



Council

Monday 14th July
2014
7.00 pm

Council Chamber
Town Hall
Redditch

REDDITCH BOROUGH COUNCIL

*making
a
difference*

www.redditchbc.gov.uk

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

Your main rights are set out below:-

- Automatic right to attend all Council and Committee meetings unless the business would disclose confidential or “exempt” information.
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- 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
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Democratic Services**

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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 Democratic Services 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 Democratic Services Officer.

Special Arrangements

If you have any particular needs, please contact the Democratic Services 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 Democratic Services 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

14th July 2014

7.00 pm

Council Chamber Town Hall

Agenda

Membership:

Cllrs:	Pat Witherspoon (Mayor)	Carole Gandy
	Pattie Hill (Deputy Mayor)	Bill Hartnett
	Joe Baker	Gay Hopkins
	Roger Bennett	Wanda King
	Rebecca Blake	Alan Mason
	Michael Braley	Phil Mould
	Andrew Brazier	Jane Potter
	Natalie Brookes	Mark Shurmer
	Juliet Brunner	Rachael Smith
	David Bush	Yvonne Smith
	Greg Chance	Paul Swansborough
	Brandon Clayton	Debbie Taylor
	John Fisher	David Thain
	Andrew Fry	John Witherspoon

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 Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.
4. Minutes (Pages 1 - 8) Chief Executive	To confirm as a correct record the minutes of the meeting of the Council held on 9 th June 2014. (Minutes attached)

<p>5. Announcements</p>	<p>To consider Announcements under Procedure Rule 10:</p> <ul style="list-style-type: none">a) Mayor's Announcementsb) Leader's Announcementsc) Chief Executive's Announcements. <p>(Oral report)</p>
<p>6. Questions on Notice Kevin Dicks, Chief Executive</p>	<p>No questions have been submitted to date under Procedure Rule 9.2.</p> <p>(Other than in exceptional circumstances, no questions on Notice are permitted for meetings which fall within a formal election period.)</p>
<p>7. Motions on Notice Chief Executive</p>	<p>No Motions have been submitted under Procedure Rule 11.</p> <p>(Other than in exceptional circumstances, no Motions on Notice are permitted for meetings which fall within a formal election period)</p>
<p>8. Executive Committee (Pages 9 - 68) Chief Executive</p>	<p>To receive the minutes and consider the recommendations and/or referrals from the following meetings of the Executive Committee:</p> <p><u>8th April 2014</u></p> <p>Matters requiring the Council's consideration may include:</p> <ul style="list-style-type: none">• Planning Response to Stratford-on-Avon District Core Strategy - Focussed Consultation: 2011 - 2031 Housing Requirement and Strategic Sites Options. <p><u>24th June 2014</u></p> <p>Matters requiring the Council's consideration may include:</p> <ul style="list-style-type: none">• Local Development Scheme 2014 and Community Infrastructure Levy;• Non-Domestic Rates - Discretionary Rate Relief Policy; and

- Land to the Rear of Middle House Lane.

(Reports and decisions attached - Minutes circulated in Minute Book 1 – 2014/15)

9. Regulatory Committees

Chief Executive

To formally receive the minutes of the following meetings of the Council's Regulatory Committees:

Audit & Governance Committee 24th April 2014
(replaced by Audit, Governance and Standards Committee)

Licensing Committee 7th April 2014

Planning Committee 12th March 2014

9th April 2014

14th May 2014

11th June 2014

(Minutes circulated in Minute Book 1 – 2014/15)

10. Constitution - Annual Review

Head of Legal, Equalities
and Democratic Services

To confirm the Council's Constitutional arrangements.

In accordance with best practice the Council reviews its constitutional arrangements regularly. This year, the only changes made have been to update the constitution to reflect changes to officer titles and resulting from Council decisions.

(Constitution documents available in the Group Rooms for Members and on the Council's website)

(No Direct Ward Relevance)

11. Urgent Business - Record of Decisions

Chief Executive

To note any decisions taken in accordance with the Council's Urgency Procedure Rules (Part 6, Paragraph 5 and/or Part 7, Paragraph 15 of the Constitution), as specified.

(None to date).

12. Urgent Business - general (if any)	<p>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.</p> <p>(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.)</p>
13. Exclusion of the Public	<p>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:</p> <p>“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 rounds that it/they involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs (<i>to be specified</i>) of Part 1 of Schedule 12 (A) of the said Act, as amended.”</p> <p>[Subject to the “public interest” test, information relating to:</p> <ul style="list-style-type: none">• Para 1 – <u>any individual</u>;• Para 2 – <u>the identity of any individual</u>;• Para 3 – <u>financial or business affairs</u>;• Para 4 – <u>labour relations matters</u>;• Para 5 – <u>legal professional privilege</u>;• Para 6 – <u>a notice, order or direction</u>;• Para 7 – <u>the prevention, investigation or prosecution of crime</u>; <p>may need to be considered as ‘exempt’.]</p>

Council

14th July 2014

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



Council

9th June 2014

MINUTES

Present:

Councillor Wanda King (Mayor), Councillor Pat Witherspoon (Deputy Mayor) and Councillors Joe Baker, Roger Bennett, Rebecca Blake, Michael Braley, Andrew Brazier, Natalie Brookes, Juliet Brunner, David Bush, Greg Chance, John Fisher, Andrew Fry, Carole Gandy, Bill Hartnett, Pattie Hill, Gay Hopkins, Alan Mason, Phil Mould, Jane Potter, Mark Shurmer, Rachael Smith, Yvonne Smith, Paul Swansborough, Debbie Taylor, David Thain and John Witherspoon

Also Present:

Mr Ken Williams, Chair of the Town Centre Partnership, Reverend Paul Lawlor, Vicar of St. Stephens Church and Ellen Cockran and Tom Willetts (Mayors Cadets)

Officers:

J Bayley, K Dicks, C Felton, S Hanley, A Harley, S Jones, D Parker-Jones, J Smyth, I Westmore and A Williams

Democratic Services Officer:

Ivor Westmore

1. APOLOGIES

Apologies for absence were received on behalf of Councillor Brandon Clayton.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MAYOR'S OPENING REMARKS

a) General Remarks

The Mayor commented that she would take away so many happy memories from an unforgettable year. She had attended numerous functions and events and met so many lovely people and it was this which had made the year so special for her.

.....
Chair

The Mayor gave her thanks to her daughter and consort, Lisa, to the Mayor's Army Cadets who had supported her throughout the year and special thanks also to Councillor Joe Baker for the help he had given her over the previous two years. The Mayor also thanked her Deputy Mayor, Councillor Pat Witherspoon, for standing in at engagements that she was unable to attend.

b) Award for Outstanding Service to the Community

The Mayor's Annual Award for outstanding contribution to the community which had been instituted in 2010 was awarded to Mr Ron and Mrs Elaine Daykin in recognition of the outstanding work they carried out for Special Olympics Redditch

c) Mayoral Charities

The Mayor informed the Council that a sum of £4,315.69 had been raised throughout the year for her charities, Myeloma UK, The Primrose Hospice and Special Olympics Redditch and cheques for £1438.56 respectively were either presented to, or were to be forwarded to, these organisations.

4. ELECTION OF MAYOR FOR 2014/15

Councillor Pat Witherspoon was elected Mayor of the Borough for the forthcoming year, following which she made the statutory declaration of Acceptance of Office and was then invested with the Chain of Office by the outgoing Mayor, Councillor Wanda King. Councillor Witherspoon thanked the outgoing Mayor and, on behalf of the Council, expressed gratitude for the work she had carried out as an ambassador for the town.

Councillor Witherspoon informed the Council that she was privileged to be taking on the role of Mayor, particularly in such a special year for the Borough. 2014 marked the fiftieth anniversary of the New Town and the country was also celebrating and commemorating the sacrifices made in two World Wars. She undertook to do her best to serve the community throughout the coming year and went on to thank her fellow Councillors for their work for the people of Redditch. The Mayor announced that her charities for the year would be Redditch Mental Health Action Group and Redditch Friends Together, the latter being a support group for those with Dementia and Alzheimer's Disease.

The Mayor was pleased to be able to announce that the Scouts would be supporting her during her mayoral year and presented cadet badges to Ellen Cockran and Tom Willetts of Redditch Scouts

The new mayor invited Mr Ken Williams of Redditch Town Centre Partnership to address the Council about the Redditch Town Centre Partnership Pledge. The Partnership was marking the fiftieth

anniversary of the designation of the New Town, a master-plan designed to develop Redditch as a place of regional significance. Mr Williams was pleased to report that the Town Centre had a great Partnership Body but the Partnership recognised that no one person, organisation or group could provide all the answers. In April the Partnership had launched a new charter for the town with pledges to carry the town through the next fifty years and a representation of these pledges was presented to the Council.

The new Mayor announced that she had asked the Reverend Paul Lawlor of St. Stephens Church to be her Chaplain for the coming year. The Reverend Lawlor was invited to address the Council and urged those present to work together to build the best community Redditch could be.

RESOLVED that

- 1) **Councillor Pat Witherspoon be, and hereby is, elected Mayor of the Borough of Redditch to serve until the next Annual Meeting of the Council; and**
- 2) **the Council formally express, and record, its gratitude to Councillor Wanda King for her excellent service to the town over the last 12 months as Mayor.**

5. ELECTION OF DEPUTY MAYOR

Councillor Pattie Hill was elected Deputy Mayor of the Borough of Redditch for the forthcoming year, following which she made the statutory declaration of Acceptance of Office and was then invested with the Deputy Mayor's Badge of Office by the Mayor, Councillor Pat Witherspoon.

RESOLVED that

Councillor Pattie Hill be, and hereby is, appointed Deputy Mayor of the Borough of Redditch to serve until the next Annual Meeting of the Council.

6. ANNOUNCEMENTS

a) Mayor

The Mayor had no further announcements.

b) Leader

The Leader's announcements were as follows:

i) Bandstand Events

The Leader reported that the summer's Bandstand events had commenced in May with the next taking place on Saturday 14th June with the theme of Brass Bands / Children's Day. Further events would be taking place until September.

ii) Members' Allowances

The Leader reported that he had received a letter from Brandon Lewis MP in response to the Council's request, following the last meeting of the Council, that Members' Allowances be set nationally. Mr Lewis had stated that Members' Allowances should remain a local matter for local decision.

iii) Redditch Mental Health Action Group

The Leader reported that he had attended the first AGM of the Redditch Mental Health Action Group and paid tribute to those instrumental in establishing and organising this body.

iv) Cycle Tour Event

The Leader advised that the previous week had seen the latest running of the Cycle Tour Event which had been bigger and better than in previous years. Thanks were extended to the organisers of the event.

v) Greater Birmingham and Solihull LEP

The Leader reported that Andy Street, Chair of the GBSLEP, had addressed business leaders in Redditch the previous Friday and had given a very upbeat assessment of the LEP and its future prospects.

vi) North Worcestershire Police Fun Day

The Leader advised that, the previous day, he had attended the North Worcestershire Police Fun Day in Kidderminster at which the Council's own Community Safety and Hate Crime Teams had been present.

vii) Anniversary of D Day

The Leader reminded the Council that the 70th Anniversary of D Day had taken place just days beforehand and he expressed gratitude on behalf of those present to all who had been involved in this heroic venture.

c) Chief Executive

The Chief Executive had no announcements.

7. MINUTES**RESOLVED that**

the minutes of the meeting of the Council held on 31st March 2014 be confirmed as a correct record and signed by the Mayor.

8. RETURNING OFFICER'S REPORT

The report of the Returning Officer in respect of the recent elections was received by the Council. It was noted that one Councillor, Councillor David Small, had subsequently resigned his seat and a by-election would be held to fill the consequent vacancy in Church Hill Ward.

Members queried how much it would cost to organise a by-election in this Ward. The Returning Officer undertook to quantify this amount and report it to Members following the meeting.

RESOLVED that

the report be noted.

9. LEADER'S APPOINTMENTS

The Leader announced his appointments as set out in the detailed nominations paper tabled at the meeting.

RESOLVED that

the appointment by the Leader of the Deputy Leader, of Members to the Executive Committee and to the individual Portfolios as detailed in Appendix A attached to these Minutes be noted.

10. APPOINTMENT OF COMMITTEES, PANELS ETC. AND THEIR CHAIRS AND VICE-CHAIRS

The Council considered the lists of nominations to Committees, Sub-Committees and other bodies and, in addition, Terms of Reference for a newly created Audit, Governance and Standards Committee.

RESOLVED that

- 1) the terms of reference of the Audit, Governance and Standards Committee be agreed as set out in Appendix 1 to the report submitted;
- 2) the Political balance of the Committees of the Council be agreed as set out in paragraph 3.7;
- 3) the arrangement where the seats on the Overview and Scrutiny Committee are not allocated in accordance with the political balance requirements be continued;
- 4) the arrangement where the seats on the Crime and Disorder Scrutiny Panel are not allocated in accordance with the political balance requirements be continued;
- 5) appointments by political group leaders to the places on each Committee etc., as set out at Appendix B, be noted;
- 6) the Council appoints non-aligned Councillors to places on Committees;
- 7) the Council appoints Chairs and Vice-Chairs to the Committees and other bodies as set out in Appendix 2 to the report submitted; and
- 8) appointments to Working Groups and other bodies listed in the appendix be agreed.

11. OUTSIDE BODIES**RESOLVED that**

appointments by political group leaders to the places on each of the Outside Bodies as detailed in Appendix C attached to these Minutes be noted.

12. URGENT BUSINESS - RECORD OF DECISIONS

There were no urgent decisions to note.

13. URGENT BUSINESS - GENERAL

There were no additional items of urgent business.

Council

9th June 2014

The Meeting commenced at 7.00 pm
and closed at 7.53 pm

.....
MAYOR, in the Chair

REDDITCH BOROUGH COUNCIL

COUNCIL

15th July 2014

166. PLANNING RESPONSE TO STRATFORD-ON-AVON DISTRICT CORE STRATEGY - FOCUSSED CONSULTATION: 2011 - 2031 HOUSING REQUIREMENT AND STRATEGIC SITES OPTIONS

RECOMMENDED that

the Redditch Borough Council Officer response (attached at Appendix 1 to the report) to the SOADC Focused Consultation be approved.

**EXECUTIVE
COMMITTEE**

Date 8th April 2014

**REDDITCH BOROUGH COUNCIL RESPONSE TO STRATFORD-ON-AVON
FOCUSED CONSULTATION – 2011–2013 HOUSING REQUIREMENT AND
STRATEGIC SITE OPTIONS**

Relevant Portfolio Holder	Councillor Greg Chance
Portfolio Holder Consulted	YES
Relevant Head of Service	Ruth Bamford
Ward(s) Affected	All Wards
Ward Councillor(s) Consulted	No
Key Decision	

1. SUMMARY OF PROPOSALS

This report requests that the Redditch Borough Council (RBC) officers response (attached at Appendix 1) to the Stratford on Avon Draft Focused Consultation – 2011- 2031 Housing Requirement and Strategic Site Options be approved to formalise the Officer response submitted to Stratford On Avon District Council on 12th March 2014 (in order to be received during Stratford's consultation period dates).

2. RECOMMENDATIONS

The Executive Committee is asked to RECOMMEND that

the RBC officer response (attached at Appendix 1) to the SOADC Focused Consultation be approved.

3. KEY ISSUES

Financial Implications

None

Legal Implications

All Local Authorities have a legal obligation to produce a Local Plan in accordance with the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) Regulations 2012.

Service / Operational Implications

- 3.1 Based on new technical evidence Stratford on Avon District Council have taken the decision to increase their housing requirement to 10,800 homes between

**EXECUTIVE
COMMITTEE**

Date 8th April 2014

2011 – 2031 (from 9,500 between 2008 – 2028). Stratford on Avon District Council are considering various options for meeting the proposed increase in the housing requirement. One of the options is 'further dispersal' which is a strategy to disperse housing development across the district. With regard to this issue, officers considered a response to Stratford's Focused Consultation to be necessary.

Officers included the following key points in their submission to Stratford as a response to the Focused Consultation: 2011-2031 Housing Requirement and Strategic Site Options (the full response can be seen at Appendix 1):

- 3.2 RBC officers recognised that the option of further dispersal could result in additional homes being distributed at the Main Rural Centre of Studley and Local Service Village of Mappleborough Green.
- 3.3 RBC officers considered that development around Studley and Mappleborough Green would have the potential to reduce the gap between these settlements and Redditch which could give rise to issues of coalescence. This issues has been raised in previous responses from RBC to Stratford.
- 3.4 RBC officers supported one of the principles of Policy AS.8 of Stratford's consultation, which is a policy to retain the separate and distinct identity of Studley and maintenance of open gaps with Redditch.
- 3.5 RBC officers supported the inclusion of statements under section 7.8 of the consultation which recognise the significance of the land between Studley in preserving its separate identity from Redditch, and that it is important for the gap of open countryside between the two settlements to not be encroached on by development.
- 3.6 The officers response was sent to Stratford on Avon District Council before the close of their consultation. Before it was sent, Planning Advisory Panel informally considered the contents of the response as described above.

Customer / Equalities and Diversity Implications

None

4. RISK MANAGEMENT

- 4.1 Under the 'duty to cooperate' local planning authorities and other prescribed bodies in relation to planning for sustainable development are duty-bound to cooperate when preparing Development Plan Documents. If the Officer response to the Focused Consultation is not approved then this would affect the influence RBC can have on the content of the Stratford-on-Avon District Core Strategy. In

**EXECUTIVE
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Date 8th April 2014

turn this could affect the content of the Redditch Plan and may lead to both documents being found unsound should the content of these two plans conflict.

5. APPENDICES

Appendix 1 - Redditch Borough Council response to the Stratford-on-Avon District Core Strategy, Focused Consultation: 2011-2031 Housing Requirement and Strategic Site Options

6. BACKGROUND PAPERS

SOADC - Intended Proposed Submission Core Strategy - July 2013

SOADC - Draft Core Strategy - February-March 2012

SOADC - Consultation Core Strategy – February 2010

SOADC - Housing Growth Scenarios – July 2009

SOADC - Draft Core Strategy 2008

SOADC - Issues and Options November May/June 2007

7. KEY

RBC - Redditch Borough Council

SOADC – Stratford-on-Avon District Council

AUTHOR OF REPORT

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Stratford-on-Avon District Council

12th March 2014

Dear Mr Nash,

2011 – 2031 Housing requirement and Strategic Site Options

Thank you for consulting Redditch Borough Council (RBC) on the above mentioned consultation. This is a response relating to the strategic options proposed to meet the increased housing need.

It is understood that Option A: Further Dispersal is based on an extension of the strategy of dispersal of housing development across the district as detailed in the Intended Proposed Submission Core Strategy.

In respect of this option it is recognised that further dispersal could result in additional homes being distributed at the Main Rural Centre of Studley and Local Service Village of Mappleborough Green.

As stated in previous correspondence from RBC it is considered that development around Studley and Mappleborough Green has the potential to reduce the gap between Studley and Redditch, and Mappleborough Green and Redditch where this land serves an important Green Belt purpose to prevent neighbouring towns merging into one another. Allocation of further sites around Studley and Mappleborough Green should be mindful of the coalescence issues between these settlements and Redditch.

Policy AS.8 of the Proposed Submission Core Strategy includes a principle “to retain the separate and distinct identity of Studley and maintenance of open gaps with Redditch”. This policy is supported and should be used in determining the options of further dispersal and allocation of sites around Studley towards Redditch.

In reference to Studley paragraph 7.8 notes that “While the village is surrounded on all sides by Green Belt, this area is particularly significant in preserving the separate identity of Studley from Redditch”. In addition the future development strategy under section 7.8 also states, “It is evident that the most critical feature about Studley

which should be preserved is its separate identity from Redditch. One of the key purposes of the Green Belt is to prevent settlements from merging into one another and it is important that the gap of open countryside between the two is not encroached on by development.” RBC supports the inclusion of these statements.

It should be noted that this is an officer response and that retrospective members endorsement is being sought at Full Council on 9th June 2014.

Yours sincerely

Emma Baker
Acting Development Plans Manager

REDDITCH BOROUGH COUNCIL

COUNCIL

15th July 2014

**6. LOCAL DEVELOPMENT SCHEME 2014 AND COMMUNITY
INFRASTRUCTURE LEVY**

RECOMMENDED that

Appendix A to the report, which includes the Council's forthcoming programme for planning policy documents from July 2014, be approved by Members.

**EXECUTIVE
COMMITTEE**

24th June 2014

**LOCAL DEVELOPMENT SCHEME 2014 AND COMMUNITY INFRASTRUCTURE
LEVY**

Relevant Portfolio Holder	Councillor Greg Chance
Portfolio Holder Consulted	Yes
Relevant Head of Service	Ruth Bamford
Ward(s) Affected	All Wards
Ward Councillor(s) Consulted	No
Key Decision	Yes

1. SUMMARY OF PROPOSALS

The proposed Local Development Scheme (LDS) at Appendix A is a revised and updated version of the Local Development Scheme adopted by Redditch Borough Council in Nov 2012.

This revised scheme is required to update the programme of preparing planning policy documents, reflecting the requirements of the Localism Act 2011 and the National Planning Policy Framework. The purpose of the Local Development Scheme is to provide a programme for the production of Local Planning Policy Documents to adoption. The most significant changes to this version are the introduction of Community Infrastructure levy (CIL) and inclusion of an Allocations Plan.

2. RECOMMENDATIONS

The Executive Committee is requested to **RESOLVE** that

- 1) **the contents of this report and the proposed amendments to the Local Development Scheme timetables be noted;**
- 2) **Officers be formally instructed to begin preparation of a Community Infrastructure Levy and Allocations Plan for Redditch Borough Council; and**

RECOMMEND that

- 3) **Appendix A to this report, which includes the Council's forthcoming programme for planning policy documents from July 2014, be approved by Members.**

**EXECUTIVE
COMMITTEE**

24th June 2014

3. **KEY ISSUES**

Financial Implications

There are no further resource implications for the Borough of Redditch Local Plan No.4, subject to its successful adoption following examination during 2014.

The Community Infrastructure Levy (CIL) is essential in order to collect and pool funding for much needed wider infrastructure projects across the Borough which would otherwise be lost. It is therefore critical that there are adequate resources for the production of the CIL. While some resources required for the production of the CIL can be met through existing budgets, a comprehensive evidence base needs to be in place to justify the CIL before and during its examination. Budget bids will be required to fund the evidence base and examination. As part of the CIL a percentage (up to 5%) can be recouped as administration fees. Given the Council's financial position, whilst it is not yet known what proportion would be applicable to recoup and how much this could cover the budget bid costs of evidence and examination, it is anticipated that a significant proportion will come back to the Council.

For the Allocations Plan, some resource can be met from existing budgets. Additional work particularly on retail needs and site appraisal will have resource implications which will be subject to separate budget bids. Examination of the Allocations Plan will also be subject to budget bids.

Legal Implications

The LDS is produced under the Localism Act 2011, Part 6, Chapter 1, Paragraph 111. The legislation states that Councils must prepare and maintain a local development scheme specifying:

The documents which are to be development plan documents, The subject matter and geographical area of each document, Any matter or area in respect of which the authority have agreed; and, The timetable for preparing and revising the documents.

It is important for Councils to publish up to date information on their progress against the LDS timetable.

The primary legislation governing the making of and implementation of a CIL Charging schedule is the Planning Act 2008 (as amended) and the Community Infrastructure Levy Regulations 2010 (as amended).

**EXECUTIVE
COMMITTEE**

24th June 2014

Service / Operational Implications

Since LDS No.5 was produced, the Borough of Redditch Local Plan No.4 has progressed through consultation, publication and submission into examination. The initial hearings, set by the Planning Inspectorate will take place in June 2014 and it is expected that additional hearings will take place in September 2014.

As the production of the Local Plan is nearing the end of examination, staffing resources allow the Council to commence production of the Community Infrastructure Levy (CIL). This also allows production to commence on the Allocations Plan, which was discontinued in preference to the resource being put towards Local Plan production.

The Local Development Scheme sets out the key Development Planning Documents (DPDs) to be progressed by Redditch Borough Council. The LDS outlines that Redditch Borough Council are progressing with Local Plan No.4. The LDS now also contains an indicative timetable for the introduction of a CIL and Allocations Plan in Redditch.

LDS Timetable

The LDS timetable (see appendix A) indicates the schedule for the production of the Borough of Redditch Local Plan 4 along with the Redditch Borough CIL and Allocations Plan. The chart identifies the key dates.

Community Infrastructure Levy

The Community Infrastructure Levy (CIL) represents a new system of collecting monies from developer contributions to fund infrastructure, which will benefit the development of an area.

CIL came into force on 6th April 2010 through the CIL Regulations 2010 (as amended), the powers enabling Councils to introduce the planning charge having been introduced through the Planning Act 2008 (as amended). It will introduce a standard charge per square metre applied to all qualifying developments. The charge will be applied at the time planning permission is granted and normally be paid upon commencement of development.

CIL will provide a more transparent, fairer approach to securing funds from developer contributions for a broader range of developments than from the existing planning obligations system (Section 106 legal agreements). It will help to secure a funding stream for infrastructure, but should be regarded as complimentary to other sources of funding. The amount of CIL charged must be informed by and not adversely affect the viability of development in an area.

Section 106 and section 278 agreements will still be used for site-specific mitigation measures that are required to make a development acceptable,

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including affordable housing. From April 2014, no more than five Section 106 contributions can be 'pooled' towards one infrastructure project or type.

CIL monies can only be spent on the infrastructure identified by the Council as being needed to support the development of their area. This should focus on new infrastructure provision, but can be also be used to increase the capacity of existing infrastructure. It should not be used to remedy pre-existing infrastructure deficiencies unless they will be made more severe by new development.

There is a requirement that a proportion of CIL collected is passed directly onto the immediate area where the development takes place.

Where there is a Parish Council and Neighbourhood Plan 25% of all money collected must be passed onto the Parish Council. In un-parished areas where there is a Neighbourhood Plan 25% of the money collected must be spent in consultation with the local community. Where there is a Parish Council but no Neighbourhood Plan 15% must be passed on. Where there is no Parish Council the District Council is required to spend 15% the CIL receipts to "support the development" of the relevant area where the development is located.

Redditch has one Parish Council in Feckenham therefore 15% of all money collected for development that takes place in this area will need to be passed on to the Parish Council.

Allocations Plan

An allocations plan would provide the site specific allocations for retail. The allocations will need to be evidenced with more specific quantitative retail data because retail evidence can only ever provide a snapshot in time before the adoption of the Local Plan and can become out of date quickly.

Customer / Equalities and Diversity Implications

The publication of the LDS will allow residents and stakeholders of Redditch Borough to identify how they can become involved in the various stages of progressing the development planning documents. The CIL will allow for money generated from development to be spent in the communities where the development takes place.

4. RISK MANAGEMENT

The most significant risk is that without an up to date and sufficient Local Development Scheme the Council would not be fulfilling its statutory obligations. In addition, a Local Development Scheme is essential to set the overall programme and identify how the documents will be managed and progressed.

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Without an up to date Local Development Scheme the Development Plan Document could be found unsound as the authority would have failed to respond to a statutory duty within the Localism Act 2011.

Without a CIL the opportunity to collect and pool funding for much needed wider infrastructure projects which are needed across the Borough will be lost.

5. APPENDICES

Local Development Scheme No. 6 July 2014

6. BACKGROUND PAPERS

None

7. KEY

RBC - Redditch Borough Council
CIL – Community Infrastructure Levy
DPDs – Development Plan Documents
LDS – Local Development Scheme
NPPF – National Planning Policy Framework

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Introduction

The Local Development Scheme (LDS) is a three year project plan for the production and review of the planning policy documents that will make up the Development Plan for Redditch Borough. This is the sixth LDS for Redditch which covers the period from July 2014 to July 2017.

Redditch Borough Council is required to produce a LDS in order to comply with Section 15 of the Planning and Compulsory Purchase Act 2004. It provides residents and stakeholders information on the documents that will make up the Development Plan, the timescales they can expect for the preparation of these documents and the opportunities for involvement. Local Planning Authorities may revise their LDS at a time they consider appropriate or when directed to do so by the Secretary of State.

Since LDS No.5 was produced, the Borough of Redditch Local Plan No.4 has progressed through consultation, publication and submission into examination. As the production of the Local Plan is nearing the end of examination, resources allow the Council to commence production of the Community Infrastructure Levy (CIL). This also allows production to commence on the Allocations Plan, which was discontinued in preference to the resource being put towards Local Plan production.

The timetable for the preparation of the Development Plan can be found on page 6.

Borough of Redditch Planning Policy Framework

Current Planning Policy Documents

The planning policy documents listed below make up the current planning policy framework for the Borough of Redditch.

Borough of Redditch Local Plan No.3 (2001-2011)

The Borough of Redditch Local Plan No.3 (2001-2011) was adopted 31st May 2006. The Local Plan is saved by the Secretary of State beyond May 2009. A list of the saved policies can be found [here](#). Since the publication of the National Planning Policy Framework (NPPF) in March 2012, due weight can be given to the saved local plan policies according to their degree of consistency with the NPPF.

Adopted Local Development Documents

The Council has adopted a number of planning policy documents, which can be used as material considerations in the determination of planning applications, including:

- Affordable Housing Provision Supplementary Planning Document
- Church Hill District Centre Supplementary Planning Document
- Edward Street Supplementary Planning Document
- Auxerre Avenue Supplementary Planning Document
- Prospect Hill, Town Centre Supplementary Planning Document
- Land to the rear of Alexandra Hospital Supplementary Planning Document
- Church Road, Town Centre Supplementary Planning Document
- Open Space Provision Supplementary Planning Document
- Designing for Community Safety Supplementary Planning Document
- Landscape Character Assessment Supplementary Planning Guidance
- Planning Obligations for Education Contributions Supplementary Planning Document
- Encouraging Good Design Supplementary Planning Guidance
- Employment Land Monitoring Supplementary Planning Guidance

Emerging Planning Policy Documents

Borough of Redditch Local Plan No.4

Local Plan No.4 will set out the Strategic Vision, objectives and policies for the Borough of Redditch up to 2030. The plan is currently at examination and progress on the examination can be seen at www.redditchbc.gov.uk/examination

Borough of Redditch Local Plan No.4 Policies Map

The Council has prepared a Policies Map covering the geographical area of Redditch Borough alongside the Local Plan. When the Local Plan is adopted, the Policies Map will illustrate the core policies of Local Plan No.4 and when appropriate indicate proposed land use policies.

Waste Core Strategy for Worcestershire

The Worcestershire Waste Core Strategy Local Plan sets out how the County plans for waste management facilities in Worcestershire until 2027. The Waste Core Strategy Local Plan was adopted in November 2012 and is now part of the development plan.

Minerals Local Plan for Worcestershire

The emerging Minerals Local Plan will replace the existing Minerals Local Plan and minerals policies set out in the Structure Plan and will be used by the County Council to determine applications for minerals development. A second consultation on the emerging Minerals Local Plan ended in January 2014 and a draft policy framework is due in Spring/Summer 2014.

Delivering the Development Plan

This section details how the Council will produce its Development Plan.

Evidence Base

A range of technical studies and research will underpin the preparation of the Development Plan. Some of the key studies and research areas are listed below:

- Sustainability Appraisal
- Strategic Housing Land Availability Assessment (SHLAA)
- A Strategic Housing Market Assessment
- Employment Land Review
- Open Space Needs Assessment
- Infrastructure Delivery Plan
- Retail Needs Assessment

Adoption of Planning Policy Documents

All planning policy documents are taken to Executive Committee and Full Council to obtain Member approval. In the case of the Development Plan and Community Infrastructure Levy, these are subsequently submitted to the Planning Inspectorate (PINS) for examination. PINS will report back to the Council after the examination to report on the documents legal compliance and soundness for adoption.

Monitoring

The Council will regularly monitor and review the progress of the Development Plan against the LDS timetable (set out on page 5). Monitoring will be set out in the Annual Monitoring Report.

Resources and Risk Assessment

There are no further resource implications for the Borough of Redditch Local Plan No.4, subject to its successful adoption following examination during 2014.

The Community Infrastructure Levy (CIL) is essential in order to collect and pool funding for much needed wider infrastructure projects across the Borough which would otherwise be lost. It is therefore critical that there are adequate resources for the production of the CIL. While some resources required for the production of the CIL can be met through existing budgets, a comprehensive evidence base needs to be in place to justify the CIL before and at its examination. Budget bids will be required to fund the evidence base and examination. As part of the CIL a percentage (up to 5%) can be recouped as administration fees. Given the Council's financial position, whilst it is not yet known what proportion would be applicable to recoup and how much this could cover the budget bid costs of evidence and examination, it is anticipated that a significant proportion will come back to the Council.

For the Allocations Plan, some resource can be met from existing budgets. Additional work particularly on retail needs and site appraisal will have resource implications which will be subject to separate budget bids. Examination of the Allocations Plan will also be subject to budget bids.

There may be a requirement to find transit sites for gypsies and travellers subject to the outcome of the Gypsy and Traveller Accommodation Assessment (GTAA). As a consequence this could have resource implications which will be subject to separate budget bids.

LOCAL DEVELOPMENT SCHEME NO.6 – JULY 2014

Assumptions have been made about the ability of PINS to service the requirements from this LDS. If PINS cannot meet the requirements of this LDS, then there will be some slippage in the programme. The Development Plans Team will adhere strongly to the advice and schedules provided by PINS.

Another potential unforeseen implication for the timing of the production of the CIL and Allocations Plan is the potential for Plan wide issues resulting from the duty to cooperate requiring the Council to prepare for a Local Plan Review.

Additional unforeseen pressures on staff time can never be predicted in advance.

LOCAL DEVELOPMENT SCHEME NO.6 – JULY 2014

Timetable

The timetable for the production of the remainder of the Borough of Redditch Local Plan No.4 is set out below. Any changes to the timetable will be advertised on the Council website.

Submission to Planning Inspectorate	12 th March 2014
Pre Examination Meeting	None scheduled
Commencement of Hearings	16 th – 17 th June 2014
Additional hearings	September 2014
Receipt of binding report	December 2014
Adoption	January 2015

The timetable for the production of the Community Infrastructure Levy is set out below. Preparation will be undertaken in line with the DCLG CIL Guidance (2014). Joint working with neighbouring Authorities will also be undertaken. Any changes to the timetable will be advertised on the Council website.

Preliminary Draft Charging Schedule Consultation	September 2014
Draft Charging Schedule	September 2015
Examination	January 2016
Approval	June 2016

The timetable for the production of the Allocations Plan is set out below. Any changes to the timetable will be advertised on the Council website.

Scoping	May 2015
Allocations Plan Issues and Options Consultation	December 2015
Allocations Plan Consultation	May 2016
Allocations Plan Proposed Submission Consultation	December 2016
Submission	March 2017
Adoption	October 2017

REDDITCH BOROUGH COUNCIL

COUNCIL

15th July 2014

7. NON-DOMESTIC RATES - DISCRETIONARY RATE RELIEF POLICY

RECOMMENDED that

the Non Domestic Rates – Discretionary Rate Relief Policy and Guidance attached as an appendix to the report submitted be adopted.

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NON DOMESTIC RATES – DISCRETIONARY RATE RELIEF POLICY

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

1. SUMMARY OF PROPOSALS

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

2. RECOMMENDATIONS

The Executive Committee is asked to RECOMMEND that

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

3. KEY ISSUES

Financial Implications

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

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- 3.5 There is no set budget for relief as the cost of awards is based on number and type of applications but the cost to Redditch Borough Council in 2014/15 is estimated to be in the region of £36k.
- 3.6 The costs of mandatory relief and discretionary rate relief are broadly shared between central and local government. In order to manage the financial impact of increases in mandatory and discretionary rate relief we will seek to ensure that the overall costs of mandatory relief do not usually rise from year to year by more than inflation.
- 3.7 The Small Business Rate Relief multiplier is increase on an annual basis by the rate of inflation, the overall yield from Non-Domestic Rates in the council's area will broadly increase by this inflation rate. When the council carry out the annual review of discretionary relief we will profile the predicted costs of mandatory and discretionary rate relief in the forthcoming rates year –excluding any relief for part occupied premises or reliefs under the localism act.
- 3.8 Where the percentage increase in costs of relief is greater than the increase in the small business rate relief multiplier then we may make a proportional reduction to all organisations award of discretionary rate relief.

Legal Implications

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

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office, general store, public house, or petrol filling station within a rural settlement, or for any food store within a rural settlement.

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

Service / Operational Implications

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

Customer / Equalities and Diversity Implications

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

4. RISK MANAGEMENT

- 4.1 Failure to have a clear, equitable and transparent Discretionary rate relief Policy in relation to Non Domestic Rates increases the risk of challenge through Judicial Review.

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- 4.2 The policy aims to mitigate the financial risks and helps to ensure that funds available for the awards of relief are used in the most efficient manner and that organisations receiving relief support the Council's Strategic Purposes.
- 4.3 The Policy reduces the risk of inconsistencies in the awarding of relief.
- 4.4 Failure to have a clear policy risks reputational damage

5. APPENDICES

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

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

6. BACKGROUND PAPERS

Local Government Finance Act 1988

Local Government Finance Act 1997

Localism Act 2011

European Competition rules.

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Non-Domestic Rates - Discretionary Rate Relief Policy and Guidance



Summary of Document

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

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

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1.0 Introduction

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

2.0 Legislative Framework

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

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

3.0 Discretionary Rate Relief for Charities and Community Amateur Sports Clubs

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

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

7	Community links: Establish if the charity is a local organisation and who uses the organisation and its facilities.	Application form.
8	Proportionate use of the property: Consider how the property is used and whether the use is proportionate to the size of the assessment; are the charity under occupying or part occupying a large assessment.	Inspection. Application form.
9	Other sources of support: Establish whether there are other sources of support available to the charity and whether other sources of funding are available.	Details of other sources of funding or income.

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

4.0 Discretionary Rate Relief for Charity Shops

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

Criteria		Evidence
1	Use of the Property: The shop must be wholly or mainly used for the purposes of the charity.	Signed Application Form Inspection of the premises.
2	Sale of Goods: The shop must sell wholly or mainly donated goods and the sale of the goods must be applied to the purposes of the charity.	Signed application form. Information regarding the sale of items, accounts.
3	Local Benefits: The Charity must be able to demonstrate that the local community derives benefits from the services the charity provides.	Details of the type of services provided to the residents of Redditch Borough Council and the number of residents who benefit from the support.

4	The Market Principle: Where the Charity Shop is competing with businesses operating on an ordinary commercial basis - for example where the operations are wholly or mainly the sale of second hand furniture, or the sale of books - then discretionary relief will not normally be provided.	 Signed application form. Inspection of premises.
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4.2 The level of relief will be determined by the evidence provided and whilst each case is assessed on its own merits the level of relief will ordinarily be that set out in section 13.0 below.

5.0 Discretionary Rate Relief for Non-Profit Making Organisations

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

	Criteria	Evidence
1	Use of the property: Main use of the premises for non-commercial activities for example a not for profit organisation that is primarily using the premises for activities that are provided by a commercial organisation such as health/gym facilities will not normally be eligible for relief.	Application form.
2	Annual turnover: The annual turnover is less than £50,000.	Audited accounts.
3	Membership: Membership and access is open to all section of the community.	Levels of membership. Details of membership fees charged. Evidence of concessionary rate memberships - and details of numbers of concessionary memberships available. Details as to how members are approved.

4	<p>Access to facilities:</p> <p>Facilities are made available to other sectors of the local community e.g. schools, clubs, support groups.</p>	<p>Details of the use of the facilities over the past 12 months.</p> <p>Details of the charges made for the use of the facilities.</p>
5	<p>Profits:</p> <p>Determine whether the organisation holds reserves or makes a profit and whether it requires discretionary relief to continue to operate.</p> <p>Establish whether the organisation runs commercial activities and profits, or has the capacity to profit from these (e.g. bar, function hire).</p>	<p>Copies of income and expenditure for the last financial year.</p>
6	<p>Community links:</p> <p>Establish if the charity is a local organisation and who uses the organisation and its facilities.</p>	<p>Application form.</p>
7	<p>Proportionate use of the property:</p> <p>Consider how the property is used and whether the use is proportionate to the size of the assessment, are the charity under occupying or part occupying a large assessment.</p>	<p>Inspection.</p> <p>Application form.</p>
8	<p>Other sources of support:</p> <p>Establish whether there are other sources of support available to the charity and whether other sources of funding are available.</p>	<p>Details of other sources of funding or income.</p>

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

6.0 Rural Rate Relief

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

Criteria		Evidence
1	<p>Local Value:</p> <p>The business is of importance to the local community - and the service is not provided by others business in the rural settlement.</p>	<p>Statement of the business type and the impact on the Redditch Borough Council if the business were to close.</p> <p>The use of and value of the business to the local community.</p> <p>Last 2 years audited accounts.</p>
2	<p>Sole premises:</p> <p>The applicant carries out their business from a single property within the rural settlement.</p> <p>The business is not part of a larger chain - for example it is not part of a number of shops operated by the applicant.</p>	<p>Application form - accounts.</p>

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

7.0 Hardship Relief

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

Criteria		Evidence
1	<p>Local Value:</p> <p>The business is of importance to the local community and is suffering genuine hardship.</p>	<p>Statement of the business type and the impact on Redditch Borough Council if the business were to close.</p> <p>The use of and value of the business to the local community.</p> <p>Last 2 years audited accounts.</p> <p>Copies of the businesses order book.</p> <p>Copies of the personal accounts of the owners of the business.</p>

2	Local Jobs: The number of people employed by the business who reside in the Redditch Borough Council area.	Total number of employees who will be affected if the relief is refused.
3	Nature of hardship: Details of the hardship being experienced including: Cause; expected duration; measures already taken to remedy the situation; that the cause is not a result of poor business planning or activity; details of the help already requested from other sources; and amount of additional support already received or reasons why support was not provided.	Latest accounts. Bank Statements. Business Plan. Order Books. Any other documents to support the application.
4	State Aid Declaration: Awards of Localism Act relief would potentially be classed as State Aid - a declaration will be required to show that the level of all relief over the previous three financial years is below 200,000 euros.	State Aid Declaration.

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

8.0 Relief for Part Occupied Premises

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

Criteria		Evidence
1	Part Occupation: The property is partly occupied	Detailed plans of the hereditament must be provided to outline the whole property and indicate the partly occupied section.
2	Length of time: The intended part occupation must be for a short period of time.	Details of: the planned period of time of the part occupation; the nature of the business and the businesses future intentions.

<p>3</p>	<p>Reason:</p> <p>The part occupation is not a result of maintenance, refurbishment, renewal or repairs, seasonal shutdowns, holidays or reduction in capacity due to normal business risks, reduction in capacity due to loss of trade or normal business fluctuations.</p> <p>Part occupation for phased occupation will be considered as a qualifying reason.</p> <p>Part occupation for phased vacations will only be considered where the business is relocating to new premises within the Redditch Borough Council area.</p> <p>Part occupation resulting from some event, such as fire or flood, which renders part of the premises unusable will be considered as a qualifying reason.</p>	<p>Statements of the cause of the part occupation.</p> <p>Photographic evidence of the part of the premises which is prevented from being occupied.</p> <p>Surveyors or other qualified professionals reports confirming that occupation of the part of the premises is prevented.</p>
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8.2 A short period of time is not defined in legislation; therefore the nature of the business activity will be taken into account along with the estimated planned period of time and future intentions.

8.3 Applications for retrospective periods will not be accepted.

9.0 Localism Act Discretionary Rate Relief

9.1 The Localism Act removed the restrictions on awards of discretionary rate relief and allowed local authorities to determine that awards of relief may be made where it is reasonable to do so having regard to the interests of the Local Council Tax Payers.

9.2 In the main decision to award relief under the extended powers of the localism act will be made by the Council's Executive and would be exercised in respect of all hereditaments within a defined area or of a defined type. There may be occasions where decisions are made on a case by case basis.

9.3 Decisions on a case by case basis would be made where there is the possibility of the loss of an amenity which is of importance to local Taxpayers or where a failure to award relief could lead to the loss of major employer within the Redditch Borough Council area.

- 9.4 Any award of discretionary relief under the Localism Act powers would be the exception rather than the rule.
- 9.5 The criteria for awarding relief and the factors that will be taken into account are detailed below:

Criteria		Evidence
1	<p>Local Value:</p> <p>The business is, or will be of importance and value to the local community.</p>	<p>Statement of the business type and the impact upon the local community if the business were to come into the area/move away from the area.</p> <p>The use of and value of the business to the local community. Evidence of local trade and support.</p>
2	<p>Local Jobs:</p> <p>The number of people who are/will be employed by the business and who reside in the Redditch Borough Council area.</p>	<p>Total number of employees.</p> <p>Number of employees who would be affected if relief were not awarded.</p>
3	<p>Reason for the discount</p> <p>Details to include: the reason for the discount; the period for which relief is sought; measures already taken to obtain support from other sources; amount of additional support already received; and (if applicable) reasons why support was not forthcoming.</p>	
4	<p>The business is the only example of its kind.</p> <p>Details of the unique nature of the business/amenity demonstrating why the failure to grant relief could lead to the loss of a unique amenity for the residents of the Redditch Borough Council area.</p>	<p>Statement provided by applicant /report from Officer of Redditch Borough Council detailing why the business/amenity is unique in its nature.</p>

5	State Aid Declaration Awards of Localism Act relief would potentially be classed as State Aid - a declaration will be required to show that the level of all relief over the previous three financial years is below 200,000 euros.	State Aid Declaration to be completed.
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10.0 Discretionary Rate Relief - Central Government Funded Reliefs

- 10.1 Central Government has directed local authorities to use the extended powers of the Localism Act to administer a number of national schemes of discretionary rate relief. These schemes include relief from empty property rates for new build properties, retail rate relief and reoccupation of empty premises relief. Funding for these reliefs is provided by central government in the form of a 'Section 31 grant'
- 10.2 For all centrally funded discretionary relief Redditch Borough Council will award the Governments intended level of relief in full.

11.0 Costs of Relief

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

50% paid to central government
40% retained by Redditch Borough Council
9% paid to the County Council
1% paid to the precepting Fire Authority

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

12.0 Reduction in Relief - Transitional Arrangements

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

13.0 Level of Relief and Budget Restrictions

13.1 As a general guide, and providing the criteria for relief as detailed are met, then the levels of relief shown in the table below will be awarded; where the organisation or type of organisation is not shown then relief will be made in accordance with the general guidelines of the policy.

Organisation	Narrative	% of relief
Housing Associations - housing providers		0%
Educational Establishments	Schools and colleges with charitable status and in receipt of mandatory relief	0%
Youth organisations	Scouts, guides, cadets	Up to 100%
Community Halls/Village Halls		Up to 100%
Sports and Social Clubs	Not registered as a charity or CASC	Up to 20%
Homelessness organisations		Up to 100%
Regional administrative or head offices of a charity		0%
Charity Shops	The charitable operations of the charity are on a national or international level	0%
Charity Shops	Where the operations of the charity are on a regional level within Worcestershire and surrounding areas only - subject to the market principle outlined above	10%
Charity Shops	Where the operations of the charity are wholly within the Redditch Borough Council area - subject to the market principle outlined above	20%
Central Government Funded Discretionary Reliefs	Awards of discretionary relief for which Section 31 grants are payable	Relief at the level determined by Central Government.

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

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

14.0 Period of Relief

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

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

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

15.0 Appeals

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

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

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

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

15.5 Where the decision is revised the ratepayer will be notified of the increased level of relief awarded, if applicable.

15.6 If the original decision is confirmed the ratepayer will be advised of the reasons why, of the further right of appeal to the Director of Finance and Corporate Resources who will consider the appeal in conjunction with the relevant Portfolio Holder.

15.7 Appeals to the Executive Director of Finance and Corporate Resources must be made in writing and must give the reasons why it is believed that the decision should be amended. New or additional information may be included.

15.8 The ratepayer will be advised of the date that their appeal will be considered.

- 15.9 The ratepayer does not have a right to appear in person but may make a request to present evidence in person.
- 15.10 The appeal will be considered individually on its own merit and the ratepayer will be advised of the decision in writing.
- 15.11 The Executive Director of Finance and Corporate Resources will be able to confirm the original decision of the council or increase the level of relief awarded. A decision to revoke relief or to reduce the level of relief cannot be made as the requirements to provide one year's notice such a decision would be ineffective.
- 15.12 The submission of an appeal by a ratepayer does not affect the individual's rights to challenge a decision made by the council by way of Judicial Review.

16.0 Delegated Powers to Determine Awards of Relief

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

Relief	Delegated Authority
Mandatory Rate Relief	Revenue Services Manager Revenues Team Leader
Discretionary Rate Relief for Charities, Community Amateur Sports Clubs and Charity Shops - "Top-Up Relief"	Revenue Services Manager Revenues Team Leader
Discretionary Rate Relief for Non-Profit Making Organisations	Revenue Services Manager Revenues Team Leader
Relief for Part Occupied Premises	Revenue Services Manager Revenues Team Leader
Hardship Relief	Revenue Services Manager Head of Customer Access and Financial Support
Central Government Funded Reliefs	Revenue Services Manager Revenues Team Leader
Individual Awards of Relief under the Localism Act - Awards made on a case by case basis.	Head of Customer Access and Financial Support. Executive Director of Finance and Corporate Resources following consultation with the relevant Portfolio Holder and Leader of the Council.

17.0 Interest of Officers and Members

- 17.1 Officers and Members who have an interest in any organisation which has either applied for relief or may indirectly benefit from the award of the relief (for example the owners of premises occupied by organisations making an application) must not participate in the decision making process.
- 17.2 Examples of interests include, but are not restricted to the following:

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

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

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

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

Charities and Community Amateur Sports Clubs

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

Organisation	Existing Relief	Revised Relief	Comments
Example 1	20% Discretionary Rate Relief	0% Discretionary Rate Relief	Income above threshold; Surplus of £238,000 Cash reserves of £185,000. Removal of relief will result in liability of £3,229.40
Example 2	20% Discretionary Rate Relief	0% Discretionary Rate Relief	Income in excess of £6m per annum; significant reserves. Removal of relief will result in liability of £2,554.60
Example 3	20% Discretionary Rate Relief	20% Discretionary Rate Relief	Income of £5,000; expenditure in excess of income by £20,000 Reserves of £15,000. Reserves and Income of insufficient level to operate without support

Example 4	20% Discretionary Rate Relief	20% Discretionary Rate Relief	Income above threshold – expenditure in excess of Income. Limited reserves of £400 Relief to continue at existing levels.
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Charity Shops

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

Organisation	Existing Relief	Revised Relief	Comments
Example 1	20% Discretionary Relief	10% Discretionary Relief	Level of relief may reduce to 10% as the organisation operates on a regional basis within North Worcestershire and is not wholly for the benefit of residents of Redditch.
Example 2	20% Discretionary Relief	0% Discretionary Relief	Removal of relief determined by market principles. Second Hand furniture store
Example 3	0% Discretionary Relief	0% Discretionary Relief	No Change to award – charity operates on a national level
Example 4	20% Discretionary Relief	0% Discretionary Relief	Removal of relief - charity operates on a national level. Income of £77,000 Removal of relief will result in liability of £1,229.10 for 2014/15 rates year. This may be reduced to £229.10 by award of government funded retail relief.
Example 5	0% Discretionary Relief	0% Discretionary Relief	No Change to award – charity operates on a national level

Other Organisations in Receipt of Mandatory Relief

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

Organisation	Existing Relief	Revised Relief	Comments
Example	20% Discretionary Rate Relief	0% Discretionary Rate Relief	Operating surplus of £55,000 Reserves of £848,000 Removal of relief would result in liability of £233.77
Example 2	20% Discretionary Rate Relief	0% Discretionary Rate Relief	Operating Surplus of £18m in most recent accounts (2004) Removal of relief would result in liability of £154.24
Example 3	20% Discretionary Rate Relief	20% Discretionary Rate Relief	No Change to existing award of relief

Organisations not Eligible for Mandatory Relief

These organisations are not eligible for mandatory relief but can apply for discretionary relief under the existing and proposed policy.

Organisation	Existing Relief	Revised Relief	Comments
Example 1	100% Discretionary Rate Relief	100% Discretionary Rate Relief	Income below thresholds full relief will be awarded No funds held in reserves

Example 2	20% Discretionary Rate Relief	0% Discretionary Rate Relief	Income below thresholds; Profit of £7,000 in previous 12 months. Reserves of £14,500 Removal of relief will leave liability of £453.08
Example 3	20% Discretionary Rate Relief	0% Discretionary Rate Relief	Income below thresholds; Profit of £2000 in previous 12 months Reserves of £20,000 Removal of relief will leave liability of £607.32
Example 5	37% Discretionary Rate Relief	20% Discretionary Rate Relief	Reduction in relief in line with revised guidance. Results in liability of £1,547.20
Example 6	50% Discretionary Rate Relief	20% Discretionary Rate Relief	Reduction in relief in line with revised guidance. Results in liability of £12,399.60

REDDITCH BOROUGH COUNCIL

COUNCIL

15th July 2014

8. LAND TO THE REAR OF MIDDLE HOUSE LANE

RECOMMENDED that

the land to the rear of Middle House Lane, Redditch be disposed of at market value.

**EXECUTIVE
COMMITTEE**

24th June 2014

LAND TO THE REAR OF MIDDLE HOUSE LANE

Relevant Portfolio Holder	Councillor John Fisher
Portfolio Holder Consulted	Yes
Relevant Head of Service	Amanda De Warr, Head of Customer Access and Financial Support
Wards Affected	Abbey Ward
Ward Councillor Consulted	Yes
Key Decision	

1. SUMMARY OF PROPOSALS

This report seeks approval to amend a recommendation in relation to the disposal of land to the rear of Middle House Lane, Redditch.

2. RECOMMENDATIONS

The Executive Committee is asked to RECOMMEND that

the land to the rear of Middle House Lane, Redditch be disposed of at market value.

3. KEY ISSUES

- 3.1 In June 2005 Redditch Borough Council agreed to declare this land as surplus and dispose of it in conjunction with a Worcestershire County Council's site, which sits adjacent and provides access to it.
- 3.2 At that time the Redditch Borough Council specified that the land should be disposed of to a Social Landlord of the Council's choosing for the development of social housing.
- 3.3 There is no record that agreement to a joint disposal had been reached and Worcestershire County Council subsequently entered into lengthy discussions with other parties regarding possible use of the land.
- 3.6 Due to lack of funding and changing priorities these discussions came to nothing and Worcestershire County Council are now keen to sell their parcel of the land.
- 3.7 Should Redditch Borough Council not intend to openly market its site, Worcestershire County Council will seek to dispose of its site separately or achieve a full market value receipt from any Social Housing provider which may successfully bid for the Borough Council's land.

EXECUTIVE COMMITTEE

24th June 2014

- 3.8 Access from the Highway can only be achieved through Worcestershire County Council's land and as such Redditch Borough Council may be required to pay a premium or ransom for this right.

Financial Implications

- 3.9 Information relating to the financial implications can be found at Appendix 2 and is exempt from publication under s.100 1 of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006 on the grounds that it involves the likely disclosure of information relating to financial affairs which could adversely affect the two Councils' negotiating positions with potential purchasers.
- 3.10 The sale of this land will generate a capital receipt to the General Fund. It is worth noting that there have been a number of changes to the use of capital receipts which may enable a proportion of the receipt received to be used for revenue purposes

Legal Implications

- 3.11 Both the County Council and the Borough Council are required to dispose of any interest in land at Best Value in accordance with Section 123 of the Local Government Act 1972. To achieve this requirement, it is the County Council's intention to market the site for sale to achieve the highest capital receipt possible.

Service/Operational Implications

- 3.12 This site falls under two ownerships (see attached plan). The land fronting Middle House Lane is owned by Worcestershire County Council with the back land bordered by the Birmingham Road owned by Redditch Borough Council.

The site areas are:

RBC site area:	1.78 acres
WCC site area:	0.73 acres
Total Site Area:	2.51 acres

- 3.13 Under existing Local Plan 3 the Worcestershire County Council land is designated for Housing with the Redditch Borough Council land designated as "Reserved Land for Housing". However under the proposed Local Plan 4, both sites are designated for Housing with an expectation that the site will sustain 30 new dwellings. There is no specific planning requirement for the site to be used solely for affordable housing.

EXECUTIVE COMMITTEE

24th June 2014

- 3.14 If agreement is reached to dispose of the land at market value officers will instruct the District Valuer to provide an independent ransom valuation, as is the norm in such circumstances where both Council's are party to a transaction.

Customer / Equalities and Diversity Implications

- 3.15 None

4. RISK MANAGEMENT

Failure to agree to joint disposal of the land risks Redditch Borough Council being left with a parcel of land that cannot be easily marketed or which includes having to pay a ransom for access.

5. APPENDICES

Appendix 1 – Site plan

Appendix 2 – Financial implications – EXEMPT FROM PUBLICATION

6. BACKGROUND PAPERS

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