

Council

Monday 15th October
2012
7.00 pm

Council Chamber
Town Hall
Redditch



www.redditchbc.gov.uk

Access to Information - Your Rights

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

**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
Ivor Westmore
Committee Support Services**

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Tel: (01527) 64252 (Extn. 3269) Fax: (01527) 65216
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Welcome to today's meeting.

Guidance for the Public

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**.



Council

15th October 2012

7.00 pm

Council Chamber Town Hall

Agenda

Membership:

Cllrs:	Alan Mason (Mayor)	Carole Gandy
	Wanda King (Deputy Mayor)	Adam Griffin
	Joe Baker	Bill Hartnett
	Roger Bennett	Pattie Hill
	Rebecca Blake	Roger Hill
	Michael Braley	Gay Hopkins
	Andrew Brazier	Phil Mould
	Juliet Brunner	Brenda Quinney
	David Bush	Mark Shurmer
	Michael Chalk	Yvonne Smith
	Simon Chalk	Luke Stephens
	Greg Chance	Debbie Taylor
	Brandon Clayton	Derek Taylor
	John Fisher	Pat Witherspoon
	Andrew Fry	

1. Welcome	The Mayor will open the meeting and welcome all present.
2. Apologies	To receive any apologies for absence on behalf of Council members.
3. Declarations of Interest	To invite Councillors to declare any interests they may have in items on the agenda.
4. Minutes Chief Executive	To confirm as a correct record the minutes of the meeting of the Council held on 3rd September 2012. (Minutes circulated in Minute Book 5 - 2012/13)
5. Announcements	To consider Announcements under Procedure Rule 10: a) Mayor's Announcements b) Leader's Announcements c) Chief Executive's Announcements. (Oral report)

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<p>6. Questions on Notice Chief Executive</p>	<p>No questions have been submitted to date under Procedure Rule 9.2.</p>
<p>7. Motions on Notice Chief Executive</p>	<p>No Motions have been submitted under Procedure Rule 11.</p>
<p>8. Executive Committee (Pages 1 - 90) Chief Executive</p>	<p>To receive the minutes and consider the recommendations and/or referrals from the following meeting of the Executive Committee:</p> <p><u>18th September 2012</u></p> <p>Matters requiring the Council's consideration include:</p> <ul style="list-style-type: none">• Fly-Posting Enforcement Strategy;• Roundabout Sponsorship Policy;• Disposal of Property - Salop Road Community Centre and 132 Oakly Road; and• Voluntary and Community Sector Grants Programme 2013/14 <p>(Reports and decisions attached)</p> <p>(Minutes of the meeting on 18th September 2012 circulated in Minute Book 5 – 2012/13)</p>
<p>9. Regulatory Committees Chief Executive</p>	<p>To formally receive the minutes of the following meeting of the Council's Regulatory Committees:</p> <p>Planning Committee - 5th September 2012</p> <p>There are no outstanding recommendation for the Council to consider:</p> <p>(Minutes circulated in Minute Book 5 – 2012/13)</p>
<p>10. The Alex - A Council Commission (Pages 91 - 96) Chief Executive</p>	<p>To consider establishing a Council Commission in order to respond to the Joint Services Review proposals.</p> <p>(Report attached)</p> <p>(Greenlands Ward / All Wards)</p>

11. Urgent Business - Record of Decisions

Chief Executive

To note the following decision taken in accordance with Paragraph 5 of Part 6 of the Constitution since the last ordinary meeting of the Council:

Local Transport Bodies.

(Executive Director, Planning & Regeneration, Regulatory and Housing Services)

Agreement was sought on a response to a request from the Department for Transport (DfT) for local partners to confirm their Local Transport Body (LTB) boundaries. The grounds for urgency were that, should there have been no local agreement by 28th September, then the Department for Transport would have reserved the right to determine the LTB boundary itself or to reduce the funding allocation available to any area that took longer than this to establish its geography.

It was therefore RESOLVED that

- 1) **it be stated to the Department for Transport that, despite the Guidance and for the reasons contained in the report, Redditch Borough Council be allowed to sit within two Local Transport Bodies with their respective geography based upon the existing LEP boundaries and with funding to be divided equally between the two LTBs; and**
- 2) **following receipt of the response to the Council's view from the Department for Transport, authority be delegated to the Executive Director Planning & Regeneration, Regulatory and Housing Services in consultation with the Leader of the Council and Portfolio Holder, to make the final arrangements relating to the Local Transport Body.**

(Council decision)

12. Urgent Business - general (if any)

To consider any additional items exceptionally agreed by the Mayor as Urgent Business in accordance with the powers vested in her by virtue of Section 100(B)(4)(b) of the Local Government Act 1972.

(This power should be exercised only in cases where there are genuinely special circumstances which require consideration of an item which has not previously been published on the Order of Business for the meeting and/or on the Leader's Forward Plan.)

13. Exclusion of the Public

Should it be necessary, in the opinion of the Chief Executive, to consider excluding the public from the meeting in relation to any items of business on the grounds that exempt information is likely to be divulged it may be necessary to move the following resolution:

“that, under S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following matter(s) on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs (*to be specified*) of Part 1 of Schedule 12 (A) of the said Act, as amended.”

[Subject to the “public interest” test, information relating to:

- **Para 1 – any individual;**
- **Para 2 – the identity of any individual;**
- **Para 3 – financial or business affairs;**
- **Para 4 – labour relations matters;**
- **Para 5 – legal professional privilege;**
- **Para 6 – a notice, order or direction;**
- **Para 7 – the prevention, investigation or prosecution of crime;**

may need to be considered as ‘exempt’.]

(Note: Anyone requiring copies of any previously circulated reports, or supplementary papers, should please contact Democratic Services Officers in advance of the meeting.)

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68. **FLY-POSTING ENFORCEMENT STRATEGY**

RECOMMENDED that

the Joint Fly-Posting Enforcement Strategy and associated policies attached at Appendix 1 to the report be approved.

**EXECUTIVE
COMMITTEE**

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FLY-POSTING ENFORCEMENT STRATEGY

Relevant Portfolio Holder	Councillor Debbie Taylor, Housing, Local Environment & Health
Portfolio Holder Consulted	Yes
Relevant Head of Service	Guy Revans, Head of Environmental Services
Wards Affected	All Wards
Non-Key Decision	

1. SUMMARY OF PROPOSALS

This report provides the Committee with details of the proposed Strategy and policies for dealing with fly-posting (the term commonly used for illegal advertising).

2. RECOMMENDATIONS

The Executive is asked to RECOMMEND to the Council that

the Joint Fly-posting strategy and associated policies attached at Appendix 1 to the report be approved.

3. KEY ISSUES**Financial Implications**

- 3.1 There are no direct financial implications; dealing with fly-posting is carried out within existing resources by Community Safety Enforcement Officers.

Legal Implications

- 3.2 The local authority has powers to take action against those responsible for fly-posting, those who benefit from the advertising and the owner/occupier of the property where the fly-posting occurs. The legislation that applies is as follows:
- 3.3 **The Anti-social Behaviour Act 2003**
Empowers local authorities to issue a fly-posting removal notice on the owner of a relevant surface, and a fixed penalty notice where the offence can be identified.

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- 3.4 **The Clean Neighbourhoods and Environment Act 2005**
Sets the range of fines for a fixed penalty notice at £75 payable within 14 days, which can be reduced to £50 if paid within 7 days and makes it an offence to give a false name and address to an authorised officer proposing to issue such a notice, it also changes the defences available to companies benefiting from fly-posting.
- 3.5 **The Town and Country Planning Act 1990 (s.224)**
Makes it an offence for any person to display an advertisement in contravention of the regulations. Any person contravening the legislation is liable on summary conviction to a fine (currently) not exceeding £2,500.
- 3.6 **The Highways Act 1980 (s.132)**
Makes it an offence for any person to paint or in any way inscribe or affix any picture, letter or sign on the surface of a highway or on any tree or structure without the consent of the Highways Authority. Currently anyone found guilty of an offence is liable to a fine of up to £1,000 and, in the case of a second offence, up to £2,500.
- 3.7 The Principal Solicitors of both authorities have been consulted with regard to the legal implications

Service/Operational Implications

- 3.8 Fly-posting is generally regarded as any advertising material displayed on private and/or public property without the consent of the owner and that does not meet the requirements of the Town and Country (Control of Advertisement) Regulations 2007. It can be referred to as 'horizontal litter' and have a negative impact on the quality of the local environment.
- 3.9 Advertisements may be professionally produced or hand written on pieces of paper and may be found pasted on buildings, attached to lamp-posts, hoardings, railings, and street furniture, left under windscreens wipers on motor vehicles, and displayed on placards at roundabouts or along highway verges. 'A' boards can also constitute fly-posting if displayed without consent.
- 3.10 Fly-posting is an illegal activity which is not only unsightly, but also gives an impression of neglect and can attract other forms of vandalism and anti-social behaviour leading to the decline of an area. It creates litter which spoils the 'clean and green' environment the Council is seeking to maintain and it can obscure important traffic signs or create an obstruction to pedestrians and/or motorists.

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- 3.11 Fly-posting has been dealt with on an ad-hoc basis either by Environmental Enforcement Officers or Planning Officers, often giving advice and informal requests to remove which have generally proved to be effective. However, this strategy and policies provides a more robust, co-ordinated and consistent approach across services and partners for dealing with fly-posting in the future.
- 3.12 Advertising on private land without advertising consent is covered under the Town and County Planning Act and dealt with by Planning Services and this strategy clarifies the correct and most effective option for dealing with fly-posting on private land.
- 3.13 The proposed strategy and associated policies is included at Appendix 1. The strategy gives further details of how fly-posts are defined and how the Council will tackle fly-posting.

Customer / Equalities and Diversity Implications

- 3.14 Worcestershire County Council and North Worcestershire Environment Group have been consulted in the development of this strategy including colleagues from Planning Services, Community Safety and Legal Services.
- 3.15 An Equalities Impact Assessment will be carried out and taken into consideration in the development of the new strategy and policies.

4. RISK MANAGEMENT

Not having an effective approach to fly-posting can result in a poor quality local environment with an increase in the amount of 'horizontal litter' that fly-posts can be seen to be.

5. APPENDICES

Appendix 1 - Joint Fly-Posting Enforcement Strategy

6. BACKGROUND PAPERS

Joint Environmental Enforcement Strategy adopted by the Council in 2011

7. KEY

FPN – Fixed Penalty Notice

CNEA – Clean Neighbourhoods and Environment Act 2005

**EXECUTIVE
COMMITTEE**

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AUTHORS OF REPORT

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Bromsgrove
District Council

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REDDITCH BOROUGH COUNCIL

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Joint Fly Posting Enforcement Strategy

DRAFT version 1.2

DRAFT

Contents

1. Introduction
2. What is fly-posting?
3. The problems associated with fly-posting
4. How advertisements are controlled
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8. Recording reports of fly-posting
9. How we respond to reports of fly-posting
10. The steps we will take to prevent fly-posting
11. How we will enforce the law
12. How the Council will work across departments including Community Safety, Planning and Legal
13. How the Council will work with Parish/Town Councils, County Highways, Highway Agency, the Police and other external partners and agencies

1. Introduction

The Council has a statutory duty to keep the district clean. Fly-posting (the term commonly used for illegal advertising) makes an area look untidy and if not removed, it can give the impression that an area is unkempt and will attract other environmental crime and anti-social behaviour such as litter and criminal damage. Fly-posts also have the potential to distract motorists causing road traffic collisions. In addition, the businesses involved in this practice are gaining an unfair advantage over their law-abiding competitors by not paying for advertising space.

This Strategy clarifies the Council's approach to tackling fly-posting through its enforcement activities. It explains how the Council works with partners and other agencies to tackle illegal advertisements and promote advertising within the parameters of the law.

2. What is fly-posting?

Fly-posting is generally regarded as any advertising material displayed on private and/or public property without the consent of the owner and that does not meet the requirements of the Town and Country (Control of Advertisement) Regulations 2007.

The advertisements may be professionally produced or hand written on pieces of paper and may be found pasted on buildings, attached to lamp-posts, hoardings, railings, and street furniture, left under windscreens wipers on motor vehicles, and displayed on placards at roundabouts or along highway verges. In addition, 'A' boards situated on the public highway are also subject to the above Regulations and, if displayed without the necessary consents, constitute fly-posting and will be dealt with under this strategy.

3. The problems associated with fly-posting

- Fly-posting is an illegal activity which is not only unsightly, but also gives an impression of neglect and can attract other forms of vandalism and anti-social behaviour leading to the decline of an area.
- It creates litter which spoils the 'clean and green' environment the Council is seeking to maintain.
- It is a drain on local authority resources and an unwelcome expense for other landowners who are required to remove the advertisements from their property.
- It is a very cheap form of advertising which puts those who advertise legally at an unfair disadvantage.
- It can obscure important traffic signs or create an obstruction and distraction to pedestrians and/or motorists.
- It can cause injury if a placard or heavier-type sign dislodges from its fixings.

4. How advertisements are controlled

The Local Planning Authority is responsible for the day-to-day operation of the advertisement control system and for deciding whether a particular advertisement should receive advertising consent or not.

Some advertisements are excluded from control, whilst others benefit from deemed consent. The rules on advertising including details of those adverts that are exempt or have deemed consent are set out in the Town and Country Planning (Control of Advertisements) Regulations 2007.

ALL forms of advertisements (including those with deemed consent and those excluded from control) MUST comply with the following standard conditions:-

1. Be kept clean and tidy
2. Be kept in a safe condition
3. Have the permission of the owner of the site on which they are displayed including the Highways Authority if the sign is to be placed on highways land.
4. Not obscure or hinder the interpretation of official highway, rail, waterway or aircraft signs or otherwise make hazardous the use of these types of transport.
5. Be removed carefully where so required by the Planning Authority

5. What we mean by 'positive action'

This Strategy and policies promote lawful advertising. It is not a blanket ban on advertising but gives the Council the ability to deal with the variety of fly-posting problems that can occur.

Policy Statement 1

The Council will always take positive action to tackle fly posting that has an adverse affect on communities and environments, in line with relevant legislation and its own strategy.

In all cases where advertisements are allowed, the standard conditions outlined in Section 4 of this strategy and any other specific conditions required by legislation must be met.

6. The legal powers available to deal with fly-posting

The local authority has powers to take action against those responsible for fly-posting, those who benefit from the advertising and the owner/occupier of the property where the fly-posting occurs. The legislation that applies is as follows:-

- **The Anti-Social Behaviour Act 2003**
This Act empowers local authorities to issue a fly-posting removal notice on the owner of a relevant surface, and a fixed penalty notice where the offence can be identified.
- **The Clean Neighbourhoods and Environment Act 2005**
This Act sets the range of fines for a fixed penalty notice at £75 payable within 14 days, which can be reduced to £50 if paid within 7 days and makes it an offence to give a false name and address to an authorised officer proposing to issue such a notice, it also changes the defences available to companies benefiting from fly-posting.
- **The Town and Country Planning Act 1990 (s.224)**
It is an offence for any person to display an advertisement in contravention of the regulations. Any person contravening the legislation is liable on summary conviction to a fine (currently) not exceeding £2,500.
- **The Highways Act 1980 (s.132)**
It is an offence for any person to paint or in any way inscribe or affix any picture, letter or sign on the surface of a highway or on any tree or structure without the consent of the Highways Authority. Currently anyone found guilty of an offence is liable to a fine of up to £1,000 and, in the case of a second offence, up to £2,500.

7. Reporting fly-posting

Incidents of fly-posting can be reported in a variety of ways through the Council's Customer Access Points.

For Bromsgrove District Council reports can be made:-

Online at www.bromsgrove.gov.uk

By Telephone on 01527 881 288 or

In person at Bromsgrove District Customer Service Centre, School Drive, Bromsgrove, B60 1AY

For Redditch Borough Council reports can be made:-

Online at www.redditchbc.gov.uk

By Telephone on 01527 534 123 or

In person at Redditch Customer Service Centre, Town Hall, Walter Stranz Sq, Redditch, B98 8AH

Batchley One Stop Shop, Batchley Shopping Centre, 183 Batchley Road, Redditch, B97 6JB – Mon/Tues/Fri 09.00 – 12.30 and Weds/Thurs – 13.30 – 17.30

Winyates One Stop Shop, Unit 3 Winyates Centre, Redditch, B98 0NR
Mon/Tues 13.30 – 17.00 and Weds/Thurs/Fri – 09.00 – 12.30.

Woodrow One Stop Shop, Woodrow Shopping Centre, Studley Road, Redditch, B98 7RY – Mon/Tues 09.00 – 12.30 and Weds/Thurs/Fri – 13.30 – 17.00

8. Recording reports of fly-posting

Details of fly-posting reports are logged on the Council's database and referred to the appropriate officer(s) for action.

Records will be maintained of those issued with consent to display advertisements, as well as those issued with advice, warning letters, notices, fixed penalty notices and those who have had court proceedings commenced against them.

9. How we respond to reports of fly-posting

The Council responds to reports of fly-posting in different ways depending whether it is on the highway, on council owned land or private land.

All reports of fly posting will be initially investigated by the Community Safety Enforcement Team. The team will identify whether the advert has advertising consent, is in contravention to the Town and County Planning Act 1990 and/or the Highways Act 1980, and details of the advert owner, advertising beneficiary and the land owner will be ascertained.

Policy Statement 2

If the reported advert(s) is located on the highway or on land owned by the Council; and does not contain the details of the advert owner or beneficiary or this information cannot be obtained through reasonable enquiry, it will be removed instantly.

As part of their daily cleansing duties the Council's Street Cleansing Teams will remove any illegal advertisements from the public highway, where the details of the advert owner and/or beneficiary are not present or cannot be obtained through reasonable enquiry.

Any advert which is deemed hazardous to the public will also be removed instantly.

If the advert owner and/or beneficiary can be identified a 48 hour notice to remove the item(s) will be given. Should the advertising remain after the 48 hour deadline, enforcement action will be taken and the fly posting removed and retained by the Council for 14 days before it is destroyed.

Enforcement action will be taken immediately against all those who have already received a 48 hour notice for prior incidents or have had previous enforcement action taken against them.

On private land where the advert owner or advertising beneficiary cannot be identified, the Council will seek to take positive action against fly posting with the land owner, under the guidance of the Council's Planning Enforcement Team.

At the discretion of the Community Safety Enforcement Officers, incidents of fly posting involving large quantities or large structures erected for the purpose of advertising may also be referred to the Council's Planning Enforcement Team to take additional action.

10. The steps we will take to prevent fly-posting

Policy Statement 3

The Council will:-

- Provide advice and information on advertising regulations to support businesses and individuals to advertise legally
- Include a 'no fly-posting' clause in council facility hire contracts and within the conditions of Street Trading Consents
- Request applicants for Temporary Event Notices to give an undertaking not to fly-post
- Refer any entertainment venues that habitually flout fly-posting legislation to the licensing team as persons 'not suitable' to hold a premises licence.
- Carry out fly posting enforcement activity in line with legislation and the Council's Enforcement Policy.
- Publicise enforcement action taken to deter other potential offenders
- Work with neighbouring authorities to tackle persistent offenders
- Publish this policy

11. How we will enforce the law

Formal action may be taken in respect of any illegal advertising that is reported or identified through community safety patrols; enforcement will be delivered in line with the Council's Joint Environmental Enforcement Strategy.

The following is an extract from the Joint Environmental Enforcement Strategy which outlines the types and levels of enforcement available to officers:

"The interface between giving advice and more serious enforcement action is critical. In Bromsgrove and Redditch a staged approach is used as outlined below:

<i>Stage 1</i>	<i>Advice given</i>
<i>Stage 2</i>	<i>Verbal warning</i>
<i>Stage 3</i>	<i>Written warning</i>
<i>Stage 4</i>	<i>Fixed penalty notice¹</i>
<i>Stage 5</i>	<i>Court proceedings</i>

¹ Fixed Penalty Notices for fly posting can only be issued by the authorised officers within the Community Safety Enforcement Team

Environmental Enforcement Officers are given complete discretion towards the severity of the penalty. It should also be noted it is not necessary to progress through the stages and offences can be taken to stage 5 on a first account if this is considered appropriate.

The authorities will use the power whereby a discount on a FPN can be offered for early payment.

The standard period for payment of fixed penalties is set in the legislation at 14 days. Once a FPN has been issued, an authority cannot prosecute for the alleged offence if the fixed penalty is paid within this period and this must be stated on the notice itself. For this reason, the period during which a discount for early payment is offered, must be less than 14 days and to avoid confusion, guidance recommends that it should not be more than 10 days.”

12. How the Council will work across departments including Community Safety, Street Cleansing Teams, Planning and Legal

An effective approach relies on good communication between those departments that have the powers to enforce legislation relating to fly-posting. Officers from Community Safety, Planning and Environmental Services will liaise and work with each other and, where necessary, Legal Services to tackle fly-posting problems in a consistent manner.

13. How the Council will work with Parish Councils, County Highways, the Police and other external partners and agencies

Policy Statement 4

Worcestershire County Council will be consulted with regards to any application to display outdoor advertisements within the district.

Worcestershire County Council will inform the Council of any consent they give to advertise on the highway.

Intelligence on persistent offenders and information on any enforcement action taken by the Council will be shared with the Hereford and Worcestershire Environmental Group.

Where necessary the Council will work together with the police, neighbouring authorities and other agencies to tackle persistent offenders.

The Council has the power to serve notice on utility companies and educational establishments to remove fly-posting from their property; however, this course of action will only be taken if informal approaches fail. This approach in dealing with defacement on property owned by utility companies and educational establishments is in line with DEFRA guidance.

Utility companies and educational establishments will be informed of any fly-posts seen on their property. If permission is given and the adverts are readily accessible they will be removed. Persistent fly posting problems on structures and land owned by utility companies and education establishments will be tackled through partnership working.

Parish Councils are encouraged to report fly-posting within their areas to the Council as are Neighbourhood Watch schemes and resident groups; the Council will feedback any positive outcomes that arise from these reports.

14. Non Commercial Advertising

Non commercial advertising is advertising for purposes that are not for profit or gain or to promote a commercial organisation. This normally consists of advertising which is sponsored by or for a charitable purpose or civic, religious or political organisation. Non commercial advertising may include but not exclusively local community events organised by youth groups, schools, churches, or voluntary organisations.

Policy Statement 5

The Council will not take enforcement action against unlawful non commercial advertising on the first occasion an organisation has been identified. The Council will provide advice to such organisations on how to advertise lawfully and gain the necessary consents. Once an organisation has been given advice there will be an expectation that advertising consent and consent from the land owner will be in place for all of its future advertising. Failure to advertise lawfully following receipt of advice and guidance will result in enforcement action being taken as would be applied to unlawful commercial advertising.

All non commercial advertising must adhere to the 5 standard advertising conditions, (see Section 4). Advertisers must have consent from the land owner including the Highways Department if placed on a road, path, verge or piece of highway furniture. Contact with the Highways Department at Worcestershire County Council should be made at least 4 weeks in advanced of advertising on a highway to allow advertising consent to be granted.

Further Information

The legislation that applies to advertising is complex and, if in any doubt, you are advised to seek advice from the Councils Planning Enforcement Team on what steps you need to take to ensure that you are acting within the law. Telephone enquiries can be made to the Council's Planning Enforcement Team. (See Customer Contact information at Section 7).

For further information on this policy, please contact Environmental Services. (See Customer Contact information at Section 7).

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69. **ROUNABOUT SPONSORSHIP POLICY**

RECOMMENDED that

- 1) **the policy on Sponsorship and Advertising on roundabouts be approved and adopted; and**
- 2) **authority be delegated to the Head of Leisure and Cultural Services in consultation with the Portfolio Holder for Leisure and Tourism to agree the sponsorship fees with a maximum 20% plus/minus variance of approved charges.**

REDDITCH BOROUGH COUNCIL**EXECUTIVE
COMMITTEE**

18th September 2012

SPONSORSHIP POLICY

Relevant Portfolio Holder	Luke Stephens, Portfolio Holder for Leisure and Tourism
Portfolio Holder Consulted	Yes
Relevant Head of Service	John Godwin, Head of Leisure and Cultural Services
Wards Affected	All
Ward Councillor Consulted	No
Non-Key Decision	

1. SUMMARY OF PROPOSALS

This report sets out the background and purpose of the Sponsorship and Advertising Policy. The Document/Policy outlines how the Council will promote and engage with local business and commercial organisations to achieve sponsorship opportunities and in return promote their business in high profile locations within the Borough.

2. RECOMMENDATIONS

The Executive Committee is asked to **RECOMMEND** that:

- 1) **the policy on Sponsorship and Advertising on roundabouts be approved and adopted; and**
- 2) **authority be delegated to the Head of Leisure and Cultural Services in consultation with the Portfolio Holder for Leisure and Tourism to agree the sponsorship fees with a maximum 20% plus/minus variance of approved charges.**

3. KEY ISSUES**Financial**

- 3.1 As set out in the 2012/2013 Medium Term Financial Plan there is a target of £20,000 income for Leisure and Cultural Services in relation to Roundabout Sponsorship.

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- 3.2 In order to achieve this income, there will be set up and maintenance costs in relation to:
- Obtaining Planning Permission
 - Purchasing of signs
 - Installation and maintenance of signs
 - Business Rates
- 3.3 The target income of £20,000 is the net figure after the associated costs of the scheme are deducted.

Legal Implications

- 3.4 Worcestershire County Council is the Highways Authority and the roundabouts to be included in the sponsorship scheme are located on highway land. The power to maintain roundabouts is contained in Section 64 of the Highways Act 1980.
- 3.5 Redditch Borough Council currently maintains highway verges and roundabouts on behalf of Worcestershire County Council and an agreement has already been reached with the County Council for Redditch Borough Council to implement a sponsorship scheme, subject to strict requirements governing the size and location of signs. (see appendix 1 to the Policy, which is attached at Appendix 1)
- 3.6 Planning Permission under the Town and Country Planning (Control of Advertisement) (England) Regulations 2007 will also be required.
- 3.7 The terms and conditions of the sponsorship arrangement, as determined by the Council will be set out in a standard form agreement which the sponsoring party will sign when entering into a sponsorship arrangement with the Council.
- 3.8 The Policy ensures that full control of the scheme will rest with the Council, including deciding whether a particular sponsor / sign meets the required criteria and will ensure that the overall scheme operates effectively and with the minimum exposure to risk to the authority.

REDDITCH BOROUGH COUNCIL

**EXECUTIVE
COMMITTEE**

18th September 2012

4. CUSTOMER/EQUALITIES AND DIVERSITY IMPLICATIONS

- 4.1 Organisations or businesses will be informed of the Council's Strategic Purposes/Core Objectives as a means of achieving appropriate promotional work and signage to be used.
- 4.2 Should Officers feel that a potential sponsor or proposed advertisement is inappropriate they will liaise with the portfolio member for Leisure and Cultural Services to consider this and liaise with the relevant parties to resolve the matter in terms of whether the sponsorship is agreed to and if so what style of signage is permitted.

5. RISK

- 5.1 Sustainability will be a risk to the Roundabout Sponsorship Scheme and the achievement of a consistent income year on year however, reducing the numbers of roundabouts available for sponsorship and managing and monitoring take up each year can reduce this risk. The Leisure & Cultural Service team will also produce a webpage to support the scheme which will promote and inform local businesses and organisations on price and availability.
- 5.2 Possible negative comments from the public on signing arrangements – the planning process has been approved so this is a low risk. As the nature and size of the signage is governed by County Council's Standards this will ensure that an acceptable standard of signage is produced.
- 5.3 Low or no uptake on this sponsorship opportunity resulting in the income target not being achieved – we have already received interest from local companies wishing to sponsor key locations and based on the pricing policy produced, the number of available island and the levels of interest already expressed this is risk is felt to be minimal at this point.
- 5.4 Road Safety is the overriding factor and any proposal to erect advertising signs on roundabouts will follow the guidelines set down by the County Council's Standards to ensure that all advertising signs are modest, and in keeping with the location and will be designed and located to inform drivers without causing unnecessary driver distraction.

REDDITCH BOROUGH COUNCIL

**EXECUTIVE
COMMITTEE**

18th September 2012

6 Summary

- 6.1 Over the past few years Redditch Borough Council has received many enquiries for this type of sponsorship.
- 6.2 Officers from Leisure and Cultural Services attended a meeting with members in autumn 2010 along with external businesses who wished to sell advertising space on roundabouts in Redditch on our behalf. Following the presentations and questions and answers session members decided they wished to keep this form of sponsorship in-house in order to keep control over the process and maximise income.
- 6.3 The Council has already achieved planning consent on a selection of higher profile roundabouts and dependant upon demand and their success other sites may be progressed accordingly.
- 6.4 These roundabouts will be priced according to size and profile and comparative to other authority schemes (see appendix 1 for suggested prices). If delegated the Head of Service for Leisure and Culture will agree the sponsorship fees with a 20% plus or minus variance of approved charges in consultation with the Portfolio Holder for Leisure and Cultural Services.

7. APPENDICES

- Appendix 1 – Draft Sponsorship Policy**
Appendix 2 – Overview and site location maps
Appendix 3 - Sign Specifications
Appendix 4 – Worcestershire CC Sponsorship Guidance Notes
Appendix 5 – Sponsorship Agreement

AUTHOR OF REPORT

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REDDITCH BOROUGH COUNCIL

**Sponsorship and Advertising
Policy**

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SPONSORSHIP AND ADVERTISING POLICY

- 1.0 Introduction**
- 2.0 Partnership**
- 3.0 Statement of Policy**
- 4.0 The Process**
- 5.0 Advertising Signs**
- 6.0 Duration of Sponsorship**
- 7.0 Sponsorship Price**
- 8.0 Damaged/Vandalised/Lost Signs**

Appendix 2: Roundabout Sponsorship Locations and Maps

Appendix 3: Sample artwork for signage – 2 sign sizes available depending on size of roundabout.

Appendix 4 : Highways Advertising & Sign Installation Criteria

Appendix 5: Sample Roundabout Sponsorship Agreement
(to be produced by legal once draft policy has been approved)

SPONSORSHIP AND ADVERTISING

1.0 Introduction

Redditch is noted for its road system dominated by a system of dual carriageways built when it became a New Town. The system is designed to allow rapid flow of large volumes of traffic around the various districts and into the town centre, whilst keeping fast moving vehicles separated from residential streets.

Redditch was briefly famous for a tongue-in-cheek calendar featuring its "picturesque" roundabouts created by a local printing company. The calendar was called, unsurprisingly, 'Redditch Roundabouts,' and it proved so successful that it sparked a national series.

As a new town the opportunity exists to have external organisations and businesses sponsor key locations (roundabouts), in Redditch in return for being allowed to place specified advertising signs/logos for their business in high profile and public locations. There is also an opportunity for sponsorship to be gained for specific programmes, projects and events to help increase the quality, frequency and profile of Council Services.

A budget target of 20k p.a. has been set for the Leisure and Cultural Services, Business Development Team for Sponsorship income as from April 2012. Any funds received from sponsorship opportunities will be used to develop appropriate schemes and to improve and enhance services provided to local residents.

A selection of higher profile roundabouts have been processed through the planning advertisement process (see Appendix 1) and dependant upon demand and their success other sites will be processed accordingly.

For the purposes of this policy the service areas covered include:

- Roundabouts (as agreed with Worcestershire County Council Highways Dept. and RBC Planning)
- Community Events/Programmes/Activities
- Refuse/Recycling Vehicles

Additional areas listed below may be considered in future amendments to this policy.

- Landscaped embankments and wider landscaped verges at major junctions
- Other landscaped public open spaces as approved by the Council
- Bus Shelters (provided by RBC)

Whilst this document mainly focuses on highway related sponsorship schemes, the document will also be used as a basis for other types of sponsorship projects as highlighted above, including the installation of Public Art on key locations.

2.0 Statement of Policy

The Council will endeavour to enhance the appearance of its Borough by creating a Sponsorship Scheme whereby companies can sponsor Roundabouts, Events, Activities and any other appropriate schemes in Redditch. In return sponsors will receive genuine value for money for their sponsorship agreement with the erection of specified advertising signs, brand exposure, logos, website opportunities, press and PR related coverage.

3.0 Partnership Working

In order for the Sponsorship Policy to be successful Leisure and Cultural Services need to operate with key internal and external partners as follows:

Redditch Borough Council - Internal Partners

- **Planning Authority** Leisure and Cultural Services will apply for planning permission to put signs on each roundabout
- **Legal Services** – Sponsors will enter an agreement, which has been prepared by Legal Services, reflecting the terms and conditions described in this policy, including the duration and costs of the sponsorship
- **Environmental Services**
Maintenance of roundabouts will remain the responsibility of Redditch Borough Council.
Environmental Services will continue the scheduled routine landscape maintenance on each roundabout which includes:
 - Grass Cutting
 - Trees/shrub bed maintenance
 - Landscape planting

Plus in future to include:

 - Installing sponsorship signs
 - Cleaning and maintenance of sponsorship signs
 - Removal and replacement of damaged sponsorship signs

External Partners:

- The Borough Council has an agreement with Worcestershire County Council Highway Partnership Unit in respect of maintaining grass verges and roundabouts. The Borough Council agrees to carry out planting scheme functions in accordance to the County Council's Guidelines dated June 2011.

4.0 The Sponsorship Process

- Once advertisement consent is granted signs to invite sponsors will be erected.
- Interested sponsors can either apply to the Council or view the website for details and prices
- Roundabouts are graded according to size, profile and location and the Council will decide the fee for each site.
- The sponsor will sign a Sponsorship Agreement
- The Sponsor will submit their artwork for approval and pay to make the changes to the signs
- The Council will bear the cost of signs and their installation
- The Sponsor will bear the cost of replacing vandalised/damaged signs throughout their agreed sponsorship term.
- The Council will invoice the sponsor once their signs have been installed
- The Council will inform the Valuation Office of the sponsorship term and price and pay the Business Rates on each location
- The Council will monitor the performance of this Scheme.
- The Council will act as lead partner on behalf of the other parties.
- The Council will remove sponsors signage or information on completion of sponsorship term and the promotion of availability signs will be re-installed

5.0 Duration of Sponsorship

The duration of each agreement shall be for a minimum of one year with an option of up to 3 years

6.0 Sponsorship Price and Cost

Sponsorship price will be a set for each location based on the following:

- Location of roundabout
- Traffic Flow and profile of roundabout
- Size of roundabout
- Demand
- Comparative charges

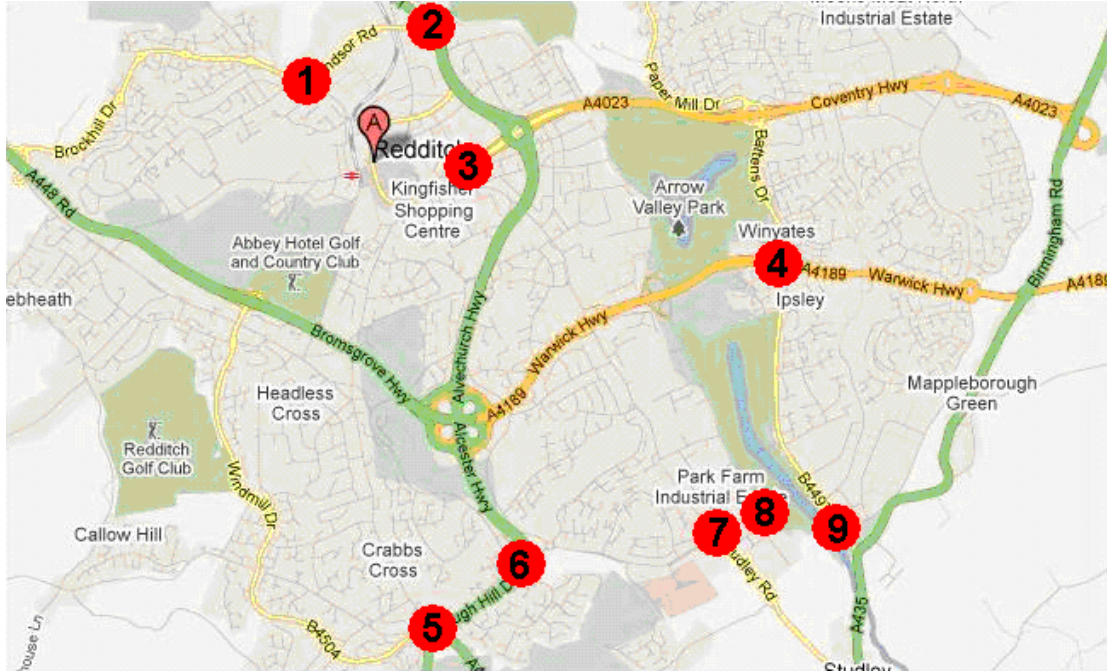
The Head of Service in conjunction with the Portfolio Holder for Leisure and Cultural Services will agree the sponsorship fees with a 20% plus or minus variance of approved charges

Those locations deemed to have the greatest impact based upon location, profile, traffic flow and comparative authority charges will be offered for sponsorship at a premium rate according to the schedule below and Redditch Borough Council will determine the rate for each location. (example table below)

The sponsorship price will be required for each year of the contract and will be paid at the beginning of each contract year. Where longer terms are required that sponsor will pay at the agreed rate at the time and will not incur any increase.

Redditch Borough Council Roundabouts	Proposed Grade & £p.a.	Planning Position	Price 1yr`	Price 2 yr	Price 3 yr
	A = £5,000				
	B = £4,000				
	C = £3,000				
Alcester Highway/Rough Hill Drive (A441)	A - £5,000	In Place			
Alcester Highway/Windmill Drive/Evesham Raod (A441/A448 the Slough)	A - £5,000	Permission not yet sort			
Tunnel Drive/Coldfield Drive - (Matalan/B&Q)	A - £5,000	Permission not yet sort			
Redditch Ringway/ Coventry Highway (B1460/A4023)(Town Centre)	A - £5,000	In Place			
Alvechurch Highway/Windsor Road (A441/B4184)	A - £5,000	In Place			
Battens Drive (B4497)/Moons Moat Drive/Paper Mill Drive	A - £5,000	Permission not yet sort			
Warwick Highway/Battens Drive (A4189/B4497)	A - £5,000	In Place			
Coventry Highway(A4023)/Ravens Banks Drive/alders Drive	A - £5,000	Permission not yet sort			
Hewell Lane/Salters Lane (B4184)	A - £5,000	Withdrawn			
Rough Hill Drive/Woodrow Drive	B - £4000	Withdrawn			
Studley Road (B4093)/Woodrow Drive	B - £4000	In Place			
Woodrow Drive/Washford Drive/Forge Drive	B - £4000	In Place			
Washford Drive/Icknield Street Drive(B4497)	B - £4000	In Place			
Warwick Highway/Claybrook Drive	B - £4000	Permission not yet sort			
Holloway Drive/Old Forge	B - £4000	Permission not yet sort			
Windmill Drive (B4504)/Middle Piece Drive	C - £3,000	Permission not yet sort			
Brockhill Drive (B4184)/Lilly Green Lane	C - £3,000	Permission not yet sort			
Brockhill Drive (B4184)/Appletree Lane	C - £3,000	Permission not yet sort			
Brockhill Drive (B4184)/Blackwell Lane/Aldbrough Lane	C - £3,000	Permission not yet sort			
Brockhill Drive (B4184)/Hewell Road/Brockhill Lane/Salters Lane	C - £3,000	Permission not yet sort			

DRAFT

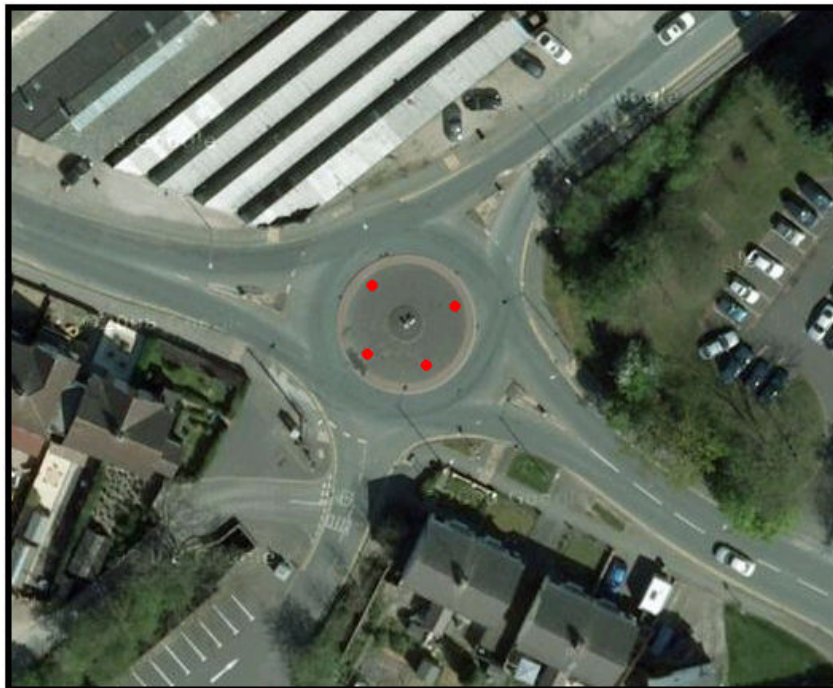
APPENDIX 2**Overview Map and Site Locations**

The following advertising consent was applied for in 2011 for the 9 sites highlighted on the plan above. 7 of the 9 were approved by planning on 1st November 2011 – the other 2 sites were withdrawn from the planning process and were considered inappropriate (see below)

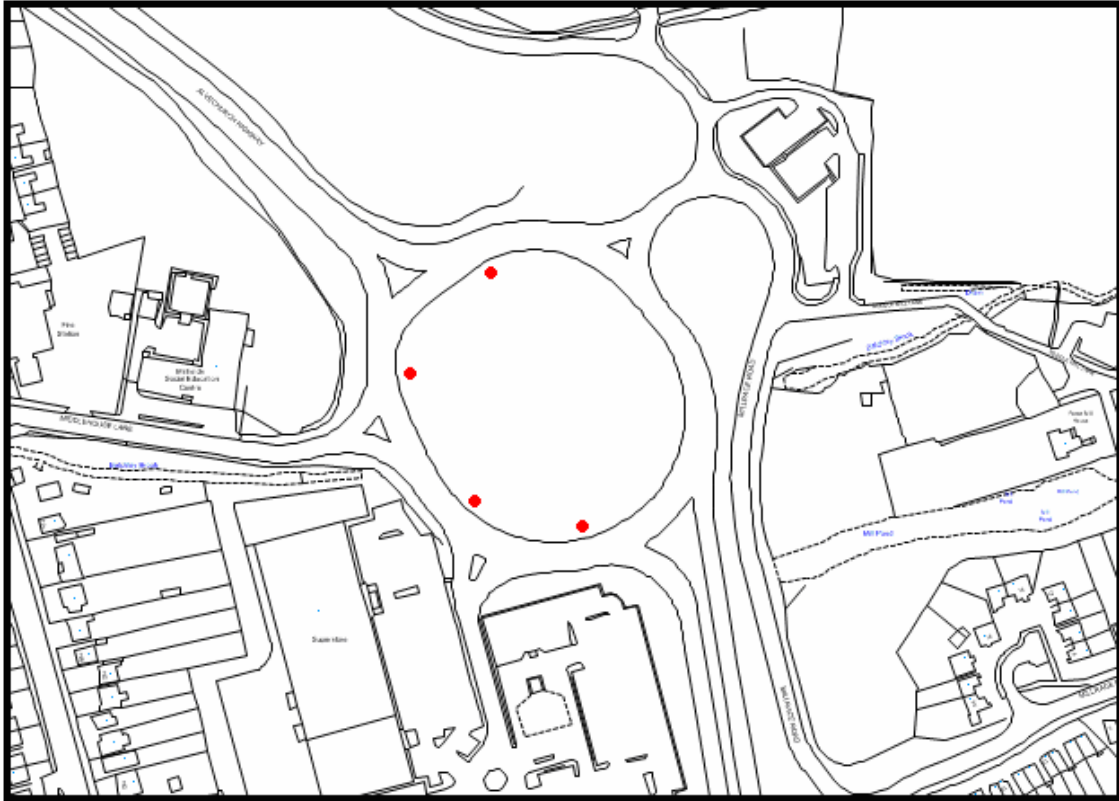
Roundabout Location	Planning Outcome
1. Hewell Road and Windsor Road	Withdrawn from planning – concrete and considered inappropriate
2. Birmingham Road A441 and Windsor Road B4184	planning approved 1/11/11
3. Redditch Ringway and Other Road	planning approved 1/11/11
4. Warwick Highway A4189 and Battens Drive	planning approved 1/11/11
5. Rough Hill Drive and Evesham Road	Withdrawn from planning – concrete and considered inappropriate
6. Alcester Highway A441 and Rough Hill Drive	planning approved 1/11/11
7. Woodrow Drive and Studley Road	planning approved 1/11/11
8. Old Forge Drive and Washford Drive	planning approved 1/11/11
9. Icknield Street Drive 4497 and Washford Drive	planning approved 1/11/11

Sign Location Plans

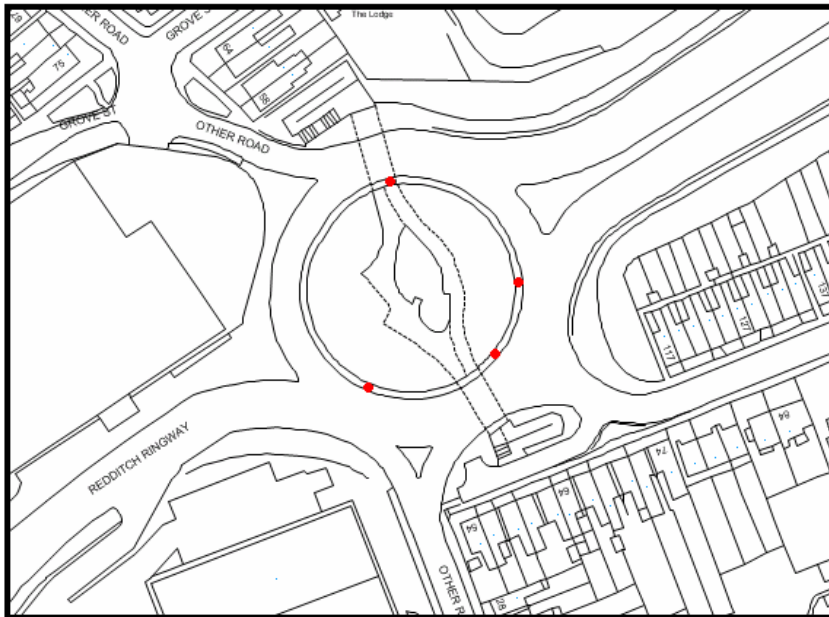
1. Hewell Road and Windsor Road - (Withdrawn from planning)



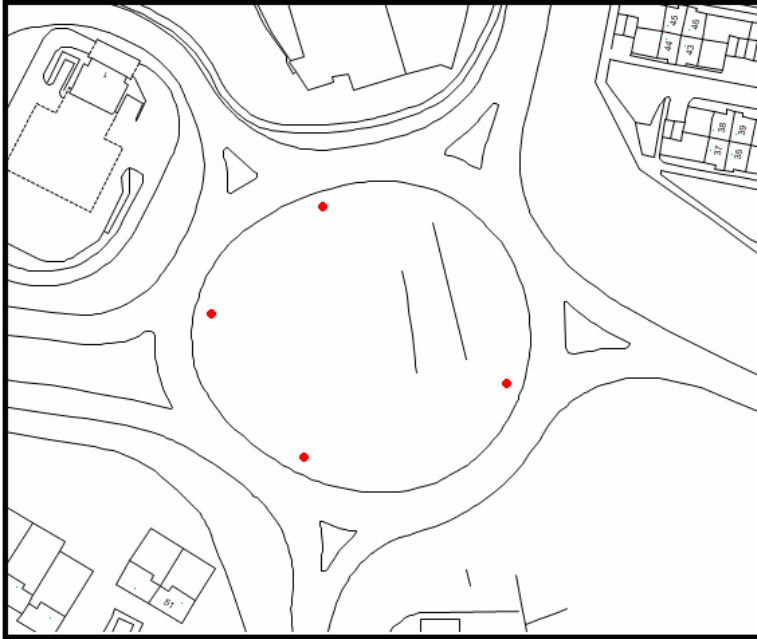
2. Birmingham Road A441 and Windsor Road B4184
(Max no. of signs permitted 4 x 0.5m²)



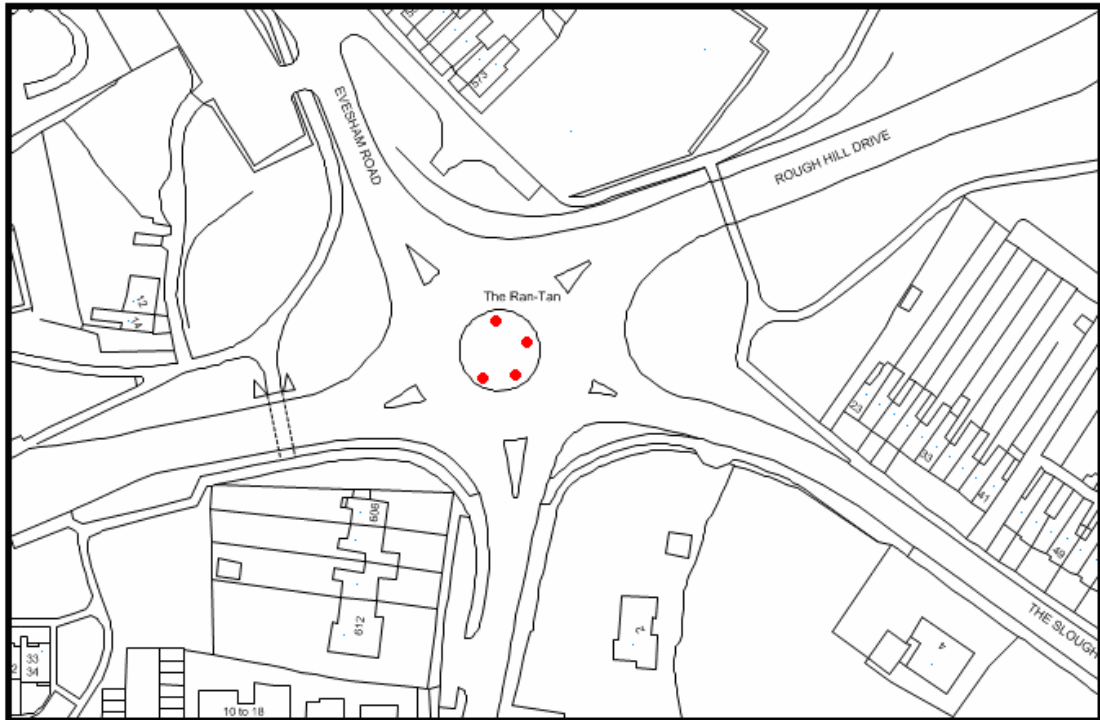
3. Redditch Ringway and Other Road
(Max no. of signs permitted 4 x 0.3m²)



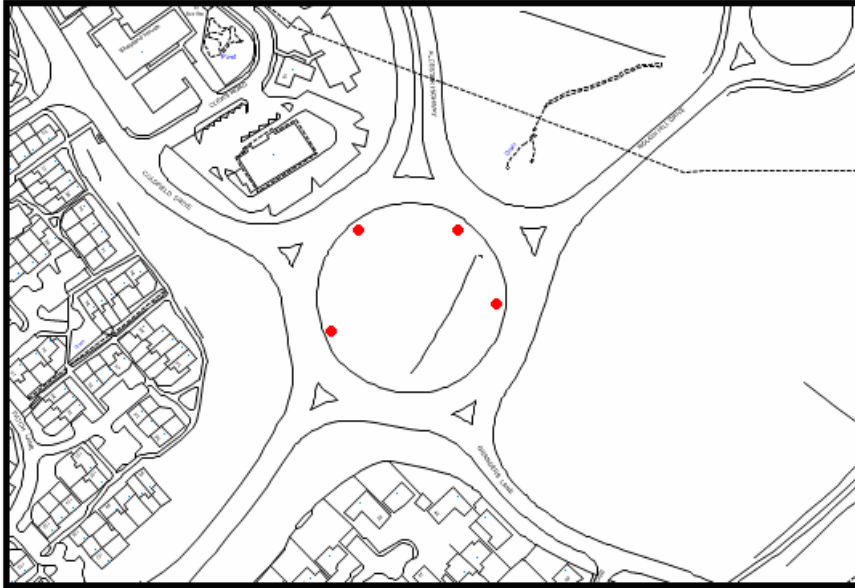
4. Warwick Highway A4189 and Battens Drive
(Max no. of signs permitted 4 x 0.5m²)



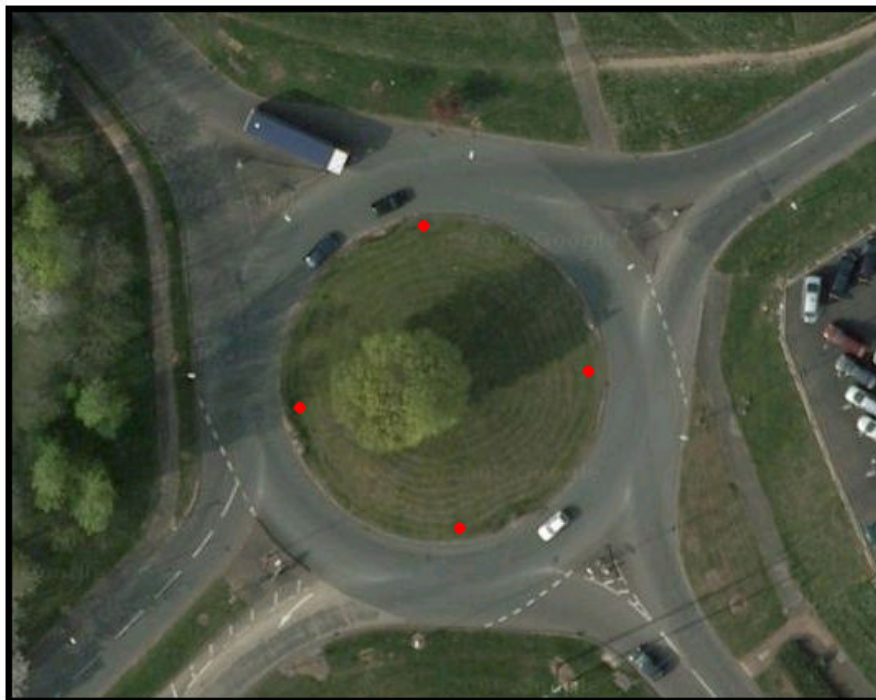
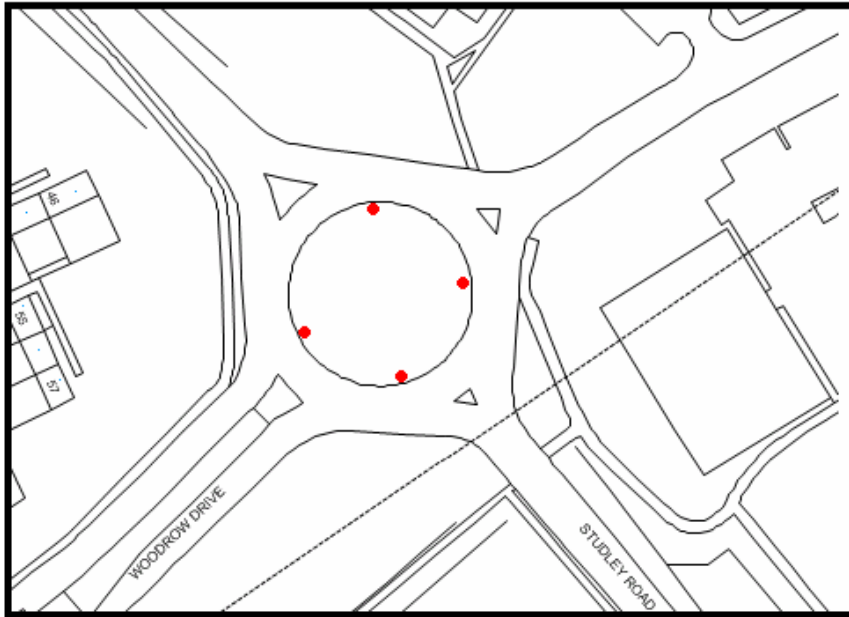
5. Rough Hill Drive and Evesham Road – **(Withdrawn from planning)**



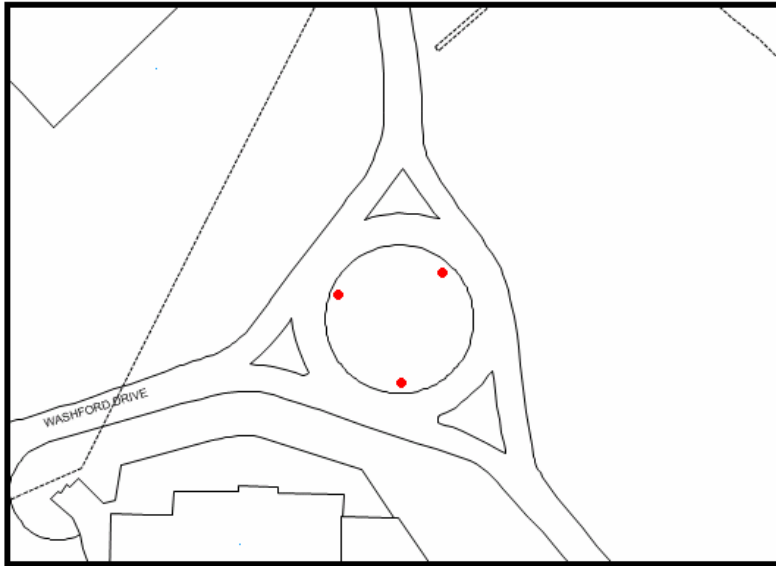
6. Alcester Highway A441 and Rough Hill Drive
(Max no. of signs permitted 4 x 0.5m²)



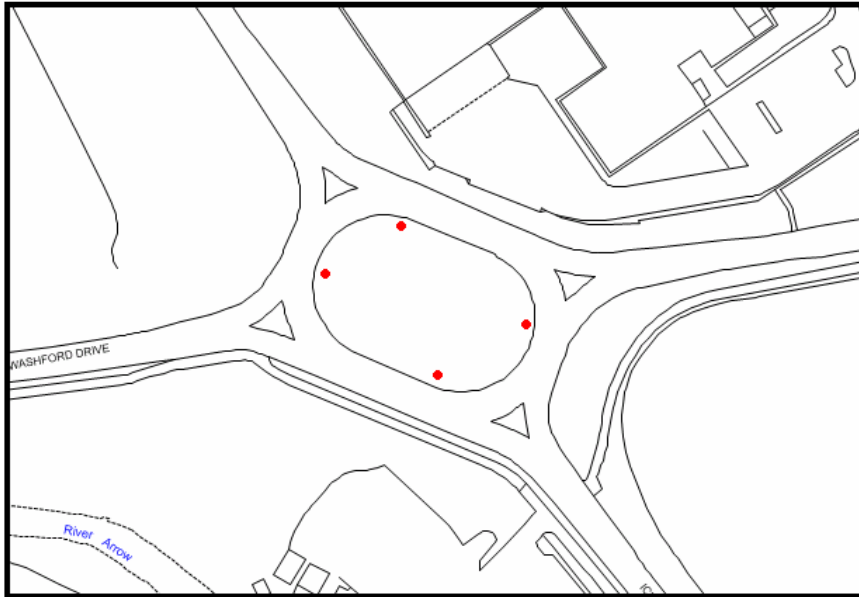
7. Woodrow Drive and Studley Road
(Max no. of signs permitted 4 x 0.3m²)



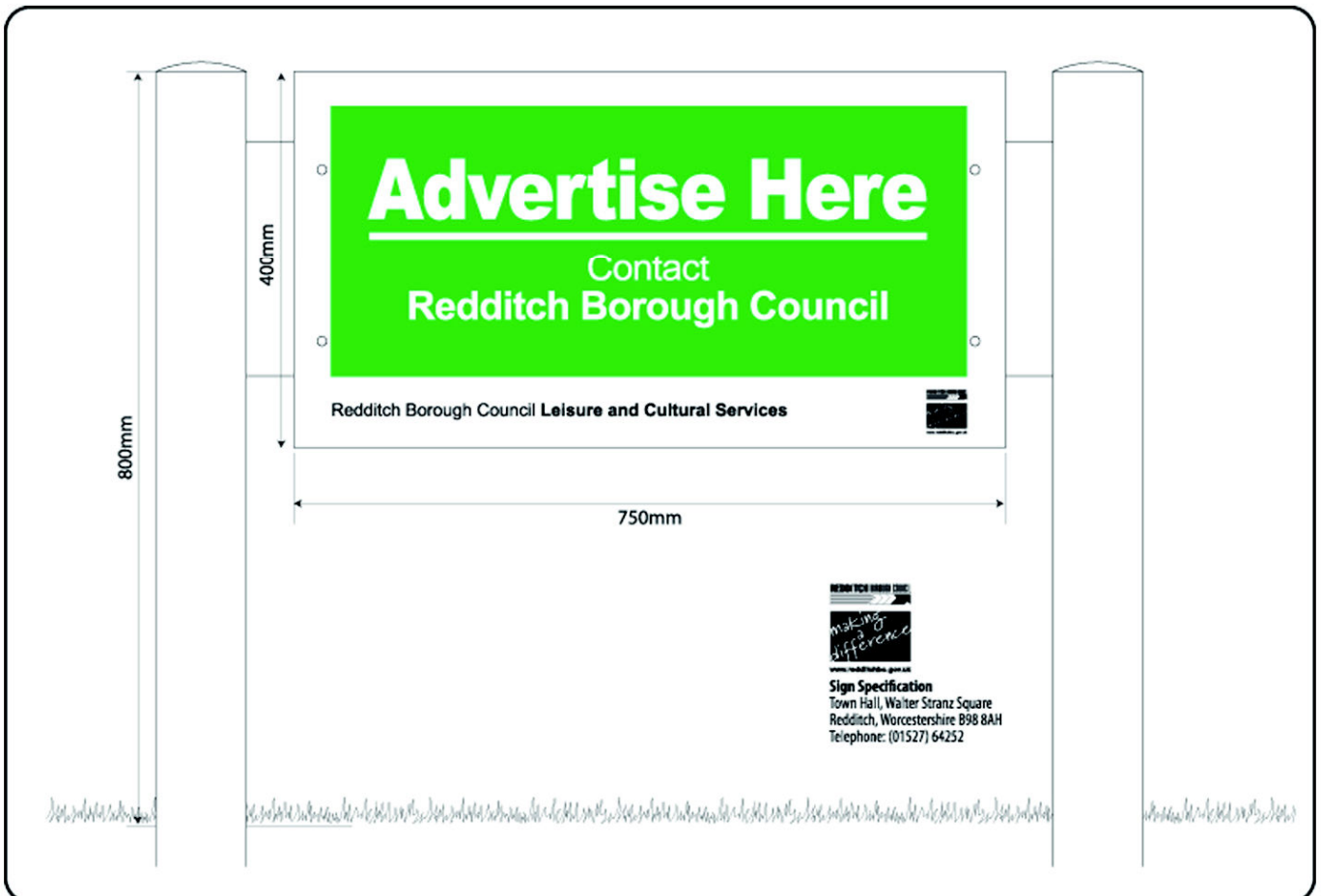
8. Old Forge Drive and Washford Drive
(Max no. of signs permitted 3 x 0.3m²)



9. Icknield Street Drive 4497 and Washford Drive
(Max no. of signs permitted 4 x 0.5m²)



Appendix 3



Redditch Borough Council
www.redditch.gov.uk
Sign Specification
Town Hall, Walter Stranz Square
Redditch, Worcestershire B98 8AH
Telephone: (01527) 64252

Redditch Borough Council
Making a difference
www.redditch.gov.uk
Sign Specification
Town Hall, Walter Stranz Square
Redditch, Worcestershire B98 8AH
Telephone: (01527) 64252

APPENDIX 4

Worcestershire County Council Highway Specification

Appendix 2 - Highways Advertising and Sign installation Criteria

The following is a design criteria agreeable to the stakeholders and recognises good practice and approved from the stakeholders.

The total sign face:-

- Must not exceed 0.5sq.m. in area
- Must not be illuminated
- Must not be made of reflective material
- Must not have any sharp corners or projections. Specifically, sign faces should have a minimum corner radius of 75mm unless protected by posts and posts must have rounded tops
- Must not be fixed at an angle to the road such that any inherent reflectivity causes drivers to be dazzled by their own headlights or the headlights of other vehicles travelling in the same direction
- Must not be designed such that it could be confused with legitimate traffic sign hence it must not have a border
- Must indicate the sponsorship nature of the sign and acknowledge the partnership between the sponsor and Borough/Parish Council
- Must be discrete and in harmony with its surroundings
- May only contain one of the following:
 - a) Directions
 - b) Web Address
 - c) Tel number
 - d) E-Mail Address
 - e) Website Address
- Selected Sponsor shall submit a drawing detailing the signs to be installed to the Council for approval in advance of ordering the signs.
- The Council will make the final determination on the sign type and design.

Should be mounted:

- at low level i.e. top of sign no greater than 1.05m above adjacent carriageway level
- On a separate pole from any traffic signs

The signs must be located:-

- At least 2m from the edge of the metalled carriageway or a road sign
- where it does not obstruct sight lines to other signs or vehicles
- Where it will not be distracting or confusing that it creates a hazard for road users who are taking reasonable care for their own and others safety
- Where it will not present a hazard for pedestrians

AGREEMENT FOR ROUNDABOUTS SPONSORSHIP

This agreement is made on _____

BETWEEN

1. Redditch Borough Council (The Council)

And

2.(the Sponsor)

IT IS AGREED AS FOLLOWS

1. Introduction

1.1 An agreement has been reached between the parties whereby the Sponsor wishes to sponsor signs to be erected on roundabouts within the Borough of Redditch, and the Council has agreed to arrange for the erection of such signs in accordance with the terms and conditions set out in this agreement.

2. Definitions

2.1 The terms and expressions used in this agreement shall have the meanings set out below:

Commencement Date	
Contract Period	? years
Year 1	First year of sponsorship term
Year 2	Second year of sponsorship term
Year 3	Third year of sponsorship term
Roundabouts	Site on which signs are installed
Sponsorship Signs	The signs to be erected on the roundabouts bearing the names of the Sponsors companies.

3. The Contract Period

3.1 This agreement will commence on

4. Payment

4.1 The Sponsor agrees that it shall pay the Council the following annual fees:

Year 1	
Year 2	
Year 3	

4.2 The fee for Year's 1, 2 and 3 shall be paid annually, seven days after the commencement date for each year.

5. Ownership of the Signs and Sign Installation Criteria

5.1 The Sponsorship Signs will remain the property of the Council

6. Obligations of the Sponsor

The Sponsor agrees:-

- 6.1 To submit the final design to the Council for approval prior to commissioning the sign.
- 6.2 To pay the cost to apply the new graphics on each sign
- 6.3 To pay the cost for the replacement of any damaged signs during the period of their agreement

7. Obligations of the Council

The Council agrees:-

- 7.1 To approve the final design of the Sponsorship Sign unless there is some reasonable justification for requiring redesign such as offensive or inaccurate logo or wording.
- 7.2 To ensure that it is lawful to use the site upon which it proposes to erect the Sponsorship Signs and that the Council either owns such site or has permission to use such site.
- 7.3 To arrange for and bear the costs of the erection and installation of the Sponsorship Sign at the beginning of the sponsorship term.
- 7.4 To be responsible for the landscape maintenance of the roundabouts being sponsored. This will consist of works to the roundabouts

including landscape planting, grass cutting and trees/shrub maintenance. The exact design and planting scheme will be at the discretion of the Council.

7.5 To remove the Sponsorship Signs upon expiry of the contract period (assuming that the contract is not re-newed) or upon earlier termination of the contract under clause 9.1 or 9.2.

8. Works by the Highway Authority affecting the roundabouts

8.1 From time to time it may be necessary for the Highway Authority to permit works to be carried out on the roundabouts that may cause temporary disruption to the landscaping or the temporary removal of the Sponsorship Signs. Within 30 days of the conclusion of such works the Council will restore the roundabouts to the condition it was in prior to the works having been commenced.

9. Termination and Consequences

9.1 Either party may terminate this agreement with immediate effect by giving notice in writing to the other party (the "defaulting party") following:-

9.1.1 the occurrence of a material breach of this agreement by the defaulting party which is not remedied within 14 days of being required by written notice to do so; or

9.1.2 the insolvency or inability of the defaulting party to pay its debts within the meaning of section 123 of the Insolvency Act 1986, or similar event; or

9.1.3 the failure by the defaulting party to pay any sum due under this agreement within 14 days of such sum being due.

9.2 Either party may terminate this agreement on giving 3 months notice in writing to the other party.

10. Notices

10.1 Notices must be in writing and must be delivered to the other party by hand, post or registered post. Notices must be addressed to the other party at the relevant address set out at the head of this agreement.

10.2 Notices given by hand will be deemed served at the time of delivery. Notices sent by post will be deemed to have been given 2 days after

the day of posting (provided the notice is not returned as undelivered).

10.3 Each party may change it's address for service by notifying the other party in writing.

11. Unacceptable Sponsorship Types

11.1 The Council will not approve Sponsorship Signs which are:-

- religious in significance or for religious organisations; or
- of political significance or for political parties or organisations including trade unions; or
- offering or promoting services of a sexual nature; or
- offering or promoting the sale of tobacco or tobacco related products; or
- in breach of the Councils duties under Equalities legislation; or
- in breach of guidelines set by the Advertising Standards Authority; or
- any other material which the Council consider to be unreasonable.

11.2 In the event that that the Sponsor fails to comply, the Council reserves the right to remove the Sponsorship Signs forthwith, the Council's costs of such removal to be borne by the Sponsor.

12. Liability

12.1 This clause sets out the entire liability of each party to the other (including any liability for the acts or omissions of employees) in respect of:

12.1.1 the Sponsorship Signs;

12.1.2 any breach of its contractual obligations arising under this agreement; and

12.1.3 any representation, statement (other than fraudulent misrepresentation) or tortuous act or omission including any negligence arising under or in connection with this agreement ("an event of default").

12.2 Neither party shall be liable to the other for any loss or damage including loss of profit, loss of business, loss of contracts, loss of

opportunity, loss or depletion of goodwill, costs or expenses (whether arising in contract, tort, negligence, breach of statutory duty or otherwise) where the loss arises from failure of the other party to comply with its obligations under this agreement.

12.3 Notwithstanding any other provision of this agreement, neither party seeks to limit or exclude its liability to the other party for death or personal injury resulting from its own or its employees' negligent act or omission or wilful misconduct or for fraudulent misrepresentation.

12.4 Subject to clauses 12.1 and 12.2, each party's maximum total liability to the other in respect of all claims, losses, damages, costs, charges, expenses, liabilities, demands, proceedings and action (whether arising in contract, tort, negligence, breach of statutory duty or otherwise) in respect of all events of default shall not exceed 125% of the total sums paid or due and owing under this agreement in the twelve month period preceding the date of default.

13. Entire Agreement

13.1 This agreement constitutes the entire agreement between the parties. It supersedes all prior negotiations, representations and undertakings, whether written or oral. This clause will not exclude liability for fraudulent misrepresentation.

14. Third Parties

14.1 This Agreement expressly excludes the provisions of the Contracts (Rights of Third Parties) Act 1999.

15. Freedom of Information

15.1 The Council is subject to the Freedom of Information Act and the Environmental Information Regulations ("the Acts"). As part of the Council's duties under the Acts, it may be required to disclose information forming part of or arising under the Agreement to anyone who makes a reasonable request. The Council has absolute discretion to apply or not to apply any exemptions under the Acts.

15.2 The Sponsor will assist and co-operate with the Council to enable the Council to comply with the information disclosure requirements under the Acts and in so doing will comply with any timescale notified to it by the Council.

16. Assignment

16.1 The Sponsor shall not assign or sub-contract any part of this agreement without the express written consent of the Council.

17. Waiver

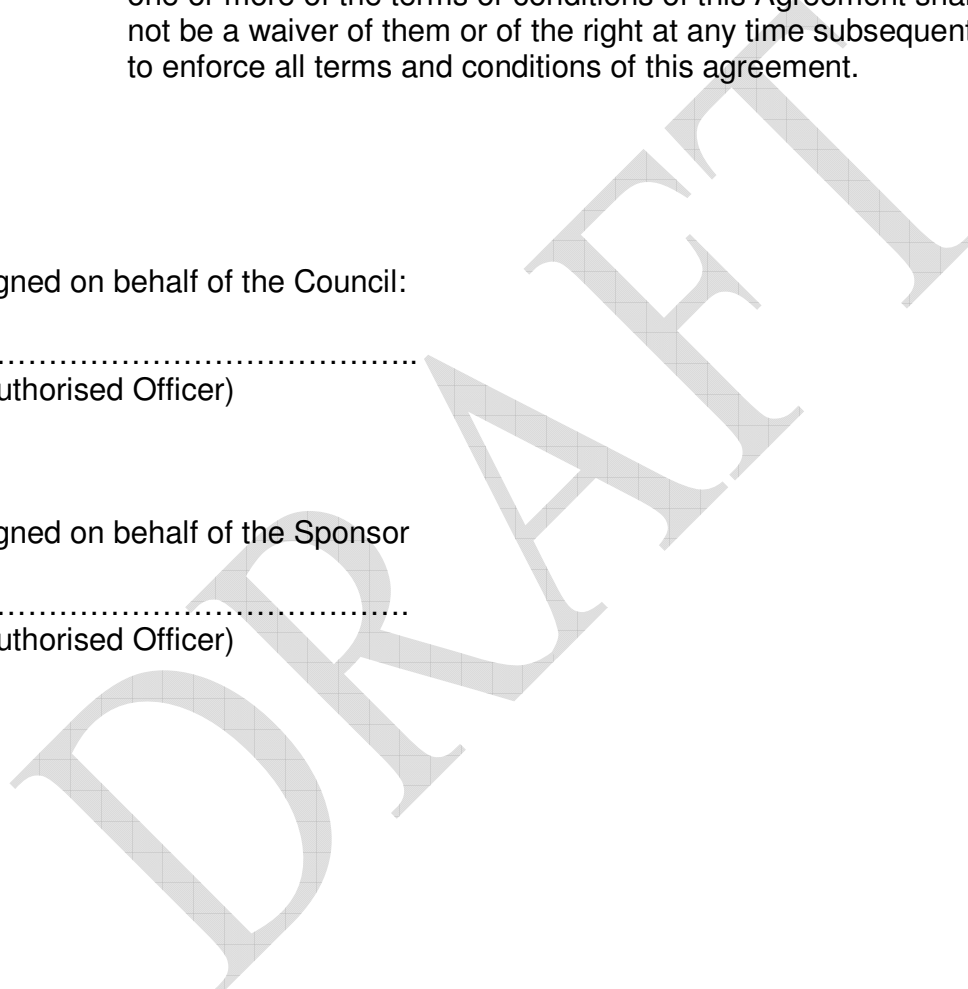
17.1 The failure by either party to enforce at any time or for any period any one or more of the terms or conditions of this Agreement shall not be a waiver of them or of the right at any time subsequently to enforce all terms and conditions of this agreement.

Signed on behalf of the Council:

.....
(Authorised Officer)

Signed on behalf of the Sponsor

.....
(Authorised Officer)



REDDITCH BOROUGH COUNCIL

COUNCIL

15th October 2012

70. **DISPOSAL OF PROPERTY - SALOP ROAD COMMUNITY CENTRE
AND 132 OAKLY ROAD**

RECOMMENDED that

- 1) **the site of the former Community Centre at Salop Road; and**
- 2) **the former refuge, 132 Oakly Road**

be declared surplus to requirements and available for disposal.

**EXECUTIVE
COMMITTEE**

18th September 2012

**DISPOSAL OF THE FORMER COMMUNITY CENTRE AT SALOP ROAD
AND THE FORMER REFUGE AT 132 OAKLY ROAD**

Relevant Portfolio Holder	Councillor Phil Mould, Portfolio Holder for Corporate Management
Portfolio Holder Consulted	Yes
Relevant Head of Service	Teresa Kristunas, Head of Finance and Resources
Wards Affected	Central Ward
Ward Councillor Consulted	Yes, at Portfolio Holder briefing
Non-Key Decision	

1. SUMMARY OF PROPOSALS

Members are requested to declare the former Salop Road Community Centre and the former refuge at 132 Oakly Road are surplus to requirements and to making them available for disposal.

2. RECOMMENDATIONS

The Executive Committee is asked to RECOMMEND to the Council that

- 1) the site of the former Community Centre at Salop Road; and**
- 2) the former refuge, 132 Oakly Road**

be declared surplus to requirements and available for disposal.

3. KEY ISSUES

- 3.1 The building known as the former Salop Road Community Centre is of a red brick construction with a pitched tiled roof pre 1950's. The building comprises the former community centre located in the basement and ground floor with 12 flats located between the Basement, Ground and first floor, one of which has been disposed of under the right to buy.
- 3.2. The accommodation comprises a lobby, kitchen, male toilets, disabled toilets, female toilets, lobby, office stores and main community room.
- 3.3. The premises ceased to be used as a Community Centre in 2004. Officers have received some interests from charitable and other organisations; however a letting has never materialised and the premises continued to be void with the Council responsible for full management of the premises.

**EXECUTIVE
COMMITTEE**

18th September 2012

- 3.4. An informal recommendation by the Planning Team has indicated that should the former community centre be disposed of a residential redevelopment will be preferred. It is envisaged that a conversion into two separate flats would be suitable.
- 3.5. 132 Oakly Road has been used by Stonham as a refuge since May 2006. Stonham gave notice to vacate the property from the 1st August 2012. The ex-refuge is a large property with shared kitchen and bathrooms and a sizable garden. It is not considered suitable for letting as part of the Council's housing stock.

Financial Implications

- 3.6 Disposal of both properties would generate capital receipts that could be used to support the Council's Capital Programme.

Legal Implications

- 3.7 There are no legal implications.

Service/Operational Implications

- 3.8 No direct implications. The Salop Road property has not been used as a Community Centre for a number of years.

Customer / Equalities and Diversity Implications

- 3.9 No direct implications.

4. RISK MANAGEMENT

There are no risks identified.

5. APPENDICES

Appendix 1 - Plan of Salop Road property.
Appendix 2 Plan of 132 Oakly Road

6. BACKGROUND PAPERS

Files held by Property Services.

AUTHOR OF REPORT

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 Ordnance Survey 100024230.

Indicative Scale: 1:750

Date Printed: 13/7/2012

Salop Road Community Meeting Rooms



Worcestershire County Council
 County Hall
 Spetchley Road
 Worcester
 WR5 2NP



<p>© Crown copyright and database rights 2012 Ordnance Survey 100024230.</p>	<p>0 5 25 50 metres</p> <p>132 Oakly Road Redditch</p>	<p>worcestershire county council</p>
<p>Indicative Scale: 1:1,250</p>		<p>Worcestershire County Council County Hall Spetchley Road Worcester WR5 2NP</p>
<p>Date Printed:6/9/2012</p>		

REDDITCH BOROUGH COUNCIL

COUNCIL

15th October 2012

**71. VOLUNTARY AND COMMUNITY SECTOR GRANTS PROGRAMME
2013/14**

RECOMMENDED that

- 1) the following themes and percentages of funding be allocated for the 2013/14 voluntary and community sector grants process:**
 - i) Independent Communities = £135,000 – see 3.3.1**
 - ii) Community Development = £ 55,000 – see 3.3.2**
 - iii) Thriving Communities = £ 20,000 – see 3.3.3**
 - iv) Community Welfare = £ 20,000 – see 3.3.4**
 - v) Stronger Communities Grant Programme = £ 15,000 – see 3.3.5**
 - vi) £1,000 be allocated from the Grants budget for the use by the Grants Team to deliver:**
 - a) networking and promotional events;**
 - b) advertising and communication support;**
 - c) newsletters;**
(See paragraph 3.3 of the report for background & full breakdown of theme splits and key project support areas);
- 2) delegated authority for final approval in respect to the Stronger Community Grants to the Head of Community Services be continued; and**
- 3) the changes detailed at paragraph 4.4 of the report designed to strengthen the Voluntary & Community Sector Grants Policy be approved.**

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VOLUNTARY & COMMUNITY SECTOR GRANTS PROGRAMME 2013/14

Relevant Portfolio Holder	Councillor Bill Hartnett, Community Leadership & Partnership inc. Voluntary Sector
Portfolio Holder Consulted	Yes
Relevant Head of Service	Judith Willis, Acting Head of Community Services
Wards Affected	All
Ward Councillor Consulted	N/A
Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 This report contains recommendations as to the funding split and themes for the Voluntary and Community Sector (VCS) grants process for 2013/14.
- 1.2 Members are requested to recommend the continuation of delegated authority of final approval in respect to the Stronger Community Grants to the Head of Community Services.
- 1.3 The report also contains changes to the Voluntary & Community Sector Grants policy. (See point 4.4 for proposed changes & appendices 3 for full policy document).

2. RECOMMENDATIONS

The Executive Committee is requested to RECOMMEND that

- 1) **the following themes and percentages of funding be allocated for the 2013/14 voluntary and community sector grants process:**

- i) **Independent Communities = £135,000 – see 3.3.1**
- ii) **Community Development = £ 55,000 – see 3.3.2**
- iii) **Thriving Communities = £ 20,000 – see 3.3.3**
- iv) **Community Welfare = £ 20,000 – see 3.3.4**
- v) **Stronger Communities Grant Programme = £ 15,000 – see 3.3.5**
- vi) **£1,000 be allocated from the Grants budget for the use by the Grants Team to deliver:**
 - a) **networking and promotional events;**
 - b) **advertising and communication support;**
 - c) **newsletters;**

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(See paragraph 3.3 for background & full breakdown of theme splits and key project support areas);

- 2) **delegated authority for final approval in respect to the Stronger Community Grants to the Head of Community Services be continued; and**
- 3) **the changes detailed at paragraph 4.4 designed to strengthen the Voluntary & Community Sector Grants Policy be approved.**

3. KEY ISSUES**Financial Implications**

- 3.1 The proposed splits are based on the Grants budget for 2013/14 being set at £241k (based on no increase on budget from 2011/12) with 5k rolled over from 2012/13 grants budget.
- 3.2 The total budget for grants to voluntary organisations for 2013 – 2014 is £246,000.

Background

- 3.3 Over the last few years there has been significant change in the funding environment. Redditch Borough Council wished to continue to support those projects, programmes and initiatives that best advance its strategic objectives and that deliver the best possible services to the local community. In doing so, changes to the way grant funding was allocated demonstrated the Councils commitment to distributing the grant aid available efficiently and effectively, and underpinned our approach of making the process of grant aid as open and transparent as possible.

The introduction of the Stronger Communities Grant programme in 2011/12 strengthened the impact of the grants programme by ensuring a funding stream was made available to the community organisations delivering at grass roots level.

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Over the last 3 years, because of its open & transparent process, the grants programme no longer is viewed as just being for “the chosen few” and has achieved an increase in:

- ❑ Projects delivered
- ❑ Organisations applying
- ❑ Advertising opportunities
- ❑ Good local community relationships
- ❑ External Funding relationships

For 2013/14 the proposed splits reflect the needs within the local Voluntary & Community Sector at a time where all sectors have had to cut their cloth accordingly, where funding streams are being cut. The themes objectives aim to:

- ❑ Support & sustain services already being delivered within the town,
- ❑ Support findings already being identified from the Councils Transformation process
- ❑ Align with the Council’s strategic purposes.

3.3.1

Independent Communities**Recommended funding = 135k for the Delivery of Projects under the “Independent Communities” Banner****80k – Investing Grant****To deliver:****Financial and Debt advice within the Town**

- ❑ Free, independent and confidential advice, with a focused outcomes on housing benefit issues & supporting residents at risk of losing their homes

30k - Investing grants - Maximum grant of 10k for each project submitted**For delivery of on-going support for local services to include outcomes that:**

- ❑ Build Capacity
- ❑ Build Volunteering & skill sharing opportunities
- ❑ Explore & highlight external funding opportunities

25k - Investing Grant**For delivery of a financial support project with outcomes that:**

- ❑ Support for those in financial difficulties including
 1. one to one support
 2. group workshops
 3. ongoing financial independence support
- ❑ Pilot for an outreach project/worker to support residents in accessing the correct benefit entitlement

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3.3.2

Community Development**Recommended funding: £55k for the delivery of projects under the “Community Development” Banner.****40k Investing Grants – Maximum grant of 40k for a project to deliver: Childcare and Holiday schemes into the Town:**

- Discounted childcare for local children with specific criteria for discounted places to be allocated to ensure the full benefit is gained from those families who have the highest need.
- Discounted Holiday play schemes for local children that have outcomes linked into education and health and well being priorities

15k Investing Grants – Maximum grant of 3k for each project submitted**For delivery of projects that support:**

- Activities to encourage family participation
- Learning & Personal Development projects for those on low incomes
- Intergenerational/Cross cultural projects
- Breakfast Clubs
- Local Community Clubs
- Supporting local residents back into work
- Work Clubs
- Projects to encourage Enterprise in young people

3.3.3

Thriving Communities**Recommended funding = 20k for the delivery of projects under Thriving Communities****20k Investing Grants-Maximum bids for each project submitted of 4k**

For delivery of projects that support the Council’s Safe Green & green priorities.

- Support for Community improvement projects
- Support for Troubled Families – Focus on teenagers with complex needs
- Domestic & Behavioural abuse projects
- Youth Clubs & Youth support projects
- Older Peoples Clubs
- Project to provide furniture/removal services to families in need.
- Homelessness in young people

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3.3.4

Community Welfare**Recommended funding = 20k for the delivery of projects under
Community Welfare Banner – also links into the LSP priorities****20k Investing Grants - Maximum bids for each project submitted of
4k**

For delivery of projects that support the Council's Community welfare priorities.

- Projects that support healthy lifestyles.
- Focus on Mental Health and Support.
- Projects that improve social isolation.
- Confidence building projects (soft skills) for residents with low/medium level mental health issues.
- Projects that tackle alcohol & drug issues.

3.3.5

**Stronger Communities - Community Grant Fund – Total £15k -
For the delivery of local grassroots community projects/events
£15k Giving Grants Maximum bid of £500.00 per project submitted in
each round**

For delivery of projects: Hosted by local community groups - these groups will not need to be formally constituted but will be required to have a recognised role within the community they represent

- Community participation projects.
- Three Rounds at £5000 per round for community grants in 2012/13
- Community groups invited to bid for up to £500 for delivery of local projects/events.

- 3.4 The 'Shopping' element is part of the Councils SIG framework and is delivered under the Councils procurement process. The Grants programme in 2012/13 supported a 3 year training programme with a total budget of 15k. The programme was offered out under the Councils tendering process. 15 organisations tendered for the opportunity. Bromsgrove and Redditch Network (BARN) were successful in their bid to deliver the programme and the first workshop is booked for Tuesday 9th October 2012.
- 3.5 Funding for Local Diamond Jubilee Celebrations – On the 3rd April approval was given to use an unallocated balance from the Grants programme of £7,660.00 to support local communities in hosting Diamond Jubilee celebrations, the remaining balance has been rolled over into the 2013/14 Voluntary & Community Sector Grants Programme– There were applications from 5 community groups to this fund.

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Legal Implications

- 3.6 The Council needs to continue to ensure that it has a transparent and fair grants scheme.
- 3.7 To ensure that we continue to support the sector to move forward and deliver projects that provides value for money.
- 3.8 Under Section 137 of the Local Government Act 1972, the Council has the power to incur expenditure which in its opinion is in the interest of and will bring direct benefit to its area or any part of it or all or some of its inhabitants. The direct benefit accruing must also be commensurate with the expenditure to be incurred.
- 3.9 There is a further power to make grants to voluntary organisations providing recreational facilities under Section 19 of the Local Government (Miscellaneous Provisions) Act 1976.

Service / Operational Implications

- 3.10 Deadlines dates for both the main grants programme and the Stronger Communities grants programme have been set in order to ensure the smooth delivery of the programme. See appendices 1 & 2 for timescales.
- 3.11 To enable the Council to deliver its grants programme, Officers will need to continue to work closely with the Communications Team to ensure that a full and informative guide to the new procedure is implemented and that Officers are engaging with the full range of VCS organisations and groups within the local area.
- 3.12 By continuing with delegated approval for the Stronger Communities Grants by the Head of Community Services the Council can ensure that the process is smooth and efficient.
- 3.13 By working closely with BARN on delivering our long term training & support programme via the shopping element, we can ensure that the sector will receive an agreed standard of training with the Council ensuring that we receive value for money. Outcomes initially identified are:
- What impact will developing these skills have on performance?
 - Which skills needs are the most important to long term success?
 - Which skills needs are the most urgent?

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- 3.14 Local Authorities will be expected under the “Big Society” banner to support and help build capacity and up-skill those organisations operating within the third sector.
- 3.15 Redditch Borough Council will be looking to review the property portfolio as a whole; this review will include those properties currently occupied by VCS organisations.

The aims of this review are to:

- Provide suitable and affordable accommodation to VCS organisations in Redditch.
- Understand and unlock the value of property assets in Redditch.
- A clear, consistent and formalised property management relationship between the Council and VCS tenants.

These aims are in recognition of the social value that VCS organisations bring to the borough through operating from Council properties, and the Council’s commitment to fostering and demonstrating this value.

Customer / Equalities and Diversity Implications

- 3.16 The 2012/13 grants programme has supported 20 projects from 18 organisations under the main grant fund with 22 projects/events being funded in the first two rounds via the Stronger Communities fund.
- 3.17 Following an Overview and Scrutiny Committee review in 2008, a more transparent and inclusive grants scheme was agreed. The 2011/12 Grants Programme received applications from 35 different organisations, with the programme seeing 7 new organisations applying to the programme who had not applied to this fund previously.
- 3.18 Awards for All funding for the Redditch is at a low level, the Grants team have invited the Awards for All Team to host a workshop on the 14th September 2012 for identified local groups to attend. The workshop will be specific to groups who have:
- Already applied for funding from Awards for All
 - Currently have submitted an application
 - Have applied but been unsuccessful
 - Been identified as meeting the criteria to apply to the fund

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4. RISK MANAGEMENT

- 4.1 There is a risk that the Council could be criticised for failing to support the local Third Sector organisations or community groups in up-skilling and building the capacity to become self sustaining. To mitigate this risk, Officers have put into place a provision of a 3 year Training and Support programme delivered via the shopping element of the grants programme to help build capacity and skills in the Sector. Identified external funding streams and invited external organisations to host events to raise awareness of these funding streams. Officers have also made themselves available for one to one sessions to support funding applications for both internal and external opportunities. The grant programme is widely advertised both locally and countywide.
- 4.2 Officers are proposing changes in line with audit recommendations to strengthen the VCS Grants Policy.
- 4.3 In line with recommendations from the Voluntary & Community Sector Grants Programme being audited we have identified areas that the policy could be strengthened. In order for us to maintain an open and transparent process the following changes are proposed:
- 4.4 Changes proposed (highlighted in Bold italic):

Purpose of Grant Funding

The Council provides grants to assist the development of a vibrant voluntary and community sector that delivers projects and activities of value to the local community.

Funding will only be provided where it can be demonstrated that a defined impact will be made. Organisations should demonstrate an outcomes focus in applications for funding.

The Council will require that all grant awards support Council objectives. The specific objectives to be supported will be made clear in all publicity relating to each grant opportunity. Demonstrating support of Council objectives may include:

- a) ***linking grant awards to an approved list of Council priorities, (please see Website for the current list of priorities). The Council also reserve the option of including LSP or other priorities as identified by Redditch Borough Council***

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- b) the Council choosing one or more specific outcomes in advance that will be achieved with the grant award. This will be particularly appropriate for individual departments wishing to make grants available to support the delivery of a particular service aim

7.7 – Payment schedules will balance the need for the Council to ensure proper accountability for use of public money with appropriate recognition of cash-flow issues that may be experienced by voluntary and community sector organisations. The general principle will be that payment is made in advance of project delivery, with instalment frequency and size commensurate with the overall size of the grant awarded. General guidelines for payment schedules are:

- a) Grants of a total of **£1,000** or less will be paid in full in advance of the project being delivered, payment will be made to successful applicants within 1 month of the submission deadline date, with monitoring information required following the project; ***unless the projects delivery timescales dictate the funding be paid in full.***
- b) Grants of between **£1,000** and £10,000 will be paid in two instalments of 50% each. The first instalment will be paid in advance of the project being delivered. The second instalment will be paid after satisfactory monitoring information has been supplied on the progress of the project. For projects lasting one year, the second instalment will usually be due to be paid six months after the start of the project.
- c) Grants in excess of £10,000 will be paid by quarterly instalments in advance of project activity. Each instalment will only be released after satisfactory monitoring information has been supplied on progress of the project.
- d) ***Grant applications to the Voluntary & Community Grant Programme will not be part funded.***

4.5 *Monitoring will be signed off by Grants Officer before each quarter payment is due, with any concerns being discussed with Chair of Grants Panel or Head of Service.*

4.6 *All applications to the Stronger Communities Grants will be assessed by the Grants Panel with the Head of Community Services having final approval of applications to the Stronger Communities Grants.*

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- 4.7 *Approval timescales will be indicated year on year in conjunction with launch & deadline timescales for the current Grants programme. These will apply to projects commencing 1st April of the following year* – allowing successful applicants to place the project into their delivery calendar and to apply for match funding grants and giving unsuccessful applicants feedback and enough time to secure funding from alternative channels.

5. APPENDICES

Appendix 1 – Process for Main Grants Programme

Appendix 2 - Process for Stronger Community Grant Programme

Appendix 3 – Voluntary and Community Sector Grants Policy

6. BACKGROUND PAPERS

Policy for Award of Grants by Redditch Borough Council to Voluntary and Community Sector Organisations.

Worcestershire Compact: Link to Web-pages:

<http://www.worcestershire.gov.uk/cms/community-and-living/vcs-unit/worcestershire-compact.aspx>

7. KEY

- SIG – Shopping, Investing and Giving**
- BME – Black Minority Ethnic**
- LSP – Local Strategic Partnership**
- VCS – Voluntary and Community Sector.**

‘Place-Shaping’ – Local authorities are strategic leaders in place-shaping responding to residents' ambitions and aspirations and working with partners to deliver relevant services.

‘Third Sector’ – The voluntary sector or community sector (also non-profit sector) is the sphere of social activity undertaken by organisations that are for non-profit and non-governmental. This sector is also called the third sector.

AUTHOR OF REPORT

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Appendix 1 -

Process for Main grants programme	Timescale
Launch of the 2012/13 Grant Process	Monday 22 nd October 2012
Grants Networking Coffee Morning	Friday 26 th October 2012
Application deadline	4.00pm Friday 30 th November 2012
Initial screening out of ineligible applications	W/c 3rd December 2012
Full assessment of applications by Grants Panel	December 2012 – January 2013
Executive Committee	12 th February 2013
Successful and unsuccessful applicants informed	W/c 18th February 2013
First instalment of funding released	1 st April 2013

Appendix 2

Process for Stronger Community Grant programme	Timescale
Launch - 1 st Round	Monday 21 st January 2013
1 st Application deadline for projects to commence from April 1 st (Funds Released)	4pm, Friday 22 nd February 2013
Launch - 2nd Round – Theme	Monday 29 th April 2013
2 nd Application deadline for projects to commence from July 1 st (Funds Released)	4pm Friday 24 th May 2013
Launch - 3 rd Round - Theme	Monday 29 th July 2013
3 rd Application deadline for projects to commence from 3 rd October (Funds Released)	4pm Friday 23 rd August 2013
Assessment of applications	Within 21 working days of deadline
Successful and unsuccessful applicants informed	Within 28 working days of deadline

VOLUNTARY AND COMMUNITY SECTOR GRANTS POLICY

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1. Introduction

- 1.1 Redditch Borough Council supports Voluntary and Community sector organisations because we believe that a vibrant Third Sector is vital to our community. The Council is committed to supporting organisations that deliver projects and activities which have a beneficial impact on the local community.
- 1.2 Under Section 137 of the Local Government Act 1972, the Council has the power to incur expenditure which in its opinion is in the interest of and will bring direct benefit to its area or any part of it or all or some of its inhabitants. The direct benefit accruing must also be commensurate with the expenditure to be incurred.
- 1.3 There is further power to make grants to voluntary organisations providing recreational facilities under Section 19 of the Local Government (Miscellaneous Provisions) Act 1976.
- 1.4 This policy is written in conjunction with the “Let’s Do It Smarter – Worcestershire Compact: Funding and Procurement Code of Good Practice”. The Compact is a commitment to improve relationships between public and voluntary and community sector organisations, with a mutual objective of ‘delivering high quality, good value services and support to the local community’.

2. Scope

- 2.1 This policy applies only to the allocation of grants to voluntary and community sector organisations. It does not apply to any other means of financial support from the Council that may be available under other schemes.
- 2.2 This policy applies to all grant funding from Redditch Borough Council to voluntary and community sector organisations. This includes grants made available from individual service budgets.

3. Funding Framework

- 3.1 The Council uses the ***Shopping, Investing and Giving*** funding framework
- 3.2 **Shopping:** refers to procurement and contractual arrangements that are legally binding, where Redditch Borough Council seeks bids from external organisations to provide a specified service that Redditch Borough Council either has to provide by law, or it has made a decision to provide within its legal powers’ ***The technical differences between grants and contracts are as follows:***

- ***A public sector grant involves the provision of subsidy (capital or revenue) funding, by the relevant public sector body, in support of a charitable, or other public benefit, service, which the public body wishes to support, as part of fulfilling its own public benefit remit. A grant is provided on conditions aimed at ensuring the proper application of the grant funds, but not in return for anything.***
- ***A public sector contract involves the provision of goods or services, to the relevant public sector body, directly in return for payment representing the price of the relevant goods or services. Terms and conditions of a contract regulate the exchange of services for payment. The Council is committed to extending the opportunities available to voluntary and community sector organisations and are committed to actively encourage the VCS to be more involved in the design and delivery of more public services because of the 'added value' they can bring.. However, this policy does not apply to those arrangements which will be managed using a contract.***

- 3.3 Investing:** refers to the Council providing funding to develop the capacity of the voluntary and community sector. This may include making funding contributions to voluntary and community sector infrastructure support services, or making funding available for training or business development activities within organisations. ***This element of the funding stream will be aligned to the overall strategy of Redditch Borough Council, thus ensuring a strategic investment in VCS in order to skill up and strengthen front line VCS organisations to deliver value for money services and give a platform for the delivery of projects that strengthen and support the local communities. Themes and the percentage of funding allocated for this element will be set prior to November by the Executive Committee for projects commencing after the 1st April of the following year. If this element is undersubscribed at the end of the Grant application process the remaining funding will be transferred into the giving element in order to support the Stronger Communities priority.***
- 3.4 Giving:** refers to the Council providing funding to voluntary and community sector organisations to support work that contributes to the Council's aims, but which the Council does not have a statutory duty to provide. Awarding grants to the VCS is a key opportunity for the Council to reinforce its community leadership role. Small grants to local community groups (a maximum of £500.00 per application) can generate a significant amount of community activity and positive impact. Percentage of funding allocated for this element will be set prior to November by the Executive Committee for projects/events commencing after the 1st April of the following year. The percentage for this element may increase if the funding allocations from the investing element are undersubscribed through the Grant application process. These groups will not need to be formally constituted but will need to have a recognised role within the community they serve. ***The giving element will consist of 3 rounds of grant making:***

with the total percentage of funding allocated to the giving element evenly distributed to each round. Head of Community Services, in consultation with the Grants Panel, to agree the allocation of community grants under the Local Strategic Partnership 'Stronger Communities' theme.

- 3.5 This policy applies to grants made to support the ***Investing*** and ***Giving*** elements of the Council's funding framework. For the purposes of this policy, a **grant** is a financial contribution to an activity designed and delivered by a voluntary and community sector organisation which the Council has chosen to support because it is broadly aligned with the Council's own objectives. A grant can be given either to contribute towards organisational costs, or to wholly or partly fund a specific piece of work. A grant is a financial contribution with an expectation of mutually agreed, clearly defined outcomes. These outcomes are specified in a grant funding agreement, and monitoring arrangements are commensurate with the value of grant given.
- 3.6 ***The giving element is regarded as sums of up to and including £500.00 and the investing element is regarded as sums valued at over £500.00. These limits will affect risk considerations (section 7), grant assessment criteria (section 9) and monitoring requirements (section 11).***

4. Purpose of Grant Funding

The Council provides grants to assist the development of a vibrant voluntary and community sector that delivers projects and activities of value to the local community.

Funding will only be provided where it can be demonstrated that a defined impact will be made. Organisations should demonstrate an outcomes focus in applications for funding.

The Council will require that all grant awards support Council objectives. The specific objectives to be supported will be made clear in all publicity relating to each grant opportunity. Demonstrating support of Council objectives may include:

- a) ***linking grant awards to an approved list of Council priorities, (please see Website for the current list of priorities). The Council also reserve the option of including LSP or other priorities as identified by Redditch Borough Council***
- b) the Council choosing one or more specific outcomes in advance that will be achieved with the grant award. This will be particularly appropriate for individual departments wishing to make grants available to support the delivery of a particular service aim.

5. Which Organisations are eligible to apply for a Grant?

- 5.1 In order to be eligible to apply for a grant, an organisation must be able to prove that:
- a) it is voluntarily run, non-profit making and operated with no undue restrictions or limitations on membership;
 - b) it has a democratic structure and can demonstrate effective management of the organisation's business;
 - c) it has a bank account that requires the authorisation of at least two people who are unrelated to each other to make payments or withdrawals of any kind from the account;
 - d) it operates in the Borough of Redditch on behalf of Borough residents;
 - e) it can demonstrate the need for financial assistance. An organisation will not normally be eligible for grant assistance if it holds reserves in excess of six months' average expenditure, unless the Council is satisfied that this position is justified by the organisation's reserves policy. Reserves are defined as those assets in the unrestricted funds of an organisation that can be made available for all or any of the organisation's purposes, once known commitments and planned expenditure have been provided for;
 - f) it can demonstrate the service it is providing by giving details of its activities and the number of people it is in contact with;
 - g) it meets all applicable legal requirements;
 - h) it actively promotes equality issues within its structure and operations;
 - i) all previous grants received from Redditch Borough Council have been spent in accordance with the grant award conditions attached to them.
- 5.2 The Council will not make grants to any organisation that it deems to be a political party, has the nature of a political party, or is engaged in campaigning for a political purpose or cause.
- 5.3 The Council will not provide funds for the furtherance or propagation of a faith promoted by any organisation which is, or is deemed by the Council to be, of a religious nature. This will not preclude religious organisations applying for assistance to provide social or welfare work connected with their organisation and which do not directly promote a religious aspect.

6. What will and will not be funded by a grant

- 6.1 Grant aid will only be considered for work that will be undertaken in the Borough of Redditch, and/or will be wholly or principally for the direct benefit of residents of the Borough of Redditch.
- 6.2 Grants cannot be used for retrospective funding; that is to replace money that has already been spent, or to cover items or services that have already been bought, ***this will include consultancy and brokering fees.***
- 6.3 Any grant awarded must only be spent for the approved purpose, i.e. applicants must be able to demonstrate that the funding has been spent as outlined in the grant application form as amended by the final grant offer letter for example by providing receipts.
- 6.4 Full cost recovery will not be considered for any grant awarded for projects under £5,000.
- 6.5 [Redditch Borough Council does not part fund Voluntary & Community Sector Grant applications.](#)

7. Risk considerations in grant giving

- 7.1 The Council has a duty to ensure that best use is made of its resources. This section considers risk in grant giving related to failure to achieve best use of Council resources. It does not consider risk assessment of, for example, items related to health and safety, which should form part of the grant assessment criteria as outlined in paragraph 9.6.
- 7.2 The Council acknowledges that the creativity and innovation of the voluntary sector can carry risks for non-delivery, for example where a new idea does not work out as intended.
- 7.3 The Council uses the general principle of requiring a lower level of risk the higher the amount of funding provided. Maximum levels of funding will only be provided where the risk of non-delivery is very low.
- 7.4 In order to achieve an appropriate balance between managing risk and supporting innovative ideas or new organisations, a grant limit of £5,000 will apply to:
- a) organisations that have been in existence for less than one year;
 - b) organisations that do not have audited accounts;

- c) organisations that are not registered with either the Charity Commission or Companies House, or other appropriate government regulator;
- d) innovative pieces of work testing a new approach to service delivery.

7.5 Assessment of all voluntary and community sector grants made by the Council will look more favourably on applications that:

- a) have a strong evidence base of need;
- b) provide strong evidence that the proposed approach is likely to achieve the desired outcomes;
- c) do not contain high revenue costs that cannot be sustained;
- d) demonstrate how a lasting benefit will be achieved.

7.6 The higher the sum of money applied for, the greater the need for applications to:

- a) be from organisations with a good track record of delivery;
- b) be from organisations with a range of funding streams;
- c) meet wider aims and objectives of the Council;
- d) support delivery of Redditch Sustainable Community Strategy or other appropriate document;
- e) demonstrate co-operative working relationships with other organisations.

7.7 Payment schedules will balance the need for the Council to ensure proper accountability for use of public money with appropriate recognition of cash-flow issues that may be experienced by voluntary and community sector organisations. The general principle will be that payment is made in advance of project delivery, with instalment frequency and size commensurate with the overall size of the grant awarded. General guidelines for payment schedules are:

- a) Grants of a total of £1,000 or less will be paid in full in advance of the project being delivered, payment will be made to successful applicants within 1 month of the submission deadline date, with monitoring information required following the project; **unless the projects delivery timescales dictate the funding be paid in full.**
- b) Grants of between £1,000 and £10,000 will be paid in two instalments of 50% each. The first instalment will be paid in advance of the project being delivered. The second instalment will be paid after satisfactory monitoring information has been supplied on the progress of the project. For projects lasting one year, the second instalment will usually be due to be paid six months after the start of the project.
- c) Grants in excess of £10,000 will be paid by quarterly instalments in advance of project activity. Each instalment

- will only be released after satisfactory monitoring information has been supplied on progress of the project.
- d) Grant applications to the Voluntary & Community Grant Programme will not be part funded.

8. Grant Conditions

- 8.1 Information on the conditions that will apply to a grant will be made available to applicants before they apply.
- 8.2 Monitoring information will be required on all grants, as outlined in section 11.
- 8.3 All grant offers will be subject to the grant recipient accepting the grant conditions. A full set of grant conditions and monitoring requirements will be agreed with grant recipients before the final grant award is made. No changes will be made after this time.
- 8.4 Monitoring will be signed off by Grants Officer before each quarter payment is due, with any concerns being discussed with Chair of Grants Panel or Head of Service.

9. Assessment Process

- 9.1 Themes and the percentage of funding allocated for the 'Investing' and 'Giving' elements will be set prior to November by the executive Committee for projects commencing after the 1st April of the following year.
- 9.2 All opportunities for Voluntary and Community Sector grant funding from Redditch Borough Council will be openly advertised using a minimum of:
- Notice of the opportunity on the 'Voluntary Sector Support' section of the Redditch Borough Council website;
 - Notice of the opportunity circulated among an appropriate network or infrastructure organisation.
- 9.3 In addition to the minimum requirements outlined in paragraph 9.1, other advertising may be undertaken to promote grant opportunities as openly as possible.
- 9.4 Information provided to grant applicants will include as a minimum:
- The amount of money that is available in total;
 - The minimum and maximum amount of money that is available to each applicant;

- Clear information on the purposes for which funding is offered;
- Clear information on eligibility criteria;
- Details of the full assessment criteria against which applications will be judged;
- A full list of conditions that will apply to the grant, including payment schedules and required monitoring information;
- The deadline by which applications must be submitted;
- The date by which applicants will be informed of the outcome of their application.

Grant application forms will be made available in paper and electronic formats.

- 9.5 Applicants must complete a Standard Application form and provide relevant supporting documents. This is to ensure objective assessment of all grant applications. The Council will not award any grant to an organisation whose application has not been formally assessed.
- 9.6 All grant applications will be assessed using pre-selected assessment criteria. The details of the assessment criteria will be made available to all applicants before they apply for funding. The assessment criteria will be chosen as relevant for the funding opportunity, but as a minimum will include:
- Clear outline of how the purposes for which the grant is made available will be met;
 - The outcome(s) that the proposal will achieve;
 - The structure and delivery plan that will support the achievement of the stated outcomes;
 - The clarity of the proposal's financial outline;
 - The organisation's ability to successfully manage finance, evidenced by submission of accounts, bank statements and cash flow forecasts as appropriate;
 - The approach to health and safety, duty of care, and other appropriate best practice requirements, and the organisation's ability to successfully manage these on the project;
 - The sustainability of work after the period of grant aid.
- 9.7 All assessment criteria will be based on meeting need within the community. There will be no pre-determined demographic allocation of funds. Some funding opportunities may be restricted to a particular delivery area, e.g. to a specific ward, but only where this is to address a specific identified need.
- 9.8 Full cost recovery is the process of sharing an organisation's core costs proportionately between its projects and areas of work. The

Council supports the principle of full cost recovery for all grants over £5,000. However, applicants must provide clear explanations and justification for all calculations related to full cost recovery, which will be judged on a case by case basis.

- 9.9 All grant applications will be assessed by the Council's Grants Panel. The Grants Panel will consist of a minimum of five elected Members, with a minimum of three Members required to make decisions regarding grant awards. Conflicts of interest will be recorded, and members with a conflict of interest for a particular grant round will not participate in the assessment of any application in that grant round.
- 9.10 The Grants Panel will receive appropriate training in grant assessment, and will be supported by at least one officer with appropriate knowledge and expertise in the area for which the grant is being offered.
- 9.11 The Grants Panel will report its recommended decisions on grant applications to the Council's Executive Committee for approval.
- 9.12 Unsuccessful applicants will be offered feedback on the strengths and weaknesses of their application.
- 9.13 Appeals against the process used to award a grant will be dealt with using Redditch Borough Council's complaints procedure. ***The Head of Community Services will handle the initial complaint.*** There is no right of appeal as to the decision itself.
- 9.14 All applications to the Stronger Communities Grants will be assessed by the Grants Panel with the Head of Community Services having final approval of applications to the Stronger Communities Grants.

10. Assessment Timescales

- 10.1 Other opportunities may be made available to apply for grants, for example from individual Council services seeking to deliver a specific objective. In all cases, there will be a minimum of three weeks from announcement of the grants opportunity to the closing date for applications, and a maximum of 12 weeks from the closing date for applications to applicants receiving notification of the outcome. The length of the bidding process will be proportionate to the type and value of the grant.
- 10.2 Approval timescales will be indicated year on year in conjunction with launch & deadline timescales for the current Grants programme. These will apply to projects commencing 1st April of the following year – allowing successful applicants to place the project into their delivery calendar and to apply for match funding grants and giving unsuccessful applicants feedback and enough time to secure funding from alternative channels.

11. Monitoring

- 11.1 All grant funded projects will be regularly monitored with applicants obliged to submit details of how the project is progressing. Monitoring requirements that will apply to a grant will be commensurate with the amount of money awarded, and will be agreed with the funded organisation before final confirmation of a grant award is made.
- 11.2 All Grant panel members will be offered a training support package to ensure they are up to date with current trends and policies within the grant giving arena that affect the VCS.**
- 11.2 All grant recipients will be required to attend Quarterly monitoring workshops. These will be delivered to gauge the outcomes and effectiveness of the funding is consistent with the Funding application.**
- 11.3 A quarterly breakdown of the funding expenditure is submitted to the Grants team for review.**
- 11.4 Receipts and other monitoring information must be submitted to the Council as proof of spend within six months of the grant being received by the organisation (till slips, credit card vouchers, photocopied or altered receipts will not be accepted).
- 11.5 The Council reserve the right to withhold future payments and reject any further applications if they are dissatisfied with how grants funds have been used.

12. Collaborative Working

- 12.1 The Council recognises the potential benefits of working collaboratively with other funders. The Council will investigate all opportunities for working with other funders where this will provide a better use of Council resources.
- 12.2 Working with Economic Development the Grants Officer will work with the Local VCS to highlight and advertise all tendering and procurement opportunities available to the Sector.**
- 12.3 The Grants Officer will engage with the VCS to initiate partnership working with the Sector itself.**
- 12.4 To enable the collaborative working to take place with both external funders and our local VCS organisations/groups, it will be agreed on a year on year basis for a fund of £2000.00 to be allocated from the grants fund for the Grants team to enable delivery of:**
- **Workshops, Networking and promotional events**

- ***Advertising and communication support***
- ***Newsletters: and***
- ***Support packages***

DRAFT

COUNCIL

15th October 2012

THE ALEX – A COUNCIL COMMISSION

To consider establishing a Council Commission in order to respond to the Joint Services Review proposals.

Relevant Portfolio Holder	Cllr Debbie Taylor, Portfolio Holder for Local Environment and Health
Portfolio Holder Consulted	Yes
Relevant Head of Service	Kevin Dicks, Chief Executive
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 Cuts to the Alex are as serious as it gets for the people of Redditch. This is clearly evidenced by the petition submitted by the “Save the Alex” Campaign – with over 53,000 signatures. Redditch Borough Council wants to give people the chance to comment on the shortlist 'options' once released by Worcestershire NHS.
- 1.2 Due to the delay in the Joint Services Review, (which needs to identify savings of £200 million over the next 4 years) it is likely that people will have a limited time to respond to the latest options for the Alex. It is therefore proposed that the Council establish a Commission to which it will invite residents, NHS staff, local groups, organisations and businesses to give their feedback on the proposals.
- 1.3 The Commission will be cross party and comprise of all members of the Executive. The views gathered will be compiled into a report and presented to Worcestershire NHS for their consideration as part of their consultation. The Council wish to give a voice to those who have not been heard on this important issue, which the Council will use as basis of their view on the shortlist options.
- 1.4 The Commission would work as follows (proposed Terms of Reference are attached):
 - Councillor Hartnett as Leader of the Council to Chair.
 - All Executive Committee members will form the panel.
 - A publicity campaign will be undertaken to make people aware of the opportunity to attend the town hall and give 'evidence' on the short listed proposals.
 - The dates of the hearings (suggested 2 dates) will be finalised once the timetable is clear.

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- As people attend they will be asked if they wish to speak, if so they will be given a number. Alternatively they can submit their written comments.
- Each number will be called in turn giving the person up to 10 minutes, at the Chair's discretion, to voice their views to the panel on the shortlist options.
- Notes will be taken and the "hearing" tape recorded in order to ensure full transparency.
- Only questions of clarification to witnesses may be asked by the panel.
- Press would be welcome to the open sessions.
- It is not proposed that elected members should be allowed to give evidence to the commission – this is purely about hearing from members of the public.
- RBC will seek to work with the Save the Alex campaign to promote the hearing to local people.

2. RECOMMENDATIONS

The Council is requested to RESOLVE that

the Executive Committee is set up as a Commission to examine the Joint Services Review and in particular the proposals affecting the Alexandra Hospital and to use the evidence gained to inform the Council's response to the Consultation as well as form the basis of a report to Worcestershire NHS for consideration as part of their consultation.

3. KEY ISSUES**Financial Implications**

- 3.1 There are no direct Financial Implications arising from the report. However, the eventual outcome of the Joint Services Review will impact on the people of the Borough which may have a direct or indirect impact on the Borough Council in the future.

Legal Implications

- 3.2 None specific to the report.

Service/Operational Implications

- 3.3 In early 2012 the NHS in Worcestershire launched the Joint Services Review which "is looking at ways to provide high quality, safe and affordable hospital services into the future." The NHS "wants to

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understand how they might be able to provide the right care in the right place at the right time.”

- 3.4 The main focus of this review is acute hospital services, from the Alexandra, Kidderminster and Worcestershire Royal Hospitals, and specific acute services that are provided at some of the community hospitals. The NHS is also looking at the wider health and care system, particularly the links between acute hospitals, community services and GP surgeries.
- 3.5 Clinicians have been looking at how some of the current acute services might be organised with these new approaches. Clinical Working Groups, made up of GPs, consultants, nurses, therapists and health and social care staff, have been working together to look at hospital services in four areas:
- Medicine for Older People (including all hospital services providing care to the elderly)
 - Emergency care (including A&E and emergency admissions)
 - Planned care (including planned admissions, day case and outpatients)
 - Women and Children’s Services (including gynaecology, paediatrics, maternity services and related emergency services)
- 3.6 The models put forward in June 2012 were as follows:

Model	Description
A	No change (Three sites - fully staffed medical rotas)
B	<ul style="list-style-type: none"> • Two acute hospital sites (each with full A&E dept) • Women and children’s services brought together • onto one site • One hospital treatment centre with MIU
C	<ul style="list-style-type: none"> • One acute hospital site (with a full A&E dept) • One acute site with Urgent Care Centre • One hospital treatment centre with MIU
D	<ul style="list-style-type: none"> • One acute hospital site (with a full A&E dept) • One hospital site providing planned surgery • One hospital treatment centre (includes planned surgery) with MIU
E	<ul style="list-style-type: none"> • One acute hospital site (with a full A&E dept) • One hospital site providing planned surgery with MIU
F	<ul style="list-style-type: none"> • One acute hospital site (with a full A&E dept)

3.7 The original timetable (from hereon in) was as follows:

Model	Description
August 2012	The option (s) are presented at public consultation.
October - December 2012	The short-list of options is considered in further detail.
December 2012	<ul style="list-style-type: none"> • Response from the public consultation considered. • Decision on preferred option.

3.8 On 12th September 2012 the following statement was made with regard to the Joint Services Review “More work needs to be done before a short-list of healthcare options can be finalised prior to further public engagement and consultation. That was the conclusion following a meeting of NHS Worcestershire’s Joint Services Review (JSR) on Wednesday 12 September.”

3.9 This will obviously have implications for the timetable but as yet a revised timetable has yet to be published – it is therefore felt to be imperative that the Council gain as much information and feedback from members of the public to inform its response, on behalf of the people of Redditch, to the Joint Services Review.

Customer / Equalities and Diversity Implications

3.10 There are no identified Equality and Diversity implications specifically from this report however the proposed Commission will seek to take these into account as part of their work.

4. RISK MANAGEMENT

4.1 Nothing specific to this report however the Joint Services Review will have to fully assess the risks associated with the implementation of any of the models.

5. APPENDICES

None

6. BACKGROUND PAPERS

Joint Services Review

AUTHOR OF REPORT

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Redditch Borough Council

Commission to investigate Residents' views about Proposals for the Future of the Alexandra Hospital

Terms of Reference

Membership:

The Commission comprises members of the Executive Committee:
Councillors Bill Hartnett, Greg Chance, Rebecca Blake, Michael Braley,
Carole Gandy, Phil Mould, Mark Shurmer, Luke Stephens and Debbie Taylor.

It will be chaired by Councillor Bill Hartnett.

Purpose:

1. To gather evidence from residents of the Borough about the potential impact of the options for the Joint Service Review of health on the Alexandra Hospital;
2. To prepare a report of the evidence gathered to present to Worcestershire NHS to be considered as part of the public consultation on its proposals and to the Borough Council to inform its response to the public consultation on the Review.

How the Commission will carry out its work:

The Commission will invite members of the public to present their views, either in writing or at two meetings convened at the Town Hall in Redditch.

The meetings will be handled as follows:

- As people attend they will be asked if they wish to speak, if so they will be given a number. Alternatively they can submit their written comments.
- Each number will be called in turn giving the person up to 10 minutes, at the Chair's discretion, to voice their views to the panel on the shortlist options.
- Notes will be taken and the "hearing" tape recorded in order to ensure full transparency.
- Only questions of clarification to witnesses may be asked by the panel.
- Press will be welcome to the open sessions.
- It is not proposed that elected members should be allowed to give evidence to the commission – this is purely about hearing from members of the public.

