



Council

Mon 18 Nov
2019
7.00 pm

Council Chamber
Town Hall
Redditch

REDDITCH BOROUGH COUNCIL

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a
difference*

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**If you have any queries on this Agenda please contact
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Council

Monday, 18th November, 2019

7.00 pm

**Council Chamber - Town Hall
Redditch**

Agenda

Membership:

Cllrs:

Gareth Prosser (Deputy Mayor)
Salman Akbar
Joe Baker
Tom Baker-Price
Roger Bennett
Joanne Beecham
Juliet Brunner
Michael Chalk
Debbie Chance
Greg Chance
Brandon Clayton
Matthew Dormer
John Fisher
Peter Fleming
Andrew Fry

Julian Grubb
Bill Hartnett
Pattie Hill
Ann Isherwood
Wanda King
Anthony Lovell
Gemma Monaco
Nyear Nazir
Mike Rouse
Mark Shurmer
Yvonne Smith
David Thain
Craig Warhurst
Jennifer Wheeler

- 1. Welcome**
- 2. Election of the Mayor for the period 18th November 2019 to 26th May 2020**
- 3. Apologies for Absence**
- 4. 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.

- 5. Minutes (Pages 1 - 10)**
- 6. Announcements**

To consider Announcements under Procedure Rule 10:

- a) Mayor's Announcements
- b) The Leader's Announcements
- c) Chief Executive's Announcements.

7. Questions on Notice (Procedure Rule 9)

8. Motions on Notice (Procedure Rule 11)

9. Executive Committee

Minutes of the Executive Committee meeting held on 29th October 2019 (Pages 11 – 22)

NOTE: Minute 56 contains exempt information which will only be made available to Members and relevant Officers.

Should Members wish to discuss any exempt information contained in this minute in any detail, a decision will be required to exclude the public and press from the meeting on the grounds that exempt information is likely to be divulged, as defined in paragraph 3 of Schedule 12 (a) of Section 100 1 of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006. (Paragraph 3: Subject to the “public interest” test, information relating to the financial or business affairs of any particular person (including the authority holding that information)).

9.1 Review of Council Tax Support Scheme (Pages 23 - 26)

9.2 Tenancy Recharge Policy (Pages 27 - 38)

9.3 Planning Obligation Reforms - Charging for Section 106 Monitoring (Pages 39 - 42)

Minutes of the Executive Committee meeting held on 11th November 2019 (to follow)

It is anticipated on the date of publishing this agenda that recommendations will only be made by the Executive Committee on 11th November 2019 in respect of the Redditch town centre regeneration item. Should any further recommendations be made in relation to other items on the agenda these will be reported within the minutes of the meeting to Council.

9.4 Redditch Town Centre Regeneration (Community Hub and Railway Quarter) (Pages 43 - 56)

Due to the length of the appendices to this report they have been published in a small number of additional papers packs for Members' consideration.

10. Regulatory Committees

10.1 Audit, Governance and Standards Committee, 31st October 2019 - Local Government Ethical Standards (Pages 57 - 92)

There is one recommendation arising from the meeting of the Audit, Governance and Standards Committee meeting held on Thursday 31st October 2019 in respect of local government ethical standards for consideration at Council. The relevant extract from the minutes of that meeting of the Committee has been attached for Members' consideration together with the report for that item.

11. Political Balance (report to follow)

Any proposed changes to Committee appointments, if required, will also be considered under this item.

12. Outside Body Appointments

To note that Councillor Julian Grubb is replacing Councillor Juliette Brunner as relevant Portfolio Holder on the Worcestershire Corporate Parenting Board.

13. Urgent Business - Record of Decisions (Pages 93 - 98)

To note the following decision taken in accordance with paragraph 5 of Part 9 of the constitution since the last ordinary meeting of the Council.

Worcestershire Business Rates Pool 2020/21

Officers requested urgent approval of Redditch Borough Council joining the Worcestershire Business Rates Pool for 2020/21, following the recent Government announcement that the Worcestershire Business Rates Pilot Pool will not continue into 2020/21.

The reason for urgency is the announcement made in the Settlement by Government that the current Worcestershire Pilot Pool will not continue into 2020/21 and therefore a decision needed to be made urgently to join the Worcestershire Pool to ensure that any share of Business Rates growth for 20/21 is not returned to Central Government but remains in Worcestershire.

RESOLVED

to delegate Authority for the decision on the 2020/21 Business Rate Pool final arrangements to the Executive Director Finance and Resources in agreement with the Portfolio Holder for Finance and the Leader.

(Executive decision)

14. 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 him 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.)



Council

Monday, 23 September
2019

MINUTES

Present:

Councillor Roger Bennett (Mayor), Councillor Gareth Prosser (Deputy Mayor) and Councillors Salman Akbar, Joe Baker, Tom Baker-Price, Joanne Beecham, Juliet Brunner, Michael Chalk, Greg Chance, Brandon Clayton, Matthew Dormer, Peter Fleming, Julian Grubb, Bill Hartnett, Pattie Hill, Ann Isherwood, Wanda King, Anthony Lovell, Nyear Nazir, Mike Rouse, Mark Shurmer, Yvonne Smith, David Thain, Craig Warhurst and Jennifer Wheeler

Officers:

Kevin Dicks, Claire Felton and Sue Hanley

Senior Democratic Services Officer:

Jess Bayley

38. WELCOME

The Mayor welcomed all present to the meeting.

39. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors Debbie Chance, John Fisher, Andrew Fry and Gemma Monaco.

40. DECLARATIONS OF INTEREST

There were no declarations of interest.

41. MINUTES

RESOLVED that

the minutes of the Council meeting held on Monday 22nd July 2019 be held as a true and correct record and signed by the Chair.

42. ANNOUNCEMENTS

.....
Chair

Council

Monday, 23 September 2019

a) The Mayor's Announcements

The Mayor announced that sadly since the previous meeting of Council former Councillor and Deputy Mayor, Steve Baird, had passed away. In addition a former member of staff who had worked for many years for the Council, Mr Harold Bagley, had also passed away. The Mayor led Members in observing a minute's silence in recognition of their public service.

A list of the civic engagements that had been attended by the Mayor and Deputy Mayor since the previous meeting of Council was tabled at the meeting (Appendix 1). Members were advised that the civic service would be taking place on 6th September 2019 at St Stephen's Church. There would be a procession to the church and all Members were invited to participate.

Since the previous meeting of Council the Mayor had met with Mrs Veronica Allen. Mrs Allen had been instrumental in helping to establish the twin town links between Redditch and St Elizabeth town in Jamaica. She had presented a plaque and book to the Mayor in recognition of these twinning links and had expressed the hope that a student exchange as well as enhanced civic links between the local authorities of each town would take place in the future.

Finally, the Mayor congratulated the Astwood Bank Cricket Club on winning the Worcestershire League Premier Division.

b) The Leader's Announcements

The Leader announced that Councillor Juliet Brunner had stood down from the Executive Committee. There was no plan to replace her on the Executive Committee and the services that had been within the remit of her Portfolio would be incorporated into the responsibilities of the Portfolio Holder for Corporate Management.

Members were advised that the review of the Local Enterprise Partnerships had not yet been resolved. However, it was likely that issues in respect of LEP membership would be determined by the end of the recess period.

The Council would have an opportunity to bid for support for the town centre redevelopment work from the government's Towns Fund. A total of up to £25,000 could be applied for as part of this process.

The Leader explained that he had recently attended a meeting with representatives of the West Midlands Combined Authority

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Monday, 23 September 2019

(WMCA) to discuss the 5G network. This had revealed that there might be some opportunities available for Redditch.

c) The Chief Executive's Announcements

The Chief Executive confirmed that he did not have any announcements on this occasion.

43. QUESTIONS ON NOTICE (PROCEDURE RULE 9)

There were no Questions on Notice for consideration.

44. MOTIONS ON NOTICE (PROCEDURE RULE 11)

There were no Motions on Notice for consideration.

45. EXECUTIVE COMMITTEE

Climate Change Cross-Party Working Group

Members considered the proposals for the Council to establish a Climate Change Cross-Party Working Group as an Executive Advisory Panel. A list of Members who had been nominated to sit on the group was tabled at the meeting (attached at Appendix 2).

In presenting the recommendations the Leader of the Council requested an alteration. This alteration proposed, in addition to establishing the Climate Change Cross-Party Working Group and approving the group's membership, that the Council should also declare a climate emergency and take immediate action to address this. This alteration was accepted.

During consideration of this item an amendment was proposed by Councillor Bill Hartnett. This amendment was seconded by Councillor Greg Chance. The amendment called for the meetings of the Climate Change Cross-Party Working Group to be open to the public.

In proposing the amendment Councillor Hartnett explained that he felt that the terms of reference for the group should be altered to permit all meetings of the group to be held in public, except in cases where the meetings were required to go into private session to consider exempt matters. The decision to establish a Climate Change Cross-Party Working Group had been taken in part in response to a question that had been received by the Leader from a member of the public and this, together with recent protests by climate change activists in the town, demonstrated that there was public interest in the matter.

In seconding the amendment Councillor Chance commented that it was important to hold the meetings in public in order to demonstrate

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that the Council was taking action to address climate change. There were targets in respect of climate change and energy efficiency to meet by 2050, though action could be taken prior to this date.

Members subsequently discussed the amendment in detail and in doing so noted the following:

- The level of public interest in climate change, particularly amongst young people, and the potential to involve them in the local democratic process.
- The standard arrangements for Executive Advisory Panels and scrutiny Task Groups which generally met in private.
- The potential for some of the group's meetings to be held in public in cases where consultation might be taking place.
- The option for interested parties to be invited to attend meeting of the group to provide information.
- The role of the group to provide Members with an opportunity to review relevant matters in detail before a decision was taken by the Executive Committee.
- The Access to Information rules that applied to public meetings.

On being put to the vote the amendment was lost.

Worcestershire Regulatory Services Enforcement Policy

The Worcestershire Regulatory Services (WRS) Enforcement Policy had been considered already by the WRS Board. All constituent authorities needed to approve the policy prior to implementation. The policy set out how Officers would undertake enforcement action. Wherever possible Officers would seek to work with individuals and prosecution would only be undertaken as a last resort.

Disposal of an HRA Asset and Removal of a Former Railway Bridge - Green Lane, Studley

Members considered proposals to dispose of an asset in the Council's Housing Revenue Account (HRA) and a former railway bridge located at Green Lane, Studley. Concerns were raised about the safety of the bridge structure as well as the financial costs arising from the Council's responsibility for maintaining this structure, should the bridge continue to exist. Once the bridge was removed the site could be made safe and the Sustrans 5 route for pedestrians and cyclists would remain in place. The report had been pre-scrutinised and had received the full support of members of both the Overview and Scrutiny and Executive Committees.

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RESOLVED that

the minutes of the meeting of the Executive Committee held on Tuesday 10th September 2019 be received and all recommendations adopted, subject to including the following additional resolution in respect of minute Item No. 33 Climate Change Cross Party Working Group:

the Council formally declares a climate emergency that requires urgent action.

46. URGENT BUSINESS - RECORD OF DECISIONS

There were no urgent decisions to note at this meeting.

47. URGENT BUSINESS - GENERAL (IF ANY)

There was no urgent business for consideration at this meeting.

The Meeting commenced at 7.03 pm
and closed at 7.50 pm

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MAYORS ATTENDANCES.

- 1, 23RD July – Royal Enfield opening new extention.
- 2, 10th August – Redditch Band Stand Event.
- 3, 15th August – VJ Day Service St Stephens.
- 4, 17th/18th August – Moreton Stanley Festival.
- 5, 20th August – Bowood Court – 100th Birthday celebration for resident.
- 6, 25th August – Mayor of Worcester EID Celebrations.
- 7, 1st September –Opening the Worcestershire Model Boat Club at Arrow Valley Park.
- 8, 11th September – Chairman of Bromsgrove Council Charity Boat Trip.

DEPUTY MAYORS ATTENDANCES.

- 1, 30th August – Bright Kids Nursery 18th Birthday Party.
- 2, 10th September – Chairman of Bromsgrove Council Charity Boat Trip.
- 3, 22nd September – Alcester Mayors Civic Service.

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Item 11: Nominations to the Climate Change Cross-Party Working Group

Committee / Sub-Committee etc.	Size (Members)	Conservative	Labour
Climate Change Cross-Party Working Group	5	3 Cllr Clayton (Chair) Cllr Isherwood Cllr Lovell	2 Cllr D Chance (Vice Chair) Cllr G Chance

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Executive Committee

Tuesday, 29 October 2019

MINUTES

Present:

Councillor Matthew Dormer (Chair), Councillor David Thain (Vice-Chair) and Councillors Greg Chance, Brandon Clayton, Julian Grubb, Bill Hartnett, Mike Rouse and Craig Warhurst

Also Present:

Joe Baker, Peter Fleming, Ann Isherwood and Wanda King

Officers:

Ruth Bamford, Kevin Dicks, Claire Felton, Sue Hanley, Jayne Pickering, Guy Revans, David Riley and Ian Roberts

Senior Democratic Services Officer:

Jess Bayley

42. APOLOGIES

There were no apologies for absence.

43. DECLARATIONS OF INTEREST

There were no declarations of interest.

44. LEADER'S ANNOUNCEMENTS

A document detailing the Leader's announcements was circulated at the meeting.

During consideration of this item the withdrawal of the Concessionary Rents Policy item from the agenda was noted. Concerns were raised about the content of the document that had been published in the agenda and the impact in the local community. However, the Leader explained that the item had been postponed to provide time for meetings to take place with Voluntary and Community Sector (VCS) groups, both collectively and individually.

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Chair

Executive Committee

Tuesday, 29 October 2019

45. MINUTES

RESOLVED that

the minutes of the meeting of the Executive Committee held on Tuesday 10th September 2019 be approved as a true and correct record and signed by the Chair.

46. CONCESSIONARY RENTS POLICY

The Chair confirmed at the start of the meeting that this item had been withdrawn.

47. REVIEW OF COUNCIL TAX SUPPORT SCHEME

The Financial Support Manager presented a report in respect of a review of the Council Tax Support Scheme. Officers had considered whether changes should be made to the scheme but had concluded that this was not necessary at this time.

RECOMMENDED that

No changes are made to the council tax reduction scheme for 2020/21 other than the uprating of allowances, disregards and other financial limits.

**48. TENANCY CONDITIONS AND TENANCY HANDBOOK -
OUTCOME OF CONSULTATION**

The Head of Community Services presented a report in respect of a proposed new tenancy agreement and tenancy handbook. Members were advised that since the publication of the agenda some amendments had been made to the Housing Tenancy Agreement and Conditions, in accordance with legal advice, and a new copy of this document was circulated at the meeting for Members' consideration.

The documents had previously been considered at a meeting of the Executive Committee held on 9th July 2019 when Members had agreed that the Council should consult with tenants about the proposed changes. A significant amount of consultation had been undertaken with tenants in respect of this matter. Many tenants had indicated that it would be helpful for copies of the Tenancy Handbook to be made available for consideration on the Council's website as well as a hard copy at Redditch Library.

Members praised the amount of consultation that had been conducted with tenants in respect of this matter. There was general

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consensus that the agreement would help to protect Council assets and enable the authority to more effectively manage tenancies.

During consideration of this item some concerns were raised about the extent to which it would be possible for the Council to undertake enforcement action in accordance with the conditions detailed in the handbook and agreement. Members suggested that there would be a need for enforcement action to be applied consistently to address this issue.

The Committee was informed that the agreement would apply to new Council tenancies and would be reviewed every three to five years. Should there be any problems in relation to existing tenancies the Council would seek to comply with the new conditions moving forward.

RESOLVED that

following formal consultation, the Housing Tenancy Agreement and Conditions be adopted; the proposal to introduce a new Tenants Handbook to be endorsed by Members to compliment the Housing Tenancy Agreement and Conditions.

49. TENANCY RECHARGE POLICY

The Environmental Services Manager presented a report which proposed the introduction of a Tenancy Recharge Policy for the Council. This policy needed to be considered in conjunction with the Tenancy Agreement and new Tenants' Handbook. The aim of the policy was to rebalance the relationship between the Council, which had specific legal responsibilities as a landlord, and tenants living in Council Houses so that tenants took on some responsibilities. The policy would apply in cases where tenants had wilfully caused damage to Council property and would enable the authority to charge the tenant for repair work in those cases. Officers had consulted with tenants about the proposed policy and the feedback that had been received to date in respect of this matter had been largely positive. An equality impact assessment had also been undertaken and Officers had concluded in this assessment that the introduction of the policy would not result in discrimination against residents.

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

- The introduction of the policy would ensure that Council tenants took on some responsibilities for maintaining their Council property in a similar manner to residents who lived in private rented accommodation in the Borough.

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- The fee that would be charged would only need to cover the cost of the repair works and would not be designed to generate a profit.
- Concerns were raised about the potential that some tenants would be penalised for wear and tear in a property. Officers explained that the policy would not be applied in those circumstances and the Repairs and Maintenance team would be able to identify malicious damage as opposed to wear and tear.
- Further concerns were raised about the amount of consultation that had been undertaken with tenants in respect of this matter.
- The lack of inclusion of a right of an appeal in the policy was also raised as a concern. Officers explained that fourth-tier managers would determine whether the tenant should be recharged for work under the policy. The tenant could make a complaint to the Council about the application of the policy where this was considered inappropriate and that would provide an opportunity for the decision to be reviewed by senior officers.
- The cases in which the Council would not apply a recharge, despite being eligible to do so under the policy, were briefly discussed. Officers explained that this could occur if the tenant died during the tenancy or in cases where the tenant could prove that they had been the victim of criminal damage.
- Members noted that many Redditch residents were on low incomes or in receipt of benefit payments and the potential for the recharge fee to be waived for residents in this position was raised. Officers explained that there would need to be an assessment on a case by case basis, though the tenant's financial circumstances could be taken into account as part of this process.
- Concerns were raised that some tenants might be charged for electrical tests, which were cited as a responsibility of the Council as the landlord. However, Officers explained that this charge would only apply in cases where tenants had undertaken unauthorised DIY work which resulted in the need for electrical tests.
- The level of the charges that would be applied and how these had been identified were also discussed. Officers explained that a benchmarking exercise had been undertaken, whereby charges in other local authority areas had been considered, and the charges had been set for Redditch Borough Council at a level that was lower than all of the other areas that had been considered as part of this process.
- The methods that would be used to communicate the introduction of the policy were briefly considered by the Committee. Members were informed that the policy would be available for tenants to access on the Council's website and

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would be communicated to tenants by Officers working in the Locality teams when new tenancies were signed. Hard copies of the policy could be made available on request.

RECOMMENDED that

the Housing Rechargeable Repairs Policy be adopted.

50. PLANNING OBLIGATION REFORMS - CHARGING FOR SECTION 106 MONITORING

The Head of Planning and Regeneration presented a report in respect of the Council's ability to charge for monitoring work on Section 106 agreements with developers.

National planning regulations had changed in September 2019. These changes had introduced a right for local authorities to charge developers for monitoring the delivery of work in respect of Section 106 agreements. For example, the Council would be monitoring contributions from the developer in relation to highways and open spaces and whether these contributions were being made according to deadline. The Council already undertook this work but the charge would enable the Council to cover the costs of the monitoring arrangements.

The charge that would be levied in order to undertake monitoring work would vary between developments. Therefore, Officers were asking for power to be delegated to the Head of Planning and Regeneration to determine the fee for each development following consultation with the relevant Portfolio Holder. It was anticipated that the fee would be relatively low, would be agreed prior to the start of development and that it would be paid at the start of the monitoring process in many cases.

RECOMMENDED that

- 1) the Council approves with immediate effect the inclusion of a monitoring charge within Section 106 agreements in accordance with the Regulations; and**
- 2) delegated authority be given to the Head of Planning and Regeneration Services following consultation with the Portfolio Holder for Planning and Regulatory Services, to develop and implement as soon as possible a charging approach in line with the Regulations.**

51. SECTION 24 UPDATE

The Executive Director of Finance and Corporate Resources presented an update on the Council's response to the Section 24

Executive Committee

Tuesday, 29 October 2019

Notice that was issued by the authority's external auditors, Grant Thornton. The response had already been considered and approved by the Audit, Governance and Standards Committee in September and that Committee would be receiving a further update at a meeting on 31st October 2019.

The Council had a balanced budget for 2019/20 however, from 2020/21 onwards there were significant financial pressures. A number of savings had already been made for 2020/21. Non-essential spend had been stopped, there had been a vacancy freeze and a review of reserves and managers' ability to override budgets where no funds remained available had ceased. There was a need to reduce the Council's overheads, arising from support services. Whilst unidentified savings had been included in the budget for 2019/20 Officers were aiming to ensure that there would be no further unidentified savings included in the Medium Term Financial Plan (MTFP) in future years.

The financial position in subsequent years remained challenging. In the past the Council had approved a balanced budget for the first year but not for the subsequent three years in the plan. However, the external auditors had clarified that the Council would be expected to have a balanced budget for the full four-year period of the plan. Difficult decisions would be required from Members in order to achieve a balanced budget.

Members discussed the report and the progress that had been made in terms of addressing the points that had been raised by the external auditors in the Section 24 Notice. The external auditors had been kept informed about the Council's plans and would continue to engage through meetings with the Portfolio Holders, senior Officers and through attendance at meetings of the Audit, Governance and Standards Committee. Different views were subsequently shared by Members in respect of the reasons why the Council had been issued with a Section 24 Notice and the decisions that might need to be taken to balance the budget moving forward.

RESOLVED that

the Council's responses to the Section 24 recommendations, as approved by the Audit, Governance and Standards Committee on 26th September 2019, be noted.

52. MEDIUM TERM FINANCIAL PLAN 2020/21 TO 2023/24 - UPDATE REPORT (PRESENTATION)

The Executive Director of Finance and Corporate Resources delivered a presentation which provided an update in respect of the MTFP for the period 2020/21 to 2023/24 (Appendix 1).

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During the delivery of this presentation the following matters were highlighted for Members' consideration:

- The Council would usually receive final confirmation of the financial settlement from the government in early December. However, the timeframes could change should there be a general election.
- The local authority was in the process of reviewing the capital programme, particularly aspects such as vehicle replacements and investment opportunities. A significant budget had been allocated to investments made by the Council but this had not been spent as anticipated and therefore the budget had been amended to reflect current practice.
- The Council was anticipating that a greater contribution would need to be made to increment payments for staff during the period of the plan than had originally been anticipated.
- The national pay award for staff, at 2 per cent, was 1 per cent higher than had been planned.
- The Council had retendered the authority's insurance and this would result in £80,000 in savings.
- The Council was also making savings in the Minimum Revenue Position (MRP).
- The Government had announced that the Council would receive funding from the New Homes Bonus (NHB) in the first year of the four year plan. This was more than had been anticipated, though it appeared unlikely that further NHB funding would be received in subsequent years.
- The Government had also announced that district Councils would only be able to increase Council Tax by up to 1.99 per cent before triggering a referendum, which was less than the 2.99 per cent that had been anticipated.
- In December the MTFP report would contain a clear position statement in respect of how the Council would deliver savings and balance the budget for the full period of the plan.
- The Housing Revenue Account (HRA), including a review of Council rents, would be considered by the Executive Committee in January 2020.

Members subsequently discussed the Council's budget in detail and in so doing noted that difficult decisions would be required in order to achieve a balanced budget between 2020/21 to 2023/24. Concerns were raised about the loss of NHB funding for district Councils in future years. Members also noted that Worcestershire County Council would receive the majority of funding from Council Tax returns and could raise their Council Tax contributions by up to 3.99 per cent, subject to the additional funding being invested in social care services.

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The Committee concluded the discussions by thanking the Executive Director for Finances and Corporate Resources, the Financial Services Manager and the Financial Services team for their hard work.

RESOLVED that

the report be noted.

53. OVERVIEW AND SCRUTINY COMMITTEE

The Committee was informed that there were no outstanding recommendations for consideration.

RESOLVED that

the minutes of the meeting of the Overview and Scrutiny Committee held on 5th September 2019 be noted.

54. MINUTES / REFERRALS - OVERVIEW AND SCRUTINY COMMITTEE, EXECUTIVE PANELS ETC.

Members were advised that there were no referrals for consideration from other Committees on this occasion.

55. ADVISORY PANELS - UPDATE REPORT

The following updates were provided in respect of the Council's Executive Advisory Panels:

- a) Climate Change Cross Party Working Group – Chair, Councillor Brandon Clayton

The Committee was advised that the first meeting of this group was scheduled to take place on 19th November 2019.

- b) Constitutional Review Working Party – Chair, Councillor Matthew Dormer

Members were informed that the latest meeting of the Constitutional Review Working Party had been cancelled due to lack of business.

- c) Corporate Parenting Board – Councillor Representative, Councillor Juliet Brunner

Members noted that Councillor Brunner had provided a written update in respect of the latest meeting of the Corporate Parenting Board.

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The Chair advised that, to ensure a member of the Executive Committee represented the Council on this Board in future he would be nominating Councillor Julian Grubb to represent the authority on this body at the following meeting of Council.

d) Member Support Working Group – Chair, Councillor Matthew Dormer

The Committee was informed that at the latest meeting of the Member Support Steering Group Members had considered information about IT support for elected Members. A demonstration had been provided of the new modern.gov app, which the group had agreed should be rolled out to all Councillors to provide them with electronic access to Committee papers. In addition, Members had agreed to participate in a trial using Office 365 software on their iPads.

The group had also discussed the induction process for Members due to be elected in May 2020 and a draft induction programme had been agreed. Furthermore, the group had discussed data protection training and had agreed that it should be mandatory for all Members to attend a data protection training session each year.

e) Planning Advisory Panel – Chair, Councillor Matthew Dormer

Members were informed that Officers were in the process of organising for a meeting of the Planning Advisory Panel to take place.

56. ENFIELD ESTATE REPORT

The Executive Director of Finance and Corporate Resources presented a report in respect of the Enfield estate.

(During consideration of this item Members discussed matters that necessitated the disclosure of exempt information. It was therefore agreed to exclude the press and public prior to any debate on the grounds that information would be revealed relating to the financial affairs of any particular body (including the authority holding that information.))

The Meeting commenced at 6.30 pm
and closed at 8.13 pm

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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REDDITCH BOROUGH COUNCIL**EXECUTIVE
COMMITTEE**

LOCAL COUNCIL TAX SUPPORT SCHEME 2020/21

Relevant Portfolio Holder	Cllr David Thain
Portfolio Holder Consulted	Yes
Relevant Head of Service	Jayne Pickering
Ward(s) Affected	All
Ward Councillor(s) Consulted	None Specific
Key Decision / Non-Key Decision	Key Decision

1. SUMMARY OF PROPOSALS

- 1.1 In each year the council must consider whether to revise or replace its council tax reduction scheme (CTRS).
- 1.2 The report proposes no changes are made to the scheme for 2020/21 other than the uprating of personal allowances, disregards and other financial matters as already provided for by the scheme.

2. RECOMMENDATIONS

Executive is asked to note the information and RECOMMEND that

- 2.1 No changes are made to the council tax reduction scheme for 2021/22 other than the uprating of allowances, disregards and other financial limits.**

3. KEY ISSUES**Financial Implications**

- 3.1 The Council's local Council tax reduction scheme was amended with effect from 1st April 2014 and the maximum level of support for working age claimants was capped at 80% of Council Tax liability.
- 3.2 It is proposed that there are no changes to the level of support provided by the Council, and as previously agreed the various allowances be uprated in line with the Secretary of State's annual announcement.
- 3.3 There are currently 37,006 properties within the Redditch Borough and 4,783 CTRS claimants. 3,846 claimants are working age and 6,578 claimants are pension age.
- 3.4 The total cost of council tax reduction for the 2019/20 tax year is projected to be £5,031,895. Council tax reduction is a discount on the council tax payable and

REDDITCH BOROUGH COUNCIL**EXECUTIVE
COMMITTEE**

the costs are shared between precepting authority with roughly 13% of the costs falling on Redditch Borough Council (RBC).

- 3.5 The cost of support for working age claimants is £2,510,147. This cost is based on the current 80% maximum support.
- 3.6 The costs of council tax reduction in 2020/21 will increase in-line with the general increase in the level of council tax.

Legal Implications

- 3.7 On 1 April 2013 Council Tax Benefit was abolished and replaced by a new scheme of Council Tax support called "Council Tax Reduction Schemes". Under s13A and Schedule 1A of the Local Government Finance Act 1992 (inserted by the Local Government Finance Act 2012), each billing authority is required to make and adopt a council tax reduction scheme specifying the reductions which are to apply to the amounts of council tax payable within their districts
- 3.8 As the billing authority the Council is required by Schedule 1A of the Local Government Finance Act 1992 to consider whether to revise its scheme or to replace it with another scheme, for each financial year.
- 3.9 The council must adopt its scheme, and make any revisions, no later than 11th March in the financial year preceding the one when it will take effect. It will be necessary for the Council's 2019/20 scheme to be in place by 11th March 2020.
- 3.11 Paragraph 3 to Schedule 1A into The Local Government Finance Act 1992 set out the preparation that must be undertaken prior to the replacement or revision of a scheme, including prescribed consultation requirements. As the recommendation is that no revisions to the current scheme should be made for the financial year 2020/21 (to which this report applies), the requirement to consult does not have to be met. However, officers will publicise the fact that the current scheme is to continue, subject to up-lift in rates as set by the Department of Work and Pensions, as referred to at 3.12 below.
- 3.12 Instruction is received from the Department of Work and Pensions on an annual basis, of changes to benefits rates and personal allowances. These must be taken into account for housing benefit calculations and it streamlines the claims process if they are also applied to the local council tax reduction scheme.

Service / Operational Implications

- 3.13 The continuation of the existing scheme into 2020/21 will provide for stability within the service and allow for capacity for a full review of the council tax reduction scheme, which is essential following the full roll-out of universal credit.

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- 3.14 The existing council tax reduction scheme is structured in-line with the default scheme introduced in April 2013. This scheme does not provide for integration with universal credit and places administrative burdens on the council.
- 3.14 The introduction of Universal Credit led to a number of challenges to the administration of CTR and also the collection of Council Tax generally. Following the Universal Credit full service roll out in Redditch, and nationally, we have seen:
- The reluctance of Universal Credit claimants to make a prompt claim for CTR leading to loss of entitlement;
 - A high number of changes to Universal Credit cases are received from the Department for Work and Pensions (DWP) requiring a change to CTR entitlement. On average 40% of Universal Credit claimants have between eight and twelve changes in entitlement per annum.
 - These changes result in amendments to Council Tax liability, the re-calculation of instalments, re-issued bills, delays and the loss in collection; and
 - An increased cost in administration as a result creating a need for additional staff resource.
- 3.15 The existing means tested CTRS is too reactive to change and is no longer viable. UC changes frequently and each change currently results in a re-assessment of CTR because of the way the current scheme is structured. To be able to manage the workload and maintain administrative costs we must consider a scheme which is less reactive to every small change in income.
- 3.16 The move to a new more efficient scheme from 2021 must be considered to avoid increased staffing costs and to simplify the administration scheme for the Council and for applicants.

Customer / Equalities and Diversity Implications

- 3.28 The 'uprating' of the benefits rates and personal allowances to be taken into account, in line with the Secretary of States announcement on those that must be taken into account for other benefits, will potentially result in small changes to the amounts of support provided. These will vary according to circumstances.

4. RISK MANAGEMENT

- 4.1 Any reduction to council tax support whilst increasing council tax income to the Council and our major preceptors has financial implications for our residents and therefore officers ensure that support on managing finances and advice on other potential benefits is made available.

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- 4.2 An increase in support has a direct impact on the budgets of the main precepting authorities.

5. **APPENDICES**

None

6. **BACKGROUND PAPERS**

None

AUTHOR OF REPORT

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Executive Committee

29th October 2019

Housing Rechargeable Repairs Policy

Relevant Portfolio Holder	Cllr Craig Warhurst
Portfolio Holder Consulted	Yes
Relevant Head(s) of Service	Guy Revans / Judith Willis
Wards Affected	All
Ward Councillor Consulted	No
Key Decision : Yes	

1. SUMMARY OF PROPOSALS

- 1.1 This report proposes the implementation of a Housing Rechargeable Repairs Policy.

2. RECOMMENDATIONS

The Executive Committee RECOMMEND that:-

- 2.1 The Housing Rechargeable Repairs Policy be adopted.**

3. KEY ISSUES

Financial Implications

- 3.1 The Council is responsible for providing a cost effective, efficient Housing Landlord service whilst meeting its obligation to deliver value for money for its tenants alongside a sustainable Housing Revenue Account.
- 3.2 The introduction of a Rechargeable Repairs Policy enables the Council to charge tenants for the cost of repair works which are their responsibility under the terms of their tenancy conditions. This will generate income to offset against costs.

Legal Implications

- 3.3 Social Housing landlords have certain repair obligations owed to their tenants which are set out in the Housing Act 1985 and Section 11 of Landlord and Tenant Act 1985. The **landlord** must perform any maintenance work that is necessary for keeping the rental unit liveable for the tenant and the **landlord** also legally responsible for **repairing** any defects, and will be liable for any injuries resulting from a defect that the **landlord** failed to **repair** or **repaired** ineffectively

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- 3.4 It is a legal requirement for social housing landlords to provide tenants with a written tenancy agreement setting out the terms and conditions that are applicable to both tenants and the landlord.
- 3.5 The Housing Tenancy Agreement and Conditions for the Council set out the responsibilities of tenants in relation to repairs. Tenants are:-
- a) responsible for keeping their homes in a good condition and doing necessary repairs
 - b) responsible for keeping their garden tidy and in good condition
 - c) responsible for repairing, renewing or replacing as necessary any parts of the structure, installations fixtures or fittings, inside or outside of the building that are **damaged** by them, a member of their household or someone they allow into the property including children.
- 3.6 The agreement also stipulates that:
- a) If the Council carry out any urgent repairs that are the tenant's responsibility they will be recharged
 - b) Tenants will be recharged for any other repairs that the Council consider it is the tenants responsibility to fix.
 - c) If a tenant fails to undertake repairs for which they are responsible for, and if the Council has to undertake the work on their behalf, tenants will be recharged.
- 3.7 There is a legal implication on the tenant in the instance of wilful neglect or damage, and as such would result in a breach of tenancy. This could result in a Notice of Seeking Possession being served on the tenant and court action being taken against them which could result in possession of the property (eviction).
- 3.8 The costs imposed by any court action for breach of tenancy in law, can be rechargeable to the tenant.
- 3.9 It is a legal requirement to consult with tenants on matters of housing management.

Service / Operational Implications

- 3.10 The introduction of a Rechargeable Repairs Policy requires a new written procedure for managing, charging and the recovery processes.
- 3.11 The new procedures will require additional activities to be undertaken by repairs officers, housing officers, income officers and administrative staff however will be carried out within existing resources.

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- 3.12 A full list of rechargeable repairs has been detailed in Appendix 1 of the policy for the approval of members as part of fees and charges is sought. These charges will also attract inflationary costs.
- 3.13 To ensure that the Council meets its obligation to consult on housing management matters, tenants and residents were asked to attend a Housing Focus Group to consider the proposals contained within a draft Housing Rechargeable Repairs Policy.
- 3.14 9 tenants and 1 resident attended the Focus group. They were split into groups and provided with a copy of the draft policy, thereafter discuss and respond to a series of questions.
- a) Do you think the Council should apply this policy?
 - b) What would you consider to be the council's responsibility to provide, when setting the letting standards
 - c) What would you consider to be 'necessary' repairs that the tenant should be responsible for?
 - d) How do you consider that charges should be applied. eg full costs upfront /invoiced ?
 - e) Do you think some tenants should have discounts applied eg: OAP's or in receipt of benefits?
 - f) What do you consider to be reasonable costs for: doors, lock changes, blocked toilets/sinks, no access/left card?
 - g) Overall would you consider this to be a fair policy?
- 3.15 Housing Officers worked with the groups and recorded responses and comments.
- 3.16 At the end of the session all groups provided their feedback. Overall there was an agreement amongst those present that a Rechargeable Repairs policy should be implemented. Appendix 2 contains a full list of responses and comments provided.

Customer / Equalities and Diversity Implications

- 3.17 All housing tenants and former tenants will be subject to the Rechargeable Repairs Policy.
- 3.18 In some (exceptional?) circumstances the council may decide not to apply a recharge. A Senior Housing Manager will have the authority to make discretionary decisions. For example: where damage to a property is a result of a reported crime.
- 3.19 An Equality Impact Assessment has been undertaken and details no detrimental effect to existing and future tenants.

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4. RISK MANAGEMENT

- 4.1 The risk of not adopting the Rechargeable Repairs Policy is that the Council will lose significant income and put pressure on the Repairs and Maintenance budgets.

5. APPENDICES

Appendix 1: Housing Rechargeable Repair Policy (to include list of Rechargeable Repairs)
Appendix 2: Housing Focus Group feedback forms

6. BACKGROUND PAPERS

Background Papers: Housing Tenancy Agreement and Conditions.
(NB: being considered for adoption also at Executive 29.10.19)

AUTHOR OF REPORT

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and
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Redditch Borough Council

Housing Re-chargeable Repairs Policy

Contents

1. Introduction
2. Principles
3. Recharges – Day to Day Repairs
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5. Recharges – End of Tenancy Repairs
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7. Recharge Process
8. Equality and Diversity
- Appendix 1 : List of Rechargeable Repairs

1. Introduction

This Policy covers the subject of rechargeable repairs and other reasons why the Council may recharge for repair works.

Note: Repairs works also includes removal costs e.g.: rubbish, furniture left within the property boundary and in any communal/shared areas which includes gardens.

This policy is intended to apply to all Council tenants.

This Policy sits alongside the Housing Tenancy Agreement and Tenants Handbook and provides guidance on recharging for the cost of repairs undertaken by the Council under the following circumstances:

- Repairs that are caused by neglect, wilful/malicious or accidental damage
- Repairs that are the responsibility of the tenant's throughout the tenancy
- Repairs that are the responsibility of the tenant to include:- following the service of a notice to quit; termination of tenancy, where a tenant has been evicted or where a tenant has transferred.

2. Principles

- We will deliver 'Value for Money' in service provision and ensure maximum and efficient use of the Councils maintenance budgets
- We will charge reasonable costs
- We will be consistent and fair in the treatment of all tenants
- We will aim to raise recharges promptly and accurately with a minimal administration cost
- We will provide evidence to explain why tenants are responsible

3. Recharges – Day to Day Repairs

- 3.1 When a repair is requested through the Repairs Contact Centre, staff will determine whether the request is a landlord's responsibility, a tenant's responsibility or a rechargeable repair.

The following list, which is not exhaustive, are repairs which the Council deems as rechargeable to both the current or former tenant of the property: For example:

- The removal or disposal of any items left in common areas that should not be there or that you have left once you have moved out of your property.
- The completion of any work we have asked you to do but you have failed to do
- Repairing or replacing what we consider to be your responsibility eg: broken windows, lock changes for lost keys, plugs and chains to sinks and baths.
- Damage; e.g. smashed doors, DIY which has damaged the fabric of the property
- Blockages from placing items down sinks/drains; eg: wet wipes, nappies, cooking fat
- Delays in providing emergency access for repair works where it detrimental to the property or another property and causes works that could have been avoided.
- Missed appointments; eg a contractor that incurs a call out fee for missed appointments
- Court costs to gain access for essential or statutory repairs, maintenance or services – also covered below
- Damage to the property when failing to report a problem – also covered below

NOTE: Further information on Tenants and Landlord Responsibilities are set out within the Housing Tenancy Agreement and Conditions. Further advice is also provided in the Tenants Handbook.

Costs associated with rechargeable repairs are listed in Appendix 1 and in fees and charges for rechargeable works.

NOTE: Fees and Charges are reviewed each year, they also attract inflationary costs. Elected Members approve all Council Fees and Charges.

- 3.2 Tenants must report any problem to the Repairs Contact Centre as soon as they are aware. The Council cannot accept any liability to repair the property until it has been reported. This includes communal/shared areas.

Where a delay in reporting the repair has resulted in further damage to the property e.g.: damp that has resulted in damage that could have been prevented; tenants will be charged for the cost of the repair.

- 3.3 The Council are responsible for carrying out specific services to the property; e.g. gas servicing and electrical testing. Tenants must provide access for the Council to carry out their responsibilities.

If a tenant doesn't provide access to carry out these services the Council will take legal action (involve the Courts) to gain access. The tenant will be recharged for the associated costs of this action.

4. Emergency Repairs

- 4.1 In an emergency, such as a flood, the Council may have to take immediate action to gain access to your home to limit damage to your property or adjoining property. The Council may have to gain access if you are not at home.

If this emergency is deemed as tenant's responsibility; e.g. leaking washing machine resulting in water damage to your or neighbouring properties, you will be recharged for the cost of any repairs to include the cost of gaining access.

NOTE: Emergency repairs are deemed to be something that would be a risk to life, serious injury or affect the health and safety of an individual or property.

5. Recharges – End of Tenancy

- 5.1 When a tenant wishes to end their tenancy they must complete a valid 28 days' notice to end their tenancy. The procedure associated with the ending of a tenancy in relation to rechargeable repairs is as follows:
- a. A housing officer will make contact with the tenant and arrange a pre-termination inspection. A housing officer and or a repairs and maintenance supervisor will carry out the inspection.
 - b. At the inspection the tenant or their next of kin/executor (who must be present) will be advised of all of their responsibilities prior to moving out or termination of the tenancy.

NOTE: The inspection will include all aspects within the boundary of the property e.g.: gardens, sheds, garages (to include separately rented garages) and lofts.

- c. The tenant, housing officer and or the repairs and maintenance supervisor will view the whole of the property discussing and agreeing what repairs need to be completed by the tenant prior to handing in the keys.
- d. If any repair responsibilities are identified and agreed to be completed by the tenant; a further appointment for re-inspection will be arranged.

- e. If any repairing responsibilities are identified that the tenant is unable to carry out, advice will be provided regarding the rechargeable cost of the repair that the Council will have to carry out following termination of the tenancy.

NOTE: During the inspection a Pre-termination Inspection Form will be completed by the Housing Officer. Any repairing responsibilities and agreement for the Council to repair and recharge for will be noted; both the officer and the tenant will sign forming an agreement between the tenant and the council.

If the tenant fails to allow us to inspect the property or they fail to carry out repair works as agreed during the inspection they will still be recharged the cost of completing repairs that are deemed as their responsibility.

NOTE: In the cases of transfers to another council property the offer of the new tenancy will be withdrawn.

- f. On receipt of the property keys by the Voids Team, the property will be inspected again. Any rechargeable repairs identified will be noted and a Repair and Rechargeable Works form will be completed by the Inspector. Photographs of anything deemed as tenant's responsibility and rechargeable will be taken.

The Repairs and Rechargeable Works form will be sent with supporting evidence to the Income Team, who will raise an invoice and send out to the former tenant.

- g. The Income Team will liaise with the former tenant in making the necessary payment arrangements.

NOTE: Failure to make payment arrangements or keep to them will result in the Council following their recovery procedures which could result in the former tenant being taken to Court and a Money Judgement order being made against them for the outstanding debt.

- 5.2 Where the tenant is deceased and their next of kin/executor complete a Termination of Tenancy on their behalf, the Council may not seek to recover any costs that would have been deemed to be rechargeable.

6. Recharges – Tenancy Management

- 6.1 Recharges may also be identified by housing officers in the following circumstances/ reasons:

- Damage identified following routine property inspections, maintenance or servicing
- Mutual exchange/transfer inspections
- Unauthorised alterations

- Rubbish, fly tipping, blocked refuse chutes
- Excessive hoarding of items within the property
- Dog fouling within the property boundary or any shared/communal areas to include gardens and open spaces.
- Graffiti within the property boundary or any shared/communal areas
- Garage evictions (to include clearance costs and lock change costs)
- Removal of garden shrubs and trees
- Removal of garden rubbish
- Maintenance of gardens where it is the responsibility of tenant(s)

In these instances the tenant will have the opportunity to put matters right at their own cost to avoid recharges, a housing officer or maintenance supervisor will provide the appropriate advice and assistance.

NOTE: Any repairs tenants have carried out must be done so by a competent and suitably qualified person. The Council reserves the right to inspect repairs after completion.

7. Recharging Process

7.1 There are two methods of recharging.

Method 1: The tenant pays for a rechargeable repair in advance of the work being carried out. e.g. lock changes and blocked drains.

Method 2: The tenant will be sent an invoice following the works being carried out e.g.: where an emergency repair has been carried out or the repairs are identified as rechargeable after it is completed.

In most circumstances **method 1** will be applied, however, the Council accepts that some tenants will not be in a financial position to pay for rechargeable repairs in advance. In these cases **method 2** will be applied.

Also, if by delaying a rechargeable repair due to lack of financial means will cause further damage to the property **method 2** will also be applied.

Any rechargeable repairs that won't cause further damage to the property will not be undertaken until the tenant complies with **method 1**.

7.2 In some circumstances the Council may decide not to recharge. A Senior Housing Manager will have authority for making discretionary decisions:

The type of instances where discretion may be applied are as follows:

- Where damage to property is due to a reported crime e.g. a broken window

- Where a tenant is unable to meet their repairing responsibilities; e.g. for health/mental health and has no other means to meet their responsibilities; e.g. family, financially
- 7.3 There is no right of appeal against rechargeable decisions; however, should a tenant be dissatisfied with the manner in which the Council applies this policy the tenant should make a formal complaint following the Council's Complaints policy.

8. Equality and Diversity

This Council has an Equality and Diversity Policy, which is related to the implementation of this policy. Equality Impact Assessments will also be conducted to ensure the needs of all communities are met in adopting this policy.

APPENDIX 1 : LIST OF RECHARGEABLE REPAIRS

Trade	Work detail	Charge
General	Gain Entry or where a warrant is required	£20.00
General	Call out charge or make safe + the repair work undertaken	£20.00
General	Boarding up window or door - Small, Medium & Large	£50.00
Glazing	Replace single glazed 6mm thick glass pane - Small, Medium & Large	£80.00
Glazing	Replace 28mm double glazed unit - window or door (all sizes)	£145.00
Plumbing	Unblock sinks, wash basin, bath or WC	£30.00
Plumbing	Replacing plugs and chains to baths, sinks and wash hand basins	£15.00
Plumbing	Replace wash hand basin- Inc. fixtures & fittings	£145.00
Plumbing	Replace WC pan & cistern - Inc. fixtures & fittings	£140.00
Plumbing	Replace bath - Inc. fixtures & fittings (not Inc. bath panel)	£460.00
Plumbing	Replace bath panel	£65.00
Plumbing	Replace stainless steel sink Inc. F&F	£165.00
Plumbing	Blocked drainage systems and soil stacks	By Quotation
Plumbing	Replace toilet seat	New in TC
Carpentry	Replace keys and locks to doors, windows and garages if they are lost or stolen	£60.00
Carpentry	Replace lost or stolen key fobs	£5.50
Carpentry	Replace kitchen unit draw or door	£70.00
Carpentry	Replace cupboard latches and handles	£30.00
Carpentry	Repair kitchen unit draw or door	£70.00
Carpentry	Replace internal doors - none fire door 110/door	£100.00
Carpentry	Replace external doors (UVPC) - None Fire Door	£720.00
Carpentry	Replace Wooden door - Fire door Inc. Intumescent strips	£500.00
Carpentry	Replace door handles and latches (internal doors only)	£50.00
Electrics	Replace florescent light fitting and tubes/starters	£45.00
Electrics	Re-fix or renew electrical accessories - switch, sockets, pendant	£50.00
Electrics	Replace damaged/broken 240v smoke alarm + new test certificate	£90.00
Electrics	Disconnect/remove illegal wiring & electrical accessories & reinstate wiring + Tests	£400.00
Electrics	Carry out electrical test certificate	£120.00
Gas	Turning gas on following capping	£50.00
Gas	Rehang radiator	£80.00
Gas	Replace TRV thermostat	£35.00
Building	Repair Plastering	By Quotation
Building	Repair of walls/patio's	By Quotation
Environmental	Garden maintenance	By Quotation
Environmental	Garden rubbish removal - small	By Quotation
Environmental	Garden rubbish removal - large (skip load/van load)	By Quotation
Environmental	Bulky Waste removal	£8.50 per

		single unit
Environmental	Loft clearances	By Quotation
Environmental	Property Clean - Easy Clean	By Quotation
Environmental	Property Clean - Deep clean	By Quotation
Environmental	Pest control TBC	By Quotation New in TC
External	Fencing (other than privacy panels)	By Quotation New in TC
External	Gate and shed latches, bolts and catches	By Quotation New in TC

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29 October 2109

**Planning Obligation Reforms – Charging for Section 106
Monitoring**

Relevant Portfolio Holder	Cllr M Dormer
Portfolio Holder Consulted	Yes
Relevant Head of Service	Ruth Bamford
Wards Affected	All
Ward Councillor Consulted	All
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 The Town and Country Planning Act 1991 under Section 106 (S106) introduced planning obligations. Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. These obligations are more commonly known as Section 106 agreements.
- 1.2 Regulation 10 of The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 (“the Regulations”) brings into legislation powers to allow a sum to be paid under S106 for monitoring the delivery of planning obligations. This report seeks approval to use this power to charge a S106 monitoring fee where applicable in accordance with the regulations.

2. RECOMMENDATIONS

It is Recommended that:

- 2.1 **The Council approves with immediate effect the inclusion of a monitoring charge within Section 106 agreements in accordance with the Regulations; and**
- 2.2 **That delegated authority is given to the Head of Planning and Regeneration Services in consultation with the Portfolio Holder for Planning and Regulatory Services, to develop and implement as soon as possible a charging approach in line with the Regulations as stated below at para 3.4**

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3. KEY ISSUES

Financial Implications

- 3.1 The full financial implications at this stage are currently unknown. As identified below at para 3.4 there are regulations governing the amount that can be charged for the monitoring of planning obligations. It is envisaged that a simple charging regime can be developed to ensure the charges are both transparent and within the regulations.
- 3.2 The funding that can be collected to assist in the monitoring of S106 agreements will help to offset the additional requirement to produce an infrastructure funding statement which is also required by the new regulations. If the funding is not collected this additional work would have to be done within existing budgets and staff resources.

Legal Implications

- 3.3 Regulation 10 of The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 brings into legislation powers to allow a charge to be made and for monitoring the delivery of s106 planning obligations. This report seeks approval for that power to be used by the Council.
- 3.4 The amendment to the legislation by this new regulation requires that any fee for s106 monitoring is lawful provided that

(a) the sum to be paid fairly and reasonably relates in scale and kind to the development; and

(b) the sum to be paid to the authority does not exceed the authority's estimate of its cost of monitoring the development over the lifetime of the planning obligations which relate to that development.

Service / Operational Implications

- 3.5 Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.

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- 3.6 The reforms to the planning obligations process introduced by the Community Infrastructure Levy Regulations 2019, contain a number of key elements, which includes not only the ability to charge a monitoring fee, but also removing the restriction on the number of planning obligations that can be used to fund a single project (known as pooling restrictions) and introducing new reporting requirements through Infrastructure Funding Statements (from December 2020).
- 3.7 Both the removal of the pooling restrictions and the need to produce and infrastructure funding statement will increase the sometimes substantial workload and cost the Council has to cover when producing, monitoring and reporting on S106 agreements, which work is currently unfunded by the developer. It is seen as essential that this funding is secured.
- 3.8 The amount of funding available from this source will continue to be explored by officers; the regulations are not specific on how it is calculated. Delegations are being sought for officers to work alongside the portfolio holder for Planning and Regulatory services, to develop a robust and transparent methodology, which establishes the appropriate level of funding developments where the section 106 agreement will need to be monitored. It may be that specific viability / technical work is undertaken to evaluate the quantum and extent of developer contributions payable towards the monitoring of S106 planning obligations without causing development viability issues.

Customer / Equalities and Diversity Implications

- 3.9 There are no Customer / Equalities and Diversity Implications of this report.

4. RISK MANAGEMENT

- 4.1 Without this funding there is a risk that the funding infrastructure statement is not prepared adequately or resources are diverted from other key areas within the planning service.

5. APPENDICES

None

6. BACKGROUND PAPERS

None

Executive Committee

29 October 2109

AUTHOR OF REPORT

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REDDITCH BOROUGH COUNCIL**EXECUTIVE
COMMITTEE****11 November 2019****Redditch Town Centre Regeneration**

Relevant Portfolio Holder	Cllr Matthew Dormer - Leader of the Council and Portfolio Holder for Planning, Economic Development, Commercialism and Partnerships
Portfolio Holder Consulted	Yes
Relevant Head of Service	Kevin Dicks
Ward(s) Affected	Central and Abbey Ward
Ward Councillor(s) Consulted	Yes
Key Decision / Non-Key Decision	Key Decision

1. SUMMARY OF PROPOSALS

This report provides members of the Executive Committee with an update on the delivery of the Town Centre Regeneration Programme.

Specifically this report sets out the updated position with regards to the concept of a Community Hub and masterplanning options for key sites within the Town Centre.

2. RECOMMENDATIONS

The Committee is asked to **RECOMMEND** that

- 1) The Council note the BDP Town Centre Sites report (appendix 4) and endorses the concept of a comprehensive regeneration scheme for the station quarter, Church Road sites, the Library site and the outdoor market site;
- 2) the Council agrees the content of the Dragongate Community Hub Business Case and BDP's Redditch Town Centre Development Sites Final Report be used as a basis for submitting a proposal to the Towns Fund; and
- 3) the Council agrees that the content of the Dragongate Community Hub Business Case and BDP's Redditch Town Centre Development Sites Final Report be used as a basis for submitting a bid to the Greater Birmingham and Solihull Local Enterprise Partnership's Strategic Economic Plan (SEP) Enabling Fund.

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COMMITTEE**

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The Committee is asked to **RESOLVE** that:

- 4) the findings of the state of the area debate (appendix 1) are noted and officers are instructed to produce a future consultation plan related to the town centre regeneration programme;
- 5) the content of the Dragongate Community Hub business case (appendix 2) be noted and the Executive Committee endorse the concept of a Community Hub within the Public Sector and Culture quarter (appendix 3);
- 6) authority be delegated to the Chief Executive after consultation with the Leader of the Council and Portfolio Holder for Planning, Economic Development, Commercialism and Partnerships to commission an architect-led professional team to draw up feasible and deliverable design proposals supported by viability appraisals for a Community Hub, to include consideration of partners' requirements; and
- 7) subject to the agreement of recommendation 1 above, authority be delegated to the Chief Executive after consultation with the Leader of the Council and Portfolio Holder for Planning, Economic Development, Commercialism and Partnerships to work with key partners on the wider initiatives.

3. KEY ISSUES**3.1 Current Position**

The concept plan outlined in the March 2018 Executive report set out a vision to create well defined quarters and a retail hub within the Town Centre which provide a complementary and exciting offer to residents and visitors. It also set out a vision for an uplift in the town centre public realm to provide a more pleasant and enjoyable environment for residents. As visioning and ambition for town centre regeneration has progressed this concept plan has been revised in recognition of the need to secure new investment. The Redditch Regeneration Board has overseen the new Quarters Plan (Appendix 3), detailed below, for the town centre's future development, building on its residual strengths and on the collective will to deliver positive change.

3.2 'Four Quarters'

The focus for activity is centred on four regeneration quarters:

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- Station and Residential
- Education and Enterprise
- Retail and Leisure – Kingfisher Centre and surrounds
- Public Sector & Cultural Quarter

At the heart of these quarters is the old town, anchored by the church and its surrounds. Linking the quarters together will be the new place making strategy which will consider connectivity, design and integration of these quarters. Concept plans for Public Realm improvements are in place to complement the redevelopment sites and ensure areas remain attractive vibrant places where people want to visit shop and spend time. This report will consider the sites within the quarters individually.

3.3 Community Hub

The consideration of a shared hub for public services was a component of earlier town centre studies – One Public Estate Review. The Council and its public sector partners recognised the opportunity to enhance their position by consolidating public services, including those currently delivered outside the centre, within a new community services ‘hub’.

- 3.4 In August 2018, the Executive agreed in principle support to work with partners to develop a multi-agency Public Services Hub. In November 2018 Redditch Borough Council commissioned DragonGate Market Intelligence (DGMI) to develop a business case for moving forward with town centre public service hub with the local authority as anchor. The commission required DGMI to engage adjacent local partners in the public sector and establish the strength of the case for a project to meet the twin objectives of the regeneration of Redditch town centre and the Council-led transformation of public services delivered collaboratively in the town. The scope of the outline business case was to review all reasonable options including refurbishment of the existing Town Hall, the wholesale redevelopment of the existing site and relocation of a new build within the vicinity of the Public Sector and Cultural Quarter.
- 3.5 Dragongate engaged with a full range of local partners and public service organisations to assess the appetite for a facility of this type and secured in principle support from a number of tenants – see report. This information in addition to an assessment of the current working arrangements/space requirements at the town hall resulted in a preferred option emerging from the business case which is to build a new Community Hub and retain the existing Town Hall to be either sold or let.
- 3.6 There were clear benefits for pursuing the hub shown in the report which achieved both regeneration and transformational objectives;

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- Increasing footfall arising from the co-location of a large number of public services in one space – public services which are in broad and increasing demand and which are generally complementary (e.g. Benefits, DWP (Jobcentre Plus), Citizens Advice, GPs in the longer term);
- Providing a catalyst for more attractive rent levels arising from those contingent upon a new BREEAM Excellent building; and
- Freeing up space for other development in the centre – housing and/or budget hotel.

- 3.7 Indicative space requirements at that time to include a new library facility, partner requirements and existing council services equated to the requirement for a building/2 buildings of around 92,000sqft (gross external floor area). Over the summer months Officers have met individually with all potential community hub partners to establish specific floor space requirements and has seen this figure decrease impacting on the suggestion by Dragongate to erect 1 or 2 new buildings within the vicinity of the Town Hall.
- 3.8 The appointment of an architect led team as a next stage will re-evaluate the need for a new building or whether the conversion of the Town Hall with possible extension and the use of the redundant market area can be pursued. As part of the design commission it is considered that we would need to ask the consultants to consider high level design options before providing detailed designs on the preferred option. In terms of funding the next stage of the process, in addition to monies previously ring fenced for town centre work, there will be the opportunity to bid for further revenue support from the GBSLEP SEP Enabling Fund. It is understood that a new bidding round for this fund would be launched shortly;
- 3.9 With the support of members the next steps in relation to the delivery of the Community Hub are as follows:
- Formulate MOUs with each partner
 - Appraise funding and cost model options with a view to identify the most appropriate model for the Council
 - Initial design options in conjunction with partners
 - Timeframes
 - Programme and strategy for delivery
- 3.10 Key Sites
- In addition to the work in relation to the Community Hub, the Executive resolved in August 2018 to progress work on other town centre sites outlined in the Redditch Regeneration Prospectus. Following a competitive procurement exercise, the Redditch Town Centre Development Sites Study was commissioned in November 2018 led by

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BDP, assisted by Highgate Land and Development and BE Group. The purpose of the study was to develop a master plan and implementation proposals for three key development sites within the town centre; the Railway Quarter, the Church Road site and the Library site. The objective behind the development of the sites was to promote the regeneration and growth of Redditch town centre, in support of the wider economic and development strategies of RBC and the Worcestershire and Greater Birmingham and Solihull Local Economic Partnerships (LEPs). The Preferred masterplan options presented below have evolved from a wider range of options and have been tested against the impact of key variables, such as the density of development, mix of uses and building typologies, and potential for phased implementation. Each option was subject to client review, viability testing and consideration of deliverability and fit with policy and wider town centre regeneration and growth objectives.

3.11 Railway Quarter

The Station area and Church Rd make up the new residential quarter and railway quarter and provide the most significant opportunity to provide new residential accommodation into the town centre. The preferred option for the railway quarter includes the following;

- Expansion of the rail station forming an elevated 'concourse' to provide pedestrian accessibility to Bromsgrove Road level. Hotel above the station is to incorporate a high level connection into Kingfisher Hub level.
- Improved crossing point between station and bus-station on Bromsgrove Rd, enhanced public realm and pedestrian crossing to reinforce connectivity
- New MSCP parking facility with increased capacity for the station and access from Hewell Road.
- Creation of high-quality public realm fronting the station reinforced by retail offers leading from Unicorn Hill to the station
- Creation of the 'Front Door' gateway into the Kingfisher Centre through the introduction of an enclosed glazed entrance hall, replacing the existing stairs with escalators.
- The delivery of the preferred option is not dependent on provision of a second track & platform at the train station, although the concept design shows a dual track. The intention was to illustrate that the preferred option could accommodate a second track, if necessary.

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3.12 Church Road

The preferred option for the Church Rd site includes the following:

- Preserve and enhance setting of listed buildings by creating high quality garden and public squares
- Work with the established plateaux of the site to define development plots incorporating HE land ownership
- Create new green streets and spaces as a natural extension of the neighbourhood context.
- Mix of residential typologies including town houses and apartments to serve the local community and meet the wider demand.
- Commercial uses proposed fronting the Church Green West and Church Road.
- A large food store offer with associated parking to serve the local residents as well as a wider area.

These sites are existing brownfield sites and hold prominent locations within the town centre. The initial concept plans produced through this work identify that the sites could deliver circa 400 new residential units, commercial office space/convenience retailing and café pavilion. The proposal seeks to address a number of the challenges resulting in increased footfall, natural surveillance and increased dwell time. Enhanced pedestrian links provide improved connectivity with the kingfisher Shopping Centre and Unicorn Hill.

3.13 Library

The BDP report shows a preferred option for the library site to include;

- Demolition of existing building and creation of a new public square.
- New pavilion building provided to east of to create focus and activation for the square.
- Permeable definition to the historic street boundary frames the square
- Existing retail units within the Kingfisher Centre present an opportunity to be reconfigured to front on to the new Square.

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- Alcester Walk benefits from secondary frontage of pavilion.
- Promote connection to and from Kingfisher Shopping Centre. Signage very poor and hard to see where routes to Town Centre exist.
- Capitalise on the quality of the square and surroundings of St Stephens Church. Potential for stronger commercial and community uses.
- Possible reconfiguration of no. 11 & 12 fronting Church Green to promote foot fall through Market Walk

It's important to note here that there are clear interdependencies between the wider community hub project and the library site. Any preferred option for the library site can only start to be implemented once the community hub project has been finalised allowing the library services to relocate.

3.14 Redundant Market Area

The objectives of the masterplan option are to bring this area, which is largely owned by the Council, back into use as part of the town centre. In doing so, consideration must be given to the uses that will contribute to the vibrancy and success of the town centre without competing with existing developments. In addition, the urban design solution should encourage footfall and activity in areas and along routes that facilitate wider connectivity and overall town centre activity and safety. Three masterplan options have been developed to test alternative approaches to the redevelopment of the site. The key drivers for the options are as follows:

Option 1: Do Minimum

The first option takes away the canopy structures to open up the space and encourage more use of the space, encouraged by remodelling of the Kingfisher Centre to present retail and food & drink uses as the market square level and the terrace level above (which is the ground floor level of the Kingfisher Centre). The use of the voids underneath the service access ramp is also proposed, to maximise the potential for active uses around the square.

Option 2: Market Square

The second option proposes the removal of the service access ramp to open up the square and create the possibility of remodelling the various buildings around the new space to allow for ground floor businesses, leisure and food & drink uses to enliven the square and create a new,

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attractive town centre destination that is also a much improved entrance into the Kingfisher Centre.

Option 3: New Development

The third option uses the removal of the service access ramp as per Option 2, as an opportunity to introduce new buildings on the former site of the outdoor market. The new building would serve to reduce the current open area to a street sized space, with a remodelled Kingfisher Centre facing the new buildings. Servicing of Threadneedle House and the new buildings would be contained between the buildings.

This site will play a key part in the Public Sector and Cultural area and will interlink with the implementation of the Community Hub therefore will be included in the boundary plan for any architect led commission work going forward.

3.15 Retail and Leisure Quarter

The main focus for the Council on Improving the Town Centre retail and leisure offer and dwell time is through supporting the existing retailers and the wider business community in the creation of a business improvement district, which could raise funds for consolidating and promoting the town centre. The process of developing a BID presents opportunities to promote the town centre retail offer and to communicate with the wider stakeholder community our plans and the integrated investment strategy. The BID ballot was a positive result.

- 3.16 Officers will continue to work with the Kingfisher Management team and the Capital & Regional asset team to look at opportunities for development that complement the wider regeneration initiative and ensure vibrancy and vitality across the town centre.

3.17 Education and Enterprise Quarter

The release of the existing police station and related onsite parking is a site that could be redeveloped to create incubator units to support new businesses and improve links between businesses and HoW College. Initial dialogue with Worcestershire LEP has indicated the potential for this site being used for Betaden North – a dynamic launch pad for tech entrepreneurs. The existing Betaden located in the south of Worcestershire has access to a 5G test bed and this could be replicated in this enterprise quarter. Discussions with partners are ongoing however this is intrinsically linked with the Community Hub and the police being able to relocate.

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3.18 Next Steps

Subject to the support of members, the next steps associated with the above projects are as follows:

- Establish MOUs with Partners and confirm they have the necessary outline approvals to commit to relocating to the Community Services Hub and to dispose of their existing land assets;
- Commission an architect-led professional team to draw up feasible and deliverable design proposals supported by viability appraisals for a Community Hub
- Carry out further soft market testing of the development proposals to ensure that there is sufficient market interest in bringing them forward;
- Progress several funding proposals including under the Town Fund and Greater Birmingham and Solihull LEP to secure funding for the next project stages
- Consider likely phasing of development where required and potential Delivery Mechanisms/routes to market, including strategic partnering and joint ventures
- Formulate land assembly strategies, where required, to enable development to be brought forward
- Consultation with planners and other statutory bodies regarding the redevelopment proposals;

3.19 Funding

To ensure the progression of the town centre vision the council has already submitted and had approved funding bids through the Greater Birmingham and Solihull LEP SEP Programme which has provided revenue funding for the Railway Quarter Area and the One Public Estate Partnership to further the regeneration plans.

3.20 Conclusion

- 3.21 The regeneration programme will be overseen by the 'Redditch Town Centre Regeneration Board' led by the Chief Executive and key strategic partners. The Regeneration Board will be responsible for driving forward delivery of the overall regeneration programme and

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internally a project management team has been formed to ensure cohesion across the council.

- 3.22 In summary, the Council remains committed to delivering an ambitious and credible regeneration programme which has the potential to create an exciting new future for Redditch and crucially unlock significant levels of public and private sector investment and unlock the potential of Redditch Town Centre. The proposals included in this report and accompanying documents set out the overall framework and parameters for the town centre regeneration and provide the foundation for developing specific schemes, which will be subject to extensive stakeholder and public engagement.

4.0 Financial Implications

- 4.1 Following procurement a detailed financial model for the project was developed by Dragongate and is predicated on a number of assumptions. The key 3 assumptions were:

- a capital receipt of £1.5 million would be achieved by selling the town hall based on valuation for a housing development .
- a rent per square foot of £21.43 would be achieved
- that the borrowing rates from PWLB would be as at 8 March 2019.

- 4.2 These assumptions were assessed by the finance department at the council, and based on market data and advice from an independent property advisor Savills, they have now been amended as follows:

- The capital receipt has been adjusted to £1 million
- The rent per square foot for tenants has been reduced to £15 per square foot in line with a high, but achievable rent for Redditch for good quality office space.
- The borrowing has been adjusted to take into account the recent 1% increase in PWLB borrowing.

- 4.3 The changes in these three assumptions, coupled with the rest of the Dragongate model has resulted in the below outcomes based on a 35 year Net Present Value basis. The column titled "RBC Cost/Benefit p.a" compares each option to the 'as is' position to determine if it is a net cost/benefit when compared to doing nothing:

Option	Details	NIA Building size m2	NIA Building size ft2	Total 35 Year NPV costs £'000	(Income) / Cost per annum £'000	RBC (Cost) / Benefit p.a. £'000
As Is	No change - current running costs + maintenance backlog + future maintenance	7,250	78,040	15,215	435	0

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Option 1	New Town Hall only, current usage, Agile working	2,304	24,800	12,269	351	84
Option 2	Option 1 + capital receipt for old property	2,304	24,800	11,303	323	112
Option 3	Option 2 + Tenant space + profit rents	7,433	80,010	15,641	447	(12)
Option 4	Option 3 + grant aid	7,433	80,010	13,708	392	43
Option 3a	Capital receipt at 50% value - 100% projected third party space, no grant	7,433	80,010	16,124	461	(26)
Option 3b	Capital receipt & 100% of third party space - profit rent at 60% of nominal value, no grant	7,433	80,010	24,952	713	(278)
Option 3c	Capital receipt at full value + 50% of projected third party space, no grant	4,868	52,400	13,432	384	51
Option 3d	Capital receipt at 50% and 50% of third party space, no grant	4,868	52,400	13,915	398	37
Option 3e	Option 3 with no capital receipt	7,433	80,010	£16,607	474	(39)

- 4.5 The above table demonstrates that from a purely financial perspective, only options 1, 2, 4, 3c and 3d are viable. Of these options, option 2 offers the greatest financial return to the council when compared to the current position of remaining as is. The other options offer marginal returns on such significant outlays of capital expenditure. The potential grant aid source or amount has not been confirmed at this stage.

5.0 Legal Implications

- 5.1 There are a number of proposals in the Regeneration Prospectus that relate to land which is largely outside of the Council's ownership and control. Although there may be at the current time an agreement in principle with other public authorities to work together to achieve the objectives, the priorities of other authorities may change and there is no legal commitment for any other parties to commit land in their ownership to the objectives (at any or at an agreed price).
- 5.2 The Council has powers to purchase interests in land from (public or private sector) landowners compulsorily. Compulsory purchase powers are only available to the Council for a set range of purposes and may only be used if necessary for the delivery of a fully funded and deliverable scheme (which fits within one of the purposes). Even if such a scheme were in place, before purchasing compulsorily the Council would be required to demonstrate that the objectives of the scheme could not be achieved in any other way and that the benefit to the public interest outweighed the interference with private property rights. The threshold for justification of compulsory purchase is high as

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interference with property rights represents an infringement of human rights.

- 5.3 If compulsory purchase is necessary the process may take several years to complete and with the potential for protracted negotiations with landowners and a public inquiry, the costs would not be insignificant. Landowners may expect to sell their property by agreement at an inflated price so as to “save” on the costs of compulsory purchase. Landowners whose property is purchased compulsorily may be entitled to compensation above and beyond the value of the land itself.
- 5.4 The proposed developments / redevelopments would be subject to planning consent. The Council as the local planning authority would have to deal with all planning applications strictly on their planning merits.

Service / Operational Implications

- 5.5 To progress the ambitious proposals set out in this report, there will be a need for the Council and its partners to allocate additional resources.

Customer / Equalities and Diversity Implications

- 5.6 The delivery of the overall Redditch regeneration programme will improve the Town Centre of Redditch. The implementation of a Community Hub will seek to improve services from a customer perspective.

6. RISK MANAGEMENT

A detailed ‘Risk Log’ will need to be produced as part of the detailed business case. However an initial risk register has been produced as follows:

RISK REGISTER	Impact (H/M/L)	Likelihood (H/M/L)	Risk Rating (R/A/G)	Risk Mitigation
Lack of stakeholder buy in and support	H	M	A	Continue to work closely with key stakeholders and ensure collaborative thinking is at the heart of decision making.
Each land owner disposes of land assets individually	H	L	A	As above

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rather than as part of a cohesive regeneration programme				
Financial risks associated with proposed development	H	L	A	Full business case will include detailed assessment of financial inputs i.e. build costs, sales prices, rental levels, demand, occupancy levels. No financial decisions will be made without a robust business case.
Reputational risk to Council and partners	M	M	A	Strong project management controls will be put into place to ensure that projects deliver on time and to budget. Additional resource will be sought to supplement project capacity.
Inability to secure funding and investment	H	M	A	The Council will seek funding from the Worcestershire LEP, West Midlands Combined Authority, Great Birmingham and Solihull LEP and relevant central government funding programmes and initiatives. It is anticipated that investment from the public sector will create the confidence for the private sector to invest in Redditch Town Centre.
Negative perception and image of Redditch	H	M	A	As part of the regeneration programme, the Council will work

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				with key partners such as the Kingfisher Shopping Centre to look at how it can re-position Redditch and counter negative perceptions.
Market does not respond to the Council's vision	H	M	A	Market analysis will be commissioned to underpin the development of business cases for key projects including an assessment of demand for office uses, the residential market and retail and leisure opportunities.

7. APPENDICES

Appendix 1	State of the area debate summary
Appendix 2	Dragongate Community Hub Business Case
Appendix 3	Town Centre Quarters Plan
Appendix 4	BDP Town Centre Sites report

8. BACKGROUND PAPERS**9. KEY****AUTHOR OF REPORT**

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LOCAL GOVERNMENT ETHICAL STANDARDS

Relevant Portfolio Holder	Councillor David Thain
Portfolio Holder Consulted	YES
Relevant Head of Service	Claire Felton, Head of Legal, Equalities and Democratic Services
Ward(s) Affected	n/a
Ward Councillor(s) Consulted	n/a
Key Decision / Non-Key Decision	Non-Key Decision

1. SUMMARY OF PROPOSALS

The purpose of this report is to consider a Review by the Committee on Standards in Public Life (CSPL) into Local Government Ethical Standards.

2. RECOMMENDATIONS

The Committee is asked consider and review the changes to the Code of Conduct to reflect the CSPL Best Practice Recommendations and to RECOMMEND to Council that the changes be approved and that authority be delegated to the Head of Legal and Democratic Services to update the constitution accordingly.

3. KEY ISSUESBackground

- 3.1 In January 2019 Authorities received the Review by the Committee on Standards in Public Life (CSPL) into Local Government Ethical Standards.
- 3.2 The CSPL concluded that high standards of conduct in local government are needed to protect the integrity of decision-making, maintain public confidence, and safeguard local democracy.
- 3.3 Their evidence supports the view that the vast majority of councillors and officers maintain high standards of conduct. There is, however, clear evidence of misconduct by some councillors. The majority of these cases relate to bullying or harassment, or other disruptive behaviour. There is also evidence of persistent or repeated misconduct by a minority of councillors.
- 3.4 The committee were also concerned about a risk to standards under the current arrangements, as a result of the current rules around declaring interests, gifts and hospitality, and the increased complexity of local government decision-making.

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- 3.5 The CSPL best practice recommendations for local authorities should be considered a benchmark of good ethical practice, which they expect that all local authorities can and should implement. CSPL will review the implementation of best practice in 2020. An updated draft Code of Conduct with 'track changes' is attached at appendix 1 of this report. A clean copy of the updated draft Code of Conduct with the 'track changes' accepted is attached at appendix 2 of this report.

Codes of Conduct

- 3.6 Local authorities are currently required to have in place a code of conduct of their choosing which outlines the behaviour required of councillors. There is considerable variation in the length, quality and clarity of codes of conduct. This creates confusion among members of the public, and among councillors who represent more than one tier of local government. The CSPL report records that many codes of conduct fail to address adequately important areas of behaviour such as social media use and bullying and harassment.
- 3.7 There are, however, benefits to local authorities being able to amend and have ownership of their own codes of conduct. The committee recommends that the updated model code that they intend to propose should therefore be voluntary and able to be adapted by local authorities. The committee also recommend that the scope of the code of conduct should also be widened, with a rebuttable presumption that a councillor's public behaviour, including comments made on publicly accessible social media, is in their official capacity.
- 3.8 The Worcestershire Councils to date had already taken the decision to agree a Code of Conduct that is used by all such Councils, for consistency and to assist those Councillors that due to multiple roles are subject to the Code of Conduct at more than one authority. It is that Code of Conduct previously agreed by all Worcestershire Councils that has been updated in Appendixes 1 and 2 to reflect the recommendations of the CSPL report.

List of Recommendations

Number	Recommendation	Responsible body
1	The Local Government Association should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government.	Local Government Association
2	The government should ensure that candidates standing for or accepting public offices are not required publicly to disclose their home address. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended	Government

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	to clarify that a councillor does not need to register their home address on an authority's register of interests.	
3	Councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly-accessible social media. Section 27(2) of the Localism Act 2011 should be amended to permit local authorities to presume so when deciding upon code of conduct breaches.	Government
4	Section 27(2) of the Localism Act 2011 should be amended to state that a local authority's code of conduct applies to a member when they claim to act, or give the impression they are acting, in their capacity as a member or as a representative of the local authority.	Government
5	The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to include: unpaid directorships; trusteeships; management roles in a charity or a body of a public nature; and membership of any organisations that seek to influence opinion or public policy.	Government
6	Local authorities should be required to establish a register of gifts and hospitality, with councillors required to record any gifts and hospitality received over a value of £50, or totalling £100 over a year from a single source. This requirement should be included in an updated model code of conduct.	Government
7	Section 31 of the Localism Act 2011 should be repealed, and replaced with a requirement that councils include in their code of conduct that a councillor must not participate in a discussion or vote in a matter to be considered at a meeting if they have any interest, whether registered or not, "if a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision-making in relation to that matter".	Government
8	The Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of two years, renewable once.	Government
9	The Local Government Transparency Code should be updated to provide that the view of the Independent Person in relation to a decision on which they are consulted should be formally recorded in any decision notice or minutes.	Government
10	A local authority should only be able to suspend a councillor where the authority's Independent Person agrees both with the finding of a breach and that suspending the councillor would be a	Government

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	proportionate sanction.	
11	Local authorities should provide legal indemnity to Independent Persons if their views or advice are disclosed. The government should require this through secondary legislation if needed.	Government / all local authorities
12	Local authorities should be given the discretionary power to establish a decision-making standards committee with voting independent members and voting members from dependent parishes, to decide on allegations and impose sanctions.	Government
13	Councillors should be given the right to appeal to the Local Government Ombudsman if their local authority imposes a period of suspension for breaching the code of conduct.	Government
14	The Local Government Ombudsman should be given the power to investigate and decide upon an allegation of a code of conduct breach by a councillor, and the appropriate sanction, on appeal by a councillor who has had a suspension imposed. The Ombudsman's decision should be binding on the local authority.	Government
15	The Local Government Transparency Code should be updated to require councils to publish annually: the number of code of conduct complaints they receive; what the complaints broadly relate to (e.g. bullying; conflict of interest); the outcome of those complaints, including if they are rejected as trivial or vexatious; and any sanctions applied.	Government
16	Local authorities should be given the power to suspend councillors, without allowances, for up to six months.	Government
17	The government should clarify if councils may lawfully bar councillors from council premises or withdraw facilities as sanctions. These powers should be put beyond doubt in legislation if necessary.	Government
18	The criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished.	Government
19	Parish council clerks should hold an appropriate qualification, such as those provided by the Society of Local Council Clerks.	Parish councils
20	Section 27(3) of the Localism Act 2011 should be amended to state that parish councils must adopt the code of conduct of their principal authority, with the necessary amendments, or the new model code.	Government
21	Section 28(11) of the Localism Act 2011 should be amended to state that any sanction imposed on a parish councillor following the finding of a breach is to be determined by the relevant	Government

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	principal authority.	
22	The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 should be amended to provide that disciplinary protections for statutory officers extend to all disciplinary action, not just dismissal.	Government
23	The Local Government Transparency Code should be updated to provide that local authorities must ensure that their whistleblowing policy specifies a named contact for the external auditor alongside their contact details, which should be available on the authority's website.	Government
24	Councillors should be listed as 'prescribed persons' for the purposes of the Public Interest Disclosure Act 1988.	Government
25	Councillors should be required to attend formal induction training by their political groups. National parties should add such a requirement to their model group rules.	Political groups National political parties
26	Local Government Association corporate peer reviews should also include consideration of a local authority's processes for maintaining ethical standards.	Local Government Association

List of Best Practice

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

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Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place.

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Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

The full report is attached electronically using this link;

<https://www.gov.uk/government/publications/local-government-ethical-standards-report>

Financial Implications

- 3.9 It is not anticipated that amending the Code of Conduct in line with the recommendations will have any financial implications.
- 3.10 Failure to comply adopt the recommendations into our Code of Conduct, may leave us more vulnerable to an appeal against any decision made, this may have cost implications should any appeals be successful.

Legal Implications

- 3.11 CSPL have made a number of recommendations and identified best practice to improve ethical standards in local government. Their recommendations are made to government and to specific groups of public officeholders. They recommend a number of changes to primary legislation, which would be subject to Parliamentary timetabling; but also to secondary legislation and the Local Government Transparency Code, which could be implemented more swiftly.
- 3.12 In the meantime Councils are expected to consider the findings and recommendations and compliance with them or failure to comply with them would be a consideration upon any process involving the code such as a review or an appeal.

Service / Operational Implications

- 3.13 None.

Customer / Equalities and Diversity Implications

- 3.14 No Equality Impact Needs Assessment has been undertaken.

AUDIT, GOVERNANCE AND STANDARDS**31st October 2019****4. RISK MANAGEMENT**

None.

5. APPENDICES

Appendix 1 - Proposed draft Code of Conduct with 'track changes' to show amendments to the current Code of Conduct.

Appendix 2 - Proposed draft Code of Conduct with 'track changes' accepted.

6. KEY

Non-key.

AUTHOR OF REPORT

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Tel.: 01527 881488

PART 20

(Draft for adoption ~~September~~ November 2019)

REDDITCH BOROUGH COUNCIL**CODE OF CONDUCT****Part 1**General provisions**Introduction and interpretation**

1. (1) This Code applies to **you** as a member or co-opted member of Redditch Borough Council.

- (2) You should read this Code together with the Ten Principles of Public Life (also known as the Nolan Principles) which are set out in Appendix 1

- (3) It is your responsibility to comply with the provisions of this Code.

- (4) In this Code—

"meeting" means any meeting of

(a) the authority (Redditch Borough Council);

(b) any of the authority's, committees, sub-committees, joint committees, joint sub-committees, or area committees;

(c) the ~~E~~xecutive Committee ~~(Cabinet)~~ of the authority or its committees

~~(e)~~(d) an external body upon which the member sits as a representative of the authority;

"Monitoring Officer" means the Monitoring Officer for the principal Council which is ~~-Redditch Borough~~ Council;

"bullying and harassment includes;

oppressive behaviour or the abuse of power, which makes the recipient feel threatened, humiliated or vulnerable, and which may undermine his/her self confidence and cause him/her to suffer stress."

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PART 20**(Draft for adoption ~~September~~November 2019)**Examples are set out at Appendix 3 to this Code.**Scope**

2. (1) This Code applies to you as a member of this authority when you act in your role as a Member or as a representative of the authority in the circumstances described in para 2 (b) below.
- (2) Where you act as a representative of the authority:
- (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with the authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3. (1) You must treat others with respect in accordance with the Nolan principles.

(2) You must co-operate with any standards investigations.(3) You must not:

- (a) do anything which may cause your authority to breach any of the equality enactments;
- (b) bully or harass any person;
- (c) intimidate or attempt to intimidate any person who is or is likely to be:
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings,
 in relation to an allegation that a member (including yourself) has failed to comply with the authority's Code of Conduct;
- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the authority.

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4. You must not:

(a) do anything that is likely to cause your authority to breach Data Protection law;

(b) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:

(i) you have the consent of a person authorised to give it;

(ii) you are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is:

(aa) reasonable and in the public interest; and

(bb) made in good faith and in compliance with the reasonable requirements of the authority; or

(c) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.**6.** You:

(a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

(b) must, when using or authorising the use by others of the resources of, or under the control of, the authority:

(i) act in accordance with the authority's reasonable requirements including in relation to the use of authority stationery and official logos and branding;

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

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(c) must have regard to any applicable Local Authority Code of Publicity.

7. You must:

- (a) when reaching decisions on any matter have regard to any relevant advice provided to you by the authority's officers and in particular by the authority's Monitoring Officer and Section 151 Officer; and
- (b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the authority

8. You must not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties, and must comply with the authority's guidance on gifts and hospitality (attached as Appendix 4).

Part 2**Interests****Disclosable Pecuniary Interests ("DPI")**

9. (1) You will have a Disclosable Pecuniary Interest ("DPI") under this Code if:-

- (a) such interest meets the definition prescribed by The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 regulations as amended from time to time and set out in Appendix 2 to this Code; and
- (b) it is either an interest of yourself; or it is an interest of :-
 - (i) your spouse or civil partner; or
 - (ii) a person with whom you are living as husband and wife: or
 - (iii) a person with whom you are living as if you were civil partners;

And you are aware that the other person has the interest.

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PART 20(Draft for adoption ~~September~~November 2019)**Registration of DPIs**

10. (1) You must within 28 days of becoming a member of the authority or being re-elected notify the Monitoring Officer in writing of any DPI which you hold at the time notification is given
- (2) You must within 28 days of becoming aware of any new DPI, or changes to existing DPIs notify the Monitoring Officer in writing of the detail.

Other Disclosable Interests (ODI)

11. (1) You will have a Disclosable Interest in any matter if you are aware that you or a member of your family or person or organisation with whom you are associated have a:-
- a pecuniary interest in the matter under discussion; or
 - b a close connection with the matter under discussion.
- (2) If you are a member of another local authority, or public body, or you have been appointed as the Council's representative on an outside body, you do not have a Disclosable Interest unless a member of the public knowing the circumstances would reasonably regard membership of the body concerned as being likely to prejudice your judgment of what is in the public interest.

Disclosure of Interests

12. (1) ~~FDPIs: formal Mm~~meetings

Disclosable Pecuniary Interest (DPI)

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If you are present at a meeting of the Council and you have a DPI then you must:

- a Disclose the nature and existence of the interest; and
- b Leave the meeting (including the meeting room and public gallery) and take no part in the discussion ; and

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- c If the interest has not already been recorded notify the Monitoring Officer of the interest within 28 days beginning with the date of the meeting.

Other Disclosable Interest (ODI)

If you are present at a Meeting and you have an ODI then you must:

- a disclose the nature and existence of the interest; and
 - b if the interest;
 - i affects your pecuniary interests or relates to the determination of a planning or regulatory matter; and
 - ii is one which a member of the public knowing the circumstances would reasonably regard as being likely to prejudice your judgment of what is in the public interest
- then you must leave the Meeting (including the meeting room and public gallery) and take no part in the discussion.

- (2) ~~IDPis~~ informal ~~an~~Meetings and Correspondence

Disclosable Pecuniary Interest (DPI)

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If you have a DPI in the matter you must not participate in informal meetings, briefings or site visits, and must disclose the DPI in any correspondence with the authority.

Other Disclosable Interest (ODI)

If you have an ODI in the matter, then you must disclose the existence and nature of that interest at informal meetings, briefings or site visits, and must disclose the ODI in any correspondence with the authority.

If the ODI is such that you would be required to leave a formal Meeting as above, then you must not participate in the informal meeting.

- (3) Single Member Decisions

Disclosable Pecuniary Interest (DPI)

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If when participating in single member decision making you have a DPI in affecting the matter being decided then you may take no steps in relation to the decision other than asking for the matter to be decided in some other manner.

Other Disclosable Interest (ODI)

If you have an ODI in the matter being decided, then you must disclose the existence and nature and record it on the record of decision.

If the ODI is such that you would be required to leave a formal Meeting as set out above, then you must take no steps in relation to the decision other than asking for the matter to be decided in some other manner.

(45) Dispensations

You may take part in the discussion of and any decision or vote on a matter in which you have ~~a~~ been granted a formal dispensation.

Sensitive Information

13. (1) ~~An~~ interest will be a sensitive interest if the two following conditions apply:

- (a) That you have an interest (whether or not a DPI); and
 - (b) the nature of the interest is such that you and the Monitoring Officer consider that disclosure of the details of the interest could lead to you or a person connected to you being subject to violence or intimidation.
- (2) Where it is decided that an interest is a “sensitive interest ” it will be excluded from published versions of the register. The Monitoring Officer may state on the register that the member has an interest the details of which are excluded under this section.
- (3) Where the sensitive interest is a DPI the usual rules relating to disclosure will apply save that the member will only be required to disclose that they hold a DPI in the matter concerned.

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APPENDIX 1

The Ten General Principles of Public Life

APPENDIX 2

The Localism Act Definition of Disclosable Pecuniary Interests Regulations

APPENDIX 3

Examples of bullying and harassment

Appendix 4

Gifts and hospitality

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PART 20

(Draft for adoption ~~September~~November 2019)

APPENDIX 1**THE TEN GENERAL PRINCIPLES OF PUBLIC LIFE**

Selflessness – members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and integrity – members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.

Objectivity – members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability – members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness – members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal judgment – members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for others – members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

Duty to uphold the law – members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship – members should do whatever they are able to do to ensure that their authorities use their resources prudently, and in accordance with the law.

Leadership – members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

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PART 20**(Draft for adoption ~~September~~November 2019)****APPENDIX 2****DISCLOSABLE PECUNIARY INTERESTS**

This note explains the requirements of the Localism Act 2011 (Ss 29-34) in relation to disclosable pecuniary interests.

These provisions are enforced by criminal sanction.

They come into force on 1 July.

1 Notification of disclosable pecuniary interests

Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'.

A 'disclosable pecuniary interest' is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

<i>Interest</i>	<i>description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to

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occupy land in the area of the relevant authority for a month or longer.

Corporate tenancies

Any tenancy where (to M's knowledge)—
 (a) the landlord is the relevant authority;
 and
 (b) the tenant is a body in which the relevant person has a beneficial interest.

Securities

Any beneficial interest in securities of a body where—
 (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and
 (b) either—
 (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

These descriptions on interests are subject to the following definitions;

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” includes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means the person M referred to in section 30 of the Act;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000() and other securities of any description, other than money deposited with a building society.

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PART 20**(Draft for adoption ~~September~~November 2019)****APPENDIX 3****EXAMPLES OF BULLYING AND HARRASSMENT**

Bullying and harassment may include:

- physical contact ranging from touching to assault
- verbal and written comments through jokes, offensive language, personal comments about appearance, size, clothing etc
- innuendo, gossip and letters etc.
- malicious rumours and allegations, including fabricating complaints from clients and other members of staff.
- open aggression, threats, shouting, abuse and obscenities, persistent negative attacks.
- constant humiliation, criticism and ridicule, belittling efforts and undervaluing contribution.
- Trolling behaviour

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Harassment is unwanted conduct on the grounds of any protected characteristic as defined by the Equality Act 2010, political or Trade Union affiliation, or take the form of victimisation, that:

- has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
- is reasonably considered by that person to have the effect of violating his/her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her, even if this effect was not intended by the person responsible for the conduct.

This is not exhaustive.

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APPENDIX 4**GIFTS AND HOSPITALITY**

1. Minor gifts and hospitality are sometimes part of the normal courtesies of life: a resident may offer a modest gift as a token of appreciation and sometimes simple items such as diaries and pens are distributed as advertising matter. In dealing with a matter in your division you may be offered a cup of tea or light refreshments.
2. As a guideline, any gift or hospitality with a value of £~~125~~ or more is highly unlikely to be viewed as a 'token'. You must consider whether it is appropriate to accept even token gifts, especially where you are dealing with regulatory or procurement matters when it would usually be inappropriate to receive any gift from involved parties. In case of doubt you should consult the Monitoring Officer.
3. Offers of hospitality, even if seemingly minor in nature, must be treated with particular caution as they can leave individuals and the Council open to allegations of impropriety. The timing of offers of hospitality, for example in relation to the award of contracts, granting of applications or other decisions, should be considered equally to the generosity of the hospitality offered. Accepting hospitality must be justified in the public interest, for example when there is a genuine need to represent the Council.
4. All offers and receipt of gifts and hospitality with a value of £~~215~~ or higher must be reported to the Monitoring Officer who will ensure it is recorded in the Council's register of gifts and hospitality, which will be published.

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REDDITCH BOROUGH COUNCIL**CODE OF CONDUCT****Part 1**General provisions**Introduction and interpretation**

1. (1) This Code applies to **you** as a member or co-opted member of Redditch Borough Council Council.
- (2) You should read this Code together with the Ten Principles of Public Life (also known as the Nolan Principles) which are set out in Appendix 1
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code—

"meeting" means any meeting of

(a) the authority (Redditch Borough Council);

(b) any of the authority's, committees, sub-committees, joint committees, joint sub-committees, or area committees;

(c) the executive (Cabinet) of the authority or its committees

(d) an external body upon which the member sits as a representative of the authority;

"Monitoring Officer" means the Monitoring Officer for the principal Council which is Redditch Borough Council;

"bullying and harassment includes;

oppressive behaviour or the abuse of power, which makes the recipient feel threatened, humiliated or vulnerable, and which may undermine his/her self confidence and cause him/her to suffer stress."

Examples are set out at Appendix 3 to this Code.

Scope

2. (1) This Code applies to you as a member of this authority when you act in your role as a Member or as a representative of the authority in the circumstances described in para 2 (b) below.
- (2) Where you act as a representative of the authority:
 - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with the authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3. (1) You must treat others with respect in accordance with the Nolan principles).
 - (2) You must co-operate with any standards investigations.
 - (3) You must not:
 - (a) do anything which may cause your authority to breach any of the equality enactments;
 - (b) bully or harass any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be:
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings,in relation to an allegation that a member (including yourself) has failed to comply with the authority's Code of Conduct;
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the authority.
4. You must not:

PART 20**(Draft for adoption November 2019)**

- (a) do anything that is likely to cause your authority to breach Data Protection law;
- (b) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is:
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
- (c) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6. You:

- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
- (b) must, when using or authorising the use by others of the resources of, or under the control of, the authority:
 - (i) act in accordance with the authority's reasonable requirements including in relation to the use of authority stationery and official logos and branding;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

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(c) must have regard to any applicable Local Authority Code of Publicity.

7. You must:

- (a) when reaching decisions on any matter have regard to any relevant advice provided to you by the authority's officers and in particular by the authority's Monitoring Officer and Section 151 Officer; and
- (b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the authority

8. You must not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties, and must comply with the authority's guidance on gifts and hospitality (attached as Appendix 4).

Part 2**Interests****Disclosable Pecuniary Interests ("DPI")**

9. (1) You will have a Disclosable Pecuniary Interest ("DPI") under this Code if:-

(a) such interest meets the definition prescribed by The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 regulations as amended from time to time and set out in Appendix 2 to this Code; and

(b) it is either an interest of yourself; or it is an interest of :-

- (i) your spouse or civil partner; or
- (ii) a person with whom you are living as husband and wife: or
- (iii) a person with whom you are living as if you were civil partners;

And you are aware that the other person has the interest.

Registration of DPIs

- 10. (1)** You must within 28 days of becoming a member of the authority or being re-elected notify the Monitoring Officer in writing of any DPI which you hold at the time notification is given
- (2) You must within 28 days of becoming aware of any new DPI, or changes to existing DPIs notify the Monitoring Officer in writing of the detail.

Other Disclosable Interests (ODI)

- 11.(1)** You will have a Disclosable Interest in any matter if you are aware that you or a member of your family or person or organisation with whom you are associated have a:-
- a pecuniary interest in the matter under discussion; or
 - b a close connection with the matter under discussion.
- (2) If you are a member of another local authority, or public body, or you have been appointed as the Council's representative on an outside body, you do not have a Disclosable Interest unless a member of the public knowing the circumstances would reasonably regard membership of the body concerned as being likely to prejudice your judgment of what is in the public interest.

Disclosure of Interests**12.(1) Formal Meetings****Disclosable Pecuniary Interest (DPI)**

If you are present at a meeting of the Council and you have a DPI then you must:

- a Disclose the nature and existence of the interest; and
- b Leave the meeting (including the meeting room and public gallery) and take no part in the discussion ; and

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- c If the interest has not already been recorded notify the Monitoring Officer of the interest within 28 days beginning with the date of the meeting.

Other Disclosable Interest (ODI)

If you are present at a Meeting and you have an ODI then you must:

- a disclose the nature and existence of the interest; and
- b if the interest;
 - i affects your pecuniary interests or relates to the determination of a planning or regulatory matter; and
 - ii is one which a member of the public knowing the circumstances would reasonably regard as being likely to prejudice your judgment of what is in the public interest

then you must leave the Meeting (including the meeting room and public gallery) and take no part in the discussion.

(2) Informal Meetings and Correspondence**Disclosable Pecuniary Interest (DPI)**

If you have a DPI in the matter you must not participate in informal meetings, briefings or site visits, and must disclose the DPI in any correspondence with the authority.

Other Disclosable Interest (ODI)

If you have an ODI in the matter, then you must disclose the existence and nature of that interest at informal meetings, briefings or site visits, and must disclose the ODI in any correspondence with the authority.

If the ODI is such that you would be required to leave a formal Meeting as above, then you must not participate in the informal meeting.

(3) Single Member Decisions**Disclosable Pecuniary Interest (DPI)**

PART 20**(Draft for adoption November 2019)**

If when participating in single member decision making you have a DPI in the matter being decided then you may take no steps in relation to the decision other than asking for the matter to be decided in some other manner.

Other Disclosable Interest (ODI)

If you have an ODI in the matter being decided, then you must disclose the existence and nature and record it on the record of decision.

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You may take part in the discussion of and any decision or vote on a matter in which you have been granted a formal dispensation.

Sensitive Information

13. (1) An interest will be a sensitive interest if the two following conditions apply:

- (a) That you have an interest (whether or not a DPI); and
 - (b) the nature of the interest is such that you and the Monitoring Officer consider that disclosure of the details of the interest could lead to you or a person connected to you being subject to violence or intimidation.
- (2) Where it is decided that an interest is a “sensitive interest” it will be excluded from published versions of the register. The Monitoring Officer may state on the register that the member has an interest the details of which are excluded under this section.
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Respect for others – members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

Duty to uphold the law – members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship – members should do whatever they are able to do to ensure that their authorities use their resources prudently, and in accordance with the law.

Leadership – members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

APPENDIX 2**DISCLOSABLE PECUNIARY INTERESTS**

This note explains the requirements of the Localism Act 2011 (Ss 29-34) in relation to disclosable pecuniary interests.

These provisions are enforced by criminal sanction.

They come into force on 1 July.

1 Notification of disclosable pecuniary interests

Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'.

A 'disclosable pecuniary interest' is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

<i>Interest</i>	<i>description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to

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occupy land in the area of the relevant authority for a month or longer.

Corporate tenancies

Any tenancy where (to M's knowledge)—
 (a) the landlord is the relevant authority;
 and
 (b) the tenant is a body in which the relevant person has a beneficial interest.

Securities

Any beneficial interest in securities of a body where—
 (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and
 (b) either—

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

These descriptions on interests are subject to the following definitions;

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” includes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means the person M referred to in section 30 of the Act;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000() and other securities of any description, other than money deposited with a building society.

APPENDIX 3**EXAMPLES OF BULLYING AND HARRASSMENT**

Bullying and harassment may include:

- physical contact ranging from touching to assault
- verbal and written comments through jokes, offensive language, personal comments about appearance, size, clothing etc
- innuendo, gossip and letters etc.
- malicious rumours and allegations, including fabricating complaints from clients and other members of staff.
- open aggression, threats, shouting, abuse and obscenities, persistent negative attacks.
- constant humiliation, criticism and ridicule, belittling efforts and undervaluing contribution.
- Trolling behaviour

Harassment is unwanted conduct on the grounds of any protected characteristic as defined by the Equality Act 2010, political or Trade Union affiliation, or take the form of victimisation, that:

- has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
- is reasonably considered by that person to have the effect of violating his/her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her, even if this effect was not intended by the person responsible for the conduct.

This is not exhaustive.

APPENDIX 4**GIFTS AND HOSPITALITY**

1. Minor gifts and hospitality are sometimes part of the normal courtesies of life: a resident may offer a modest gift as a token of appreciation and sometimes simple items such as diaries and pens are distributed as advertising matter. In dealing with a matter in your division you may be offered a cup of tea or light refreshments.
2. As a guideline, any gift or hospitality with a value of £15 or more is highly unlikely to be viewed as a 'token'. You must consider whether it is appropriate to accept even token gifts, especially where you are dealing with regulatory or procurement matters when it would usually be inappropriate to receive any gift from involved parties. In case of doubt you should consult the Monitoring Officer.
3. Offers of hospitality, even if seemingly minor in nature, must be treated with particular caution as they can leave individuals and the Council open to allegations of impropriety. The timing of offers of hospitality, for example in relation to the award of contracts, granting of applications or other decisions, should be considered equally to the generosity of the hospitality offered. Accepting hospitality must be justified in the public interest, for example when there is a genuine need to represent the Council.
4. All offers and receipt of gifts and hospitality with a value of £15 higher must be reported to the Monitoring Officer who will ensure it is recorded in the Council's register of gifts and hospitality, which will be published.

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REDDITCH BOROUGH COUNCIL

RECORD OF DECISION TAKEN UNDER URGENCY PROCEDURES

SUBJECT: WORCESTERSHIRE BUSINESS RATES POOL 2020/21

BRIEF STATEMENT OF SUBJECT MATTER:

To request approval of Redditch Borough Council joining the Worcestershire Business Rates Pool for 2020/21, following the recent Government announcement that the Worcestershire Business Rates Pilot Pool will not continue into 2020/21.

DECISION:

To delegate Authority for the decision on the 2020/21 Business Rate Pool final arrangements to the Executive Director Finance and Resources in agreement with the Portfolio Holder for Finance and the Leader.

RESOLVED that

(Executive decision)

GROUNDINGS FOR URGENCY:

Announcement made in the Settlement by Government that the current Worcestershire Pilot Pool will not continue into 2020/21 and therefore a decision needs to be made urgently to join the Worcestershire Pool to ensure that any share of Business Rates growth for 20/21 is not returned to Central Government but remains in Worcestershire. Financial projections are still being calculated to estimate the potential benefit to the Council and the wider County area.

Briefing note attached

DECISION APPROVED BY:

(Deputy) CHIEF EXECUTIVE

EXECUTIVE DIRECTOR FINANCE & RESOURCES
(if financial implications)

.....
(Signature) (Sue Hanley / Kevin Dicks - (D)CX)

.....
(Signature) (Jayne Pickering)

Date: 2019

PROPOSED ACTION SUPPORTED *(amend as appropriate)*

..... (Signature) (Signature) (Signature) (Signature) (Signature)
<i>(Block Capitals)</i>	<i>(Block Capitals)</i>	<i>(Block Capitals)</i>	<i>(Block Capitals)</i>	<i>(Block Capitals)</i>
MAYOR *	PF HOLDER	LEADER CONSERVATIVE Group	LEADER LABOUR Group	CHAIR O&S Committee
Date:	Date:	Date:	Date:	Date:

Notes:

* In addition to the Executive decision above regarding the matter under consideration, the Mayor is signing to agree both that the Executive decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. This is to ensure that the call-in procedures as set out in Part 8 of the Constitution shall not apply where an Executive decision being taken is urgent.

BRIEFING NOTE RE BUSINESS RATES POOL**BACKGROUND**

The Council is currently a member of the Pan- Worcestershire 75% Pilot Business Rates Pool but these arrangements will cease on 31st March 2020. The Spending Round 2019 confirmed that the Business Rates Reset and the Fair Funding Review will be deferred until 2021-22. It also confirmed that 75% Business Rates Pilots will come to an end in March 2020 and there are no new pilots planned for 2020-21. The Ministry of Housing, Communities and Local Government has invited Councils to indicate their preferred pooling arrangements for the financial year, 2020-21, with the deadline for submission of proposals for 2020-21 pools being 25th October 2019. Therefore the Council needs to make an urgent decision as to the option of joining the Worcestershire Pool.

The pan- Worcestershire 75% Pilot is proving to be beneficial, enabling additional levy to be retained locally, estimated to be circa £5m for the year. This will be used to help relieve funding pressures on the County wide services of adult social care. These arrangements are for one year only and the Council must now make a decision for 2020-21.

The Council was previously part of the Greater Birmingham and Solihull Pool. It has been confirmed that this Pool will not be re-established for 2020/21. The options available to the Council are:

- to join the Worcestershire Business Rates Pool for 2020/21
- to not be in a Business Rates Pool and return a higher proportion of business rates growth (levy) to Central Government.

It is understood from other Districts that the previous Worcestershire Pool operated successfully from 2013-14 to 2018-19, enabling volatility risks to be shared with other councils and also additional financial benefits in terms of levy on business rates growth that was retained locally rather than paid over to the Government.

KEY ISSUES

The Council therefore needs to determine whether it wishes to continue to participate in a Worcestershire wide pool for the year 2020/21 only, pending the introduction of the 75% scheme.

The benefits of being in a Pool in terms of levy being retained locally remain, albeit that the benefit of 75% retention will be reduced to the former 50% retention basis.

Pool membership also allows for a degree of risk sharing between Pool members, provided losses are not significant and that there are sufficient resources within the overall retained levy to compensate councils with business rate losses. In summary, Pool membership benefits are:

- To drive forward economic growth through increased collaboration amongst members;
- To allow local retention of levy on business rates growth which would otherwise be paid to Government;

- To provide a degree of protection against business rates through a provision in the Governance Arrangements

As a general principle the Worcestershire Pool and other Pools locally operate on the principle that no council is worse off in the Pool than outside the Pool. This means that the amounts paid into the Pool by councils are limited to the levy amount that they would have otherwise paid to the Government. However in the event of significant losses, as in the case of the revaluation of GP surgeries, then the amount available from the Pool may be less than would be available from the Government National safety net facility.

The most significant factor in the Council's decision regarding Pool membership from 1 April 2020 is our view on the probability of further significant business rate losses in Redditch. Based on current appeals outstanding we have no reason to suspect there will be such losses. We have already made reasonable provision for outstanding appeals and we are not aware of any changes which would lead to further significant losses. Uncertainty around the claims for mandatory business rates relief for NHS Hospital Foundation Trusts remains; this is a national issue and is very unlikely to be settled in the timeframe for the proposed Pool. The claims are strongly refuted with the LGA working closely with Councils and as such are not recognised within the accounts.

The proposal for the governance arrangements is that there is a similar position for the shares of the retained levy as for the former WBRP but without a Risk Reserve as this Pooling arrangement is for one year only. However there will be provision within the governance arrangements to ensure there is protection for Pool Members if they do not hit their baseline income figures by means of a pro rata contribution from the higher retained growth of fellow Pool members.

Notifications of new pilots must be received by the Government by 25th October 2019. The section 151 officer for each council is required to sign off proposals before they are submitted.

FINANCIAL IMPLICATIONS

The arrangements for the business rates pool will continue to mitigate some but not all of the financial risk of the current business rates system. Based on information known at this point in time the pooling arrangements (if approved) remain of overall financial benefit to this Council. The precise impact on Council finances cannot be known as this will vary depending on a range of factors including whether business rates grow or contract, future appeals and mandatory reliefs.

The Government is currently making changes to the business rates system that have now been deferred until April 2021 and our participation as a pilot last year will inform and influence this process. However the detail and impact on this council will not be known until further information is made available.

Based on the information available to date, the Council's position together with the overall position of the wider Worcestershire family will be best protected by joining the proposed revised WBRP.

The proposed pool is only concerned with the money which is generated through the levy which would have been paid to central Government if the Pool members were not in the pool. The deferment of the Funding Reforms, including the business rates baseline reset, and the opportunity to enter into a further Pooling arrangement for 2020-21 should be of financial benefit to this Council.

The revised Pool is designed to continue to protect member authorities from the small ups and downs that are likely to arise in Business Rate income in the future. These will have a direct impact on the amount of funding for the Council. By remaining in a pool, the Council can better protect against these smaller variations and thus provide some protection to its base funding.

Whilst not confirmed the estimated figure that would be retained within the Worcestershire Pool if Redditch joined is approximately £500k. Should the Council decide not to join the Pool this would be returned to Central Government.

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