

additional papers 1

# Overview and Scrutiny Committee

Tue 11 Dec  
2012  
7.00 pm

Committee Room 2  
Town Hall  
Redditch



[www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)

# Access to Information - Your Rights

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The Local Government (Access to Information) Act 1985 widened the rights of press and public to attend Local Authority meetings and to see certain documents. Recently the Freedom of Information Act 2000, has further broadened these rights, and limited exemptions under the 1985 Act.

Your main rights are set out below:-

- Automatic right to attend all Council and Committee meetings unless the business would disclose confidential or “exempt” information.
- Automatic right to inspect agenda and public reports at least five days before the date of the meeting.
- Automatic right to inspect minutes of the Council and its Committees (or summaries of business undertaken in private) for up to six years following a meeting.
- Automatic right to inspect lists of background papers used in the preparation of public reports.
- Access, upon request, to the background papers on which reports are based for a period of up to four years from the date of the meeting.
- Access to a public register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees etc.
- A reasonable number of copies of agenda and reports relating to items to be considered in public must be made available to the public attending meetings of the Council and its Committees etc.
- Access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned.
- Access to a summary of the rights of the public to attend meetings of the Council and its Committees etc. and to inspect and copy documents.
- In addition, the public now has a right to be present when the Council determines “Key Decisions” unless the business would disclose confidential or “exempt” information.
- Unless otherwise stated, all items of business before the Executive Committee are Key Decisions.
- (Copies of Agenda Lists are published in advance of the meetings on the Council’s Website:  
**[www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)**

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**If you have any queries on this Agenda or any of the decisions taken or wish to exercise any of the above rights of access to information, please contact  
Jess Bayley and Michael Craggs  
Democratic Services Officers**

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[michael.craggs@bromsgroveandredditch.gov.uk](mailto:michael.craggs@bromsgroveandredditch.gov.uk)**

# Welcome to today's meeting.

## Guidance for the Public

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### **Agenda Papers**

The **Agenda List** at the front of the Agenda summarises the issues to be discussed and is followed by the Officers' full supporting **Reports**.

### **Chair**

The Chair is responsible for the proper conduct of the meeting. Generally to one side of the Chair is the Committee Support Officer who gives advice on the proper conduct of the meeting and ensures that the debate and the decisions are properly recorded. On the Chair's other side are the relevant Council Officers. The Councillors ("Members") of the Committee occupy the remaining seats around the table.

### **Running Order**

Items will normally be taken in the order printed but, in particular circumstances, the Chair may agree to vary the order.

**Refreshments** : tea, coffee and water are normally available at meetings - please serve yourself.

### **Decisions**

Decisions at the meeting will be taken by the **Councillors** who are the democratically elected representatives. They are advised by **Officers** who are paid professionals and do not have a vote.

### **Members of the Public**

Members of the public may, by prior arrangement, speak at meetings of the Council or its Committees. Specific procedures exist for Appeals Hearings or for meetings involving Licence or Planning Applications. For further information on this point, please speak to the Committee Support Officer.

### **Special Arrangements**

If you have any particular needs, please contact the Committee Support Officer.

Infra-red devices for the hearing impaired are available on request at the meeting. Other facilities may require prior arrangement.

### **Further Information**

If you require any further information, please contact the Committee Support Officer (see foot of page opposite).

### **Fire/ Emergency instructions**

**If the alarm is sounded, please leave the building by the nearest available exit – these are clearly indicated within all the Committee Rooms.**

**If you discover a fire, inform a member of staff or operate the nearest alarm call point (wall mounted red rectangular box). In the event of the fire alarm sounding, leave the building immediately following the fire exit signs. Officers have been appointed with responsibility to ensure that all visitors are escorted from the building.**

**Do Not stop to collect personal belongings.**

**Do Not use lifts.**

**Do Not re-enter the building until told to do so.**

**The emergency Assembly Area is on Walter Stranz Square.**

# Declaration of Interests: Guidance for Councillors

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DO I HAVE A "PERSONAL INTEREST" ?

- Where the item relates or is likely to affect your **registered interests** (what you have declared on the formal Register of Interests)

**OR**

- Where a decision in relation to the item might reasonably be regarded as affecting **your own** well-being or financial position, or that of your **family**, or your **close associates** more than most other people affected by the issue,

you have a personal interest.

WHAT MUST I DO? **Declare the existence, and nature, of your interest and stay**

- The declaration must relate to specific business being decided - a general scattergun approach is not needed
- **Exception** - where interest arises only because of your membership of another **public body**, there is no need to declare unless you **speak** on the matter.
- You **can vote** on the matter.

IS IT A "PREJUDICIAL INTEREST" ?

In general only if:-

- It is a personal interest **and**
- The item affects your **financial position** (or conveys other benefits), or the position of your **family, close associates** or bodies through which you have a **registered interest** (or relates to the exercise of **regulatory functions** in relation to these groups)

**and**

- A member of public, with knowledge of the relevant facts, would reasonably believe the interest was likely to **prejudice** your judgement of the public interest.

WHAT MUST I DO? **Declare and Withdraw**

BUT you may make representations to the meeting before withdrawing, **if** the public have similar rights (such as the right to speak at Planning Committee).



# Overview and Scrutiny

## Committee

Tuesday, 11th December, 2012

7.00 pm

Committee Room 2 Town Hall

### Agenda

#### Membership:

Cllrs:

Juliet Brunner  
(Chair)  
Simon Chalk (Vice-  
Chair)  
Andrew Brazier  
David Bush  
John Fisher

Andrew Fry  
Pattie Hill  
Gay Hopkins  
Pat Witherspoon

#### 5. Concessionary Rents - Pre-Scrutiny Short, Sharp Review

(Pages 1 - 6)

Councillor Andrew Brazier,  
Councillor Juliet Brunner, A  
Heighway, Head of  
Community Services, T  
Kristunas, Head of Finance  
and Resources

To consider the final report from the Concessionary Rent Pre-Scrutiny Short, Sharp Review Group and to determine whether to endorse the group's recommendations.

(Officers' report attached).

**(No Specific Ward Relevance);**



## **OVERVIEW AND SCRUTINY COMMITTEE**

11th December 2012

### **POLICY FOR LEASES OF COUNCIL LAND & PROPERTY AT A CONCESSIONARY RENT**

Relevant Portfolio Holder	Councillor Mould, Corporate Management
Portfolio Holder Consulted	Yes
Relevant Head of Service	Teresa Kristunas, Head of Finance & Resources
Wards Affected	All

#### **1. SUMMARY OF PROPOSALS**

Members are requested consider a draft policy for the granting of rent relief/concessionary rents to voluntary sector organisations.

#### **2. RECOMMENDATIONS**

**The Committee is requested to RECOMMEND that**

- 1) the Draft Policy attached at Appendix 1 to the report be approved, and implemented with immediate effect for new tenancies;**
- 2) transitional arrangements be introduced with effect from 1<sup>st</sup> April 2013 to allow the policy to be fully implemented over a three year period taking into account the terms of existing leases; and**
- 3) authority be delegated to the Head of Finance and Resources in conjunction with the Council's Voluntary Sector Grants Co-ordinator to approve concessionary rents/rent relief in line with the draft policy attached at Appendix 1 to the report.**

#### **3. KEY ISSUES**

- 3.1 There has been a lack of consistency with regards to the rents for non-operational property by community/voluntary groups. Officers have delegated powers to approve rent reviews and new leases at the 'market' rent. Any requests for concessionary rents/rent relief must be approved by members via a formal report to the Executive Committee. There are no criteria at present for determining the level/scale of the concession. This process operates in isolation of the Grants Programme for the Voluntary and Community Sector. The need to report to Committee places a delay in the lettings process due to the timetable for the production of committee reports.

**OVERVIEW AND SCRUTINY  
COMMITTEE****11th December 2012**

- 3.2 The creation of a new clear policy should ensure that all grant applications from local voluntary sector organisations are treated equitably. It should enable quicker decisions on each application to be made by reference to the new policy criteria. Having clear criteria in terms of approving or rejecting applications should be open and transparent in much the same way as the Council's general grants process.
- 3.3 A number of voluntary sector organisations who currently occupy Council properties will not be paying rents that match the criteria proposed in the new policy. In order to equalise the arrangements in terms of the level of concession/rent relief enjoyed by each organisation and avoid imposing significant rent increases on some organisations it will be necessary to introduce transitional arrangements to allow organisations to adjust over a period of time. When these periods commence will be dependant upon the current position with each tenant. Some tenants will have signed lease agreements whilst others will be occupying on a tenancy at will. It is recommended that a three year period of transition is approved to allow a reasonable period of adjustment.
- 3.4 It is proposed that this transitional arrangement be effective from 1<sup>st</sup> April 2013 to ensure that support and advice can be given to current tenants for the transition to the new rental charges. Officers have already met with a number of voluntary groups and will arrange further meetings to offer this support and to ensure that the impact on the financial position of the organisations is clear.
- 3.5 In order that the level of financial support to the voluntary sector is recognised it is proposed that the rent relief/concession is treated as a grant (netted off the market rent). The maximum level of concession is proposed to be set at 70% in recognition of the Council's ongoing responsibilities as landlord of these properties.

**Financial Implications**

- 3.6 The existing arrangements mean that the total support provided to the both individual voluntary sector organisation and the sector as a whole within the Borough is hidden. The support provided by the way of concessionary rents is not taken into account as part of the grants process. The Council currently grants in excess of £100k in terms of rent relief to voluntary sector organisations.

**Legal Implications**

- 3.7 There are no direct legal implications.



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### **Service / Operational Implications**

- 3.8 The implementation of the draft policy will provide a link between the grants process and the award of rent relief/concessionary rents.

### **Customer / Equalities and Diversity Implications**

- 3.9 The objective of the policy is to enable applications for rent relief/concessionary rents to be dealt with equitably. Current voluntary section tenants are being consulted on the policy.

### **4. RISK MANAGEMENT**

The policy seeks to reduce the financial impact on individual organisations through the use of transitional arrangements and the availability of an appeals process.

### **5. APPENDICES**

Appendix 1 - Concessionary Rent Policy for the Leasing of Council Land and Buildings

### **6. BACKGROUND PAPERS**

There are no background papers with this report.

### **AUTHORS OF REPORT**

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Tel: (01527) 64252 ext 3295



## **Proposal for Voluntary & Community Sector Rent Relief Grant**

All applications for Rent Relief Grant will be considered by the Grants Panel.

We propose to have a three tiers of grant for determining the amount of rent payable by Voluntary & Community Sector Groups. The process includes a provision for VCS groups to appeal for a further reduction via the Executive Committee.

### **First tier - 25% Reduction for all VCS groups – this will be determined by the following criteria:**

1. Registered Charity
2. Community Interest Company
3. Social Enterprise
4. Locally recognised Community Organisation

### **Second Tier – Additional 20% Reduction – Above + following criteria**

1. Is providing a service that is addressing the needs of the local community.
2. Employs Staff or has Volunteers or a mix of both to deliver services
3. In receipt of grant funding to deliver services

### **Third Tier – Additional 25% Reduction – Above + following criteria**

1. Supports Redditch Borough Councils local priorities
2. Does not receive any funding in respect to the rent on their building via external grant funding (All funding in relation to rents must be declared)
3. Is capable of, or does maintain the building to the required standards
4. Has a long term plan (\*three years) for delivery of their service into the Town

Where more than one organisation is applying to occupy the same premises then the Grants Panel's existing scoring criteria will be used to distinguish between the applicants. Property Services will at the same time assist with identifying suitable alternative premises.

The Grants Panel will recommend to the Head of Finance & Resources the level of Rent Relief Grant to be awarded up to the 70% ceiling.

\*All organisations will be offered a three year tenancy agreement with the approved discount under the terms agreed above. The Grant will be paid on the signing of the lease agreement.

**\*\*Further appeal process:**

If the full 70% relief is applied and the organisation feels that the rental value applied is still too high we propose that the organisations put a business case to the Head of Finance & Resources for consideration by the Executive Committee. \*\*The organisation must fulfil all of the above criteria in order to initiate the appeal process