/13 relating to the work undertaken by Worcester City Council in piloting "self-help" working in relation to certain classes of nuisance complaints and when dealing with planning consultations.

It was noted that the pilot working, including the development of an algorithm to enable planning officers to make decisions on certain applications without the need to refer to WRS officers, had been successful in reducing the need for consultations at a time when the number of planning applications had increased.

Members were in agreement with consideration being given to introducing the pilot methodology and the "self- help" element for certain classes of nuisance complaints, provided that the Head of Planning and Regeneration was satisfied that this would not increase the workload of Planning Officers.

RESOLVED:

- (a) that the recommendation contained at minute no. 40/13 be approved subject to the Head of Planning and Regeneration being satisfied that it would not increase the workload of Planning Officers; and
- (b) that the remainder of the minutes be noted.

109/13 **HOMELESSNESS GRANT FUNDING 2014/2015**

The Cabinet considered a report on the proposed utilisation of part of the Homelessness Grant available for 2014/15.

It was noted that this Council had been allocated grant funding of £112,830 from the Department for Communities and Local Government (DCLG) for 2014/15 and that there was an estimated balance of £13,088 to be carried forward from 2013/14. Therefore the amount of grant funding available to prevent and tackle homelessness was £125,918. This Council would determine the most effective and appropriate use of the funding to meet the needs of the District.

The Strategic Housing Manager reported that the process of awarding the grant funding had been more challenging this year due to uncertainty around funding for a number of providers from Worcestershire County Council. The County Council's Future Lives agenda had led to a number of changes in how housing related support may be provided. Over the last few weeks however the position had become clearer and some transitional arrangements had been made available by the County Council.

It was noted that committed expenditure for 2014/15 totalled £35,434. The Strategic Housing Team had considered and evaluated an additional six bids for funding and three of these had been recommended for prioritising for immediate support with quarterly payments. It was intended that further information and recommendations in respect of the remaining bids would be considered by Cabinet in June 2014.

RESOLVED:

- (a) that full or quarterly payments to be made from the Council's 2014/15 Homelessness Grant funding be approved, as recommended by the Strategic Housing Manager and as set out in the report, for funding during 2014/15;
- (b) that it be noted that a further report will be submitted to Cabinet in June 2014 to include details of the schemes which are currently being fully assessed by officers and have not yet been allocated funding and of the performance of schemes funded during 2013/14; and
- (c) that officers be requested to refresh the policy and procedure for the allocation of DCLG Homelessness Grant funding in respect of the 2015/16 allocation process.

110/13 AIR QUALITY TASK GROUP - FURTHER COMMENTS FROM OVERVIEW AND SCRUTINY TASK GROUP ON CABINET RESPONSE

The Cabinet considered additional comments from the Air Quality Task Group on the Cabinet's original response to the recommendations put forward in the Task Group's report response.

The further response from the Cabinet was as follows:

Recommendation 1 (encompassing 4 matters arising from the previous Task Group report on Air Quality in 2007)

Recommendation 1(from 2007) – Low Emissions Zones

The Cabinet re-iterated previous comments that this was not supported in view of the finance implications.

Recommendation 7 (from 2007) – Town Centre Redevelopment

It was stated that there was not a replacement group for the Town Centre Redevelopment Group but it was anticipated that WRS expertise would be drawn on as and when required in respect of Town Centre issues in the usual way.

Recommendation 8 (from 2007) – Traffic Lights at High Street and The Strand

It was stated that changes to the junction and to the traffic lights were incorporated into the changes around the Sainsbury's development.

Recommendation 17(from 2007) - Taxi Ranks

Overview and Scrutiny were able to request this report from WRS.

Recommendation 2 - Separate Air Quality Action Plans

The additional comments were noted but the Cabinet did not wish to amend its previous decision.

Recommendation 3 - Separate Air Quality Steering Groups

The additional comments were noted but in view of the decision on recommendation 2 above the Cabinet did not wish to amend its previous decision.

Recommendation 4 – Regular Progress Reports from the Air Quality Steering Groups

In view of the decision on recommendations 2 and 3 above the Cabinet did not wish to amend its previous decision.

Recommendation 5 – Application for funding from DEFRA Air Quality Grant Programme

The Cabinet did not wish to amend its previous decision particularly in view of the WRS resources which would be required to prepare and submit an appropriate and fully evidenced funding application.

Recommendation 6 – Request the WCC to apply for funding from the Worcestershire Local Transport Body

The Portfolio Holder undertook to write to the WCC Portfolio Holder on this issue.

Recommendation 7- Request the WCC to liaise with local Bus Operators on the establishment of a Local Bus Quality Partnership

The Portfolio Holder undertook to write to the WCC Portfolio Holder on this issue.

Recommendation 8 – Worcestershire Health Overview and Scrutiny Committee

The Cabinet had no objection to the District Council representatives on the HOSC raising this issue with the Committee.

Recommendation 9 – Regular Monitoring of particulate air pollutants within the AQMAs by carried out by WRS

The Cabinet did not wish to amend its previous decision particularly in view of the WRS resources which would be required to prepare and submit an appropriate and fully evidenced funding application.

Recommendation 10 – Letter to be sent to the relevant Government Minister in relation to HGV emission levels

The Portfolio Holder undertook to action this recommendation.

Recommendation 11 – Letter to be sent to the relevant Government Minister regarding a review of the role of those responsible for Air Quality

The Portfolio Holder undertook to action this recommendation.

111/13 **CAPITAL BIDS 2014/2015 - 2016/2017**

The Cabinet considered a report on proposed Capital bids and re-profiling of Capital expenditure for 2014/15.

Members queried the funding of projects through Section 106 monies and felt it would be advantageous to have more information in respect of the Section 106 provisions. Officers undertook to give consideration to the best way to provide Members with additional information on the Section 106 process.

Members requested additional information on the Capital bid for £80,000 in respect of teenage provision in Hagley prior to making a recommendation on the matter.

Following discussion it was

RECOMMENDED:

- (a) that consideration of the Capital bid in respect of Hagley – teenage provision be deferred pending further information on the proposal from officers;
- (b) that the remainder of the Capital bids as contained in Appendix 1 to the report and totalling £940,000 for 2014/15, £78,000 for 2015/16 and £1.003m 2016/17 be approved;
- (c) that the reduction in the Capital bid in respect of the replacement Leisure Centre by £1.5m be approved and re-profiled as contained in Appendix 1 to the report ; and
- (d) that the re-profiling of the Vehicle Replacement Programme including the reduction of the 2014/15 budget by £80,000 and the increase to the 2015/16 budget by £80,000 as contained in Appendix 1 to the report be approved.

112/13 **NOMINATION OF ASSET OF COMMUNITY VALUE - ALVECHURCH SPORTS AND SOCIAL CLUB**

Members considered a report on a request to list the Alvechurch Sports and Social Club as an Asset of Community Value.

Having considered the application in detail together with the provisions of the relevant legislation it was

RESOLVED that the listing of the Alvechurch Sports and Social Club as an Asset of Community Value be supported.

113/13 **BROMSGROVE OUTDOOR MARKET**

(The Chairman agreed to the consideration of this item as a matter of urgency as a decision was required thereon prior to the next meeting of the Cabinet)

Cabinet considered a report on a request on behalf of regular Bromsgrove Market Traders for a reduction in the fee for market stalls whilst the market is located temporarily on the pedestrian area outside Asda.

It was reported that the request was as a result of a reduction in income following the relocation of the Market from the High Street whilst the public realm works were carried out.

Members noted that it was anticipated that the reduction if approved would be in place from 8th April to 15th July 2014 and that that this would result in a loss of income to the Authority of approximately £6,000. It was further noted

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that it was proposed that the shortfall in income be met from within existing budgets and income generated in 2014/15.

Members wished to support the regular market traders and their commitment to Bromsgrove and following discussion it was

RESOLVED:

- (a) that on a temporary basis, whilst the market is located outside Asda, a reduction in the charge from £81 per week to £40.50 per week be approved in respect of regular market traders who trade three days per week; and
- (b) that the reduced charges be applied from 8th April to 15th July 2014, but that Authority be delegated to the Head of Planning and Regeneration to extend the period during which the reduced charge is applied in the event that the relocation of the market back to the High Street is delayed.

The meeting closed at 7.40 p.m.

Chairman

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE CABINET

MONDAY, 7TH APRIL 2014 AT 6.00 P.M.

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

Observers: Councillor R. L. Dent

Invitees: Mr J. Page (District Valuation Services) and Mr J. Dillon

Officers: Mr K. Dicks, Ms J. Pickering, Mrs s. Sellers, Mr M. Ashcroft and
Ms R. Cole

114/13 APOLOGIES

There were no apologies for absence.

115/13 DECLARATIONS OF INTEREST

There were no declarations of interest.

116/13 MINUTES

The minutes of the meeting held on 27th March 2014 were submitted.

RESOLVED that the minutes be approved as a correct record.

117/13 DISPOSAL OF COUNCIL OWNED ASSETS AT GEORGE HOUSE AND HANOVER STREET CAR PARK, BROMSGROVE

The Cabinet considered a report on the proposals for the development on the Council owned assets at George House and Hanover Street, Bromsgrove. The report had in the main been considered in detail at the meeting of the Cabinet held on 27th March 2014. At that meeting however a decision on the proposals had been deferred in order to enable validation work to be undertaken on the car parking data on which the projected income had been based.

It was reported that since the previous meeting officers had undertaken the validation of the car parking income data. Attached to the report was a letter from the Lead Auditor of the Worcestershire Internal Audit Shared Service confirming that the calculations were based on reasonable information and the assumption based on occupancy was prudent in the current economic climate.

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The Section 151 Officer reported that during the Internal Audit review a number of revisions had been made which had resulted in slight increase to the total estimated income. Assumptions made included:

- An actual hourly rate of 80p rather than an average of £1 per hour;
- Sunday parking to be assessed at a similar level as Monday to Thursday;
- Income generated from occupancy between 17.00 and 09.00 to be at standard trip rates;
- Income generated from occupancy between 09.00 and 17.00 to be at 50% capacity

It was further reported that the estimated net income was now £196k p.a. with the revised valuation of the retained car parking area rising to £1.45m. Details were contained in the report from the District Valuation Service attached to the report.

Members noted the updated position and it was

RESOLVED:

- (a) that the grant to Opus of a 250 year lease, for the sum of £700k, of the land at Hanover Street, marked in red for identification purposes on the plan at Appendix 1 to the report , on the basis of the revised proposals for a food retailer, cinema and restaurant units be approved;
- (b) that the proposed car parking arrangements be approved as follows:
 - (i) that the Council retains the area of the car park marked in blue For identification purposes on the plan at Appendix 2 to the report and operate it as a shoppers' car park retaining the income; and
 - (ii) that the Council enters into a Car Park Management Agreement with Opus for the provision of up to 135 car parking spaces for an initial term of 25 years.
- (c) that delegated authority be granted to the Executive Director of Finance and Resources in consultation with the Portfolio Holder for Business Transformation and Regeneration to agree the final terms for the disposal of the land to the developer; and
- (d) that delegated authority be granted to the Head of Legal, Equalities and Democratic Services to enter into the necessary legal documents for the purposes of implementing (a) and (b) above.

The meeting closed at 6.08 p.m.

Chairman

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE CABINET

WEDNESDAY, 14TH MAY 2014 AT 4.00 P.M.

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

Officers: Mr K. Dicks, Ms J. Pickering, Ms R. Bamford, Mrs S. Sellers, Ms
N. Chana and Ms R. Cole.

118/13 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor R. Hollingworth.

119/13 DECLARATIONS OF INTEREST

No declarations of interest were received.

120/13 PURCHASE NOTICE - LAND AT MEADOW CROFT, HAGLEY

Cabinet considered a report on a Purchase Notice which had been served on the Council under Section 137 of the Town and Country Planning Act 1990. The notice had been served by owners of a plot of land adjacent to 73 Meadow Croft, Hagley. It was noted that the site was within the Furlongs Ward.

Officers explained the legal processes involved in the submission of the application and the implications of any decision made by Members. The options available to Members were also highlighted. It was reported that a rejection of the Purchase Notice would mean it had to be referred to the Secretary of State for final determination.

Members noted the background to the application which had been received following the recent refusal in February 2014 of a planning application for the erection of a dwelling house on the land. It was reported that the owners of the site had claimed that:

- (a) the land has become incapable of reasonably beneficial use in its existing state; and
- (b) it cannot be rendered capable of reasonably beneficial use by carrying out of any other development for which permission has been granted or is deemed to be granted or for which the local planning authority or the Secretary of State have undertaken to grant permission.

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A third ground had originally been included in error by the owners and was to be disregarded.

Members raised a number of issues regarding the options available to the owners of the land but noted that no evidence had been supplied by the owners to demonstrate that the land was “incapable of reasonably beneficial use” or that they had attempted to sell the land to third parties. Members also noted the outcome of consideration by officers in relation to possible alternative uses of the land (apart from residential) which were set out in section 3.18 of the report.

Following discussion it was

RESOLVED:

- (a) that the Head of Planning and Regeneration be authorised to serve a Response Notice on the owners confirming that the Council is not willing to comply with the Purchase Notice for the following reasons:
 - (i) the owners have not demonstrated that the land is incapable of reasonable beneficial use ;
 - (ii) there is no evidence of any attempt by the owners to sell or dispose of the land to other third parties;
 - (iii) the land is capable of reasonable beneficial use as extensions to the garden areas of the adjacent properties, domestic garages, allotment(s) or communal private open space.

- (b) that delegated authority be granted to the Head of Planning and Regeneration and the Head of Legal, Equalities and Democratic Services to take any further necessary steps to progress this matter, including arranging for the Council to be represented at any subsequent inquiry.

The meeting closed at 4.15 p.m.

Chairman

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE OVERVIEW AND SCRUTINY BOARD

MONDAY, 24TH MARCH 2014 AT 6.00 P.M.

PRESENT: Councillors P. Lammas (Chairman), R. J. Laight (Vice-Chairman), C. J. Bloore, B. T. Cooper, R. L. Dent, J. M. L. A. Griffiths, H. J. Jones, C. R. Scurrrell (substituting for Councillor C. J. Spencer), S. P. Shannon, C. J. Tidmarsh and L. J. Turner

Observers: Councillors B. Lewis and M. Webb

Officers: Ms. J. Pickering, Ms. J. Bayley and Ms. A. Scarce

96/13 APOLOGIES

Apologies for absence were received on behalf of Councillors K. A. Grant-Pearce, L. C. R. Mallett and C. J. Spencer. Councillor C. R. Scurrrell confirmed that he was attending as a substitute for Councillor Spencer.

97/13 DECLARATIONS OF INTEREST AND WHIPPING ARRANGEMENTS

There were no declarations of interest or whipping arrangements.

98/13 MINUTES

The minutes of the Overview and Scrutiny Board meeting held on 24th February 2014 were submitted.

RESOLVED that the minutes be approved.

99/13 QUARTER 3 WRITE OFF OF DEBTS REPORT

The Executive Director for Finance and Corporate Resources presented the quarterly monitoring of Write Offs report for the period 1st October – 30th December 2013. During the delivery of this presentation the following items were highlighted for Members' consideration.

- The total current bad debts provision for the Council was £202,743 by 30th December 2013.
- There was more debt outstanding to the Council in December 2013 than at the same time in 2012.
- The higher level of debts than usual accrued in relation to green waste collection was due to the deadline for payments had being later than in previous years.

- The Council Tax and Non Domestic Rates Arrears, recorded in Appendix 2, contained cumulative debt figures for each year since 1999/2000.
- The Council Tax arrears detailed in the report displayed both arrears to the Council and to other bodies in receipt of Council Tax, including West Mercia Police and Worcestershire County Council. Only 14% of the total debt detailed in the tables was owed to Bromsgrove District Council.
- The debts for 2013/14 had not been included in the report as residents had the whole year to pay their Council Tax contributions.

Following the presentation of the report Members discussed a number of points in further detail:

- The extent to which the Council Tax arrears for Bromsgrove in December 2013 were relative to debt levels in previous years.
- The flexibility of the Council's approach to supporting residents struggling to pay both arrears and Council Tax instalments for the current year.
- The value for Members of considering the list of dissolved companies in debt to the Council.
- The deadlines for payments, which Officers confirmed was 30 days and the approach adopted by the Council to issuing reminders to residents and businesses in arrears.
- The legal requirements placing a statutory duty on the Council to collect Council Tax and Non Domestic Rates and the limits these legal requirements placed on the potential to offer incentives to encourage timely payment.

Officers advised that the Council assessed each individual with Council Tax arrears on a case by case basis. Bailiffs would be called upon to recover property in order to cover debts as a last resort as Officers recognised that the costs of involving bailiffs would be passed onto the resident who might not be in a position to afford to pay.

Members expressed some concerns about residents on low incomes who might be struggling to pay their Council Tax and commented that many residents in these circumstances would be anxious about their debts and might not be aware of the different options available to enable them to pay off their debts. In this context the Board suggested that a sensitively phrased press release could be issued by the Council in order to reassure residents in these circumstances and to advise them about the payment options available.

The Board therefore

RECOMMENDED that the Council issue a press release to advise residents with Council Tax arrears about the payment options available and the support provided by the Council with this process.

RESOLVED that in future reports a breakdown of the categories of businesses be included in the Write Off of Non Domestic Rates.

100/13 QUARTER 3 FINANCE MONITORING REPORT

The Executive Director for Finance and Corporate Resources presented the Finance Monitoring Report for the period 1st April – 30th December 2013. During consideration of this item she highlighted the following points:

- There had been an overspend in the budget for Finance and Resources of £14,000, mainly due to expenditure on benefits.
- Officers were anticipating that this overspend would increase significantly by the end of the year, largely to cover the pension strain and redundancy costs following the management restructure.
- The figures for Business Transformation were in the process of being reviewed by the Director and the relevant Head of Service.
- The comments in relation to the overspends and underspends had been provided by the Heads of Service.
- The £16.5 million short term investments listed for the Council as of 30th December 2013 included both capital investments and any precepts. The Council generally received a small amount of interest on investments as Officers tended to place investments in secure establishments.

After the report had been presented Members discussed the following matters:

- The length of service transformation and the remit of the Head of Business Transformation, which covered a range of services including policy, IT, Human Resources and transformation.
- The extent to which budgets proposed in previous years had represented an accurate assessment of projected spending for the year.
- The changes in approach to budget management in 2014/15 which would involve a line by line analysis of spending informing decisions about budget requirements for the following year.
- The reasons for the high costs associated with the former Head of Service's redundancy package with the needs for significant pension contributions to be made.

RESOLVED that the report be noted.

101/13 REFERRAL OF ITEM FROM FULL COUNCIL

The Board considered a proposal that had been received from Councillor B. Lewis for Members to investigate the Financial Business Plan in respect of the Council's move to the former Parkside School. The Chairman explained that this topic had originally been proposed by Councillor Lewis in a notice of motion to Council on 26th February 2014.

During consideration of this item Councillor Lewis was invited to speak to the Board. He advised Members that he had requested a copy of the Financial Business Case from senior Officers in early February 2014, though had not received any information to date. He had subsequently submitted the notice of motion to Council.

Officers apologised for the delays that had occurred in responding to Councillor Lewis's initial enquiry. Members were advised that some financial information relating to the move had already been issued to Members. This included; a brief reference to the costs involved in the Medium Term Financial Plan, an assessment of the projected savings at the time of the Council's approval of the agreement to use the site and delivery of a presentation during an informal session of the Board.

The Board discussed the proposal in some detail. On the one hand some concerns were expressed about the timing of the proposal as it was noted that the Council had already signed an agreement with a number of partner organisations to move to Parkside. Furthermore works had already started on the site. On the other hand it was noted that Members had received relatively limited data to date concerning the costs involved in moving to Parkside and no detailed Financial Business Plan had been presented for Members' consideration.

Members concluded their discussions by agreeing that the information requested by Councillor Lewis should be issued to both him and members of the Board as soon as possible.

RESOLVED that no further action be taken.

102/13 **INTEGRATED WASTE COLLECTION AND DISPOSAL SERVICE JOINT SCRUTINY PROPOSAL**

The Chairman explained that a proposal to undertake a joint review of the potential need for an integrated waste collection and disposal service in the county had been received from Worcestershire County Council (WCC). The Board was being invited to consider whether a representative of the Overview and Scrutiny Board should participate in the review.

The following issues were highlighted during discussion of this item:

- The county Council would be hosting the review as the Council had proposed the exercise.
- WCC was seeking to receive feedback as soon as possible from district Councils regarding interest in the exercise.
- Participating authorities would need to cover the expenses of their representative on any joint Scrutiny Task Group, including travel expenses.
- It was suggested that some district Councils had already indicated that they would not be participating in the review.
- The existing level of shared services between Bromsgrove District Council and Redditch Borough Council.
- The potential outcomes of the review, including possible proposals to share services across the county and / or to contract services out to an external supplier.

- The reporting route for a joint scrutiny Task Group and the fact that whilst the Cabinet would be invited to consider any recommendations from the group it would not be required to approve those recommendations.

RESOLVED that

- (a) Bromsgrove District Council should participate in the Joint Integrated Waste Collection and Disposal Services Task Group; and
- (b) Councillor R. J. Laight be nominated to serve on the Task Group on the Council's behalf.

103/13 **LEISURE PROVISION TASK GROUP - TERMS OF REFERENCE AND MEMBERSHIP REPORT**

The Board considered the terms of reference that were being proposed for the Leisure Provision Task Group. Officers explained that these terms of reference had been identified by Councillor Spencer, as Chairman of the Task Group, in consultation with the Head of Leisure and Cultural Services and the Democratic Services Officer.

Members noted that 9 Councillors, including the Chairman, had asked to participate in the review. A request had also been received from Councillor L. J. Turner to participate in the review after the deadline for nominations.

The appropriate number of members to participate in a Task Group was briefly debated. On the one hand it was noted that the Overview and Scrutiny Board's guidelines recommended that there should be a maximum of 7 members, including the Chairman, in any one Task Group. Concerns were expressed that a Task Group comprising 10 Members would be difficult to administer. On the other hand as these were only guidelines the Board had agreed on previous occasions to allow more than 7 Councillors to participate in previous Task Group exercises. It was also suggested that it would be unfortunate to reject any Councillor who had a particular interest in the exercise.

RESOLVED that

- (a) a maximum of 7 Members be permitted to participate in the Leisure Provision Task Group;
- (b) Officers consult with every Member who has asked to participate in the review to find out whether any are willing to withdraw their names and to report back on the outcomes at the following meeting of the Board;
- (c) the proposed terms of reference for the Leisure Provision Task Group be approved;
- (d) the review be completed within a maximum of 6 months from the date of the first meeting; and
- (e) the Task Group commence its investigation as soon as possible once final membership has been determined.

104/13 JOINT WRS SCRUTINY TASK GROUP

The Board was advised that the latest meeting of the Joint WRS Scrutiny Task Group had taken place the previous week. During this meeting Members had reflected on progress with the review to date. A further meeting of the group was due to take place on 26th March during which Members would be interviewing members of the Worcestershire Shared Services Joint Committee.

The governance structure for Worcestershire Regulatory Services was briefly discussed. Members were advised that there was a Joint Committee, comprising 2 elected Member representatives from each partner, and a Management Board, comprising senior Officer representatives from each Council. The effectiveness of this governance structure and decision making procedures would be addressed in the group's final report.

105/13 WORCESTERSHIRE HEALTH OVERVIEW AND SCRUTINY COMMITTEE

Councillor B. T. Cooper, the Council's representative on the Health Overview and Scrutiny Committee (HOSC) confirmed that the latest meeting of HOSC had taken place on 26th February 2014.

During this meeting Members had scrutinised the draft Urgent Care Strategy for Worcestershire covering a three year period which had been produced by a number of partners in collaboration. The strategy had been the subject of a public consultation process which had concluded on 19th March. Members of HOSC had been particularly keen to ensure that all patients could access good quality care at any time of the day or night.

Councillor Cooper informed Members that the next meeting of HOSC had been cancelled. There would not, therefore, be any update to Members on this subject at the following meeting of the Board.

106/13 CABINET WORK PROGRAMME 1ST APRIL TO 31ST JULY 2014

The Board considered the Cabinet Work Programme for the period 1st April – 31st July 2014.

107/13 OVERVIEW AND SCRUTINY BOARD WORK PROGRAMME

Members considered the latest version of the Overview and Scrutiny Work Programme.

During consideration of this item the following updates were provided for Members' consideration:

- The results of the staff survey, which had been scheduled for consideration during the March meeting of the Board, had been deferred until the April meeting. In part the delays had arisen as time was required to consult with staff and union representatives about the appropriate ways in which to respond to confidential feedback.

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- The revised CCTV Code of Practice was also due to be considered in April. Officers would circulate a copy of the code of practice in advance of the Board meeting to provide Members with an opportunity to identify any issues that they felt should be discussed in detail during the meeting.
- Consideration of the Summary of the Playing Pitch Strategy by the Cabinet had been postponed until September and it was therefore likely that the Board would not have an opportunity to pre-scrutinise the report until its July 2014 meeting. There were a number of reasons for this delay, though staff shortages in particular had impacted on timeframes.
- The Artrix Task Group's final report would be presented for Members' consideration in April.
- The response that had been received from Cabinet to the Air Quality Task Group's second presentation of their recommendations would also be considered during the meeting of the Board in April.

The meeting closed at 7.13 p.m.

Chairman

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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE OVERVIEW AND SCRUTINY BOARD

MONDAY, 14TH APRIL 2014 AT 6.00 P.M.

PRESENT: Councillors P. Lammas (Chairman), R. J. Laight (Vice-Chairman), C. J. Bloore, R. L. Dent, K. A. Grant-Pearce, J. M. L. A. Griffiths (Present from Minute No. 108/13 to Minute No. 117/13), H. J. Jones, L. C. R. Mallett, R. J. Shannon, S. P. Shannon (Present from Minute No. 117/13), C. J. Spencer (Present from Minute No. 108/13 to Minute No. 117/13), C. J. Tidmarsh and L. J. Turner

Invitees: Councillors M. Sherrey and M. Webb

Officers: Ms. J. Pickering, Ms. A. Scarce, Ms. J. Bayley and Ms. R. McAndrews

108/13 APOLOGIES

Members were advised that Councillor S. P. Shannon would be arriving at the meeting slightly late.

The Chairman welcomed Councillor R. J. Shannon to the Board and Members discussed arrangements for delivering updates on the work of the Worcestershire Health Overview and Scrutiny Committee (HOSC), following the departure of Councillor B. T. Cooper from the Board. Officers reported that the meeting of the Committee that had been due to take place in March 2014 had been cancelled. Councillor Cooper had agreed to provide a written update on the outcomes of the April meeting of HOSC. Members were advised that it was likely that the Council's appointment to HOSC would be considered in the new municipal year as it was best practice to appoint a member of the Council's Overview and Scrutiny Board to HOSC.

109/13 DECLARATIONS OF INTEREST AND WHIPPING ARRANGEMENTS

Councillors J. M. L. A. Griffiths and C. J. Spencer declared Disclosable Pecuniary Interests as members of the Bromsgrove Arts Centre Operating Trust in respect of Item No. 6. Councillor R. J. Shannon declared an other Disclosable Interest in respect of Item No. 6. due to his personal friendship with a member of staff employed by the Artrix. As such Councillors Griffiths, Shannon and Spencer withdrew from the meeting and took no part in its consideration and voting thereon.

110/13 **MINUTES**

The minutes of the Overview and Scrutiny Board meeting held on 24th March 2014 were submitted.

Members noted that Councillor S. R. Colella had been present at the meeting and should have been listed amongst the Councillors observing proceedings.

RESOLVED that the minutes be approved.

111/13 **CCTV CODE OF PRACTICE AND IMPACT OF FUTURE FINANCE CUTS**

The CCTV and Telecare Manager presented a briefing paper on the subject of the new CCTV Code of Practice and the impact of future financial cuts on the service. She advised Members that The CCTV Code of Practice had been updated in accordance with legal requirements detailed in The Protection of Freedom Act. In line with the new code an annual report, detailing achievements in the previous years and aspirations for future years, would now need to be prepared. Every three years the Council would also need to review the CCTV system to ensure that operating arrangements remained valid. Consultation with Members would take place as part of this review process.

Members were also provided with an overview of the Council's Lifeline service and the Future Lives scheme. As part of the budget reductions approved by Worcestershire County Council (WCC) funding would no longer be provided by the county Council to tenants who did not have access to a dispersed unit. This did not impact on the Council's existing lifeline customers but would have implications for Bromsgrove District Housing Trust's (BDHT's) tenants. BDHT had contacted all the tenants who would be affected by this change to funding arrangements and a separate arrangements would be made by the Council to offer an alternative service.

Following presentation of the report a number of issues were raised by Members for further discussion.

- Current arrangements for sharing CCTV pictures with the Police at Hindlip Hall and future co-operation following the Council's relocation to Parkside.
- The differences between incidents and reviews. Members were advised that incidents were any report or visual activity, including issues reported by the police or a retail unit, which required the operator to take action. Reviews were a subset of these incidents which specifically related to criminal cases.
- The need for CCTV equipment to be reviewed to ensure that the quality of pictures was useful. Officers explained that whilst cameras had been replaced in Bromsgrove and Rubery in many places equipment purchased in 1998 had been retained as it remained of sufficient quality.
- The Council's maintenance contract and the requirement for contractors to undertake checks of the equipment.

- The fact that CCTV cameras were pre-programmed to focus on specific locations at specific times and the potential for certain incidents to not be recorded as a consequence.
- Restrictions preventing Councils from providing CCTV cameras to private companies on a commercial basis.
- Scenarios where health and morals would require action from CCTV operators, which could include observing street fights or other behaviour endangering a person's life.
- The need for CCTV to avoid discriminating on a number of grounds in respect of the Human Rights Act 1998. Members suggested that sexual orientation should be added to the list of issues that had already been recorded in this section of the code of practice.
- Restrictions on CCTV audio recordings.
- Compliance with data protection rules and the fact that the Council had received a single complaint from a resident since the system had been introduced.
- The use of privacy zones for CCTV cameras located in residential areas.
- The benefits of a dispersed unit which had greater links to a variety of systems that could be useful for customers with multiple needs.
- The support that would be available to BDHT tenants who could not afford to pay for the lifeline service that would be available from the Council.
- The action that was being taken to minimise the risks of some vulnerable customers failing to receive support if they felt they could not utilise the Council's lifeline service.
- The potential financial costs to the Council of taking on more lifeline customers. Officers confirmed that this was likely to be minimal.

RESOLVED that the report be noted.

112/13 **LEISURE PROVISION TASK GROUP - MEMBERSHIP**

Officers explained that following the previous meeting of the Board, when Members had agreed that membership of the Leisure Provision Task Group should be restricted to 7, contact had been made with every Member who had expressed an interest in participating in the review. However, none of these Members had indicated that they would be willing to stand down from the review.

In this context, to ensure that membership was determined in a fair manner, the Board agreed that membership should be determined on a first come first served basis. Officers had kept a record of the dates and time when Members had asked to participate in the review and were therefore able to confirm that Councillors R. L. Dent and S. R. Colella had been the last to ask to participate in this review.

RESOLVED that the following Members should participate in this review in addition to Councillor C. J. Spencer, as the Task Group Chairman; Councillors J. M. L. A. Griffiths, H. J. Jones, L. C. R. Mallett, E. Shannon, S. P. Shannon and C. R. Scurrall.

113/13 **FURTHER RESPONSE FROM CABINET - AIR QUALITY TASK GROUP REPORT**

(Prior to the start of this item there was a ten minute break in the meeting proceedings from 6.35 – 6.45 p.m. This interval occurred due to technical problems with ICT equipment that was scheduled to be used for the delivery of a presentation under Item No. 5 on the agenda).

Officers explained that the Air Quality Task Group's response to the Cabinet's conclusions in relation to the group's initial findings had been considered by the Cabinet at a meeting on 2nd April. The response to the Task Group's proposals had been recorded in the minutes of the meeting, (which would be circulated for Members' consideration following the meeting of the Board). There had been few changes made to the Cabinet's original response.

114/13 **JOINT WRS SCRUTINY TASK GROUP**

The Chairman of the WRS Joint Scrutiny Task Group, Councillor R. J. Laight, advised Members that only one meeting of the group had been held since the last Board meeting. This had involved a number of the members of the Joint Committee who had been invited to attend to respond to pre-prepared questions. Those who were unable to attend had provided written responses to those questions.

The group's recommendations were beginning to be formulated and would be discussed at the following meeting due to be held on 30th April. The draft final report would then be worked on. The group remained on schedule to complete their work by June for presentation at each Overview and Scrutiny Committee in the county.

115/13 **CABINET WORK PROGRAMME 1ST MAY TO 31ST AUGUST 2014**

The Board considered the Cabinet Work Programme for the period 1st May to 31st August 2014.

During consideration of this item questions were raised concerning the inclusion of key decisions on the Work Programme and Members commented that only one of the items had been recorded as a key decision for the period. Members were advised that, as requested at a previous meeting of the Board, the inclusion of information which identified items as key decisions on the Work Programme had been raised with the Officer responsible for producing the document, though it was agreed that a further discussion should take place.

The focus of the subjects scheduled on the Cabinet's Work Programme was also briefly debated. Members commented that it was not always clear from the title of these items what the Cabinet would be invited to consider. In this context the provision of a basic summary of each item was considered useful as this would help to provide Members with clarification. A specific request was also made for further information about the focus of the report concerning

the Review of Policy for the Allocation of Rural Affordable Housing developed under "Exception Site" policy.

116/13 OVERVIEW AND SCRUTINY BOARD WORK PROGRAMME

Members were advised that due to the fact the April meeting was the last scheduled meeting in the municipal year the Board's Work Programme was currently short. Additional items would therefore be added to the Work Programme at the meeting to be held on 16th June 2014.

117/13 SUMMARY OF RESULTS OF THE STAFF SURVEY

The Executive Director of Finance and Corporate Resources circulated a copy of a presentation that had been produced summarising the results of the staff survey. She explained that the survey had been completed by 40% of staff. Responses had included 800 comments from individual members of staff. Due to the scale of these responses it had taken time to analyse the feedback that had been received.

Some of the feedback that had been received had been positive. However, there had also been some responses that had caused concern. For example, only 45% of staff had indicated that they took part in regular team meetings and 50% had indicated that they did not receive feedback from their managers regarding their performance.

Members discussed the content of the presentation and highlighted the following points:

- The difficulty for Members to scrutinise the effectiveness of the Steering Group's response to the staff survey results without first having an opportunity to consider the responses that had been received from staff.
- The fact that the Corporate Management Team (CMT) had also not analysed all of the responses received from staff because this feedback had been treated as confidential. Additional information would be presented for the consideration of CMT at the end of April, though this information would have the same level of detail as that which was contained within the presentation to the Board.
- The potential to share general feedback received from staff, trends within departments and in relation to sickness absence rates without breaching staff confidentiality.
- Concerns that one to ones and team meetings were not taking place as regularly as they should be.
- The frequency of the staff surveys.
- The potential for Members to consider a copy of the survey template to enable the Board to assess the feedback provided by staff in context.
- The length of time it had taken to assess the feedback received from staff and how this compared to other organisations where staff surveys were circulated.
- The fact that completion of the survey was not compulsory.

RESOLVED that

- (a) a representative of the Steering Group be asked to attend the Board meeting to be held on either 16th June or 14th July 2014 to present more detailed information about the responses received to the staff survey; and
- (b) a copy of the survey template be provided for Members' consideration at that meeting.

118/13 **ARTRIX OUTREACH PROVISION TASK GROUP DRAFT FINAL REPORT**

The Chairman of the Task Group, Councillor S. P. Shannon, presented the Artrix Outreach Provision Task Group's final report.

He advised the Board that the group had held a total of 8 meetings and interviewed a number of Officers and representatives of the Artrix and its operating trust. The Chairman also highlighted each of the group's 9 recommendations in turn and briefly described the evidence basis for these recommendations, as detailed in the report.

The Task Group had wanted to highlight the following areas:

- The group had been pleasantly surprised at the number and a wide variety of outreach activities which the Artrix provided throughout both District and other parts of the County.
- The professionalism of the staff at the Artrix and continued efforts to seek out funding for activities.
- The partnership work between the Council's Arts and Events team and the Artrix Centre in order to ensure that the work met the needs of the residents of the District.

The group was keen to ensure that these activities continued and were made available to those residents within the District that needed them the most. Many of the recommendations were therefore based around promotion of the outreach work to both residents and Councillors.

In conclusion to this item the Chairman thanked all of the Officers and representatives of the Artrix who had provided evidence to the group during the review. In particular, he thanked Amanda Scarce, Democratic Services Officer, for her hard work and for the support that she had provided to the group.

RESOLVED that the Artrix Outreach Provision Task Group Report and Recommendations be submitted to Cabinet for approval.

The meeting closed at 7.25 p.m.

Chairman

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE AUDIT BOARD

THURSDAY, 20TH MARCH 2014 AT 6.00 P.M.

PRESENT: Councillors B. T. Cooper (Vice-Chairman), J. R. Boulter, M. T. Buxton, S. J. Dudley, H. J. Jones and C. J. Spencer (substituting for P. A. Harrison)

Invitees: Councillor M. J. A. Webb, Portfolio Holder for Finance, Customer Services and Economic Development

Officers: Ms. J. Pickering, Mr. A. Bromage and Mrs. P. Ross

The Chairman welcomed Councillor M. J. A. Webb to the meeting as Portfolio Holder for Finance, Customer Services and Economic Development.

34/13 APOLOGIES

Apologies for absence were received from Councillors P. A. Harrison and P. M. McDonald. Councillor C. J. Spencer confirmed she was attending as a substitute Member.

35/13 DECLARATIONS OF INTEREST

No declarations of interest were received.

36/13 MINUTES

The minutes of the Audit Board meeting held on 12th December 2013 were submitted.

RESOLVED that the minutes be approved as a correct record.

37/13 GRANT THORNTON - CERTIFICATION WORK REPORT 2012/2013

The Chairman welcomed Mr. P. Jones (Engagement Lead) and Ms. Z. Thomas (Engagement Manager) from Grant Thornton to the meeting.

The Board was asked to note the Grant Thornton Grant certification letter 2012/2013 and the Grant certification work plan 2013/2014.

Ms. Z. Thomas introduced the report and informed Members that they had certified two claims for 2012/2013 which related to £45.8 million of expenditure. The two claims, as detailed at Appendix 1 to the report were:

- Housing and Council Tax Benefit Scheme
- National Non Domestic Rates

There were no significant issues arising from their certification work which they wished to highlight for the Board's attention. They were satisfied that the Council had appropriate arrangements to compile complete, accurate and timely claims/returns for audit certification and were satisfied that any recommendations raised in previous years had been addressed.

There were a number of errors identified in the housing benefits testing. There were 8 cells for which 40+ testing was required. The value of the errors were extrapolated and reported to the Department for Work and Pensions (DWP) in line with the Audit Commission certification instructions. The total extrapolated value of amendments was less than £20,000 and was therefore small relative to the total value of the claim. It was important that officers reviewed the errors to determine whether there were any lessons to be learned that should be reflected in training and procedures within the department.

In response the Executive Director, Finance and Corporate Resources informed Members that she accepted there had been slightly more errors than in previous years. Training plans and checks were now in place with Benefits Team Leaders.

RESOLVED that the Grant Thornton Grant certification letter 2012/2013 and the Grant certification work plan 2013/2014 be noted.

38/13 **GRANT THORNTON - REVIEW OF FINANCIAL RESILIENCE**

The Board was asked to note the Grant Thornton Review of the Council's Arrangements for Securing Financial Resilience.

Mr. P. Jones, Engagement Lead, Grant Thornton introduced the report and in doing so drew Members' attention to page 31 in the report, which detailed the RAG (Red/Amber/Green) rating used by Grant Thornton. The Executive Summary detailed the four risk areas:

- Key Indicators of Performance
- Strategic Financial Planning
- Financial Governance
- Financial Control

Three of the risk areas had been RAG rated green, Financial Governance was RAG rated amber, due to the significant unplanned underspends in its revenue and capital budgets for the last two years. The Council had taken these large underspends seriously. Mr. Jones felt that there needed to be clear communication between the budget holders and their designated

accountants. Financial reports in the past had not been explicit enough about savings, the Board needed to ensure that transformation was delivering savings. Overall the financial position was reasonably sound.

The Chairman expressed his concerns with regard to over estimating on the budget, which had been contentious and questioned what plans were now in place. In response the Executive Director, Finance and Corporate Resources informed Members that the current underspend was £50,000. Each department now had a dedicated accountant. The 2014/2015 budget was being scrutinised with every single spend versus budget checked and any underspend drawn down and extracted to meet future budget savings. A financial management training package for budget holders was currently being developed and Grant Thornton would be asked for their comments on the financial training package. Members were further informed that a detailed report on financial resilience, as detailed at agenda item 13, would be presented to Members later in the meeting.

Councillor M. T. Buxton commented that she was pleased to see that the concerns raised by Members with regard to unplanned underspends had been taken into account and addressed.

RESOLVED that the Grant Thornton Review of the Council's Arrangements for Securing Financial Resilience and the actions to be undertaken by the Council, be noted.

39/13 **BENEFITS SERVICES FRAUD INVESTIGATION**

The Board considered a report which detailed the performance of the Benefits Services Fraud Investigation service for the period 1st October 2013 to 31st December 2013.

The Executive Director, Finance and Corporate Resources introduced the report and in doing so informed the Board that as detailed in the report, during this period there had been 3677 live Housing Benefit claims and 5102 Council Tax Support claims at any one time. Direct expenditure for the period from 1st April 2013 until 31st December 2013 was £15,667,212 in Housing Benefit and £5,666,630 in Council Tax Support.

47 fraud referrals had been received and considered for investigation by the team. Many fraud referrals related to benefits paid by both Bromsgrove District Council and the Department of Works and Pensions (DWP). In these cases, a joint approach was taken to ensure that the full extent of offending was uncovered and the appropriate action was taken by both bodies.

The Executive Director, Finance and Corporate Resources responded to Members' questions with regard to files being closed without sanction. The Chairman questioned as to why cases were closed without sanction and not left open, pending information that could be received at a later date, therefore providing enough evidence to prosecute. The Executive Director, Finance and Corporate Resources agreed to raise his question with the Head of Customer Access and Financial Support and report back to the Board.

Following further discussion on the new benefit system, Universal Credit, the Executive Director, Finance and Corporate Resources suggested that information on the new benefit system and the potential for increased fraud be reported to a future meeting of the Board.

The Chairman suggested and asked Members if they would prefer to see temporal data in future reports. Members were in agreement.

RESOLVED:

- (a) that the Benefits Services Fraud Investigation for 1st October 2013 to 31st December 2013 be noted;
- (b) that future reports include temporal data; and
- (c) that information on Universal Credit and the potential for increased fraud be reported to a future meeting of the Board.

40/13 **TREASURY MANAGEMENT STRATEGY STATEMENT AND INVESTMENT STRATEGY 2013-2014 TO 2015-2016**

The Board was asked to consider a report which detailed the Treasury Management Strategy Statement and Investment Strategy 2013/2014 to 2016/2016 in order to comply with the Local Government Act 2003.

The Executive Director, Finance and Corporate Resources introduced the report and in doing informed Members that the Chartered Institute of Public Finance and Accountancy's Code of Practice for Treasury Management in Public services (CIPFA TM Code) and the Prudential Code required local authorities to set the Treasury Management Strategy Statement (TMSS) and Prudential Indicators each financial year.

RESOLVED:

- (a) that the Strategy and Prudential Indicators shown at Appendix 1 to the report;
- (b) that Authorised Limit for borrowing at £12 million if required;
- (c) the maximum level of investment to be held within each organisation (i.e. bank or building society) as detailed at £3 million, subject to market conditions;
- (d) that an unlimited level of investment in Debt Management Account Deposit Facility (DMADF); and
- (e) that the updated Treasury Management Policy, as detailed at Appendix 2 to the report, be approved.

41/13 **CORPORATE FRAUD - AUDIT REVIEW**

The Board was asked to note the Worcestershire Internal Audit Shared Services review currently being undertaken in relation to Corporate Fraud 2013/2014.

The Executive Director, Finance and Corporate Resources provided Members with brief details of the Staff Mood Survey and the questions included within the survey in respect of the Council's Whistleblowing Policy:

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Audit Board
20th March 2014

- I understand that I have a responsibility to raise any concerns I may have over possible fraud, crime, danger or other serious risk that could threaten customers, colleagues, the public or the organisation's reputation –
 - Yes 97.18% (276) No 2.82% (8) 284
- I know how to raise such a concern –
 - Yes 83.22% (238) No 16.78% (48) 286
 -
 - I feel confident about raising any such concerns –
 - Yes 78.95% (225) No 21.05% (60) 285

Councillor Buxton felt that a more direct question "Are you aware of the Council's Whistleblowing Policy" should have been included in the Staff Mood Survey in order to identify any training issues. Members agreed that this should be included in the Audit Brief to ensure staff were aware of the Council's Whistleblowing Policy.

The Executive Director, Finance and Corporate Resources drew Members' attention to Appendix 2 to the report that detailed the Objectives of the Audit; which had been determined by Internal Audit and would address current policies and procedures whilst identifying best practice across the audit environment. The results of the Corporate Fraud 2013/2014 audit review would be reported to a future meeting of the Board. Members had noticed that the policy was out of date and in need of review. The Executive Director, Finance and Corporate Resources informed Members that this would be picked up by Internal Audit during the audit review.

Members raised the following questions:-

- Employee commencement and termination forms, what checks were in place to ensure that the staff member completing these forms was authorised to do so and to ensure there was no fraud taking place?
- Could it be included in the revised Whistleblowing policy that staff can raise concerns with Councillors?

The Executive Director, Finance and Corporate Resources agreed to raise both questions with the Council's Human Resources department and report back to the Audit Board.

RESOLVED that, as detailed in the preamble above the Corporate Fraud Audit Brief, in relation to Corporate Fraud be amended and noted.

42/13 **INTERNAL AUDIT MONITORING REPORT**

The Board considered a report which detailed the monitoring report of internal audit work and performance as at 28th February 2014

Mr. A. Bromage, Service Manager, Worcestershire Internal Audit Shared Service introduced the report and in doing so drew Members' attention to the audit reports issued and completed as at 28th February 2014, as detailed on page 104 and 105 in the report. There were no high priorities for the audits completed. Mr. Bromage responded to the Chairman and highlighted that he was confident that the planned programme of audit work would be completed.

RESOLVED that the monitoring report of internal audit work and performance as at 28th February 2014 be noted.

43/13 **INTERNAL AUDIT OPERATIONAL PLAN 2014/2015**

The Board considered a report which detailed the Internal Audit Operational Plan 2014/2015 and the key performance indicators for the Worcestershire Internal Audit Shared Service 2014/2015.

Mr. A. Bromage, Service Manager, Worcestershire Internal Audit Shared Service introduced the report and in doing reminded Members that a provisional plan of work was presented to the Board in December 2013. The provisional plan had provided Members with the opportunity to have a positive input to the audit work programme.

Mr. Bromage highlighted that with the resource allocation of 300 chargeable days for 2014/2015, as agreed with the Council's s151 officer; he was confident that he could provide management, external audit and those charged with governance with the assurances and coverage that they required over the system of internal control, annual governance statement and statement of accounts.

RESOLVED:

- (a) that the Internal Audit Operational Plan 2014/2015; and
- (b) the Key Performance indicators for the Worcestershire Internal Audit Shared Service 2014/2015 be approved.

44/13 **ICT RESILIENCE UPDATE**

Following on from the meeting held on 12th December 2013 where Members had requested further information on ICT Resilience. At the suggestion of the Chairman and with the agreement of all Members it was

RESOLVED that Executive Director, Finance and Corporate Resources would provide the brief information on ICT Resilience to the Democratic Services Officer to forward onto all Audit Board Members.

45/13 **CORPORATE RISK REGISTER**

The Board was asked to note and propose any additional items to be included in the Corporate Risk Register 2014/2015.

The Executive Director, Finance and Corporate Resources introduced the report and in doing so drew Members' attention to the Corporate Level – Risk Register, as detailed at Appendix 1 to the report.

The Corporate Risk Register was currently in the process of being updated and Members were requested to consider and propose any additional risk areas or changes to the Corporate Risk Register that were deemed to be of a strategic nature. The risks contained within the Corporate Register were deemed as strategic as they had the following impact:-

- If realised, could fundamentally affect the way in which the Council existed or provided services in the next five years.
- These risks would have a detrimental effect on the Councils' achievement of the key purposes
- Risk realisation would lead to material failure, reputation damage, loss or lost opportunity across the Council

The Executive Director, Finance and Corporate Resources informed Members that an additional corporate risk has been identified by the Head of Legal and Democratic services in relation to the implementation of the Individual Electoral Registration. The controls and actions in place were discussed with Members. Members agreed that Corporate Fraud be added as an additional corporate risk.

Risks were monitored on a quarterly basis and actions were undertaken to ensure adequate and robust controls were in place to mitigate any risk.

Following further discussion it was

RESOLVED:

- (a) that, as detailed in the preamble above the implementation of the Individual Electoral Registration and Corporate Fraud be included as additional corporate risks; and
- (b) that subject to these amendments the Corporate Risk Register be noted.

46/13 **QUARTER 3 - FINANCE MONITORING REPORT 2013/2014**

The Board was asked to consider a report which detailed the Council's summary financial position for Quarter 3, April to December 2013.

The Executive Director, Finance and Corporate Resources introduced the report and in doing so informed Members that the detail was presented to Cabinet and Overview and Scrutiny Board to enable Members to discuss the reasons for the variances in expenditure and income on the services provided. The main summary was included within the report to enable Members to be assured that relevant information was provided.

RESOLVED:

- (a) that the current summary financial position on Revenue and Capital be noted; and

(b) that the savings delivered 2014/2015 as reported and the approach taken to report the savings be approved.

47/13 **AUDIT BOARD END OF YEAR REPORT 2013/2014**

The Democratic Services Officer sought confirmation from the Board as to whether or not Members wanted to follow on from the success of the last municipal year and produce an Audit Board End of Year Report for 2013/2014.

RESOLVED that the draft Audit Board End of Year Report 2013/2014 be presented to the next meeting of the Audit Board.

48/13 **AUDIT BOARD WORK PROGRAMME MARCH 2014**

The Board considered the Work Programme for 2013/2014.

Following a brief discussion on the number and volume of reports presented to Audit Board meetings, the Board agreed that the Portfolio Holder for Finance, Customer Services and Economic Development and officers be tasked to review the Work Programme for 2014/2015.

RESOLVED:

- (a) that the Work Programme for 2013/2014 be noted; and
- (b) that the Portfolio Holder for Finance, Customer Services and Economic Development and officers review the Work Programme for 2014/2015.

The meeting closed at 7.14 p.m.

Chairman

CABINET

4th June 2014

ARTRIX OUTREACH PROVISION TASK GROUP

| | |
|--|---|
| Relevant Portfolio Holder | Councillor Mike Webb |
| Portfolio Holder Consulted | Yes |
| Relevant Head of Service for Overview and Scrutiny | Claire Felton – Head of Legal, Equalities and Democratic Services |
| Wards Affected | All |
| Ward Councillor Consulted | All Ward Councillors were invited to join the Task Group. |
| Non-Key Decision | |

1. SUMMARY OF PROPOSALS

- 1.1 The purpose of this report is to allow Cabinet to consider the findings and recommendations of the attached Overview and Scrutiny Board report.

2. RECOMMENDATIONS

- 2.1 The Cabinet is requested to:
- (a) consider the attached Overview and Scrutiny Board report (Appendix 1) and the recommendations contained within it;
 - (b) to either agree, amend or reject each of the recommendations contained in the report;
 - (c) provide an Executive Response to the Overview and Scrutiny Board report and recommendations, which may include an Action Plan to summarise how and when each of the agreed recommendations will be implemented.
 - (d) request the relevant Portfolio Holder in consultation with appropriate officers to indicate the expected implementation dates, as appropriate.

3. KEY ISSUES

Financial Implications

- 3.1 The estimated Financial and Resource implications of the recommendations are detailed in the Summary of Recommendations of the appended report.

Legal Implications

- 3.2 These are detailed within the attached report.

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Service/Operation Implications

- 3.3 Following the submission of an Overview and Scrutiny Topic Proposal form, by Councillor Peter McDonald, at the Overview and Scrutiny Board meeting held on 15th July 2013 it was agreed that a Task Group would be established to investigate the outreach work carried out at the Artrix Centre. Full details of the Task Group's investigations are detailed in the attached report.
- 3.4 The report and recommendations were agreed by the Overview and Scrutiny Board at its meeting on 14th April 2014 and referred to Cabinet for consideration.

Customer / Equalities and Diversity Implications

- 3.5 N/A

4. RISK MANAGEMENT

- 4.1 N/A

5. APPENDICES

Appendix 1 – Artrix Outreach Provision Task Group Report

6. BACKGROUND PAPERS

See attached report for details.

7. KEY

None

AUTHOR OF REPORT

Name: Amanda Scarce – Democratic Services Officer
E Mail: a.scarce@bromsgroveandredditch.gov.uk
Tel: 01527 881443

ARTRIX OUTREACH WORK PROVISION TASK GROUP



March 2014



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MEMBERSHIP OF THE TASK GROUP

Councillor Sean Shannon (Chairman)
Councillor Richard Deeming
Councillor Stuart Dudley
Councillor Peter McDonald
Councillor Luke Mallett
Councillor Chris Scurrall
Councillor Elaine Shannon
Councillor Peter Whittaker

SUPPORTING OFFICER DETAILS

Amanda Scarce – Democratic Services Officer
a.scarce@bromsgroveandredditch.gov.uk

Foreword from the Chairman

The Artrix Centre has, over a relatively short time become a real success story. No longer just a Bromsgrove - North Worcestershire centre for the arts and entertainment, the Artrix now has a national presence hosting prestigious exhibitions, international musicians and the very best from the UK comedy circuit.

Using a theatrical turn of phrase "behind the scenes" another much lesser known success has been developing. Our Task Group Members have been surprised at the volume of outreach provision at Artrix and offsite across North Worcestershire. The professionalism of Artrix staff delivering quality and a great diversity of outreach projects has impressed Task Group Members.

Production of this report has resulted from a comprehensive examination of the outreach projects provided at Artrix. The Task Group have conducted interviews and discussions with Trustees, Chair, Artistic Director, Outreach and Education Co-ordinator from Artrix, together with the Council's Arts and Events Manager, Arts Developments and Officer and The Head of Leisure and Cultural Services.

Councillor Sean Shannon
Chairman of the Artrix Outreach Provision Task Group

Summary of Recommendations

After consideration of the evidence available and interviewing witnesses the Task Group have proposed the following recommendations:

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| Recommendation 1 |
| (a) The inclusion of a set of clear performance indicators in respect of outreach work be included within the new Service Level Agreement; and (b) A proportion of the funding provided by the Council to be ring fenced for Outreach work. |
| Financial Implications: There are no financial implications for Bromsgrove District Council. |
| Resource Implications: There would be a small amount of Officer time needed to carry out the work on the Service Level Agreement. |

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| Recommendation 2 |
| That the Bromsgrove District Council logo be more prominent in Artrix promotional literature. |
| Financial Implications: There are no financial implications for Bromsgrove District Council. |
| Resource Implications: There are no resource implications for Bromsgrove District Council. |

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| Recommendation 3 |
| (a) In order to compliment the formal reporting of performance indicators to Officers that the Council receives a quarterly informal (narrative and image based) report from the Artrix detailing the events that have taken place together with the number of those attending. (b) Those Member representatives on the Operating Trust report back regularly to full Council. |
| Financial Implications: There are no financial implications for Bromsgrove District Council. |
| Resource Implications: There are no resource implications for Bromsgrove District Council. |

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| Recommendation 4 |
| The Artrix Centre to: a) liaise with Members in respect of specific activities within their ward; and b) explore ways in which it could raise awareness of its activities in all areas within the District. (For example through Parish Council, school and other notice boards throughout the District.) |
| Financial Implications: There are no financial implications for Bromsgrove District Council. |
| Resource Implications: There are no resource implications for Bromsgrove District Council. |

Recommendation 5

The Artrix Centre to:

- (a) ensure that there is a defined profile for the target participants/audience that the Outreach Provision is provided for;
- (b) ensure that participation in such activities is not prohibitive due to cost (for example, seek funding for bursaries where possible); and
- (c) make activities available through out the main school holidays, particularly during the Easter and summer breaks.

Financial Implications:

There are no financial implications for Bromsgrove District Council.

Resource Implications:

There are no resource implications for Bromsgrove District Council.

Recommendation 6

An insert, prepared by the Artrix, to be included within Together Bromsgrove detailing outreach activities at the Artrix.

Financial Implications:

There are no financial implications for Bromsgrove District Council.

Resource Implications:

There are no resource implications for Bromsgrove District Council.

Recommendation 7

The main programme brochure which is produced by the Artrix to be used to promote its outreach work.

Financial Implications:

There are no financial implications for Bromsgrove District Council.

Resource Implications:

There are no resource implications for Bromsgrove District Council.

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| Recommendation 8 |
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| That the Artrix promote all the facilities available to those with a disability. |
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| Financial Implications: |
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| There are no financial implications for Bromsgrove District Council. |
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| Resource Implications: |
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| There are no resource implications for Bromsgrove District Council. |
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| Recommendation 9 |
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| That the Artrix consider contacting Worcestershire County Council with a view to improving the signage within the Railway Station and Town Centre areas. |
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| Financial Implications: |
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| There are no financial implications for Bromsgrove District Council. |
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| Resource Implications: |
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| There are no resource implications for Bromsgrove District Council. |
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Background Information

A topic proposal completed by Councillor Peter McDonald was submitted to the Overview and Scrutiny Board meeting held on 15th July 2013.

Councillor McDonald's proposal was keen to ensure that the Outreach Provision was successful and marketed in such a way as it reached those in the community that needed it most and may be excluded. It was also important to ensure that as the Council made a considerable contribution to the funding of the Artrix that it received value for money.

Following discussion it was agreed by the Overview and Scrutiny Board that a Task Group would be established to scrutinise the Artrix Outreach Provision and that Councillor Sean Shannon would be appointed Chairman.

At the Board meeting held on 16th September 2013 members agreed both the Membership of the Task Group and its Terms of Reference and set a timescale for completion of the work of within 6 months of the date of its first meeting.

Due to workload and annual leave (both Members and Officers) there was a delay in the commencement of the investigation and the first meeting did not take place until 13th November 2013 when the terms of reference and work planning were discussed. Since that date the Task Group has held a further 8 meetings where it has considered evidence from a number of internal and external witnesses. The Task Group has also considered written evidence from a number of sources and was provided with detailed information from the Education and Outreach Co-ordinator at the Artrix Centre.

Chapter 1

Funding from Bromsgrove District Council

At one of the first meetings of the Task Group Members were provided with a copy of the current service level agreement between the Council and the Artrix Centre, together with background information to support this and the role which both the Council and NEW College played in the setting up of the Artrix Centre. Members were keen that the Council's support of and joint working with the Artrix Centre be acknowledged and promoted within the community as much as possible.

During discussions with officers the Task Group were informed that the current agreement with the Artrix Centre was due to expire in April 2015. This had been a 10 year agreement and stipulated that the Council should inform the Artrix Centre at year 8 of any changes to the funding the Council wished to make from April 2015. This original funding stream had been £120k per annum. The Head of Leisure and Cultural Services informed Members that, following discussions with the Artrix and due to budget pressures the Council had decided to reduce this to £60k from April 2015. As one of the main areas which had been included within the original topic proposal form completed by Councillor McDonald was to ensure that the Council was receiving value for money from the funding which it provided to the Artrix Centre the Task Group was keen to ensure that the new service level agreement, which would be for 3 years, ensured that the outreach work was carried on and given the importance it deserved. It was however acknowledged that currently the funding was not allocated to specific areas of work, but was merely a contribution to the overall running and programme of the Artrix Centre. It was suggested that less than 0.1% actually filtered down to the role of the Education and Outreach Co-ordinator and would merely be a contribution towards her salary.

At a very early stage of its investigation the Task Group had been keen to receive information which covered current and previous years and which provided them with the number of activities which had taken place, the number of people attending together with any charge that was made and feedback from those attending, to ensure that the activities had been worthwhile. The Task Group were provided with data covering the Artrix activities and events from 2010 and including Outreach work from 2012 when the post of Education and Outreach Co-ordinator was created, together with information on the activities covered by the current Service Level Agreement between the Council and the Artrix. This included actual and target data. The Education and Outreach Co-ordinator also provided information on how each activity was evaluated.

Members were informed that the relationship between the Council and the Artrix was managed on a day to day level by the Arts Manager, who met regularly with the Arts Director at the Artrix and with the Head of Service meeting with the Operating Trust approximately 6 monthly. It was stressed to

Agenda Item 6

Members that this was very much an “arms length” role which the Council played to only ensuring that the services detailed in the current SLA were met wherever possible. Members anticipated that this would continue with the new service level agreement, which would be in place from April 2015.

From the information which the Task Group received it was agreed that the outreach provision was an important service provided by the Artrix Centre and one which not only needed to be maintained, but monitored to ensure that those residents which needed the service were able to access it. It was therefore pertinent that such work should be included within any service level agreement set up between the Council and the Artrix Centre in respect of the revised funding stream going forward.

The Task Group therefore recommends the following:

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| Recommendation 1 |
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| <ul style="list-style-type: none">(a) The inclusion of a set of clear performance indicators in respect of outreach work be included within the new Service Level Agreement; and(b) A proportion of the funding provided by the Council be ring fenced for Outreach work. |
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| Recommendation 2 |
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| That the Bromsgrove District Council logo be more prominent in Artrix promotional literature. |
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Chapter 2

Raising Awareness of Outreach Work with Councillors

From the initial interviews with both officers and the Education and Outreach Co-ordinator at the Artrix Centre it was apparent to Councillors that the work of the Artrix Centre and the data provided under the service level agreement was not made readily available to Councillors or considered at any formal meeting. As the investigation progressed it was clear to Members that there were some excellent activities, which were well attended taking place throughout the District.

Whilst interviewing the Chairman of the Operating Trust Members discussed this and she herself said she was grateful to be given an opportunity to talk about and promote the work which was being carried out. She also readily admitted that the Artrix Centre did not work as closely with Councillors as they would like and was happy to provide them with regular updates if the opportunity arose and would be grateful for the opportunity to build upon the relationship that was already in place with officers and the Members who had places on both the Operating and Holding Trusts. The Chairman was keen to promote the excellent work which was carried out as were the Councillors keen to ensure that the contribution made by the Council through its funding was acknowledged.

Whilst interviewing the Chairman of the Operating Trust Members highlighted areas within the Artrix Annual Report and Accounts, where it was felt improvement could be made. Whilst it was acknowledged that this document was a legal requirement and did include a small amount of data, the Chairman acknowledged that this could be used as an opportunity to review the format of the document for future years in order to make it both more user friendly and provide both the statutory requirements and further useful information.

From the data which had been provided in respect of attendance and activities it was clear to Members of the Task Group that there were activities carried out within their own Wards and which they were not aware of. The Task Group agreed that it would be useful for all Members to have the data on a regular basis and also for them to be informed, wherever possible of activities which were taking place within their Ward. It was acknowledged that this may be difficult, but it was also argued that not only may Councillors be aware of families within their area who would benefit from the activities and they could raise awareness of these with them, but also where there was perhaps an issue with cost, Councillors may be able to assist with finding suitable funding or be in a better position to negotiate on behalf of a family with the Artrix Centre.

The Task Group therefore recommends the following:

Recommendation 3

- (a) In order to compliment the formal reporting of performance indicators to Officers that the Council receives a quarterly informal (narrative and image based) report from the Artrix detailing the events that have taken place together with the number of those attending.
- (b) Those Member representatives on the Operating Trust report back regularly to full Council.

Recommendation 4

The Artrix to:

- a) liaise with Members in respect of specific activities within their ward;
and
- b) explore ways in which it could raise awareness of its activities in all areas within the District. (For example through Parish Council , school and other notice boards throughout the District.)

Chapter 3

Provision of Outreach Activities

The original topic proposal completed by Councillor McDonald was clear in its key outcomes “to ensure that Outreach Provision is successful and marketed in such a way it reaches those in the community that may be excluded and plays its part in tackling anti-social behaviour”. At the initial meeting when the terms of reference and work planning were discussed, Members asked for clarification as to what exactly was covered by “outreach provision”. This was defined as activities which were arts related for groups who would not necessarily access the Artrix Centre and which were provided outside of the Centre’s core service. Members were keen to ensure that consideration was given to social inclusion and that participation in such activities was not prohibitive due to cost.

The information provided to Members covered a variety of activities, some of which were one off sessions and others which were held regularly and based at the Artrix Centre itself. These included workshops and youth theatre sessions and covered such areas as communication skills and confidence building. There was also a drama group for young people with disabilities and special needs.

During the interview with the Education and Outreach Co-ordinator it was explained her role to Members; this was as a facilitator rather than provider. She explained that all “trainers” were interviewed and visits made to see the work that those trainers carried out to ensure that it was fit for purpose; the majority were people who had already been know to the Education and Outreach Co-ordinator. Activities were assessed and feedback requested from those attending at every opportunity, if the activity provided was proved to be unsuitable or the feedback negative then the activity would be changed or not repeated. Whilst welcoming the variety of activities, Members were concerned at the cost of these and agreed that in some cases that cost would be prohibitive to those families who would actually benefit the most from them.

Members were informed by the Education and Outreach Co-ordinator that she had in the past allocated some funding of projects to a bursary scheme in order to support those who would not be able to afford some of the activities available. It was highlighted however, that this was a difficult subject to both raise with the families and promote. Members were keen for bursaries to continue to be made available and for the Education and Outreach Co-ordinator to continue to source funding wherever possible.

Members raised concern as to how the activities were funded and in particular those which had in previous years been funded through the County Councillor divisional funds. It was explained that these had been one off events and would not have taken place without those funds, so if they were withdrawn in future then there would be no overall effect on the programme of events which usually took place.

The Education and Outreach Co-ordinator informed Members that specific funding had also been received from West Mercia Police and this had also been used to fund specific projects. Members were given the opportunity to view a number of films which had been made by young people from this funding, these were part of a North Worcestershire wide project the overarching aims were to divert young people from anti-social behaviour, tackle drug and alcohol misuse and offer useful skills-based creative projects together with promoting community cohesion within areas facing challenges. Members were particularly impressed with a film called A Prisoners Journey, which was a film-making project with inmates at HMP Hewell reflecting on their own experiences, which would be used for youngsters at risk of offending as a deterrent. It was hard hitting, well put together and would have the impact needed to influence those it was aimed at in a positive manner. It was agreed by the Task Group that wherever possible, such projects should be encouraged and supported and the Education and Outreach Co-ordinator continue to seek funding from whatever sources were available.

The Task Group therefore recommends the following:

| Recommendation 5 |
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| <p>The Artrix Centre to:</p> <ul style="list-style-type: none">a) ensure that there is a defined profile for the target participants/audience that the Outreach Provision is provided for;b) ensure that participation in such activities is not prohibitive due to cost (for example, seek funding for bursaries where possible.); and(c) make activities available through out the main school holidays, particularly during the Easter and summer breaks. |

Chapter 4

Raising Awareness of Outreach Work with Residents

Members quickly became aware that there was an abundance of activities provided by the Artrix which came under the scope of outreach work. These varied from a simple one off craft based activity or an activity within a school to the in depth pieces of work which culminated in the films which Members had been allowed to watch being produced. Some of these activities were provided free of charge and for others there was a fee. The Education and Outreach Co-ordinator had highlighted during her interview with Members that she had to ensure that the cost of the activity was covered wherever possible, unless the activity had been specifically set up and funded for example those by the West Mercia Police funding.

Members were keen that, particularly where the activities took place out in the community that every opportunity was taken to both promote the activity and ensure that those families in most need were able to both afford and access them. The Education and Outreach Co-ordinator had provided Members with details of how she promoted this work, through contacts with the schools and various other means such as a newsletter. As the audience that the Education and Outreach Co-ordinator was trying to reach was of a younger age range, social media was also used in order to reach as wide an audience as possible. Although there was limited information on the Artrix website it was acknowledged that not everyone may be able to access this and therefore Members wished to find alternative ways in which the activities could be promoted out in the community.

During the interview with the Education and Outreach Co-ordinator Members questioned the inclusion of those with a disability and it was confirmed that whilst there was activities available, it was an area where there was room for improvement and further work needed to be carried out. Currently there was a specific drama group, which had originally been funded by West Mercia Police, but had recently become self funded, which had proved difficult and had led to limited take up.

At the penultimate meeting of the Task Group it was noted that the Artrix Centre website had now created a separate webpage dedicated to Outreach which highlighted the work carried out with many groups within the local community. It was hoped that this would be expanded upon and would in future provide information in respect of up and coming events in order to encourage the community to take advantage of the activities which were available.

The Task Group therefore recommends the following:

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| Recommendation 6 |
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| An insert, prepared by the Artrix, to be included within Together Bromsgrove detailing outreach activities at the Artrix. |
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| Recommendation 7 |
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| The main programme brochure which is produced by the Artrix to be used to promote its outreach work. |
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NB – Recommendation 4(a) would also link in with raising awareness with Residents.

Chapter 5

General

At one of the earliest meetings of the Task Group, Members were keen to get the views of residents and arranged for a press release to be issued. This explained that the Task Group had been set up to look at how the venue was made accessible to sections of the population that might not otherwise access it, and encouraged residents to express their view or participate in the work being carried out.

Two responses were received and although these were not directly related to the terms of reference of the Task Group Members considered the views put forward and agreed that the areas raised were of sufficient concern that they should be investigated. Those areas were:

- *The difficulty of sitting comfortably in the main theatre for those who while not disabled enough to require a wheelchair space, were considerably incapacitated by arthritic or other similar conditions, particularly where there was restricted leg room. The resident went on to give details of the stepped seating being close together and the kickboard which were problematic.*
- *Whilst praising the fact that Bromsgrove had such a good venue a resident went on to say that a lot of people missed out on which was on offer because people were not aware of where it was and the lack of public transport to the venue. The resident went on say that she felt there was a lack of signage particularly from the bus and railway station and that she was sure people would pay if there was some sort of minibus transport for those who lived further afield.*

The point in respect of the seating was raised during the interview with the Chairman of the Artrix Operating Trust. Members were informed that there was a facility whereby if a person contacted the Artrix prior to a performance a limited number of freestanding seats could be made available in specific areas of the auditorium. Members were also informed that the Artrix had received an award through the Council's Disabled Access Awards scheme. The Task Group agreed that it was important that the availability of such facilities be promoted.

Whilst discussing the facilities available for those with a disability it was noted that the Artrix showed approximately 8 English speaking films a year with subtitles for the benefit of those with hearing difficulties and there was also a hearing loop available. These facilities were mentioned in the main brochure for the Artrix but Members agreed that they could be promoted in a more prominent way to ensure that people were aware of what facilities were available.

Agenda Item 6

In respect of the signage referred to by the second resident, following discussions Members agreed that, although there was signage nearer to the actual site, from conversations they had had with residents there were some who were unaware of where exactly the Artrix Centre was and had not seen signage to promote it. Members were also mindful that there would in the future be development of the Railway Station, which it was agreed, would provide a good opportunity to improve the signage, particularly as this would make Bromsgrove more accessible by train and could therefore be a form of transport which would become more readily available to potential new users of the Artrix Centre.

It was agreed that the comments received from the members of the public would be fed back to the Artrix and that a copy of the Task Group's final report would be provided for them in order for them to see that their comments had been taken on board.

The Task Group therefore recommends the following:

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| Recommendation 8 |
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| That the Artrix promote all the facilities available to those with a disability. |
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| Recommendation 9 |
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| That the Artrix consider contacting Worcestershire County Council with a view to improving the signage within the Railway Station and Town Centre areas. |
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Appendix 1

OVERVIEW AND SCRUTINY EXERCISE SCOPING CHECKLIST



Bromsgrove
District Council
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This form is to assist Members to scope the overview and scrutiny exercise in a focused way and to identify the key issues it wishes to investigate.

- Topic: **Artrix Outreach Provision**

- Specific subject areas to be investigated:

- **The projects covered by the outreach work, including number of young people involved in each project.**

- Possible key outcomes:

(i.e. please state what Members hope to achieve through this investigation):

- **To ensure that the outreach provision is successful and reaches those within the community that may be otherwise excluded from such activities**
- **That the provision of outreach work contributes to the tackling of anti social behaviour within the District**
- **Value for money is achieved from the service**

- Should the relevant Portfolio Holder(s) be invited to give evidence?

YES

- Which officers should be invited to give evidence?

(Please state name of officer and/or job title)

**Head of Leisure & Cultural Services
Arts Development and Events Officer**

Agenda Item 6

- Should any external witnesses be invited to give evidence?

Education & Outreach Worker, The Artrix Centre
Artistic Director, The Artrix Centre

- What key documents/data/reports will be required?

Quarterly and annual performance reports

- Is it anticipated that any site visits will be required?

YES *

If so, where should members visit?

Possible visits to outreach projects.

- Should a period of public consultation form part of the exercise? **NO***

If so, on what should the public be consulted?

(Please Note: A separate press release requesting general comments/suggestions from the public may be issued in the normal way at the beginning of the investigation if deemed appropriate)

- Have other authorities carried out similar overview and scrutiny exercises?

NO*

If so, which authorities?

Not to the best of our knowledge.

- Will the investigation cross the District boundary?

YES/NO*

If so, should any other authorities be invited to participate? **NO***

If yes, please state which authorities:

Possibly as it is understood that Outreach work is carried out in both Redditch and Kidderminster – further investigation is required in respect of this.

Agenda Item 6

- Would it be appropriate to co-opt anyone on to the Task Group/Board whilst the Overview and Scrutiny exercise is being carried out?

NO*

If so, who and from which organisations?

- What do you anticipate the timetable will be for the Overview and Scrutiny exercise?

Final report to be presented to the Overview & Scrutiny Board meeting on 24th February 2014

Appendix 2

Declarations of Interest

It was agreed by Members at the initial meeting of the Task Group that a general declaration would be included within the report advising that all Members attended performances as paying customers of the Artrix throughout the year.

Appendix 3

ACKNOWLEDGEMENTS

The Task Group wishes to thank the Democratic Services Officer, Amanda Scarce for her support throughout the Task Group's investigations, together with the Head of Leisure and Cultural Services and his team who attended numerous meetings.

WITNESSES

The Task Group considered evidence from the following sources before making its recommendations:

Internal Witnesses:

John Godwin – Head of Leisure and Cultural Services

Jonathan Cochrane – Arts and Events Manager

Huw Moseley – Arts and Events Officer

External Witnesses:

Andy Woods – Creative Director, Artrix

Dorothy Wilson – Chair of the Board of Trustees, Artrix

TC Peppercorn – Education and Outreach Co-ordinator, Artrix

Councillors:

Councillor Caroline Spencer – in her capacity as a Member Representative on the Board of Trustees, Artrix

KEY DOCUMENTS

Service Level Agreement with the Artrix

Artrix Programme Reporting Data for 2010/11, 2011/12, 2012/13

Artrix Outreach and Education Programme

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Legal, Equalities and Democratic Services

Bromsgrove District Council, The Council House, Burcot Lane,
Bromsgrove, Worcestershire B60 1AA

Telephone: 901527) 881288

Email: scrutiny@bromsgrove.gov.uk

CABINET4th June 2014**NON DOMESTIC RATES – DISCRETIONARY RATE RELIEF POLICY**

| | |
|---------------------------------|---------------------|
| Relevant Portfolio Holder | Cllr R Hollingworth |
| Portfolio Holder Consulted | Yes |
| Relevant Head of Service | Amanda de Warr |
| Ward(s) Affected | All |
| Ward Councillor(s) Consulted | None Specific |
| Key Decision / Non-Key Decision | Key Decision |

1. SUMMARY OF PROPOSALS

- 1.1 This policy applies to Non Domestic Rates discretionary relief awarded under the Local Government Finance Act 1988, and subsequent amending regulations.
- 1.2 The Policy aims to set out a fair and transparent approach to the award and review of discretionary relief in Bromsgrove District Council, whilst also balancing the needs to protect the interests of local Council Tax and Rate payers.

2. RECOMMENDATIONS

The Cabinet is asked to RECOMMEND that:

The Non Domestic Rates – Discretionary Rate Relief Policy and Guidance is adopted.

3. KEY ISSUES**Financial Implications**

- 3.1 Local Authorities have the power to grant discretionary rate relief to charitable and other non-profit making organisations which meet specific criteria, on top of the mandatory relief that is available.
- 3.2 Following the move to local retention of 50% of non-domestic rates, half of the costs of mandatory, discretionary, and hardship relief are now borne by Bromsgrove District Council (40%), Worcestershire County Council (9%) and the Fire Authority (1%).
- 3.3 The costs of relief under the Localism Act, excluding all small business rate reliefs which are funded by central Government through Section 31 grants are fully met by Bromsgrove District Council.
- 3.4 It is therefore vital that we have a clear policy in place to ensure most appropriate use of funds.

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- 3.5 There is currently no set budget for relief but the cost to Bromsgrove District Council in 2014/15 is in the region of £104k.
- 3.6 The costs of mandatory relief and discretionary rate relief are broadly shared between central and local government. In order to manage the financial impact of increases in mandatory and discretionary rate relief we will seek to ensure that the overall costs of mandatory relief do not usually rise from year to year by more than inflation.
- 3.7 The Small Business Rate Relief multiplier is increase on an annual basis by the rate of inflation, the overall yield from Non-Domestic Rates in the council's area will broadly increase by this inflation rate. When the council carry out the annual review of discretionary relief we will profile the predicted costs of mandatory and discretionary rate relief in the forthcoming rates year –excluding any relief for part occupied premises or reliefs under the localism act.
- 3.8 Where the percentage increase in costs of relief are greater than the increase in the small business rate relief multiplier then we may make a proportional reduction to all organisations award of discretionary rate relief.

Legal Implications

- 3.9 The policy applies to Non-Domestic Rates discretionary relief awarded under the Local Government Finance Act 1988 and subsequent amending regulations. When making a decision on discretionary rate relief the Council is required under to have regard to any guidance issued by the Secretary of State.
- 3.10 Mandatory Rate Relief can be awarded to Charitable Organisations or Community Amateur Sports Clubs if the property that they occupy is used wholly or mainly for charitable purposes. The relief is currently 80% of the rates payable. The Council has a discretionary power to top up this relief to 100% by awarding up to 20% discretionary relief.
- 3.11 The Council is also allowed to award up to 100% discretionary relief to any organisations which meet prescribed criteria.
- 3.12 The Council is prohibited from awarding discretionary rate relief to a precepting authority or to itself as a billing authority.
- 3.13 Premises that are partly occupied can receive discretionary relief.. This is a process whereby a request can be made to the Valuation Officer to apportion the rateable value of a property so that the occupier may benefit from any exemption for the unoccupied area.
- 3.14 There is relief available for certain rural premises to include; for the sole; post office, general store, public house, or petrol filling station within a rural settlement, or for any food store within a rural settlement.

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- 3.15 European Competition rules prohibit Government subsidies to businesses and for this reason relief from taxes, including relief from Non-Domestic Rates, can constitute State Aid. Consideration as to whether the award of a relief constitutes State Aid must be made when any discretionary relief is awarded. Relief for charities and non-profit making bodies would not normally constitute state aid because the recipients are not normally in market competition with other businesses. However, if the charities or non-profit making bodies are engaged in commercial activities, or if they are displacing an economic operator, or if they have a commercial partner, then rate relief could constitute State Aid and European Union rules will apply.

Service / Operational Implications

- 3.16 Councils are required to give at least 12 months' notice of any variation of a Discretionary Rate Relief award. As such all recipient organisations were advised In March 2013 that a review of all awards would be taking place in 2014/15, giving them the opportunity to re-apply.
- 3.17 Non Domestic Rates bills were issued excluding any potential award and advice provided that awards would be determined as soon as possible in the new financial year.
- 3.18 Delays in guidance resulted in a delay in producing the revised policy. However, transitional arrangements are proposed for 2014/15 where a reduction in relief occurs.
- 3.19 The Policy sets out clear criteria for relief and levels of relief to ensure transparency

Customer / Equalities and Diversity Implications

- 3.20 No specific group is adversely affected by this policy.
- 3.21 There is likely to be some changes to the level of relief provided to some organisations and officers will provide advice and guidance to those effected to establish whether there are other options available.

4. RISK MANAGEMENT

- 4.1 Failure to have a clear, equitable and transparent Discretionary rate relief Policy in relation to Non Domestic Rates increases the risk of challenge through Judicial Review.
- 4.2 The policy aims to mitigate the financial risks and helps to ensure that funds available for the awards of relief are used in the most efficient manner and that organisations receiving relief support the Council's Strategic Purposes.

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4.3 The Policy reduces the risk of inconsistencies in the awarding of relief.

4.3 Failure to have a clear policy risks reputational damage

5. APPENDICES

Appendix 1 - Non Domestic Rates – Discretionary Rate Relief Policy and Guidance

Appendix 2 - Comparison of Potential Levels of Relief Following Changes to Rate Relief Guidance

6. BACKGROUND PAPERS

Local Government Finance Act 1988

Local Government Finance Act 1997

Localism Act 2011

European Competition rules.

AUTHOR OF REPORT

Name: Amanda de Warr, Head of Customer Access and Financial Support

email: a.dewarr@bromsgroveandredditch.gov.uk

Tel.: 01527 881241

Non-Domestic Rates - Discretionary Rate Relief Policy and Guidance



Bromsgrove
District Council

www.bromsgrove.gov.uk

Summary of Document

The policy applies to Non-Domestic Rates discretionary relief awarded under the Local Government Finance Act 1988 and subsequent amending regulations.

The guidelines set out to achieve a fair and transparent approach to the award and review of discretionary relief in Bromsgrove District Council.

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1.0 Introduction

- 1.1 Local Authorities have the power to grant discretionary rate relief to charitable organisations and other non-profit making organisations that meet certain criteria.
- 1.2 The power is discretionary and can therefore be limited by other factors such as budgets and funds available for the Council's strategic purposes.
- 1.3 The discretion to grant relief can be for part or the entire amount of the business rates payable.
- 1.4 The policy:
 - Sets out the guidelines that Bromsgrove District Council will use when it determines the amount of discretionary relief that will be awarded to an organisation.
 - Summarises the delegated authority to award discretionary rate relief.
 - Establishes an appeals procedure for organisations that are unhappy with the Council's decision.
 - Protects the interests of local Council Tax payers by ensuring that the overall costs of discretionary relief do not increase beyond budgeted amounts.
 - Ensures that the funds available for the awards of relief are used in the most efficient manner and that organisations that receive relief are supporting the Council's strategic purposes.

2.0 Legislative Framework

- 2.1 Mandatory Rate Relief can be awarded under Section 43 of the Local Government Finance Act 1988 (LGFA '88) to organisations Charitable Organisations or Community Amateur Sports Clubs if the property that they occupy is used wholly or mainly for charitable purposes. The relief is currently 80% of the rates payable.
- 2.2 The Council has a discretionary power under Section 47 of the LGFA '88 to top up this relief to 100% by awarding up to 20% discretionary relief.
- 2.3 Section 47 (5B) of the LGFA '88 also allows the Council to award up to 100% discretionary relief to any organisations which are not established or conducted for profit and whose objectives are philanthropic, religious, concerned with education, social welfare, science literature or the fine arts.
- 2.4 The Council can also award 100% discretionary rate relief where a property is used for the purposes of recreation and it is occupied for the purposes of a club, society or other organisation not established or conducted for profit.

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- 2.5 The Council is prohibited from awarding discretionary rate relief to a precepting authority or to itself as a billing authority.
 - 2.6 When making a decision on discretionary rate relief the Council is required under Section 47 (5C) to have regard to any guidance issued by the Secretary of State.
 - 2.7 Premises that are partly occupied can receive discretionary relief under Section 44A of the LGFA '88. This is a process whereby a request can be made to the Valuation Officer to apportion the rateable value of a hereditament so that the occupier may benefit from any exemption for the unoccupied area.
 - 2.8 The Local Government Finance Act 1997 introduced amendments to the LGFA '88 to allow for mandatory and discretionary rate relief for certain rural businesses. The scope of the relief has been extended and relief is now available for the sole; post office, general store, public house, or petrol filling station within a rural settlement, or for any food store within a rural settlement.
 - 2.9 Mandatory rate relief for qualifying rural properties is set at 50% and there a discretion to award a further relief of up to an additional 50%.
 - 2.10 Section 49 of the LGFA '88 permits relief to be awarded on the basis of hardship, providing that the awarding of the relief will be in the interest of the local Council Taxpayers.
 - 2.11 The Localism Act 2011 extended the scope of Section 47 and there is now a general power to award discretionary relief to any ratepayer providing that it would be reasonable to do so having regard to the interests of local Council Tax payers.
 - 2.12 European Competition rules prohibit Government subsidies to businesses and for this reason relief from taxes, including relief from Non-Domestic Rates, can constitute State Aid. Consideration as to whether the award of a relief constitutes State Aid must be made when any discretionary relief is awarded.
 - 2.13 Relief for charities and non-profit making bodies would not normally constitute state aid because the recipients are not normally in market competition with other businesses. However, if the charities or non-profit making bodies are engaged in commercial activities, or if they are displacing an economic operator, or if they have a commercial partner, then rate relief could constitute State Aid and European Union rules will apply.
- 3.0 Discretionary Rate Relief for Charities and Community Amateur Sports Clubs**
- 3.1 The Criteria for awarding rate relief and the factors taken into account are detailed below.

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| Criteria | | Evidence |
|----------|---|---|
| 1 | <p>Use of the property:</p> <p>The property must be used wholly or mainly for the purpose of the charity - Community Amateur Sports Club (CASC).</p> | Application form. |
| 2 | <p>Annual turnover:</p> <p>The annual turnover is less than £50,000 –</p> <p>If turnover is above threshold then we may award a reduced level of relief.</p> | Audited accounts. |
| 3 | <p>Charitable status</p> | |
| 4 | <p>Membership:</p> <p>Membership and access is open to all sections of the community.</p> | <p>Levels of membership.</p> <p>Details of membership fees charged.</p> <p>Evidence of concessionary rate memberships - and details of numbers of concessionary memberships available.</p> <p>Details as to how members are approved.</p> |
| 5 | <p>Access to facilities:</p> <p>Facilities are made available to other sectors of the local community e.g. schools, clubs, support groups.</p> | <p>Details of the use of the facilities over the past 12 months.</p> <p>Details of the charges made for the use of the facilities.</p> |
| 6 | <p>Profits:</p> <p>Determine whether the organisation holds reserves or makes a profit and whether it requires discretionary relief to continue to operate.</p> <p>Establish whether the organisations runs commercial activities and profits, or has the capacity to profit from these (e.g. bar, function hire).</p> | Copies of income and expenditure for the last financial year. |
| 7 | <p>Community links:</p> <p>Establish if the charity is a local organisation and who uses the organisation and its facilities.</p> | Application form. |

| | | |
|----------|---|---|
| 8 | <p>Proportionate use of the property:</p> <p>Consider how the property is used and whether the use is proportionate to the size of the assessment; are the charity under occupying or part occupying a large assessment.</p> | <p>Inspection. Application form.</p> |
| 9 | <p>Other sources of support:</p> <p>Establish whether there are other sources of support available to the charity and whether other sources of funding are available.</p> | <p>Details of other sources of funding or income.</p> |

3.2 The level of relief will be determined by the evidence provided and whilst each case is assessed on its own merits the level of relief will ordinarily be that set out in section 13.0 below.

4.0 Discretionary Rate Relief for Charity Shops

4.1 The Criteria for awarding rate relief and the factors taken into account are detailed below.

| Criteria | Evidence |
|--|---|
| <p>1 Use of the Property:</p> <p>The shop must be wholly or mainly used for the purposes of the charity.</p> | <p>Signed Application Form</p> <p>Inspection of the premises.</p> |
| <p>2 Sale of Goods:</p> <p>The shop must sell wholly or mainly donated goods and the sale of the goods must be applied to the purposes of the charity.</p> | <p>Signed application form.</p> <p>Information regarding the sale of items, accounts.</p> |
| <p>3 Local Benefits:</p> <p>The Charity must be able to demonstrate that the local community derives benefits from the services the charity provides.</p> | <p>Details of the type of services provided to the residents of Bromsgrove District Council and the number of residents who benefit from the support.</p> |
| <p>4 The Market Principle:</p> <p>Where the Charity Shop is competing with businesses operating on an ordinary commercial basis - for example where the operations are wholly or mainly the sale of second hand</p> | <p>Signed application form.</p> <p>Inspection of premises.</p> |

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| | furniture, or the sale of books - then discretionary relief will not normally be provided. | |
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4.2 The level of relief will be determined by the evidence provided and whilst each case is assessed on its own merits the level of relief will ordinarily be that set out in section 13.0 below.

5.0 Discretionary Rate Relief for Non-Profit Making Organisations

5.1 The Criteria for awarding rate relief and the factors taken into account are detailed below.

| | Criteria | Evidence |
|----------|---|---|
| 1 | <p>Use of the property:</p> <p>Main use of the premises is for non-commercial activities for example a not for profit organisation that is primarily using the premises for activities that are provided by a commercial organisation such as health/gym facilities will not normally be eligible for relief; unless the organisation is also providing facilities that are of importance to the borough of Redditch and which would not otherwise be available within the borough</p> | Application form. |
| 2 | <p>Annual turnover:</p> <p>The annual turnover is less than £50,000.</p> <p>If turnover is above threshold then we may award a reduced level of relief.</p> | Audited accounts. |
| 3 | <p>Membership:</p> <p>Membership and access is open to all section of the community.</p> | <p>Levels of membership.</p> <p>Details of membership fees charged.</p> <p>Evidence of concessionary rate memberships - and details of numbers of concessionary memberships available.</p> <p>Details as to how members are approved.</p> |

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|---|--|--|
| 4 | <p>Access to facilities:</p> <p>Facilities are made available to other sectors of the local community e.g. schools, clubs, support groups.</p> | <p>Details of the use of the facilities over the past 12 months.</p> <p>Details of the charges made for the use of the facilities.</p> |
| 5 | <p>Profits:</p> <p>Determine whether the organisation holds reserves or makes a profit and whether it requires discretionary relief to continue to operate.</p> <p>Establish whether the organisation runs commercial activities and profits, or has the capacity to profit from these (e.g. bar, function hire).</p> | <p>Copies of income and expenditure for the last financial year.</p> |
| 6 | <p>Community links:</p> <p>Establish if the charity is a local organisation and who uses the organisation and its facilities.</p> | <p>Application form.</p> |
| 7 | <p>Proportionate use of the property:</p> <p>Consider how the property is used and whether the use is proportionate to the size of the assessment, are the charity under occupying or part occupying a large assessment.</p> | <p>Inspection. Application form.</p> |
| 8 | <p>Other sources of support:</p> <p>Establish whether there are other sources of support available to the charity and whether other sources of funding are available.</p> | <p>Details of other sources of funding or income.</p> |
| 9 | <p>Trading Arms</p> <p>Where the organisation is operating a trading arm then the accounts of the trading arm will be considered; if the profits from the trading arm are not re-invested in the locality from which they are drawn then the principal organisation will not normally be eligible for relief.</p> | <p>Copies of accounts and financial information for any trading arm or subsidiary company</p> |

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5.2 The level of relief will be determined by the evidence provided and whilst each case is assessed on its own merits the level of relief will ordinarily be that set out in section 13.0 below.

6.0 Rural Rate Relief

6.1 The Criteria for awarding rural rate relief and the factors taken into account are detailed below.

| Criteria | | Evidence |
|----------|--|---|
| 1 | Local Value: The business is of importance to the local community - and the service is not provided by others business in the rural settlement. | Statement of the business type and the impact on the Bromsgrove District Council if the business were to close. The use of and value of the business to the local community. Last 2 years audited accounts. |
| 2 | Sole premises: The applicant carries out their business from a single property within the rural settlement. The business is not part of a larger chain - for example it is not part of a number of shops operated by the applicant. | Application form - accounts. |
| 3 | Profits: Determine whether the organisation holds reserves or makes a profit and whether it requires discretionary relief to continue to operate. | Copies of income and expenditure for the last financial year. |

6.2 For all centrally funded discretionary relief Bromsgrove District Council will award the Governments intended level of relief in full.

7.0 Hardship Relief

7.1 The Criteria for awarding hardship relief and the factors taken into account are detailed below.

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| Criteria | | Evidence |
|----------|--|--|
| 1 | <p>Local Value:</p> <p>The business is of importance to the local community and is suffering genuine hardship.</p> | <p>Statement of the business type and the impact on Bromsgrove District Council if the business were to close.</p> <p>The use of and value of the business to the local community.</p> <p>Last 2 years audited accounts.</p> <p>Copies of the businesses order book.</p> <p>Copies of the personal accounts of the owners of the business.</p> |
| 2 | <p>Local Jobs:</p> <p>The number of people employed by the business who reside in the Bromsgrove District Council area.</p> | <p>Total number of employees who will be affected if the relief is refused.</p> |
| 3 | <p>Nature of hardship:</p> <p>Details of the hardship being experienced including: Cause; expected duration; measures already taken to remedy the situation; that the cause is not a result of poor business planning or activity; details of the help already requested from other sources; and amount of additional support already received or reasons why support was not provided.</p> | <p>Latest accounts. Bank Statements. Business Plan. Order Books.</p> <p>Any other documents to support the application.</p> |
| 4 | <p>State Aid Declaration:</p> <p>Awards of hardship relief would potentially be classed as State Aid - a declaration will be required to show that the level of all relief over the previous three financial years is below 200,000 euros.</p> | <p>State Aid Declaration.</p> |

7.2 Due to the nature of hardship relief there can be no general guidelines on the level of relief; each determination for hardship relief will be considered on an individual basis - the following criteria will be taken into account

8.0 Relief for Part Occupied Premises

8.1 The criteria for awarding rate relief and the factors to be taken into account are detailed below:

| Criteria | Evidence |
|--|--|
| <p>1 Part Occupation:</p> <p>The property is partly occupied</p> | <p>Detailed plans of the hereditament must be provided to outline the whole property and indicate the partly occupied section.</p> |
| <p>2 Length of time:</p> <p>The intended part occupation must be for a short period of time.</p> | <p>Details of: the planned period of time of the part occupation; the nature of the business and the businesses future intentions.</p> |
| <p>3 Reason:</p> <p>The part occupation is not a result of maintenance, refurbishment, renewal or repairs, seasonal shutdowns, holidays or reduction in capacity due to normal business risks, reduction in capacity due to loss of trade or normal business fluctuations.</p> <p>Part occupation for phased occupation will be considered as a qualifying reason.</p> <p>Part occupation for phased vacations will only be considered where the business is relocating to new premises within the Bromsgrove District Council area.</p> <p>Part occupation resulting from some event, such as fire or flood, which renders part of the premises unusable, will be considered as a qualifying reason.</p> | <p>Statements of the cause of the part occupation.</p> <p>Photographic evidence of the part of the premises which is prevented from being occupied.</p> <p>Surveyors or other qualified professionals reports confirming that occupation of the part of the premises is prevented.</p> |

8.2 A short period of time is not defined in legislation; therefore the nature of the business activity will be taken into account along with the estimated planned period of time and future intentions.

8.3 Applications for retrospective periods will not be accepted.

9.0 Localism Act Discretionary Rate Relief

- 9.1 The Localism Act removed the restrictions on awards of discretionary rate relief and allowed local authorities to determine that awards of relief may be made where it is reasonable to do so having regard to the interests of the Local Council Tax Payers.
- 9.2 In the main decision to award relief under the extended powers of the localism act will be made by the Council's Executive and would be exercised in respect of all hereditaments within a defined area or of a defined type. There may be occasions where decisions are made on a case by case basis.
- 9.3 Decisions on a case by case basis would be made where there is the possibility of the loss of an amenity which is of importance to local Taxpayers or where a failure to award relief could lead to the loss of major employer within the Bromsgrove District Council area.
- 9.4 Any award of discretionary relief under the Localism Act powers would be the exception rather than the rule.
- 9.5 The criteria for awarding relief and the factors that will be taken into account are detailed below:

| Criteria | | Evidence |
|----------|--|--|
| 1 | <p>Local Value:</p> <p>The business is, or will be of importance and value to the local community.</p> | <p>Statement of the business type and the impact upon the local community if the business were to come into the area/move away from the area.</p> <p>The use of and value of the business to the local community. Evidence of local trade and support.</p> |
| 2 | <p>Local Jobs:</p> <p>The number of people who are/will be employed by the business and who reside in the Bromsgrove District Council area.</p> | <p>Total number of employees.</p> <p>Number of employees who would be affected if relief were not awarded.</p> |
| 3 | <p>Reason for the discount</p> <p>Details to include: the reason for the discount; the period for which relief is sought; measures already taken to obtain support from other sources;</p> | |

| | | |
|----------|---|---|
| | amount of additional support already received; and (if applicable) reasons why support was not forthcoming. | |
| 4 | <p>The business is the only example of its kind.</p> <p>Details of the unique nature of the business/amenity demonstrating why the failure to grant relief could lead to the loss of a unique amenity for the residents of the Bromsgrove District Council area.</p> | Statement provided by applicant /report from Officer of Bromsgrove District Council detailing why the business/amenity is unique in its nature. |
| 5 | <p>State Aid Declaration</p> <p>Awards of Localism Act relief would potentially be classed as State Aid – a declaration will be required to show that the level of all relief over the previous three financial years is below 200,000 euros.</p> | State Aid Declaration to be completed. |

10.0 Discretionary Rate Relief - Central Government Funded Reliefs

10.1 Central Government has directed local authorities to use the extended powers of the Localism Act to administer a number of national schemes of discretionary rate relief. These schemes include relief from empty property rates for new build properties, retail rate relief and reoccupation of empty premises relief. Funding for these reliefs is provided by central government in the form of a 'Section 31 grant'

10.2 For all centrally funded discretionary relief Bromsgrove District Council will award the Governments intended level of relief in full.

11.0 Costs of Relief

11.1 The total amount of the relief granted is included in the annual statistical returns and the NNDR income taking account of losses in collection, amendments to rateable value etc. is then split into the following proportions:

- 50% paid to central government
- 40% retained by Bromsgrove District Council
- 9% paid to the County Council
- 1% paid to the precepting Fire Authority

11.2 The costs of mandatory relief, discretionary relief for non-profit making bodies, Section 44a relief, and hardship relief are therefore borne jointly by central and local authorities as per their proportional share of the NNDR income.

12.0 Reduction in Relief - Transitional Arrangements

- 12.1 Where a decision of the council results in a reduction in the level of relief that an organisation will receive then the council may take steps to phase in the reduction over a period of two rates years.
- 12.2 A decision to phase in the reduction may be taken where notice of the level of relief is not provided prior to the commencement of the rates year, or where the organisation is unable to take budgeting decisions to account for the reduced level of relief.

13.0 Level of Relief and Budget Restrictions

- 13.1 As a general guide, and providing the criteria for relief as detailed are met, then the levels of relief shown in the table below will be awarded; where the organisation or type of organisation is not shown then relief will be made in accordance with the general guidelines of the policy.
- 13.2 The percentage of relief shown in the table is a percentage of the full rates liability, for example if all charity shops would already be in receipt of 80% mandatory relief and would receive a further top-up relief of; 0, 10 or 20%. A relief of 20% relief would mean that the organisation would have no rates to pay.

| Organisation | Narrative | % of relief |
|--|---|-------------|
| Housing Associations - housing providers | | 0% |
| Educational Establishments | Schools and colleges with charitable status and in receipt of mandatory relief | 0% |
| Youth organisations | Scouts, guides, cadets | Up to 100% |
| Community Halls/Village Halls | | Up to 100% |
| Sports and Social Clubs | Not registered as a charity or CASC | Up to 20% |
| Homelessness organisations | | Up to 100% |
| Regional administrative or head offices of a charity | | 0% |
| Charity Shops | The charitable operations of the charity are on a national or international level | 0% |
| Charity Shops | Where the operations of the charity are on a regional level within Worcestershire and surrounding areas only - subject to the market principle outlined above | 10% |
| Charity Shops | Where the operations of the charity are wholly within the | 20% |

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|---|---|---|
| | Bromsgrove District Council area - subject to the market principle outlined above | |
| Central Government Funded Discretionary Reliefs | Awards of discretionary relief for which Section 31 grants are payable | Relief at the level determined by Central Government. |

13.3 If on annual review the overall costs of Mandatory and Discretionary relief – excluding Section 44a relief and Localism Act Reliefs - that will be granted in the new rates years would increase by more than the % increase in the Small Business Rates Relief Multiplier then the awards of relief to each organisation will be reduced proportionally to ensure that the costs of relief remain within budget.

13.4 Any reduction in relief to an organisation made as a result of the overall increase in Mandatory and Discretionary relief will be subject to the internal appeals process and the rules on variation or revocation of relief.

14.0 Period of Relief

14.1 An award of discretionary rate relief can remain valid indefinitely unless the end date is specified, the liability to pay Non-Domestic Rates ends, or until notice is given of the intention to revoke or alter the level of relief.

14.2 If notice is given to vary or revoke the determination of the award of relief then one year's notice of the variation or revocation must be provide. The variation or revocation can only then take effect from the end of the financial year. For example a decision made on 6 June 2014 to revoke relief will not take effect until 1 April 2016.

14.3 Awards of discretionary rate relief will usually be made for one rate year only and will be reviewed annually.

15.0 Appeals

15.1 Appeals against the decision to refuse relief or against the level of the relief may be made by the ratepayer.

15.2 The appeal should be made in writing and should state the reasons why the ratepayer is aggrieved with the decision of the council. New information may be submitted at this stage to support the ratepayer's appeal.

15.3 Appeals will in the first instance be considered by the Head of Customer Access and Financial Support. At this stage the decision may either be confirmed or revised so as to increase the level of the relief.

15.4 A decision to reduce or remove the relief cannot be made as the requirements to give one year's notice would make such a decision ineffective.

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- 15.5 Where the decision is revised the ratepayer will be notified of the increased level of relief awarded, if applicable.
- 15.6 If the original decision is confirmed the ratepayer will be advised of the reasons why, of the further right of appeal to the Director of Finance and Corporate Resources who will consider the appeal in conjunction with the relevant Portfolio Holder.
- 15.7 Appeals to the Executive Director of Finance and Corporate Resources must be made in writing and must give the reasons why it is believed that the decision should be amended. New or additional information may be included.
- 15.8 The ratepayer will be advised of the date that their appeal will be considered.
- 15.9 The ratepayer does not have a right to appear in person but may make a request to present evidence in person.
- 15.10 The appeal will be considered individually on its own merit and the ratepayer will be advised of the decision in writing.
- 15.11 The Executive Director of Finance and Corporate Resources will be able to confirm the original decision of the council or increase the level of relief awarded. A decision to revoke relief or to reduce the level of relief cannot be made as the requirements to provide one year's notice such a decision would be ineffective.
- 15.12 The submission of an appeal by a ratepayer does not affect the individual's rights to challenge a decision made by the council by way of Judicial Review.

16.0 Delegated Powers to Determine Awards of Relief

- 16.1 The decision to determine the awards of relief will be delegated as to:

| Relief | Delegated Authority |
|---|---|
| Mandatory Rate Relief | Revenue Services Manager Revenues Team Leader |
| Discretionary Rate Relief for Charities, Community Amateur Sports Clubs and Charity Shops - "Top-Up Relief" | Revenue Services Manager Revenues Team Leader |
| Discretionary Rate Relief for Non-Profit Making Organisations | Revenue Services Manager Revenues Team Leader |
| Relief for Part Occupied Premises | Revenue Services Manager Revenues Team Leader |
| Hardship Relief | Revenue Services Manager Head of Customer Access and Financial Support |
| Central Government Funded Reliefs | Revenue Services Manager Revenues Team Leader |
| Individual Awards of Relief under the Localism Act - Awards made | Head of Customer Access and Financial Support. |

on a case by case basis.

Executive Director of Finance and Corporate Resources in consultation with the relevant Portfolio Holder and Leader of the Council.

17.0 Interest of Officers and Members

17.1 Officers and Members who have an interest in any organisation which has either applied for relief or may indirectly benefit from the award of the relief (for example the owners of premises occupied by organisations making an application) must not participate in the decision making process.

17.2 Officers with an interest in any organisation should register the interest in the Officer's Central Register.

17.3 Examples of interests include, but are not restricted to the following:

- a) Membership of the organisation making an application.
- b) A close relative who is a member of the organisation.
- c) Are employed by or working in a voluntary capacity for the organisation.
- d) Are trustees for the charity or organisation making the application.
- e) Membership of a similar/rival organisation.
- f) An interest in the property for which relief is being sought.

Comparison of Potential Levels of Relief Following Changes to Rate Relief Guidance

An illustration of the potential revised levels of relief should the new guidance be adopted has been tabulated below.

The revised levels of relief assume that all qualifying criteria are met and are shown so as to illustrate how the revised guidance will provide consistency in the Council’s decision making. The information is based on the organisation’s most recent application form, the form may have been submitted as long as 3 years ago, therefore the levels of relief may change when new information is provided.

Charities and Community Amateur Sports Clubs

All organisations listed are in receipt of 80% Mandatory Relief – any award of discretionary relief is a “top-up” awarded in addition to the mandatory relief.

| Organisation | Existing Relief | Revised Relief | Comments |
|-----------------------|-------------------------------|-------------------------------|---|
| Amateur Sports Club 1 | 20% Discretionary Rate Relief | 0% Discretionary Rate Relief | No evidence of reduced or concessionary rates. Membership by election. Facilities are not used by other sectors of community. |
| Amateur Sports Club 2 | 20% Discretionary Rate Relief | 20% Discretionary Rate Relief | Free membership for 8 to 11 year olds Facilities open to all for payment of £6.00 per session. No restrictions on membership. |

| | | | |
|---------------------------|-------------------------------|-------------------------------|--|
| Animal Sanctuary/Rescue 1 | 20% Discretionary Rate Relief | 0% Discretionary Rate Relief | <p>Income of £604,000 per annum.</p> <p>Reserves of £1.1m Income above threshold; significant balances from which to discharge liability of £1090.50</p> |
| Animal Sanctuary/Rescue 2 | 20% Discretionary Rate Relief | 0% Discretionary Rate Relief | <p>Use as animal sanctuary by national charity.</p> <p>Income above threshold.</p> <p>Other sources of income from which to meet liability</p> |
| Animal Sanctuary/Rescue 3 | 20% Discretionary Rate Relief | 20% Discretionary Rate Relief | <p>Income is above threshold; but liabilities are significantly greater than Income.</p> <p>Limited sources of income from which to meet liability.</p> <p>No balances held.</p> |

Charity Shops

All organisations listed are in receipt of 80% Mandatory Relief – any award of discretionary relief is a “top-up” awarded in addition to the mandatory relief.

| Organisation | Existing Relief | Revised Relief | Comments |
|----------------|--------------------------|--------------------------|--|
| Charity Shop 1 | 20% Discretionary Relief | 10% Discretionary Relief | Level of relief may reduce to 10% as the organisation operates on a regional basis within North Worcestershire and is not wholly for the benefit of residents of Bromsgrove. |
| Charity Shop 2 | 0% Discretionary Relief | 10% Discretionary Relief | Level of relief will increase to 10%, organisation operates on a regional basis within the West Midlands. |
| Charity Shop 3 | 0% Discretionary Relief | 0% Discretionary Relief | No Change to award – charity operates on a national level |
| Charity Shop 4 | 0% Discretionary Relief | 0% Discretionary Relief | No Change to award – charity operates on international level |
| Charity Shop 5 | 20% Discretionary Relief | 0% Discretionary Relief | Discretionary Relief will be removed as the charities operations are not wholly centred in Bromsgrove, or on a regional level in Worcestershire. |
| Charity Shop 6 | 20% Discretionary Relief | 0% Discretionary Relief | Discretionary Relief will be removed as the Charity operates on a national level. |
| Charity Shop 7 | 20% Discretionary Relief | 0% Discretionary Relief | Discretionary Relief will be removed as the Charity operates on a national level. |

Leisure Centres and Leisure Trusts

All organisations listed are in receipt of 80% Mandatory Relief – any award of discretionary relief is a “top-up” awarded in addition to the mandatory relief.

| Organisation | Existing Relief | Revised Relief | Comments |
|------------------------|-------------------------------|-------------------------------|--|
| Leisure Centre/Trust 1 | 20% Discretionary Rate Relief | 0% Discretionary Rate Relief | <p>Organisation’s turnover will be significantly above the threshold.</p> <p>Wychavon Community Leisure Trust receive 20% discretionary relief for centres operated in Evesham, Droitwich, Pershore – the award of discretionary relief would likely constitute state aid and could require approval</p> |
| Leisure Centre/Trust 2 | 20% Discretionary Rate Relief | 0% Discretionary Rate Relief | <p>Sandwell Leisure Trust Operate 9 centres in Sandwell and surrounding area.</p> <p>Any relief granted may constitute state aid and could require approval</p> |
| Leisure Centre/Trust 3 | 20% Discretionary Rate Relief | 20% Discretionary Rate Relief | <p>Turnover below threshold – operate one centre only, which provides facilities to people of Rubery and surrounding area.</p> |

Housing Associations

Two of these organisations are in receipt of 80% Mandatory Relief – any award of discretionary relief is a “top-up” awarded in addition to the mandatory relief.

| Organisation | Existing Relief | Revised Relief | Comments |
|------------------------|--------------------------------|------------------------------|---|
| Housing Group/Trust 1 | 0% Discretionary Rate Relief | 0% Discretionary Rate Relief | No Change to existing award of relief |
| Housing Group/ Trust 2 | 0% Discretionary Rate Relief | 0% Discretionary Rate Relief | No Change to existing award of relief |
| Housing Group/Trust 3 | 100% Discretionary Rate Relief | 0% Discretionary Rate Relief | Existing relief would be removed in full. Consideration will need to be given as to whether organisation is charitable and whether 80% Mandatory Relief should be awarded. |

Scouts and Guides Groups

All organisations listed are in receipt of 80% Mandatory Relief – any award of discretionary relief is a “top-up” awarded in addition to the mandatory relief.

| Organisation | Existing Relief | Revised Relief | Comments |
|-----------------------|-------------------------------|-------------------------------|--|
| Scouts/Guides Group 1 | 20% Discretionary Rate Relief | 20% Discretionary Rate Relief | No Change to existing award of relief |
| Scouts/Guides Group 2 | 20% Discretionary Rate Relief | 20% Discretionary Rate Relief | No Change to existing award of relief |
| Scouts/Guide Group 3 | 20% Discretionary Rate Relief | 20% Discretionary Rate Relief | No Change to existing award of relief. |

Village Halls

All organisations listed are in receipt of 80% Mandatory Relief – any award of discretionary relief is a “top-up” awarded in addition to the mandatory relief.

| Organisation | Existing Relief | Revised Relief | Comments |
|----------------|-------------------------------|-------------------------------|--|
| Village Hall 1 | 20% Discretionary Rate Relief | 20% Discretionary Rate Relief | Income below threshold full relief will be awarded |
| Village Hall 2 | 20% Discretionary Rate Relief | 20% Discretionary Rate Relief | Income below threshold full relief will be awarded |
| Village Hall 3 | 20% Discretionary Rate Relief | 0% Discretionary Rate Relief | <p>Organisation has Income of £59,000 – above thresholds for relief.</p> <p>Organisation has excess of Income over expenditure.</p> <p>Removal of relief will result in liability of £238.00</p> |

Sports and Social Clubs

| Organisation | Existing Relief | Revised Relief | Comments |
|----------------------|--------------------------------|-------------------------------|--|
| Sports/Social Club 1 | 100% Discretionary Rate Relief | 20% Discretionary Rate Relief | No differentiation between this social club and others, relief would be reduced to match support provided to other Social Clubs. |
| Sports/Social Club2 | 20% Discretionary Rate Relief | 20% Discretionary Rate Relief | No change to award as existing guidelines continue principle of 20% relief for sports and social clubs |
| Sports/Social Club 3 | 20% Discretionary Rate Relief | 20% Discretionary Rate Relief | No change to award as existing guidelines continue principle of 20% relief for sports and social clubs |

Sport Teams

| Organisation | Existing Relief | Revised Relief | Comments |
|---------------------|---------------------------|---------------------------|--|
| Sports Team/ Club 1 | 100% Discretionary Relief | 100% Discretionary Relief | Income below threshold. Net loss in latest accounts of £21,000. Reduced membership rates for unemployed. Club makes facilities available for private hire; holds family events for non members to attend. |

| | | | |
|----------------------------|----------------------------------|-----------------------------------|---|
| <p>Sports Team/ Club 2</p> | <p>100% Discretionary Relief</p> | <p>80% Discretionary Relief</p> | <p>Income below threshold</p> <p>Membership by election through proposer and seconder.</p> <p>Limited concessionary rates for students; no concessionary rates for unemployed.</p> <p>Facilities not available for public or community use.</p> <p>(Maximum 80% relief to match level provided to CASC)</p> |
| <p>Sports Team/ Club 3</p> | <p>100% Discretionary Relief</p> | <p>100% Discretionary Relief.</p> | <p>Income below threshold</p> <p>Membership by election (proposer and seconded)</p> <p>Facilities made available for local schools for sports day and weekly sports training.</p> |

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4 June 2014

BROMSGROVE LOW COST HOUSING SCHEME

| | |
|----------------------------|----------------------|
| Relevant Portfolio Holder | Councillor Rita Dent |
| Portfolio Holder Consulted | Yes |
| Relevant Head of Service | Sue Hanley |
| Wards Affected | All |
| Ward Councillor Consulted | |
| Non-Key Decision | |

1. SUMMARY OF PROPOSALS

- 1.1 Bromsgrove District Council launched a low cost housing scheme approximately 25 years ago. Through this scheme the Council has a 30% share in each of 118 properties.
- 1.2 The Council does not run a waiting list for applicants to these properties as they don't come up for sale often and the scheme does not provide for this affordable housing to remain in perpetuity.
- 1.3 Officers are proposing that contact is made with the current owners of the remaining Low Cost Housing Scheme properties to ascertain the appetite amongst existing owners to stair-case up to full ownership should the Council develop an incentive scheme which enables them to do so.
- 1.4 This will enable the Council to reinvest this capital funding into a more fit for purpose affordable housing scheme.
- 1.5 Officers will report to Cabinet on the outcome of the consultation and should sufficient interest be expressed by home owners, officers will bring back to Cabinet a further report with a number of proposals for an incentive based on the response from current owners.

2. RECOMMENDATIONS

- 2.1 That authority be delegated to the Strategic Housing Manager to consult with current owners on purchasing the Council's 30% share in their property.
- 2.2 Officers report back to the Cabinet the outcome of the consultation and if required suitable schemes for the disposal of the Council's share and re-investment of the capital receipt.

3. KEY ISSUES

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Financial Implications

- 3.1 The financial implications at this time are the cost of stationary and postage and officer time analysing the response. These costs can be met through existing resources.
- 3.2 Existing owners staircase out infrequently and the capital receipt varies from property to property. Officers anticipate an average value of the Council's 30% share being in the region of £40,000 per property. There are currently 118 properties remaining in the scheme.

Legal Implications

- 3.3 None at this stage

Service / Operational Implications

- 3.4 The current Low Cost Scheme has been running for approximately 25 years. The original eligibility criteria of the scheme were to ensure these properties were allocated to those clients who were unable to purchase on the open market and Officers consider it is no longer fit for purpose.
- 3.5 There is no waiting list for these properties and officers have struggled to find applicants who we can nominate for resale properties. These properties are then offered on the open market at which point they can be sold at 70% or 100% value with the Council receiving a capital receipt for their 30%.
- 3.6 The original scheme design means that the Council has no control over who purchases these properties on the open market if the Council is unable to nominate a purchaser. There are no affordability criteria and no mechanism to check if the purchaser would be able to afford to purchase on the open market. If we are unable to nominate a purchaser any control is lost over who buys the property.
- 3.7 Owners are able to purchase the Council's share at any time should they want to.
- 3.8 Officers proposed that, should there be sufficient interest from existing homeowners in purchasing the Council's share, that the capital receipt be ring-fenced to fund future affordable housing that is appropriate at the present time and going forward into the future

Customer / Equalities and Diversity Implications

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4 June 2014

- 3.10 The original intention of the scheme was to enable clients who could not afford to purchase on the open market to purchase at 70% open market value with the option to purchase the remaining 30% at a later stage
- 3.11 It will be made clear to existing owners that if they do not wish to purchase or are not in a position to do so they will be able to remain in their homes on the existing terms.

4. RISK MANAGEMENT

- 4.1 That an unrealistic expectation will be raised amongst remaining owners as to the financial incentive that may be on offer

5. APPENDICES

Appendix 1 -
Appendix 2 -

6. BACKGROUND PAPERS

7. KEY

AUTHOR OF REPORT

Name: Jayne Burton / Matthew Bough
E Mail: j.burton@bromsgroveandredditch.gov.uk
/matthew.bough@bromsgroveandredditch.gov.uk

Tel: 01527 881385

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CABINET

04 JUNE 2014

NOMINATION OF ASSET OF COMMUNITY VALUE: BROMSGROVE MUSEUM

| | |
|----------------------------|--|
| Relevant Portfolio Holder | Cllr Mike Webb |
| Portfolio Holder Consulted | Yes |
| Relevant Head of Service | Ruth Bamford – Head of Planning & Regeneration |
| Wards Affected | St Johns |
| Ward Councillor Consulted | Yes |
| Non-Key Decision | |

1. SUMMARY OF PROPOSALS

- 1.1 To consider a request to list the Bromsgrove Museum building (26 Birmingham Road Bromsgrove B61 0DD) as an Asset of Community Value.

2. RECOMMENDATIONS

- 2.1 **That Cabinet consider the contents of the report and decide to either:-**

(a) Support the listing of the Bromsgrove Museum building as an Asset of Community Value; or

(b) Not support the listing of the Bromsgrove Museum building as an Asset of Community Value.

3. KEY ISSUES

Financial Implications

- 3.1 The museum building is owned by the Council. Members will be aware of the recent history concerning the building. To summarise, following the closure of the museum in 2008 the Council was involved in protracted negotiations with the Norton Collection Museum Trust (formerly known as “The Friends of the Norton Collection”) and with Denis Norton in relation to the future of the building and the Norton Collection (museum artefacts). The Museum Trust wanted to re-open the Museum in the original building and discussions took place as to the purchase price for the building and the transfer of the collection. It was not possible for the detailed negotiations to be concluded. Subsequently in July 2013 the Council approved acceptance of the offer put forward by the Museum Trust to purchase the building for the

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sum of £200k, to include completion of the purchase within a 6 month period. At the time the Museum Trust was involved in fund raising and the additional time was built in to the arrangement to allow for further fund raising to take place.

- 3.2 In January 2014 the Museum Trust wrote to the Council indicating that they had secured alternative premises to purchase and therefore did not wish to proceed with the Option to Purchase the Museum building. On 2nd April 2014 Cabinet considered a further report in relation to the museum. On that occasion the Museum Trust put forward two further alternative proposals to acquire the building. However, Members decided to proceed with options of either leasing the building on a commercial basis or selling the building to generate the best return for the Council. For reference a copy of the Cabinet report of 2nd April and a copy of the minutes are attached at Appendix1 of this report.
- 3.3 Following the Cabinet decision on 2nd April officers started to pursue the option of marketing the building. Shortly thereafter the application to list the Museum building was received and at this stage no formal marketing of the property has been progressed pending consideration of the ACV application.
- 3.5 From a financial point of view the running costs of the building for 13/14 were £12506.38. This included the following:-

| | |
|-------------------------|----------|
| Business rates | £6941.55 |
| Insurance | £440.33 |
| Repairs and maintenance | £3389.68 |

- 3.6 Delay in the sale of the building is going to lead to the Council having to continue to fund the running costs possibly for up to an additional period of 6 months. It will also delay the receipt of any monies raised by the sale or letting out of the building.
- 3.7 In terms of process, Members are reminded that upon sale of a building listed as an asset of community value, the land owner is required to notify the Local Authority. The Local Authority must publicise the sale of the building including notifying the nominating community group. The sale cannot proceed until an Interim Moratorium period of 6 weeks has passed without the Local Authority receiving a written expression of interest from a community interest group to be treated as a potential bidder, or if an expression of interest is received, the Full Moratorium period of 6 months has ended.

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-
- 3.8 During the Interim Moratorium a community group may request in writing to be treated as a potential bidder; the community group does not have to provide any evidence of intention or financial resources to make such a bid. At the end of the Full Moratorium a sale to a third party other than a community group which has submitted an expression of interest may proceed. In other words, the community group have six months to purchase the property, and if this does not occur, at the end of the six month period the land owner is free to sell the property to any purchaser.

Legal Implications

- 3.9 The Localism Act 2011 made provision for a new system of listing of assets of community value, giving community groups the right to make nominations, and requiring local authorities to maintain local registers. Further more detailed rules around the operation of assets of community value are set out in the Assets of Community Value Regulations 2012.

- 3.10 The test for listing an Asset of Community Value as set out in Section 88 (1) of the Localism Act 2011 is as follows:-

“A building or other land in a Local Authority’s area is land of community value if in the opinion of the authority:-

(a) an actual current use of the building or other land that is not an ancillary user further s the social well-being or social interests of the local community, and

(b) it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social well-being or social interests of the local community.”

- 3.11 In this case the building is no longer used as a museum, and therefore it is necessary to consider how the definition applies to buildings that are no longer in use. Sub-section 2 of Section 88 goes on to state that such land can be listed if in the Local Authority’s opinion:-

(a) there is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social well-being or interests of the local community, and

(b) it is realistic to think that there is a time in the next five years when there could be a non-ancillary use of the building or other land that

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would further(whether or not in the same way as before) the social wellbeing or social interests of the local community.

There is no definition of “recent past”. However, in applying the definitions set out in the Act the general approach of most Local Authorities have been to give the definitions a wide interpretation. Officers are of the opinion that having closed in 2008 and since then not having been used for any other purpose, it would not be unreasonable to reach the view that the Museum building does meet the test under Section 88 (2)(a). The second limb of the test under subsection (b) looks at likelihood of the land being used again for the social well-being of the community within the next five years.

Service / Operational Implications

- 3.12 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.
- 3.13 Officers have received a nomination (Appendix 2) for the Bromsgrove Museum building to be listed as an asset of community value. The nomination has been made by The Norton Collection Museum Trust (formerly known as the Friends of the Norton Collection” which is a registered charity. On their application form the Trust state that they would hope to re-open the museum to enable people of all ages to visit and learn more about Bromsgrove’s Heritage. The building has been out of use since the Council took the decision to close the Museum due to lack of visitor numbers in 2008. The majority of the artefacts are in storage at the Council’s depot, whilst those displays/exhibits that constituted fixtures and fittings remain in situ at the site.
- 3.14 Consideration of the nomination has been undertaken. It is noted that the building is currently not in use as a museum. Historically the Council has voluntarily afforded opportunities to the Museum Trust to purchase the building, although such arrangements have never resulted in a sale. The Museum Trust is now making a formal application for the building to be listed as an asset of community value. This is against the back drop of Members having formally agreed to dispose of the building by sale or lease in April 2014.
- 3.15 For the purposes of this decision, the Council is required to consider the application in light of the statutory tests. Applying those tests, officers

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~~— recommend that the building be listed as an asset of community value based upon the following:-~~

- the building has been used in the recent past to further the social interests of the community;
- were the Museum Trust able to raise the relevant funding it is conceivable that the Museum could be re-opened to provide a venue of social interest to the District.

3.15 Members are reminded that the final decision on registration sits with the Head of Planning and Regeneration. A copy of the flow chart for the process of listing assets of community value is attached for information at Appendix 3.

Customer / Equalities and Diversity Implications

3.16 There are no direct implications under this heading. The Council has put in place a process to ensure that applications for assets of community value to be listed are considered properly and in accordance with the relevant legislation and guidance. It is open to all sectors of the community to present nominations.

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.

5. APPENDICES

Appendix 1 – Cabinet report of 04 April 2014 together with Minutes

Appendix 2 – Application

Appendix 3 - Flow chart for process for nominating ACVs

6. BACKGROUND PAPERS

Included as Appendices save for the Localism Act 2011, Assets of Community Value (England) Regulations 2012 and guidance issued by DCLG copies of which are available publically.

7. KEY

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04 JUNE 2014

AUTHOR OF REPORT

Name: Ruth Bamford
E Mail: r.bamford@bromsgroveandredditch.gov.uk
Tel: (01527) 881202

Name: Sarah Sellers
E Mail: s.sellers@bromsgroveandredditch.gov.uk
Tel: 01527 881397

BROMSGROVE DISTRICT COUNCIL

CABINET

2nd APRIL 2014

BROMSGROVE MUSEUM

| | |
|---------------------------|--|
| Relevant Portfolio Holder | Cllr Mike Webb |
| Relevant Head of Service | Jayne Pickering – Executive Director of Finances and Resources |
| Non-Key Decision | |

1. SUMMARY OF PROPOSALS

- 1.1 To update members in relation to the Bromsgrove Museum building.
- 1.2 Members are being asked to consider the options available in relation to the potential sale / alternative use of the Museum building

2. RECOMMENDATIONS

- 2.1 **Cabinet is asked to consider the recent updates from officers in relation to the building and to approve one of the following options:**
 - 2.1.1 **The Norton Collection Museum Trust be granted a long lease (25+ years) for the Birmingham Road building on a peppercorn / substantially discounted rent. This will be a full repairing / insuring lease making them responsible for all upkeep;**
 - 2.1.2 **The Trust be permitted to purchase the building for £150,000.00 – half of this to be paid on completion, the other half to be paid over a 25 year period from anticipated income and donations and secured by way of legal charge over the property;**
 - 2.1.3 **Officers explore the opportunities to lease the building to commercial entities that may show interest in light of the forthcoming Sainsburys development;**
 - 2.1.4 **Officers be instructed to dispose of the building to generate the best return for the Council.**
- 2.2 **Having decided which option to pursue, Cabinet is asked to approve that authority be delegated to the Director of Finance and Resources and the Head of Legal Equalities and Democratic Services, in consultation with the Leader, to determine the precise terms for dealing with the museum building going forward in an arrangement for lease or sale.**

BROMSGROVE DISTRICT COUNCIL

CABINET

2nd APRIL 2014

3. Key Issues

- 3.1 As Members are aware a number of reports have been presented in relation to the Birmingham Road site since closure of the museum in 2008. In July 2013 Cabinet approved acceptance of the offer put forward by the Norton Collection Museum Trust (formerly known as the Friends of the Norton Collection Charitable Trust) to purchase the museum building for the sum of £200,000 to include completion of the sale within a 6 month period. This decision followed numerous discussions with the Trust whereby it had become apparent that to enable third parties to properly commit funds to this project a more secure option to purchase would be required.
- 3.2 Officers had also continued to negotiate with the Solicitor acting for the former donor of the Norton Collection and the Norton Collection Museum Trust to reach an agreed position with regards to the status of the artefacts and the historic terms of the trust deed.
- 3.3 Last August officers were advised that the Trust were looking to secure an alternative site for the museum at the old United Reform Church but, due to the uncertainties surrounding this site, it was agreed that the option to purchase the Birmingham Road building would remain open until the original expiry date of 31st January 2014. The Trust were unsuccessful in their negotiations for the United Reform Church.
- 3.4 In January 2013 the Trust advised that they did not intend to proceed with purchase of the Birmingham Road site and had opted to pursue an option in relation to The Steps building in Bromsgrove. The Trust were, once again, unsuccessful in their negotiations having failed to raise sufficient funds to secure The Steps.
- 3.5 The matter has now come full circle and the Trust have now put forward further proposals for them to secure the use of the Birmingham Road site,
- 3.6 The options put forward by the Trust are:
1. The Trust be granted a long lease (25+ years) for the Birmingham Road building on a peppercorn / substantially discounted rent. This would be a full repairing / insuring lease making the Trust responsible for all upkeep. They would provide a Tourist Information service from the building (though would want a small grant payment from the Council towards the cost of this). They have indicated that a lease for this term would allow them to apply for lottery funding to undertake necessary works to the building.

BROMSGROVE DISTRICT COUNCIL

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2nd APRIL 2014

2. The Trust will purchase the building for £150k – half of this to be paid on completion, the other half to be paid over a 25 year period from anticipated income and donations and secured by way of legal charge over the property.

- 3.7 Officers have considered these 2 options at a recent Asset Management meeting and have agreed that the proposals do not support the delivery of value for money in relation to the management of the Council's assets:
 1. The peppercorn/ discounted lease arrangement would provide no financial benefit to the Council and any improvement to the building would remain reliant on the Trust obtaining external funding. This would be of limited benefit to the community as the building may remain empty for a significant period of time.
 2. The sale at below value would be unacceptable as there is currently limited evidence of wider community benefit arising from the presence of a museum in Bromsgrove. The proposed sale would generate £75k on completion (should the Trust be able to raise this amount) and £75k over 25 years. The Net Present Value of the £150k over this period would £125k (@ 3.5%) In total this represents a loss of capital receipt of £25k.

- 3.8 The Asset Management Group recommended that the building be sold on the open market following confirmation of the position re the artefacts and the covenants in place.

- 3.9 There is one other option available to members. With the improvements to the Town Centre and the upturn in the economy, there may be an opportunity for the building to be let on a commercial basis. There has been some interest shown in recent weeks by commercial organisations seeking a building to use for a restaurant. Although this may not be an option due to planning restrictions, officers could explore this opportunity further should members be minded to consider same. The benefit would be that a commercial revenue stream may be generated together with retaining an asset that may increase in value alongside the new Town Centre developments.

Financial Implications

- 3.10 There are costs of around £x associated with maintaining this property whilst it remains empty these include; business rates, lighting and security.

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2nd APRIL 2014

In addition there are costs relating to dealing with the obligations imposed under the original trust deed including preservation of the artefacts and any removal of same for disposal or storage purposes.

- 3.11 It is accepted that the original sale at £200k to the Trust was a preferred option for the Council as the costs relating to the management of the artefacts would be reduced. However the change proposed would not provide an acceptable level of funding to the Council in relation to the asset.
- 3.12 If a sale is made to any party vacant possession is likely to be required which would incur costs in terms of stripping the building and removing its contents to storage. It is also likely that any other potential purchaser will require the Council to arrange for existing covenants and planning restrictions to be removed. There is likely to be additional cost involved in this process but this requires further investigation by officers.
- 3.13 If the sale is approved any budgets currently associated with the provision of the museum building will be included as savings within the medium term financial plan following any costs incurred as a result of this report.

Legal Implications

- 3.14 Due to the nature of the original trust deed, and the charitable status of the collection, there are a number of legal issues which have to be properly considered in relation to the Council's position as Trustee. It is likely that arrangements will need to be made to amend the terms of the original trust unless an accommodation can be reached with the Norton Collection Museum Trust.

Customer / Equalities and Diversity Implications

- 3.15 The museum is a facility that would become open to the public and would rely on customer support for its future.

4. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

- 4.1 Members are advised that, due to the history of this matter, there is a risk of court proceedings being instituted in relation to any decision that is taken regarding the future of the collection / building although the risk of any adverse finding against the Council is deemed to be low. Even without such adverse finding there is, however, a risk of the Council incurring costs which are irrecoverable.

BROMSGROVE DISTRICT COUNCIL

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2nd APRIL 2014

5. **APPENDICES**

None

6. **BACKGROUND PAPERS**

Cabinet report dated 6th April 2011
Cabinet report dated 13th July 2013

7. **AUTHOR OF REPORT**

Name: Jayne Pickering
Email: j.pickering@bromsgroveandredditch.gov.uk
Tel: 01527 881207

APPENDIX

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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE CABINET

WEDNESDAY, 2ND APRIL 2014 AT 6.00 P.M.

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

Observers: Councillors C. J. Bloore, L.C. R. Mallett and E. J. Murray

Officers: Ms J. Pickering, Mrs S. Sellers, Mr D. Allen and Ms R. Cole

103/13 APOLOGIES

There were no apologies for absence.

104/13 DECLARATIONS OF INTEREST

Councillor M. A. Sherrey declared a Disclosable Pecuniary Interest in item 7 - Homelessness Grant Funding as a Trustee of Citizens' Advice Bureau and Basement. Councillor Sherrey left the room during the consideration of this item.

Councillor R. Hollingworth declared an Other Disclosable Interest in item 12 – Nomination of an Asset of Community Value as a Member of Alvechurch Sports and Social Club.

105/13 BROMSGROVE MUSEUM

The Cabinet considered a detailed report updating Members in relation to the Bromsgrove Museum Building in Birmingham Road, Bromsgrove. The report also set out a number of options available to the Authority for the potential sale or alternative use of the Museum Building.

Members were reminded of the extensive background to this matter dating back over a number of years. Since the closure of the Museum in 2008 various options to reopen the Museum had been pursued by the former donor of the Collection, by the Friends of the Norton Charitable Trust which was now known as the Norton Collection Museum Trust. This had culminated in Cabinet approval in July 2013 of an offer from the Trust to purchase the Museum Building for the sum of £200,000 to include completion of the sale within 6 months.

It was noted that since that decision officers had continued to negotiate with the Solicitors acting for the former donor of the Norton Collection and the Norton Collection Museum Trust to reach an agreed position regarding the status of the

artefacts and the historic terms of the Trust Deed. In addition, since July 2013, officers had been informed on two occasions that the Trust were attempting to secure an alternative site for the Museum firstly at the former United Reformed Church and then Steps House. In the event these efforts proved to be unsuccessful and therefore the Trust were now putting forward further proposals to secure the use of the Birmingham Road site.

The report set out in full the two options put forward by the Trust. In essence these were:

- (a) the grant to the Trust of a long term lease (at least 25 years) at a peppercorn or substantially discounted rent. The Trust would be responsible for repair and upkeep of the building and had offered to provide a Tourist Information Service (with a grant payable towards this by this Council); and
- (b) the purchase the building for the sum of £150,000 with half to be paid on completion and the other half to be paid over a 25 year period. It was clarified that this would result in a £75,000 loss of capital receipt to the Council.

Officers explained that if Members wished to pursue option (a) above this proposal would need to be amended to refer to the payment of a commercial rent and the payment of a grant by the Council to the Trust. It was confirmed that no budget provision had been made in this regard.

Members considered the options and the detailed information contained within the report. The Section 151 Officer confirmed that the Asset Management Group had considered these two options and were concerned that the proposals would not support the delivery of value for money in relation to the management of the Council's assets. The Asset Management Group had also suggested an alternative option of sale of the building on the open market following confirmation of the position regarding the artefacts and the legal considerations. A further option, as the Town Centre redevelopment progresses, would be to consider leasing the building on a commercial basis.

Officers confirmed that it was still open to the Trust to make an approach to either lease or purchase the building but this would need to be at market value and would be considered alongside any other expressions of interest. The Museum Trust had previously been given an option to purchase the building but had failed to raise the requisite funding during the relevant time period and the option had therefore expired.

The Cabinet fully acknowledged the work which had been undertaken by the former donor of the Museum and by the Trust to attempt to generate the funding required for this project including the recent open day where members of the public had been able to visit the Museum for free. Members also referred to the extensive work undertaken by officers over a long period to attempt to meet the requests and requirements of the Trust and to enable the Museum to reopen.

The Cabinet considered the options set out in the report in the light of the Council's duty to obtain best value from the Council's assets, and the need to ensure that

there was wider community benefit from the presence of a Museum in Bromsgrove in a time of significant financial restraint. It was

RESOLVED:

- (a) that officers be instructed to explore the dual options of either leasing the building on a commercial basis or disposal of the building to generate the best return for the Authority; and
- (b) that authority be delegated to the Executive Director (Finance and Resources) and the Head of Legal, Equalities and Democratic Services, in consultation with the Leader of the Council, to determine the precise terms for dealing with the Museum Building going forward in an arrangement for either lease or sale.

APPENDIX

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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* The Norton Collection Museum Trust |
| Address including postcode 10 Everton Close Droitwich Worcestershire WR9 8AG |

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

A2 Contact details

| |
|--|
| Name Dennis Norton |
| Position in organisation Trustee |
| Address including postcode The Forge Broad Green Bromsgrove Worcestershire B60 1LW |
| Daytime telephone no. 01527 578676 |
| Email address paulinemnorton@hotmail.com |
| How and when can we contact you?* Monday -Friday 10.00am - 4.00pm |

**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 | | |
| Charity | X | 1132460 |
| 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.

The Museum Collection was donated by the collector, Dennis Norton, in 1992 for the benefit of the Bromsgrove people and education. At the time it was a very successful local attraction for the general public and schools and has won several awards. It is now housed in the museum building at 26 Birmingham Road.

Agenda Item 9

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?

The Trust hope to re-open the museum and enable people of all ages to visit and learn more about Bromsgrove's heritage and the many trades that the town was famous for such as The Bromsgrove Guild, Fairfield glass, Nail making and the Salt works. We also hope to increase the displays and provide disabled access.

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 | |
|---|---|
| Memorandum and Articles of Association (for a company) | X |
| Trust Deed (for a trust) | X |
| Constitution and/or rules (for other organisations) | |

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

B1 Description and address

| |
|---|
| What it is (eg. pub, local shop) Museum building |
| Name of premises (eg. Post office , Community Centre) Bromsgrove Museum |
| Address including postcode (if known) 26 Birmingham Road Bromsgrove B61 0DD |

B2 Sketch plan

Please include (here or on a separate sheet) a sketch plan of the land. This should show:-

- 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.

Agenda Item 9

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 | Owners Bromsgrove District Council | <i>Same as B1.</i> Yes |
| Names and current or last known addresses of all those owning the freehold of the land (ie. owner, head landlord, head lessor) | | |
| Names and current or last known addresses of all those having a leasehold interest in the land (ie. tenant, intermediate landlord, intermediate lessor) | | |

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 council closed the museum in 2008 but we know there is interest in the Museum as, on a miserable weekend in January this year, we opened it to the public and attracted nearly 1000 visitors who gave us some very good feedback.

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.)

With our enthusiastic team of volunteers and improved opening hours the Museum would offer a cultural and recreational experience and attract visitors to Bromsgrove who then may spend money in the town and thus boost the local economy.

**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).
- Your sketch plan (question B2).

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

C3 Where to send this form

You can submit this nomination:-

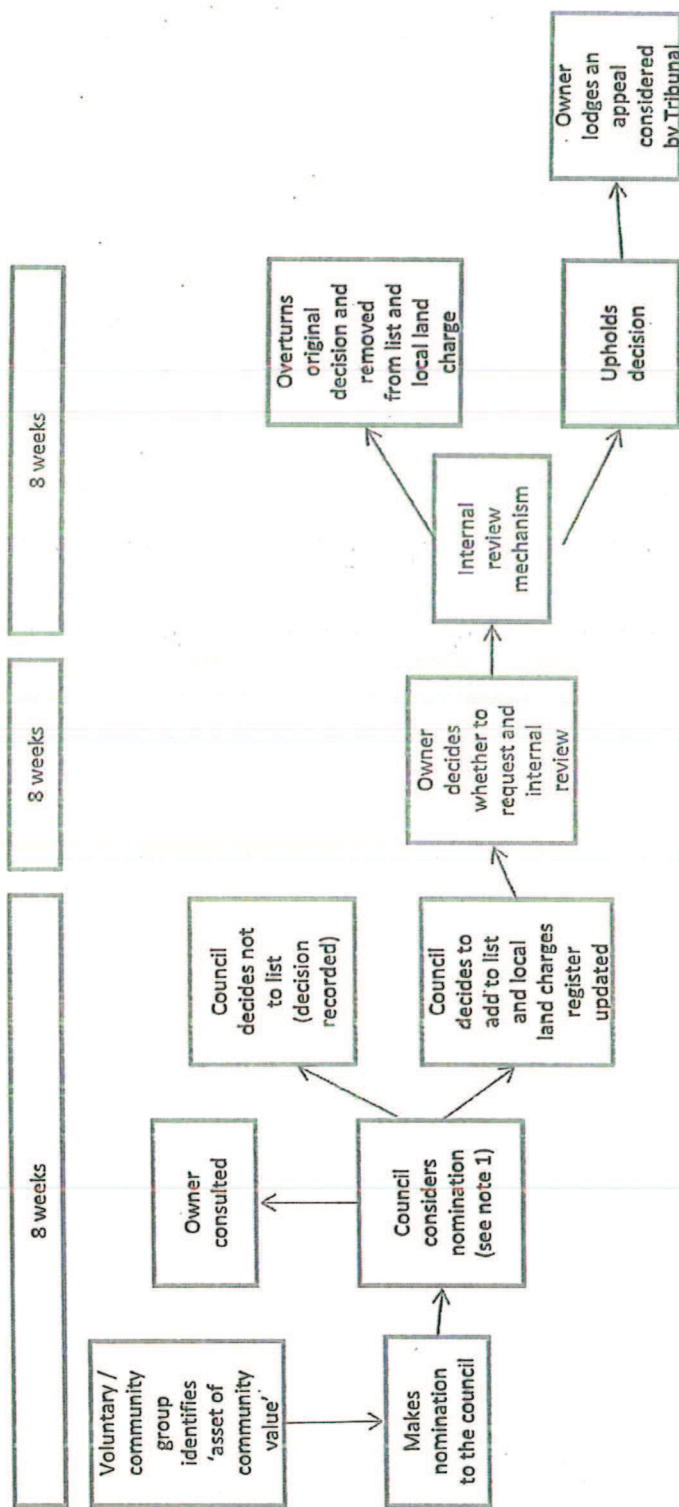
- **By post to:** Jayne Pickering , Executive Director Finance and Resources, Bromsgrove District Council , Council House , Bromsgrove B60 1AA
- **By email to:** j.pickering@bromsgroveandredditch.gov.uk



EXISTING GROUND FLOOR PLAN TO WORKSHOPS
(MUSEUM & ASSOCIATED BUILDINGS SHOWN IN OUTLINE)
1:100 SCALE

PROP:
(MUSE)
1:100 SCALE

Appendix 1 - Process for listing community assets

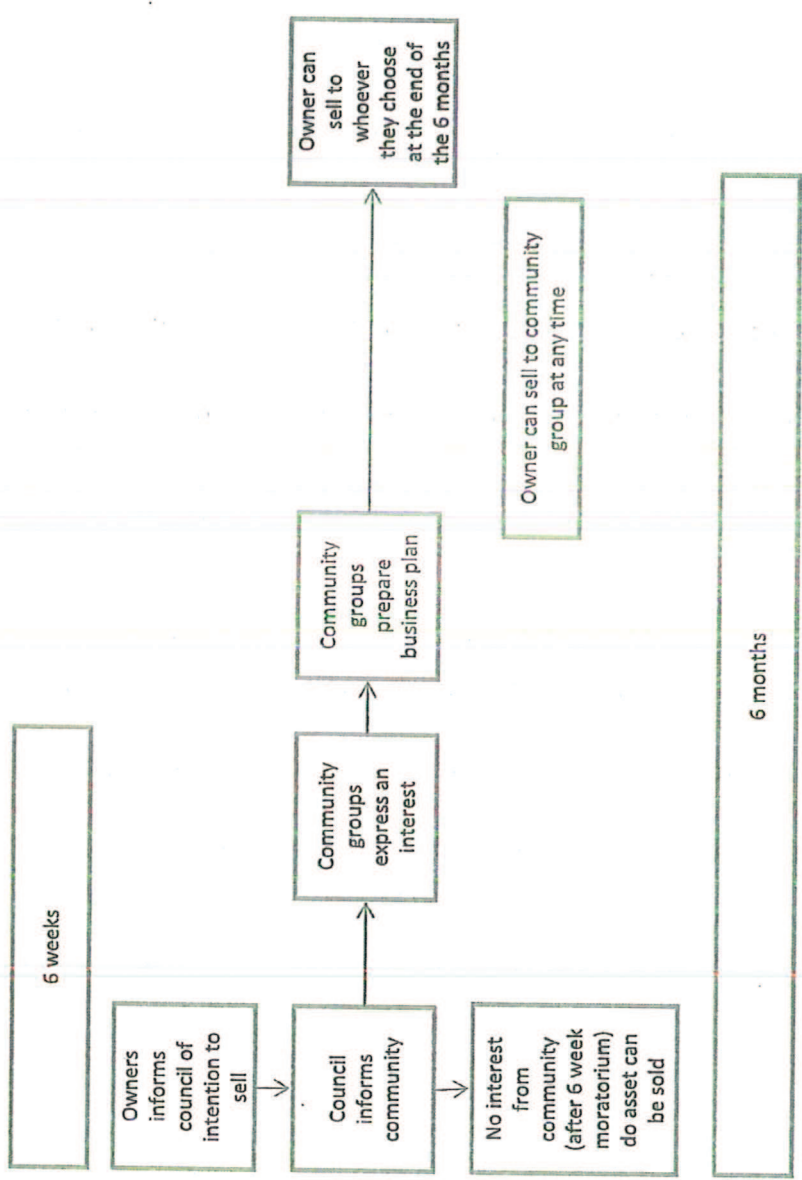


Note 1

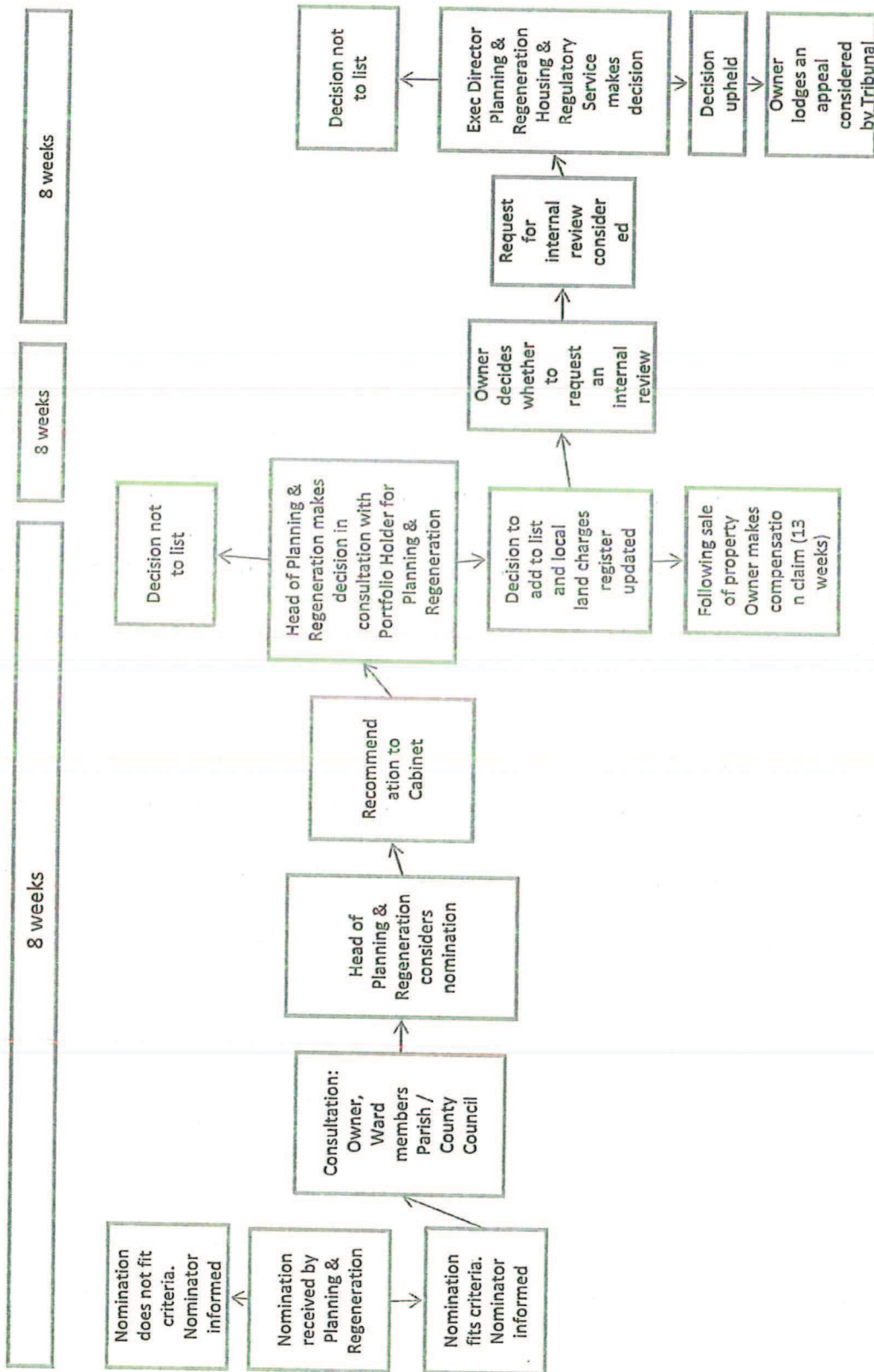
A building or other land should be considered an asset of community value if: its actual current use furthers the social wellbeing and interests of the local community, or a use in the recent past has done so; and that the use is not an ancillary one; and for land in current community use it is realistic to think that there will continue to be a use which furthers the social wellbeing and interests, or for land in community use in the recent past it is realistic to think that there will be community use within the next 5 years (in either case, whether or not that use is exactly the same as the present or past); and it does not fall within one of the exemptions e.g. residential premises and land held with them. 'Social interests' includes cultural, recreational and sporting interests.



Appendix 2 - Process for sale of listed community assets



Appendix 3 – Internal process for listing community asset



(2)

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CABINET

4 June 2014

NOMINATION OF AN ASSET OF COMMUNITY VALUE

| | |
|----------------------------|--|
| Relevant Portfolio Holder | Cllr Kit Taylor |
| Portfolio Holder Consulted | √ |
| Relevant Head of Service | Ruth Bamford – Head of Planning & Regeneration |
| Wards Affected | |
| Key Decision | |

1. SUMMARY OF PROPOSALS

To consider a request to list the Bromsgrove Football Ground as an Asset of Community Value

2. RECOMMENDATIONS

That Cabinet approve the listing of the Bromsgrove Football Ground 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 (Appendix 1) for the Bromsgrove Football Ground which is owned by the District Council and currently under lease with Bromsgrove Sporting Football Club Limited. The nomination has been made by the Bromsgrove Sporting Supporters Society Ltd. The Society has requested that the asset be nominated to give the ability for it to remain as a community asset in the future.
- 3.3 Consideration of the nomination has been undertaken by the Portfolio Holder for Planning and Regeneration, as prescribed in the current process. It is recommended that the nomination meets the definition of being registered as an asset of community value in its current form in the following ways:
 - The main use of the building and land furthers the social well being or social interested of the local community and it is realistic to think that this can continue into the near future
 - The building provides cultural, recreational and sporting interests

CABINET

4 June 2014

It is worth noting that the covenant in place on the site will ensure that its sole use would be as a football ground or public open space.

Financial Implications

- 3.5 There are no financial implications for the Council.

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 Bromsgrove Football Ground 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.

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.

5. APPENDICES

Appendix 1 – Nomination Form

AUTHOR OF REPORT

Name: Ruth Bamford

CABINET

4 June 2014

E Mail: r.bamford@bromsgroveandredditch.gov.uk
Tel: (01527) 881202

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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*BROMSGROVE SPORTING SUPPORTERS SOCIETY LTD. |
| Address including postcode REGISTERED OFFICE:19, DOVECOTE ROAD, BROMSGROVE B61 7BP |

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

A2 Contact details

| |
|--|
| Name ANDY PARR |
| Position in organisation SUPPORTERS DIRECT REPRESENTATIVE |
| Address including postcode 70a Barley Mow Lane, Catshill, Bromsgrove, B61 0LP |
| Daytime telephone no.01527833183 or 01905823140 or 07773024194 |
| Email address andyparr57@hotmail.com |
| How and when can we contact you?* email or phone during working hours is fine. |

**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 | | |
| Charity | | |
| Community interest company | | |
| Unincorporated body | | |
| Company limited by guarantee | | |
| Industrial and provident society | X | |

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.

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.

Supporters Society for local football club

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.

This is the case and funds are distributed to promote the football club, Bromsgrove Sporting FC

A7 More about your organisation

What are the main aims and activities of your organisation?

To strengthen the bonds between the club and the Community which it serves.

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) | |
| Trust Deed (for a trust) | Trust Registration Document X |
| Constitution and/or rules (for other organisations) | |

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

B1 Description and address

| |
|---|
| What it is (eg. pub, local shop) Football Ground |
| Name of premises (eg. Post office , Community Centre) The Victoria Ground |
| Address including postcode (if known) Birmingham Road Bromsgrove B61 0DR |

B2 Sketch plan

Please include (here or on a separate sheet) a sketch plan of the land. This should show:-

- 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.

Copy plan attached

Agenda Item 10

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 | Bromsgrove Sporting Football Club Limited | <i>Same as B1.</i> |
| Names and current or last known addresses of all those owning the freehold of the land (ie. owner, head landlord, head lessor) | Bromsgrove District Council | The Council House, Burcot Lane, Bromsgrove, Worcestershire, B60 1AA |
| Names and current or last known addresses of all those having a leasehold interest in the land (ie. tenant, intermediate landlord, intermediate lessor) | Bromsgrove Sporting Football Club Limited | Same as B1 |

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?

This is a recreational facility for local football and incorporates a dance studio as well. Both uses provide facilities for local young people and adults to be involved in recreational activities which provide health and well being benefits.

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.)

As above, with additional investment it could be used more extensively to ensure more people are able to participate in usage for football and/ recreational interests.

**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).
- Your sketch plan (question B2).

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



A . D . PARR

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

Section 1 ABOUT YOU

| | |
|---|--|
| Q1 Name and address of your organisation | |
| Organisation name: | Bromsgrove Sporting Supporters Society |
| Address and postcode: | Registered Office: 19 Dovecote Road Bromsgrove B614 7BP |
| Registration number (if you are a charity or social enterprise) | Registered under the Industrial and Provident Societies Act 1965 No.29196R |


| | |
|---|---------------|
| Q2 Please specify which of the following categories your organisation relates to (tick <u>all</u> that apply) | |
| Category | Tick ✓ |
| Parish/Town Council | |
| Industrial & Provident Society which does not distribute any surplus it makes to its members | ✓ |
| Company Limited by Guarantee which does not distribute any surplus it makes to its members | |
| Community Interest Company which satisfies the requirements of Part 2 of the Companies (Audit, Investigations and Community Enterprise) Act 2004 | |
| Charity | |

| | |
|--|---|
| Q3 Who should we contact to discuss this EOI? | |
| Name: | Andy Parr |
| Address and postcode: (if different from Q1) | 70A Barley Mow Lane Catshill Bromsgrove B61 0LP |
| Telephone number | 01527833183 |
| Mobile number | 07773024194 |
| Email address | andyparr57@hotmail.com |

Section 2 ABOUT THE PROPERTY TO BE BID FOR

| | |
|---|---|
| Q4 Which asset do you wish to bid for? | |
| Name of property: | The Victoria Ground |
| Address and postcode: | Birmingham Road, Bromsgrove B61 0DR |

In signing this expression of interest my organisation is aware that the owner of the asset is not obliged to accept any bid that we submit.

Signed: 

Print Name: ANDREW DAVID PARR

Position in Organisation: SUPPORTERS DIRECT REPRESENTATIVE

Date: 31.1.14

| | |
|----------------------------|--|
| FOR OFFICE USE ONLY | |
| Date received | |
| Processed by: | |

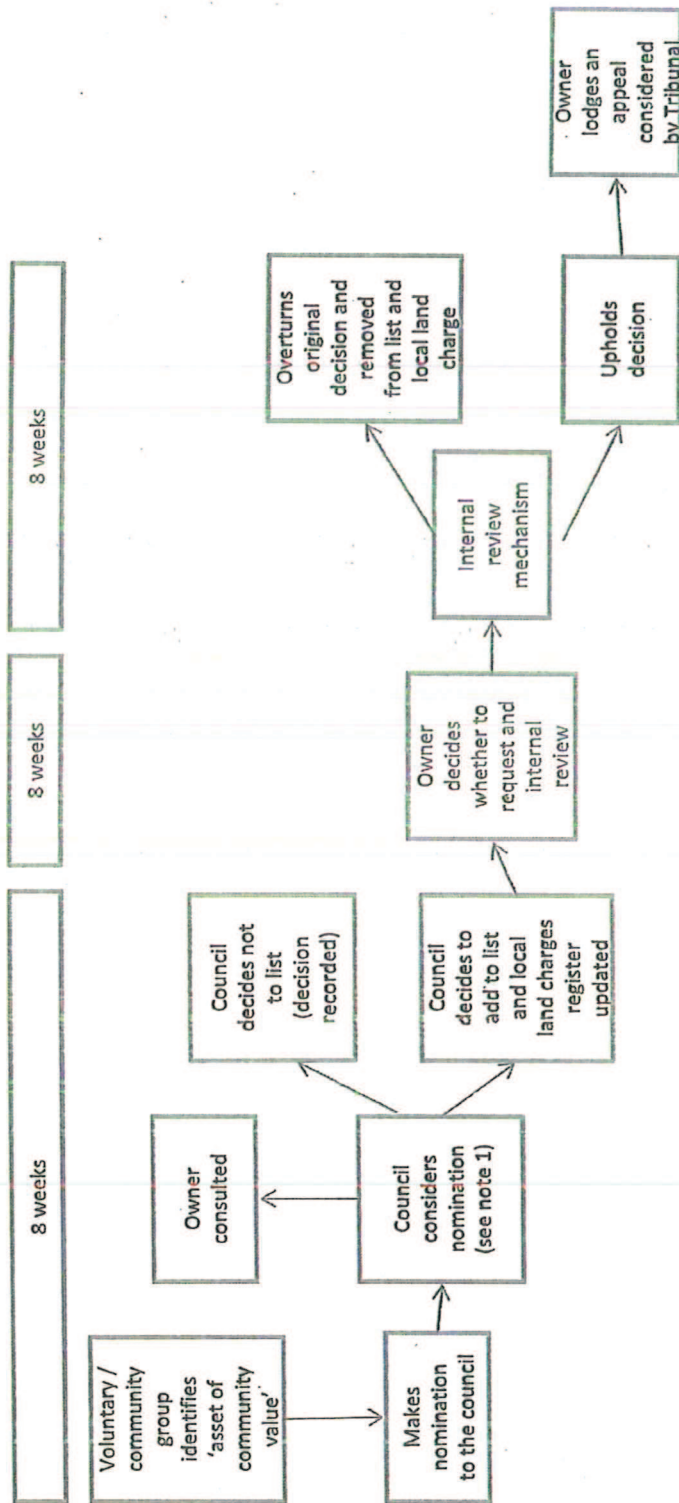
PLAN referred to:-



Area edged Pink
356 Acres approx

Scale: 1/2500

Appendix 1 - Process for listing community assets

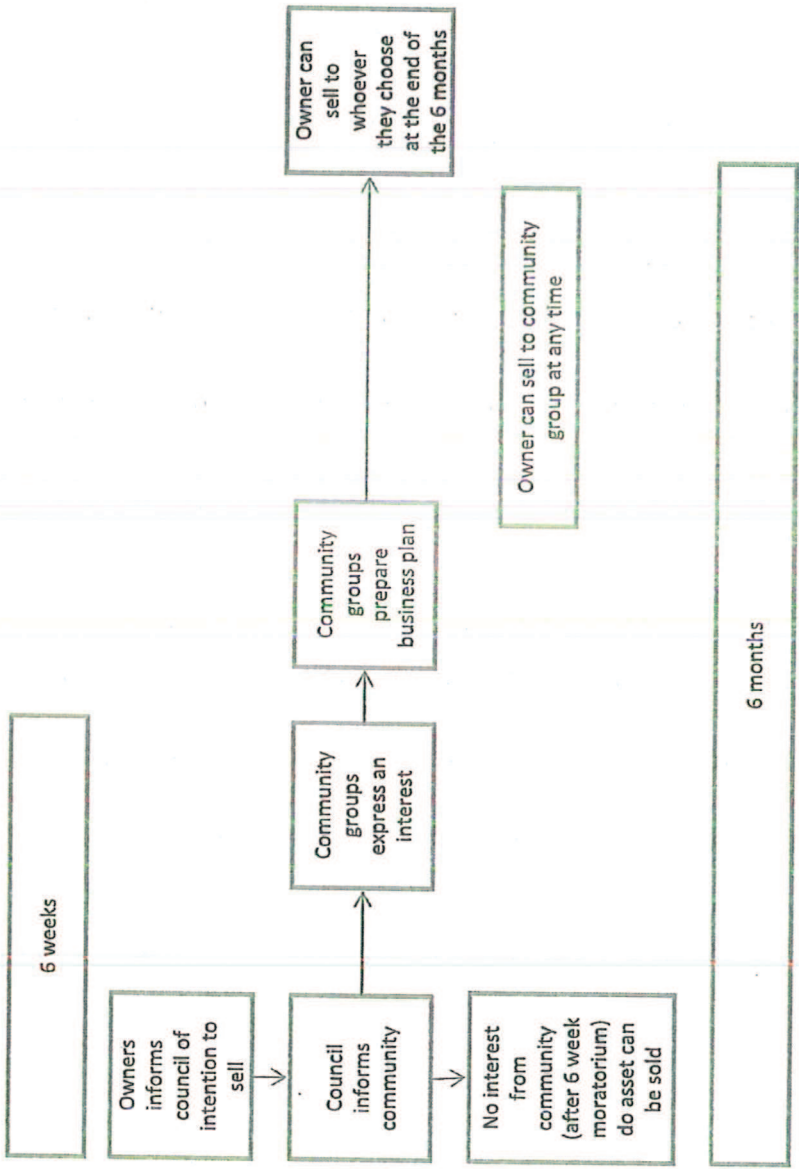


Note 1

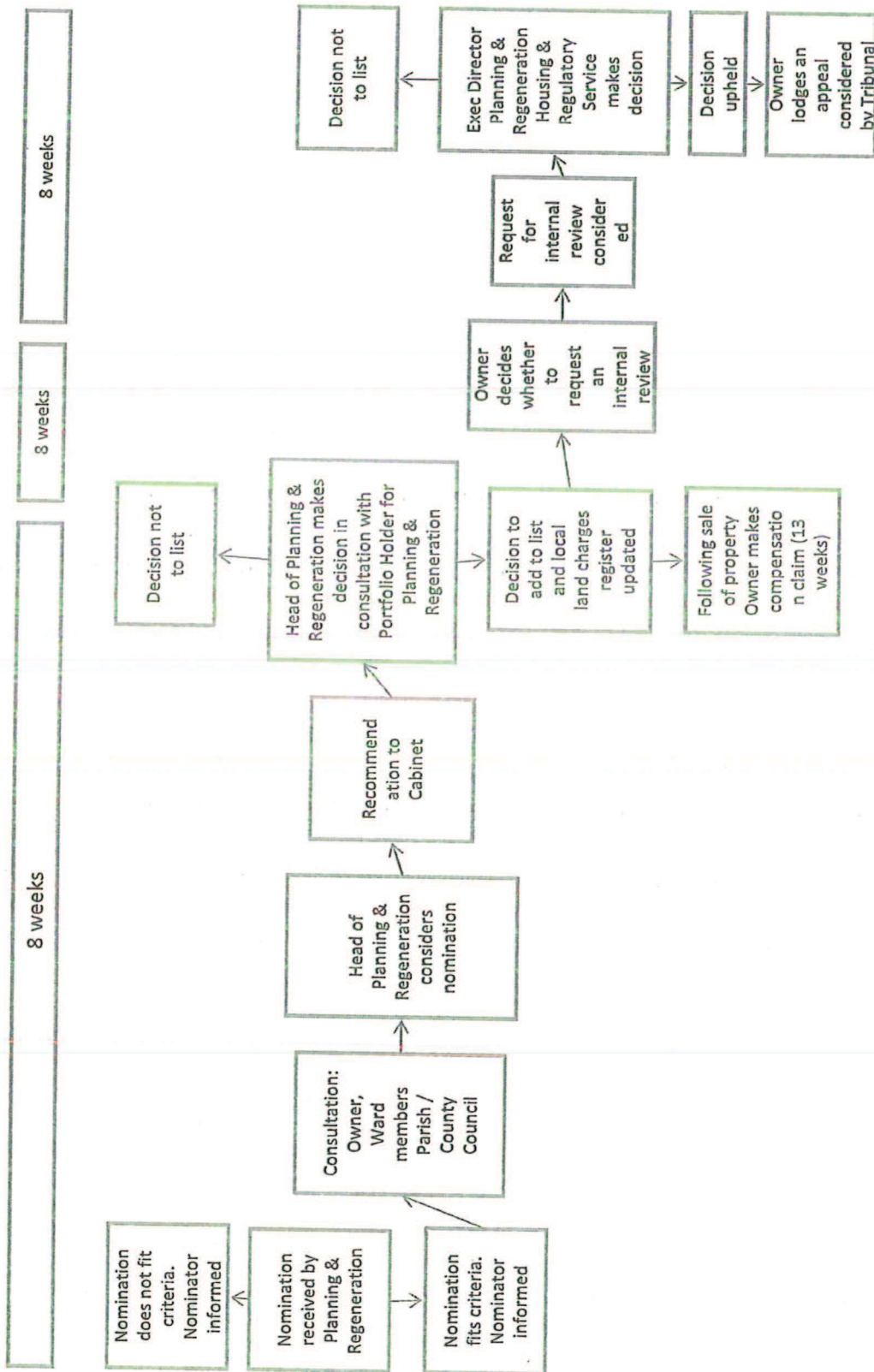
A building or other land should be considered an asset of community value if: its actual current use furthers the social wellbeing and interests of the local community, or a use in the recent past has done so; and that the use is not an ancillary one; and for land in current community use it is realistic to think that there will continue to be a use which furthers the social wellbeing and interests, or for land in community use in the recent past it is realistic to think that there will be community use within the next 5 years (in either case, whether or not that use is exactly the same as the present or past); and it does not fall within one of the exemptions e.g. residential premises and land held with them. 'Social interests' includes cultural, recreational and sporting interests.



Appendix 2 - Process for sale of listed community assets



Appendix 3 – Internal process for listing community asset



(2)

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